

Location:	1437 23rd Avenue
Assessor's Parcel Number:	020 015200200
Proposal:	Sale of beer at an existing pool hall.
Applicant/Phone Number:	Oscar Cervantes / (510) 472-2044
Owner:	Daniel Young
Case File Number:	PLN24046
Planning Permits Required:	Major Conditional Use Permit for the sales of alcohol in the CN-3 Zone; Major Variances for alcohol sales within: 1) 1,000 feet of another alcohol outlet, school, or licensed day care center, and 2) a police beat that exceeds by 20 percent of the average calls for police service beats Citywide during the preceding calendar year.
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-3, Neighborhood Commercial Zone; S-13, Affordable Housing Combining Zone.
Proposed Environmental Determination:	A denial by the City is exempt from review under the California Environmental Quality Act per State CEQA Guidelines, Section 15270 and Public Resources Code 21080(B)(5) for Projects that a City rejects or disapproves.
Historic Status:	Potential Designated Historic Property; Historic Survey Rating: C2+; Area of Secondary Importance: 23 rd Avenue Commercial
City Council District:	2
Finality of Decision:	Appealable to the City Council within 10 days.
For Further Information:	Contact City Case Planner Mike Rivera at (510) 238-6417 or by email at mriviera@oaklandca.gov

SUMMARY

The applicant proposes on-site beer sales at an existing pool hall between the hours of 6:00 pm to 1:00 am, Monday through Friday, and 2:00 pm to 1:00 am on weekends. The project requires a Major Variance for the selling of alcoholic beverages at a prohibited location (within one thousand feet of another establishment selling alcoholic beverages) and a Major Conditional Use Permit for alcohol sales in the CN-3 Zone.

Staff recommends denial of the project because it does not meet the findings required for approval.

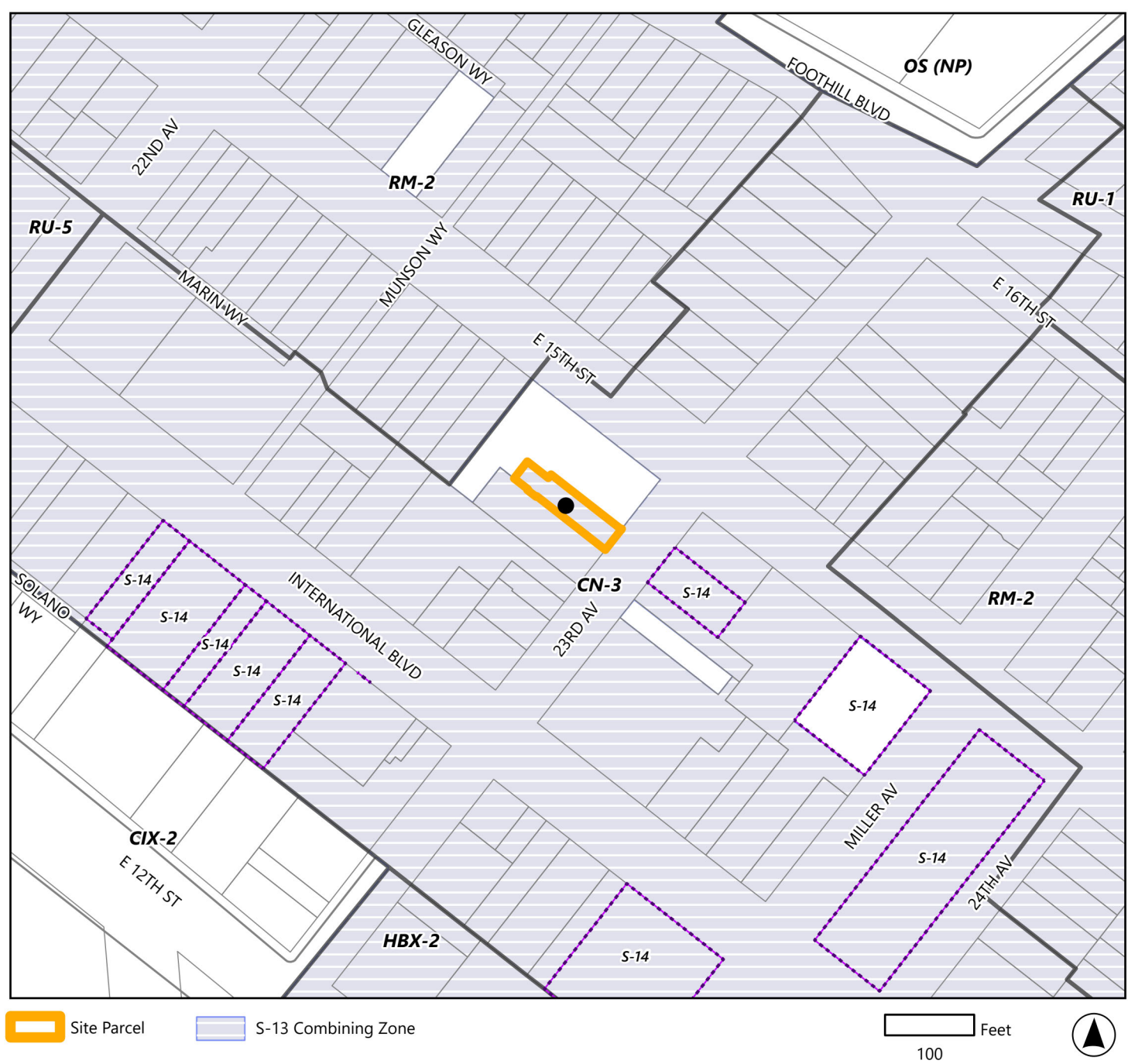
PROJECT BACKGROUND

The Planning application for alcohol sales at the existing pool hall was filed on March 21, 2024. The application was determined complete on September 5, 2025.

Staff also found the following based on available City records:

- In 1992, an Electrical Permit was filed for a pool hall (Y9200757).
- In 2021, a Zoning Clearance was issued for a change of business ownership (ZC210578).
- In 2022, the City Administrator issued to the property owner a cease-and-desist letter for unpermitted entertainment events for using gambling machines, dancing, and alcohol sales.
- In 2024, the City Administrator issued a Special Activity Permit for a Pool Hall to the current business operator, Oscar Cervantes (S24-047).
- In 2025, the City Administrator issued the property owner a final cease and desist letter for operating unpermitted entertainment events for music and dancing

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN24046
Applicant: Oscar Cervantes
Address: 1437 23rd Avenue
Base Zone(s): CN-3
Combining Zone(s): S-13

Date Exported: 8/27/2025

PROPERTY DESCRIPTION

The project site is located on 23rd Avenue, between International Boulevard and E. 15th Street in the San Antonio Park Neighborhood. The lot is approximately 3,700 square feet and contains a two-story mixed-use building with a ground-floor commercial space and an apartment above. A basement associated with the ground-floor commercial space is accessed from the pool hall and used as storage. The property also has a double-faced projecting sign that states “23rd Billiards”.

The property is surrounded by a mix of commercial activities and multi-family homes on 23rd Avenue and detached homes near the rear of the property. The site is adjacent to the Bay Tech Charter School, which has approximately 349 students from 6th to 12th grades and is within a renovated historic theater. There are four schools and two day-care centers within 1,000 feet of the site.

PROJECT DESCRIPTION

The applicant seeks approval for the on-site sale of beer between the hours of 6:00 pm to 1:00 am, Monday through Friday and 2:00 pm to 1:00 am on weekends within an existing pool hall. The sale of beer would be within the existing ground-floor commercial space, and the beer would be served by staff from an existing kitchen.

The pool hall occupies approximately three-quarters of the 3,700 square-foot ground floor, contains eight pool tables, and offers soft drinks, snacks, board and card games, and televisions for watching sports. The ground floor also contains an office, an employee backroom, and two bathrooms to the rear of the building.

The applicant has requested a Type 40 On-Sale Beer License from the State of California Department of Alcoholic Beverage Control (ABC). Under this license, ABC authorizes the sale of beer for consumption on the premises. No wine or distilled spirits may be sold or consumed on the premises under this license. The offering of full meals is not required under a Type 40 license, but sandwiches and/or snacks must be made available. The ABC permit allows minors on the premises.

The proposal does not include any interior or exterior building alterations.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element of the General Plan

The site is within the Neighborhood Center Mixed Use land use classification in the Land Use and Transportation Element (LUTE) of the General Plan. The intent of this classification is to identify, create, maintain and enhance mixed-use neighborhood commercial centers typically characterized by smaller-scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller-scale educational, cultural or entertainment uses. The pool hall is an existing ground-floor entertainment facility that could be enhanced by the sale of beer. However, the proposal has the potential to create nuisances due to its proposed hours, high calls for police services in the area, the schools and day-care centers in the vicinity of the project site, and the site's history of code compliance issues.

The proposal is not consistent with the following General Plan policies:

Policy N1.6- Reviewing Potential Nuisance Activities: The City should closely review any proposed new commercial activities that have the potential to create public

nuisance or crime problems, and should monitor those that are existing. These may include isolated commercial or industrial establishments located within residential areas, alcoholic beverage sales activities (excluding restaurants), adult entertainment, or other entertainment activities. The proposal for alcohol sales at the existing pool hall will create a potential public nuisance in a high-crime area. Based on City records, the property had at least two code violations issued in 2022 and 2025 by the City Administrator's Office for operating unpermitted events that included the sale of alcohol.

Policy N11.3- Requiring Strict Compliance with Variance Criteria: *As variances are exceptions to the adopted regulations and undermine those regulations when approved in large numbers, they should not be granted lightly and without strict compliance with defined conditions, including evidence that hardship will be caused by unique physical or topographic constraints and the owner will be deprived privileges enjoyed by similar properties, as well as the fact that the variance will not adversely affect the surrounding area nor will it grant special privilege to the property. In those instances where large numbers of variances are being requested, the City should review its policies and regulations and determine whether revisions are necessary. As noted in the "Zoning Analysis" and "Key Issues and Impacts" sections and Attachment A, the proposal requires a Major Variance, and staff is unable to make the findings required to issue such a permit.*

Policy N11.4- Alleviating Public Nuisances: *The City should strive to alleviate public nuisances and unsafe and illegal activities. Code Enforcement efforts should be given as high a priority as facilitating the development process. Public nuisance regulations should be designed to allow community members to use City codes to facilitate nuisance abatement in their neighborhood. The proposal is within an overconcentrated alcohol outlet area and a police beat that has greater than 20 percent more average calls than beats Citywide during the preceding calendar year. As mentioned above, the project site has been issued two code violations related to the operation of unpermitted events that caused public nuisances.*

Environmental Justice Element of the General Plan

In September 2023, the City of Oakland adopted an Environmental Justice Element (EJ Element) as part of Phase 1 of the General Plan update, which constitutes the baseline against which the Race and Equity Impact Assessment for this project is determined. The EJ Element "serves as the foundation for achieving equity and environmental justice when planning for future growth and development in Oakland." The EJ Element identifies communities that are disproportionately impacted by environmental justice issues and proposes goals, policies, and objectives to reduce the unique or compounded health risks in these communities. It also contains a comprehensive table of actions to achieve those goals and objectives, many of which have already been implemented.

The goal of the EJ-7 is to create environments that support physical activity, recreation, and healthy lifestyles through safe, comfortable and ADA compliant walkable, bikeable neighborhoods, with access to transit, green space, trees, paths and parks. The following is a priority policy:

EJ-7.1 Complete Neighborhoods. Promote "complete neighborhoods"—where residents have safe and convenient access to goods and services on a daily or regular basis—that address unique neighborhood needs and support physical activity, including walking, bicycling, active transportation, recreation, and active play.

As discussed in this report, the pool hall has been in operation, providing a recreational option for the neighborhood. Staff, however, cannot support the requested Major Conditional Use Permit and Major Variance Permit due to specific requirements in the Planning Code and concerns about nuisance activities in the neighborhood.

ZONING ANALYSIS

Zoning Intent

The proposal for on-site beer sales at the pool hall is in the Neighborhood Commercial - 3 (CN-3) Zone. The intent of the CN-3 Zone is to create, improve, and enhance neighborhood commercial centers that have a compact, vibrant pedestrian environment.

The property is also located in the S-13 Affordable Housing Combining Zone. The intent of the S-13 Combining Zone is to create and preserve affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households. The proposal does not include new housing development or the removal of existing units, so the S-13 Zone regulations are not applicable to this proposal.

Major Conditional Use Permit

Per Section 17.10.300 of the Planning Code, the Alcoholic Beverage Sales Commercial Activity land use classification includes the retail sale, for on or off-premises consumption, of liquor, beer, wine, or other alcoholic beverages. This classification requires a Conditional Use Permit (CUP) to operate in the CN-3 Zone (see Section 17.33.030 of the Planning Code). Section 17.134.020(A) of the Planning Code states that this CUP is major, meaning that the Planning Commission decides on its issuance.

As discussed in the “Key Issues and Impacts” section and Attachment A, the project does not meet each of the following findings.

Major Variance

Section 17.103.030(B) of the Planning Code contains the following special “restrictions” for selling alcoholic beverages:

1. No Alcoholic Beverage Sales Commercial Activity or sale of alcoholic beverages shall be located closer than one thousand (1,000) feet to any other establishment selling alcoholic beverages measured between closest building walls, except:
 - a. On-sale retail licenses located in the Central District (defined in Section [17.09.040](#)); or
 - b. Off-sale retail licenses that fall within the exception for CUP for Alcoholic Beverage Sales Commercial Activities listed in Table 17.101K.01, L.30 and are located in the Central District (defined in Section [17.09.040](#)); or
 - c. If the activity is in conjunction with a Full-Service Restaurant or Limited-Service Restaurant and Cafe Commercial Activity; or
 - d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees or a total floor area of twelve thousand (12,000) square feet or more; or
 - e. If the activity is in conjunction with the on-sale and/or off-sale of alcoholic beverages at an alcoholic beverage manufacturer:
 - i. For the purposes of this Chapter only, an "alcoholic beverage manufacturer" means a Custom or Light Manufacturing Industrial Activity producing alcoholic beverages as a principal activity, with a State of California Department of Alcoholic Beverage Control (ABC) license type that includes, but is not limited to, a Type 02 (Winegrower) or Type 23 (Small Beer Manufacturer). The ABC license type shall not consist solely of a bar or liquor store license

- type, such as a Type 48, 20, or 21. The on-sale and/or off-sale of alcoholic beverages at such an alcoholic beverage manufacturer are excluded from the definition of Alcoholic Beverage Sales Commercial Activities, as specified in Section 17.10.300.
- ii. The sale of alcoholic beverages at an alcoholic beverage manufacturer is only permitted upon the granting of a Minor Conditional Use Permit (CUP), regardless of whether such Custom or Light Manufacturing Industrial Activity is otherwise allowed by right in the underlying zone (see Chapter 17.134 for the CUP procedure).
 - iii. Also, no additional CUP findings are required, regardless of whether such sale of alcoholic beverages at an alcoholic beverage manufacturer meets normally required separation requirements, and/or is located in an over-concentrated area.

According to information from the Oakland Police Department, the proposal is within 1,000 feet of the following three active alcohol outlets:

1. Easy Stop Market at 2118 International Blvd. (Type-20 License for off-sale of beer and wine). This outlet is located approximately 948 feet from the project site.
2. El Ranchito Market at 1536 23rd Ave. (Type-21 License for off-sale general). This outlet is located approximately 452 feet from the project site.
3. Oakland Food Hall at 2353 E 12th St. (Type-21 License for off-sale general). This outlet is located approximately 933 feet from the project site.

The project does not meet the 1,000-foot separation requirement and does not qualify under one of the exceptions. Therefore, the Planning Code prohibits the activity at the subject site, and the project requires a Variance to operate. The Variance is major, and thus requires approval from the Planning Commission, because Section 17.148.020 of the Planning Code states that any Variance involving “allowable activity types or facility types” is considered major. Therefore, the proposal is subject to the required Variance Findings per Section 17.148.020(A) of the Planning Code, which are included in **Attachment A** and the “Key Issues and Impacts” section, below.

As discussed in the “Key Issues and Impacts” section and **Attachment A**, the project does not meet each of these findings.

Finding of Convenience or Necessity

The subject census tract 4059.01 contains six on-site outlets and two off-site outlets. ABC restricts the number of new licenses to five, unless the City and ABC make a Public Convenience or Necessity determination. According to Section 17.103.030(B)(2) of the Planning Code, the City can only make this determination if:

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

As mentioned above, the project is within 1,000 feet of three existing alcohol outlets. Furthermore, the project is within 1,000 feet of the following schools and day care centers:

Schools

1. Garfield Elementary School, 1640 22nd Ave. This school is located approximately 727 feet from the project site.
2. Agnes Memorial Christian Academy, 2372 International Blvd. This school is located approximately 575 feet from the project site.
3. Community School for Creative Education, 2111 International Blvd. This school is located approximately 816 feet from the project site.
4. Bay Tech Charter School, 1445 23rd Ave. This new school is located adjacent to the project site.

Day Care Centers

1. Advance Child Care Center, 2236 International Blvd. This day care center is located approximately 256 feet from the project site.
2. San Antonio Child Care Center, 2228 East 15th St. This day care center is located approximately 407 feet from the project site.

The proposal is also in police beat 19X, which exceeds the Citywide average calls for police service beats during the preceding calendar year by 20 percent.

Based on the distance of the subject site from other alcohol outlets and schools, overconcentration of alcohol outlets, high service calls in the police beat, and code violations issued to the property for unpermitted activities (see “Background” section, above), the City cannot make the required finding of “Public Convenience or Necessity” for the project (see “Key Issues and Impacts” section, below).

ENVIRONMENTAL DETERMINATION

Staff recommends denial of the project because it cannot meet the required findings for approval. Under the California Environmental Quality Act (CEQA) Guidelines, Section 15270 and Public Resources Code 21080(B)(5) for projects that a City rejects or disapproves are exempt from further environmental review.

KEY ISSUES AND IMPACTS

Staff recommends denial of the project because it does not meet the findings and requirements described in the Zoning Analysis Section of this report.

Major Conditional Use Permit

In addition to General Findings found in Section 17.134.050 and findings for ground floor activities in the CN Zones found in 17.33.01(L4), the granting of a Conditional Use Permit for alcohol sales requires meeting each of the following special findings found in Section 17.103.030(A) of the Planning Code:

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;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street;

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;
5. That the design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression;
6. That adequate litter receptacles will be provided where appropriate;
7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.;

The project does not meet each of these findings and, therefore, cannot be approved. In particular, the project does not meet Findings #1, #2, or #7.

Staff cannot make Finding #1 because the project is in an alcohol outlet overconcentrated area and a police beat with service call rates that exceed the average calls for service Citywide during the preceding calendar year by 20 percent.

Staff cannot make Findings 2 or 7 because the project is within 1,000 feet of six schools and day care centers (see “Public Convenience and Necessity” subsection, below, for a list of facilities) and is next door to the new Bay Tech school, which has an enrollment of approximately 349 6th to 12th grade students. There are also residential facilities above the pool hall, across the street, and behind the property. The applicant proposes to serve alcohol and be open from 6:00 pm to 1:00 am, Monday through Friday and 2:00 pm to 1:00 am on weekends, which has the potential to disrupt after-school activities and create an environment incompatible with education and residential activities. As mentioned above, the project site had been issued two code violations related to the operation of unpermitted events and activities.

Finally, the project must meet the General Findings in Section 17.134.050 and findings for ground floor activities in the CN Zones in Section 17.33.01(L4) of the Planning Code. The project does not meet each of these findings as discussed in **Attachment A**.

Major Variance

As described in the “Zoning Analysis” section, above, the project requires a Major Variance because it is within 1,000 feet of three alcohol outlets. The Planning Commission must make each of the following findings to approve a Major Variance:

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.
2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners and occupants 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.
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.
4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

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 design review criteria set forth in the design review procedure in [Chapter 17.136](#).
6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

As described in detail in **Attachment A**, the project does not meet these findings. In summary, regarding Finding #1, there are no physical or topographic circumstances or conditions of design that would preclude the applicant from proposing alternative activities at the site. The site is flat, and the existing storefront space can hold a variety of activities. The census tract 4059.01, where the project site is located, shows eight alcohol outlets (six on-site and two off-site). The State ABC restricts the number of new license issuance to five, unless a Public Convenience or Necessity determination is made by the City and ABC. The following are the active alcohol outlets that ABC has issued licenses to:

- A type-20 license for off-sale retail @ 2101 23rd Ave (Shoppers Market)
- A type-20 license for off-sale retail @ 1906 Foothill Blvd (Foothill Market)
- A type-20 license for off-sale retail @ 2118 International Blvd (Easy Stop Market)
- A type-21 license for off-sale retail @ 2045 Foothill Blvd (Paramount Liquors)
- A type-21 license for off-sale retail @ 2003 23rd Ave (G1 Liquor 3)
- A type-20 license for off-sale retail @ 1880 22nd Ave (Sunrise Market S&D)
- A type-41 license for on-sale retail @ 1910 International Blvd (Café Chieu)

Based on the overconcentration of alcohol outlets, high crime area, and code violations issued to the property for unpermitted activities, the City cannot support the findings for Public Convenience or Necessity, which are discussed below. Regarding Findings #2 and #4, staff does not know of a project of a similar description and Zoning that has been approved by the Planning Commission. Regarding Finding #3, the applicant proposes the sale of alcohol from 6:00 pm to 1:00 am, Monday through Friday and 2:00 pm to 1:00 am on weekends, which would affect the livability of surrounding properties and nearby schools. Staff is particularly concerned about making this finding, given the history of noncompliant activity at the site. See General Plan Analysis, above, for a discussion of Finding #6.

Finding of Convenience or Necessity

As described in the “Zoning Analysis” section, above, the City cannot make the required finding of “Public Convenience or Necessity” for the project based on the distance of the subject site from other alcohol outlets and schools, overconcentration of alcohol outlets, high service calls in the police beat, and code violations issued to the property for unpermitted activities. The State of California Alcoholic Beverage Control requires this finding to be made by the City to issue an alcohol license.

RECOMMENDATION

Staff cannot make each of the findings required to approve a Major Conditional Use Permit, Major Variance, or Public Convenience or Necessity to allow the sale of beer at the existing pool hall. Staff has made this determination based on the strict findings required to be met for a Major Variance to allow a prohibited activity, high calls for service in the police beat, concentration of alcohol outlets in the area, proximity of schools and day care centers, and history of code violations at the site.

1. Affirm staff’s Environmental Determination; and
2. Deny the Major Conditional Use Permit and Major Variance subject to the attached findings.

Prepared by:

=Mike Rivera=

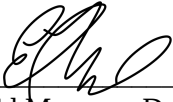
Mike Rivera
Planner III

Reviewed by:



Robert Merkamp
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Ed Manasse, Deputy Director,
Bureau of Planning

ATTACHMENTS:

- A. Findings for Denial
- B. Applicant's project application and plans

ATTACHMENT A: FINDINGS

This proposal does not meet the required findings under Sections 17.134.050, 17.103.030(A), 17.103.030(B)(2), 17.103.030(B)(3) and 17.33.01 (L4) including 17.148.020(A) of the Oakland Planning Code (OMC Title 17) as set forth below and which are required to deny your application. Required findings are shown in **bold type**; reasons your proposal does or does not satisfy them are shown in normal type. Note that each finding must be met to approve the project.

SECTION 17.134.050 –GENERAL CONDITIONAL USE PERMIT FINDINGS

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

The proposal does not meet this finding.

The project is within 1,000 feet of six schools and day care centers and is next door to the new Bay Tech school, which has an enrollment of approximately 349 6th to 12th grade students. There are also residential facilities above the pool hall, across the street, and behind the property. The applicant proposes to serve alcohol and be open from 6:00 pm to 1:00 am, Monday through Friday and 2:00 pm to 1:00 am on weekends, which has the potential to disrupt after school activities and create an environment incompatible with education and residential activities. As mentioned above, the project site had been issued two code violations related to the operation of unpermitted events and activities.

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

The proposal for beer sales in the existing pool hall will likely be convenient and functional in the commercial district. An existing kitchen will be used to serve the beer to customers. So, the proposal meets this finding.

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

The proposal does not meet this finding.

A proposal for alcohol sales at the existing pool hall is likely to attract customers to the commercial district. However, the neighborhood has a high concentration of alcohol outlets and a high crime level; adding another outlet could generate additional criminal activities and nuisances, thus diminishing the successful operation of the business district, nearby schools, and the adjacent residential neighborhood.

- D. **That the proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code.**

The proposal does not involve new construction or alterations to the existing building.

- 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 proposal does not meet this finding. See “General Plan Analysis,” above, for details.

SECTION 17.103.030(A) ADDITIONAL CONDITIONAL USE PERMIT FINDINGS-FOR ESTABLISHMENTS SELLING ALCOHOL BEVERAGES

- 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.**

The proposal does not meet this finding.

The proposal would increase the number of alcohol serving outlets in an area with a high concentration of such outlets and a high crime level. An additional outlet at a site with a history of noncompliant activities and with late hours will exacerbate the crime problem. The project site had been issued two code violations related to the operation of unpermitted events that caused public nuisances.

- 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 proposal does not meet this finding.

The proposal is adjacent to a newly opened 6th through 12th grade charter school at 1453 23rd Avenue that will have after-hours school activities during the operating hours of the proposal. Five other schools and day care centers are within 1,000 feet of the site. Given the history of unpermitted activities at the site, concentration of alcohol outlets in the area, and relatively high crime levels in the neighborhood, the proposal is likely to adversely affect these institutions.

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

The proposal does not include outdoor service, so it will not interfere with pedestrian flow on 23rd Avenue.

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

The proposal does not involve any alterations to the existing two-story mixed-use building.

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

The proposal does not include any new signage or a parking area.

6. Adequate litter receptacles will be provided where appropriate.

The application materials indicate that trash and recyclables are provided within the property.

7. Where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

The proposal does not meet this finding.

The proposal for alcohol sales at the existing pool hall is located on the ground floor of a two-story building. Also, the proposal does not include outdoor alcohol sales. The upper floor contains a residential unit with windows facing the street. Based on the application, the hours of operation for the project are from 6:00 pm to 1:00 am, Monday through Friday and 2:00 pm to 1:00 am on weekends.

SECTION 17.103.030(B)(2) ADDITIONAL FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY**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 following is a summary of the applicant's response (in *italics*):

There is a clear community need for 23rd Billiards to offer beer sales as part of our recreational space. While there are other businesses in Oakland that sell alcohol, very few provide a safe, structured, family-owned environment where alcohol sales are secondary to a positive community activity. Our neighborhood faces challenges with loitering, illegal alcohol sales, and unregulated street activity. By allowing us to sell beer responsibly within our business, we provide a safer, more controlled option for adults who would otherwise go to less structured establishments. We are rooted in this community—we live here, we have coached and taught Oakland youth for over 10 years, and we are already trusted by schools, churches, and nonprofits. This deep community trust makes us uniquely positioned to meet the need for a safe gathering place that also offers responsible alcohol service...

In addition to the above, the applicant submitted a neighborhood petition that includes signatures of residents supporting the sales of alcohol-beer consumption at the existing pool hall. (**Attachment B**).

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 does not meet this finding.

The proposal would marginally contribute to the quality of life in the community by providing recreational and social activities. The site, however, is in an area with high crime levels; a beer outlet open at late hours will contribute to this problem. The noise and nuisances from the activity during the late operating hours will also reduce the quality of life in the adjacent residential neighborhood.

The history of unpermitted activities and events at the site is evidence that the proposal would encourage nuisance and crime activity in the neighborhood.

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

That beer sales are customarily associated with, and are appropriate, incidental, and subordinate to, a pool hall.

SECTION 17.33.01 (L4)–ADDITIONAL CONDITIONAL USE PERMIT FINDINGS

- a. That the proposal will not detract from the character desired for the area.**

The proposal does not meet this finding.

Although the proposal increases the entertainment option in the area, the proposal would increase the number of alcohol serving outlets in an area with a high concentration of such outlets and a high crime level. An additional outlet at a site with a history of unpermitted activities and with late hours will exacerbate the crime problem. The project site had been issued two code violations related to the operation of unpermitted events and activities.

- b. That the proposal will not impair a generally continuous wall of building facades.**

The proposal will not impair with the continuous wall of building facades because the project does not include alterations to the commercial storefront.

- c. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage.**

The proposal does not include any alterations to the façade that would weaken the character and continuity of retail establishments at ground level.

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

The proposal will not impede with pedestrian flow because it does not include construction or placement of furniture in the right of way.

- e. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.**

The proposal does not meet this finding. See “General Plan Analysis,” above, for details.

SECTION 17.148.050 (A) - VARIANCE FINDINGS REQUIRED

- 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 does not meet this finding.

A Variance is required because the project site is located within 1,000 feet of other alcohol outlets, schools, and day care centers. There are no physical or topographic circumstances or conditions of design that would preclude the applicant from proposing alternative activities at the site. The site is flat, and the existing storefront space can hold a variety of activities.

- 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.**

The proposal does not meet this finding.

Staff is unaware of a similarly zoned property being issued a Major Variance for being within 1,000 feet of other alcohol outlets, schools, or day care centers.

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

The proposal would increase the number of alcohol-serving outlets in an area with a high concentration of such outlets and a high crime level. An additional outlet at a site with a history of unpermitted activities and with late hours will exacerbate the crime problem. The project site had been issued two code violations related to the operation of unpermitted events and activities.

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

Granting the Variance would constitute a special privilege, given that Variances for this activity and in this context have not been granted in the past.

- 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 design review criteria set forth in the design review procedure at Section 17.136.070.**

This finding is not applicable because the proposal does not include construction.

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

See Conditional Use Permit Finding #E above.

ATTACHMENT-B

(Applicant's Plans & Documents)

1437 23rd Avenue / Case PLN24046



BASIC APPLICATION FOR DEVELOPMENT REVIEW

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Online Permit Center: <https://aca-prod.accela.com/OAKLAND/Default.aspx>

CERTAIN APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY!

Submit a Zoning Worksheet (ZW) through the Online Permit Center if your project involves any of the following:

- | | | |
|--------------------------|------------------------------|---|
| ▪ Conditional Use Permit | ▪ Parcel Map Waiver | ▪ 1,000 sq. ft. or more of new floor area/footprint |
| ▪ Variance | ▪ Tentative Parcel/Tract Map | ▪ Additions ≥ 100% of existing floor area/footprint |
| ▪ Regular Design Review | ▪ New dwelling unit(s) | ▪ Creek Protection Permit (Category 3 or 4) |

Staff will contact you to schedule an appointment within 3-5 business days. Applicants must cancel at least 24 hours in advance.

Submit a Zoning Worksheet (ZW) through the Online Permit Center for the following application types:

Design Review Exemption (DRX) or Small Project Design Review (DS)

1. TYPE OF APPLICATION**

(Check all that apply)

Development Permits

- ☒ Conditional Use Permit (CUP) (Major or Minor)
- ☒ Variance (Major or Minor)
- ☐ Regular Design Review (DR)
- ☐ Small Project Design Review (DS) (Type 1, 2, 3)
- ☐ Special Project Design Review (SP) (West Oakland)
- ☐ Design Review Exemption (DRX)
- ☐ Tree Preservation or Removal Permit (T)
- ☐ Determination (DET)
- ☐ Planned Unit Development/Mini-Lot Development

Subdivision Applications

- ☐ Parcel Map Waiver (PMW) (Lot Line Adjustment/Merger)
- ☐ Tentative Parcel Map (TPM) (subdivision for 1– 4 lots)
- ☐ Tentative Tract Map (TTM) (subdivision 5 or more lots)

Other Applications

- ☐ Environmental Review Request
- ☐ Rezoning
- ☐ General Plan Amendment
- ☐ Density Bonus
- ☐ Creek Protection Permit (separate application required)
- ☐ SB 35 Streamlining
- ☐ By Right Residential Approval
- ☐ Other: _____ (see p. 15, Submittal Req. #12)

**FOR AFFORDABLE HOUSING PROJECTS, PLEASE INDICATE ANY FUNDING DEADLINE DATE:

2. GENERAL INFORMATION

APPLICANT'S NAME/COMPANY: 23rd Billiards

PROPERTY ADDRESS: 1437 23rd Ave Oakland, CA 94606

ASSESSOR'S PARCEL NUMBER(S): 20-152-2

EXISTING USE OF PROPERTY: Pool Hall Billiards

DESCRIPTION OF PROPOSAL (including type of use, hours of operation, number of employees, etc., on additional sheets if needed.):

We are operating a family pool hall (billiards) everyday starting at 1pm. It is a family owned business between a father and his two sons. We are hoping to use our CUP to sell/serve beer for on site consumption at our existing pool hall in East Oakland.

TO BE COMPLETED BY STAFF

GENERAL PLAN LAND USE CLASS: _____ SPECIFIC PLAN: _____ ZONING: _____

HISTORIC DESIGNATION: _____ HOUSING ELEMENT OPPORTUNITY SITE: _____

FEES¹:

APPLICATION FEE: \$ _____

POSTER DEPOSIT²: \$ _____

TREE PERMIT FEE: \$ _____

CREEK PERMIT FEE: \$ _____

TOTAL FEES DUE: \$⁰ _____

EXPECTED PROCESSING TIME³:

¹Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. **All fees are due at submittal of application.**

²For permit applications requiring public notice, a refundable security deposit is required for the on-site poster containing the public notice. Posters **MUST** be returned within 180 days and in good condition to claim a refund of the deposit.

³Expected processing time is only an estimate and is subject to change without notice due to staff workload, public hearing availability, and the completeness or complexity of the application.

3. PROPERTY OWNER AND APPLICANT INFORMATION

Original signatures or clear & legible copies are required.

Owner(s): Daniel Young

Owner Mailing Address: 911 Bridgeway Cir

City/State: El Sobrante, CA **Zip:** 94803

Phone No.: 510-689-8888 **Fax No.:** **E-mail:** danielyoung1216@gmail.com

To be completed only if Applicant is not the Property Owner:

I authorize the applicant indicated below to submit the application on my behalf.

Signature of Property Owner

Applicant (Authorized Agent), if different from Owner: Oscar Cervantes

Applicant Mailing Address: 3429 Henrietta St Apt. C

City/State: Oakland, CA **Zip:** 94601

Phone No.: 510-472-2044 **E-mail:** 23rdbilliards@gmail.com

I understand that approval of this application does not constitute approval for any administrative review, Conditional Use Permit, Variance, or exception from any other City regulations which are not specifically the subject of this application. I understand further that I remain responsible for satisfying requirements of any private restrictions or covenants appurtenant to the property. I understand that the Applicant and/or Owner phone number listed above will be included on any public notice for the project.

I certify that I am the Applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Planning Director. I further certify that I am the Owner or purchaser (or option holder) of the property(ies) involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature above. If this application involves more than one property, I certify that all property owners have signed above.

I understand that statements made to me about the time it takes to review and process this application are general. I am aware that the City has attempted to request everything necessary for an accurate and complete review of my proposal; however, that after my application has been submitted and reviewed by City staff, it may be necessary for the City to request additional information and/or materials. I understand that any failure to submit the additional information and/or materials in a timely manner may render the application inactive and that periods of inactivity do not count towards statutory time limits applicable to the processing of this application.

I understand that the proposed project and/or property may be subject to other laws, codes, regulations, guidelines, restrictions, agreements, or other requirements of other public agencies within or outside of the City of Oakland, and that the project and/or property may also be subject to requirements enforced by private parties, including but not limited to private easements/agreements and Covenants, Conditions and Restrictions (CC&Rs) of a homeowners' association. I am aware and acknowledge that the City recommends that I become fully aware of any other potential requirements before I submit this application and that I comply with all other requirements prior to commencing the proposed project.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I HAVE READ THE ABOVE AND THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

Signature of Owner or Authorized Agent



2/9/24

Date

4. PROJECT & LOT INFORMATION

CALCULATIONS	Existing Pre- Project	Demolition	New Proposed	Total Post- Project	% Change (Existing / Total)
Type/Size of Dwelling Units (Please fill in the number of each type)					
Rooming Units				0	0.00%
Efficiency Units				0	0.00%
1-Bedroom Units				0	0.00%
2-Bedroom Units				0	0.00%
3-Bedroom Units				0	0.00%
≥ 4-Bedroom Units				0	0.00%
Total Number of Dwelling Units	0	0	0	0	0.00%
Are Any of the Project Units Affordable? If Yes, Please Fill Out the Section Below (include number of each type)					
Market-Rate/Unrestricted Dwelling Units (DU)				0	0.00%
Moderate-Income Restricted DU (80%-120% AMI)				0	0.00%
Low-Income Restricted DU (50%-80% AMI)				0	0.00%
Very Low-Income Restricted DU (30%-50% AMI)				0	0.00%
Extremely Low-Income Restricted DU (<30% AMI)				0	0.00%
Total Affordable Units				0	0.00%
Total Affordable Units located Onsite:				0	0.00%
Other Types of Units/Rooms (if applicable) (not counted towards density) - include number of each type					
Accessory Dwelling Units (ADUs)				0	0.00%
Live/Work Units				0	0.00%
Work/Live Units				0	0.00%
Mobile Homes				0	0.00%
Hotel Rooms				0	0.00%
Floor Area					
Office Floor Area (square feet)	210			210	100.00%
Retail Floor Area (square feet)				0	0.00%
Industrial Floor Area (square feet)				0	0.00%
Other Non-Residential Floor Area (sq. ft.)	3,900			3,900	100.00%
Total Non-Residential Floor Area (sq. ft.)	4,110	0	0	4,110	100.00%
Residential Floor Area (sq. ft.)				0	0.00%
Total Res. & Non-Res. Floor Area (sq. ft.)	4,110	0	0	4,110	100.00%
Other Project Information					
Total Building Footprint Area (square feet)	3,900			3,900	100.00%
Building Height (feet)				0	0.00%
Building Stories (number)	2			2	100.00%
Total Lot Area (square feet)	5,200			5,200	100.00%
Number of Lots				0	0.00%
Automobile Parking Spaces (number)				0	0.00%
Bicycle Parking Spaces (number)				0	0.00%
New Landscape Square Footage (WELO see pg. 13)	n/a			n/a	n/a
Setback Slope (for hillside properties only)				n/a	n/a
Structure Slope (for hillside properties only)				n/a	n/a

Definitions For Table 4 on Page 3

“Building Height” means the vertical distance measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade at the outside perimeter of the facility.

“Floor Area” for all projects with **one or two dwelling units on a lot** means the total square footage of all levels of all buildings on the lot, measured horizontally from the outside surface of exterior walls and supporting columns, but excluding: (a) unenclosed living areas such as balconies, decks, and porches; (b) carports that are unenclosed on two or more sides; (c) 440 square feet within an attached or detached garage or carport that is enclosed on three sides or more; (d) non-habitable accessory structures of less than 120 square feet; (e) unfinished understories, attics and basements; and (f) finished basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point. **For new floor area, only include new floor area located outside of the existing building envelope.**

“Floor Area” for all projects **except those with one or two dwelling units on a lot** means the total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings, or the center line of party walls separating such buildings, but excluding: (a) areas used for off-street parking spaces, loading berths, driveways, and maneuvering aisles; (b) areas which qualify as usable open space in Chapter 17.126; and (c) arcades, porticoes, and similar open areas which are located at or near street level of Nonresidential Facilities, are accessible to the general public, and are not designed or used as sales, display, storage, or production areas. **For new floor area, only include new floor area located outside of the existing building envelope.**

“Footprint” means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade; 2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade; 3. Eaves and roof overhangs; and 4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

“Market-Rate/Unrestricted Dwelling Units” are residential units for which the rent/price is set by the real estate market and not limited to certain household incomes.

“Restricted Dwelling Units” are residential units for which the rent/price is legally restricted to households earning a certain income expressed as a percentage of the Area Median Income or AMI. For more information, visit the Housing and Community Development Department’s website at <https://www.oaklandca.gov/services/housing-index-a-z/housing-policies-plans-and-data/rent-and-income-limits-for-affordable-housing>

“Setback Slope” means the slope between edge of pavement and the front setback line, at the midpoint and perpendicular to the front property line.

“Structure Slope” means the steepest slope across building footprint measured from one side of the building to another.

5. IMPERVIOUS SURFACE INFORMATION

The San Francisco Bay Regional Water Quality Control Board reissued the Municipal Regional Stormwater Permit (MRP 3.0).

The MRP went into effect July 1, 2022 with further changes to the Regulated Project Thresholds effective July 1, 2023.

PROJECT CHARACTERISTICS: (check one)

- ☐ (1) The **one single-family home** project will create or replace **10,000 square feet or more** of new or existing impervious surface area*.
- ☐ (2) The project will create or replace **5,000 square feet or more** of new or existing impervious surface area including pavement maintenance or paving upgrade projects*.
 - **If you checked (1) or (2) the project is considered a “Regulated Project” and must comply with NPDES C.3 stormwater requirements. You must submit a completed Stormwater Supplemental Form MRP 3.0 and a Preliminary Post-Construction Stormwater Management Plan with your application (see page 14).**
- ☐ (3) The project will create or replace **2,500 square feet or more but less than 10,000 square feet** of new or existing impervious surface for **one single-family home OR 2,500 square feet or more but less than 5,000 sq. ft.** of new or existing impervious surface **for all other projects** unless the project meets the definition of (1) or (2) above.
 - **If you checked (3) site design measures to retain stormwater on-site are required. Refer to the City’s “Overview of Provision C.3” for more information. <https://www.oaklandca.gov/documents/overview-of-provision-c-3-requirements-for-stormwater-management>**
- ☒ (4) None of the above.

* *Impervious Surface = Any surface that cannot be effectively (easily) penetrated by water. Permeable paving (such as permeable concrete and interlocking pavers) underlain with permeable soil or permeable storage material, and green roofs with a minimum of three inches of planting media, are not considered impervious surfaces. Do not include existing impervious surface to be replaced as part of routine maintenance/repair activities when calculating the amount of new/replaced impervious surface.*

6. TREE PRESERVATION ORDINANCE

Pursuant to the Tree Preservation Ordinance (§12.36 O.M.C.) a Tree Preservation/Removal Permit is required for any proposed construction activity (including buildings, driveways, paths, decks, construction vehicle routes, sidewalk improvements, & perimeter grading) within 10 feet of a Protected Tree, even if such trees are not being removed or if they are located on a neighbor's property.

The following are Protected Trees:

- a. Any Coast Live Oak tree that is larger than 4 inches dbh*
- b. Any tree (except Eucalyptus) that is larger than 9 inches dbh* (Eucalyptus trees and up to 5 Monterey Pines per acre are not considered Protected Trees under this section. Monterey Pines must be inspected and verified by the Public Works Agency – Tree Division prior to their removal. Contact the Tree Division at (510) 615-5934 for more information or to schedule an inspection).
- c. Any tree of any size located in the public right-of-way (including street trees).

I ATTEST THAT: *(check one)*

- ☒ (1) There are no existing Protected Trees anywhere on the subject property or within 10 feet of the proposed construction activities** (including neighbor's properties or the adjacent public right-of-way).
- ☐ (2) There are Protected Trees on the subject property or within 10 feet of the proposed construction activities**, and their location is indicated on the site plan and landscape plan **and** *(check one)*;
- ☐ (a) No Protected Trees are to be removed and
No construction activity** will occur within 10 feet of any Protected Tree.
- ☐ (b) No Protected Trees are to be removed and
Construction activity** will occur within 10 feet of any Protected Tree.
- ☐ (c) Protected Trees will be removed.

If you checked (2b) or (2c), a Tree Preservation/Removal Permit is required. Please complete the section below.

DESCRIPTION OF TREES (Identification numbers and letters must be consistent with the Tree Survey, see submittal requirements in Section 8)

<u>Trees proposed for removal</u>			<u>Trees <u>not</u> proposed for removal but located within 10 feet of Construction Activity**</u>		
#	Species	dbh*	#	Species	dbh*
1			A		
2			B		
3			C		
4			D		
5			E		
6			F		
7			G		

Reason for removal/impacting of trees:

* **dbh:** "diameter at breast height" is determined by measuring the trunk at 4'-6" from the ground. Multi-trunked trees are measured by combining the diameters of all trunks at 4'-6" from the ground.

** **Construction Activity:** Any proposed building, driveway, path, deck, construction vehicle route, sidewalk improvement, grading, or demolition.

7. CREEK PROTECTION ORDINANCE

Pursuant to the Creek Protection, Storm Water Management and Discharge Control Ordinance (§13.16 O.M.C.) a Creek Protection Permit is required for any proposed construction activity occurring on a Creekside property. The extent to which your development will be regulated by the Creek Protection Ordinance depends upon the location and type of proposed work.

WHAT IS A CREEK?

*“A **Creek** is a watercourse that is a naturally occurring swale or depression, or engineered channel that carries fresh or estuarine water either seasonally or year around.”*

A creek must include the following two components:

1. The channel is part of a contiguous waterway. It is hydrologically connected to a waterway above or below the site or is connected to lakes, the estuary, or Bay. Creek headwaters, found at the top of watersheds, are connected in the downhill direction. Additionally, creeks in Oakland are often connected through underground culverts. Only the open sections of creeks are subject to the permit, and
2. There is a creek bed, bank and topography such as a u-shape, v-shape channel, ditch or waterway (identified through field investigation, topographical maps, and aerial photos). To help with identification in the field a creek may also have the following features (the absence of these features does NOT mean there is no creek):
 - A riparian corridor, which is a line of denser vegetation flowing downhill. This is sometimes missing due to landscaping or vegetation removal practices, landslide or fire.
 - The channel has a bed with material that differs from the surrounding material (i.e. more rocky, or gravelly, little or no vegetation).
 - There are man-made structures common to waterways, - for example bank retaining walls, trash racks, culverts, inlets, rip rap, etc.

I ATTEST THAT: (check one)

- ☐ (1) **I do not know if there is a Creek on or near the proposed project site.** I have submitted a request for a Creek Determination by the City of Oakland (separate form and fee required).
- ☒ (2) **No Creek exists on or near the project site;** (check one)
- ☐ (a) Based on my review of the characteristics of the project site, as well as all relevant maps and plans, and the Creek Determination criteria provided in the “What is a Creek?” section above; or
- ☐ (b) Based on the attached report prepared by a relevant licensed professional.
- However, if the City determines that a Creek exists on or near the project site, a Creek Protection Permit is required.*
- ☐ (3) **A Creek DOES exist on or near the project site and;** (check one)
- ☐ (a) The proposed project only entails interior construction and/or alterations (including remodeling), and therefore requires a **Category 1 Creek Permit** (this is a no fee permit and only requires distribution of educational materials); or
- ☐ (b) The proposed project entails exterior work that does not include earthwork and is located more than 100 feet from the centerline of the Creek, and therefore requires a **Category 2 Creek Permit** (this permit requires a site plan and distribution of educational materials); or
- ☐ (c) The proposed project entails (a) exterior work that is located between 20 feet from the top of the Creek bank and 100 feet from the centerline of the Creek, and/or (b) exterior work that includes earthwork involving more than three (3) cubic yards of material located beyond 20 feet from the top of the Creek bank, and therefore requires a **Category 3 Creek Permit** (this permit requires a site plan and creek protection plan and may require environmental review); or
- ☐ (d) The project entails exterior work conducted from the centerline of the Creek to within 20 feet from the top of the Creek bank, and therefore requires a **Category 4 Creek Permit** (this permit requires a site plan and creek protection plan and may require environmental review and a hydrology report).

The Creek Permit requirements for your project are subject to verification by the City of Oakland and may differ from what you have indicated above. Additionally, you are responsible for contacting and obtaining all required permits from the relevant state and federal permitting agencies for Category 3 and Category 4 Creek Permits.

8. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

STATE GOVERNMENT CODE SECTION 65962.5 (f): Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list.

Please refer to the following State-maintained websites:

<https://calepa.ca.gov/SiteCleanup/CorteseList/>

<http://geotracker.waterboards.ca.gov/>

or contact the CalEPA at (916) 323-2514 to determine if your project is on any list of properties containing hazardous waste, toxic substances or underground fuel tanks. **NOTE: YOU MUST REVIEW ALL LISTS**

- ☒ I have reviewed **ALL** the lists and my site does **not** appear on them (sign below). **City Verification Required**
☐ My site does appear on the list(s) (please complete the following statement and sign below).

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Name of applicant: _____

Applicant's address: _____

Phone number: _____

Address of site on list: _____

Local agency (city/county): _____

Specify any list pursuant to Section 65962.5 of the Government Code: _____

Regulatory identification number: _____

Date of list: _____

Status of regulatory action: _____



Signature of Owner or Authorized Agent

2/9/24

Date

9. RECYCLING SPACE REQUIREMENTS

Applicants are required to provide sufficient space for the storage and collection of recyclable materials to comply with Ordinance No. 11807 – Recycling Space Allocation Requirements. This space should be in addition to that provided for garbage service.

Affected projects:

1. New multifamily buildings in excess of five (5) units
2. New commercial and industrial projects that require a building permit
3. New public facilities
4. Additions and alternations for a single or multiple permits that add 30% or more to the gross floor area

Requirements:

For residential projects, two (2) cubic feet of storage per unit, with a minimum requirement of not less than ten (10) cubic feet. Additionally, Oakland Municipal Code Section 8.28.140 requires the provision of 32 gallons or 4.3 cubic feet of storage per unit for garbage. For affected commercial, industrial and public facility project, two (2) cubic feet of storage and collection space per each one thousand (1,000) square feet of the total gross building footage, with a minimum requirement not less than ten (10) cubic feet. For these projects, the space for storage and collection of garbage varies based on the type and operation of the facility. Space for storage of recyclables should be separated into the following categories: paper and cardboard (mixed together); plastic bottles, glass bottles and metal cans (mixed together); and organics/plant material.

10. GREEN BUILDING ORDINANCE

If GreenPoint Rater is required, this sheet must be filled in and signed by the GreenPoint Rater along with the checklist and is due at the Intake appointment or over the counter approval, the submittal will not be accepted if this is not complete at intake and the applicant will need to come back for another appointment.

If there is an addition and/or remodel that total over 1,000 square feet, the project is over 1,000 square feet, or there is a new unit; a GreenPoint Rater is required. Please read the guidelines from the code as listed below.

Pursuant to the Ordinance 'Sustainable Green Building Requirements for Private Development,' (Chapter 18.02 of the Oakland Municipal Code), a Green Building Permit is required for any proposed construction activity within certain categories. The extent to which your development will be regulated by the Green Building Ordinance depends upon the location, type of proposed work, and size of proposed work.

A. PROPERTY ADDRESS: 1437 23rd Ave Oakland, CA 94606

B. PROJECT TYPE OF DEVELOPMENT (check one): ☐ New Construction ☐ New Construction-Mixed Use ☐ Addition
☐ Existing Building ☐ Tenant Improvement ☐ Remodel
☐ Historic ☐ Landscape Project

C. TOTAL NEW AND ALTERED FLOOR AREA (square feet): N/A

I, THE APPLICANT/OWNER, ATTEST THAT: (check one)

- ☐ (1) I have reviewed the Green Building Ordinance and the project **DOES NOT** fall within the list of applicable project types.
- ☐ (2) I have reviewed the Green Building Ordinance and the project **MUST** comply with the ordinance, AND I'm submitting the required additional green building materials with this application.
- ☐ (3) I have reviewed the Green Building Ordinance and the project must comply with the ordinance, AND I'm submitting the required additional green building materials with this application, but a GreenPoint Rater or LEED AP is not required as the project uses the Small Commercial Checklist or the Bay Friendly Basic Checklist.

D. Name of Greepoint Rater (required for Greenpoint Rated Projects)*: _____

Name of LEED Accredited Professional (AP)(required for LEED projects) * _____

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

RATING SYSTEM: _____ # OF POINTS THE PROJECT IS ANTICIPATED TO RECEIVE: _____

E. GREEN BUILDING FEATURES NOT SHOWN ON PLANS BUT PART OF CHECKLIST (include additional sheets if needed):

I, hereby certify under the penalty of perjury that I have reviewed the project and appropriate checklist and attest that to the best of my knowledge the proposed project would likely comply with the City of Oakland's Green Building Ordinance and attain green building certification. I, hereby further certify under the penalty of perjury, that I: 1) have no vested financial interest in the project other than my green building services, 2) have reviewed the project and appropriate green building checklist, and 3) attest that to the best of my knowledge the proposed project would likely comply with City of Oakland's Green Building Ordinance and attain green building certification.

X

Signature of the GreenPoint Rater or LEED Accredited Professional

Date

This permit is issued pursuant to all provisions of City of Oakland Ordinance No. 13040 C.M.S., "Sustainable Green Building Requirements for Private Development." This permit is granted upon the express condition that the permittee shall be responsible for all claims and liabilities arising out of work performed under this permit or arising out of permittee's failure to perform the obligations with respect to this permit. The permittee shall, and by acceptance of this permit agrees to defend, indemnify, save and hold harmless the City, its officers and employees, from and against any and all suits, claims or actions brought by any reason for or on account of any bodily injuries, disease or illness or damage to persons and/or property sustained or arising in the construction of the work performed under this permit or in consequence of permittee's failure to perform the obligations with respect to this permit. Violations of the provisions of the Green Building Ordinance are subject to fines and penalties specified under Section 20-3.030 of the Ordinance.

TO BE COMPLETED BY CITY STAFF:

CASE NUMBER(S): _____ CASE PLANNER'S NAME: _____

Note to Case Planner: Please route a copy of this form to the green building coordinator in the Planning and Zoning Division.

11. PUBLIC ART FOR PRIVATE DEVELOPMENT REQUIREMENTS

Effective February 9, 2015, Ordinance No. 13275 requires a public art allocation for private developments. (OMC Chapter 15.78). The following reflects the Ordinance updated through Ordinance No. 13491, which was adopted by the City Council on June 15, 2018.

Applicant information

Name: _____
Phone: _____
Email: _____

Project information

Address: _____
Number of dwelling units: _____
Floor area of nonresidential: _____
Floor area of residential: _____

Applicability

The public art for private development requirement applies to:

- 1) Private non-residential developments of 2,000 square feet or more of new floor area that are subject to Regular Design Review approval; and
- 2) Private residential developments of 20 or more new dwelling units that are subject to Regular Design Review approval.

The public art requirements do not apply to affordable housing if the developer demonstrates that they would cause the project to be economically infeasible.

Contribution Requirements

- 1) For non-residential developments, at least 1.0% of “building development costs.”
- 2) For residential developments, at least 0.5% of “building development costs.”

The “building development cost” is the construction cost declared on the building permit application and accepted by the Building Official.

CHECK ONE OF THE FOLLOWING COMPLIANCE METHODS:

- ☐ On-site art ☐ Art in the public right of way within .25 miles from the site ☐ In-lieu contribution ☐ Combination of in-lieu payment and on-site cultural space and/or art gallery ☐ Contribution to City-owned art facility within 0.5 miles from site ☒ Not applicable

Compliance Methods

Compliance with art requirement shall be demonstrated when filing the Building Permit application through one of the following:

- 1) An approved public art plan and contractual agreement to install the artwork at the site or in the public right of way within .25 miles from the site. Note that development in the public right of way requires additional permits and approval from the City’s Public Art Advisory Committee. The installation of the artwork must be complete prior to issuance of certificate of occupancy; or
- 2) Full payment of an in-lieu contribution; or
- 3) Provide up to 75% of the contribution as follows, with the remaining to be fulfilled through an in-lieu payment*:
 - a. Space within the development project that is generally open to the public during regular business hours for use as a rotating art gallery can satisfy up to 25% of total contribution; and/or
 - b. A minimum of 500 square feet of arts and cultural programming space within the development that is made available to the public can satisfy up to 50% of the total contribution; or
- 4) Capital improvements to a City-owned arts facility(s) within 0.5 miles of the development.

*All proposals must be approved by the City in advance. Please contact Kristen Zaremba, the Public Art Coordinator, at kzaremba@oaklandca.gov or (510)238-2155 for more information regarding approval of a public art plan or compliance requirements.

I, hereby certify under the penalty of perjury that I have reviewed the project and appropriate checklist and attest that to the best of my knowledge the proposed project would likely comply with the City of Oakland’s Public Art Requirements Ordinance.

X _____
Signature of Applicant

2/9/24
Date

12. RESIDENTIAL TENANT PROTECTIONS

The City of Oakland has laws to protect residential tenants, including the Rent Adjustment Ordinance (OMC Chap. 8.22, Article I), Just Cause Eviction Ordinance (OMC Chap. 8.22, Articles II & III), Tenant Protection Ordinance (OMC Chap. 8.22, Article V) and Code Compliance Relocation Ordinance (OMC Chap. 15.60). These laws may apply to development projects under certain circumstances.

[illegible]

E. Project Information (to be completed if any questions above are marked “Yes”):

- 1) Property Address: _____
- 2) Assessor's Parcel Number: _____
- 3) Applicant's Name: _____
- 4) Applicant's Address: _____
- 5) Applicant's Phone: _____ 6) Applicant's Email: _____

Existing and former tenants on the site may be entitled to protections and benefits, including relocation payments and the right to return to previous units. The property owner may be required to submit evidence of compliance with applicable tenant protection laws upon the request of the City. **For more information, please contact the Oakland Housing Assistance Center: 250 Frank H. Ogawa Plaza, 6th Floor, Oakland, California, 94612; (510) 238-6182.**

I, hereby certify under the penalty of perjury that I have reviewed the information presented in this section and certify that the information presented is true and accurate to the best of my knowledge.

X _____ Signature of Applicant	2/9/24 _____ Date
---	--------------------------------

To be completed by staff:

Case Number(s):	Case Planner's Name:	Date:
-----------------	----------------------	-------

Note to Case Planner: If any Questions above are marked “Yes,” please route a copy of this page to the Housing and Community Development Department.

13. EQUITABLE CLIMATE ACTION PLAN CONSISTENCY

The California Environmental Quality Act (CEQA) requires the analysis of greenhouse gas (GHG) emissions and potential climate change impacts from new development. The Oakland 2030 Equitable Climate Action Plan (ECAP) serves as a citywide plan for the reduction of GHG emissions and may be used in qualitative cumulative impact analysis pertaining to development projects. Projects that demonstrate consistency with the ECAP will be considered to have no significant environmental effect pertaining to greenhouse gas emissions. Projects that do not demonstrate consistency may, at the City's discretion, prepare a more comprehensive project-specific analysis of GHG emissions consistent with CEQA requirements.

I, THE APPLICANT/OWNER, HAVE REVIEWED THE ECAP CHECKLIST AND TO THE BEST OF MY KNOWLEDGE BELIEVE THE FOLLOWING APPLIES TO THE PROJECT: (check one)

- ☐ (1) The project demonstrates consistency with the ECAP through the ECAP Checklist, which I am submitting with this application.
- ☐ (2) The project does not demonstrate consistency with one or more items on the ECAP Checklist, which I am submitting with this application, and the GHG Standard Condition of Approval will apply to the project.
- ☒ (3) The project is exempt from CEQA analysis or otherwise is not required to demonstrate consistency with the ECAP.

(Case Planner and Environmental Review Officer to Verify)

14. COMMUNITY ENGAGEMENT

Although community engagement is important for all development projects requiring discretionary approval, it is especially important for larger projects, controversial projects, and projects with the potential to cause substantial community impacts. Applicants proposing the following project types will be required to submit a written statement to the City describing the community engagement efforts undertaken to date:

	Yes	No
A. Does the application involve any of the following? • New residential project with 100 or more dwelling units; • New nonresidential project with 100,000 square feet or more of floor area; • New Planned Unit Development (PUD); • New subdivision of 25 or more lots; • Proposed regulatory change (Development Agreement, Rezoning, and/or General Plan Amendment); or • Any other new project requiring discretionary approval that the Planning Bureau has determined may potentially cause substantial community impacts. ➤ If "Yes," complete Section B below.	☐	☒

B. Community Engagement Efforts. Please summarize community engagement efforts undertaken to date concerning the project, community input received concerning the project, and how the project has or has not been modified in response to community input (attach additional sheets if necessary):

15. SUBMITTAL REQUIREMENTS: WHAT TO SUBMIT

The following information and drawings must be included in the submittal package for your application. Planning staff reserves the right to require additional plans and information as needed for certain development proposals.

The following items are required for ALL applications unless otherwise noted.

Each and every item is required at the time of application submittal.

APPLICATIONS WITH MISSING ITEMS WILL NOT BE ACCEPTED.

All fees are due at the time of application submittal.

Unless otherwise noted, all documents must be submitted electronically.

☒ (1) **Basic Application for Development Review**

This application form signed and completed (including impervious surface, protected tree, creek information, the Hazardous Waste and Substances Statement, and green building sections). Clear and legible scanned copies or copies with secure electronic signatures are required.

☒ (2) **Supplemental Forms and Findings**

Explanation describing how the proposal complies with City requirements (forms provided by staff).

☐ DRX, DS, DR, or SP supplemental findings.

☒ CUP and/or Variance supplemental findings.

☐ TPM/TTM supplemental findings.

☐ Other extra CUP or DR findings, such as alcohol, ground floor use, extra units, telecom (mini, micro, macro), etc.

☐ Specific Plans Design Guidelines Checklist (Broadway Valdez District, Central Estuary, Lake Merritt Station, or West Oakland).

☐ Affordable Housing Density Bonus Requirements and Checklist.

☐ Oakland 2030 Equitable Climate Action Plan (ECAP) Consistency Checklist

☐ (3) **Assessor's Parcel Map**

Available at the City of Oakland Engineering Services or Zoning counters, the County Assessor's Office, 1221 Oak St. or the County Assessor's website at <http://acgov.org/MS/prop/index.aspx>

☒ (4) **Photographs**

☐ Color photographs showing the existing structure or lot as seen from across the street and from the front, side and rear property lines. Label each photograph with the view pictured (e.g., front, side, rear, across the street).

☐ Color photographs showing the 20 nearest neighbors from the street (5 nearest lots on either side, 10 nearest lots across the street). Label each photograph with the address pictured.

☒ (5) **Plans** (see supplemental requirements for all Tentative Parcel Map (TPM), Tentative Tract Map (TTM), Parcel Map Waiver (PMW) applications).

- Full-sized plans and reduced plans (11" x 17") are required for all applications. For Major Permits, a color 11"x17" rendering **MUST** be submitted.

- Include north arrow, date prepared and scale.

- Acceptable drawing scales are: 1/4" = 1', 3/16" = 1', 1/8" = 1', and 1" = 10'. Other scales may be appropriate, but should be discussed with Planning staff before filing. Also, please limit the range of scales used, so Planning staff can more easily analyze your project in relation to adjacent properties.

- Include the name and phone number of person preparing the plan(s). As appropriate or required, include the stamp and "wet signature" of any licensed architect, landscape architect, surveyor and/or civil engineer preparing final plans.

- Show all encroachments over the public Right-of-Way.

- All submittals are required to provide an electronic submission of all the required submittal items at time of intake. Plan sets will have two copies submitted, one (1) low resolution and one (1) high resolution in .PDF format. Each item will be scanned separately and clearly identified. For each revision of the project, the applicant will be required to submit an electronic submittal of all the material being revised as directed by Planning staff.

☐ (a) **Survey** (required only for the following project types listed below)

- Must be no more than 3 years old from the time of submittal – date of survey must be included.

- Must be prepared by a California State licensed Land Surveyor or by a Civil Engineer with a license number below 33966 (licensed prior to January 1, 1982).

- **Include the wet stamp and signature** of the Land Surveyor or Civil Engineer who prepared the survey.

- Include the applicable surveyor's statement in accordance with the Professional Land Surveyors Act.

- In addition to paper copies, the survey must also be submitted on a CD.

Required for all new buildings and >100% footprint additions to existing buildings (except small non-habitable buildings):

- ☐ Full boundary & topographic survey with field-verifiable monuments set or found by the surveyor.
- ☐ Location, dimensions, and dimensions to property lines of all existing buildings and similar structures.

Required for any building or addition within any required setback:

- ☐ Applicable line survey with field-verifiable monuments set or found by the surveyor.
- ☐ Location, dimensions, & dimensions to property line of existing buildings & similar structures adjacent to relevant property line.

Required for any building or addition located on a lot with a slope of 20% or more:

- ☐ Site topography for all areas of proposed work and for all existing driveways, buildings, and similar structures.
- ☐ Location and dimensions for all existing driveways, buildings, and similar structures.

☒ (b) **Site Plan**

- ☐ Location and dimensions of all property boundaries.
- ☐ Location and dimensions of all existing and proposed buildings, decks, stairs, and patios.
- ☐ Dimensions of all existing and proposed building setbacks from property lines.
- ☐ Location of building footprints and approximate height of buildings on adjacent lots.
- ☐ Location, dimensions, and paving materials of all adjacent sidewalks, curbs, curb-cuts (including curb-cuts on adjacent neighbor's lots), and streets.
- ☐ Location and dimension of all existing and proposed driveways, garages, carports, vehicle parking spaces, bicycle parking spaces, maneuvering aisles, wheel-stops, pavement striping/markings, and directional signage. Indicate existing and proposed paving materials.
- ☐ Location, height, and building materials of all existing and proposed fencing and walls.
- ☐ Location, height (including top and bottom elevation measurements), and building materials of all existing and proposed retaining walls.
- ☐ Location and size (dbh) of all existing trees and indication of any trees to be removed, include trees on neighboring properties that are within 10 feet of construction.
- ☐ Location of drainage ways, creeks, and wetlands (check with the Engineering Services Division for this information)
- ☐ Roof plan showing roof slope and direction, and location of mechanical equipment, ducts, and vents.
- ☐ For projects located on a lot with a slope of 20% or more: Show existing and proposed topographic contours overlaid with proposed roof plan and indicating roof ridge spot elevations.
- ☐ For multi-family residential projects: Show the location, dimension, slope, and site area of all existing and proposed Group Usable Open Space and Private Usable Open Space, including a summary table of site area.
- ☐ For projects in all Residential, Commercial, and Industrial Zones, including the CIX-1A Zone, show any building to be demolished, both historic and non-historic.
- ☐ Location and size of storage area for recycling containers (see page 7 for more information).

☐ (c) **Landscape Plan** (required for new buildings, new dwellings, residential additions of more than 500 sq. ft., and nonresidential additions of more than 1,000 sq. ft.)

- ☐ Indicate any existing landscaping and new landscaping.
- ☐ Indicate the size, species, location, and method of irrigation for all plantings.
- ☐ Include the square footage of new landscaping, if over 500 square feet or over 2,500 square feet of new landscaping please provide all requirements per the [Water Efficiency Landscape Ordinance \(WELO\)](#).
- ☐ Include all existing and proposed groundcovers, driveways, walkways, patios, and other surface treatments.

☒ (d) **Floor Plan**

- ☐ Include complete floor plan of all floors of entire building, including existing and proposed work.
- ☐ Label all rooms (e.g., bedroom, kitchen, bathroom), and include dimensions of room sizes.
- ☐ Show the location of all existing and proposed doors, windows, and walls.
- ☐ Location of and distance to all adjacent property boundaries.
- ☐ For non-residential projects: show all existing and proposed seating areas, mechanical/kitchen equipment, and/or other major functional components of the proposed project.

☒ (e) **Elevations** (required only for new construction, additions, or exterior alterations)

- ☐ Show all structure elevations (front, sides and rear) that will be affected by the proposed project.
- ☐ For additions/alterations: label existing and new construction, as well as items to be removed.
- ☐ Identify all existing and proposed exterior materials - including roofing, roof eaves, eave brackets, siding, doors, trim, sills, windows, fences, and railings. Show details of proposed new exterior elements, including a complete window and door schedule.
- ☐ Show any exterior mechanical, duct work, and/or utility boxes.
- ☐ Include dimensions for building height and wall length.

☐ (f) **Cross Sections** (required only for buildings or additions located on a lot with a slope of 20% or more)

- ☐ Include all critical cross sections, including at least one passing through the tallest portion of the building.
- ☐ Include floor plate and roof plate elevation heights.

- ☐ Location of and distance to all adjacent property boundaries.
- ☐ Label the location of the cross-sections on the site plan.
- ☐ (g) **Tree Survey** (required only for projects which involve a Tree Preservation/Removal Permit [see page 5])
 - Include north arrow, date prepared and scale (Tree Survey should be drawn to the same scale as the Site Plan).
 - Include the name & phone number of person preparing the plan(s). As appropriate or required, include the stamp & “wet signature” of any licensed architect, landscape architect, surveyor and/or civil engineer preparing final plans.
 - ☐ For new construction on an undeveloped lot: include the stamp and “wet signature” of the licensed architect, landscape architect and/or civil engineer preparing the survey.
 - ☐ Indicate the size (dbh), species, and location of all protected trees within 30 feet of development activity on the subject lot, regardless of whether or not the protected trees are included on any tree preservation/removal permit application.
 - ☐ Label all protected trees that are located within 10 feet of construction (including trees located on neighbor’s properties or the adjacent public right-of-way) with the matching number or letter from the Tree Preservation/Removal Permit application (see section 6 of this application).
- ☐ (h) **Shadow Study (for DS-III projects and other two-story DR projects for one- and two-units)**
 - ☐ Include a roof plan of proposed house/addition with adjacent homes and show the shadows at different times of the day as shown in the Design Review Manual for One- and Two-Unit Residences on page 2.1 and 2.2.
- ☐ (i) **Grading Plan** (required only if the project proposes any site grading)
 - ☐ Show proposed grading plan and/or map showing existing and proposed topographic contours (this may be combined with the Site Plan for small projects with only minor grading).
 - ☐ Include an erosion & sedimentation control plan.
 - ☒ Include a summary table of all proposed excavation, fill, and off-haul volumes.

The following are required only for non-residential, mixed-use, and/or multi-family residential projects.

- ☐ (j) **Sign Plan** (required only for non-residential and mixed-use projects)
 - ☐ Include fully dimensioned color elevations for all proposed signs.
 - ☐ Indicate proposed sign location(s) on site plan.
 - ☐ Indicate proposed material(s) and method of lighting for all proposed signs.
- ☐ (k) **Lighting Plan** (required only for non-residential, multi-family residential, and mixed-use projects)
 - ☐ Show the type and location of all proposed exterior lighting fixtures (this may be combined with the Site Plan for small projects).
- ☐ (l) **Materials & Color Board** (required only for non-residential, multi-family residential, and mixed-use projects involving new construction or an addition/alteration that does not match existing materials and colors).
 - Limit board(s) to a maximum size of 9” x 12”. Large projects (generally more than 25 dwelling units or 50,000 square feet of floor area) should also submit a large sized materials & color board (24” x 36”) for use at public hearings.
 - ☐ Include samples of proposed exterior building materials and paint colors.
 - ☐ Include manufacturer’s brochures as appropriate.
- ☐ (m) **Three-dimensional Exhibits** (required only for large projects with more than 25 dwelling units or 50,000 square feet of floor area).
 - ☐ Provide color perspective drawings showing the project from all major public vantage points, or provide a scale model of the proposed project.
- ☐ (6) **Preliminary Post-Construction Stormwater Management Plan*** (required only for “Regulated Projects” subject to NPDES C.3 stormwater requirements [see page 4 for more information])
 - ☐ Show location and size of new and replaced impervious surface.
 - ☐ Show directional surface flow of stormwater runoff.
 - ☐ Show location of proposed on-site storm drain lines.
 - ☐ Show preliminary type and location of proposed site design measures, source control measures, and stormwater treatment measures.
 - ☐ Show preliminary type and location of proposed hydromodification management measures (if applicable).
- * Please refer to the Stormwater Supplemental Form for more information concerning NPDES C.3 requirements. The Stormwater Supplemental Form must also be submitted with the application.
- ☐ (7) **Preliminary Title Report or deed not more than 60 days old** (required for all Tentative Parcel Map (TPM), Tentative Tract Map (TTM), Parcel Map Waiver (PMW), Rezoning, and General Plan Amendment applications, and any application where the owner information does not match the current Alameda County Assessor’s records)
- ☒ (8) **Fees** (all fees are due at the time of application submittal)

- Additional fees may be required if the project changes or based on staff's environmental determination.

- ☐ (9) **Additional Telecom Information Required** (See full requirements in Chapter 17.128 in the Oakland Planning Code)
- ☐ For Telecom facilities on private property, for the whole parcel, indicate the total number of existing and proposed antennas and equipment cabinets, their location, and the carriers they serve (please include all wireless carriers). Also indicate area, height, and width of all equipment cabinets and antennas (existing and proposed).
 - ☐ Additional Telecom CUP & DR findings for either: Mini, Micro, Macro, Monopole, or Tower (See definitions in 17.10.860).
 - ☐ For Small Wireless Facilities (SWF) in the public right-of-way, complete the SWF Design Guidelines Checklist.
 - ☐ Include Radio Frequency emissions report (RF), see Section 17.128.130 and the SWF Design Guidelines Checklist for requirements.
 - ☐ If a revision, please include previous approved case number if applicable and can be obtained.
 - ☐ If swapping out & replacing existing antennas, include existing & proposed heights of antennas (per Federal Section 6409).
- ☐ (10) **Replacement Unit Documentation**
- ☐ Information to prove vacancy or occupancy status of existing units or units demolished within the past five years. Examples include utility bills, property tax bills, IRS forms with W2s, lease agreements.
- ☐ (11) **Transportation Demand Management (TDM) Plan** (required for all project generating 50 or more net new a.m. or p.m. peak hour vehicle trips)
- ☐ TDM Plan requirements are provided in the City of Oakland Transportation Impact Review Guidelines.
- ☐ (12) **By Right Residential Approval** (See full requirements in Planning Code Section 17.136.023)
- This requirement applies to all projects subject to By Right Residential Approval – S-13 streamlining, S-14 streamlining, and projects for Affordable Housing where one hundred percent 100% of the housing units, other than manager's units, are deed-restricted affordable housing.

PROJECT NOTICING REQUIREMENTS:

- ☐ Generate and send by U.S. Postal Service (USPS) a notice to all building owners and occupants located within 300 feet of the property lines (property edges) of the affected site ([see sample template](#)). If there is more than one parcel in the project, it should be measured from the furthestmost edges of all parcels involved. This must be done **prior to submittal**.
- ☐ Proof of mailing (and a copy of your notice) **must be provided to the City** at the time of submittal. Failure to provide such proof will be grounds for rejecting your application. You will be responsible for working with an outside entity to obtain the mailing lists for noticing; the City will not provide these to you.

For any questions regarding this application, contact us via our [Permit & Services Questions Portal](#) or call the **Zoning Information Line below.**

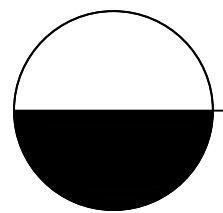
Zoning Information:

Hotline: (510) 238-3911 (leave voicemail)

Walk-in: Mon 9am - 3 pm, Wed 10 am - 2 - pm

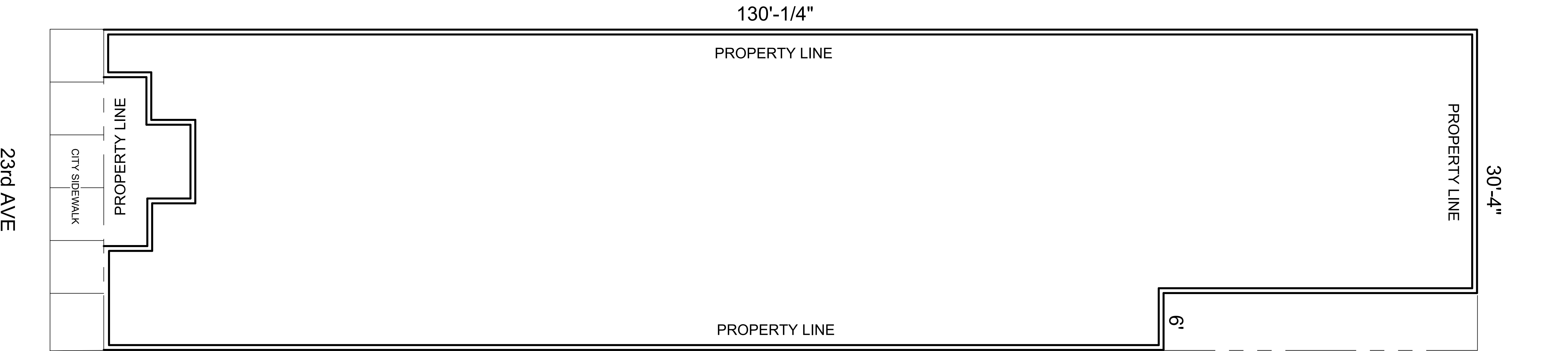
By Appt: Tue, Thu 9 am - 4 pm ([schedule online](#))

Planning & Building Department website: <https://www.oaklandca.gov/departments/planning-and-building>



SITE PLAN

SCALE: $\frac{3}{16}$ " = 1'-0"

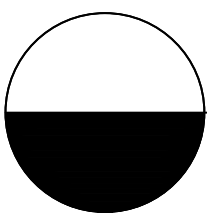
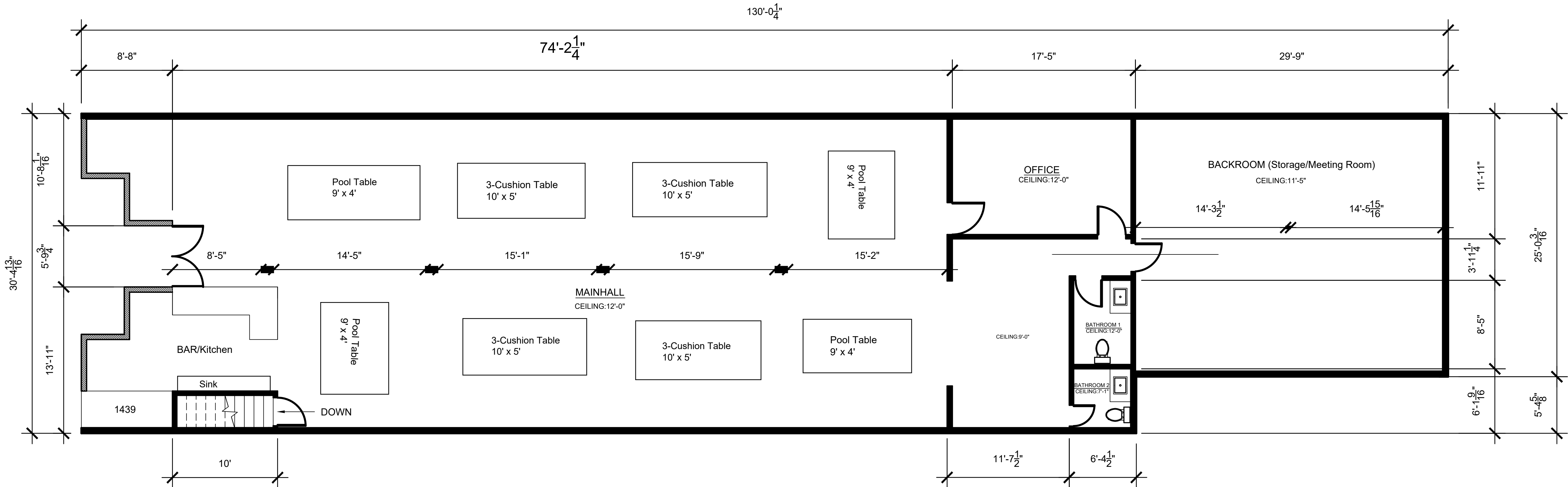


A1.0

SHEET

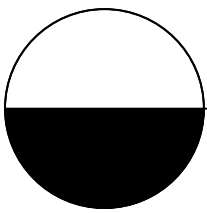
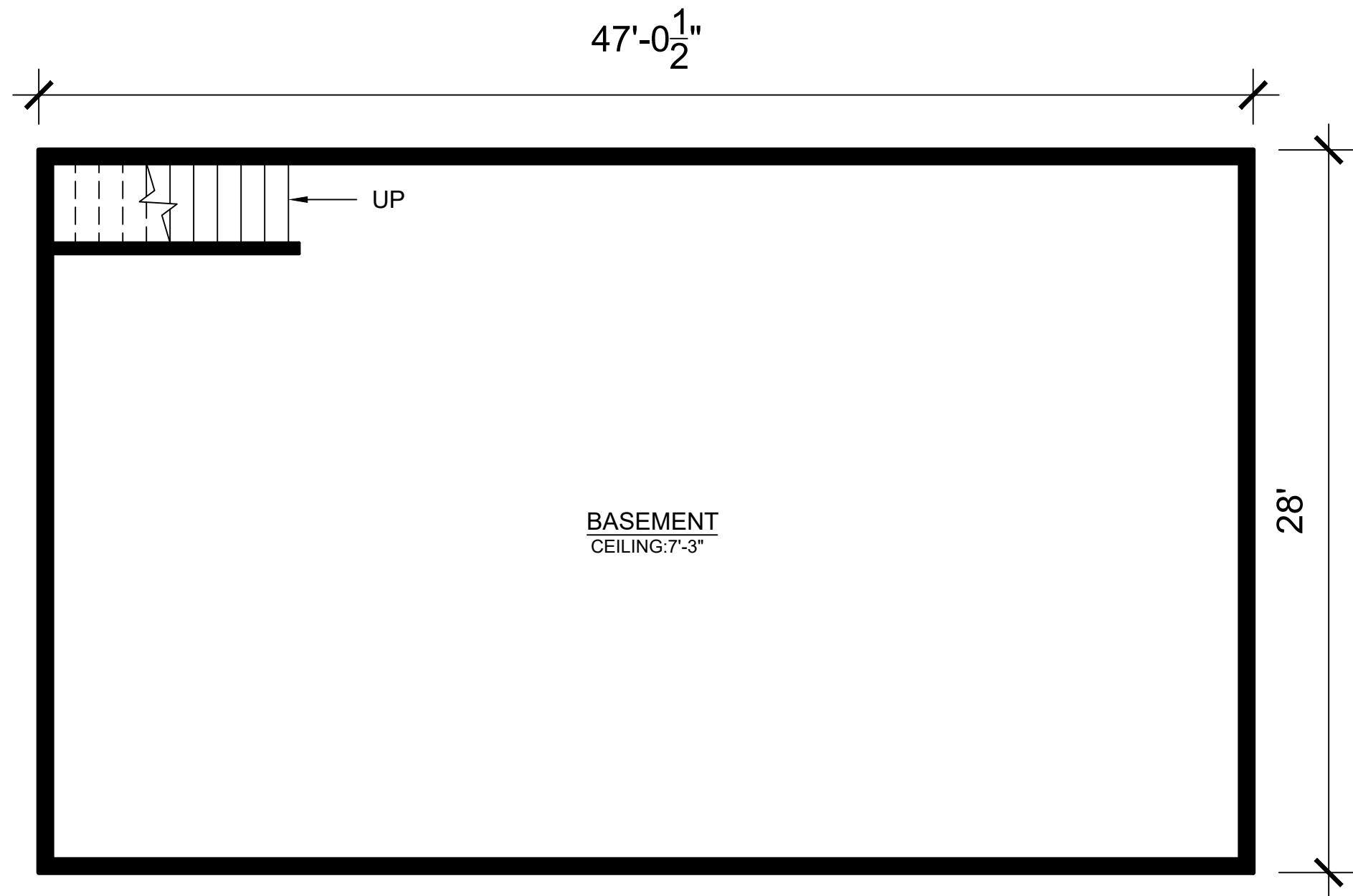
CLIENT: 23rd BILLIARDS
ADDRESS: 1437 23rd Ave, Oakland, CA 94606
PARCEL NUMBER: 20-152-2

SOFÍA LÓPEZ
TEL: (510)467-7296



GROUND FLOOR

SCALE: $\frac{3}{16}$ " = 1'-0"

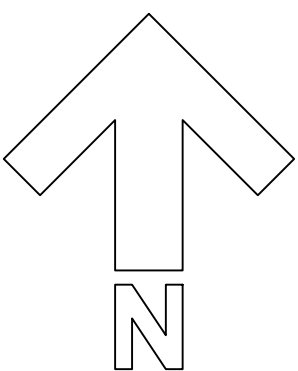


BASEMENT

SCALE: $\frac{3}{16}$ " = 1'-0"

WALL SCHEDULE

- EXISTING WALL
- HALF(PONY)WALL
- COLUMNS (14.5"x7.5")



CLIENT: 23rd BILLIARDS
ADDRESS: 1437 23rd Ave, Oakland, CA 94606
PARCEL NUMBER: 20-152-2

SHEET

A2.0

SOFÍA LÓPEZ
TEL: (510)467-7296







CITY OF OAKLAND

SUPPLEMENTAL QUESTIONNAIRE

FOR PROPOSED ACTIVITIES/USES

The applicant may submit a detailed narrative that addresses the characteristics listed below or complete the following questionnaire. Attach additional pages as needed. **This questionnaire is a supplement to the Basic Application for Development Review.**

PROJECT ADDRESS: 1437 23rd Ave Oakland, CA 94606

PROPOSED PROJECT: ☐ Establish a New Activity ☒ Modify an Existing Activity
(Check all that apply) ☐ In an Existing Structure ☐ In a New or Modified Structure

I. Activities and Users

- Proposed hours and days of operation: 12pm - 10pm
- If proposed activity is occasional, how often will the proposed activity occur?
- Is the proposed activity temporary or permanent? (circle one)
- Number of individuals involved with the events or operations (employees, clients, residents, spectators, students, teachers, animals, etc.): 10 to 50 people a day
- Will there be other activities on-site? If yes, describe (ex. catering from a restaurant).
Billiards, card games and board games.

Specifically, if the proposal involves Residential Care (or related use), Medical Care, Child Care or Education, describe all services to be provided on-site (for example, tutoring, regular visits by physicians).

Pool hall is open to host ARISE High School once a week aiming to teach students billiards as a sport. Pool hall is open for future Bay Tech students to convene and have fun during their lunch break if students have outdoor lunch time. We are happy to explore with Bay Tech what a music class could look like in the pool hall.

- Is the proposed activity part of a master plan or part of a program with multiple sites? If yes, describe.
- Is the activity for profit or not for profit? (circle one)
- Previous use on the project site, and date of closure, if known.

II. Physical Characteristics

In addition to the required detailed site plan, floor plans and exterior elevations, indicate:

- Floor and/or site areas associated with different components of the proposed activity (dining area, kitchen, dance floor, assembly, office, etc.) with total area measurements indicated for each component.
- Location of driveways, parking, walkways, and doorways; show how vehicles and pedestrians will move through the site.
- Proposed exterior lighting, signage, landscaping, screening, recycling and trash storage areas, etc.

III. Parking and Circulation

12. Anticipated number of vehicle or pedestrian trips to the site per day: 5-10 number of vehicles or pedestrians trips to site per day
13. Number of parking spaces on the site or on another site but reserved for the proposed operation (*indicated also on site plan*): N/A
14. If reserved parking is proposed off-site, describe location of parking and distance from the proposed activity and attach copy of off-site parking agreement.
N/A
15. Describe the primary mode of travel (e.g., auto, transit, bike, and walking) the majority of users are likely to use get to the site.
Vehicle, bicycle, and walking

IV. Operations

16. Projected volumes of sound in decibels and any soundproofing or noise mitigation measures proposed.
Normal sound volume from television, music from speaker as background music, and customer chatter.
17. Provisions for site maintenance or safety (trash cleanup, landscaping maintenance, call boxes, security personnel, caretakers, etc.)
Trash and recycle with city of oakland, weekly.
18. Types of materials used in the operation and any waste products created or emitted.
Regular plastic from chip bags, candy bar, soda cans, etc.

The above statements represent to the best of my knowledge are accurate.

APPLICANT'S SIGNATURE: _____



DATE: March 14th, 2025

CUP Findings

- **Purpose of CUP Application:**

- 23rd Billiards seeks a Conditional Use Permit (CUP) to expand its offerings by including the sale and consumption of beer within our premises. This addition will enhance our ability to serve our diverse clientele, creating a more inviting and vibrant environment for both younger and older patrons.

- **Business Overview:**

- 23rd Billiards is a family-owned billiard hall located in Oakland's **CN Zone: 3**. We currently operate with eight pool tables, offer soft drinks and snacks, and provide board and card games. Our facility also features televisions for watching sports events. We aim to enhance our services by incorporating beer sales, providing a more complete recreational experience.

- **Community Engagement and Safety:**

- Recognizing the high crime rate in our neighborhood, we are committed to contributing positively to the community. We plan to implement the following measures to improve neighborhood safety and engagement:

- **Safety Measures:** We will invest in additional security measures, including surveillance cameras and increased lighting around our premises. Our staff will be trained in responsible beverage service and conflict resolution.

- **Youth and Education Programs:** We intend to offer our space as a safe and supportive environment for students and staff. We plan to explore after-school programs such as pool classes and music workshops. Our facility will be available for staff retreats and meetings, fostering community relationships and enhancing local engagement. Additionally, we will host a billiards course for a class from ARISE High School. They will bring one class every Wednesday from 12-2 PM. The course will be hands-on, allowing students to properly learn about the sport. *[Letter of recommendation attached]*

- **Community Building Events:** We aim to host community events such as staff "happy hours" to build connections with local educators and residents.

- **Collaboration with New High School:** With Bay Tech High School opening next door to our business, we are eager to find ways to collaborate to better the community. Given the neighborhood's safety challenges, we are committed to taking part in any action to create a safer environment for all.

- **Promotion of Billiards as a Sport:**

- We see billiards as a globally recognized sport with the potential to inspire and develop talent. Our vision includes:

- **Hosting Pool Tournaments:** We plan to organize pool tournaments for both underage kids and adults. These events will foster local talent and provide a platform for competitive play, with the aspiration that one day, a world champion could emerge from our pool hall.
- **Encouraging Young Players:** By hosting youth tournaments and events, we aim to nurture the next generation of players and promote billiards as a sport that can be enjoyed and excelled at by people of all ages.
- **Security Measures**
 - Given the high crime rate in the surrounding neighborhood, 23rd Billiards is committed to ensuring a safe and secure environment for our patrons, employees, and community members. Our security plan includes:
 - **Surveillance System:**
 - Installation of high-definition security cameras inside and outside the facility.
 - Cameras will monitor entry and exit points, the parking lot, and key areas inside the billiard hall.
 - Increased Lighting: Additional lighting in and around the premises to deter criminal activity.
 - Well-lit pathways and parking areas for enhanced visibility at night.
 - On-Site Security Personnel: Hiring trained security staff, particularly during evening hours when beer is served. Security personnel will be responsible for monitoring guest behavior and ensuring a safe, conflict-free environment.
 - Staff Training in Conflict Resolution: All employees will be trained in de-escalation techniques to handle conflicts professionally. Responsible beverage service training to prevent overconsumption and related issues.
 - Strict ID and Entry Policies: Checking IDs for alcohol sales to prevent underage drinking. Enforcing a zero-tolerance policy on violence, intoxication, and disorderly conduct.

By implementing these security measures, we aim to create a safe and welcoming environment for families, students, and adults alike while positively contributing to the overall safety of the neighborhood.

- **Owner Background and Community Involvement:** Our family brings a wealth of experience and commitment to the community:
 - *Julio Cervantes Lopez (Father):* With over 25 years of professional bass experience, Julio Lopez manages our business daily. He is also a professional singer, professional bass player and professional pool player. His expertise and

commitment to excellence ensure that 23rd Billiards operates smoothly and maintains a high standard of service.

- *Julio Cervantes Flores (Son)*: A University of the Pacific graduate and former professional soccer player with the Oakland Roots, Julio is the Director of Coaching for the Oakland Soccer Club, overseeing over 400 low-income players. As a standout soccer player at local community college, Merritt College, Julio holds the title for most goals scored in a season. This success allowed him to play Division 1 soccer at the University of the Pacific. His dedication to local youth through sports highlights his commitment to community development.
- *Oscar Cervantes Flores (Son)*: Oscar holds a degree in Sustainable Agriculture and Food Systems from UC Davis and now manages three organic farms through the non-profit, Growing Together Bay Area. His experience as a professor at Merritt College and his role as Assistant Director of Coaching at Oakland Soccer Club further reflect his dedication to community service and youth development.
- **Organizations and Community Links:** As a family, we are directly linked to several organizations that contribute to the well-being and development of our community:
 - East Bay Asian Youth Center (EBAYC)
 - Oakland Leaf
 - Growing Together Projects
 - Oakland Soccer Club
 - Oakland Roots
 - Civic Design Studio
 - Homies Empowerment
 - Castlemont High School
 - Urban Promise Academy
 - Roosevelt Middle School
 - Merritt College
 - Laney College
 - And more.
- **Operating Hours and Goals:**
 - We plan to operate from 1 PM to 6 PM, providing a welcoming environment for high school students to study, socialize, and enjoy recreational activities. After 6 PM, we will focus on serving adult patrons with the addition of beer, aligning with our goal of creating a dynamic space for both younger and older community members.
- **Long-Term Commitment and Sustainability:**

- Granting this CUP is essential for the long-term sustainability of our business. As our first and only family business, we are determined to be successful and to remain a vital part of this community for many years to come. The introduction of beer sales will provide an important revenue stream, helping us to keep our business open and continue serving our patrons. This will enable us to maintain and expand our community programs, contributing to the betterment of the neighborhood and ensuring that 23rd Billiards remains a cherished local establishment.
- **Conclusion:**
 - Granting this CUP will allow 23rd Billiards to enhance its offerings and better serve the Oakland community. Our family's extensive background and commitment to community engagement underscore our dedication to creating a positive, safe, and enriching environment for all patrons. By supporting our CUP application, you will be helping a dedicated family business thrive and continue its mission of community involvement and development.



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:

See File: 4.2 Convenience Markets

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:

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

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

5. The design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression:

6. Adequate litter receptacles will be provided where appropriate:

7. Where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m.:

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

Revised Justification for Alcohol Sales at 23rd Billiards

At **23rd Billiards**, our goal is to create a **welcoming and community-oriented recreational space** where people can enjoy the game of billiards in a safe and social environment. Our business is not just about pool—it is a **gathering place** that brings people together, offering a positive and engaging alternative to less structured nightlife options.

Justification for Alcohol Sales in Relation to Billiards Activities:

- **Enhancing the Customer Experience:** Pool halls traditionally offer beer and other beverages as part of the recreational experience. Moderate alcohol consumption complements the social and competitive nature of billiards, allowing patrons to relax and enjoy their time in a responsible setting.
- **Controlled and Monitored Environment:** Unlike larger bars or nightclubs, we offer a **small, well-managed** space where alcohol service is secondary to the main activity—playing billiards. Our staff will be trained to ensure responsible service, and we will enforce all ID verification requirements.
- **Community Gathering Space:** We host **local tournaments, leagues, and casual game nights**, drawing players from the Oakland community. Alcohol sales will help us sustain these activities while ensuring we maintain a **safe, family-friendly, and well-regulated** venue.
- **Economic Sustainability:** The revenue from alcohol sales will allow us to continue investing in the business, improving our facilities, and maintaining a high-quality experience for our customers.

Addressing Potential Concerns:

- **Community Relationships:** We are happy to collaborate with nearby businesses and BayTech High School. We are committed to ensuring that our operations do not negatively impact these institutions.
- **Safety & Cleanliness:** We will continue our **regular cleaning and maintenance** routines, providing adequate **litter receptacles** and ensuring that our establishment does not contribute to littering or disturbances.
- **No Late-Night Disruptions:** Our **hours of operation will remain reasonable**, ensuring that we do not disturb nearby residents. We have successfully operated without noise complaints and will continue to be mindful of sound levels.

- **No Structural Changes:** We are not proposing any major renovations, intrusive signage, or exterior modifications that would disrupt the visual character of the neighborhood.

Conclusion:

Our request for a Conditional Use Permit to serve beer is an **extension of our existing recreational offerings**, helping us sustain and grow our business while continuing to provide a **safe, welcoming, and community-focused** space. We are committed to working closely with the City of Oakland to ensure that our establishment meets all guidelines and expectations.

VARIANCE INFORMATION

What is a Variance?

A Variance is permission to depart from the development regulations in the zoning code. Variances provide the discretion and flexibility to resolve difficulties or hardships that may be inappropriate where special or extraordinary circumstances occur on the property.

These circumstances do not mean economic hardship; rather, they refer to topographic or physical attributes of the site that do not allow for the development standards of the Zoning District to be applied.

When is a Variance needed?

A Variance may be needed in order to develop property when the strict application of a zoning regulation, such as maintaining a required yard area, cannot be met because of a physical limitation on the specific piece of property.

For example, a property owner of a hillside lot finds that the required front yard setback prohibits building a garage on the only flat part of the yard. All of the neighboring houses are built on flat lots and have garages. A Variance may be able to provide the relief needed from the strict adherence to the setback so that the garage can be built.

Major versus Minor Variance

A **Major Variance** involves any of the following provisions:

- 1) Allowable activity types or facility types;
- 2) Maximum number of living units;
- 3) Minimum lot area, except in the situation mentioned in Section 17.106.010B;
- 4) Maximum floor-area ratio;
- 5) Maximum size of Commercial or Manufacturing establishments;
- 6) Restriction on over-concentration of Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities as set forth in Section 17.102.212B;
- 7) Any variance application that requires development of an Environmental Impact Report;
- 8) Any variance application referred by the Director of City Planning to the City Planning Commission for decision.

A **Minor Variance** is a variance which does not involve any of the provisions listed above.

REQUIRED VARIANCE FINDINGS PURSUANT TO SECTION 17.148.050

Variances are granted only when all of the first five of the following findings can be made (variances for projects involving one or two residential dwellings units on a single lot are only granted when all six of the following findings can be made):

Unique Circumstance that is Specific to the Property	The 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.
Minimizes the Differences Between Properties in the Same Zoning District	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. ¹
No Adverse Impacts to the Neighborhood	That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties of the surrounding area, and will not be detrimental to the public welfare or contrary adopted plans or development policy.
No Special Privilege	That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.
Project Complies with the Regular Design Review Criteria	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.

¹ The finding of unique circumstance is slightly different for Adult Entertainment activities. Please refer to the full text of Section 17.148.050 of the Zoning Ordinance for the language for these activities.

**No Increase In the Loss of
Sunlight, Views, or Privacy
For the Neighbors**

-or-

**Design is Consistent With a
Majority of the Neighbors**

*(Required only for projects
involving one or two residential
dwelling units on a single lot)*

That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with **at least one** of the following criteria:

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

-OR-

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

CITY OF OAKLAND

VARIANCE FINDINGS

A Variance is permission to depart from the development regulations in the zoning district. Variances provide the discretion and flexibility to resolve difficulties or hardships that may be inappropriate where special or extraordinary circumstances occur on the property. These circumstances do not mean economic hardship; rather, they refer to topographic or physical attributes of the site that do not allow for the development standards of the Zoning District to be applied.

Proposals requiring a Variance may only be granted upon determination that the proposal conforms to the following Variance criteria set forth in Section 17.148.050:

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

1. Strict compliance with the specified regulations 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:

2. 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:

3. 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:

4. The variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations:

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:

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

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

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

-OR-

b. Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing,

articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site, plus the ten closest lots on the opposite side of the street (see Illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

Variance Findings – 23rd Billiards

1437 23rd Ave, Oakland, CA

1. Special Circumstances

23rd Billiards is uniquely situated in a neighborhood that faces **high crime rates and very limited recreational opportunities**. Unlike many establishments in the CN Zone: 3 district, we are located adjacent to **Bay Tech High School** and near local youth programs we have a relationship with, presenting a **distinct social and community dynamic**. The ability to offer beer sales would allow us to create a **controlled and safe recreational environment**, attracting responsible adult patrons and ensuring a **positive community presence**.

Additionally, **most entertainment-based businesses in our zoning district already offer alcohol sales**, making our restriction an **exception rather than the norm**. The unique positioning of our business as both a recreational and community-building space further distinguishes our situation from others in the area.

2. Denial of Privileges

The strict application of zoning regulations would deprive 23rd Billiards of a **key business privilege** that is commonly granted to similar establishments. Many billiards halls, lounges, and entertainment venues in the same zoning district **successfully incorporate beer sales** as a means of enhancing their operations.

Denying our request would place us at a competitive disadvantage compared to other businesses with the same operational model. Furthermore, it would **limit our ability to sustain and expand our community programming**, including our partnerships with local schools, youth organizations, and community events.

3. No Special Privilege

The requested variance does not grant **any special privileges** that are inconsistent with those enjoyed by other businesses in our zoning classification. Many comparable establishments within our district have been granted the ability to sell alcohol as a **supplementary service** to their primary entertainment offerings.

Our request aligns with these precedents and seeks to provide a **similar experience** to what patrons already expect from a **billiards-based recreational facility**. This variance simply allows us to **operate on equal footing** with others in the same zoning area while maintaining our strong **commitment to responsible service and community engagement**.

4. Not Detrimental to Public Welfare

The addition of beer sales at 23rd Billiards will **not negatively impact public welfare** or surrounding properties. Instead, it will contribute to a **safer and more controlled** social environment in an area that has historically struggled with crime.

We are open in implementing **comprehensive security measures** to ensure a safe atmosphere, including:

- **Surveillance cameras** monitoring all entry and exit points.
- **Enhanced lighting** around the facility to deter criminal activity.
- **On-site security personnel** during peak hours.
- **Strict ID checks** to prevent underage drinking.
- **Staff training in responsible beverage service** to prevent overconsumption and related issues.

Furthermore, we have already established **positive relationships with our neighbors**, including the local church , Youth Empowerment Program, East Side Cultural Center and more. Our collaboration with these institutions reflects our **dedication to being a responsible and beneficial presence in the community**.

5. General Plan Consistency

Our proposal aligns with the **City of Oakland's General Plan**, which promotes **economic growth, local business sustainability, and community-oriented development**.

By incorporating beer sales into our business model, we will:

- **Enhance the local economy** by attracting more patrons and sustaining long-term operations.
- **Provide a structured and safe alternative to unregulated nightlife activities.**
- **Foster community engagement** through tournaments, events, and youth-focused programs.

Additionally, our space is being utilized beyond business hours for **youth development initiatives**, such as our partnership with ARISE High School to teach billiards as a sport. The

ability to sustain our business financially will allow us to **continue offering these programs and expand our community involvement.**

Conclusion

23rd Billiards is a **family-owned business** with deep ties to the Oakland community. Our request for a variance is not an attempt to create an **uncommon privilege**, but rather to **operate fairly and responsibly** in alignment with other businesses in the district.

By granting this variance, the City of Oakland will be supporting:

- ✓ A **community-focused** business committed to safety and engagement.
- ✓ A **structured and well-regulated** recreational environment.
- ✓ A **locally-owned establishment** striving for long-term sustainability.

We respectfully request that the City approve this variance to allow us to **continue contributing positively to the neighborhood while providing a safe and enjoyable space for our patrons.**

23rd Billiards – CUP & Variance Findings Responses

a. Community Need

There is a clear community need for 23rd Billiards to offer beer sales as part of our recreational space. While there are other businesses in Oakland that sell alcohol, very few provide a safe, structured, family-owned environment where alcohol sales are secondary to a positive community activity. - Our neighborhood faces challenges with loitering, illegal alcohol sales, and unregulated street activity. By allowing us to sell beer responsibly within our business, we provide a safer, more controlled option for adults who would otherwise go to less structured establishments. - We are rooted in this community—we live here, we have coached and taught Oakland youth for over 10 years, and we are already trusted by schools, churches, and nonprofits. This deep community trust makes us uniquely positioned to meet the need for a safe gathering place that also offers responsible alcohol service. - The addition of beer sales will enhance physical accessibility to a safe recreational venue in a neighborhood where residents often lack local, positive entertainment options. People should not have to travel across town for a safe place to play pool, socialize, and enjoy a drink. - Our partnerships with schools and local organizations mean that our space will directly serve both youth (during non-alcohol hours) and adults (in the evenings), filling a gap for multi-generational, community-centered recreation that is currently missing in the area.

b. Positive Influence on Quality of Life

The overall project will have a positive and measurable influence on the quality of life in our neighborhood. - Safety Improvements: Since our arrival two years ago, there have been zero incidents inside our business requiring police response. In fact, we believe overall calls for service on our block have declined since our opening. We are in the process of confirming this through OPD data, but both our own records and conversations with neighbors support this trend. - Proactive Security Measures: We have invested in cameras, enhanced lighting, on-site security, and strict ID checks, ensuring that we contribute to neighborhood safety rather than to crime. By creating a safe and vibrant space, we make the street more active and less vulnerable to negative activity. - Community Programs: We already run and plan to expand programming that directly benefits local youth and educators, including billiards classes for high school students, music workshops, and partnerships with schools like ARISE and Bay Tech High. Beer sales will give us the revenue stream necessary to sustain and grow these programs. - Economic Benefits: By granting this CUP and variance, the City will help keep a family-owned Oakland business open and thriving. This means: • Local jobs for staff and security personnel • Increased foot traffic and patronage of surrounding businesses • Reinforcement of a positive economic cycle in a neighborhood that has long struggled with disinvestment - Reducing Strain on OPD: Because we operate responsibly and manage our own security, our business helps reduce the need for law enforcement intervention, allowing OPD to allocate resources elsewhere. In summary, 23rd Billiards contributes to safety, economic vitality, and community well-being. The positive impacts of our proposal far outweigh any potential negatives.

c. Alcohol Sales Subordinate to Principal Activity

At 23rd Billiards, the principal activity is billiards and recreation. Our space features eight pool tables, televisions for sports viewing, board and card games, and serves as a community hub for youth and adults. Beer sales are intended to be incidental and subordinate to our main business. Unlike a bar, we are not relying on alcohol as the central attraction. Instead: - Alcohol service will be limited to beer. -

Beer sales will begin only after 6:00 PM, once daytime youth programming is complete. - The addition of beer is designed solely to enhance the customer experience and provide the financial support necessary to sustain our community-oriented business. In short, alcohol sales are appropriate and complementary to our existing operations, not the primary driver of our business.



Community Support Petition for 23rd Billiards

Bringing a Safe and Vibrant Gathering Space to the Neighborhood

Dear Neighbor,

Our family owns **23rd Billiards**, a locally owned and operated billiard hall in Oakland. We are currently applying for a **Conditional Use Permit (CUP)** from the City of Oakland to allow **beer sales** at our business.

Our goal is to **enhance the experience** for our customers while continuing to provide a safe, welcoming, and family-friendly space for the community. By securing this permit, we will be able to:

- ✓ **Create a safer environment** with increased security measures, better lighting, and responsible beverage service.
- ✓ **Continue hosting community programs**, such as youth billiards workshops, student study hours, and sports viewing events.
- ✓ **Support local engagement** by providing a positive social space for neighbors to connect.

We are committed to **responsible alcohol service** and will take all necessary measures to ensure a safe and enjoyable experience for everyone. Your support will help us show the city that the community stands behind this effort.

Thank you for supporting a **locally owned, community-focused business!** If you have any questions or would like more information, feel free to reach out.

Much love,

23rd Billiards



If you support our proposal, please sign below!

Name	Signature	Address (Optional)	Comments (Optional)
Manuel-H	M-H		4.5 days a week
José Garcia	[Signature]		7 come 4.5 days a week
[Signature]	[Signature]		7 come 5 days a week
[Signature]	FERRI FERRI		1.2 a week
Juan Carlos Hernandez	[Signature]		1.2 a week
Francisco Tahan	[Signature]		1.2 a week
Rafael Oro	[Signature]		5.6 days a week
Felix Sales	[Signature]		4.5 days a week
Joel Munda	[Signature]		2.3 days a week
[Signature]	[Signature]		3.4 days a week
Mario	[Signature]		2.3 days a week
Oracelina	[Signature]		2.3 days a week
[Signature]	[Signature]		2.3 days a week
Miguel	[Signature]		6 days a week
Armando	[Signature]		7 days a week

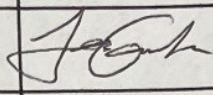
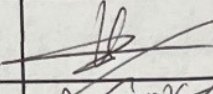
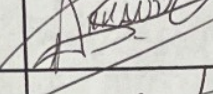
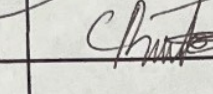
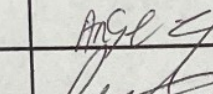
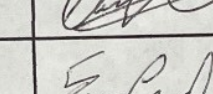
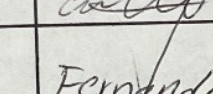
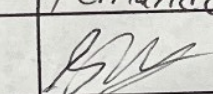
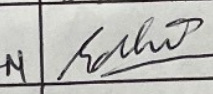
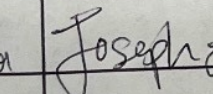
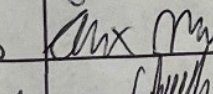
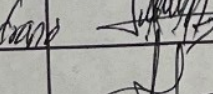
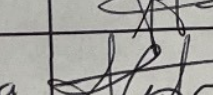
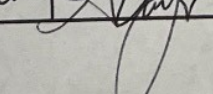
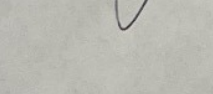


If you support our proposal, please sign below!

Name	Signature	Address (Optional)	Comments (Optional)
Angelica Gomez	[Signature]	2213 E 15th St Oak CA 94606	6 days a week
Carlos Gomez	[Signature]		6 days a week
Jose Agala	[Signature]	3466 Chapman	3 Days
Carlos Ramo	[Signature]	1149 87th Ave Oak	5 day week
FRED ROSA	[Signature]	PATTERSON CA 558 S DEL PUERTO	4 days a week
CASANOVA LORENZO	[Signature]		7 days a week
Jesus Rodriguez	[Signature]		2-3 day a week
Rodrigo	[Signature]		3-4 day a week
Salvador Flores	[Signature]		3-4 days a week
Erick Flores	[Signature]		2-3 days a week
MARIO Bucarot	[Signature]		3-4 days a week
Ruben Mudiño	[Signature]		3-4 days a week
Pionero Lagunas	[Signature]	50 International	2-3 days a week
Ricardo Lagunas	[Signature]		3-4 days a week
Gianmarco Ponce	[Signature]		3-4 days a week



If you support our proposal, please sign below!

Name	Signature	Address (Optional)	Comments (Optional)
Jesus Gonzalez			2-3 days a week
Rafael Gutierrez			2-3 days a week
Armando			3 days a week
Christian			2-3 days a week
Angel			2 days a week
Felipe			2 days a week
Erick			3 days a week
Fernando			2 days a week
Salvador			2-3 days a week
TRAM, CITIZEN			3 days a week
Joseph Luna			2-3 days a week
Alex Morales			2 days a week
Jorge Medrano			2 days a week
Lizett Ariza			3 days a week
Alejandro Garcia			3-4 days a week

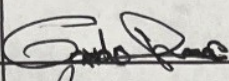
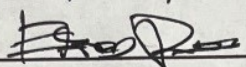
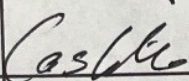
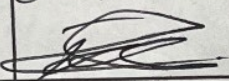
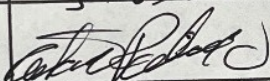
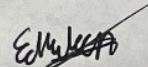
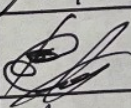
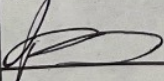


If you support our proposal, please sign below!

Name	Signature	Address (Optional)	Comments (Optional)
OSCAR, L	OSCAR, L		4.5 days a week
ROSARIO	PELAYO		5-6 days a week
Picco	mu		2.3 days a week
Ismuel	Ismuel		2.3 days a week
José Uribe	Uribe		2.3 days a week
Juan Rivas	Amich		4.5 days a week
Ramón Bern	R C		4.5 days a week
Tris McGowan	Tris		2.3 days a week
Piera Alcalá	Piera		3 days a week
Emily Zimmer	Emily		2 days a week
Pat	Pat		3 days a week
Marco A.	Marco		4 days a week
Alberto P.	Guillermo		4 days a week
Brandon P.	Brandon		5 days a week
Jules Solis	JMS		3 days a week



If you support our proposal, please sign below!

Name	Signature	Address (Optional)	Comments (Optional)
Omar Ayala	Omar Ayala		4.5 days a week
GERARDO ROSAS			I come with my brother
Amny Kossy D.R.	Amny Kossy D.R.		4.5 days a week
EAREN ROSAS			3 days a week
Santiago Casillo			I come 4 days a week
RONALD P2			I come 5 days a week
Rogelio Silva	Rogelio Silva		5 days week
CARLOS			5 days a week
JUAN	Zofatli		5 days a week
Emiliano			5 days a week
HUGO LOPEZ	HUGO LOPEZ		4 days a week
Bergio	V. Lopez		5 days a week
Enrique Colon			4 or 5 days a week
Anselma			I come with my husband
Ramon Partida	Ramon Partida		4 or 5 days a week





ARISE HIGH SCHOOL

Authenticity • Rigor • Inspiration • Success • Empowerment

3/3/25

Re: Letter of Support for 23rd Billiards Conditional Use Permit Application

To Whom It May Concern,

I am writing in strong support of 23rd Billiards' application for a Conditional Use Permit to expand its offerings and include beer sales as part of its services. I have had the privilege of knowing Oscar Cervantes Flores for many years—first as a student at ARISE High School, where he distinguished himself as an outstanding scholar and leader, and later as a mentor, gardening instructor, and soccer coach dedicated to uplifting young people in our community.

Oscar's deep commitment to Oakland is evident in everything he does. His work in sustainable agriculture, education, and youth mentorship reflects his passion for creating opportunities and fostering a positive environment for our city's youth. His involvement in 23rd Billiards is no exception. I am particularly impressed by the business's commitment to safety, youth programming, and community-building initiatives, including its partnership with ARISE High School to provide a structured and engaging billiards course for students.

Given Oscar's track record of integrity and dedication, I have every confidence that 23rd Billiards will not only adhere to responsible beverage service practices but also contribute meaningfully to the surrounding neighborhood. The proposed safety measures, youth engagement programs, and community events outlined in their proposal demonstrate a thoughtful and proactive approach to fostering a safe, inclusive, and dynamic space for Oakland residents.

I wholeheartedly support this application and believe that 23rd Billiards, under Oscar's leadership, will be an asset to our community. Please feel free to contact me if you require any further information.

Sincerely,

Sincerely,

Karla Gandiaga

Head of School
ARISE High School
Oakland, CA



Feb 13, 2025

To City of Oakland Staff,

My name is Tommy Wong, Principal at [Civic Design Studio](#) here in Oakland. I am writing to support the licensing of 23rd Ave Billiards, and commend them for their community-facing efforts to enliven, invigorate and elevate their corridor and longtime San Antonio community.

I personally was a part of the lower San Antonio district and 23rd Ave corridor for over 15 years with my time at nearby EastSide Arts Alliance and Cultural Center. The center is nationally renowned, and is steps away from this establishment on 23 Ave and International Blvd. While this letter is for an ABC license, I want to stress how important this establishment is for the San Antonio neighborhood, its history and future. We see this license as a way to grow 23rd Ave Billiards as a business that serves the elders and the multigenerational neighborhood it has been a part of for decades prior to current ownership.

Relevant background info: I was formerly the Business Improvement District Director in the Laurel for 7 years, and spearheaded the pilot and formation of the Oakland Chinatown Community Benefits District in 2020. As longtime community development specialists, our efforts have received local, state, and federal recognitions for our work, including a US congressional "Building the Future" award in 2019. I personally have worked with over 400+ Oakland small businesses from Old Oakland, Chinatown, Eastlake, Fruitvale and the new Black Cultural Zone, and remain an art, design and cultural advisor and partner across them all. Our grassroots efforts with small businesses during the pandemic through our [Good Good Eat](#) project brought various city sectors together to raise over \$3 million to over 80+ small businesses across Oakland, and generate hundreds of thousands of free meals to the community at that very trying time.



My group Civic Design Studio is focused on art, design and education, and is a team of nationally and internationally-award winning artists, educators, designers and technologists that is dedicated to building a better Oakland and Bay Area. We focus on art, design, ecology and education efforts that impact urban planning, economic development and public safety. We create large scale public displays, design builds, and “evergreen” community cultural efforts that come from the voices of local neighborhoods, public schools and cultural community hubs.

We know the operators of 23rd Ave Billiards in different capacities, and can vouch 100% for them as community-building oriented. It’s appropriate for us to promote this licensing, as we feel they represent fully the makeup, values and hopes for the San Antonio community they are in. Not only are they very experienced and knowledgeable about the neighborhood as business owners, they are also longtime residents who grew up blocks away. They have been through and know the community very well, and understand this licensing allows them to create spaces for adults and their families to be safe, enjoy each other, celebrate occasions, holiday and neighborhood efforts aligned with local nonprofits, businesses and residents.

Beyond private business ownership, Oscar and Julio are responsible for many of Oakland’s most future-facing efforts in sports and urban agriculture, with Oakland Soccer Club (OSC) and Castlemont High School Farm and Gardens. They are the directors of OSC, a longtime grassroots soccer organization that is leading the way for underrepresented communities to have access and training to local soccer spaces for youth. Their longtime growth as Oakland Soccer Club is remarkable, and is fully supported by East Oakland communities long left out of recreational space conversations at city and county levels. Our own children are members of their programs, and we see weekly their impact across hundreds of East Oakland families.



Oscar was also a manager of Castlemont High School Farms and Gardens, which is leading an deep East Oakland urban agricultural and educational movement right now. The Castlemont Farm is one of a half dozen farms in deep East Oakland, and Oscar has been a seminal figure in developing it as an educational hub for the city and region. His work now extends to Richmond and other Bay Area urban agriculture efforts. Culturally he has been a part of promoting events and efforts that bridge urban agriculture, education, community development and safety.

So, this is by no means a regular letter of support for licensing. It means more and involves individuals deeply involved with business, neighborhood and cultural development. This license enables them at a family-business level to fulfill their collective lifelong work of building community where they grew up. We see the support of 23rd Ave Billiards as support for development of the San Antonio community, Oakland and beyond.

As a longtime community and arts leader in this neighborhood, I personally have spent over 2 decades working on 23rd Ave and International Blvd and still know a majority of small business owners and community organizations in the immediate area. We always wanted 23rd Ave to bustle like it used to decades ago, and see the growth of 23rd Avenue as a beautiful continuation of it's own legacy, and as a leading, community-facing business institution for the area. Our highest recommendations for 23rd Ave Billiards, an exemplary model of local, grassroots small business legacy building.

Thank you for your time,

Tommy Wong, Civic Design Studio

February 14, 2025

To: City of Oakland

Re: Conditional Use Permit for 23rd Billiards

Dear Permitting Department:

I'm writing this letter on behalf of Oscar Cervantes of 23rd Billiards, Oakland.

I've known Oscar since 2022; Oscar was, and I still am, employed by Merritt College (I am adjunct faculty and co-director of the Natural History and Sustainability Program). Oscar was employed to teach our environment classes at several local high schools (part of a program called 'dual enrollment'). He has also kindly led field experience days for other classes at both Castlemont High School and Valley View Elementary (as part of the organization Growing Together). Oscar also led a two-year summer program for high school students as part of a USDA/NIFA grant associated with the Urban Farming Program at Merritt (of which I am the coordinator).

Oscar is a wonderful teacher; students love him, and he has vast knowledge of not only how to teach students of all ages and backgrounds, but also in urban farming and food justice. However, I think Oscar's greatest skill is in community-building. I am always amazed at how many people Oscar knows, how many local organizations he's involved with, and how he draws people together. He is a vital part of the Oakland community.

I have no doubt, therefore, that 23rd Billiards is also a vital part of the Oakland community. I wholeheartedly support 23rd Billiards' application for a Conditional Use Permit as a requirement to apply for a beer license from California's Alcohol & Beverage Control Program.

Please do get in touch if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Boegel', with a stylized, cursive script.

Elizabeth Boegel

925-586-4364, elizabethboegel@gmail.com

February 15, 2025

City of Oakland Planning Department Conditional Use Permit Review

Subject: Letter of Recommendation for 23rd Billiards Conditional Use Permit Application

Dear Members of the Planning Department,

I am writing to enthusiastically recommend 23rd Billiards for a Conditional Use Permit (CUP) to allow the sale and consumption of beer on their premises. I had the pleasure of working with Oscar Cervantes Flores, one of the co-owners, at Castlemont High School from 2021 to 2024, where he served as our farm manager and instructor for dual-enrollment courses focused on food systems and farming.

During his time at Castlemont, Oscar demonstrated himself to be a truly exceptional individual. He built strong, positive relationships with both staff and students, earning their trust and respect. He is genuine, trustworthy, loyal, and dependable – qualities that I witnessed firsthand. His dedication to his students and his commitment to creating a positive learning environment were truly commendable. Beyond his professional duties, Oscar consistently displayed a deep commitment to the Castlemont community.

I am particularly impressed with the comprehensive approach 23rd Billiards is taking in their CUP application. Their commitment to community engagement and safety is evident in their proposed plans. They have proactively identified potential challenges, such as the high crime rate in the surrounding area, and have outlined concrete measures to address them, including enhanced security, staff training, and collaboration with local schools and organizations. Their vision extends beyond simply running a business; they aspire to create a safe and vibrant community hub.

The proposed youth and education programs, including after-school activities, pool classes, music workshops, and partnerships with schools like ARISE High School and the neighboring Bay Tech High School, demonstrate their genuine interest in investing in the future of Oakland's youth. Their dedication to promoting billiards as a sport, by hosting tournaments and encouraging young players, offers further opportunities for positive community engagement.

I am confident that the Cervantes family, with their deep roots in the Oakland community and their extensive experience in youth development and community service, will operate 23rd Billiards responsibly and contribute positively to the neighborhood. Their involvement with organizations like the East Bay Asian Youth Center (EBAYC), Oakland Leaf, Growing Together Projects, and the Oakland Soccer Club, among others, speaks volumes about their commitment to the community.

Granting this CUP will not only allow 23rd Billiards to thrive as a family business but will also empower them to continue and expand their community-focused initiatives. I wholeheartedly support their application and believe that they will be a valuable asset to the 23rd Avenue corridor. Please feel free to contact me if you have any further questions.

Sincerely,



Marvin L. Boomer, Jr.

Linked Learning College and Career Pathway Coach
Castlemont High School
Oakland Unified School District
901-335-9161



**College &
Career for
All Fund**



3031 East 18th Street Oakland, CA 94601 (510) 879-5236 urbanpromise.ourd.org

February 17th, 2025

To Whom It May Concern:

I have known both Julio Cervantes Flores and Oscar Cervantes Flores for over 15 years. I was their middle school teacher many years ago here at Urban Promise Academy in Oakland, CA. Their commitment to being a positive influence in their community and mentoring our Fruitvale youth has been inspirational to witness and support in the different roles they have had here on campus as adults. Julio Cervantes Flores has been our Boys Varsity Soccer Coach for seven years, motivating our students and acting as a positive role model. Both Julio and Oscar Cervantes Flores have been our gardening instructors for several years, teaching our students about the benefits of learning how to cultivate food from the Earth and being more connected to nature. They are both examples of what it means to be from Oakland and give back to the community in positive ways.

I feel extremely confident that in all of their professional endeavors, they will be trustworthy and continually work to make our community better. They have exemplar characters and I trust them to be good decision-makers and run a professional business. Our community needs more family-run small businesses that function as a positive space to gather, have fun, and build community. How amazing would it be for my school staff to hold staff happy hours at a business ran by our own alumni?

Please feel free to reach out to me with any questions or to discuss my recommendation further.

Tierre Mesa
Principal, Urban Promise Academy
tierre.mesa@ousd.org , 510-219-0575



CITY OF OAKLAND
ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT

SPECIAL ACTIVITY PERMITS DIVISION • 1 Frank H. Ogawa Plaza, 1st Floor • Oakland, CA 94612 • 510-238-3294

POOL HALL PERMIT NO.: S24-047

DATE ISSUED: June 18, 2024

This permit is subject to the appeal provisions of Section 5.02 of the Oakland Municipal Code. An appeal may be filed against the granting of this permit within 14 days of the posting of this permit in the United States mail.

OSCAR CERVANTE FLORES
JULIO CERVANTES FLORES
JULIO CERVANTES LOPEZ
1437 23RD AVENUE
OAKLAND, CA 94606

**SPECIAL ACTIVITY PERMIT FOR: OSCAR CERVANTES FLORES, JULIO CERVANTES FLORES,
JULIO CERVANTES LOPEZ**

To: OPERATE A POOL HALL

At: 1437 23RD AVENUE, OAKLAND, CA 94606

Under the Name of: 23rd BILLIARDS

**Conditions of Approval: In accordance with the provisions of existing city ordinances,
this permit is issued with the following conditions:**

1. Permittee shall comply with all of the conditions in City, County and State laws and regulations pertaining to the operation of a Pool Hall.
2. Permittee shall comply with all conditions contained in all permits issued by the Oakland Fire Department.
3. Permittee shall maintain a Business Tax Certificate with the Business Tax Office of the City of Oakland.
4. Operating hours should be between the hours of 9:00am and 1:00am.
5. It is unlawful for any person conducting or maintaining any pool or billiard room under a permit authorized in Section 5.50.010, to have private rooms for the sole purpose of pool or billiards.
6. **This permit is not transferable.**

Greg Minor, Deputy Director
For
Jestin D. Johnson, City Administrator

cc: Council Member, District No. 2
Council Member At-Large
City Administrator
Fire Marshall