

<b>Location:</b>	1630 Webster Street (APN: 008 -0625-019-00). (See map on reverse)
<b>Proposal:</b>	Addition of Alcoholic Beverage Sales, A.B.C. Type 20 off-sale beer and wine, within the "Howden Market," a specialty general food sales activity.
<b>Applicant:</b>	Kanitha Matoury
<b>Owner:</b>	The Howden Building, Oakland LLC
<b>Planning Permits Required:</b>	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity in an over-concentrated area (Sec. 17.134.050 & 17.103.030 (B) (2) & (3); and a Major Variance for distance separation (Sec.17.148.050).
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Commercial Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183: Projects consistent with the General Plan or Zoning.
<b>Historic Status:</b>	Local Landmark (DHP) Howden (Robert A.) Building: A.P.I. 17 <sup>th</sup> St. Commercial; Survey rating: A1+
<b>City Council District:</b>	3
<b>Staff Recommendation:</b>	Approve with conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 Days
<b>For Further Information:</b>	Contact case planner <b>Jose M. Herrera-Preza</b> at <b>510-238-3808</b> or <b><a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a></b>

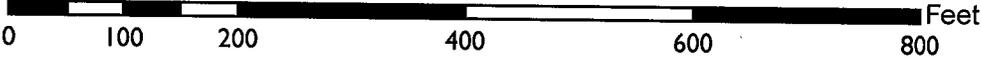
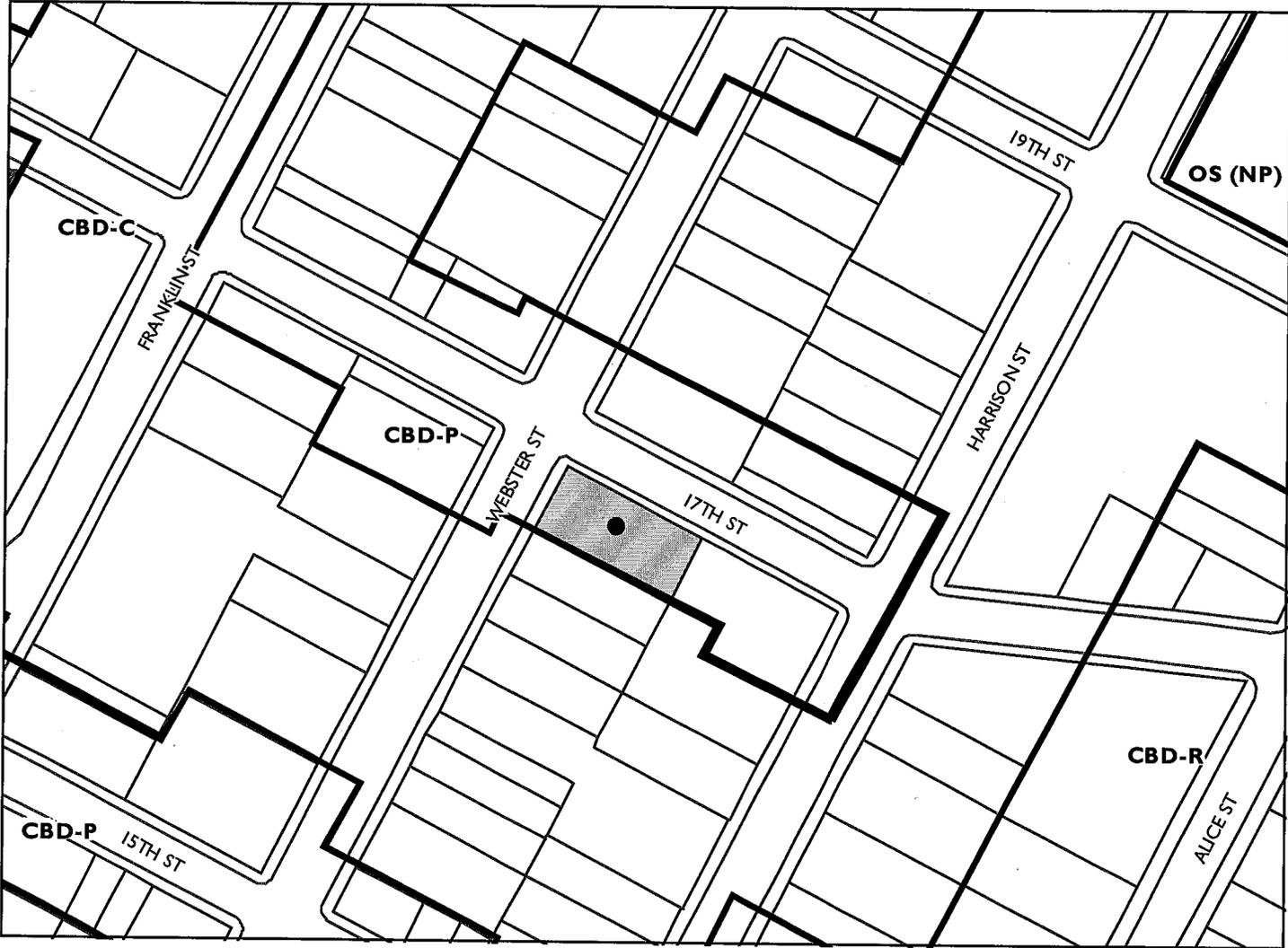
**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales, a Major Variance for alcohol sales within 1,000 feet of an existing civic use, and Findings of Public Convenience or Necessity to add the off-sale of beer and wine to an existing small general food sales activity ("Howden Market") located at 1630 Webster Street. The location is in an over-concentrated area for ABC licenses in census tract 4029 and reported crime for police beat 04X for that section of Webster Street. As detailed below, the project meets all the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions of approval.

**PROJECT DESCRIPTION**

The applicant proposes to amend the existing business operations of "Howden Market," a small-scale specialty market, by adding alcoholic beverage sales (i.e., the off-sale of beer and wine) to complement the market's existing food offerings. The proposed floor area devoted to alcohol beverage sales is approximately 70 square feet of the floor area (5% of the floor area). The business will continue to operate in the same capacity since the applicant took over the business in April of 2015 (ZC150953), which includes being open seven days a week from 7:00am – 9:00pm.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN17236  
Applicant: Kanitha Matoury  
Address: 1630 Webster Street  
Zone: CBD-P

The project would involve minor tenant improvements, including a new point of sales and service area near the entrance, wine shelving and wine and beer refrigerators. The market includes five outdoor tables and an eight-foot bench in the front of the market; shelving in the middle and rear; a fresh produce counter; a cashier area and salad counter near the front entrance; refrigerators with drinks, sandwiches, and other fresh items; restrooms; and storage.

The Uptown/Gold Coast Neighborhood Crime Prevention Council supports the proposal and several neighbors have submitted letters of support (Attachment D).

The business would require a Type 20 license from the California Department of Alcoholic Beverage Control (ABC) and could include beer and wine under that license type. The ABC's description of a Type 20 license, an off-sale license type, is as follows: Off-Sale Beer and Wine - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

### **PROPERTY DESCRIPTION**

The storefront is located on the corner of Webster Street and 17<sup>th</sup> Street in the Central Business District. The business has occupied the existing 1,250 square foot commercial space since 2012. The tenant space is one of two commercial spaces in the building which are similar in size and design. The area surrounding the subject property contains several restaurants, retail stores, and cafes.

### **GENERAL PLAN ANALYSIS**

The site is in the Central Business District (CBD) classification in the Land Use and Transportation Element of the General Plan (LUTE). The intent of the classification is to "encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation..." The proposal to allow specialty alcohol beverage sales is consistent with this intent by contributing to the variety of retail choices in the CBD and conforms to the following LUTE Policies and Objective:

#### Policy I/C1.2 Retaining Existing Business

Existing businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained.

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

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

#### Policy I/C3.4 Strengthening Vitality.

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

#### Neighborhood Activity Centers

#### Objective N10

Support and create social, informational, cultural, and active economic centers in the neighborhoods.

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

**ZONING ANALYSIS**

The property is in the CBD-P Central Business District Pedestrian Retail Commercial Zone. The intent of the CBD-P Zone is: "to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities." The following describes the permits required for the proposal and the reason each permit is required and discusses each permit requested. These items are further discussed in the "Key Issues and Impacts" section of this report.

**Major Conditional Use Permit with Additional Findings**

Alcohol Beverage Sales Commercial Activities are conditionally permitted in the CBD zone, and, therefore, the addition of an Alcoholic Beverage Sales Commercial Activity (retail off-sale) to an existing market requires a Major Conditional Use Permit (CUP). Section 17.103.030B of the Planning Code also requires additional findings for alcohol sales beyond the findings required for all CUP approvals. This additional review of the alcohol activities is to ensure that they do not contribute to nuisances in the community, including alcohol-related issues and discouragement of further business attraction.

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

**Findings of Public Convenience or Necessity**

This proposal also requires findings of Public Convenience or Necessity. These findings, modeled on State law, are required for Alcoholic Beverage Sales in an area that is over-concentrated for these uses.

"Alcoholic beverage license over-concentrated areas" means a police beat with crime rates that exceed the City median by 20 percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median. The subject site is in Census Tract 4029 where 48 ABC licenses exist and where more than four is considered over-concentrated. Most recent data indicate Police Beat 04x had 83 reported crimes where 1,143 is over-concentrated. The police beat starts at 14<sup>th</sup> Street and ends at Grand Avenue. Staff notes that Oakland Police Department crime statistics indicate 83 crimes for a 1,000-foot radius over ninety days ending August 30, 2017; these crimes are not centered at the site and none were alcohol-related.

**Major Variance**

The Major Variance would allow "Howden Market" to sell beer and wine for off-site consumption. The proposed activity requires a Variance because Section 17.103.030 of the Planning Code states that alcohol outlets (off sale alcohol sales) must be separated by at least 1,000 feet from other ABC outlets, public parks and community education activities. The proposal is adjacent to "Spice Monkey" restaurant which holds a Type 47 license and is adjacent to Howden Market in the same building. It is also within 1,000 feet from two Type 21 off-sale general licenses: "CVS Pharmacy Store" and "Lakeside Market". In addition, the proposal is within 1,000 feet of Snow Park and Starlite Child Development Center.

Staff finds the proposal, as conditioned, to be in conformance with the Planning Code because the proposal will not have nuisance impacts on the neighborhood. This issue is further discussed in the "Key Issues and Impacts" Section of this report.

**ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving *operation and licensing of existing private facilities*. The proposal will allow the addition of beer and wine (off-sale) as part of a small general food sales activity meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

**KEY ISSUES AND IMPACTS**

In considering applications for the sale of alcoholic beverages, staff considers factors including, but not limited to, operational characteristics such as closing time, types of alcoholic beverages sold and overall product mix, floor plan, location of the site in relation to the public right-of-way and residential/civic uses, and over-concentration of ABC licenses and/or crime in the area.

Conditional Use Permit

Staff recommends approval of the Conditional Use Permit.

The purpose of the CUP is to consider compatibility of the proposed use with its surroundings and to attach operating conditions to ensure the business will not be a nuisance. The applicant will be required to abide by the conditions of approval, such as enhanced security measures and having no advertisements related to alcohol merchandise on the street facing storefront. Furthermore, the business is not anticipated to generate nuisances due to the specialty nature of the alcohol products. The proposal will sell local craft beers and limited production wines. The business would have an off-sale ABC license but would not sell items that are similar to a typical liquor store or have late hours (the store's closing time is 9:00 pm). Finally, a condition of approval requires a compliance review by staff within six months of the commencement of alcohol sales.

Variance

Staff recommends approval of the Variance.

Approval of the Variance requires justification for relief from the distance separation requirement. The intent of the distance separation is to ensure that alcohol outlets, such as bars and liquor stores/convenience markets, which historically frequently generate nuisances, do not proliferate, especially adjacent to residences and civic uses. In this case, the proposal is not for a bar or traditional liquor store/convenience market. Further, Census Tract 4029 is considered over concentrated for alcohol because it has 48 ABC licenses but 35 are for restaurants, 10 are for bars and only 3 are for off sale.

A Variance is required due to the site's proximity to the following uses:

	<u>Address</u>	<u>Separation (parcels)</u>	<u>Description</u>
<b>ABC Outlets</b>			
	<b>344 Thomas L. Berkeley Way</b>	<b>995'</b>	<b>CVS Pharmacy Store - ABC License Type 21</b>
	<b>300 14<sup>th</sup> Street</b>	<b>880'</b>	<b>Lakeside Market - ABC License Type 21</b>
<b>Civic Uses</b>			

	246 14 <sup>th</sup> Street	900'	Starlite Child Daycare Center
Public Park			
	274 19 <sup>th</sup> Street	500'	Snow Park

The Variance requires Findings of Public Convenience or Necessity to be met; given the economic and consumer benefits of the project and the appropriateness of the activity for the business type, these findings are met (see Attachment A).

With conditions of approval, staff does not consider crime to be a significant issue with this application. The area is not over-concentrated for crime. Most recent data indicate Police Beat 04x had 83 reported crimes where 1,143 is over-concentrated. The police beat starts at 14<sup>th</sup> Street and ends at Grand Avenue. Staff notes that Oakland Police Department crime statistics indicate 83 crimes for a 1,000-foot radius over ninety days ending August 30, 2017; these crimes are not centered at the site and none were alcohol-related. The attached Conditions of Approval impose various requirements, such as controls on litter, noise, and hours of operation, to maintain the compatibility of the business with the surrounding neighborhood commercial area. A recommended condition of approval also requires a compliance review by staff within six months of the commencement of alcohol sales.

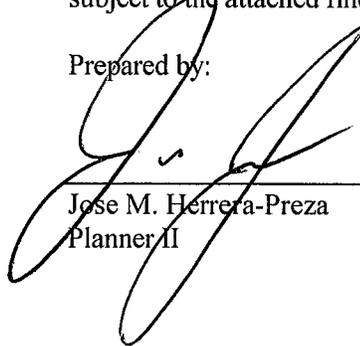
Furthermore, the proposed addition of beer and wine sales to a small specialty market in Downtown is appropriate for an independent small business with a focused clientele. In addition, the operating characteristics of the proposed business are more similar to a general retail sales business that carries a selection of alcohol products than a bar, liquor store, or convenience market.

Staff informed the City Councilmember's Office, Neighborhood Service Coordinator, Neighborhood Crime Prevention Council, and Oakland Police Department's Alcoholic Beverage Action Team of the application and has not received any objection. With conditions of approval, staff does not consider crime to be a significant issue with this application.

**RECOMMENDATIONS:**

- For approvals:
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use Permit with Findings of Public Convenience or Necessity in an over-concentrated area and Major Variance subject to the attached findings and conditions.

Prepared by:



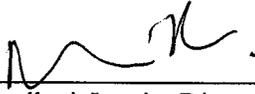
Jose M. Herrera-Preza  
Planner II

Reviewed by:



Scott Miller  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



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Darin Ranelletti, Interim Director  
Department of Planning and Building

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Correspondence

**ATTACHMENT A  
FINDINGS FOR APPROVAL**

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A)), Findings of Public Convenience or Necessity (OMC 17.103.303), and Variance Findings (OMC Sec. 17.148.050) under the Oakland Planning Code (Title 17), as detailed below and elsewhere in the Report.

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

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

The proposal will add alcohol beverage sales to an already established boutique style neighborhood market that currently sells fresh produce, delicatessen style food, and specialty food. The alcohol component will focus on off-premise bottle sales. The additional customers will benefit adjacent businesses on the block and the neighborhood. The expansion of the shop will further increase the diversity of retail options along Webster Street and provide quality food and beverage choices to local residents and employees. The proposal's operating characteristics will be compatible with and will not adversely affect the livability of residences nearby or the surrounding commercial neighborhood. Conditions of approval to reduce the potential for nuisances such as operating hours, noise, loitering, and littering are incorporated into this report. The proposal is in a high crime shopping district thus the merchants have deployed street ambassadors and Oakland police has deployed bike officers to lessen crime in the area. The site is not directly adjacent to civic uses.

Furthermore, the applicant has consulted with OPD ABAT Division and incorporated comments into the floor plan. As such, display areas are where they can be easily monitored by staff and store employees will be trained on alcoholic beverage sales related safety measures. With the recommended conditions of approval relating to loitering, noise, hours of operation, security, and trash, the activity is not expected to contribute to nuisances in the commercial district. Finally, a compliance review will be performed six months after the addition of the alcohol sales.

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

The alcohol beverage sales activity will occupy only a small portion of the market and will serve as a clean comfortable place to purchase specialty alcoholic beverages and increase comparison shopping to residents and consumers.

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

The proposed activity will generate additional consumer interest in the area, benefitting other local businesses and, as conditioned, will be managed to avoid nuisances that are sometimes related to alcoholic beverage sales.

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

This finding is not applicable; the proposed project does not require design review approval.

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

The proposal is consistent with the General Plan. See General Plan analysis, above in the body of the report, hereby incorporated by reference.

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

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

The area is over-concentrated for ABC licenses and crime. Census Tract 4029 contains 48 ABC licenses where four or more is over-concentrated per the Planning Code. However, of these 48 licenses, 35 are for restaurants, ten are for bars and only three are for off sale. In accordance with the City Council's 2000 resolution for a "no net increase" goal, the applicant will obtain a type 20 ABC license from within the city or county or obtain a new ABC license from the California Department of Alcohol Beverage Control therefore, is not considered to be a significant issue with adoption of the recommended conditions of approval.

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

The site is not directly abutting any civic use or public park; it is in an urban area surrounded by commercial and mixed-use buildings typical of a metropolitan downtown. The nearest child care center is approximately 900 feet away and the nearest public park is over 500 feet away.

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

The site is accessible through one pedestrian entrance along Webster and no construction is proposed. Therefore, the proposal will not interfere with pedestrian access in the area.

**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;**

No construction is proposed; the activity will take place in an existing building.

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

The conditions of approval will ensure tenant signage appropriate for the neighborhood commercial area. The conditions also require that advertising signage not be located near the storefront windows.

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

Conditions of approval require trash cans and litter clean-up both on-site and in the public right-of-way.

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

The proposed activity will operate between 7:00 am and 9:00 pm, hours appropriate to a vibrant commercial corridor and consistent with adjacent businesses. There will be no open doors or windows during business hours.

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

This finding is not applicable; the proposal does not involve a fast-food restaurant.

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

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

The applicant has submitted written documentation to demonstrate that no other similar activity exists in the area and offers the community a specialty/artisanal boutique style business that enhances the downtown commercial node. Further, a strong general food sales presence in the East Bay's most significant downtown is critical to the growth of the region.

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

The project will increase business tax and consumer selection, and is not anticipated to result in related nuisances given the format of the store and character of the surrounding area.

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

The sale of alcoholic beverages is appropriate and typical of a small gourmet specialty market in Oakland.

**4a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (not including Full Service Restaurant Commercial Activities), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and**

This finding is not met and a Variance is required as included in this report; the site is within one thousand feet of two off sale alcohol businesses, one daycare and a public park, as described in Variance Finding #1.

**4b. 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.**

This finding is met; Police Beat 04x is well below the Citywide average for service calls within the beat. Beat 04x received 4,929 calls for service while 8,132 was the city-wide average (OPD 2015 statistic).

**SECTION 17.148.050 – VARIANCE FINDINGS:**

**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 requires a Variance for relief of the 1,000-foot separation requirement from nearby uses as noted in the table below:

	Address	Separation (parcels)	Description
<b>ABC Outlets</b>			
	344 Thomas L. Berkeley Way	995'	CVS Pharmacy Store - ABC License Type 21
	300 14 <sup>th</sup> Street	880'	Lakeside Market - ABC License Type 21
<b>Civic Uses</b>			
	246 14 <sup>th</sup> Street	900'	Starlite Child Daycare Center
<b>Public Park</b>			
	274 19 <sup>th</sup> Street	500'	Snow Park

The intent of the Variance regulation is for a bar with late hours not to be located next to a public park or daycare where the mix of activities may cause significant disruptions to one another. The park and the day care center are within 1,000 feet from Howden Market but are separated by multiple streets and not within the concentrated commercial area of the proposal. Therefore, the separation meets the intent of the distance separation requirement.

The intent of the ordinance requiring distance separations between certain uses is to ensure neighborhoods with high crime rates are not saturated with activities that generate off-site impacts such as littering, public intoxication/drinking/urination/noise/crime/violence in between civic uses and residential neighborhoods. However, the alcohol activities that exist are generally accessory to a restaurant which do not tend to create nuisances in a neighborhood. There are 48 active ABC licenses in the 4029 Census Tract, only two are off-sale within 1,000 feet; all other active ABC licenses within 1,000 feet are bona-fide food or multi-use establishments.

When analyzing the proposed activity, it satisfies the intent and purpose of the Planning Code separation requirement as is evidenced by the project's conditions of design, which, in the case of a proposed use, may include the proposed activity's operational characteristics and business practices such as hours of operation. Generally, "conditions of design" means the appearance or physical attributes of a proposed use or property. Major Variances are required for uses that might not otherwise be permitted under the zoning regulations. With land use Variances, "conditions of design" encompasses specific operational elements of a project; that is, business practices as they relate to a use's land use impacts. Here, there are distinctions between the proposed use and a liquor store or bar. The proposal has carefully considered its business operations to minimize its effect on all adjacent businesses by proposing operating hours that reflect a small

neighborhood market. In addition, the business model for this activity is a boutique market with some alcohol sales, which generally does not cause nuisances in a neighborhood. Conditions of approval will further limit nuisances due to the expansion of the alcohol sales. As stated in previous findings, the applicant has worked closely with OPD ABAT to implement crime prevention techniques into the project.

**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;**

A similar Variance was granted for the "Wine Train" to off-sale bottles of beer and wine at 420 40<sup>th</sup> Street, and two additional restaurants within 1,000 feet of the proposal were also granted a Variance.

**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;**

If granted, the variance 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. See Conditional Use Permit Findings, above.

**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;**

As previously stated, similar Variances were granted for projects that did not meet the distance separation requirement.

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

The Variance is for relief from the distance separation requirement to existing ABC outlets and design review is, therefore, not applicable.

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

The proposal is consistent with the General Plan. See General Plan Analysis, above in the Report, hereby incorporated by reference.

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

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

**b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any**

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

This finding is not applicable; the project does not involve a house or duplex.

**ATTACHMENT B  
CONDITIONS OF APPROVAL**

**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, PLN17236 and the approved plans dated **June 13<sup>th</sup>, 2017**, as amended by the following conditions of approval (“Conditions of Approval” or “Conditions”).

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

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

**3. Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

**4. Minor and Major Changes**

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

**5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil

**CONDITIONS OF APPROVAL**

and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

**6. Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

**7. Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

**8. Indemnification**

a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

b. Within ten (10) calendar days of the service of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

**9. Severability**

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

**Project Specific Conditions: Alcohol Beverage Sales Activities**

**10. Sale of Alcoholic Beverages**

*Ongoing*

**a. Hours of Operation**

The applicant has voluntarily agreed that Alcoholic beverages may only be sold between 9:00 AM and 9:00 PM daily.

**b. Types of Alcoholic Beverages Sold**

Alcoholic beverage sale includes off-sale of beer and wine, for off-premise consumption.

**c. Voluntary Restrictions on Types of Alcoholic Beverages Sold**

The applicant has voluntarily agreed there shall be **no** sale of:

- 1) 40 oz. bottles of beer;
- 2) Malt liquor in excess of 5.9% alcoholic content;
- 3) Tobacco products; and/or
- 4) Lottery tickets

**d. Additional Permits Required**

Necessary ABC permit (license types #20 for general off-sale) must be obtained prior to commencement of activity. The license must be purchased from an existing license located within the City of Oakland if available or through the California ABC priority application process for new licenses issued in Alameda County.

**e. Floor Plan/Displays**

- 1) The displays are to be located at the greatest possible distance from the entrance.
- 2) Display of alcoholic beverages and advertising of alcoholic beverages shall not be visible through façade glazing (front windows).

**f. Nuisances**

The applicant shall obey all local and state laws relating to crime, litter, noise, or disorderly conduct.

**g. Signage**

- 1) Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.
- 2) Loitering and noise would be discouraged by "No loitering" signage at the entrance of the store. Signage would be located in the parking lot stating that no drinking in the lot or public right-of-way is permitted. A contact phone number for a manager shall be located on signage within the store available to the public.

**h. Graffiti**

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

**i. Pay Phones**

No pay phones are permitted outside the building in any area controlled by the Applicant.

**j. Loitering**

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

**k. Trash and Litter**

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

**l. Securing Site**

Applicant shall conform to Ordinance 12390 related to securing sites after hours to discourage loitering and crime in parking lots.

**m. Exterior Illumination**

The front of the store shall be illuminated during business hours.

**n. Deemed Approved Alcoholic Beverage Sale Regulations**

The applicant and proprietor voluntarily agree to conform to the Oakland Planning Code Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156).

**o. Staff training program**

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

**p. Staff to monitor site**

An employee or store manager shall be located at or near the checkout counter at all times that they are operated. Staff or store manager shall regularly monitor the store to discourage all nuisances off-site in the public right-of-way fronting the property including but not limited to discouraging loitering, littering, noise, graffiti, public drinking/intoxication/urination/violence, and noise.

**q. Security cameras**

The applicant has voluntarily agreed to install two additional high definition security cameras facing in either direction of the stores entrances along the Webster Street frontage. Closed circuit television (CCTV) shall be installed and maintained in good working order and utilized for surveillance, including the cash register areas, at all times while the store is open to the public and shall record transactions. Recordings shall be retained for a minimum of two weeks.

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

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

The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control ("ABC") agreeing to execute a Petition to Condition License in accordance with Section 23800, et. seq. of the ABC Act that they wish to include as conditions of their ABC licenses those conditions and requirements in this approval which are under the jurisdiction of the ABC. The letter shall request the ABC condition its license to those uses allowed under City permits which are also under the jurisdiction of the ABC. If the Applicant fails to make such request to the ABC to include the above conditions in its Petition to Condition License, staff may initiate enforcement proceedings pursuant to Condition of Approval 5C, including revocation.

**12. Conformance with State Department of Alcoholic Beverage Control regulations**

*Ongoing*

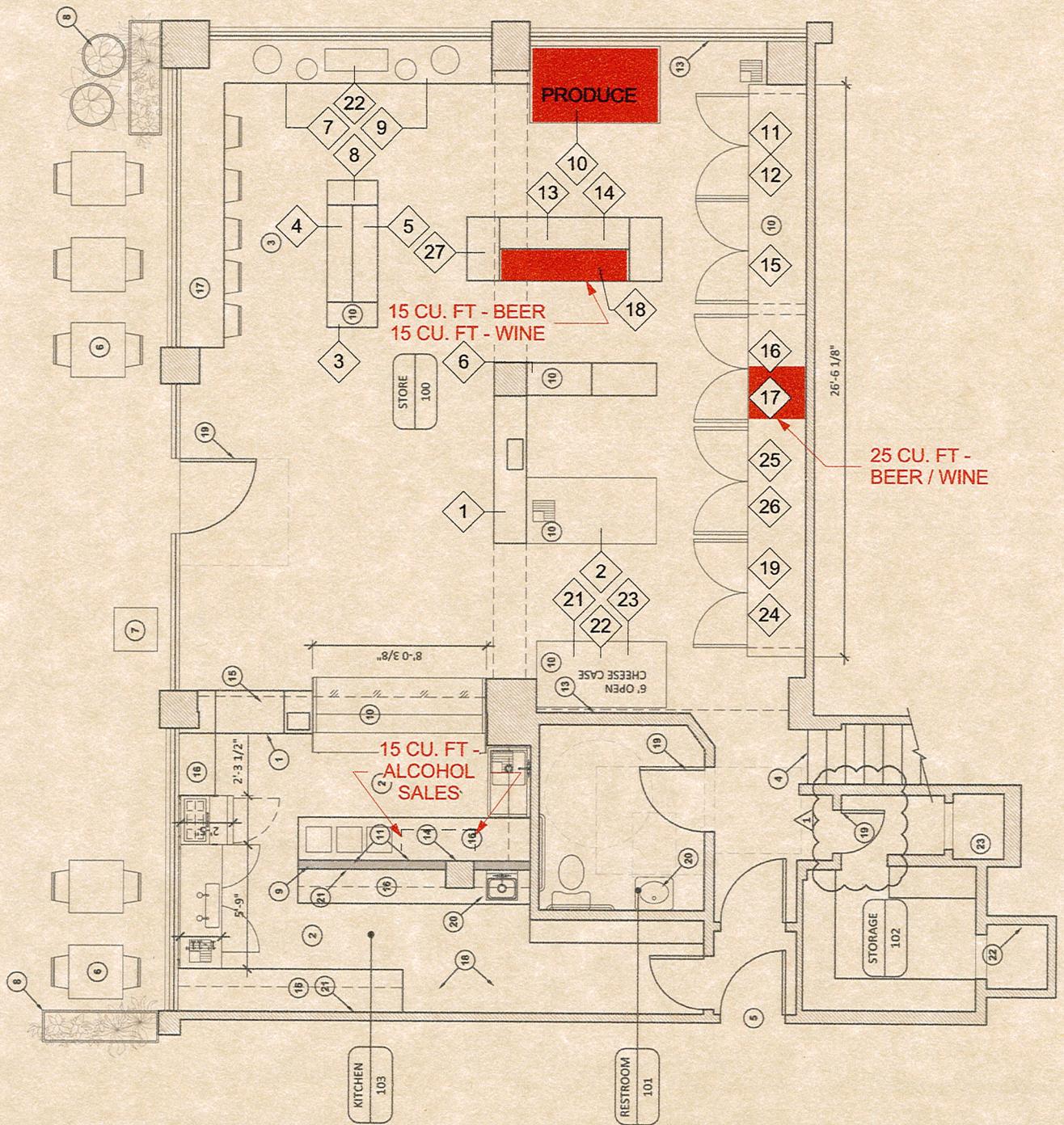
This use shall conform to all provisions of the Alcoholic Beverage Control Act. The ABC license(s) and Petition to Condition License shall be posted along with these Conditional Use Permit conditions in a place visible to the public. Applicant's use shall also conform to all State Retail Operating Standards,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

**13. Compliance Review**

Six months after the ABC license has been issued (or temporary Certificate of Occupancy if one is issued), the applicant shall meet with the Zoning staff to review any complaints or other known issues that have arisen during the first 6 months of operation under this permit. If Zoning or Code Compliance staff are aware of complaints that would indicate significant non-compliance with any Conditions of Approval, the applicant shall submit for, and pay all appropriate fees consistent with the Master Fee Schedule, and such review will be concluded in the process provided for under Oakland Planning Code, which may include referral to the Planning Commission. The same process shall be repeated at 12 months after the ABC license has been issued.

APPROVED BY:

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



- |                            |                                 |                                   |
|----------------------------|---------------------------------|-----------------------------------|
| 1 HOUSEHOLD ITEMS          | 10 VEGETABLES                   | 19 CAN, BOTTLE DRINKS             |
| 2 CHEESE, DELI, SALAD      | 11 ICE CREAM                    | 20 KOMBUCHA, TEA, ICE COFFEE      |
| 3 FRUIT, ENERGY BAR        | 12 BREAD                        | 21 GRAB 'N GO SANDWICHES & SALADS |
| 4 NOODLES, SAUCE, CRACKERS | 13 QUICK-PREP FOODS             | 22 FRUIT, BAKE GOODS              |
| 5 GRANOLA, BREAKFAST FOOD  | 14 CONDIMENTS                   | 23 PICKLES, PACKED MEATS          |
| 6 CHOCOLATE                | 15 FROZEN FOODS                 | 24 KOMBUCHA, TEA, ICE COFFEE      |
| 7 BOOKS                    | 16 EGGS, SALSA, HUMMUS          | 25 MILK, YOGURT                   |
| 8 BAKED GOODS              | 17 CREAM CHEESE, YOGURT, BUTTER | 26 WATER, JUICES                  |
| 9 PLANTS, HOME DECOR       | 18 TOILETRIES                   | 27 CHIPS                          |



**California Department of Alcoholic Beverage Control**  
**Retail Licenses**  
**For Census Tract 4029**

48 of 48 Licenses Displayed  
 To create a downloadable  
 CSV File go back  
 and check the Create CSV  
 Download Option.

Report as of 8/27/2017

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 267368	ACTIVE	48	12/31/1991	8/31/2017	CHRISTINA & XOCHITL INC 339 19TH ST OAKLAND, CA 94612  Census Tract: 4029.00	19TH STREET STATION		0109
2) 289953	ACTIVE	47	12/29/1993	11/30/2017	LAMUMBA INC 410 14TH ST OAKLAND, CA 94612  Census Tract: 4029.00	GEOFFREYS INNER CIRCLE		0109
3) 312672	ACTIVE	41	10/25/1995	9/30/2017	SERMSAKUL, SUTEERA 351 17TH ST OAKLAND, CA 94612  Census Tract: 4029.00	TAKE IT EASY		0109
4) 389399	ACTIVE	20	08/21/2002	7/31/2018	PHAM, TRAN BAO 1451 HARRISON ST OAKLAND, CA 94612  Census Tract: 4029.00	HIENS MARKET		0109
5) 413600	ACTIVE	41	10/08/2004	9/30/2017	KAZATO, ICHIRO 412 15TH ST OAKLAND, CA 94612  Census Tract: 4029.00	ICHIRO		0109
6) 466082	ACTIVE	47	06/30/2008	5/31/2018	BAY FUNG TONG LLC 1916 FRANKLIN ST OAKLAND, CA 94612-2906  Census Tract: 4029.00	BAY FUNG TONG SEAFOOD TEA HOUSE	2211 MOSLEY AVE ALAMEDA, CA 94501	0109
7) 475637	ACTIVE	41	07/07/2009	6/30/2018	GRACE SKYE LLC 33 GRAND AVE OAKLAND, CA 94612-3727  Census Tract: 4029.00	FARLEYS EAST		0109
8) 477655	ACTIVE	21	06/22/2009	5/31/2018	GARFIELD BEACH CVS LLC 344 THOMAS L BERKLEY WAY OAKLAND, CA 94612-3577  Census Tract: 4029.00	CVS PHARMACY STORE 9957	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	0109
9) 478828	ACTIVE	48	09/10/2009	8/31/2017	MVMT LLC 1517 FRANKLIN ST OAKLAND, CA 94612-2803  Census Tract: 4029.00	LAYOVER THE	3022 CHESTNUT ST OAKLAND, CA 94608- 4432	0109
10) 481752	ACTIVE	47	01/06/2015	12/31/2017	BRADFORD, LINDA 357 19TH STREET OAKLAND, CA 94612-3424  Census Tract: 4029.00	PARLOUR		0109
11) 481941	ACTIVE	47	11/19/2009	10/31/2017	ALI, RICHARD N 1408 WEBSTER ST OAKLAND, CA 94612-3206  Census Tract: 4029.00	KARIBBEAN CITY		0109
12) 485202	ACTIVE	48	02/04/2010	1/31/2018	AKG PARTNERS LLC 19 GRAND AVE OAKLAND, CA 94612-3727  Census Tract: 4029.00	ERA ART BAR & LOUNGE		0109
13) 485531	ACTIVE	20	12/28/2009	10/31/2017	ALWAJEEH, MOHAMED ABDULKADER	LAKESIDE MARKET		0109

						800 14TH ST OAKLAND, CA 94612-3907			
						Census Tract: 4029.00			
14)	489009	ACTIVE	48	07/23/2010	12/31/2017	DUTCH PARTNERS LLC 355 19TH ST OAKLAND, CA 94612-3424	355		0109
						Census Tract: 4029.00			
15)	506579	ACTIVE	41	09/19/2011	8/31/2017	CHANTHAVONG, VILAKONE 1803 WEBSTER ST OAKLAND, CA 94612-3413	DAVAN THAI CUISINE		0109
						Census Tract: 4029.00			
16)	509458	SUREND	48	09/17/2013	8/31/2017	MANNYS CLUB LLC 2120 BROADWAY OAKLAND, CA 94612-2310		1352 81ST AVE OAKLAND, CA 94621	0109
						Census Tract: 4029.00			
17)	515397	ACTIVE	47	11/08/2011	8/31/2017	PLUM FOOD + DRINK LLC 2214-2216 BROADWAY OAKLAND, CA 94612-3010	UME	36 WAVERLY PL, STE 2 SAN FRANCISCO, CA 94108-2187	0109
						Census Tract: 4029.00			
18)	520813	ACTIVE	48	09/13/2012	2/28/2018	HALFTIME SPORTS BAR, LLC 316 14TH ST OAKLAND, CA 94612-3907	HALFTIME SPORTS BAR		0109
						Census Tract: 4029.00			
19)	524740	ACTIVE	47	05/22/2013	4/30/2018	RAIDER 94612, LLC 2100 FRANKLIN ST, #100 OAKLAND, CA 94612-3096	UMAMI BURGER OAKLAND	5900 WILSHIRE BLVD, STE 3100 LOS ANGELES, CA 90036-5013	0109
						Census Tract: 4029.00			
20)	525058	ACTIVE	41	10/09/2012	9/30/2017	PHAM, CHUNG THIKIM 416 15TH ST OAKLAND, CA 94612-2802	MA ME HOUSE		0109
						Census Tract: 4029.00			
21)	525422	ACTIVE	47	12/24/2012	11/30/2017	MATOURY, KANITHA NGUYEN 1628 WEBSTER ST OAKLAND, CA 94612-3353	SPICE MONKEY RESTAURANT & BAR		0109
						Census Tract: 4029.00			
22)	526428	ACTIVE	41	11/14/2012	10/31/2017	MACKAN GROUP, LLC. 365 19TH ST OAKLAND, CA 94612-3424	MAMA VIETNAMESE CUISINE		0109
						Census Tract: 4029.00			
23)	532252	ACTIVE	41	10/13/2014	9/30/2017	LI, YAN SHAN 419 15TH ST OAKLAND, CA 94612-2801	BLESSED GARDEN		0109
						Census Tract: 4029.00			
24)	532861	ACTIVE	41	08/22/2013	7/31/2018	ASSEGUED, AMBESSAW 35 GRAND AVE OAKLAND, CA 94612-3727	ANIFILO COFFEE		0109
						Census Tract: 4029.00			
25)	534955	ACTIVE	47	09/26/2013	8/31/2017	DRAGON PALACE LLC 266 14TH ST OAKLAND, CA 94612-4011	DRAGON PALACE	18971 SYDNEY CIR CASTRO VALLEY, CA 94546	0109
						Census Tract: 4029.00			
26)	536334	ACTIVE	41	11/04/2013	10/31/2017	TORPEDO SUSHI LLC 25 GRAND AVE OAKLAND, CA 94612-3727	TORPEDO SUSHI		0109
						Census Tract: 4029.00			
27)	536472	ACTIVE	48	03/05/2014	2/28/2018	ADMD LLC 382 19TH ST OAKLAND, CA 94612-3425		1739 BROADWAY OAKLAND, CA 94612- 2105	0109
						Census Tract: 4029.00			
28)	537436	ACTIVE	48	07/05/2016	6/30/2018	SHINE PROPERTIES LLC 2023 BROADWAY	PORT BAR THE		0109

						OAKLAND, CA 94612-2319			
						Census Tract: 4029.00			
29)	<u>537727</u>	ACTIVE	47	05/30/2014	4/30/2018	LORING CAFE CA, INC. 37 GRAND AVE OAKLAND, CA 94612-3727	SMALL WONDER		0109
						Census Tract: 4029.00			
30)	<u>539055</u>	ACTIVE	41	03/20/2014	2/28/2018	HI-LIFE OAKLAND, LLC 400 15TH ST OAKLAND, CA 94612-2802	FIVE TEN PIZZA	2319 MISSION ST SAN FRANCISCO, CA 94110	0109
						Census Tract: 4029.00			
31)	<u>539102</u>	ACTIVE	41	06/09/2014	5/31/2018	TORRES, MANUEL RODRIGUEZ 1734 WEBSTER ST OAKLAND, CA 94612-3412	MOLCAJETE		0109
						Census Tract: 4029.00			
32)	<u>545329</u>	ACTIVE	47	07/11/2014	6/30/2018	LAT RESTAURANT INC 381 15TH ST OAKLAND, CA 94612-3303	BISSAP BAOBAB OAKLAND	2319 MISSION ST SAN FRANCISCO, CA 94110	0109
						Census Tract: 4029.00			
33)	<u>547271</u>	ACTIVE	41	04/30/2015	3/31/2018	ADACHI, HIROYUKI 380 15TH ST OAKLAND, CA 94612-3309	GARDEN HOUSE		0109
						Census Tract: 4029.00			
34)	<u>549095</u>	ACTIVE	47	09/02/2015	8/31/2017	IZZYS STEAK & CHOP HOUSE INC 59 GRAND AVE OAKLAND, CA 94612-3727	CASA CUBANA	3345 STEINER ST SAN FRANCISCO, CA 94123-2706	0109
						Census Tract: 4029.00			
35)	<u>550775</u>	ACTIVE	41	03/03/2015	2/28/2018	OCTOPUS LITERARY SALON THE 2101 WEBSTER ST, STE 170 OAKLAND, CA 94612-3054	OCTOPUS LITERARY SALON THE		0109
						Census Tract: 4029.00			
36)	<u>551441</u>	ACTIVE	41	12/15/2014	11/30/2017	SHUN, JI RONG 328 14TH ST OAKLAND, CA 94612-3907	CHOPSTICK CHINESE RESTAURANT		0109
						Census Tract: 4029.00			
37)	<u>553451</u>	ACTIVE	47	04/03/2015	5/31/2018	PHO 84 INC 354 17TH ST OAKLAND, CA 94612-3335	PHO 84		0109
						Census Tract: 4029.00			
38)	<u>562388</u>	ACTIVE	47	05/04/2016	4/30/2018	OAKTOWN RAMP, LLC 402 15TH ST OAKLAND, CA 94612-2802	HATCH THE		0109
						Census Tract: 4029.00			
39)	<u>562497</u>	ACTIVE	47	10/25/2016	9/30/2017	STEADY HAND VENUES LLC 1544 BROADWAY, GROUND FLOOR OAKLAND, CA 94612-2002	1544 EVENTS	6 WOODBRIDGE WAY NOVATO, CA 94949	0109
						Census Tract: 4029.00			
40)	<u>565439</u>	ACTIVE	41	08/23/2016	7/31/2017	OAXTREME, LLC 15 GRAND AVE OAKLAND, CA 94612	EXTREME PIZZA		0109
						Census Tract: 4029.00			
41)	<u>566249</u>	ACTIVE	41	12/12/2016	11/30/2017	BHANGU FOODS 1830 WEBSTER ST OAKLAND, CA 94612-3414	MOUNTAIN MIKE'S PIZZA	14320 LOCUST ST SAN LEANDRO, CA 94579	0109
						Census Tract: 4029.00			
42)	<u>567199</u>	ACTIVE	41	06/24/2016	5/31/2018	RAISE THE ROOT, LLC 344 THOMAS L BERKLEY WAY, STE 310 OAKLAND, CA 94612-3544	OVERLOOK LOUNGE THE		0109
						Census Tract: 4029.00			

43)	567605	R64B	47	06/21/2017	5/31/2018	BAT COUNTRY, LLC 1618 FRANKLIN ST OAKLAND, CA 94612-2806  Census Tract: 4029.00		4071 WATERHOUSE RD OAKLAND, CA 94602	0109
44)	567688	ACTIVE	48	05/04/2016	4/30/2018	PIZZARELLI, ANTHONY M 412 14TH ST OAKLAND, CA 94612-2702  Census Tract: 4029.00	GOLDEN BULL THE		0109
45)	570261	ACTIVE	41	09/20/2016	8/31/2017	SUKHBAATAR, ENKHTUGULDUR 352 14TH ST OAKLAND, CA 94612-3211  Census Tract: 4029.00	TOGI'S MONGOLIAN CUISINE		0109
46)	572944	ACTIVE	41	02/16/2017	1/31/2018	SHIBA RAMEN CORPORATION 1438 BROADWAY OAKLAND, CA 94612-2004  Census Tract: 4029.00	SHIBA RAMEN	631 VIONA AVE OAKLAND, CA 94610	0109
47)	573200	ACTIVE	47	10/24/2016	4/30/2018	CASA DE MOLE, INC. 2135 FRANKLIN ST OAKLAND, CA 94612  Census Tract: 4029.00	AGAVE UPTOWN	434 CENTER ST HEALDSBURG, CA 95448-3808	0109
48)	581314	ACTIVE	48	07/11/2017	8/31/2017	OAK LEAF KF LLC 2111 FRANKLIN ST OAKLAND, CA 94612  Census Tract: 4029.00	CLUB 21/ CLUB BNB		0109

--- End of Report ---

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



Tyler Sinclair &lt;tyler@spicemonkeyrestaurant.com&gt;

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## Letter of Support

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Ivey, Brenda &lt;Blvey@oaklandnet.com&gt;

Tue, Nov 1, 2016 at 3:53 PM

To: "tyler@spicemonkeyrestaurant.com" &lt;tyler@spicemonkeyrestaurant.com&gt;

Spice Monkey

1628 Webster Street

Oakland, CA 94612

To: Tyler Sinclair

The members of the Uptown/Gold Coast Neighborhood Crime Prevention Council(NCPC) do support the spice Monkey in obtaining an variance to sell liquor in the establishment. The Spice Monkey has been in business for eight years and has supported community endeavors. Our stance is that they will sell liquor in a responsible manner and it will also compliment the takeout food orders requested by their customers. If you need to contact me directly as the Chair of the 4X NCPC feel free to call me

at (510) 898-8488

Take care,

Brenda Ivey

Neighborhood Services Coordinator

250 Frank Ogawa Plaza 6<sup>th</sup> floor

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Oakland, CA 94612

(510) 238-3091 office

(510) 238-7685 fax

Register for Public Safety Alerts through Nixle

## Attachment D

Petition in Support of Howden Market's application for the off-premise sale of alcohol

I am signing below to show my full support of Howden Market's petition for a CUP Variance enabling the off-premise sale of alcoholic beverages at Howden Market.

As a member of the Uptown Oakland neighborhood, I have known Howden Market's owners, Kanitha Matoury and Guy Karmi as a customer at their businesses, Spice Monkey and Howden Market, and as fellow Downtown Oakland neighbors and business owners.

During my association with Kanitha and Guy, I have found them to be unwavering in their professionalism and care and concern for their neighborhood and community. Their businesses and their support of other business owners and residents of Downtown Oakland has undoubtedly been a source of positive change for the neighborhood.

I believe that enabling Howden Market's to expand its inventory by allowing the sale of a small amount of high-quality, well-chosen alcohol as part of its inventory would be a positive and welcome addition to the neighborhood. I believe Howden Market would offer a safe, clean and friendly alternative to the existing alcohol vendors without unduly infringing upon their business, and I have every confidence that Kanitha and Guy would take the opportunity and responsibility seriously, ensuring they continue conducting their business in a safe, peaceful, and legal manner as they have done for the past eight years.

If I can support their application in any further way, please feel free to contact me with the information provided below.

1)	<u>Rachel V.</u>	<u>11/9/16</u>	<u>rachel@kabeland.com</u>	<u>415 336-3393</u>
NAME		DATE	E-MAIL	PHONE
2)	<u>Tiff P.</u>	<u>11/9/16</u>	<u>Tiffanina1974@gmail.com</u>	<u>510-835-7055</u>
NAME		DATE	E-MAIL	PHONE
3)	<u>Samuel M. Herome</u>	<u>11/9/16</u>	<u>Samuel.M.Herome@me.com</u>	<u>303 885-0299</u>
NAME		DATE	E-MAIL	PHONE
4)	<u>SMAR</u>	<u>11/9/16</u>	<u>SMAR@MAR.COM</u>	
NAME		DATE	E-MAIL	PHONE
5)	<u>Elizabeth Sumner</u>	<u>11/7/16</u>	<u>Bethsumner@cs.net</u>	
NAME		DATE	E-MAIL	PHONE
6)	<u>Ken Lowrey</u>	<u>11/7/16</u>	<u>Ken@lowreyarch.com</u>	
NAME		DATE	E-MAIL	PHONE

(510) 836-5400

1) \_\_\_\_\_  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

2) Herman Cohen 11/14/15 \_\_\_\_\_  
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Neighborhood Resident/Business owner (Circle one)

3) Imy Francis 11/14/16 imyct@gmail.com 310.714.2026  
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Neighborhood Resident/Business owner (Circle one)

4) Carley Jacobson 11/14/16 Carleyjacobson@gmail.com 401.575-3163  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

5) Melissa 11/14/16 mel.hilaria@gmail.com \_\_\_\_\_  
NAME DATE E-MAIL PHONE

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6) Amy Woloszyr 11/14/16 Amy.malo@gmail.com 415-425-4822  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

7) Natasha Salgado 11.14.16 Tashsalgado@gmail.com 646.300.5099  
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Neighborhood Resident/Business owner (Circle one)

8) ~~\_\_\_\_\_~~ 11/14/16 enriove13@gmail.com \_\_\_\_\_  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

9) Adriana Adams 11/14/16 Adriana.Adams@gmail.com (925)876-6885  
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10) MARTA GUAL 11/14/16 martagual@gmail.com 415.359.4866  
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11) Nathan Perry 11/15/16 NATHANPERRY.SCI@gmail.com 510-488-3631  
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Neighborhood Resident/Business owner (Circle one)

7) <u>Brendan</u>	<u>11/8/16</u>	<u>brendan@wineisheat.com</u>	<u>707-335-8554</u>
NAME	DATE	E-MAIL	PHONE
8) <u>JAS → MEMBER</u>	<u>11-8-16</u>		<u>510-372-5477</u>
NAME	DATE	E-MAIL	PHONE
9) <u>[Signature]</u>	<u>11-8-16</u>	<u>EVANS, Regina</u>	<u>510 569-4444</u>
NAME	DATE	E-MAIL	PHONE
10) <u>Mario Antonio Flores</u>	<u>11-9-2016</u>	<u>marco flores de@gmail.com</u>	<u>951-881-1395</u>
NAME	DATE	E-MAIL	PHONE
11) <u>Lena Shaw</u>	<u>11/9/16</u>	<u>Lshaw@gmail.com</u>	<u>(949)813-2607</u>
NAME	DATE	E-MAIL	PHONE
12) <u>Amanda Medross</u>	<u>11/9/16</u>	<u>amanda.medross@gmail</u>	<u>310-741-9993</u>
NAME	DATE	E-MAIL	PHONE
13) <u>Amy SASS</u>	<u>11/9/16</u>	<u>amy@regardwin.org</u>	<u>510 932 1908</u>
NAME	DATE	E-MAIL	PHONE
14) <u>[Signature]</u>			
NAME	DATE	E-MAIL	PHONE
15) <u>Ryan Ismar</u>	<u>11/9/16</u>	<u>Ishayard@natural.com</u>	<u>831-461-4632</u>
NAME	DATE	E-MAIL	PHONE
16) <u>Janna Goldberg</u>	<u>11/9</u>	<u>jannazg@gmail.com</u>	
NAME	DATE	E-MAIL	PHONE
17) <u>Brent Fuville</u>	<u>11/9/16</u>	<u>bfuville@gmail.com</u>	<u>415-847-5443</u>
NAME	DATE	E-MAIL	PHONE
18) <u>Kirsten Cooper</u>	<u>11/9/16</u>	<u>kcooper@outlook.com</u>	<u>415-425-5823</u>
NAME	DATE	E-MAIL	PHONE
19) <u>Cherly A Orben</u>	<u>11/9/16</u>	<u>M. Ori - Pandin@hotmail.com</u>	<u>510-789-6196</u>
NAME	DATE	E-MAIL	PHONE
20) <u>Sacha Feinberg</u>	<u>11/9/16</u>	<u>Sacha@guardiansym.org</u>	<u>520-940-2207</u>
NAME	DATE	E-MAIL	PHONE
21) <u>Carol Lynn</u>	<u>11/9</u>	<u>clloyd@greatshores.com</u>	<u>415 524 5314</u>
NAME	DATE	E-MAIL	PHONE
22) <u>[Signature]</u>	<u>11/10</u>	<u>agonzalez4@ccc.edu</u>	<u>(702)587-8297</u>
NAME	DATE	E-MAIL	PHONE
		<u>Adryen J. Gonzalez</u>	

- |   |                 |                                  |                |
|---|-----------------|----------------------------------|----------------|
| 1) <u>Jennifer Wong</u>                           | <u>11/22/16</u> | <u>tapioca@gmail.com</u>         |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 2) <u>Jennifer Daniel</u>                         | <u>12/8/16</u>  | <u>jenniferxdaniel@gmail.com</u> |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 3) <u>Jesse Lucas</u>                             | <u>12/8/16</u>  | <u>jduelos24@hotmail.com</u>     |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 4) <u>Phil Gandy</u>                              | <u>12/8/16</u>  |                                  |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 5) <u>Amy Boyce</u>                               | <u>12/8/16</u>  |                                  |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 6) <u>Asal Estefani</u>                           | <u>12/8/16</u>  | <u>asaljuna@gmail.com</u>        |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 7) <u>[Signature]</u>                             | <u>12/16/16</u> |                                  |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 8) <u>Debra Mandera</u>                           | <u>12/16/16</u> |                                  | <u>[Phone]</u> |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 9) <u>[Signature]</u>                             | <u>12/16/16</u> |                                  |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 10) <u>TIGER FINCH</u>                            | <u>12/6/16</u>  |                                  |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |
| 11) <u>Dante Harris</u>                           | <u>12/16/16</u> |                                  |                |
| NAME  | DATE            | E-MAIL                           | PHONE          |
| Neighborhood Resident/Business owner (Circle one) |                 |                                  |                |

12) Mitchell Tong 11/17/2016 mitchell@stedromer  
NAME DATE E-MAIL Studios.com PHONE  
Neighborhood Resident/Business owner (Circle one)

13) Ethan Weikel 11-17-2016 ethanweikel@gmail.com  
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14) Eric Amund 11/07 rescribelet@gmail.com  
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15) Katie Coffee 11/17 KatieButler@hotmail.com  
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Neighborhood Resident/Business owner (Circle one)

16) Shereen Adel 11/22 shereenia@yahoo.com  
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23) WINSTON WIN 11/22 winston@lowneyarch.com 510.269.1120  
NAME DATE E-MAIL PHONE  
Neighborhood Resident/Business owner (Circle one)

24) BOB CLARK 11/22 briddell@pangeaenv.com 510.435-8664  
NAME DATE E-MAIL PHONE  
Neighborhood Resident/Business owner (Circle one)

25) David Bedford 11/22 dbedford@gmail.com  
NAME DATE E-MAIL PHONE  
Neighborhood Resident/Business owner (Circle one)

12) Matt Weisner 12/16/16 mweisner7@gmail.com 831-239-8259  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

13) Tab McDaniel 12/17/16 \_\_\_\_\_  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

14) Dan Kruger 12/19/16 \_\_\_\_\_  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

15) Grant Wilson 12/19/16 \_\_\_\_\_ 510 566 1063  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

16) ANGELA ADAMS 12/20/16 pad \_\_\_\_\_  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

23) \_\_\_\_\_  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

24) JENNY MICHAELSON 12/10/16 jmyamita@gmail.com  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

25) \_\_\_\_\_  
NAME DATE E-MAIL PHONE

Neighborhood Resident/Business owner (Circle one)

23) Peter Invi  
NAME

11/00  
DATE

peter.invi@gmail 415 233-3562  
E-MAIL PHONE

24) Franklin Grammer  
NAME

DATE

grammerstak@gmail 415 609 437  
E-MAIL PHONE

25) Tracy Fasanella  
NAME

DATE

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