

Location:	1611 Telegraph Avenue "Latham Square Building" (ground floor, right side space) <i>See map on reverse</i>
Assessor's Parcel Number:	008 -0620-005-00
Proposal:	To establish a bar / lounge ("Bar Shiru") in a 2,765 square-foot space including mezzanine with recorded music, no DJ or live music, occasional events, light food, and a 2:00 A.M. closing time.
Applicant/	Miles Ahead Bar Group
Phone Number:	(415) 606-4780
Owner:	SVF Latham Square Owner LLC
Planning Permits Required:	Major Conditional Use Permit with additional findings including Public Convenience or Necessity for Alcoholic Beverage Sales Commercial Activity
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Designated Historic Property; Survey rating: B+a1+ (Primary Contributor: Downtown Historic Area of Primary Importance)
City Council District:	3
Date Filed:	November 28, 2017
Action to be Taken:	Approve with Conditions
Finality of Decision:	<i>Appealable to City Council within 10 days</i>
For Further Information:	Contact case planner Aubrey Rose AICP at (510) 238-2071 or arose@oaklandnet.com

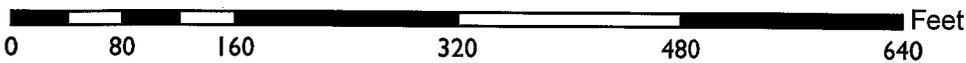
SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit to establish a new bar in the Uptown District. Staff recommends approval of the requested permits, subject to the Conditions of Approval included in this report.

PROPERTY DESCRIPTION

The property consists of a 10,500 square-foot corner lot located in Downtown Oakland's Uptown District, on Telegraph Avenue at the corner of 16th Street. The lot contains an historic multi-story office building constructed in the 1920s. The building is situated at zero-lot-line with a two-story ground floor podium and three entrances on Telegraph Avenue, upper story offices in two towers joined at the rear with a parapet, and underground parking accessed from 16th Street. The building recently underwent a major interior and exterior renovation. At the ground floor, the right-side (interior) space's façade contains columns, high windows, and a double door at center. That space's interior measures approximately forty feet in width by sixty feet in depth with: a mezzanine along the left side at one-third the width of the space, accessed by rear stairs; an equipment platform at the right rear corner; a rear exit towards the left corner; and columns throughout the space. Last known tenant was a medical services office (nonconforming use). Street parking is metered and utilities are undergrounded. The site is midway between the 12th and 19th Street BART Stations, and City Hall and the Fox

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN17476
Applicant: Miles Ahead Bar Group
Address: 1611 Telegraph Ave (ground floor, right side space)
Zone: CBD-P

Theatre. The district contains ground floor food, beverage, entertainment and retail uses, including several bars many established in recent years, with upper story offices and clinics.

PROJECT DESCRIPTION

The applicant seeks to establish a new bar / lounge (“Bar Shiru”) in the 2,765 square-foot right-side ground floor space including mezzanine. The bar would serve liquor, beer, and wine; would not admit minors; would not be required to offer food service although light snacks for purchase are voluntarily intended; would feature recorded music (no DJ, live music, or cabaret format), occasional small fundraisers and the like; and a 2:00 A.M. latest closing time. Tenant improvements would be as follows: the first floor would receive an entrance ramp; host area; seating with tables and chairs at the front left corner and center; two restrooms at the rear left; a bar to the right; and a food prep area running from the right side to the rear corner and across the back wall. The mezzanine would include seating; a wait station; and locked storage. Hours of operation would be:

Monday through Wednesday: 4:00 P.M. to 1:00 A.M.

Thursday through Friday: 4:00 P.M. to 2:00 A.M.

Saturday: 12:00 P.M. to 2:00 A.M.

Sunday: 12:00 P.M. to 12:00 A.M.

The bar would feature playing of recorded music but would not be a cabaret (that is, no DJ and /or admission charged). The operators would hire an experienced bar manager who would train staff consisting of 10-15 employees including weekend security. Other measures would include installation of soundproofing, a security surveillance system, and a recycling program. For outreach, the applicant has met with the Neighborhood Crime Prevention Council to introduce the project and has received a letter of support (Attachment F). Staff has advised the Police Department’s Alcoholic Beverage Action Team (ABAT) of the request. The proposal requires a type 48 license from the Department of Alcoholic Beverage Control (ABC). Following is the ABC’s description of a type 48 license:

48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
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GENERAL PLAN ANALYSIS

The property is in the Central Business District area of the General Plan’s Land Use and Transportation Element (LUTE). The intent of the area 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 in Northern California.” The proposal to establish a new bar in a showcase district that is appropriate for beverage and entertainment establishments conforms to this intent and to the following LUTE Policies:

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 D5.1 Encouraging Twenty-Four Hour Activity.

Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

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 Zone. The intent of the CBD-P Zone is: "to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities." The following are permits required for the proposal and the reason each permit is required. These items are further discussed in the Key Issues and Impacts section of this report. One (1) Major Conditional Use Permit (CUP) is required for an Alcoholic Beverage Sales Commercial Activity (bar). Additional CUP findings further ensure review of alcoholic beverage sales above and beyond general findings. The Planning Code requires a review of these activities to ensure that they do not contribute to nuisances in the community, including both alcohol-related and any issues that discourage business attraction. All Major CUPs are decided by the Planning Commission due to their critical nature. Additionally, Findings of Public Convenience or Necessity (PCN) are required for alcoholic beverage sales where the site is in an area that is over-concentrated for reported crime and / or alcoholic beverage sales outlets. PCN ensures no undue proliferation and further ensures compatibility. As described in Attachment A, the proposal meets the required findings and conforms to the intent of the CBD-P Zone.

Staff finds the proposal, subject to Conditions of Approval, to conform to the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving *operation and licensing of existing private facilities*. The proposal for on-sale of alcoholic beverages from a new bar located in an existing space meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

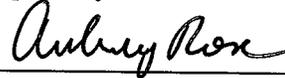
The site is in Police Beat 4X which is roughly bound by Grand Avenue to the north, 14th Avenue to the south, Lake Merritt to the east, and the 980 freeway to the west; this beat is over-concentrated for rates of reported crime in comparison to beats Citywide. The site is also in Census Tract 4028 which is roughly bound by Grand Avenue to the north, 14th Street to the south, Broadway to the east, and Martin Luther King Jr. Way to the west; this tract is over-concentrated for quantity of ABC licenses in comparison to tracts Countywide. Crime rates may be a function of areas within the Beat that are dispersed from and not clustered around the project site; statistics for a 500-foot radius over four weeks ending January 5, 2018 show crimes dispersed from the site, and none involving alcohol (Attachment E). ABC-licensed premises are encouraged in the district given the entertainment focus, most of which are restaurants in the Tract: there are no markets or liquor stores selling alcoholic beverages; one beer and wine tavern; nine restaurants serving beer and wine; nine restaurants serving liquor, beer and wine; five bars; and one private club license at the Paramount Theatre (Attachment F). Furthermore, the Planning Code's 1,000-foot distance separation and the City Council's goal of capping the number of non-restaurant ABC license in Oakland does not apply to Downtown. The addition of late night premises has brought more people to the area which is generally considered to be an improvement to evening safety in an urban area. While recorded music and light food are proposed, staff does not recommend requiring maintenance of those items. The Uptown District is an appropriate location for a bar, subject to Conditions of Approval for controls on impacts such as litter, noise and loitering.

Therefore, due to the proposal's ability to meet required findings, staff recommends approval of the project, subject to Conditions of Approval, including a compliance review.

RECOMMENDATIONS:

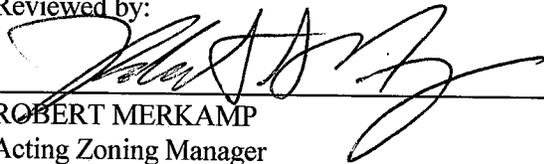
1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit subject to the attached findings and conditions.

Prepared by:



AUBREY ROSE, AICP
Planner III

Reviewed by:



ROBERT MERKAMP
Acting Zoning Manager

Approved for forwarding to the
City Planning Commission:



WILLIAM GILCHRIST FAIA, Director
Planning and Building Department

ATTACHMENTS:

- A. Findings
- B. Conditions
- C. Plans / Photographs
- D. Area Crime Statistics (Map & Table)
- E. ABC Licensing Data
- F. Letters of support
- G. Proof of public notification posting

Attachment A: Findings

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050)**, **Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030.A)** and **Findings for Public Convenience or Necessity (OMC Sec. 17.103.030.B.3)** as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are shown in normal type.

General 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 Uptown District is an appropriate location to establish a bar in a space that was not formerly retail, subject to Conditions of Approval regarding litter, loitering and noise, which will maintain the compatibility of the bar with the surrounding district. The district contains numerous bars, restaurants, and entertainment venues. The proposal conforms to the intent of the CBD-P Central Business District Pedestrian Retail Zone.

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 to establish a bar is appropriate for the district. The district contains numerous bars which has increased pedestrian traffic including evenings in an area where multiple modes of transportation are available. Additionally, the building is historic, and the building interior and façade have been renovated.

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 to establish a bar is appropriate for the district as it will enhance the beverage options for visitors and workers within the subject retail and entertainment district and Downtown Oakland and create jobs.

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

No exterior changes or signage are proposed at this time and design review is, therefore, not applicable. Should the applicant desire exterior changes and/or signage in the future, they will need to obtain a Design Review permit from the Planning Bureau as required by the Conditions of Approval.

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

The property is in the Central Business District area of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area 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 in Northern California." The proposal to

establish a new bar in a showcase district that is appropriate for beverage and entertainment establishments conforms to this intent and to the following LUTE Policies:

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 D5.1 Encouraging Twenty-Four Hour Activity.

Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.102.210.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 proposal to establish a bar in a ground-floor space that was not formerly retail conforms to the intent of the CBD-P Central Business District Pedestrian Retail Zone. Certain areas within the Downtown such as the Uptown District are appropriate for retail as well as bars, restaurants, and entertainment. In this case the bar will replace medical services (clinic and / or office) in a neighborhood with many food and beverage options. In fact, it is anticipated to increase evening pedestrian activity which is desirable. The Census Tract contains several ABC licenses including for bars; however, many of the ABC-licensed premises are restaurants and none are liquor stores. Crime rates may be a function of areas within the Police Beat that are dispersed and not clustered around the site; statistics show crimes dispersed from the site and none involving alcohol. The Uptown District is a very appropriate location for a bar, subject to Conditions of Approval for several requirements, such as controls on litter, loitering and noise, to maintain the compatibility of a bar with the surrounding district.

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

There is a school at 1807 Telegraph Avenue (Oakland School for the Arts, grades 6-12) and parks at City Hall Plaza and 1900 Rashida Muhammad Street. The bar is not anticipated to adversely affect these civic uses given hours of operation, Conditions of Approval, and distance.

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

The commercial space contains existing below grade parking accessed from 16th Street with no changes proposed and this Finding is, therefore, met.

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

The commercial façade is attractive and no further changes to it are proposed at this time.

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

overall garish impression;

The site does not contain an parking lot at grade, and the proposal does not involve signage at this time. Should signage be desired in the future, that project would require review and approval by the Planning Bureau

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

Litter will be collected inside the business. Conditions of Approval will ensure the operator maintains cleanliness in the public right-of-way (sidewalk and gutter) adjacent to the site.

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 bar will not be adjacent to any residential uses.

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 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 district is highly conducive to bars. The district is located in Downtown's Uptown District near to the Fox Theatre. The district contain several food, beverage and entertainment options which will be enhanced by the project.

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 business will generate jobs and consumer options within the district and is not anticipated to generate any need for police services.

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

Alcoholic beverage sales are entirely typical for a bar business.

Attachment B: Conditions

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated and submitted on **November 28, 2017** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
- i) Major Conditional Use Permit and Findings of Public Convenience or Necessity for an Alcoholic Beverage Sales Commercial Activity (bar) at 1611 Telegraph Avenue (ground floor, right-side space including mezzanine).***

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the **Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

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

SPECIFIC CONDITIONS

10. Alcoholic Beverage Sales

a. Additional Permits Required

Prior to commencement of activity

A type 48 license shall be obtained from the ABC. This use shall conform to all provisions of the State ABC license. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

b. Location and manner of alcoholic beverage consumption

Alcoholic beverage sale is on-sale, for on-site consumption only.

c. Hours of Alcoholic Beverage Sale

Hours of alcoholic beverage sales are limited to the following:

Monday through Wednesday: 4:00 P.M. to 1:00 A.M.

Thursday through Friday: 4:00 P.M. to 2:00 A.M.

Saturday: 12:00 P.M. to 2:00 A.M.

Sunday: 12:00 P.M. to 12:00 A.M.

No alcoholic beverages shall be sold within fifteen minutes prior to closing time.

d. Admittance

No minors shall be admitted at any time.

11. Operation

Ongoing

a. Staffing

The establishment shall have at least two staff persons including security personnel on-site Fridays through Saturdays.

b. 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.

c. Staff to monitor site

Staff of the business shall regularly monitor the bar and public right-of-way to discourage all nuisances including but not limited to discouraging loitering, littering, noise, graffiti, public drinking / intoxication / urination / violence, and noise.

d. Future operators

Any future operator of the bar at these premises are subject to the requirements of this approval.

e. Entry

Admission shall never be charged for events or otherwise.

f. Cabaret

No "Cabaret," as defined under OMC Ch. 5.12, is allowed without a Conditional Use Permit for Group Assembly from the Planning Bureau, and, Cabaret Permit from the City Administrator's Office / Special Activity Unit.

g. Ride share or taxi call program

Ongoing

The establishment shall maintain a program of calling ride shares or taxi cabs for patrons on request for the purpose of preventing driving while intoxicated and to reduce Downtown automobile congestion and shall maintain this service. Signage offering this service shall be displayed behind the bar.

12. Coordination/Outreach

a. ABAT Registration

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

b. 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).

c. Crime Prevention Through Environmental Review (CPTED)

The applicant shall request a CPTED review from the Oakland Police Department's Alcoholic Beverage Action Team (ABAT) and shall implement all recommendations to the extent practicable.

d. Neighborhood outreach

The business operator shall be accessible to neighbors wishing to register complaints against the business and shall work to eliminate any related nuisances reported or noted.

13. Environmental Effects

a. Nuisances

Crime, litter, or disorderliness conduct associated with alcohol sales at the establishment shall result in a revocation of the Major Conditional Use Permit or a review to revoke.

b. Performance standards

Ongoing

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

c. 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.

d. Odor

Staff shall eliminate outdoor odors by refraining from purposefully breaking defective bottles outside and by immediately washing spillage from bottles broken accidentally.

e. Graffiti

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

f. Trash and litter

The licensees/property owners shall clear the gutter and sidewalks along Telegraph Avenue 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 Code Section 25612.5 (sweep or mechanically clean weekly), the licensee shall clean the sidewalk with steam or equivalent measures once per month. The business shall utilize a recycling program.

g. Noise

The City Noise Ordinance (OMC Sec. 8.18.010) and Performance Standards (OMC Sec. 17.20.050) shall be observed for noise emanating from within the establishment from any source of recorded music and from patrons as well as from outdoor noise from patrons.

h. Smoking

The City Smoking Ordinance shall apply (OMC Sec. 8.30). Smoking shall only be located on the sidewalk over 25-feet from any entrance should such a location exist. Ashtrays shall be provided as necessary. The establishment shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking.

14. Design

a. Signage

Within 30 days of the date of decision and ongoing

At least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance to bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

b. Signage to discourage other nuisances

Ongoing

The establishment shall display signage inside the building and next to the exit discouraging the patrons from generating nuisances outdoors both fronting the building and within the neighborhood.

c. Contact phone numbers

Ongoing

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

d. Advertising signage

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

e. Building Code Upgrades

Prior to commencing approved activities

The applicant shall obtain Building Permits and construct any building upgrades required to comply with the Building Code for occupancy requirements; it may be the case that no upgrades are required.

f. Modifications

Prior to submitting for a building permit & ongoing

All business signage and/or exterior alterations shall require Planning Bureau approval.

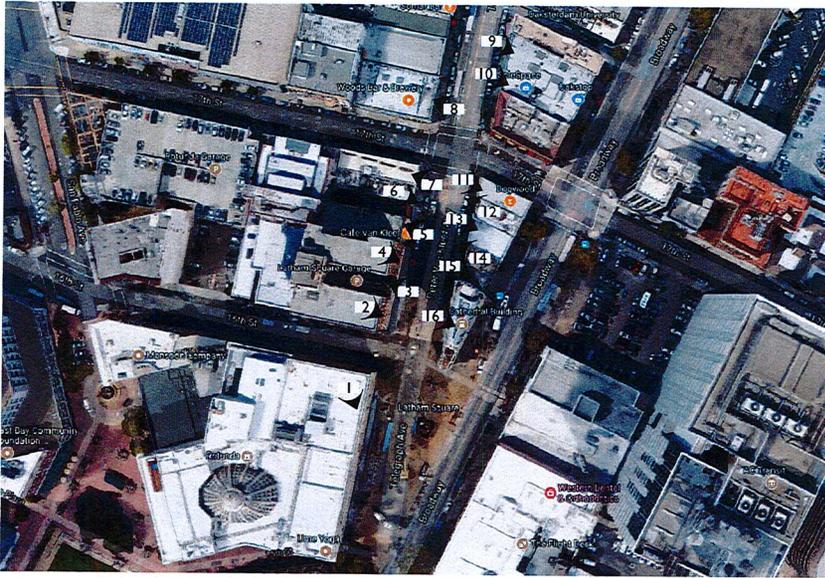
15. Compliance hearings

After 6 months of commencement of sale of alcoholic beverages

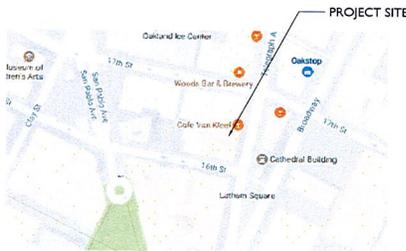
The applicant shall return to the Planning Bureau to report their progress. Should any complaints regarding on-sale provision or other issues regarding sale of alcohol be identified, staff may refer the item back to the Planning Commission under a Director's Report. In that case, the applicant shall submit for a Compliance Review, and pay all appropriate fees consistent with the current Master Fee Schedule at that time (currently \$1,310.00). The Compliance Review will be agendaized for an upcoming Planning Commission meeting. The Compliance Review shall provide an opportunity for the Commission and the public to provide comment on the operation and determine whether there is a violation of any term, **Conditions** or project description relating to the Approvals or if there is violation of any provision of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance or there exists adverse impacts caused. As a result of the hearing, the Commission may direct staff to initiate enforcement proceedings pursuant to Condition of Approval 5C and/or 13a, and/or may impose additional conditions related to the operation.

APPROVED BY:

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



9 AERIAL PHOTO
NTS



1AP



P

ZONING INFORMATION

ZONING CODE: 2017 OAKLAND PLANNING CODE
 ZONING: CB2P (CENTRAL BUSINESS DISTRICT PEDESTRIAN RETAIL COMMERCIAL ZONE)

LOCAL HISTORIC DISTRICT: AFI (AREA OF PRIMARY IMPORTANCE - DOWNTOWN HISTORIC)
 LOCAL LANDMARK: NO
 NATIONAL HISTORIC LANDMARK: NO
 HERITAGE PROPERTY: NO
 DESIGNATED HISTORIC PROPERTY: NO
 MILLS ACT: NO

	EXISTING	PROPOSED	ALLOWED
NUMBER OF STORIES:	X	NO CHANGE	X
FACADET HEIGHT LIMIT:	X'6"	NO CHANGE	BUILDING BASE - 120'-0" TOTAL - NO
ROOF HEIGHT LIMIT:	X'6"	NO CHANGE	BUILDING BASE - 120'-0" TOTAL - NO
FLOOR AREA:			
FIRST FLOOR:	2,093 SF	NO CHANGE	
MEZZANINE:	672 SF	NO CHANGE	
TOTAL:	2,765 SF	NO CHANGE	

PARCEL NUMBER: 008 042005000
 LOT AREA: 10,590 SF
 F.A.R. ALLOWED: 20.0 PER 2017 OAKLAND PLANNING CODE TABLE 17.5B.04 - NO CHANGE
 MAJOR ENCROACHMENT: UNDER SEPARATE PERMIT # EN115588 TO ALLOW TWO (2) DOORS SWING OUT 2'-0" IN THE PUBLIC RIGHT OF WAY.

6 ZONING INFORMATION

TENANT IMPROVEMENTS FOR
BAR SHIRU
 1611 TELEGRAPH AVE.
 OAKLAND, CA, 94612

CONDITIONAL USE PERMIT



PROJECT LOCATION

BUILDING INFORMATION

CONSTRUCTION TYPE: TYPE III-B
 OCCUPANCY: B

FLOOR AREA:

	EXISTING	PROPOSED
FIRST FLOOR:	2,093 SF	NO CHANGE
MEZZANINE:	672 SF	NO CHANGE
TOTAL:	2,765 SF	NO CHANGE

FIRE SPRINKLER ALARM: (N) SPRINKLER PROPOSED TO BE INSTALLED PER CBC 903.2.1.1.2
 HAZARDOUS MATERIALS: NONE

5 BUILDING INFORMATION

GENERAL

G000 COVER SHEET
 G001 CONTEXT PHOTOS

ARCHITECTURAL

A100 (E) FLOOR PLAN
 A101 PROPOSED 1ST & MEZZANINE FLOOR PLANS
 A200 PROPOSED EXTERIOR ELEVATION

4 PLANNING & BUILDING CODE INFORMATION

OWNER:
 SHIRIN KAZA
 MILES AHEAD BAR PARTNERS LLP
 1175 FLORIDA STREET
 SAN FRANCISCO, CA 94110
 TEL (415) 406-4780

ARCHITECT:
 STUDIO KDA
 1810 SIXTH STREET
 BERKELEY, CA 94710
 TEL (510) 841-2555
 FAX (510) 841-1255

MEP ENGINEERS: TBD
STRUCTURAL ENGINEER: TBD
ACOUSTICAL CONSULTANT: TBD

3 PROJECT TEAM

2 SHEET INDEX

THE PROPOSED SCOPE OR WORK INCLUDES

1 SCOPE OF WORK



CONDITION 1 WITH THE PROPOSED WORK...
 STUDIO KDA ARCHITECTURE INC.
 1810 SIXTH STREET, BERKELEY, CA 94710
 TEL (510) 841-2555 FAX (510) 841-1255

CONDITIONAL USE PERMIT
 SHEET

G000

COVER SHEET



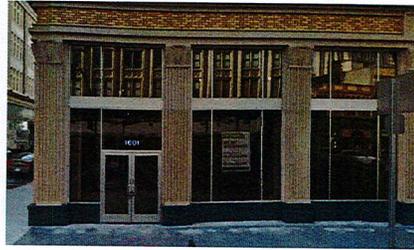
BAR SHIRU
 1611 TELEGRAPH AVE
 OAKLAND, CA 94612

DATE: 11.28.17
 SCALE: 1/4" = 1'-0"

Attachment C



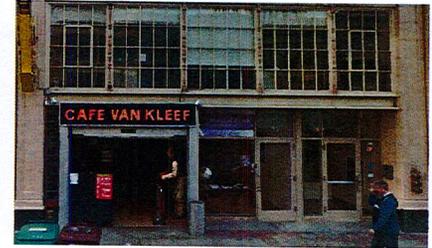
1 300 FRANK H OGAWA PLAZA



2 1601 TELEGRAPH AVE



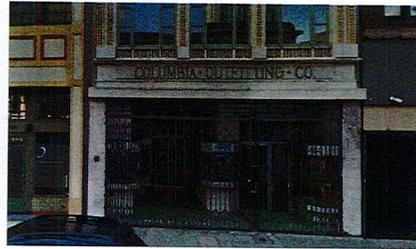
3 1611 TELEGRAPH AVE



4 1621-1627-1629 TELEGRAPH AVE



5 1631 TELEGRAPH AVE



6 1635 TELEGRAPH AVE



7 1635 TELEGRAPH AVE



8 1703-1707 TELEGRAPH AVE



9 1720 TELEGRAPH AVE



10 1714 TELEGRAPH AVE



11 1644 TELEGRAPH AVE



12 1633 TELEGRAPH AVE



13 1627 TELEGRAPH AVE



14 1624 TELEGRAPH AVE



15 1618 TELEGRAPH AVE



16 1615 BROADWAY AVE



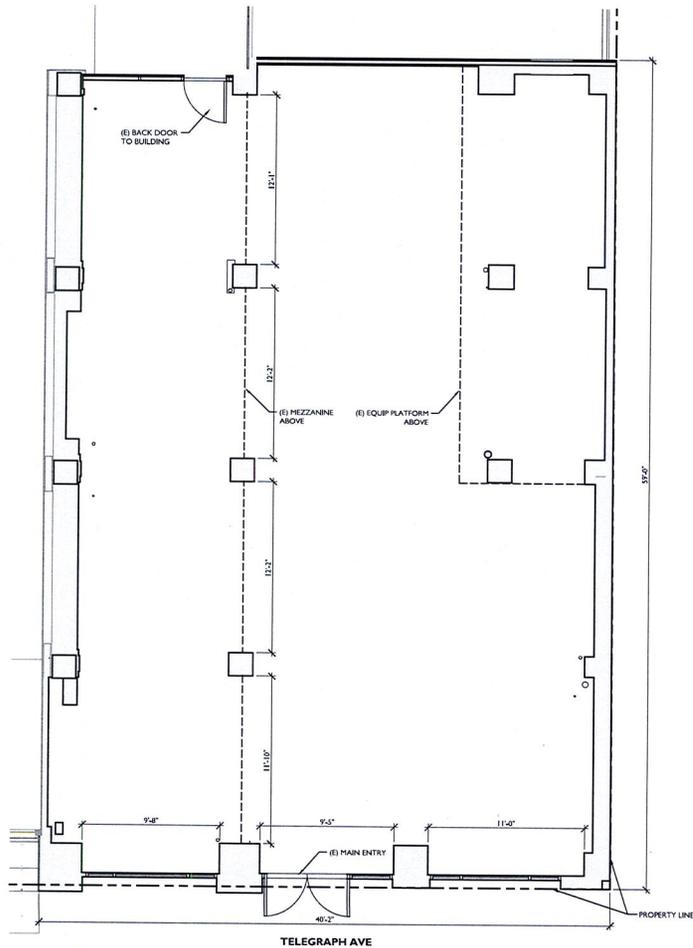


COMPANY & NOT THE ARCHITECT'S RESPONSIBILITY
FOR ANY AND ALL CONSTRUCTION OR RECONSTRUCTION
PERMITS. THE ARCHITECT'S LIABILITY FOR ANY AND ALL
PERMITS SHALL BE LIMITED TO THE ARCHITECT'S
OBLIGATION TO THE CLIENT.

CONDITIONAL USE PERMIT
SHEET

A100

EXISTING FLOOR PLAN



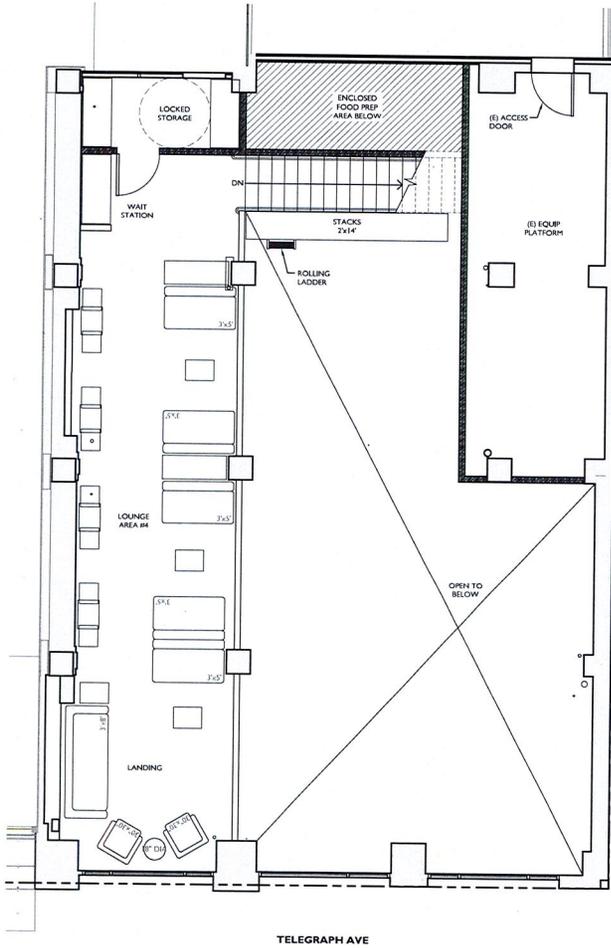
- LEGEND**
- (E) WALL TO REMAIN
 - (N) FULL HEIGHT WALL
 - (N) LOW WALL
 - (E) MEZZANINE & EQUIPMENT PLATFORM ABOVE

1 (E) FLOOR PLAN
1/4" = 1'-0"

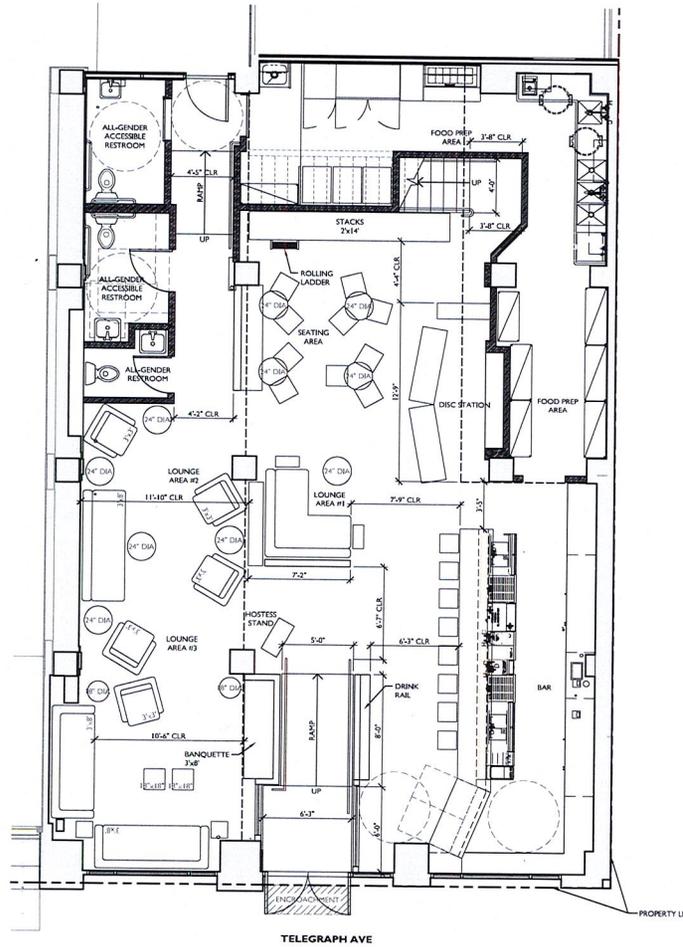


BAR SHIRU
1611 TELEGRAPH AVE
OAKLAND, CA 94612
DATE: 11.28.17
SCALE: AS NOTED





2 PROPOSED MEZZANINE PLAN
1/4" = 1'-0"



1 PROPOSED 1ST FLOOR PLAN
1/4" = 1'-0"

- LEGEND**
- (E) WALL TO REMAIN
 - (N) FULL HEIGHT WALL
 - (N) LOW WALL
 - (E) MEZZANINE & EQUIPMENT PLATFORM ABOVE

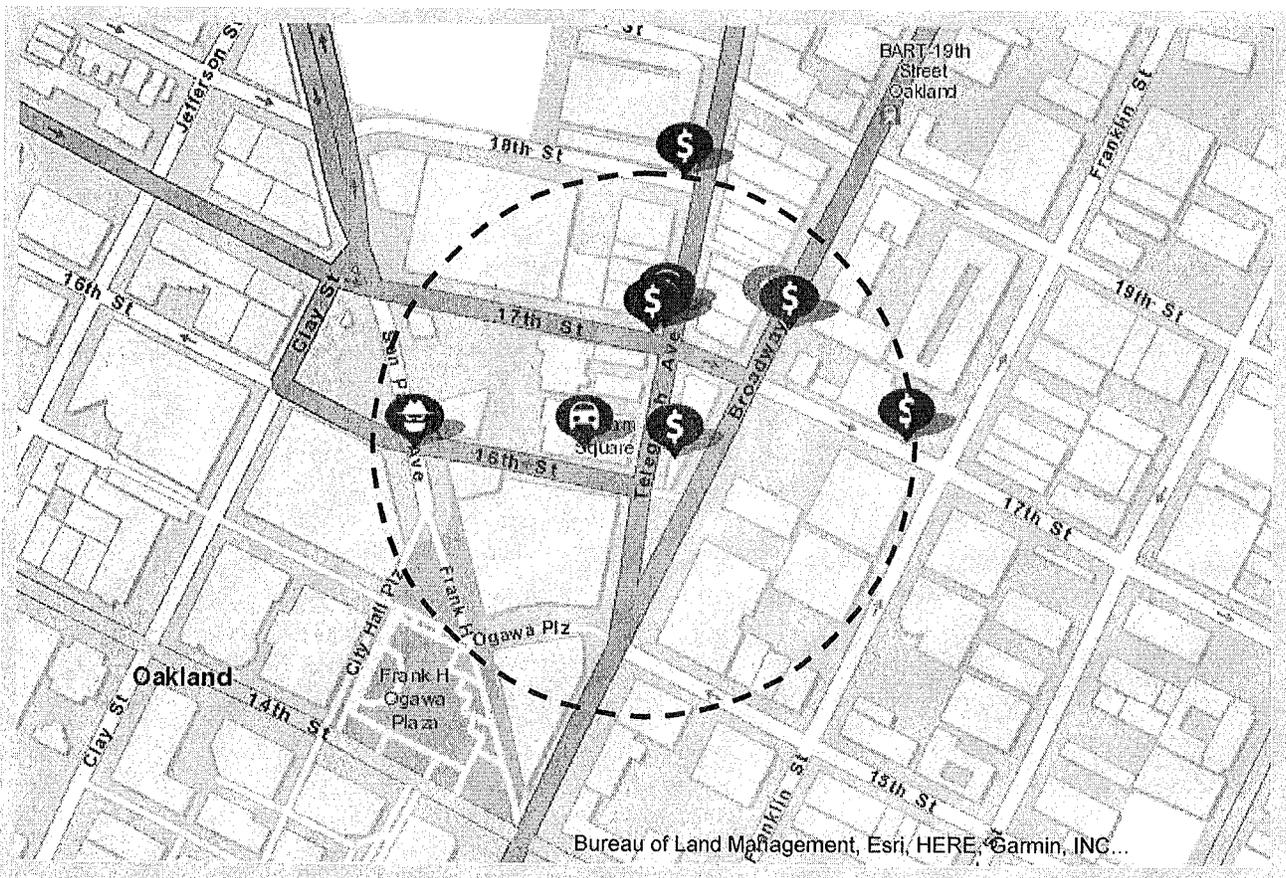
Print

CrimeMapping.com Map

Friday, December 8, 2017 through Thursday, January 4, 2018

Showing crime types: Arson, Assault, Burglary, Disturbing the Peace, Drugs / Alcohol Violations, DUI, Fraud, Homicide, Motor Vehicle Theft, Robbery, Sex Crimes, Theft / Larceny, Vandalism, Vehicle Break-In / Theft, Weapons

Show crime report Show crime chart



Grab the bottom/right borders to resize the map or the handle in the bottom right corner.

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either express or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall CrimeMapping.COM become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

Attachment D



Helping You Build a Safer Community

[Back to Map](#)

Crime Incidents

12-08-2017 to 01-04-2018 (28 Days)

10 Records

	Type	Description	Incident #	Location	Agency
Map it		MOTOR VEHICLE THEFT - AUTOS	18-000456		Oakland Police
Map it		ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-067818		Oakland Police
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-067796		Oakland Police
Map it		MOTOR VEHICLE THEFT - AUTOS	17-067576		Oakland Police
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-900025		Oakland Police
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-066407		Oakland Police
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-919823		Oakland Police
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-065749		Oakland Police
Map it		VANDALISM	17-065033		Oakland Police
Map it		ROBBERY - FIREARM	17-063957		Oakland Police

1 - 10 of 10 items



California Department of Alcoholic Beverage

Active Retail Licenses

For the County of ALAMEDA and the Census Tract of 40

Report as of: 01/03/2018

Rows Per Page:

Click on column header to sort

	<u>License Number</u>	<u>Status</u>	<u>License Type</u>	<u>Orig. Iss. Date</u>	<u>Expir. Date</u>	<u>Primary Owner</u>	<u>Business Name</u>
1	<u>253309</u>	ACTIVE	64	11/16/1990	09/30/2018	PARAMOUNT THEATRE OF THE ARTS INC	PARAMOUNT THEATRE OF THE ARTS
2	<u>401639</u>	ACTIVE	48	10/21/2003	09/30/2018	REEVES, CYNTHIA ANN	CONTEMPOART ART CAFE
3	<u>409515</u>	ACTIVE	47	10/05/2004	09/30/2018	LUKAS LLC	LUKAS TAPROOM & LOUNGE

Attachment E

4	<u>458117</u>	ACTIVE	48	10/24/2007	09/30/2018	SYNDICATE ENTERPRISES GROUP LLC THE	UPTOWN NIGHTCLUB
5	<u>459551</u>	ACTIVE	47	02/03/2009	01/31/2018	GASS ENTERTAINMENT LLC	FOX THEATRE THE
6	<u>473862</u>	ACTIVE	48	03/09/2009	02/28/2018	151 INDUSTRY LLC	SOMAR BAR
7	<u>478913</u>	ACTIVE	47	12/31/2009	11/30/2017	PARISH AT TOWNHALL INC THE	PARISH AT TOWNHALL I THE

8	<u>501008</u>	ACTIVE	41	12/30/2010	11/30/2018	XOLO TAQUERIA LLC	XOLO
9	<u>501645</u>	ACTIVE	48	02/18/2011	01/31/2018	BAR DOGWOOD LLC	BAR DOGWC
10	<u>508480</u>	ACTIVE	48	08/01/2011	09/30/2018	UPDOG LLC	MAKE WEST
11	<u>516278</u>	ACTIVE	41	02/13/2012	01/31/2018	AWAKEN CAFE, LLC	AWAKEN CA

12	<u>518993</u>	ACTIVE	47	05/25/2012	04/30/2018	RCFC ENTERPRISES LLC	RUDY'S CAN FAIL CAFE
13	<u>519881</u>	ACTIVE	47	06/19/2012	05/31/2018	YONSEI RESTAURANT GROUP, LLC	HOP SCOTC
14	<u>521774</u>	ACTIVE	47	12/04/2012	11/30/2018	IRFANKHANH LLC	CAMBER
15	<u>522373</u>	ACTIVE	41	09/07/2012	08/31/2018	SAIGON COMBINATION CORPORATION	SAIGON RESTAURAN
16	<u>523003</u>	ACTIVE	47	09/25/2012	08/31/2018	DUENDE LLC	DUENDE

17	<u>527578</u>	ACTIVE	42	06/05/2014	05/31/2018	DIVING DOG, LLC	DIVING DOG BREWHOUSE
18	<u>529841</u>	ACTIVE	41	01/03/2014	12/31/2017	FIVE AND DIME GARDENS, LLC	LOST AND FOUND
19	<u>530288</u>	ACTIVE	41	05/16/2013	11/30/2017	VELA, CHRISTIAN CESAR	
20	<u>536201</u>	ACTIVE	41	11/01/2013	10/31/2018	BAY AREA JAZZ AND ARTS INC.	SOUND ROCK THE

21	<u>539945</u>	ACTIVE	47	03/06/2014	02/28/2018	BC PARTNERS LLC	HUTCH BAR KITCHEN
22	<u>540691</u>	ACTIVE	41	03/20/2014	02/28/2018	PHALANGES LLC	SUYA AFRIC CARIBBEAN GRILL
23	<u>544384</u>	ACTIVE	41	10/27/2014	09/30/2018	WOLFGANG & SUSANNE, LLC	DOWNTOWN WINE MERCHANTS
24	<u>546706</u>	ACTIVE	47	10/01/2014	09/30/2018	YONSEI RESTAURANT GROUP, LLC	HOPSCOTCH

25	<u>547024</u>	ACTIVE	41	09/11/2014	08/31/2018	TAIWAN BENTO LLC	TAIWAN BEN
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Rose, Aubrey

From: Shirin Raza <shirinrazagahr@gmail.com>
Sent: Tuesday, January 09, 2018 4:14 PM
To: Rose, Aubrey
Cc: Daniel Gahr
Subject: Fwd: Letter of support

Hi Aubrey-

Below is the letter of support from the NCPC.

Thanks!
Shirin

----- Forwarded message -----

From: Ivey, Brenda <BIvey@oaklandnet.com>
Date: Tue, Jan 9, 2018 at 4:06 PM
Subject: Letter of support
To: "shirinrazagahr@gmail.com" <shirinrazagahr@gmail.com>

On January 3, 2018 the Uptown/Gold Coast Neighborhood Crime Prevention Council heard a presentation from the owners of the Bar Shiru located at 1611 Telegraph Avenue, Suite 100.

We believe this business will be a welcomed addition to providing services to the public and the NCPC supports the establishment of this business.

If there are any concerns please feel free to contact Ted Tarver the Chair of the Uptown/Gold Coast NCPC at 510 898-8488.

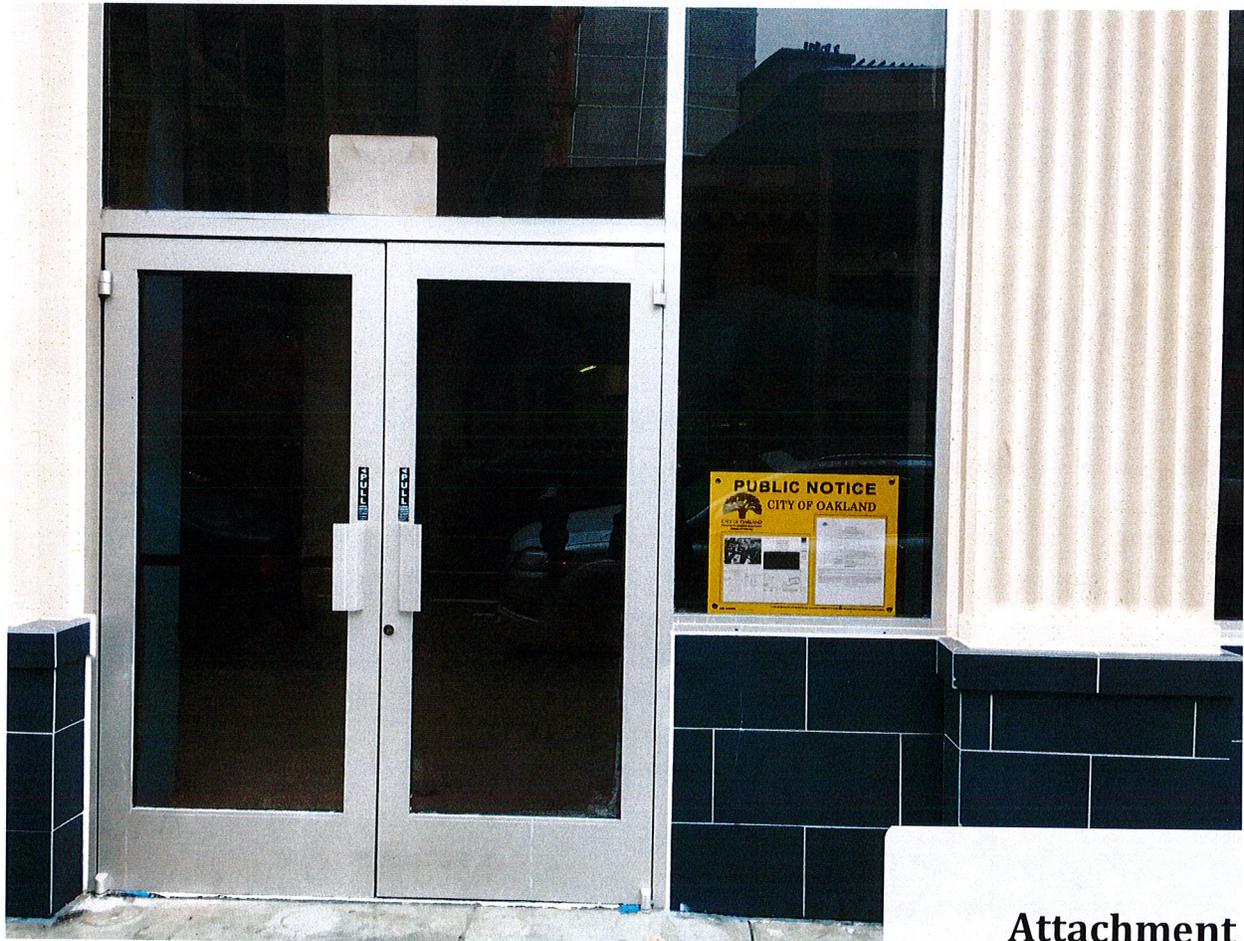
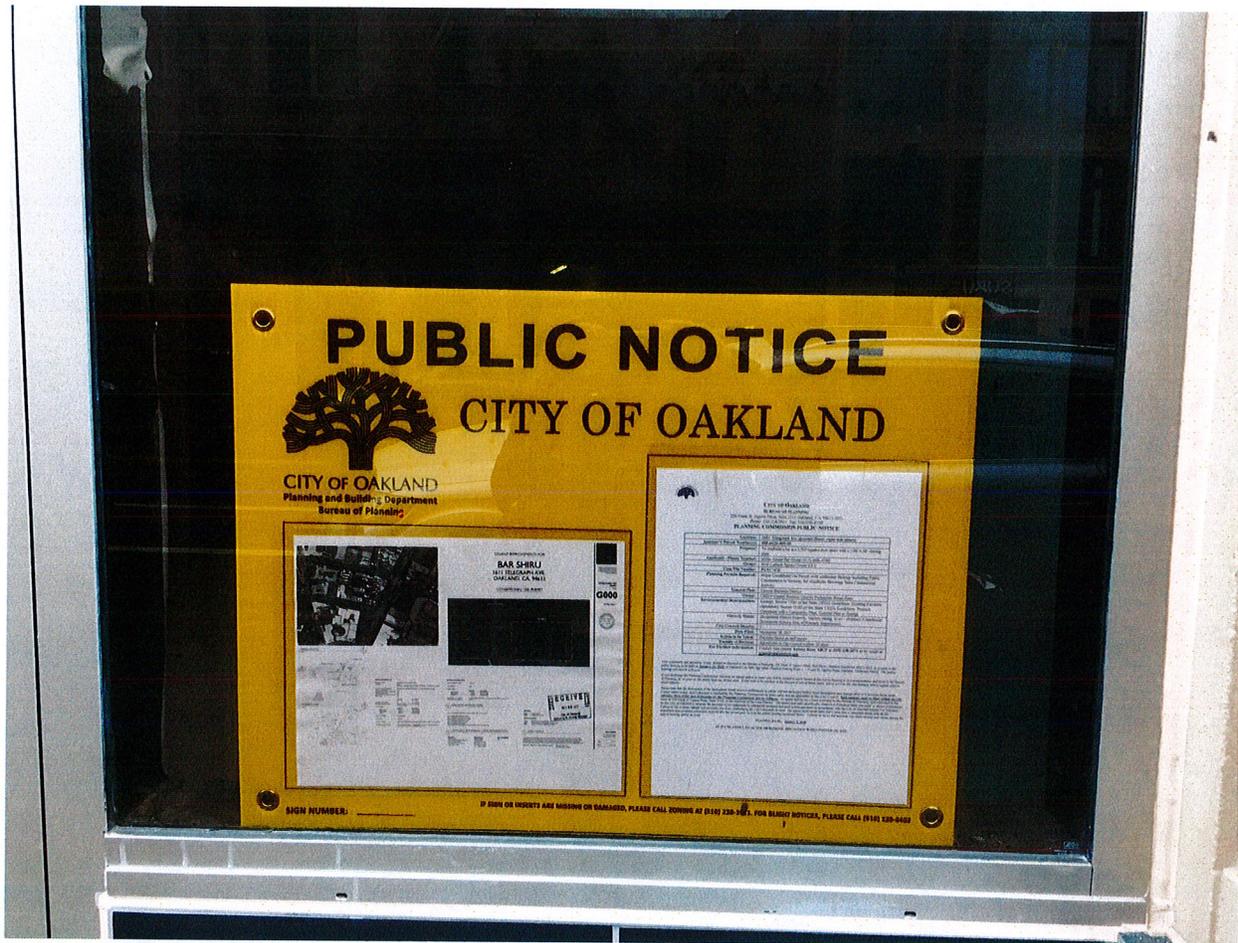
Brenda Ivey

Neighborhood Services Coordinator

250 Frank Ogawa Plaza 6th floor

Oakland,CA 94612

Attachment F



Attachment G