Oakland City Planning Commission STAFF REPORT

Case File Number CMV10-272 **December 15, 2010**

Location:	**1703 Telegraph Avenue (APN 008-0641-005-00)**
Proposal:	Allow an Adult Entertainment Activity (Retail)
Contact /Phone Number:	Lanenna Joiner (510) 206-4635
Owner:	Fred and Patricia Brown
Case File Number:	**CMV10-272**
Planning Permits Required:	Major Conditional Use Permit for Adult Entertainment Activity (retail merchandise and educational/health workshops) and Variances for Location within 500 Feet of a School and Within 1000 Feet of a Residential Zone
General Plan:	Central Business District
Zoning:	CBD-P Central Business District-Pedestrian Commercial Zoning Districts
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 (small existing or new commercial facilities); separate and independently exempt under CEQA Guidelines Section 15183 (projects consistent with a community plan, general plan or zoning)
Historic Status:	Potential Designated Historic Property Rated Ec3, no particular interest
Service Delivery District:	Metro
City Council District:	3
Staff Recommendation:	Approve with conditions
Finality of Action:	Appealable to City Council within 10 days
For Further Information:	Contact **David Valeska** at **(510) 238-2075** or e-mail dvaleska@oaklandnet.com

SUMMARY

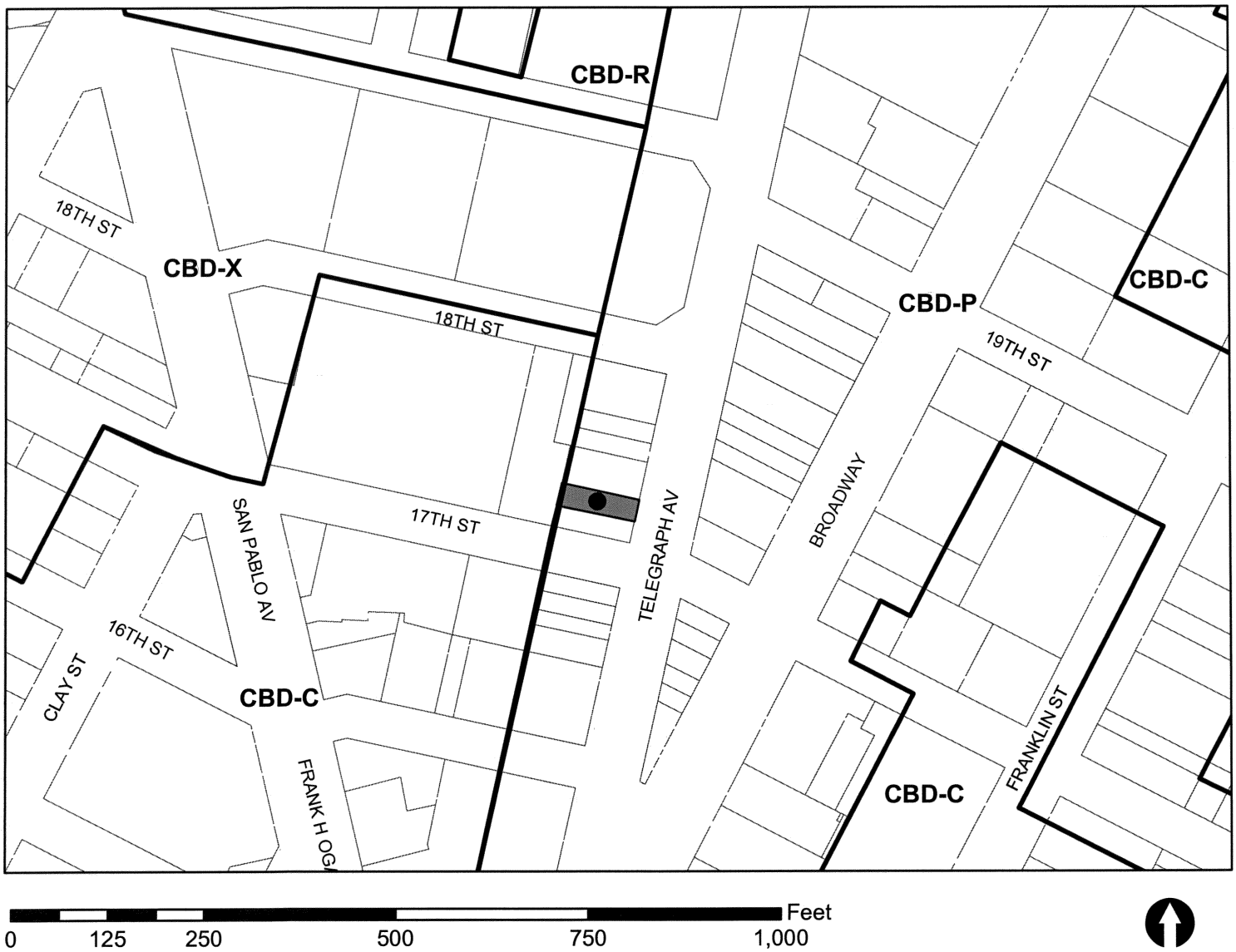
This application involves the request to establish an Adult Entertainment Activity, a retail shop with health education activities, in an existing commercial building in the Central Business District District. An Adult Entertainment Activity is defined in Planning Code Section 17.09 (Definitions) as "any commercial activity, whether conducted intermittently or full-time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by emphasis on male or female genitals, buttocks, or female breasts."

Major Conditional Use Permit (CUP) is required in order to establish an Adult Entertainment Activity. A Variance is also required due to proximity to residential zone within a 1,000 feet radius and schools (including Oakland School for the Arts and Youth Radio) within 500 feet of the proposed new business. (The required 500 foot minimum separation between Adult Entertainment Activities would be fulfilled in this case).

PROJECT DESCRIPTION

The applicant proposes to utilize approximately 750 square feet within an existing commercial building. Formerly a wig shop for several decades, the space has display windows above opaque bulkhead walls, in an extended foyer entrance. The name of the business, "FeelMore," is intended to represent both merchandise and the business's educational philosophy. Partnership with San Francisco Sex Information (SFSI, a nonprofit group), and other similar health care resources is proposed.

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMV10-272
Applicant: Lanenna Joiner, "Feelmore" Inc.
Address: 1703 Telegraph Avenue
Zone: CBD-P

The applicant is modeling this activity after "Good Vibrations" in San Francisco and Berkeley, and other similar Adult retail stores. The business would sell adult sex toys, books, videos etc. from wall shelves, and provide room for small seminars on sexual health education. Larger educational and social groups coordinated by the business would meet at off-site locations in a convention format. The primary market is women aged 25 to 44, although other groups of adults would not be prevented from visiting. There is an adults-only entry policy. There are no massage, clothing-optional or direct sexual activities proposed. The business proposes to operate 7 days a week from 11 am to 11 pm, although midnight on weekends may be requested later (see Condition of Approval #11).

Two employees would provide routine operations, with resource persons for educational activities.

ENVIRONMENTAL REVIEW

Staff has evaluated the project according to the California Environmental Quality Act (CEQA) and determined it is exempt from environmental review for the following reasons:

Section 15301 of the CEQA Guidelines exempts from environmental review small existing or new commercial facilities, respectively, where the building is less than 2,500 square feet in area. The Adult Entertainment Activity is in a 750 square foot existing space, and is not likely to produce measurable physical or other environmental effects. Therefore, the project is determined to be exempt from further CEQA review. Section 15183 provides CEQA exemption for projects consistent with a community plan, general plan or zoning. This project is consistent with plans and zoning subject to CUP and Variance approval.

ANALYSIS

The applicant chose this location due to its proximity to the emerging "tourism area" and specialized adult uses within Downtown, including nearby Oaksterdam University with medical marijuana clinics, and various restaurants, bars and nightclubs approved by the Planning Commission. The nearest Adult store is in Chinatown approximately 1 mile distant.

The applicant's proposal requires a Major Conditional Use Permit (CUP) for Adult Entertainment Activity, and a Variance to be located within 1,000 feet of residential zoning and 500 feet of schools (including Oakland School for the Arts and Youth Radio). It is staff's opinion that the separation provision in the Oakland Planning Code was primarily aimed at restricting the proliferation and concentration of traditional Adult Entertainment Activities, rather than the proposed specialty womens' educational and merchandise shop. While the proposed business would offer customer service and supportive atmosphere for a particular mix of customers which may not be available elsewhere nearby, a Conditional Use Permit remains with the land/building rather than the business. A later business relying on the same Use Permit and Variance would be subject to the same limitations and conditions as stipulated for this proposal. The location is approximately 485 feet from the nearest residential zone (CBD-R) and 235 feet from the theater in the Oakland School for the Arts. The CBD-R zone was recently created as part of the new Central Business District zones (effective April 2010) and was previously zoned C-55 nearby, which was not a residential zone.

In addition, the downtown area, especially nearby along Telegraph and Broadway above 14th Street, has seen a transformation within the last 10 years with an influx of bars, restaurants and residential units (catering primarily to young professionals). At least 2 bars within 6 blocks of the location cater primarily to a gay clientele. Given this transformation, it is not unreasonable to introduce a low-key retail establishment catering to adult items and sensuality. With the business model of the applicant, along

with conditions of approval as accepted by the applicant, this Adult retail activity should not have adverse impacts at this location.

Staff raises the following issues for the project to address:

Proximity to Schools/Youth Oriented Facilities.

The site the applicant has chosen is near youth-oriented facilities which would normally be shielded from Adult Entertainment Activities. Youth Media International is across Telegraph Avenue and functions like a high school extension. Bus stops for these teens are located in this vicinity. The applicant's facility is also nearby an educational facility for foster children; the Oakland Ice Rink which caters largely to families with children; and is within approximately 235 feet of the Oakland School for the Arts High which is housed within the historic Fox Theatre building.

Youth Media International/Youth Radio is a 17-year-old Oakland-based nonprofit public broadcasting studio and educational facility with main entry a block east, at 1701 Broadway. The programs are distributed nationally or regionally to outlets like National Public Radio (NPR), KCBS, KQED etc. At the Oakland headquarters, Youth Media employs approximately 40 adult staff and at any particular time has approximately 40 youth (mainly ages 14 to 18) in workstations and recording studios. Occupancy is primarily 8:30 am to 8:30 pm, covering most of the hours that the applicant's shop would be open.

The Commission should weigh the close proximity of youth activities in the overall character of the district, and whether the facility would meet the Section 17.102.160 findings to not "adversely affect...by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses."

Staff suggests that the self-regulation of this business, based on a Good Vibrations-like business model, would have fewer effects than the more typical store and would be compatible. In addition, Youth Radio's side and rear walls which face the applicant's store on Telegraph Avenue do not have entries. The main entry and bus stop are on Broadway, not on Telegraph. One nearby youth business reports that most of their clients are over 18 years of age, and they do not oppose the request. Therefore this issue of distance separation is minimized compared to other possible Adult-oriented activities which may have different and more adverse impacts.

Potential for Replacement by a More Impacting Business Later.

"FeelMore" is a small startup business, with an educational agenda, anticipated to have few impacts on its neighbors. The presentation from the street (flowers in display windows, high-backed chairs and library table in center of the room) is more like a reading room, rather than the traditional covered-window printed-matter advertising of more familiar and generally "seedy" Adult stores.

However, a Conditional Use Permit and Variance runs with the land, not with any particular business. If "FeelMore" is successful and grows out of this space to relocate (or closes), this space could accept an Adult Entertainment Activity which meets the same conditions of approval. The applicant reports a 5 year lease, renewable to 5 more years. Under the First Amendment, the City could not censor content, only "time, place and manner" of business. Thus a store for a niche market of women customers could be replaced by the type of general Adult store familiar from other cities. Such stores have been reported to have blighting effects. However, conditions could limit secondary effects of even such a business, for instance, prohibiting frosted window glass, prohibiting video or personal booths. "FeelMore" agrees to all of these restrictions and they would carry over to a successor tenant.

The Commission should weigh this potential for a change of business in its deliberations.

Neighbors Rights to Privacy

While the applicant has First Amendment rights and represents a constituency in Oakland, other businesses and owners in this vicinity also have rights. One right protected by City Adult Entertainment Business regulations is a right to privacy free from any adverse effects of such a business. Persons not agreeing with FeelMore's point of view or activities should not be required to interact with or be involved with the Activity, which by its very nature is adult and selective. Therefore, the presentation should not impact neighbors more than the prior wig store or other retail sales on this site, the new bars and restaurants in the area or the various medical marijuana clinics nearby. Loitering, noise, window transparency, product displays and other factors can be controlled, pursuant to specific conditions 11 through 19 attached. Staff concludes that the applicant's small business is making efforts to protect neighbor privacy. Further, immediate neighbors are commercial uses on a busy street. The nearest residential units in the newly-adopted CBD-R zone, are in the recently constructed Uptown (Forest-City) development whose zone boundary is approximately 485 feet distant from 1703 Telegraph.

Crime Control

Overall crime statistics for the 17th Street/Telegraph area, (Attachment G, for 90 days prior to November, 2010) were moderately higher than in commercial areas of Temescal and College Avenue/Claremont Avenue (Rockridge) which are not perceived as high crime areas. (The exception was theft, which near 1703 Telegraph Avenue was triple the combined average of Temescal and Rockridge). While some crime does occur in the area,, staff and the applicant believe the proposed store will not significantly contribute to crime levels. Good Vibrations, which is the model the applicant proposes to emulate, has not been reported as a crime source and staff believes FeelMore likewise would not cause crime.

Successor businesses using the CUP may not have the same self-regulation and benefits but would be subject to CUP conditions. Conditions of approval would precisely describe the business as presented by "FeelMore." Conditions would help to prevent transition into a different kind of business with potentailly more impacts.

In the Central Business District, this business would reinforce the general-interest adult tourism and may help to bring general retail customers to neighboring commercial uses. The Downtown business association and Youth Radio have been consulted and expressed concerns and/or opposition to the project. Other neighbors are more neutral. While respecting their views, staff concludes that the Findings for the Major CUP and Variance are fulfilled, as further explained in the Findings Section and through proposed Conditions of Approval.

RECOMMENDATION:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit and Variance for Adult Entertainment Activity, at 1703 Telegraph Avenue, based on findings and conditions.

Prepared by:

David Valeska

David Valeska, Planner II

Approved by:

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:

Eric Angstadt, Deputy CEDA Director
Community & Economic Development Agency

Attachments:

A. Findings for Approval
B. Conditions of Approval
C. Plans and Photographs
D. Applicant and Neighbor Correspondence
E. Applicant Store Examples
F Applicant Project Explanation
G. Crime Statistics, 90 Days Prior, November 2010

ATTACHMENT A: FINDINGS FOR APPROVAL

This proposal meets the required findings under the Oakland Planning Code. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. Note that the general conditional use permit and variance findings are not applicable to Adult Entertainment Activities; rather, "Special" findings must be made, consistent with first amendment protections afforded these activities.

Section 17.102.160B: (SPECIAL) FINDINGS FOR ADULT ENTERTAINMENT ACITIVITIES

A conditional use permit for an adult entertainment activity shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. **The requested use at the proposed location will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses.**

   The small floor area, retail-oriented nature and health/education-supporting business plan tend to make this activity very similar in impact to any retail activity. Youth oriented facilities in the area tend to front on Broadway rather than Telegraph Avenue and/or to be focused on older students rather than young minors, although Oakland School for the Arts entries and BART access for students is on Telegraph Avenue near the applicant's site. Conditions of the proposed approval restrict entry by minors. While there are medical clinics and religious facilities in Downtown, few of them are within one block and/or line-of-sight. The facility would cause no sounds, activities, explicit visual depictions or advertisements which could be perceived from off-site and it would blend into the commercial and entertainment-oriented vicinity.

2. **The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity such that any obtrusive or distracting environmental factors which may emanate from the use do not adversely affect said areas.**

   Rows of commercial buildings separate this facility from residentially zoned and occupied areas, and the activity will not be obtrusive or distracting. The activity will essentially function similar to any retail activity.

3. **The exterior appearance of the structure will not be conspicuously of a lesser quality (i.e. with respect to such elements as building façade, lighting and signage materials) than the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood or cause a substantial diminution or impairment of property values within the neighborhood.**

No change in the facility exterior is planned except for modest signs. The windows will remain transparent.

4. **The proposed use will not be inconsistent with the adopted general plan for the area.**

   The General Plan LUTE calls for retail and other services in this Downtown location and the applicant proposes to blend into that category pursuant to CUP conditions and their business model.

5. **The proposed site is adequate in size and shape to accommodate the parking and loading facilities, landscaping and other development features prescribed in the planning code or other city regulations or as is otherwise required in order to integrate said use with the uses in surrounding areas.**

   The site is in the CBD-P zoning district, which does not require additional parking, loading, landscaping or similar changes in order for an activity to occupy existing space.

6. **The proposed site is served:**
   a. **By highways or streets of sufficient width and capacity to carry the kind and quantity of traffic and to accommodate the parking demand such use would generate; and**
   b. **By other public or private service facilities such as fire protection or trash collection services as are required.**

   The Central Business District site has all public services, and the change from past retail uses to the applicant's requested activity will not generate significant parking or traffic demand.

SECTION 17.148.050(B)—(SPECIAL) VARIANCE FINDINGS:

A variance for an adult entertainment activity shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

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.**

   The activity, using a limited-scale business plan modeled in other cities, requires proximity to a certain client base and a location in which there would be minimal secondary effects on neighbors. The Central Business District is one of the few sites which provides the necessary characteristics. The proposed retail activity near a newly designated residential zone (CBD-R) and a charter school in this downtown location is a unique physical circumstance in that the residential designation of the CBD-R (formerly considered non-residential C-51 and C-55) was recently established with no specific intent to restrict appropriate, limited-impact Adult uses. The nearby school location within an historic theater building and in very close proximity to several bars and medical marijuana dispensaries also adds to the unique physical circumstance. Those circumstances, coupled with the applicant's business model to provide an Adult-oriented retail shop without the familiar elements of a "seedy" pornography establishment (such as covered windows, indoor booths, and a secretive atmosphere) which provides a unique

condition of design.

2. **That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property.**

   Property owners in Chinatown, Jack London Square, and other neighborhoods have Adult Entertainment Activities and strict compliance with regulations would prevent an otherwise viable Central Business District site from enjoying the same privileges of commerce, First Amendment expression and social gathering. While there are currently no Adult-oriented activities within the CBD-P zone in this immediate area, the applicant's business model of providing a low-key retail shop without elements that typically found in the more familiar "seedy" pornography shops (covered windows, interior booths, etc.) essentially causes her establishment to have the same visual appearance and impacts of a more standard retail activity. In addition, there are very fewlocations within the City of Oakland that are both commercially zoned (such as the subject CBD-P zone) and more than 1,000 feet from a residential zone. Moreover, variances have been granted for alcoholic beverage sales commercial activities in the CBD and elsewhere, which have similar distance separation restrictions as Adult Entertainment Activities.

3. **The variance will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses.**

   As noted above, facilities for students in the area generally back up to, or are distant from, this site. Housing, churches and medical clinics in the Central Business District likewise are generally screened by mid-to-high-rise buildings from the applicant's site. The applicant's business plan minimizes secondary effects such as sounds, advertisements etc. as experienced off-site in buildings or on sidewalks. Through the applicant's business model and accepted conditions of approval, the activity will not create sounds, activities, visual depictions or advertisements which unreasonably interfere with surrounding uses. The activity will appear and function as if it were a standard retail activity.

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

   The approval of Variances for proximity to a residential zone and school in this downtown location for this Adult-oriented use will not grant a special privilege inconsistent with the purposes of zoning regulations for the following reasons: The applicant's business model of creating a low-key retail establishment providing sexually-oriented products and sensuality information coupled with accepted conditions of approval will result in an exterior appearance and impacts very similar to any retail establishment. In other words, the business model that differs greatly from the more familiar "seedy" pornography activity and the conditions of approval more than compensate for the reduced distance from a residential zone and school.

ATTACHMENT B: CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. **Approved Use.**
   Ongoing.
   a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans dated **October, 2010** and submitted **October 25, 2010** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
   b. This action by the City Planning Commission ("this Approval") includes the approval set forth as follows: Major Conditional Use Permit for Adult Entertainment Activity (retail merchandise and educational/health workshops) and Variance for Location within 500 Feet of a School and Within 1000 Feet of a Residential Zone; in particular sale of adult toys and clothing, videos and recordings, magazines and books and other items approved by the Planning Commission; and educational and health care activities including seminars, counseling, demonstrations conducted by health professionals or other similar activities. No live personal exposure of specified anatomical areas listed in the Zoning Code definition of Adult Entertainment Activity (Section 17.09.040 et al.) is allowed, although this requirement does not restrict product packaging on shelves perpendicular to the street within the main store building. No massage or other such activities are permitted by this approval.

   Any subsequent or replacement business at this address, reliant upon this Conditional Use Permit and Variance, must also abide by conditions herein.

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

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

4. **Conformance with Other Requirements.**
Prior to issuance of a demolition, grading, P-job or other construction related permit.
a. The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.
b. The applicant shall submit approved plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access and vegetation management for preventing fires and soil erosion.

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

6. **Signed Copy of the Conditions**
With submittal of a demolition, grading and building permit.
A copy of the approval letter and Conditions shall be signed by the property owner and submitted with each set of permit plans submitted for this project.

7. **Indemnification**
Ongoing
a. To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action or proceeding (including legal costs, attorney's fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The project applicant shall reimburse the City for its reasonable legal costs and attorneys fees.

b. Within ten (10) calendar days of the filing any Action as specified in subsection A above, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the

City Attorney, which memorializes the above obligations These obligations shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in this condition or other requirements, or other conditions of approval that may be imposed by the City.

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

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

10. Job Site Plans
Ongoing throughout demolition, grading, and/or construction and when operating
At least one (1) copy of the approved plans, along with the Approval Letter and Conditions of Approval shall be available for review at the job site at all times.

SPECIFIC PROJECT CONDITIONS

11. Hours of Operation.
Ongoing.
The business, as proposed, may be open to the public for business between the hours of 10 am daily to 11 pm Monday through Sunday. Any work outside these hours shall solely be staff preparation and not open to the public. After ninety (90) days of operation, the applicant may request of the Zoning Manager, in writing, the ability to open until 12am on Friday and Saturday evenings only, subject to written approval of the Zoning Manager.

12. Window Transparency/Display.
Ongoing
The applicant/property owner shall continue to keep display windows in at least the front 10 feet of the building clear of visual obstructions including, but not limited to window coverage materials, including window frosting or other opaque treatments, any advertising displays, product racks, cardboard, trash, wire mesh/security bars, reflective coatings, or other materials other than text notification of products offered for sale. The applicant voluntarily agrees that display windows shall not include any Adult oriented products and may include non-Adult retail items and miscellaneous event or product announcements of not more than 2 (two) square feet on each side of the entry, or promoting meetings, health seminars etc. The front entry door and sidelight, which is set back more than 10 feet from the sidewalk, may contain opaque covering if desired.

13. Facility Management
a. Ongoing

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

b. ***Ongoing***
The licensees/property owners shall clear the gutter and sidewalks twenty feet beyond the property lines along these streets of litter twice daily or as needed to control litter (sweep or mechanically clean weekly). The licensee shall clean the sidewalk with steam or equivalent measures once per month.

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

d. ***Ongoing.***
No pay phones are permitted outside the building.

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

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

15. Limitations on Merchandise and Sales/Activities
Prior to commencement of use and ongoing
As proposed by the applicant, the store may offer for sale Adult items such as adult toys, clothing, videos or recordings, books or magazines as well other items of standard non-Adult oriented products. The applicant voluntarily agrees that samples and/or product storage may be kept in the rear 50% of the store, with display toward the interior long axis of the store, perpendicular to the street, so as to limit visibility of such products from public areas. Additional product sales must fit the Zoning Code definition of "General Retail Sales" or "General Food Sales." The applicant voluntarily agrees that activities inside the store, particularly those visible from the street, must not include exposure of designated anatomical areas as described in the City's definition of "Adult Entertainment Activity," nor sexual acts, or other adult activities which would not normally be associated with "General Retail Sales." The applicant voluntarily agrees that the facility shall be open to Adults only, age 18 or older.

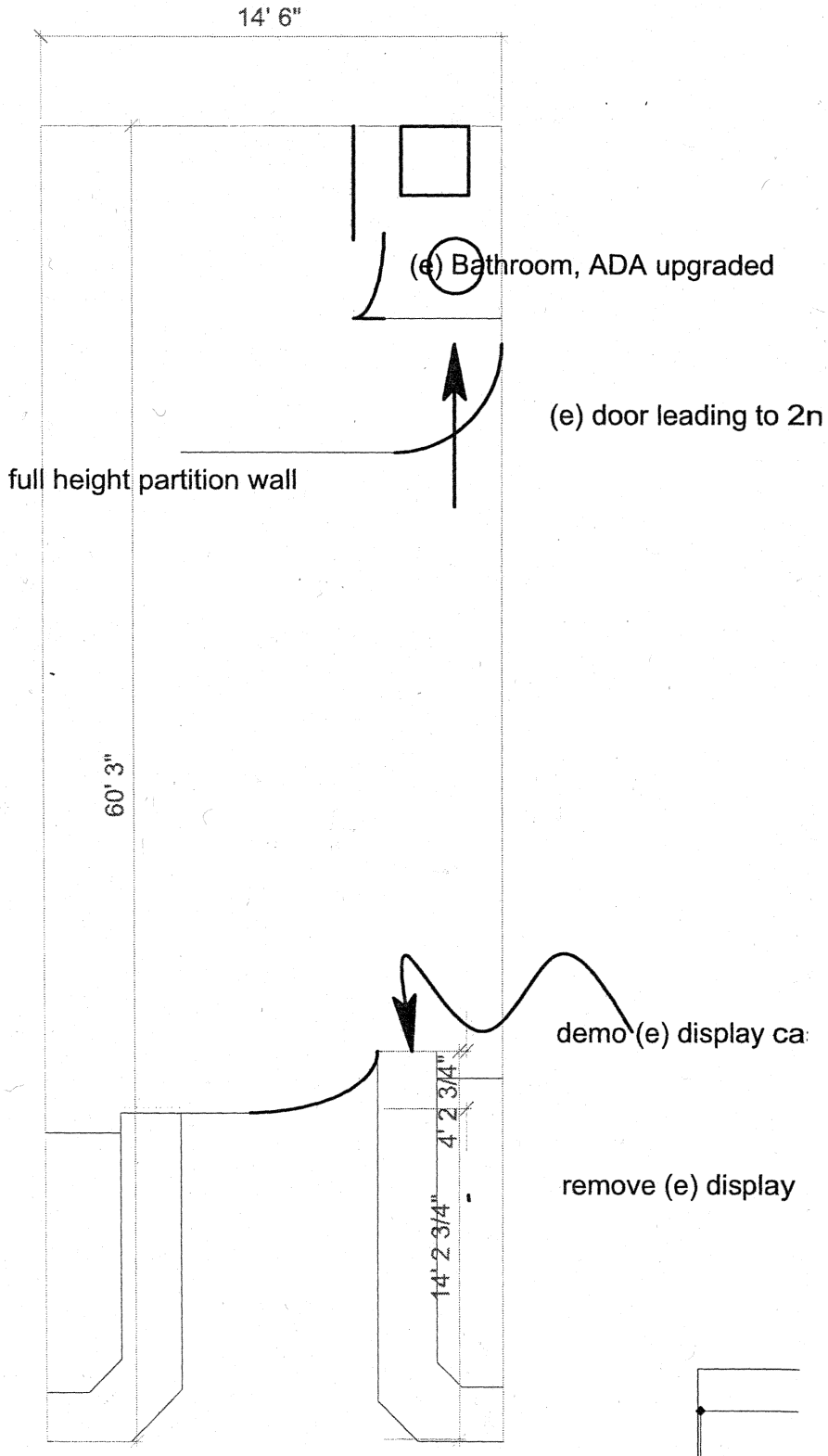
16. Other Activities
Ongoing
The applicant is not restricted in exercise of First Amendment rights including free speech, distribution of educational or advocacy literature, holding small meetings (within the capacity of the room as determined by the Fire Marshall and Building Codes) and similar activities which might be conducted by any cultural or political group in the same manner. The applicant voluntarily agrees that no amplified music, voice or video shall be noticeable on the public street

or on neighboring properties. The applicant voluntarily agrees that there shall be no massage, clothing-optional activities and no interpersonal or direct sexual activities allowed on-site.

17. Sign Modifications
Within 90 Days of Approval
Signs if modified shall receive all required Planning and Building permits.

18. Restrictions on Booths
Ongoing
The applicant voluntarily agrees that the business shall have no enclosed or partly enclosed booths for the purpose of viewing adult videos or other activity. This condition does not restrict showing of films in the entire main room, not visible from the street, as well as the provision of no more than 1 small fitting room.

19. Compliance Review.
After Six (6) months of business operation, the applicant shall, (within 21 days of the 6-month anniversary date) submit for a compliance review, and pay all appropriate fees consistent with the then current Master Fee Schedule (currently $1,310), to assess compliance with all applicable Conditions of Approval. The Compliance Review will be agendized 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 compliance with conditions of approval or whether any changes to conditions are warranted.



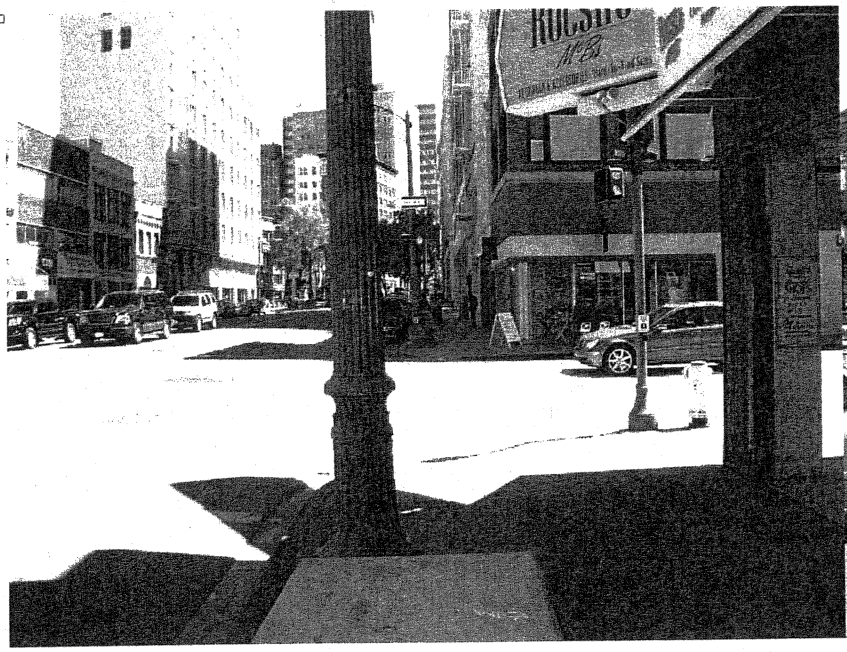
1. Demo - Ground Floor

M.L.Dis

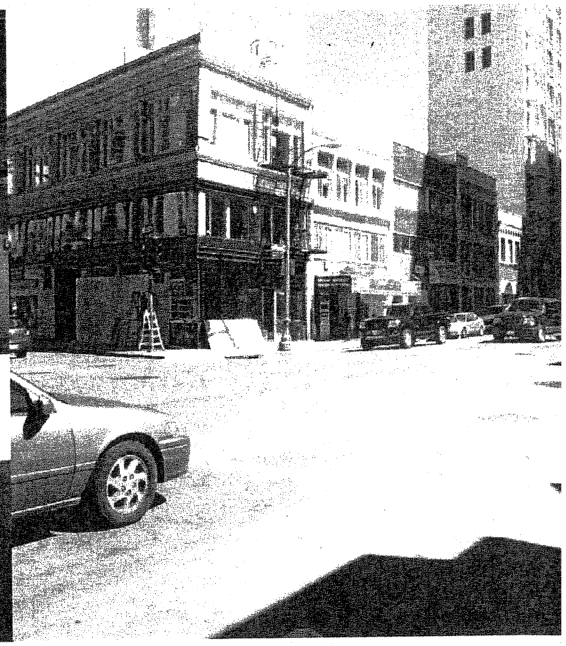
Lic.#93

925-47

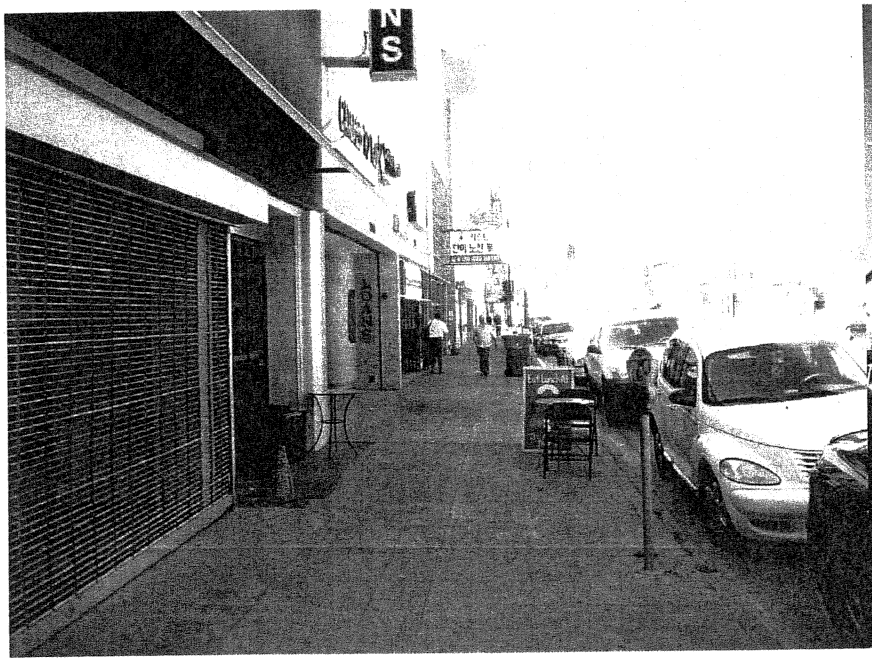
ATTACHMENT C: PLANS AND PHOTOGRAPHS



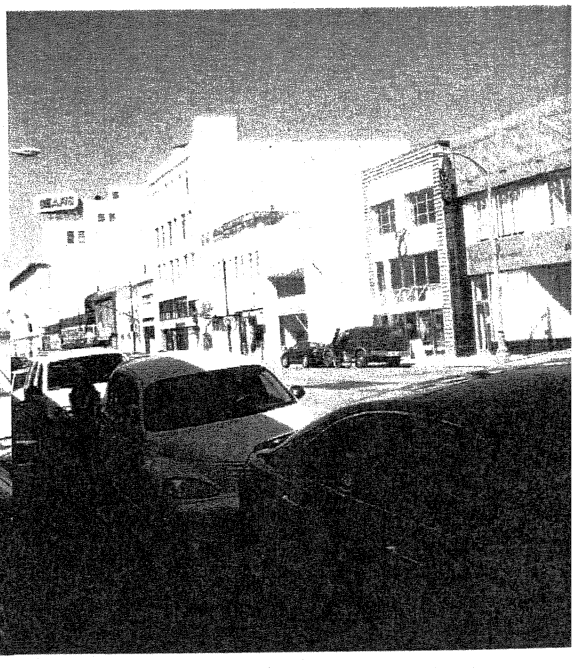
North east view



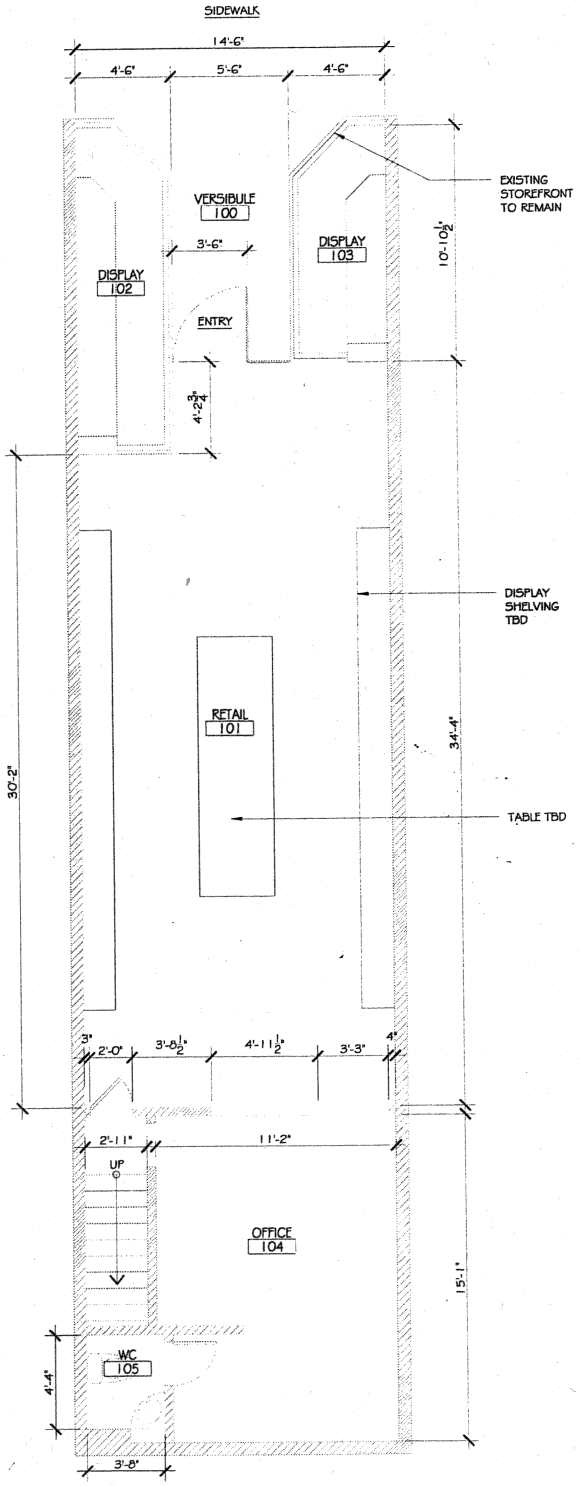
South view



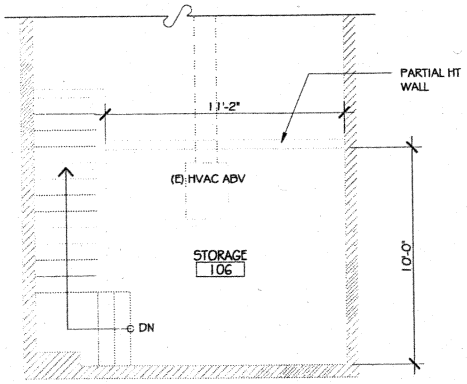
Northwest view



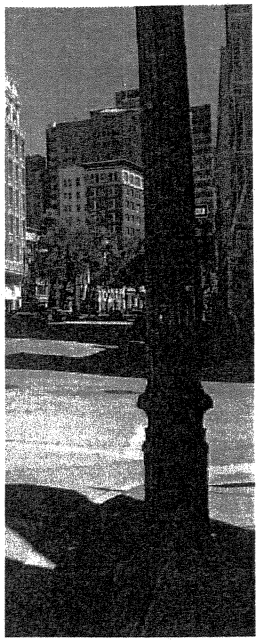
Southeast view

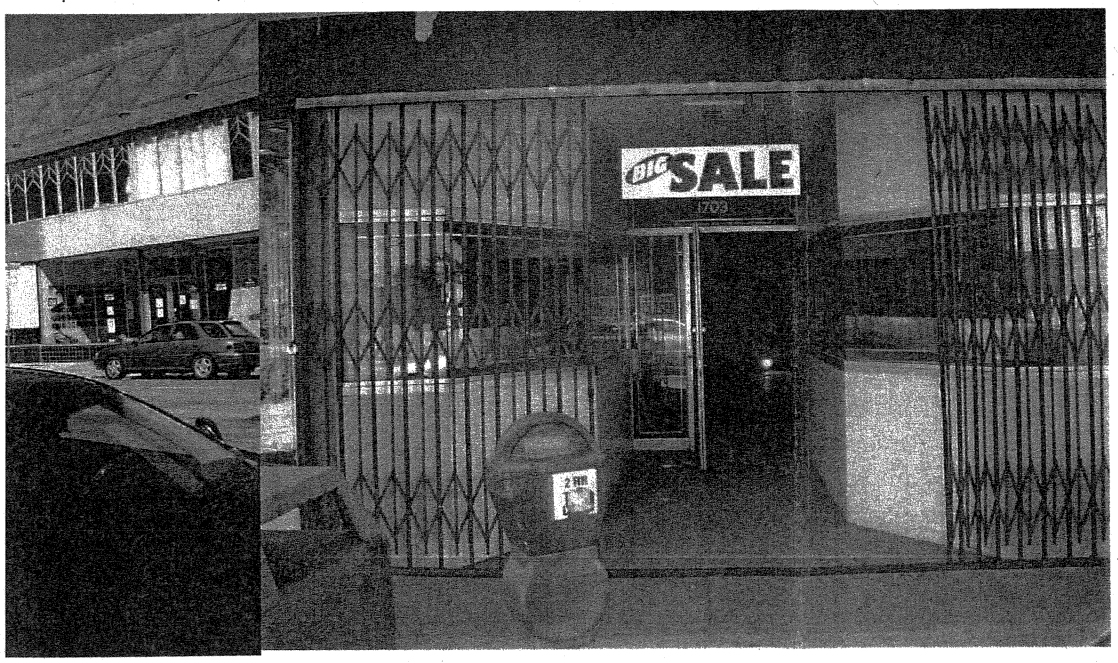


1 FLOOR PLAN - GROUND LEVEL
1/4" = 1'-0"



2 FLOOR PLAN - UPPER LEVEL
1/4" = 1'-0"



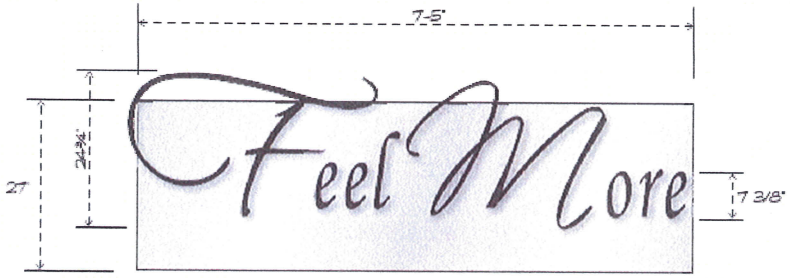


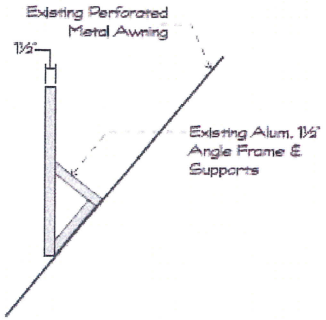
(e) Storefront

Dwg 489 FeelMore -plex.pdf (SECURED) - Adobe Reader

File Edit View Document Tools Window Help

1 / 1 64% Find





A S/F NON-ILLUMINATED SIGN DISPLAY

SCALE: 3/4"=1'-0"

REMOVE EXISTING SIGN - BRING TO SHOP & RE-FURBISH
RE-PAINT BKGD. "METALIC SILVER" (MATCH EXISTING)
LETTERS TO BE 1/2" THICK PLEX (FIN. BLACK SEMI-GLOSS)

EXISTING SIGNAGE CONDITIONS

PROPOSED RE-FURBISHED SIGN

All Illuminated Signs are to Contain France Ballasts or Transformers.
All Illuminated Signs are Designed at 120v Unless Otherwise specified by Customer or Agent of Customer in Writing.

GOLDEN GATE SIGN COMPANY, INC.
Serving Northern California Since 1969

711 Independent Road
Oakland, CA 94621
Ph. (510) 336-3838
Fax. (510) 336-3830
STATE CONTRACTOR'S LICENSE NO. 886943

Feel More

LOCATION: 1703 Telegraph Ave., Oakland, CA
SALES EXECUTIVE: Bill Vigil
DRAWN BY: G. Grant DATE: July 7, 2010

Revisions

Customer Approval
Signature:
Date:

This is an original unpublished drawing submitted in connection with a project we are planning for you. It is not to be copied, reproduced, exhibited or shown to anyone outside of your organization without written permission of Golden Gate Sign Co., Inc.

CSA
WSA

GGS-489
JOB NO.

SHEET 1 OF 1

Valeska, David

From: Erik Sakamoto [erik@youthradio.org]
Sent: Friday, December 03, 2010 12:02 PM
To: Valeska, David
Cc: jacinda@youthradio.org
Subject: Youth Radio Letter Re: 1703 Telegraph

Hi Dave-

Attached is the letter from our Executive Director, Jacinda Abcarian, expressing Youth Radio's position on the Feelmore, Inc. business.

Thanks in advance for your efforts.

Erik

Erik Sakamoto | Director of Youth Programs | ***Youth Radio*** | 1701 Broadway, Oakland CA 94612 | P: 510-251-1101 ext. 303 | F: 510-899-8770 | erik@youthradio.org
www.youthradio.org
Drop That Knowledge: Youth Radio Stories. University of California Press. Written by Youth Radio's Senior Producer and Research Director, Lissa Soep, PhD, and former Youth Radio participant Vivian Chavez, **Drop That Knowledge** is the first book to go inside Youth Radio for a fascinating, behind-the-scenes look. http://www.amazon.com/Drop-That-Knowledge-Youth-Stories/dp/0520260872

ATTACHMENT D: APPLICANT AND NEIGHBOR CORRESPONDENCE

YOUTH RADIO

December 3, 2010

BOARD
KEVEN GUILLORY, CHAIR
KQED-FM

MARK BAUMAN, VICE CHAIR
NATIONAL GEOGRAPHIC

LORI KAPLAN, TREASURER
LATIN AMERICAN YOUTH CENTER

GARY RYDSTROM, SECRETARY
PIXAR ANIMATION

JULIE JENSEN
JENESIS GROUP

COLIN LACON
NORTHERN CALIFORNIA GRANTMAKERS

FRANK MARTIN
STANDARD PACIFIC CAPITAL LLC

MARIA MARTIN
FOUNDER, LATINO USA
GRACIAS VIDAS
CENTER FOR MEDIA

ARNOLD PERKINS
FORMER DIRECTOR OF THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT

RICHARD RAYA
CALIFORNIA FORWARD

TERI YEAGER
HEARST FOUNDATION

Dear Mr. Valeska:

On behalf of Youth Radio's students, staff and Board of Directors, I am submitting this letter as formal opposition to the issuance of a major conditional use permit for adult entertainment activity and variance for location within 500 feet of a school and within 1000 feet of a residential zone for Feelmore Inc. Youth Radio is a nonprofit youth development and media organization located at 1701 Broadway. We serve hundreds of low income youth each year through comprehensive media training programs and support services including case management, academic guidance, career guidance and job placement. All services are offered completely free of charge with the aim of preparing young people for pathways to meaningful careers.

Youth Radio is located directly across the street from the site of Feelmore Inc. We own our building and specifically moved to downtown Oakland to be a part of the reclamation of the Uptown area as an Arts District (along with the renovation of the Fox Theater and the building of Oakland School for the Arts). A large number of Youth Radio participants are minors between the ages of 14-18. The majority of them take public transportation to and from our location, and a number of them frequent the retail stores and restaurants in our neighborhood. We are liable for our youth participants (in the same manner as a school) until they return to their place of residence.

Youth Radio has performed due diligence investigating into the business philosophy and practices of Feelmore Inc. By all accounts the owner of Feelmore Inc. appears to be a positive, local, small-business owner who we would traditionally support. The concern in the permit issuance is rooted in the possibility of the retail space being vacated in the future and potentially sold to a less ethical business owner who would retain the adult entertainment permit. At around 750 square feet, the retail space could be outgrown quickly, especially with the expressed plans for the space being used for sex education workshops and the store being the only of its kind in Oakland. Another indicator of Feelmore Inc.'s potential growth is its connection to the extremely successful sex shop chain Good Vibrations.

We appreciate your consideration of our stance in this matter. If Youth Radio can be of further service, I can be reached directly at 510-251-1101 ext. 324, or jacinda@youthradio.org.

Sincerely,

Jacinda Abcarian

Jacinda Abcarian
Executive Director

1701 BROADWAY, OAKLAND CALIFORNIA 94612
PHONE 510-251-1101 • FAX 510-899-8769 • EMAIL: YOUTHRADIO@YOUTHRADIO.ORG
WWW.YOUTHRADIO.ORG

Valeska, David

From: Haddad & Sherwin [haddad.sherwin@sbcglobal.net]
Sent: Monday, December 06, 2010 2:25 PM
To: Gallo, Aliza; Valeska, David; Miller, Scott; lorie@ppi-ltd.com; Steven Douglas; eclark@fablaw.com; adclifford@wendel.com; Steve Snider
Cc: Haddad & Sherwin
Subject: Re: Today's Meeting: Oakland Planning Commission Cases: Feelmore Store and the Oaksterdam Sign - 3pm, Dimond Room, 250 Frank Ogawa Plaza, 3rd Floor

I am very sorry, I have just had an unexpected issue arise in one of my cases that requires immediate attention and cannot attend the meeting at 3. I am sorry for the late notice. In the meeting today, three concerns I have are what the "conditions" would be for recommended approval, who would be responsible for enforcement of the conditions if there were approval, and that the approval requires a permanent variance from zoning regulations, to permanently allow adult entertainment activity within 500 feet of a school and 1,000 feet of a residential area at that address. I would be very grateful to see the application for the CUP and variance, and to whom I should address correspondence regarding concerns about the approval. Thanks very much, Julia

Julia Sherwin
HADDAD & SHERWIN BUILDING, LLC
505 Seventeenth Street
Oakland, CA 94612
Tel: (510) 452-5500
Fax: (510) 452-5510

Civil Rights • Trial Lawyers
www.haddadsherwin.com

From: Gallo, Aliza
Sent: Monday, December 06, 2010 1:22 PM
To: Valeska, David ; Miller, Scott ; lorie@ppi-ltd.com ; haddad.sherwin@sbcglobal.net ; Steven Douglas ; eclark@fablaw.com ; adclifford@wendel.com ; Steve Snider
Subject: Today's Meeting: Oakland Planning Commission Cases: Feelmore Store and the Oaksterdam Sign - 3pm, Dimond Room, 250 Frank Ogawa Plaza, 3rd Floor

Everyone:
Good Afternoon.

Agenda:
Monday, December 6th
3-4pm
City – CEDA Offices
Dimond Conference Room, 3rd Floor
250 Frank Ogawa Plaza

1. Review/Discuss Conditional Use Permit Application and Variance Recommendation for Feelmore Store: Oakland Planning Commission – December 15, 2010

2. Discussion of Oaksterdam Sign Violation & Mural Approval
   Oakland Planning Commission – January 12, 2011

Meeting Attendees:

Scott Miller
Zoning Manager
City of Oakland – CEDA
(510) 238-2235
smiller@oaklandnet.com

David Valeska
Planner
City of Oakland – CEDA
(510) 238-2075
dvaleska@oaklandnet.com

(Downtown Oakland & Lake Merritt/Uptown CBD Board of Directors Representatives)

Lori Alemania
President
Portfolio Properties
1814 Franklin Street, Suite 600
Oakland, CA 94612
(510) 839-1744 ext.11
lorie@ppi-ltd.com

Julia Sherwin
HADDAD & SHERWIN
505 Seventeenth Street
Oakland, CA 94612
Tel: (510) 452-5500
haddad.sherwin@sbcglobal.net

Steven Douglas
Douglas Parking LLC
Airpark
510-444-7412
steven@douglasparking.com

Elizabeth Clark
Fitzgerald Abbott & Beardsley LLP
1221 Broadway, 21st Floor
Oakland, CA 94612
510.451.3300
eclark@fablaw.com

Angagha Dandekar Clifford
Attorney
Wendel-Rosen Law Firm
1111 Broadway, 24th Floor
Oakland, CA 94612

adclifford@wendel.com

Steve Snider
District Manager
Lake Merritt-Uptown & Downtown Oakland CBDs
388 19th Street
Oakland, CA 94612
(510) 238-1122
steve@lakemerritt-uptown.org

Please call me if any questions.
Thank you.

Aliza Gallo
Business Development Services/Economic Development
Community & Economic Development Agency, City of Oakland
250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612
(510) 238-7405 office
(510) 774-5264 mobile
(510) 986-2653 fax
agallo@oaklandnet.com
www.Business2Oakland.com
www.OaklandBAC.com
www.oaklandnet.com
www.oaklandgrown.org
www.MeetDowntownOak.com

Alameda County SBDC

CALIFORNIA SBDC

1330 Broadway, Suite 705
Oakland, CA 94612
www.acsbdc.org

"Helping Alameda County Businesses Start, Grow & Thrive"

November 19, 2010

To Whom It May Concern:

On behalf of the Alameda County Small Business Development Center (the "SBDC"), I want to express my support for Lanenna Joiner and her new retail business, Feelmore, to be locate in Oakland. I have known Ms. Joiner since 2007 and am very familiar with her efforts. She has made a significant personal investment in time and money developing and refining her business concept. She is a serious individual with a well thought out business plan and the capacity to successfully implement her ideas.

I urge you to support Ms. Joiner in her efforts.

Please feel free to contact me by phone, 510-208-0412, or email, rick@acsbdc.org, if I can be of any further assistance.

Sincerely,

Fredrick Ohlrich

Fredrick Ohlrich
Director
Alameda County SBDC

City of Oakland
1 Frank H. Ogawa Plaza
Oakland, CA 94612

November 15, 2010

Re: Personal Character Reference

Dear Sir or Madam;

I have known Nenna Joiner for about twelve years. She worked in the IT department at Clorox for almost 10 years and in all of those years she became known for her specialty, as well as being one of the hardest working employees there. Since then she slowly but surely began to pursue her passion in the Adult industry and has been trying to come up with a prosperous business from it. I've seen her come a long way and I have even assisted her along the way when I could. I've seen her from day one of the business plan to attending her first Adult film that she directed and filmed up to finding a home for her Adult store at 1703 Telegraph Ave in the City of Oakland.

I know Nenna Joiner to be honest, resourceful and a very classy people person. She has a great vision to put forth a special and unique kind of Adult store that will soon be revealed. I can confirm that she is a person of great integrity and is dedicated to making Feelmore a great success so she has my full confidence and support. Feelmore Adult Boutique will be a profitable and classy business addition to the City of Oakland and I will look forward to coming to the opening day.

Sincerely,

Vernice Massey
211 N. Valley Street, #405
Burbank, CA 91505

LETTER OF SUPPORT

Joe Hawkins
510 17th St.
Oakland, CA 94611

My name is Joe Hawkins, I am writing in support of Nenna Joiner and her new business Feelmore Boutique on Telegraph Ave. in the Uptown District of Oakland.

I am a long time resident and community organizer in Oakland and partner with Bench & Bar nightclub in Oakland's Uptown District. I am also co-chair of Oakland LGBTQ Pride Celebration, that took place over the Labor Day Weekend this year (featured Chaka Khan) and attracted tens of thousands of people to the Uptown District.

The need for high quality retail services in Uptown is evident, and the need for clean, well lighted retail services that provide education and information that also promote sexual health and empowerment is critical in Oakland. Oakland has the highest rates of HIV infection among both women and men of color, and disproportionate high rates of STD's for youth and people of color communities.

Ms. Joiner has taken the leadership to create a non-judgmental retail sex store model in Oakland that has done well in cities all over the country to include Berkeley and San Francisco (Good Vibrations). Oakland is well over due for our own sexual pleasure boutique that is not dirty and disgusting but warm and inviting.

Please help her to make Oakland a sexier and healthier place.

In Community,
Joe Hawkins

Cicily Smith
3050 S. Nellis Blvd. 2115
Las Vegas, Nevda 89121
November 15, 2010

Oakland Planning Commission
Re: Lanenna Joiner l FeelMore
Oakland, California

To: Oakland Planning Commission – Regarding Lanenna "FeelMore"Joiner Petition

I know that I may not be a California resident, but the character that I'm writing about is. Lanenna Joiner, I believe will commit to her dream of owing a community partnership boutique, in the overlooked community of Oakland, California, if you are willing to succeed with her. I know that her heart has carried her to this passion, and with acknowledgement form overhead, you'll see her endurance supply the energy needed to get the job done: Sexually Aware Oakland.

What is her job, one could ask…

It would be the need to inform people of all races, not to exclude any ethnic heritage, of the right to protect self and another. *Each one teaches one*, in short. Some people are just made, clearly, we are the human race. And many others are made of the stuff that it takes to create real, life changing direction, this is Ms. Joiner. I know that Lanenna is capable of being one of the leading drives for conscience sexual awareness.

Just the name alone, *feelmore,* makes me want to grab the offer, and do-just-that *FEELMORE*. Empowerment is a must. *Ms. Joiner* should be an inclusion of that power; with this boutique clearly in Oakland's needy area, and in-stern-way of all who see's it, creating awareness mentally, taking flight, even further causing personal awareness.

This obligation of *feelmore boutique* will be one start to clearer conscious sexual activity within your area. If there is any petition needing signing, I WILL (Cicily Rosie Coretta Smith)-done.

x _____ Date 11/15/10

The person that she is can reach potential clients, I know this because she reaches me and I'm miles away. That goal she seeks can not be met without FEELMORE, and without the City of Oakland. Lanenna Joiner's *FEELMORE* Boutique can not change a community or affect the mind of absent. And that's what Oakland's City is, absent without FEELMORE in Oakland, and quite frankly here where I reside-Las Vegas, Nevada.

How can you know if Lanenna Joiner's FEELMORE project will work, if it's not in place? Help those who chose to help themselves, save themselves, just a thought. FEELMORE is that help. FEELMORE is what can make a difference, there and everywhere.

Respectfully,

Cicily Smith l Las Vegas, Nevada
Support/Friend/Sister of Lanenna *FEELMORE* Joiner's request

TO: City of Oakland

Date: November 12, 2010

Subject: Letter of Support for Ms. Nina Joiner

RE: Feelmore Adult Store

To Whom It May Concern:

This is my personal letter of support for Ms. Nina Joiner. I met Ms. Joiner in May, 2005 when I took a position the Clorox Company in Oakland. I was hired to lead the company's information security group. Ms. Joiner reported directly to me. My first impression of Ms. Joiner was that she was extremely competent, organized, efficient, very driven and ambitious.

Over time, as I got to know Ms. Joiner, she often spoke with passion about her dream and determination to own her own business. Her persistence in pursuit of her goal is admirable. Ms. Joiner is a rare individual who knows that "A dream doesn't become reality through magic; it takes sweat, determination and hard work."

I write this letter of support for Ms. Joiner because of her hard work and tenacity in pursuit of her dream of owing her own business and to be a viable contributor to Oakland's business community.

Sincerely,

Donald G. Creary

Pink and White Productions Inc.
392 Crescent Ave
San Francisco Ca 94110

11/15/2010

To whom it may concern

I'm writing to endorse Neena Joiner as an upstanding member of the community and good business manager who is capable of serving the Oakland community in a thoughtful and ethical manner with her sex-positive shop, Feelmore.

I support Neena's endeavor to open a store that provides accurate information and quality supplies that promote sexual health. There is a need for a sex-positive space in Oakland to buy safe sex supplies, literature on sexuality and items for personal use without the shame an stigma associated with other types of shops.

The general public has become more open about asking questions about sex and demand more respectful and informed answers. I believe Neena can provide the public with the type of experience and products that they are looking for. Berkeley and San Francisco both benefit from the sex-positive shops of Good Vibrations. A similar shop specifically crafted for the Oakland community would keep revenue that has otherwise been leaking out to Berkeley and San Francisco firmly root back in Oakland.

In working with Neena I can attest to her professionalism and entrepreneurial drive. As a business owner its my opinion that her assessment of Oakland's need for a sex-positive shop is accurate and that her business plan is sound and I plan to promote Feelmore as much as possible.

Shine Louise Houston, CEO

November 14, 2010

Dear Business Licensing Authorities,

I am writing this letter in support of Feelmore Adult Parlor. This adult entertainment store is being established in Oakland's new, thriving Uptown Arts and Entertainment District and will complement the evolving sophisticated tenor of the District.

Log-Time Oakland Resident and Worker

I have lived in Oakland for 16 years, owned property for nearly eight years, and worked in Downtown Oakland for a decade for two non-profits, one charter school and two branches of government. I have witnessed Downtown's growth and Uptown's conception and believe that the Uptown District will only benefit from a woman-owned, local-owned erotic entertainment business whose goals are in alignment with Oakland's goals of revitalization and rebirth.

Rebirth of City

It has been a joy to witness and to participate in Oakland's early attempts to transform itself into a world class city with the renovation of the Fox Theater, the establishment of Oakland School for the Arts (where I served as the Founding Admissions Director), the granting of extended cabaret licenses for some dance halls, culinarily forward restaurants, elegant housing, and the burgeoning responsible cannabis industry that is no longer hiding in the shadows, but modeling sound business practices, contributing handsomely to the City's tax coffers, and leading a sophisticated debate about cannabis use and its industry.

Arts and Entertainment

Feelmore Adult Parlor is part of this movement. There are few destination retail stores in Uptown. This is the District's next phase of development and Feelmore can and should be a part of it. Adult entertainment is first and foremost entertainment and Nenna Joiner has what it takes to bring a caliber of adult erotica that will fit in to the District and provide a service that Oaklanders now purchase in Berkeley, San Francisco, and in some sketchy communities in Oakland.

Why Feelmore Adult Parlor and Nenna Joiner? Why not? Please, support the development of this worthwhile venture that will help our glorious city continue to blossom into the world class destination that we know it can become.

Sincerely,
Crystal H. Weston
Oakland Property Owner

Watermark Properties
Real Estate

November 15, 2010

City of Oakland
City Planning Office

Re: Feelmore Letter of Support

Dear Sir or Madam:

I have personally known Ms. Lannena Joiner for over four (4) years. I represented her in several real estate transactions. Ms. Joiner is a very responsible young lady and she owned up to her obligations to the people who loaned her money during the real estate boon and took care of her debts to them. Through it all she maintained a powerful, professional and prayerful outlook on her situation. She will bring no less to this transaction.

After we concluded our real estate transactions, she and I began to form a friendship. We would meet periodically at Bay Area restaurants and talk about our dreams and plans. One of her steadfast and continuing goals was to open an adult bookstore. She named it Feelmore.

Although there are other adult bookstores in the City of Oakland, they do not present themselves in a way that professional people would want to patronize or frequent them or be seen coming out of one of them. Ms. Joiner's description of Feelmore is diametrically different from both those already here in the City of Oakland as well as Good Vibrations in Berkeley and San Francisco. Its uniqueness and ambiance would be a welcome opportunity for the City of Oakland and the East Bay communities in that it would provide a safe environment and stock quality materials.

I am currently a Real Estate Broker and owner of Watermark Properties, an LLC based in Richmond, California. I have operated this business for six (6) years. Prior to that I was a licensed California attorney for 18 years, serving nine (9) years as a Judge Pro Tem in both Solano and Alameda Counties in Traffic and Small Claims. I was the only Pro Tem allowed to conduct Settlement Conferences and hear and decide Motions in the Alameda County Superior Court, Hayward division. Thus, I believe those years make me a good judge of character and determination. Ms. Joiner has both.

Oakland needs to cater to all of its citizenry. Feelmore would fill a much needed gap in adult entertainment, reading material and the like. It will also add much needed revenue to the business tax rolls and fill up the wealth of vacant real space in downtown Oakland. I urge you to approve her Planning permit.

Very truly yours,
WATERMARK PROPERTIES

JAYNELLE K. BELL, BROKER
JKB:
cc: Lanenna Joiner

PO Box 246 • Rodeo, CA 94572 t: 510.245.7170 f: 510.799.9939
jaynelle.bell@watermarkproperties.net • www.jaynelle.com

November 16, 2010

Oakland City Planning Commission:

I write in full support of Nenna Joiner and the establishment of her store Feelmore in downtown Oakland. In working with Ms. Joiner on various local art projects over the years, I am continually amazed at her work ethic and level of professionalism. Nenna's dedication to sex education/advocacy, her creative energy, and her technical know-how combine to make her the perfect candidate to lead a such a seemingly ambitious business; although for Nenna, it is surely more of an urgent community health issue than an ambitious project.

The downtown Oakland community is lucky to have the opportunity to create a vibrant sex-positive community center under the leadership and dedication of Ms. Joiner and I sincerely hope this opportunity is not delayed.

Alexander Kopel
Artist and Educator
1012 Bella Vista Ave, Oakland

Good Day:

My name is Spring Opara and I am a long-time Oakland resident and business owner – *Blac Gurlz Ink* greeting cards.

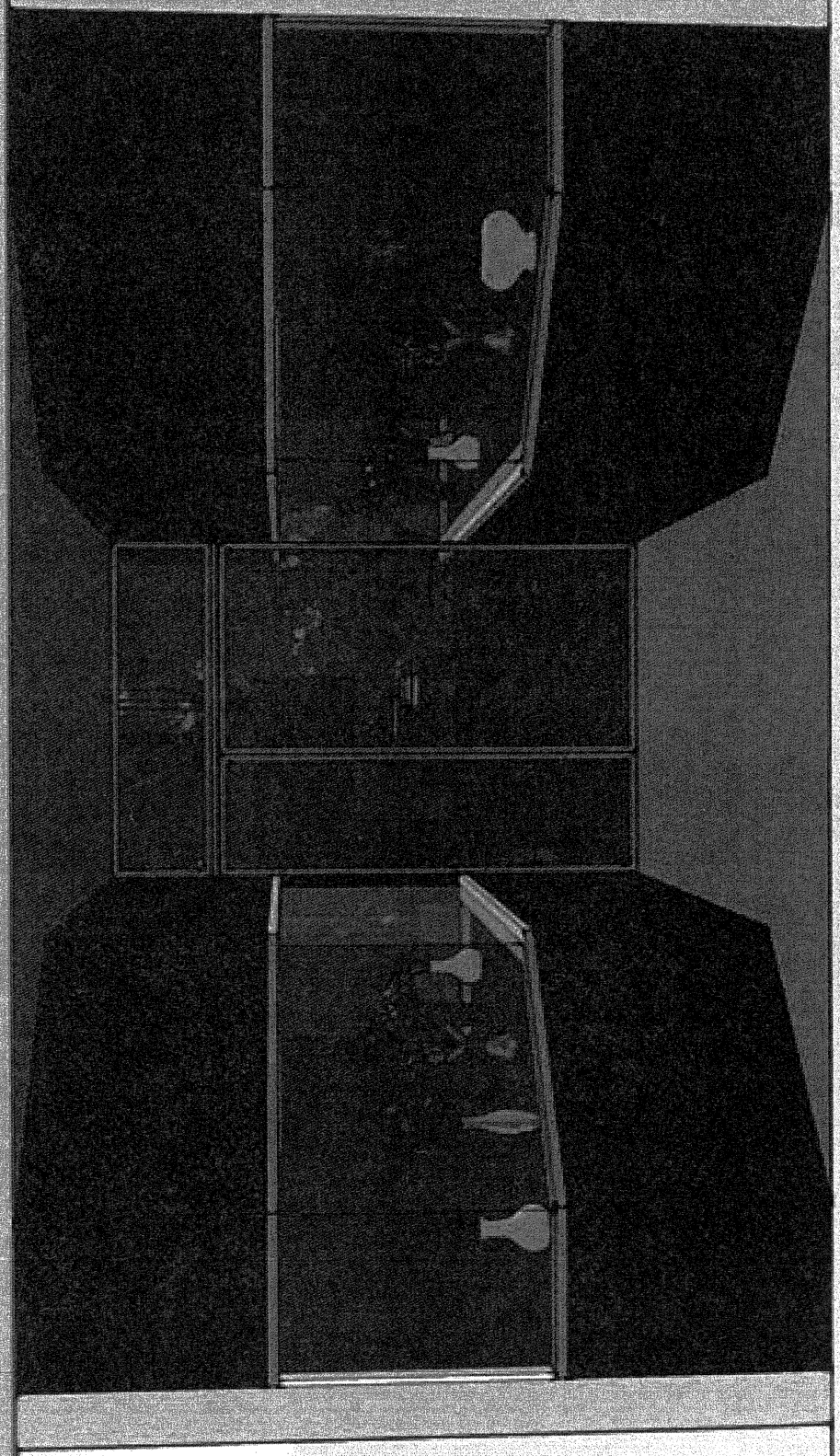
I am writing this letter in support of LaNenna Joiner's opening of *FeelMore Adult Parlor* on Telegraph and 17th, in the Uptown District of Oakland.

I have lived in Oakland since 1984 and I have witnessed the many changes that have taken place in the city I call home. One of the biggest changes I have witnessed in the downtown area is the closing of major anchor businesses such as: Emporium Capwell, I. Magnin, TGIF (Jack London Square) and now the Barnes & Nobel. With retailers such as these no longer acting as a "draw" to the downtown area, the area has become a ghost town after 5pm. In an economic time when cities are struggling to make ends meet and want to attract new businesses into their cities, I believe *FeelMore Adult Parlor* would be an asset to the community at large and to the economic recovery of Oakland. I commend Ms. Joiner for the fortitude during these times to even consider starting a business and would recommend that our city provide what it provides to any other business – an opportunity to GROW!

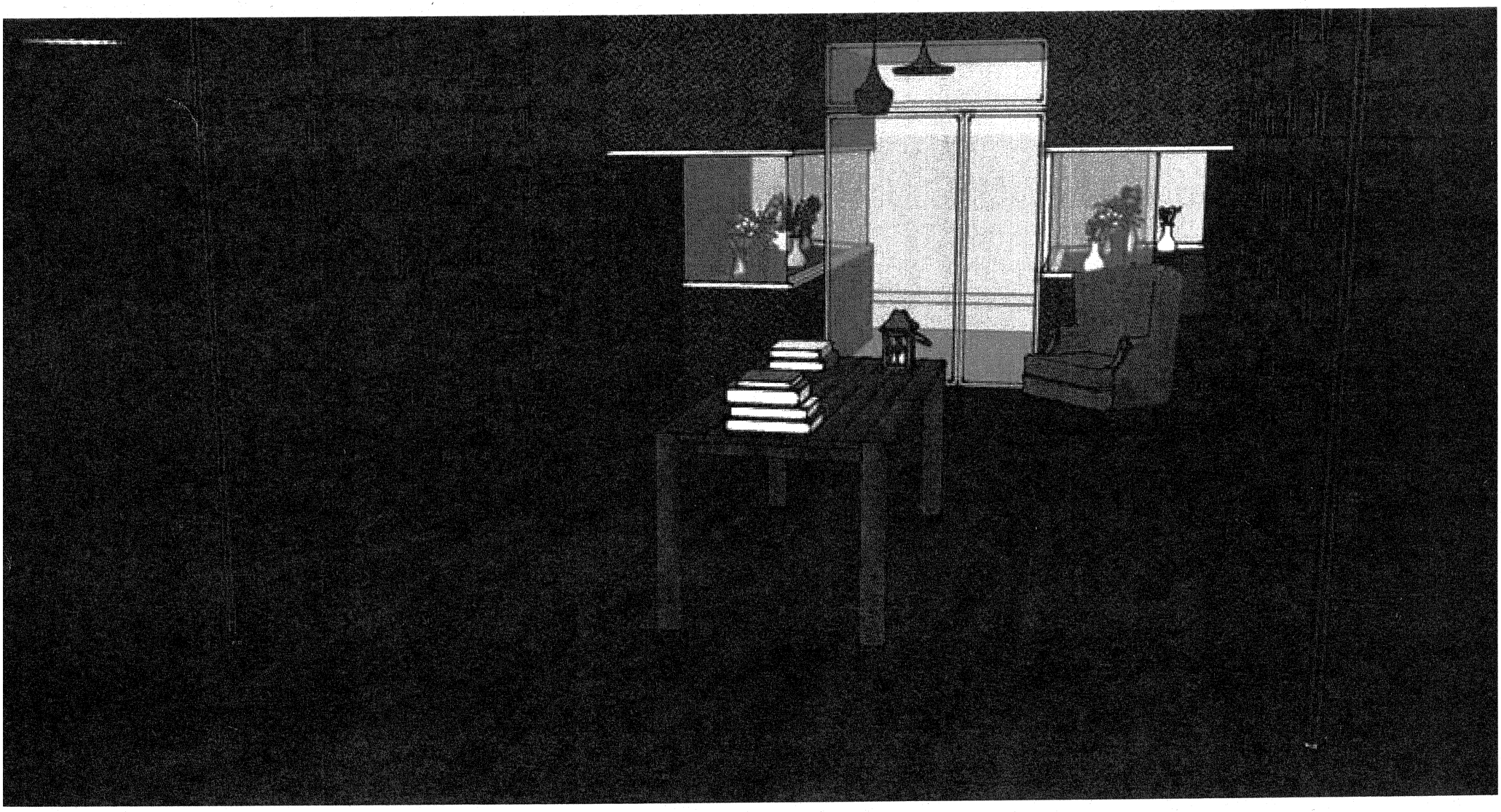
In keeping with the premise that we need to bring revenue generating businesses back to the downtown area, I feel *FeelMore Adult Parlor* meets this objective. As it stands if I require intimate adult products I go to San Francisco or Berkeley to make my purchases. I am thus supporting the economic growth of another city because my city does not provide this basic service.

I want you to know that I am in support of *FeelMore Adult Parlor* opening up and I believe it would bring a positive impact to Oakland's downtown corridor. I would welcome a business of such integrity into the Oakland business fabric.

Spring E. Opara
President
Blac Gurlz Ink Greeting Cards
PO Box 16182
Oakland, CA 94610
510/943-8578



ATTACHMENT E: APPLICANT STORE EXAMPLES



Summary of Business

Mission/Vision

Feelmore seeks to provide retail convenience for Oakland Residents as well as providing essential health harm reduction information to the community. By providing a safe space in which to express sexual concerns, in conversation, Feelmore will be free of judgment.

We strive to normalize sensuality, love and communication. Feelmore supports the community by partnering with businesses and community organization to promote harm reduction through information, educational products, literature, and workshops.

Opportunities

Ask most residents and/or women walking the streets of Oakland where they buy there progressive pleasure products, most likely they will say Berkeley or San Francisco. Historically, Oakland has lacked retail experiences that would keep patronage in Oakland. With the lack of alternative and quality retail outlets, Oakland residents continually shop in other cities.

Feelmore gives the City of Oakland an opportunity to shop in its own City for progressive pleasure products that have previously been bought in cities such as Berkeley and San Francisco. Oakland deserves its own comparable pleasure retail store. Feelmore seeks to provide convenience to the Oakland Public by offering items that are eco-friendly, ethnically diverse, and lifestyle supportive.

San Francisco, reportedly, has the highest LGBT population in the State of California; and Oakland, reportedly, has one of the largest diverse LGBT populations in the State of California. And with many San Franciscan residents moving to Oakland, Feelmore also offers an opportunity to those former residents to experience an uninterrupted quality of life as well as retail experience that stops the Retail Leakage for the City of Oakland, for this particular industry.

Not only is Feelmore supportive of its Residential Community but equally of its Business Community. The companies 3 key initiatives:

-**Cooperative Economics:** Inviting other retail businesses and/or social agencies from around the Bay to showcase services to customers of Feelmore. ***Seeks to introduce other businesses to Oakland, if not already, whereby these businesses and/or services could identify potential retail opportunities within Oakland.

-**Nordstrom Effect:** If a client comes into Feelmore for a product that is not on the shelves and/or we do not carry, similar Oakland retailers will be called prior to using a drop ship retail approach for the item. ***Seeks to spread the wealth of opportunity to other Oakland businesses as well as keeping them competitive.

-**Workshops and Outreach:** Partnership with San Francisco Sex Information (SFSI), a non-profit in service for over 30 years, to educate the community on safe sex practices and behaviors. SFSI has consistently educated Health Care Providers and Health Resource Center Workers to support their communities with factual and non-judgemental health information.

Feelmore seeks to be an advantages business venture and not a detriment to the Oakland community. Once anyone walks into Feelmore, they will feel at ease in a space that encourages education and communication.

Logistics

Feelmore will be staffed with individuals having taken San Francisco Sex Information (SFSI) Training and whom also have health outreach work in their communities. Given that one of our core values is to educate, it is important to have front line support from individuals whom have been training to communicate with others about sensitive health issues.

Additional Details:

- Target Markets: Female (25-34 and 35-44) ; Target Ethnicity: All
- Providing a safe, non-judgmental space
- Educated consults
- Eco-friendly products and labels
- Harm reduction outreach; promotion of self-esteem
- Participation in the Oakland Art Murmur
- Hours of Operation: 6 Days a week(Mon-Sat); 10:30am-09:30pm.
- 2 Employees: 1 part-time and 1 full-time

VARIANCE FINDINGS

1. Strict compliance with the specified regulations would result in practically difficulty or unnecessary hardship inconsistent with the proposes of 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 proposed plan for 1703 Telegraph Ave. will not change the structure, grading or natural elements of the location, however, a hardship relief is sought for the distance to the new CBD-R zone and/or highlights the fundamental fact that the neighboring CBD-R is not a traditional Residential zone but a Commercial Residential zone. All proposed changes to the location relate to the interior aesthetics of the building. The proposed retail business supports Public Conveience whereby improving the livability, operational efficiency and appearance of the overall location as well as improving the blighted look of the existing corner located at 17th & Telegraph Ave.

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

The proposed interior soft remodel will not propose an ineffective design solution. Strict compliance with the regulation will deprive Oakland Residents public convenience and safety afforded to similar Urban areas such as Berkeley and San Francisco. Similarly, 5686 Telegraph Ave is located at the border of an R-Zone.

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

Confidently, this retail operation 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. Feelmore will serve as a convenience to all patrons, specifically Women and those wanting safer retail conditions from businesses, within Oakland, in this industry.

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

The location is 1703 Telegraph avenue which was the prior location of Tiffany's Wig Shop for more than 30 years. The proposed development will not adversely affect the current business climate and/or commercial residential neighborhood. The facade of the building will provide privacy with the preexisting display cases which protect the entrance, 4-feet setback, from the public sidewalk. Additionally, the Display Cases will not have a privacy frost keeping consistent with the City of Oakland's general retail plan for Uptown which will preserve the innocence of underage passerbys. The front of the building will have acceptable signage which blends with the current surrounding

businesses.

This variance will not constitute any special privilege given that Downtown Oakland is fundamentally different than Traditional R-Zones such as Temescal, Lakeshore, Diamond, or West Oakland.

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 set forth in the design review procedure at Section 17.136.050:

The signage will be a name change from the existing signage design which the City of Oakland previously funded through it's CEDA office. The exterior facade of the proposed business will keep in harmony with the current surrounding area serves to protect as well as increase the value of the Private and Public community investments by attracting other destination retail businesses.

CONDITIONAL USE PERMIT

A. 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:

Feelmore seeks to provide public convenience and safety which is comparable to stores in cities such as San Francisco or Berkeley. Given that the exterior will not be changing but will be used as a mechanism to protect non-patrons and provide privacy, it will be a destination retail enhancement to the neighborhood on Telegraph where there are only 2 small business retail shops.

B. 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:

Keeping with the original design, Feelmore will make no changes to the existing facade. However, patrons will benefit from the retail convenience usually available in other cities.

C. 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:

Health education workshops is one of the 3 key initiatives of Feelmore and provides a community component missing from the Downtown Oakland community. Align with Senator Barbara Lee's California Senate Bill which would Repeal Ineffective and Incomplete Abstinence-Only Program Funding Act for a comprehensive sex education curriculum to be taught in Schools, will give Feelmore the social and political platform to be a nearby resource for neighboring schools. Taking age appropriate workshops into the schools backed by the Federal Government would empower the community to take a more comprehensive approach to health education for students.

D. The proposal confirms will all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code.

Provided are 11x17 drawings of the existing location, with identified due north, a dimensioned planview, proposed demo and new proposed plan and elevation views of the location.

E. For proposals involving a One- or Two-Family Residential Facility: If the Conditional Use Permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

1. 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 conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height;

N/A

- OR -

2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, 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 conditional use permit.

N/A

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

Feelmore provides a convenient comparable retail destination businesses to Berkeley and San Francisco providing destination retail to the Uptown Corridor. Additionally, the interactive retail initiative for the Uptown Corridor is accommodated. Feelmore will maintain it's vintage Display Cases whereby continuing to provide privacy and good will separation to the community.

Adult Entertainment Conditional Use Permit

1. The requested use at the proposed location will not adversely affect the use of churches, temples or synagogues;public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such
surrounding uses:

Feelmore will be compatible with the neighborhood. It's preexisting threshold setback (Door distance to the public sidewalk.) inherently provides privacy to patrons and separation from the community. Feelmore will not have insensitive activities, sounds, or any visual depictions nor advertisement which is inconsistent with other comparable retailers in neighboring Urban cities. The business objective is to be different from what is and more than what was but seeks to enhance the neighborhood with thoughtful business practices.

2. The requested use at the proposed location is sufficiently buffered in relation to residential zoned areas within the immediate vicinity such that any obtrusive or distracting environmental factors which may emanate from the use do not adversely affect said areas:

Given that obtrusive and/or distracting factors or behaviors deeply deviate from the core business principles of Feelmore: Community, communication, and information, there will be no adverse affects from Feelmore residing at this location which is more than adequately buffered from the new CBD-R. As an example, the type of music played inside the store will be jazz such as Nina Simone's Feeling Good.

3. The exterior appearance of the structure will not be conspicuously of a lesser quality (i.e., with respect to such elements as building facade, lighting, and signage materials) than the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood or cause a substantial diminution or impairment of property values within the neighborhood:

The exterior of 1703 Telegraph Ave. has historically fit in with Downtown Oakland. In fact, Oakland's CEDA funded the awning and signage for the entire commercial building which includes Feelmore. With the City's General Plan, interactive retail, it gives Feelmore an advantage with it's vintage display cases to be in earnest with the plan as well as providing adequate separation from the public.

4. The proposed use will not be inconsistent with the adopted general plan for the area:

The General Plan for the Uptown Corridor includes being an entertainment zone. Feelmore seeks a balance between education and entertainment appeasing both the reason for being in business as well as fulfilling social responsibilities companies should have like education and community development while maintaining a commerce model.

5. The proposed site is adequate in size and shape to accommodate the parking and loading

facilities, landscaping and other development features prescribed in the planning code or other city regulations or as is otherwise required in order to integrate said use with the uses in the surrounding area:

Feelmore is located Downtown Oakland where, at the moment, adequate and ample parking is available. Downtown Oakland is in the heart of public transportation and accessibility. Deliveries of small packages delivered to Feelmore by UPS and/or FedEx, is consistent with most businesses in this area.

6. The proposed site is adequately served:

a. By highways or streets of sufficient width and capacity to carry the kind and quantity of traffic and to accommodate the parking demand such use would generate

1703 Telegraph is conveniently located less than a .5 miles from the 980 freeway which is positioned between 880 and the 580 freeways. However, Oakland, like other urban cities have consistently advocated for the use of Public Transportation such as BART, AC Transit as well as the City of Oakland's supported 'Bike to Work Day'.

b. By other public or private service facilities such as fire protection or trash collection services as are required:

Oakland Fire Prevention department has been engaged and Feelmore expects to have the Downtown Inspector Ms. Catano to visit the site, per law, prior to opening for business.

Trash collection is the same as other businesses on Telegraph. Cans are placed on the sidewalk and pickup is done by Waste Management of Alameda County on set days. Feelmore will has trash cans of its own as to not add waste to public receptacles which is punishable at $500 per infraction.

ATTACHMENT G ---: CMVM10-271, CRIME STATISTICS COMPARISON

(90 days prior to November 1, 2010, quarter mile radius)

CRIME	***1701 Telegraph***	***Telegraph & 51st St.***	***College/Claremont***
	Downtown	Temescal	Rockridge
THEFT	41	15	10
VEHICLE THEFT	8	10	2
AGGRAVATED ASSAULT	3	1	1
SIMPLE ASSAULT	9	6	2
BURGLARY	2	3	2
VANDALISM	5	7	4
DISTURBING PEACE	5	0	0
NARCOTICS	0	0	0
ROBBERY	12	7	0
MURDER	1	0	0
ALCOHOL	1	0	0

L:\common files\Dave V\cmvm10272crime

ATTACHMENT G: CRIME STATISTICS, 90 DAYS PRIOR, 11/2010