

Sena, Jennifer

From: Marcus, Nancy
Sent: Tuesday, September 30, 2014 8:36 AM
To: McNeil, Andrew; Kroushour, Joe; Sena, Jennifer; Lindsey, Drennon; Allison, Michelle
Cc: Minor, Gregory
Subject: Shooting behind Bella Ultra Lounge

Anyone have details on this incident?? This was the first I heard about the shooting.

Hi Nancy, Arturo, Casey and Lynette -

In case you hadn't heard, I wanted let you know about a shoot out behind Bella Ultra (11th and Clay) on July 23rd. Two stray bullets ENTERED residential units at 555 10th Street. One entered a window on the fourth floor and the second came through the wall under the window (third floor) and hit a metal leg of a table. Fortunately, the bullets didn't hit anyone this time. Both residents were home, in bed just a few feet away from where the bullets entered. Both residents called OPD and filed police reports. The police came and removed the bullets in both cases. It is important to note that one of the units was tenanted by renters (nursing students at Mills) and they moved out of Oakland 4 days later, completely freaked out by what had happened.

The neighborhood believes this shooting was directly related to the closing time of Bella as it happened around 1:45am in the parking lot/street directly behind their club. Just prior to the shoot out (imagine what a "hail of gunfire" sounds like), neighbors heard people in the parking lot right behind Bella where the shooting allegedly happened. Neighbors are understandably shaken and over 45 neighbors packed the room at the Old Oakland Neighbor's community meeting the following week. **Some questions for you:**

- Is there anything you can do to ask them for their account of what happened that night and actions taken by their security detail?
- Is there anything you can do to review their security protocols for fights in the club and shootings outside?
- Is there anything they can do or say to assure the community that their security is capable of handling these incidents in the future? The next day, when we questioned their security about what had happened, they denied knowing anything about it. Completely unacceptable.
- Can you please send me a copy of their permit conditions?
- What is the maximum number of people they can have inside? They have posted pictures on their website and social media showing a very packed house. You can find pictures on their website and Facebook page, which look like pretty clear fire code violations.
- Is there any way to prevent them from having any more large events until they review their occupancy and security procedures with your team and/or the OPD?
- Is there anything else you can do?

It is very troubling to the residents and community that shots were fired into residential units while residents were sleeping at night. It is absolutely unacceptable! There a rising chorus of neighbors that do not believe a club that attracts patrons with guns and such violent behavior belongs in our mixed-use neighborhood. The residents would like some assurances that the security is not addressing in-house conflicts by simply telling drunk patrons to settle their beefs outside in our streets.

Lastly, for my safety and the safety of my family, I urge you not to share my name or email with the owners or security of Bella. I appreciate your confidentiality.

Thank you for your time. I would appreciate any followup and assistance you can offer.

Thanks,

Nancy Marcus

Special Business Permits

Office of the City Administrator

1 Frank H. Ogawa Plaza – 11th Fl.

Oakland, CA 94612

510-238-3294

510-238-7084 (fax)

City offices will be closed November 11, 27 & 28 2014

Sena, Jennifer

From: [REDACTED]
Sent: Wednesday, October 01, 2014 1:56 PM
To: Marcus, Nancy; Minor, Gregory; Sena, Jennifer
Cc: Lindsey, Drennon; Bowie, Aaron; Sze, Sun-Kwong (Michael); Ron Wolf; [REDACTED]
Subject: Re: Shooting Murder in Old Oakland last night outside Bella
Attachments: Bella Permit & Conditions 02-06-13.pdf; memo bella ultra lounge coas 10-01-14.docx

Ms. Marcus, Mr. Minor, and Ms. Sena,

Attached to this email, please find the Conditions of Approval (COAs) for Bella Ultra Lounge (BUL). Thanks to Nancy for emailing it to us this morning. Also attached, please find a memo from me with comments on what COAs we believe BUL has violated. This is the second gun related incident involving BUL patrons in the past two months, and we are very saddened and distressed that this episode has ended in the senseless death of a young man.

<http://www.ktvu.com/news/news/crime-law/berkeley-man-gunned-down-outside-oakland-nightclub/nhY83/>

We very strongly urge you to move to suspend BUL's cabaret permit immediately, with reauthorization of the permit only after a public hearing and a full investigation into the two recent gun related incidents.

We will forward this in a separate email to our elected representatives. Thank you.

[REDACTED]

From: [REDACTED]
To: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
Cc: [REDACTED]; [REDACTED]
Sent: Wednesday, October 1, 2014 11:21 AM
Subject: Shooting Murder in Old Oakland last night outside Bella

Dear neighbors.

You need to know what has been going on to address Bella issues. I sent out the emails below BEFORE the shooting/murder last night outside of Bella.

For my safety and the safety of my family, I urge you not to share this email or my name publicly with the owners or security of Bella. I appreciate your confidentiality. Old Oakland Neighbors is calling for immediate closure of the club.

Best,

[REDACTED]

[REDACTED]*

Begin forwarded message:

From: [REDACTED]
Subject: Re: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.
Date: October 1, 2014 at 10:59:17 AM PDT
To: [REDACTED] <[REDACTED]>, [REDACTED] <[REDACTED]>, "bjparker@oaklandcityattorney.org" <bjparker@oaklandcityattorney.org>
Cc: nmarcus <NMarcus@oaklandnet.com>, "Sanchez, Arturo M" <asanchez@oaklandnet.com>, "Farmer, Casey" <CFarmer@oaklandnet.com>, "Cook, Brigitte" <BCook@oaklandnet.com>
Reply-To: [REDACTED]

Adding Barbara Parker, City Attorney.

Our community, given the murder that happened last night outside this club, would like this business declared a public nuisance and closed immediately. This is not the kind of business that deserves to be operating in our community.

Ron Wolf
Chair, Old Oakland Neighbors

From: [REDACTED]
To: "McElhaney, Lynette" <lmcelhaney@oaklandnet.com>
Cc: nmarcus <NMarcus@oaklandnet.com>; "Sanchez, Arturo M" <asanchez@oaklandnet.com>; "Farmer, Casey" <CFarmer@oaklandnet.com>; "Cook, Brigitte" <BCook@oaklandnet.com>
Sent: Wednesday, October 1, 2014 12:40 AM
Subject: Re: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

Councilmember McElhaney,

Thank you for your prompt response. I appreciate your concern. I sent emails to our PSO and Neighborhood Services Coordinator detailing the entire event (including police report numbers) the next morning, but there has been little to no follow up by OPD. Given the gravity of the situation, we were hoping for a more swift and coordinated response that would ease community fears and prevent and even worse post-club-let-out incident, like the 2am shooting murder on March 10th, 2013 two blocks away. For the record, there have been at least 5 shooting incidents (including one fatality) outside of clubs in Old Oakland in the last year and a half. See below for a list of known incidents. Based on conversations I've had with the Old Oakland Neighbors board and HOA boards and individual neighbors, here is what Old Oakland residents would like to see:

1. **Enforcement.** Consistently enforce the conditions of approval for each cabaret license. Nancy: thank you for your prompt response as well. Please email me the conditions of approval for Bella Ultra Lounge. We want to know what their operating rules and protocols are as well so we can assist with enforcement. Occupancy requirements should be periodically monitored and strictly enforced.
2. **Accountability.** If there is a shooting outside a club during operating hours or near closing time (as all these shootings and gun-related incidents were), that club's events and hours should be severely restricted (or closed) until the ownership, promoters leasing the space, and on-site security can provide an incident report to OPD and the Special Permits Office, to document any involvement, actions by their staff and interaction with OPD. Right now we rely on word of mouth and rumors, and usually denials of knowledge or responsibility.

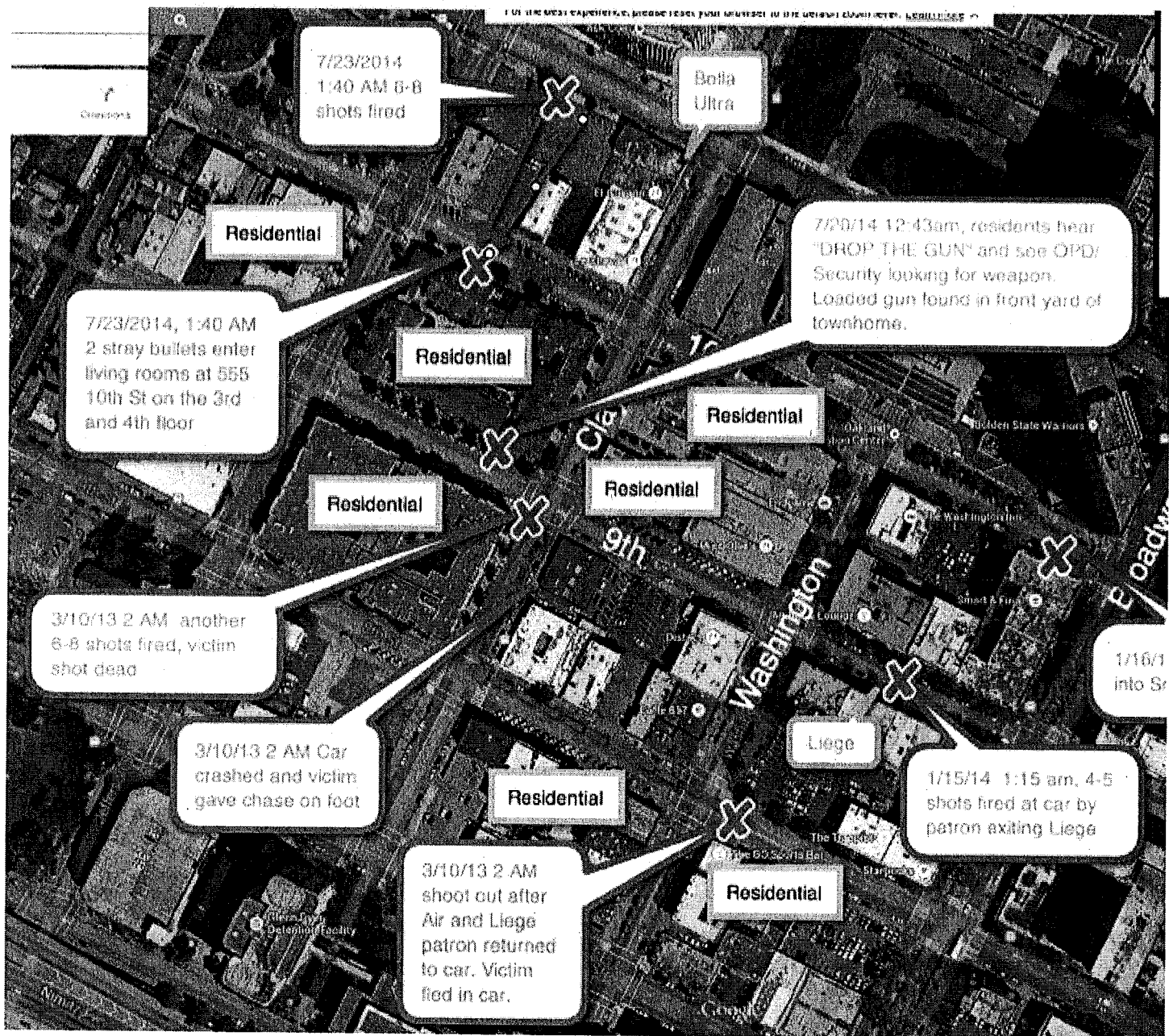
3. **Transparency.** As part of future conditions of approval, clubs with cabaret permits should detail their security procedures and timelines for letting out clubs so that neighboring residents know what to expect late at night, and can help to report to the City violations of the agreed to conditions. Ideally the permit conditions would be publicly accessible so we know what is expected of them by the city.
4. **Disclosure.** Residents would to know if the club security is armed. There have been rumors that some clubs have armed security, but no one knows which clubs. If there are concealed guns being carried lawfully in our neighborhood by club security, people want to know. Rumor has it that one gun related incident involved armed club security, but no one can verify it. (Details below).
5. **Coordination.** My husband has talked with Captain Lindsey about clubs operating in our neighborhood, and OPD seems to have a good idea of which clubs have the most problems in Area 1. We would like more coordinated action and enforcement between OPD and the Permits office so that clubs with consistent violations promoters who are known convicts are more closely monitored and quickly shut down. Shootings in particular should prompt a coordinated response between both OPD and the Special Permits office.

I'm sure there are a lot of other good strategies and policies, but these are just some I've heard from neighbors at our community meetings and in private conversations. We put up with a lot of noise, motorcycles, litter, break-ins, etc. in Old Oakland, but this most recent shooting in particular weighs heavy on everyone's hearts and minds here because we all know it could have been our unit that was shot into, and someone could have easily gotten critically hurt. With two young girls, my husband and I have to seriously question whether or not Downtown Oakland is and can be a safe place to raise a family. There are many other individuals and businesses in this neighborhood that share this concern and we look forward to working with your office to develop some solutions and implement some positive changes.

I will follow up with you and Brigitte in a week as requested below so that we can keep this conversation moving forward.

Best,

██████████ (resident and Old Oakland Neighbors Board Member)



On Sep 30, 2014, at 8:51 AM, McElhaney, Lynette <lmcelhaney@oaklandnet.com> wrote:

Thank you for alerting us to this critical situation. I have forwarded your email to our Area Police Captain. I will follow up with Nancy and the Captain and we'll be in touch shortly.

If you don't hear back from me in a week, please feel free to "ping" me for a response. I am also copying my Public Safety Liaison, Brigitte Cook, on this message.

I am grateful no one was harmed and thankful that you have the courage to reach out.

We'll be in touch soon.

Best, Lynette

Councilmember Lynette Gibson McElhaney
Representing the Heart & Soul of the Town
Oakland District 3 | 1 Frank Ogawa Plaza, 2nd Floor | Oakland, CA 94612
P: (510) 238-7003 F: (510) 238-6910

For Scheduling: Contact Brigitte Cook (510) 238-7245 or BCook@Oaklandnet.com

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Mon 9/29/2014 11:49 PM
To: Marcus, Nancy; Sanchez, Arturo M; Farmer, Casey; McElhaney, Lynette
Subject: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

Hi Nancy, Arturo, Casey and Lynette -

In case you hadn't heard, I wanted let you know about a shoot out behind Bella Ultra (11th and Clay) on July 23rd. Two stray bullets ENTERED residential units at 555 10th Street. One entered a window on the fourth floor and the second came through the wall under the window (third floor) and hit a metal leg of a table. Fortunately, the bullets didn't hit anyone this time. Both residents were home, in bed just a few feet away from where the bullets entered. Both residents called OPD and filed police reports. The police came and removed the bullets in both cases. It is important to note that one of the units was tenanted by renters (nursing students at Mills) and they moved out of Oakland 4 days later, completely freaked out by what had happened.

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Is there anything they can do or say to assure the community that their security is capable of handling these incidents in the future? The next day, when we questioned their security about what had happened, they denied knowing anything about it. Completely unacceptable.

Can you please send me a copy of their permit conditions?

What is the maximum number of people they can have inside? They have posted pictures on their website and social media showing a very packed house. You can find pictures on their website and Facebook page, which look like pretty clear fire code violations.

Is there any way to prevent them from having any more large events until they review their occupancy and security procedures with your team and/or the OPD?

Is there anything else you can do?

It is very troubling to the residents and community that shots were fired into residential units while residents were sleeping at night. It is absolutely unacceptable! There a rising chorus of neighbors that do not believe a club that attracts patrons with guns and such violent behavior belongs in our mixed-use neighborhood. The residents would like some assurances that the security is not addressing in-house conflicts by simply telling drunk patrons to settle their beefs outside in our streets.

Lastly, for my safety and the safety of my family, I urge you not to share my name or email with the owners or security of Bella. I appreciate your confidentiality.

Thank you for your time. I would appreciate any followup and assistance you can offer.

Best,
[REDACTED]

>
>

See attached for conditions of approval, and my draft memo.

memo

To: Nancy Marcus, Greg Minor, Jennifer Sena
From: [REDACTED]
CC: Captain Drennon Lindsey, Ofc. Bowie, Sun Kwong Sze
Date: 10/1/2014
Re: Bella Ultra Lounge – Violations of Cabaret Permit CA13-035 and Conditions of Approval and 10/1/14 homicide at Clay and 11th Street

Ms. Marcus, Mr. Minor, and Ms. Sena:

We are extremely saddened by the senseless homicide that occurred this morning after 1am in our neighborhood, in front of a business that has attracted consistently problematic and dangerous behavior to our neighborhood over the past few years. This memo expresses our concerns with the clear violations of their Conditions of Approval (COA) over time. We strongly urge the City's Special Permits Office to do whatever it takes to immediately suspend the cabaret license of Bella Ultra Lounge (BUL).

I reviewed the Cabaret Permit and Conditions of Approval (BUL) this morning. Thank you for sending it to me. Here are my comments:

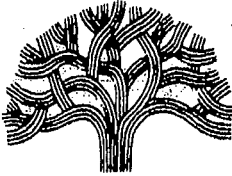
- #2: What is the maximum occupancy allowed by the Public Assembly permit?
Here are some videos that show a very crowded space:
 - <http://www.youtube.com/watch?v=ZjATqvyK8Ik>
 - <http://www.youtube.com/watch?v=vuJu33bkR9M> (see photos after minute 2:00)
- #4: Were the flag poles with football team flags that were recently hung up on the façade on Clay Street approved by the Director of City Planning? They were cheaply installed, have fallen a number of times, endangering people below.
- #6: We do not see where the sign with the phone number to call to register complaints has been posted. We would like to see the log of complaints that they have been keeping since 2/6/13, when the Cabaret Permit was granted.

MEMO

- #7: I'm involved with the local NCPC group. I'm not aware of any meetings that we have had with the owners, and I'm not aware of any efforts that the owners have made to contact us. I do know that residents have called OPD many times to report loud behavior or dangerous activities (including shootings) associated with the club on multiple occasions. The last incident was related to the shootings at the parking lot behind BUL, when stray bullets hit a residential condo building on 10th Street on 7/23/14. We have documentation for these incidents, and are happy to provide it. We held a community meeting on 8/27/14 to discuss this incident with OPD. Bella's owners did not attend this meeting. We publicized the meeting throughout the neighborhood on our list-serve, and by physical flyering.
- #8.c.: Please send us BUL's plan for minimizing potential nuisance effects created by exiting patrons. Many neighbors have called OPD asking them to help disperse drunk and sometimes belligerent patrons after cabaret activities end at 1:30am. There are consistent noise and street-fighting problems between 1:15am and 2:15am. We understand the OPD doesn't have the resources to deal with "quality of life" issues when they are going from 911 emergency to 911 emergency. However, it is our strong belief that by not dealing with the consistent late-night quality of life problems, we create an atmosphere that is more conducive to more violent episodes, as we have now seen too many times in our neighborhood.
- #10: We do not see the "No Loitering" signs posted visibly.
- #11: We do not see evidence that the "No Loitering" plan is being enforced by BUL security effectively.
- #12: We do not know if BUL is adhering to the 1/50 security guard to patron ratio. Given the incidents that have occurred, if the cabaret license is not extended, this ratio should be cut in half to 1/25. Even at that level, we do not have the confidence that security will be properly trained and managed to be able to stop the disturbances and violence that is occurring outside the club.
- #13: Neighbors have regularly reported that the windows of the club are open after midnight, and the music can be heard more than a block away. Raucous noise, cursing, and loud threats from exiting patrons are also regularly heard.

memo

- #15: We would like to see a record of the schedule of special events that are supposed to be submitted by BUL to the Special Events Unit of OPD for the past 12 months. Are these consistently being sent by BUL, and are they consistently reviewed by OPD?
- #16: We do not regularly see OPD posted outside of BUL even when there are long lines out the door of BUL, for what we presume are special events.
- #20: We would like to see the terms of BUL's ABC license. Please forward this to us.
- #23B: The operation of the club has clearly become a public nuisance, beyond any reasonable doubt.
- #23D: We would like to see data on police calls for service to the area for the prior 6 month window.
- #23E: The operation of the club has clearly created a risk for public safety, beyond any reasonable doubt.



CITY OF OAKLAND
OFFICE OF THE CITY ADMINISTRATOR
SPECIAL BUSINESS PRERMITTS
1 FRANK H. OGAWA PLAZA—11th Floor
OAKLAND, CA 94612
510-238-3294

CABARET PERMIT CA13-035

DATE ISSUED: February 6, 2013

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

BELLA

561 11th Street
Oakland, CA 94607

SPECIAL BUSINESS PERMIT FOR: ARSIMONA LLC (Almaz Haile)

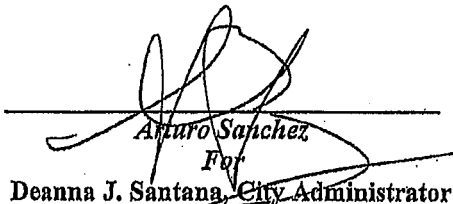
TO: OPERATE A CABARET

AT: 561 11th Street

UNDER THE NAME OF: BELLA

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

1. Permittee shall comply with all the conditions in the attached "Conditions of Approval," including any supplemental conditions already on file with the City Administrator's Office.
2. Permittee shall comply with all applicable City, County and State laws and regulations pertaining to the operation of a cabaret.
3. Permittee shall comply with all conditions contained in all permits issued by the Department of Alcohol Beverage Control, Alameda County Health Department and the Oakland Fire Department.
4. Permittee shall maintain an active Business License with the City of Oakland.
5. Your occupancy load as identified by the Oakland Fire Department is: **145**
6. **Permit is subject to annual submission of Fire, Health and Business Tax certificates and prompt payment of Deemed Approved Fees (License # 20, 21, 40 42 & 48) and Cabaret fees. All documents and fees are due by January 15th of each succeeding year.**


Arturo Sanchez
For
Deanna J. Santana, City Administrator

cc: ABAT, OPD Deputy Chief
OPD Special Events
City Council Representative

CABARET PERMIT
CONDITIONS OF APPROVAL

1. Permittee shall not serve alcohol to any person who appears intoxicated or to minors. Further, the applicant shall take action to ensure that no alcoholic beverages are taken outside of the premises of the cabaret.
2. The occupancy of the premises shall not exceed the maximum occupancy level established and set forth in the Public Assembly Permit, issued by Oakland Fire Department and all conditions of the Public Assembly permit must be continuously enforced by Permittee.
3. Permittee shall comply with all General Use Permit Criteria, Special Use Permit Criteria, and Conditions of Approval of Conditional Use Permit Number ZC130200.
4. Any and all exterior remodeling, including exterior painting shall be approved by the Director of City Planning prior to the issuance of any building permits or the installation of any exterior remodeling. All exterior modifications or painting shall be of an architectural and visual quality and character that will harmonize and enhance the surrounding area.
5. Permittee shall not expand the premises either horizontally or vertically
6. Permittee shall post on the exterior of the cabaret, in a location that is clearly visible to people outside, a sign with a phone number to call to register complaints. This phone must be staffed during all operating hours and must be capable of taking messages during non-operating hours. Permittee shall maintain a log of the complaints listing date, time, nature of complaint, and, when possible, name of complainant. Unless complainant is anonymous or leaves no contact information, Permittee shall respond to after-hours complaints within 24 hours.
7. Permittee shall meet with representatives from any neighborhood associations or group if requested, and shall meet on at least a quarterly basis with the Neighborhood Crime Prevention Council for the area that includes the cabaret premises. Permittee shall report to the City Administrator's Office regarding discussions involving the cabaret at such meetings and action taken to resolve any complaints.
8. Within 30 days of the effective date of these conditions, Permittee shall submit to the City Administrator's Office a program to discourage loitering and to reduce littering, and the applicant shall put such program into effect. The litter control plan shall include at least the following:
 - a. The daily sweeping down, and washing as needed, of the frontage of the premises.
 - b. The daily collection of alcoholic beverage and fast food litter in the area immediately in front of and adjacent to the premises. All specifically designated off-street parking areas shall be kept litter free.
 - c. A plan to minimize potential nuisance effects created by exiting patrons.
9. Permittee shall, either jointly or severally with neighboring merchants, adequately

CABARET PERMIT
CONDITIONS OF APPROVAL

illuminate the exterior of the premises. This lighting shall not disturb adjacent residents' quiet enjoyment of their residences.

10. Unless exempted by the Oakland Police Department, Permittee shall post **No Loitering** signs that cite the applicable City of Oakland regulation or law.
11. Permittee or her/his designee shall take reasonable action to actively enforce the **No Loitering** plan inside and outside of the premises.
12. Permittee shall provide adequate security, at no less than a ratio of one security staff person to every 50 patrons, to ensure the safety of patrons and the general public, and to secure the premises of the cabaret and adjacent businesses. Security staff shall be holders of valid California guard cards and Oakland watchman's permits. Should excessive Oakland police resources be required to maintain order in or around the cabaret, permittee shall be liable for the cost of these services.
13. Permittee shall keep noise within the establishment and on the outdoor patio area, when it is being accessed by cabaret patrons, at a level that will not adversely affect other businesses or residents in the surrounding area.
14. Permittee shall limit the cabaret activities to the following hours:

Monday – Sunday 11am – 1:30am.


If more restricted operating hours were established in the conditional use permit issued by the City Planning Commission and Zoning Division, such hours shall supersede the hours cited above. The violation of the cabaret permit condition pertaining to operating hours is an infraction, and a \$100.00 fine is assessed for this violation.

15. At least one week prior to the end of each month Permittee shall submit to the Special Events unit of the Oakland Police Department, via fax at 510-777-8979 unless other arrangements are made, the schedule of planned cabaret activities for the following month. As soon as possible after scheduling, Permittee shall fax notice of any activities that are scheduled subsequent to submission of the monthly activities schedule.
16. Should permittee plan an activity that would qualify as a Special Event, as defined by OMC chapter 9.52, either through their own scheduling or through that of a promoter, cabaret will provide at least 3 weeks notice to the OPD Special Events Unit. OPD will confer with permittee regarding the size and demographics of the expected crowd, in regard for the need for private security, OPD resources, traffic control, and crowd control.
17. Permittee shall establish a system to ensure that minors do not have access to alcohol.
18. Permittee shall abide by and enforce the California state laws and Oakland Municipal Code sections pertaining to smoking and tobacco.
19. Permittee shall not lease the premises to others for the purposes of conducting cabaret activities without first acquiring a Special Events permit and any other permits that may be necessary for the specific activity. Permittee shall notify the City of any such events according to term numbers 15 and 16.
20. Permittee shall comply with all applicable state and local laws and with the terms of permittee's ABC license.

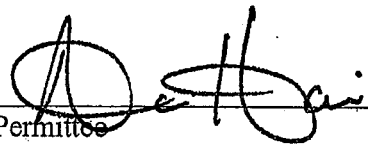
CABARET PERMIT
CONDITIONS OF APPROVAL

21. No pyrotechnic devices are allowed. Open flames, including candles, require a special permit issued by the Oakland Fire Department or conditions of the Public Assembly Permit.
22. Caterers utilized by Permittee must be licensed by the Alameda County Health Dept.
23. The City Administrator's Office shall retain the authority to suspend or revoke this permit or impose additional conditions after notice and public hearing and a finding that:
 - a. Permittee has violated any of the conditions contained herein.
 - b. The operation of the cabaret creates a public nuisance.
 - c. Violations of other applicable state laws and City regulations exist, including the Zoning Regulations and the Building Code.
 - d. The operation of the business has adversely affected police calls-for-service in the immediate area. This will be judged by reviewing calls-for-service to the level of calls in a six-(6) month period prior to the granting of this permit. Permittee understands that the City may, at its discretion, invoice for excessive police services.
 - e. The operation of the business creates a risk to public safety.
24. Whenever reference is made in these conditions to the City or City Administrator, the Hearing Officer shall be responsible for the City or City Administrator performing the actions required.
25. Whenever reference is made to any City Official in these conditions, that City Official may appoint a designee.
26. The City Administrator's Office shall review every ongoing permit every two years or on request to ensure compliance with the conditions contained therein. The primary basis for the revocation or suspension of the ongoing permit is whether the cabaret activities create substantial adverse impacts on the peace, order, and welfare of the public or police resources.
27. The applicant shall surrender the permit to the City Administrator's Office within seven (7) days of suspension or revocation thereof.
28. The conditions contained herein maybe added to, changed or modified by the City Administrator or his designee in response to findings made regarding complaints from neighboring residents, City agencies or the general public.
29. The applicant shall defend, indemnify, and hold harmless the City of Oakland, or its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City or its agents, officers, or employees to attack, set aside, void, annul, this approval by the City. The City may elect, in its discretion, to participate in the defense of any action.

CABARET PERMIT
CONDITIONS OF APPROVAL



Arturo Sanchez
For
Deanna J. Santana, City Administrator



Cabaret Permittee

Date 2/28/13

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Thursday, October 02, 2014 10:39 PM
To: Minor, Gregory
Cc: Steinberger, Allan; Gonzalez, Carlos; Weisenberg, Michael; Rubio, Lea; [REDACTED]; [REDACTED]; [REDACTED]; Sze, Sun-Kwong (Michael); Lindsey, Drennon; Marcus, Nancy; Sena, Jennifer
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Mr. Minor:

I am very disappointed to report that not even 48 hours after a club patron shot and killed another patron in front of their business, Bella is open for business. The sheer audacity of this is totally shocking and upsetting to me.

Per COA 8C, what is their plan to "minimize potential nuisance (and PUBLIC SAFETY!) effects created exiting patrons?" Do they have one? Does your office have it on file? Are they following the plan?

At this point, I am extremely angry. A man is dead. Bullets have hit my building. I moved a dresser to the window wall of my girls' bedroom so that if bullets come through the wall, there is a chance that it will hit the dresser before it hits my girls' bunk bed. All because we cannot shut down a business that has been inviting and spurring raucous and reckless behavior for six years, creating a volatile atmosphere, and we let them get away with it. We couldn't even suspend the license long enough to wait for an investigation of the homicide that just happened yesterday?

This is bullshit.

[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
To: "Lindsey, Drennon" <DLindsey@oaklandnet.com>
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; Sze Sun-Kwong (Michael) <ssze@oaklandnet.com>
Sent: Thursday, October 2, 2014 10:35 AM
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Captain Lindsey,

I apologize, please use these two attached documents instead of the ones I sent you 10 minutes ago, and please delete that previous email. I've taken some of the contact info out. I'm also cc'ing our NSC Sun-Kwong on this email so that he has access to the documents.

Thanks,
[REDACTED]

From: [REDACTED] <[REDACTED]>
To: "Lindsey, Drennon" <DLindsey@oaklandnet.com>
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
Sent: Thursday, October 2, 2014 10:22 AM
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Captain Lindsey,

Attached to this email, please find two documents. You can see how long we've been trying to work with them to resolve these issues, and you can imagine how frustrating it is to document things consistently over time without being able to achieve the desired outcomes.

- The first document is a PDF that chronologically lists:
 - Complaints that I was able to dig up from our community email listserve and NextDoor (starting with the most recent, and going back to 2008).
 - Minutes from community meetings that our NCPC has hosted regarding the nuisance created by Bella (formerly Arsimona, but same owners/operators)
 - Photos showing how trashy our neighborhood looks on Sunday mornings.
 - Letters to the club owner from City Special Permits Office (7/25/12) and from our Homeowners Association (Sept 2008) citing violations.
- The second document is an updated version of a document that we have circulated within our NCPC regarding chronic nuisances, and what we have done over the years to address different problems. Problem #1 is the most relevant to our discussion, and shows how we have tried to work collaboratively with nightclubs over the years. Unfortunately, the last two shootings have really put us over the edge, and we feel like we are beyond the point of working to improve the operations, and we just need it shut down.

Additionally, please feel free to contact two neighbors of mine:

- [REDACTED] 20+ years with City and OPD, 15 year resident of our building at 10th and Clay. He has a long history of calling in complaints on Bella/Arsimona patrons regarding noise and other nuisances after 1am. His phone is [REDACTED]
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Please feel free to contact me if you have further questions. I've also cc'd three other community members on this email: [REDACTED]
[REDACTED] [REDACTED] has provided much of the documentation), and [REDACTED]
[REDACTED]

Thanks,

From: "Lindsey, Drennon" <DLindsey@oaklandnet.com>

To: [REDACTED] <[REDACTED]>

Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>;
"Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]
[REDACTED]

Sent: Thursday, October 2, 2014 7:25 AM

Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Absolutely. We will keep your names out if it.

Sent from my iPhone

On Oct 1, 2014, at 10:00 PM, [REDACTED] <[REDACTED]> wrote:

Captain Lindsey,

We'll get you as comprehensive a summary as possible by tomorrow midday. Please do not mention our names; for our safety, we want to try to remain as anonymous as possible.

Thanks,
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To: [REDACTED]

Cc: Allan Steinberger <ASteinberger@oaklandnet.com>; Carlos Gonzalez <CGonzalez@oaklandnet.com>; Michael Weisenberg <MWeisenberg@oaklandnet.com>; Lea Rubio <LRubio@oaklandnet.com>

Sent: Wednesday, October 1, 2014 5:29 PM

Subject: Re: Shooting Murder in Old Oakland last night outside Bella

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Let me know what you think the turnaround/timeframe will be.

Thank you,

Captain Lindsey

Please excuse typos and abbreviations
Sent from my iPad

> On Oct 1, 2014, at 1:57 PM, [REDACTED] <[REDACTED]> wrote:

>

>

>

> Ms. Marcus, Mr. Minor, and Ms. Sena,

>

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> Attached to this email, please find the Conditions of Approval (COAs) for Bella Ultra Lounge (BUL). Thanks to Nancy for emailing it to us this morning. Also attached, please find a memo from me with comments on what COAs we believe BUL has violated. This is the second gun related incident involving BUL patrons in the past two months, and we are very saddened and distressed that this episode has ended in the senseless death of a young man.

>

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> <http://www.ktvu.com/news/news/crime-law/berkeley-man-gunned-down-outside-oakland-nightclub/nhY83/>

>

>

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> We very strongly urge you to move to suspend BUL's cabaret permit immediately, with reauthorization of the permit only after a public hearing and a full investigation into the two recent gun related incidents.

>

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> We will forward this in a separate email to our elected representatives. Thank you.

>

>

> [REDACTED]

>

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>

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>

> From: [REDACTED] <[REDACTED]>

> To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;

[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

> Cc: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

> [REDACTED]

> Sent: Wednesday, October 1, 2014 11:21 AM

> Subject: Shooting Murder in Old Oakland last night outside Bella

>

>

> Dear neighbors.

>

> You need to know what has been going on to address Bella issues. I sent out the emails below BEFORE the shooting/murder last night outside of Bella.

> For my safety and the safety of my family, I urge you not to share this email or my name publicly with the owners or security of Bella. I appreciate your confidentiality. Old Oakland Neighbors is calling for immediate closure of the club.

>

> Best,

> [REDACTED]

> [REDACTED]

>

>

> Begin forwarded message:

>

>

> From: [REDACTED] <[REDACTED]>

>

> Subject: Re: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

>

> Date: October 1, 2014 at 10:59:17 AM PDT

>

> To: [REDACTED] <[REDACTED]>, "McElhaney, Lynette"
<lmcelhaney@oaklandnet.com>, "bjparker@oaklandcityattorney.org"
<bjparker@oaklandcityattorney.org>

>

> Cc: nmarcus <NMarcus@oaklandnet.com <mailto:NMarcus@oaklandnet.com> > ,

"Sanchez, Arturo M" <asanchez@oaklandnet.com>, "Farmer, Casey" <CFarmer@oaklandnet.com>, "Cook, Brigitte" <BCook@oaklandnet.com>

>

> Reply-To: [REDACTED] <[REDACTED]>

>

>

> Adding Barbara Parker, City Attorney.

> Our community, given the murder that happened last night outside this club, would like this business declared a public nuisance and closed immediately. This is not the kind of business that deserves to be operating in our community.

>

>

> [REDACTED]

> Chair, Old Oakland Neighbors

>

>

>

> From: [REDACTED] <[REDACTED]>

> To: "McElhaney, Lynette" <lmcelhaney@oaklandnet.com>

> Cc: nmarcus <NMarcus@oaklandnet.com>; "Sanchez, Arturo M" <asanchez@oaklandnet.com>; "Farmer, Casey" <CFarmer@oaklandnet.com>; "Cook, Brigitte" <BCook@oaklandnet.com>

> Sent: Wednesday, October 1, 2014 12:40 AM

> Subject: Re: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

>

>

> Councilmember McElhaney,

>

> Thank you for your prompt response. I appreciate your concern. I sent emails to our PSO and Neighborhood Services Coordinator detailing the entire event (including police report numbers) the next morning, but there has been little to no follow up by OPD. Given the gravity of the situation, we were hoping for a more swift and coordinated response that would ease community fears and prevent and even worse post-club-let-out incident, like the 2am shooting murder on March 10th, 2013 two blocks away. For the record, there have been at least 5 shooting incidents (including one fatality) outside of clubs in Old Oakland in the last year and a half. See below for a list of known incidents. Based on conversations I've had with the Old Oakland Neighbors board and HOA boards and individual neighbors, here is what Old Oakland residents would like to see:

>

>

> 1. Enforcement. Consistently enforce the conditions of approval for each cabaret license. Nancy: thank you for your prompt response as well. Please email me the conditions of approval for Bella Ultra Lounge. We want to know what their operating rules and protocols are as well so we can assist with enforcement. Occupancy requirements should be periodically monitored and strictly enforced.

> 2. Accountability. If there is a shooting outside a club during operating hours or near closing time (as all these shootings and gun-related incidents were), that club's events and hours should be severely restricted (or closed) until the ownership, promoters leasing the space, and on-site security can provide an incident report to OPD

and the Special Permits Office, to document any involvement, actions by their staff and interaction with OPD. Right now we rely on word of mouth and rumors, and usually denials of knowledge or responsibility.

> 3. Transparency. As part of future conditions of approval, clubs with cabaret permits should detail their security procedures and timelines for letting out clubs so that neighboring residents know what to expect late at night, and can help to report to the City violations of the agreed to conditions. Ideally the permit conditions would be publicly accessible so we know what is expected of them by the city.

> 4. Disclosure. Residents would to know if the club security is armed. There have been rumors that some clubs have armed security, but no one knows which clubs. If there are concealed guns being carried lawfully in our neighborhood by club security, people want to know. Rumor has it that one gun related incident involved armed club security, but no one can verify it. (Details below).

> 5. Coordination. My husband has talked with Captain Lindsey about clubs operating in our neighborhood, and OPD seems to have a good idea of which clubs have the most problems in Area 1. We would like more coordinated action and enforcement between OPD and the Permits office so that clubs with consistent violations promoters who are known convicts are more closely monitored and quickly shut down. Shootings in particular should prompt a coordinated response between both OPD and the Special Permits office.

>

>

> I'm sure there are a lot of other good strategies and policies, but these are just some I've heard from neighbors at our community meetings and in private conversations. We put up with a lot of noise, motorcycles, litter, break-ins, etc. in Old Oakland, but this most recent shooting in particular weighs heavy on everyone's hearts and minds here because we all know it could have been our unit that was shot into, and someone could have easily gotten critically hurt. With two young girls, my husband and I have to seriously question whether or not Downtown Oakland is and can be a safe place to raise a family. There are many other individuals and businesses in this neighborhood that share this concern and we look forward to working with your office to develop some solutions and implement some positive changes.

>

> I will follow up with you and Brigitte in a week as requested below so that we can keep this conversation moving forward.

>

>

> Best,

> [REDACTED] (resident and Old Oakland Neighbors Board Member)

>

>

>

> On Sep 30, 2014, at 8:51 AM, McElhaney, Lynette <lmcelhaney@oaklandnet.com> wrote:

>

>

> [REDACTED]

>

> Thank you for alerting us to this critical situation. I have forwarded your email to our Area Police Captain. I will follow up with Nancy and the Captain and we'll be in touch shortly.

>
> If you don't hear back from me in a week, please feel free to "ping" me for a response. I am also copying my Public Safety Liaison, Brigitte Cook, on this message.
>
> I am grateful no one was harmed and thankful that you have the courage to reach out.
>
> We'll be in touch soon.
>
> Best, Lynette
>
>

> Councilmember Lynette Gibson McElhaney
> Representing the Heart & Soul of the Town
> Oakland District 3 | 1 Frank Ogawa Plaza, 2nd Floor | Oakland, CA 94612
> P: (510) 238-7003 F: (510) 238-6910
>
> For Scheduling: Contact Brigitte Cook (510) 238-7245 or BCook@Oaklandnet.com
>
>
>
>
>

> -----Original Message-----

> From: [REDACTED] [mailto:[REDACTED]]
> Sent: Mon 9/29/2014 11:49 PM
> To: Marcus, Nancy; Sanchez, Arturo M; Farmer, Casey; McElhaney, Lynette
> Subject: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

>
> Hi Nancy, Arturo, Casey and Lynette -
>

> In case you hadn't heard, I wanted let you know about a shoot out behind Bella Ultra (11th and Clay) on July 23rd. Two stray bullets ENTERED residential units at 555 10th Street. One entered a window on the fourth floor and the second came through the wall under the window (third floor) and hit a metal leg of a table. Fortunately, the bullets didn't hit anyone this time. Both residents were home, in bed just a few feet away from where the bullets entered. Both residents called OPD and filed police reports. The police came and removed the bullets in both cases. It is important to note that one of the units was tenanted by renters (nursing students at Mills) and they moved out of Oakland 4 days later, completely freaked out by what had happened.
>

> The neighborhood believes this shooting was directly related to the closing time of Bella as it happened around 1:45am in the parking lot/street directly behind their club. Just prior to the shoot out (imagine what a "hail of gunfire" sounds like), neighbors heard people in the parking lot right behind Bella where the shooting allegedly happened. Neighbors are understandably shaken and over 45 neighbors packed the room at the Old Oakland Neighbor's community meeting the following week. Some questions for you:

> Is there anything you can do to ask them for their account of what happened that night

and actions taken by their security detail?

> Is there anything you can do to review their security protocols for fights in the club and shootings outside?

> Is there anything they can do or say to assure the community that their security is capable of handling these incidents in the future? The next day, when we questioned their security about what had happened, they denied knowing anything about it. Completely unacceptable.

> Can you please send me a copy of their permit conditions?

> What is the maximum number of people they can have inside? They have posted pictures on their website and social media showing a very packed house. You can find pictures on their website and Facebook page, which look like pretty clear fire code violations.

> Is there any way to prevent them from having any more large events until they review their occupancy and security procedures with your team and/or the OPD?

> Is there anything else you can do?

>

> It is very troubling to the residents and community that shots were fired into residential units while residents were sleeping at night. It is absolutely unacceptable! There a rising chorus of neighbors that do not believe a club that attracts patrons with guns and such violent behavior belongs in our mixed-use neighborhood. The residents would like some assurances that the security is not addressing in-house conflicts by simply telling drunk patrons to settle their beefs outside in our streets.

>

> Lastly, for my safety and the safety of my family, I urge you not to share my name or email with the owners or security of Bella. I appreciate your confidentiality.

>

> Thank you for your time. I would appreciate any followup and assistance you can offer.

>

> Best,

> [REDACTED]

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> See attached for conditions of approval, and my draft memo.

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> <Bella Permit & Conditions 02-06-13.pdf>

> <memo bella ultra lounge coas 10-01-14.docx>
> <PastedGraphic-2.png>

Sena, Jennifer

From: [REDACTED]
Sent: Friday, October 03, 2014 11:44 AM
To: Minor, Gregory
Cc: Steinberger, Allan; Gonzalez, Carlos; Weisenberg, Michael; Rubio, Lea; [REDACTED]; [REDACTED]; Sze, Sun-Kwong (Michael); Lindsey, Drennon; Marcus, Nancy; Sena, Jennifer; Kroushour, Joe
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Mr. Minor:

I was glad to hear from Ofc. Roushour and Lt. Steinberger this morning, and to understand from them the hearing process that we are now engaged in with Bella. I appreciate Capt. Lindsey meeting with Chief Whent this morning, and advocating so that he was able to decide to temporarily suspend Bella's operations. I'm sure there were many others (on this email, and not) who were behind the scenes as well, trying to push this process forward, and I'm grateful for that as well.

Old Oakland Neighbors will organize residents and businesses to make sure as many of us as possible are available for a public hearing, which we anticipate to some time the week of 10/13.

I look forward to being in touch with you over these next few weeks.

[REDACTED]

From: [REDACTED]
To: Gregory Minor <gminor@oaklandnet.com>
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]; [REDACTED]; Sze Sun-Kwong (Michael) <ssze@oaklandnet.com>; "Lindsey, Drennon" <DLindsey@oaklandnet.com>; Nancy Marcus <nmarcus@oaklandnet.com>; Jennifer Sena <jjsena@oaklandnet.com>
Sent: Thursday, October 2, 2014 10:39 PM
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Mr. Minor:

I am very disappointed to report that not even 48 hours after a club patron shot and killed another patron in front of their business, Bella is open for business. The sheer audacity of this is totally shocking and upsetting to me.

Per COA 8C, what is their plan to "minimize potential nuisance (and PUBLIC SAFETY!) effects created exiting patrons?" Do they have one? Does your office have it on file? Are they following the plan?

At this point, I am extremely angry. A man is dead. Bullets have hit my building. I moved a dresser to the window wall of my girls' bedroom so that if bullets come through the wall, there is a chance that it will hit the dresser before it hits my girls' bunk bed. All because we cannot shut down a business that has been inviting and spurring raucous and reckless behavior for six years, creating a volatile atmosphere, and we let them get away with it. We couldn't even suspend the license long enough to wait for an investigation of the homicide that just happened yesterday?

This is bullshit.

[REDACTED]

From: [REDACTED]
To: "Lindsey, Drennon" <DLindsey@oaklandnet.com>
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>;

"Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]
(Michael) <ssze@oaklandnet.com>
Sent: Thursday, October 2, 2014 10:35 AM
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Captain Lindsey,

I apologize, please use these two attached documents instead of the ones I sent you 10 minutes ago, and please delete that previous email. I've taken some of the contact info out. I'm also cc'ing our NSC Sun-Kwong on this email so that he has access to the documents.

Thanks,
[REDACTED]

From: [REDACTED]
To: "Lindsey, Drennon" <DLindsey@oaklandnet.com>
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]
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Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]

Sent: Thursday, October 2, 2014 7:25 AM

Subject: Re: Shooting Murder in Old Oakland last night outside Bella

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> To: [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]>
> [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]>
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Oakland Neighbors is calling for immediate closure of the club.

>

> Best,

> [REDACTED]

> * [REDACTED] *

>

>

> Begin forwarded message:

>

>

> From: [REDACTED] <[REDACTED]>

>

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>

> Date: October 1, 2014 at 10:59:17 AM PDT

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> To: [REDACTED] <[REDACTED]>, "McElhaney, Lynette"

> <lmcelhaney@oaklandnet.com>, "bjparker@oaklandcityattorney.org"

> <bjparker@oaklandcityattorney.org>

>

> Cc: nmarcus <NMarcus@oaklandnet.com <mailto:NMarcus@oaklandnet.com> > ,

> "Sanchez, Arturo M" <asanchez@oaklandnet.com>, "Farmer, Casey"

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>

> Reply-To: [REDACTED]

>

>

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>

>

> [REDACTED]

> Chair, Old Oakland Neighbors

>

>

>

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>

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> 3. Transparency. As part of future conditions of approval, clubs with cabaret permits should detail their security procedures and timelines for letting out clubs so that neighboring residents know what to expect late at night, and can help to report to the City violations of the agreed to conditions. Ideally the permit conditions would be publicly accessible so we know what is expected of them by the city.

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> I'm sure there are a lot of other good strategies and policies, but these are just some I've heard from neighbors at our community meetings and in private conversations. We put up with a lot of noise, motorcycles, litter, break-ins, etc. in Old Oakland, but this most recent shooting in particular weighs heavy on everyone's hearts and minds here because we all know it could have been our unit that was shot into, and someone could have easily gotten critically hurt. With two young girls, my husband and I have to seriously question whether or not Downtown Oakland is and can be a safe place to

raise a family. There are many other individuals and businesses in this neighborhood that share this concern and we look forward to working with your office to develop some solutions and implement some positive changes.

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> I will follow up with you and Brigitte in a week as requested below so that we can keep this conversation moving forward.

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> Best,

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>

> On Sep 30, 2014, at 8:51 AM, McElhaney, Lynette <lmcelhaney@oaklandnet.com> wrote:

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>

> Thank you for alerting us to this critical situation. I have forwarded your email to our Area Police Captain. I will follow up with Nancy and the Captain and we'll be in touch shortly.

>

> If you don't hear back from me in a week, please feel free to "ping" me for a response. I am also copying my Public Safety Liaison, Brigitte Cook, on this message.

>

> I am grateful no one was harmed and thankful that you have the courage to reach out.

>

> We'll be in touch soon.

>

> Best, Lynette

>

>

> Councilmember Lynette Gibson McElhaney

> Representing the Heart & Soul of the Town

> Oakland District 3 | 1 Frank Ogawa Plaza, 2nd Floor | Oakland, CA 94612

> P: (510) 238-7003 F: (510) 238-6910

>

> For Scheduling: Contact Brigitte Cook (510) 238-7245 or BCook@Oaklandnet.com

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> -----Original Message-----

> From: [REDACTED] [mailto:[REDACTED]]

> Sent: Mon 9/29/2014 11:49 PM

> To: Marcus, Nancy; Sanchez, Arturo M; Farmer, Casey; McElhaney, Lynette

> Subject: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up -

Please help.

>

> Hi Nancy, Arturo, Casey and Lynette -

>

> In case you hadn't heard, I wanted let you know about a shoot out behind Bella Ultra (11th and Clay) on July 23rd. Two stray bullets ENTERED residential units at 555 10th Street. One entered a window on the fourth floor and the second came through the wall under the window (third floor) and hit a metal leg of a table. Fortunately, the bullets didn't hit anyone this time. Both residents were home, in bed just a few feet away from where the bullets entered. Both residents called OPD and filed police reports. The police came and removed the bullets in both cases. It is important to note that one of the units was tenanted by renters (nursing students at Mills) and they moved out of Oakland 4 days later, completely freaked out by what had happened.

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> The neighborhood believes this shooting was directly related to the closing time of Bella as it happened around 1:45am in the parking lot/street directly behind their club. Just prior to the shoot out (imagine what a "hail of gunfire" sounds like), neighbors heard people in the parking lot right behind Bella where the shooting allegedly happened. Neighbors are understandably shaken and over 45 neighbors packed the room at the Old Oakland Neighbor's community meeting the following week. Some questions for you:

> Is there anything you can do to ask them for their account of what happened that night and actions taken by their security detail?

> Is there anything you can do to review their security protocols for fights in the club and shootings outside?

> Is there anything they can do or say to assure the community that their security is capable of handling these incidents in the future? The next day, when we questioned their security about what had happened, they denied knowing anything about it. Completely unacceptable.

> Can you please send me a copy of their permit conditions?

> What is the maximum number of people they can have inside? They have posted pictures on their website and social media showing a very packed house. You can find pictures on their website and Facebook page, which look like pretty clear fire code violations.

> Is there any way to prevent them from having any more large events until they review their occupancy and security procedures with your team and/or the OPD?

> Is there anything else you can do?

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> It is very troubling to the residents and community that shots were fired into residential units while residents were sleeping at night. It is absolutely unacceptable! There a rising chorus of neighbors that do not believe a club that attracts patrons with guns and such violent behavior belongs in our mixed-use neighborhood. The residents would like some assurances that the security is not addressing in-house conflicts by simply telling drunk patrons to settle their beefs outside in our streets.

>

> Lastly, for my safety and the safety of my family, I urge you not to share my name or email with the owners or security of Bella. I appreciate your confidentiality.

>

> Thank you for your time. I would appreciate any followup and assistance you can offer.

>

> Best,

> [REDACTED]

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> See attached for conditions of approval, and my draft memo.

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> <Bella Permit & Conditions 02-06-13.pdf>

> <memo bella ultra lounge coas 10-01-14.docx>

> <PastedGraphic-2.png>

Sena, Jennifer

From: [REDACTED]
Sent: Friday, October 03, 2014 12:43 PM
To: Minor, Gregory
Cc: Steinberger, Allan; Gonzalez, Carlos; Weisenberg, Michael; Rubio, Lea; [REDACTED]; [REDACTED]; Sze, Sun-Kwong (Michael); Lindsey, Drennon; Marcus, Nancy; Sena, Jennifer; Kroushour, Joe; Ferran, Elias
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Hi Greg,

Next week, I'm free on:

10/6 between 11am and 2pm
10/7 after 4pm
10/8 between 3pm and 5pm

If any of those times work for you, I will get a few neighbors of mine to come meet with us at the designated time at a convenient location. I would recommend meeting in our community room, as it will be more accessible to some of our residents. It's located at 555 10th Street, just a few blocks from your office.

Thanks,
[REDACTED]

From: "Minor, Gregory" <GMinor@oaklandnet.com>
To: [REDACTED]
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]; [REDACTED]; "Sze, Sun-Kwong (Michael)" <ssze@oaklandnet.com>; "Lindsey, Drennon" <DLindsey@oaklandnet.com>; "Marcus, Nancy" <NMarcus@oaklandnet.com>; "Sena, Jennifer" <JSena2@oaklandnet.com>; "Kroushour, Joe" <JKroushour@oaklandnet.com>; "Ferran, Elias" <EFerran@oaklandcityattorney.org>
Sent: Friday, October 3, 2014 12:19 PM
Subject: RE: Shooting Murder in Old Oakland last night outside Bella

Hi [REDACTED]

Yes we are working right now on an immediate temporary suspension of Bella's cabaret permit and we look forward to working with you and other neighbors on revoking their permit altogether.

I recommend we meet next week to help prepare for the revocation hearing the following week. Let me know if you and your neighbors have a preferred meeting place and time.

Best,

Greg Minor
Assistant to the City Administrator
Nuisance Abatement/Special Activity Permits Division
1 Frank H. Ogawa Plaza, 11th Floor
Oakland, CA 94612
Phone: (510)238-6370
Fax: (510) 238-7084

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, October 03, 2014 11:44 AM
To: Minor, Gregory
Cc: Steinberger, Allan; Gonzalez, Carlos; Weisenberg, Michael; Rubio, Lea; [REDACTED]; [REDACTED]; [REDACTED] Sze, Sun-Kwong (Michael); Lindsey, Drennon; Marcus, Nancy; Sena, Jennifer; Kroushour, Joe
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Mr. Minor:

I was glad to hear from Ofc. Roushour and Lt. Steinberger this morning, and to understand from them the hearing process that we are now engaged in with Bella. I appreciate Capt. Lindsey meeting with Chief Whent this morning, and advocating so that he was able to decide to temporarily suspend Bella's operations. I'm sure there were many others (on this email, and not) who were behind the scenes as well, trying to push this process forward, and I'm grateful for that as well.

Old Oakland Neighbors will organize residents and businesses to make sure as many of us as possible are available for a public hearing, which we anticipate to some time the week of 10/13.

I look forward to being in touch with you over these next few weeks.

[REDACTED]

From: [REDACTED]
To: Gregory Minor <gminor@oaklandnet.com>
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]; [REDACTED]; [REDACTED]; Sze Sun-Kwong (Michael) <ssze@oaklandnet.com>; "Lindsey, Drennon" <DLindsey@oaklandnet.com>; Nancy Marcus <nmarcus@oaklandnet.com>; Jennifer Sena <jjsena@oaklandnet.com>
Sent: Thursday, October 2, 2014 10:39 PM
Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Mr. Minor:

I am very disappointed to report that not even 48 hours after a club patron shot and killed another patron in front of their business, Bella is open for business. The sheer audacity of this is totally shocking and upsetting to me.

Per COA 8C, what is their plan to "minimize potential nuisance (and PUBLIC SAFETY!) effects created exiting patrons?" Do they have one? Does your office have it on file? Are they following the plan?

At this point, I am extremely angry. A man is dead. Bullets have hit my building. I moved a dresser to the window wall of my girls' bedroom so that if bullets come through the wall, there is a chance that it will hit the dresser before it hits my girls' bunk bed. All because we cannot shut down a business that has been inviting and spurring raucous and reckless behavior for six years, creating a volatile atmosphere, and we let them get away with it. We couldn't even suspend the license long enough to wait for an investigation of the homicide that just happened yesterday?

This is bullshit.

[REDACTED]
[REDACTED]

From: [REDACTED]
To: "Lindsey, Drennon" <DLindsey@oaklandnet.com>
Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>;

"Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]
(Michael) <ssze@oaklandnet.com>

Sent: Thursday, October 2, 2014 10:35 AM

Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Captain Lindsey,

I apologize, please use these two attached documents instead of the ones I sent you 10 minutes ago, and please delete that previous email. I've taken some of the contact info out. I'm also cc'ing our NSC Sun-Kwong on this email so that he has access to the documents.

Thanks,
[REDACTED]

From: [REDACTED] <[REDACTED]>

To: "Lindsey, Drennon" <DLindsey@oaklandnet.com>

Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>;

"Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]
[REDACTED] <[REDACTED]>

Sent: Thursday, October 2, 2014 10:22 AM

Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Captain Lindsey,

Attached to this email, please find two documents. You can see how long we've been trying to work with them to resolve these issues, and you can imagine how frustrating it is to document things consistently over time without being able to achieve the desired outcomes.

- The first document is a PDF that chronologically lists:
 - Complaints that I was able to dig up from our community email listserve and NextDoor (starting with the most recent, and going back to 2008).
 - Minutes from community meetings that our NCPC has hosted regarding the nuisance created by Bella (formerly Arsimona, but same owners/operators)
 - Photos showing how trashy our neighborhood looks on Sunday mornings.
 - Letters to the club owner from City Special Permits Office (7/25/12) and from our Homeowners Association (Sept 2008) citing violations.
- The second document is an updated version of a document that we have circulated within our NCPC regarding chronic nuisances, and what we have done over the years to address different problems. Problem #1 is the most relevant to our discussion, and shows how we have tried to work collaboratively with nightclubs over the years. Unfortunately, the last two shootings have really put us over the edge, and we feel like we are beyond the point of working to improve the operations, and we just need it shut down.

Additionally, please feel free to contact two neighbors of mine:

- [REDACTED] 20+ years with City and OPD, 15 year resident of our building at 10th and Clay. He has a long history of calling in complaints on Bella/Arsimona patrons regarding noise and and other nuisances after 1am. His phone is [REDACTED]
- [REDACTED], new resident in our building, has two young children, and the late night noise and commotion has impacted them. His phone is: [REDACTED]
- [REDACTED] 15 year resident of our building, also willing to speak about the consistent noise and disturbances. Her phone is: [REDACTED]

Lastly, we had a community meeting on 8/27/14 to discuss the 7/23 shootings that came from the parking lot behind Bella. There were at least 6 OPD officers in attendance at that meeting. Unfortunately Ofc. Bowie was on vacation at the end of August and not able to attend, and I couldn't find the names of the officers in attendance in my records. However, if you can find them, they can attest to how fed up the neighborhood residents are with the club activity and the dangerous behavior that it promotes and brings into the neighborhood.

Please feel free to contact me if you have further questions. I've also cc'd three other community members on this email: [REDACTED]

[REDACTED], [REDACTED], [REDACTED] (has provided much of the documentation), and [REDACTED]

Thanks,
[REDACTED]
[REDACTED]

From: "Lindsey, Drennon" <DLindsey@oaklandnet.com>

To: [REDACTED]

Cc: "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com>; [REDACTED]

Sent: Thursday, October 2, 2014 7:25 AM

Subject: Re: Shooting Murder in Old Oakland last night outside Bella

Absolutely. We will keep your names out if it.

Sent from my iPhone

On Oct 1, 2014, at 10:00 PM, [REDACTED] wrote:

Captain Lindsey,

We'll get you as comprehensive a summary as possible by tomorrow midday. Please do not mention our names; for our safety, we want to try to remain as anonymous as possible.

Thanks,
[REDACTED]

From: "Lindsey, Drennon" <DLindsey@oaklandnet.com>

To: [REDACTED]

Cc: Allan Steinberger <ASteinberger@oaklandnet.com>; Carlos Gonzalez <CGonzalez@oaklandnet.com>; Michael Weisenberg <MWeisenberg@oaklandnet.com>; Lea Rubio <LRubio@oaklandnet.com>

Sent: Wednesday, October 1, 2014 5:29 PM

Subject: Re: Shooting Murder in Old Oakland last night outside Bella

[REDACTED] - Whenever you have a moment, I would like to obtain any information/documentation that you have that relates to the nuisance/issues concerning the Ultra Bella Lounge. I am in the process of working with the crime analyst, ABAT and the city to follow up on the community concerns and would like to ensure that I have all documentation before we proceed with meeting up with the club owners.

Let me know what you think the turnaround/timeframe will be.

Thank you,

Captain Lindsey

Please excuse typos and abbreviations

Sent from my iPad

> On Oct 1, 2014, at 1:57 PM, [REDACTED] wrote:

>

>

>

> Ms. Marcus, Mr. Minor, and Ms. Sena,

>

> [REDACTED]
>
>
> Begin forwarded message:

> From: [REDACTED]
>
> Subject: Re: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

> Date: October 1, 2014 at 10:59:17 AM PDT

> To: [REDACTED] "McElhaney, Lynette"
<lmcelhaney@oaklandnet.com>, "bjparker@oaklandcityattorney.org"
<bjparker@oaklandcityattorney.org>

> Cc: nmarcus <NMarcus@oaklandnet.com <mailto:NMarcus@oaklandnet.com> >, "Sanchez, Arturo M" <asanchez@oaklandnet.com>, "Farmer, Casey" <CFarmer@oaklandnet.com>, "Cook, Brigitte" <BCook@oaklandnet.com>

> Reply-To: [REDACTED]

> Adding Barbara Parker, City Attorney.
> Our community, given the murder that happened last night outside this club, would like this business declared a public nuisance and closed immediately. This is not the kind of business that deserves to be operating in our community.

> [REDACTED]
> Chair, Old Oakland Neighbors

> From: [REDACTED]
> To: "McElhaney, Lynette" <lmcelhaney@oaklandnet.com>
> Cc: nmarcus <NMarcus@oaklandnet.com>; "Sanchez, Arturo M" <asanchez@oaklandnet.com>; "Farmer, Casey" <CFarmer@oaklandnet.com>; "Cook, Brigitte" <BCook@oaklandnet.com>

> Sent: Wednesday, October 1, 2014 12:40 AM
> Subject: Re: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

> Councilmember McElhaney,

> Thank you for your prompt response. I appreciate your concern. I sent emails to our PSO and Neighborhood Services Coordinator detailing the entire event (including police report numbers) the next morning, but there has been little to no follow up by OPD. Given the gravity of the situation, we were hoping for a more swift and

coordinated response that would ease community fears and prevent and even worse post-club-let-out incident, like the 2am shooting murder on March 10th, 2013 two blocks away. For the record, there have been at least 5 shooting incidents (including one fatality) outside of clubs in Old Oakland in the last year and a half. See below for a list of known incidents. Based on conversations I've had with the Old Oakland Neighbors board and HOA boards and individual neighbors, here is what Old Oakland residents would like to see:

>

>

> 1. Enforcement. Consistently enforce the conditions of approval for each cabaret license. Nancy: thank you for your prompt response as well. Please email me the conditions of approval for Bella Ultra Lounge. We want to know what their operating rules and protocols are as well so we can assist with enforcement. Occupancy requirements should be periodically monitored and strictly enforced.

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> I will follow up with you and Brigitte in a week as requested below so that we can keep this conversation moving forward.

>

>

> Best,

> [REDACTED] (resident and Old Oakland Neighbors Board Member)

>

>

>

> On Sep 30, 2014, at 8:51 AM, McElhaney, Lynette <lmcelhaney@oaklandnet.com> wrote:

>

>

> [REDACTED]

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> Thank you for alerting us to this critical situation. I have forwarded your email to our Area Police Captain. I will follow up with Nancy and the Captain and we'll be in touch shortly.

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> Best, Lynette

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> -----Original Message-----

> From: [REDACTED]@gmail.com

> Sent: Mon 9/29/2014 11:49 PM

> To: Marcus, Nancy; Sanchez, Arturo M; Farmer, Casey; McElhaney, Lynette

> Subject: Old Oakland Shootout July 23rd, stray bullets into homes and Follow-up - Please help.

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> Lastly, for my safety and the safety of my family, I urge you not to share my name or email with the owners or security of Bella. I appreciate your confidentiality.

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> Thank you for your time. I would appreciate any followup and assistance you can offer.

>

> Best,

> [REDACTED]

>

>

> See attached for conditions of approval, and my draft memo.

> <Bella Permit & Conditions 02-06-13.pdf>
> <memo bella ultra lounge coas 10-01-14.docx>
> <PastedGraphic-2.png>

California Department of Alcoholic Beverage Control
License Query System Summary
as of 9/30/2014

License Information

License Number: 519517

Primary Owner: ARSIMONA, LLC

ABC Office of Application: 22 - OAKLAND

Business Name

Doing Business As: BELLA

Business Address

Address: 561 11TH ST **Census Tract:** 4031.00

City: OAKLAND **County:** ALAMEDA

State: CA **Zip Code:** 94607

Licensee Information

Licensee: ARSIMONA, LLC

Company Information

Officer: HAILE, ALMAZ G (MANAGER)

License Types

1) License Type: 47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE

Status Date: 25-MAY-2012

Term: 12 Month(s)

Original Issue Date: 24-MAY-2012

Expiration Date: 30-APR-2015

Master: Y

Duplicate: 0

Fee Code: P40

Condition: OPERATING RESTRICTIONS

License Type was Transferred On: 24-MAY-2012 **FROM:** 47-430644

Current Disciplinary Action

... No Active Disciplinary Action found ...

Disciplinary History

... No Disciplinary History found ...

Hold Information

... No Active Holds found ...

Eserow

... No Escrow found ...

ABC Office - 1515 Clay Street, Suite 2208, Oakland, CA 94612

(510) 622-4970 (510) 622-4990 FAX OAK.Direct@abc.ca.gov

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE - EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE - PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL - EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensee's premises. Authorizes the sale of beer and wine for consumption off the licensee's premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
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.
49	ON SALE GENERAL - SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



**BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE APPLICATION OF

ARSIMONA, LLC
DBA: BELLA
561 11TH ST
OAKLAND, CA 94607-3697

} FILE 47-519517 -

}

} REG.

}

}

}

}

}

}

**PETITION FOR CONDITIONAL
LICENSE**

For Issuance of an On-Sale General Eating Place - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises is within 600 feet from Lafayette Square Park; and,

WHEREAS, issuance of an unrestricted license without the below-described conditions may interfere with the public use of the above-mentioned consideration point; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract (4031.) where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned over-concentration of licenses, grounds exist for denial of the applied-for license(s); and,

WHEREAS, the privilege conveyed with the applied-for license requires that the petitioner(s) operate(s) the premises, in good faith, as a Bona Fide Public Eating Place; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- 1 Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated Feb 9, 2012.

- 2 The premises shall be maintained as a bona fide food restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.
- 3 The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a monthly basis and shall be made available to the Department on demand.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 11 DAY OF May, 2012.


Applicant/Petitioner

Applicant/Petitioner

RECEIVED

MAY 11 2012

Dept. of Alcoholic Beverage Control
Oakland Office

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, October 07, 2014 7:13 PM
To: [REDACTED]
Cc: Minor, Gregory; [REDACTED] Steinberger, Allan; Gonzalez, Carlos; Weisenberg, Michael; Rubio, Lea; [REDACTED] Sze, Sun-Kwong (Michael); Lindsey, Drennon; Marcus, Nancy; Sena, Jennifer; Kroushour, Joe; Ferran, Elias
Subject: Re: Bella ABC License and conditions

Hmmm... Am I really reading this correctly that they do not have an ABC permit to operate as a night club? Is that really possible or did they change permit types? Which use type restrictions takes priority, the city's or the ABC's?

[REDACTED]
Sent from my phone.

On Oct 7, 2014, at 6:24 PM, [REDACTED] wrote:

Attached find details on Bella ABC license and operating restrictions. The cabaret permit includes requirements for Bella to conform to ABC restrictions. Due to proximity to Lafayette Square Park and the high number of ABC licenses in this census tract the conditions were imposed by ABC.
Bella is clearly not conforming to these conditions.

[REDACTED]
<Bella ABC License and Conditions.pdf>

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, October 07, 2014 11:10 PM
To: Minor, Gregory; Ferran, Elias; Sze, Sun-Kwong (Michael); Sena, Jennifer; Marcus, Nancy; Griffin, Leroy; Steinberger, Allan
Subject: Overcrowding and Unsafe Conditions INSIDE Bella Ultra - for discussion with Fire Marshall

Hi Greg -

Per our discussions today, see attached for some of the evidence we have collected on the crowds at Bella Ultra and the unsafe conditions that I believe the Fire Marshall might be interested in reviewing before the hearing next Friday morning. They probably have to have their windows open all the time (spilling loud throbbing beats into our bedrooms) because it is so hot and overcrowded in there. As I understand it, the COA allows up to 145. I don't know if they have ever gone above 145 (we do frequently see long lines extending down the block of patrons), but regardless, the conditions seemed packed, hot and unsafe.

A quick Youtube search reviews a lot of Video showing the crowded conditions inside the club. Here are just a few.

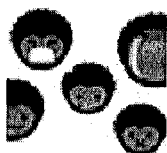
- <http://www.youtube.com/watch?v=ZjATqvyK8Ik>
- <http://www.youtube.com/watch?v=vuJu33bkR9M> (see photos after minute 2:00)

Images/Documents ATTACHED:

- YELP review from Jan 2014 that says it is very overcrowded. (also references sexual misconduct complaint made to OPD against club security)
- YELP Review from SEPTEMBER 2014 noting how packed it was (and also sexual harassment by "dude at the front door").
- YELP Review from AUGUST 2014 detailing dangerous stairs conditions, railings that "need work"
- YELP review OCT 2013 detailing "Stairway from hell" that all exiting patrons must use, even if intoxicated.
- Photos from Bella Ultra's Facebook Page showing very crowded conditions
- Screenshots from Youtube video <https://www.youtube.com/watch?v=ZjATqvyK8Ik> (Please watch whole video for even more images)
- Youtube video screenshot showing "stairway from hell" <https://www.youtube.com/watch?v=V0Vvp9e0HDg>

I hope this information is helpful to you. Please

Thanks,
Concerned Old Oakland Resident



Karla V.
Santa Clara, CA

👤 2 friends

★ 18 reviews



1/27/2014

This place is disgusting and a mess. N allow the place to become so crowded be a violation of fire department regula and sticky floors, drunk people falling a and fights breaking out. The kicker is tl completely out of control. Two security the dance floor and pushed a girl to the kicked her out. The security guard later said my friend and I needed to leave fo Not only was this untrue but the securi manhandled us and took us to an eleva inside the elevator, no button was pres guards proceeded to handcuff us and most disrespectful way. I asked the sec was a police officer and he said yes. I a was being arrested for and he told us t Not only were their hands in inappropri took my purse and went through it with They proceeded to take us outside and club. I again asked why were handcuff they call the police as this behavior wa They again told us to shut the f*** up a take us to a dark side of the building a anyone could see or hear us. This wen minutes and I began yelling they neede ASAP or take the handcuffs off. I told t complaints against the establishment a individually. he was not concerned and

individually, he was not concerned and said go try you've been drinking who are they going to This is not the first time he's heard this before. a complaint with the Oakland PD for the inappropriate touching in the elevator (this is a form of sexual harassment) and the mistreatment by these two security guards. I will be following up with the BBB as well as the client management. This is completely unacceptable. I am sure my friend and I were not the first ladies to be mistreated by staff! I will also be uploading pictures of the injuries I sustained after being manhandled by the guards.

Was this review ...?



Useful 10



Funny



Cool



Samantha P.

Arcata, CA

0 friends

1 review



9/24/2014

If it were possible to give zero stars I would give the place because it was a distant cousin. I waited 30 minutes in line and got to the bar only to be sexually harassed by the dude at the front. We each paid \$25 to squeeze ourselves into the booth. We could barely move and it was ridiculous. We paid for bottle service and it was terrible. It took 10 minutes to bring more glasses, another 10 minutes for a waiter to bring us more juice (for the hell of it). The serving staff didn't seem to know what they were doing. Near the end, I managed to find a small space and found the garbage overflowing with crumpled paper everywhere. These people knew they were harassing all those damn people in that space and the owners seemed to take no notice of the business. No one deserves to have their money wasted on this place.

Was this review ...?



Useful 1



Funny



Cool



Charles R.
Sacramento, CA

11 friends

1 review

★★★★★ 8/13/2014

Bella Ultra Lounge might have been so to back in the day. Now I think the club "hobby". It's very obvious, that the owners have minimal things to get by. The place is a mess. The window is busted out going into the place. The elevator, right at the entrance. A TV in the room pointing to the street, I have never seen it. The signs have gone. No adverts, nothing. Signs are missing. Sign a duck under just to get in the front door.

There is so much wrong with this place. I feel for the people working there. The owners own the business, but are working under a owner who has no passion, direction or ideas that would make this place great again.

It has busted up steps that get casually ignored. It's a potential hazard and lawsuit. Signs that have been cut and ripped up. The sitting areas could need a serious rework. The paint could definitely not hurt. The place really needs to be seriously maintained. The place seriously could use better maintenance this before the lights go down.

All this aside, from the reads on this review p Facebook, the excellent class "A" lounge ha grace. It's a shame, the very few employee to know and consider as friends over the pa are great. But serious changes to this space all hinges on the owner and his true commitr patrons and space offered to the public. Se speaking, Bella Ultra Lounge is running with ownership, just to get by. The attitude I have past few months has swayed me and I'm su away from ever going back.

I really liked this space in the beginning. It w convenient spot to come to after work to un game, listen to good music with the rare DJ and have a beer, drink or have dinner. Given dead most of the time during the week and ' during the weekend, some things definitely r change. They need to do their customers a either close the doors or sell out to someone the place right... not right into the ground. L else take over that can run the club the way ran. Competition soon coming to the area, I correct all this.

A bad reputation is a bitch that "does" bite y ass. It's also one bitch very hard to overcon piss off enough people. This is exactly what to Bella Ultra Lounge!

If I could rate it a half star, I would, all basec ownership.

I will not go back ever or recommend it to a

Was this review ...?



Useful 8



Funny 3



Cool 2



Kai L.

Oakland, CA

6 friends

26 reviews



10/14/2013

Rented 2 VIP booths for my friends bday, w
booth and included two big bottles of our cl
bottle service. Nice booths, nice waitress, r
good mix and variety from 11-12 then the dj
he played NOTHING but african/reggae that
understand, after a while and a few more dr
were singing asking with the shit like we kne
bothered me more than anything was that I
repeatedly if he could give my friend a bday
mean shit we spent good money there coul
song and a shout out??? -finally he gave a l
bday over the mic, with the music still playin
that's it, cut the music and told everyone to
was only 1:30..... then there's the stairway fi
you have to walk down when you exit, shou
stairs in elevator out, I'm sure many drunk p
fallen to the pits of embarrassment down th
be careful!!

Was this review ...?



Useful 2



Funny 1



Cool



Best,



YouTube



BLACK DIAMOND NIGHTS | BELLA ULTRA LOUNGE



Slim Dj

 Subscribe 15

YouTube



BLACK DIAMOND NIGHTS | BELLA ULTRA LOUNGE



Slim DJ

 Subscribe 15



BLACK DIAMONDS | 1st SAT AFFAIR | BELLA ULTRA LOUNGE | 561 th



Slim Dj



Subscribe

15



Add to



Share



More

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, October 07, 2014 11:35 PM
To: Minor, Gregory
Cc: Steinberger, Allan; [REDACTED] Sze, Sun-Kwong (Michael); Marcus, Nancy; Sena, Jennifer; Kroushour, Joe; Ferran, Elias; [REDACTED]
Subject: Re: Bella ABC License and conditions

Greg,

Nice meeting you today, and thanks to you and Lt. Steinberger and Eli for being prepared to answer all of the questions we had about process, etc.

This document that [REDACTED] sent seems to indicate that they have seriously violated their ABC license. Hopefully the hearing officer will take this into account. Not sure how they were able to get a cabaret license when their ABC license is only for restaurant use.

We'll keep forwarding evidence to you and Eli as we get it.

[REDACTED]

From: [REDACTED] <[REDACTED]>
To: [REDACTED] <[REDACTED]>
Cc: "Minor, Gregory" <GMinor@oaklandnet.com>; [REDACTED]; "Steinberger, Allan" <ASteinberger@oaklandnet.com>; "Gonzalez, Carlos" <CGonzalez@oaklandnet.com>; "Weisenberg, Michael" <MWeisenberg@oaklandnet.com>; "Rubio, Lea" <LRubio@oaklandnet.com> [REDACTED] <[REDACTED]>; "Sze, Sun-Kwong (Michael)" <ssze@oaklandnet.com>; "Lindsey, Drennon" <DLindsey@oaklandnet.com>; "Marcus, Nancy" <NMarcus@oaklandnet.com>; "Sena, Jennifer" <JSena2@oaklandnet.com>; "Kroushour, Joe" <JKroushour@oaklandnet.com>; "Ferran, Elias" <EFerran@oaklandcityattorney.org>
Sent: Tuesday, October 7, 2014 7:13 PM
Subject: Re: Bella ABC License and conditions

Hmmm... Am I really reading this correctly that they do not have an ABC permit to operate as a night club? Is that really possible or did they change permit types? Which use type restrictions takes priority, the city's or the ABC's?

[REDACTED]

Sent from my phone.

On Oct 7, 2014, at 6:24 PM, [REDACTED] <[REDACTED]> wrote:

Attached find details on Bella ABC license and operating restrictions. The cabaret permit includes requirements for Bella to conform to ABC restrictions. Due to proximity to Lafayette Square Park and the high number of ABC licenses in this census tract the conditions were imposed by ABC.
Bella is clearly not conforming to these conditions.



<Bella ABC License and Conditions.pdf>

Sena, Jennifer

From: [REDACTED]
Sent: Wednesday, October 08, 2014 11:44 AM
To: Minor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: [REDACTED]
Subject: Bella Ultra Lounge

Dear City Manager(s),

As you may have heard, on early Wed morning (~1:15am, a man was shot at 11th and Clay after coming out of Bella Ultra Lounge. Initial reports seem to indicate that he was shot by a man that he had had an argument with inside the club. Here's a link to the story,

http://www.contracostatimes.com/contracosta-times/ci_26641139/berkeley-man-fatally-shot-outside-oakland-nightclub

Unfortunately, this is the 13th known shooting incident in our neighborhood since March 2013, and the second homicide.

I live in the Market Square building, at 9th and Clay, with my 2-year old daughter and wife. We love Oakland, and our neighborhood, and ask that you help us keep it safe.

Clearly Bella Ultra Lounge is not taking their responsibility for maintaining public order seriously. I ask that you remove their license to operate, and shut down this bad actor.

Best regards,
[REDACTED]

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 08, 2014 2:11 PM
To: Miñor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: otssecurity@outlook.com
Subject: Bella Ultra Lounge, et al.

Dear Mr. Minor:

I am a resident of the Old Oakland neighborhood and live at 555 10th Street, Apt. 204. When I moved here about three years ago, I was thrilled with the location. First, because it was walking distance to my job (I was formerly at the City of Oakland as an aide to Councilmember Nadel), and second because of the convenience to all the things I like to do (JLS, Uptown, the library, the museum, etc.). although I am no longer at the City, I am still walking distance to my job at the Port of Oakland.

Unfortunately, my happiness with my home has been tainted because of the weekly, sometimes nightly disturbances in the area. I cannot tell you how many times I have been awakened by loud voices, fights, and gunshots. I understand that the noise originates from the various nightclubs in the area, most notably the club located at the corner of 11th and Clay, Bella Ultra Lounge. The disturbances usually occur between 1:15 and 2:30 a.m., so I assume it is as people are leaving the club(s).

I was deeply saddened to learn of the recent homicides in the area, but fully expected them because of the many times I have heard (and reported) gunshots. I knew that eventually, someone would be killed. I also learned from neighbors that our building has been hit by stray bullets, and that terrifies me. We should have a reasonable expectation of safety in the privacy of our own homes, but it appears that we do not.

If this behavior is an indirect result of the clientele that frequents Bella Ultra Lounge and other clubs in the area, then the clubs should be held responsible.

I therefore support the Old Oakland Neighborhood (OON) NCPC's call to permanently revoke the cabaret license of Bella Ultra Lounge which has proven, over a long period of time, to be unable to de-escalate their patrons' behavior both inside and outside the club. The owners have ignored many core conditions to their permit so we obviously cannot trust them to adhere to even more conditions on their operations. OON and our building have made many documented attempts to work with the owners of Bella to improve operations, without success. For the safety of this neighborhood, we urge you to exercise the authority of your office to shut the club down permanently with all haste, before another shooting takes another life in this neighborhood.

Sincerely,

[REDACTED]

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 08, 2014 2:23 PM
To: Ferran, Elias
Cc: [REDACTED] Minor, Gregory; Ferran, Elias; Sena, Jennifer
Subject: Re: Bella Ultra Lounge, et al.

Eli,

I just realized that in one of our our email blasts, we had your email incorrect. It was listed as oaklandnet.com instead of to oaklandcityattorney.org.

Do you know if both those emails work for you? If so, I won't correct it. But if the oaklandnet.com emails don't get to you, then I will fix. Hopefully, Greg can forward you any emails that you may miss.

Sorry for the inconvenience.

[REDACTED]

From: [REDACTED] <[REDACTED]>
To: gminor@oaklandnet.com; jjsena@oaklandnet.com; eferran@oaklandnet.com
Cc: [REDACTED]
Sent: Wednesday, October 8, 2014 2:10 PM
Subject: Bella Ultra Lounge, et al.

Dear Mr. Minor:

I am a resident of the Old Oakland neighborhood and live at [REDACTED]. When I moved here about three years ago, I was thrilled with the location. First, because it was walking distance to my job (I was formerly at the City of Oakland as an aide to Councilmember Nadel), and second because of the convenience to all the things I like to do (JLS, Uptown, the library, the museum, etc.). although I am no longer at the City, I am still walking distance to my job at the Port of Oakland.

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Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 08, 2014 4:02 PM
To: Minor, Gregory
Cc: Sena, Jennifer; Ferran, Elias; OTS security
Subject: Revoke license of Bella Ultra Lounge

Dear Mr. Minor:

I live in Old Town Square [REDACTED]. I have the good fortune to live at the 9th and Jefferson corner of the building, so I seldom hear the the noise from Bella Ultra Lounge in my apartment, but their existence markedly compromises my ability to walk in peace in my neighborhood and I hate what it is doing to my neighbors. I don't want to be afraid to leave my apartment and I don't want to live in a place where all around me worry about their safety.

When Bella Ultra's predecessor arrived on the scene, I thought it would be a welcome and lively addition to Old Oakland. I was soon disabused of that idea. It is hard to think of anything positive the lounge contributes and the negatives are overwhelming. The patrons are noisy and rude. They leave trash and every bodily fluid you can name on the sidewalks. They fight with each other and drive at high speeds. Now they are shooting each other, and if they are doing that, we know that most of their shots are going to miss and land in a local building or person.

I very much support the idea of there being businesses in downtown Oakland that provide entertainment in many forms to various audiences; the entertainment value of Bella Ultra, however, is vanishingly small. It is simply a nuisance. We in this neighborhood have tried to accommodate Bella Lounge, and Arsimona before it, even though those businesses have provided no services used by people who live here and have substantially interfered with our lives. The time has come, however, to bring this all to an end.

I am not suggesting that this business be moved somewhere else. No one deserves to live in a place where such a nuisance exists. I am requesting that their license be permanently revoked and all possible steps be taken to see that the owners of this business not be granted any licenses to operate any business in Oakland again.

[REDACTED]
[REDACTED]
[REDACTED]

Sena, Jennifer

From: [REDACTED]
Sent: Wednesday, October 08, 2014 5:27 PM
To: Minor, Gregory; Sena, Jennifer; efferran@oaklandcityattorney.org;
[REDACTED]
Subject: Bella Ultra Lounge

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

October 8, 2014

Assistant to the City Administrator
Nuisance Abatement/Special Activity Permits Division
1 Frank H. Ogawa Plaza, 11th Floor
Oakland City Hall
Oakland, CA 94612

Dear Assistant,

The situation from the spill-in and out of the Bella Ultra lounge has increased to a dangerous point, especially in view of the killing last week. I do feel that as a neighbor of the Lounge, I want to put forward my thoughts on this.

Many neighbors are in favor as asking that the Bella Ultra Lounge be closed. But I feel that if they would take the measures required of the other night clubs in the area and the violence was stopped, that I would be satisfied. The Old Oakland Neighborhood Association has met with the other night clubs and they all watch out that their businesses do not negatively impact our lives. If Bella Ultra Lounge could do the same with some oversight from your department, I would be very grateful.

Perhaps a meeting could be set up with and neighborhood residents with the owner/s to discuss this and see if a solution can be arranged.

Sincerely,
[REDACTED]

Sena, Jennifer

From: [REDACTED]
Sent: Wednesday, October 08, 2014 6:51 PM
To: Minor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: [REDACTED]
Subject: Revoke cabaret license of Bella Ultra Lounge

Dear Mr. Minor:

I live in Old Town Square [REDACTED], and have lived here for over 13 years. I love this building and until recently have loved the immediate neighborhood.

What has spoiled the neighborhood for me and for my neighbors is the presence of Bella Ultra Lounge - and before it, of Arsimona in the same location. The noise - from loud music and people leaving the lounge between 1 am and 2 am, from people partying loudly and drunkenly in the street after the club closes, the trash and broken bottles littering the streets around our building, have made our neighborhood unsettled.

More than the noise and filth, the fights, shootings (including stray bullets into our building) and finally the homicide last week have made this neighborhood feel unsafe at a level that is intolerable.

I am lucky enough to live at the 9th and Jefferson corner of our building, so I usually do not hear the late-night noisy patrons and loud music, but I no longer feel safe walking in this neighborhood at night, and I hate what all this is doing to the neighborhood in general, to the residents of our building, and to the poor neighbors who live where the noise and music regularly assault their ears (and disturbs their and their kids' sleep). I know that at least one resident has moved furniture to insure that his children are not hit by stray bullets while they are in their apartment.

I want this neighborhood to be vibrant, and to attract people. Over the past two years, it has become apparent that Bella Ultra Lounge (and Arsimona before it) is dragging this neighborhood down, and making merchants uneasy about staying here. Our neighborhood associations have tried to talk to the lounge about the problems in a constructive manner, but that has done absolutely no good.

Before anyone else gets killed, I would like the City to revoke Bella Ultra Lounge's cabaret license. And given the owners' history, I ask that the City not allow them to operate any business in Oakland. No neighborhood deserves this kind of neighbor.

Thank you.

[REDACTED]

This is not how

--
"For every problem there s a solution which is simple, clean and wrong." H.L. Mencken

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 08, 2014 6:52 PM
To: Minor, Gregory
Cc: Sena, Jennifer; Ferran, Elias; [REDACTED]
Subject: Please CLOSE Bella Ultra Lounge

Dear Greg Minor,

The murder and gun play emanating from the Old Oakland neighborhood clubs, especially Ultra Bella Lounge, is completely unacceptable and will destroy the hope that Old Oakland now represents for the economy of the city.

Please close this dangerous place. The families that live here are afraid to walk out of their homes after sundown because of the presence of Bella Ultra. It needs to leave our neighborhood. We urge you to shut it down.

Thank you.

[REDACTED]
[REDACTED]

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 08, 2014 10:16 PM
To: Minor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: [REDACTED]
Subject: recent violence (please keep my address private)

Greg Minor, Jennifer Sena and Eli Ferran:

I just wanted to let you know how concerned and frightened I am about the recent violence related to Ultra Bella Lounge. I will not be able to attend the hearing. I work as a public school teacher in Alameda.

I live at Swans Cohousing and I have an interior unit overlooking a courtyard. I have lived in Old Oakland since 2000 and in Oakland for over 25 years. I have never been so frightened. I have recently viewed my unit from the street to see if gunshot could enter our home from 9th Street (they can) and out bed (they could).

In the past I have often gunshots, loud fighting, drunken arguments, bottles smashing, screeching tires, motorcycles I have cleaned up bottles and promo cards from the sidewalks around our building. I have called OPD several times over the past several years. I have attended numerous meetings with OPD as well as club owners with promises of improvement. Little has happened and now another man is dead.

I heard the fighting on the night of 9/30/14 about 1:30 AM (on Wednesday). It went on for 5-10 minutes. It was extremely loud. I had to work the next day so I fell asleep. I did not call OPD that night.

Ultra Bella is a major nuisance to our neighborhood. And it has been for several years. The club needs to be closed immediately for the safety of the residents of Old Oakland.

Thank you for considering this serious matter.

[REDACTED]
[REDACTED]
[REDACTED]

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Thursday, October 09, 2014 9:59 AM
To: Minor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: [REDACTED]
Subject: Public Hearing on Bella Ultra

As a resident of the Old Oakland neighborhood I support closing down Bella Ultra Lounge. These types of establishments provide a welcomed service to Oakland residents and many operate without incident. However, Bella Ultra Lounge isn't one of them. Based on multiple incident reports the Bella Ultra Lounge seems to attract some clients that resort to violence. There are thousands of individuals that live in the Old Oakland neighborhood that don't patronize the Bella Ultra Lounge, but our safety is at risk when incidents of violence occur and I support the closing of Bella Ultra Lounge.

Thank you,
[REDACTED]

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Thursday, October 09, 2014 11:49 AM
To: Sena, Jennifer; Minor, Gregory
Cc: Ferran, Elias; [REDACTED]
Subject: Subject: Re Bella Ultra Lounge

To whom it may concern:

I am writing on behalf of the Old Oakland at Swans Cohousing Homeowners Association to recommend the permanent closure of the Bella Ultra Lounge which has proven to be a neighborhood nuisance of monumental proportions. Our homes are one block away from the Bella Ultra Lounge and we have suffered through the fighting, yelling, littering, vomiting, public urinating, and shooting in the wee hours of the morning from the patrons of this neighborhood nuisance for long enough.

It makes no sense in a city as short of police as Oakland is to waste community police resource on the many calls to deal with issues related to the Bella Ultra Lounge. We have other nightclubs in the neighborhood who have learned to be better neighbors and manage their patrons more effectively. Please protect our neighborhood from this nuisance.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sena, Jennifer

From: [REDACTED] ([REDACTED] <[REDACTED]>)
Sent: Thursday, October 09, 2014 12:13 PM
To: Minor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: [REDACTED]
Subject: Bella Ultra Lounge cabaret license

October 9th, 2014

[REDACTED]
[REDACTED]
[REDACTED]

Dear Greg Minor,

I have been a resident of the Old Oakland neighborhood at Old Town Square for the past 3 years. My condominium faces Clay Street near the corner of 10th and Clay. I'm writing to encourage you to consider revoking the cabaret license for the Bella Ultra Lounge night club at the corner of 11th and Clay Streets. I see and hear patrons of the club on Clay street directly outside of my unit in OTS drinking, shouting and fighting on Friday and Saturday nights and occasionally on Tuesday nights, including the early morning of Wednesday, October 2nd the night when a man was shot and killed in the street in front of the club. The pre- and after parties that occur on Clay street on the nights the club is open make it very difficult to sleep, make the neighborhood feel less safe and overall are a public nuisance; not to mention the litter, broken glass, urine, vomit and other refuse that litters Clay Street after club patrons leave for the night. Please take these things into consideration in your decision of whether or not to suspend Bella Ultra Lounge's cabaret license permanently.

Thank you for your consideration of this request.

Sincerely,

[REDACTED]

Sena, Jennifer

From: [REDACTED]
Sent: Thursday, October 09, 2014 2:03 PM
To: Sena, Jennifer
Subject: Close down Bella Ultra Lounge

Dear Officer Sena,

I am a resident in the Old Town Square building in the Old Oakland neighborhood, work within walking distance to Bella Ultra Lounge, and often walk by it on the way to and from BART. I regularly see vomit on the ground in that area, hear yelling and violent altercations from my window at 2am when the club lets people out, and see liquor bottles littering the ground near the club. It is frustrating that the neighborhood has to put up with this, and the recent shootings associated with intoxicated club-goers indicate that the club is only attracting more violence and crime into the neighborhood. I already feel unsafe walking home from work and from BART - I do not want to feel unsafe inside my own home, fearing that a stray bullet will hit my window as it did to my neighbor.

The nuisance and violence that Bella Ultra Lounge brings to the neighborhood is very similar to the violence that Club Anton brought to the Jack London neighborhood last year. Please do not wait for another homicide due to club-goers to close down Bella Ultra Lounge!

Sincerely,
[REDACTED]

I would like to remain confidential in this letter. Thank you.

Sena, Jennifer

From: [REDACTED]
Sent: Thursday, October 09, 2014 2:54 PM
To: Sena, Jennifer; Minor, Gregory; Ferran, Elias
Cc: [REDACTED]
Subject: Re: Subject: Re Bella Ultra Lounge

Gregory Minor
Assistant to the City Administrator
Nuisance Abatement/Special Activity Permits Division
1 Frank H. Ogawa Plaza, 11th Floor
October 9, 2014
Dear Sir:

I am a resident of a homeowners' association in the historical Swans Marketplace building. I have lived there since its inception in 2000 and support the many attempts to get Old Oakland neighborhood up and thriving entrepreneurially and culturally.

I live in one of two units that overlooks Clay Street between 9th and 10th Streets. For many years I had to endure the 1:30 to 2:00 a.m. outpouring of patrons from the nightclubs in the neighborhood from Thursday through Sunday. Many continued their "partying" by their cars parked right below my bedroom window, which consisted of drunken behavior, loud talking, yelling, playing very loud music, and gunning the motors when finally driving away. I have a few times called the OPD to come out because I don't know how long the ruckus will continue or whether it will result in some sort of confrontation. I have attended a few meetings with the cabaret licensing division, starting with retired [REDACTED] and whenever I called the police, I sent a followup email to the licensing division informing it of the disruption because of the nightclubs.

In addition to the regular disruption at night, the trash left behind around the Swans Marketplace is enormous because it is surrounded by clubs. When I used to walk my dog around the block on those mornings after, I would pick up empty beer, wine, and liquor bottles and recycle them. The enormous amount of strewn postcard-size ads for the next nightclub event was difficult for anyone, including the professional janitorial service for Swans, to sweep up. Each postcard had to be picked up by hand, so often it wasn't. Other kinds of debris would be fast food, clothing, spiked heels, purses, and broken auto glass because of burglaries. There was once an abandoned automobile on 9th in front of Swans for almost a week until I called OPD and provided the license plate number. Turned out it was a stolen car.

In my experience, the nightclubs have proven to be disruptive because the people they attract have no regard for the neighborhood environment in which they are in. They attract people who prey on innocent, responsible patrons of other Old Oakland businesses. The nightclub owners apparently have very little influence on their patrons and rent the service of commercial security companies who have no real authority nor training to enforce civil behavior.

If we are to see our neighborhood transform and thrive in a healthy and safe manner, nightclubs are a business class that only seems to detract, rather than enhance. I support the closure of Bella Ultra Lounge.

Yours,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On Thursday, October 9, 2014 11:48 AM, [REDACTED] wrote:

To whom it may concern:

I am writing on behalf of the Old Oakland at Swans Cohousing Homeowners Association to recommend the permanent closure of the Bella Ultra Lounge which has proven to be a neighborhood nuisance of monumental proportions. Our homes are one block away from the Bella Ultra Lounge and we have suffered through the fighting, yelling, littering, vomiting, public urinating, and shooting in the wee hours of the morning from the patrons of this neighborhood nuisance for long enough.

It makes no sense in a city as short of police as Oakland is to waste community police resource on the many calls to deal with issues related to the Bella Ultra Lounge. We have other nightclubs in the neighborhood who have learned to be better neighbors and manage their patrons more effectively. Please protect our neighborhood from this nuisance.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sena, Jennifer

From: [REDACTED] <[REDACTED]>
Sent: Thursday, October 09, 2014 3:37 PM
To: Minor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: [REDACTED]
Subject: Old Oakland Neighbors is seeking your help

Hi All!

During the last 18 months, homes in our area have been burglarized, 2 fatal shootings (at 11th and Clay and 9th and Clay), 2 stray bullets into 2nd floor office buildings and 2 residential units on the 3rd and 4th floor and multiple shots fired by club patrons, recent I had my bike stolen inside of my garage and broken in cars. As you can imagine, we are very concerned about this trend and really hope you will help us. All the incidents have occurred on around **Bella Ultra Lounge** (upstairs at 10th and Clay).

It is clear that this place is not good for our safety in our neighborhood. We are taxpayers and residents of Oakland and we think we deserve a better neighborhood. Several of us have met to organize a neighborhood watch program, but we feel we need more help that we can muster alone. We think that increasing police patrols at these vulnerable times and having volunteers remain in the neighborhood on some nights might help. In any case, we need to learn how to protect our homes and streets better. Old Oakland is a beautiful growing working community that needs a better care and safety around us. We don't need Cabare **Bella Ultra Lounge** (upstairs at 10th and Clay), operations brings crime, drugs, burglars, prostitution in our Old Downtown Oakland. We need a respectful and safe neighborhood. Please help us.

Thank you

[REDACTED]
Old Downtown resident

Sena, Jennifer

From: [REDACTED]
Sent: Thursday, October 09, 2014 9:55 PM
To: greg.minor@oaklandnet.com; Sena, Jennifer; eferran@oaklandcityattorney.com
Cc: [REDACTED]
Subject: complaint about Bella Ultra Lounge at 11th and Clay Streets

October 9, 2014

Greg Minor
Assistant to the City Administrator
1 Frank Ogawa Plaza, 11th Floor
Oakland, CA 94612

Dear Mr. Minor:

I live at [REDACTED] in the Old Oakland neighborhood. This building is 3 blocks away from Bella Ultra. For as long as I can remember, I have put up with the late night disturbances coming from nightclub patrons in our neighborhood. This noise has come primarily as people are arriving at the club (Bella Ultra Lounge) and blasting music, and between 1:15am and 2:30am, as people are leaving the club. The noise is from people getting drunk in their cars before they enter the club, and from when they continue to party (with music from car radios and yelling and screaming) after the club closes. I also have a front row seat to the fights that break out in the street, hear glass bottles and windows being broken routinely, and put up with revving engines. Our streets are left trashy many mornings, and strewn with broken bottles, promotional postcards, junk food wrappers and containers, vomit, urine, and feces. I feel very unsafe walking home from the Bart station at 11th and Broadway when I have to pass through the neighborhood at night, and the patrons of the Bella Ultra are seen in parked cars, blasting music, engaging in illegal drug use, cursing, and fighting. On several occasions I have witnessed gang fights.

I was angered and saddened to learn that the reckless behavior has recently escalated to shootings and homicide. Recently, our building has been hit by stray bullets from the parking lot behind Bella Ultra Lounge, and some of our residents witnessed the fights leading up to the homicide on 10/1/14, and the immediate aftermath as well. This is distressing, and I will not feel safer until Bella Ultra Lounge and the activity that it is bringing to our neighborhood is closed down.

I therefore support the Old Oakland Neighborhood (OON) NCPC's call to permanently revoke the cabaret license of Bella Ultra Lounge which has proven, over a long period of time, unable to de-escalate their patrons' behavior both inside and outside the club. The owners have ignored many core conditions to their permit so I cannot trust them to adhere to even more conditions on their operations. OON and our building have made many documented attempts to work with the owners of Bella to improve operations, without success. For the safety of this neighborhood, I urge you to exercise the authority of your office to shut the club down permanently with all haste, before another shooting takes another life in this neighborhood.

Sincerely

[REDACTED]

Sena, Jennifer

From: [REDACTED]
Sent: Thursday, October 09, 2014 11:48 PM
To: Minor, Gregory; Sena, Jennifer; Ferran, Elias
Cc: [REDACTED]
Subject: Over capacity - Bella advertised capacity of 200-55 people over their allowable limit

Hi Gregory -

I'm writing to let you know that purplepass.com has over a dozen events listed in 2014 for comedy shows and other entertainment at Bella. Two of these events are scheduled for December - Tickets are on sale now! I wanted to alert you to the fact that on the Purple Pass website, **the event promoters list the Venue capacity at 200 for all of the Bella events, which is 37% MORE than the 145 listed in the conditions of approval for their cabaret license.** See images below. It seems the most recent event was on September 19th. All of the events promoted in the attached images are sponsored by Go Baby Productions.

<https://www.purplepass.com/#u14922/GoBabyProductions.html>

[https://www.purplepass.com/#14081/GoBabyProductions-](https://www.purplepass.com/#14081/GoBabyProductions-GoBabyproductions_presents_%22Ricco_Da_Great%22_Raw&Uncut-Bella_Ultra_Lounge-September-20-2014.html)

[GoBabyproductions_presents_%22Ricco_Da_Great%22_Raw&Uncut-Bella Ultra Lounge-September-20-2014.html](https://www.purplepass.com/#14081/GoBabyProductions-GoBabyproductions_presents_%22Ricco_Da_Great%22_Raw&Uncut-Bella_Ultra_Lounge-September-20-2014.html)

The screenshot shows a web browser window displaying a Purple Pass event page. The URL in the address bar is [https://www.purplepass.com/#14081/GoBabyProductions-GoBabyproductions_presents_%22Ricco_Da_Great%22_Raw&Uncut-Bella Ultra Lounge-September-20-2014.html](https://www.purplepass.com/#14081/GoBabyProductions-GoBabyproductions_presents_%22Ricco_Da_Great%22_Raw&Uncut-Bella_Ultra_Lounge-September-20-2014.html). The page features a header with the event title "Ricco Da Great" and "GoBabyProductions presents". Below this, it states "Saturday, September 20th at 7:00pm PST" and "Presents Ends: 09/20/14 at 6:00pm PST". The venue is listed as "Bella Ultra Lounge, 561 11th, Oakland, CA". A "Buy Tickets" button is visible. On the right side, there are social media sharing options (Facebook, Twitter, Email) and a "Like" button. Below the event details, there is a section titled "Talent" listing "Ricco Da Great" and a "Description" section stating "GoBabyProductions Raw&Uncut". On the right side, there is a "Presented By" section featuring a logo for "GoBabyProductions" and a list of event details: "Hours: 7:00pm to 10:00pm", "Price: General Admission, \$15.00", "Age: 18+", "Venue: Bella Ultra Lounge, 561 11th, Oakland, CA 94612", "Capacity: 200", and "Info Line: 510.315.6047".

https://www.purplepass.com/#16115/GoBabyProductions-ChristmasComedy-BellaUltraLounge-December-06-2014

GoBabyProductions Christmas Comedy

Presented By GoBabyProductions

Saturday, December 6th at 7:00pm PST
Presale Ends: 12/05/14 at 5:00pm PST

Bella Ultra Lounge
561 11th St
Oakland, CA

Buy Tickets

Share Email

0 0 0 0

4 Likes 0 Tweet 0 +1 0 Post

Presented By

Talent

- Mark Prince

Description

GOBABYPRODUCTIONS

Additional Information

gobabyproductions

Hours

7:00pm to 10:00pm

Price

General Admission: \$25.00

Age

18+

Venue

Bella Ultra Lounge
561 11th St
Oakland, CA 94612

Capacity

200

View on Map

https://www.purplepass.com/#14922/GoBabyProductions.html

4 Likes 0 Tweet 0 +1 0 Post

Facebook: /gobabyproductions

GoBabyProductions Christmas Comedy

Mark Prince better known as the Prince of comedy... His high energy style will leave your left and right side sore from laughter... Come hang out with us and Mark Prince

GoBabyProductions

Oakland, CA

Buy Tickets

DEC 5 FRI

GoBabyProductions Christmas Comedy

Mark Prince better known as the Prince of comedy... His high energy style will leave your left and right side sore from laughter... Come hang out with us and Mark Prince

GoBabyProductions

Oakland, CA

Buy Tickets

DEC 6 SAT

Past Events

GoBabyproductions presents "Ricco Da Great" Raw&Uncut

This fast pace style of Ricco will leave your side hurting with laughter... Born and raised in Berkeley Ca, he nows lives in the state capital and quickly became the city's favorite comedian... You won't be disappointed.

GoBabyProductions

Oakland, CA

Buy Tickets

SEP 20 SAT

GoBabyProductions present "Ricco Da Great" Raw&Uncut

This fast pace style of Ricco will leave your side hurting with laughter... Born and raised in Berkeley Ca, he nows lives in the state capital and quickly became the city's favorite comedian... You won't be disappointed.

GoBabyProductions

Oakland, CA

Buy Tickets

SEP 19 FRI

GoBabyProductions presents "Poetic Passion" poetry show

Where the Poet is one of the fastest rising poet in America... Ladies hold on to your seat because he will make you shake in it... you don't want to miss this very moving performance

GoBabyProductions

Oakland, CA

Buy Tickets

AUG 23 SAT

GoBabyProductions Comedy Super Fest July 27th 8pm

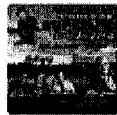
A Celebration of Comedy GoBabyProductions Presents The First Annual Comedy Super Fest Weekend. A showcase of explosively funny and popular comedians from East Coast to West Coast. One weekend 3 nights 6 shows. We have something for

GoBabyProductions

Oakland, CA

Buy Tickets

JUL 27 SUN



GoBabyProductions Comedy Super Fest July 27th 8pm
A Celebration of Comedy. GoBabyProductions Presents The First Annual Comedy Super Fest Weekend. A showcase of explosively funny and popular comedians from East Coast to West Coast. One weekend 3 nights 6 shows. We have something for

JUL
27
SUN

Oakland, CA Buy Tickets



GoBabyProductions Comedy Super Fest July 27th
A Celebration of Comedy. GoBabyProductions Presents The First Annual Comedy Super Fest Weekend. A showcase of explosively funny and popular comedians from East Coast to West Coast. One weekend 3 nights 6 shows. We have something for

JUL
27
SUN

Oakland, CA Buy Tickets



GoBabyproductions Comedy Super Fest July 26th.
A Celebration of Comedy. GoBabyProductions Presents The First Annual Super Comedy Fest Weekend. A showcase of explosively funny and popular comedians from East Coast to West Coast. One weekend 3 nights 6 shows. We have something for

JUL
26
SAT

Oakland, CA Buy Tickets



GoBabyProductions Comedy Super Fest. July 26th
A Celebration of Comedy. GoBabyProductions Presents The First Annual Comedy Super Fest Weekend. A showcase of explosively funny and popular comedians from East Coast to West Coast. One weekend 3 nights 6 shows. We have something for

JUL
26
SAT

Oakland, CA Buy Tickets



GobabyProductions Comedy Super Fest. July 25th 8pm
GOBABYPRODUCTIONS Comedy Super Fest Weekend. ... 6 Shows 6 Different line ups

JUL
25
FRI

Oakland, CA Buy Tickets



GoBabyProductions Comedy Super Fest. July 25th 6pm
Kabir "Kabezy" Singh is one of the fastest rising Stand-Up Comedians in America. Headlining sold out nights at some of the most famous clubs in California including the Hollywood Improv, Hollywood Laugh Factory, Long Beach Laugh Factory, SF

JUL
25
FRI

Oakland, CA Buy Tickets

Best,
A Concerned Neighbor