

Present: Vincent Casalaina, George Beier, Marcia Levenson, Janet Byron, John Anderson, Dione Cota, Dean Fonseca, Beth Van Dyke, Michelle Pellegrin, Greg Murphy, Vincent Casailana

Approval of Minutes from the Last Meeting

Murphy/Wineger – Motion to approve the minutes passed unanimously.

Announcements:

1. 649-7482 is Marcia Levenson's phone number. Her address is 2507 Stuart St, Berkeley, CA 94705
2. The Elmwood Neighborhood Association's meeting is 8/22 at 7:30 at 2933 Benvenue (the house of M. Landau)
3. Michelle mentioned the rape/attempted rape.

National Night Out Update

Janet Byron estimates that we had between 100 and 150 people at the National Night out. Greg Murphy supplied the ice cream. Greg Wineger arranged the police and fire truck. And we had Fire, Police, Jim Hynes, Gordon Wozniak. Good volunteer turnout. Collected names on the neighborhood contact sheet. Got about 25 new names on the neighborhood contact sheet. A neighbor also donated two crates of pieces. And we collected 29 dollars. Was posted in the Berkeley Voice, Berkeley Daily Planet, and Oakland Tribune. We also had a Daily Cal reporter in attendance. John Caner took photos which he would be happy to share in the electronic folder on line. Good collaboration on the flyer – all in all the event went very well.

Pellegrin/Levenson – Unanimous motion to prepare "Certificate of Appreciation" for Janet Byron

Street Fair (Sunday, August 26th) – 9 Days from Now

We have about \$1,000 to spend, including \$500 donated by the City of Berkeley. Vincent/Glenda to approach Carvel for the ice cream. Mario's restaurant is also looking to be involved. We'll also purchase water and soda. Greg is going to need help on food service on the day. Greg is also going to need help getting the flyers out. Joe, Lynn, John, George, Michelle, etc. have volunteered on helping with the flyers. Currently we have 5 confirmed vendors, probably 8 so far. This does not include other groups putting up tables and information. Setup at 9. Sale starts at 11. Mime Troupe from 1-3. Shutting down at 4-ish. Glenda is committing money to food, and will also commit money to the T-Shirts. Greg to also produce a banner. John suggested Vital Signs. Greg discussed tickets, the donation jar, etc. Hopefully UCPD will have a table.

Pellegrin/Buckwald: Motion to allocate 10 minutes for 2525 Telegraph. Pellegrin talked of 6,000 SF bar/art house that is open until 2 AM every night of the week. Some neighbors met in a quick time friend and hammered out an agreement with the application. Willard said that we didn't quite agree with that agreement and petitioned for a continuance. Pellegrin estimates that we have until August 30th to get something into the ZAB. To be heard from would be closer neighbors, parking statistics, data from the police, etc. One concern, mentioned by Pellegrin, is that the use permit would go with the property. If the business is sold, the use conditions would go with the new owner. The Police supported that do not go along with applicant's request: "after evaluation information...the proposed establishment...will essentially create another south campus bar...and there are problems with enforcement between 1-3 AM because of limited police resources at those hours." Current by-right hours thru Thursday are 'til 10, midnight recommend on Sat/Sun. The staff recommended midnight every night. The basic three areas to talk about are: hours, type of liquor license, and the ability to have amplified music every night.

V. Casalaina spoke re: the mitigations re: the issues of parking. Ali committed to encourage people to use the UC lots. Negotiations were also made re: the sound and got a more enforceable restriction on the sound. The limit is that you cannot hear the sound more than 50 feet away from the building, which is stronger than the city's noise ordinance. The language for parking, sound will be written into the use permit and will carry on beyond Ali's tenancy. The sound insulation will be of good quality, to limit the disturbance to the tenants above. The hours for performance, whatever it will be, will end 2 hours before closing time (which is midnight Sun thru Weds, 1 AM Thurs through Saturday). So live music would end at 10 PM, 11 Thurs thru Saturday. A type 47 liquor license (food and drink establishment) requires the

owner to sell at least the same amount as they do alcohol. It also allows hard liquor. This is part of their filing with the ABC. **D. Cota** asked re: enforcement. **E Kikomoto:** That is not the ABC policy – the city can establish the criteria; but this may or may not be enforced. Depends on whether this information is required to be reported to the city – historically the city has not requested this information. **V. Casalaina:** So the permit is basically the same as a bar? **E Kikomoto:** No, this is also a restaurant permit. **D Cota:** So this will be difficult to enforce? **E Kikomoto:** Owner could sell food up to a certain time, alcohol afterward... **V Casalaina:** He intends to sell food up until closing. **E Kikomoto:** A loophole is that because it is a restaurant, there is no checking for age/identification. (The same would be true if it had a beer/wine license only and were a restaurant). **V. Casalaina:** Ali would educate employees with BAPAC/ABC. **B. Van Dyke:** That's good, but I would caution that, especially with food and hard liquor, this is really just an attractive nuisance for late nights with students, especially with distilled spirits. College kids are the main audience. **D. Buckwald:** We should start from ground zero, not the existing neighbor agreement. Of particular concern is the Thursday late night hours. We should keep a general discussion before we start the horse trading. **D. Cota:** This place is very close to me. I'm not concerned about the noise. What I am concerned about is the roving parties that will be going to and from the establishment, from Sunday to Wednesday at midnight. Also, there will be a lot of people smoking underneath me. There are 4 other tenants in the building who will have the same issue. **G. Beier:** Do we want another establishment like Blake's? This is where all the problems have traditionally occurred. **L Halperin:** Had a roving party meeting with the police – the bars are the catalyst for the noise that those of us from Parker, etc. are hearing. The parties are an issue, but a lot of the issue is folks letting out from the bars, and the buses letting off kids from San Francisco. What was proposed was that the WNA would get the bar owners to come together at the next meeting – discuss earlier closing time, food only in late hours, calming down time, educating the employees of the bar re: the rules and regs. I respect a person's desire to have a business, but I do think his timing is going to be difficult, but the experts are labeling these bars as the problem, and a new bar is not going to be greeted with in enthusiasm. **J. Anderson:** There are different issues: Students want to go out and listen to music, go to bars. Residents have to get up early and go to work. At the HiP house party, on a Friday, two weeks ago, we felt like tried to follow the rules, mitigate sound, etc. And we got shut down at 10:30 or 11:00. There has to be some give and take on the issue. If people try to compress things, this will not be a real solution. **Dean:** I don't believe in the viability of encouraging customers to use UC lots. The hours of operation are of particular concern to me. This is an art gallery/restaurant/bar ... what this really is a bar. People won't be going in there late at night to look at art. With a bar come the undesirable things that go with it. We had a very similar problem with the patio, which was opened to 2 AM. They had cheap beer/happy hour all day/night. There were constant problems with drunkenness. I finally had to come up with a petition, document the abuse, etc. This took a year of my time. I really don't want to do this again. Shattuck, College, etc. are very different than Telegraph, where we have nothing but problems with drugs and alcohol. I am glad that the police recommended against his request – I suspect that this was due to limited police resources. Do we really want to have to use precious police resources on this problem? If I could put a vote on it, I don't think the hours are suitable. I think 1 AM is too late. I don't think the hard liquor is too relevant...what do I care if they drink beer or whiskey? **B Van Dyke:** Our research show that the nuisance problems go up exponentially with hard liquor. **V. Casalaina:** I feel awkward having this discussion without Ali here. A lot of things getting said here are different than what he has said over and over again in his presentations. One of the things which is dramatically different between Blake's and Ali's is that Blakes is very, very loud, right up until closing time. One of the things we negotiated is that the live music will go away 2 hours below closing, and any music will be below normal conversation level. The intent of what we are negotiating is that this will be a quiet place, where people can carry on a normal conversation.

J. Caner: We should move on. **G. Murphy.** Agreed. **Beier/Unanimous:** Table this conversation for now.

Casalaina/Beier (unanimous) Let's move on to the BRT Discussion. Where do we stand on the BRT?

J. Anderson: I think BRT is good, public transportation is good. AC Transit's goal is to improve transit. How is WNA's fighting BRT going to help AC Transit do their job of doing their transit. **G. Wineger:** Closing streets is not going to make transit easier. **Buckwald:** According to AC Transit, traffic, green house gases, etc. get worse. **Levenson, Halperin:** Pass. **Caner:** I share J. Anderson's concerns, I reluctantly oppose it. It's just the wrong thing for the neighborhood. **Beier:** Bus isn't going to work. A

train would work. People won't switch to the bus. **Casalaina:** All other cities have parallel streets to accommodate traffic. We don't have these streets. Let's get good transit happening now with RB+. **G. Murphy:** We're not against transit, we're just against this particular plan. My fear is that this will be a huge disruption, etc. and then we'll rip them out, just like the old pedestrian malls of the 70s. I think the RB+ plan is easily implementable. Let's build the groundswell. **J. Halperin:** Pass. **M. Pellegrin:** This is sad. It sounds good – we all want to go for it. But it's just bad public policy. It's said that this is the best that AC Transit can do. **D. Cota:** So what? How is little WNA going to accomplish anything? How are we going to manifest itself. This is a much bigger issue than ourselves – maybe we should be focusing on issues that concern us more directly. **J. Caner:** We can band with others. **V. Casalaina:** CENA, Le Conte, BANA, DBA all have come out against BRT. Whenever the city has this on the agenda, we can talk about our neighborhood voting against it.

Beier/Murphy: Move V. Casalaina's letter. Buckwald: It needs some revisions for strategy. Casalaina: OK. Murphy: We've been talking about this. Buckwald: So voting for the letter is against BRT? Casalaina: Yes. Vote: 8-1-3 Motion passes. **J. Caner/G. Wineger:** Invite other NA's to devise a strategy. Murphy: Let's have someone to take the lead on it. Beier volunteers to take the lead. Casalaina: Let's try and enlist Telegraph businesses, DBA, etc. **J. Caner:** By invitation? **Casalaina:** Yes, the first meeting, initially. Vote: 9-0-3. Motion passes.

Casalaina/Beier: Let's move the agenda back to 2525 Telegraph. Unanimous.

Ali Eslami/Hakkim: We want to create an art house. Similar to Red Poppy. We have been talking to neighbors and business on the street and other business. Everyone likes the idea. The primary concern is the fear of another Raleigh's or another beer place and the noise and so on. I am here to answer the questions from all of you guys. We had a preview party for the neighbors, the city, etc. to give folks a flavor. We had a 92 year old person there. It's not necessarily to be there for one age, or one socio-economic standing. What are your questions and concerns?

L. Halperin: So this is an art house? What does that mean?

A Eslami: It's a whole spectrum of art activities. It can be art, it can be children, it can be poetry, etc.

G. Wineger: I work for the UC System. The like minds in this community are going to be a lot of transients. They are not going to be 92 year olds. This establishment will drive out these individuals. We have alcohol problems throughout the system. My concern that this is not like minds – this is going to be a concentration of young minds. We have to deal with this 2-3 times a week already.

A. Eslami: The problem with alcohol is a problem that exists across the country. This is not limited to Berkeley. It manifests itself in different forms. Your concern is my concern as well. I cannot solve this problem for you. All I can do as a business owner is to try to have it in my place. My first establishment is the Missouri lounge. It's history speaks for itself. One thing I learned is that you can change things if you are proactive. You can create a space if you try, if you take it over. This is what has happened with People's Park. I have been here since '73. Prohibition does not solve a problem. Businesses which create a better environment are the answer. Telegraph Ave is a dead street. It's never been like this before. The community needs to take chances and do their own due diligence. We are not going to be let the environment to be taken hostage. This is not what we've done at Missouri lounge.

D. Cota: So why not close at 10 PM and just have a beer/wine license? Why did you want to stay open to 2 AM originally?

A. Eslami: We need those late night hours for socialization, a good meal late at night, etc. The only place open now until 2 AM is Coquolet. This the only place in the area. You are being fear driven. The people that are going to drink are going to do it.

J. Caner: Crossing to Dwight is crossing into our neighborhood. Parking is a real concern. Past 10 o'clock isn't going to work. If it's going to be late at night, then let it be downtown or other parts of Berkeley. I just don't think that it should be on this side of Dwight. There are fewer residents on the north side of Dwight.

A. Eslami: Noise is our concern as well...

J. Caner: It's the noise of people spilling out. We are not doing any activity from the Regent side. All of our traffic is going to be on the Telegraph side.

L. Halperin: It doesn't work that way....

A Eslami: We are trying to encourage more art on Telegraph. All the nearby neighborhoods are going to be impacted. I can't help that. We need to educate the kids. These are good people.

J. Halperin: This just hasn't been our experience. Anything after weekend is inappropriate. When bars close they head on up through the neighborhood. We recognize that the existing business have an impact. Why increase that burden? So closing hours are a big issue. I don't see why an establishment such as yours needs hard liquor. I know what you are saying re: education. But the reality is that students are often out of control with liquor.

A. Eslami: In your opinion...what you are suggesting is that beer vs. liquor makes a difference. People who get drunk get drunk on either liquor or beer.

J. Halperin: The experts disagree....

A. Eslami: We do not intend to have a bar in that location. We have put ourselves in a box. In CA you have these separate licenses. Other states do not have these restrictions. We are intending to have an establishment that is similar to other cultures. This is very important to our business model.

D. Buckwald: I went down to Missouri lounge at midnight on Tuesday. I was immediately solicited by a prostitute. Please comment on the conditions at that club.

A. Eslami: When I first got there they got there at 11:00 AM. Most of the patrons of the mom and pop restaurant were husband and wife. We didn't bring the prostitutes to Missouri lounge. We have been trying to push them away. We try to make the place less attractive for prostitutes in that area. This is not a prostitute location. It was once. It is not any more. We don't focus on selling alcohol. We try to encourage people from all walks of life. We have been working with the police. We think that their reported is very one-sided. It's not indicative of what is actually happening down there.

D. Buckwald: So you think conditions are good?

A. Eslami: No. But you need people like myself who are willing to take a chance.

L. Halperin: I think Telegraph does need people who are willing to take a chance. Looking at the brochure and listening to you it seems you want an art salon. But that's not what you are doing. These folks sit around and drink coffee and talk about art. But that's not what you are doing here. The patrons, not the owner, create it. If you have this type of establishment, we are not going to go there and make it our salon. I (and others in this room) need a place like this. And we aren't going to go to a place like this. It would be a great thing if we had a salon. But esthetically, and by description, it would have to be totally different from what you're planning to do. And it doesn't take a hard liquor license and stay until 2 AM. There's an essential contradiction here.

Hakkem: The space is big. A trio might play in the corner...but maybe we'll show independent movies in the other place:

D. Cota/Halperin: I don't see why it requires hard liquor, extended hours....

M. Pellegrin: We need a sub-group to deal with this.

Beier/Levenson: 10 PM Sun Thru Thurs, Midnight on Fri and Sat. And no hard liquor. And a letter to ZAB to that effect. And any other items will be dealt by the committee. Vote: 9-1-0. Motion passes.

M. Levenson: I want to move on things we can agree on. I worked a lot with noise ordinances. 65 dba is loud. The current noise ordinance is loud. It should be reduced to 55dba for conversation.

Amplification should not exceed 75dba.

M. Pellegrin: This is major...and is going to take time...

V. Casalaina: Pellegrin, Dione, Buckwald Beier, Casalaina to be part of subcommittee.

A. Eslami: I'm a little bit disappointed. We started this process over 6 months ago. We've delayed. We've tried to accommodate people. I worked against a public hearing in an attempt to get consensus. We've only had one hour today to talk about it. How many of you have come to the party? Do you really know what we are talking about. I feel like you are making decisions with preconceived notions about our concept? We did not get the opportunity to hear our side of the story. If you guys choose to do it this way, than that's the way that it is. But I don't think that this is a healthy way to go about the process.

D. Buckwald/D. Cota: Would like to put MK Think first on Sept. agenda.

M/S/approved by voice vote

V. Casalaina: The chair would like to get a notion from the body re: dues. Postponed: Wineger/Beier to forward \$100 each.

Art house needs late hours, hard liquor. Fear driven. , not just Berkeley kids, educated, good kids....
Cultural difference....