

Nancy McPeak

From: Cari Lee Donovan <carileedonovan@gmail.com>
Sent: Tuesday, April 27, 2021 5:27 PM
To: Nancy McPeak; Marilyn Ezzy Ashcraft; Greg McFann; Andrew Thomas; Eric Levitt
Cc: Xiomara Cisneros; Ronald Curtis; Hanson Hom; Rona Rothenberg; Teresa Ruiz; Asheshh Saheba; Alan Teague; Malia Vella; John Knox White; kathy@downtownalameda.com; Eric Fonstein; alamedarenterscoalition@gmail.com; phegarty@bayareanewsgroup.com; arianabindman@gmail.com; kylemontezesq@gmail.com; thefoundry@gmail.com; rosalynlouise@gmail.com; clare268@gmail.com; Abner_chaires@yahoo.com; brettcbye@yahoo.com; ruben.o.quinones@gmail.com; ruben.o.quinones@gmail.com; caseytinloy@abc.ca.gov
Subject: [EXTERNAL] Request to discuss Alameda mixed use problems at May 10th Planning Board Meeting

Follow Up Flag: Follow up
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04/27/2021

Cc: Alameda Planning Board, City Manager, Alameda Planning Director, Downtown Residents, Code Enforcement, Downtown Business Association, Alameda Renter's Coalition, Alcohol Beverage Control, Ariana Bindman, Peter Hegarty

RE: ABC file # 48-487019, Reg 19089185

Dear City Planning Board, City Manager, and Planning Director of Alameda, and Alcohol Beverage Control

In a follow up to last year's Planning Board discussion concerning residential impact of mixed-use space (see planning board meeting minutes for 11/09/2019) and in anticipation of my attendance at the next Planning Board Meeting [on May 10th](#), I thank you in advance for considering the contents of this email and for viewing the two short video clips of The Club House Bar ([1215 Park St](#), Alameda) using the back patio and yard space for alcohol service to customers. I feel that it represents an ongoing issue that negatively impacts the residents of mixed-use areas. The clips and photos can be viewed by accessing the google drive link: <https://drive.google.com/drive/folders/1IA12HRaWu6LcsGD3ieTOzGeqUzVx9ZQO?usp=sharing>

If you would like to access the video and photos in a different format or delivery method, please let me know and I'll be happy to send you the media in a different way.

These clips were taken on Saturday, 04/24/2021 and on Monday, 04/26/21. These clips demonstrate the over-serving of alcohol, the clear violation of noise ordinances, the intolerable nuisance, inappropriate and harassing sexual dialogue and the drunken belligerence that The Club House is forcing residential neighbors to endure for 14 or more hours a day, 7 days a week. Please notice that this bar isn't even bothering to honor the COVID19 health codes.

There are some key points throughout both of the videos that I'd like to call your attention to. In the video entitled "Club House Bar 042421 10AM to 10 PM", at minute [0:22](#), a patron confirms with the bar tender that

the back space is open for seating. At minute [2:16](#), the owner of the bar introduces herself ("Coco") and her Assistant Manager ("Larry") to people who are first time patrons of the bar (demonstrating that the owner and assistant manager of the bar are fully aware of what's going on). Please note at minutes [1:05](#) and [2:34](#), the multiple times that various patrons point out (and discuss) the windows of all of the residents who surround this area. At minute [1:55](#) there's a comment made about "a little cock fight" which quickly turns into a sexual joke with some guy shouting "that was the fucking funniest thing". At minute [2:35](#) some guy is shouting, "Why are you sitting next to my bitch?!" At minute [2:44](#), a drunk guy shouts "she said I was fucking my mother and that was hot". These two extremely drunk men have clearly been over-served alcohol. Please note that there are families with children who live directly above this patio.

How would you like to have a day off from work, only to be forced to listen to this the entire day and night? How would you like strange drunk people looking into your windows and watching you in your home day and night? How would you feel about going into your backyard adjacent to this yard? Would you feel comfortable doing yoga or exercising while drunk people peeping through the fence? Would you feel comfortable barbecuing with your own friends or family in this atmosphere? Clearly, this demonstrates a breach of the covenant of quiet enjoyment in bad faith by this business.

The video entitled "Club House Bar 042621 evening": beginning at minute [0:38](#) a guy begins to make sexually harassing comments, asking if he can touch a woman inappropriately and the woman asks, "are you out of your mind right now?" At minute [0:51](#) the conversation about inappropriate touching continues and another woman says, "you just finished saying say we're like daughter to you... and you want to touch our butts?" then someone who works at the bar tells the man to mind his language because he's outdoors. He then begins to argue and laugh at the person telling him to stop and another person declares, "You can take the people out of the bar, but you can't take the bar out of the people". Then someone says, "Aren't you a cop, Jerry?" At minute [2:15](#) you can see the apartments where children live directly above the patio and the cottage where my neighbor lives which faces directly into the backyard area. This is what residential neighbors have to deal with when they're off work on an average [Monday night](#). And, currently, due to COVID19 protocols, I and many of my neighbors are still working from home while dealing with this nuisance and intrusion throughout the day and night. It is incredibly difficult and stressful to handle a full workload without the ability to access peace and quiet. Just as businesses need to earn money, so do those who live here. Our jobs and livelihood are just as important as pulling in revenue from a sports bar, yet there is little regard and just plain bad faith shown for residents' wellbeing in the way of planning and development for mixed use areas.

The attached photos are of a conversation that I had with my neighbor who lives in the cottage that serves as the property line and does not have privacy protection from drunk patrons. My neighbor is disabled and hearing impaired, so we communicate by white board. As you can see in the photos, he is concerned about patrons spying on him and stated that a man at The Club House previously got "ugly" and aggressive with him when he asked the guy to stop pounding on his walls and window. The attached photos were taken inside my neighbor's home with his permission and two additional photos is from The Club House's public Facebook page which show that my neighbor's housing wall is located directly inside the yard. My neighbor lives in a housing unit that is less than 200 square feet and has about 4 windows in total. He has no place to escape from the intrusion of privacy. In fact, the apartment housing on this side of the bar is only 200 to 400 square feet for each resident. We cannot simply go to another room to escape, nor should we have to. We all have the right to peaceable living, regardless of our housing size, location, or affordability.

These videos and photos represent a broader problem regarding how mixed-use spaces are planned by the City of Alameda. Some businesses and residents using mixed-use space work very well together. Businesses such as photography studios, hair salons, clothing and retail shops are successfully sharing mixed-use spaces with residents because the nature of their business does not intrude on a resident's right to peaceable quiet and privacy. Bars, restaurants and entertainment businesses (especially those operating in outdoor settings,

including “COVID19 parklets”) are not conducive to residential rights to privacy and peaceable living. Currently there seems to be no criteria for businesses operating within or nearby residential buildings, and the residents are suffering greatly. Five of my neighbors have moved within the past year because of noise and nuisance caused by the businesses around us. The rest of us cannot move away, and we shouldn’t be forced out of our homes because of unlivable conditions put on us by bad faith business practices and public policy that ignores our living needs.

For multiple reasons related to social justice issues, I am not going to use the police as a resource to resolve this problem. This problem is a symptom of a larger systemic issue related to how mixed-use space is planned by City officials. I have heard multiple times by city officials that mixed-use space is the future of Alameda, however, I have not heard any concrete strategies for protecting residential stakeholders’ rights to privacy and peaceable quiet. I’m formally requesting that the noise ordinance be clarified to mandate that business operating within residential areas be compliant with decibel levels set for residential areas and that strong penalties be enforced for businesses that cause noise, nuisance, and privacy problems for residential neighbors. I am requesting that a policy be developed to ensure that businesses occupying spaces shared by residents are an appropriate fit for a residential compatibility. I am asking that residents be considered as community stakeholders when city officials are making plans for businesses to occupy mixed-use spaces. I am specifically requesting that restaurants, bars, and social entertainment venues be located in city areas that do not infringe on residents’ rights to peaceable quiet and privacy. I am specifically requesting that The Club House bar not be permitted to operate in the backyard or in any outdoor space. This current representation of mixed-use housing/business spaces in Alameda is not equitable for residents, nor is it sustainable for people who call downtown Alameda their home.

I’ve invited some other residential tenants of mixed-use buildings around Park St to join me at the next Planning Board meeting [on May 10th](#) so that we can talk more about how to resolve the problem with the Club House and the over-arching problem concerning mixed-use residents’ rights to privacy and peace.

I’d like to request that this email communication and the videos and photos be included in the staff report for the upcoming [May 10th](#) meeting and be used for reference at any upcoming hearings related to [1215 Park St](#) and/or related to mixed-use policy.

My neighbor, who is hearing impaired, would also like to join the Planning Board meeting, and we are requesting that The City provide a sign language interpreter to accommodate my neighbor’s impairments so that he can fully participate.

Thank you for partnering with my neighbors and I in our work to find meaningful resolution. I and my neighbors look forward talking with you on May 10th.

Sincerely,

Cari Lee Donovan, LCSW