

July 15, 2019

Dear Andrew,

Thank you for continuing to work with us on our concerns. We'd like to personally invite you to an on-site visit to get a sense of our experiences and to talk with all of the concerned residents as a group. Do you have any availability over the next two weeks?

We hear you when you say that the Alameda Municipal Code directs the Board to support businesses. We, as neighbors, are also invested in maintaining the positive relationships that we've always had with all of our small business neighbors over the past decade.

The Municipal Codes also support exterior noise standards (Ordinance #2177 N.S. 4-10.4) as health and safety measures for the citizens of Alameda. These codes define ambient noise and noise disturbance criteria, which we believe The Clubhouse is currently violating and The Spinning Bones Restaurant will be at risk of violating if they continue with plans to seat crowds of people, 7 days a week, on a patio that is less than 12 feet away from the bedrooms and living spaces of 5 residents. Imagine what it's like to deal with the noise levels of 30 to 60 people all talking over each other for hours at a time, every single day. There is no respite for us. Residents have been here well before these businesses and we deserve the right to have this health and safety code respected by our neighbors. Other businesses who have occupied these spaces over the past 10 years have been very successful without needing to violate health and safety codes by creating noise pollution in outdoor space. There is no reason to believe that these new businesses are dependent on the use of outdoor space for their success.

We'd like to share the impacts of the current noise and offer some solutions and requests in response to your thoughtful questions:

**Impacts from Spinning Bones Construction & Clubhouse Bar Noise:**

- The Municipal Code limits exterior noise levels to 60db(A) for not more than 30 cumulative number of minutes in any one hour period. Using outdoor space for ongoing crowds of people does not support the health and safety of residents. We live in small homes (some are studio apartments) in century old buildings that were not designated to accommodate the noise levels of large outdoor social gatherings 9-20 hours a day, 7 days a week. The back patio spaces of these two properties are not designed to prevent noise pollution from affecting residential neighbors. Our homes are where we take refuge after long work hours. The nature of our work is emotionally and physically exhausting and we need to be able to come home to an atmosphere that is free from noise pollution. Some residents have health conditions that are negatively impacted by the current noise disruptions of the Clubhouse Bar and by the use of the back patio area by the Spinning Bones restaurant construction employees. The Municipal Codes around exterior noise support the right of resident's health and safety as it relates

to noise pollution and we are asking that the code be enforced and that the patio areas of the Clubhouse and Spinning Bones not be used for customer service and entertainment/dining/drinking purposes.

- The restaurant patio directly faces five bedrooms & five living room spaces. For five months we have dealt with construction noise from 7am-7pm six days a week. For years, we have dealt with patio parties and belligerent, inappropriate patron behaviors at the Club House, which closes at 2am. Our sleep, rest, and ability to use the space has been disrupted and violated repeatedly, despite filing reports with APD, city council, code enforcement, etc.
- We propose prohibiting the use of the patio area for consumer use completely. Currently, conversations between two people in the patio can be heard on the 2nd floor with all the windows closed. These businesses intend to use the patio area for larger groups of people, which will amplify the noise levels beyond that of a 2 person conversation.
- Spinning Bones plans to close at 11pm, and we'd like to recommend closing at 9pm to allow for one hour for staff to clean and close the restaurant by 10pm. The owner has not put any additional insulation or barrier to protect residents from first floor noise despite repeated asks to the landlord and restaurant owner. Currently, we can hear construction workers coughing, talking, sneezing, etc. on the 2nd floor, indoors.
- We are requesting that no amplified music and no live band performances be permitted at these venues.
- The expectation is that occupants of this area respect laws pertaining to "ambient noise" as outlined in the Alameda municipal codes. Noise levels laws are currently 60 decibels for no more than 30 consecutive minutes within a given hour during the daytime. With capacity for 30 or more people in each of these backyard spaces, we are looking at 60-plus people in a party atmosphere at any given time, for any length of time. The patio and backyard spaces should not be used for consumer access at all by either of these businesses. It is simply not conducive to a resident's rights to peaceable quiet. We ask that these businesses focus on making good use of their indoor spaces instead, just as previous businesses have successfully done.
- Businesses and tenants need to follow what's in place for residentially zoned areas, and any agreement made needs to be based on existing laws for residential areas.
- Tenants need to retain the right to use the patio space equally. Historically the backyard space of the Spinning Bones location has been used by residents who share the building. Currently there are residential BBQs back there & there used to be a picnic table for residents. By having the restaurant commandeer this

space for their exclusive use, they are evicting residents from that area and taking their rights away to have freedom of access to this space. From our research, the patio spaces have never before been commercially zoned. There's no need to rezone this area and take it away from residents.

- If the restaurant is permitted to use the outdoor space for consumer occupancy, we will not be able to open our windows or even the curtains because our right to privacy will be taken away. For most of us, our entire living space is just a couple of feet away from the backyard area and faces the patio.
- Previous businesses have had no need for more lighting than what currently exists. We are advocating for continued minimal lighting.
- Residents are requesting that Spinning Bones ensure the AC and Kitchen Exhaust equipment is built in a way that will not pose noise pollution for residents.
- Residents are requesting that Spinning Bones and The Clubhouse ensure that their garbage disposal procedure does not pose a health and safety threat to residents who live FEET away from the restaurant. This includes ensuring that odors are minimal and that rodents, vermin, and other pests cannot access garbage. We have a beautiful Redwood tree that is a peaceful and natural habitat for squirrels, raccoons, possums, and backyard cats. This is currently not problematic. However, we do not want to encourage animal over-occupancy and we don't want this to turn into a vermin and pest control situation.
- We ask that these businesses use daylight hours to dispose of their trash, as opposed to night time. The sound of bottles, cans, and garbage crashing into a dumpster during sleeping hours interrupts residents' ability to maintain healthy sleep habits.

Best,

Leslie Chaires  
Cari Lee Donovan  
Holly Lim  
Ruben Quinones  
Heather Quinones  
Brett Bye  
Laura Ho  
Abner Chaires

**Complaint Against Licensee**

- Read Complaint Form Information before completing this form.
- Fill in as many of the blanks as you possibly can.
- After completing the form, print and mail to the nearest ABC District Office or  
Department of Alcoholic Beverage Control  
Attention: Complaint Desk  
3927 Lennane Drive, Suite 100  
Sacramento, CA. 95834

**INFORMATION ABOUT YOU**

It is not required that you give "Information About You." You may remain anonymous.

If you do give personal information, it will not be released outside of the department and will remain confidential.

Name: Cari Lee Donovan

DATE: 06/26/19

Address: 2311 San Jose Ave, #7

City: Alameda

State: CA Zip Code: 94501

Phone: (Day): 510-387-0555

(Evening): 510-387-0555

**INFORMATION ABOUT ABC LICENSED BUSINESS**

Name of Business: Club House Bar

Business Address: 1215 Park St

City: Alameda

State: CA Zip Code: 94501

Phone: \_\_\_\_\_

Name of Owner if known: Susan Mirch and Corinna Zanetti

Nature of Complaint: (Check all that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Disorderly House                      | <input type="checkbox"/> Sales After 2:00 A.M.   | <input checked="" type="checkbox"/> False Owner     |
| <input type="checkbox"/> Sales to Minors                                  | <input type="checkbox"/> Drink Solicitation      | <input checked="" type="checkbox"/> Excessive Noise |
| <input checked="" type="checkbox"/> Sales to Obviously Intoxicated Patron | <input type="checkbox"/> Other _____             |   |
| <input type="checkbox"/> Illegal Drug Activities                          | <input type="checkbox"/> Gambling                |   |
| <input type="checkbox"/> Prostitution                                     | <input checked="" type="checkbox"/> Lewd Conduct |   |

Date of incident: on-going Time of incident: 6:30 AM - 2 AM

Have you contacted the business owner regarding your complaint? Yes ☒ No ☐

Have you filed this with another law enforcement agency? Yes ☐ No ☐

If you answer yes, name of law enforcement agency: \_\_\_\_\_

**Other Details:**

The Club House Bar overserves alcohol, resulting in physical violence in a residential neighborhood, drunk driving, and beligerent behavior. The Club House Bar is using the back yard area as additional alcohol service space and has seating for about 30 people in the back yard. People are playing amplified music, constantly shouting, urinating on the fence (video evidence can be provided), and violence. The noise levels from this bar violates the residential rights outlined by the Implied Covenant of Quiet Enjoyment, including the freedom from unreasonable and recurring disturbances from neighbors.



## Complaint Against Licensee

- Read Complaint Form Information before completing this form.
- Fill in as many of the blanks as you possibly can.
- After completing the form, print and mail to the nearest ABC District Office or  
Department of Alcoholic Beverage Control  
Attention: Complaint Desk  
3927 Lennane Drive, Suite 100  
Sacramento, CA. 95834

### INFORMATION ABOUT YOU

It is not required that you give "Information About You." You may remain anonymous.

If you do give personal information, it will not be released outside of the department and will remain confidential.

Name: Cari Lee Donovan - date of complaint: 08/27/19

Address: 2311 San Jose Ave, #7

City: Alameda

State: CA Zip Code: 94501

Phone: (Day): 510-387-0555

(Evening): 510-387-0555

### INFORMATION ABOUT ABC LICENSED BUSINESS

Name of Business: The Club House Bar

Business Address: 1215 Park St

City: Alameda

State: CA Zip Code: 94501

Phone: \_\_\_\_\_

Name of Owner if known: Susan Mirch and Corinna Zanetti

Nature of Complaint: (Check all that apply)

☒ Disorderly House

☐ Sales After 2:00 A.M.

☐ False Owner

☐ Sales to Minors

☐ Drink Solicitation

☒ Excessive Noise

☐ Sales to Obviously Intoxicated Patron

☒ Other Smoking

☒ Illegal Drug Activities

☐ Gambling

☐ Prostitution

☐ Lewd Conduct

Date of incident: Daily

Time of incident: All hours of operation

Have you contacted the business owner regarding your complaint?

Yes ☐

No ☒

Have you filed this with another law enforcement agency?

Yes ☒

No ☐

If you answer yes, name of law enforcement agency: City of Alameda Planning Board & City Council

Other Details:

The Club House Bar uses it's backyard space (which is within 5 feet of multi-unit housing) as a designated smoking area for cigarettes and cannabis use. The backyard space is even supplied with ashtrays. This violates City Ordinances. Continued noise problems stemming from overly-intoxicated patrons and loud music being played indoors violates City Noise Ordinance laws. City Police have been contacted twice within the last week regarding noise complaints. The Planning Board has been notified of smoking violations.

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

IN THE MATTER OF THE APPLICATION OF

SHRUTE FARMS GROUP LLC  
dba: SPINNING BONES  
1205 PARK ST  
ALAMEDA, CA 94501-5211

} FILE 41-600929

} REG.

} PETITION FOR CONDITIONAL  
} LICENSE

For Issuance of an On-Sale Beer And Wine - 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 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, 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 a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4 of the Business and Professions Code, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

WHEREAS, the proposed premises are located in Census Tract 64284 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and

WHEREAS, the proposed premises are located within the immediate vicinity of a church or hospital, to wit: First Christian Church, and issuance of the applied-for license without the below-described conditions would interfere with the normal operation of said facility and constitute grounds for the denial of the application under the provisions of Section 23769 of the Business and Professions Code; and

WHEREAS, petitioner(s) intend to exercise privileges of the license in or on an exterior patio/terrace/other area; and,

05

Initials

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s), and issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the proposed premises are located within 600 feet of a school, public playground or non-profit youth facility, to wit: Jackson Park, and issuance of the applied-for license without the below-described conditions would interfere with the normal operation of said facility and constitute grounds for the denial of the application under the provisions of Section 23789 of the Business and Professions Code; 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:

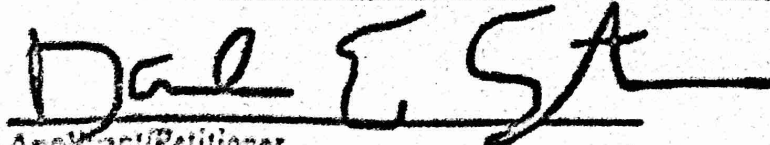
- 1 Full and complete meals must be offered and made available at all times the premises is exercising the privileges of its alcoholic beverage license, with the exception of the last ½ hour of operation each day.
- 2 Sales, service and consumption of alcoholic beverages shall be permitted in or on the patio area only between the hours of 11AM and 8PM, each day of the week.
- 3 The use of any amplifying system or device is prohibited on patio/terrace/other area, and the use of any such system or device inside the premises shall not be audible outside the premises.
- 4 Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253.

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 27th DAY OF March, 2019.



Applicant/Petitioner

Daniel Sterling, Manager

Applicant/Petitioner

State of California

Department of Alcoholic Beverage Control

## Complaint Against Licensee

- Read Complaint Form Information before completing this form.
- Fill in as many of the blanks as you possibly can.
- After completing the form, print and mail to the nearest

ABC District Office or  
Department of Alcoholic Beverage Control  
Attention: Complaint Desk  
3927 Lennane Drive, Suite 100  
Sacramento, CA. 95834

### INFORMATION ABOUT YOU

It is not required that you give "Information About You." You may remain anonymous.  
If you do give personal information, it will not be released outside of the department and will remain confidential.

Name: Cari Lee Donovan

Address: 2311 San Jose Ave, #7

City: Alameda

State: CA Zip Code: 94501

Phone: (Day): 510-387-0555

(Evening): 510-387-0555

### INFORMATION ABOUT ABC LICENSED BUSINESS

Name of Business: Shrute Farms Group LLC dba: Spinning Bones

Business Address: 1205 Park St

City: Alameda

State: CA Zip Code: 94501

Phone: \_\_\_\_\_

Name of Owner if known: unknown

Nature of Complaint: (Check all that apply)

☐ Disorderly House

☐ Sales After 2:00 A.M.

☐ False Owner

☐ Sales to Minors

☐ Drink Solicitation

☒ Excessive Noise

☐ Sales to Obviously Intoxicated Patron

☒ Other non-disclosure

☐ Illegal Drug Activities

☐ Gambling

☐ Prostitution

☐ Lewd Conduct

Date of incident: on-going

Time of incident: on-going

Have you contacted the business owner regarding your complaint?

Yes ☐

No ☒

Have you filed this with another law enforcement agency?

Yes ☒

No ☐

If you answer yes, name of law enforcement agency: Alameda Planning Board

Other Details:

Residents were not properly notified of this company's intention to use the back patio for their business purposes, the notification was only for indoor space. For this reason, the original petition should be denied. The back patio is currently used for residential purposes and residents will be evicted from that space if permits are given for commercial use. The back patio space is 12 feet from 3 bedrooms & 25 feet from 2 other bedrooms. Use of this space for crowds of drinking and dining people will cause noise disturbances that violate Alameda City and County noise ordinances and will violate residents' rights to peaceable quiet.



**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at [www.abc.ca.gov](http://www.abc.ca.gov) and in each district office.
- **Please print legibly or type.** Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 *et seq.*)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

**Shrute Farms Group LLC dba: Spinning Bones**

(Name(s) of Applicant(s))

For premises at:

**1205 Park St, Alameda, CA 94501**

(Exact address of proposed premises)

on the grounds that:

The company's original notification did not provide full disclosure of their intention to use the back patio for their business purposes. The notification indicated only the use of the indoor space for commercial use. Because of their lack of transparency, the surrounding residents were not provided sufficient information about use of the back patio space. For this reason, the original petition should be denied. The back patio is currently used for residential purposes and residents will be evicted from that space if permits are given for commercial use. The back patio space is 12 feet in distance from 3 bedrooms and 3 living spaces and 24 feet from an additional 2 sleeping areas located at 2311 San Jose Ave. If we had been properly notified of the business' intention to use the backyard, we would have protested immediately. The use of this space for crowds of drinking and dining people will cause noise disturbances that violate Alameda City and County noise ordinances and will violate residents' rights to peaceable quiet.

☐ Check here if additional sheets attached

I, **Cari Lee Donovan**

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and State)

**2311 San Jose Ave, #7, Alameda, CA 94501**

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional & non-public)

**(510) 387-0555**

DATE SIGNED

**07/08/19**

City of Alameda  
Code Enforcement Division  
2263 Santa Clara Ave., Rm. 190  
Alameda, CA 94501  
Phone: (510) 747-6818  
Fax: (510) 865-4053

**CODE ENFORCEMENT COMPLAINT FORM**

(Information provided on this form is kept confidential to the extent permitted by law.)

Please print clearly and complete the entire form. It is important that you provide us with facts that show the situation you are reporting is injurious to the health, safety, and welfare of the occupants(s) or the public. Please complete every part of the questionnaire and be as complete and specific as possible. Information that you may feel is unimportant may be the key to resolving the alleged violation. If the form is incomplete, Code Enforcement staff may be unable to act on the complaint.

**Complainant Information**

Complainant Name\*: Cari Lee Donovan Phone number\*: 510-387-0555  
Address\*: 2311 San Jose Ave, #7, ALAMEDA, CA 94501

**Alleged Violation/Complaint**

CLUB HOUSE SPORTS BAR  
Address of alleged violation\*: 1215 Park ST, ALAMEDA, CA 94501  
Owner name (if known): Susan Mirch & Corinna Zanetti  
Owner phone number (if known): \_\_\_\_\_  
Tenant Name (if any): \_\_\_\_\_  
Tenant phone number (if known): \_\_\_\_\_

**Description of Violation/Complaint**

Describe, in detail, the nature of the violation/complaint\*: The Club House bar uses its backyard as an extension of the bar. The backyard is located in the middle of residential homes & apartments. The bar and its patrons constantly exceed Alameda Noise Regulations 4-10.9 on a daily and nightly basis. Patrons are belligerent, yelling, fighting, and partying from 6AM to 2AM every day of the week. Loud yelling and loud conversations can be heard (word for word) through the closed windows of my home, located around the block and more than 100 feet away from the bar. Even with a white noise machine on.

\* Denotes required information

## TX Result Report

P 1  
10/23/2017 13:33  
Serial No. A5YN017002622  
TC: 340089

Addressee	Start Time	Time	Prints	Result	Note
915108654053	10-23 13:32	00:00:46	001/001	OK	

Note TMR:Timer TX, PDL:Polling, ORG:Original Size Setting, FME:Frame Erase TX,  
DPS:Page Separation TX, MIX:Mixed Original TX, CALL:Manual TX, CSRC:CSRC,  
FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, SP:Special Original,  
FCODE:IF-code, RTX:Re-TX, RLV:Relay, MBX:Confidential, BOL:Bulletin, SIP:SIP Fax,  
IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length over,  
POVR:Receiving page over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error,  
DSN:DSN Response Error, PRINT:Compulsory Memory Document Print,  
DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.

CITY OF **Alameda**  
California

Return this form to:

City of Alameda  
Code Enforcement Division  
2263 Santa Clara Ave., Rm. 190  
Alameda, CA 94501  
Phone: (510) 747-6818  
Fax: (510) 865-4053

### CODE ENFORCEMENT COMPLAINT FORM

(Information provided on this form is kept confidential to the extent permitted by law.)

Please print clearly and complete the entire form. It is important that you provide us with facts that show the situation you are reporting is injurious to the health, safety, and welfare of the occupants(s) or the public. Please complete every part of the questionnaire and be as complete and specific as possible. Information that you may feel is unimportant may be the key to resolving the alleged violation. If the form is incomplete, Code Enforcement staff may be unable to act on the complaint.

#### Complainant Information

Complainant Name\*: Cari Lee Donovan Phone number\*: 510-387-0555  
Address\*: 2311 San Jose Ave, #7, ALAMEDA, CA 94501

#### Alleged Violation/Complaint

CLUB HOUSE SPORTS BAR  
Address of alleged violation\*: 1215 Park ST, ALAMEDA, CA 94501  
Owner name (if known): Susan Mirch & Corinna Zanetti  
Owner phone number (if known): \_\_\_\_\_  
Tenant Name (if any): \_\_\_\_\_  
Tenant phone number (if known): \_\_\_\_\_

#### Description of Violation/Complaint

Describe, in detail, the nature of the violation/complaint\*: The Club House bar uses its backyard as an extension of the bar. The backyard is located in the middle of residential homes & apartments. The bar and its patrons constantly exceed Alameda Noise Regulations 4-10.9 on a daily and nightly basis. Patrons are belligerent, yelling, fighting, and partying from 6 AM to 2 AM every day of the week. Loud yelling and loud conversations can be heard (word for word) through the closed windows of my home, located around the block and more than 100 feet away from the bar. Even with a white noise machine on.

\* Denotes required information

## Submission complete

**Question****Response**

## Complainant Information

Complainant Name\*

Cari Lee Donovan

Phone number\*

510-387-0555

Address\*

2311 San Jose Ave. #7, Alameda,  
94501

Email address

carileedonovan@gmail.com

## Alleged Violation/Complaint

Address of alleged violation\*

1205 Park St.

Owner name (if known)

Dr. Don Pang

Owner phone number (if known)

Tenant Name (if any)

Mike Yakura

Tenant phone number (if known)

## Description of Volation/Complaint



Please Describe, in detail the  
nature of the violation/complaint \*

1205 Park St. had construction  
noise such as hammering, loud  
music, and jack drilling, on Sunday  
3/10/19 starting in the morning  
until evening violating 4-10.7 -  
Special Provisions (Exceptions)  
Section E because this happened  
on a Sunday all day. The noise  
disrupted my right to quiet  
enjoyment.

# Submission complete

**Question****Response**

---

**Complainant Information**

Complainant Name\*

Cari Lee Donovan

Phone number\*

510-387-0555

Address\*

2311 San Jose Ave. #7, Alameda,  
94501

Email address

**Alleged Violation/Complaint**

Address of alleged violation\*

1205 Park St.

Owner name (if known)

Dr. Don Pang

Owner phone number (if known)

Tenant Name (if any)

Mike Yakura

Tenant phone number (if known)

**Description of Violation/Complaint**

Please Describe, in detail the  
nature of the violation/complaint \*

1205 Park St. had construction  
noise such as hammering, loud  
music, and jack drilling, on Sunday  
3/10/19 starting in the morning  
until evening violating 4-10.7 -  
Special Provisions (Exceptions)  
Section E because this happened  
on a Sunday all day. The noise  
disrupted my right to quiet  
enjoyment.

# Submission complete

**Question****Response****Complainant Information**

Complainant Name\*

Cari Lee Donovan

Phone number\*

510-387-0555

Address\*

2311 San Jose Ave. #7, Alameda,  
94501

Email address

**Alleged Violation/Complaint**

Address of alleged violation\*

1205 Park St.

Owner name (if known)

Dr. Don Pang

Owner phone number (if known)

Tenant Name (if any)

Mike Yakura

Tenant phone number (if known)

**Description of Volation/Complaint**

Please Describe, in detail the  
nature of the violation/complaint \*

1205 Park St. had construction  
noise on Wednesday, 5/1/19 after  
7pm, which violates 4-10.7 -  
Special Provisions (Exceptions)  
Section E because construction  
went past 7pm on a weekday. A  
neighbor called the police  
regarding the music and the  
construction going past 7 pm. The  
noise disrupted my right to quiet  
enjoyment.

# Submission complete

## Question

## Response

### Complainant Information

Complainant Name\*

Cari Lee Donovan

Phone number\*

510-387-0555

Address\*

2311 San Jose Ave. #7, Alameda,  
94501

Email address

### Alleged Violation/Complaint

Address of alleged violation\*

1205 Park St.

Owner name (if known)

Dr. Don Pang

Owner phone number (if known)

Tenant Name (if any)

Mike Yakura

Tenant phone number (if known)

### Description of Violation/Complaint

Please Describe, in detail the  
nature of the violation/complaint \*

205 Park St. had construction noise such as hammering, drilling, and loud music on Wednesday, 5/29/19 after 7pm. This violates 4-10.7 - Special Provisions (Exceptions) Section E because construction happened on a weekday after 7pm. The noise disrupted my right to quiet enjoyment. I emailed Mike Yakura at his professional email address to express my concern and received no response.

# Submission complete

## Question

## Response

### Complainant Information

Complainant Name\*

Cari Lee Donovan

Phone number\*

510-387-0555

Address\*

2311 San Jose Ave. #7, Alameda,  
94501

Email address

### Alleged Violation/Complaint

Address of alleged violation\*

1205 Park St.

Owner name (if known)

Dr. Don Pang

Owner phone number (if known)

Tenant Name (if any)

Mike Yakura

Tenant phone number (if known)

### Description of Violation/Complaint



Please Describe, in detail the nature of the violation/complaint \*

205 Park St. had loud construction noise on Sunday 7/7/19. About five contractors were using loud construction tools and moving heavy equipment and tools around while also yelling at each other, violating 4-10.7 - Special Provisions (Exceptions) Section E as this occurred on a Sunday. The noise disrupted my right to quiet enjoyment. I could feel my walls shake, and I am in the building across from their patio.

# Submission complete

**Question****Response****Complainant Information**

Complainant Name\*

Cari Lee Donovan

Phone number\*

510-387-0555

Address\*

2311 San Jose Ave. #7, Alameda,  
94501

Email address

**Alleged Violation/Complaint**

Address of alleged violation\*

1205 Park St.

Owner name (if known)

Dr. Don Pang

Owner phone number (if known)

Tenant Name (if any)

Mike Yakura

Tenant phone number (if known)

**Description of Volation/Complaint**

Please Describe, in detail the nature of the violation/complaint \*

Two contractors were installing doors at 1205 Park St. after 7pm on Tues 7/16/19. They were using construction tools and made a lot of noise until almost 8pm, violating 4-10.7 - Special Provisions (Exceptions) Section E. The noise disrupted my right to quiet enjoyment.

CASE # X12-0500

City of Alameda California

Carolyn ~~Gibson~~ Fullard  
Permit Technician I

Planning & Building Department  
2263 Santa Clara Avenue, Room 190  
Alameda, California 94501-4477

510.747.6818 ←

Fax 510.747.6804/TDD 510.522.7538

E-mail: cgibson@ci.alameda.ca.us



## NANCY McPeak

---

**From:** Holly Lim <hollyrlim@gmail.com>  
**Sent:** Wednesday, August 28, 2019 10:10 AM  
**To:** David Sablan; NANCY McPeak  
**Subject:** Upcoming Planning Board Meeting for 1205 Park Street - 9/9/2019

\*\*\* **CAUTION:** This email message is coming from a non-City email address. Do not click links or open attachments unless you trust the sender and know the content is safe. Please contact the Help Desk with any questions. \*\*\*

Hi David and Nancy,

This email is a response to David's original email that was sent on 8/22. Please add the following information (photos, docs, videos, my stories) to the staff report for the Planning Board Meeting for 1205 Park St on 9/9/2019. If you have questions or have issues accessing the documents, please let me know.

### **Restaurant Exhaust**

I'd like to add photos of the exhaust in the patio to the staff report, which you can find [here](#). Not only are we concerned about the patio being used primarily for dining/alcohol creating noise, but we are also concerned about the noise from the exhaust, which is right below my unit. What will be the rules and regulations regarding the noise and operation of the restaurant's exhaust system? My roommate is concerned as the exhaust is directly below her bedroom window.

### **Alcohol License & Serving Alcohol in Patio**

Also, Spinning Bones aka Shrute Farms has been granted an [interim alcohol license](#), which applies to the patio area. You can find my protest to the license (due to noise concerns) from January 2019 and additional documents [here](#). The ABC rep (Mayme Lee) handling the case said that the city has allowed the sale of alcohol in the building, including the patio area. On 3/25/2019, Mr. Greg McFann emailed me to confirm that the approved plans call for no change to the existing use of the back patio area. I believe that the Planning Board hearing on Sept 9th supports this. Why then is ABC granting an interim permit when the city has not given approval? [Please add these documents to the staff report](#). I am still waiting for a hearing with ABC.

### **Trash**

Currently, we use the patio area to store our trash bins, which I think we share with 1207. Is the restaurant required to get their own trash bins and how will they take out the trash? Doing so requires that they enter 1209 on the first floor, which is a security concern.

### **Noise Disturbance (7 Months of Heavy Construction)**

Lastly, residents from 1209 (located above 1205) and residents on San Jose (behind 1205) have had to deal with heavy construction over the last 7 months from Spinning Bones. The noise has violated my right as a tenant to quiet enjoyment. At one point, not only was there construction below my bedroom (Spinning Bones), but they are also using the patio for construction work and trash. In addition to all this noise, construction next door at 1203 has begun, and the owner says it will be another year of construction. Is there anything that protects tenants in mixed-use buildings/areas from over excessive noise from multiple construction sites for such a lengthy period? I have 60+ videos of disruptive construction noises [here](#) from the past 7 months. The noise is not just violating my quiet enjoyment, but has been impacting my physical and emotional health (i.e. migraines, and I can't take sick days because the noise exacerbates my symptoms). I have to leave my home in order to get

relief. I'm afraid the combination of the restaurant noise below us (from the patio and restaurant), the bar noise next door to the right, and the construction at 1203 to the left is too much noise to deal with for both the short-term and the long-term. Currently, to my knowledge, the restaurant has not put any insulation on their ceiling to protect tenants from noise, and the landlord has not approved replacing windows that face the patio to protect us from construction noise and future restaurant noise should the patio be used.

Spinning Bones has also violated the noise ordinance at least five times in the last 7 months for doing construction outside of the designated 7am-7pm Mon-Sat hours. We filed complaints for these to Alameda Code Enforcement. The fact that it happened more than once after Mr. Greg McFann had an enforcement officer speak to the owner on 3/11, and the owner "promised to abide by the rules," shows a lack of good faith for abiding to code and rules in the future. Mr. Andrew Thomas said he would speak to the owner after the code enforcement complaints were filed. I think violating the noise ordinance five times should warrant more than a "talk," especially if it impacted residents negatively multiple times.

### **Restaurant Hours**

According to ABC, restaurant hours are set between 11AM-11:30PM, which is too late. Could the Planning Board consider setting the closing time similar to restaurants on our block, like Yojimbo's, which closes at 9PM?

Best,  
Holly

--

**Holly R. Lim, MA**

[hollyrlim@gmail.com](mailto:hollyrlim@gmail.com) | (510) 408-7629







































## NANCY McPeak

---

**From:** Leslie Chaires <lesliechaires@gmail.com>  
**Sent:** Wednesday, August 28, 2019 2:58 PM  
**To:** David Sablan  
**Cc:** carileedonovan@gmail.com; hollyrlim@gmail.com; brettcbye@yahoo.com; Abner\_chaires@yahoo.com; ruben.o.quinones@gmail.com; laurahoart@gmail.com; NANCY McPeak  
**Subject:** Re: Upcoming Planning Board Meeting for 1205 Park Street - 9/9/2019  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* **CAUTION:** This email message is coming from a non-City email address. Do not click links or open attachments unless you trust the sender and know the content is safe. Please contact the Help Desk with any questions. \*\*\*

Hello,

I'm one of the neighbors concerned about the noise level coming from 1205 Park St (Spinning Bones) and the request for patio use. I'd like to include video of the noise coming from the exhaust pipes recently installed feet away from my home. Here is the [link](#) to several videos taken this month from various points within our property. You can view them without having to download them using Firefox or Internet Explorer.

I was informed that video is included as part of our 3 minutes for public comment. I'd like to remind the planning board that whenever you have proposed building plans for housing developments, restaurants, etc., your committee takes the necessary time to review all the documents that the proposed business files. Why would you not do the same for residents? Why do businesses get preference to send you the necessary documentation (documentation that takes you months if not years to review for approval) for your approval and residents only get 3 minutes? Videos are no different than building plans. They are another form of documentation. We have lived in these homes for many years and I believe we deserve consideration more than just 3 minutes. I humbly ask that the planning committee review our videos, not at their discretion, but as their DUTY to fully understand the negative impact their decisions of building approvals have on residents in Alameda.

--

Sincerely, Leslie Chaires

On Thu, Aug 22, 2019 at 3:19 PM David Sablan <[DSablan@alamedaca.gov](mailto:DSablan@alamedaca.gov)> wrote:

I'm emailing you because you have been in contact with Andrew Thomas regarding the proposed outdoor seating for the new restaurant at 1205 Park Street. I'm the project planner assigned to this application and I wanted to take the opportunity to let you know that the application will be going before the Planning Board on Monday September 9, 2019. The meeting will start at 7:00 P.M. and will take place in the Council Chambers located on the third floor of City Hall. At this time the project is slated to go on the consent agenda, which would mean that if no member of the Planning Board or public requests to discuss the project it will be voted on without a public hearing. However, if any member of the Planning Board, or any member of public requests to discuss the item then the project will be opened to a public hearing.



An official public notice will be published in next week's Alameda Sun and mailed out next Thursday, August 29, 2019. I will email a copy of the public notice at that time, if you would like to receive a hard copy of the public notice please let me know and I will confirm whether or not your contact information is already on the mailing list for this project and make sure it is if not.

The staff report for the project will also be published to the City's website next Thursday, I will follow up at that time with a link to the report. If you would like to have any correspondence provided as part of the staff report we will need to receive it by the end of the day next Wednesday, August 28, 2019. However, letters and emails are still accepted and provided to the Planning Board up until the Planning Board hearing date. All correspondence for the Planning Board can either be sent to myself or Nancy McPeak ([nmcpeak@alamedaca.gov](mailto:nmcpeak@alamedaca.gov)).

Prior to publishing the staff report I wanted to share with you the draft conditions of approval staff will be recommending to the Planning Board for your review.

1. **Posting of Use Permit and Conditions:** A copy of this Use Permit and conditions of approval shall be posted on the premises at all times. Restaurant employees shall be informed of these conditions of approval and limits of this Use Permit.
2. **Maximum Occupancy:** The maximum allowed occupancy of the outdoor seating area shall be 15 customers.
3. **Outdoor Patio Area Hours of Operation:** The hours for customers to use the outdoor patio shall limited to between the hours of 11:00 AM and 9:00 PM, seven days a week. The applicant shall restrict customer use of the patio outside of these hours. Additionally, a sign shall be placed in the entrance of the outdoor patio stating "No Customer Access to Patio After 9:00 P.M."
4. **Limitations On Outdoor Patio Area Use:** No live music or amplified speakers are allowed in the outdoor patio. No smoking is allowed in the outdoor patio area. A "No Smoking" sign shall be posted in the outdoor patio area at all times.
5. **Noise Ordinance:** The applicant shall ensure that all operations are conducted in conformance with the Noise Ordinance, AMC Section 4-10.

6. **Exterior Lighting:** New exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare consistent with the City's Dark Skies Ordinance, AMC Section 30-16.c. Exterior lighting shall be limited to light fixtures required by applicable health and safety codes.

7. **Revocation:** Upon receipt of three valid noise complaints due to business operations in the outdoor patio the Planning Board shall conduct a revocation hearing. A valid noise complaint shall be determined by the responding City official based on the guidelines set forth by Alameda Municipal Code Section 4-10.8 or through California Penal Code 415 (Crimes Against the Public Peace) and confirmed by the Planning Director. This Use Permit may be modified or revoked by the Zoning Administrator, Planning Board, or City Council, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator, Planning Board, and/or City Council determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

Feel free to contact me if you have any questions or comments regarding the application, Use Permit process, or the draft conditions of approval.

**David Sablan, AICP**

Planner II

City of Alameda, Permit Center

(510) 747-6873

[dsablan@alamedaca.gov](mailto:dsablan@alamedaca.gov)

--

Sincerely, Leslie Chaires

September 5, 2019

Dear Planning Board Members,

Please vote NO on the proposed Use Permit that would allow 1205 Park Street commercial tenant, Spinning Bones (a restaurant that is under construction), to create a 15-person outdoor patio seating area in the building's *shared* patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

An exhaust system was recently installed on the mixed-use building below or near tenants' windows. If you approve the Use Permit, tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

The Alameda Planning Department staff have said that the Alameda Municipal Code directs the Planning Board to support businesses, but the Code also supports the health and safety of Alamedans, including via enforcement of exterior noise standards and environmental protection measures. The impacted tenants fear that any nuisance complaints will remain unresolved, similar to the complaints that have been filed while the nuisance remains undeterred.

Noise and nuisance complaints have also been filed against a neighboring establishment, Club House Sports Bar at 1215 Park St., stemming from patrons congregating and drinking alcohol in their outdoor patio. Complaints have been presented to the Alameda Police, the City of Alameda Code Enforcement Division, the California Department of Alcoholic Beverage Control (ABC), and Vice-Mayor John Knox White.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,

**Antoinnae Comeaux**

## NANCY McPeak

---

**From:** Larisa Casillas <larisa.casillas@gmail.com>  
**Sent:** Thursday, September 05, 2019 4:15 PM  
**To:** NANCY McPeak; David Sablan  
**Cc:** alamedatenants@gmail.com  
**Subject:** Use Permit - 1205 Park

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* **CAUTION:** This email message is coming from a non-City email address. Do not click links or open attachments unless you trust the sender and know the content is safe. Please contact the Help Desk with any questions. \*\*\*

Dear Planning Board Members,

I am writing to urge you to vote NO on the proposed use permit that would allow 1205 Park Street commercial tenant, Spinning Bones, to create a 15-person outdoor patio seating area in the building's *shared* patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

If approved, the tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

My friend and colleague lives in this building. She has a demanding job and her ability to work could be impacted with even more construction. Losing access to her patio means loss of outdoor space, clean air and community since her neighbors and co-tenants will also lose access to this space.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,  
Larisa Casillas

--

The most common way people give up their power is by thinking they don't have any. -Alice Walker

September 8, 2019

Dear Planning Board Members,

Please vote NO on the proposed Use Permit that would allow 1205 Park Street commercial tenant, Spinning Bones (a restaurant that is under construction), to create a 15-person outdoor patio seating area in the building's *shared* patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

An exhaust system was recently installed on the mixed-use building below or near tenants' windows. If you approve the Use Permit, tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

The Alameda Planning Department staff have said that the Alameda Municipal Code directs the Planning Board to support businesses, but the Code also supports the health and safety of Alamedans, including via enforcement of exterior noise standards and environmental protection measures. The impacted tenants fear that any nuisance complaints will remain unresolved, similar to the complaints that have been filed while the nuisance remains undeterred.

Noise and nuisance complaints have also been filed against a neighboring establishment, Club House Sports Bar at 1215 Park St., stemming from patrons congregating and drinking alcohol in their outdoor patio. Complaints have been presented to the Alameda Police, the City of Alameda Code Enforcement Division, the California Department of Alcoholic Beverage Control (ABC), and Vice-Mayor John Knox White.

My name is Abner Chaires and I currently reside on San Jose Ave apartment building 2309 which is located right behind the Spinning Bones restaurant. Like my fellow neighbors, I have been having a hard time sleeping or relaxing in my home due to the constant construction noise which starts very early in the morning (6am, Monday through Friday; sometimes even weekends) and cannot even begin to imagine how the patio use along with the smell of food on a daily basis will impact our wellbeing as Alameda residents. I'm a full-time working professional who takes evening classes to be able to afford living in the Bay Area and the last thing I want to experience when I get home is loud people talking while they drink their wine along with the aroma of roasted chicken outside my apartment window. I'm aware the business owners of Spinning Bones are interested in seeking a permit to establish patio use but I believe we have enough noise pollution coming from the next-door bar a few feet away whom don't actually have a patio permit as well. I believe, we as residents of Alameda, don't have to endure this kind of nuisance especially from business owners who do not understand our perspective on this issue

since they don't live right behind it. Therefore, I would highly encourage all board members to step into our shoes and come to an agreement that will not allow this to move forward.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,

**Abner Chaires**

**IT Engineer at Legal Aid at Work**

**(510) 259-8654**

September 7, 2019

Dear Planning Board Members,

Please vote NO on the proposed Use Permit that would allow 1205 Park Street commercial tenant, Spinning Bones (a restaurant that is under construction), to create a 15-person outdoor patio seating area in the building's *shared* patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

An exhaust system was recently installed on the mixed-use building below or near tenants' windows. If you approve the Use Permit, tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

The Alameda Planning Department staff have said that the Alameda Municipal Code directs the Planning Board to support businesses, but the Code also supports the health and safety of Alamedans, including via enforcement of exterior noise standards and environmental protection measures. The impacted tenants fear that any nuisance complaints will remain unresolved, similar to the complaints that have been filed while the nuisance remains undeterred.

Noise and nuisance complaints have also been filed against a neighboring establishment, Club House Sports Bar at 1215 Park St., stemming from patrons congregating and drinking alcohol in their outdoor patio. Complaints have been presented to the Alameda Police, the City of Alameda Code Enforcement Division, the California Department of Alcoholic Beverage Control (ABC), and Vice-Mayor John Knox White.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,

Name:

Charles K. Edwards

Signature:

Charles K. Edwards

September 7, 2019

Dear Planning Board Members,

Please vote NO on the proposed Use Permit that would allow 1205 Park Street commercial tenant, Spinning Bones (a restaurant that is under construction), to create a 15-person outdoor patio seating area in the building's *shared* patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

An exhaust system was recently installed on the mixed-use building below or near tenants' windows. If you approve the Use Permit, tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

The Alameda Planning Department staff have said that the Alameda Municipal Code directs the Planning Board to support businesses, but the Code also supports the health and safety of Alamedans, including via enforcement of exterior noise standards and environmental protection measures. The impacted tenants fear that any nuisance complaints will remain unresolved, similar to the complaints that have been filed while the nuisance remains undeterred.

Noise and nuisance complaints have also been filed against a neighboring establishment, Club House Sports Bar at 1215 Park St., stemming from patrons congregating and drinking alcohol in their outdoor patio. Complaints have been presented to the Alameda Police, the City of Alameda Code Enforcement Division, the California Department of Alcoholic Beverage Control (ABC), and Vice-Mayor John Knox White.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,

Name: Darcy Morrish

Signature: Darcy Morrish



September 7, 2019

Dear Planning Board Members,

Please vote NO on the proposed Use Permit that would allow 1205 Park Street commercial tenant, Spinning Bones (a restaurant that is under construction), to create a 15-person outdoor patio seating area in the building's *shared* patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

An exhaust system was recently installed on the mixed-use building below or near tenants' windows. If you approve the Use Permit, tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

The Alameda Planning Department staff have said that the Alameda Municipal Code directs the Planning Board to support businesses, but the Code also supports the health and safety of Alamedans, including via enforcement of exterior noise standards and environmental protection measures. The impacted tenants fear that any nuisance complaints will remain unresolved, similar to the complaints that have been filed while the nuisance remains undeterred.

Noise and nuisance complaints have also been filed against a neighboring establishment, Club House Sports Bar at 1215 Park St., stemming from patrons congregating and drinking alcohol in their outdoor patio. Complaints have been presented to the Alameda Police, the City of Alameda Code Enforcement Division, the California Department of Alcoholic Beverage Control (ABC), and Vice-Mayor John Knox White.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,

Name: Wes Swedlon

Signature: 

September 7, 2019

Dear Planning Board Members,

Please vote NO on the proposed Use Permit that would allow 1205 Park Street commercial tenant, Spinning Bones (a restaurant that is under construction), to create a 15-person outdoor patio seating area in the building's *shared* patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

An exhaust system was recently installed on the mixed-use building below or near tenants' windows. If you approve the Use Permit, tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

The Alameda Planning Department staff have said that the Alameda Municipal Code directs the Planning Board to support businesses, but the Code also supports the health and safety of Alamedans, including via enforcement of exterior noise standards and environmental protection measures. The impacted tenants fear that any nuisance complaints will remain unresolved, similar to the complaints that have been filed while the nuisance remains undeterred.

Noise and nuisance complaints have also been filed against a neighboring establishment, Club House Sports Bar at 1215 Park St., stemming from patrons congregating and drinking alcohol in their outdoor patio. Complaints have been presented to the Alameda Police, the City of Alameda Code Enforcement Division, the California Department of Alcoholic Beverage Control (ABC), and Vice-Mayor John Knox White.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,

Name: ~~William Rowen~~ WILLIAM ROWEN

Signature: William Rowen

## NANCY McPeak

---

**From:** David Sablan  
**Sent:** Monday, September 09, 2019 2:41 PM  
**To:** NANCY McPeak  
**Subject:** FW: NO on the change of use permit for Spinning Bones

### David Sablan, AICP

Planner II  
City of Alameda, Permit Center  
(510) 747-6873  
[dsablan@alamedaca.gov](mailto:dsablan@alamedaca.gov)

---

**From:** Ju Hong [mailto:juhong89@gmail.com]  
**Sent:** Monday, September 9, 2019 2:30 PM  
**To:** David Sablan <DSablan@alamedaca.gov>  
**Subject:** NO on the change of use permit for Spinning Bones

\*\*\* **CAUTION:** This email message is coming from a non-City email address. Do not click links or open attachments unless you trust the sender and know the content is safe. Please contact the Help Desk with any questions. \*\*\*

Hello,

I am an Alameda resident and I ask for a NO vote on the change of use permit for Spinning Bones. Let me know if you have questions.

Best,

--  
Ju Hong, MPA

*"You were born with wings.  
You are not meant for crawling, so don't.  
You have wings.  
Learn to use them and fly"*  
- Rumi

Delivered Via Email

September 9, 2019

Re: 1209 Park Street Tenant Concerns About Adjacent 1205 Park Street Construction

Dear Don and Sylvia Pang:

On behalf of the 1209 Park Street tenants, we are writing to renew our request for a meeting with the 1209 Park Street owner/landlord, Drysdale Property Management, and the owner of the Spinning Bones restaurant at 1205 Park Street to discuss our concerns about the ongoing construction and planned future use of the 1205 space.

As you may recall, we requested a meeting with all the aforementioned parties previously. Our request for a meeting was denied and Sylvia Pang asked that we provide a written list of concerns and questions. Our concerns and questions are outlined below.

**Construction:**

- **Concerns:**

- *Breach of Tenant's Right to Quiet Enjoyment* - Heavy construction began late February 2019 without proper notice to tenants. We continue to hear varying levels of construction noises in the last six months that are disruptive to sleep, rest, and our legal right to quiet enjoyment. As tenants, we have the right to quiet enjoyment in our homes and our right has been breached during construction Monday to Saturday from 7AM to 7 PM for half the year thus far. At times, the noise gets too much and at least one tenant needs to leave to relieve migraines or anxiety triggered by the construction noise from tools and workers.

- **Questions:**

- Will we be compensated for our troubles, including, but not limited to, deduction of rent or credit for the months where noise is and has impacted our right to quiet enjoyment?
- Will you limit construction to reasonable work hour days? For example, from 9 AM to 5 PM Monday through Friday and Saturdays from 10 AM to 2 PM.
- What will you do to ensure that tenants can use their homes the same way that they used their homes prior to the start of construction?

**Planned Future Operation of the Restaurant:**

- **Concerns:**

- *Noise* - According to the State of California Department of Alcoholic Beverage Control (ABC), the proposed restaurant hours range from 11 AM to 11:30 PM.

Currently, tenants can hear the 1205 Park Street tenants and construction workers talking, coughing, laughing, etc. Don has said that the ceiling will be dropped with sound-absorbing tiles, but Mike has said that is not so. We are concerned that our tenants' right to quiet enjoyment will continue to be violated when the restaurant is opened for business, especially if it does not have the proper insulation.

- *Trash* - See question below.
- *Exhaust System* - See question below.
- *Use of Backyard/Patio Space* -
  - We are losing our undivided right to use the entire backyard/patio space, a shared common area. As tenants, we have yet to receive proper notice—such as a termination notice or a notice of reduction of service which is often treated the same as an increase in rent—that our landlord will be taking away part of our shared access to a common area. This is very problematic because it could also rise to a constructive eviction.
  - The proposed new use of the backyard/patio space will further infringe on our right to quiet enjoyment and could become a nuisance issue. Our peace and quiet is already disrupted by the construction workers who occupy and use the space now. Our homes are not properly insulating us from the noise now, so we anticipate that this will also be a problem if and when the restaurant tenant begins to operate part of their business in the backyard/patio space.
- **Questions:**
  - What has been done or what will be done to mitigate or eliminate the restaurant noise from affecting the tenants' right to quiet enjoyment, both during daylight hours and night hours?
  - Will the restaurant have their own trash bins or will we need to share trash bins with them?
  - Will the restaurant need access to the tenant's side of the first floor to take out their trash? Currently, the construction workers are leaving the front and back doors open and unlocked which threatens our safety.
  - If the construction workers and restaurant need access, what rules will you create and enforce to ensure our safety? For example, you could limit access to that hallway to specific times and not grant them access to the second floor of 1209 Park St.
  - What steps have you taken or will take regarding rodent and pest control if more trash and/or trash bins will be present?

- The restaurant built their exhaust system to be adjacent to one of the tenants' bedroom windows. Will the restaurant exhaust system remain on at all hours, including night hours?
- Have you or the restaurant assessed the potential environmental impact of the exhaust system on the 1209 Park St. tenants?
- What is your proposed plan for us tenants sharing the backyard/patio space with the commercial tenants that is equitable and does not violate the tenants' right to quiet enjoyment?

As you are likely aware, the restaurant owner has applied for a Use Permit from the City of Alameda Planning Board so that it can be granted permission to operate its business in our shared backyard/patio space. A public hearing on that matter will take place on September 9, 2019 and we will file an appeal if necessary. Because time is of the essence in this matter, we respectfully ask that you please respond to our letter **within 3 business days**.

We expressly reserve the right to pursue any and all available legal and equitable remedies, including, but not limited to, instituting formal litigation proceedings to recover monetary damages and obtain injunctive relief. This letter is without prejudice to any other rights or remedies available to us.

Thank you for your time and we look forward to your response.

Sincerely,

Ruben Quinones  
Heather Quinones  
Holly Lim  
Laura Ho  
[alamedatenants@gmail.com](mailto:alamedatenants@gmail.com)

cc:

City of Alameda Rent Review Advisory Committee [rrac@alamedahsg.org](mailto:rrac@alamedahsg.org)  
City of Alameda Planning Board [dsablan@alamedaca.gov](mailto:dsablan@alamedaca.gov)  
City of Alameda Planning Department [nmcpeak@alamedaca.gov](mailto:nmcpeak@alamedaca.gov)  
Alameda City Attorney [yshen@alamedacityattorney.org](mailto:yshen@alamedacityattorney.org)



## NANCY McPeak

---

**From:** Austin Tam <apidisabilities@gmail.com>  
**Sent:** Monday, September 09, 2019 2:16 PM  
**To:** David Sablan; NANCY McPeak  
**Cc:** alamedatenants@gmail.com  
**Subject:** "Vote No on 1205 Park St. Permit at 9/9 Meeting."

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* CAUTION: This email message is coming from a non-City email address. Do not click links or open attachments unless you trust the sender and know the content is safe. Please contact the Help Desk with any questions. \*\*\*

September 9, 2019

Dear Planning Board Members,

Please vote NO on the proposed Use Permit that would allow 1205 Park Street commercial tenant, Spinning Bones (a restaurant that is under construction), to create a 15-person outdoor patio seating area in the building's shared patio. The residing tenants and commercial tenants have shared this patio from the beginning of their tenancy to date.

An exhaust system was recently installed on the mixed-use building below or near tenants' windows. If you approve the Use Permit, tenants will lose partial access to their shared patio and lose their right to quiet enjoyment when more noise and pollution is present. Tenants already lost quiet enjoyment during the last 200+ days of the restaurant's permitted construction hours, Monday to Saturday, from 7am-7pm, plus on some non-permitted after-hours and Sundays. The closest residential building on San Jose Ave. is located just 11 feet behind the patio in question. Several San Jose Ave. residents have already complained about the construction noise and the patio Use Permit to city staff and officials.

The Alameda Planning Department staff have said that the Alameda Municipal Code directs the Planning Board to support businesses, but the Code also supports the health and safety of Alamedans, including via enforcement of exterior noise standards and environmental protection measures. The impacted tenants fear that any nuisance complaints will remain unresolved, similar to the complaints that have been filed while the nuisance remains undeterred.

Noise and nuisance complaints have also been filed against a neighboring establishment, Club House Sports Bar at 1215 Park St., stemming from patrons congregating and drinking alcohol in their

outdoor patio. Complaints have been presented to the Alameda Police, the City of Alameda Code Enforcement Division, the California Department of Alcoholic Beverage Control (ABC), and Vice-Mayor John Knox White.

ADD PERSONAL STORY HERE (IF ANY). DELETE HIGHLIGHTED AREA WHEN DONE.

The noise and environmental pollution from the proposed new patio use and exhaust system will have a detrimental impact on the quality of life of Alameda residents. The impact on air quality and any subsequent health hazards have not yet been assessed. Therefore, please vote NO on the proposed Use Permit at 1205 Park Street.

Sincerely,

Austin Tam  
40 years resident of Alameda.