



CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

JULY 25, 2013

Table of Contents

<p>Agenda</p> <p>Conditional Use Permit No. PL-2013-0133 – The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities - Tony Ancheta for Revere Tattoo (Applicant) / Kwok Low (Owner) - Request to Operate a Tattoo Studio at 214 Harder Road, Unit D, in the Neighborhood Commercial (CN) Zoning District (This item was continued from the July 11, 2013 Planning Commission meeting.)</p> <p style="padding-left: 20px;">Staff Report</p> <p style="padding-left: 20px;">Attachment I - Area & Zoning Map</p> <p style="padding-left: 20px;">Attachment II - Plans</p> <p style="padding-left: 20px;">Attachment III - Proposed Window Sign</p> <p style="padding-left: 20px;">Attachment IV - Findings</p> <p style="padding-left: 20px;">Attachment V - Conditions of Approval</p> <p style="padding-left: 20px;">Attachment VI - Tattoo Studios Map</p> <p style="padding-left: 20px;">Attachment VII - PD Memo</p> <p style="padding-left: 20px;">Attachment VIII - Emails in Support.</p> <p style="padding-left: 20px;">Attachment IX - Letters in Opposition.</p> <p>Conditional Use Permit No. PL-2013-0121 – Request to operate a banquet hall where alcohol will be served at 22380 Foothill Boulevard, between Russell Way and San Lorenzo Creek, in the Central City–Commercial (CC-C) zoning sub-district. The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e)(2), Existing Facilities - Dion Griffin for the Hayward Area Historical Society (Applicant/Owner)</p> <p style="padding-left: 20px;">Staff Report</p> <p style="padding-left: 20px;">Attachment I - Zoning Map</p> <p style="padding-left: 20px;">Attachment II - Plans</p> <p style="padding-left: 20px;">Attachment III- Muni Parking Lots.</p> <p style="padding-left: 20px;">Attachment IV - Findings</p> <p style="padding-left: 20px;">Attachment V-Applicant's Findings</p> <p style="padding-left: 20px;">Attachment VI - Conditions</p> <p style="padding-left: 20px;">Attachment VII - Map Showing Over-Concentrated Census Tracts.</p>	<p>2</p> <p>4</p> <p>11</p> <p>12</p> <p>27</p> <p>28</p> <p>30</p> <p>33</p> <p>34</p> <p>38</p> <p>51</p> <p>56</p> <p>64</p> <p>65</p> <p>70</p> <p>71</p> <p>74</p> <p>75</p> <p>82</p>
--	---



CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, JULY 25, 2013 , AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

Obtain a speaker’s identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

PUBLIC HEARINGS: For agenda item No. 1 and agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Conditional Use Permit No. PL-2013-0133 – The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities - Tony Ancheta for Revere Tattoo (Applicant) / Kwok Low (Owner) - Request to Operate a Tattoo Studio at 214 Harder Road, Unit D, in the Neighborhood Commercial (CN) Zoning District (**This item was continued from the July 11, 2013 Planning Commission meeting.**)

[Staff Report](#)



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

- [Attachment I - Area & Zoning Map](#)
- [Attachment II - Plans](#)
- [Attachment III - Proposed Window Sign](#)
- [Attachment IV - Findings](#)
- [Attachment V - Conditions of Approval](#)
- [Attachment VI - Tattoo Studios Map](#)
- [Attachment VII - PD Memo](#)
- [Attachment VIII - Emails in Support](#)
- [Attachment IX - Letters in Opposition](#)

2. Conditional Use Permit No. PL-2013-0121 – Request to Operate a Banquet Hall where Alcohol will be Served at 22380 Foothill Boulevard, Between Russell Way and San Lorenzo Creek, in the Central City–Commercial (CC-C) zoning sub-district. The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e)(2), Existing Facilities - Dion Griffin for the Hayward Area Historical Society (Applicant/Owner)

- [Staff Report](#)
- [Attachment I - Zoning Map](#)
- [Attachment II - Plans](#)
- [Attachment III- Muni Parking Lots](#)
- [Attachment IV - Findings](#)
- [Attachment V-Applicant's Findings](#)
- [Attachment VI - Conditions](#)
- [Attachment VII - Map Showing Over-Concentrated Census Tracts](#)

3. Mission Boulevard Corridor Specific Plan (**The Public Hearing item has been moved to the September 19th Planning Commission meeting and will be re-noticed.**)

COMMISSION REPORTS:

4. Oral Report on Planning and Zoning Matters
5. Commissioners’ Announcements, Referrals

APPROVAL OF MINUTES

6. None.

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City’s website the Friday before the meeting.



DATE: July 25, 2013

TO: Planning Commission

FROM: Arlyne J. Camire, AICP, Associate Planner

SUBJECT: Conditional Use Permit No. PL-2013-0133 – The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities - Tony Ancheta for Revere Tattoo (Applicant) / Kwok Low (Owner) - Request to Operate a Tattoo Studio at 214 Harder Road, Unit D, in the Neighborhood Commercial (CN) Zoning District (**This item was continued from July 11, 2013 Planning Commission meeting.**)

RECOMMENDATION

That the Planning Commission finds that the proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15301, Existing Facilities, and approves the conditional use permit subject to the attached findings and conditions of approval.

SUMMARY

The applicant requests approval of a Conditional Use Permit for a tattoo studio in one of four tenant spaces of a four-unit commercial building located on Harder Road between Franklin and Donald Avenues (see Attachment I). The studio will employ five tattoo artists, including the applicant, who has nine years of experience as a tattoo artist specializing in Polynesian and tribal tattoos. He has also worked as a guest tattoo artist at various tattoo studios, conventions and events, and has worked at [Inkies](#) in the City of Fremont for four years (Attachment II). The Hayward Police Department staff is recommending approval of this application stating that Mr. Ancheta is licensed with the Alameda County Department of Environmental Health Services and possesses a valid Alameda County Body Art Practitioner’s Permit (Attachment VII).

BACKGROUND

The site is a 16,342-square-foot property with one 4,270-square-foot building divided into four tenant spaces. The three existing tenants are MX Donuts, United Palerteria Y Neveria (Ice Cream Parlor), and Fiesta Auto Insurance. Approval of this Conditional Use Permit would allow the applicant to operate a tattoo establishment in a vacant 1,100-square-foot space.

To the west, across Franklin Avenue and along Harder Road, are Taqueria El Mezcal, dental offices, a 7-Eleven, and Grand Gasoline Station and Food Mart (located at Harder and Soto Road intersection). To the south across Harder Road is Huntwood Manor Shopping Center that contains Mi Pueblo Supermarket, Mac D Liquors, Jackson Hewitt Income Tax Preparation, Fred Loya Insurance, Frannie's Restaurant, Crown Coin Laundry, Ofelia's Beauty Salon, Cut & Save Barber Shop, Boost Mobile, Rountable Pizza and Optimum Health. To the east on Harder Road are single-family homes and Kaulana Na Pua 'O Hawaii Dance Studio in the Commercial Office Zoning District, and Harder Elementary School at the corner of Harder and Whitman Avenues. To the north are multiple-family and single-family homes in the Medium Density Residential Zoning District on Franklin and Donald Avenues (see Attachment I).

Staff met with the landlord, who indicated that the commercial space where the proposed tattoo studio would be located has been empty for one and a half years, and that she hopes that the proposed tattoo parlor will be allowed to occupy the space. She has stated that after meeting the applicant and reviewing his business plan, she is supportive of the tattoo studio and sees it as a good fit for her center. Letters from the property owner and the landlord state that the applicant has promised to take care of the property and will prohibit loitering. In addition, the other tenants agree with the opening of the tattoo studio (see Attachment VIII).

DISCUSSION AND STAFF ANALYSIS

Project Description - The applicant, Tony Ancheta, is a former mechanical engineer who worked in the high-tech industry for over fifteen years. In 2009, he decided to follow his artistic passion and become a full-time tattoo artist specializing in Polynesian and tribal tattoos. He has worked as a guest artist at tattoo studios throughout the Bay Area, at tattoo conventions, and is as an established tattoo artist working for the past four years at Inkies Tattoo Studio in Fremont. According to Terry Wong, Associate Planner for the City of Fremont, Inkies Tattoo Studio can be described as high-end since one completed tattoo can range from \$300 to over \$1000. Also, according to City of Fremont Police Department Community Engagement Specialist Karen Blount, a premise history search of Inkies did not reveal any significant police reports, calls for service, or complaints about the establishment.

In 2010, at the San Francisco Asian Art Museum, Mr. Ancheta was one of two tattoo artists who created Filipino tribal tattoos as part of the Filipino American History Month Celebration. With his many years of experience, Mr. Ancheta decided to become a small business owner and open his own tattoo studio employing four artists. The proposed hours of operation are 9:00 am to 9:00 pm daily. Up to four customers can be accommodated at a time, and according to Mr. Ancheta, 80 percent of the work will be completed on an appointment-only basis. His rates will be \$120 an hour. The average tattoo will take four hours for each of the three sessions resulting in a total cost of \$1,200 for one tattoo. Mr. Ancheta indicates that many of his clients are Hayward residents and the four artists who will be working with Mr. Ancheta have family and friends who are Hayward residents. The applicant has stated that he and the other artists do not condone illegal tattooing of minors and racist or gang related tattoos, and a recommended condition of approval prohibits customers who are minors and providing racist or gang-related tattoos (Attachment V).

According to the applicant, the proposed tattoo studio will have a spa-like atmosphere characterized by high-quality furnishings, high-quality wood finishes, colors and art commonly associated with Pacific Islander culture (see Attachment II). The applicant has suggested that his focus on excellent customer service and quality amenities is to ensure that customers have a memorable experience. The proposed facility will include a customer waiting area and an adjacent reception area located behind a partition. The four artist stations would be located behind two partitions to the rear of the customer waiting area. To the rear of the tenant space is a sterilization room, a unisex restroom, and a storage area (Attachment II). Staff recommends a condition of approval that requires each tattoo station be equipped with a locker that could be used by customers to store their personal property. In addition, staff recommends a condition of approval that requires the business manager to actively monitor the front of the business to prevent loitering and installation of security cameras to monitor the interior and entrances to the building.

The applicant intends to install a sign on the façade above the entrance and a window sign reading “Revere Tattoo, Hayward, CA” (see conceptual window sign design, Attachment III). The window sign will be limited to cover not more than 25 percent of the window area. The signs are required to meet Sign Ordinance regulations and be submitted for approval by the Planning Director prior to installation.

To comply with State requirements, verification that all customers are at least 18 years of age shall be required by way of valid identification and signature of a standard release form. In addition, California Code Section 653 shall be posted stating that no persons under the age of 18 years are permitted on the premises (Attachment V).

According to the applicant, each artist would have an average of two customers a day, four customers could be accommodated at a time, and the average visit would take from four to five hours. This time period includes preparation and the application of the tattoo.

A shared customer parking lot parking is accessible from Harder Road and Franklin Avenue. There are 25 parking spaces, including one handicap parking space, available to the four tenants of the building, which meet the City’s Off-Street Parking Regulations and tenants’ needs.

County Requirements - In order to operate a tattoo studio in Alameda County, a Body Art Establishment Permit is required from the Alameda County Department of Environmental Health. As part of the permit process, the applicant is required to designate a medical waste disposal company to dispose of the needles used for the procedures. In addition, all tattoo artists employed by the proposed establishment must provide evidence of immunity of Hepatitis B or provide a certificate of proof of vaccination as part of the Body Art Practitioner registration process. As part of the registration process, all applicants must also demonstrate, by examination, knowledge of basic tattooing techniques, health and safety precautions, and sanitation and sterilization techniques designed to prevent cross contamination. Furthermore, completion of a Local Enforcement Agency approved health and safety class is also required. The applicant has been a licensed practitioner in Alameda County for nine years. The applicant has received tentative approval for a Body Art Establishment Permit, pending approval of a Conditional Use Permit from the City of Hayward.

Other Establishments in Hayward - In addition to the proposed tattoo studio, there are currently four other approved and licensed tattoo establishments in Hayward: Anchor Bay Tattoo and Piercing at 22622 Mission Boulevard; Peter's Skin Art Tattooing at 381 Jackson Street; Blazing Horse Tattoo at 155 Jackson Street; and Twisted Illusions at 555 West Tennyson Road (see map, Attachment VI). Each of these tattoo studios offers a different skill set and specialized type of artistry to their customers. According to the applicant, each tattoo is original art, which is a collaboration between the customer and the tattoo artist, and that each tattoo artist has his own unique style and specialty. Therefore, the proposed tattoo studio would offer a unique set of artists to Hayward area residents and customers.

Police Department Comments (Attachment VII) - The Hayward Police Department staff is recommending approval of this Conditional Use Permit, stating that the applicant is licensed with the Alameda County Department of Environmental Health Services and possesses a valid Alameda County Body Art Practitioner's Permit. Since tattoo studios are highly regulated by the Alameda County Department of Environmental Health, the proposed business will not greatly impact Police Department resources. The Police Department recommends that security cameras be installed on the front and the east side of the building to monitor the entrances. In addition, they recommend posting a "No Loitering" sign on the front and east side of the building to deter milling around the property. Such recommendations are incorporated as conditions of approval in Attachment VII.

According to Lt. Jason Martinez, the Hayward Police Department does not receive many calls for service to the currently operating tattoo studios and there is no evidence that tattoo studios attract gang members. Lt. Martinez is of the opinion that there is public misconception that there is a nexus between gang members and tattoo studios. "Many gang members get their tattoos in prison, during "tattoo parties" at an associate gang member's house who may also be an unlicensed tattoo "artist", etc." He continues, "Tattoos are so accepted and mainstream these days that the masses have them and it is a lucrative business for those artists who are talented."

Conditional Use Permit Findings – In order for the Conditional Use Permit to be approved, the following findings must be made. Staff's responses to the findings are below and in Attachment IV.

A. The proposed use is desirable for the public convenience or welfare.

The tattoo establishment is desirable for the public convenience in that residents and customers will have more and varied choice from a larger pool of tattoo artists located in Hayward. In addition, current customers of the applicant who are residents of Hayward will no longer need to travel to Fremont. Furthermore, the tattoo studio will provide a unique spa-like experience offering personalized customer service and collaboration with each artist to design a unique tattoo based on the customer's design ideas.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The proposed tattoo studio will not impair the character and integrity of the adjacent commercial businesses and residential zoning district. Tattoo stations will not be visible from the public right-of-way, nor from the front window of the establishment, since the tattoo stations will be located behind partitions. As a condition of approval, “No Loitering” signs will be posted on the front and the east side of the building and the business manager is required to enforce the prohibition of loitering. At least eighty percent of all customers will be by appointment only. Each artist would have an average of two customers a day and only four customers can be accommodated at a time. The average visit would range from four to five hours. This time period includes preparation and the application of the tattoo. Therefore, the traffic generated will be minimal and the number of customers will be limited due to the time it takes to do the work and the number of tattoo artists that would be working at one time. The parking provided for the center meets the City’s Off-Street Parking Regulations. Therefore, customers will not need to park in the adjacent residential neighborhood. Furthermore, the tattoo studio will not be open beyond 9:00 pm, which will help minimize impacts to adjacent residents.

C. The proposed use will not be detrimental to the public health, safety, or general welfare.

The applicant is required to obtain a Body Art Establishment permit from Alameda County Department of Environmental Health (ACDEH). In addition, each tattoo artists is required to be licensed as a Body Art Practitioner. The applicant is a licensed Body Art Practitioner, and the proposed tattoo studio will comply with all Alameda County Environmental Health Department health and safety standards, including proper handling and disposal of medical waste.

The Hayward Police Department has stated that tattoo studios typically have a low rate of service calls and, contrary to public perception, do not attract gangs, require very little regulation since such uses are highly regulated by the Alameda County Environmental Health Department.

D. The proposed use is in harmony applicable City policies and the intent and purpose of the zoning district involved.

A tattoo parlor is listed as a personal service and is permitted as a conditional use in the *Neighborhood Commercial Zoning District*. Conditional approval is required to assure that this use is permitted where there is a community need, and to assure that the use is in harmony with the area and with City policies. The *Neighborhood Commercial Zoning District* is to include products and services primarily represented by convenience goods and services purchased frequently. At least eighty percent of the proposed establishment’s business will be by appointment – similar to a beauty shop or other similar business that provides personal services on a regular basis. Tattoos are a socially acceptable form of adornment and the applicant has established a good reputation. Therefore, it is likely that new and repeat customers will return to receive additional tattooing from the same artist.

Environmental Review - It has been determined that the conditional use permit application is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15301, Existing Facilities.

PUBLIC OUTREACH

On April 30, 2013, an Official Notice of Receipt of Application was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff received one call from a resident who stated she lives near the project. The resident stated opposition because of the "type of people that it would attract." Furthermore, she felt that children should not walk by the shop and it would be a negative influence on children.

Staff has received twelve letters in support of the proposed business from clients, a relative, Hayward residents, and associates of the applicant. The letters state that Mr. Ancheta is professional and ethical, consistently gives excellent customer service, takes pride in his work, has integrity, is responsible and is a family man who successfully balances family and career. All are of the opinion that this business will be an asset to Hayward (Attachment VIII).

Staff also received three emails in opposition with concerns expressed regarding the influence on local children, who apparently walk by the retail center on their way to and from Harder Elementary School, the safety of the neighborhood, and the possibility of loitering (Attachment IX). As a condition of approval, "No Loitering" signs will be posted and the office manager is required to actively enforce the no loitering requirement (Attachment V). In addition, the act of applying the tattoo will not be seen from the storefront windows, since the tattoo stations will be located behind partitions; only the waiting area would be visible from the windows.

On June 28, an Official Notice of this public hearing was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. This application was subsequently continued to the July 25, 2013, Planning Commission meeting, and no additional notice was required because the item was continued to a specific date. Staff met with a resident of Franklin Avenue who supports approval of the tattoo studio since there will be surveillance cameras in the parking lot and "No Loitering" signs will be posted. He expressed a concern with noise, but didn't feel that it would be a problem with a 9:00 pm closing time. The hours of operation of MX Donuts are 4:00 am to 4:00 pm daily. The hours of operation of the Ice Cream Parlor are 10:00 am to 10:00 pm daily.

SCHEDULE

The Planning Commission decision begins a 10-day appeal period of the Commission's action to the City Council (or call-up to Council by a Council member), which would expire at 5:00 p.m. on August 5, 2013. If approved and there is no appeal filed within that time period, the applicant may proceed with efforts to open the business. If denied and no appeal is filed, the decision of the Planning Commission would be final.

Prepared by: Arlynn J. Camire, AICP

Recommended by:



Ned Thomas, AICP
Planning Manager

Approved by:



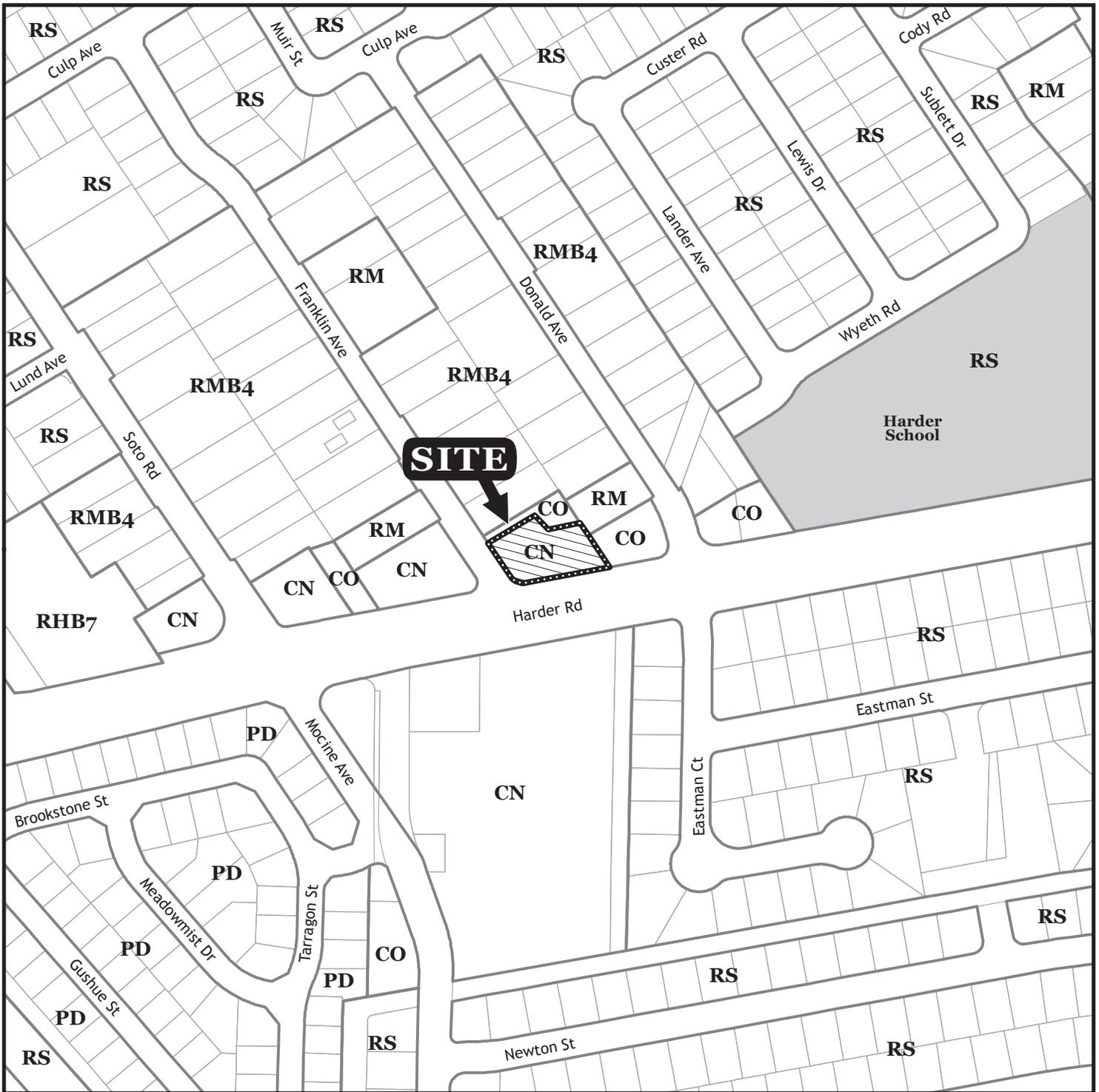
David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area and Zoning Map
Attachment II	Plans, Photographs and Project Description
Attachment III	Proposed Window Sign
Attachment IV	Findings for Approval
Attachment V	Conditions of Approval
Attachment VI	Map of Hayward Tattoo Studios
Attachment VII	Hayward Police Department Memo and Email
Attachment VIII	Emails and Letters in Support
Attachment IX	Emails and Letter in Opposition



Area & Zoning Map



PL-2013-0133 CUP

Address:
214 Harder Road

Applicant:
Tony Ancheta

Owner:
Kwok Low

Zoning Classifications

RESIDENTIAL

- RHB7 High Density Residential, min lot size 750 sqft
- RM Medium Density Residential, min lot size 2500 sqft
- RMB4 Medium Density Residential, min lot size 4000 sqft
- RS Single Family Residential, min lot size 5000 sqft

COMMERCIAL

- CN Neighborhood Commercial
- CO Commercial Office

OTHER

- PD Planned Development



To:

The City of Hayward Planning Department

Subject:

Request for a Conditional Permit for a Tattoo Facility

From:

Tony Ancheta

Revere Tattoos

214 Harder Road, Unit D
Hayward, California 94544

Cell Phone: 408.829.0085

Email: unitedskinartists@yahoo.com

Introduction

My name is Tony Ancheta and I am a professional full time tattoo artist currently working at Inkies Tattoo Studio in the City of Fremont. Prior to working at Inkies, I was a Mechanical Engineer working in the high-tech world for over 15 years while also guest-spotting at different tattoo shops and working the tattoo conventions on the weekends. In early 2009, I decided to hang-up the corporate shirt and tie to pursue my love for the body art and converted to a full time tattoo artist. In the many years of tattooing plus working at Inkies, I have attained best practices and established a wide variety of clients from all around the bay. Without a doubt, the next step for me is to open my own tattoo shop. I have been searching for spaces and places everywhere and I knew that when I spotted the "For Lease" sign on 214 Harder Road, Unit D, this is the place for me. Many of my established clients, are from Hayward, Tri-city areas, and from across the bay which makes this location ideal with the easy access from major bridge and freeways (880, 580, 92).

Tattoos have definitely evolved and become more mainstream and popular among Americans. Any stigma surrounding the ancient body art has long ago faded. Business people, parents pushing strollers and college students are as likely to sport "tats" these days versus the traditional stereotype-clientele of military personnel or bikers. I specialize in Polynesian tattoos. The legacy of Polynesian tattoo began over 2000 years ago and is as diverse as the people who wear them. Some of my current established clients are business owners, Silicon Valley executives, police officers, teachers, professional athletes, fireman, doctors, college students, parents, grandparents. A typical custom-designed tattoo piece can take anywhere from an hour to a full day session and can cost anywhere from \$80-\$1200.

Mission

Revere Tattoo wants to elevate the tattoo experience in the city of Hayward by providing quality custom tattoos in an upscale, high-end style environment. Professional, talented and established artists will provide custom original artwork in a bright, safe, and clean working atmosphere.

Keys to Success:

1. Providing the highest quality of tattoos and customer satisfaction will be the main focus to maintain repeat customers and attract new ones.
2. Making the health and care of customers and tattoos a top priority to ensure the safety of the customers, artists, and business.
3. Working with talented artists and encouraging their expression and freedom

The Proposal

I would like to open Revere Tattoos at 214 Harder Road, Unit D, Hayward, California. Although there are a handful of established tattoo shops in Hayward already, I want to open the first ever high-end tattoo studio in this city where people can come get art work in a very nice, clean and upscale "spa-like" environment. On Friday, April 5th, Arthur Surdilla from the Alameda County Health Department visited the location and has provided the additional requirements needed which I included in the plan layout. Arthur has been very valuable in giving guidance even more so that he is familiar with the current tattoo shop where I work and it's very high standards. I am attaching along with this proposal a copy of the plan. It shows all stations, sinks, trash cans, biohazard trash cans, sharps containers, and more. The Health Department will issue an approval after they come and do their final inspection as soon as the City permit is issued.

Expecting how many Artist working: 5

Hours of Operation: 9AM – 9PM

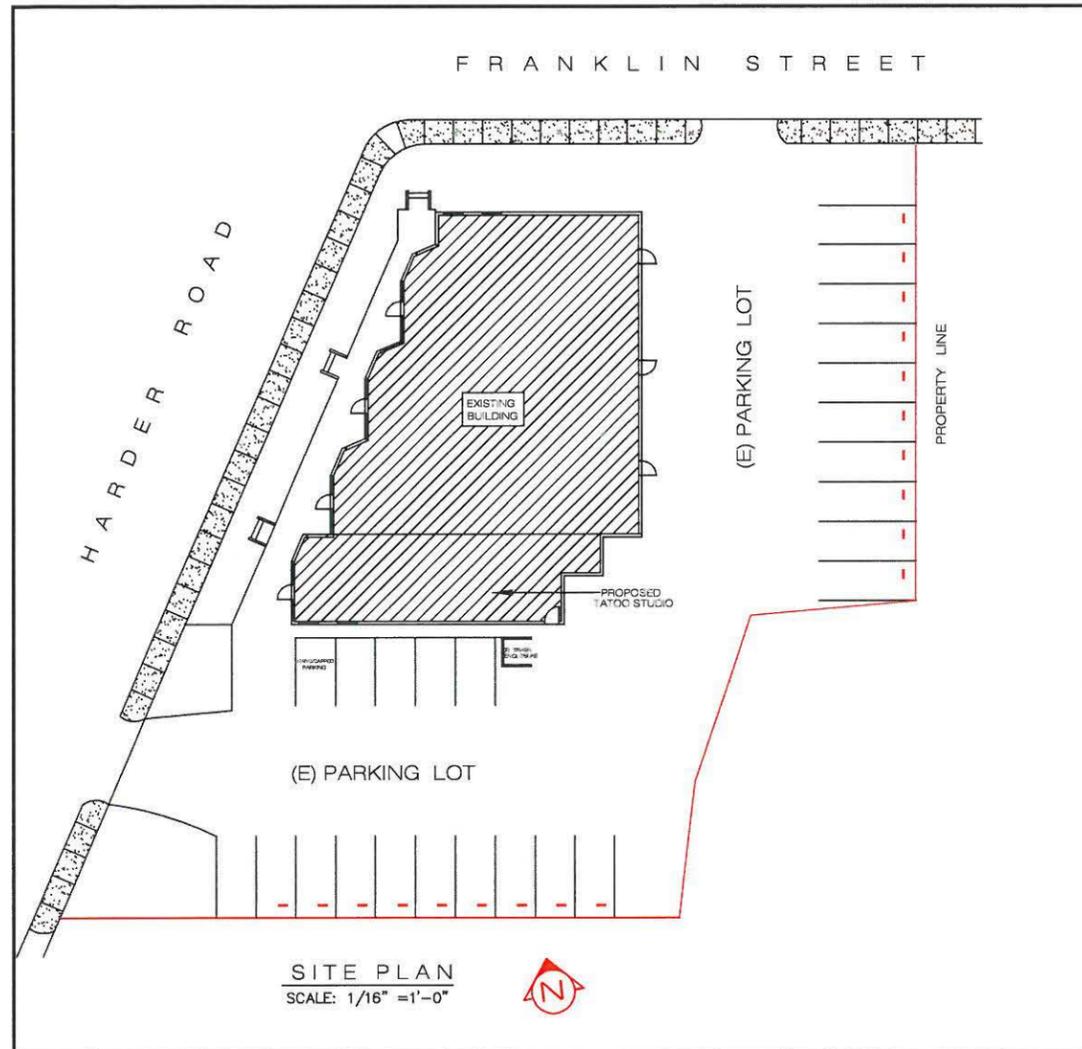
Hourly Rate: \$120/hour

Attached is a professionally drawn plan layout required by the Hayward planning department.

Also attached are pictures of Inkies Tattoo Studio in Fremont where I currently work. My plan is to create a similar environment and even better space for Revere Tattoos.

Revere Tattoos will not condone nor participate in any kind of illegal tattooing of minors or racial and gang affiliated tattoos.

Please feel free to contact me if there are any additional questions or concerns. I am looking forward to providing high-end quality tattoos in the Heart of the Bay and being part of this great community.



GENERAL NOTES

THESE PLANS ARE INTENDED FOR USE ONLY ON THE LOT FOR WHICH THEY WERE DESIGNED. THESE DRAWINGS ARE NOT INTENDED TO BE COMPREHENSIVE AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE OWNER OF ANY NECESSARY CLARIFICATIONS OR MODIFICATIONS.

ALL WORK CONNECTED WITH THE PROJECT SHALL BE DONE IN A PROFESSIONAL MANNER IN ACCORDANCE WITH THE TRADITIONALLY AND LEGALLY DEFINED "BEST ACCEPTABLE PRACTICE" WITH THE TRADE INVOLVED. ADDITIONALLY ALL WORKS SHALL BE IN COMPLIANCE WITH ACCEPTABLE CODES AND TRADE STANDARDS WHICH GOVERN EACH PHASE OF WORK, INCLUDING BUT NOT LIMITED TO THE UNIFORM BUILDING CODE (UBC), UNIFORM MECHANICAL CODE (UMC), UNIFORM FIRE CODE (UFC), THE NATIONAL ELECTRICAL CODE (NEC), AMERICAN CONCRETE INSTITUTE (ACI), NATIONAL PLUMBING CODE (NPC), CALIFORNIA STATE BUILDING CODE AND ALL APPLICABLE LOCAL CODES AND LEGISLATION.

THE OWNER SHALL BE RESPONSIBLE TO NOTIFY THE DESIGNER OF ANY UNUSUAL UNFORSEEN STRUCTURAL CONDITIONS, DISCREPANCIES OR CHANGES FROM THE PLANS BEFORE PROCEEDING WITH THE COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING FIELD MEASUREMENTS BEFORE ORDERING MATERIALS AND FABRICATING ITEMS.

ADEQUATE SUPERVISION AND PERIODIC INSPECTIONS DURING THE CONSTRUCTING PHASE IS RECOMMENDED. THE OWNER SHALL BE RESPONSIBLE TO ENSURE THAT INSPECTION AND / OR SUPERVISION IS PROVIDED BY QUALIFIED PERSONS.

THESE PLANS ARE NOT CONSIDERED COMPLETE AND READY FOR CONSTRUCTION IS RECOMMENDED. THE OWNER SHALL BE RESPONSIBLE TO ENSURE THAT INSPECTION AND / OR SUPERVISION IS PROVIDED BY QUALIFIED PERSONS.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS INDICATED ON THESE DRAWINGS AND MAKE KNOWN ANY DISCREPANCIES PRIOR TO COMMENCING WORK.

PROJECT DATA

OWNER: LISA LO
214 HARDER ROAD
HAYWARD, CALIFORNIA
(850) 430-1863

SITE INFORMATION:
214 HARDER ROAD
HAYWARD, CALIFORNIA
EXISTING USE: BARBER SHOP
PROPOSED USE: TATTOO PARLOR
CONSTRUCTION TYPE: V-B?
OCCUPANCY: M
NO. OF FLOORS: 1
NO. OF EXITS: 2
FIRE SPRINKLER: NO
LOT AREA: = 19,800 SQ FT
TOTAL BLDG. AREA: = 1020 SQ FT

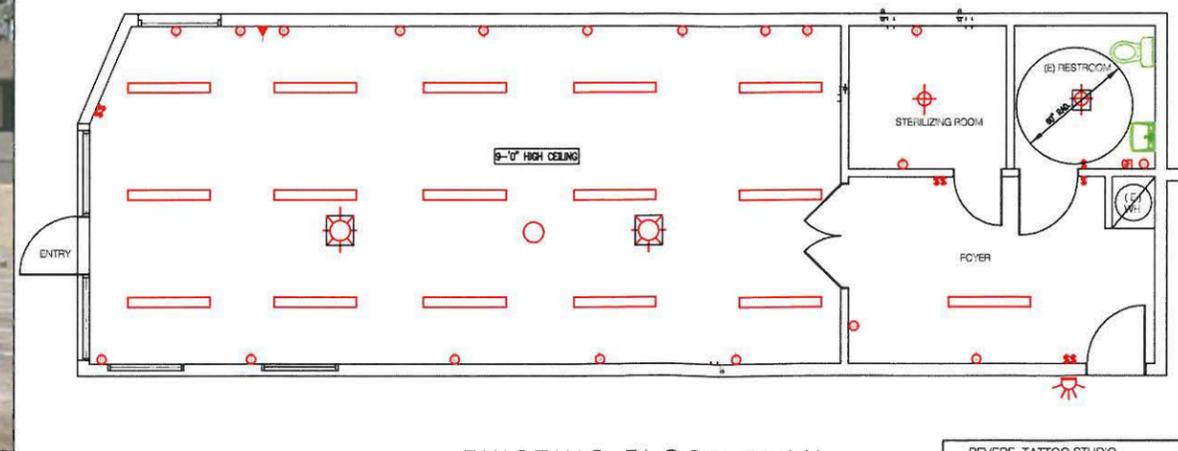
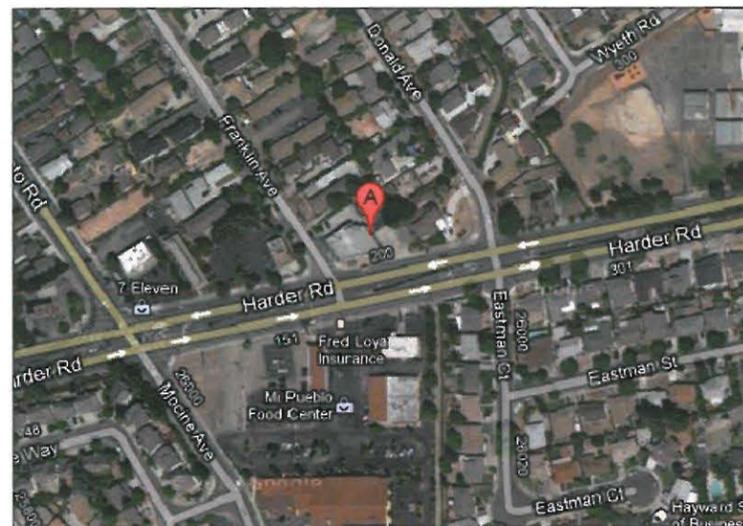
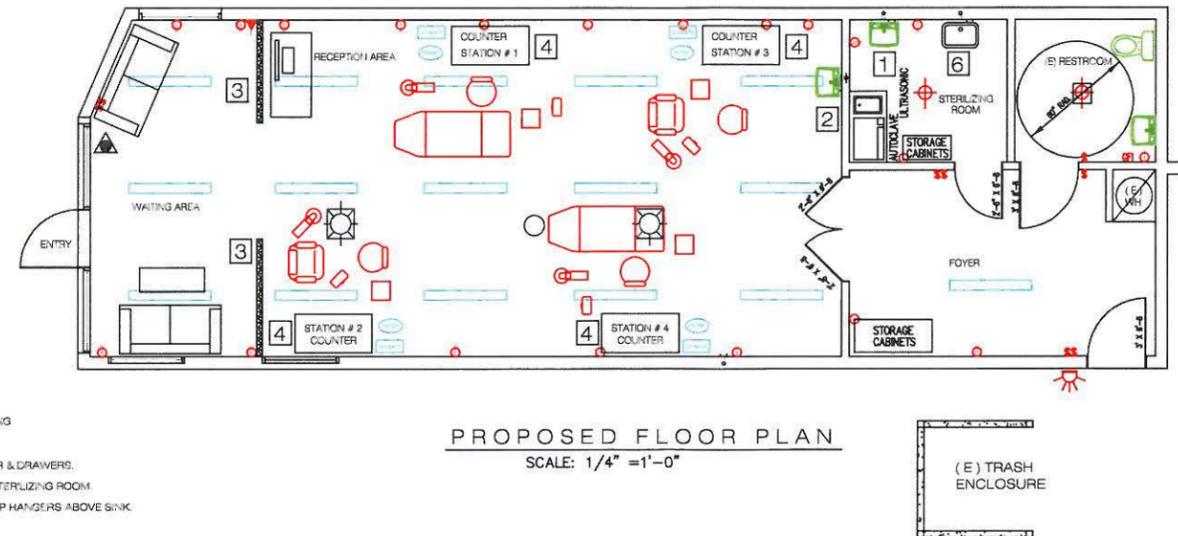
SCOPE OF WORK:
INSTALL NEW MOVEABLE PARTITIONS
INSTALL NEW SINKS AND VANITIES
INSTALL NEW WALL LIGHTS

LEGEND

- EXISTING WALLS
- ▨ NEW PARTITION
- DUPLEX RECEPTACLE
- _{GR} DUPLEX GROUND FAULT INTER.
- ⊞ SINGLE POLE SWITCH
- ⊞ 3-WAY SWITCH
- ⊞ TELEPHONE WALL JACK
- ⊞ TELEVISION WALL JACK
- ⊞ CEILING LIGHT
- ⊞ RECESSED LIGHTING
- ⊞ SMOKE DETECTOR
- ⊞ MECHANICAL VENT
- FLUORESCENT LIGHT
- SEWER PIPE AND WATER VALVES
- ▲ FIRE EXTINGUISHER

PLAN NOTES

1. INSTALL NEW SINK AND VANITY
2. RE-INSTALL SINK AT (E) PLUMBING
3. INSTALL NEW 4' HIGH PARTITION
4. INSTALL NEW CABINETS W/ DOOR & DRAWERS.
5. INSTALL NEW WALL LIGHTS @ STERILIZING ROOM
6. INSTALL NEW MOP SINK AND MOP HANGERS ABOVE SINK

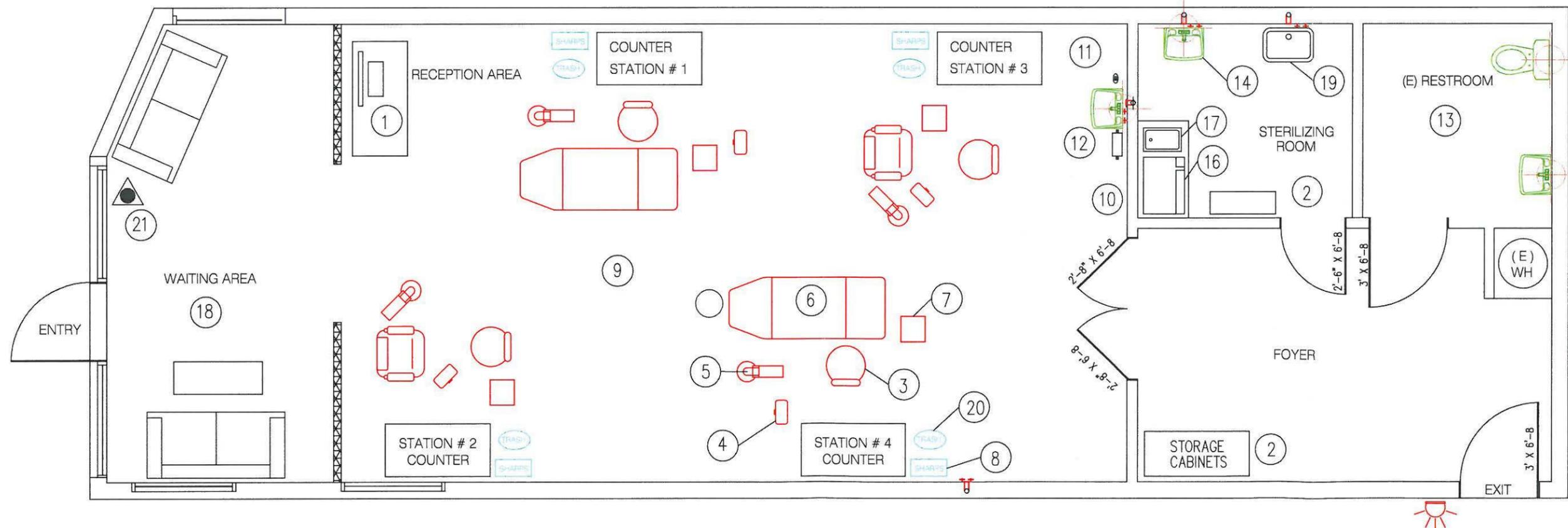


REVERE TATTOO STUDIO		DRN BY: A.A.
214 HARDER ROAD HAYWARD, CALIFORNIA		DATE: 9-2013
FLOOR PLANS, SITE PLAN, PROJECT DATA GENERAL NOTES AND LEGEND		SCALE: AS NOTED
TONY ANCHETA - PROPRIETOR		DWG. NO. 1 OF 1

REVERE TATTOO

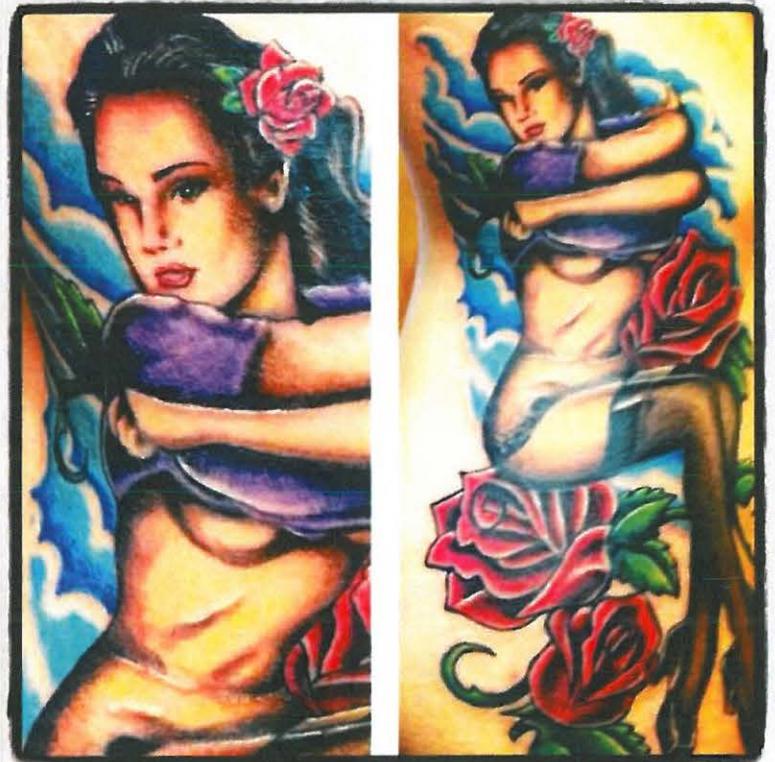
SITE PLAN

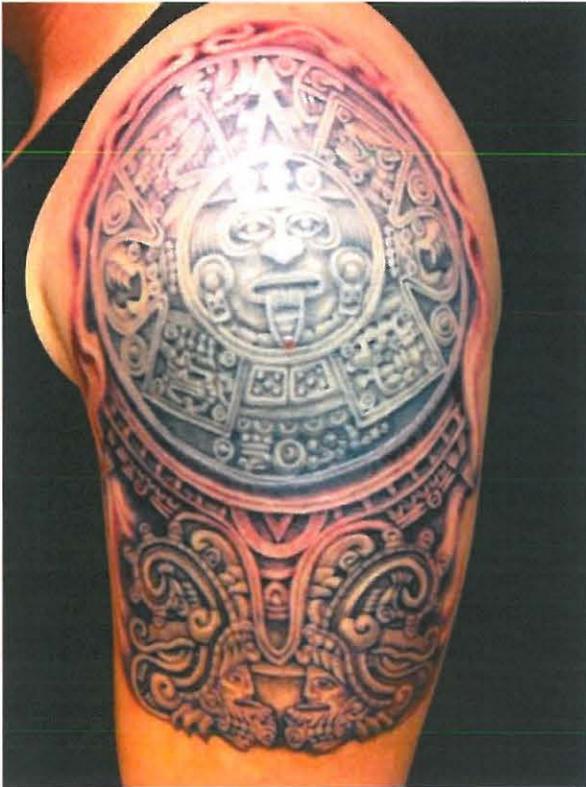
1	RECEPTION DESK
2	STORAGE CABINETS
3	ARTIST CHAIR
4	ARMREST
5	LAMP
6	COUNTER
7	CUSTOMER BED/CHAIR
8	SHARPS CONTAINER
9	WORK STATION TRAY
10	HANDWASH SINK
11	LIQUID SOAP
12	PAPER TOWEL DISPENSER
13	RESTROOM
14	BIO SINK
15	STERILIZATION ROOM
16	AUTOCLAVE
17	ULTRA SONIC MACHINE
18	WAITING ROOM
19	MOP SINK
20	TRASH CAN
21	FIRE EXTINGUISHER













Tattoo and Piercing Release Form

In compliance with California State Laws on Tattooing and Body Piercings, only persons 18 years of age or older may obtain a tattoo, regardless of parental consent. A minor is allowed to receive a body piercing if a parent or legal guardian is present. Proper identification must be shown. All lines must be filled in legibly.

- I am requesting that a tattoo or piercing be performed on me by a staff member of Inkies Tattoo Studio. I understand that wherever possible, materials used in the procedure are single-use only and properly discarded after use. I am aware that any items that are re-usable are sterilized in an autoclave before each use. Initials _____
- I acknowledge that I will be given a written set of aftercare instructions. By signing this agreement I agree that I have been given every opportunity to ask questions about the procedure, aftercare, or any other concerns I may have. Getting an infection is always a possibility as a result of getting a piercing or tattoo, particularly in the event that I do not take proper care of it. I agree to carefully follow the instructions that I have been given while it is healing. Initials _____
- I have advised the artist or piercer of any and all allergies I may have; especially to latex, soaps, or medications. It is not possible for the staff of Inkies Tattoo Studio to determine if I might have an allergic reaction to the pigments or processes used during the tattooing or piercing procedure. I agree to accept the risk that such a reaction is possible. Initials _____
- I do not have a heart condition, epilepsy, diabetes, hemophilia, or anemia. I do not have any diseases that may be transmitted by blood such as HIV, hepatitis, or any other condition. Initials _____
- I am not pregnant or nursing, and do not suffer from medical conditions such as, but not limited to: keloid or hyper tropic, scarring, psoriasis, wounds, lesions, moles, or birth marks at the site to be pierced or tattooed. Initials _____
- To my knowledge, I do not have any physical, mental, or medical impairment or disability which might affect my wellbeing as a direct result of my decision to be pierced or tattooed. Initials _____
- I am not under the influence of any drugs or alcohol and that obtaining this piercing or tattoo is my choice alone, and will result in a permanent change in my appearance. I am aware that tattoos are permanent. Initials _____

I authorize a staff member of Inkies Tattoo Studio to perform a piercing or tattoo on me and in consideration of doing so, I hereby release and hold harmless Inkies Tattoo Studio, it's owner, and any staff from any and all liabilities, claims, demands, or legal actions, in law or in equity, which I or my heirs have or might have now or hereinafter arising from or connected in any way with my body piercing or tattoo.

By signing this document, I certify under penalty of perjury that I am 18 years of age, and acknowledge that I have read and understand all portions of this document and that I agree to be legally bound by it.

Tattoo/Piercing: _____

Name: _____ **Age Today:** _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone Number: _____ **DOB:** _____ **Today Date:** _____

Client Signature: _____ **ID#:** _____

If Minor, Signature of Parent/Legal Guardian: _____ **ID#:** _____

Deposit Amount: _____ **Total Cost:** _____ **Artist/Piercer:** _____

Email: _____

Notes: _____

Rev2_1/09



TATTOO DEMONSTRATION

South Court

12 noon–3 pm

Watch master tattoo artists, led by Aleks Figueroa of Dream Jungle Tattoo, with Tony Ancheta of Inkies Tattoo Studio, in action creating tribal tattoos for the contemporary Filipino Diaspora.

Joël Barraquiel Tan and Alleluia Panis will discuss the symbolism in this art form from 1 pm–2 pm.



Asian Art Museum

Event Map Reviews Comments

ExhibitionDetail

Group Show

Filipino American History Month
Celebration at the Asian Art
Museum

Asian Art Museum
200 Larkin St.
San Francisco, CA 94102



Christian Cabuay, *Someday My Love Will Come*
© Courtesy of the Artist and Asian Art Museum

October 3rd, 2010 11:00 AM - 4:00 PM

> ARTISTS

Eli Africa
Florante Aguilar
Christian Cabuay
Christopher de Leon
Aleks Figueroa
Arvin Flores

James Garcia
Jason Magabo Perez
Miguel "Bounce" Perez
Ron Quesada
Aimee Suzara

#

> QUICK FACTS

EVENT TYPE: Other

WEBSITE: <http://www.asianart.org/>

NEIGHBORHOOD: Union Square/Civic Center

EMAIL: members@asianart.org

PHONE: 415.581.3500

OPEN: Tue-Wed, Fri-Sun 10-5; Thu (Jan-Oct) 10-9; Thu
HOURS: (Nov-Dec) 10-5; closed Mon

TAGS: performance, filipino, tattoos, film, music, painting

COST: FREE admission courtesy of Target*

> DESCRIPTION

Filipino American History Month

Filipino Journeys through American History and Art
Target Sunday*, October 3
11:00 am-4:00 pm
Museum-wide
FREE admission courtesy of Target*

This year's celebration explores Filipino journeys through American history and art. There will be a focus on early sea trade connections between the Philippines and California, how they formed our Filipino American communities, and how they shaped artistic production in Asia and the Americas. Highlights include music, artist displays and demonstrations, films, talks by visiting scholars, and fun activities for all ages!

Read the [bios](#) of participating Artists and Presenters.

See [photos](#) of past celebrations.

*Target First Free Sundays—free general admission on the first Sunday of every month and the family programs offered on that day—is made possible by Target. Free admission is granted on a first-come, first-served basis. Due to capacity restrictions, admission is not guaranteed.

Sponsored by the Bank of American Foundation

program Schedule

Explore and Participate

Taste the flavors of Filipino food-truck, *Señor Sisig*, with items like sisig (pork) tacos and rice plates for purchase, and check out a *Jeepney*, a creatively re-purposed military vehicle and popular form of transport in the Philippines. Front Curb of Museum 11 am-3 pm



Watch master tattoo artists, led by Aleks Figueroa of Dream Jungle Tattoo, with Tony Ancheta of Inkies Tattoo Studio, in action creating tribal tattoos for the contemporary Filipino Diaspora. Joel Barraquiel Tan and Alleluia Panis will discuss the symbolism in this art form from 1 pm-2 pm. South Court 12 noon-3 pm (Talk @ 1 pm)

Meet Artist Arvin Flores, view his abstract paintings, and discuss his creative process. North Court 12 noon-4 pm

Meet Artist Christian Cabuay, view his artwork influenced by the ancient Philippine Baybayin, and create your own pin to take home with his designs. North Court 12 noon-2 pm

See Kulayan Painters, Christopher de Leon, James (gaNyan) Garcia, and Miguel "Bounce" Perez in action, creating new work before your eyes. North Court 1 pm-4 pm

Hop on a FREE bus to Thacher Gallery at University of San Francisco to view the special exhibition, *Galleons and Globalization: California Missions and the Pacific Rim*, with tours by scholars Corazon Alvina, Rene Javellana, and Gallery Director, Thomas Lucas, SJ. Front Curb of Museum. First bus leaves museum at 3:30 pm and last bus returns from USF to Civic Center at 5:00 pm.

Listen and Discover

Watch short films by local Filipino artists. Resource Room

Hear opening remarks for this exciting day from Consul General of the Philippines Marciano Paynor, Jr., Asian Art Museum Director Jay Xu, Asian Art Museum Commissioner Carmen Colet and others. Samsung Hall 11 am-11:30 am

Groove to the sounds of Filipino electronic music artist Ron Quesada and Kulintronica. Samsung Hall 11:30 am-12 noon

Enjoy Jason Magabo Perez performing excerpts from *The Passion of El Hulk Hogancito*. Samsung Hall 12:30 pm-1 pm

Listen to contemporary writers, Barbara Jane Reyes and Prof. Daniel Gonzales, read their own work and the writings of Filipino writers: Al Robles, Helen Toribio, and Carlos Bulosan. Education Studios 1 pm-2 pm

Listen to contemporary poets, Karen Llagas and Aimee Suzara, read their own work and the writings of Filipino writers: Al Robles, Helen Toribio, and Carlos Bulosan. Education Studios 2 pm-3 pm

Listen to scholars Corazon Alvina and Rene Javellana. Alvina will discuss the intersections of food and art while Javellana's topic is "Art Challenges the Status Quo: Philippine Art and Social Change." Samsung Hall 1:30 pm-2:30 pm

Enjoy the beautiful music of The Florante Aguilar Music Ensemble as they perform excerpts from *Lalawigan—A Contemporary Tagalog Song Cycle*. Samsung Hall 3 pm-3:30 pm

Step into the Galleries

View special displays from local Filipino community organizations. Loggia

Focus on the Philippines Gallery Tours Meet at the Info Desk 12 noon & 2 pm

Storytelling: Filipino Stories Meet at the Info Desk 1 pm

Copyright © 2006-2012 by ArtSlant, Inc. All images and content remain the © of their rightful owners.



FINDINGS FOR APPROVAL

Conditional Use Permit Application No. PL-2013-0133

Tony Ancheta for Revere Tattoo (Applicant)

Kwok Low (Owner)

214 Harder Road

Request to operate a tattoo studio

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*.

A. The proposed use is desirable for the public convenience or welfare.

The tattoo establishment is desirable for the public convenience in that residents and customers will have more and varied choice from a larger pool of tattoo artists located in Hayward. In addition, current customers of the applicant who are residents of Hayward will no longer need to travel to Fremont. Furthermore, the tattoo studio will provide a unique spa-like experience offering personalized customer service and collaboration with each artist to design a unique tattoo based on the customer's design ideas.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The proposed tattoo studio will not impair the character and integrity of the adjacent commercial businesses and residential zoning district. Tattoo stations will not be visible from the public right-of-way, nor from the front window of the establishment, since the tattoo stations will be located behind partitions. As a condition of approval, "No Loitering" signs will be posted on the front and the east side of the building and the business manager is required to enforce the prohibition of loitering. At least eighty percent of all customers will be by appointment only. Each artist would have an average of two customers a day and only four customers can be accommodated at a time. The average visit would range from four to five hours. This time period includes preparation and the application of the tattoo. Therefore, the traffic generated will be minimal and the number of customers will be limited due to the time it takes to do the work and the number of tattoo artists that would be working at one time. The parking provided for the center meets the City's Off-Street Parking Regulations. Therefore, customers will not need to park in the adjacent residential neighborhood. Furthermore, the tattoo studio will not be open beyond 9:00 pm, which will help minimize impacts to adjacent residents.

C. The proposed use will not be detrimental to the public health, safety, or general welfare.

The applicant is required to obtain a Body Art Establishment permit from Alameda County Department of Environmental Health (ACDEH). In addition, each tattoo artists

is required to be licensed as a Body Art Practitioner. The applicant is a licensed Body Art Practitioner, and the proposed tattoo studio will comply with all Alameda County Environmental Health Department health and safety standards, including proper handling and disposal of medical waste.

The Hayward Police Department has stated that tattoo studios typically have a low rate of service calls and, contrary to public perception, do not attract gangs, require very little regulation since such uses are highly regulated by the Alameda County Environmental Health Department.

D. The proposed use is in harmony applicable City policies and the intent and purpose of the zoning district involved.

A tattoo parlor is listed as a personal service and is permitted as a conditional use in the *Neighborhood Commercial* Zoning District. Conditional approval is required to assure that this use is permitted where there is a community need, and to assure that the use is in harmony with the area and with City policies. The *Neighborhood Commercial* Zoning District is to include products and services primarily represented by convenience goods and services purchased frequently. At least eighty percent of the proposed establishment's business will be by appointment – similar to a beauty shop or other similar business that provides personal services on a regular basis. Tattoos are a socially acceptable form of adornment and the applicant has established a good reputation. Therefore, it is likely that new and repeat customers will return to receive additional tattooing from the same artist.

CONDITIONS OF APPROVAL

Conditional Use Permit Application No. PL-2013-0133

Tony Ancheta for Revere Tattoo (Applicant)

Kwok Low (Owner)

214 Harder Road

Request to operate a tattoo studio

Use Permit Application No. PL-2013-0133 is approved subject to the conditions listed below. This permit becomes void three years after the effective date of approval, unless the business has been established in accordance with these conditions of approval, or a time extension of this application is approved. All conditions shall be met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to July 22, 2014.

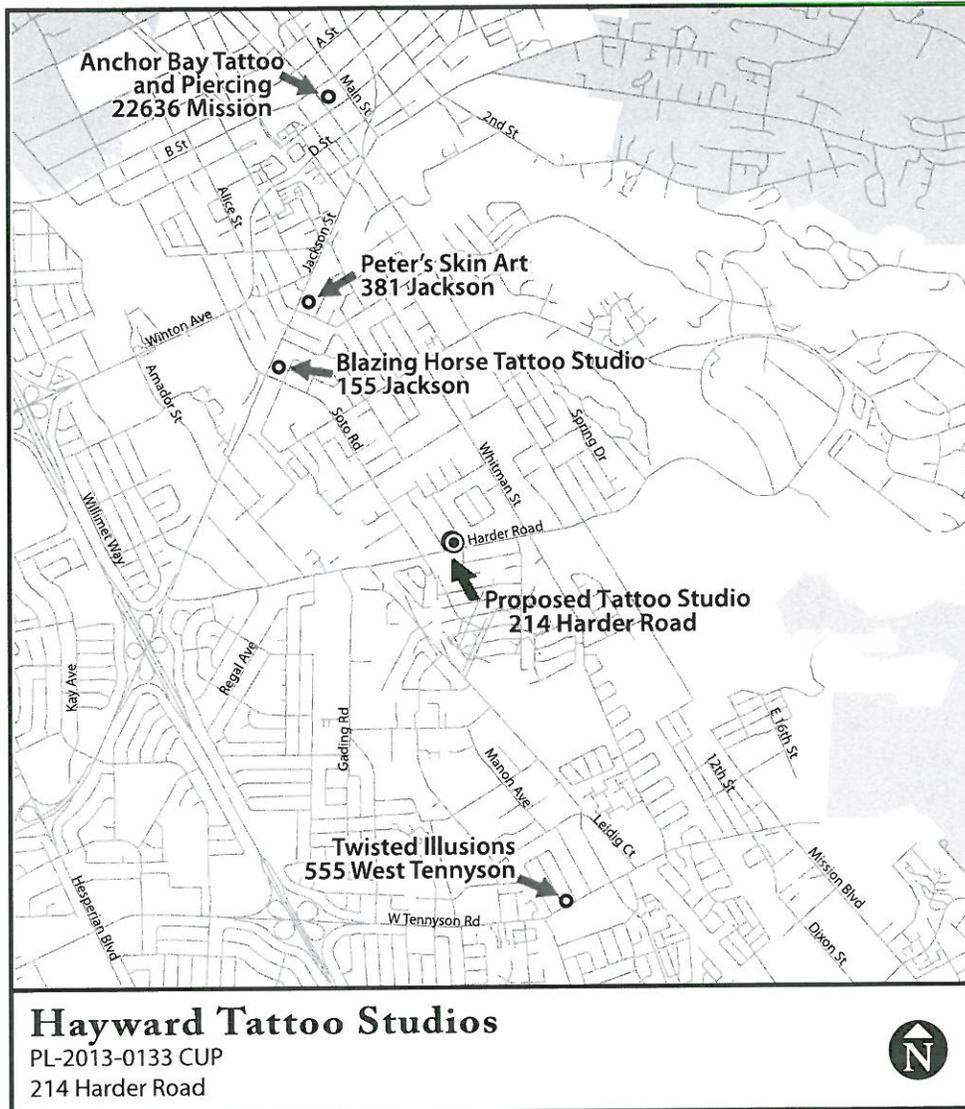
If a building permit is issued for construction of improvements authorized by the use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the use permit approval.

General

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
3. The tattoo studio and each tattoo artist shall meet all of the requirements, health and safety standards, and proper handling and disposal of medical waste as required by the Alameda County Department of Environmental Health as specified in the "General Provisions for Body Art (Tattooing), Body Piercing and Permanent Cosmetics." The business owner shall obtain an annual Body Art Establishment permit. Each tattoo artist shall register annually as a tattoo practitioner. The permits shall be presented to the Planning Director prior to the onset of business in the City of Hayward.
4. The applicant shall maintain a valid City of Hayward Business License.
5. The applicants shall post a sign at the entrance that states, "No Persons Under Age of 18 Years Permitted."

6. The applicants shall post California Penal Code 653 which reads “Every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor. As used in this section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This section is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice” in unobstructed view to customers.
7. The applicants shall post the City of Hayward business license, Alameda County Department of Environmental Health permits, and the California Department of Health Certificate in clear unobstructed view to the public.
8. To the satisfaction of the Police Department, post the appropriate health warning within the customer areas of business.
9. To the satisfaction of the Hayward Police Department, “No Loitering” signs shall be posted on the front and the east side of the building on the exterior walls of the tattoo studio.
10. The business manager shall actively monitor the front of the business to prevent loitering.
11. To the satisfaction of the Hayward Police Department, provide security cameras installed along the front and east side of the building to monitor the entrance and adjacent parking lot.
12. A sign permit shall be approved prior to installation of any wall sign. Window signs do not require a sign permit. However, not more than 25 percent of the window area shall be covered. The final design and size of any outdoor wall sign shall be to the satisfaction and be approved by the Planning Director.
13. The property owner and applicant shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, driveway and parking area. The premises shall be kept clean and free of weeds, and prior to occupancy any weeds located in the landscape area and the area around the trash enclosure shall be removed. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.
14. Outdoor storage of recyclables and other items shall not be allowed. All trash and recyclables shall be stored in proper receptacles.
15. The existing trash enclosure shall be repaired to the satisfaction of the Planning Director.
16. The business hours shall be 9:00 am to 9:00 pm daily. If the applicant wishes to extend business hours, the Planning Director shall review and act on any changes.
17. The business is limited to only 20 percent walk-in customers who will receive a tattoo during the same visit.

18. Racist and gang related tattoos are prohibited to be applied to anyone.
19. Lockable storage cupboard or locker shall be provided in each booth for customers to secure their personal belongings while using the services of the business.
20. If interior tenant improvements are to be made, plans shall be submitted to the City of Hayward Building Division for building permit review and approvals prior to operation of business.
21. Portable fire extinguishers shall be installed within the tenant space. Minimum size and type of fire extinguisher shall be 5 lb., dry-chemical, with a rating of 2A:10BC. Fire extinguishers shall be installed in accessible locations as approved by the Fire Department.
22. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.





Hayward Police Department

Criminal Investigations Bureau
Vice/Intelligence Unit

BUSINESS/EVENT APPLICATION REVIEW

Business/Event Name: Tattoo Facility – Request for Conditional Use Permit

Business Address: 214 Harder Road, Unit D

Applicant(s) Name(s): Anthony (Tony) Ancheta

City Planner: Arlyne J. Camire, AICP

Project Number: PL-2013-0133 CUP

Project/Event Summary: The Hayward Police Department's VICE/Intelligence Unit has learned of a pending application for a tattoo studio located at 214 Harder Road, Suite D.

Applicant Background: Mr. Anthony (Tony) Ancheta is the listed applicant for this business. He currently is an "Ink Master" tattoo artist at Inkies Tattoo Studio in Fremont, CA and has been employed there for four (4) years. Mr. Ancheta is a reputable tattoo artist who has received positive comments from clients on review sites (i.e. YELP) and other local business directory services on the Internet.

Mr. Ancheta is licensed with the Alameda County Department of Environmental Health Services and possesses a valid Alameda County Body Art Practitioner's Permit (PR0510456).

Safety Concerns: The Alameda County Department of Environmental Health highly regulates tattoo establishments. They are responsible for issuing permits and conducting inspections to ensure that tattoo establishments and practitioner(s) are operating in compliance with the law. Therefore, this would not put a tremendous strain on police resources to effectively regulate this type of establishment.

The Hayward Police Department recommends this premise to have security cameras installed along the front and east side of the building to monitor the entrance and adjacent parking lot area.

Signs prohibiting "loitering" is recommended to be posted along the front and east side of the building to deter people from milling around the property and adjacent parking lot area.

Licensing/Documentation Requirements: The following licensing requirements shall be maintained by the applicant/owner:

- 1.) The applicant shall maintain a valid City of Hayward Business License.
- 2.) The applicant shall maintain a valid establishment and individual practitioner(s) permits with the Alameda County Department of Environmental Health. Post the business license and California Department of Health Certificate in clear unobstructed view to the public.

Recommendations: After review of this application, the Hayward Police Department recommends that this business be approved to operate within the City of Hayward. The Hayward Police Department request that the following conditions be placed on the conditional use permit issued to the applicant for the tattoo studio:

- Post a sign at each entrance that states, "No Persons under Age of 18 Years Permitted."
- Post California Penal Code 653 which reads "Every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor. As used in this section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This section is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice in unobstructed view to customers."
- Post the appropriate health warning within the customer areas of the business.

SUBMITTED BY: Detective Angela Irizarry, Vice/Intelligence Unit

DATED: May 8, 2013

Arlynn Camire

From: Jason Martinez
Sent: Monday, July 01, 2013 6:12 PM
To: Arlynn Camire
Cc: Angela Irizarry; Mark Koller; Bob Palermini
Subject: Re: Tattoo Studios

I am definitely okay with putting in the the fact that we do not have problems with the existing locations. If it is common for staff reports to have someone's opinion based upon experience, I am also okay with and stand by my opinion related to the fact that they do not necessarily attract gang members.

Regards,

Jason

Sent from my iPad

On Jul 1, 2013, at 2:44 PM, "Arlynn Camire" <Arlynn.Camire@hayward-ca.gov> wrote:

From the email that was sent I included the following in the staff report. I want to confirm that Lt. Martinez is ok with this being included in the staff report that will be sent to the Planning Commission this Friday. I know that he is out of the office until Tuesday, July 9.

Thank you.

Arlynn

According to Lt. Jason Martinez, the Hayward Police Department does not receive many calls for service to the currently operating tattoo studios and there is no evidence that tattoo studios attract gang members. Lt. Martinez is of the opinion that there is public misconception that there is a nexus between gang members and tattoo studios. "Many gang members get their tattoos in prison, during "tattoo parties" at an associate gang member's house who may also be an unlicensed tattoo "artist", etc." He continues, "Tattoos are so accepted and mainstream these days that the masses have them and it is a lucrative business for those artists who are talented."

From: Jason Martinez
Sent: Friday, June 14, 2013 6:03 PM
To: Arlynn Camire
Cc: Angela Irizarry; Mark Koller; Bob Palermini
Subject: Re: Tattoo Studios

Arlynn,

We do not receive many calls for service to the current operating tattoo studios and there is no evidence that tattoo studios attract gang members. There is some public misconception that there is a nexus between gang members and tattoo studios. Many gang members get their tattoos in prison, during "tattoo parties" at an associate gang member's house who may also be an unlicensed tattoo "artist", etc. Yes, gang members do and can go to studios to pay for a tattoo; however just like purchasing any product they also can go to the 7-11 to buy beer, shop at any Hayward store, etc. Tattoos are so accepted and mainstream these days that the masses have them and it is a lucrative business for those artists that are talented. The more important question is, how many tattoo studios do

we want to have in Hayward? I don't know what limits there are or even if a city can limit the number of them. Like massage establishments, they come with a mixed public image, whether real or not. I hope this helps. If you have any other questions please ask!

Regards,

Lt. Jason Martinez

Sent from my iPad
Please excuse typos

On Jun 14, 2013, at 5:02 PM, "Arlyne Camire" <Arlyne.Camire@hayward-ca.gov> wrote:

Do you receive many calls for service to the tattoo studios in Hayward? Does the Police Department feel that the tattoo studios in Hayward attract gangs?
Thank you.

Arlyne J. Camire, AICP
Associate Planner
City of Hayward
777 B Street
Hayward, CA 94541-5007
Direct 510.583.4206
Fax 510.583.3649
www.hayward-ca.gov

Dear Ms. Arlyne J. Camire,

How are you?

I owned the property 214 Harder Road, Hayward, Ca. 94544.

This letter is concerning of my tenant Mr. Tony Ancheta applying for permit to operate a Tattoo Parlors in my commercial property.

My commercial property has 4 units. The unit D Tony plans to open a Tattoo Parlor had been vacant for almost one and a half year. It had been very difficult to lease the space out due to the fact that a lot of retail business have been hard hit by the on-line purchase. I am delighted when Tony wanted to lease this space from me.

While we were signing the lease contract, Tony promised that he will take care of the property and will not let any of his clients loitering in the parking place. As a landlord, I will make sure he will keep his promise. Also, the tenants of the other units in the plaza are all agree the opening of the tattoo parlor in Unit D.

Tony is a talented, experience and successful tattoo artist. He specialized in Polynesian and traditional Asian art. I believe the opening of a tattoo parlor will benefit the other stores in the plaza.

I sincerely hope that planning division of City of Hayward will help me and grant him the permit to operate his tattoo business.

Please feel free to call me if you have any concern or questions.

Thank you.

Sincerely yours
Kwok C. Low



438 Grant Ave.
San Francisco, Ca. 94108
650-430-1863



M&S COLLISION *Since 1983*

May 25, 2013

To Whom It May Concern:

I am writing this letter of recommendation on behalf of Mr. Tony Ancheta. I've known Mr. Ancheta for over five years and I've only seen him illustrate the highest level of integrity and family values.

As a friend and client, I am highly confident that Mr. Ancheta will be a great asset to your community and he will be successful in all of his future endeavors.

Thank you and I appreciate your prompt attention to this matter and please feel free to contact me with any questions you may have.

Sincerely,

Chaiyos Siripoke
Owner
M&S Collision

(408)757-4185 Cell

MILPITAS
107 Minnis Circle
Milpitas, CA 95035

SANTA CLARA
2775 Scott Blvd.
Santa Clara, CA 95050

CUPERTINO
10071 East Estates Dr.
Cupertino, CA 95014

May 26, 2012

Arlynn J Camire, AICP
Associate Planner
Development Services Department

To Ms. Camire,

This is a letter in reference to, Tony Ancheta, the owner of the proposed Hayward business, Revere Tattoo Studio. I have known Tony for a number of years. About five years ago, I had work done by him and have remained friends since. In meeting Tony as a tattoo artist, professionalism was first and foremost, as was his ability to make his client comfortable and reassured. Tony's professionalism as a tattoo artist was excellent. Tony ensured safety was a priority, and the tattoo was done in a sanitary, sterile environment. Since that time, Tony has gone out of his way to ensure there were no problems after the work was complete. Clearly, Tony takes pride in his art and I have recommended him as a tattoo artist for family, friends, and colleagues.

When I first learned that Tony was planning to open his own tattoo studio in the city of Hayward, I was pleased. A tattoo studio owned and operated by Tony would be a great benefit to the city of Hayward. As one who grew up in Hayward, went to school from elementary through college in Hayward, whose children were born and schooled in Hayward, and whose wife is a teacher for the Hayward Unified School District, I have seen changes in the city through the years, and have witnessed the recent push for redevelopment and improvement. I can assure you that the proposed Revere Tattoo Studio, owned and operated by Tony Ancheta, will certainly be a positive gain for the city and in line with the redevelopment and improvement of the city .

Sincerely,

Michael Jayme

1

Shaunte Jacinto, RN, BSN, MSNc
315 Drummond Drive
Hayward, CA 94542
(510) 599-5970

RECEIVED
MAY 29 2013
PLANNING DIVISION

May 28, 2013

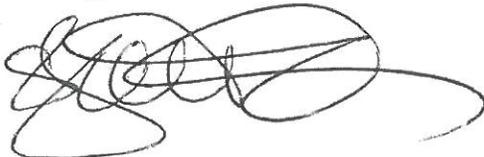
Arlyne J. Camire, AICP
Development Services Department
777 B Street
Hayward, CA 94541

Dear Ms. Camire:

I am writing in regards to Tony Ancheta and his business Revere Tattoo Studio. As a close relative of Tony, I know that he is a family man, first and foremost. The importance of family in his life translates through his work and his art. He takes much pride in his dealings with customers and clients. He treats them like family and many return as repeat customers and or refer Tony to others. Having been a client myself, and having referred many of my friends and colleagues to Tony, I have confidence in his tattoo skills and business ethic. As a well-established artist, I feel that Tony's Revere Tattoo Studio will be a great addition to the new businesses in the city of Hayward. I have no doubt that Tony will keep up a respectable, inviting, and unique addition to the small businesses of our city.

Thank you for your time and consideration.

Sincerely,



Shaunte Jacinto

May 31, 2013

Arlynn J. Camire
Associate Planner
City of Hayward
777 B Street
Hayward, CA 94541-5007

Dear Ms. Camire:

I am pleased to write a letter of recommendation for Mr. Tony Ancheta. It is my understanding that Tony has applied to open Revere Tattoo Studio within the city of Hayward.

I have had the pleasure of knowing Tony for the past twenty plus years. Tony has always displayed a high degree of integrity, honesty, responsibility, ambition and willingness to give a helping hand. Tony is a great businessman, husband, father and role model. Along with the daily stresses of life, he still finds time to balance his career and family, which I believe you would agree is no easy task for any family now days. He also still finds time to coach his son's football and baseball teams.

Knowing that my mother and sister live in Hayward, Tony came to me wanting our input and discussed his idea of opening up a tattoo studio within the city of Hayward. I believe Tony's good judgment and mature outlook ensure a logical and practical approach to this endeavor. His sense of family, honesty, drive and determination will create a successful and positive company which will give the families in Hayward, along with the surrounding cities, a great place to get a fabulous piece of art.

It is my humble opinion that Tony Ancheta and his Revere Tattoo Studio would be a tremendous asset to any city, and I am happy to give him my wholehearted endorsement.

Sincerely,



Werner Seele

Arlynn Camire

From: jonathan andrada
Sent: Monday, June 10, 2013 2:46 AM
To: Arlynn Camire
Subject: Recommendation for Tony Ancheta

Jonathan Andrada

Hayward, CA 94541-5007

[A](#)

June 10, 2013

Arlynn J. Camire

Associate Planner

City of Hayward

777 B Street

Hayward, CA 94541-5007

Dear Ms. Camire:

I am writing to recommend Mr. Tony Ancheta and his application to open Revere Tattoo Studio within the city of Hayward.

I have had the pleasure of knowing Tony for the past two years and have become one of his regular customers. He is very talented within his trade and has always provided the highest quality of service each visit.

As a resident of Hayward, I feel that Tony and his business endeavor would be an asset to our city, allowing individuals the ability to receive quality body art. If you have any questions, please do not hesitate to contact me.

Respectfully Yours,

Jonathan Andrada

Arlynn Camire

From: Ryan Baluyot
Sent: Wednesday, June 19, 2013 1:13 PM
To: Arlynn Camire
Subject: For Tony Ancheta

Hi,

First and foremost I would like to introduce myself. My name is Ryan Baluyot, I am a client of Tony Ancheta. I have been getting tattooed from Tony for about 6-7 years now. I know there are tons of artist out the but Tony is who I feel most comfortable with. His personality is expressed through his ink and I couldn't be any more happier. Tattoos in the past have been frowned upon and stereotyped. But with his skills and knowledge I am able to express his art work on my body as well as my heritage and culture. His perfeshinalism and his cleanliness is what keeps me coming back. Everywhere I go people ask me "hey where did you get your ink from?" And I tell them with pride "I got it from Tony Ancheta." And a couple weeks later I see those people with new "ink". They always thank me for recommending him to them. He's a great businessman with the upmost care and respect for his clients. Tattoos aren't cheap and they'll last a lifetime but with his skills, its well worth it. Many tattoo artist can do the same work but no one can compare to the type of person Tony is. He treats all his clients as if they were his own family members. I plan on coming back for more ink till he decides to retire or If I have an room left. Hes of of the best artist out there and his name will keep getting bigger and bigger. He will forever have my business and the business of others. I would like to thank you for giving me this oppurtunity to express how much Tony's work is appreciated in the bay area community. If you have any questions you would love to ask me, you can always email or give me a call.

Thank you,
Ryan Baluyot

Arlynn Camire

From: Huong Nguyen
Sent: Friday, June 21, 2013 8:34 PM
To: Arlynn Camire
Subject: Reference letter for Tony Ancheta

Dear Ms. Arlynn Camire

I would like to submit the following letter in support of Tony Ancheta. I had a large piece done from Tony a year and a half ago and had a positive experience. Tony's art work speaks for themselves. He is an amazing artist with tremendous talent. What sets him apart though is who he is, which is reflected in the way he works. He took the time out to work with me prior to getting inked to ensure that I would be happy with my tattoo. He was thoughtful in the way he would ask questions about what I wanted to get done and was mindful when making suggestions. There was a lot of work put into the piece even before my first session. As a result, the session itself was positive and relatively comfortable. He checked in throughout the session to make sure I was doing ok or if he wanted to make a change to the piece. I definitely trusted Tony to do my first large piece. During my session I had a chance to get to know him more. A big part of providing any sort of service is the ability to connect to your consumers and Tony is able to do that. He genuinely wants to know about his customers and he is open to share his life with you. I know Tony to be grounded in his work as an artist, in his community, and as a family man.

As I mentioned earlier, Tony's artwork speaks for themselves. It is his work ethics and character that sets him apart. His proposed shop will be a valuable and positive asset to Hayward.

If you have any questions, please don't hesitate to contact me at 408-799-0267.

Sincerely

Huong Nguyen

May 31, 2013

Arlynn J. Camire
Associate Planner
City of Hayward
777 B Street
Hayward, CA 94541-5007

Dear Ms. Camire:

I am pleased to write a letter of recommendation for Mr. Tony Ancheta. It is my understanding that Tony has applied to open Revere Tattoo Studio within the city of Hayward.

I have had the pleasure of knowing Tony for the past twenty plus years. Tony has always displayed a high degree of integrity, honesty, responsibility, ambition and willingness to give a helping hand. Tony is a great businessman, husband, father and role model. Along with the daily stresses of life, he still finds time to balance his career and family, which I believe you would agree is no easy task for any family now days. He also still finds time to coach his son's football and baseball teams.

Knowing that my mother and sister live in Hayward, Tony came to me wanting our input and discussed his idea of opening up a tattoo studio within the city of Hayward. I believe Tony's good judgment and mature outlook ensure a logical and practical approach to this endeavor. His sense of family, honesty, drive and determination will create a successful and positive company which will give the families in Hayward, along with the surrounding cities, a great place to get a fabulous piece of art.

It is my humble opinion that Tony Ancheta and his Revere Tattoo Studio would be a tremendous asset to any city, and I am happy to give him my wholehearted endorsement.

Sincerely,



Werner Seele

Arlynn Camire

From: Aaron Umstead < >
Sent: Sunday, June 30, 2013 7:07 PM
To: Arlynn Camire
Subject: Tony Ancheta Reference Letter

Dear Arlynn,

I am writing in regard to Tony Ancheta who would like to open his own tattoo business.

I have known Tony for two years and I am one of his clients. In the time that I have spent with Tony I have grown to know him very well, and I believe he would be a great asset to your community as a business owner.

Tony is dedicated and cares about putting out quality work at all times. He is also incredibly efficient, using all his time at work wisely and in the name of completing a project.

On a personal level, Tony has been kind and generous, and well-liked by everyone at his place of business. As one of Tony's clients, he was a pleasure to work with and I will continue to recommend him to friends and family. He made my experience memorable and is a great artist.

I fully recommend Tony for any business opportunity and hope to see him succeed.

Thank you,

Aaron Umstead

Arlynn Camire

From: ()
Sent: Tuesday, July 02, 2013 10:12 AM
To: Arlynn Camire
Subject: Tony Ancheta

Hi Arlynn, my name is Christine Peterson and I am writing on behalf of my experience as well as Rod Baluyot's with Tony Ancheta. I have had 3 of my tattoos done by him, and he is by far the best artist I have been with. He always makes sure your comfortable and knows how to make a conversation and his work place is always very sterile and spotless. He taught me how to take care of my tattoos after he was done and even gave me some special lotion to put on it afterwards. He has also contacted me even after I had my pieces done to see if I needed any touch up work or anything else done. I hope this was enough information for you, feel free to contact me if you need anything else!

Christine Peterson

Sent from my iPhone

Arlynn Camire

From: Samurai
Sent: Tuesday, July 02, 2013 10:13 PM
To: Arlynn Camire
Cc: Paulo Coach Luis; reveretattoo@gmail.com
Subject: Revere Tattoo Location Proposal

Hello Arlynn,

My name is Don. Paulo informed me that he and a few other individuals were planning on opening their own tattoo shop in a Hayward location and contacted me to provide my individual insight as to why their venture should be supported by the city and the community.

First, my background with Paulo is that of he is my sole tattoo artist. All the ink on my body is done by him and no one else. My relationship with him has spanned many years as I believe in quality. That is, quality setting, quality art and work, quality personality and finally, quality for price. When it comes to ink, if any of those components are missing, I will not have a tattoo placed on my body as it is permanent (for me at least). The single most important part of a tattoo for me is, the relationship. I need trust, I need for us to be "partners" in what is about to be inked onto my body. Through the years Paulo and I have grown to know each other's kids, which are about the same age. A person not of the tattoo mindset and with the stereotype that people with tattoos are cold, gangster, biker, street people would be shocked to learn that Paulo and I talk about our kids, diapers, formula and how crawling is dumb when you can learn to walk quickly!

Second, although Paulo is my artist, it goes without saying that I need an environment where I am not going to feel like I need to be watching my back every minute. As mentioned above, the days of gangsters and bikers only getting tattoos are a thing of the past as tattooing has become a major mainstream acceptance - sports, retail (think Apple stores), advertising, reality shows, etc. Paulo has spent quite a bit of time on my tattoos, totaling about 10 trips to see him. EVERY time I saw him, the environment was laid back, relaxed, nobody acting violent or doing drugs or drinking. A wide variety of good music was playing, people coming in for quotes treated professionally, tattoo areas set up professionally, appointments kept and money handled precisely. There was never a time where it was crowded because of people waiting around. There were rules for those people and they had to be followed. Most people getting tattooed, were either listening to their own music, trying to sleep or watching a movie. Nothing like what non-tattooed people might imagine. Virgin people might enter a tattoo shop and feel really intimidated, only to find out just how silly that feeling was.

Even though I don't tattoo, I consider myself pretty knowledgeable about tattoos and the culture. Tattoos are tattoos and they don't make the person. The person makes the tattoos. A prison con gangster with tattoos are obvious they have gangster tattoos because their tattoos all focus on the gang life. Non gangster people with tattoos are obvious they are not gangsters because they revolve around tribal, memorials & tributes, tramp stamps and other designs. I am confident if you put two pictures side by side of only tattoos without faces, it would be obvious who is the gangster. Will true gangsters and thugs get tattoos done in places like this? Probably not because gangsters get them done by other gangsters as a badge of pride and allegiance to their brotherhood or "set".

If the city of Hayward looks at the solid revenue this will provide to them, they will see that having seasoned artists like Paulo, are almost recession proof. Obviously tattoos are not a life necessity, but with the explosion in tattooing, combined with QUALITY tattoo artists, these artists don't depend upon walk in traffic. Much like a person who understands the concept of a clientele in Neiman Marcus, their work has been their advertising and therefore, quality tattoo artists are booked for months. When the original artists reach a point of turning away too much walk in traffic or are booking too far in advance, expansion brings in even more revenue.

Attachment VIII

In closing, neighboring businesses and individuals might be intimidated by the concept of a tattoo studio being opened in their neighborhood or have the mindset of "their goes the neighborhood". My suggestion would be - have a community event of some kind to get everyone together and learn about each other. It could be a community BBQ with tattoo artists doing a little face painting, it could be an organized tour of the shop, it could be a whole lot of things. Learn about each other instead of retaining old outdated knowledge of what tattoos once were.

I plan on being at the hearing Paulo told me about. I am happy to meet with you or any other individual that might be of interest. Trust me, as an IT professional at Stanford University, no one has any idea I have the tattoos I do and as the saying goes, no one has judged this book by his cover. Instead, they treat me with respect for what I bring to the table, the intelligence I put into my work and the personality I share with them. If Stanford can do that, I think others can too :)

Respectfully,

Don Le-Sparks
408.799.7489

May 6, 2013

City of Hayward
Planning Division
777 B Street
Hayward, CA 94541-5007

RECEIVED
MAY 07 2013
PLANNING DIVISION

To Whom It May Concern,

This letter is in response to the Official Notice from the City of Hayward regarding a request to operate a tattoo studio at 214 Harder Road at Franklin Avenue.

I wish to protest any approval to allow a tattoo business at that location. It is in a location that dozens of school children (K -6) walk by every school day with their mothers and younger siblings in strollers. It is next to a Donut shop that retired people use as a gathering place to sip a cup of coffee and talk amongst themselves as school children and other local residents come in and out for donuts. It is across the street from a liquor store that I have stopped frequenting because the crowd there often borders between those eking out a living and those trying to get something out the front door without paying or before they get into a fight.

This neighborhood has withstood the comings and goings of many generations and the ups and downs of the economic wellbeing of its residents, but bringing a tattoo studio right into the heart of it, could tip things for the worse. Without pushing the respect for being PC in this world, I do not think it is going too far to say that a certain element would be invited to come and loiter amongst the residents and businesses on Harder Road, already doing their best to keep our little piece of Hayward a safe place to live and shop.

Thank you,



Current Occupant
222 Eastman Street
Hayward, CA 94544

Arlynn Camire

From: Jim Smith <jim.smith@cityofhayward.org>
Sent: Wednesday, May 29, 2013 11:17 AM
To: Arlynn Camire
Subject: Harder Road Tattoo Notice

Arlynn J. Camire
Planning Division
510-583-4206

May 29, 2013

Arlynn,

I just got off the phone with you regarding the application of the proposed Tattoo Parlor at 214 Harder Road.

As I mentioned to you, I live a few doors down on Harder Road and own the Dance Studio next to Harder Elementary School.

Every day we have many young school children that pass by these building on their way to and from school.

They particularly frequent the Donut Shop which is in the same complex as the proposed Parlor.

These children are very influenced by the structures around them.

Raising 3 sons that all went to Harder Elementary school I can attest to their curiosity.

I have nothing against tattoos, my 3 sons that are now grown, graduated from college, all have tattoos.

I've discussed this issue with them and they all agreed, this would not be the best location for a tattoo parlor-I was surprised.

One factor that I was unaware of is that usually multiple people go with the person who is getting his/her tattoo.

Some of these tattoos take many hours to create at which time the friends or associates just hang out around the area.

I realize that the associates are supposed to stay within the shop, however we have a liquor store right across the street and other retail establishments in the area which could lead to roaming.

We are also aware that both Donald Ave and Franklin Ave have issues.

Not more than a few months ago we had a shooting on Franklin, not that this was the first or the last but just to say it's not the best area of Hayward.

In concluding, I've own these properties for the past 40 years and I'm very vested in Hayward. I am a past Chairman for the Jackson Street Triangle and have work with the City of Hayward to improve our area.

I don't believe that a Tattoo Parlor this close to Harder Elementary School would benefit the children.

Thus, I think a better location can be found.

Regards,

Jim Smith

336 Harder Road

Hayward, Ca 94544

510-881-5526

PS: Arlynnne, can you e-mail me back that you received this? Thank you !

Arlynn Camire

From: Marcelo R. Da Silva ·
Sent: Wednesday, June 19, 2013 6:40 PM
To: Arlynn Camire

to whom it may concern , Im a resident to the area where they intend to open a tattoo shop , 214 Harder Road ,Franklin Avenue .

I would like to add my name to the list against this business to be opened . This will bring too much bad influence to our community as to our kids and the future of our generation . We wanna a safe pace to live , and this would disturb our neighborhood .

Thank you very much !

Marcelo Rodrigues Da Silva

Arlynn Camire

From:
Sent: Wednesday, June 19, 2013 6:59 PM
To: Arlynn Camire
Subject: Tattoo SHOP

o whom may concern:

HI I would like to add my name to your list against the Tattoo shop to be opened, located at 214 Harder Road at Franklin avenue, in the Neighborhood Commercial Zoning District. I am a concern citizen in this community, our neighborhood already suffer a lot crime and violence, we are are working hard to clean and keep our community safe, please DO NOT let this type of business to be opened in our community. we are trying to create a better environment for our children.a shop like this will only bring more violence and more crime to our community.

DATE: July 25, 2013

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: Conditional Use Permit No. PL-2013-0121 – Request to operate a banquet hall where alcohol will be served at 22380 Foothill Boulevard, between Russell Way and San Lorenzo Creek, in the Central City–Commercial (CC-C) zoning sub-district. The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e)(2), Existing Facilities - Dion Griffin for the Hayward Area Historical Society (Applicant/Owner)

RECOMMENDATION

That the Planning Commission finds that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e)(2), Existing Facilities, and approves the conditional use permit for a banquet hall where alcohol will be served, subject to the attached findings and conditions of approval.

SUMMARY

The Hayward Area Historical Society (HAHS) proposes to operate a 2,400 square-foot banquet hall on the second floor of its building located at 22380 Foothill Boulevard. The proposed facility would accommodate 160 people (seated) or 275 people (standing). Other improvements to the HAHS building would include a 3,600 square-foot open-air rooftop garden. The proposed banquet hall will involve only minor interior alterations within an existing building, and no new floor area will be added. The project is located in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan.

Prior to the construction and the operation of the second floor banquet facility, HAHS proposes to hold banquet, mixer and meeting events in the first floor 2,200-square-foot Foothill Gallery in the interim until funds are made available to complete the construction of the second floor banquet facility. The Foothill Gallery would accommodate 150 people (seated) or 250 people (standing). Staff supports the proposed project as it would be a much-needed public gathering facility in the community, and recommended conditions of approval, including related to adequate security, would help ensure the proposed use would not generate negative impacts. With the closing of Centennial Hall, Holiday Bowl and other similar businesses, the City has limited banquet facilities and meeting spaces for larger groups.

BACKGROUND

The proposed project is located in the Central City-Commercial (CC-C) zoning sub-district. The purpose of this sub-district is to “establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.” Under Section 10-1.1523(b)(7)(b) of the Zoning Code, a banquet hall where alcohol is served is a conditionally permitted use in the CC-C sub-district. Zoning Code General Regulations, Section 10-1.2735b, will also apply to this type of alcohol-related use. Those provisions require that additional findings be made, which are addressed in the findings section later in this report.

The project site contains a 41,500-square-foot building that was constructed in 1958 and originally housed a J. Magnin department store. In 2003, the Planning Commission approved a Site Plan Review (SPR) application to renovate the exterior of the building; a Conditional Use Permit (CUP) to operate a nightclub and bar in conjunction with a restaurant was also approved at this location. The CUP approval was appealed to the City Council and the applicant withdrew the application prior to the City Council hearing.

In 2004, the Planning Commission approved another CUP at this location to operate a night club and bar in conjunction with a restaurant and bakery (Kumbala). Renovations were made to the façade and two windows were added to the first floor of the north side of the building allowing the San Lorenzo Creek to be visible from the interior of the building. Kumbala Restaurant and Bakery opened in 2005 and later closed in 2007. In 2010, the Hayward Area Historical Society purchased the building and is currently renovating the building with plans to transform it into retail/office space and a community center known as the Hayward Area Historical Society Center for History and Culture (the Center).

To the north of the HAHS Building is De Anza Park and San Lorenzo Creek; to the east is Municipal Parking Lot No. 11, a Single-Family Home and Li'l Angel's Day Care at the corner of Russell Way and 2nd Street. To the south, across Russell Way on Foothill Boulevard, is a strip shopping center with current tenants China Buffet and Copy Mat, and to the west across Foothill Boulevard is a strip shopping center that spans between A Street to City Center Drive. All these properties are located in the Central City-Commercial zoning subdistrict (Attachment I). The property contains no on-site parking; however, Municipal Parking Lot No. 11 is located adjacent to the HAHS building to the east and is developed with 50 parking spaces. In addition, Municipal Parking Lot Nos. 5 and 6, with a total of 268 parking spaces, are within walking distance of the building (Attachment III).

DISCUSSION AND STAFF ANALYSIS

Project Description – The Hayward Area Historical Society (HAHS) proposes to operate a 2,400 square-foot banquet hall on the second floor of its building located at 22380 Foothill Boulevard. The proposed facility would accommodate 160 people (seated) or 275 people (standing). Other improvements to the HAHS building would include a 3,600 square-foot open-air rooftop garden.

According to HAHS, revenue derived from rental of its facilities, including the banquet hall and the enclosed roof-top garden patio, are critical to sustaining operations of the Center. The Center concept envisions a multi-purpose facility that can serve as meeting space for private or community functions and also provide leasing space to other non-profit organizations. Current building tenants include Mariner Health Services and Hayward Arts Council.

Prior to the construction and the operation of the second floor banquet facility, HAHS proposes to hold banquet, mixer and meeting events in the first floor 2,200-square-foot Foothill Gallery in the interim until funds are available to complete the construction of the second floor banquet facility and rooftop garden. The first floor Foothill Gallery would accommodate 150 people (seated) or 250 people (standing).

The first floor of the HAHS facilities is accessible from the main entrance lobby located adjacent to Municipal Parking Lot No. 11 located on the east side of the building. Existing first-floor uses in the HAHS building include a Museum Gallery, a Children's Gallery, Foothill Gallery, general offices, a museum café, restrooms and storage. The first floor is also developed with retail/office tenant spaces. The basement contains HAHS collections, storage, offices, restrooms and building mechanical systems.

The second floor is primarily accessible from an elevator and a stairway in the first floor main entrance lobby. HAHS facilities are located on the north side of the second floor and currently contain the Research Center, the Archive and Research Center, the offices of the HAHS Executive Director, Assistant Director, Facilities Director, and Development Director, general offices, a copy room, a volunteer area, a break room, restrooms and storage. A staircase on the north side of the building provides secondary access to this area (see project plans, Attachment II).

Access to the proposed banquet hall would be provided by the existing elevator or stairway into the second floor lobby. Future development plans call for the creation of a 3,600 square foot open air rooftop garden adjacent to the proposed banquet hall, and other amenities include a bridal waiting/preparation area and bridal room. South of the banquet facility would be a separate 1,992-square-foot leasable tenant space with access from a stairway on the west side of the building.

The banquet facility will be available for rent seven days a week with proposed hours of operation of 7:00 am to 7:00 pm (Mon.-Thurs.); 7:00 am to midnight (Fri.-Sat.); and 7:00 am to 8:00 pm (Sunday) (see recommended conditions of approval, Attachment VI).

Additional Information Regarding Alcohol Sales and Catering - Blue Heron Catering (www.blueheroncatering.com) will operate the HAHS Museum Café and provide catering and alcoholic beverage services to the all events that will be held in the Foothill Gallery and eventually in the second floor banquet facility. Blue Heron Catering holds a Type 47 ABC license which will allow full-bar service. Blue Heron Catering has twenty-five years of experience and is a Bay Area Green Business.

Proper management of the facility and adequate security are essential for successful and safe events. The Hayward Police Department has tentatively approved a security plan for the proposed facility and is working with the applicant to clarify licensee/permittee contract responsibilities. As a

condition of approval, prior to an event, the operators must enter into a signed contract with their patrons. The person who signs the contract must provide a valid driver's license and must attend the entire event. This will help ensure that reputable people are renting the space and, by attending the entire event, will be held accountable as to how that event is operated. It will also ensure that the people renting the banquet facility and outdoor patio are aware of the conditions of operation, which include conformance with the noise thresholds of the City's Noise Ordinance. Alcohol service would end one-half hour before the end of the event, but at no time would it be served later than midnight (see Attachment VI, recommended conditions of approval).

Staff has also recommended as a condition of approval that the ABC licensee be responsible for paying the costs incurred by the Hayward Police Department associated with critical incidents, which are defined in the condition as "any event that, in the sole discretion of the Chief of Police, results in a crime of violence or large, unruly gathering necessitating a police response of five (5) or more police officers, directly or indirectly resulting from the operation of an alcoholic beverage sales establishment. Crimes of violence include but are not limited to discharge of firearms, robbery, physical assault or assault with a deadly weapon. Police response is the arrival of a police officer at the scene of a disturbance to render whatever service is reasonably required in order to protect public health, safety or welfare."

In addition, the applicant is responsible for ensuring that a reputable security company, approved by the Hayward Police, is hired to provide security. Two security guards are required for the first two hundred patrons and one additional guard for every additional one hundred patrons. There must be only one point of entry and exit, where a guard would be stationed, and there is a requirement that a digital security camera be trained on that door. All doors would be used for egress in the case of an emergency (see conditions #17 through #21 in Attachment VI)

The applicant would be required to maintain the area in front of its business from trash or litter originating from the establishment. There is also a condition of approval that requires graffiti to be removed within 48 hours after the applicant or owner has become aware of the occurrence (Attachment VI).

Regarding alcohol sales, the Census tract that includes Downtown Hayward is considered over-concentrated by the California Department of Alcohol Beverage Control (ABC) with both off-sale and on-sale establishments (see Attachment VII, map). However, the project site is at the northern boundary of such Census tract, and the Census tract to the north is not over-concentrated in both on-sale and off-sale establishments. On-sale establishments, which would include a banquet facility serving alcohol like the one proposed, includes restaurants, bars, night clubs, etc.

Conditional Use Permit Findings - In order for the Conditional Use Permit to be approved, the following findings must be made. The last two findings relate to provisions in the Zoning Ordinance related to alcohol-serving establishments (Section 10-1.1235(b)(5)). Those provisions require the Planning Commission to consider "whether the proposed use will result in an undue concentration in the area of establishments dispensing alcoholic beverages" and "whether the proposed use will detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following: Residential structures, churches, schools, public playgrounds, and parks, recreation centers, and other similar uses."

Staff's responses to the findings are below and in Attachment IV. In addition, the applicant submitted findings related to the conditional use permit that are included as Attachment V and have partially been incorporated with in the proposed findings below.

A. *The banquet facility with the serving of alcoholic beverages is desirable for the public convenience or welfare.*

With the closing of Centennial Hall, Holliday Bowl and other similar banquet and conference hall facilities, the City has fewer banquet and conference venues to serve the community, particularly in the Downtown area. The approval of the conditional use permit will allow an indoor/outdoor entertainment venue, banquet hall, and meeting space in the Downtown. The venue will allow for responsible service of alcoholic beverages as regulated through the Zoning Ordinance, Alcoholic Beverage Outlet Regulations, the conditions of approval and the Type 47 ABC License. In addition, the proceeds from the rental of the banquet facility will partially fund the Hayward Area Historical Society Research Center, Archive and Research Center and Museum Galleries. Hayward Area Historical Society is an important community resource that that serves the Hayward community.

B. *The banquet facility with the serving of alcoholic beverages will not impair the character and integrity of the surrounding neighborhood.*

The surrounding neighborhood contains commercial uses and one single-family home. The conditions of approval require the banquet facility to comply with the City's Noise Ordinance. Music is not permitted in the rooftop garden beyond 10:00 pm and the doors of the banquet facility to the rooftop garden are to be kept closed past 10:00 pm. Hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Thursday, 7:00 am to midnight Friday and Saturday, and 7:00 am to 8:00 pm Sunday, and alcohol is not allowed to be served prior to 10:00 am on any day. While banquets are being held, all exterior doors are to remain closed with the exception of the front door when used for normal ingress/egress. In addition, "No Loitering" signs will be posted in the parking lot to discourage people from lingering and making noise. Furthermore, there is ample parking to accommodate banquet facility guests. Municipal Parking Lot No. 11, to the rear of the building, contains 50 parking spaces, Municipal Parking Lot No. 6, located across Russell Way, contains 98 parking and Municipal Parking Lot No. 5, located across Foothill Boulevard to the rear of the commercial strip, contains 170 parking spaces. Therefore, the banquet facility will not impair the character and integrity of the surrounding neighborhood.

C. *The banquet facility with the serving of alcoholic beverages will not be detrimental to the public health, safety, or general welfare.*

The Hayward Police Department will approve a security plan proposed by the applicant as reflected in the conditions of approval. As part of the security plan, security guards are required at events and a security camera system is required to be installed and maintained.

In addition, as a condition of approval, the caterer who is to provide the alcoholic beverage service shall maintain a Type 47 ABC license. The Hayward Area Historical Society has hired an experienced caterer to manage events held at the proposed center as well as an experienced security company to ensure that all events operate in a safe and successful manner. Through the imposition of and compliance with these and additional conditions of approval, the banquet facility will not be detrimental to the public health, safety or general welfare.

D. The banquet facility with the serving of alcoholic beverages will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.

The proposed use is consistent with the policies specified in the General Plan in that it “seeks to increase the number and availability of multi-purpose facilities in order to provide a variety of community services, recreational activities, and cultural amenities that are accessible to and benefit a cross-section of the community” as it provides a new space to allow a variety of entertainment, meeting and event facilities for the community.

In addition, the use is consistent with the purpose of the Central City-Commercial Zoning Subdistrict which “is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to retail, office, service, lodging, entertainment, education and multi-family residential uses”. The Hayward Area Historical Society building maintains retail and educational uses while the banquet facility will provide entertainment, food service, and meeting space.

Furthermore, as conditioned, the operation of the proposed facility will meet the Alcoholic Beverage Outlet Regulations of the Zoning Ordinance and the Noise Ordinance of the Hayward Municipal Code.

E. The proposed use will not result in an undue concentration in the area of establishments dispensing alcoholic beverages.

Although the California Department of Alcohol Beverage Control (ABC) considers the Census tract in which the proposed use is located to be over-concentrated with on-sale alcohol establishments, the proposed use is unique in that it provides a banquet/meeting facility, which does not currently exist in Downtown Hayward. Also, the project site is located in the most northern section of the Census tract considered to be over-concentrated, and the Census tract to the north of the project site is not over-concentrated with on-sale establishments. Conditions of project approval will help ensure issues with alcohol service will be minimized, including those related to provision of security personnel and training for servers regarding alcohol service. The Licensee/Permittee shall be the only personnel authorized to dispense all alcoholic beverages and shall be supervised by personnel who have obtained proper training in the dispersing of alcoholic beverages by a LEADS Class conducted by the California Department of Alcoholic Beverage Control.

F. *The proposed use will not detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following: Residential structures, churches, schools, public playgrounds, and parks, recreation centers, and other similar uses.*

The proposed use, as conditioned, will not detrimentally affect the surrounding commercial businesses and the single-family home located approximately 300 feet to the east of the site on the other side of Municipal Parking Lot No. 11, in that operations for the use are required to comply with the City's Noise regulations and with a Security Plan approved by the Hayward Police Chief.

Environmental Review - The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301 (e)(2), Existing Facilities.

PUBLIC OUTREACH

On April 16, 2013, an Official Notice of Receipt of Application was sent to every property owner and occupant within 500 feet of the subject site, as noted on the latest assessor's records. Staff did not receive a response.

On July 12, 2013, a Notice of Public Hearing was sent to every property owner and occupant within 500 feet of the subject site, as noted on the latest assessor's records. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice, though staff did receive an inquiry from a representative of Community Prevention of Alcohol-Related Problems (CommPre), a division of Horizon Services, Inc.

SCHEDULE

The Planning Commission decision begins a 10-day appeal period, during which the Commission's action may be appealed to the City Council (or called up to Council by a Council member), which would expire at 5:00 p.m. on August 5, 2013. If approved and there is no appeal filed within that time period, the applicant may proceed with efforts to open the business, including complying with conditions of approval. If denied and no appeal is filed, the decision of the Planning Commission would be final.

Prepared by: Arlynn J. Camire, AICP

Recommended by:



Ned Thomas, AICP
Planning Manager

Approved by:



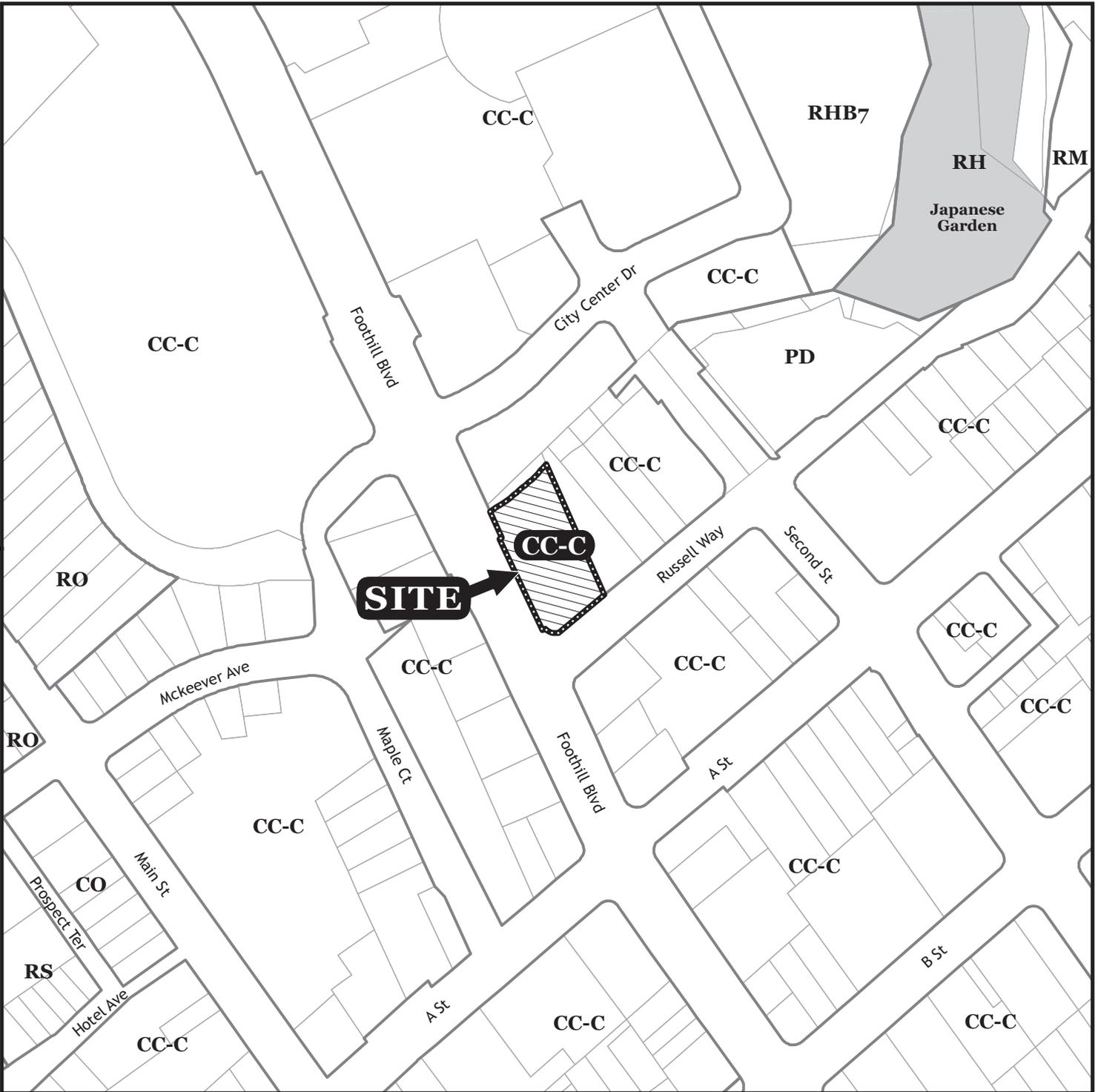
David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area and Zoning Map
Attachment II	Plans
Attachment III	Municipal Parking Lots
Attachment IV	Findings for Approval
Attachment V	Applicant's Findings for Approval
Attachment VI	Recommended Conditions of Approval
Attachment VII	Map Showing Over-concentrated Census Tracts Containing On-sale and Off-sale Alcohol Establishments



Area & Zoning Map



PL-2013-0121 CUP

Address:
22380 Foothill Boulevard

Applicant:
Dion Griffin

Owner:
Hayward Area Historical Society

Zoning Classifications

RESIDENTIAL

- RH High Density Residential, min lot size 1250 sqft
- RM Medium Density Residential, min lot size 2500 sqft
- RS Single Family Residential, min lot size 5000 sqft

COMMERCIAL

- CO Commercial Office
- RO Residential Office

CENTRAL CITY

- CC-C Central City - Commercial

OTHER

- PD Planned Development





REVISIONS	
△	PC 5-21-18
△	
△	

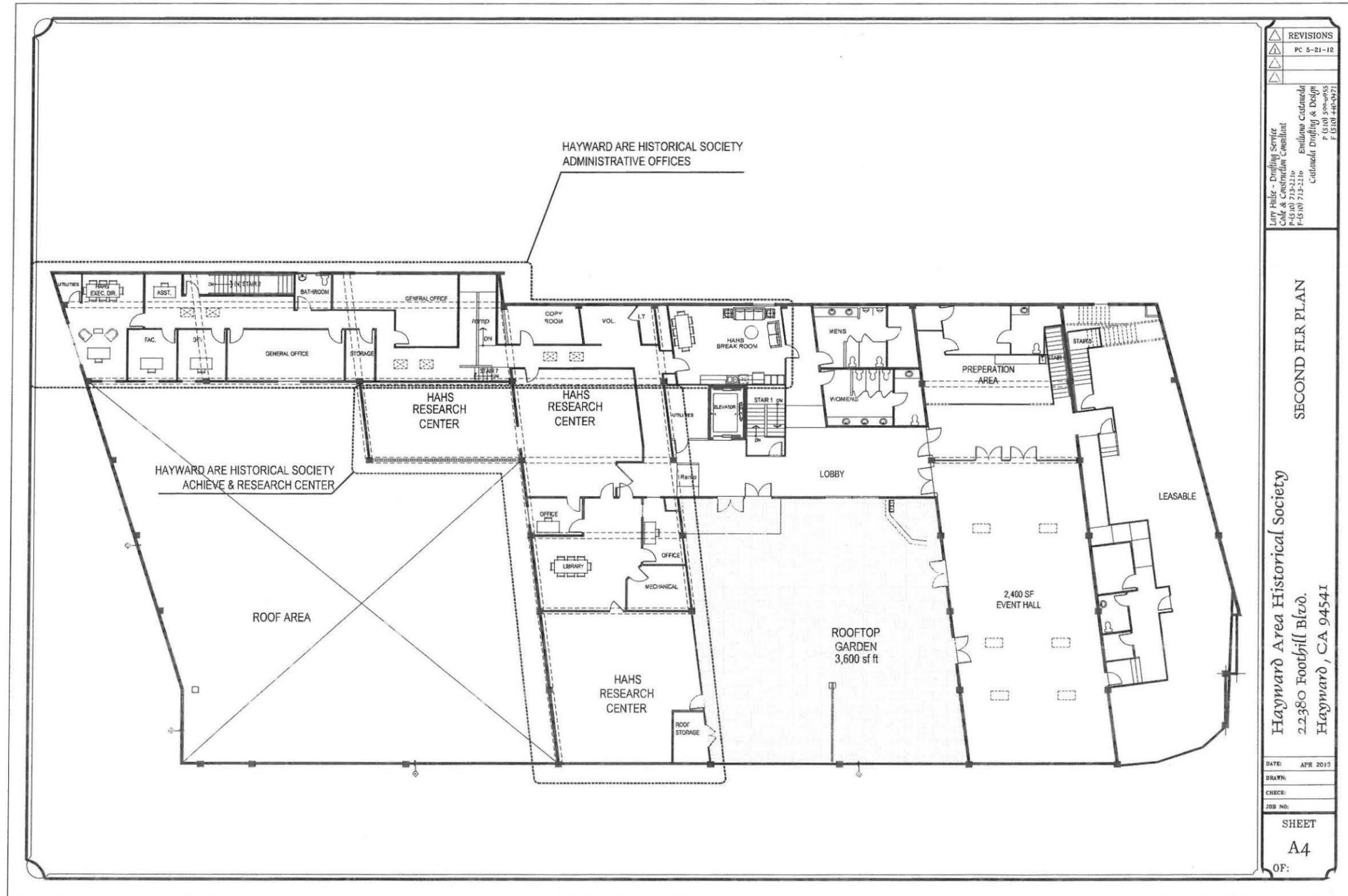
Lyny Halde - Drafting Service
 Civil & Construction Consultant
 P: 45 00 719-2216 F: 45 00 719-2216
 Endlarme Crismoneda
 Civil/Mech. Drafting & Design
 P: (510) 598-6055 F: (510) 598-6071

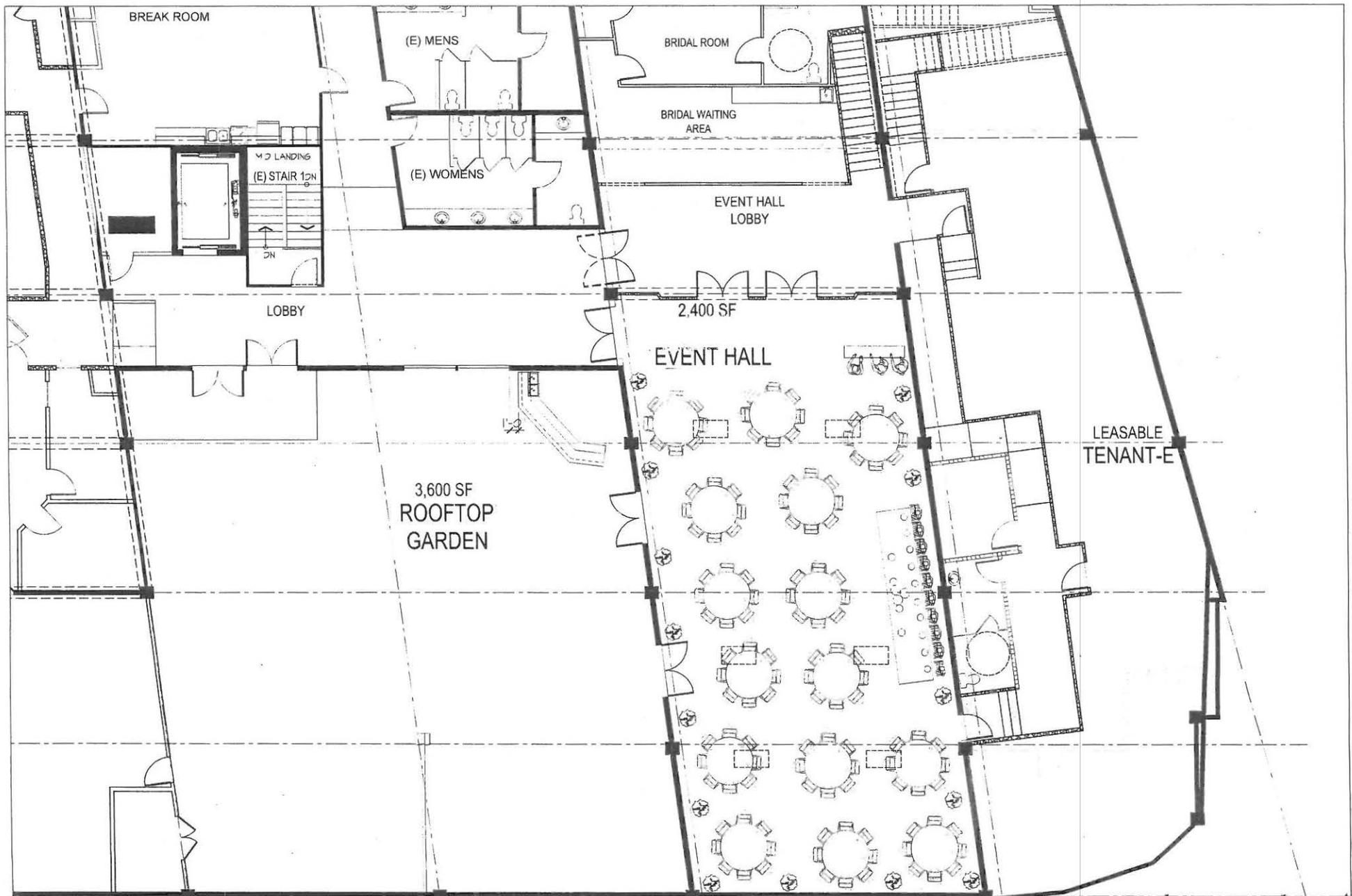
Hayward Area Historical Society
 22380 Foothill Blvd.
 Hayward, CA 94541

BASEMENT FLR PLAN

DATE: APR 2013
 DRAWN:
 CHECK:
 JOB NO:

SHEET
 A3
 OF:

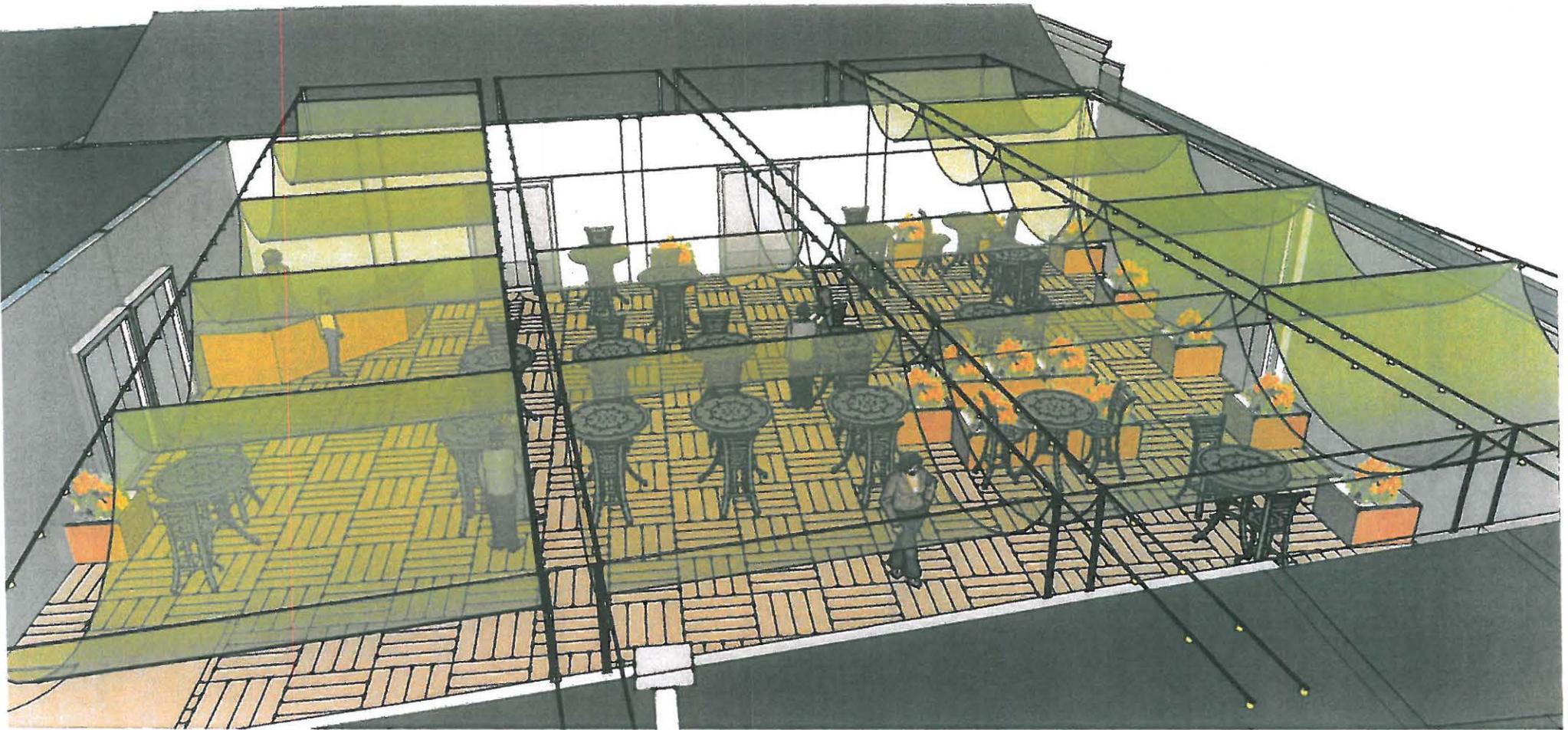




Lary Hulse - Drafting Service
Code & Construction Consultant
P-(510) 713-2216

**PARTIAL PLAN
PROPOSED EVENT SPACE**

Emiliano Castaneda
Castaneda Drafting & Design
P (510) 599-6955



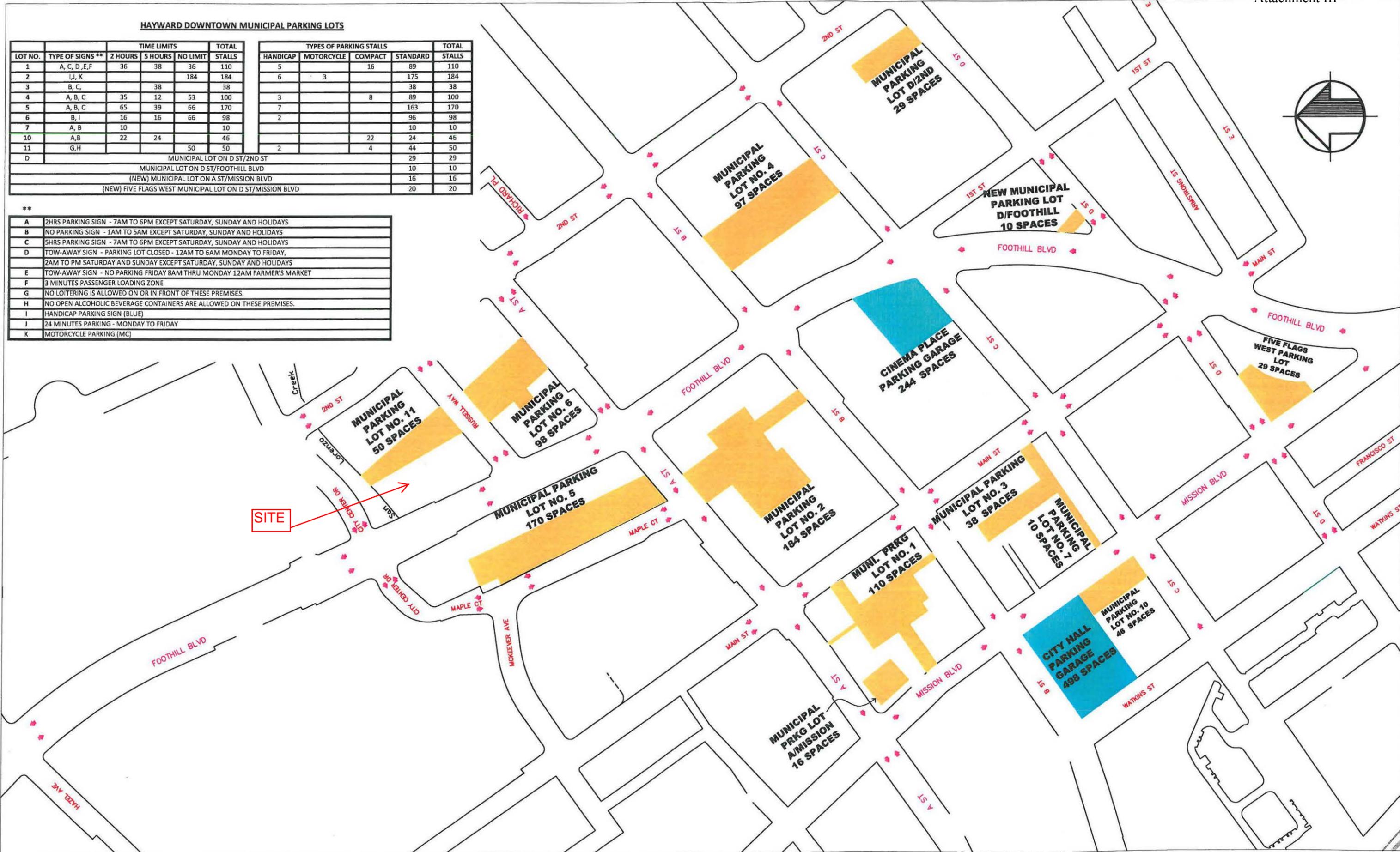
Rooftop Garden

HAYWARD DOWNTOWN MUNICIPAL PARKING LOTS

LOT NO.	TYPE OF SIGNS **	TIME LIMITS			TOTAL STALLS	TYPES OF PARKING STALLS				TOTAL STALLS
		2 HOURS	5 HOURS	NO LIMIT		HANDICAP	MOTORCYCLE	COMPACT	STANDARD	
1	A, C, D, E, F	36	38	36	110	5		16	89	110
2	I, J, K			184	184	6	3		175	184
3	B, C		38		38				38	38
4	A, B, C	35	12	53	100	3		8	89	100
5	A, B, C	65	39	66	170	7			163	170
6	B, I	16	16	66	98	2			96	98
7	A, B	10			10				10	10
10	A, B	22	24		46			22	24	46
11	G, H				50	2		4	44	50
MUNICIPAL LOT ON D ST/2ND ST					29					29
MUNICIPAL LOT ON D ST/FOOTHILL BLVD					10					10
(NEW) MUNICIPAL LOT ON A ST/MISSION BLVD					16					16
(NEW) FIVE FLAGS WEST MUNICIPAL LOT ON D ST/MISSION BLVD					20					20

**

A	2HRS PARKING SIGN - 7AM TO 6PM EXCEPT SATURDAY, SUNDAY AND HOLIDAYS
B	NO PARKING SIGN - 1AM TO 5AM EXCEPT SATURDAY, SUNDAY AND HOLIDAYS
C	5HRS PARKING SIGN - 7AM TO 6PM EXCEPT SATURDAY, SUNDAY AND HOLIDAYS
D	TOW-AWAY SIGN - PARKING LOT CLOSED - 12AM TO 6AM MONDAY TO FRIDAY, 2AM TO 5PM SATURDAY AND SUNDAY EXCEPT SATURDAY, SUNDAY AND HOLIDAYS
E	TOW-AWAY SIGN - NO PARKING FRIDAY 8AM THRU MONDAY 12AM FARMER'S MARKET
F	3 MINUTES PASSENGER LOADING ZONE
G	NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES.
H	NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES.
I	HANDICAP PARKING SIGN (BLUE)
J	24 MINUTES PARKING - MONDAY TO FRIDAY
K	MOTORCYCLE PARKING (MC)



**CITY OF HAYWARD
PLANNING DIVISION**

**Conditional Use Permit Application No. PL-2013-0121
Dion Griffin For Hayward Area Historical Society(Applicant/Owner)
22380 Foothill Boulevard**

Request for a banquet facility allowing the serving of alcoholic beverages in conjunction with the Hayward Area Historical Society headquarters/museum.

FINDINGS FOR APPROVAL

- A. **The approval of Conditional Use Permit No. 2013-0121, as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City’s independent judgment and is exempt from CEQA under section 15301(e)(2), (Existing Facilities).**
- B. *The banquet facility with the serving of alcoholic beverages is desirable for the public convenience or welfare.*

With the closing of Centennial Hall, Holliday Bowl and other similar banquet and conference hall facilities, the City has fewer banquet and conference venues to serve the community, particularly in the Downtown area. The approval of the conditional use permit will allow an indoor/outdoor entertainment venue, banquet hall, and meeting space in the Downtown. The venue will allow for responsible service of alcoholic beverages as regulated through the Zoning Ordinance, Alcoholic Beverage Outlet Regulations, the conditions of approval and the Type 47 ABC License. In addition, the proceeds from the rental of the banquet facility will partially fund the Hayward Area Historical Society Research Center, Archive and Research Center and Museum Galleries. Hayward Area Historical Society is an important community resource that that serves the Hayward community.

- C. *The banquet facility with the serving of alcoholic beverages will not impair the character and integrity of the surrounding neighborhood.*

The surrounding neighborhood contains commercial uses and one single-family home. The conditions of approval require the banquet facility to comply with the City’s Noise Ordinance. Music is not permitted in the rooftop garden beyond 10:00 pm and the doors of the banquet facility to the rooftop garden are to be kept closed past 10:00 pm. Hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Thursday, 7:00 am to midnight Friday and Saturday, and 7:00 am to 8:00 pm Sunday, and alcohol is not allowed to be served prior to 10:00 am on any day. While banquets are being held, all exterior doors are to remain closed with the exception of the front door when used for normal ingress/egress. In addition, “No Loitering” signs will be posted in the parking lot to discourage people from lingering and making noise. Furthermore, there is ample parking to

accommodate banquet facility guests. Municipal Parking Lot No. 11, to the rear of the building, contains 50 parking spaces, Municipal Parking Lot No. 6, located across Russell Way, contains 98 parking and Municipal Parking Lot No. 5, located across Foothill Boulevard to the rear of the commercial strip, contains 170 parking spaces. Therefore, the banquet facility will not impair the character and integrity of the surrounding neighborhood.

- D. ***The banquet facility with the serving of alcoholic beverages will not be detrimental to the public health, safety, or general welfare.***

The Hayward Police Department will approve a security plan proposed by the applicant as reflected in the conditions of approval. As part of the security plan, security guards are required at events and a security camera system is required to be installed and maintained. In addition, as a condition of approval, the caterer who is to provide the alcoholic beverage service shall maintain a Type 47 ABC license. The Hayward Area Historical Society has hired an experienced caterer to manage events held at the proposed center as well as an experienced security company to ensure that all events operate in a safe and successful manner. Through the imposition of and compliance with these and additional conditions of approval, the banquet facility will not be detrimental to the public health, safety or general welfare.

- E. ***The banquet facility with the serving of alcoholic beverages will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.***

The proposed use is consistent with the policies specified in the General Plan in that it “seeks to increase the number and availability of multi-purpose facilities in order to provide a variety of community services, recreational activities, and cultural amenities that are accessible to and benefit a cross-section of the community” as it provides a new space to allow a variety of entertainment, meeting and event facilities for the community.

In addition, the use is consistent with the purpose of the Central City-Commercial Zoning Subdistrict which “is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to retail, office, service, lodging, entertainment, education and multi-family residential uses”. The Hayward Area Historical Society building maintains retail and educational uses while the banquet facility will provide entertainment, food service, and meeting space.

Furthermore, as conditioned, the operation of the proposed facility will meet the Alcoholic Beverage Outlet Regulations of the Zoning Ordinance and the Noise Ordinance of the Hayward Municipal Code.

- F. ***The proposed use will not result in an undue concentration in the area of establishments dispensing alcoholic beverages.***

Although the California Department of Alcohol Beverage Control (ABC) considers the Census tract in which the proposed use is located to be over-concentrated with on-sale alcohol establishments, the proposed use is unique in that it provides a banquet/meeting facility, which does not currently exist in Downtown Hayward. Also, the project site is located in the most northern section of the Census tract considered to be over-concentrated, and the Census tract to the north of the project site is not over-concentrated with on-sale establishments. Conditions of project approval will help ensure issues with alcohol service will be minimized, including those related to provision of security personnel and training for servers regarding alcohol service. The Licensee/Permittee shall be the only personnel authorized to dispense all alcoholic beverages and shall be supervised by personnel who have obtained proper training in the dispersing of alcoholic beverages by a LEADS Class conducted by the California Department of Alcoholic Beverage Control.

- G. ***The proposed use will not detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following: Residential structures, churches, schools, public playgrounds, and parks, recreation centers, and other similar uses.***

The proposed use, as conditioned, will not detrimentally affect the surrounding commercial businesses and the single-family home located approximately 300 feet to the east of the site on the other side of Municipal Parking Lot No. 11, in that operations for the use are required to comply with the City's Noise regulations and with a Security Plan approved by the Hayward Police Chief.

**FINDINGS IN SUPPORT OF APPROVAL OF
A BANQUET FACILITY
AT 22380 MISSION BOULEVARD**

Required Findings, per City of Hayward Zoning Ordinance, SEC. 10-1.3225 FINDING

- a. The proposed use is desirable for the public convenience or welfare;
 - b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
 - c. The proposed use will not be detrimental to the public health, safety, or general welfare;
- and
- d. The proposed use is in harmony with applicable City policies and the intent and purpose of The zoning district involved.

- a. The proposed banquet facility is desirable for the public convenience or welfare in that it provides an indoor/outdoor entertainment venue in the building occupied by the Hayward Area Historical Society, which both (1) provides a banquet facility not otherwise available in the downtown area and (2) which contributes monetarily to the non-profit organization, the Hayward Area Historical Society, an organization of city-wide interest.
- b. The proposed banquet facility will not impair the character and integrity of the Central City - Commercial zoning district and surrounding area in that (1) the use is consistent with the purpose of the Central City - Commercial, which is to establish a mix of both business and other activities which enhance the economic vitality of the downtown area, including entertainment venues, and (2) surrounding uses are also commercial in nature and where there is sufficient parking available, both on site and within municipal parking lots, to accommodate banquet guests.
- c. The proposed banquet facility will not be detrimental to the public health, safety, or general welfare in that (1) the building is found to be physically sound and it meets the standards of the Americans With Disabilities Act, and (2) regulations established by the Hayward Area Historical Society in rental agreements for the use of the facility limit occupancy and hours of operation to ensure that the use will not be detrimental to the public health, safety or general welfare.
- d. The proposed banquet facility is in harmony with applicable City policies. Specifically, the City of Hayward General Plan, Land Use section, seeks to "maintain the Downtown as a focal point for the City, so that it continues to express the City's history, provides a venue for cultural vitality, and retains its role as a center for social, political and other civic functions." By providing for a banquet facility on the second floor and within a building wherein the Hayward Area Historic Society is located, the proposed use both supports cultural vitality and does not impinge upon the importance of providing a continuous retail frontage intended for pedestrian shopping. Further, social, political and other civic functions are able to make use of the facility.

CONDITIONS OF APPROVAL

**Conditional Use Permit Application No. PL-2013-0121
Dion Griffin For Hayward Area Historical Society(Applicant/Owner)
22380 Foothill Boulevard**

Request for a banquet facility allowing the serving of alcoholic beverages in conjunction with the Hayward Area Historical Society headquarters/museum.

Conditional Use Permit Application No. PL-2013-0121 is approved subject to the conditions listed below. This permit becomes void three years after the effective date of approval, unless the business has been established in accordance with these conditions of approval, or a time extension of this application is approved. All conditions shall we met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to August 5, 2014.

If a building permit is issued for construction of improvements authorized by the use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the use permit approval.

General

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
3. Hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Thursday, 7:00 am to midnight Friday and Saturday, and 7:00 am to 8:00 pm Sunday.
4. Banquet Hall and rooftop garden activities shall not create a noise level at any point outside of the property plane that exceeds seventy (70) dBA between the hours of 7:00 am and 9:00 pm or sixty (60) dBA between the hours of 9:00 pm and 7:00 am and all other aspects of the City's Noise Ordinance. If the sound from banquet or rooftop garden activities is audible at the neighboring residential properties to City of Hayward staff responding to a complaint, it is grounds for modification and/or revocation of the use permit and/or administrative citation under the City's Noise Ordinance.

5. While banquets are being held, all exterior doors are to remain closed with the exception of the front door when used for normal ingress/egress.
6. Music is not permitted in the rooftop garden beyond 10:00 pm and the doors of the banquet facility to the rooftop garden are to be kept closed past 10:00 pm.
7. A representative from the management of the Hayward Area Historical Society shall be on the premises the entire time a banquet event is being held.
8. The exterior of the premises, including the adjacent sidewalk and Municipal Parking Lot No. 11 shall be illuminated during all hours of darkness during which the premises are open for business in a manner so persons standing in those areas are identifiable by law enforcement personnel. The lighting shall meet Title 24 of the California Building Code.
9. The exterior of the premises shall be kept clean and litter free including Foothill Boulevard and Russell Way frontages and Municipal Parking Lot No. 11 and landscape areas within the parking lot. The management shall ensure that no trash or litter originating from the establishment is deposited on neighboring properties or in the parking lot. Paint and windows shall be kept clean and cracked or broken glass must be replaced immediately.
10. The property owner shall be responsible for graffiti-free maintenance on all exterior elevations of the building. Graffiti shall be removed within 48 hours after the applicant or owner has become aware of the occurrence.
11. Not more than 25 percent of the store front windows shall be obstructed to allow a clear view into the establishment.
12. All caterers providing service to the banquet facility must have a City of Hayward business license for the banquet facility and the museum café.
13. No pay phones shall be permitted on the exterior of the building or premises. Pay telephone(s) maintained on the interior of the premises shall be limited to outgoing calls only.
14. Per the California Building Code and Fire Code, occupant load signage shall be installed on all levels of the establishment.
15. If it comes to the attention of the Planning Director that there are problems occurring as a result of the banquet operations, the Planning Director may call the use permit application up to the Planning Commission for consideration of imposing additional conditions or revocation. Violation of any of the conditions of approval of this conditional use permit may constitute grounds for revocation pursuant to Section 10-1.3260 of the Zoning Ordinance.

Police Department and Safety

Contracts – Licensee/Permittee Responsibilities

16. Prior to the event the Licensee/Permittee shall maintain signed contracts for all events booked at the premise which clearly include the following at a minimum:
 - a. Type of event (dinner, wedding, birthday party etc.).
 - b. Number of expected guests.
 - c. Alcoholic beverages service requested.
 - d. Live Music, Dee-Jay and/or Dancing (Licensee/Permittee shall maintain valid Dance Permit through City of Hayward).
 - e. Names, home addresses, and telephone numbers (home or business and mobile) of all event hosts/applicants - who must be in attendance at the event at all times.
 - f. Photocopies of a valid form of identification (California ID Card, Driver's License or Passport).
 - g. Notification by the Licensee/Permittee of any event in excess of four hundred (400) people shall be reported via written notification by mail, email or telephone, fourteen (14) days prior to the event to the Hayward Police Department Vice/Intelligence/ABC Unit. Notification shall include a copy of any and all contract information.

17. A critical incident response fee shall be imposed on the licensee whenever the Hayward Police Department responds to a critical incident at or directly or indirectly arising from the operation of the proposed establishment. No warning shall be required before the imposition of the critical incident response fee. The critical incident response fee shall be the actual cost of police services, including but not limited to personnel, equipment and mutual aid response costs. The Chief of Police shall provide the licensee with an itemized bill for the critical incident, which shall be due and payable in full within thirty (30) days of delivery. "Critical Incident" shall mean any event that, in the sole discretion of the Chief of Police, results in a crime of violence or large, unruly gathering necessitating a police response of five (5) or more police officers, directly or indirectly resulting from the operation of an alcoholic beverage sales establishment. Crimes of violence include but are not limited to discharge of firearms, robbery, physical assault or assault with a deadly weapon. Police response is the arrival of a police officer at the scene of a disturbance to render whatever service is reasonably required in order to protect public health, safety or welfare.

Security/Private Patrol Operators/Security Camera Systems

18. The permittee and the security staff shall be responsible for implementation of the security plan approved by the Hayward Police Chief and for the maintenance of the peace to ensure order on the property. The permittee shall take all necessary

- steps to ensure that permittee's patrons and visitors refrain from incidents of violence, intoxication, and/or loud or obnoxious behavior that adversely impact the safety and welfare of patrons in the facility and citizens in the surrounding area and the community.
19. Licensee/Permittee shall maintain a reputable security company or private patrol operator to assist with security services at large events. The security/private patrol company shall be one in good standing with the California Department of Consumer Affairs and possess a valid California Security/Private Patrol Operator's License. The security/private patrol operator company selected shall maintain a written contract between said company and the Licensee/Permittee. The security/private patrol operator shall be approved by the Hayward Police Department prior to deployment and a copy of the contract between the company and the licensee/permittee shall be provided to the Hayward Police Department.
 20. The following additional security/private patrol officer standards shall be maintained during each event:
 - a. All individual security guards/private patrol operators shall possess valid California Guard Cards issued by the California Department of Consumer Affairs.
 - b. Event hosts shall not provide their own security guards/private patrol operators.
 - c. All security/private patrol guards shall be on site during the entire duration of the event, to include thirty (30) minutes after its conclusion.
 - d. All security/private patrol guards/operators shall not carry any firearms during the event.
 - e. All security/private patrol guards/operators shall wear visible "Uniforms" that clearly identify them as security personnel. Uniforms shall have the appropriate security company identification and include patches/insignias and security guard/private patrol operator badges.
 - f. All security/private patrol guards/operators shall not consume any drugs or alcohol the day of or during any scheduled event.
 - g. All security/private patrol guards/operators shall report any crimes or public safety issues to the Hayward Police Department without delay by calling 911 or the Hayward Police Department Communications Center at (510) 293-7000.
 - h. There shall be a minimum of two (2) security guards/private patrol operators at each event where two hundred persons (200) or more are in attendance.
 1. There shall be one (1) additional security guard/private patrol operator for each one-hundred (100) persons expected to be in attendance to the event and only up to the maximum capacity of the business.
 2. There shall be at minimum, one (1) security guard/private patrol operate at the main entrance of the business during these events. This location shall be the only point of entry and exit for the entire event.
 - i. All security/private patrol operators shall periodically conduct security checks of adjacent parking lots to discourage loitering, consuming alcoholic beverages and smoking outside the facility.
 - j. At the conclusion of all events, security/private patrol operators shall assist in the dispersing of any crowds in the parking lots or loitering about the outside of the business.

- k. All security/private patrol operators shall assist the Hayward Police Department with the investigation of any incidents that may occur during the duration of any event to personnel of the Hayward Police Department.
21. The licensee/permittee shall maintain a fully operational digitally recorded CCTV Security system that covers all points of entry, exits, exterior barriers of the property, banquet locations and/or all overall locations where alcoholic beverages can be consumed. This system must have remote access (via internet or wireless system) that has real-time viewing capabilities by the permittee/licensee and accessible to the Hayward Police Department during any emergency. The recording capabilities must be that of a system that can maintain storage of recordings for a minimum of thirty (30) days and be provided to the any peace officer upon request.
22. The permittee shall obtain and maintain a valid Dance Permit pursuant to §6-2.10 et seq of the Hayward Municipal Code at all times dancing is allowed inside the establishment and the permittee shall at all times conduct such dances in accordance with the regulations established in the Hayward Municipal Code. The Dance Rules & Regulations pursuant to Hayward Municipal Code §6-2.15 shall be observed and posted in a conspicuous place within the premises.

Alcoholic Beverage Control/Service

23. Licensee/Permittee shall maintain a valid ABC Type 47 License and abide by all conditions imposed by the California Department of Alcoholic Beverage Control.
24. Alcoholic Beverages may only be served in the banquet facility from 10:00 am to 7:00 pm Monday through Thursday, 10:00 am to midnight Friday and Saturday, and 10:00 am to 8:00 pm Sunday.
25. Alcoholic Beverages shall only be consumed inside the business or on the rooftop garden.
26. Licensee/Permittee shall be the only personnel authorized to dispense all alcoholic beverages and shall be supervised by personnel who have obtained proper training in the dispersing of alcoholic beverages by a LEADS Class conducted by the California Department of Alcoholic Beverage Control. For more information contact the ABC District Office at (510) 622-4970.
27. There shall be no type of “Bottle Service” or sales of individual bottles of distilled spirits or sales of “Buckets of Beer.” The sales of bottled wine (750ml) are permitted.
28. Officers, employees, volunteers and representatives of the licensee/permittee shall not consume any alcoholic beverages on the premises during the event if responsible for event management.
29. Peace officers, as listed in section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage

Control for the administration and enforcement of the Alcoholic Beverage Control Act are hereby authorized to visit and inspect the premise, at any time the licensee is exercising the privileges authorized by the Daily General Permit on such premises.

30. The permittee shall discourage patrons and visitors from loitering and/or consuming alcoholic beverages in adjacent public rights-of-way, parking areas and properties. Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith notices or signs, no less than eighteen inches by twenty-four inches (18"x 24") in size, clearly visible to the patrons of the licensee(s) and parking lot to persons on the public sidewalk stating in 2 inch block lettering the following:

NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES

Calls For Service/Critical Incidents

31. The occurrence of more than two (2) "Critical Incidents" during business hours with in a one (1) year period may constitute grounds for revocation of this permit.
 - a. "Critical Incident" is defined as any event in the sole discretion of the Police Chief that results in a crime of violence or large unruly gathering necessitating a police response of five or more police officers. Crimes of violence may include, but are not limited to discharge of firearms, robbery, physical assault, or assault with a deadly weapon.
 - b. "Premises or its adjoining grounds" will include with the structure of 24989 Santa Clara Street, the sidewalk where queuing of admission occurs, the area to the rear of the business and including any parking lots within 50 feet of the building.
32. Nothing in this condition restricts the authority of the City or Chief of Police to seek revocation of this permit for a single incident of extreme severity.

Fire Department

33. The occupant load shall be calculated in accordance with adopted California Building Code.
34. When the occupant load exceeds 300 persons within the fire separation walls, a fire alarm system shall be installed in accordance with NFPA 72. The occupant load in the open-air patio should be included in the calculation.
35. Annual Permit for Place of Assembly is required.

Solid Waste

36. All businesses must subscribe to at least weekly trash service with the City's franchisee. As of July 1, 2012, all businesses with 4 cubic yards or more of weekly trash service are required to arrange for weekly collection of mixed recyclables, e.g., paper; glass, metal and plastic food and beverage containers.
37. Adequate indoor and outdoor storage space for recyclables is required by state law (California Public Resources Code 42910-42912) and Hayward Municipal Code 5-1.27. For more information, please contact Paul Rosenbloom, Recycling Specialist at (510) 583-4724 or at paul.rosenbloom@hayward-ca.gov.
38. Pending completion of site renovations and full tenant move-in, expanded garbage and recycling service may be required. Please coordinate directly with Waste Management of Alameda County, 510-537-5500.
39. The Hayward Area Historical Society is required to provide recycling collection containers, including organics collection when possible, at all events held in the banquet facility. Groups that rent the facility shall be provided with recycling options. Recyclable plastic containers marked 1-7 are acceptable.
40. Group shall be advised of the City of Hayward's polystyrene ban. All food providers, including special events promoters must use paper, aluminum or recyclable plastic food containers. Food containers such as cups, plates, bowls and trays made of polystyrene foam are prohibited from use at any event. This requirement applies to:
 - a. Foods eaten at a business, packaged leftovers, or ordered "to go."
 - b. Foods offered within Hayward that can be eaten without further preparation (e.g. cooked chicken, sandwiches or sushi.)
41. Not subject to the polystyrene ban are the following:
 - a. Polystyrene foam containers for raw meat, fish, poultry, or eggs.
 - b. Foods packaged outside of Hayward and later sold within the Hayward.
 - c. Single-use straws, coffee stirrs, utensils, and hot cup lids.
42. The Hayward Area Historical Society shall inform all food and beverage vendors of recycling, food waste and polystyrene ban ordinances and shall direct them to the City of Hayward website and <http://www.hayward-ca.gov/FoamBan> for further information.
43. All food and beverage vendors shall be informed that acceptable containers are available at: Costco, Lucky, Safeway, Smart & Final, Target and others. Please direct vendors to City of Hayward's website (www.hayward-ca.gov) for additional distributors.



Areas of Over-Concentration of Alcohol Establishments in Hayward

