



CITY OF HAYWARD AGENDA REPORT

Planning Commission
Meeting Date 12/14/00
Agenda Item 1

TO: Planning Commission

FROM: Richard E. Patenaude, AICP, Acting Principal Planner

SUBJECT: **Use Permit Application No. 00-160-19 – Yemane Tsegay (Applicant), Alfred Antonini (Owner):** Request to Establish a Jazz/Dance Facility within an Existing Commercial Building - *The Property Is Located at 1004 “B” Street at Main Street in a CC-P/C (Central City – Plaza/Commercial) District*

RECOMMENDATION

Staff recommends that the Planning Commission *deny* the conditional use permit for the proposed jazz/dance facility subject to the attached findings.

DISCUSSION

The applicant proposes to operate a jazz/dance facility (“Club Velvet”) within an existing building at the northeast corner of “B” and Main Streets. The facility would offer live and recorded music. Food, coffee and alcoholic beverages would be served and the clientele would be limited to those age 21 and over. The limited food service would consist of sandwiches, soups and pastries. The planned hours of operation are Monday thru Wednesday 11:30am to 9:00pm; Thursday thru Saturday 11:30am to 2:00am; and Sunday noon to midnight. Dance/night clubs require approval of a Conditional Use Permit in the *Central City – Plaza/Commercial Subdistricts*. No changes to the exterior of the building are anticipated; new signs would be subject to review by the Citizens Advisory Board.

Background

The building occupies approximately 3,870 square feet of the 4,050-square-foot property, with 45 feet of frontage on “B” Street and 86 feet of frontage on Main Street. It consists of two stories; a portion of the second story is leased for office use. The proposed use would occupy the entire first floor and the second-story mezzanine. There is minimal on-site parking; however, the property is near Municipal Parking Lots 1 and 2, and no additional on-site

parking would be required. The building was constructed in 1938 as a bank. A church occupied the building from 1994 to 1998. It has been vacant since that time.

The property is surrounded by a variety of retail and service commercial uses, including a number of entertainment and food service uses. The Green Shutter Hotel building directly to the south contains *The Bistro*, which serves specialty beers and other beverages along with a lunch menu; live music is featured during the evening hours. Also located within the Green Shutter is *Rue de Main*, a restaurant with a full lunch and dinner menu. *Buffalo Bill's*, at the easterly end of the block, is a micro-brewery with a full lunch and dinner menu. *Dave's Dance Place* is located on "B" Street to the west; it offers no food or beverage service. *Rumors*, a bar, is located immediately to the north. The Planning Commission also recently approved a use permit for another bar, *The Turf Club*, to the north on Main Street. *The Turf Club* was relocated from its previous location on Mission Boulevard due to the *Albertson's* project, now under construction; its relocation required an attempt to keep in within the redevelopment project area and the permit did not result in the issuance of an additional liquor license.

The downtown is generally located within the *Central City - Commercial (CC-C)* Zoning Subdistrict. In addition, the frontages along "B" and Main Streets are located in the *Central City - Plaza* Subdistrict. The General Plan land use designation is *Retail & Office Commercial (ROC)*.

Zoning/General Policy Plan Issues

The purpose of the "CC-P" Subdistrict is to establish a unique environment of retail and other complementary uses contributing to the pedestrian nature and quality image of "B" and Main Streets. The *Core Area Plan* states that "the fundamental principle that must drive any changes to "B" Street is that there be continuous, active retail uses visible and directly accessible from the street. The store's contents, advertising and displays should be diverse and variegated to enliven the pedestrian environment."

The applicant believes that the proposed use fulfills the City's objectives because the business will be open in the afternoon and evening hours, serving delicatessen-type food to an "upscale" clientele while jazz music is played in the background. However, access to the business will be limited to adults, and food service will be a secondary function as food items will be displayed, prepared and served from behind the bar. Additionally, the type of food service provided is very limited, is not unique and primarily pre-made, and does not add to the variety already provided in the immediate area; therefore, staff does not believe that the food service will provide an active daytime draw. The 3,870-square-foot floor area is more appropriate for a specialty or full-service restaurant.

In comparison, *Buffalo Bill's* has been operating with approximately 2,200 gross square feet; it's expansion will double that. Although *The Bistro* has a limited food preparation area, it serves made-to-order meals, including changing daily specials; the extent of its food service is appropriate for the size of the establishment (approximately 1,000 square feet). In staff's

opinion, the limited access and services provided by the proposed *Club Velvet* limit its desirability for inclusion in the downtown mix of uses. Additionally, the proposed function is not appropriate to the scale of the building.

The General Policies Plan states that “pedestrian amenities, cultural facilities, and open space resources will be augmented and negative aspects constrained in making the downtown area an attractive center for the whole City.” One of the strategies for compliance with this policy is to “prohibit . establishment of new uses such as card parlors, pawn shops, and bars that will detract from the enhancement of downtown.”

While the consumption of alcohol is a part of community life, it is important to manage alcohol availability in the downtown in a positive way that enhances the economic and social character of this vital area of our City. The successful revitalization of downtown will likely include new restaurants and entertainment facilities, many of which will sell alcoholic beverages and will hopefully become an asset to downtown. However, staff believes the applicant has not demonstrated that the proposed use will primarily function as other than a bar or cocktail lounge. While this “B” Street block face can accept another alcoholic beverage outlet (two may be permitted per block face with *Buffalo Bill’s* as the only existing outlet), the proposed facility will not enhance the character of this area. Rather than be complementary to other uses, it will increase the availability and visibility of alcohol establishments adjacent to this highly-visible intersection in a manner that is not consistent with the desired redevelopment of downtown. A full-service facility, including entertainment and unique food and beverage service accessible to all segments of the population, would better meet the goals of the General Plan Policies for the downtown.

The Police Department believes that the proposed business raises public safety concerns. Its observation is that this type of facility quickly turns into a nightclub. A nightclub is characterized by lines of people waiting to gain entry into the building, for which the surrounding sidewalks do not allow room. The addition of another alcoholic beverage outlet would also require additional police resources that would effect the quality of life in other portions of the City.

ENVIRONMENTAL REVIEW

Projects that are denied do not require CEQA review. If the Planning Commission were to elect to approve the project, the hearing should be continued to allow time to prepare the necessary environmental documents and conditions of approval.

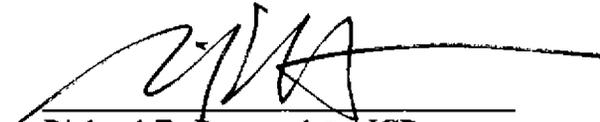
PUBLIC HEARING NOTICE

On December 4, 2000, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor’s records. Staff has

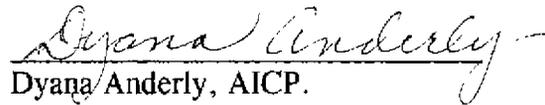
CONCLUSION

Staff does not share the applicant's belief that the proposed use is appropriate for the downtown and will attract an "upscale" clientele. Staff believes that, due to its limited service and accessibility, the proposed use will primarily function as a bar or cocktail lounge due to its limited service and accessibility. Rather than be complementary to other uses, it will increase the availability of alcohol in a manner that is not consistent with the desired redevelopment of downtown. Therefore, staff recommends that the Planning Commission deny the Use Permit for the proposed jazz/dance facility.

Prepared by :

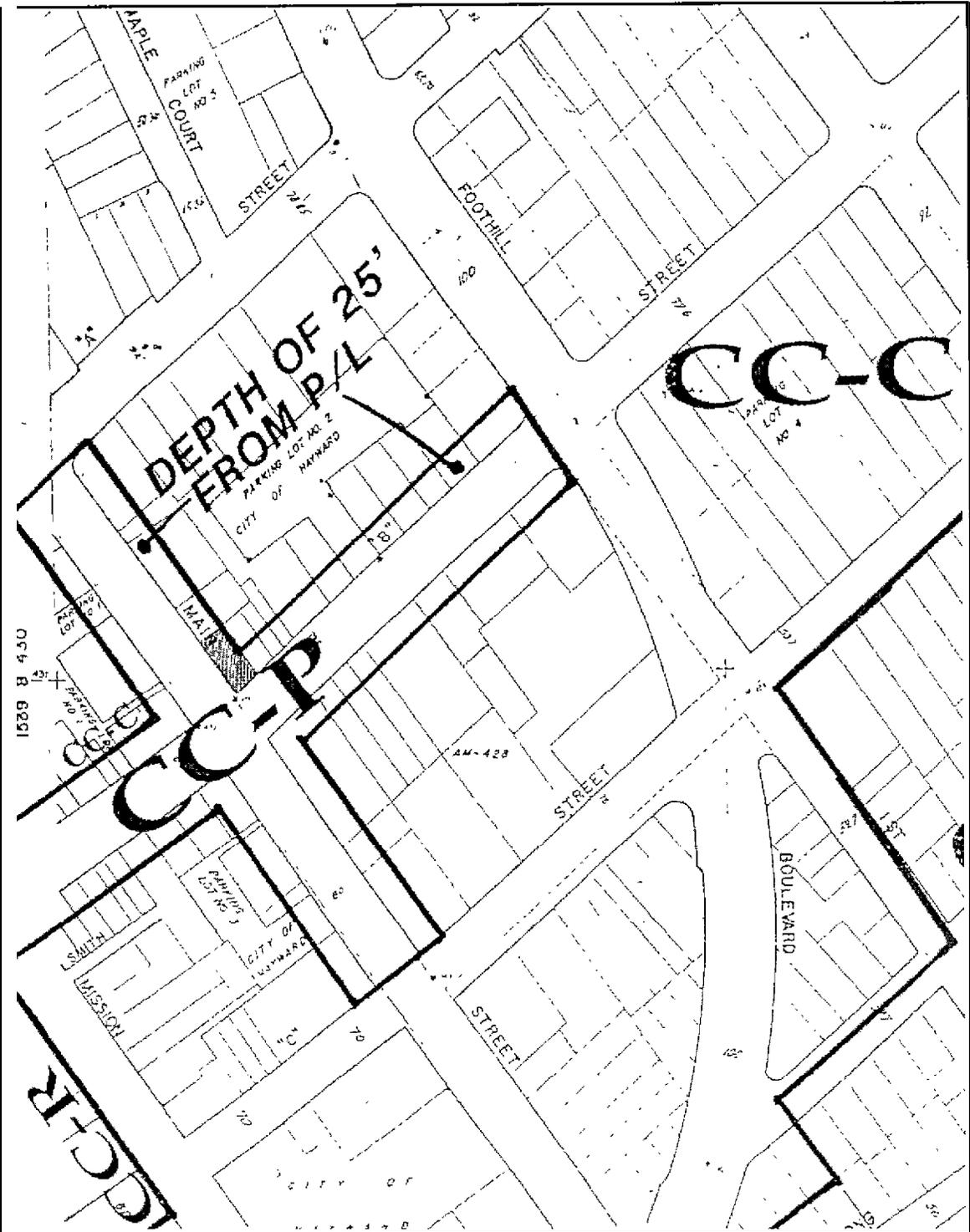

Richard E. Patenaude, AICP
Acting Principal Planner

Recommended by :


Dyana Anderly, AICP.
Planning Manager

Attachments:

- A. Area/Zoning Map
- B. Findings for Denial
- C. Plans
- D. Letters



Area & Zoning Map

UP00-160-19
 1004 B Street
 Owner: Alfred Antonini
 Applicant: Yemane Tsegay

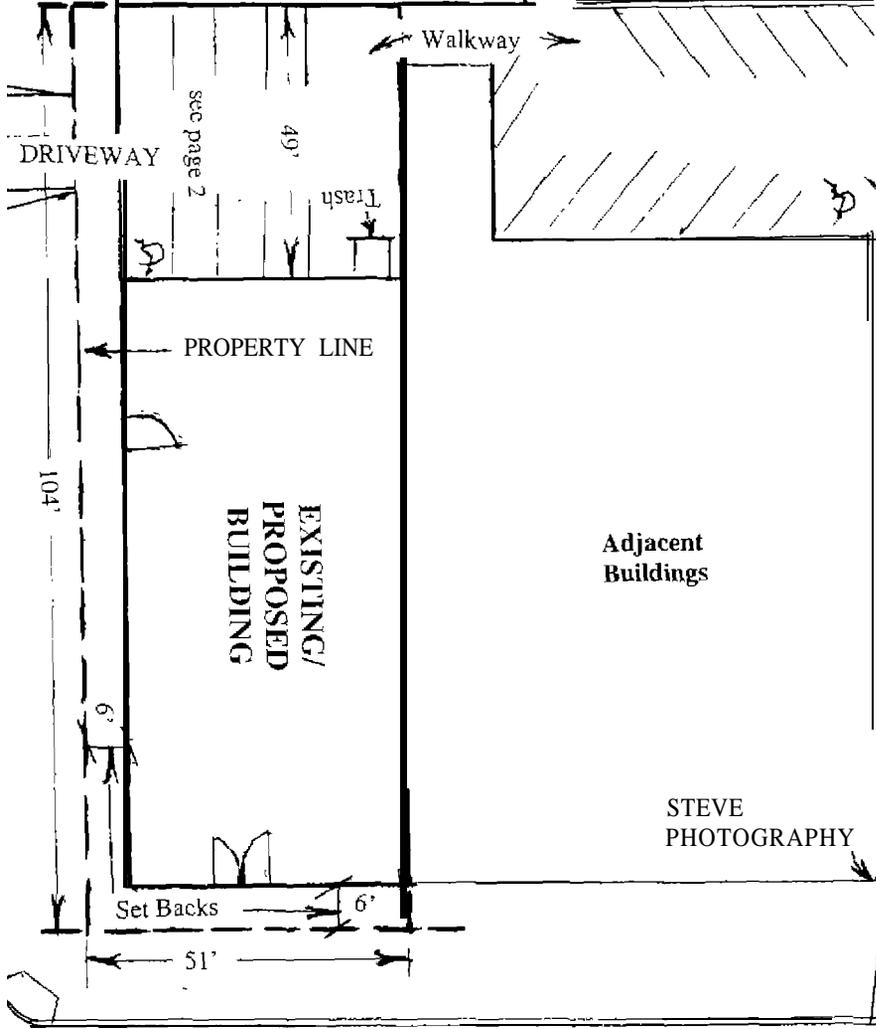
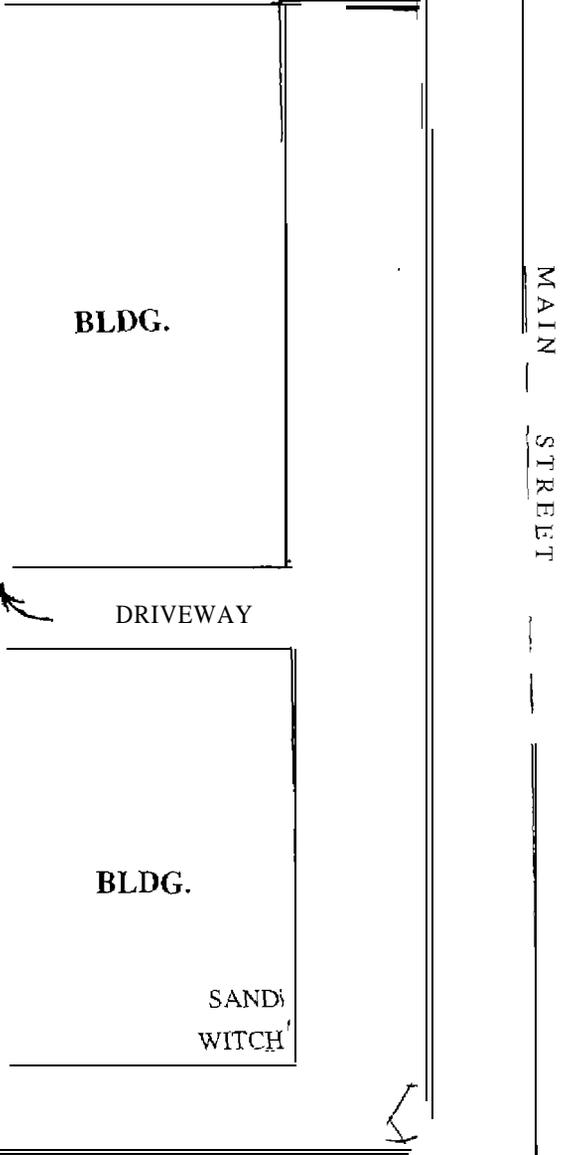
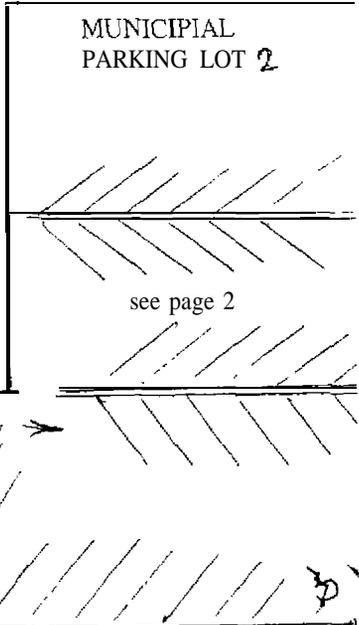
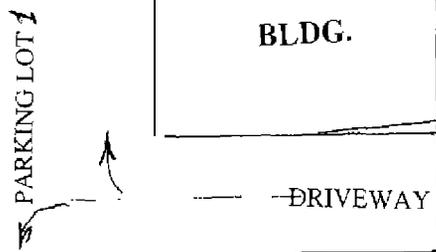
FINDINGS FOR DENIAL
Use Permit Application 00-160-19
Yemane Tsegay {Applicant}
Alfred Antonini (Owner)
1004 "B" Street

1. The proposed jazz/dance facility, which primarily functions as a bar, is not desirable for the public convenience or welfare in that, as proposed with limited hours of operation and restrictions on clientele to those age 21 and over, it is detrimental to the desired pedestrian-oriented and quality uses envisioned for the downtown area and proposes a service already sufficiently provided;
2. The proposed jazz/dance facility will impair the character and integrity of the *Central City – Plaza (CC-P)* District as it does *not* provide a unique and high-quality service amid the existing and proposed mix of pedestrian-oriented uses desired for the downtown area and which otherwise may be located in the subject structure;
3. The proposed jazz/dance facility will be detrimental to the public health, safety, or general welfare in that the proposed use introduces an additional alcohol beverage outlet that may be detrimental to the existing and proposed mix of pedestrian-oriented uses desired for the downtown area, an area already served by establishments selling alcoholic beverages; and
4. The proposed jazz/dance facility will not be in harmony with applicable City policies as the *General Policies Plan* envisions that additional bars not be permitted in the downtown area and as the facility provides only a limited food service and only to a limited segment of the population.

A STREET

311 E PLAN
(ATTACHMENT B)

Fence



B STREET

Owner's Name: Alfred Antonini
 P O Box 0090
 HayWard, Ca 94543
 Phone: (5 10) 88 1-498 1

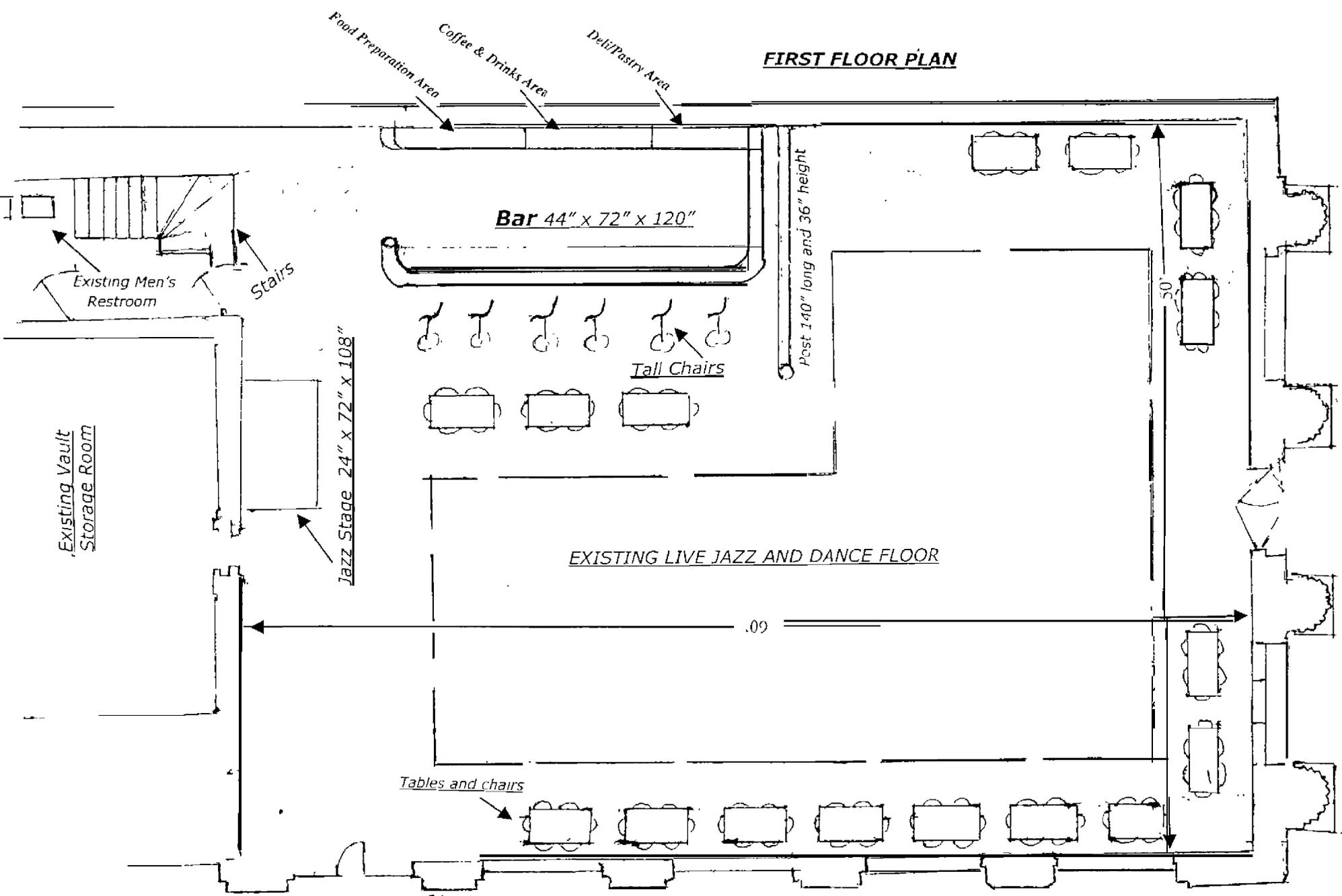
Applicant's Name Peter Tsegay
 858 S Cypress Ave.
 San Jose, Ca 95 117
 Phone: (408) 247-4821

Name and Location of Property
 Dance Club
 1004 B. St
 HayWard, Ca 94540



ATTACHMENT C

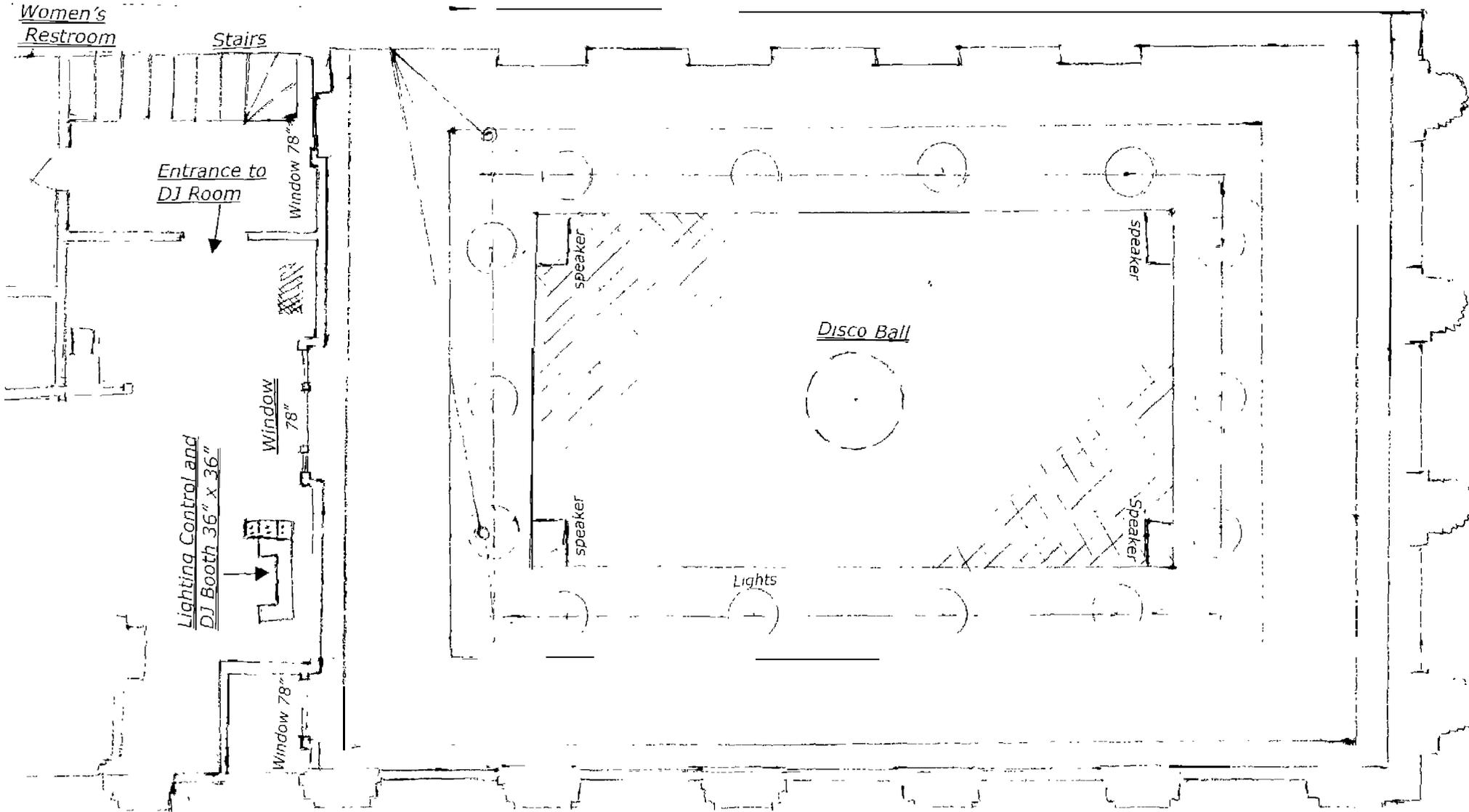
FIRST FLOOR PLAN



Applicant's Name Yemane Tsegay
 858 s. Cypress ave.
 San Jose, Ca 95117
 Phone (408) 247-4821

Name Location of Property
 Jazz/Dance club
 1004 B St
 Hayward, Ca 94540

MEZZANINE AND REFLECTED CEILING PLAN



Applicant's Name Yemane Tsegay
858 S. Cypress ave,
San Jose, Ca 95117
Phone (408) 247-4821

Name and Location of Property
Jazz/Dance club
1004 B St
Hayward, Ca 94540

ANTHONY B. VARNI
22771 MAIN STREET
P O BOX 778
HAYWARD, CALIFORNIA 94543

 (510) 886-5000

FACSIMILE
(510) 538-8797

RECEIVED

OCT 05 2000

PLANNING DIVISION

October 4, 2000

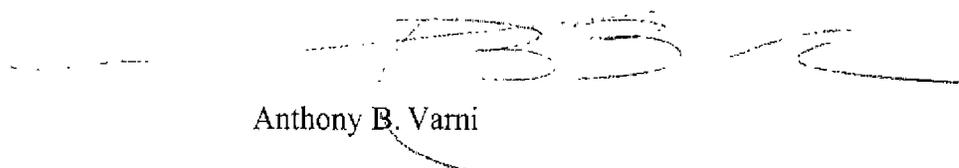
Richard E. Patenaude, AICP
Planning Division
777 "B" Street
Hayward, CA 94541

Dear Mr. Patenaude:

Re: 1004 "B" Street, Hayward

I am in receipt of the City of Hayward's Official Notice regarding a proposal for a jazz/dance facility that offers live or recorded music with food and alcohol at the above-referenced address. As a property owner in this vicinity, I object to this proposal, because I feel there are already too many bars on Main Street near its "B" Street intersection. If this proposal is granted, there will be five (5) bars within a two block area.

Very truly yours,


Anthony B. Varni

ABV/ch/14
patenaude.ltr

ATTACHMENT D

From: "Richard McKelvey" <rimcke@hotmail.com>
To: COHD CED(RichardP)
Date: Wed, Oct 4, 2000 12:55 PM
Subject: jazz/dance facility at 1004 B st.

Richard:

In the mail today came the notice of the application for a jazz/dance facility which would serve food and alcohol. I am opposed to such a facility at that location. We do not need another alcohol (bar) facility in down town Hayward. I feel this sort of establishment would not meet the current city effort to establish a "family oriented" down town.

Thank you for the opportunity to express my opinion.

Richard McKelvey
The Century Mark
982 B St
Hayward Ca. 94541

Get Your Private, Free E-mail from MSN Hotmail at <http://www.hotmail.com>

Share information about yourself, create your own public profile at
<http://profiles.msn.com>.

Okay Justine
25323 Ironwood Ct
Hayward CA 94545
(510) 782-6217

11/2/00

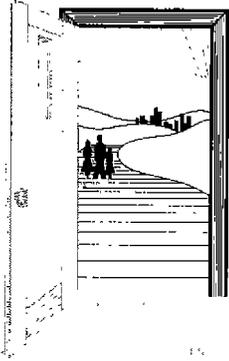
Richard Patenaude
Planning Dept
Hayward City Hall

Sir,

I am a resident of the City and wish to support the Velvet Club proposal on B Street and Main, I think this will not increase the property value in that area, but will equally bring business to Merchants in the Downtown area.

I can be reached on the above address or phone #. Thanks
Okay Justine.

COMMPRE



November 15, 2000

Richard Patenaude, Acting Principal Planner
Department of Community Economic Development
City of Hayward
777 B Street
Hayward, CA 94541-5007

Subject: Peter Tsegay, UP-00-160-19
Jazz/Dance Club 1004 'B' Street, Hayward

22652 Second Street
Hayward, CA 94541
(510) 247-8207
(510) 247-8210 fax



A program of
Horizon Services, Inc.

Dear Richard:

We have not received the application for this jazz/dance club. However, based on the information we have about the address, CommPre is opposed to this club locating in downtown Hayward.

This address is located in census tract 4354, which is severely over concentrated with alcohol licensed establishments. Currently there are 33 on-sale active licenses, where 5 are allowed, according to the California Alcoholic Beverage Control (ABC). There are 9 off-sale establishments, where 3 are allowed.

Currently there are at least six establishments with liquor licenses within 100 feet of this proposed jazz/dance club. We do not believe the addition of another liquor license for a dance club would be in the best interest of the community. The City of Hayward has repeatedly stated that it is seeking businesses that would bring patrons to the central business district during day time hours. This application would not be consistent with the city's goal.

The spirit of the conditional use permit includes preventing the undue concentration of alcohol establishments and the undesirable impacts on the community stemming from such establishments.

For these reasons we respectfully request that the Planning Commission upholds the city ordinance and deny this application.

Very truly yours,

Linda / i & 7 & -

Linda A. Pratt, M.A.
Program Director

Cc: Hayward Police Department