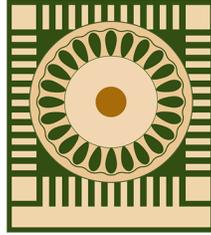


CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, July 26, 2018

7:00 PM

Council Chambers

Planning Commission

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.

CALL TO ORDER Pledge of Allegiance

ROLL CALL

PUBLIC COMMENTS

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 HEARING

For agenda item No. 1, 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.

[PH 18-066](#) Proposed Establishment of a Cocktail Bar and Lounge with Cabaret Entertainment Located at 990 B Street, Assessor Parcel No. 428-0056-057-00. VGJB, Inc. (Applicant); Corinne and Timoleon Zaracotas (Property Owners), Requiring Approval of Conditional Use Permit Application No. 201802339.

- Attachments:** [Attachment I - Staff Report](#)
[Attachment II - Findings for Approval](#)
[Attachment III - Conditions of Approval](#)
[Attachment IV - Project Plans and Business Narrative](#)
[Attachment V - Public Comment](#)

APPROVAL OF MINUTES

[MIN 18-100](#) Minutes of the Planning Commission Meeting of June 14, 2018

Attachments: [Attachment I Draft Minutes of June 14, 2018](#)

[MIN 18-102](#) Minutes of the Planning Commission Meeting of June 28, 2018

Attachments: [Attachment I Draft Minutes of June 28, 2018](#)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, THURSDAY, SEPTEMBER 13, 2018, 7:00PM

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.

****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.****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 18-066

DATE: July 26, 2018

TO: Planning Commission

FROM: Planning Manager

SUBJECT

Proposed Establishment of a Cocktail Bar and Lounge with Cabaret Entertainment Located at 990 B Street, Assessor Parcel No. 428-0056-057-00. VGJB, Inc. (Applicant); Corinne and Timoleon Zaracotas (Property Owners), Requiring Approval of Conditional Use Permit Application No. 201802339.

RECOMMENDATION

That the Planning Commission approve the Conditional Use Permit application based on the analysis set forth in this report and the required Findings (Attachment II), and subject to the Conditions of Approval (Attachment III).

SUMMARY

VGJB, Inc. is requesting approval of a Conditional Use Permit (CUP) application to occupy an existing, vacant 2,363 square-foot tenant space located at 990 "B" Street in Downtown Hayward for a new cocktail bar and lounge. The proposed cocktail bar and lounge will include a full-service bar and cabaret entertainment (live and amplified music, dancing, etc.). The project will also include significant exterior and interior tenant improvements updating the façade, retrofitting the interior for compliance with the Americans with Disabilities Act (ADA), and complying with current California Building Code requirements for energy efficiency.

ATTACHMENTS

- | | |
|----------------|--------------------------------------|
| Attachment I | Staff Report |
| Attachment II | Findings for Approval |
| Attachment III | Conditions of Approval |
| Attachment IV | Project Plans and Business Narrative |
| Attachment V | Public Comment |

File #: PH 18-066



SUBJECT

Proposed Establishment of a Cocktail Bar and Lounge with Cabaret Entertainment Located at 990 B Street, Assessor Parcel No. 428-0056-057-00. VGJB, Inc. (Applicant); Corinne and Timoleon Zaracotas (Property Owners), Requiring Approval of Conditional Use Permit Application No. 201802339.

RECOMMENDATION

That the Planning Commission approve the Conditional Use Permit application for the proposed 990 Cocktail Lounge and Bar, based on the analysis set forth in this report and the required Findings (Attachment II), and subject to the Conditions of Approval (Attachment III).

SUMMARY

VGJB, Inc. is requesting approval of a Conditional Use Permit (CUP) application to occupy an existing, vacant 2,363 square-foot tenant space located at 990 "B" Street in Downtown Hayward for a new cocktail bar and lounge. The proposed cocktail bar and lounge will include a full-service bar with cabaret entertainment (live and amplified music, dancing, etc.). The project will also include significant exterior and interior tenant improvements including updating the façade, retrofitting the interior for compliance with the Americans with Disabilities Act (ADA), and complying with current California Building Code requirements for energy efficiency.

BACKGROUND

The project site is located in Downtown Hayward at the northwestern intersection of B Street and Main Street. The building was originally constructed in the early 20th century and since that time, the building has been remodeled numerous times by various tenants and has lost much of its historical and architectural character. Most recently, the previous tenant included a doughnut shop (Gary's Donuts) which was opened in 1989 and closed in 2011. Since that time, the tenant space has remained vacant.

Public Outreach. On May 9, 2018, an initial Notice of Application Receipt for the project application was sent to 217 addresses including property owners, residents, and businesses within a 300-foot radius of the project site. Public comments were received by owners of businesses and properties in the Downtown. Comments suggest a potential postponement of a decision on the application until completion of the Downtown Specific Plan, concerns on the proposed land use and the project impact on the Downtown. A list of the public comments received to date has been included as Attachment V.

On June 1, 2018, the applicant and Planning Division staff attended a Government Relations Council (GRC) meeting of the Hayward Chamber of Commerce. At the meeting, the applicant provided a presentation to the GRC on their application and addressed questions and comments on their proposed land use from the members of the Chamber. City staff was present for technical questions on the process of the application.

On July 13, 2018, a Notice of this Public Hearing for the Planning Commission meeting was sent to property owners, residents, and businesses within 300-feet of the project site as well as published in The Daily Review newspaper.

PROJECT DESCRIPTION

Existing Conditions. The proposed site is located within the Central-City Commercial (CC-C) and Central City Plaza (CC-P) zoning district and is designated Central-City Retail and Office Commercial (CC-ROC) in the *Hayward 2040 General Plan*. The entire project site (Assessor Parcel No. 428-0059-057-00) is approximately 0.17-acres and contains two (2) two-story buildings for a total building area of 13,803 square-feet. Currently, all but one of the tenant spaces within the buildings are vacant. Megan's Nails Salon operates on the first floor located at 982 B Street.

The project site is easily accessible by walking, public transit, and automobile. Public transportation options include the Hayward BART Station which is less than 0.5-miles away, numerous AC Transit bus stops are located along B Street, Mission Boulevard, and on Main Street in front of the project site. Public parking is available on street as well as Municipal Parking Lots #1, #2, #3, and the City Hall parking garage, which are all within walking distance from the site. The University Shuttle for California State University, East Bay (CSUEB) also stops along B and C Streets.

Surrounding land uses include a variety of commercial businesses including retail storefronts, personal services (hair salons, tailoring, etc.), professional offices, full-service restaurants, quick-service eateries, and other full-service bars. Nearby residential land uses include the Prospect Hill neighborhood, which is less than a half-mile away, the future Maple and Main multi-family development with 240 apartment units, and the renovated Green Shutter Hotel with 41 apartment units, which is located at the opposite corner of the project site. The project location is also within proximity of several public and quasi-public land uses, including Hayward City Hall, Fire Station #1, the new 21st Century Library, and US Postal Office.

Proposed Project. The project plans and business narrative (Attachment IV) provide details on the proposed operations and logistics, hours of operation, security plan, as well as existing and proposed floor plans and exterior elevations. The project involves the occupation of an existing, vacant 2,363 square-foot tenant space at the corner of B and Main Street to operate a cocktail bar and lounge with cabaret entertainment (live and amplified music, dancing, etc.). The establishment proposes to include a full-bar that would serve cocktails, draft beers on tap, bottled beer, wine and distilled spirits that would require a Type 48 alcohol license from the [California Department of Alcoholic Beverage Control \(ABC\)](#) following issuance of a Conditional Use Permit. ABC defines the Type 48 alcohol license and associated privileges as the following:

“On-Sale General – Public Premises - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.”

Based on the submitted business plan, the applicant is proposing the hours of operation be seven days a week, from noon to 1:30 a.m. Staffing for the bar and lounge will include a general manager, security manager, bartenders, bar backs, security guards, waiters, and a contracted disk jockey (DJ) or musician. Number of actual staff present at the establishment will vary based on the day and time which will correlate with the volume of customers. Seating would be limited to the indoors only and could accommodate between 50-75 people, depending on the final interior configuration, while the total occupancy of the tenant space will be limited to 89 persons. Only individuals 21 years of age and over will be permitted to enter.

The applicant also proposes to incorporate a cabaret entertainment component into the cocktail bar and lounge, which would require a separate license to be issued by the Police Department. The cabaret license would allow the establishment to include live entertainment as part of normal operations, such as dancing, amplified and live music with certain limitations. The cabaret component of the establishment is proposed to commence no earlier than 9 p.m. until the closure of the business and would be limited to Friday, Saturday and Sunday nights. The applicant envisions amplified music played by a DJ allowing patrons the ability to dance within the designated dance floor. Increased security would be present during cabaret entertainment hours for crowd management and age verification, which is discussed in greater detail in the section below. To mitigate potential nuisances, the applicant will be required to install acoustic treatments (i.e. soundproofing) to the building to minimize noise disturbances to adjacent businesses, residents, and to comply with the City’s Noise Ordinance.

Security Plan. The applicant submitted a detailed security plan, prepared in collaboration with [The Kingdom Group](#), for City staff review. The security plan comprises procedures and precautions that will be part of the operations of the business, including on-site security, verifying legal age to enter the premises and consume alcohol, being prepared in the event of an incident, and maintaining a safe environment for the patrons. The plan states that the applicant will maintain security guard(s) on- and off-site during business hours who will check IDs, monitor patron activities, patrol the parking lots and the perimeter of the building to prevent loitering and illicit activity. Security infrastructure will also be installed such as proper locks, cameras and video surveillance, motion sensors, window and door monitoring devices, and expanded exterior lighting. Windows will be maintained as transparent to allow visibility into the building interior. Exterior lighting will architecturally be designed and placed to enhance and activate the building, while also deterring illegal activities, especially along the rear alley of the establishment. Additional security measures will be further evaluated by the Police Department prior to any issuance of a cabaret license. The draft conditions of approval further stipulate the additional security requirements that will be enforced and monitored by the Hayward Police Department and Code Enforcement Division.

Interior and Exterior Remodel. The applicant and business owners are proposing significant interior improvements to the existing tenant space and building exterior to revitalize a prominent downtown corner, improve the building façade, upgrade for ADA compliance, and improve overall lighting and security. The floor plan for the bar and lounge area will consist of two new restroom facilities, indoor seating, a dance floor, and the bar. A mezzanine area will also be constructed that will include a DJ station, mechanical room, and storage loft. No patrons will have access to the mezzanine area.

Exterior improvements include the renovation of the entire building facade for the subject tenant as well as the adjacent nail salon. The proposed renovation will require the removal of the existing blue awnings, decorative tile base, and the yellow paint color from the existing building. The new elevations incorporate a contemporary design approach with a dry stacked stone wainscot base, ipe shiplap wood siding at street level, window replacements with black trim, and a darker paint color on the top-half of the building. The applicant has also agreed to integrate an artistic component or art installation along the top-half of the building. The art component may include a mural, decorative metal, or other artistic feature to further enhance the prominence and architecture of the corner. A condition of approval on the artistic component has been added to the project, which will require final approval from the Planning Division prior to the issuance of a building permit for the commercial remodel.

Sustainability Features. The interior and exterior tenant improvement associated with the proposed cocktail bar and lounge would be reviewed by the Building Division for conformance with State and local requirements related to sustainability (i.e. California Building Code) which require a minimal level of energy efficiency, resource conservation, material recycling, etc.

POLICY CONTEXT AND CODE COMPLIANCE

Zoning Ordinance and Hayward 2040 General Plan. The project site is located within the City's [Central-City Commercial \(CC-C\)](#) and [Central-City Plaza \(CC-P\)](#) zoning districts, and is designated [Central-City Retail and Office Commercial \(CC-ROC\)](#) in the *Hayward 2040 General Plan*. The CC-C and CC-P zoning districts conditionally permit the establishment of a cocktail bar, lounge and cabaret land uses with the approval of a [Conditional Use Permit](#). The CC-ROC land use designation is focused on the core of the Downtown Hayward and envisions building improvements including the rehabilitation and redevelopment of underutilized properties that will assist in transforming the downtown core area into a vibrant, transit-oriented, and mixed-use city center. Allowed uses based on the land use designation include retail, dining, and service uses as well as entertainment and recreational uses.

Further, the project site is located within one of the City's designated Priority Development Areas (PDAs) which further encourages the private-sector investment into the Downtown City Center to create a compact, mixed-use, and walkable neighborhood with venues for entertainment experiences as well as recreational and cultural activities. The [Economic Development Strategic Plan \(EDSP\)](#) states that the downtown area is a key retail area, and Goal SR2 (Service and Retail Industry) calls to secure new businesses in priority locations that are a good fit for the City of Hayward. Overall, the proposed cocktail bar and lounge with cabaret entertainment will support the following *Hayward 2040 General Plan* goals and policies:

- Land Use Policy LU-2.1 – Downtown Arts and Entertainment. The City shall encourage private-sector investment in Downtown to transform it into a safe, vibrant, and prosperous arts and entertainment district that offers enhanced shopping, dining, recreational, and cultural experiences and events for residents, families, college students, and visitors.
- Land Use Policy LU-2.2 – Downtown Activities and Functions. The City shall maintain the Downtown as a center for shopping and commerce, social and cultural activities, and political and civic functions.
- Land Use Policy LU-2.4 – Downtown Retail Frontages. The City shall require retail frontages and storefront entrances on new and renovated buildings within the “retail core” of Downtown Hayward.
- Land Use Policy LU-2.16 – Uses to Attract the Creative Class. The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward’s s, including: restaurants and cafes; art studios and galleries; and entertainment and cultural venues.
- Land Use Policy LU-5.1 – Mix of Uses and Activities. The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- Economic Development Policy ED-1.14 – Hospitality and Entertainment Business Clusters. The City shall encourage the development of a hospitality and entertainment business cluster within Downtown Hayward and other appropriate locations to improve opportunities for shopping, dining, arts and entertainment, lodging, business conventions, and cultural events.
- Community Safety CS-1.12 – On-Site Security. The City shall require conditions of approval related to the provision of on-site security and safety measures for bars, nightclubs, live entertainment businesses, and related uses. Conditions of approval shall promote a healthy balance of public safety and nightlife vibrancy, and may include surveillance cameras, crowd management practices, and on-site security staff.

Alcoholic Beverage Outlet Ordinance. In 2013, new [Alcoholic Beverage Outlet regulations](#) were adopted into the City’s Zoning Ordinance with the purpose to provide for the orderly integration of alcohol related uses in a manner that will protect public safety and encourage business growth. The Ordinance recognized that the “proliferation of establishments selling alcoholic beverages within the City of Hayward presents problems that affect residents, businesses, property owners, visitors, and workers in Hayward”. However, the ordinance also understood that regulations that promote responsible alcohol consumption can contribute to economic vitality, particularly in the downtown area.

The Conditional Use Permit process is used as the means to review the impacts of alcoholic beverage outlets on neighboring properties and land uses on a case-by-case basis to prevent overconcentration and the undesirable impacts on the community. To prevent an overconcentration, the Hayward Municipal Code mandates that within the Downtown Entertainment Area – no more than two (2) on-sale alcohol-related establishments shall be permitted per block side or face between two immediate cross streets. Therefore, the proposed bar and lounge would not exceed the maximum limit on their block face between Mission

Boulevard and Main Street. If approved, the establishment would be required to comply with the performance standards listed within the ordinance that include, but not limited to, providing adequate exterior lighting, discouraging loitering, verifying legal age of patrons, and maintaining their liquor license in good standing with ABC, in addition to the other recommended Conditions of Approval (Attachment III).

Cabaret License. In 2013, the [Cabaret and Dance regulations](#) were concurrently updated and established the requirements for a cabaret license, including the application procedures, criteria for the suspension and revocation of licenses, operating standards, and mandatory security conditions. The business owners of the proposed cocktail bar and lounge will be required to obtain a cabaret license prior to offering any entertainment component such as dancing, live and/or amplified music, DJ sets, karaoke, etc. from the Hayward Police Department. Additionally, the Police Department and Development Services Department reserve the right to modify, suspend, or revoke the cabaret license for any dancing, amplified or live music, etc. if it has been determined that the use is disturbing the peace of persons within the vicinity or it is deleterious to the public peace, morals, health, safety, and general welfare.

Downtown Hayward Design Plan and Core Area Plan. The [Downtown Hayward Design Plan and Core Area Plan](#) were adopted in 1992 and set forth strategies, policies, and actions to revitalize the economic vitality and livelihood of the downtown core area. Analyses within the document discuss opportunities for better business practices, cultural activities, façade improvements, and public/private partnerships for a dynamic and diverse core neighborhood. Like the Alcoholic Beverage Outlet Ordinance, the Core Area Plan acknowledges that the management of alcohol related establishments in a positive and responsible manner enhances the economic and social character of the downtown stating that “[t]he 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”. The proposed cocktail bar and lounge with cabaret entertainment would be consistent with the goals of the adopted plan to introduce entertainment uses into underutilized and vacant buildings which will promote economic activity and pedestrian traffic.

STAFF ANALYSIS

Staff has reviewed the project application and believes that the Planning Commission can make the required Findings to approve the Conditional Use Permit application to allow for the establishment of a cocktail bar and lounge with cabaret entertainment (dancing, music, etc.) at the subject property. The proposed redevelopment of the building with an entertainment land use, coupled with the proposed interior and exterior remodel, will further assist in enhancing the downtown area with a high-end, upscale entertainment venue to catalyze further investment in the area and increase pedestrian presence, which supports the existing restaurants and retail businesses downtown. As mentioned previously, the proposed establishment is located within the Hayward Downtown Core Area, which calls for a diverse mix of entertainment, dining, retail land uses to support cultural, social, and recreational experiences consistent with the goals and policies of the City’s General Plan.

Although the downtown area census tract currently contains other Type 48 (full bars) establishments including The Stein Lounge, The Funky Monkey, and The World-Famous Turf Club, the proposed establishment will provide an additional entertainment option for consumers and visitors which would not result in an overconcentration. With the projected growth and urbanization of the Downtown Core Area, the proposed lounge will continue to support the transformation of the downtown area into a destination. As previously noted, the HMC allows for a maximum of two on-sale establishments per block face, which would not be exceeded if this application were approved. In addition, the proximity to public transit stops combined with current ride-sharing technology (i.e. Lyft, Uber) provide patrons of this establishment with safe transportation alternatives to driving that minimize potential drinking and driving.

In addition, the Hayward Police Department – Vice Unit has reviewed the project proposal with Planning Division staff to collaboratively develop appropriate Conditions of Approval to ensure that patrons will be provided a safe experience and provide assurances that the proposed cocktail bar and lounge will not place an additional burden on the Police Department resources. Conditions of approval have been included that require that responsible business practices are incorporated into land use to ensure compliance with the Hayward Municipal Code. Noncompliance with any of the Conditions of Approval may lead to penalties, fines, and possible revocation of this CUP.

Strategic Initiatives. This project supports the Complete Communities Strategic Initiative. The purpose of the strategic initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all consistent with the objectives of the Hayward 2040 General Plan. Further, the item supports the following goals and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 2: Foster a sense of place and support neighborhood pride.

Objective 3: Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 for existing facilities in that the project involves the leasing 2,363 square-feet of existing tenant space that will create a negligible impact on the environment. Therefore, no environmental review is necessary.

NEXT STEPS

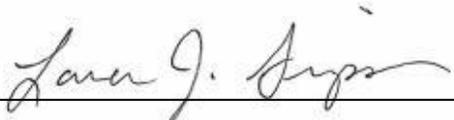
If the Planning Commission approves the Conditional Use Permit application, then a 10-day appeal period will commence from the date of decision. If no appeal is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be heard by the City Council for final disposition.

Prepared by: Marcus Martinez, Assistant Planner

Approved by:



Sara Buizer, AICP, Planning Manager



Laura Simpson, AICP, Development Services Director

**CITY OF HAYWARD PLANNING DIVISION
PROPOSED COCKTAIL BAR AND LOUNGE WITH CABARET ENTERTAINMENT
LOCATED AT 990 "B" STREET
CONDITIONAL USE PERMIT APPLICATION NO. 201802339**

FINDINGS FOR APPROVAL

Environmental Review

1. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 for existing facilities in that the project involves the leasing 2,363 square-feet of existing tenant space that will create a negligible impact on the environment. Therefore, no environmental review is necessary.

Conditional Use Permit

Pursuant to Hayward Municipal Code Section 10-1.3200, The Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

1. *The proposed use is desirable for the public convenience or welfare;*

The proposed use is desirable for the public convenience and welfare in that the establishment will introduce a high-end cocktail bar and lounge with upscale cabaret entertainment (dancing, music, etc.) into the core of Downtown Hayward in close proximity to residential, retail and restaurant uses. The proposed cocktail bar and lounge will provide additional options for consumers and community members of legal age for social, recreational, and cultural interactions and experiences. The *Hayward 2040 General Plan* calls for land uses that will attract creative-class professionals and businesses, provide for arts and entertainment in the Downtown, and to activate underutilized buildings to create a vibrant, transit-oriented, and mixed-use city center. This establishment at the project site will reduce the percentage of vacant storefronts within the downtown area, and allow the ability for private investment to significantly improve and remodel the interior and exterior of the building which support making Downtown Hayward a destination for all. In addition, the cocktail bar and lounge is conveniently accessed by walking, numerous bus lines along Mission Boulevard, Main Street and B Street, and the Hayward Bay Area Rapid Transit (BART) Station which are all within a half-mile of the subject site to minimize individuals from drinking and driving.

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

The proposed project will not impair the character and integrity of the zoning district and surrounding area in that the project site is located within the Central City-Commercial (CC-C) and Central City-Plaza (CC-P) zoning districts that encourage the establishment of a diverse mix of businesses and other activities which will enhance the economic activity of the downtown core area. Currently, three cocktail bars (type 48 liquor licenses) are located within the Downtown core area and the proposed establishment would activate a previously underutilized and vacant space at the corner of B and Main Street that will be compatible and may support the neighboring businesses in the revitalization of the Downtown.

3. *The proposed use will not be detrimental to the public health, safety, or general welfare; and*

The proposed project, as conditioned, will not be detrimental to the public health, safety, or general welfare in that establishment shall be subject to the regulations established in the City's Alcoholic Beverage Outlet Ordinance, Cabarets and Dances Ordinance, the Department of Alcoholic Beverage Control (ABC), and other building and public safety codes, as applicable. The referenced ordinances and regulations contain operating and performance standards for establishments that include the sale of alcoholic beverages or cabaret entertainment to minimize nuisances on neighboring properties. In addition, the applicant has submitted a thorough business plan with a supplemental security plan that includes, but is not limited to, staffing to be present during business hours (including security guards), security infrastructure to be installed (cameras, exterior lighting, motion sensors, etc.), procedures for verifying the legal age of patrons, and protocols in the event of an incident. The applicant shall be required to retain their own security firm that will be vetted by the City's Police Department to ensure that all guards maintain proper certifications and training. Violations of any condition of approval or any of the ordinances and regulations listed above may result in administrative citations to the business owner, Code Enforcement action, or the revocation of licenses and permits, including this Conditional Use Permit at the expense of the business owner.

Furthermore, the project proposes to upgrade the interior spaces of the existing building to meet current ADA standards, which will improve the public health, safety and general welfare for all patrons visiting the proposed cocktail bar and lounge. Additionally, the incorporation of new exterior lighting and video surveillance around the building perimeter will also improve public health, safety and general welfare and discourage loitering and illicit activity.

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

The proposed use is in harmony with the applicable City policies and the intent and purpose of the zoning district involved in that the subject site is located within the CC-C and CC-P zoning districts, and is designated as Central-City Retail and Office Commercial (CC-ROC) in the *Hayward 2040 General Plan*. The CC-ROC land use designation is focused on the core of the Downtown Hayward and envisions building improvements including the rehabilitation and redevelopment of underutilized properties that will assist in transforming the downtown core area into a vibrant, transit-oriented, and mixed-use city center. Allowed uses for the CC-ROC land use designation include retail, restaurant and service uses as well as entertainment venues.

The project is located within one of the City's Priority Development Areas (PDAs) which promotes and encourages private-sector investment into Downtown Hayward to create a compact, mixed-use and walkable neighborhood with venues for entertainment experiences as well as recreational and cultural activities. The Economic Development Strategic Plan (EDSP) states that the downtown area is a key retail area, and Goal SR2 (Service and Retail Industry) calls to secure new businesses in priority locations that are a good fit for the City of Hayward. Overall, the project will support the following goals and policies of the *Hayward 2040 General Plan*:

- Land Use Policy LU-2.1 – Downtown Arts and Entertainment. The City shall encourage private-sector investment in Downtown to transform it into a safe, vibrant, and

prosperous arts and entertainment district that offers enhanced shopping, dining, recreational, and cultural experiences and events for residents, families, college students, and visitors.

- Land Use Policy LU-2.2 – Downtown Activities and Functions. The City shall maintain the Downtown as a center for shopping and commerce, social and cultural activities, and political and civic functions.
- Land Use Policy LU-2.4 – Downtown Retail Frontages. The City shall require retail frontages and storefront entrances on new and renovated buildings within the “retail core” of Downtown Hayward.
- Land Use Policy LU-2.16 – Uses to Attract the Creative Class. The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward’s s, including: restaurants and cafes; art studios and galleries; and entertainment and cultural venues.
- Land Use Policy LU-5.1 – Mix of Uses and Activities. The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- Economic Development Policy ED-1.14 – Hospitality and Entertainment Business Clusters. The City shall encourage the development of a hospitality and entertainment business cluster within Downtown Hayward and other appropriate locations to improve opportunities for shopping, dining, arts and entertainment, lodging, business conventions, and cultural events.
- Community Safety CS-1.12 – On-Site Security. The City shall require conditions of approval related to the provision of on-site security and safety measures for bars, nightclubs, live entertainment businesses, and related uses. Conditions of approval shall promote a healthy balance of public safety and nightlife vibrancy, and may include surveillance cameras, crowd management practices, and on-site security staff.

Additionally, the project is consistent with the Downtown Hayward Design Plan and Core Area Plan, which was adopted in 1992 and set forth strategies, policies, and actions to revitalize the economic vitality and livelihood of the downtown core area. Analyses within the document discuss opportunities for better business practices, cultural activities, façade improvements, and public/private partnerships for a dynamic and diverse core neighborhood. Like the Alcoholic Beverage Outlet Ordinance, the Core Area Plan acknowledges that the management of alcohol related establishments in a positive and responsible manner enhances the economic and social character of the downtown stating that “[t]he 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”. The proposed cocktail bar and lounge with cabaret entertainment would be consistent with the goals of the adopted plan to introduce entertainment uses into underutilized and vacant buildings which will promote economic activity and pedestrian traffic.

**CITY OF HAYWARD PLANNING DIVISION
PROPOSED COCKTAIL BAR AND LOUNGE WITH CABARET ENTERTAINMENT
LOCATED AT 990 "B" STREET
CONDITIONAL USE PERMIT APPLICATION NO. 201802339**

DRAFT CONDITIONS OF APPROVAL

1. The approval of Conditional Use Permit No. 201802339 shall allow the operation of a cocktail bar and lounge (Type 48 liquor license) with cabaret entertainment within an existing 2,363 square-foot tenant space located at 990 "B" Street, Assessor Parcel No. 428-0056-057-00.
2. 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.
3. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit
4. The proposed cocktail bar and lounge with cabaret entertainment shall conform to these conditions of approval and the proposed business narrative/plans on file with the Planning Division dated July 10, 2018 and stamped "Exhibit A".
5. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
6. A copy of these conditions of approval shall be scanned and included on a separate full-sized sheet(s) within the building permit plan set.
7. A copy of the conditions of approval for the use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the public.
8. Prior to final inspection of all pertinent conditions of approval and all improvements (interior and exterior) shall be completed to the satisfaction of the Planning Director, Building Official, Police Chief, and Fire Chief.
9. This approval shall be void three years after the effective date of approval unless a building permit application with plans matching the approved plans have been submitted and accepted for processing by the Building Official.
10. The applicant shall be required to obtain and maintain a current valid business license in the City of Hayward at all times of operation.
11. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission. Violation of any of the conditions of approval of

this conditional use permit may constitute grounds for revocation pursuant to the Zoning Ordinance.

PLANNING

12. All administrative and conditionally permitted uses that cease operation for a period of more than six (6) consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit to be approved before the Planning Commission.
13. The hours of the operation for the establishment shall be limited to 11 a.m. to 1:30 a.m., seven days a week. Cabaret entertainment such as dancing, live and/or amplified music shall be limited from 9 p.m. to the closure of the establishment on Fridays, Saturdays, and Sundays.
14. The final color, design and materials for exterior of the façade (including exterior lighting fixtures) shall be included in the building permit plan check set and reviewed and approved by the Planning Director for compliance.
15. The establishment shall be limited to patrons 21 years of age and over. No individuals under the age of 21 shall be allowed enter the premises or loiter adjacent to the facility entrance. Establishment and security staff shall be responsible to verify legal age of patrons.
16. Prior to the issuance of a building permit, the permittee shall be required to enter into an agreement and receive final design approval by the Development Services Director for an artistic installation on the façade of the building. The art installation may include, but not be limited to a mural, decorative metal, and/or lighting feature to the satisfaction of the Development Services Director. The art installation shall be completed prior to the issuance of a Certificate of Occupancy of final building permit sign-off, whichever comes first.
17. All promotional and/or permanent signage for the establishment shall be required to obtain a sign permit by Planning and Building Divisions. The proposed signs shall comply with Chapter 10, Article 7 (Sign Ordinance) of the Hayward Municipal Code.
18. The permittee shall ensure compliance with all local, County, State, and Federal laws for the cocktail bar and lounge with cabaret entertainment. The permitted shall maintain compliance with the City's Zoning Ordinance, Alcoholic Beverage Outlet Ordinance, Cabaret and Dances Ordinances, and the Hayward Municipal Code, as applicable.

POLICE DEPARTMENT

General Operations

19. The permittee shall be required to maintain a valid license for the sale of alcoholic beverages from the California Department of Alcoholic Beverage Control (ABC). Failure to maintain a valid license in good standing shall be grounds for the revocation of this use permit.
20. The exterior of the premises, including adjacent public sidewalks and the rear of the building 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 to the satisfaction of the Police Chief.

21. The premises shall be kept in a clean, well-maintained condition. Paint and windows shall be kept clean and cracked or broken glass shall be replaced promptly. The licensee(s) shall be responsible for removing graffiti from the premises under the control of the licensee(s) within 48 hours. Public sidewalks adjacent to the establishment shall be cleaned daily. The management shall ensure that no trash or litter originating from the establishment is deposited on neighboring properties or the street.
22. One information sign with a maximum area of six square feet providing hours of operation, emergency contact information, etc. may be placed on the exterior and interior of the establishment. The storefront glass shall not be tinted or clouded to reduce transparency into the establishment.
23. The total occupancy for the establishment shall be limited **89 persons** (including staff, patrons, and entertainment), or the maximum occupancy of the main level as established by the architect and approved by the City Building Official per the California Building Code. The occupancy shall be clearly posted and enforced by the establishment staff to not exceed the limit.

Police Department and Safety

24. The occurrence of more than two critical incidents during business hours of the establishment within a one-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 within the structure of 990 B Street, the sidewalk where queuing for admission occurs, the area to the rear of the building, including any parking lots within 50 feet of the building.

Nothing in this condition restricts the authority of the City to seek revocation of this permit for a single incident of extreme severity.

25. If an undue demand is put on police resources, as determined by the Chief of Police, then such determination would be grounds for revocation of the Conditional Use Permit.
26. Commission of a criminal offense by the permittee or any employee of the permittee of which the permitted establishment was the location where the offense was committed or where there is a direct correlation between the permittee's establishment and the criminal offense; and such criminal offense is found to be detrimental to public health, safety, or general welfare shall be independent grounds for revocation of this permit.
27. The business operator shall be responsible to reimburse the City Police Department for calls for service in response to events that are determined to be a demand on police resources as determined by the Chief of Police. Failure to pay costs within 30 days of

billing for the Hayward Police Department response to the incident may constitute grounds for revocation of this use permit.

28. All employees and the permittee of the establishment shall work collaboratively with the Hayward Police Department, with the goal of maintaining a safe, secure facility. The permittee and employees will call the Hayward Police Department as needed to work with intoxicated, uncooperative, or disruptive patrons. The Facility Security Plan shall be implemented in response to disruptive incidents and patrons. If the permittee or employee of the facility, including security officers, are not able to resolve issues involving disruptive patrons they shall call the Hayward Police Department and request assistance. Failure to work collaboratively with the Hayward Police Department or to reasonably call for assistance, as needed, may result in revocation of this permit.
29. 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.
30. The licensee/permittee shall maintain a fully operational digitally recorded CCTV Security system that covers all points of entry/exit, sales of food/beverages (cash registers), locations of cash/monies storage (Safes/Manager's Office), and overall locations of where alcoholic beverages may be consumed within the property. 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. 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. The applicant shall check the digital video surveillance system daily and keep a daily log to ensure that the digital video surveillance system and remote access is operable.
31. Every Friday, Saturday, and Sundays from 8 p.m. until a half hour after closing, the permittee/licensee shall provide four (4) contract security guard. Uniformed contract security guard shall be licensed by the State of California and shall be employees of and acting under the direction of a Private Patrol operator duly licensed as such by the State of California. The hours and/or the required number of licensed uniformed security guards may be adjusted at the discretion of the Chief of Police. Said personnel shall carry his/her Guard Card on their person at all times and present it to any Peace Officer upon demand. Said personnel shall be clothed in such a manner as to be readily identifiable as security. No security guards shall be permitted to be armed with live firearms.
32. Interior illumination shall allow the unaided inspection of personal identification by members of the Hayward Police Department while inside premises.
33. No outside and/or promoter sponsored events are allowed on the premise.
34. The owner, manager, and employees shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they move loiters who refuse to leave. Persons hanging around the exterior of the establishment with no

apparent business for more than ten minutes shall be asked to leave. Signage at the entrances and visible from the outside shall be posted that state "No Loitering." These signs shall be no less than 18" x24" and have 2-inch block lettering.

35. The exterior of the premises, including adjacent public sidewalks and all parking lots under the control of the licensee, 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. However, the position of such lighting shall not disturb the normal privacy and use of neighboring residences and are subject to approval by the City of Hayward.
36. Queuing for admission to the facility shall be formed along the Main Street side. Stanchions and rope shall be used to delineate the queue, if needed, and placement shall allow a four-foot sidewalk right-of-way clearance. No congregation of patrons shall be permitted at the rear of the building. Queues are to be limited to areas that do not impede the entrances to adjacent businesses.

Alcohol Sales Procedures

37. No minimum drink purchase or similar charge or minimum purchase shall be imposed on or required of customers entering the establishment.
38. No sales of pitchers or buckets of beer or alcoholic beverages shall be permitted. Bottle service shall be prohibited.
39. Snacks and light refreshments shall be available for purchase by patrons at all times. Examples may include, but not be limited to, water, pre-packaged goods including chips, popcorn, crackers, fruit, etc.
40. The sale and service of alcoholic beverage to patrons shall be discontinued no later than 15-minutes prior to the closure of the establishment.
41. The permittee and all employees engaged in the dispensing of alcoholic beverages shall attend the Department of Alcoholic Beverage Control's LEAD Training prior to opening of the bar. Any employee hired after this permit is approved shall attend such training within ninety (90) days of his/her date of hire. As proof of attending the Training, the Department of Alcoholic Beverage Control certificate of completion shall be submitted by the permittee for each employee upon completion of such training to the Hayward Police Department. The applicant may contact Detective Gabrielle Wright at the Hayward Police Department – Vice Unit at 510-293-7013 for further information. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
42. No employee, security staff, or agent shall solicit or accept any alcoholic beverage or non-alcoholic beverage from any customer while in the premises.
43. Self-service of alcohol shall be prohibited, included refrigerated coolers or buckets of alcoholic beverages available, prior to the order from a customer.
44. The sale of alcoholic beverages for consumption OFF the premises shall be strictly prohibited. No alcoholic beverages shall be permitted to leave the premises.

Sounds and Entertainment

45. The permittee shall be required to obtain a valid cabaret license from the Hayward Police Department in accordance with Chapter 6, Article 2 of the Hayward Municipal Code. The license shall be obtained prior to any entertainment component such as dancing, live and/or amplified music, karaoke, etc. A security and safety plan shall be submitted for review and approval by the Police Department to ensure maintenance of peace and safety on the subject property and surrounding area. The revocation of the cabaret license may also be grounds for the revocation of this use permit.
46. If the event the business transfers ownership, the new owner shall be required to obtain a separate cabaret license with their supplemental security and safety plan from the Police Department with all submittal requirements listed in the Chapter 6, Article 2 of the Hayward Municipal Code.
47. The front doors(s) or any operable windows shall be kept closed at all times during times when amplified music or entertainment is occurring, except in the cases of typical ingress and egress, or emergency situations. Deliveries during such times shall be prohibited. Front door(s) may not include a screen or ventilated security door.
48. Background music shall be permitted anytime. Background music may be live or recorded and shall not utilize a stage nor involve dancing, unless otherwise specified and permitted by the Police Department on the cabaret license.
49. At the applicant's expense, the permittee shall be required to soundproof the establishment with proper window treatment to comply with the City's Noise Ordinance. Noise generated by the establishment or its patrons shall not exceed ambient noise levels beyond the area under the control of the licensee.
50. Earplugs shall be made available to all employees.
51. There shall be no adult entertainment as defined by Section 10- 1.2735 of the Zoning Ordinance. Fashion or lingerie shows shall be prohibited.
52. Pursuant to Section 4-16-.20, it is unlawful for any person to manage, supervise, maintain, provide, produce, possess or use one (1) or multiple simulated gambling devices. Each individual act to manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation of this section. Simulated gambling devices shall be prohibited.
53. No billiard tables are permitted with this use permit.

Pre-Operations

54. Not more than 25 percent of the store front windows shall be obstructed to allow a clear view into the establishment.
55. The rear entrance is not permitted to be used as an entrance or exit, except as an emergency exit only. An audible alarm shall be installed on the rear door and shall be armed during times when the rear door is an emergency exit. Also, a security

staff member shall be stationed at such exit during cabaret or cabaret-related activities are occurring to ensure patrons do not use such rear entrance.

56. No mechanical equipment, solar collectors, television or satellite reception antennas may be placed on the roof unless it is adequately screened from view by the proposed roof structure. Prior to construction, documentation shall be provided that the roof mounted mechanical equipment is adequately screened.
57. Any work done in the right-of-way (sidewalk, street, partial street closure) requires an encroachment permit from the City.

BUILDING DIVISION

58. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
59. Per the California Building Code and Fire Code, occupant load signage shall be installed conspicuously within of the establishment.

FIRE DEPARTMENT

60. Duct smoke detectors that are installed within the HVAC system (AHU's and Smoke Dampers) shall meet the California Mechanical Code for installation and the California Fire Code. Such detectors shall be interconnected to the buildings' main fire alarm control panel and zoned separately (if applicable).
61. 2A:10BC type fire extinguishers are required throughout the building for every 75' of travel or every 3,000 square feet of space including dining and service areas. The kitchen area where the cooking equipment is located shall have a minimum 40BC type fire extinguisher or a Class K type fire extinguisher installed within 30' of the cooking equipment.
62. The building shall have an address installed on the front of the building having a minimum 6-inch number height on a contrasting background. The address numbers shall be clearly visible from the street.
63. The project will be classified as an 'A' occupancy (50 occupants or more and less than 300 occupants). The following requirements shall be applicable:
 - a. As reflected on the approved plans, exit doors leading to the exterior shall have panic hardware installed.
 - b. Exit illumination signs shall be installed as per the California Building Code, including low-level exit signage.
 - c. As per the approved plans, aisle widths are in compliance with the California Building and Fire Codes for fixed seating and non-fixed seating.
 - d. Decorative materials shall be flame treated and a "Certificate of Flame Treatment" shall be presented to the fire department prior to certificate of occupancy.

- e. Occupant load signs shall be installed in all dining areas with fixed and non-fixed seating, reflecting the seating capacity for each dining area. In addition, a total capacity shall be posted at the front door stating the maximum seated and standing occupant loads. The maximum capacity for this establishment shall not exceed be 89 persons.
 - f. An evacuation plan shall be posted in approved areas within the restaurant. Locations to be approved by the Fire Department.
 - g. The restaurant will be required to have an Annual Permit for Place of Assembly (2018). Permit shall be obtained prior to certificate of occupancy.
 - h. Fire and evacuation drill shall be conducted QUARTERLY by employees.
64. CO₂ Tank Permit – If a CO₂ tank is proposed for sodas/beers, the owner/vender is required to obtain a Hayward Fire Dept. permit to install liquid carbon dioxide (CO₂) tank. All liquid carbon dioxide tanks shall comply with NFPA 55 standards including, seismic restraints, pressure gauges, vent and pressure relief devices, and signage. For indoor CO₂ tank locations, a CO₂ detection system is required. This CO₂ detection system must can detect and notifying the building occupants of a gas release of CO₂ vapors in excess of 5,000 ppm. The CO₂ detection system must be installed, inspected, and approved by the Fire Department to receive a “Certificate of Occupancy”.
65. Compressed gas cylinders (nitrogen) – must be chained and secured. When stored must have cylinder valve caps.
66. Obtain an annual Consolidated Permit from the Hayward Fire Department’s Hazardous Materials office for compressed gas volumes greater than 200 cubic feet.

UTILITIES

67. Domestic: During the building permit submittal, indicate on the floor plans and/or plumbing fixture table the type of water fixtures being proposed (e.g., utility sinks, 3-compartment sinks, dishwashers, toilets, etc.).
- If the existing water services will both be used, clearly indicate which areas of the building would be served by which water meter.
- If one of the existing water services cannot be reused, it must be abandoned by the City’s Water Distribution Personnel at the applicant’s/owner’s expense. Abandonments are billed based on actual costs with a time-and-materials deposit due prior to the start of work. The final cost of the work will be actual costs of work performed and equipment/materials used. If actual costs are less than the deposit amount, the owner/applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage. The time-and-materials deposit due for the abandonment of the existing service would be \$4,500
68. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each domestic and irrigation water meter, per City Standard SD-202.
69. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.

70. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
71. The property has two existing commercial sewer services, with a “grandfathered” capacity of 420 gallons per day of domestic strength wastewater discharge. Additional sewer system capacity may need to be purchased, at the rates in effect at the time of purchase and prior to discharge, to accommodate the volume and waste strength of wastewater discharge from the new bar/lounge. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge.
72. Additional information is needed to determine if the estimated discharge from the proposed business will be under the “grandfathered” capacity. Complete the Sewer Service Connection Fee application and include it in the building permit submittal. Include the number of employees and estimated number of customers to be served in a day.
73. All sewer mains and appurtenances shall be constructed in accordance to the City’s “Specifications for the Construction of Sewer Mains and Appurtenances (12” Diameter or Less),” latest revision at the time of permit approval.
74. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.

SOLID WASTE & RECYCLING

75. Submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant shall will only need to submit the top “applicant” half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. The form can be located online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.
76. Per City Ordinance, all businesses are required to arrange for separate collection of recyclables. In addition, food related businesses are required to separately collect organics (compostable materials). For more information, please visit <http://www.recyclingrulesac.org/city/city-of-hayward/>. Please see Section 2 of attached for capacity needs. Also, see Section 3 of attached for trash enclosure design requirements, should an enclosure be deemed necessary.

Business Plan

990 B. Street Hayward, CA 94541



990 LOUNGE



CONTENTS

Opening Letter	P.3
Opportunity and solution	P.4
Operations and logistics	P.5
Menu design	P.6 – 8
Garbage detail	P.9
Security Plan	P.10 – 22
Aerial Map	P.23
Street Elevation images	P.24 – 26
Floor plan and elevation plans	P.27 – 30
Exterior Renderings	P.31 – 33
Signage spec	P.34
Exterior Finishes	P.35 – 36
Interior Finishes	P.37 – 38

**To: City of Hayward
Planning Department
Marcus Martinez, Assistant Planner**

**From: Vic Gill & Jay Baltazar
VGJB Inc.**

**RE: Proposed Business for 990 B
Street, Hayward, CA**

VGJB Inc. proposes to establish a new business in the City of Hayward, California that specializes in hosting curated events in an upscale ultra-lounge setting. We are aiming to transform the corner suite of 990 B Street into a luxurious bar and lounge containing live music, various beverages & cocktails, and communal space for networking and socializing.

This application seeks approval for a Conditional Use Permit to allow the sale of beer, wine, and distilled spirits for on-site consumption. The following information outlines a description of the business, including operations, logistics, and proposed floor plan.

Thank you in advance for considering our proposal, and we hope to contribute to the network of small businesses that exist in Hayward. We'll be happy to provide further information on request.

Sincerely,

Vic Gill & Jay Baltazar
VGJB Inc.

The 990 Lounge
990 B Street, Hayward, CA

EXECUTIVE SUMMARY

Opportunity

There are a lack of options for people in the City of Hayward to engage in nightlife and entertainment when compared to cities such as Oakland, San Francisco, and San Jose. This results in residents and visitors traveling out of Hayward, which leads to a lost in revenue for the City. The area containing B Street in Hayward offers many opportunities to create a vibrant destination for dining, retail, and entertainment, but due to the amount of vacant spaces it falls short.

Solution

VGJB Networks is proposing to open a high-end bar and lounge in the city of Hayward to fill the need for upscale entertainment, to provide more options for consumers, and to add to the cultural vibrancy of the City.

Operations & Logistics

The 990 Lounge is committed to complying with local authorities and law enforcement to make sure we are operating a safe and legal establishment. Along with a great experience, the safety and security of our guests is our top priority. Since this would be a bar and lounge, proper guidelines will be in place to ensure that our guests are of legal age before entering.

No persons under the age of 21 will be allowed to enter the premises. Security and staff will check legal identification cards/licenses before serving alcohol. From 9pm–1:30am security will mark guests hands with a wristband or stamp to signify that guests are of legal age for alcohol consumption.

Amplified music will be played through an in-house sound system for guests to enjoy. Acoustic treatments to the space will be used to make sure that the sound does not disrupt, bother, or interfere neighboring businesses or residential areas.

The following bullet points outline additional information about operations and logistics.

Licenses Needed for Operation

- Hayward Business License
- State Board of Equalization Seller's Permit
- Conditional Use Permit
- Alcoholic Beverage Control (ABC) License
- Cabaret License for DJ and Live Music

Anticipated "Open for Business" Date:

- August 1, 2018

990 Lounge Staffing

- General Manager
- Security Manager
- 2-4 Bartenders*
- 2-4 Bar Backs/Bussers*
- 4-6 Licensed Security Guards*
- 2-4 Waiter/Waitress*
- Contracted DJ/Musician
- *Dependent on low or high volume of customers

Tenant Space

- Address: 990 B Street, Hayward, CA 94541
- Size: Approximately 2,363 square feet
- Seating: 50-75 People depending on configuration
- Max Occupancy: 89 People

Amenities

- Full Service Bar
- Serving cocktails, beer on tap, bottled beer, wine, distilled spirits
- Light refreshments/snacks
- 2 Bathrooms in compliance with ADA code
- Seating areas and walkways compliant with ADA code
- Dance Floor
- Designated VIP seating
- DJ/Live Band
- No entrance/cover fees
- Parking Lot located behind the building



990 LOUNGE

COCKTAILS

HAYWARD MULE - HANGAR 1 VODKA, GINGER BEER, FRESH LIME JUICE

OLD FASHION - WHISKEY, BITTERS, ORANGE

SAZERAC - BRANDY, FRESH LEMON JUICE

THE LAST WORD - GIN, FRESH LIME JUICE, MARASCHINO LIQUEUR AND GREEN CHARTREUSE

NEGRONI - GIN, CAMPARI, VERMOUTH

PEAR MOJITO - RUM, FRESH LIME JUICE, PEAR PUREE, MINT LEAVES, CLUB SODA

THE SIDECAR - HENNESSY, COINTREAU, FRESH LIME JUICE

MARGARITA - TEQUILA, COINTREAU, FRESH LIME JUICE

THE LOVE POTION - PROSECO, FRESH BERRIES

GIMLET - GIN, FRESH LIME JUICE

BEERS ON TAP

21ST AMENDMENT HELL OR HIGH WATERMELON

ALAMEDA'S IPA

LAUGHING MONK 3RD ST. PALE ALE

GREAT WHITE ALE

ASSORTED CRAFT BOTTLED BEERS

KOMBUCHA BEER

HOUSE MADE SANGRIA'S

BLOODY MARY BAR

MIMOSA'S

FOUNTAIN DRINKS

COKE, COKE ZERO, SPRITE

BAR SNACKS

POPCRON, BAR MIX, KALE CHIPS, AND EDAMAME




990 LOUNGE


990 LOUNGE
COCKTAILS

HAYWARD MILK
HANGAR 1 VODKA, PROSECCO
FRESH LIME JUICE

OLD FASHION
WHISKEY, BITTERS, ORANGE

SAZERAC
BRANDY, FRESH LEMON JUICE

GIMLET
GIN, FRESH LIME JUICE

THE LAST WORD
GIN, FRESH LIME JUICE, MARASCHINO, LOUVER
AND GREEN CHARTREUSE

MENT HELL OR HIGH WATERMELON
ALAMEDA'S IPA
MONK 3RD ST. PALE ALE
PAT WHITE ALE
11 BOTTLED BEERS

DRINKS

SPRITE

NEGRONI
GIN, CAMPARI, VERMOUTH

PEAR MOJITO
RUM, FRESH LIME JUICE, PEAR PUREE,
MINT LEAVES, CILANTRO SODA

THE SIDECAR
HENNESSY, Cointreau, FRESH LIME JUICE

MARGARITA
TEQUILA, Cointreau, FRESH LIME JUICE

THE LOVE POTION
PROSECCO, FRESH BERRIES

BEERS ON TAP

KOMBUCHA BEER

HOUSE MADE SANGRIA'S
BLOODY MARY BAR

MIMOSA'S

SNACKS

POPCORN
BAR MIX
KALE CHIPS
EDAMAME



990 LOUNGE

COCKTAILS

HAYWARD MULE

HANGAR 1 VODKA, GINGER BEER,
FRESH LIME JUICE

OLD FASHION

WHISKEY, BITTERS, ORANGE

SAZERAC

BRANDY, FRESH LEMON JUICE

GIMLET

GIN, FRESH LIME JUICE

THE LAST WORD

GIN, FRESH LIME JUICE, MARASCHINO LIQUEUR
AND GREEN CHARTREUSE

NEGRONI

GIN, CAMPARI, VERMOUTH

PEAR MOJITO

RUM, FRESH LIME JUICE, PEAR PUREE,
MINT LEAVES, CLUB SODA

THE SIDECAR

HENNESSY, COINTREAU, FRESH LIME JUICE

MARGARITA

TEQUILA, COINTREAU, FRESH LIME JUICE

THE LOVE POTION

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MIMOSA'S

FOUNTAIN DRINKS

COKE

COKE ZERO

SPRITE

SNACKS

POPCRON

BAR MIX

KALE CHIPS

EDAMAME

Menu



990 LOUNGE

COCKTAILS

HAYWARD MULE - HANGAR 1 VODKA, GINGER BEER, FRESH LIME JUICE

OLD FASHION - WHISKEY, BITTERS, ORANGE

SAZERAC - BRANDY, FRESH LEMON JUICE

THE LAST WORD - GIN, FRESH LIME JUICE, MARASCHINO LIQUEUR AND GREEN CHARTREUSE

NEGRONI - GIN, CAMPARI, VERMOUTH

PEAR MOJITO - RUM, FRESH LIME JUICE, PEAR PUREE, MINT LEAVES, CLUB SODA

THE SIDECAR - HENNESSY, COINTREAU, FRESH LIME JUICE

MARGARITA - TEQUILA, COINTREAU, FRESH LIME JUICE

THE LOVE POTION - PROSECO, FRESH BERRIES

GIMLET - GIN, FRESH LIME JUICE

BEERS ON TAP

21ST AMENDMENT HELL OR HIGH WATERMELON

ALAMEDA'S IPA

LAUGHING MONK 3RD ST. PALE ALE

GREAT WHITE ALE

ASSORTED CRAFT BOTTLED BEERS

KOMBUCHA BEER

HOUSE MADE SANGRIA'S

BLOODY MARY BAR

MIMOSA'S

FOUNTAIN DRINKS

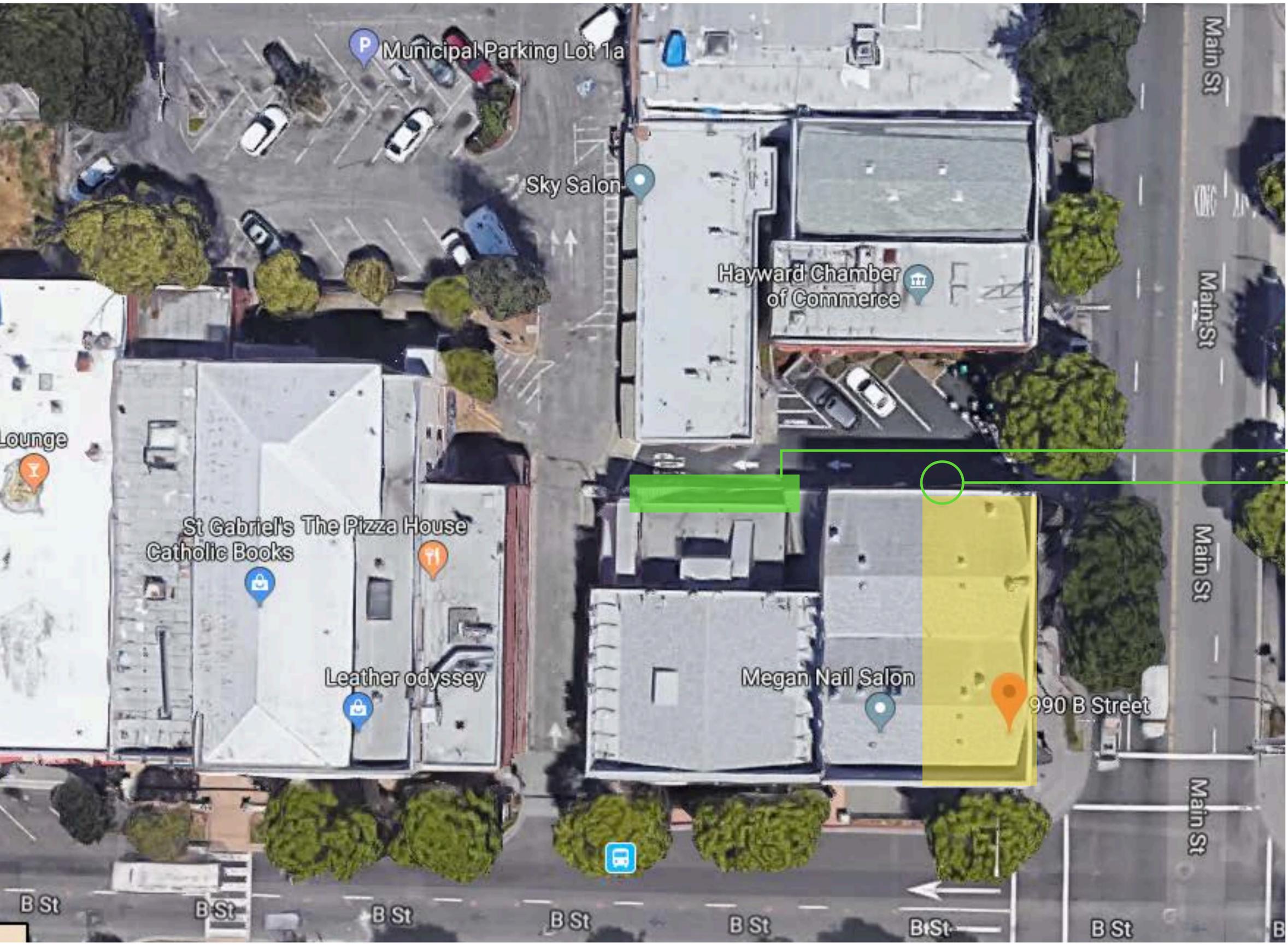
COKE, COKE ZERO, SPRITE

BAR SNACKS

POPCRON, BAR MIX, KALE CHIPS, AND EDAMAME

Table tent

GARBAGE LOCATION



3 yard front loading dumpster
990 Lounge rear exit door

SECURITY PLAN

The Kingdom Group

James Vierra

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PPO#17083

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Introduction

The goal of The Kingdom Group, Inc. is to create security plans that not just meet the basic requirements, but that exceeds City/County/State requirements. We believe that our security plans will ensure that our client will be above the curve when it comes to security, public safety, and decreasing the risk of theft or diversion from their facility. It is of utmost importance to The Kingdom Group, Inc. that our client is operating their facility legally, safely and without disruption to their neighboring businesses and the community they operate in. We encourage our client to get involved as a business and with their employees participating in Community events and projects. We stress the importance of developing a great working relationship with their local Law Enforcement and Community Leaders.

Hours of Operation

The Proposed hours of operation are in full compliance with the initial request submitted to the city for approval of business hours being conducted.

Hours of operation

- Monday 12pm–1:30am
- Tuesday 12pm–1:30am
- Wednesday 12pm–1:30am
- Thursday 12pm–1:30am
- Friday 12pm–1:30am
- Saturday 12pm–1:30am
- Sunday 12pm–1:30am
- Happy Hour would run between the hours of 3pm–6pm

Outdoor Lighting:

1. Exterior lighting shall be white light using LED lamps with full cutoff fixtures to limit glare and light trespass. Color temperature shall be between 2700K and 4100K with a color rendering index of 75 or better and a light loss factor of .95 or better.
2. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.

Security Guards/Agents & Security Manager:

Kingdom Group Protective Services will be providing management oversight and licensed security personnel to ensure the security and safety of both the bar venue and its patrons. TKG is a professional and experienced security firm fully licensed and insured PPO, which allows them to hire both unarmed and armed agents in the State of California, they are also a licensed Private Investigative Company, which allows them to conduct all investigations in the State of California

Design Aspects to Reduce Security Risks:

Every business has security threats. Considering crime prevention practices, both in and around our business, ensures staff and public security. As laid out in this plan, All Lounge 990 employees will receive training to help deter and prevent security threats. The following design aspects within the lounge will aid in identifying, preventing and dealing with security and possible diversion risks:

- Assure visibility without too many obstructions.
- Have a secured safe with a Conex box storage with DVR & Bolt down safe to store cash and high value assets.
- Have a secure refuge area for employees in the case of a violent incident.
- Visible interior and exterior security cameras to deter individuals, while recording suspicious activity and/or incidents.
- Panic buttons that management and employees can easily access to use in the case of an incident and/or emergency.
- Alarms on all entry and exit points, and the secure storage room for excess alcohol not being used behind the bar.
- Medical emergency equipment easily accessible and visibly marked.

Section 2: Electronic Security Systems:

Overview:

Security is the highest priority as we develop and operate 990 Lounge, all electronic systems will be developed, and built upon, with input from various professionals as the process moves forward. The proposed elements will not only deter any internal or external theft and/or diversion, but also expediently advise our security of any potential burglary and/or robbery attempts. They will also work to ensure any potential suspects can be brought to justice following any such attempts and/or incidents.

Lounge 990 has consulted with a third-party firm for the basic development of the various aspects of this system. This security plan includes a complete package of CCTV video surveillance, motion sensitive burglar alarms, door and window contact alarms, monitored entry, interior, and exterior activity, and fire alarm. All systems will incorporate redundancy in the case of power outages, cord cutting, or any other potential external influence which would normally cause such systems inoperable. These include battery backups for internet servers and security systems, and multiple data storage routes. Lounge 990 will also utilize a secure cloud based back up system. Cloud based servers will be used to back up data in the instance the DVR is damaged and allow for remote viewing by security personnel, law enforcement and management.

Third Party Monitoring:

This system will be monitored 24 hours a day, seven days a week, by a third-party alarm-monitoring firm. This firm will monitor alarm activations for fire, robbery and burglar-attempted entry. The third-party monitoring will also have an additional backup of all data pertaining to the security system.

Access Controls:

990 Lounge will use best business practices as it relates to installing proper locks and breakaway bars for emergencies and to secure the lounge during off hours.

Video Surveillance:

Cameras will be directed to:

- Collect visual records of entry and exit of employees and patrons and cash transaction areas in front and behind the serving area.
- Identify any suspicious activity both in and outside the facility.
- Assure proper cash and product handling, as well as record keeping practices.
- Ensure a strong deterrent factor.

The surveillance system will additionally be able to identify after-the-fact. Many video surveillance systems cannot truly identify individuals after an attempted or successful burglary, robbery, or suspicious person incident, due to low quality resolution or ineffective density. Using high density combined with high definition resolution the video surveillance system will be able to make positive identification in such situations.

Surveillance will cover all critical areas of the lounge, as it directly relates to the operations of the lounge and activities. Lounge 990 will assure all surveillance data is secure. The power to the surveillance cameras and DVR(s) will have a battery and/or generator backup able to provide 72 hours of additional power in the case of an accidental or intentional power failure. All surveillance records will be maintained for at least 30 days. Cloud based servers will be used to back up data in the instance the DVR is damaged and allow for remote viewing by security personnel and management. The DVR and backup unit will be in the Secure Storage Room, in a two-hour rated locking fire safe container, preventing both theft and accidental destruction in the case of fire or another emergency.

Motion Sensors:

Electronic alarm system will include the installation of motion sensors per the awarded contractor and monitoring company. These sensors will detect any movement in specific areas of the facility, which from closing to opening the next day. These devices ensure that if an intruder manages to get into the lounge through a breached entry, such as a hole cut through a wall, the intruder will still be immediately detected.

Motion sensors will be wired to the remote backup systems. If power is turned off to main facility, motion sensors will continue to operate and sound the alarm in the instance of an intrusion.

Window and Door Monitoring Devices:

All operable windows and doors shall be protected by magnetic contacts and vibration sensing devices. Magnetic contacts trigger the alarm whenever the sensor detects a window or door has been opened. Vibration sensors trigger the alarm system in the event the sensor detects a significant vibration, such as the action of attempting to break and/or open a window or kick a door. These alarms are especially effective, as they can identify attempted intrusion before the facility has been compromised.

Security Maintenance, Audit, and Tests:

A complete security audit shall be carried out on a quarterly basis. The security audits will check all the policies and procedures and check to make sure all protocol is being followed by all staff.

Included in the quarterly security audit will be a complete test of security systems.

The security system test will include the following actions:

- Testing overall system integrity
- Ensuring system is communicating correctly with monitoring station.
- Checking integrity of back up systems to ensure sufficient charge rate in case of power failure.
- Checking to ensure all sirens, cameras and motion sensors are working correctly.
- Evaluate placement of cameras and motion sensors.
- Ensure panic buttons and internal communications work properly.

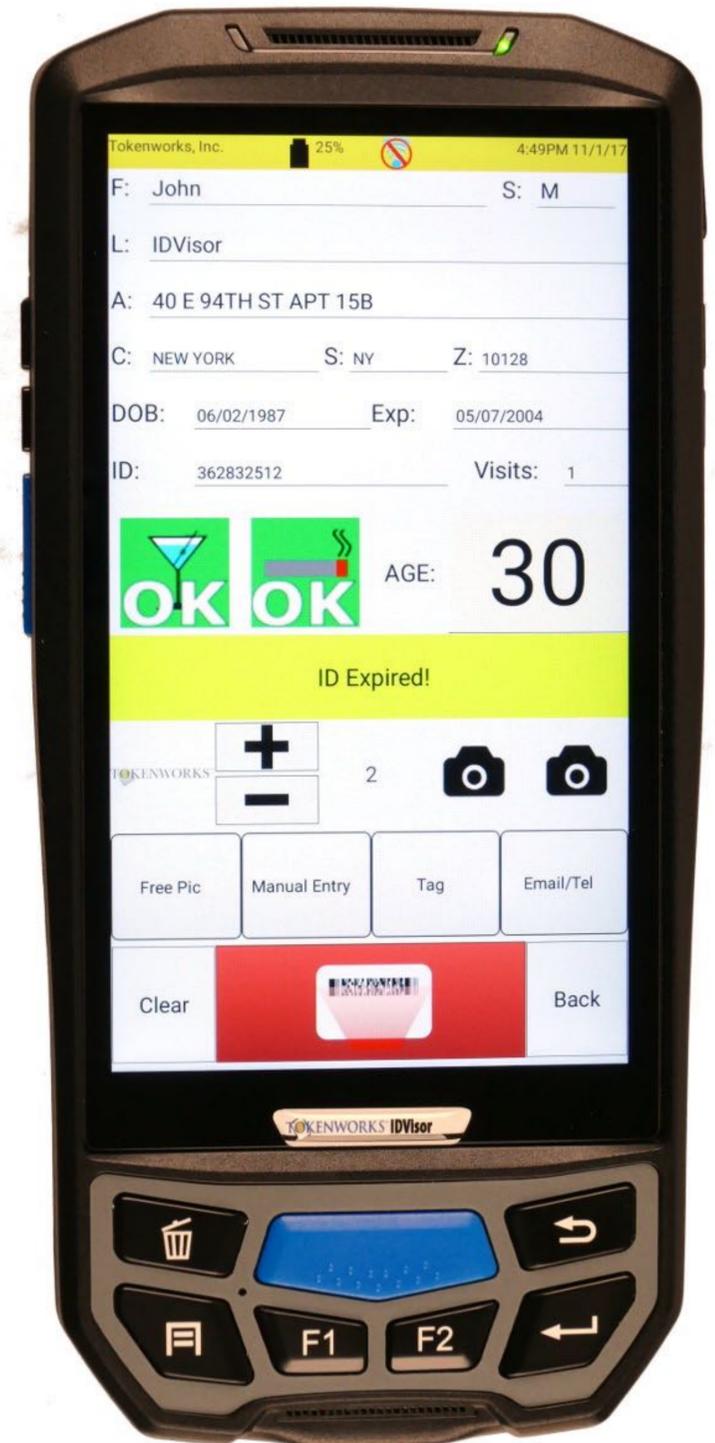
As part of the quarterly security audit, the audit will gather information relevant to our security program, including:

- Review of any incidents at facility.
- Evaluation of policies and procedures.
- Evaluation of employee's adherence to protocol.
- Safety and security feedback filled out by all employees.
- Group discussions to expand on raised issues.

The information gained during the audits will be used to put together a comprehensive report on the effectiveness of our security program. That report shall also contain a plan on how overall security can be improved.

Section 3: State Legal Compliance:

Most importantly, no persons shall be allowed in the lounge unless they show proper and valid identification for proof of age to be at least 21 years or older. To enhance and enforce the accuracy of age verification will be a two-part process. When security agents are on site for special events and selected operating business hours we will be using the IDvisor Smart Plus. This device is 100% accurate and will determine if the ID is valid and presents the user with immediate verification of the persons age. When security is not present this device will be assigned to the bar keep who will validate all persons requesting alcoholic beverages.



Secure Storage Room:

All alcohol that is not for use immediately behind the designated pouring areas will be kept in a secured storage Room. All large amounts of cash will also be secured in a safe in the secure storage room. The only employees with access to the Secure Storage Room shall be the Manager and/or Assistant Manager. No other employee or persons shall have access to the Secure Storage Room, without management authorization and admittance, to limit the possibility of internal theft or diversion.

The Secure Storage Room shall be secured by video surveillance camera's covering every possible angle of the Secure Storage Room. Additionally, adequate motion sensitive burglar alarms shall be placed in the room to assure any movement within the room triggers the alarm once it has been activated during the nightly security closing procedures. The alarm and video surveillance can be monitored remotely, and a signal alarm will alert management and security if the alarm is activated.

Security will stay until the last employee in building is ready to leave. Security personnel will be responsible for assuring the facility is secure for the night.

Security staff will perform the following security checks:

- Walk perimeter to check lighting and cameras for obstruction and operation.
- Double-check all locking doors, cabinets, Secure Storage Room, and safe to ensure they are secure.
- Turn off appropriate interior lighting.
- Check camera lines of sight for obstruction and operation.
- Inspect facility for possible security risks.
- Perform security bag/coat/container/etc. checks.
- Supervise any required maintenance/cleaning staff.
- Activate burglar alarm.
- Double check doors from outside.

Money Handling and Limited Cash Operation:

To reduce the risks of theft or robbery, associated with the cash operation, Lounge 990 will train their staff in the following policies and procedures:

- Cash is to be kept out of view of general staff and public as much as possible.
- The handling of cash will be limited to designated areas of the lounge area.
- All such areas will be under obvious video surveillance.
- The manager will ensure that all money will be placed in the safe as soon as reasonably possible.
- Training will directly address each activity in the operation of the facility that deals with the handling of cash (ex: removing and/or accepting cash for business transactions, taking or removing cash from the safe by managers, etc.)
- Identifying counterfeit currency and the proper reporting of such transactions.
- Specific training for employees to maintain theft and robbery protocol with ongoing supervision by manager.
- Include consequential oversight for failure to comply with security protocols.
- Require employee feedback and input of suspicious activity in or around the facility.

Theft:**Prevention:**

Prevention of theft is the most cost effective and safest way to deal with threats of theft. All employees will be trained to carry out the following policies and procedures to:

Identify and report suspicious activity by staff, patrons or vendors, or persons outside the facility.

- Nervousness
- Wandering
- Attempting to stay in part of the lounge that is difficult to see or provides an opportunity for theft (ex.: such as the restroom, areas of the furthest angle from video surveillance, etc.)
- Darting eyes, looking around frequently.
- Avoiding eye contact

Be Proactive by:

- Greeting and acknowledging persons you come in contact with.
- Being friendly and polite to staff, security, clients, visitors.
- Asking if someone needs help if acting suspiciously
- Keeping the lounge clean
- Incorporating third party violence prevention training for all staff and security.

If a person is suspected of Theft

- Do not do anything that a suspect could consider “threatening.” Safety to staff and the public is more important than loss.
- Do not physically try to stop the suspect.
- Do not lock in a suspect or prevent them from leaving.
- Approach a suspect in a calm manner and ask if they need your help with something.
- Stay out of reach of a suspect.
- If staff member feels frightened or uneasy, report any and all-suspicious activity to security.
- Call Law Enforcement and report activity to security if illegal activity or threat of violence is obvious or imminent.

If Theft Has Occurred

Intervention or other attempts to stop a theft can escalate a situation from being one of property loss to a more dangerous physical altercation. The following policies must be followed to keep employees safe while letting Law Enforcement pursue the suspect.

- Do not pursue the suspect.
- Call security immediately.
- Security can notify Law Enforcement and prepare surveillance video, if theft occurred inside or directly around the facility.
- Don’t make accusations.
- Do not trap a suspect, feeling trapped causes panic and erratic behavior.
- Keep your distance from a suspect.
- Make mental notes of hair and eye color, clothes, distinguishable markings such as scars, marks, tattoos, piercings, vehicle make, model, and license plate number, etc.
- Give suspect a chance to reconsider the theft and its consequences. Do not accuse but do confront the suspect and give them the benefit of the doubt. Ask questions like, “would you like to return the property, etc.”

Once Suspect Has Left:

Once there is no fear of harm from exciting a suspect and escalating the situation, take the following actions:

- Immediately write down any information regarding appearance, including, height, weight, hair style and color, skin color/nationality, notable features, such as scars, marks, tattoos, mannerisms, clothing and footwear while it is still fresh in your memory.
- Use video surveillance or eyewitnesses to identify make and model of any possible suspect vehicles.
- Have security call Law Enforcement immediately.
- If suspect is known, have all documents and/or information prepared for Law Enforcement.
- Fill out an incident report and prepare a copy for Law Enforcement.

Robbery:

Robberies present the greatest threat to the safety and security of employees making the lounge a difficult target will protect our employees, security, and patrons from possible violent situations and provide a safe work environment for our employees.

Employees will be trained in the following policies and procedures to help assure robberies do not happen, and if they do, our employees will be prepared to deal with the situation in the best way possible. Their directive is to comply with all demands and continue to stay calm.

Prevention:

Robbers thrive in chaos and disorder. A dress code for staff and security will be enforced. This will make employees and visitors feel more comfortable and potential robbers feel uncomfortable.

- Be friendly – Employees will be trained to make eye contact and give each other, security and visitors a friendly greeting.
- Stay Alert – Watch for people showing the same behavior as potential theft suspects.
- Engage Suspicious Persons - If someone is acting suspicious, ask the person if they need any help, making that person uncomfortable if they have bad intentions. Talking with them will also gain any info on accents, speech issues, etc.
- Act on Suspicious behavior – If someone continues to stand out after passive intervention, security will be notified and management will discuss whether Law Enforcement intervention is appropriate.
- Make Friends with Law Enforcement – Keep positive relations with Law Enforcement and encourage them to come by occasionally. When they do come by, be polite; offer a tour and coffee, etc.
- Cash Handling – Cash will be handled discreetly and large amounts of cash kept out of sight of general staff and the public. If asked about amounts of cash kept at facility by general staff, visitor, or member of the public, explain we do not keep large amounts of cash on hand.

During a Robbery Attempt:

- Play it Safe – Do not try to be a hero. Cooperate. Give up money and inventory. Do not resist. Safety of employees and the public is more important than loss of cash or inventory.
- Avoid Weapons – Even if you cannot see a weapon, assume there is one.
- Stay Calm - Observe as much as possible about the robber, but do not stare or try to aggravate.
- Do not Trap Robber – A person who feels trapped is more likely to panic and become violent and behave erratically.
- Ask Questions - If you do not understand what the robber is telling you to do, ask for clarification.
- Avoid Surprises – Keep hands in sight and don't make sudden moves.
- Inform Robber - If you have to reach for something, there is another employee around, or there is something that may make noise or otherwise startle the robber, let them know so they are not surprised.
- Keep it Brief – Give the robber what he/she wants as fast as possible so that the incident ends quickly.
- Keep it Smooth – Handle the situation as if it is a normal transaction.
- Wait to Activate Alarm – Do not chance activating silent alarm if robber might notice. Chances are another employee who is not in direct danger will activate the alarm. Activate alarm only when robber is gone and is no longer a threat.

When the Robber Has Left:

- Do not chase or follow – Safety is more important than loss of property or catching a criminal.
- Lock the facility – Operations must cease after an incident, inventory locked down, and employees and security will need time to calm down and speak with Law Enforcement.
- Notify security or Law Enforcement immediately – Law Enforcement will find and deal with criminals
- Ask Witnesses to Stay - Make them as comfortable as possible. If they do not, try to get contact information.
- Protect Crime Scene – Lock down facility. Do not allow anyone to touch anything where robber has been. Do not resume business until Law Enforcement are finished with investigation and give permission to resume business.
- Do Not Discuss – Do not talk about details of the robbery until Law Enforcement has taken statements.
- Fill out Incident report - Prepare copy for Law Enforcement.
- Fully cooperate with Law Enforcement from start to finish of their investigation.

Abusive Persons:

At times, individuals may act in obviously inappropriate ways. This can include anything from being demeaning, intimidating, or mildly offensive to physical and sexual harassment. If abusive conduct is experienced or noticed by an employee, it is important that the behavior is addressed immediately to prevent anyone from being offended by such behavior or the behavior escalating into violent behavior or becoming a systemic problem.

How to deal with abusive people:

- Tell the Person to Stop - The person may not realize their behavior is abusive, and not addressing the behavior may cause it to become a pattern.
- Tell the Person Why the Behavior is Unacceptable - The person may not understand until you explain to them how it makes you feel. If the person does not stop, then they are intentionally engaging in a behavior they know makes you feel uncomfortable or threatened.
- Obtain Security Staff - Security staff will ask the person to leave the area if they continue to act abusively.
- Report the Incident - Tell the manager or security so that those people who engage in abusive behavior can be put on a list of persons of concern, to keep a record should there be future incidents.
- Call for Law Enforcement - If you are threatened directly with harm, or abuse occurs, notify security or call police immediately.
- Call for Help - Do not be afraid to yell for help, if you feel you might be harmed.

Un-Welcome Persons:

Like any retail business, the lounge may face unwanted or unwelcome persons, such as loiterers or panhandlers, campers, etc. Due to having on-site security, these issues will be more directly and immediately addressed compared to other retail type establishments.

The following policies and procedures will be in place to expedite the removal of those persons and help assure unwanted persons are not attracted to the facility in an effort to ensure the safety of our neighboring businesses, public, employees, and security agents.

- Security and or management will ask loiterers, panhandlers, campers, etc. to leave.
- Signs will be posted both inside and outside the lounge prohibiting loitering.

Suspicious Persons:

Occasionally a person will come to and/or around the lounge that seems out of place. It may be a person's appearance, body language, behavior, or mannerisms that indicate a possible issue. The feelings may be sub-conscious, and make you feel uncomfortable. These persons could be in the area to case and obtain facility routine information, possibly to set up a robbery or other negative activity to the lounge or its employees. Employees are guided to listen to their instincts when identifying these people. If something doesn't feel right, it probably isn't.

When a suspicious person enters or is hanging around the lounge, management or security will assess the situation carefully.

The following policies and procedures in the instance of a suspicious person:

- Listen to your instincts - Remember that your safety is more important than the cash or inventory in the lounge.
- Contact Security, Management and or Law Enforcement - Describe the situation, the suspicious person, and how long they have been at or around the facility
- Make Verbal Contact - If someone has been at or around the lounge for a long time and they seem to be looking for something, if it can be done safely, ask whether they need help.
- Keep your Distance - stay at least an arm's length away.
- Keep Records - When the suspicious person has left, write a description in a log, so that other employees can watch out for this person. This will also help you recognize the person and/or vehicle if he/she returns.

Incident Management and Emergency Response:

However prepared, violent incidents and natural disasters may still occur. If these events happen, it is important to act quickly to minimize effects on the employees, public, the lounge, and to protect inventory from theft and/or diversion.

Management will provide support to employee victims of any violent incident or natural disaster, as well as report and investigate any such incidents, and revise prevention and security plans, policies, and procedures to prevent future incidents and improve preparedness.

Immediate Injuries:

- Serious Injuries - Call 911 immediately and notify of situation, apply appropriate first aid as feasible.
- Less Serious Injuries - Provide appropriate first aid and refer to doctor, consider 911.
- Contact with Blood or Bodily fluids – Make sure names of those people who have made contact with another person's blood are written down and have person's blood or fluids tested for communicable diseases.
- If any discrepancies, check video of incident time frame to discover where losses could have occurred.
- Check facility for any additional information, evidence, damage, etc., if appropriate.
- Resume normal operations only after discrepancies have been resolved and/or additional incidental theft has been reported if appropriate.
- Report any losses or theft in incident report and file incident report with Law Enforcement.

Critical Incident Intervention:

Critical Incidents are those incidents, which may have traumatic or long-term impact on an employee, be it physical, emotional, or psychological. In the event of such an incident, such as a robbery, natural disaster, or worse, Management will arrange for a Critical Incident Intervention as soon as possible. This intervention will help determine whether an employee needs trauma counseling, alleviate stress, and otherwise address the well-being of employees by a trained professional. The intervention will also encourage employees to talk about their responses and feelings concerning the incident and let them know there is someone to listen. When employees internalize, bury, or “wall-off” their reactions to such an event, it can be extremely harmful long term. Additionally, employees will be trained to watch other employees for symptoms of psychological and emotional trauma, such as employees:

- Acting or feeling anxious, moody, irritable, numb, or dazed
- Having trouble concentrating or making decisions
- Being afraid to go back to work or be near incident took place
- Not wanting to be alone
- Not wanting to be near other people
- Having flashbacks, nightmares, or disturbing memories
- Vomit more than a couple hours after the incident
- Experience uncontrolled, spontaneous crying or weeping
- Experience changes in appetite and sleeping patterns

Management and its employees will be extremely sensitive to these warning signs and symptoms. Violent incidents can seriously affect the well-being of employees and may put people at a greater risk of workplace accidents later. If any signs or symptoms get worse, Management will make sure their employees have professional help.

Reporting and Investigating the Incident:

All incidents will be reported to any agencies, which require such information be reported. All incidents will be reported to Law Enforcement immediately but will also be reported as a matter of practice to any other agencies, which might have interest in the incident, such as Worker’s Compensation, Employee Development, etc., as necessary.

Management and its Security staff will also conduct an internal investigation of any significant incident to help identify:

- Who was involved
- Where and when the incident happened
- What happened, action by action and/or word by word, including as much detail as possible
- Cause of the incident
- Why did the incident happen
- Any conditions, acts, or procedures that contributed to the incident
- Ways which policies and procedures could be changed or expanded to prevent similar incidents
- How will future incidents be dealt with if they do occur
- Level of employee adherence to protocol

During the course of the investigation, all employees involved will be interviewed. All, with the exception of victim employees, involved will document the incident from their perspective. Victim employee’s statements of the event will be captured in the investigative report.

Once the investigation is complete, we will keep all documents and reports related to the incident and use any information to improve security planning and prevent incidents from happening. All internal documents will be made available to Law Enforcement, upon request.

To additionally aid in the prevention of any incidents from happening, the following procedures will be implemented post incident:

- Appoint Security Personnel to write a detailed summary report
- Gather suggestions from employees both involved and non-involved with the incident
- Determine if there are any other changes we can make to protect employees and prevent incident recurrence
- Update security and non-diversion protocol and implement changes. (For example, is there additional training necessary to help prevent the incident, deal with the incident as it happens, or handle post incident?)
- Assign Security personnel to implement changes and make sure new protocol is carried out by all employees
- All information will be offered to Law Enforcement to aid in any investigation and to gather feedback and suggestions regarding protocol changes

The Kingdom Group will be utilizing non-lethal weapons while operating inside of the client's facility. All weapons are approved by BSIS and the State of California. All security agents are trained and certificates of training and all other certified credentials would be kept on file on location.

SECURITY ADDENDUM

A. The establishment will purchase the world proven technology of the hand-held wands called "Garett Super Wand". As this portable device is used by law enforcement agencies and has a well proven detection rate of up to 92%. Each security member to include all management, will be trained in the proper use of this detection device. Also, Security will pat down male patrons. Check the purses of female purses.

Any backpacks/ bags will not be permitted. This will be implemented during nightclub hours Thur- Sat 9pm-1am. Creating a safe & comfortable environment for our patrons is our highest priority, so in addition to any special venues which we will make it mandatory to utilize the Garett, each night at 9pm until close the security scanning will be implemented.

***Pease note that the security manager or owners may implement this protocol based on their discretion at any time of the day during normal business operating hours.

B. It will be both the job of the security door person and or management to have a door clicker that will be used each time a patron arrives and leaves the establishment during peak hours starting at 9pm.

- Security will have two hand counters. One to count patrons going in and one to count patrons going out. Take the difference from the two to get the capacity. Also we will periodically count the patrons inside to ensure accuracy.

C. All of the staff will be educated in both workplace violence and sexual harassment and will each receive a certificate of course completion. In addition, any patrons that become hostile towards themselves or others, we will immediately call 911 and request the appropriate response for the situation. Our security staff is highly trained and can provide a layer of risk mitigation should they need to put hands on to quickly deescalate a situation. All security staff are licensed with BSIS and will utilize the use of non-lethal weapons such as "Taser" all security staff are certified on the proper use of this non-lethal device. For overly intoxicated patrons

1. Stop serving the individual
2. Offer the customer water and some food.
3. Call a cab or another ride for the customer to get home.

D. To manage the number of patrons there will be no less than one security door person and no less that one responsible manager who will work together to monitor all patrons during business hours. During peak hours there will be a minimum of two security agents to ensure that all codes and conduct is being adhered too. Should an emergency occur where all patrons and staff must be evacuated it will be both the responsibility of the club staff in conjunction with the on-site security to provide good instruction as to where all patrons should be moved too.

To close down the club each night the security and management will work together during the last call announcement to politely notify patrons that they will need to leave and give them a 30min and 15min notification that the establishment will be closing for the night.

- Last call will be announced at 1:15 a.m. In house lights will go on at 1:30pm. Security will work their way from the rear of the bar and ask customers to move towards the front and exit the bar. Once outside security will ask customers to proceed to their vehicles.

E. Staff, security and general patrons will use the main doors adjacent to B St. for entry. The door adjacent to Main St will be used as the emergency exit.

F. During the peak business hours starting around 9pm and every hour until close the security and or management will continue to provide foot patrols of above stated areas and will

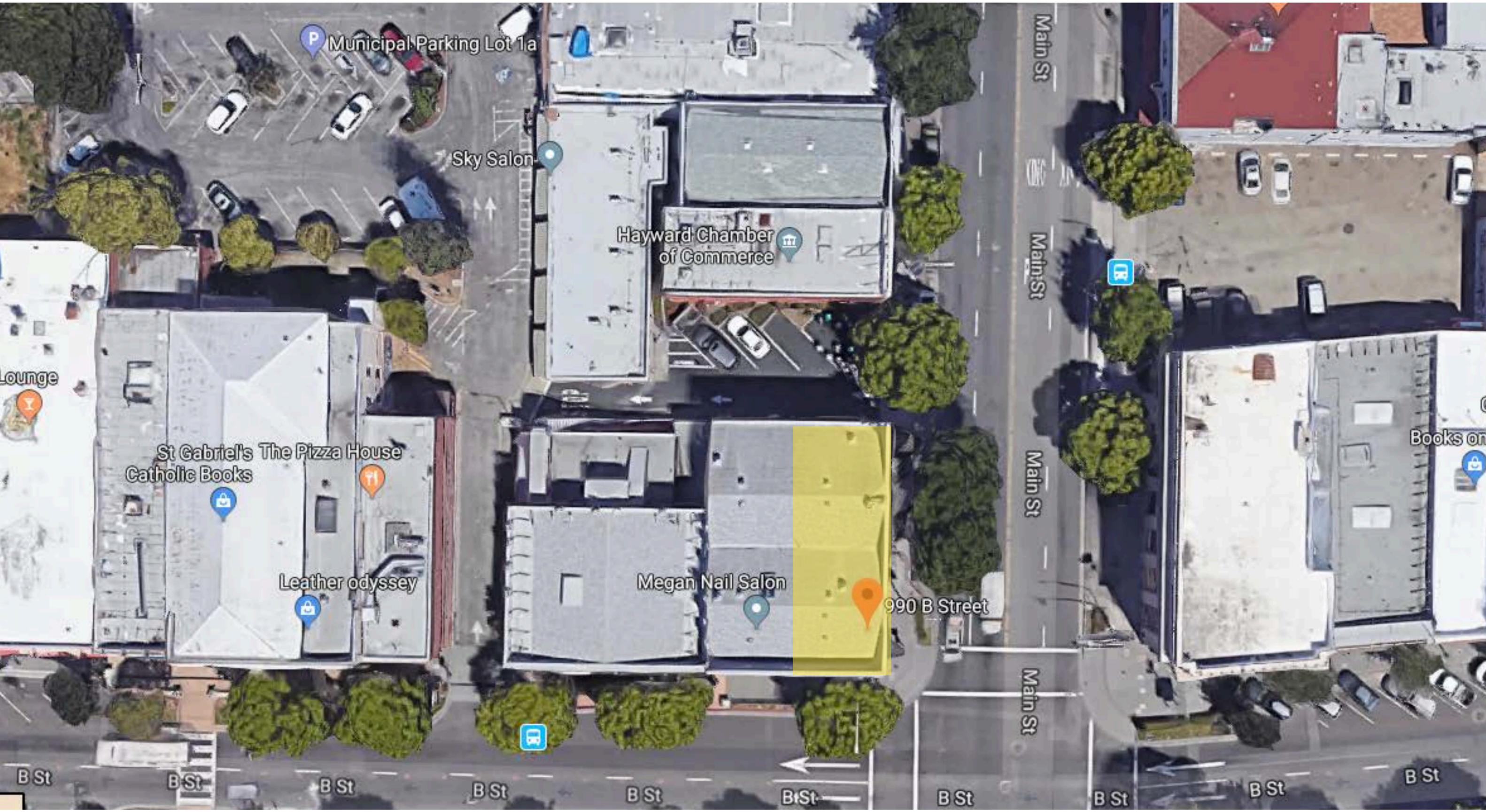
report all concerns and emergencies to the Hayward Police Department.

- Security personnel will monitor the perimeter of the building throughout the night. They Walk the parking lot and alley at the end of the night to the customers have left.

F. During the peak business hours starting around 9pm and every hour until close the security and or management will continue to provide foot patrols of above stated areas and will report all concerns and emergencies to the Hayward Police Department.

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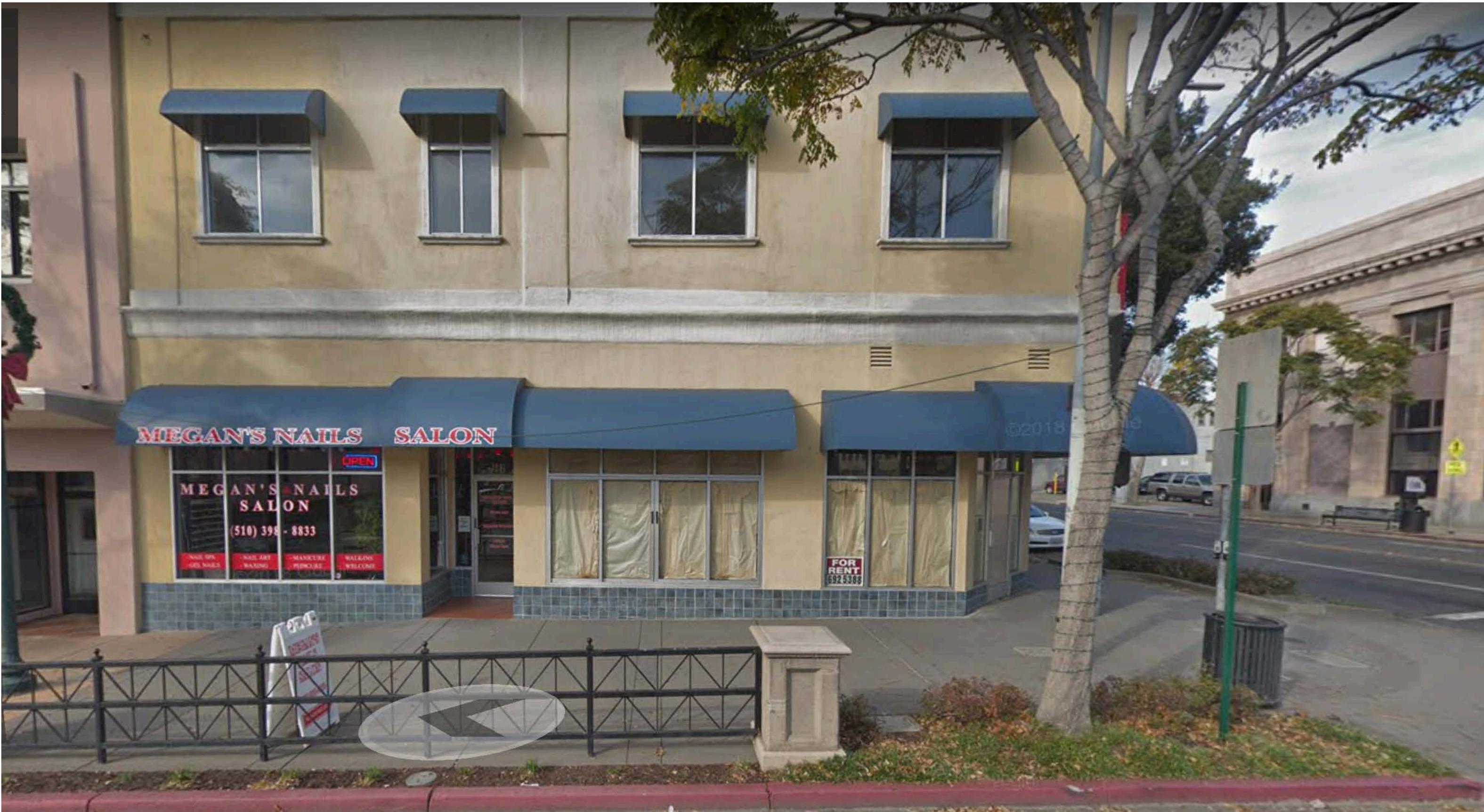
AERIAL VIEW



CORNER - B. STREET AND MAIN STREET INTERSECTION

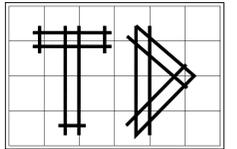


B. STREET CURRENT FACADE



MAIN STREET CURRENT FACADE





TOLBERT DESIGN ARCHITECTS

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 JEREMIAH@TOLBERTDESIGNARCHITECTS.COM

990 LOUNGE

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 HAYWARD, CA 94541
 APN: 428-0056-057-00

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Revisions:

No.	Date	Revision

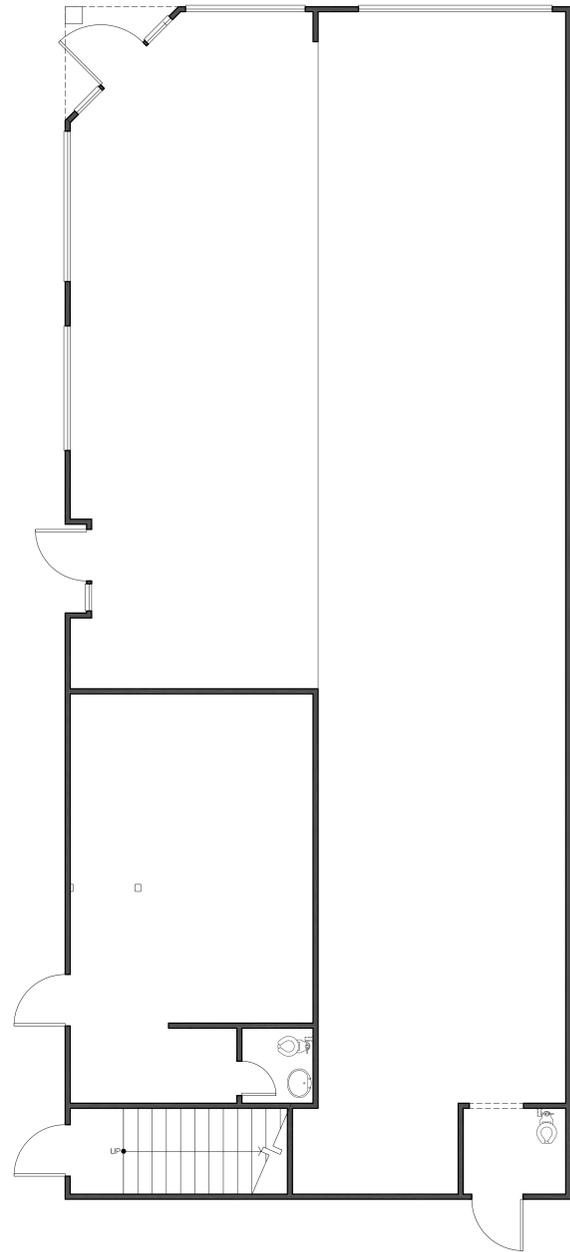
Sheet Description:

EXISTING & PROPOSED FLOOR PLAN

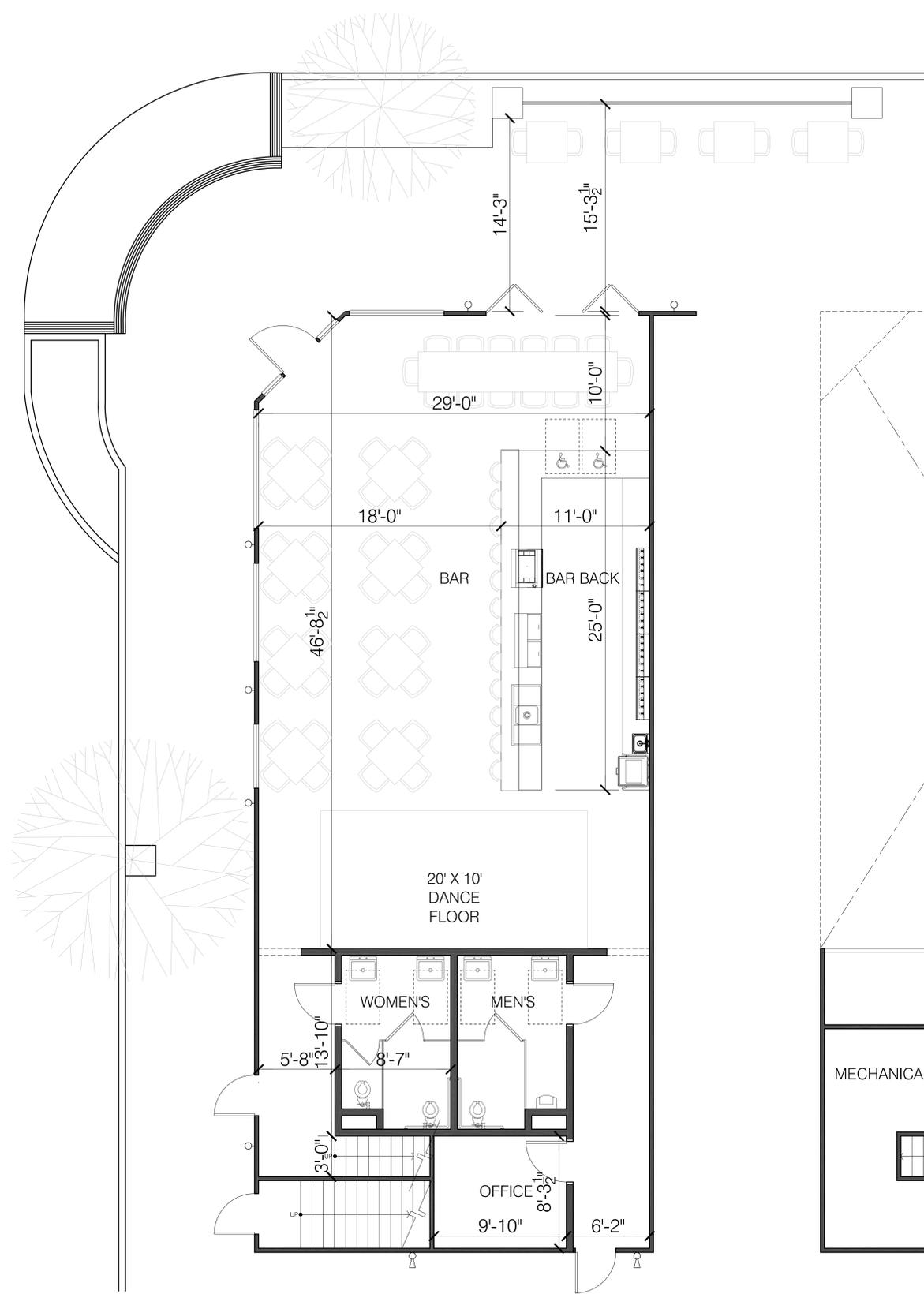
Scale	3/16" = 1'-0"
Drawn	JT
Checked	JT
Date	03-05-18
Project#	4020

○ Outdoor lights

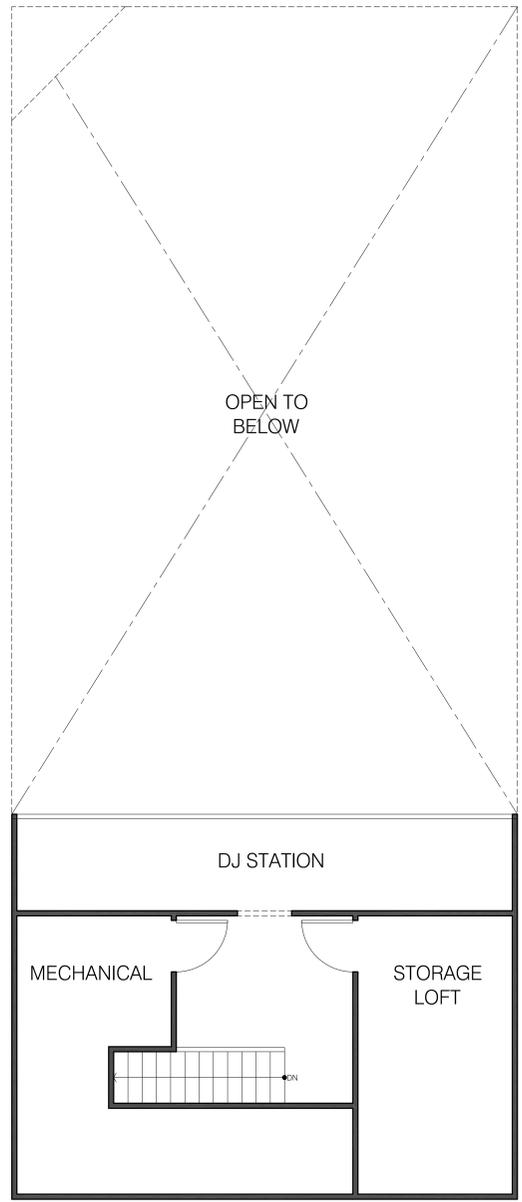
⦿ Security floor lights



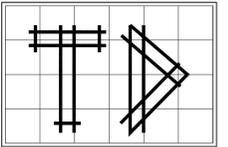
MAIN FLOOR PLAN
 EXISTING



MAIN FLOOR PLAN
 PROPOSED



LOFT FLOOR PLAN
 PROPOSED



TOLBERT DESIGN ARCHITECTS

297 COMMERCIAL STREET
 SAN JOSE, CA 95112
 PH: (650) 200-0663
 JEREMIAH@TOLBERTDESIGNSARCHITECTS.COM

990 LOUNGE

990 B ST.
 HAYWARD, CA 94541
 APN: 428-0056-057-00

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Revisions:

No.	Date	Revision

Sheet Description:

EXISTING & PROPOSED ELEVATIONS PLAN

Scale 1/8" = 1'-0"
 Drawn JT
 Checked JT
 Date 04-26-18
 Project# 4020



'B' STREET

EXISTING



MAIN STREET

EXISTING



'B' STREET

PROPOSED



MAIN STREET

PROPOSED

NOTES:

990 Lounge to coordinate with Hayward City Mural program for possible mural on building exterior.
All existing windows to be replaced.
New windows are able to be opened and closed.



TWILIGHT GREY



BLACK EXTERIOR PAINT



BLACK METAL AWNING



IPE SIDING w/ANTI-GRAFFITI COATING



DRY STACKED STONE WAINSCOTING

'B' STREET

PROPOSED

NOTES:

990 Lounge to coordinate with Hayward City Mural program for possible mural on building exterior.
All existing windows to be replaced.
New windows are able to be opened and closed.



MAIN STREET

PROPOSED



TWILIGHT GREY



BLACK EXTERIOR PAINT



BLACK METAL AWNING



IPE SIDING w/ANTI-GRAFFITI COATING



DRY STACKED STONE WAINSCOTING







EXTERIOR/OUTDOOR SIGNAGE

Double-sided lit

Material: Metal frame, acrylic faces, interior lighting

Mount: above main entrance



EXTERIOR FINISHES

Lighting



Exterior security flood lights

Progress Lighting P5203-31
Placement - building rear, rear exits
150 watts/bulb



Exterior facade lights

Millenium R-Series RAS10-RGN15
Placement - building facade, main traffic areas

- Height: 9"
- Width: 10"
- Number of Lamps: 1
- Lamp Type: A Lamps
- Don't Exceed Per Lamp: 200W
- Listings: UL ,UL Wet

Par Lampholders

P5202-20 Bronze
P5202-31 Black
Single painted adjustable swivel floodlight. Aluminum construction. Locking adjustment.
Size: 5-7/8" dia., 9" height
Lamp: One PAR38, 150w max.



P5202-20



P5202-31

P5203-20 Bronze
P5203-30 White
P5203-31 Black
Two painted adjustable swivel floodlights with lamp shroud. Aluminum construction.
Size: 6-1/4" dia., 9" ht.
Lamps: Two PAR38, each 150w max.



P5203-31

P5207-30 White
Two painted adjustable swivel floodlights. Aluminum construction. Locking adjustment.
Size: 4-7/8" dia., 6-3/4" ht.
Lamps: Two PAR20, PAR30 or PAR38, each 150w max.



P5207-30



R Series 10" Angle Shades

UL LISTED FOR WET LOCATIONS

RAS10-ABR Shade Only Shown with optional RGN15-ABR Goose Neck
RAS10-WH Shade Only Shown with optional RGN15-WH Goose Neck
RAS10-GA Shade Only Shown with optional RGN15-GA Goose Neck
RAS10-SB Shade Only Shown with optional RGN15-SB Goose Neck
RAS10-SG Shade Only Shown with optional RGN15-SG Goose Neck and RGN15-SG Wire Guard
RAS10-SR Shade Only Shown with optional RGN15-SR Goose Neck

EASY TO ORDER:

1. Choose a Shade
2. Choose a Goose Neck
3. Wire Guard Optional

Angle Shades

RAS10

ITEM #	WIDTH	LAMPS	WIRE	FINISH
RAS10-ABR	10"	Med. 200W A21	100"	Architectural Bronze
RAS10-GA	10"	Med. 200W A21	100"	Galvanized
RAS10-SB	10"	Med. 200W A21	100"	Satin Black
RAS10-SG	10"	Med. 200W A21	100"	Satin Green
RAS10-SR	10"	Med. 200W A21	100"	Satin Red
RAS10-WH	10"	Med. 200W A21	100"	White

24 www.millenniumlighting.com

Goose Necks (Actual Photos Shown on Page 56)

ITEM #	ID	LENGTH	FINISH
RGN12-ABR	3/4"	13"	Architectural Bronze
RGN12-GA	3/4"	13"	Galvanized
RGN12-SB	3/4"	13"	Satin Black
RGN12-SG	3/4"	13"	Satin Green
RGN12-SR	3/4"	13"	Satin Red
RGN12-WH	3/4"	13"	White
RGN15-ABR	3/4"	14 1/2"	Architectural Bronze
RGN15-GA	3/4"	14 1/2"	Galvanized
RGN15-SB	3/4"	14 1/2"	Satin Black
RGN15-SG	3/4"	14 1/2"	Satin Green
RGN15-SR	3/4"	14 1/2"	Satin Red
RGN15-WH	3/4"	14 1/2"	White
RGN22-ABR	3/4"	21 1/2"	Architectural Bronze
RGN22-GA	3/4"	21 1/2"	Galvanized
RGN22-SB	3/4"	21 1/2"	Satin Black
RGN22-SG	3/4"	21 1/2"	Satin Green
RGN22-SR	3/4"	21 1/2"	Satin Red
RGN22-WH	3/4"	21 1/2"	White
RGN23-ABR	3/4"	23"	Architectural Bronze
RGN23-GA	3/4"	23"	Galvanized
RGN23-SB	3/4"	23"	Satin Black
RGN23-SG	3/4"	23"	Satin Green
RGN23-SR	3/4"	23"	Satin Red
RGN23-WH	3/4"	23"	White
RGN24-ABR	3/4"	24"	Architectural Bronze
RGN24-GA	3/4"	24"	Galvanized
RGN24-SB	3/4"	24"	Satin Black
RGN24-SG	3/4"	24"	Satin Green
RGN24-SR	3/4"	24"	Satin Red
RGN24-WH	3/4"	24"	White
RGN30-ABR	3/4"	30"	Architectural Bronze
RGN30-GA	3/4"	30"	Galvanized
RGN30-SB	3/4"	30"	Satin Black
RGN30-SG	3/4"	30"	Satin Green
RGN30-SR	3/4"	30"	Satin Red
RGN30-WH	3/4"	30"	White
RGN41-ABR	3/4"	41"	Architectural Bronze
RGN41-GA	3/4"	41"	Galvanized
RGN41-SB	3/4"	41"	Satin Black
RGN41-SG	3/4"	41"	Satin Green
RGN41-SR	3/4"	41"	Satin Red
RGN41-WH	3/4"	41"	White

EXTERIOR FINISHES

Paint

SW 0054
Twilight Gray
Interior / Exterior

←→

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Historic Color Paint Colors →](#)

R: 200 G: 191 B: 181 Hex Value: #c8bfb5 LRV: 53
Color Collections: Historic Interior Color Wall

Accent

SW 6991
Black Magic
Interior / Exterior
Locator Number: 251-C3

←→

251

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Neutral Paint Colors →](#)

R: 50 G: 49 B: 50 Hex Value: #323132 LRV: 3
Color Collections: 2015 Unrestrained, Pottery Barn - Spring/Summer 2018, Softer Side, High Voltage

Metal Louvered Sunshade
Aluminum
Black

Vendor:
Acme Sunshades



IPE Siding
Shiplap siding 1x6



Face view



End Grain view

Waterwall Line Stone
Black Slate
6x24"
Thickness: 1/2 - 1"



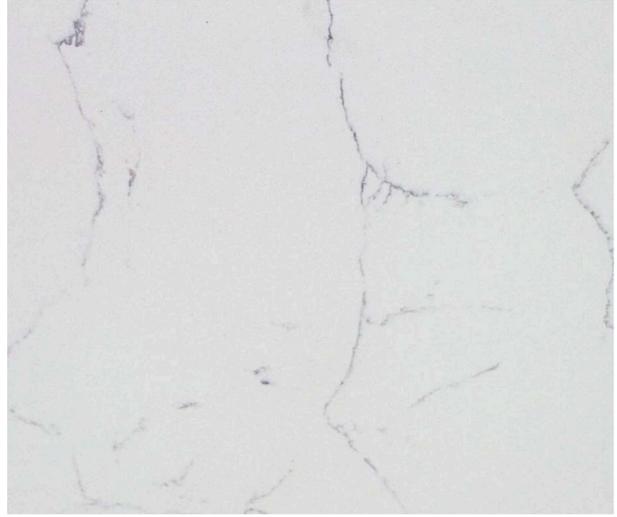
INTERIOR FURNITURE AND FIXTURES

Main Floor

Ambient and accent lighting fixtures



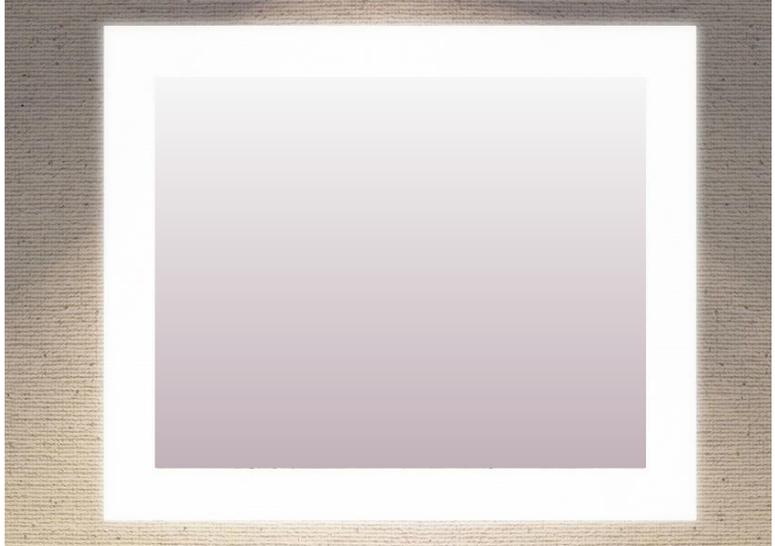
Furniture and fixtures



INTERIOR FURNITURE AND FIXTURES

Restroom

Ambient and accent lighting fixtures



Flooring and walls



Furniture and fixtures



THANK YOU



990 LOUNGE

VARNI, FRASER, HARTWELL & RODGERS

ATTORNEYS AT LAW

650 A STREET

P.O. BOX 570

HAYWARD, CALIFORNIA 94543-0570

PHONE: (510) 886-5000 FAX (510) 538-2797

WEBSITE: VARNIFRASER.COM

OF COUNSEL:

JONATHAN DANIEL ADAMS

MICHAEL J. O'TOOLE

P. CECILIA STORR

RECEIVED

MAY 17 2018

PLANNING DIVISION

May 15, 2018

Sara Buizer
Planning Manager
City of Hayward
777 B Street
Hayward, CA 94541

Re: Proposed Cocktail Lounge at the Corner of B and Main Street

Dear Sara,

With the City trying to decide how to adjust traffic patterns in the downtown, with the City trying to get the core commercial owners to support an assessment to upgrade the appearance of the downtown, with the green shutter finally under construction and soon to be completed, and in light of the many cocktail lounges and bars that are in the downtown core already, it might be good to postpone any decision with regard to the application shown on the attached postcard. We have approved dancing and cocktail lounges in the downtown area within the last five years and in each instance they have proven to be a problem. I would appreciate your thoughts and comments.

Very Truly Yours,

VARNI FRASER HARTWELL & RODGERS

Anthony B. Varni

ABV/fn

cc: Kim Huggett, Mayor Barbara Halliday

Marcus Martinez

From: brewn4u@aol.com
Sent: Friday, June 15, 2018 4:30 PM
To: Ramona Thomas; Marcus Martinez
Subject: Re: 990 lounge questions

Follow Up Flag: Follow up
Flag Status: Completed

Marcus,

Thanks for the call.

As I mentioned I was astonished to hear that bars in downtown don't need to serve food. This has certainly not been my experience over the past 30 years.

I am disappointed that this bar is anticipating bringing trouble to our downtown community, so much so that their business plan is primarily a security and surveillance solution to combating the expected problems.

Too bad this wasn't an upscale craft spirits concept instead of another Dirty Bird/Funky Monkey, but if the law allows these establishments, so be it.

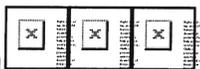
Good luck to the bar owners, and the downtown community.

Cheers!
 Geoff

Geoff Harries

CEO | Master Brewer
 Buffalo Bill's Brewery
 510.541.1579 m
 1082 B Street, Hayward, CA 94541

www.buffalobillsbrewery.com



-----Original Message-----

From: Ramona Thomas <Ramona.Thomas@hayward-ca.gov>
To: Marcus Martinez <Marcus.Martinez@hayward-ca.gov>
Cc: brewn4u <brewn4u@aol.com>
Sent: Fri, Jun 15, 2018 3:55 pm
Subject: 990 lounge questions

Marcus,

Geoff Harries, owner of Buffalo Bills reached out to me today with questions concerning the 990 lounge. Please give him a call; he can be reached at the following:

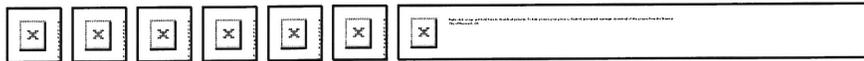
Geoff Harries

CEO | Master Brewer
Buffalo Bill's Brewery
510.541.1579 m
1082 B Street, Hayward, CA 94541
www.buffalobillsbrewery.com

Thank you,

Ramona Thomas | Economic Development Specialist
O: [510-583-5541](tel:510-583-5541) | E: Ramona.thomas@hayward-ca.gov
www.haywardupward.com
www.downtownhayward.org.

STAY CONNECTED:



Marcus Martinez

From: Marcus Martinez
Sent: Monday, May 14, 2018 2:11 PM
To: 'The Dirty Bird Lounge Llc'
Subject: RE: CUP201802336
Attachments: 990 Lounge_business plan.pdf

Hello Aric,

Thank you for taking the time for reaching out to me regarding the proposed cocktail bar and lounge at 990 B Street. I have answered some of your questions below in [red](#) for tracking purposes.

Please let me know if you have any additional questions. I'd be happy to assist.

Thank you,

Marcus Martinez | Assistant Planner

Development Services Department

City of Hayward

P: (510) 583-4236

E: marcus.martinez@hayward-ca.gov

From: The Dirty Bird Lounge Llc [mailto:thedirtybirdlounge@yahoo.com]

Sent: Monday, May 14, 2018 1:31 PM

To: Marcus Martinez <Marcus.Martinez@hayward-ca.gov>

Subject: CUP201802336

Hello Marcus

I received notice of a CUP application in my mailbox and I have a few questions:

Is the liquor licensee required to serve any food such as a type 47 or will they be a type 48 establishment? As proposed, the applicant is requesting approval for a Type 48 establishment, with no no bona-fide restaurant or food sales. If the applicant was requesting approval of a Type 47 establishment (bona-fide food establishment with alcohol sales; 60% minimum gross receipts for meals), then they would exempt from requiring a Conditional Use Permit.

What will be the security plan of the establishment consist of? I have attached the security plan that the applicant has provided with their CUP application for their establishment. The security and business plan is currently under Police Department review.

What are the conditions of the cabaret license? Are we looking at a nightclub? The applicant has applied for some form of cabaret use (dancing, live and DJ music). However, no conditions have been determined since we are in the initial review of the application.

With over 28 years I have found that there are many perils in the industry for the inexperienced who believe that bars are simply turnkey. That being said I do not recognize these names applying for the CUP and nothing turns up for ownership under the ABC license query system. My main concern would be another Me Lounge where an inexperienced owner will try to earn a quick buck and run things looser with their crowd. I am not opposed to a type 48 establishment as we have too many empty storefronts on B street but I do not want my business negatively impacted due to poor ownership. Noted.

Again thank-you for your time

Eric S. Yeverino
Managing Member
The Dirty Bird Lounge LLC



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 18-100

DATE: July 26, 2018

TO: Planning Commission

FROM: Director of Development Services

SUBJECT

Minutes of the Planning Commission Meeting of June 14, 2018

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of June 14, 2018

SUMMARY

The Planning Commission held a meeting on June 14, 2018

ATTACHMENTS

Attachment I Draft Minutes of June 14, 2018



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 14, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Goldstein.

CALL TO ORDER Pledge of Allegiance

Commissioner Faria led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Bonilla Jr., McDermott, Faria
CHAIRPERSON: Goldstein
Absent: COMMISSIONER: Schott
Vacancy: ONE

Staff Members Present: Brick, Buizer, Chan, Morales

General Public Present: 4

PUBLIC COMMENT:

Ms. Darryl Rutledge, Hayward resident, requested the light on A Street going into the Lucky's shopping center have a dedicated left turn light and asked about the rent increases at her new residence on A Street. Staff said they will put Ms. Rutledge in touch with the appropriate department. Housing Division Manager Morales said due to the increase of the area medium income (AMI) of 11% there have been rent increases and staff has been made aware of this concern and staff has begun communications with the property owner to see what can be done to address these rent increase concerns.

WORK SESSION:

1. Informational Report on Strategies for Affordable Housing

Planning Manager Buizer said this Work Session was at the request of the Planning Commission to provide information about the Affordable Housing Ordinance.

Housing Division Manager Morales provided a synopsis of the staff report, spoke about the Affordable Housing Ordinance (AHO) and provided a PowerPoint presentation.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 14, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

In response to Commissioner Faria's question about inviting affordable housing developers to build in Hayward with the collected in-lieu fees and the housing development on A Street, Housing Division Manager Morales said there are previously collected Inclusionary Housing and Affordable Housing Impact fees and the purpose of the Notice of Funding Application (NOFA) is to award these funds and the Habitat for Humanity developer is still trying to secure financing for the affordable housing development on A street. In response to Ms. Faria's question about the fractional units, Ms. Morales said the AHO requires that the affordable housing units must be comparable to the market rate units and does provide an allowance that if the developer is providing more affordable units there can be a difference in size and amenities as long as the amenities are durable. Planning Manager Buizer clarified the purpose of fractional units is that there is a percentage requirement per the AHO thus if there is a fraction of a unit the developer can pay fees for this fractional unit.

In response to Commissioner McDermott regarding the 11% increase resulting from the area medium income(AMI) as there are residents who are below the AMI, Housing Manager Morales said the owners can decide to raise rents less than the maximum rents and for projects that are funded or restricted by the City, the City can have language governing the rent increases. In response to Ms. McDermott's question about the scoring for developers who applied for benefits, Ms. Morales said it depends on the type of funds the developer was applying for and whether the funding is competitive or not. Ms. McDermott concurred with the communication from the Hayward Collective encouraging that affordable housing units have the same amenities and be interspersed among the market rate units. Ms. McDermott said she has always been an advocate to make the affordable housing element a condition of approval and does not believe this would discourage developers.

Commissioner Willis suggested the City impose a condition of increased density upon a developer who accepts funding to build affordable housing units. Mr. Willis said the City needs to be creative and suggested providing more incentives to encourage developers to build affordable housing and that developers are in the business of making profit.

Commissioner Bonilla thanked staff for the presentation. In response to Mr. Bonilla about the collected in-lieu fees being used to fund affordable housing projects, Housing Division Manager Morales said since the in-lieu fees were previously lower there might not have been enough funds and does not think those funds have been dispersed. Ms. Morales responded to Mr. Bonilla that depending on how much funding is available the NOFA could either be annual or every two years. Ms. Morales responded to Mr. Bonilla that the increase in the AMI could have been because higher rents draws people with higher incomes and staff would have to research this. Ms. Morales said the City is looking at the rent stabilization ordinance, anti-harassment ordinance and other types of mechanisms to protect tenants.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 14, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

In response to Commissioner Faria's questions about the development across from Lucky's being approved as a senior development and that the 11% increase was significant, Planning Manager Buizer said the development was originally a senior market rate development that morphed into an affordable senior housing development. Housing Division Manager Morales said the development was financed with California Housing Tax Credits and does have income and rent limits and the rent limit is relative to the income limit and what can be problematic is that the benchmark is based on the area income and not on the individual's income which can be difficult for seniors who are on fixed incomes.

Commissioner Willis spoke about reports of people living in their cars because of the high cost of rents in San Jose and San Francisco. Mr. Willis said San Francisco engages in supporting affordable housing and suggested the City do the same and perhaps utilize collected in-lieu fees for vouchers to help with rent subsidies for low income residents.

In response to Commissioner Bonilla's question about transparency in how the City addresses the housing issues and if the AHO does enough or is the City being conservative, Housing Division Manager Morales said staff could provide additional information regarding strategies to address housing affordability in the City and said it will take time to see how the new AHO works out and noted one of the questions is if the new increased in-lieu fees are high enough to encourage developers to include affordable units in proposed development or is it less costly to pay the in-lieu fee. Ms. Morales said there are other affordable funding opportunities for developers as it is very costly to build units and it is important to develop at all income levels both market rate and affordable housing units.

In response to Commissioner McDermott's question about strategies to make Accessory Dwelling Units (ADU) more affordable, Planning Manager Buizer said the State has gone a long way and is continually modifying the requirements for the ADUs and limits requirements cities can impose upon ADU units. Ms. Buizer said the City has embarked on an update of the park dedication in-lieu fees and staff will be conducting a nexus study and looking at the ordinance, looking at developing a modified scale/impact fees for affordable housing developments built by non-profits developers. Ms. Buizer said ADU impact fees are currently the same as a market rate unit and that this fee will be studied. Ms. Buizer noted that since the City has made modifications to the ADU regulations to be more aligned with the State there has been an increased interest in the building of ADUs. Ms. McDermott appreciates staff is looking at this as there are many older homes with large lots that owners could be interested in building ADUs but it has been cost prohibitive.

In response to Chair Goldstein's inquiry regarding the type of affordable housing units for the SOHAY project, Planning Manager Buizer said the affordable housing rental units were a mix of different kinds of units and the ownership units were made up of studios and one bedrooms. Mr. Goldstein suggested there needs to be a mechanism to ensure that the



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 14, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

developer meets the requirements of the AHO and help clarify the affordable housing unit makeup for the public.

In response to Commission Bonilla's comment that his understanding was for the SOHAY project that the mixture of the affordable housing rental units was that these units were going to be smaller and that it was allowed since the developer was going to provide more than the required number of affordable housing rental units, Planning Manager Buizer said that the rental units are an equivalent mix of unit types and the ownership units are made up of the studios and one bedrooms.

Chair Goldstein said to have a better understanding of how the impact the NOFA will have for the City, the Commission would need to have broader view of the funding from state, county and federal sources as there was a question about utilizing these funds to offset rents as he understands there are other government funding sources to subsidize rents. Housing Division Manager Morales said the City utilizes HOME funds to provide tenant based subsidies for emancipated youth and the Alameda County Housing Authority (HACA) provides both tenant and project based rental subsidies. Ms. Morales said there are no vouchers available to projects currently from the HACA and noted the State has access to programs that fund housing subsidies for veterans. Ms. Morales said the purpose of the NOFA is that the City will look comprehensively at all the projects and that they maximize these resources from the County and the State including tax credits, bond financing, infrastructure funds, and transportation. Mr. Goldstein asked about ballot measures regarding affordable housing coming up in November, Ms. Morales said she believes the measures will require local matching funds.

Chair Goldstein opened the public hearing at 8:00 p.m.

Ms. Alicia Lawrence, with Hayward Collective, felt the SOHAY project could have more density and requested the Commission focus on the low, very low and extremely low-income residents when considering future developments. In response to Ms. Lawrence's question about rent increase limitations on City funded affordable units, Housing Division Manager Morales said the City has the authority to approve a rent increase and maximums will be set by the regulatory agreement and for the redevelopment funded projects there is language that requires the property owner submit rent increases to the City for approval. Ms. Morales said what she has done in other jurisdictions was to establish a policy on reasons why rents can be increased above a certain threshold consistent with the city's residential rent stabilization ordinance that any increase above 5% requires a justification. Ms. Morales said in working with affordable housing developments there is no incentive to increase profit as most of developers have residual receipt loans which means any profit pays the loans and not the developers.



**MINUTES OF THE REGULAR MEETING OF THE
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Chair Goldstein closed the public hearing at 8:05 p.m.

Chair Goldstein reminded Ms. Lawrence that the Planning Commission must follow rules set by the City Council which includes the City's zoning requirements. Mr. Goldstein spoke about the City's General Plan which has the building requirements and zoning element that developers follow. Mr. Goldstein asked staff to research which City parcels can be required to have more density.

In response to Commissioner Bonilla's question that if the Commission felt a development could have more density or a higher affordable housing percentage, the Commissioners are within their jurisdiction to be able to vote against a project, Assistant City Attorney Brick said the density range is just one of many concerns that the Commission can take into account when evaluating a project. Planning Manager Buizer added that the Commission is charged with evaluating proposed projects and making the findings to either support or not support a proposed project. If the Commission cannot make the findings to support the project then the Commission needs to articulate the reasons and concerns and why the findings cannot be made and these reasons can be put forward.

Planning Manager Buizer commented that between the Planning Commission and the City Council there have been a number of approved housing projects over the past year and a half and many of the projects have not moved to the next step. Ms. Buizer noted there have been several projects that have received their entitlements as market rate developments but then are being shopped around and the City has seen that there has been a lot of interest from affordable housing developers that have been approaching staff regarding the NOFA and said it will be interesting to see how the projects are finalized.

Chair Goldstein said it will be interesting to see how the trends continue and hopes it will not cause housing prices to increase.

Commissioner Willis commented that the key to affordable housing is supply and demand.

Chair Goldstein noted reading an article that much of Hayward's housing stock is still being built the same way as it was in the past and currently there is lack of skilled labor.

APPROVAL OF MINUTES:

2. Approval of the Planning Commission Meeting Minutes of May 24, 2018
The Planning Commission Meeting Minutes of May 24, 2018, were pulled for minor corrections.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 14, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer announced that there will be four items for the next meeting of June 28, 2018.

Commissioners' Announcements, Referrals:

Commissioner Faria commented that the Apricot Station Development fits right into the community and looks like it has been there for a long time.

Commissioner McDermott thanked Housing Division Manager Morales for her presentation and sharing her knowledge with the Commission.

ADJOURNMENT

Chair Goldstein adjourned the meeting at 8:31 p.m.

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 18-102

DATE: July 26, 2018

TO: Planning Commission

FROM: Director of Development Services

SUBJECT

Minutes of the Planning Commission Meeting of June 28, 2018

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of June 28, 2018

SUMMARY

The Planning Commission held a meeting on June 28, 2018

ATTACHMENTS

Attachment I Draft Minutes of June 28, 2018



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Goldstein.

CALL TO ORDER Pledge of Allegiance

Commissioner Willis led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Bonilla Jr., McDermott, Faria
CHAIRPERSON: Goldstein
Absent: COMMISSIONER: Schott
Vacancy: ONE

Staff Members Present: Brick, Epstein, Lee, Lens, Lochirco, Martinez

General Public Present: 25

PUBLIC COMMENT:

Mr. Zachariah Oquenda, Hayward resident, spoke about the City of Oakland utilizing city-owned properties to develop affordable housing with a focus on anti-displacement strategies with a program named "Public Land for Public Good". Mr. Oquenda suggested Hayward should look at setting up a similar program including rezoning parcels in Hayward in a thoughtful way.

PUBLIC HEARINGS: For agenda item No. 1, No. 2, and No. 3, the Planning Commission may make a recommendation to the City Council.

1. Proposed Single-Family Residence on a Vacant 0.27-Acre Hillside Lot Located at 2367 Rainbow Court, by Mark Bucciarelli, (Applicant) on Behalf of Quan and Thip Tran (Property Owners, Requiring Approval of a Site Plan Review and Grading Permit (Application No. 201700714); and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Assistant Planner Martinez provided a synopsis of the staff report and a PowerPoint presentation.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Commissioner McDermott said her house also has a sloped driveway and when it rains, water will come into her garage and asked about mitigation measures for the proposed project's sloped driveway. Assistant Planner Martinez responded that the proposed project plans were reviewed the Public Works Department – Engineering Division, for the submittal package the Engineering Division included civil engineering plans that included mitigation measures through grading and drainage plans. Mr. Martinez confirmed that the project will have gas fireplaces as wood fireplaces are no longer allowed.

In response to Commissioner Faria's question if the geotechnical engineer is present at all times since the geotechnical report states "under the supervision and observation of the geotechnical engineer", Assistant Planner Martinez said the geotechnical engineer prepares the report and takes the responsibility to ensure that certain requirements are accomplished and thus the engineer is likely to be present on the project site when certain benchmarks are accomplished such as the placing of the footings, concrete slab on grade and piers into bedrock.

Chair Goldstein opened the public hearing at 7:15 p.m.

Mr. Zachariah Oquenda, Hayward resident, asked if the project had solar panels, Assistant Planner Martinez said per the California Residential Code the developer is required to install the infrastructure for solar amenities.

Chair Goldstein closed the public hearing at 7:19 p.m.

Commissioner Willis made a motion to approve the staff recommendation. Commissioner McDermott seconded the motion.

AYES:	Commissioners Willis Jr., Bonilla Jr., McDermott, Faria Chair Goldstein
NOES:	None
ABSENT:	Schott
ABSTAIN:	None
VACANCY:	One



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

2. Proposed Single-Family Residence on a Vacant 0.25-Acre Hillside Lot Located at 26620 Call Avenue (APN 081D-1665-026-00) by Applicant/Owner: Somnadh Allu, Requiring Approval of Site Plan Review with Grading Permit and Adoption of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP). Application No. 201703214

Associate Planner Lee provided a synopsis of the staff report and a PowerPoint presentation.

Mr. Gary Diebel, project architect, spoke about the proposed project, the challenging sloped site and how the owner favors modern architecture.

In response to Commissioner Faria's question about the project timing in relation to the expiration date of the geotechnical report, Associate Planner Lee said if the construction process takes longer than expected then the geotechnical report can be updated.

In response to Commissioner Bonilla questions about the site's steep slope and if the City issues grading permits for sites this steep, Associate Planner Lee said any projects with slope over 20% must go before the City Council for approval and noted that a grading permit is needed for sites with milder slopes also. Mr. Lee said this slope is consistent with the area and noted there have been other projects that have been approved with similar or higher percentage of slopes.

Chair Goldstein opened and closed the public hearing at 7:29 p.m.

Commissioner Willis made a motion to approve the staff recommendation.

Commissioner Faria seconded the motion.

Commissioner McDermott commented that the Planning Commission has reviewed similar projects with steep slopes and she has reviewed the project and does not see anything unusual that would prevent the Commission from approving the project.

Commissioner Faria agrees with Commissioner McDermott and added that numerous projects with geotechnical reports have come before the Planning Commission for their review and the Commissioners make sure the recommendations for mitigation measures are in place prior to approving the proposed projects.

Chair Goldstein echoed the same comments that the Commission has become familiar with projects with steep slopes and the Commission reviews the geotechnical reports and also considers any public comments prior to making a recommendation.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Commissioner McDermott said she has enjoyed the multitude of architectural styles as it can be challenging to build on a sloped site and part of developing a site is the removal of trees.

Associate Planner Lee noted there are some trees that will need to be removed and the owner will also be planting a lot of trees.

The motion passed with the following vote:

AYES: Commissioners Willis Jr., Bonilla Jr., McDermott, Faria
Chair Goldstein
NOES: None
ABSENT: Schott
ABSTAIN: None
VACANCY: One

3. Proposal to Subdivide a 5.1-Acre Site into 45 Parcels to Allow the Construction of 41 Detached Single-Family Residences with Common Open Space Areas and Related Site Improvements at 22626 4th Street (APNs 427-0036-033-05, 427-0036-033-06, 427-0036-033-07, 427-0036-055-19, & 427-0036-085-01) by Applicant: Tony Dutra on Behalf of Owner: Dutra Enterprises, Requiring Approval of a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and the Adoption of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP). Application No. 201704074

Associate Planner Lee provided a synopsis of the staff report and a presentation.

Mr. Tony Dutra and Mr. James Wilson, with Dutra Enterprises, presented a PowerPoint presentation about the proposed project.

Commissioner Willis said he was disappointed that this is a reduced density development as there is a great need for more housing and asked if the developer will consider adding more density to the project. Mr. Dutra said originally the project was proposed at a higher density in November 2016 but at that time the City wanted a development that fit in with the existing neighborhood and community feedback was for a less dense project. Mr. Dutra said at this point it is too late to increase the density but that they will increase density and include the affordable housing element in future developments.

In response to Commissioner Bonilla's question about the number of grandfathered-in projects will be coming before the Commission, Principal Planner Lochirco said the majority of the multifamily housing projects have already gone through the entitlement process and pointed out that this was a larger project and has been going through the



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

process for more than a year. Mr. Bonilla asked about the homeless population that were moved out of the area and if any services were provided to them. Mr. Lochirco said he would defer this question to public safety staff and to the applicant. Mr. Dutra said the Police Department treated the homeless population with respect and patience. Assistant City Attorney Brick said there are procedures that the City follows prior to removing property and noted there is a required minimum posting period for this type of notification, then public safety staff will speak with individuals and typically will refer individuals to services. Mr. Bonilla hopes that did happen as in his experience on the Community Services Commission this does not occur as much as we would like.

In response to Commissioner McDermott's question about public outreach, Associate Planner Lee said staff conducted a hard outreach by going out in pairs with copies of the project along with a survey that can be completed online and spent a half day walking the neighborhood. Mr. Lee said the responses were collected and provided to the applicant, who then incorporated changes into the plans. Mr. Lee said staff was able to contact about half of the residents and business owners. Ms. McDermott suggested a mechanism needs to be set in place to be able to contact residents more effectively. Mr. Lee added there was more outreach done besides the hard outreach and that he made sure to respond to all emails that he received.

In response to Chair Goldstein's question about the repair of streets adjacent to the project site, Associate Planner Lee said one of the conditions of approval is for the developer to pave to the center line of the street and along the project frontages. Mr. Goldstein asked staff to check with Public Works Engineering and Transportation to look into paving and repairing the balance of the street.

Chair Goldstein opened the public hearing at 8:19 p.m.

Mr. Bruce King, with Friends of San Lorenzo Creek, spoke against the project as it does not adequately address creek related needs and referred to the document provided to the Planning Commission. Mr. King said the project will be removing important riparian areas that is vital to the creek, expressed the need to maintain the minimum creek setback to prevent development eroding or impacting the creek, and indicated that the Alameda County Water Course Protection Ordinance supports these standards and concerns. Mr. King recommended the Planning Commission resolve creek related issues such as the limit depths of backyards, require the developer to restore the native riparian areas, and not allow the HOA to assume ownership and responsibility of maintaining the riparian areas.

Associate Planner Lee and Mr. Dutra met regarding Mr. King's recommendation. Mr. Lee said he checked with Alameda County and their engineers and the Water Course Protection Ordinance is a good guiding document but is not codified in the City's Municipal Code. Mr.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Lee said the CEQA analysis concluded that the project would have no impacts on the creek and the fence provides a clear demarcation of where a property line ends; therefore, Planning staff and Public Works staff were comfortable keeping the proposed fence. Mr. Lee checked with the CEQA consultant who indicated that it would be costly to restore the creek, and presented all information to Mr. Dutra. Dutra Enterprises decided not to commit to the additional condition of approval regarding the riparian areas. Mr. Dutra said the fence line was thoroughly discussed with staff and it was decided this was the best course of action based on all the expense and work to cleanup the area from the debris. Mr. Dutra noted to go through this additional process would be costly and time consuming. Mr. Lee said the waterway is County owned and the creek bank area is part of the project site. Mr. Dutra added the creek bank areas would be maintained by the HOA.

In response to Chair Goldstein's question about meeting the standards of the Friends of San Lorenzo Creek and hold the HOA accountable to meet those standards, Principal Planner Lochirco said the HOA can look at the maintenance of the open space areas but it would be difficult to require a stream bed alteration permit down the road to require the HOA to plant riparian vegetation. Mr. Lochirco said the Commission can make this recommendation and add this condition for the City Council to consider.

Ms. Ginny Delaney, Hayward resident, spoke in favor of the proposed project and is a member of the Keep Hayward Clean and Green Task Force. Ms. Delaney said the proposed project will improve this area.

Mr. Zachariah Oquenda, Hayward resident, said the presentation was very anti-homeless and there is a housing issue and more needs to be done more to assist the population who are on the lower end of the economic spectrum and are in need of housing. Mr. Oquenda suggested the project needs a full environmental impact report (EIR) done.

Ms. Marlina Selva, Hayward resident, spoke about the importance to preserve the past which includes wildlife and resources and spoke against the project as there is a substantial number of wildlife that depend on the creek and riparian creek beds. Ms. Selva was concerned about traffic impacts, increased crime, and the disruption of the existing neighborhood.

Ms. Linda Bennett, Hayward resident, spoke about negative impacts from homeless persons on B Street. Ms. Bennett said there was an original neighborhood meeting when the residents were notified and what was discussed was to have single family homes to fit in with the existing neighborhood and said there was no further outreach beyond that first notice. Ms. Bennett spoke against the proposed project because of the negative impacts to the existing neighborhood including parking, traffic, and inadequate creek setback and harm to wildlife. Ms. Bennett added her husband totally opposes the project.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Ms. JoAnn Cola, Hayward resident, said a group of neighbors visited the Planning Department to talk about this project. Ms. Cola said they were never contacted about this project and how they were never allowed to put up fences along the creek. Ms. Cola said problems at 4th and B Street occurred about five years ago.

Ms. Melinda Selva, Hayward resident, spoke about not being contacted about the project and not being able to access the survey. Ms. Selva said she only received one postcard for tonight's meeting and issues started about five years ago. She has concerns about increased traffic impacts, increase in population density, there are elderly population in older Hayward homes, the community has not been allowed to be heard, and impacts to the peace of the neighborhood.

In response to Chair Goldstein's question about public outreach, Principal Planner Lochirco said this is the first public hearing on this project. Mr. Lochirco said Planning staff is always available to the public and staff left door hangers if not able to contact residents. Mr. Lochirco said public outreach is an essential component to start dialogue with the public. Associate Planner Lee said staff encouraged the applicant to conduct public outreach.

Ms. Maricela Frausto, Hayward resident, said she received flyers and could access the website and that it was helpful for her to provide input. She is concerned about housing density, negative impacts to traffic and nature. Ms. Frausto spoke about issues she has had from the homeless population and spoke in favor of the project.

Chair Goldstein closed the public hearing at 9:07 p.m.

Commissioner Willis commented that the population is expanding and there is a housing issue. Mr. Willis made a motion to approve the staff recommendation.

Commissioner Bonilla spoke about our moral obligation, the need to ask how we can solve the housing crisis, and how he is troubled that the project is brought before the Commission without an affordable housing element. In response to Mr. Bonilla about the issue of fences, Associate Planner Lee said a building permit is not required to build a fence under seven feet. Principal Planner Lochirco said the CEQA analysis performed is based on special status as there are protected species that are protected and some that are not such as wild turkeys that are not protected by state or local law. Mr. Bonilla said he will support the project if it includes the condition to restore the riparian creek bed.

Commissioner Faria said she has mixed feelings about this project, she likes the development, is glad for the decreased density and has concerns about lot sizes, wildlife



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

and the creek. Ms. Faria understands that cost is an issue and will support the development if there is a condition for the creek and vegetation.

Commissioner McDermott has mixed feelings about this project but knows there is a housing issue since the City is losing people as it is too expensive to live in California and the bay area. Ms. McDermott said she holds the Dutra family in high regard as they have made positive changes to the City.

Commissioner Willis said the developer has worked within the law and has worked and cooperated with staff and said impacts to parking, traffic and density are a result of growth. Mr. Willis supports the project because it will provide housing and reiterated his motion to approve the staff recommendation.

Chair Goldstein would like to see a condition added to incorporate the findings of the Friends of San Lorenzo Creek.

Commissioner Bonilla said this is a good project but would like a friendly amendment to restore and take care of the riparian creek bed.

Associate Planner Lee said correspondence provided to the Planning Commission included Mr. King's letter from April and correspondence on the mitigated negative declaration.

Chair Goldstein asked staff for direction as he would like the creek protected.

Associate Planner Lee said the CEQA document is an analysis on the impact from the development on the creek and Mr. King's comments were aimed at enhancing the creek.

Assistant City Attorney Brick pointed out that if the Commission were to recommend an EIR be conducted then the item would need to be denied. He said if the Commission is recommending approval of the project with an amendment to the conditions of approval address to riparian creek bed then this can be brought forward to the City Council.

Mr. King said his concern is there needs to be a mechanism to protect the riparian creek beds.

Mr. Dutra read from the staff report "staff recommends the Planning Commission consider requiring the removal of non-native vegetation and planting of riparian vegetation within part of the creek bank that is within the boundaries of this parcel". Mr. Dutra said the challenge is that the exact area and type of riparian vegetation has not been defined and the cost and time to work with the appropriate agencies has not been determined.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Chair Goldstein requested that staff let developers know that any proposed developments along San Lorenzo Creek will have these same issues come up as verbalized by the Friends of San Lorenzo Creek.

Principal Planner Lochirco clarified for the Planning Commission that the item is for a planned development rezoning and the development standards specifically crafted for this project are reflected in the site plan. Mr. Lochirco said it is not required of any project in the City of Hayward to mandate the Alameda County Watershed requirements as it relates to the creek setback. Mr. Lochirco noted many cities do adopt the county's ordinance.

Commissioner Willis asked Mr. Dutra if he accepts the friendly amendment to the Conditions of Approval. Mr. Dutra said he can't say at this time that he is agreeable to the added condition of approval as there are too many unknowns and there needs to be further discussion.

Commissioner Willis does not accept the friendly amendment since the added COA is not required by the City. Mr. Willis stands by his original motion. Commissioner McDermott seconded the motion.

Chair Goldstein said that he will not be voting in favor of the motion.

Commissioner Bonilla said there needs to be more clarification to the term "restore" to the creek bed. Mr. Bonilla said he will not be voting in favor of the motion.

The motion failed with the following vote:

AYES:	Commissioners Willis Jr., McDermott
NOES:	Commissioners Bonilla Jr., Faria, Chair Goldstein
ABSENT:	None
ABSTAIN:	None
VACANCY:	One

Chair Goldstein made a motion to approve the staff recommendation with an added Condition of Approval to restore the riparian watercourse area with Mr. Dutra, Mr. King and staff working together.

Commissioner Faria seconded the motion.

Commissioner Bonilla said the motion is still too vague as there needs to be further clarification. Mr. Bonilla said he will not be voting in favor of the motion. Mr. Bonilla would



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

like for staff and Mr. Dutra to meet and come back with a condition that further defines the restoration of San Lorenzo Creek.

The motion failed with the following vote:

AYES:	Commissioners Faria, Chair Goldstein
NOES:	Commissioners Willis Jr., Bonilla Jr., McDermott
ABSENT:	None
ABSTAIN:	None
VACANCY:	One

Assistant City Attorney Brick clarified that this a recommendation to the City Council and the applicant can choose to proceed to the City Council or the applicant can continue to work with staff.

APPROVAL OF MINUTES

4. Approval of the Planning Commission Minutes of May 24, 2018

Commissioner Willis Jr. made a motion, seconded by Commissioner McDermott to approve the Planning Commission Meeting Minutes of May 24, 2018. The motion passed with the following votes:

4:0:1:1 (AYES: Willis Jr., Goldstein, Bonilla Jr., McDermott; ABSTAIN: Faria; ABSENT: Schott)

Vacancy: One

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco said there is one vacancy on the Planning Commission.

Commissioners' Announcements, Referrals:

There were none.

ADJOURNMENT

Chair Goldstein adjourned the meeting at 9:54 p.m.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk