

**PLANNING COMMISSION MEETING
THURSDAY, JANUARY 12, 2023**

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

Staff Responses to Commissioners' Questions



January 12, 2023 – Planning Commission Questions

ITEM #	QUESTION	STAFF RESPONSE
#1 PH 23-001	In comparing the City’s current regulations as well as the proposed amendments to those of neighboring jurisdictions, was there any analysis of how many businesses in other jurisdictions would meet the proposed changes but not the current requirements? For example, how many restaurants in San Leandro are complying with a 50:50 ratio as opposed to a 60:40 ratio?	This type of analysis was not conducted as it would require a significant expenditure of staff time and resources to contact restaurants in other jurisdictions in an effort to obtain their financial information, which they would have to be willing to providing on a purely voluntary basis. Two local restaurant owners expressed their opinion that a 60:40 ratio was very difficult for them to comply with and, since the State Department of Alcoholic Beverage Control (ABC) historically defined bona-fide eating places as those restaurants that meet a 50:50 ratio, City staff is of the opinion that the current requirement should be relaxed slightly from 60:40 to 50:50 in order to make it easier for restaurant owners to comply.
#1 PH 23-001	Is it correct that while cities like Fremont and Union City have more restrictions (particularly with respect to music) on when an exception is needed to get a permit, Hayward currently has the strictest requirements on the minimum allowable ratio of food sales to alcohol sales?	Yes, that is correct. The 60:40 requirement was imposed several years ago during a time when the City felt there were too many alcohol-selling/serving establishments. The City wanted to make sure that restaurants that were allowed to have bars and sell all types of alcohol to patrons for onsite consumption acted as legitimate restaurants by providing full food service and earning a significant amount of revenues from food sales, and not just as bars that served snacks and made most of their money from alcohol sales.

<p>#1 PH23-001</p>	<p>Was there any exploration of more proactive ways to provide safe rides home for patrons? For example it can take a while to get an Uber or Lyft while downtown. Did staff explore if there is anything the City can do to attract more drivers or create a taxi stand, etc.?</p>	<p>Staff has not finalized exactly what establishments must do in order to comply with this new requirement, but it will likely include providing business cards of locally-registered taxicab companies and perhaps a QR code that patrons can scan with their cellular phones to find links to rideshare applications like Uber and Lyft. Staff does not believe that there is enough demand to justify the provision of a designated taxi stand or rideshare drop-off/pick-up area in the downtown area. Doing so would require blocking off a portion of a City street and restricting public parking in that area at all times, and this could be unpopular with downtown business who place a high value on having plentiful public parking available for their customers.</p>
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Item #1 PH 23-0001

Proposal to Amend Chapter 10, Article 1 (Zoning Ordinance) Section 10-1.2750 of the Hayward Municipal Code for Updates to the Alcoholic Beverage Outlets Ordinance and Related Regulations in the City of Hayward, Requiring Approval of Zoning Text Amendment

Documents and Public Comments

From: Larry Tam <[REDACTED]>

Sent: Wednesday, January 11, 2023 6:33 PM

To: Steve Kowalski <Steve.Kowalski@hayward-ca.gov>

Cc: Peggy Guernsey <[REDACTED]>; MacKay <[REDACTED]>; Sherman Lewis <[REDACTED]>; Diane Fagalde <[REDACTED]>; Barbara Kotalampi <[REDACTED]>; CHANTAINE FAUNTLEROY <[REDACTED]>

Subject: Re: 1/12/2023 Hayward Planning Commission Agenda

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mr Kowalski,

Please know that as a 20+ year resident of Hayward, I **do not** support any increase in alcohol sales in Hayward.

BTW I also have seen zero reduction of illegal fireworks in the Tennyson/Tampa/Folsom area. There were abundant illegal fireworks I heard going off on CHRISTMAS eve as well as on New Year's eve, and even some that I saw going off in the sky on the way home from work the week of Jan 2-6. The new city policy on illegal fireworks is obviously not effective so far. My hope is that fines are being enforced and collected. I hope to hear less of these noise pollution, fire hazard, medical hazard, fireworks trash remains in the streets, and blatant disrespect for the law events as 2023 progresses. Last year I heard illegal fireworks going off in my neighborhood for any and every occasion: New Year, Lunar New Year, Martin Luther King Jr's birthday, Valentines Day, St. Patrick's Day, Warrior's game wins, 49'ers game wins, etc, etc.

Thank you, Larry Tam

Larry Tam cell: [REDACTED] efax: [REDACTED] email: <r[REDACTED]>