

**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.