

**CITY OF HAYWARD PLANNING COMMISSION
CONDITIONAL USE PERMIT APPLICATION NO. UP-23-0021
A&A BILLIARDS - 895 B STREET
CONDITIONS OF APPROVAL**

General

Planning

1. The approval of Conditional Use Permit No. UP-23-0021 shall allow the sale of beer to adult patrons as permitted under a Type 40 California Department of Alcoholic Beverage Control license at the billiards hall located at 895 B Street (Assessor Parcel No. 428-0071-050-00). Any expansion of recreational or entertainment offerings, such as live music, DJ performances or dancing, or change in alcoholic beverage service, such as installation of a full bar in the establishment, may require an amendment to this Conditional Use Permit.
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. The establishment shall conform to these conditions of approval and the project plans dated May 12, 2023, and project description dated October 25, 2023, on file with the Planning Division and labeled as Attachments IV and V, respectively.
4. Business hours shall be as follows. Modifications to these hours shall be subject to prior approval by the Planning Director and Chief of Police:
Mondays from 5:00 PM to 11:00 PM;
Tuesdays and Wednesdays from 1:00 PM to 11:00 PM;
Thursdays from 1:00 PM to midnight;
Fridays and Saturdays from 12:00 PM to 1:00 AM; and
Sundays from 11:00 AM to 10:00 PM.
5. A copy of these conditions of approval must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the public at all times.
6. The permittee shall maintain a current valid business license from the City of Hayward at all times of operation.
7. The permittee shall maintain all necessary permits and/or licenses in good standing with the County Environmental Health Department.
8. The permittee shall ensure compliance with all local, County, State, and Federal laws for the establishment. The permitted shall maintain compliance with the City's Zoning

Ordinance, Alcoholic Beverage Outlet Ordinance and the Hayward Municipal Code, as applicable.

9. All uses operating under a conditional use permit that cease operation for a period of more than six (6) consecutive months shall be deemed to be discontinued, and the conditional use permit establishing said use shall become null and void (cessation of a use caused by a natural disaster such as an earthquake or a public health crisis such as the onset of a pandemic shall not constitute grounds for annulment). Reestablishment of said use shall only be permitted upon obtaining approval of a new conditional use permit from the Planning Commission.
10. 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 conditional use permit. Violations of any approved land use conditions or requirements will result in enforcement action by the Code Enforcement Division. Enforcement may include, but is not limited to, fines, 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.
11. This approval shall expire three years after the effective date of approval unless a Type 40 liquor sales license from the California Department of Alcoholic Beverage Control is obtained and a copy is provided to the Planning Division.

Building

12. The proposed project will require a building permit and the associated plan review process for the change in occupancy. During the building permit plan check process, additional comments may be provided.

Fire Department

13. The minimum building address numbers shall be 12" high with 1.5" stroke and on a contrasting background so as to be visible from the street.
14. Portable fire extinguishers having a minimum size of 5 lbs. and a minimum rating of 2A:10BC shall be installed in centrally located and accessible locations as approved by the Fire Department with maximum travel distance of 75 feet within the tenant space.
15. Duct smoke detectors that are installed within the tenant space's heating/ventilation/air conditioning (HVAC) system (AHUs 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.

16. Exit illumination signs shall be installed in accordance with the requirements of the California Building Code (CBC) and California Fire Code (CFC).
17. An Annual Place of Assembly Permit shall be required from the Hayward Fire Department if the Billiard Area occupant load exceeds 50 sitting or standing occupants.
18. All existing fire protection systems shall be maintained in operable condition and shall be serviced at mandated intervals per the CFC.

Ongoing Operational Requirements

Police Department

19. The owner/operator shall utilize an age verification identification scanner to check the age of all patrons entering the establishment and/or attempting to purchase alcoholic beverages.
20. To prevent truancy, school-age (high school and younger) patrons shall not be permitted on the premises during school hours.
21. Minors under 21 years of age shall not be allowed on the premises after 10:00 PM.
22. The owner/operator shall maintain a fully operational digitally recorded closed circuit television (CCTV) security system that covers all points of entry/exit, cash registers, locations of cash/monies storage (e.g., manager's office), and overall locations where alcoholic beverages may be consumed. This CCTV security system must have remote access via the internet or other form of a wireless system that has real-time viewing capabilities by the owner/operator/manager. The recording capabilities must be that of a system that can maintain storage of recordings for a minimum of fourteen (14) days and generate video footage that can be provided to any peace officer upon request. The owner/operator shall check the digital video surveillance system daily and keep a daily log to ensure that the system and remote access is fully functional.
23. The occurrence of more than two critical incidents 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 (5) 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. Nothing in this condition shall restrict the authority of the City to seek revocation of this permit for a single incident of extreme severity.

24. Background music is permitted and shall be kept at a reasonable volume to dissuade customers from having to shout over one another. All music shall not exceed the limits prescribed by the City's Noise Regulations (Hayward Municipal Code Section 4-1.03.1).
25. Food shall be available at all times alcohol is sold as required by the State Department of Alcoholic Beverage Control for a holder of a Type 40 liquor sales license.
26. No patron shall purchase more than two (2) alcoholic beverages at a time. In addition, each transaction must be paid in full at time of purchase. No patron shall be allowed to start a "tab".
27. At least one security guard shall be on site on Fridays and Saturdays from 6:00 PM to 1:00 AM. All security guards shall be easily identifiable as Security, and shall maintain a valid security guard license and keep a copy of their guard card on their person while working in the capacity as security. The owner/operator shall provide the Hayward Police Department a copy of all security guards' guard cards.
28. All employees working at the establishment are required to complete a responsible beverage service training and submit the certification of completion for the training to the Hayward Police Department.
29. Alcohol sales/consumption at the premises shall not occur past 1:00 AM.
30. Alcohol shall not be sold "to go" and patrons are not permitted to leave the premise with any open container(s).

Prior to the Issuance of Building Permit

Planning

31. All outstanding fees owed to the City, including those for staff time spent processing this conditional use permit application, shall be paid in full prior to issuance of a building permit for the project.

Prior to Issuance of Certificate of Occupancy

Planning

32. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director, Building Official and Police Chief, as applicable.

-End of Conditions-