

CITY OF
HAYWARD
HEART OF THE BAY

**Revisions to the Alcohol Beverage Outlet
Regulations in the Zoning Ordinance**

**Joint City Council/Planning Commission
Work Session
January 24, 2012**

David Rizk, Development Services Director
Diane Urban, Chief of Police



Objectives of Revising Regulations

- provide more flexibility to promote economic growth and number of desired businesses,
- ensure potentially undesirable uses that drain scarce resources are adequately regulated and/or discouraged,
- develop more aggressive ways to shut down undesirable businesses that serve alcohol, and
- provide a funding structure/process to ensure adequate Police Department resources are available to regulate such uses and enforce City regulations



History of City's Alcohol Regulations

- City's original Alcoholic Beverage Outlet regulations were adopted in 1993 to
 - stem the proliferation of establishments selling alcoholic beverages within the City, with the notion that they present problems which affect residents, businesses, property owners, visitors, and workers of Hayward
- City last comprehensively revised its alcohol beverage outlet regulations in 2006 to
 - pursue changes to the regulations that focus on the Downtown, liquor stores and bars, the extent of alcoholic beverages permitted to be sold by physical volume (e.g., cubic feet) rather than percentage of floor area, and in re-examining the relevance of the current separation requirements between establishments involved in the sale of alcoholic beverages



Overview of City's Current Regulations

- Excluding **full-service** restaurants, retail stores of 10,000 square feet or more that do not allocate more than 5 percent of their floor area to alcohol, and legally permitted special community events, new alcohol-serving establishments require a conditional use permit (CUP)
- **Nonconforming uses (operate without a CUP)**
 - established prior to regulations requiring a CUP
 - may operate without a use permit, unless a change to liquor license occurs or there is a substantial change in the mode or character of operation of an establishment



Full Service Restaurants

- maintains a minimum of 60 percent of its gross receipts from the sale of meals;
- a full service restaurant shall serve meals to guests at all times the commercial activity is open for business;
- an establishment shall not be considered a full-service restaurant if it serves alcohol without meal service being provided;
- any bar/lounge area cannot remain open when the dining area is closed;
- a full service restaurant shall not offer or permit any form of live or recorded entertainment; including by way of example and not limited to, the playing of recorded music by a disc jockey, karaoke, dancing, video or mechanical games. Background music complementary to a dining experience may be provided as determined by the Chief of Police;
- a full service restaurant shall not offer any type of reduced price promotion for alcoholic beverages served on the premises;
- abides by listed performance standards related to minimizing impacts on public health and safety, etc.



Separation Standards for Alcohol Establishments

- a minimum 500 foot separation outside the Downtown between on-sale establishments and other on-sale or off-sale establishments, as well as to schools, public parks, libraries, playgrounds, recreational centers, child care centers, or other similar uses;
- in the Downtown, a minimum 100 foot separation is required between on-sale and off-sale establishments;
- no separation is required from schools, public parks, etc. for on-sale establishments that front B Street between Watkins Street and Foothill Boulevard or front Main Street between A and C Streets; however, within the Downtown, no more than two on-sale alcohol establishments shall be permitted per block side or face;
- off-sale establishments are typically required to be separated by at least 500 feet and be no closer than 500 feet to schools, public parks, etc.

Note the regulations identify possible conditions that may be appropriate for such uses, but such conditions are not stated as being required.



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- a full service restaurant is allowed to have live or recorded music until 10:00 pm without City approval (no dancing allowed), in compliance with the City's noise regulations
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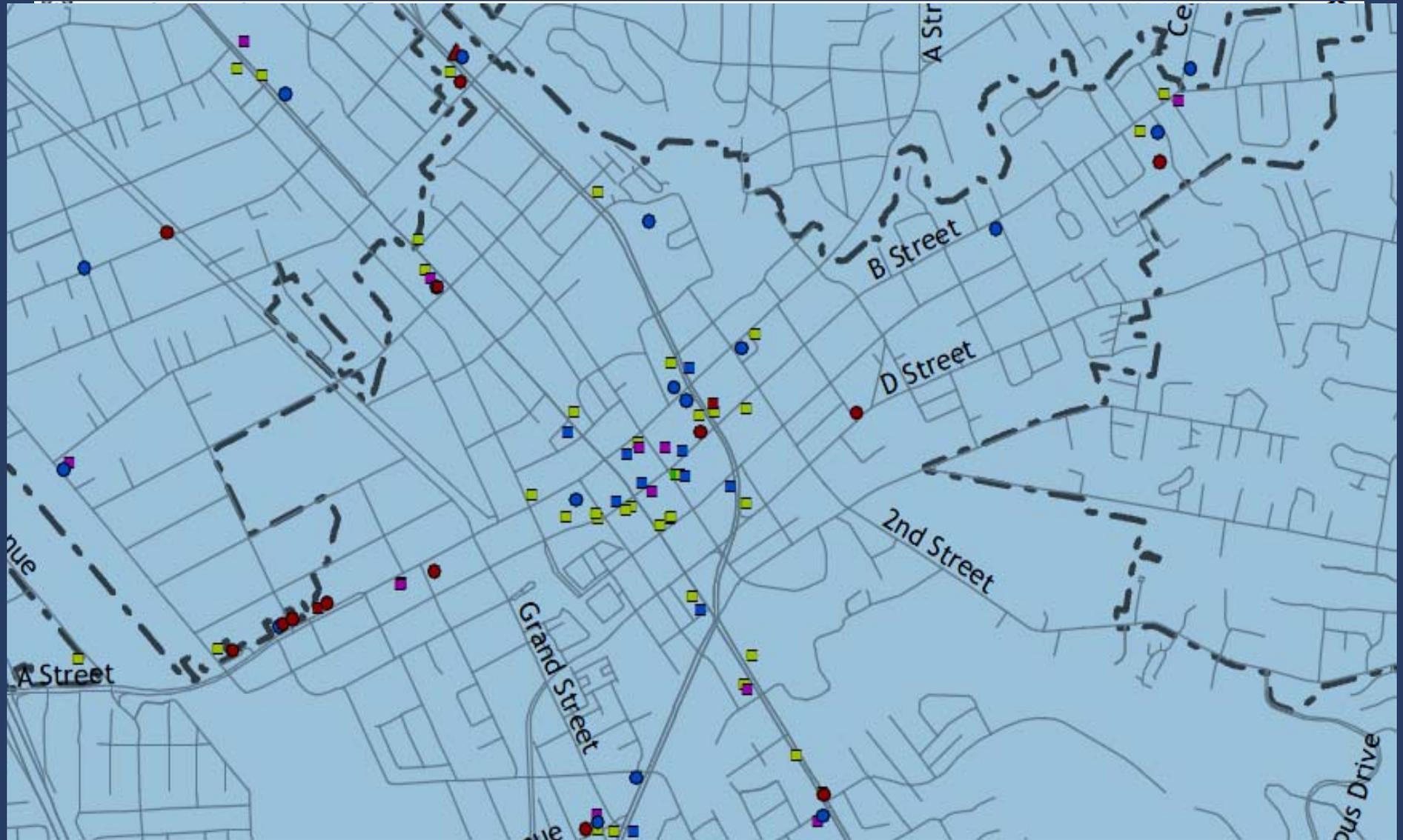


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Existing Alcohol Serving Locations in Hayward



Problematic Alcohol Serving Locations in Hayward

1	Address	242 Battery	245 Assault w/Deadly Weapon	415 Disturbance	647F Drunk in Progress	ABC violations	Total	Name of Establishment	CUP?
2	505 A ST	0	0	20	1	2	23	QuikStop Market Center	
3	1086 A ST	1	1	4	3	2	11	New York Pizza/Eden Liquor	
4	846 B ST	1	1	5	7	2	16	B Street Bar and Grill	AUP
5	926 B ST	0	0	6	4	8	18	ME Restaurant and Lounge-Nightclub	
6	939 B ST	7	0	12	11	7	37	Stein Lounge	
7	1036 B ST	3	4	7	21	5	40	Bijou Restaurant & Bar	AUP
8	22624 BLACKWOOD AV	1	0	1		1	3	Hayward Supermarket	
9	25037 CLAWITER RD	1	1	0		1	3	Mike's Sports Bar and Grill	CUP
10	26712 GADING RD	1	0	3	2	1	7	Mia Pizza/Taqueria	
11	26775 HAYWARD BL	1	0	16	2	5	24	University Plaza	
12	26775 HAYWARD BL #A	0	0	2			2	Café Caribe	
13	26775 HAYWARD BL #E	0	0	4			4	Bonfare Market	
14	20500 HESPERIAN BL	0	0	2	2		4	Mr Pho, LLC	CUP
15	20500 HESPERIAN BL #	0	0	0	1		1	Manila Gardens Restaurant	
16	24039 HESPERIAN BL	2	0	11			13	Chuck E. Cheese	
17	28260 HESPERIAN BL	0	0	0		3	3	Hayward Food & Liquor	CUP
18	566 JACKSON ST	0	0	2		2	4	Jackson Liquor & Groceries	
19	27973 LEIDIG CT	0	0	4	3	1	8	Maria's Restaurant Mexican Food	
20	22554 MAIN ST	5	0	15	30	4	54	Funky Monkey (Rumors Bar)	
21	21859 MISSION BL	0	0	5	2		7	Rainbow Lounge - DBA Farallon Club	
22	21995 MISSION BL	1	1	0		3	5	Hayward Karaoke Music Studio & Bar	CUP
23	24061 MISSION BL	2	2	5	3	4	16	La Taverna No. 2	
24	25144 MISSION BL	2	1	6	5	6	20	Shar-Ade Cocktail Lounge	
25	29633 MISSION BL	8	2	60	6	6	82	7 Star Food Store	
26	821 SYCAMORE AV	2	0	8	3	3	16	O'Brien's Hayward Inn - DBA 821 Lounge	
27	171 W TENNYSON RD	5	1	18	12	3	39	Foxes Cocktail Lounge	
28	583 W TENNYSON RD	0	0	2	1		3	GNG Food & Liquor	
29	1145 W TENNYSON RD	1	0	8	5	3	17	Steve's Liquor	
30	1190 W TENNYSON RD	0	0	32	15	2	49	Tennyson Liquors and Deli	
31	Grand Total	44	14	258	139	74	529		

1/2010 – 8/2011



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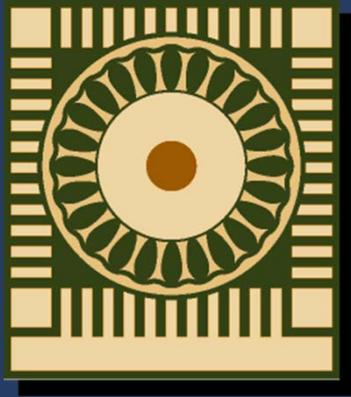
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Staff Recommendation

- Revise full-service restaurant standards by allowing happy hours, and music (without dancing) until 10:00 pm (staff to present resolution to City Council in near future)
- Direct staff to conduct further research and present recommendations for further revisions within the next six months, to address the previously stated objectives





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