

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD ENACTING COMPREHENSIVE REGULATIONS FOR PERSONAL CANNABIS CULTIVATION AND COMMERCIAL CANNABIS LAND USES THROUGH THE AMENDMENT OF HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE); ARTICLE 2 (OFF-STREET PARKING REQUIREMENTS); ARTICLE 24 (SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE); AND ARTICLE 25 (HAYWARD MISSION BOULEVARD CORRIDOR FORM-BASED CODE).

THE CITY COUNCIL OF HAYWARD DOES ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act (“MCRSA”), the Adult Use of Marijuana Act (“AUMA”), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously prohibited, through exclusionary zoning ordinance, both medical and non-medical adult cannabis land uses and regulations within the City.

C. The City wishes to establish a uniform regulatory structure for all medical and non-medical adult cannabis uses in the City in accordance with state law.

Section 2. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance):

SEC. 10-1.800 - NEIGHBORHOOD COMMERCIAL DISTRICT (CN)

SEC. 10-1.820 - CONDITIONALLY PERMITTED USES.

SEC. 10-1.845 - MINIMUM DESIGN AND PERFORMANCE STANDARDS.

SEC. 10-1.900 - NEIGHBORHOOD COMMERCIAL-RESIDENTIAL DISTRICT (CN-R)

SEC. 10-1.920 - CONDITIONALLY PERMITTED USES.

SEC. 10-1.1000 - GENERAL COMMERCIAL DISTRICT (CG)

SEC. 10-1.1020 - CONDITIONALLY PERMITTED USES.

SEC. 10-1.1100 - COMMERCIAL OFFICE DISTRICT (CO)

SEC. 10-1.1120 - CONDITIONALLY PERMITTED USES

SEC. 10-1.1300 - CENTRAL BUSINESS DISTRICT (CB)

SEC. 10-1.1320 - CONDITIONALLY PERMITTED USES

SEC. 10-1.1520 - CENTRAL CITY—COMMERCIAL SUBDISTRICT (CC-C)

SEC. 10-1.1523 - CC-C CONDITIONALLY PERMITTED USES.

SEC. 10-1.1530 - CENTRAL CITY—RESIDENTIAL SUBDISTRICT (CC-R)

SEC. 10-1.1533 - CC-R CONDITIONALLY PERMITTED USES.

SEC. 10-1.1540 - CENTRAL CITY—PLAZA SUBDISTRICT (CC-P)

SEC. 10-1.1543 - CC-P CONDITIONALLY PERMITTED USES.

SEC. 10-1.1555 - MINIMUM DESIGN AND PERFORMANCE STANDARDS FOR CC-C, CC-R, AND CC-P SUBDISTRICTS

SEC. 10-1.1600 - INDUSTRIAL DISTRICT (I)

SEC. 10-1.1615 - USES PERMITTED.

SEC. 10-1.1620 - CONDITIONALLY PERMITTED USES.

SEC. 10-1.1645 - MINIMUM DESIGN AND PERFORMANCE STANDARDS.

SEC. 10-1.1800 - LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT (LM)

SEC. 10-1.1820 - CONDITIONALLY PERMITTED USES.

SEC. 10-1.2735 - SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.

Section 3. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 2 (Off-Street Parking Requirements):

SEC. 10-2.340 - OFFICE, RETAIL, AND SERVICE USES.

SEC. 10-2.350 - WHOLESALE, MANUFACTURING, STORAGE, TRANSPORTATION, AND SIMILAR USES.

Section 4. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 24 (South Hayward BART/Mission Boulevard Form-Based Code):

SEC. 10-24.300 - STANDARDS AND TABLES

Section 5. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 25 (Hayward/Mission Boulevard Corridor Form-Based Code):

SEC. 10-25.400 - STANDARDS AND TABLES

Section 6. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance) to add Chapter 10-1.3600:

Chapter 10-1.3600

CANNABIS

Sections:

- 10-1.3600 Purpose**
- 10-1.3601 Limitation on Use**
- 10-1.3602 Personal Cannabis Cultivation**
- 10-1.3603 Commercial Cannabis Businesses**
- 10-1.3604 General Requirements**
- 10-1.3605 Commercial Cannabis Cultivation**

- 10-1.3606 Commercial Cannabis Manufacturing**
- 10-1.3607 Commercial Cannabis Retail and Delivery**
- 10-1.3608 Special Events**
- 10-1.3609 Findings**
- 10-1.3610 Grounds for Permit Revocation or Modification**
- 10-1.3600 Purpose.**

Section 7. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance), to add Definitions, in alphabetical order, to Section 10-1.3500 (Definitions), Section 10-24.500 (Definitions and Rules of Interpretation) and Section 10-25.600 (Definitions).

Section 8. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at the meeting of the Hayward City Council held October 17, 2017, the above entitled Ordinance was introduced by Council Member Zermeño.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on October 30, 2017, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: October 27, 2017
Miriam Lens, City Clerk
City of Hayward