

**PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 26, 2023**

**DOCUMENTS RECEIVED AFTER  
PUBLISHED AGENDA**

## **Staff Responses to Commissioners' Questions**



## January 26, 2023 – Planning Commission Questions

ITEM #	QUESTION	STAFF RESPONSE
#1 PH 23-003	With only two SB9 applications processed in 12 months, does staff see urban lot splits realistically making a meaningful contribution to overall housing development over the coming years?	Predictions about future development are uncertain however we can look at previous patterns of development for insight. In this case, it is helpful to look at the evolution of development of Accessory Dwelling Units (ADUs). In 2016, right after adoption of new State Laws relaxing ADU restrictions, the City received three building permits to construct ADUs. That number has grown steadily to 9 applications in 2017, 25 applications in 2018, 27 applications in 2019, 81 applications in 2020, 116 applications in 2021 and 122 applications in 2022. When homeowners become aware of new regulations and are able to raise the funds to construct new units and/or new financial instruments are created by banks and private or public entities to allow homeowners to access funds to construct new units on their property, then yes, staff does believe that new development under SB9 will make a meaningful contribution to overall housing development over the coming years, similar to ADU development over the past seven years.
#1 PH 23-003	If so, what outreach has been done in the community to promote this opportunity (in addition to the brochure and checklist application)?	This law became effective in January 2022. In addition to proactively creating a simple checklist and Frequently Asked Questions brochure in English and Spanish, Planning staff answers questions about SB9 among other questions about potential development on a case-by-case basis through services provided at the Permit Center, via emails and calls to the Planner on Duty. The Housing Element also contains Program H-18, to monitor SB9 applications and to encourage equitable distribution of these units throughout the City through targeted workshops and outreach over the next eight years.

<p>#1 PH23-003</p>	<p>How many SB9 applications have been received that are still being processed?</p>	<p>We have received three SB9 applications since the law came into effect in January 2022. Two were approved and one, which was submitted in September 2022, is incomplete. We are awaiting resubmittal of materials required to continue processing the incomplete application.</p>
<p>#1 PH23-003</p>	<p>Table 2 pg 7: Is the City able to allocate units from one inventory group to another once the Element is adopted? Would doing so require amending the Housing Element and holding a public hearing?</p>	<p>Absolutely. These represent goals and a roadmap of how the City could theoretically meet the RHNA based on approved and pipeline projects, current zoning and available sites; however, there are likely going to be developments that occur on sites not identified in the Housing Element inventory. We track progress towards meeting the RHNA and provide that data to HCD on an annual basis through the Annual Progress Report. It is through that report that we would document any changes from the assumptions in the Housing Element.</p>
<p>#2 PH 23-004</p>	<p>Need clarification on project site: Juva website says Hayward facility is 24,250 sqft; staff report says it is 1450 sqft. <a href="https://juvalife.com/cultivation/">https://juvalife.com/cultivation/</a></p>	<p>Juva Life owns two cannabis microbusinesses that are pursuing operation in Hayward. Precision Apothecary, a cannabis microbusiness with cultivation, manufacturing, distribution, delivery, and ancillary storefront retail activities located at 25571 Clawiter Road and 3329 and 3363 Enterprise Road received approval of their Conditional Use Permit by the Planning Commission in October 2020. In total, this facility is approximately 34,300 square feet, the majority of which is dedicated to the cultivation portion of the microbusiness. Juva Life has not yet completed the building permit process for this facility, so it is not yet operational.</p> <p>The subject of PH 23-004 is the Conditional Use Permit for Juva Life’s second Hayward business, Always on Time Consulting, located in a 1,627 square foot tenant space at 23000 Connecticut Street. It is a much smaller cannabis microbusiness than the Precision Apothecary facility with no cultivation component.</p>



<p>#2 PH 23-004</p>	<p>Does the City's cannabis ordinance provide a permit holder a deadline to begin operating and how does the city ensure the permit holders are moving forward with the project?</p>	<p>As with all other use permits issued by the City, cannabis businesses that require a use permit (all cannabis uses other than testing laboratories) have up to three years from the approval of their entitlement to submit a building permit application. Once a building permit application is submitted, the applicant must show progress on the building permit at least once every six months, which for example, could be a resubmittal of plans to the Building Division or a request for an inspection. As long as the applicant continues to make progress on their building permit, it will remain active. If the applicant does not make progress within six months, the building permit application will expire. If the building permit expiration occurs three or more years post land use entitlement, the use permit would also expire at that point.</p> <p>In addition, a cannabis facility must receive a license from the State before becoming operational. The State is currently experiencing a backlog of applications for licenses, and thus this process can take six months or longer. Once a cannabis facility has finalized the necessary building permits, received their State license(s), and fulfilled all other applicable Conditions of Approval, City staff conducts one last round of inspections before issuing a Commercial Cannabis Permit and business license, which allows the facility to become operational.</p>
-------------------------	--	---

## **Item #2 PH 23-004**

**Proposed Cannabis Microbusiness with Manufacturing, Distribution, Delivery, and Ancillary Retail Activities Located at 23000 Connecticut Avenue, Suite 5 (Assessor Parcel No. 439-0036-119-00) Requiring Approval of Conditional Use Permit Application No. 202001006. Douglas Chloupek (Applicant); Jon Cook (Property Owner).**

**Documents and Public Comments**

**From:** Elizabeth Blanton  
**Sent:** Friday, January 20, 2023 12:22 PM  
**To:** Mira Hahn <[Mira.Hahn@hayward-ca.gov](mailto:Mira.Hahn@hayward-ca.gov)>; Shane Gill <[REDACTED]>  
**Cc:** Adnan Iqbal <[REDACTED]>; Michelle Torres <[Michelle.Torres@hayward-ca.gov](mailto:Michelle.Torres@hayward-ca.gov)>  
**Subject:** RE: In Regards to 23000 Connecticut St.

Hi Shane,

Thanks for reaching out. Yes, the cannabis microbusiness in Suite 5 has the same condition of approval to install a wrought iron fence (in coordination with you and the property owner). Note that taller fencing and barbed wire along street facing fencing is not allowed per Zoning regulations.

The adequacy of fencing is considered by the Police Department during cannabis application review on a case by case basis. Some businesses operate in such a way that outside security fencing is less important. For example, they may have interior sally ports allowing for the loading and unloading of vehicles securely inside of a building. If you would like to set up a meeting with the Planning Division and the Police Department to discuss this further, I'd be happy to coordinate this.

Thanks,  
Elizabeth

### Elizabeth Blanton

Senior Planner

**Phone** 510-583-4206 | **Email** [elizabeth.blanton@hayward-cag.gov](mailto:elizabeth.blanton@hayward-cag.gov)  
777 B Street, Hayward, CA 94544



[Permit Center](#) | [E-Permits Portal](#) | [E-Permits Portal Help Center](#)

**Please note:** While we work on upgrading our system, there may be delays in the processing. We apologize for the inconvenience and thank you for your patience during this transition.

**From:** Shane Gill <[REDACTED]>  
**Sent:** Thursday, January 19, 2023 3:21 PM  
**To:** Elizabeth Blanton <[Elizabeth.Blanton@hayward-ca.gov](mailto:Elizabeth.Blanton@hayward-ca.gov)>  
**Cc:** Adnan Iqbal <[REDACTED]>; Mira Hahn <[Mira.Hahn@hayward-ca.gov](mailto:Mira.Hahn@hayward-ca.gov)>  
**Subject:** In Regards to 23000 Connecticut St.

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

Hello Ms. Blanton,

We hope this email finds you well.

You were in a meeting when we came in today, and so we talked to an assistant planner in regards to our commercial cannabis business at 23000 Connecticut St. Suite 3. We are next-door to the micro business that is pending CUP approval (CUP #202001006) and understand that it is one of your projects. We would like to understand the security gate requirements for the project at 23000 Connecticut Street Suite 5 relative to ours.

We have been working with the city of Hayward since 2018 to build out our project and are now at the final stages of completing construction with the exception of one AUP requirement. Unfortunately, Marcus Martinez has since left his position and left us without a dedicated planner to contact. It has made it a little difficult to get a response for queries sometimes. Since you are familiar with the project at Suite 5, we hope that you might be able to understand our situation better.

One of the conditions of our AUP is to build a new security gate to replace the one that is currently built on the property. However, in talking to other commercial cannabis businesses in the City of Hayward, we have found that this requirement is not equally applied to all cannabis businesses. Furthermore, the requirement was to build a wrought iron gate. We currently have a chain link fence with access gate which we believe is sufficient or can be modified to address any specific concerns that the planning department may have. In talking to Mr. Martinez in the past, the wrought iron was a decision of aesthetics rather than practicality. Even high security facilities do not use wrought iron for practical safety reasons. We can actually build a higher fence with the chain link.

We are leasing the space from the landowner and have been facing challenges with modifying aspects of the property. After 4 years of planning and building, the security gate itself is an enormous financial undertaking that our landlord is not willing to help with. In fact, he doesn't even want it. He would rather us do a chain link fence with barbed wire that has worked satisfactorily for other cannabis businesses in the area. We have addresses to show examples of the kind of fence that we think would work.

We do not want to make tension with our neighbor. For all the reasons above, we would like to understand the security gate requirements for Suite 5. If the requirements are the same as ours, we're hoping that we can work together with the project at Suite 5 to build a fence and maybe they could be a helpful ally in speaking with our landlord.

We've been working on this project for 4 years, unoperational and sinking money into it. We're not a corporate backed entity. We are regular people trying to provide for our families who have a passion for this project. If we had known all the hardships ahead of us, we wouldn't have gone down this path. But hindsight is 20/20 and we are determined as ever to create a business that creates a livelihood for our families and helps fund projects in the City of Hayward.

Thank you for your time. We look forward to hearing from you soon.

Very best,

Shane Gill

< [REDACTED] >

Manifest California

AUP #201806700

Building Permit #201908286



