CITY COUNCIL MEETING
TUESDAY, MARCH 19, 2019

PRESENTATIONS

ITEM 1 – LB 19-011

INTRODUCTION OF THE HAYWARD COMMUNITY FOUNDATION CONCEPT, FORMATION PROCESS, AND AUTHORIZATION FOR THE CITY MANAGER TO ESTABLISH AN AFFILIATE FUND WITH THE EAST BAY COMMUNITY FOUNDATION TO CREATE THE HAYWARD COMMUNITY FOUNDATION

Introduction & Overview: Hayward Community Foundation Concept

March 19, 2019
John Stefanski, Management Analyst II

What is a Community Foundation?

- 501(c)(3), non-profit organizations
  - Funded through philanthropic contributions and grants.
- Create value for communities through:
  - Grant making and other sponsorships.
  - Streamline administrative costs for multiple smaller non-profit organizations.

Why a Hayward Community Foundation (HCF)?

- Commercial Cannabis Permit Program: Community Benefits
  - Most approved businesses want to make cash donations to area non-profits.
  - Not necessarily in the best interest of the community.
    - May not be allocating funds to most critical needs.

- Existing area non-profits need support
  - Smaller non-profit organizations would benefit from streamlined, back-end administration for their funds.

HCF Formation Strategy

- Establish the HCF through an affiliate fund of the East Bay Community Foundation (EBCF).
  - Provides access to staff, knowledge, expertise.
  - Almost "turn-key" organization structure to manage assets and regulatory requirements.
  - No need for hiring specific staff for area non-profits.
- EBCF has provided these services to other area community foundations
  - Richmond Community Foundation
  - Berkeley Community Fund
  - Rodeo-Crockett Community Foundation

HCF Formation Strategy, 2

- Requires a Community Affiliate Agreement
  - HCF can create one or more funds under the affiliate umbrella.
- Requires a Distribution Committee
  - Distribution Committee could be made up of local residents, business and non-profit leaders.
  - Tasked with consulting, advising, and making recommendations for distributions from the various funds.
  - May elect to transfer assets into a formal Community Foundation.
- Agency Funds for Local Non-Profits
  - Local non-profits could open Agency funds under the HCF.

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Questions & Discussion

Jeri Boomgaarden, Managing Director of Donor Services and Senior Development Officer, East Bay Community Foundation.

ITEM 8 – PH 19-020

APPLICATION TO AMEND CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), SECTION 10-1.3603(B) RELATED TO A PROPOSED MODIFICATION OF THE REQUIRED SETBACKS FOR COMMERCIAL CANNABIS BUSINESSES FROM CERTAIN SENSITIVE LAND USES; AND CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), SECTION 10-1.3607(C).1 RELATED TO A REDUCTION OF THE OVERCONCENTRATION BUFFER FROM 1,000 FEET TO 500 FEET FOR COMMERCIAL CANNABIS RETAIL DISPENSARIES OF THE HAYWARD MUNICIPAL CODE IN THE CITY OF HAYWARD, REQUIRING THE INTRODUCTION OF AN ORDINANCE AND THE ADOPTION OF A RESOLUTION APPROVING ZONING TEXT AMENDMENT APPLICATION NO. 201900727

Cannabis Text Amendments

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Background

- In 2017, the City Council adopted Ordinances 17-14 and 17-15, which enacted the regulatory and land use ordinances authorizing cannabis businesses in the City.

- Since 2017, several municipalities adopted similar land use and regulatory ordinances but have modified or eliminated the State's buffering recommendations. While the City's existing Ordinance requires a minimum separation from sensitive land uses and other retail dispensaries, the City has adopted an RFP process that already provides for an independent and comprehensive evaluation of the operators prior to application filing.

- On January 15, 2019, City Council directed staff to process a text amendment to reduce the over-concentration buffer from 1,000-foot to 500-feet.

- On February 28, 2019, the Planning Commission recommended that City Council approve the zoning text amendments, as proposed by staff.

Over-Concentration Buffer

- The purpose of the over-concentration buffer is to limit the proximity of retail cannabis dispensaries from one another to mitigate potential cumulative impacts.

- When the Council adopted the Ordinances, retail dispensaries were required to recognize a 1,000-foot buffer between dispensaries. At that time, it was not known where dispensaries would locate.

- By December 2018, all three applicants selected locations and submitted applications within 1,000 feet from one another.

- The proposed text amendment would reduce the over-concentration buffer for retail cannabis dispensaries from 1,000 feet to 500 feet but applicants would still be required to obtain a Conditional Use Permit to assess any environmental, physical or safety impacts.
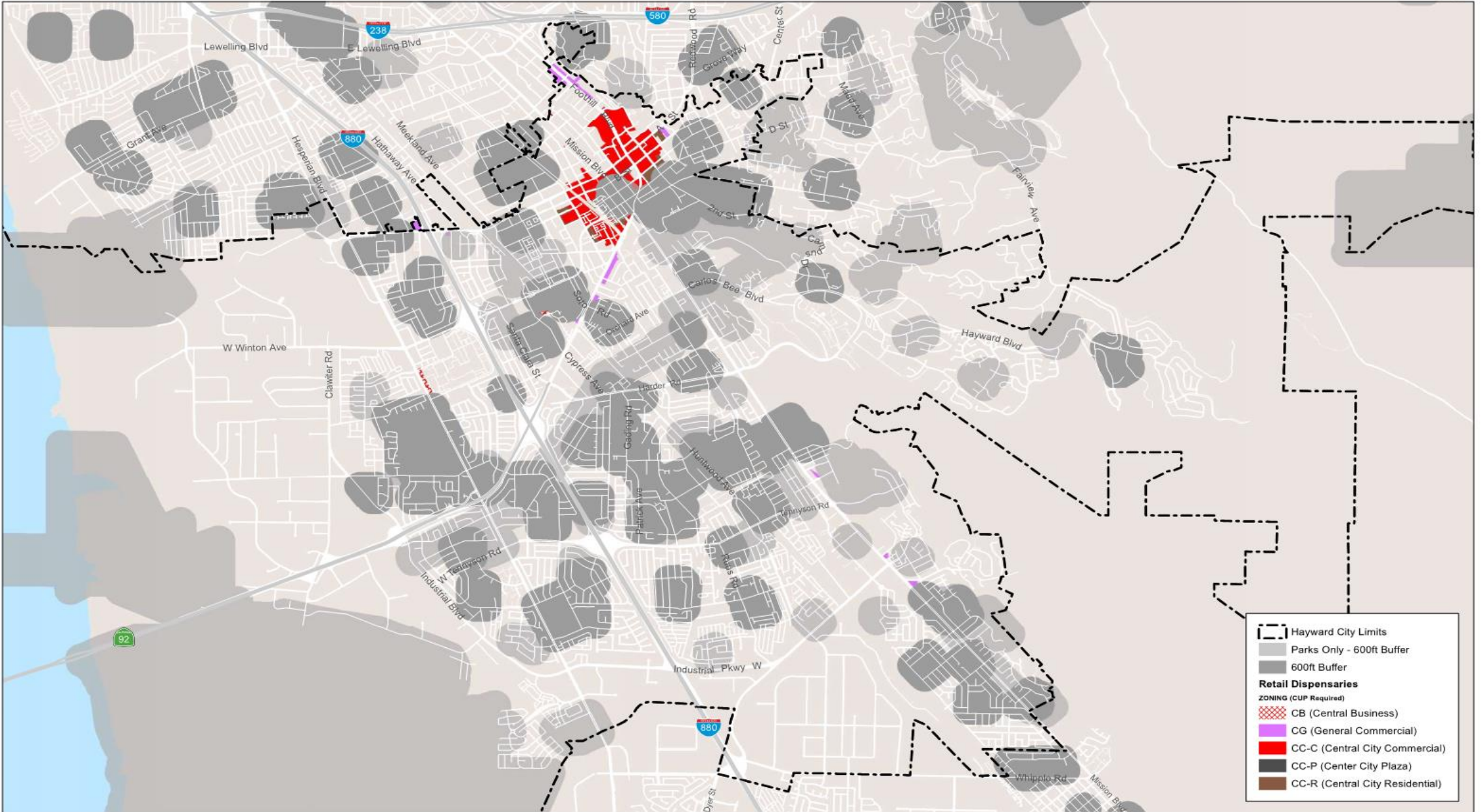
Buffer From Sensitive Land Uses

- The text amendment would provide a consistent application of the required buffer from commercial cannabis businesses and additionally provide the Commission with flexibility to reduce the 600-foot buffer from all sensitive land uses, if additional findings of necessity are made.

- Currently, cannabis operators can apply for a Use Permit if located within 600 feet of parks, libraries and open space areas that contain children's playgrounds. The proposed amendment would extend that provision to include the other sensitive land uses that serve children and provide a consistent land use standard throughout the City.

- As part of the regulatory toolkit established by the State and the land use ordinances adopted by the City in 2017, staff believes that the current regulatory framework is sufficient to ensure that any impacts related to sensitive land uses are evaluated and minimized as part of a Use Permit process.

Commercial Cannabis Retail Dispensaries – Zoning Districts

Legend:

- Hayward City Limits
- Parks Only - 600ft Buffer
- 600ft Buffer

Retail Dispensaries
ZONING (CUP Required)
- CB (Central Business)
- CG (General Commercial)
- CC-C (Central City Commercial)
- CC-P (Center City Plaza)
- CC-R (Central City Residential)

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Environmental Review

- The proposed text amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

- Commercial cannabis operators would still be subject to the RFP review and selection process and subject to the land use entitlement process, which would evaluate applications on a case-by-case basis for environmental impacts pursuant to CEQA.

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Recommendation

- That the City Council approves the proposed Zoning Text Amendments to Chapter 10, Article 1, Section 10-1.3600, Cannabis, of the Hayward Municipal Code related to the setback requirements for commercial cannabis businesses and the over-concentration buffer for retail dispensaries in the City of Hayward by introducing an Ordinance (Attachment II) and adopting the Resolution (Attachment III) with the required findings and environmental review.

- If the Council approves the proposed amendments, the decision will be effective and final. A second reading and adoption of the Ordinance will occur at the next scheduled City Council meeting.
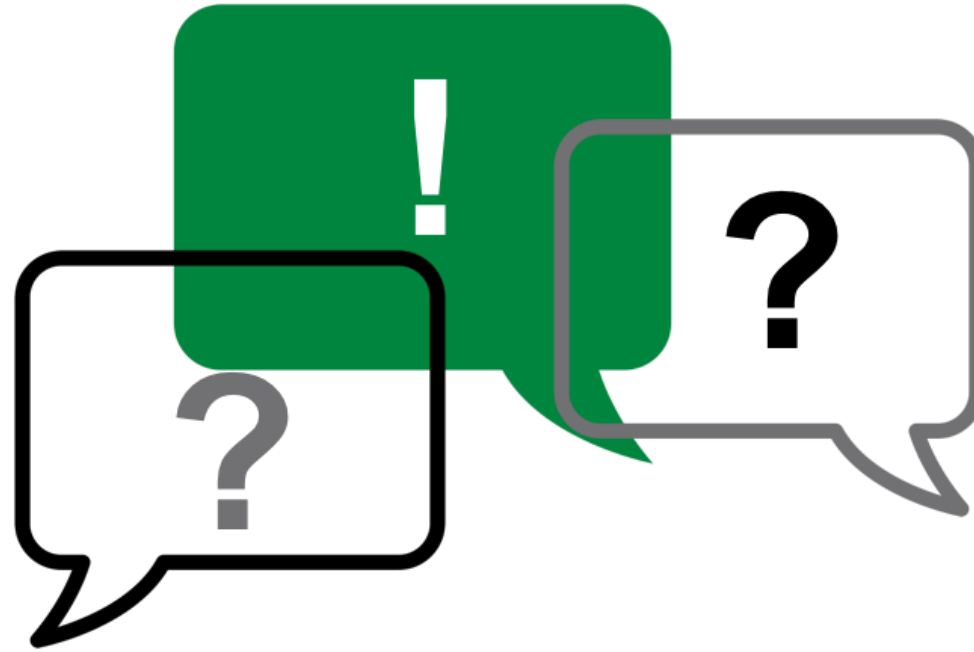
Questions & Comments

ITEM 9 – LB 19-017

ADOPTION OF PROPOSED REVISIONS TO THE COUNCIL MEMBER HANDBOOK SECTION ON "ORDER OF BUSINESS RELATED TO COUNCIL REPORTS, REFERRALS AND FUTURE AGENDA ITEMS"

Background

- **_Feb. 3, 2019:_** Council Governance Retreat – Discussed various sections of Council Handbook – interest in modifications, including Section on Council Referrals

- **_Feb. 26, 2019:_** Councilmember Wahab made a verbal referral that her colleagues accepted to have staff review Council Referral processes in other jurisdictions – Seeking Greater Clarity

- **_March 2019:_** City Clerk's Office polled other municipalities re: process for Council referral items

COUNCIL REFERRAL POLLING

- Most Cities had either a written or verbal request process;

- **8 CITIES** – consensus of majority of Council before directing staff;

- **6 CITIES** – brief written memo/report added to Agenda;

#	CITY	REFERRAL PROCESS
1	Diamond Bar	Council members contact the City Manager's office directly with any requests. City Manager coordinates with staff and provides the information to the Council member and the entire Council.
2	Alameda	**WRITTEN REQUEST** submitted to City Clerk two weeks prior to the Council meeting requested.
3	Livermore	**VERBAL REQUEST** during the meeting - *Majority support is needed.*
4	Emeryville	**VERBAL REQUEST** during the meeting - *Majority support is needed.*
5	Dublin	**VERBAL REQUEST** during the meeting - *Majority support is needed.*
6	San Leandro	**VERBAL REQUEST** during the meeting - *Majority support is needed.*
7	Newark	**INFORMAL REQUEST** to City Manager or during a Council meeting.
8	Albany	**WRITTEN REQUEST.** Materials are submitted to the Mayor and City Manager by the Friday before the Wednesday posting of the agenda.
9	Berkeley	**COUNCIL AGENDA COMMITTEE**, consisting of the Mayor and two members of the Council, has the authority to place items on the agenda after its review during the Committee meeting.

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COUNCIL REFERRAL POLLING

- **1 CITY** – Council can refer directly to staff;

- **1 CITY** – Rules & Legislative Committee (CM, CA, CC, Council member);

- **1 CITY** – Agenda Committee (Mayor, 2 Council members) Council submits to Committee

10	Walnut Creek	**VERBAL REQUEST** during the meeting - *Majority support is needed.* With Council consent, CM will place item on a future meeting within 90 days.
11	San Jose	**WRITTEN REQUESTS AT A COUNCIL PRIORITY SETTING MEETING,** these are referred to Rules Committee consisting of the Mayor, Vice Mayor, 3 Council Members, City Manager, City Attorney and City Clerk.
12	Pleasanton	**VERBAL REQUEST** - *Majority support is needed.*
13	Union City	**VERBAL REQUEST** - *Majority support is needed.* If the item is referred, the item will be placed at a future agenda under the City Manager Reports section of the agenda.
14	Fremont	**WRITTEN REQUEST** (staff report). The sponsoring Council member gives the City Manager a brief description of the subject to be printed on the agenda.
15	Palo Alto	**"COLLEAGUES MEMO"** process. Two to three Council members are required in order to place a memo on the agenda. Memos have a section identifying any potential staffing or fiscal impacts of the contemplated action which is drafted by the City Manager. Completed memos are provided to the City Clerk by noon on the Tuesday prior to the Council meeting.
16	Belmont	**WRITTEN MEMO OR REPORT** summarizing the Council member's position is submitted at least one week prior to the meeting.
17	Bakersfield	**VERBAL REQUEST** - *Majority support is needed.* CMO coordinates a response, it is provided to Council as part of weekly information packet

Current Procedure

- During Council Reports, Referrals, and Future Agenda Item Section of the Agenda…

  - A Councilmember may request an item be considered on a future agenda, and upon agreement of a majority of Council, staff prepares a report if formal Council action is required.

  - Request can be made verbally during a meeting or may be submitted in writing

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Proposed Two-Part Procedure

Part 1:   Councilmembers wishing to refer a matter to the

   Council:

- In advance of Council meeting, prepare a Council Referral Memo;
- Describe the referral to ensure clarity and transparency for Council and for staff (policy issue, overall outcome, desired objective, desired timeline, etc.);
- Inform City Manager so referral can be placed on Council agenda – provides City Clerk ample time to agendize the item in accordance;
- Proposed 3- 5 Referrals per Councilmember per year (up to 35 total per year) due to potential staff workload impacts.

Proposed Two-Part Procedure

Part 2:   Council Consideration of Council Referral Memo:

- When item called at Council meeting, referring Councilmember describes policy issue;
- Council does not take action on the agenda item itself – only determines whether further staff time should be spent researching the issue;
- Upon concurrence of the majority of Council, the City Manager will place on a future agenda (CM determines when to agendize item based on time it takes to complete research, desired Council timeline, workload considerations, other items on Council Calendar, etc.
- City Manager will maintain log of referrals (Date of Referrals, Projected Dates to be agendized, etc.)

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Questions

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