

**PLANNING COMMISSION MEETING  
THURSDAY, SEPTEMBER 14, 2017**

**PRESENTATIONS**

**STAFF PRESENTATION**

**ITEM #1 PUBLIC HEARING  
PH#17- 083**

**HAYMONT TOWNHOMES**

**MIKE PORTO  
CONSULTANT PLANNER**



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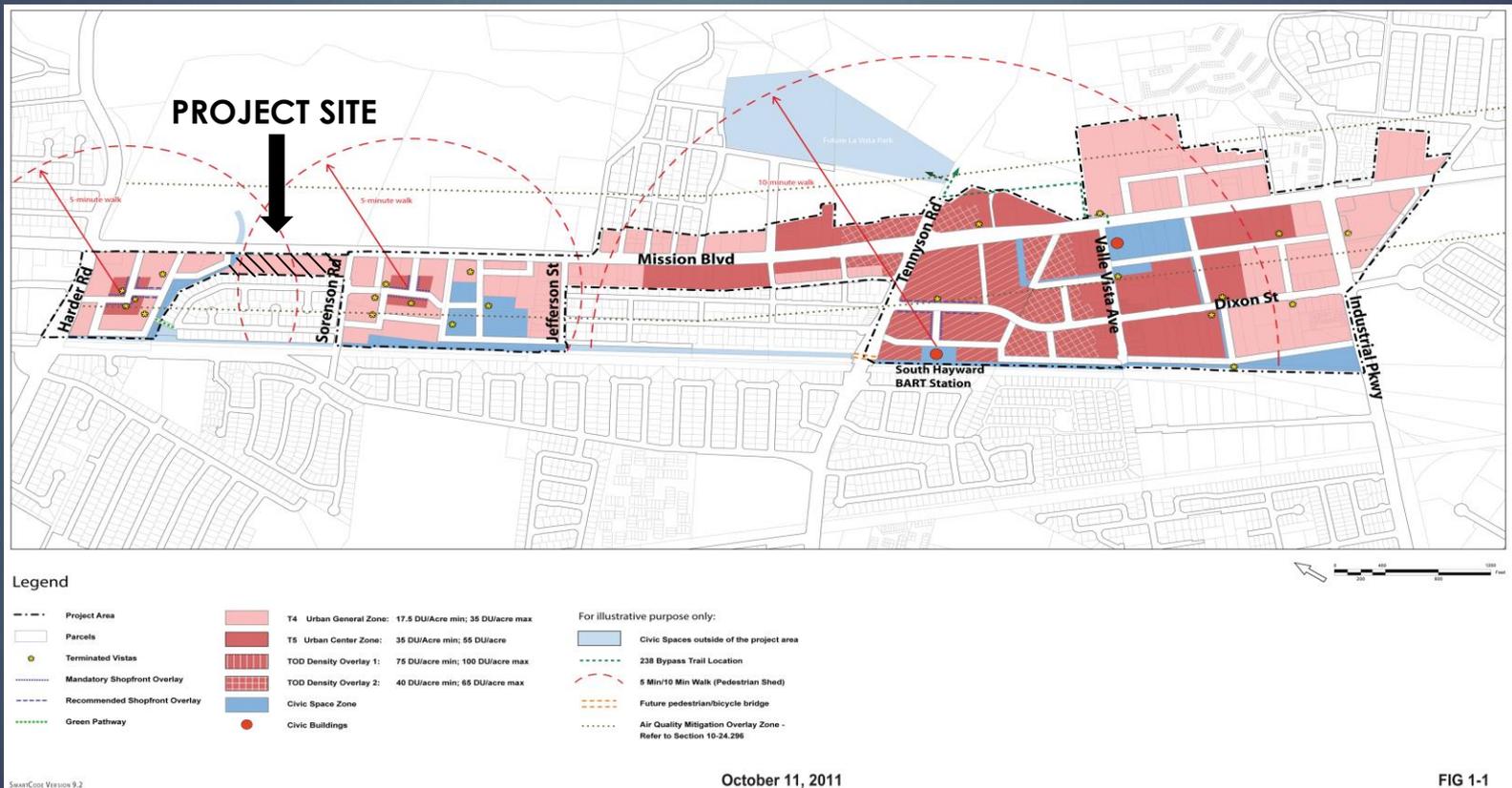
DEVELOPMENT SERVICES

# Haymont Townhomes & Apartment Mixed Use Project

# Haymont Townhomes & Apartment Mixed Use Project Project Site



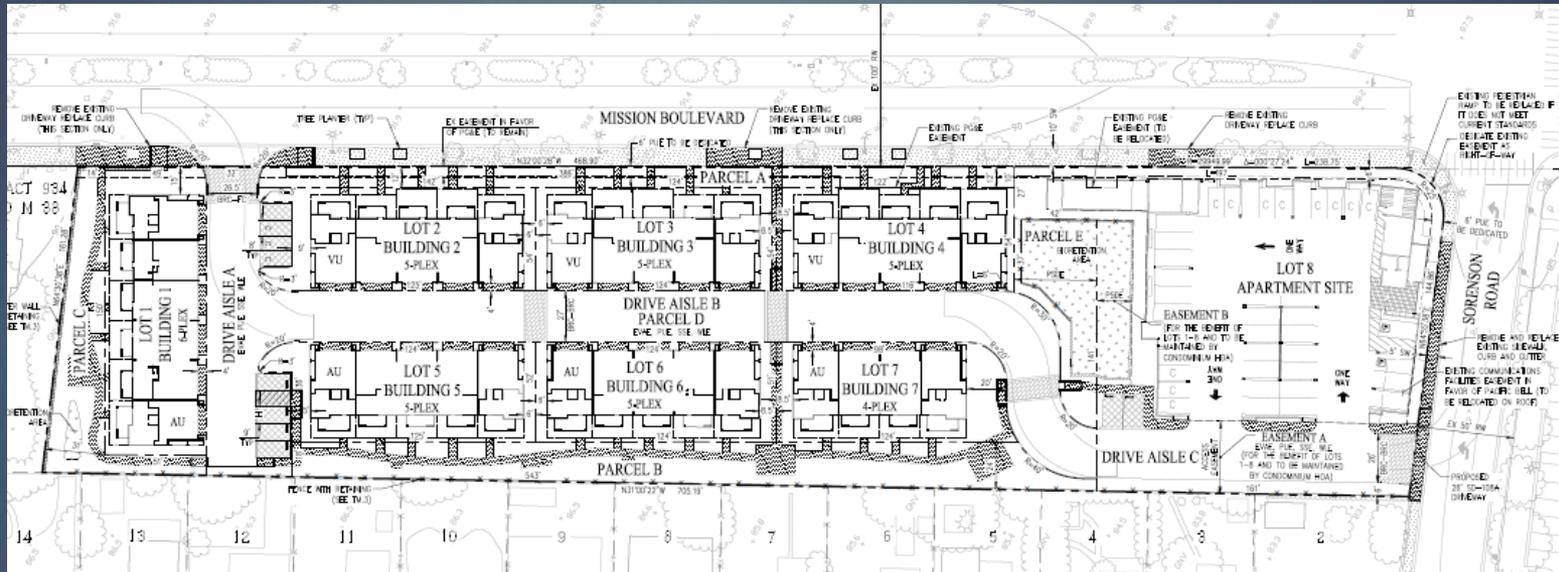
# Haymont Townhomes & Apartment Mixed Use Project South Hayward BART/Mission Boulevard Form-Based Code Area and Project Location



# Haymont Townhomes & Apartment Mixed Use Project Neighborhood Context and Vicinity Map



# Haymont Townhomes & Apartment Mixed Use Project Site Plan/Project Description



# Haymont Townhomes & Apartment Mixed Use Project Existing Conditions



## Current Commercial Development



# Haymont Townhomes & Apartment Mixed Use Project Zoning & General Plan



- ▶ Zoning – South Hayward  
BART/Mission Boulevard Form-Based  
Code:
  - ▶ **T4 - 17.5 to 35 units per acre**
- ▶ General Plan Land Use
  - ▶ **Sustainable Mixed Use**

# Haymont Townhomes & Apartment Mixed Use Project Project Description



## Townhomes

- ▶ Developer: KB Home
- ▶ 35 units
- ▶ 3-stories
- ▶ 7 buildings
- ▶ 3 and 4 bedroom units
- ▶ 2 garage spaces per unit
- ▶ 8 guest spaces - surface
- ▶ Parcel Size – 1.55 net acres
- ▶ Density: 23 unit per acre

## Apartments/Mixed Use

- ▶ Developer: DNS Capital Partners LLC (Robert Telles)
- ▶ 39 units
- ▶ 4 stories
- ▶ 1 and 2 bedroom units
- ▶ 40 covered parking spaces
- ▶ 3 uncovered guest spaces
- ▶ 1,020 sf commercial space
- ▶ Parcel Size – .59 net acres
- ▶ Density: 66 units per acre

# Haymont Townhomes & Apartment Mixed Use Project Planning Actions



- ▶ **Zoning Text Amendment** – South Hayward BART/Mission Boulevard Form-Based Code:
  - ▶ To allow density transfer/averaging between and among adjacent properties of like zoning for Transect Zones T4 and T5 (GP LU-3.5):
    - ▶ T4 - 17.5 to 35 units per acre maximum, and
    - ▶ T5 – 36 to 55 units per acre
- ▶ Resulting Density of the 2.14 net acre project site:

34.6 units per acre

# Haymont Townhomes & Apartment Mixed Use Project Planning Actions



- ▶ **Site Development Review**
  - Townhomes and Apartments/Mixed Use
  
- ▶ **Vesting Tentative Tract Map 8335** – To create two building sites: (1) 39 apartments, and (2) 35 townhomes.

# Haymont Townhomes & Apartment Mixed Use Project

## Planning Actions



- ▶ **Warrants** – (4 Warrants/Exceptions) South Hayward BART/Mission Boulevard Form Based Code :
  - ▶ (1) **Excess Parking** – Condominium parking is limited to 2 spaces per unit. For the townhomes, the 8 guest parking spaces are considered as excess.
  - ▶ (2) **Roof Pitch** - For sloped rooflines, the lowest pitch shall be no less than 5:12. Both the Townhomes and Mixed Use/Apartment structure have portions of roofs pitched at 4:12.

# Haymont Townhomes & Apartment Mixed Use Project

## Planning Actions



- ▶ **Warrants** (cont'd) – South Hayward BART/Mission Boulevard Form Based Code (4 warrants/exceptions):
  - ▶ (3) **First Story Glazing** – Ground floor glazing is required to be at least 30% clear glass.
    - ▶ Townhomes – Glazing in the ground floor of a typical townhome is approximately 12%. That is consistent with residential use and design.
    - ▶ Apartments/Mixed Use - For the commercial shopfront, clear glass on the first floor makes up approximately 25% along Mission Boulevard, and for the building lobby it is approximately 13% along Sorenson Road. Through a combination of clear glass, fixed spandrel glass, and translucent light-transmitting glass, first floor exterior materials would be more than 30% glazed.

# Haymont Townhomes & Apartment Mixed Use Project

## Planning Actions

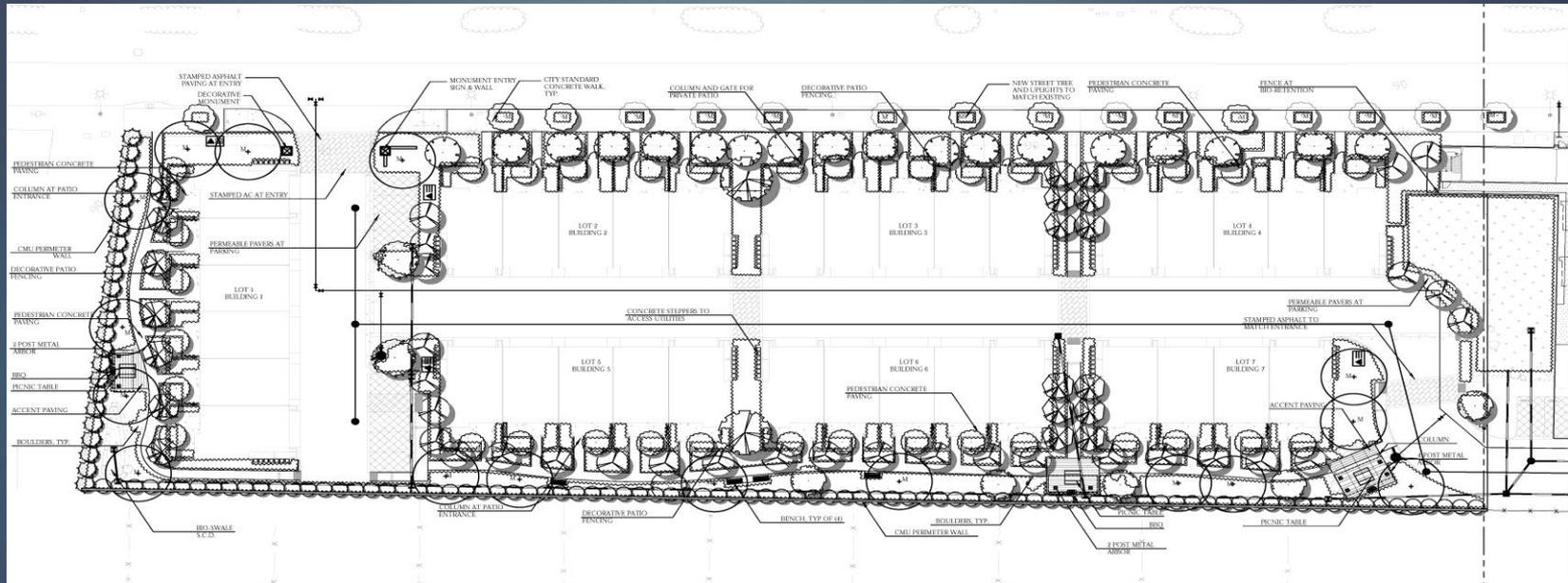


- ▶ **Warrants** (cont'd) – South Hayward BART/Mission Boulevard Form Based Code (4 warrants/exceptions):
  - ▶ (4) **Parking within the Layer 2 Setback** – Parking not permitted in first and second layer unless screened.
    - ▶ Townhomes – A portion of one guest parking space lies within the Layer 2 setback. It is screened with landscaping and a low wall.
    - ▶ Apartments/Mixed Use – Ten (10) ground level parking spaces are situated within the Layer 2 setback behind a building façade of fixed spandrel glass and green screen landscaping.

# Haymont Townhomes & Apartment Mixed Use Project

## Townhomes

### Site Plan



# Haymont Townhomes & Apartment Mixed Use Project

## Townhomes

### Elevations – Right and Front



RIGHT ELEVATION

- TYPICAL EXTERIOR MATERIALS
- ① - EXTERIOR PLASTER, MEDIUM SAND FINISH
  - ② - BOARD & BATTEN VERTICAL SIDING
  - ③ - FIBER CEMENT HORIZONTAL SIDING
  - ④ - PERFORATED MESH METAL RAILINGS
  - ⑤ - WOOD WINDOW TRIM @ SIDING
  - ⑥ - ARCHITECTURAL QUALITY COMPOSITION SHINGLE ROOFING



FRONT ELEVATION



5 UNIT BUILDING FRONT & RIGHT ELEVATIONS  
A.5-C

Telles Property  
Hayward, CA  
August 3, 2017

KB Home  
5001 Executive Parkway, Suite 125, San Ramon, CA 94583  
925.980.6500

3361 Walnut Blvd, Suite 120 Brentwood, CA 94515  
925.634.7000  
www.strausdesign.com



SDG Architects, Inc.

# Haymont Townhomes & Apartment Mixed Use Project

## Townhomes

### Elevations – Left and Rear



LEFT ELEVATION

- TYPICAL EXTERIOR MATERIALS
- ① - EXTERIOR PLASTER, MEDIUM SAND FINISH
  - ② - BOARD & BATTEN VERTICAL SIDING
  - ③ - FIBER CEMENT HORIZONTAL SIDING
  - ④ - PERFORATED MESH METAL RAILINGS
  - ⑤ - WOOD WINDOW TRIM @ SIDING
  - ⑥ - ARCHITECTURAL QUALITY COMPOSITION SHINGLE ROOFING



REAR ELEVATION



5 UNIT BUILDING REAR & LEFT ELEVATIONS  
A.6-C

Telles Property  
Hayward, CA  
August 3, 2017

**KBHome**

5000 Executive Parkway, Suite 125, San Ramon, CA 94583  
925.983.4500

3361 Walnut Blvd, Suite 120 Brentwood, CA 94513  
925.634.7000  
www.stausdesign.com



SDG Architects, Inc.

# Haymont Townhomes & Apartment Mixed Use Project

## Townhomes/Residential



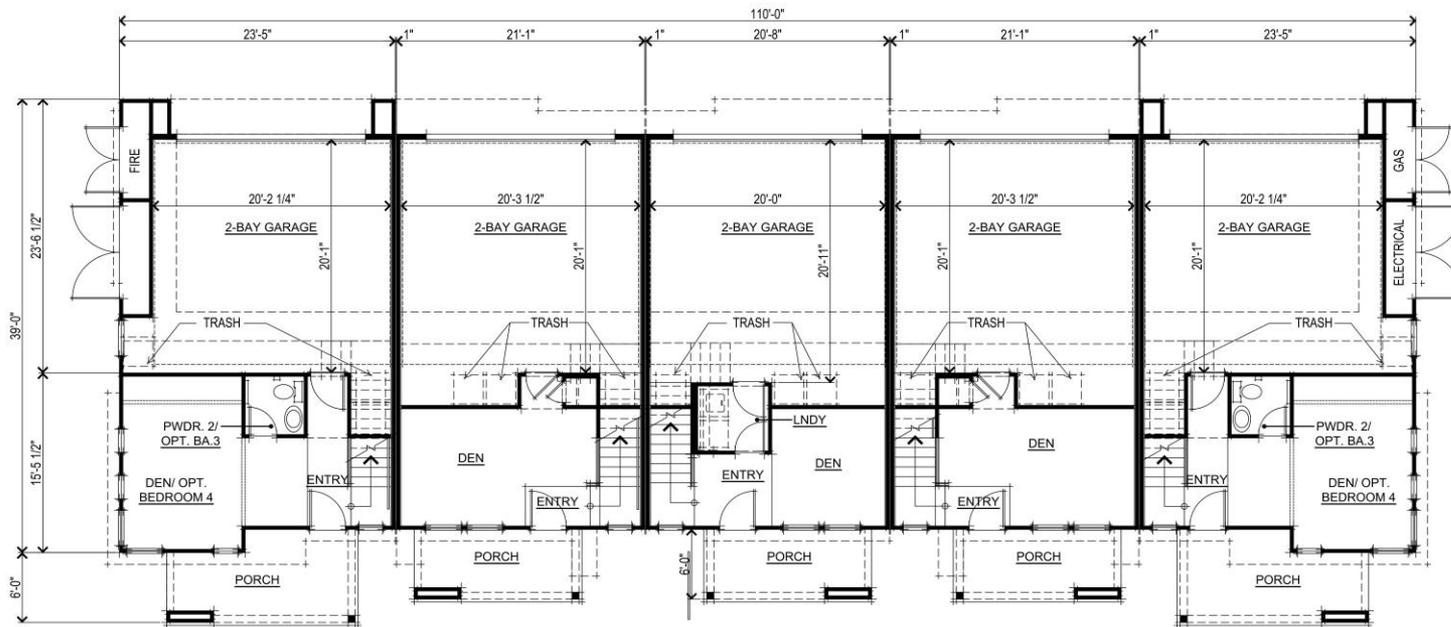
### Floor Plans

Floor Plans	Size (sf) (excludes garage)	Bedrooms	Bathrooms	Stories	Unit Position	Parking Spaces	Total	
Plan 1	1,735	3	2½	3	interior	2	9	26%
Plan 2	1,823	3	2½	3	interior	2	12	34%
Plan 3	2,074	4	2½ + ½	3	end unit	2	14	40%
<b>Total</b>							<b>35</b>	<b>100%</b>

# Haymont Townhomes & Apartment Mixed Use Project

## Townhomes

### Floor Plans – First Floor



PLAN 3 REVERSE

PLAN 2 REVERSE

PLAN 1 REVERSE

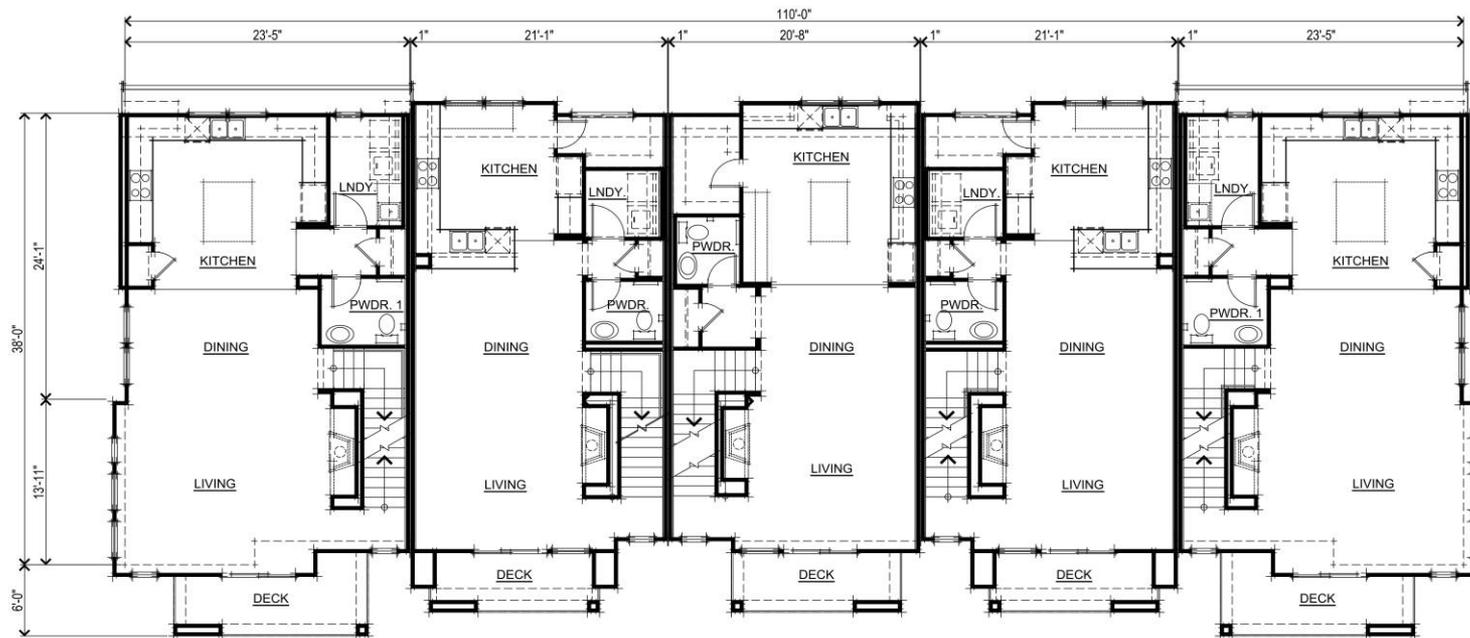
PLAN 2 STANDARD

PLAN 3 STANDARD

# Haymont Townhomes & Apartment Mixed Use Project

## Townhomes

### Floor Plans - Second Floor



PLAN 3 REVERSE

PLAN 2 REVERSE

PLAN 1 REVERSE

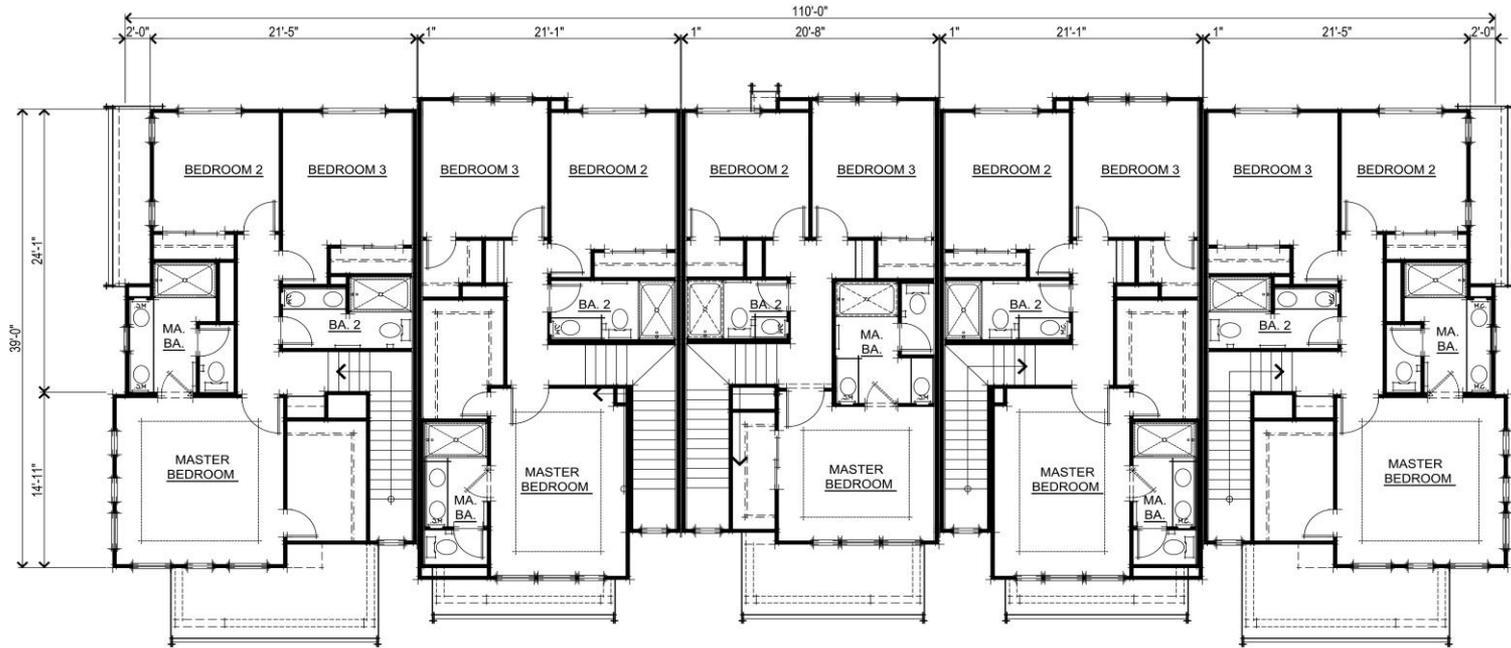
PLAN 2 STANDARD

PLAN 3 STANDARD

# Haymont Townhomes & Apartment Mixed Use Project

## Townhomes

### Floor Plans - Third Floor



PLAN 3 REVERSE

PLAN 2 REVERSE

PLAN 1 REVERSE

PLAN 2 STANDARD

PLAN 3 STANDARD

# Haymont Townhomes & Apartment Mixed Use Project

## Project Description

### Color and Materials



## Townhomes



**GAF Roofing**  
Weathered Wood



**Exterior Plaster 1**  
SW 6140 Moderate White



**Exterior Plaster 2**  
SW 7692 Cupola Yellow



**Vertical Siding**  
SW 7548 Portico



**Horizontal Siding**  
SW 7696 Toasted Pine Nut



**Trim & Fascia**  
SW 0023 Pewter Tankard



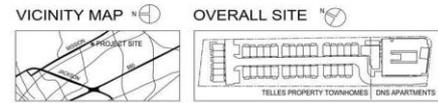
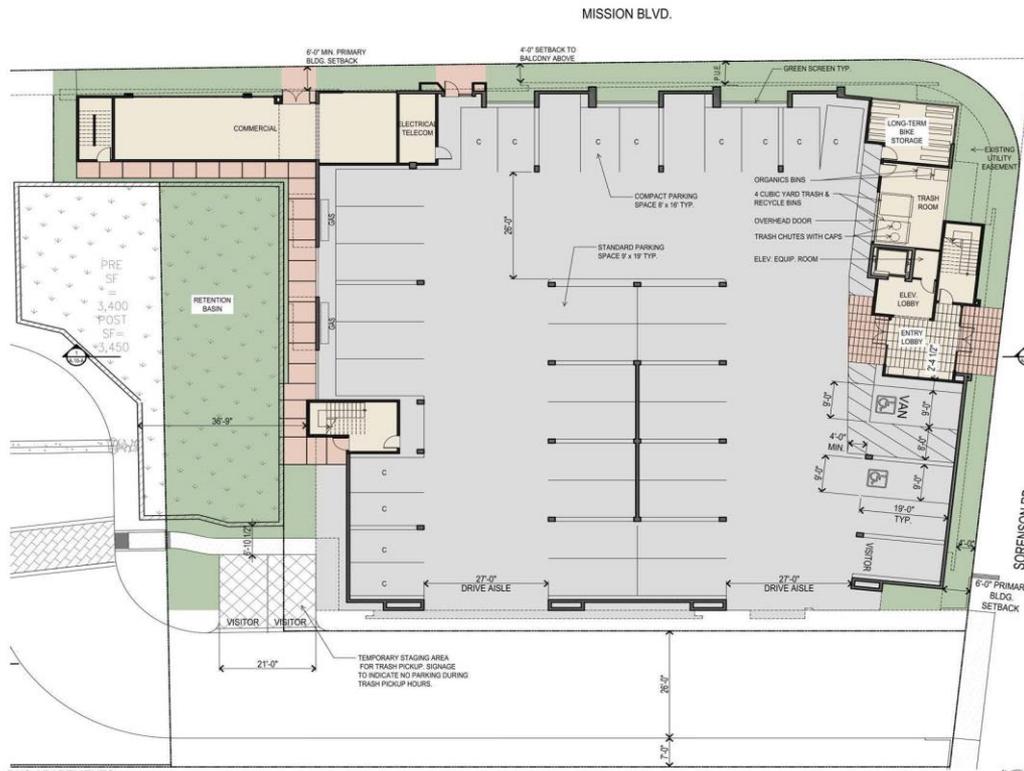
**Accent**  
SW 6179 Artichoke



# Haymont Townhomes & Apartment Mixed Use Project

## Apartments/Mixed Use

### Site Plan - First Floor & Commercial Use



**SITE DATA**

JURISDICTION: CITY OF HAYWARD  
 APN: 420 009 30 09  
 ADDRESS: 2609 MISSION BLVD., HAYWARD, CA 94544  
 INTERSECTION OF MISSION & SORENSON

**PROJECT DESCRIPTION:**  
 A TOTAL OF 39 APARTMENTS (142 BEDROOM) ABOVE A PARKING GARAGE WITH AN ATTACHED COMMERCIAL STOREFRONT SPACE

**BUILDING INFORMATION:**

UNIT MIX		
1BR - "UNIT 1A"	(892 SF)	9
1BR - "UNIT 1B"	(776 SF)	3
1BR - "UNIT 1C"	(625 SF)	3
1BR - "UNIT 1D"	(780 SF)	3
1BR - "UNIT 2"	(1102 SF)	21
<b>TOTAL UNITS</b>		<b>39</b>

**APARTMENTS:** 39  
 COMBINED W/ ADJ. TOWNHOME PROJECT (74 DUZ 14 ACRES): 34.8 DUZ/AC  
 BY RIGHT MAXIMUM DENSITY: 35 DUZ/AC  
**NUMBER OF STORES / HEIGHT:** 4 STORES / APPROX. 52'-0"

**AREA:**  
 LIVING: 34,220 SF  
 PRIVATE DECKS: 2,815 SF  
 CIRCULATION: 9,100 SF  
 INDOOR COMMON SPACE: 2,072 SF  
 OUTDOOR COMMON SPACE: 4,838 SF  
 UTILITY: 431 SF  
 REMOTE RESIDENT STORAGE: 744 SF  
 COMMERCIAL: 1,020 SF  
 PARKING: 14,908 SF  
**TOTAL:** 69,758 SF

**OCCUPANCY GROUPS:**  
 R-2 (APARTMENTS)  
 U-1 (A & B (GARAGE/STORAGE))  
 ASSEMBLY/COMMUNITY ROOM (B (BUSINESS))

**CONSTRUCTION TYPE:** TYPE V-A SPRINKLERED

**PARKING ANALYSIS:**  
 MIN. PARKING REQUIRED: NONE  
 MAX. PARKING ALLOWED: 89 SPACES  
 RESIDENCES: (39 x 1.75)  
**PARKING PROVIDED:** 89 SPACES  
 RESIDENT COVERED: 39 SPACES  
 VISITOR 1 COVERED, 2 UNCOVERED: 3 SPACES  
 ON-SITE TOTAL: 42 SPACES (1 ADA, 1 VAN ACCESSIBLE)

**COMPACT TO STANDARD SPACE RATIO:** (12 / 43) 28%  
 STANDARD SPACE DIMENSIONS: 8' x 18'  
 COMPACT SPACE DIMENSIONS: 8' x 11'

**BICYCLE PARKING ANALYSIS:**  
 MIN. SHORT TERM PARKING REQUIRED: 3 SPACES  
 0.50 x 40 BEDROOMS PROVIDED: 3 SPACES  
 PROVIDED: 3 SPACES

**MIN. LONG TERM PARKING:** 3 SPACES  
 0.15 x 40 BEDROOMS REQUIRED: 3 SPACES  
 PROVIDED: 3 SPACES

**DNS APARTMENTS**  
 Hayward, CA  
 July 26, 2017

DNS CAPITAL PARTNERS, LLC  
 1330 Treat Blvd., Suite 400  
 Walnut Creek, CA, 94597

ARCHITECTURAL SITE PLAN  
 0 2' 4' 6' 8' 10' 20'

ARCHITECTURAL SITE PLAN  
 A.1-A

3361 Walnut Blvd. Suite 120 Brentwood, CA 94515  
 925.634.7000  
 www.strausdesign.com



# Haymont Townhomes & Apartment Mixed Use Project Apartments/Mixed Use Floor Plan – Second Floor



DNS APARTMENTS  
Hayward, CA  
July 26, 2017

DNS CAPITAL PARTNERS, LLC  
1350 Tread Blvd., Suite 400  
Walnut Creek, CA 94597

SECOND FLOOR PLAN  
A.5-A

3361 Walnut Blvd. Suite 100 Brentwood, CA 94513  
925.524.7000  
www.strausdesign.com



# Haymont Townhomes & Apartment Mixed Use Project

## Apartments/Mixed Use

### Floor Plan – Third Floor



DNS APARTMENTS  
Hayward, CA  
July 26, 2017

DNS CAPITAL PARTNERS, LLC  
1300 Trest Blvd., Suite 400  
Walnut Creek, CA, 94597

THIRD FLOOR PLAN  
A.6-A

3361 Walnut Blvd., Suite 120 Brentwood, CA 94513  
925.634.7000  
www.stmdesign.com



SDG Architects, Inc.

# Haymont Townhomes & Apartment Mixed Use Project Apartments/Mixed Use Floor Plan – Fourth Floor



DNS APARTMENTS  
Hayward, CA  
July 26, 2017

DNS CAPITAL PARTNERS, LLC  
1201 Third Blvd., Suite 403  
Walnut Creek, CA 94597

FOURTH FLOOR PLAN  
0 2 4 8

FOURTH FLOOR PLAN  
A.7-A

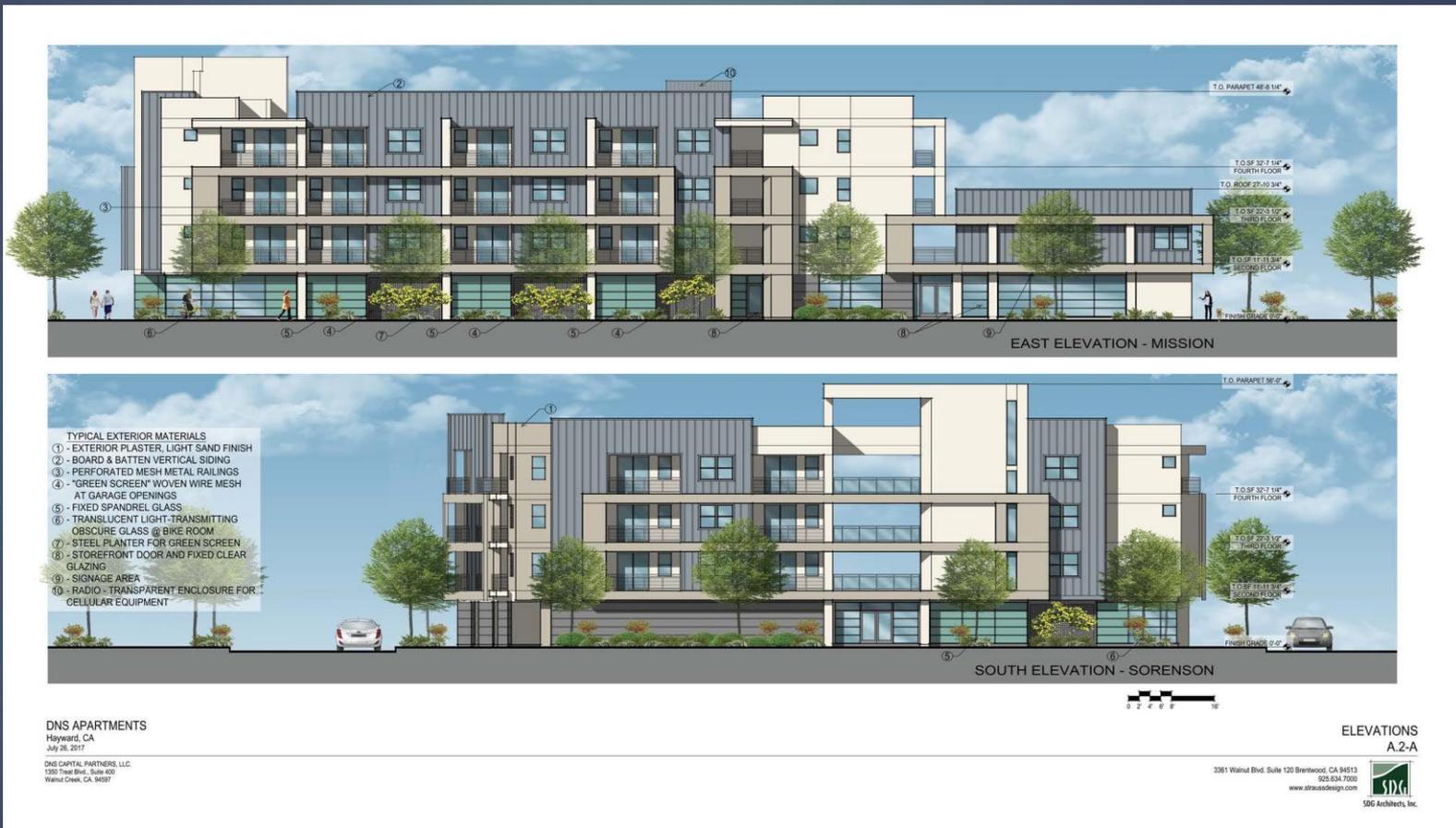
3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.strausdesign.com



SDG Architects, Inc.

# Haymont Townhomes & Apartment Mixed Use Project

## Apartments/Mixed Use Elevations – East and South



# Haymont Townhomes & Apartment Mixed Use Project

## Apartments/Mixed Use Elevations – West and North



WEST ELEVATION



- TYPICAL EXTERIOR MATERIALS
- ① - EXTERIOR PLASTER, LIGHT SAND FINISH
  - ② - BOARD & BATTEN VERTICAL SIDING
  - ③ - PERFORATED MESH METAL RAILINGS
  - ④ - "GREEN SCREEN" WOVEN WIRE MESH AT GARAGE OPENINGS
  - ⑤ - FIXED SPANDREL GLASS
  - ⑥ - TRANSLUCENT LIGHT TRANSMITTING OBSCURE GLASS @ BIKE ROOM
  - ⑦ - STEEL PLANTER FOR GREEN SCREEN
  - ⑧ - METAL ROOF
  - ⑨ - RADIO - TRANSPARENT ENCLOSURE FOR CELLULAR EQUIPMENT

NORTH ELEVATION



DNS APARTMENTS  
Hayward, CA  
July 26, 2017

DNS CAPITAL PARTNERS, LLC  
1150 Third Blvd., Suite 400  
Walnut Creek, CA, 94597

ELEVATIONS  
A.3-A

3361 Walnut Blvd., Suite 120 Brentwood, CA 94513  
925.834.7000  
www.straussdesign.com



# Haymont Townhomes & Apartment Mixed Use Project

## Project Description

### Color and Materials



## Apartments/Mixed Use

	EXTERIOR PLASTER 1 SW 7641 Colonade Gray
	EXTERIOR PLASTER 2 SW 7551 Greek Villa
	EXTERIOR PLASTER 3 SW 9163 Tin Lizzie
	BOARD & BATTEN VERTICAL SIDING SW 7603 Poolhouse
	FIXED SPANDREL GLASS SW 6764 Swimming
	METAL ACCENT SW 2848 Roycroft Pewter

# Haymont Townhomes & Apartment Mixed Use Project

## **Fiscal Impact and Community Benefit**



### ▶ Fiscal Impact

- ▶ Project will maximize property tax revenues.
- ▶ Project will generate demand for goods and services, thereby providing stimulus for new or existing jobs.

### ▶ Community Benefit

- ▶ Project will increase the supply of housing opportunities.
- ▶ Project will substantially improve currently vacant, obsolete, underutilized, or underperforming properties.

# Haymont Townhomes & Apartment Mixed Use Project CEQA



- ▶ Initial Study (IS) and Mitigated Negative Declaration (MND) prepared.
- ▶ Based on South Hayward BART/Mission Boulevard Form Based Code EIR.
- ▶ Impacts associated are within the level of impacts anticipated by the Program EIR.
- ▶ The proposed project would not create issues or result in substantial adverse impacts on the environment.
- ▶ The MND was made available for public review.
- ▶ No comments were received.

# Haymont Townhomes & Apartment Mixed Use Project Recommendations



- ▶ That the **Planning Commission recommend approval by the City Council** for:
  - ▶ **CEQA** – Adopt Mitigated Negative Declaration (MND) for the proposed project
  - ▶ **Zoning Text Amendment** – Adopt an Ordinance approving the requested Zoning Text Amendment consistent with the City form based code, Article 24 for the South Hayward BART/Mission Boulevard formed based code.
  - ▶ **Site Development Review** – Approve the Project subject to Findings and Conditions of Approval.

# Haymont Townhomes & Apartment Mixed Use Project Recommendations (cont'd)



- ▶ That the **Planning Commission recommend approval by the City Council** for:
  - ▶ **Warrants** – Approve Warrants under Article 24 subject to Findings and Conditions of Approval for:
    - ▶ (1) Excess Parking
    - ▶ (2) Roof Pitch
    - ▶ (3) First Story Glazing
    - ▶ (4) Parking within the Layer 2 Setback
  - ▶ **Tentative Tract Map 8335** – Approve subdivision for 35 Townhomes and a Mixed Use/Apartment structure of 39 units and 1,020 square feet of commercial space subject to Findings and Conditions of Approval

# Questions & Discussion



**STAFF PRESENTATION**

**ITEM #2 PUBLIC HEARING  
PH#17- 085**

**CANNABIS REGULATIONS**

**JEREMY PORTO  
PRINCIPAL PLANNER**

# CANNABIS REGULATIONS

PLANNING COMMISSION

SEPTEMBER 14, 2017



# FOR COMMISSION CONSIDERATION

## WHAT IS....

- Review and provide general feedback on the proposed land use Ordinance, including the recommended land use categories and proposed development regulations
- Provide a formal recommendation to the City Council for consideration in October

## WHAT IS NOT....

- Request for Proposals (RFP) process and evaluation criteria will be considered by the Council at their meeting in October
  - Number of licenses per land use will be discussed at the Council meeting in October
  - Proposed tax rate has not been determined
-

## BACKGROUND

- In 2015, the State passed AB 243, 266, and SB 643 which established the state-level licensing and regulatory framework for medical cannabis
- On November 8, 2016, Proposition 64 was approved by California voters and authorized the use, possession, cultivation and processing of marijuana and its products for non-medical (or recreational) uses.
- On June 15, 2017, the State passed SB 94, which repealed MCRSA and established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products and adult-use cannabis and adult use cannabis products.
- Cities have until January 1, 2018 to regulate or prohibit cannabis businesses.

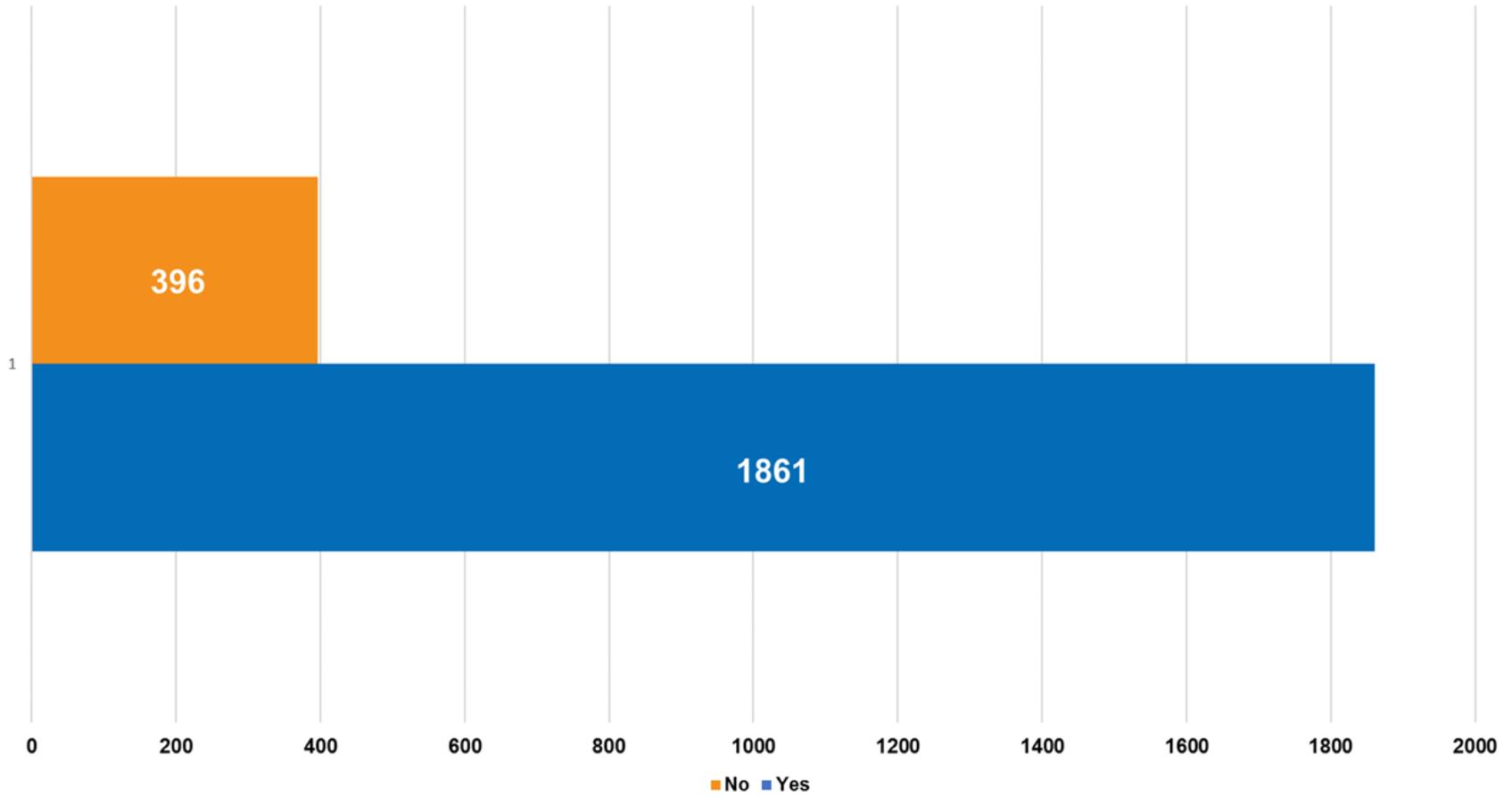
## HAYWARD & CANNABIS

- In November, Hayward voters passed Measure EE to place up to 15% sales tax on cannabis. Actual rate has yet to be determined by Council.
- City Council Work Sessions: March 21, 2017 and July 17, 2017:
  - At March 21, 2017 work session, Council was generally in favor of allowing cannabis businesses with a focus on uses that compatible with the Industrial district. Council favored limiting the number of cannabis businesses and was open to considering more businesses in the future.
  - At July 18, 2017, Council directed staff to eliminate the proposed limit to the number of business permits and suggested that businesses be evaluated on a case-by-case basis following the issuance of an RFP to ensure that the business operations are consistent with the City's long-term economic, environmental and land use objectives. The Council also indicated a willingness to allow a variety of cannabis land uses in the City's commercial and industrial areas.

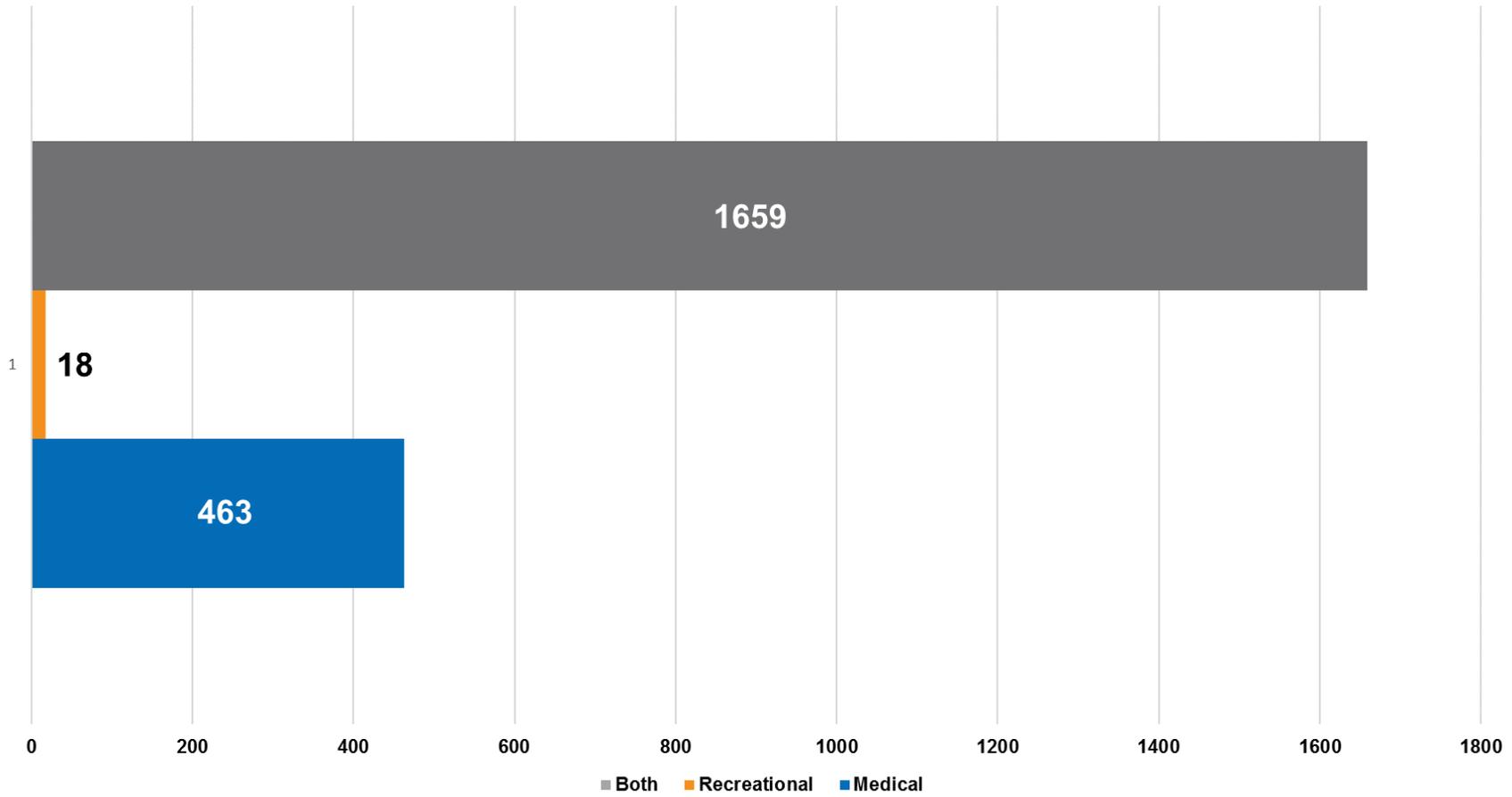
# PUBLIC SURVEY



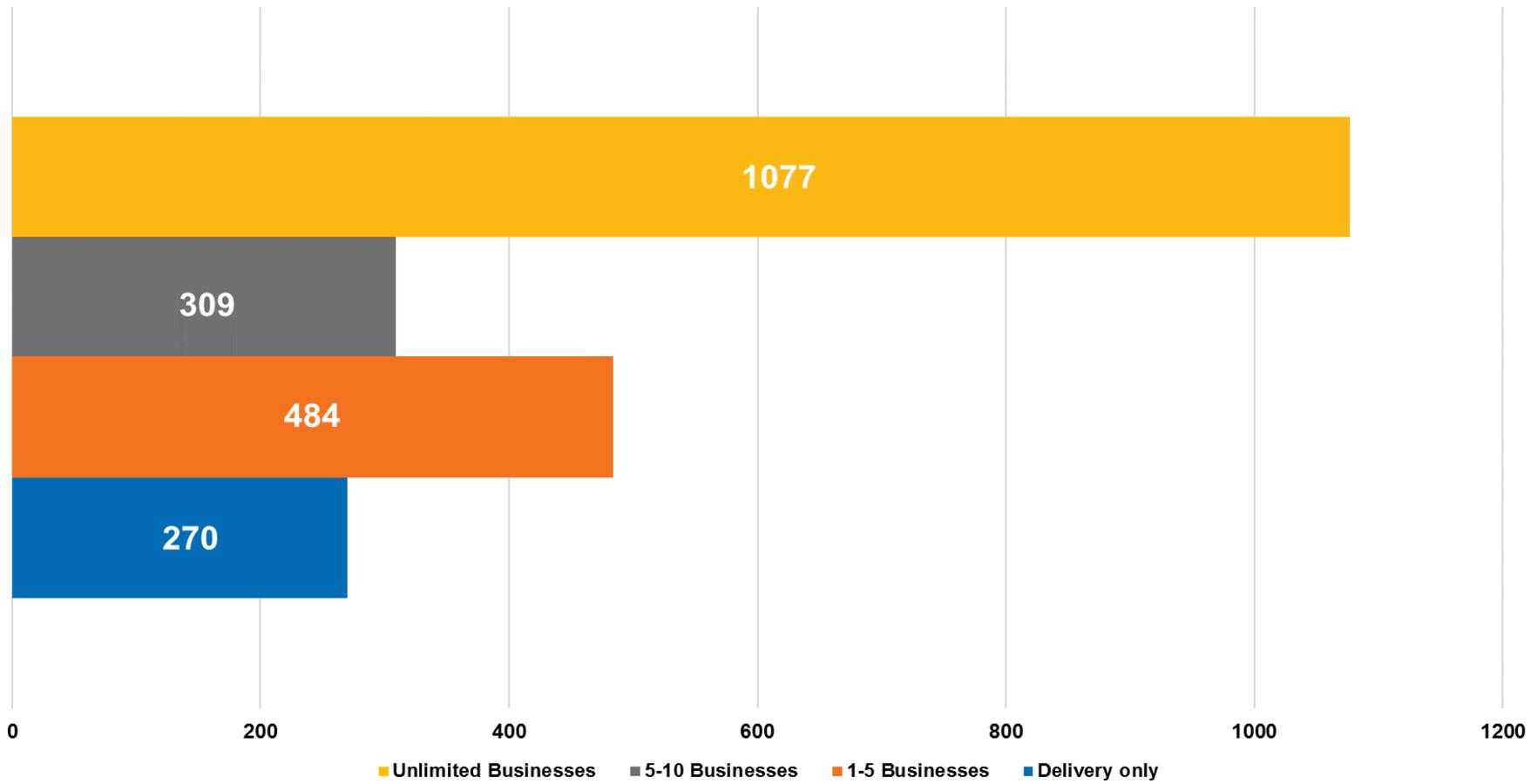
### Should Hayward allow cannabis businesses in the City? 2,257 total responses



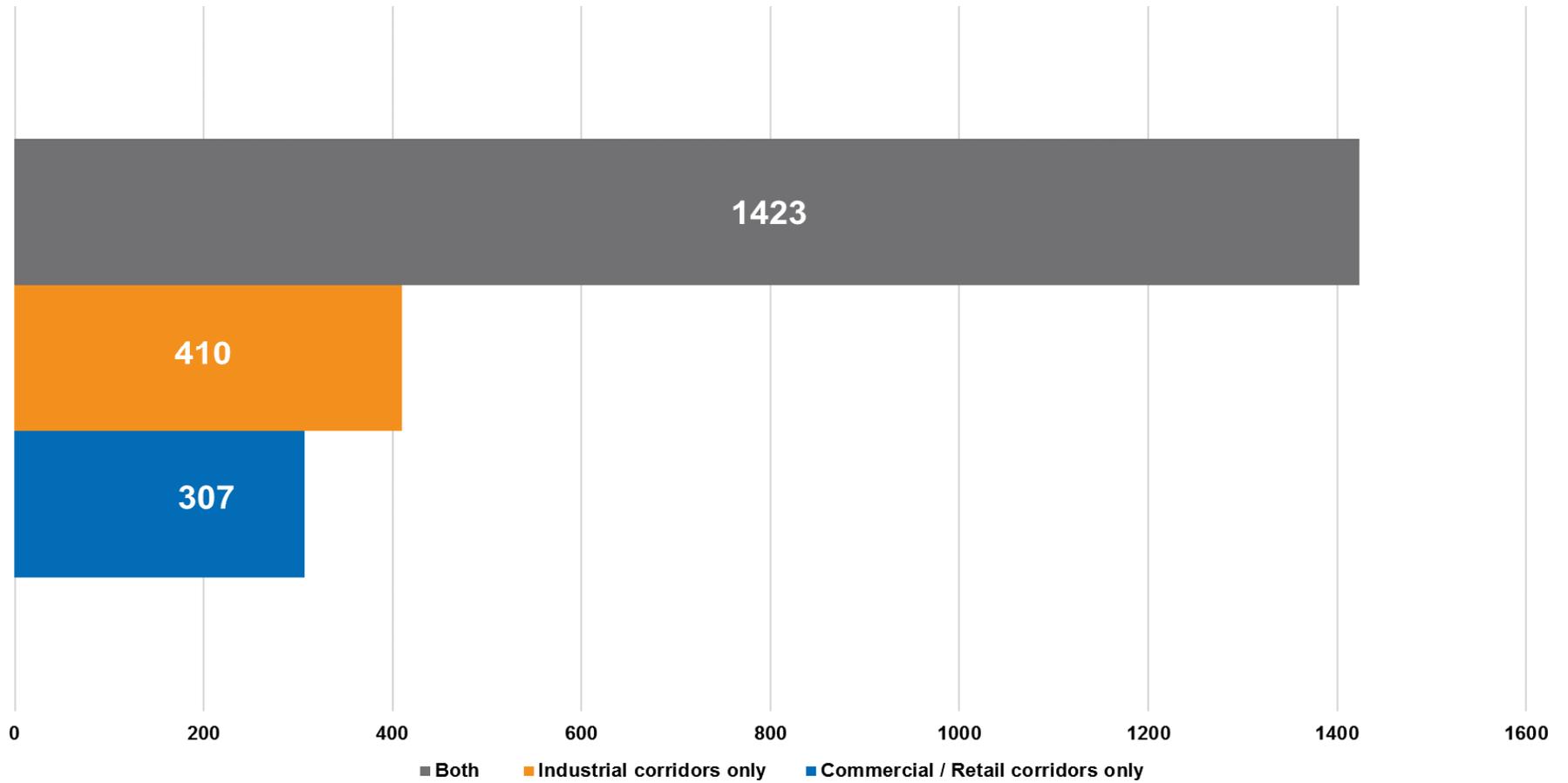
### Which kind should the City allow 2,140 responses



## How many retail businesses should the City allow? 2,140 responses



### Where should the City allow them? 2,140 responses



# PERSONAL CULTIVATION

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## OVERVIEW

- Personal Cultivation:
    - Up to six (6) plants per dwelling
    - Indoor and Outdoor allowed, unless regulated
    - Cities can impose “reasonable” regulations, but cannot prohibit
  - Outdoor Cultivation: Staff recommending limits on location and additional screening requirements
  - Indoor Cultivation: Staff recommending residency requirement and building code compliance
  - Landlords can prohibit cultivation in lease agreements
-

# PROPOSED LAND USE REGULATIONS



## OVERVIEW

- The Ordinance establishes performance and operational standards for all commercial cannabis business activities in the City of Hayward.
- Identifies **seven** new cannabis land use types:
  - Commercial Cannabis Cultivation, up to 5,000 sf
  - Commercial Cannabis Cultivation, 5,001 sf or greater
  - Commercial Cannabis Dispensaries (Retail)
  - Commercial Medical and Non-Medical Cannabis Distribution
  - Commercial Medical and Non-Medical Cannabis Manufacturing Level 1
  - Commercial Medical and Non-Medical Cannabis Manufacturing Level 2
  - Commercial Medical and Non-Medical Cannabis Testing Laboratory
- Add definitions for cannabis
- Update Off-Street Parking Requirements

## GENERAL REQUIREMENTS

- Dual Licensing
  - Age Restriction
  - Inventory and Tracking
  - Multiple Permits Per Site
  - Transfer of Ownership Operator
  - Security
  - Odor Control
  - Setback/Buffer Requirements
  
  - Use-Specific Requirements
-

# ENTITLEMENT PROCESS

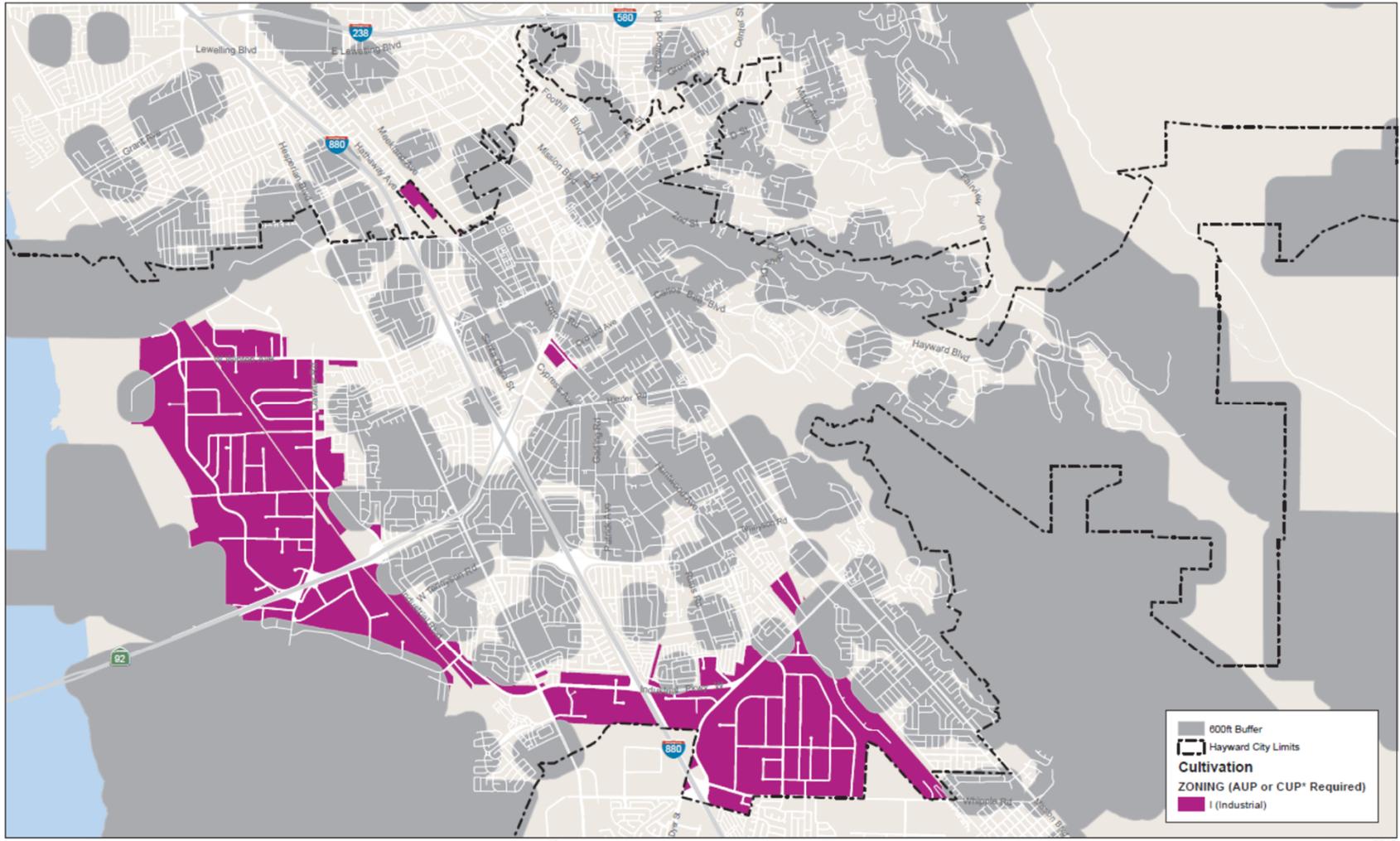
	Cultivation	Deliveries	Dispensary (Retail)	Distribution	Manufacturing (Level 1)	Testing Laboratory
<b>Hayward</b>	AUP/CUP	Permitted/AUP	CUP	AUP	CUP	Permitted/AUP
<b>Alameda County</b>	CUP	Permitted	CUP	-	-	-
<b>Berkeley</b>	Cannabis Operator License Required; No Land Use Entitlement Process					
<b>Emeryville</b>	-	CUP	CUP	-	CUP	-
<b>Oakland</b>	Cannabis Operator License Required; No Land Use Entitlement Process					
<b>Richmond</b>	CUP	-	CUP	CUP	CUP	CUP
<b>Sacramento</b>	CUP	-	CUP	-	CUP	CUP
<b>San Leandro</b>	-	-	CUP	-	CUP	CUP
<b>Santa Rosa</b>	AUP/CUP	-	CUP	Permitted/AUP	Permitted/CUP	Permitted

## COMMERCIAL CULTIVATION

- Commercial Cannabis Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis
- The State defines, regulates and licenses two types of Commercial Cultivation businesses:
  - Cannabis Cultivation up to 5,000 square feet (small scale); and
  - Cannabis Cultivation 5,001 square feet and over (large scale).
- For small-scale operations, staff is recommending these be permitted in the Industrial zoning district only with an Administrative Use Permit.
- For larger-scale operations, staff is recommending these be permitted in the Industrial zoning district only with a Conditional Use Permit.
- Both small and large-scale cultivation activities would be subject to the general requirements contained in Section 10-1.3600.



# Commercial Cannabis Cultivation – Zoning Districts



■ 600ft Buffer  
 - - Hayward City Limits  
**Cultivation**  
**ZONING (AUP or CUP\* Required)**  
 ■ I (Industrial)

Note: Sensitive Receptors include libraries, community centers, public parks, recreation centers, youth centers, K-12 schools, and day care centers.

\*Entitlement process depends on the size of the cultivation operation.

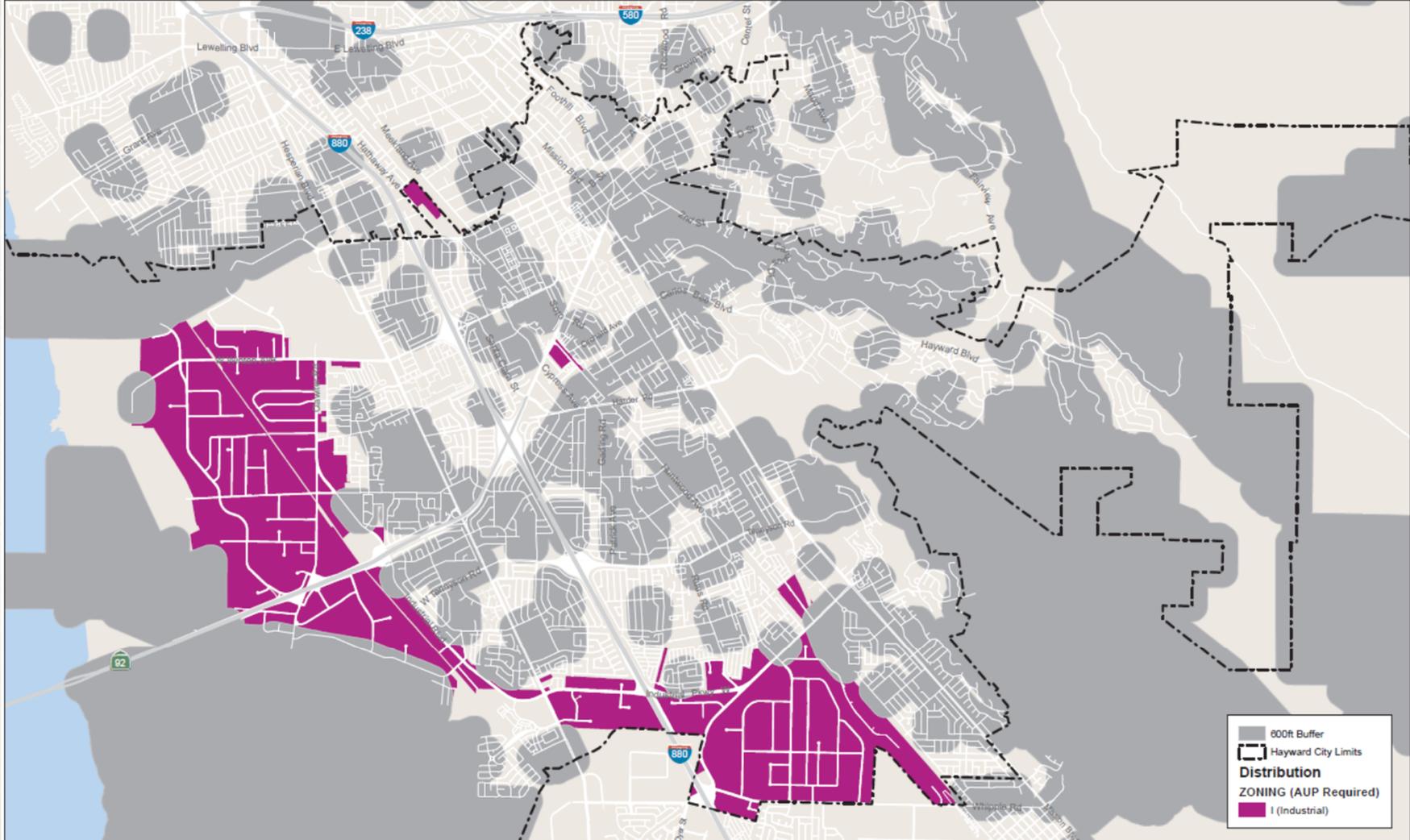
September 2017

## COMMERCIAL MANUFACTURING

- Cannabis Manufacturing means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods...(more)
- Two types of manufacturing activities: Level 1 and Level 2.
  - Level 1 involves the use of non-volatile solvents or no solvents for the manufacturing process
  - Level 2 may involve the use of volatile solvents, such as butane.
- Level 2 manufacturing has a greater potential for public safety issues, including a higher risk for explosion and fire. Although the State regulates use and storage of Level 2 substances, the regulations and oversight depend on the level & degree of compliance with State regulations.
- Staff recommends a prohibition of Level 2 manufacturing until greater research is completed.
- All Commercial Cannabis Manufacturing would require a Conditional Use Permit in the Industrial zoning district only and be subject to the additional use guidelines contained in Section 10-1.3600.



# Commercial Cannabis Manufacturing (Level 1\*) – Zoning Districts



Note: Sensitive Receptors include libraries, community centers, public parks, recreation centers, youth centers, K-12 schools, and day care centers.

\*Level 2 manufacturing (using volatile substances) is prohibited

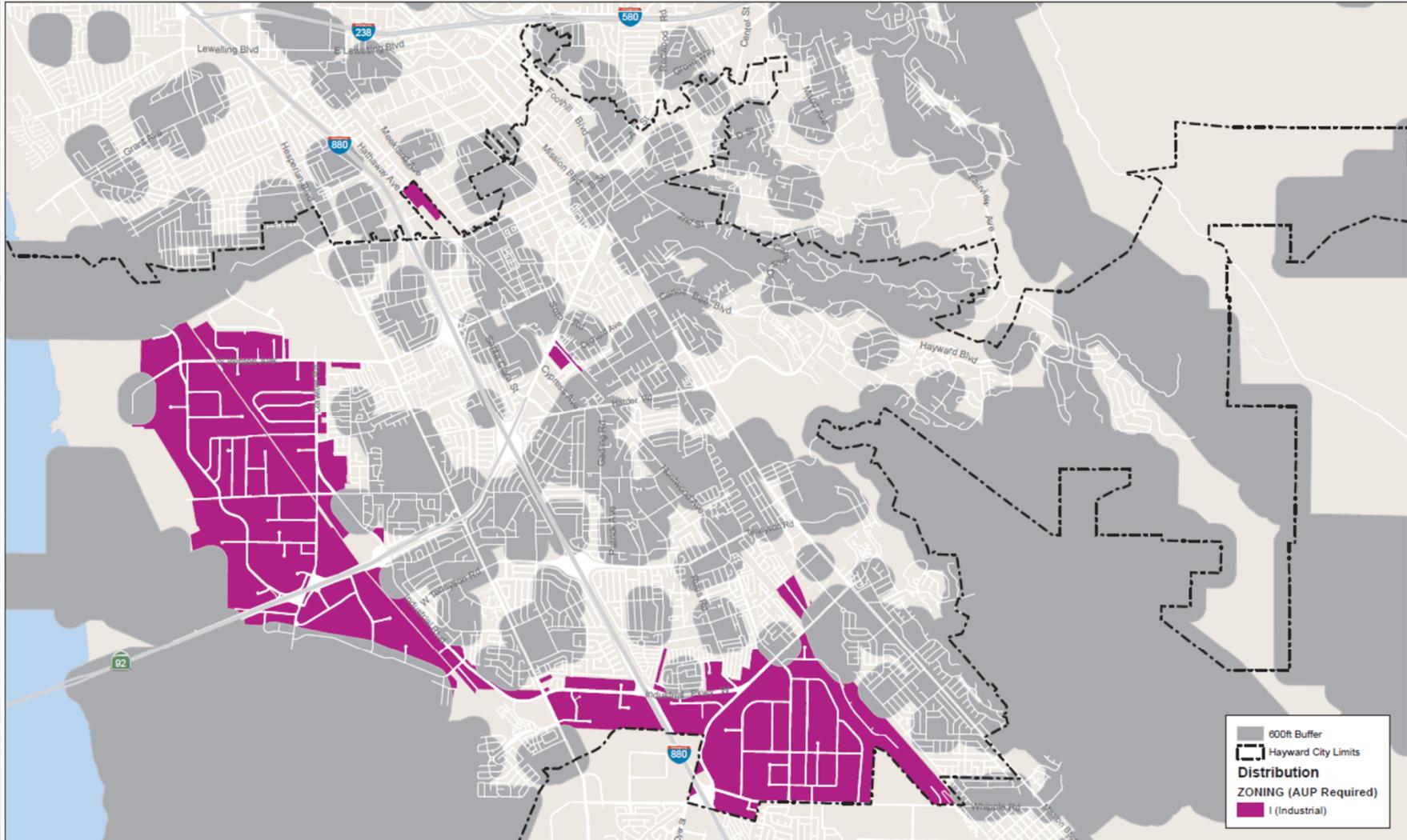
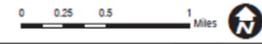
September 2017

## COMMERCIAL DISTRIBUTION

- Cannabis Distribution means the procurement, sale, and transport of medical and non-medical adult recreational use Cannabis and medical and non-medical adult recreational use Cannabis Products between Commercial Cannabis Businesses.
  - Cannabis distribution activities are similar to other non-cannabis distribution activities and would be subject to an Administrative Use Permit.
  - Distribution activities would only be allowed in the Industrial zoning district only.
-



# Commercial Cannabis Distribution – Zoning Districts



Note: Sensitive Receptors include libraries, community centers, public parks, recreation centers, youth centers, K-12 schools, and day care centers.

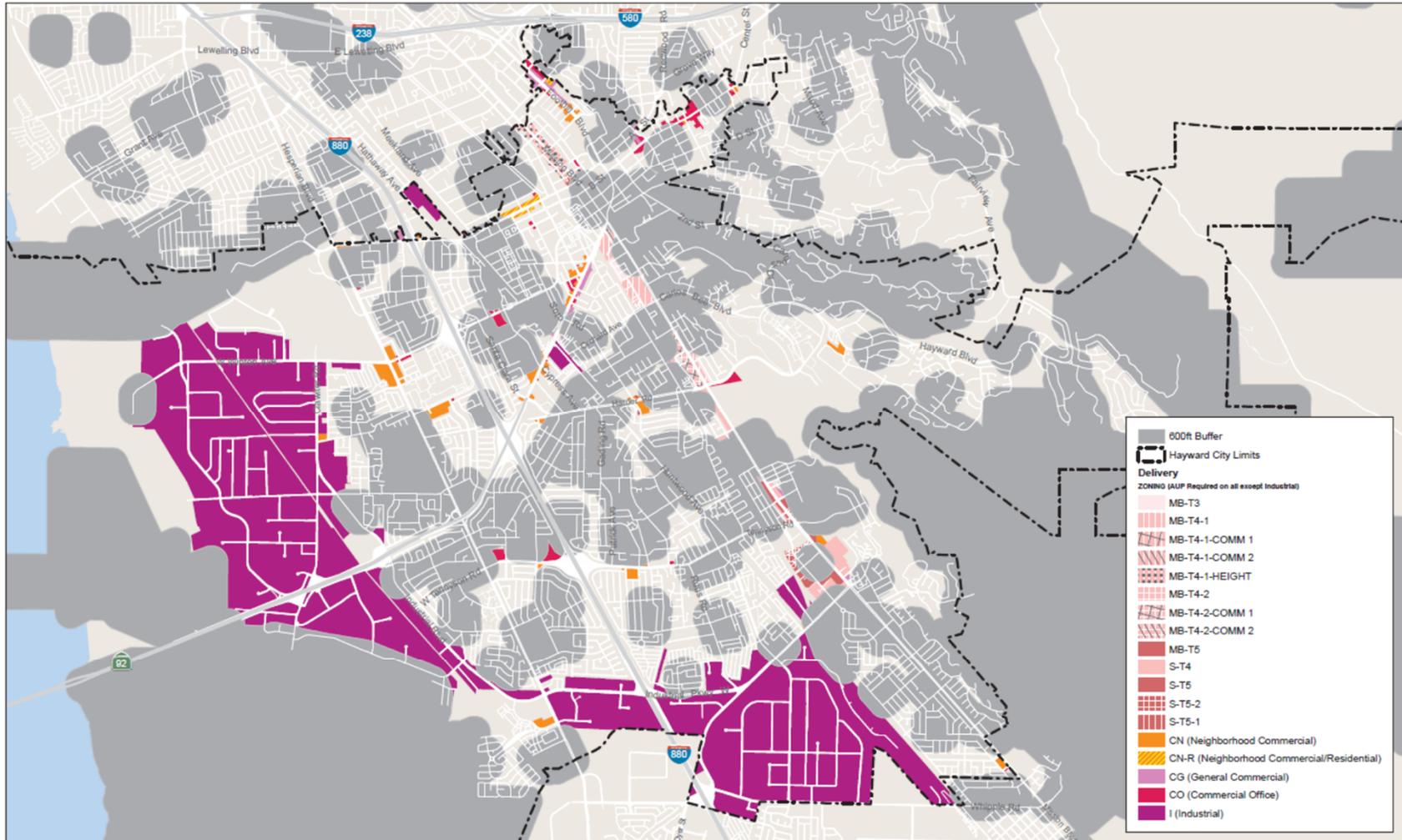
September 2017

## COMMERCIAL DELIVERY-ONLY

- Cannabis Delivery means the commercial transfer of cannabis/cannabis products to a customer, to a primary caregiver or qualified patient as defined H&SC. “Delivery” also includes the use of any technology platform that enables clients or patients to arrange for or facilitate the commercial transfer by a permitted Commercial Cannabis Retail dispensary.
- Cannabis delivery operations associated with a Cannabis Retail Dispensary would be conditionally permitted, similar to other Administrative & Professional Office uses in the City.
- Many of the proposed uses would require vehicles to facilitate the delivery of goods and an office area for the personnel, operational and administrative functions of the business.
- Cannabis Delivery-Only would be a permitted use in the Industrial zoning district and allowed in select Commercial zoning districts with an Administrative Use Permit. Delivery operations would additionally be subject to the general regulations and use-specific requirements in Section 10-1.3600.



# Commercial Cannabis Delivery – Zoning Districts



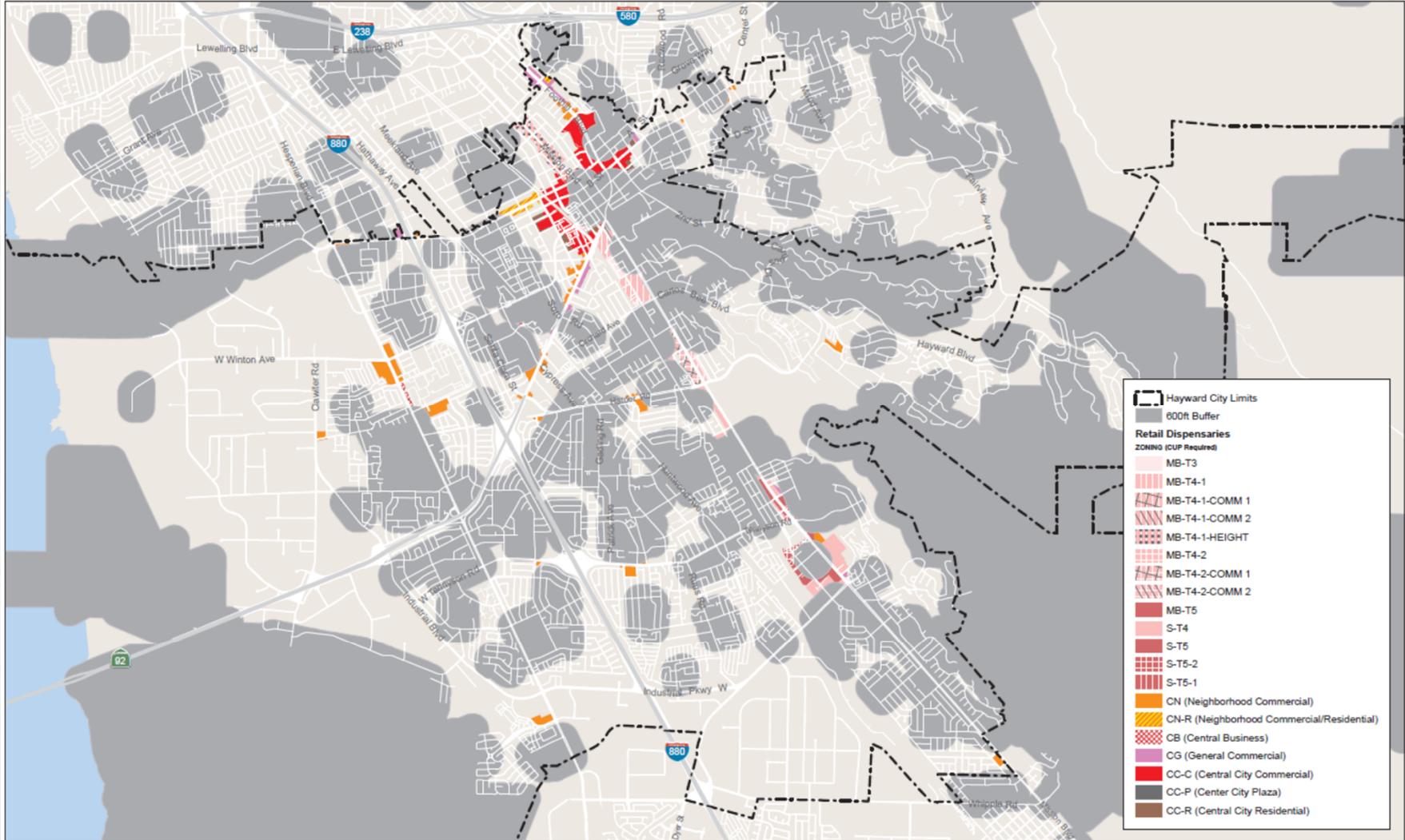
Note: Sensitive Receptors include libraries, community centers, public parks, recreation centers, youth centers, K-12 schools, and day care centers. For the purposes of land use classification, this land use is similar in nature to other Administrative and Professional Offices/Services. September 2017

## COMMERCIAL RETAIL DISPENSARIES

- Commercial Cannabis Retail Dispensary is a retail area open to the public where cannabis or cannabis products are offered, either individually or in any combination, for sale, either for medical or non-medical use.
- Commercial Cannabis Retail Dispensaries are typically the land use activity that results in the greatest number of potential impacts related to public safety, traffic, noise, and odors.
- Staff identified commercial zoning districts that allowed the age-restricted, controlled access land uses, such as bars, nightclubs, smoking lounges, and recommends cannabis dispensaries are similar in nature.
- Staff recommending additional 1,000 foot separation between retail dispensaries to minimize overconcentration.
- All retail cannabis dispensaries would require a Conditional Use Permit and be subject to the additional use specific guidelines in Section 10-1.3600.



# Commercial Cannabis Retail Dispensaries – Zoning Districts



Note: Sensitive Receptors include libraries, community centers, public parks, recreation centers, youth centers, K-12 schools, and day care centers.

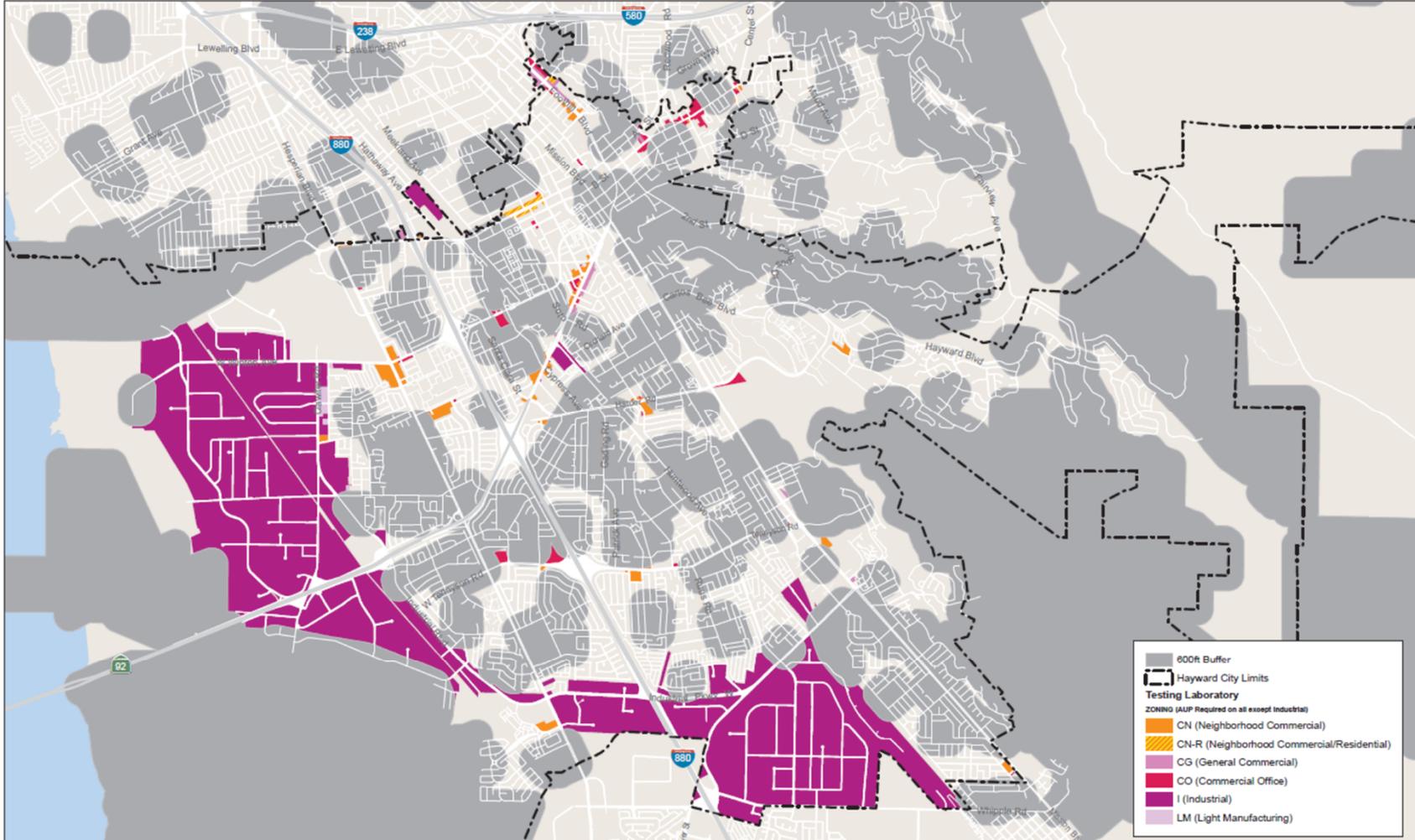
September 2017

## COMMERCIAL TESTING LABS

- Cannabis Testing Laboratory means a laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:
  - (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
  - (2) Licensed by the Bureau of Cannabis Control.
- Testing Laboratories are not anticipated to have noticeably different impacts than other testing facilities currently in operation in Hayward.
- Many testing facilities currently operating in the City could expand their business operations to accommodate the new State licensing requirements related to cannabis testing.
- Cannabis testing laboratories be permitted (Industrial) or administratively permitted (Commercial), pursuant to the general requirements established in Section 10-1.3600.



# Commercial Cannabis Testing Laboratory – Zoning Districts



Note: Sensitive Receptors include libraries, community centers, public parks, recreation centers, youth centers, K-12 schools, and day care centers.

For the purposes of land use classification, this land use is similar to other Medical/Dental Laboratories September 2017

## SPECIAL USE PERMIT FINDINGS

In addition to the required findings in the City's Zoning Ordinance for Administrative Use Permits and Conditional Use Permits, staff is recommending four special findings be made for all cannabis land uses:

- The proposed cannabis use will not be detrimental to the public health, safety, or general welfare in that the cannabis operation is situated in an appropriate location where sensitive land uses will not be adversely impacted; and
- Appropriate measures have been taken to address nuisances related to odor, noise, exhaust, and waste related to the cannabis operation; and
- The cannabis operation is designed to be safe, secure and aesthetically compatible with the surrounding area; and
- The cannabis operation will not place a burden on the provision of public services disproportionate to other industrial or commercial uses.

# NEXT STEPS



## **ANTICIPATED TIMELINES**

- **City Council – First Reading** **October 17, 2017**  
Land Use Ordinance  
Regulatory Ordinance  
Smoking Ordinance Revisions  
Fee Structure Revisions
  - **City Council – Second Reading** **November 7, 2017**
  - **RFP Issuance** **early-November 2017**
  - **Consultant Review & Recommendation** **mid-December 2017**
  - **City Council Review & Selection** **January 2018**
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**QUESTIONS?**

