

**PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 25, 2025**

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

ITEM #1 PH 25-042

Proposal to Operate a Commercial Cannabis Retail Dispensary in a Vacant Tenant Space in a Shopping Center at 21463 Foothill Boulevard (APN: 414-0086-056-02) in the General Commercial (CG) Zoning District, Requiring Approval of Conditional Use Permit Application No. UP-25-0011, Esther Lopez and Angilbert Sarkis, Gream Enterprises, Inc. [DBA Phenos Hayward] (Applicant/Operator); Foothill-Grove LLC (Property Owner).

PUBLIC COMMENT

From: GWNA Admin <[REDACTED]>

Sent: Thursday, September 25, 2025 10:56 AM

To: <[REDACTED]>; List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>;
<[REDACTED]> City Manager <City.Manager@hayward-ca.gov>; Alina Farooq <[REDACTED]>;
Nick Cranmer <[REDACTED]>; Leo Esclamado <[REDACTED]>; Yuliana Wiser-Leon
<[REDACTED]>; <[REDACTED]>; Breann Gala <[REDACTED]>; Nate Miley <[REDACTED]>; BOS
Dist4 Henninger Tona
<[REDACTED]>; <[REDACTED]>; <[REDACTED]>; <[REDACTED]>; <[REDACTED]>; <[REDACTED]>; <[REDACTED]>;
<[REDACTED]>; <[REDACTED]>; Prada, Sara
<[REDACTED]>; <[REDACTED]>; <[REDACTED]>; <[REDACTED]>; <[REDACTED]>; List-Planning Commission <list-planningcommission@hayward-ca.gov>; CityClerk <CityClerk@hayward-ca.gov>
Subject: Foothill Walgreens New Pot Club? TONIGHT! 7 PM

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

Dear Friends and Neighbors,

Tonight's (7/25/25 Item #1) Hayward Planning Commission will vote on whether to allow a new cannabis dispensary at the Foothill Walgreens site. Neighborhoods at borders of jurisdictions, or by freeway on-ramps, often get "less desirable" businesses pushed onto them. It is up to local residents to speak up when the elected leaders don't protect or improve our neighborhoods. We suffer loss after loss because of the freeway and now this negative impact? Please attend, call in, or email to help get something better where Walgreen's was. zoom

link: <https://hayward.zoom.us/j/83986125030?pwd=5fwPlqBrYgslBqxjVfxOLEnUfWtoed.1>

Whether we are pro or con legalized cannabis, FOOTHILL & GROVE IS AN ENTIRELY INAPPROPRIATE SITE FOR **another** DISPENSARY!!! We already have one a block away. Hayward has approved construction of dense subsidized apartments at Grove & Foothill--do you think the developer (RCD Housing) is telling their funders about the nearby dispensaries and liquor store ready to bring down the low-income families?? It was a Walgreen's when they first applied. Neighbors used to be able to walk a few blocks to get groceries or health needs. We lost that. Children train at the dojo right next to the proposed new cannabis dispensary. Do our kids really need this influence right in their

Walgreen's when they first applied. Neighbors used to be able to walk a few blocks to get groceries or health needs. We lost that. Children train at the dojo right next to the proposed new cannabis dispensary. Do our kids really need this influence right in their faces?! It's a cash business--planning security for the shootings and robberies that it brings? GIVE OUR NEIGHBORHOOD SOMETHING BETTER Hayward Planning Commission (list-planningcommission@hayward-ca.gov), Mayor Salinas, Hayward Councilmembers Syrop, Goldstein, Andrews, Roche, Bonilla, Zermeno (List-Mayor-Council@hayward-ca.gov) And County Supervisors Nate Miley and Elisa Marquez.

Attached is a flyer that neighbors have been passing out.

Agenda is [here](#).

Hayward's Agenda Center with more details is [here](#). ** Read the ridiculous "findings for approval" document claiming this is desirable and not detrimental!! haha easy freeway on/off ramp for quick exit

Directions to City Hall is [here](#) (plenty of free parking).

Attention:

Who: You and anyone that lives in the area of Foothill and Grove.

What: A meeting by the Hayward Planning Commission to see if they will approve a large Marijuana dispensary that would potentially be located in the vacancy where the Walgreens once was at 21463 Foothill Blvd.

Where: Hayward City Hall, 777 B St. Hayward

When: Thursday September 25, 2025 7:00 p.m.

Why: Because what you, and people in the surrounding community think, greatly matters. What will be in this space will likely affect people in this area for years to come. Public civil servants work for the public, and often afford some power to the people.

How: Show up 5-10 minutes early to sign up to speak for up to 3 minutes and give your input about whether you think this will be an asset to our community, or if it doesn't fit us too well.

Thank You!

Hi my name is Icela Velazquez, I'm a junior at Mt. Eden High School and president of the Youth Advisory Council in Eden Youth, a council which focuses primarily on youth substance prevention within Hayward.

As a lifelong Hayward student, I've seen firsthand how marijuana use can harm underage youth

I have seen how people at school smoke cannabis in the bathrooms, in the hallways, and even in class. But not only is this issue within my school, I have also noticed people who I'm close to have become reliant on this substance at such an early age as well.

Adding another dispensary may increase access for underage people, despite age restrictions and could essentially put anyone under the age of 18 at a higher risk for addiction, long term harm, and future health problems but by expanding dispensaries that risk could become higher.

I strongly urge the Hayward City Council and Planning Commission to reconsider another dispensary in Hayward for the sake of all youth.

Thank you for your time and consideration.

ITEM #2 PH 25-043

**Proposed Zoning Map Amendment of a 0.94-Acre Site
Located at 900 Calhoun Street (APN 078C-0647-001-02)
from Agriculture (A) District to Low Density Residential-
Minimum Lot Size-10,000 square feet (RLB10),
Application No. MTA-25-0002, Aman Pohyar (Applicant
& Property Owner)**

PUBLIC COMMENT

Staff Responses to Commissioners' Questions



Questions from Planning Commissioners

September 25, 2025 Meeting

ITEM # 1	QUESTION	STAFF RESPONSE
PH-25-042	To clarify the process for a CUP for a proposed cannabis business, the Planning Commission should recommend approval if it believes the CUP findings and findings for a commercial cannabis business can be made in support of the proposed use?	Correct. The decision-making body may approve an application for a CUP for a new commercial cannabis business only if it believes it can make the four required findings prescribed by Hayward Municipal Code Sections 10-1.3225 and 10-1.3612. Staff has presented draft findings in Attachment II to the staff report which the Commission may use if it chooses to recommend approval to the City Council.
PH-25-042	Did the applicant propose the business hours of 9:00 AM to 8:00 PM or are there limits to business hours prescribed by the Municipal Code?	The applicant proposed these business hours. The Municipal Code does not impose limits on business hours.
PH-25-042	The Project Summary section of the staff report states that the applicant, Esther Lopez, was looking for a suitable location for the dispensary for a long time. Was the main impediment to finding the right location financial feasibility, or were there other obstacles?	Staff believes that it was a combination of factors, including financial feasibility and finding a location that had good visibility and accessibility at a location on a major commercial thoroughfare. Over the last several years, Economic Development Division staff provided Ms. Lopez with information on potential sites and connections to property owners and brokers of vacant space, but she struggled to find a suitable location given the locational constraints for cannabis businesses prescribed by the Municipal Code. This would be an appropriate question for the Commission to ask Ms. Lopez during the public hearing if it wishes to.

PH-25-042	Some neighbors have complained about the former use, a drugstore, being replaced by a dispensary. Does the City have any information on whether the landlord tried to find any other types of businesses to occupy the space?	No, the City does not get involved in a property owner's efforts to lease commercial space to a new tenant unless that owner approaches the City to request assistance. Property owners have fundamental rights to lease their properties to businesses that comply with the land use regulations of a City's Municipal Code.
PH-25-042	Does sale tax revenue from commercial cannabis dispensaries go into the City's General Fund?	Yes - a portion of the sales tax from all sales, including those occurring at a retail dispensary, do go into the City's General Fund. All California cities receive a portion of the state sales tax a consumer pays when making a purchase inside the jurisdiction. The base tax rate in California is 7.25% which is distributed to multiple government agencies. The City's share for our general fund is 1% of this base rate, plus the additional 0.5% local voter-approved sales tax. This local sales tax is Measure C (now Measure K), which extended the half-cent sales tax for 20 years.
PH-25-042	Is the limited application window for Commercial Cannabis Business Permits (CCBPs) closed indefinitely, or will it open again in the future?	The Planning Division is planning to reopen the CCBP application window again later this fall, most likely from October 1 st through December 31 st .



PH-25-042	Does the Hayward Police Department have statistics on the incident rates related to the dispensary currently in operation in downtown Hayward? Are there statistics comparing that to the incident rates around liquor stores in the City?	<p>When comparing cannabis retail dispensaries to liquor stores from a public safety perspective, it is important to understand that the two operate under very different systems and expectations. Cannabis businesses are subject to strict state and local regulations that go well beyond those applied to liquor stores. These include mandatory security measures like video surveillance, 24/7 alarm monitoring and ID verification/scanners. Most licensed cannabis retailers also employ dedicated security staff during all hours of operation. In contrast, while liquor stores are also regulated, they typically don't face the same level of oversight or security requirements.</p> <p>Regarding calls for service, from a data pull for the past two years, Cookies generated 38 calls for service. Without a detailed examination of the data, it is hard to say if the call volume is due to the location itself, especially given it is located downtown. The HPD Vice Intel unit pulled calls for service from several nearby liquor stores which had minimal calls for service. For comparison, the old Walgreens drugstore that used to occupy this commercial space had 114 calls for service within a two-year period.</p>
PH-25-042	Breaching any of the conditions of approval could lead to revocation of the CUP, correct? What is the process for revoking a CUP?	Yes. The decision-making body may modify a CUP, add additional conditions to a CUP or revoke a CUP in accordance with the provisions of Hayward Municipal Code Section 10-1.3260 if it finds that the use authorized under the CUP is impairing the integrity of the zoning district and surrounding neighborhood or the operator has not fully complied with all of the conditions of approval of the CUP.

PH-25-042	The condition of approval prohibiting the onsite consumption of cannabis products includes the parking lot and the areas around the other businesses in the shopping center, correct?	Yes. It is illegal to consume cannabis products anywhere in public.
PH-25-042	Do we have any data on the spillover economic benefits from the Cookies retail dispensary into other downtown businesses?	No. Staff does not have any concrete data to demonstrate secondary economic benefits from the Cookies operation downtown on neighboring businesses. Staff's observations that Cookies' consistent hours of operation, professional security presence in front of the store, and steady stream of customers do help activate the street/street corner at the intersection of B and Main Streets.
PH-25-042	How was the volume of customers on page 2 of the Project Narrative calculated? How does it compare to the Cookies dispensary	This information was provided by the Applicant's team, so this is a question that the Planning Commission should ask of them during the hearing.
PH-25-042	Do cannabis dispensaries create a comparable volume of waste to other commercial uses? If the volume is higher, would trash collection be increased to accommodate it?	Cannabis dispensaries actually create slightly less waste than most businesses. However, if for some reason an unacceptable amount of waste starts to accumulate, and the business did not increase service on their own, the Municipal Code allows the City to require a higher level of service. For the Commission's information, Waste Management says Cookies has never had an issue with their waste.
PH-25-042	Is the Safety Plan that was approved by the Police Department the one that is included in the Project Narrative in Attachment IV to the staff report?	No, there is a significantly more detailed Security Plan that was prepared by the Applicant's professionally licensed security contractor, but that Plan contained confidential information that was not made public in an effort to protect the business and its employees from the threat of criminal activity targeted at the dispensary.



PH-25-042	Does the LiveScan criminal background check flag applicants who have a history of criminal drug possession or use even if those offenses took place before the legalization of marijuana? And, has that been found to exclude groups of people who were impacted disproportionately by the criminalization of marijuana?	The LiveScan process does pull an applicant's criminal history. However, pre-2016, possession of less than 1 ounce of cannabis was considered an <u>infraction</u> . If an arrest was made for possession of more than 1 ounce of cannabis or possession of concentrated cannabis, then it would show up on the LiveScan criminal history check. However, this is not a disqualifying factor/arrest and the Hayward Police Department does not exclude applicants based off previous cannabis possession. The background check process the City uses to evaluate cannabis operators is similar to the process used to screen applicants at the State level. As such, the City is not imposing more robust screening requirements than would otherwise be required to obtain a State license.
PH-25-042	One of the applicants, Ms. Lopez, was issued a Conditional Use Permit seven years ago to operate a dispensary but it expired in 2020, correct? How many dispensaries were in operation in Hayward in 2018?	This is not quite correct. The City Council issued Ms. Lopez one of the three licenses to operate a retail dispensary in 2018, and she subsequently obtained approval of the required Conditional Use Permit to operate the dispensary at 1147 B Street in 2020, but that approval expired three years later after she was unable to open the dispensary at that location. The other two licenses were issued to the owners of Cookies and Jiva Life. Cookies commenced operations at the corner of B and Main Streets in 2020. Jiva Life is still in the process of obtaining a building permit to construct its dispensary at the corner of Foothill Boulevard

			and C Street. There were no dispensaries operating in Hayward in 2018.
PH-25-042	How many dispensaries and other types of companies that deal with cannabis are active currently and/or in the process of opening?	There are currently 11 cannabis-based businesses either approved or already in operation throughout the City. Eight of these are industrial operations that engage in either cultivation, manufacturing, testing, or distribution, or a combination of these activities. The other three are the aforementioned retail dispensaries, of which only Cookies is currently operating.	
PH-25-42	Is there any data offering information regarding potential spillover economic benefits from a dispensary? In other words, do we have any data showing that customers have made a substantial contribution to neighboring businesses at the other locations?	No. Staff does not have any concrete data to demonstrate secondary economic benefits from the Cookies operation downtown (the only dispensary currently operating) on neighboring businesses.	
PH-25-42	Do we have a similarly sized Cannabis retail site in the city, and even if not, can we extrapolate from the other sites what the expected annual revenue to the City this establishment might generate?	The total floor area that would be dedicated to retail sales in the proposed dispensary area is approximately 1,400 square feet, which is similar to the retail sales floor area at Cookies. Unfortunately, tax data related to specific businesses cannot be shared publicly and staff will determine what information can be shared with the Planning Commission and City Council and under what circumstances.	
ITEM # 2		QUESTION	STAFF RESPONSE



PH-25-043	What is the maximum number of units that the proposed site zoning could accommodate?	Density is set by the Low Density Residential (LDR) General Plan Land Use Designation. The LDR Designation allows a density of 4.3 to 8.7 dwelling units per net acre, allowing the development of a maximum of 8 dwelling units. The density is not changing but rather the allowable uses. Currently, the Zoning only allows the development of one single-family dwelling.
PH-25-043	This rezoning would not lead to any immediate changes, correct? Would a rezoned parcel allow for the by-right construction of future housing units, or would there be further approvals required by the Planning Commission or Council?	There is no development included with the proposed rezoning. Future development would need to be reviewed and approved by the decision maker (i.e. Planning Director, Planning Commission, City Council) associated with the requested entitlement. If the rezoning is approved, the subject property may be eligible for streamlining provisions including Senate Bill 9.
PH-25-043	One of the public comments flagged previous concerns about emergency vehicles making turns on the street. Would this concern be addressed prior to the issuance of any future building permits?	Correct. Any future subdivision or development would be reviewed to ensure conformance with the California Building Code, California Fire Code and any other applicable safety regulations.
PH-25-043	Would the topography of the site allow for future agricultural uses if the site was not rezoned?	Given the existing development and topography, it is unlikely that any large agriculture use would be established at the subject property. When the subject property was occupied by a horse boarding business, it was limited to flat portion of the site where the existing single-family dwelling is now located. The majority of the horse boarding business was located on 1002 Calhoun which has larger flat area.