



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, September 25, 2025, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:04 p.m. by Chair Hardy. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: CHAIRPERSON: Hardy
COMMISSIONERS: Goodbody, Haman, Lowe, Meyers, Stevens, Yorgov
Absent: COMMISSIONER:

Staff Members Present: Allen, Kowalski, Lochirco, Ochinero, Richard, Tabari, Vigilia, Wright

PUBLIC COMMENTS

Theresa Rezentes, a Woodland Estates resident, shared the need to support local businesses and expressed community concerns from a local gathering about B Street, including unpleasant odors, a threatening homeless presence, and cannabis dispensaries.

PUBLIC HEARING

1. **Proposal to Operate a Commercial Cannabis Retail Dispensary in a Vacant Tenant Space in a Shopping Center at 21463 Foothill Boulevard (Assessor Parcel No. 414-0086-056-02) in the General Commercial (CG) Zoning District, Requiring Approval of Conditional Use Permit Application No. UP-25-0011 and a Finding that the Project is Categorically Exempt from the Provisions of the California Environmental Quality Act (CEQA) Pursuant to Section 15301 of the CEQA Guidelines. Esther Lopez and Angilbert Sarkis, Gream Enterprises, Inc. [DBA Phenos Hayward] (Applicant/Operator); Foothill-Grove LLC (Property Owner) **PH 25-042****

Staff report submitted by Senior Planner Blanton, dated September 25, 2025, was filed.

Senior Planner Kowalski introduced the item and provided a synopsis of the staff report.

Commissioner Haman recused himself from this item due to his having a professional relationship with one of the co-applicants.

Commissioner Lowe requested a brief overview of the safety plan related to the project to which Senior Planner Kowalski stated in addition to armed security guards, several



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surveillance cameras have already been installed around the perimeter of the shopping center and more will be placed inside the facility. Detective Wright added she did not have the applicant's exact security plan on hand, but the Hayward Police Department has reviewed it and confirmed that it meets their standards. The exact security plan could not be made public because it had detailed confidential information that could jeopardize the safety of the business and its employees if criminals were to obtain a copy.

Detective Wright confirmed the security requirements for retail cannabis dispensaries are different from those for liquor stores and tobacco shops, and explained that cannabis dispensaries must have security guards as part of their conditional use permit, while alcohol establishments may not, depending on the type. She noted tobacco shops typically don't have such robust security requirements.

Detective Wright clarified that liquor and tobacco stores don't always check IDs at entry because they sell items that can be purchased and consumed by those under 21. For cannabis dispensaries, which have a legal age of 21 to purchase products for recreational use, IDs must be checked and scanned before entry, and those aged 18 to 20 must present a valid medical cannabis card to enter and purchase products for medicinal use.

In response to Commissioner Lowe's inquiry, Detective Wright explained the security guards must be state-certified, likely through the Bureau of Security and Investigative Services (BSIS) and hold a guard card. She added the guards are contracted through a security company that ensures they meet both company and state training standards. Planning Manager Lochirco explained cannabis dispensaries are subject to stricter regulations than tobacco or alcohol businesses. As part of their conditional use permit, they must submit a detailed security plan, including IP surveillance cameras accessible by police, a monitored alarm system, secure waste disposal, and odor control measures. He noted that on-site security guards are mandatory, and that all cannabis businesses undergo background checks and regular inspections. He emphasized that if the dispensary becomes a nuisance, the City Council has the authority to revoke its license.

Commissioner Lowe asked if the cannabis dispensary must renew its permit annually. Planning Manager Lochirco confirmed it does, and noted that as part of the renewal process, the business is subject to inspections by the Hayward Police Department, Fire Department and Code Enforcement Division to ensure ongoing compliance with all operational conditions of approval.

Commissioner Lowe asked if Cookies generates more, fewer, or about the same number of callouts to the Hayward Police Department compared to other businesses. Detective Wright replied that the Cookies dispensary does not generate a significant number of calls for



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service. She explained that while some calls may be logged at that location due to its visibility, there is no indication it has created problems or an unusually high volume of police activity.

Commissioner Stevens asked if the 38 reported calls for service at Main and B Street were specifically related to the Cookies dispensary. Detective Wright explained that while approximately 38 calls for service were logged at the Cookies dispensary address over the past two years, most did not appear to be directly related to the business itself but were likely incidents involving people in the surrounding area.

Commissioner Stevens asked if comparing the 114 calls for service at the former Walgreens site is valid in context with those logged at Cookies. Detective Wright responded that many Walgreens calls were related to thefts and burglaries, making the context different.

Commissioner Stevens asked if reports of marijuana odor on B and Main Streets typically result in police calls. Detective Wright explained that odor complaints are logged as service calls at the reported location, such as Cookies if it's believed to be the source.

Commissioner Stevens asked how enforcement works for public marijuana use, and whether it's true authorities can't identify the source if only the smell is present. Detective Wright said enforcement requires seeing someone using marijuana. Smell alone isn't enough to determine the source.

Commissioner Stevens asked if video surveillance is intended to prevent patrons from consuming cannabis outside the dispensary. Detective Wright confirmed it helps monitor for loitering and outside use. If complaints arise, footage can be reviewed to verify activity.

Commissioner Stevens asked if illicit activity outside a dispensary should be reported to Code Enforcement or the police. Detective Wright advised reporting crimes to the Police Department, while non-urgent issues can be addressed by either the police or Code Enforcement.

Commissioner Stevens asked if reporting violations could trigger a Conditional Use Permit (CUP) review. Planning Manager Lochirco clarified that public cannabis use doesn't automatically CUP review, since off-site use is legal. He noted on-site consumption is prohibited in Hayward, unlike in cities with on-site lounges, and that the state regulates cannabis packaging and branding to restrict youth access.

Commissioner Stevens asked how the City enforces rules if a cannabis business fails to comply. Planning Manager Lochirco explained the City can begin permit revocation if a business like Cookies generates excessive police activity, with the Police Department's vice team reviewing safety and security concerns.



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Commissioner Meyers asked if the 24-hour camera system has battery backup. The applicants' consultant, (insert first name here) Roberts with Gream Enterprises confirmed battery backup is required by state law and noted the business also uses a third-party firm to monitor footage in real time. He added the business voluntarily employs two security guards, though only one is mandated by state law.

Commissioner Meyers asked whether two guards are always present or if one covers 24-hour security. Consultant Roberts clarified that two guards will be on-site during business hours, with remote monitoring after hours. He added the surveillance system includes battery backup, two-way communication, 90-day video storage, and METRC integration for compliance.

Commissioner Meyers asked what would lead to an increase from 500-700 to 900 daily patrons. Consultant Roberts explained that the increase would be gradual, driven by high demand and limited legal access in Hayward, where only one dispensary is licensed and some smoke shops may be selling cannabis illegally.

Commissioner Meyers asked how customer lines will be managed outside the dispensary. Consultant Roberts said the 15,000 sq. ft. facility is designed to avoid crowding issues seen in smaller dispensaries. He noted that more registers, trained local staff, better logistics, and consumer familiarity will all help to reduce lines.

Commissioner Meyers asked about the average time a customer would spend on-site, considering queues and staffing. Consultant Roberts said the dispensary will operate with 15–20 staff (compared to 2–3 at typical locations) and use a "Costco-based" model with advanced logistics and software, reducing average visit time from 22 minutes to 7–9 minutes.

Commissioner Goodbody asked why the applicant delayed opening between 2020 and 2025 and whether other locations were considered. Planning Manager Lochirco explained that when the retail dispensary permit was granted to co-applicant Esther Lopez in 2017–2018, zoning restrictions left few viable locations. In 2020, Hayward expanded its cannabis zones, creating more opportunities. Despite three retail dispensary permits being issued by the City Council in 2018, only one dispensary had opened so far, and that was Cookies. Applicant Lopez shared challenges with the B Street location, including a failed lease where the landlord demanded 20% ownership without investing. She paid rent, made upgrades, and pursued arbitration (later dismissed due to lack of documentation). She searched for alternative sites but found none suitable, despite leveraging her local business and real estate connections. She is now seeking reapproval to open at the new location, generate revenue, and create jobs. Planning Manager Lochirco added that early industry stigma and



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federal legal uncertainties made landlords hesitant to lease to cannabis businesses. As the market matured, leasing became easier across all cannabis sectors, including retail, cultivation, and distribution.

Commissioner Goodbody asked whether approving the dispensary under Hayward's 500-foot buffer (versus the county's 1,000-foot rule) could cause legal issues. Planning Manager Lochirco explained that the county's 1,000-foot rule applies only outside city limits in their jurisdiction (e.g., in Cherryland, where the Garden of Eden dispensary is located). Hayward's 500-foot buffer is a local policy. The state recommends, but does not require, buffer distances, so no legal penalties would result from the City's decision.

Commissioner Goodbody asked if there are plans to improve ingress and egress at Foothill and Grove Way. Planning Manager Lochirco said the Transportation Division is not requiring any access modifications at the site but noted it is a retail reuse of a former Walgreens, which generated higher traffic levels. Senior Planner Kowalski added that Walgreens had a larger retail footprint and broader customer base. The dispensary will only use 1,400 of the 14,000 sq. ft. for actual retail display, with the remainder for storage and offices, so traffic impact is expected to be lower.

Commissioner Yorgov asked if any breach of the 53 CUP conditions would result in revocation. Senior Planner Kowalski said a single violation wouldn't likely lead to revocation, but repeated or uncorrected issues could.

Commissioner Yorgov asked if repeated violations are handled by staff or require Commission review. Planning Manager Lochirco explained staff first works with the business to resolve issues, but serious or ongoing violations would go to the Commission and City Council, requiring due process and a public hearing.

Commissioner Yorgov asked how the Police Department's experience with Cookies influenced security plan approval. Detective Wright said Cookies has not caused problems and has cooperated when service calls occurred.

Commissioner Yorgov asked if the new dispensary's security plan was reviewed differently than Cookies'. Detective Wright said the approach remains the same, following state law, trends, and standard security requirements applied to all dispensaries.

Commissioner Yorgov asked how the long-vacant site was leased and if other tenants were considered. Consultant Roberts said finding space was difficult, as many landlords with national loans avoid cannabis tenants. He noted the applicant's strong commitment to leasing a large, costly space somewhere in the Hayward community and pointed to broader industry and retail challenges contributing to the vacancy.



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Commissioner Yorgov asked if the security system uses on-site NVR or cloud-based storage. Consultant Roberts confirmed footage is stored on-site but wasn't sure if it would be NVR or cloud-based. He offered to follow up with their CTO and email the specifics. He also noted their strong compliance record, with no warnings or license revocations since 2017 across 14 California cities, and highlighted their advanced camera system, once even preferred by law enforcement over bank footage.

Commissioner Yorgov asked if the system allows for faster incident searches. Consultant Roberts confirmed it does, with features like labeled cameras and barcode integration that allow quick, targeted footage retrieval.

Chair Hardy asked why this location was chosen. Consultant Roberts said only two sites in Hayward met zoning, parking, and security requirements. One lacked sufficient parking; the other was the subject site. He noted early zoning placed dispensaries in industrial areas, which proved problematic. He emphasized cannabis retail dispensaries function best in retail zones.

Chair Hardy asked if location choice was driven by customer attraction. Consultant Roberts clarified that regulatory and logistical factors, not foot traffic, were key. Most customers find dispensaries through online searches and brand reputation. Adequate parking and traffic flow mattered more than visibility.

Chair Hardy asked why support letters were submitted just before the meeting and when staff received them. Senior Planner Kowalski said two letters were emailed late in the day, too late to share in advance. Mr. Drivon printed and distributed copies to commissioners and staff, with extras placed at the entrance before the beginning of the meeting.

Chair Hardy asked if the letters could be considered part of the official record despite late submission. Planning Manager Lochirco confirmed the letters are part of the public record and will be made publicly available.

Chair Hardy asked why the letters were submitted so late since one is dated June 20th and the other September 1st. Consultant Drivon explained one letter came from a martial arts school owner they met early in the process but wasn't submitted earlier due to staff absence. The landlord letter was requested a month ago but also delayed in submission.

Commissioner Stevens asked if cannabis facilities underperform in light industrial or non-core commercial areas due to inadequate infrastructure. Consultant Roberts confirmed that's correct.



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Commissioner Stevens then asked if it's the operator's responsibility to build out needed infrastructure in such areas. Consultant Roberts explained early operators chose light industrial sites to meet rules regarding minimum separation from sensitive uses and to avoid delays, but those areas often lacked proper infrastructure.

Commissioner Stevens asked if operators can improve parking or make other upgrades to manage site demands. Consultant Roberts said businesses can invest in upgrades, but retail zones are better suited for cannabis due to existing infrastructure and stronger community support. He added that nearby businesses often become supportive after seeing improved security and customer traffic.

Commissioner Stevens asked if this site is effective because it was built for retail, with proper parking and drive aisles. Consultant Roberts confirmed that it is.

Commissioner Meyers asked what types of crimes would justify having an armed guard. Detective Wright explained that security checks IDs to ensure legal age compliance and that armed guards, while optional, can deter more serious crimes like robbery. She noted burglary and theft are the most common, though not unique to cannabis businesses.

Commissioner Meyers asked whether the concern about potential robbery is due to a large quantity of valuable items being stored on-site, to which Detective Wright replied yes.

Chair Hardy opened the public hearing at 8:17 p.m.

The following speakers expressed opposition to the proposed cannabis dispensary near Foothill Boulevard, raising concerns about its proximity to a jiu-jitsu academy serving local youth, increased exposure of children to drug-related influences, marketing that targets minors, public safety risks including rising crime and loitering, traffic congestion in the surrounding area, inadequate parking, the clustering of dispensaries in a vulnerable area, and the overall negative impact on neighborhood character, youth development, and community well-being.

Karla Fernandez
Pat Doherty
Jas Dhillon
Brandi Gomes
Baylun Perkins
Jared Perkins
Elias Romero
Stephen Mocker
Robert Gomez Jr.



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Iceza Vezazquez
Lidiia Holokolosenko
Dr. Raina Petrov
Efrain Miranda
Raymundo Archuleta
Sandra's iPhone
Matias Michelena
Marcia Lopez
Ann, Grove Way Neighborhoods
Diego Ramos
Zoom User (no name posted/submitted to the Clerk)
Nancy Respaldiza
TJ, Hayward Concerned Citizens
Aiden
Carleen (Elizabeth)
Oscar
Samantha (2)
Tom Ferreira

The following speakers expressed support for the proposed cannabis dispensary, citing the owner's deep roots in Hayward, history of community involvement, and commitment to operating a safe, compliant, and discreet business. They highlighted the benefits of added professional security, local economic investment, and community education, noting the dispensary's positive relationship with neighboring businesses, lack of visible cannabis-advertising signage, and praised the owner's role in empowering women and giving back to the community.

Marcella James
Esther Lopez
Giulia Bodas
Zach Drivon
Mike Warda
Ron Roberts

Chair Hardy closed the public hearing at 9:43 p.m.

Commissioner Meyers acknowledged the City's significant budget deficit and the potential benefits of new businesses but expressed strong concerns about the dispensary's proximity to another dispensary a short distance away across the county line. He noted substantial neighborhood opposition and believed the speakers at the meeting likely represented only a fraction of concerned residents. He highlighted existing traffic and parking issues, sharing



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personal observations about limited and impractical parking that may not accommodate the projected customer volume. While he praised Esther Lopez's community contributions, he ultimately would be voting against the proposal due to these concerns.

Commissioner Stevens expressed concern that the cannabis use could negatively affect the neighborhood and public safety more than other commercial uses that might be able to occupy the space. He criticized the clustering of cannabis businesses near county borders, believing it to be poor planning - like clustering liquor stores. He cited the presence of armed guards and downtown cannabis odors as a negative image for the city. Stevens also referenced the closure of Walgreens and the high number of thefts at that site as indicators of deeper issues in the area. Emphasizing the seriousness of cannabis addiction, he argued that such businesses should not be located on major retail corridors and opposed the conditional use permit.

Commissioner Goodbody raised public health concerns, referencing UCSF studies indicating that regular cannabis use can impair blood vessel function similar to tobacco and increase risks for asthma and COPD. She emphasized that cannabis should not be taken lightly and argued that approving the CUP contradicts community goals for a more business-friendly city. Citing traffic congestion and market saturation, she stated her intention to vote no.

Commissioner Yorgov focused on safety and compatibility. While emphasizing concerns for children, he noted the applicant had addressed safety with on-site guards, no loitering, and no smoking in the parking lot. Drawing from his experience living near another cannabis store without incident, he viewed the choice as one between a vacant storefront and a well-regulated business. He supported recommending approval to the City Council with conditions.

Commissioner Lowe stressed that personal beliefs about cannabis should not override voter decisions, noting widespread public support for legalization at the local, county, and state levels. She said the strict safety measures applied to cannabis businesses should also be applied to tobacco, vape, and liquor retailers. While she appreciated the applicant's assurances regarding discretion and security, she remained concerned about cannabis business clustering and the lack of data on its potential impacts. Without that information, she would be voting no for now, pending further review.

Chair Hardy opposed the dispensary based on location concerns, specifically its proximity to family-oriented businesses and potential effects on the area's character. While acknowledging the applicant's strong community involvement and the presence of adequate safety measures, she did not believe the proposed use was in the public interest or compatible with the neighborhood. She also found arguments about parking and police presence unpersuasive.

Commissioner Stevens stated he would second the motion to deny the recommendation but sought clarification, distinguishing between the two components under consideration: CEQA



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(California Environmental Quality Act) and the Conditional Use Permit (CUP). Senior Planner Kowalski clarified that if most of the Commission recommends denial of the project, the CEQA component becomes irrelevant, as it only applies when the project moves forward to the Council for a final vote.

Chair Hardy clarified for the record that she also had no issue with the CEQA portion of the project. Senior Planner Kowalski clarified that the Planning Commission's action is a recommendation, and the final decision on the matter will be made by the City Council.

Senior Assistant City Attorney Vigilia clarified that the motion on the floor is a recommendation to the City Council not to approve the conditional use permit.

Commissioner Lowe inquired whether there was any knowledge about whether Garden of Eden has been a source of problems or issues. Detective Wright clarified that she does not have access to specific statistics on whether Garden of Eden has been a problem, as that information would need to come from the Alameda County Sheriff's Office. She also corrected an earlier statement by explaining that while there were 114 calls to the former Walgreens location over the past two years, not all of those were related to theft.

It was moved by Chair Hardy, seconded by Commissioner Stevens, and carried by a 5-1 vote to not make a recommendation that the City Council find the proposed project to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities, and approve Conditional Use Permit (CUP) Application No. UP-25-0011 to allow the establishment of the commercial cannabis retail dispensary.

AYES:	COMMISSIONER	Goodbody, Lowe, Meyers, Stevens
	CHAIR	Hardy
NOES:	COMMISSIONER	Yorgov
ABSENT:	COMMISSIONER	
ABSTAIN:	COMMISSIONER	
RECUSED:	COMMISSIONER	Haman

2. Proposed Zoning Map Amendment of a 0.94-Acre Site Located at 900 Calhoun Street (Assessor's Parcel Number (APN) 078C-0647-001-02) from Agriculture (A) District to Low Density Residential- Minimum Lot Size - 10,000 square feet (RLB10) District Consistent with the Low Density Residential General Plan Land Use Designation, and Findings that the Zone Change is Fully Consistent with the Hayward 2040 General Plan Environmental Impact Report; Application No. MTA-25-0002. Applicant and Property Owner: Aman Pohyar **PH 25-043**

Staff report submitted by Senior Planner Blanton, dated



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September 25, 2025, was filed.

Associate Planner Richard provided a synopsis of the staff report.

Commissioner Lowe questioned how the zoning and general plan land use designation became non-compliant. Associate Planner Richard explained that the area's general plan land use designation was updated to Low Density Residential, but the zoning was never updated to match, leading to the current inconsistency.

Commissioner Lowe asked for clarification on whether rezoning would impact the ability to maintain agricultural use on the land. Associate Planner Richard replied that ancillary agricultural activities like keeping some livestock, such as chickens, and planting orchards or gardens, would still be permitted under the low-density residential zoning.

Commissioner Lowe asked if the existing stables would still be allowed under the new zoning. Associate Planner Richard said stables would not be permitted under low-density residential zoning and noted that most of the former stable area is now occupied by the house, leaving little usable land for agriculture.

Commissioner Lowe also asked whether emergency vehicle access concerns would only be addressed during subdivision. Associate Planner Richard confirmed the house and ADU met fire department standards, and future subdivision would trigger another review for emergency access.

Commissioner Haman asked how much of the 0.94-acre site is developable, given setback and landslide zone constraints. Associate Planner Richard said the site has limitations and that the applicant is only seeking rezoning for subdivision, with no current plans for new units. She lacks detailed information to determine future development potential.

Commissioner Haman asked the height of the existing house. Associate Planner Richard said the current zoning allows up to 40 feet, which may be the house's height, though she didn't know the exact figure.

Commissioner Haman asked whether the existing house would no longer be allowed to be 40 feet tall after rezoning. Associate Planner Richard replied that new structures would not be allowed to reach 40 feet in height under the rezoning.

Commissioner Haman clarified that while new structures wouldn't be allowed to reach 40 feet, the existing house could remain at its current height. Associate Planner Richard confirmed, adding that most two-story homes are around 30 feet tall, and the house may appear taller due to grade changes, as height is measured from the lowest point.



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Commissioner Haman then asked if the house, built over 40 feet under former agricultural zoning, would be grandfathered in. Associate Planner Richard explained the structure could not be made taller, and if significantly damaged, it likely couldn't be rebuilt to the same height if it exceeds the current 40-foot limit.

Commissioner Haman whether the owner is unlikely to demolish the existing structures to bring everything back into conformity with the 30-foot height limit. Associate Planner Richard replied that she doubts that is the owner's intention.

Commissioner Haman asked whether the required driveway access for fire safety would also take up a significant portion of the property. Associate Planner Richard confirmed and explained that a fire turnaround or access road, if required, is typically 26 feet wide.

Commissioner Haman asked if the owner had considered a future development plan or specific number of dwellings. Associate Planner Richard said the owner only intends to subdivide the lot into two and has proposed no additional units.

Commissioner Haman then asked if the owner aims to meet the 4.3 to 8.7 units per acre goal. Associate Planner Richard replied not to her knowledge.

Commissioner Haman asked if the rezoning is simply to explore future development, with any actual plans requiring Commission or Council approval. Associate Planner Richard confirmed the rezoning is the only request at this time, and the owner seeks confirmation on the rezoning before investing in a subdivision map.

Commissioner Haman asked if the owner fully understands the risks and uncertainties of developing the property without a concrete plan in place. Associate Planner Richard clarified that the owner is not currently developing the property but is only requesting a zone change at this time.

Commissioner Haman asked if the owner is pursuing the zone change to allow for possible future development, despite uncertainty. Associate Planner Richard said the owner only intends to subdivide the lot, with no plans for new units, and is applying for the zone change as permitted.

Commissioner Yorgov asked if any future subdivision would require approval by the City Council. Associate Planner Richard explained that subdivisions with four or fewer units are approved at the staff level unless appealed to the Planning Commission, while subdivisions with five or more lots require Planning Commission approval.



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Commissioner Yorgov asked if concerns about emergency vehicle access and general site access would be addressed during the subdivision application process, to which Associate Planner Richard replied yes.

Commissioner Yorgov asked if anyone has shown interest in buying the site or using it for agricultural purposes. Applicant Pohyar replied that they do not plan to build anything further and are only seeking to change the zoning.

Commissioner Goodbody asked whether the site is connected to the city sewer system or relies on a well. Associate Planner Richard replied that the site is served by public water and sewer.

Chair Hardy asked whether the zoning request in December 2015 was a change from agricultural to low-density residential or to single-family residential. Associate Planner Richard explained that both the current and previous rezoning requests involve changing the zoning from agricultural to low-density residential with a minimum lot size of 10,000 square feet. She highlighted the difference is that the current request only includes 900 Calhoun, whereas the previous proposal included both 890 and 900 Calhoun.

Chair Hardy asked if the General Plan had been changed to match the zoning. Associate Planner Richard said the area's Low-Density Residential designation was identified in the 2014 plan. Changes require a City-initiated or applicant-requested amendment, limited to four per year, and this property is not a priority. She added that 890 Calhoun and nearby properties share the same designation, ensuring consistency.

Chair Hardy asked if there have been any General Plan updates since that time. Associate Planner Richard replied that there have been no General Plan land use designation updates in this area since then, however there have been updates elsewhere, such as the housing element and the La Playa Residential development near the airport, but nothing affecting this site.

Chair Hardy opened the public hearing at 10:35 p.m.

The following speakers expressed opposition to rezoning 900 Calhoun Street from agricultural to low-density residential, raising concerns about preserving their multi-generational agricultural heritage, including livestock and community traditions, irreversible development, impacts on property values, fire safety, emergency access, and environmental risks.

Chelsey Figueroa
Grace Buenrostro
Basilio Buenrostro



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Marcella James
Eugenia Hernandez

Chair Hardy asked staff to provide details about the ADU that was built. Associate Planner Richard confirmed the ADU was approved per state regulations but didn't have exact size details. She noted the structure includes a garage and shed, so not all the built area is solely for the ADU.

Chair Hardy closed the public hearing at 10:53 p.m.

Commissioner Lowe asked how far the rezoning would extend. Associate Planner Richard clarified it applies only to 900 Calhoun. When Lowe raised concerns about potential impacts on neighbors' animals and 4H programs, Richard said she was unsure where those concerns originated, emphasizing no neighboring properties are affected. Planning Manager Lochirco added that under current state law, property owners can develop based on either the general plan or zoning, whichever is more favorable. Even if the rezoning is denied, the applicant can still build 4-8 units under the general plan. He noted cities must review such applications within 180 days and have limited grounds for denial. The rezoning request is intended to bring zoning into alignment with the general plan, but the applicant's development rights remain protected either way.

Commissioner Stevens questioned the purpose of the meeting, given that state law already guarantees the applicant's right to develop their property regardless of the rezoning decision. Associate Planner Richard explained that while the general plan sets density guidelines, it does not specify minimum lot sizes. She noted that the agricultural district requires a minimum lot size of one acre, so subdividing into two properties requires a two-acre site. She highlighted that the applicant wants to subdivide the land, they need rezoning to do so.

Commissioner Stevens sought confirmation that local control exists over subdivision through rezoning requirements. Planning Manager Lochirco explained that local control over rezoning is limited because the applicant's request aligns with the general plan, making it difficult for the City to deny without a specific life safety issue. He also noted that the applicant has no plans for further development, and natural geological hazards on the site, such as fault zones, will prevent overdevelopment regardless of land use designations.

Commissioner Haman expressed concern about rezoning, noting the property already has two large homes allowed under its agricultural zoning. He questioned the need for rezoning without a site plan and suggested keeping the agricultural designation for benefits like a higher height limit. Senior Assistant City Attorney Vigilia clarified that a development plan isn't required with a rezoning request. He explained the state prioritizes aligning zoning with the general plan, which takes legal precedence, and such inconsistencies are often addressed case by case.



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Commissioner Yorgov expressed that although he recognizes the deep community ties to the property and the significance of the decision, the Commission's role is to make land use decisions based on compliance with the general plan—not personal sentiment. He noted that the current rezoning request aligns with the general plan and that the Commission cannot challenge or amend that plan. He noted that he believes the City Council should consider revisiting the general plan to better reflect the area's agricultural character.

Commissioner Stevens strongly opposed the rezoning, stating that the general plan may have been flawed from the outset due to a lack of community outreach and understanding of the area. He highlighted the neighborhood's rural and agricultural character as a unique and valuable aspect of Hayward that is becoming increasingly rare. He expressed frustration over the growing restrictions on agricultural uses and criticized the state legislature and governor for undermining local land use control.

Commissioner Goodbody asked whether soil or engineering studies are required as part of the zoning change process. Planning Manager Lochirco responded that soil or engineering studies would only be necessary if a subdivision is proposed, to demonstrate whether there is sufficient buildable area. He clarified that rezoning does not create buildable lots—it simply reclassifies the land. He emphasized that regardless of whether the rezoning is approved or denied, the applicant still has the legal right to develop 4 to 8 dwellings under the general plan. Planning Manager Lochirco added that without rezoning, the site could become a multifamily parcel, which would be even more inconsistent with the surrounding single-family neighborhood.

Commissioner Goodbody asked whether an Accessory Dwelling Unit (ADU) would require soil or engineering studies. Planning Manager Lochirco explained that ADUs are ministerially approved and allowed by right, meaning they do not require discretionary review or soil and engineering studies, if they meet both City and state requirements.

Commissioner Meyers expressed uncertainty about the rezoning, noting it applies to a single property and may have limited direct impact, but acknowledged concerns about setting a precedent. He recognized fears of overdevelopment but pointed out that site constraints may limit what can be built. He noted the applicant's intent to subdivide and sell one home may not significantly change the neighborhood. He asked if there were legal grounds to deny the rezoning. Planning Manager Lochirco responded that likely none exist, as the request aligns with the City's general plan, which has designated the parcel as low-density residential since at least 2014, and possibly for 20–30 years.

Commissioner Meyers asked if this vote is essentially procedural, since the general plan takes precedence, leaving little room for denial. Planning Manager Lochirco explained that while the City follows its usual processes and navigates recent state laws that limit local authority,



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rezonings still require proper review. He noted that when a rezoning aligns with the general plan it becomes much harder for the City to deny it because there's no legal basis to do so, especially since the community's vision was established about 30 years ago. Commissioner Meyers shared that the street in question is one of the rarest and most cherished in the City, describing it as unique and almost like a separate area. He values its seclusion and distinct character, acknowledging that only a small portion of the City lives there.

Chair Hardy highlighted a 2015 City Council request to correct what was seen as an error in the general plan, which was never addressed. She noted the property should have been designated agricultural. She also referenced the required findings for approval, particularly the need to show that the rezoning promotes public health, safety, and welfare, which is often linked to addressing the housing crisis. She questioned how that finding could be met, since no development plan or housing proposal was presented. Chair Hardy stated she could not support the rezoning due to the lack of proposed housing, safety assurances, or clear purpose for subdividing the property.

Commissioner Lowe asked whether voting no on the rezoning could expose the City to any liability. Senior Assistant City Attorney Vigilia explained that the Planning Commission is only making a recommendation. He added that the City Council will make the ultimate decision, so the Commission can recommend either way without directly exposing the City to liability.

Commissioner Lowe asked if the City Council followed the Commission's recommendation to deny the rezoning could it expose the City to any liability. Senior Assistant City Attorney Vigilia replied that liability concerns would need closer review but noted that state legislation strongly favors consistency between the general plan and zoning, prioritizing the general plan in conflicts. He added that if the City Council has questions about whether the land use designation was an error, they could revisit it. He highlighted that the City must follow the general plan as law, and any mistakes in it must be corrected through legislative action by the City Council.

Commissioner Yorgov asked what the general plan amendment process entails. Associate Planner Richard explained that amending the general plan begins with staff conducting additional environmental review under the CEQA process, since the current plan doesn't analyze the site as agricultural. She noted that the amendment would then require a recommendation from the Planning Commission and approval by the City Council. Associate Planner Richard highlighted that state law requires a "no net loss" policy, meaning the City can't downzone properties without upzoning others to maintain overall housing capacity—so if this site were downzoned to agricultural, another area would need to be upzoned to compensate. Planning Manager Lochirco clarified that under recent state laws, the City cannot reduce its housing capacity by changing a land use designation from one allowing 4 to 8 units per acre to one allowing only 1 unit per acre, such as agricultural zoning. He added that if such downzoning occurs, the City must offset the loss by upzoning other areas and report the change to the state.



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It was moved by Commissioner Stevens, seconded by Chair Hardy, and carried unanimously, to not make a recommendation that the City Council approve the proposed Zoning Map Amendment, subject to the attached Findings and Conditions of Approval; and Findings that the Zone Change is Fully Consistent with the Hayward 2040 General Plan Environmental Impact Report for the purposes of CEQA.

AYES:	COMMISSIONER	Goodbody, Haman, Lowe, Meyers, Stevens,
	CHAIR	Hardy
NOES:	COMMISSIONER	Yorgov
ABSENT:	COMMISSIONER	
ABSTAIN:	COMMISSIONER	

APPROVAL OF MINUTES

3. Minutes of the Planning Commission Meeting on May 22, 2025 MIN 25-100

It was moved by Commissioner Lowe, seconded by Commissioner Meyers, and carried unanimously, to approve the minutes of the Planning Commission on May 22, 2025.

AYES:	COMMISSIONER	Goodbody, Haman, Lowe, Meyers, Stevens,
	CHAIR	Yorgov
NOES:	COMMISSIONER	Hardy
ABSENT:	COMMISSIONER	
ABSTAIN:	COMMISSIONER	

4. Minutes of the Planning Commission Meeting on August 28, 2025 MIN 25-102

It was moved by Commissioner Lowe, seconded by Commissioner Meyers, and carried unanimously, to approve the minutes of the Planning Commission on August 28, 2025.

AYES:	COMMISSIONER	Goodbody, Haman, Lowe, Meyers, Stevens,
	CHAIR	Yorgov
NOES:	COMMISSIONER	Hardy
ABSENT:	COMMISSIONER	
ABSTAIN:	COMMISSIONER	

COMMISSIONERS' ANNOUNCEMENTS, REFERRALS



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Planning Manager Lochirco announced that the only item on the next agenda is a conditional use permit application for an Enterprise rental car business located downtown that the Commission will be asked to make a decision on.

ADJOURNMENT

Chair Hardy adjourned the meeting at 11:20 p.m.

APPROVED:



Ron Meyers, Secretary
Planning Commission

ATTEST:



Briea Allen
Planning Commission Secretary
Office of the City Clerk