

**PLANNING COMMISSION MEETING
THURSDAY, OCTOBER 22, 2020**

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

ITEM #2 PH 20-078

**Proposed Cannabis Microbusiness with Cultivation,
Manufacturing, Distribution, Delivery, and
Ancillary Storefront Retail Activities (Juva Life)
Located at 25571 Clawiter Road and
3329 and 3363 Enterprise Road**

**REVISED AGENDA ITEM ATTACHMENT:
ATTACHMENT III CONDITIONS OF APPROVAL**

**CITY OF HAYWARD PLANNING DIVISION
PROPOSED CANNABIS MICROBUSINESS WITH CULTIVATION, MANUFACTURING,
DISTRIBUTION, DELIVERY, AND ANCILLARY RETAIL ACTIVITIES
JUVA LIFE, 25571 CLAWITER ROAD AND 3329 AND 3363 ENTERPRISE AVENUE
CONDITIONAL USE PERMIT APPLICATION NO. 201907374**

DRAFT CONDITIONS OF APPROVAL

GENERAL

1. The applicant shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. The applicant, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
3. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City and agreed to by the applicant, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project. The applicant acknowledges that the conditions set forth in this approval are not intended to supersede any obligations imposed pursuant to Chapter 6, Article 14 of the Hayward Municipal Code related to commercial cannabis permits, as it may be amended from time to time.
4. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.

Cannabis Microbusiness Use & Operations

5. The cannabis microbusiness with cultivation, manufacturing, distribution, delivery, and ancillary storefront retail activities shall be subject to and comply with the regulations and standards of Chapter 6, Article 14 (Commercial Cannabis Businesses) and Chapter 10, Article 1, Section 10-1.3600 (Cannabis) of the Hayward Municipal Code.

6. The cannabis microbusiness may operate between the hours of 6:00 a.m. and 9:00 p.m. Pacific Time, with the exception of the retail component, which may operate from 9:00 a.m. to 9:00 p.m. Upon license renewal, the City may impose more restrictive hours of operation due to site specific conditions or as the result of excessive and/or extraordinary calls for service, as determined by the City's Police Department.
7. The applicant shall take all reasonable steps to discourage and correct conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding a permitted facility. Such conditions include but are not limited to: smoking; creating a noise disturbance; loitering; littering; and graffiti. Graffiti must be removed from property and parking lots within 72 hours of discovery.
8. All loading and unloading of delivery and distribution vehicles shall be done inside enclosed buildings from the designated loading areas, as shown on the approved set of plans date stamped September 24, 2020.
9. Delivery and distribution vehicles shall not be stationed on public right of way.
10. The cannabis microbusiness facility with cultivation, manufacturing, distribution, delivery, and ancillary storefront retail activities shall operate according to these conditions of approval and the business plan submitted on September 28, 2020, including the hours of operation, intensity of use and mode/character of the proposed microbusiness operation. Any future change or modification of the operational plan and/or any expansion of the approved use may require the submittal of a new use permit application and commercial cannabis permit and shall be subject to additional review and approval by the City prior to any change, modification or expansion.
11. The applicant shall provide a detailed Community Benefits program and coordinate the implementation of the proposed Community Benefits program with City staff within six months from use permit approval. The applicant will be subject to annual review and verification on the implementation of the approved Community Benefits program prior to permit renewal.
12. Permittees shall employ only persons at least 21 years of age at any permitted facility within the City of Hayward. Employee records shall be kept and maintained, and proof of age shall be provided to the City upon request.
13. Permittees shall have an on-site manager at each permitted facility within the City of Hayward who is responsible for overall operation during times that employees are conducting operations and shall provide the City with contact information for all such persons, including telephone number and email address. Permittees shall also provide the City with the name and contact information including phone number of at least one manager that can be reached 24-hours a day.

14. The proposed cannabis use shall operate in a manner to prevent possible diversion of cannabis and shall promptly comply with any track and trace program established by the State.
15. The applicant shall notify the City if it intends to transfer any portion of ownership or operational control of a Commercial Cannabis Business and shall complete the New Owner/Investor Application Attestation Form as provided by the City. All new owners/investors are subject to the LiveScan fingerprint background check and the transferee shall be responsible for complying with all applicable local and state licensing requirements. Any conditions imposed upon the transferor by the original use permit shall be binding upon any subsequent transferees. Any transfer of ownership or operational control of a Commercial Cannabis Business which results in a lapse of normal operations for a period of six months or more shall be required to obtain a new use permit and/or commercial cannabis permit, consistent with Sections 10-1.3170 or 10-1.3270 of the Hayward Municipal Code, as applicable.
16. The Commercial Cultivation of Medical and Non-Medical Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).
17. The applicant shall utilize only extraction processes that are (a) solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act, and/or (b) use solvents exclusively within a closed loop system that meets the requirements of the federal Food, Drug, and Cosmetic Act including use of authorized solvents only, the prevention of off-gassing, and certification by a California licensed engineer. The use of volatile solvents, defined as Commercial Medical and Non-Medical Cannabis Manufacturing - Level 2, is prohibited.
18. No closed loop systems shall be utilized without prior inspection and approval of the City's Building Official and Fire Code Official.
19. Any manufacturing, processing and analytical testing devices used by the applicant must be UL (Underwriters Laboratories) listed or otherwise certified by an approved third-party testing agency or engineer and approved for the intended use by the City's Building Official and Fire Code Official.
20. All owners, employees, volunteers or other individuals that participate in the production of edible cannabis products must be state certified food handlers. The valid certificate number of each such owner, employee, volunteer or other individual must be on record at approved facility where that individual participates in the production of edible cannabis products. No consumption of any cannabis product is allowed on-site, including in outdoor areas and parking lots.

21. If applicable, the applicant shall obtain a permit from the Alameda County Public Health Department and provide a copy of the valid permit to the City prior to the operation of any cannabis manufacturing activities on-site. All permit holders shall comply with State and County health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.
22. Cannabis or cannabis products, whether for medicinal or adult recreational use, shall only be delivered and sold to individuals authorized by state law to purchase such cannabis or cannabis products.
23. No person who is younger than the minimum age established by State law for the purchase, possession or consumption of cannabis and cannabis-related products shall be allowed on the premises of a permitted Commercial Cannabis Business.
24. The delivery driver shall not deliver cannabis to an individual who is visibly intoxicated at the time of delivery.
25. The delivery driver shall not deliver cannabis to an individual if there is reason to believe the cannabis will be diverted to a person under the legal age of consumption, or a person who is not a qualified medical marijuana patient.
26. The applicant shall obtain and maintain for each delivery vehicle and driver all of the insurance requirements as may be presently or in the future required by any financial responsibility laws of the State of California regarding Commercial Car Insurance. Should the insurance coverage for any particular driver or vehicle be revoked or cancelled, such driver or vehicle shall be taken out of service immediately.
27. The facility must be conducted in accordance with the Sustainability Plan approved.
28. Prior to building permit issuance, a Lot Line Adjustment must be recorded that locates the greenhouse and its new addition on a single property.
29. Prior to building permit issuance, a shared access easement must be recorded on Assessor Parcel Number 439-0099-046-00 that provides ingress and egress rights to Assessor Parcel Number 439-0099-045-01.

Security

30. The proposed cannabis use shall provide adequate security on the premises, including any on-site security, lighting, and alarms, to ensure the public safety and the safety of persons within the facility and to protect the premises from theft. The applicant shall provide at least one, State-licensed, security guard on the premises during hours of operation. Additionally, all Commercial Cannabis Businesses and

Cannabis Operators shall maintain and implement a security and safety plan that includes the following minimum requirements:

- a. *Security Cameras.* Security surveillance IP video cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour real-time basis of all internal and exterior areas where Cannabis is weighed, manufactured, packaged, stored, and transferred. The cameras shall allow for remote access to be provided to the Hayward Police Department. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. IP cameras shall remain active at all times and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for ninety (90) days.
- b. *Alarm System.* A professionally monitored security alarm system shall be installed and maintained in good working condition. The alarm system shall include sensors to detect entry and exit from all secure areas and all windows. The applicant shall keep the name and contact information of the alarm system installation and monitoring company as part of the Commercial Cannabis Business's onsite books and records.
- c. *Local Contact.* Cannabis Operators shall also identify a local contact who will be responsible for addressing security and safety issues and shall provide and keep current that contact information to the Hayward Police Department as part of the permitting process.
- d. *Secure Storage and Waste.* Commercial Cannabis products and associated product cultivation, manufacturing, distribution, delivery, and retail waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
- e. *Transportation.* The proposed use shall implement procedures for safe and secure transportation and delivery of Commercial Medical and Non-Medical Cannabis, including all Cannabis products and currency, in accordance with local and state law. None of the vehicles associated with commercial use shall have markings or advertising that indicates the presence of cannabis on-site.
- f. *Building Security.* All points of ingress and egress to the proposed use shall be secured with Building Code compliant commercial-grade, non-residential door locks and/or window locks. All heating, ventilating, air-conditioning and service openings shall be secured with steel bars and/or metal grating.
- g. *Emergency Access.* Security measures shall be designed to ensure emergency access is provided to the Hayward Police Department and Hayward Fire Department for all areas on the premises in the case of an emergency.

- h. *Background Checks.* All employees working in conjunction with the cannabis microbusiness shall be subject to background/LiveScan checks. Additionally, all employees shall furnish the Hayward Police Department a state or federal registered Identification Card, upon request.
 - i. *Identification Badges.* All agents, officers, or other persons acting for or employed by a licensee shall always display a laminated or plastic-coated identification badge issued by the licensee while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.
 - j. *Inspections.* During regular business hours, the building premises shall be accessible, upon request, to an identified Hayward Police Department, Building Division, or Code Enforcement employee for random and/or unannounced inspections.
 - k. *Security Guards.* The applicant shall provide at least one uniformed security guard licensed by the State of California.
 - i. The security guard(s) shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of the properties of nearby businesses.
 - ii. Said personnel shall carry his/her Guard Card on their person at all times and present it to any Peace Officer upon demand. Said personnel shall be clothed in such a manner as to be readily identifiable.
 - iii. The security guard shall be contracted out through a licensed security employer. If the business owner chooses to hire security guards under his/her business, he/she must hold a PSE license (Proprietary private Security Employer). See further information from the Bureau of Security and Investigative services:
<https://www.bsis.ca.gov/consumers/faqs/ppse.shtml>.
 - l. *Records Retention.* All financial records, personnel records, training records, contracts, permits, security records, destruction records, data entered into track-and-trace, and an accurate record of all business activities must be made available to the Hayward Police Department upon request.
31. The applicant shall provide the Police Department with information regarding any motor vehicle used for the delivery of cannabis goods, including the vehicle's make,

model, color, vehicle identification number (VIN), license plate number and Department of Motor Vehicles registration information. Vehicles shall be registered with the Hayward Police Department.

32. Prior to engaging in delivery operations, and at any time during normal business hours, each delivery vehicle shall be inspected and approved by the Chief of Police.
33. Any motor vehicle used to deliver or transport cannabis goods is subject to inspection by the Hayward Police Department. Vehicles may be stopped and inspected by the Hayward Police Department at any licensed premises or during delivery or transport.
34. A licensed retailer's delivery employee shall not carry cannabis goods in the delivery vehicle with a value in excess of \$3,000 (three-thousand) at any given time.
35. All money received by the delivery driver shall be promptly stored in the delivery vehicle's secure container.
36. Upon returning to the business location, the delivery driver and a manager shall reconcile the delivery manifest, delivery log, remaining inventory, and all money received.
37. Prior to the close of business for the day, the manager shall ensure that all delivery information is entered into the applicant's records.
38. Delivery vehicles shall not have any identification or markings relating to cannabis.
39. Each delivery vehicle shall be equipped with a secure container.
40. Each delivery vehicle shall be equipped with a dual-facing video camera and recording system affixed to the vehicle and positioned in such a way as to capture the driver/interior of the vehicle, as well as the front outside of the vehicle.
41. All cannabis transactions between the driver and the customer shall be recorded via a body worn camera. Notification shall be made to the customer prior to the transaction advising all sales of cannabis are video and audio recorded.
42. Video recordings from each delivery vehicle recording system shall be retained for 90 days.
43. The delivery vehicle video and recording system must be of adequate quality, color rendition, resolution, and position to allow the ready identification of any individual driving the delivery vehicle, approaching the delivery vehicle, or occupying the passenger compartment of the delivery vehicle.

44. Delivery vehicle video recordings shall be made available and accessible to the Chief of Police and any other city official charged with enforcing the provisions of State and local regulations immediately upon request for review and copying.
45. The delivery vehicle shall be equipped with a GPS tracking system with the following minimum capabilities:
 - a. Live remote monitoring of the delivery vehicle from when it leaves the collective to when it returns to the collective and is no longer in service as a delivery vehicle,
 - b. Live updates at no greater than ten (10) second intervals; and
 - c. Storing historical GPS data for at least 90 days;

A cell phone does not meet the GPS tracking system requirement. Access to both live and historical GPS tracking system data shall be provided to the Chief of Police.

46. Before a business license is issued, provide the Police Department with:
 - a. A diagram outlining the activity taking place under each license.
 - b. Clarification as to whether both licenses at the Enterprise location are listed under the same address.
 - c. Pursuant to Pursuant to 5002(c)(29)(D), the applicant should provide an explanation of how the video surveillance system will be shared, including who is responsible for monitoring the video footage and storing any video recordings. In addition, an explanation of how security personnel and the alarm system will be shared, including who is responsible for employing or contracting the security personnel and contracting with the alarm company.
 - d. The number of employees at each of the three cannabis businesses.

Odor Control

47. No cannabis odors shall be detectable outside of the facility. The applicant shall incorporate and maintain adequate on-site odor control measures such that the odors resulting from cannabis cultivated, manufactured, and/or stored on-site cannot be readily detected from outside of the structure in which the Business operates or from other non-cannabis businesses adjoining the Commercial Cannabis Business.
48. The building permit application shall include duct work, air pressure systems, filters and other recommendations included in the Odor Mitigation Plan and shall be certified by a professional engineer or industrial hygienist. The Odor Mitigation Plan shall include the following:

- a. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
- b. Staff training procedures; and
- c. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors.

Commercial Cannabis Permit

- 49. The applicant shall obtain and maintain a valid Commercial Cannabis Permit from the City, including any other applicable State and local permits and inspections. Commercial Cannabis Permit renewals are subject to the requirements of Section 6-14.15 of the Hayward Municipal Code. Commercial Cannabis Permits are valid for a period of one year from the date that the permittee received land use approval and shall be renewed annually. The permit is invalid if the term has expired and the annual fee, as established in the City of Hayward Master Fee schedule, has not been timely paid in full. Non-payment will result in a violation penalty fee in accordance with the Master Fee Schedule for Cannabis uses. Additionally, the City may invalidate or suspend a Cannabis Permit for excessive calls for service or nuisance citations.
- 50. The proposed commercial cannabis use shall not commence operations until the Business can demonstrate compliance with all necessary state and local licenses (dual licensing) and agency permits. Failure to demonstrate dual licensing in accordance with the Hayward Municipal Code shall be grounds for revocation of a City approved permit. Revocation of a local permit and/or a state license shall terminate the ability of the Commercial Cannabis Business to operate until a new permit and/or state license is obtained.
- 51. The applicant shall maintain books, records, accounts, public safety calls for service, and all data and information relevant to its operations of the commercial cannabis use, including the implementation of the proposed community benefits component, and allow the City access to such records for purposes of conducting an audit or examination to determine compliance with the Hayward Municipal Code, and other local regulations, including compliance with local tax obligations. Prior to the applicant's commercial cannabis permit renewal each year, the applicant shall provide these records to the City for review to verify compliance.
- 52. The applicant shall allow inspections by the City of any facility permitted pursuant to this Article to verify compliance with the requirements of this Article, the Hayward Municipal Code and the requirements of state law.

Building Design & Signage

53. The building colors and materials shown on the building permit plans shall match those shown on the approved plans and renderings dated September 24, 2020, except as modified in these conditions of approval. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
54. All exterior and rooftop mechanical equipment shall be screened. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and other equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit.
55. Any light fixtures affixed to the building shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls shall be recessed/shielded to minimize impacts.
56. Any above-ground structures that may be required to provide utilities for the project shall be compatible as to location, form, design, exterior materials, and noise generation. The applicant shall obtain staff approval prior to issuance of permits.
57. There shall be no display of cannabis goods and/or cannabis related products visible to the general public at the licensed premises. The establishment shall not display any cannabis related paraphernalia that may be used to administer commercial cannabis and/or commercial cannabis products.
58. No signs are approved with this project. Any signs shall be reviewed and approved by the Planning Division and a separate Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

Expiration & Revocation

59. This Use Permit approval is void 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or a time extension of the approval has been granted by the Planning Director.
 - b. If a building permit is issued for construction of improvements authorized by the use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the conditional use permit approval. A request for an extension

must be submitted in writing to the Planning Division at least 30 days prior to the above date.

- c. Business operations have commenced in accordance with all applicable conditions of approval.
60. If this conditionally permitted use ceases operation for a period of more than six consecutive months, it shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.
61. The Planning Commission may require modification, discontinuance or revocation of this Conditional Use Permit if its determined that the use is operated or maintained in a manner that it:
- a. Adversely affects the health, peace or safety of persons living or working in the surrounding area;
 - b. Contributes to a public nuisance; or
 - c. Has resulted in excessive nuisance activities including disturbances of the peace, illegal drug activity, diversion of cannabis or cannabis products, public intoxication, smoking in public, harassment of passerby, littering, or obstruction of any street, sidewalk or public way; or
 - d. Violates any provision of the Hayward Municipal Code or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order, including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.

CODE ENFORCEMENT

62. All tenant improvements and modifications and/or demolition require approval of a building permit prior to the start of the work. Verified violations of the California Building Code Section 105.1 are subject to a penalty fee of 205% of the required permit fees in addition to the regular Building Division fees in accordance with the City of Hayward Master Fee Schedule.
63. No outdoor storage or uses permitted. All cannabis related activities are to be conducted indoors.
64. The Commercial Cannabis establishment shall maintain and visibly post valid copies of all required State, Local, and Municipal permits, including but not limited to the State of California Cannabis Bureau license, the Hayward Cannabis license, City of Hayward business license, and other pertinent permits and licenses according to the specific cannabis use.

65. Every owner of real property within the City is required to manage the property in a manner so as not to violate the provisions of the Cannabis Ordinance and/or any State and Municipal regulations. The property owner remains ultimately liable for all penalties and fees as a result of violation of any of the requirements for the Commercial Cannabis operation thereof regardless of any contract or tenant agreement or other third parties.

BUILDING

66. The following comments are for a Planning Application review by the Building Division. These comments are intended to help with the future submittal of a building permit application. Unlike Planning Division conditions of approval, these comments are non-binding when the Planning Application is approved. All Building Code related items will be formally approved during the building permit application process.
67. Please note that for the building permit application process, a separate permit is required for each building. The separate permits can share a set of plans.
68. Since the cultivation rooms do not have restrooms, please show an accessible route from this facility to the restrooms in one of the other buildings. Please note that per CPC 422.4, the restrooms shall be within 500 feet of all parts of the facility.
69. For the building permit application, please provide a plumbing fixture analysis per Ch. 4 of the CPC to verify the required minimum number of restroom fixtures.
70. For the building permit application, please provide an allowable area analysis for the building at the east side of the site.
71. The accessible parking design does not comply with 2019 CBC 11B-502.7.1. Persons shall not be required to travel behind parking spaces other than their own.
72. Accessible parking spaces shall be located on the shortest possible route to the entrance (2019 CBC 11B-208.3.1).

LANDSCAPING

73. Detailed landscape and irrigation plans shall be prepared by a licensed landscape architect and shall be in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23). The plans shall be submitted for review and approval by the City. One set of landscape plans shall be wet-stamped and wet-signed by the project landscape architect.
74. Tree mitigation. Tree mitigation summary chart shall provide breakdowns of proposed mitigation. Tree mitigation shall be done above and beyond providing required tree planting such as trees in the front and side street landscape setback

area with 24"-box tree at every 20 to 40 feet on center and parking shade trees with 15-gallon tree at every 6 parking spaces and endcap islands at the end of each parking bay. Required tree size can be increased and the cost between the required and proposed sizes can be applied toward meeting the mitigation goal. The summary chart shall follow the attached tree mitigation guidelines.

75. Tree Inventory, Tree Protection Detail and Notes.

- a. The project arborist shall recommend temporary irrigation type and schedule during construction period for existing trees for preservation, and the recommendations shall be added to the plan.
- b. Recommendations by the arborist for each existing tree for preservation shall be done prior to landscape final inspection by the City landscape architect prior to issuance of Certificate of Occupancy. Tree pruning shall be done with a tree pruning permit from the City.

76. Fence at Existing Tree Number 1707.

- a. The proposed fence shall be indented at Tree #1707 or other means to accommodate future tree trunk growth.
- b. Future removal of this tree for damaging the fence shall not be permitted unless the tree health would decline beyond care and treatment recommended by a certified arborist.

77. Irrigation Plan.

- a. Existing redwood trees shall be irrigated as recommended by the project arborist on a separate valve. Other existing trees for preservation shall be on a separate valve from the valves for existing Redwood and proposed trees.
- b. All irrigation components shall be specified in the irrigation legend including master valve and flow sensor. Master valve shall be "normally closed."

78. Planting Plan.

- a. Umbellularia californica is not an appropriate parking shade tree in a planting island. It is a very large tree that will grow 60 to over 100 feet tall and as wide and will develop large tree trunk as matures. The tree is known to be tolerant of drought, but it prefers ample watering. It is susceptible to beetle borers, leaf miner, scale and armillaria, and is a host of the pathogen that causes sudden oak death when conditions aren't met.
- b. Planting legend for shrubs shall include proposed spacing for each shrub.

- c. Mulch shall be organic recycled chipped wood in dark brown color and the size shall not exceed 1-1/2-inch in diameter.
- 79. Water Budget Calculations. Eto for City of Hayward is 44.2 not 39.1. The correction shall be made to the water budget calculations.
- 80. Tree Permit. Tree removal shall be done with a tree removal permit from the City landscape architect in addition to demolition or building permit.
- 81. Landscape Inspection by the City of Hayward. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
- 82. Landscape Maintenance Responsibility. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Routine shearing and hedging of shrubs and perennials shall not be permitted. All plants shall retain natural size and shape. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

TRANSPORTATION

83. Applicant shall revise the Signing and Striping to have the following modifications: bike buffer shall be reduced to 2 feet, all existing striping on Clawiter Rd along project's frontage shall be refreshed with new paint, mark the on-site loading zone and show applicable signing, remove painted accessible path in driveway, install a 50-foot centerline and directional arrows at the driveway, and depict that the vegetation adjacent to the ADA parking space shall be removed for being a sightline obstruction for the driveway. Applicant may choose to gray out the red curb on Enterprise Ave at the NW corner of Clawiter Rd if additional on-street parking is desired.
84. Applicant shall include Average Illuminance and Uniformity calculations on the on-site and off-site Outdoor Photometric Analysis and Lighting Plan. Applicant submitted off-site Photometric Analysis, but the on-site Photometric Analysis was not included. Include these analyses in the Civil Drawing Set. Refer to Hayward's 2017 Standard Details sheet SD-120 for lighting requirements. Link: https://www.hayward-ca.gov/sites/default/files/documents/ET_STANDARD%20DETAILS_V042117.pdf

UTILITIES

85. Existing Domestic Water Services. The property at 3363 Enterprise Ave has an existing ¾" service line and 5/8" domestic water meter (account 40317), and the property at 25571 Clawiter Road has an existing 1" irrigation water meter (account 28232) and 1" domestic water meter (account 28233). If existing water services cannot be reused, water services and meters shall be abandoned by City of Hayward Water Distribution personnel at the applicant's expense.
86. Proposed Water Services. All new connections to existing water mains shall be performed by City of Hayward Water Distribution personnel at the applicant's expense.
87. Sanitary Sewer Services. The property at 3363 Enterprise Ave has a permitted sanitary sewer capacity of 210 gallons per day of domestic-strength wastewater discharge. The property at 25571 Clawiter Road has a "grandfathered" sanitary sewer capacity of 240 gallons per day of domestic-strength wastewater discharge. It is anticipated that additional sewer capacity will need to be purchased to accommodate the volume and strength of wastewater discharge from the proposed manufacturing, cultivation, and retail facilities. The operation's sewer capacity shall be further reviewed during the building permit application.
88. Backflow Devices. All domestic & irrigation water meters must have Reduced Pressure (RP) Backflow Prevention Assemblies, per SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water line on the

property side of the meter, whichever is bigger. Backflow prevention assemblies on domestic water services shall be lead free.

89. Industrial monitoring structures shall be installed per SD-309 on all points of wastewater discharge.
90. The sanitary sewer main and manholes shall be public, owned and maintained by the City. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval.
91. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
92. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218. Water meters shall not be in setback areas or private driveways or roadways unless approved otherwise.
93. Inform the City of Hayward's Environmental Service Division who the cannabis hauler will be, when cannabis hauler has been identified.
94. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Sec.11-5.22.
95. Ensure the trash enclosure will have a locking mechanism as public access to the secure cannabis waste receptacle shall be strictly prohibited.

ENGINEERING

96. Damaged street curb, gutter and unused driveways fronting the property shall be replaced with new concrete curb and gutter as per the City Standard Details.
97. Accessibility compliant sidewalk shall be extended across the property frontage along Clawiter Road as per the City Standard Details. Replace existing driveway to include accessibility compliant walkway along its back. Reset utility boxes and relocate mail box, traffic signal cabinet and other obstructions to accessibility.
98. Existing curb ramp at the street intersection shall be replaced for better alignment with existing ramps across Clawiter Road and Enterprise Avenue, as required by the City Engineer.

99. Encroachment Permit: Prior to issuance of building permit, applicant shall submit plans prepared by qualified civil engineer, secure City Engineer's approval and the city's encroachment permit for the required improvements in the public right-of-way.
100. Construction Stormwater Management: During construction, applicant shall control on-site silt and pollutants from flowing into street and/or the public storm drain system. Stormwater pollution prevention measures shall be in place as per plans approved by the City Engineer before start of any ground disturbing activity. Such measures shall be maintained and modified as needed to control storm water pollution until disturbed ground is stabilized with ground cover.
101. Construction of improvements: During construction, construct all required public improvements.
102. Construction Damage: During construction, the Developer shall removal and replace public street improvements damaged by or fronting the development project.
103. Construction of Improvements: Prior to issuance of Certificate of Occupancy, complete punch list work for corrections noted in required improvements per plans approved by the City and stabilize disturbed ground.
104. As-Built Plans: Prior to issuance of Certificate of Occupancy, plans approved by the City Engineer shall be revised to show "As-Built" conditions and copies in "Auto-CAD" and "PDF" formats shall be provided to the City Engineer.

FIRE

Hazardous Materials

105. Hazardous Materials – The storage and use of hazardous materials shall meet the requirements of Chapter 50 of the 2016 California Fire Code as adopted by the City of Hayward.
106. Hazardous Materials Permit – Based on quantities of hazardous materials/waste an annually Hazardous Materials Permit - Range 1A shall be required to be obtained and maintained by the facility. Any change to chemical quantities and type shall require notification and approval of the Hayward Fire Department's Hazardous Materials Office.
107. Hazardous Materials Business Plan (HMBP) / California Environmental Reporting System (CERS) – Facility shall submit an initial one-time hazardous material electronically reported through the California Environmental Reporting System (CERS) for the chemical to be stored/used on-site.

108. Hazardous Materials over the Maximum Allowable Quantities (MAQs) – Quantities of hazardous materials/waste shall not be stored and used in amounts greater than the maximum allowable quantities (MAQs) in the 2016 California Fire Code as adopted by the City of Hayward.
109. Flammable and Combustible Liquid Storage and Use – The storage and use of flammable and combustible liquids shall meet the requirements of Chapter 57 of the 2016 California Fire Code as adopted by the City of Hayward.
110. Flammable Liquid Storage Cabinet – Quantities in excess of ten (10) gallons of flammable liquid shall require an approved flammable liquids cabinet with self-closing doors.
111. Incompatible Materials – Incompatible materials in storage or use shall be separated according to Chapter 50, Section 5003.9.8 (Separation of incompatible materials) of the 2016 California Fire Code (CFC) when the stored materials are in containers having a capacity of more than 5 lbs. or 0.5 gallons.
112. Room Area Signage – All room entrances shall be label with a room number, activity description, and with an appropriate NFPA 704 placard to indicate the hazard within the room if applicable.
113. Signage and Labeling Requirements – All containers and storage areas shall be properly labeled for hazardous materials per the Hayward Fire Department Labeling Guidelines. All hazardous material containers shall be properly labeled stating their contents. Containers containing hazardous waste shall be properly label with Generator Information, Contents, Hazard, Physical State, Accumulation Start Date. Depending on storage an NFPA Placard may be required.
114. Cultivation – This facility is not proposing Carbon Dioxide enrichment for cultivation. If there is a change, the operator shall contact the Hazardous Materials Office of the Hayward Fire Department as well as the Hayward Planning Division for approval and conditions.
115. Application of pesticides, insecticides, herbicides, mildewcides, etc. - Shall be per the Alameda County Agricultural Commission as well as other appropriate regulatory agencies. Disposal of containers shall be done in an approved manner.
116. Protection for City Staff during inspections – If required during inspections business shall provide:
 - a. Appropriate PPE for inspectors including Tyvek suits, masks, etc.

- b. Information as to when last application pesticides and other control agents to inspections staff along with information as to adequate waiting times between applications and entry.
- 117. Oxygen Deficient Environments – This facility is not proposing having oxygen deficient atmospheres or utilizing carbon dioxide to enhance plant grow operations. If there is a change, the operator shall contact the Hazardous Materials Office of the Hayward Fire Department as well as the Hayward Planning Division for approval and conditions.
 - 118. Extraction Processes – This facility is proposing either a Carbon Dioxide or Terafluoromethane gas extraction processes. If there is a change, the operator shall contact the Hazardous Materials Office of the Hayward Fire Department as well as the Hayward Planning Division for approval and conditions.
 - 119. Disposal of Waste Cannabis Product – Shall be done per the appropriate regulatory agencies. If disposal of waste includes chemical treatment to render the product non-useable then the Hazardous Materials Office of the Hayward Fire Department shall be notified for approval and conditions.
 - 120. Hazardous Waste – Hazardous waste shall be managed and disposed of per Title 22 of the California Code of Regulations. All containers holding hazardous waste shall be properly label and identified with a hazardous waste label. Labeling shall include Generator information, EPA ID number, accumulation start date, contents, physical state and hazard of the waste. Provisions shall also be made for the management and disposal of universal/electronic wastes which are a category of hazardous waste.
 - 121. Delivery Vehicle Parking and Storage – No motor vehicles of any type shall be parked/stored inside the facility overnight. All overnight motor vehicle parking/storage shall be outside the building.
 - 122. Seismic Protection – Machinery, aboveground tanks, and equipment utilizing hazardous materials shall be braced and anchored in accordance with seismic design requirements of the California Building Code.
 - 123. Future Changes to Operations - If this facility does change its operation, including the use of hazardous materials or the generation of hazardous waste, then the Hayward Fire Department and Planning Division shall be notified by the operator prior to the changes so as to allow review and/or determine if additional conditions of approval will be required by the City.
 - 124. Placarding – Due to the amount of hazardous materials being contained within the building, NFPA 704 placard shall be required. Attach NFPA 704 placards to chemical cabinets, tanks, exterior chemical room doors, and the exterior surface of

the building. Contact the Hazardous Materials office and request the Guideline for the Placarding of Hazardous Materials Facilities.

125. Final Inspection – A final inspection of this facility shall be completed by the Hazardous Materials office once the facility is ready for operations and before commencement of operations. Please contact the Hazardous Materials office at (510) 583-4910 to schedule the inspection at least 48 hours in advance.

Fire Prevention

126. The following issues must be addressed and approved by the Fire Department before proceeding to the building permit application:

a. Site Plans & Architectural Plans

- i. Identify the location of fire department connections (FDCs) on the site plan. FDCs shall be located on the street/fire apparatus access side of buildings, within 100 feet to a fire hydrant, fully visible and recognizable from the street or nearest point of fire department vehicle access.
- ii. FDCs shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.
- iii. FDCs shall not be obstructed by security fencing or rolling gates.
- iv. Separate FDCs shall be provided for each building.

b. Fire Protection Engineering Analysis Report

- i. Report shall include site analysis due to the building addition.
- ii. Clarify fire separation between buildings in the report.
- iii. Chapter 38 is not located in CFC. Clarify all references related to the chapter throughout the entire report.
- iv. The report shall reflect that the existing greenhouse building will be demolished and a new greenhouse building will be built.
- v. The facility shall be designed for Ordinary Hazard Group 2 (OH2) sprinkler system or higher due to inadequate fire access and the AMP proposal.
- vi. Areas handling flammable liquids shall be designed for a minimum Extra Hazard Group 2 (EH2) per NFPA 13. The report shall provide a

sketch or call out the spaces to be provided for EH2 sprinkler protection.

c. Alternative Means of Protection

i. The pending AMP application shall be approved by the Hayward Fire Department prior to building permit issuance.

ii. The hydraulic calculation in the sprinkler design shall be capable of delivering the sprinkler flow and 250 GPM hose/standpipe flow simultaneously. The existing sprinkler system in the west building (3361 Enterprise) shall be verified and/or upgraded.

iii. Sketch on A1.3:

1. The access easement/alley north of the existing building (25571 Clawiter Rd.) and the new greenhouse building will serve as access to the west existing building (3361 Enterprise). It shall be created by deed and recorded on property parcel. The parcel for 25571 Clawiter shall be the servient tenement. The parcel for 3361 Enterprise shall be the dominant tenement.

2. Where the separation distance between buildings is 3 feet or less, there shall be no openings on the exterior walls per CBC Table 705.8.

3. FDCs shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.

4. FDCs shall not be obstructed by security fencing or rolling gates.

5. The greenhouse building and the existing building (25571 Clawiter Rd.) are two separate buildings. Separate FDCs shall be provided for each building.

d. Certification by Fire Protection Engineer – Plans, including the building permit submittals and fire permit submittals, shall be stamped by a qualified California Registered Fire Protection Engineer. The certification shall be accompanied by a written certification statement by the Engineer attesting that the engineer is qualified and that they have reviewed the plans and confirmed that the design of the facility and fire protection systems on the plans meet or exceed all applicable standards and codes including NFPA standards and the 2016 California Fire Code for the hazards present at the facility. In addition, if the Certification is not affixed to the approved plans,

then an additional certification statement shall be added that indicates the engineer has visited the facility after construction and attest that it has been properly built.

127. Upon review of the documents and plans listed in Condition 126, the Fire Department reserves the right to impose additional conditions of approval on the project, as applicable.



Guidelines to Preparing Tree Mitigation Summary Chart

1. Existing Tree Inventory List from Arborist Report

Example: Cost shown below doesn't reflect actual value. It is shown for the sole purpose of providing an example.

Tree Identification No.	Tree Species	Trunk Diameter (inches)	Protected	Status (Removal or Preservation)	Appraised Value (\$)
1	Black Acacia	24	Yes	Preservation	\$ 1,000
2	Coast Live Oak	54	Yes	Preservation	\$ 15,000
3	Coast Redwood	36	Yes	Removal	\$ 14,900
				TOTAL VALUE FOR PRESERVATION BOND	\$ 16,000
				TOTAL VALUE FOR MITIGATION	\$ 14,900

2. Tree Mitigation Summary Chart

Example: Cost shown below doesn't reflect actual value. It is shown for the sole purpose of providing an example.

Required Trees	Required tree quantity/ size/ Installed Unit Cost	Proposed tree quantity/ size/ *Installed Unit Cost	Unit Cost Difference (Proposed size – required size)	MITIGATION VALUE
Street trees	4/ 24"-box/ \$350	4/ 48"-box/ \$1,000	\$ 650	\$ 2,600
Parking lot trees	6/ 15-gallon/ \$175	6/ 24"-box/ \$350	\$ 175	\$ 1,050
Screening Trees	10/ 15-gallon/ \$175	10/ 24"-box/ \$350	\$ 175	\$ 1,750
Additional trees for mitigation		10/ 36"-box/ \$750	\$ 750	\$ 7,500
		1/ 60"-box/ \$2,000	\$ 2,000	\$ 2,000
			TOTAL	\$ 1,4900
			MITIGATION GOAL	\$ 1,4900
			BALANCE	\$0

*Installed unit cost is an average price of three (3) major nurseries.

3. When proposed mitigation is below the goal: Provide Item No. 1 and 2 and provide the chart below for permitted mitigation

Example: Cost shown below doesn't reflect actual value. It is shown for the sole purpose of providing an example.

Standard material/ Installed Unit Cost (\$F)	Proposed material / Installed Unit Cost (\$F)	Unit Cost difference	Total square footage (\$F)	MITIGATION VALUE (\$)
AC paving for parking lot/ \$2.50	Permeable pavers/ \$25	\$22.50	1,000	\$22,500
Standard gray Concrete paving with broom finish/ \$4.50	Permeable Pavers/ \$ 25	\$ 20.50	500	\$ 10,250
			MITIGATION TOTAL	\$ 32,750

- Mitigation total for Item #3 shall equal to the remaining balance from the total mitigation goal that couldn't be met through tree mitigation.