



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, January 23, 2020, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Bonilla.

CALL TO ORDER Pledge of Allegiance

Commissioner Roche led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Stevens, Andrews, Faria, Roche, Goldstein
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: Patton

Staff Members Present: Buizer, Chan, Maravilla, Vigilia

General Public Present: 66

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda item No. 1, the decision of the Planning Commission may make a recommendation to the City Council. For Agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Proposed Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery within an existing building located at 1147 B Street (Assessor Parcel No. 427-0011-021-00), Requiring Approval of Conditional Use Permit Application No. 20186127. Esther Lopez (Applicant); Gregor Varr (Property Owner)

Planning Manager Buizer introduced Associate Planner Maravilla who will be presenting both items to the Planning Commission.

Associate Planner Maravilla provided a synopsis of the staff report and PowerPoint presentation.



**MINUTES OF THE REGULAR MEETING OF THE
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Ms. Esther Lopez, applicant and Hayward resident, noted she is a member of the Keep Hayward Clean and Green Task Force and spoke about the proposed project, longtime history as a business owner in Hayward and a how the proposed dispensary will benefit the Hayward community.

Commissioner Andrews disclosed that she is on the Advisory Council for the Downtown Streets Team and since Ms. Lopez may be contributing to the Downtown Streets Team, she wanted to make sure there was not a conflict of interest. Senior Assistant City Attorney Vigilia responded that if Ms. Andrews is not benefitting directly, she can participate in the discussion.

Ms. Lopez clarified that the business hours will be Monday through Friday from 9 am to 9 pm and on weekends from 10 am to 7 pm.

In response to Commissioner Goldstein's questions regarding security, training, and prior experience, Associate Planner Maravilla said one of the security measures is to take the unmarked delivery vehicles to another location during non-business hours. Ms. Lopez said that she will have expanded training programs for employees that includes disaster response training and that her prior experience includes taking care of purchasing and delivery service for a business in Vallejo.

Commissioner Roche asked about the employee training. Ms. Lopez said that she has a team of researchers to help set up a staff training program for cannabis business that involves disaster preparedness, security, and how to react to robberies. Ms. Lopez described the renovations and her vision of creating a safe, welcoming environment for her clients and that she will also offer education on cannabis and other topics.

Commissioner Andrews asked about the mural art, Ms. Lopez introduced the artist and said the plan is to start with one section and as revenue increases, she will expand upon the mural. Ms. Lopez said that she will be employing individuals that were previously incarcerated for cannabis and will also look into hiring members of the DT Streets Team.

Ms. Lopez shared with Commissioner Stevens that patrons can visit her establishment by driving, walking, or taking public transportation since they are within walking distance from BART. Ms. Lopez said she was required to conduct a traffic report for municipal parking lot #4 with the results that there would be adequate parking during peak times for the proposed dispensary. Ms. Alice Lin, attorney for proposed dispensary, said the traffic engineer's report includes the Institute of Transportation Engineers (ITE) trip generation analysis for three similar sized cannabis dispensaries and the report indicated that municipal parking lot #4 would not have any parking issues during peak times. Associate Planner Maravilla said that during the formation of the Downtown Specific Plan the



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municipal parking lots were examined and #4 results showed that it was underutilized. Mr. Maravilla also noted that he can obtain the results of the traffic survey from Public Works Engineering and Transportation Department.

Ms. Lopez described for Chair Bonilla her outreach efforts to surrounding businesses and the neighborhood and for the most part she received positive feedback. Ms. Lopez said she will be offering staff training to make sure they are a good fit for the establishment.

Chair Bonilla opened the public hearing at 7:33 p.m.

Mr. Kim Huggett, President Hayward Chamber of Commerce, spoke in favor of the proposed dispensary and stated that the Chamber thoroughly reviewed Aunty Honey's business plan and how the proposed dispensary will fill a vacant space in the downtown area. Mr. Huggett said that Aunty Honey's will be a benefit to the community as evidenced by their participation in handing out school supplies at last year's street party. Mr. Huggett confirmed for the Commission that the downtown area is not a thoroughfare for children and that Council in their wisdom decided that the cannabis dispensaries should be located in the downtown area.

Ms. Jackie Hayes, Hayward resident, spoke against the item as previous dispensaries have caused a lot of traffic impacts and problems as clients would purchase items and then party in the parking lots which made it very difficult for downtown residents. Ms. Hayes asked the Commission not to approve the item.

Ms. Laura Balcita, Hayward resident, spoke in favor of the proposed dispensary and Ms. Lopez's character and said she is trustworthy. Ms. Balcita spoke in favor of the proposed dispensary and there are laws and security measures in place to safeguard the Hayward community.

Ms. Roberta Moniz, Hayward resident and former Caltrans employee, spoke in favor of the proposed dispensary and how this will be a positive addition to the Hayward community. Ms. Moniz said as a former traffic manager she conducted her own traffic study and that the municipal parking lot is a great location. Ms. Moniz said Ms. Lopez was someone you can trust.

Ms. Marcella James, Hayward resident, spoke in favor of the proposed dispensary and how the applicant, as a community based small business, has worked hard to comply with the City's requirements. Ms. James said the parking lot will adequately serve the clients and will not cause traffic impacts to others, patrons will be able to access Aunty Honey's without a problem and the safety measures that will be in place will mitigate any issues.



**MINUTES OF THE REGULAR MEETING OF THE
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Ms. Lisa Stoick, Hayward resident, spoke about the positive character of Ms. Lopez and the positive aspects of medical marijuana. She said other cannabis delivery businesses do not always test their products. Ms. Stoick said Ms. Lopez will have quality tested products.

Chair Bonilla closed the public hearing at 7:50 p.m.

Commissioner Andrews said if there are issues with the dispensary residents can contact staff and Council. Ms. Andrews likes the project, there are lots of eyes on the parking lot and the art mural will be a great community benefit. Ms. Andrews supports the project.

Commissioner Faria thanked everyone for speaking on behalf of Ms. Lopez. Ms. Faria said the proposed dispensary application and information provided by staff was very thorough and the item is recommended by City staff. Ms. Faria said Auntie Honey's will be a great resource for the Hayward community and she supports the item.

Commissioner Stevens said he has concerns about the traffic impacts and his concern is whether the dispensary will be a compatible land use for the downtown area. Mr. Stevens said that studies have shown that cannabis dispensaries generate about ten times the amount of traffic than a typical retail establishment. Mr. Stevens said that he does not have access to the traffic study that was performed and can only go by his experience with the dispensary on Foothill Boulevard. Mr. Stevens does not support the proposed dispensary.

Commissioner Roche said staff and the applicant have done a lot of hard work to get to this point and that the operating plan is extensive. Ms. Lopez's roots run deep in the Hayward community. Ms. Roche said with adequate parking lot management any parking issues can be mitigated and traffic in the downtown area will be a plus for all the businesses in the downtown area. Ms. Roche said the building improvements are positive for the downtown area and wishes the applicant good luck with this business endeavor. Ms. Roche supports the proposed dispensary.

Commissioner Goldstein noted that two years is a long time for a business application and that the cannabis businesses are new for everyone. The City had to review the State laws prior to establishing City regulations for the best interest of the Hayward community. Mr. Goldstein said that personally he has lost loved ones to addiction. Mr. Goldstein said that part of the business plan includes helping clients deal with addiction and navigate difficult times and he hopes that Ms. Lopez keeps her promise to do this.

Chair Bonilla said there were a lot of speakers who spoke highly of Ms. Lopez, that she has deep connections to the Hayward community, and is willing to invest in the Hayward community. Mr. Bonilla will be supporting the proposed dispensary and asked that the applicant keep an eye on both the security in the area and any potential traffic impacts. Mr.



**MINUTES OF THE REGULAR MEETING OF THE
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Bonilla said for the applicant to be cautious as he frequents B Street and can see people dropping people off and this can add to traffic impacts.

Commissioner Roche made a motion, seconded by Commissioner Andrews to approve the staff recommendation. The motion passed with the following vote:

AYES:	Commissioners Andrews, Faria, Roche, Goldstein Chair Bonilla
NOES:	Stevens
ABSENT:	Patton
ABSTAIN:	None

2. Proposed Cannabis Cultivation Use Located at 3166 Diablo Avenue (APN 439-0075-039-00) Requiring Approval of Conditional Use Permit Application No. 201805426. Hidden Farms (Applicant); Ancile Development Holdings LLC (Property Owners)

Associate Planner Maravilla provided a synopsis of the staff report and PowerPoint presentation.

Ms. Jessica Hunt, applicant, spoke about the proposed project.

In response to Commissioner Faria's question about the outcome of addressing neighbor's concerns, Ms. Hunt said that they conducted neighborhood outreach and wrote letters to all the neighbors according to the City's requirements of 300 feet of the surrounding area. Ms. Hunt said there were two concerns and the first neighbor had the wrong address. The second neighbor had odor concerns and Ms. Hunt assured the neighbor that they will have odor mitigation measures in place and provided a description of their odor mitigation measures. Ms. Hunt said that they assured the neighbors that this is not an illegal operation. Ms. Faria asked if there were concerns about impacts to water quality, Associate Planner Maravilla said staff has not received any comments from the Public Works Utilities Division. Mr. Maravilla said in the applicant's sustainability plan there are sections about water quality and a drip system. Mr. Anton B., applicant, said they have provided lists of the organic vitamins and cleaners they will be using, and the Utilities Division said if necessary, they can test the water that will be coming out of the warehouse.

Ms. Hunt explained for Commissioner Andrews the security plan for the facility and that one of the Hidden Farm's partner has extensive security experience. She said there will be security on-site during operations and security patrolling the area during off hours. They will have in place a security system that has a tracking element and there will be cameras throughout the facility and on the exterior of the building. Ms. Andrews asked about a



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social equity hiring program, Ms. Hunt responded that they do not discriminate and plan to hire locally. Ms. Hunt said their intention is to enrich the community.

Mr. Steven asked about the community benefit program and if the community will have an opportunity to review the performance of the applicant, Associate Planner Maravilla said once the proposed project is approved the applicant will have six months to set-up goals for a community benefit program and that the public can review information provided by the applicant.

Senior Assistant City Attorney Vigilia said the City is currently undergoing a review of the entire cannabis program which was presented to the City Council at a Work Session. The review is being conducted by an outside consultant and part of this review will be to evaluate and develop a system to track the achievement of the community benefit program. Mr. Vigilia said that Council has asked to have this review completed by the end of the calendar year.

Mr. Anton B. shared that Hidden Farm's CEO is part of a nonprofit program called Public Reckless which teaches at risk youth a trade. Hidden Farms would like to start this same program in Hayward.

Commissioner Roche asked about warehouse security, Ms. Hunt responded that with the substantial security measures and working with the Hayward Police Department, Hidden Farms will be able to mitigate any security concerns. Ms. Hunt said the next-door neighbor is excited to have Hidden Farms as a neighbor and to have the additional security measures for this area. Planning Manager Buizer said inspections are part of the requirements of the regulatory framework for a cannabis business.

Mr. Anton B. said staff will be hired locally, there will be nothing of value or cash on-site, and they will be working closely with the Hayward Police Department.

Commissioner Faria recommended Hidden Farms partner with programs that are already in place in Hayward for the community benefit program and mentioned Hayward's Regional Occupational Program.

In response to Chair Bonilla's questions regarding security and the business plan, the applicant said that there will be armed security guards, the cannabis will be grown on-site, and then sold to a distributor who then sells the product to retailers. Ms. Hunt shared that every plant will be tracked.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 8:25 p.m.



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Commissioner Goldstein said because of personal reasons, he will be not be supporting this item. Mr. Goldstein said he has a difficult time supporting businesses that do not support clean living. He admires what the applicant has proposed and from a business perspective everything they have presented is outstanding.

Commissioner Roche said that this is a new world and the City has done a lot research on the cannabis industry and that cannabis is now legal. Ms. Roche said the applicant has met all the City's requirements to set-up the proposed cannabis warehouse and will be hiring locally. Ms. Roche does not see any reason to deny the application. Ms. Roche supports the item.

Commissioner Stevens said this is a good example of a project of compatible land use, it is well-planned, and he supports the item. Mr. Stevens thanked the applicant for coming to Hayward.

Mr. Anton B. responded to Chair Bonilla that the employees will have annual training on security, fire response, and evacuation. Mr. Bonilla said the plans are well thought out and is glad that security is a priority for the applicant. Mr. Bonilla supports the item.

A motion was made by Commissioner Faria, seconded by Commissioner Roche, to approve the staff's recommendation.

The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Faria, Roche Chair Bonilla
NOES:	Goldstein
ABSENT:	Patton
ABSTAIN:	None

APPROVAL OF MINUTES

3. Approval of minutes of the Planning Commission Meeting Minutes of January 9, 2020.

Commissioner Goldstein made a motion, seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of January 9, 2020. The motion passed with the following votes:

AYES:	Commissioners Stevens, Andrews, Faria, Roche, Goldstein Chair Bonilla
NOES:	None



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ABSENT: Patton
ABSTAIN: None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.


Commissioners' Announcements, Referrals:

Commissioner Andrews announced a Keep Hayward Clean and Green Task Force Clean-up Event at Mount Eden Park.

ADJOURNMENT

Chair Bonilla adjourned the meeting at 8:32 p.m.

APPROVED:



Julie Roche, Secretary
Planning Commission

ATTEST:



for Denise Chan, Senior Secretary
Office of the City Clerk