

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED CANNABIS FACILITY WITH CULTIVATION,
MANUFACTURING, AND DISTRIBUTION ACTIVITIES
MIJOSA, 2459 RADLEY COURT
CONDITIONAL USE PERMIT AND ADMINISTRATIVE USE PERMIT
APPLICATION NO. 202101300**

FINDINGS FOR APPROVAL

Conditional Use Permit/Administrative Use Permit

Pursuant to Hayward Municipal Code Sections 10-1.3125 and 10-1.3225, The Planning Commission or other approving authority may approve or conditionally approve an application when all the following findings are made:

1. *The proposed use is desirable for the public convenience or welfare;*

The proposed cannabis use with cultivation, manufacturing, and distribution activities would be desirable for the public convenience and welfare in that it would result in the establishment of a cannabis facility in an existing industrial building within the Industrial Park (IP) Zoning District. The proposed cannabis business would positively contribute to the City by providing jobs in an emerging industry, paying local taxes, and contributing to the diversification of uses within the industrial area. Additionally, the building would be renovated, and the applicant would provide security guard service and video surveillance, to ensure safety for the site and surrounding neighborhood.

2. *The proposed use will not impair the character and integrity of the zoning district and surrounding area;*

The proposed use would occupy an existing building. In the IP District, a cannabis facility with cultivation and manufacturing activities in a space over 5,000 square feet is allowed with approval of a Conditional Use Permit. A cannabis distribution facility is allowed with approval of an Administrative Use Permit. If approved, the cannabis facility would operate in similar fashion as other surrounding industrial uses.

To ensure that the proposed use would not impair the character and integrity of the applicable zoning district, the facility would adhere to all the requirements set forth by the City's Cannabis Ordinance, in addition to the requirements set forth by the Hayward Police Department, Hayward Fire Department, Hayward Building Division, and all other pertinent regulations established by State, County and local laws.

3. *The proposed use will not be detrimental to the public health, safety, or general welfare; and*

The proposed cannabis use would not be detrimental to the public health, safety, or general welfare in that the facility, as conditioned, would operate within the permit requirements and regulations established by State and local laws. As conditioned, the applicant will be required to provide a detailed Odor Mitigation Plan prepared by a licensed professional to ensure that cannabis odors cannot be detected outside of the

building. The project's Security Plan includes installation of security cameras inside and outside of the building and at least one security guard, who will be on-site during operating hours. Additionally, the facility would have an alarm system and maintain compliance with a State-mandated track and trace program to prevent diversion of cannabis. The applicant and all employees associated with the business are subject to extensive training and background screening by the Hayward Police Department.

4. *The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.*

Per Section 10-1.1603 of the Hayward Municipal Code, a cannabis facility with cultivation and manufacturing activities in a space over 5,000 square feet is allowed in the IP District with the approval of a Conditional Use Permit. A cannabis distribution facility is allowed with the approval of an Administrative Use Permit. The proposed use would contribute positively to the City's tax base and support the following goals and policies of the *Hayward 2040 General Plan*:

- *Land Use Policy LU-2.16, Uses to Attract the Creative Class.* The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward.
- *Economic Development Policy ED-1.4.* The City shall establish business attraction efforts that focus on small and medium-sized businesses within emerging and growing business sectors.
- *Economic Development Goal ED-2.* Cultivate a culture of entrepreneurship to encourage and support local business start-ups.

Cannabis Land Use

In addition to the required findings contained in HMC Sections 10-1.3125 (Administrative Use Permit) and 10-1.3225 (Conditional Use Permit), every land use application requiring discretionary review for cannabis and cannabis products are required to make the following findings per HMC Section 10-1.3609 prior to issuance:

1. *The proposed cannabis use will not be detrimental to the public health, safety, or general welfare in that the cannabis operation is situated in an appropriate location where sensitive land uses will not be adversely impacted;*

The proposed cannabis facility with cultivation, manufacturing, and distribution activities would not be detrimental to the public health, safety, or general welfare in that the facility, as conditioned, would operate within the permit requirements established by the State and by the City. Per the City's land use requirements, a cannabis facility with cultivation and manufacturing activities in a space over 5,000 square feet is allowed in the IP District with the approval of a Conditional Use Permit. A cannabis distribution facility is allowed with approval of an Administrative Use Permit.

The proposed project includes a Security Plan, which includes, but is not limited to, on-site security guard(s), cameras, employee background checks, loading and unloading of distribution vehicles within an enclosed building, and Conditions of Approval related to

odor and other potential nuisances. Together, these measures and conditions protect public health and safety within the vicinity of the subject site.

2. *Appropriate measures have been taken to address nuisances related to odor, noise, exhaust, and waste related to the cannabis operation;*

Physical and operational safeguards are in place to ensure the cannabis facility operates at the proposed location without impacts to adjacent uses and properties. The proposed use includes an Environmental Plan and Security Plan that contains measures to mitigate odor, noise, and other nuisances; reduce waste and conserve resources; enhance safety with the installation of security cameras and on-site security; and ensure any cannabis waste is secured and properly disposed.

As part of the initial RFP process, the applicant's business plan was reviewed and scored by an independent, outside consultant who determined this operator would meet the City's objectives related to cannabis industry best practices. Furthermore, per the proposed Conditions of Approval and as required by the Municipal Code, the applicant's Commercial Cannabis Permit shall be renewed annually. This provides the City a yearly opportunity to reevaluate the proposed business, and ensure compliance with the approved business plan, the Conditions of Approval, and all pertinent City regulations.

3. *The cannabis operation is designed to be safe, secure, and aesthetically compatible with the surrounding area; and*

The proposed cannabis facility would occupy an existing industrial building. To ensure aesthetic compatibility with the surrounding area as well as promote security, the loading and unloading of cannabis product would only be allowed inside enclosed buildings. The facility's exterior will remain the same, further ensuring visual continuity with the surrounding area.

4. *The cannabis operation will not place a burden on the provision of public services disproportionate to other industrial or commercial uses.*

The proposed use would operate in an existing industrial building. The energy and water needs of the proposed use do not exceed those of other similar industrial uses, especially given the energy and water conservation measures specified in the Environmental Plan, including use of a water capture and recycling system, an automated drip irrigation system, and LED lights. In addition, the applicant would be subject to annual review, which would require inspection of the cannabis facility by the City's Code Enforcement Division, Police Department and Fire Department. Further, as conditioned, any excessive calls for service, including nuisance and code violations, may result in the revocation of the approval.

Environmental Review

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1), Existing Facilities, in that the proposed use would occupy an existing industrial building. As proposed and conditioned, the facility will not result in any significant impacts related to traffic, noise, air quality and water quality.