

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE
REGULATIONS FOR PERSONAL CANNABIS CULTIVATION AND
COMMERCIAL CANNABIS LAND USES THROUGH THE AMENDMENT OF
HAYWARD MUNICIPAL CODE, CHAPTER 10 (PLANNING, ZONING AND
SUBDIVISIONS)

THE CITY COUNCIL OF HAYWARD DOES ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously adopted land uses and regulations for personal and commercial cannabis activities through the adoption of Ordinance 17-13 and 17-15 for both medical and non- medical adult cannabis land uses and regulations within the City.

C. The City wishes to establish an updated regulatory structure for all medical and nonmedical adult cannabis uses in the City in accordance with state law.

Section 2. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance)

Section 3. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 28 (Development Code)

Section 4. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance), Chapter 10-1.3600

Section 5. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance), to add or amend the following Definitions, in alphabetical order, to Section 10-1.3500 Definitions), Section 10- 24. 500 (Definitions and Rules of Interpretation) and Section 10- 25.600 Definitions)

Section 6. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is exempt from CEQA pursuant to Business and Professions Code section 26055(h) for the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits,

licenses, or other authorizations to engage in commercial cannabis activity where the discretionary review in any such law, ordinance, rule, or regulation includes any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code; and, under Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 7. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 8. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

Introduced at a regular meeting of the City Council of the City of Hayward, held the 6th day of July 2021, by Council Member Wahab.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on July 20, 2021, at 7:00 p.m. This meeting will be conducted via teleconference consistent with State of California Executive Order No. 29-20 regarding the COVID-19 pandemic. The full text of this Ordinance and the companion Resolution are available for examination by the public by contacting the Office of the City Clerk at cityclerk@hayward-ca.gov or (510) 583-4400.

Dated: July 16, 2021
Miriam Lens, City Clerk
City of Hayward