



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

This meeting was conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic. Members of the Planning Commission, City Staff, and members of the public participated via the Zoom Webinar platform.

MEETING

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

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Andrews, Goldstein, Roche, Stevens
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: Patton

Staff Members Present: Billoups, Blanton, Chan, Lochirco, Maravilla, Pearson, Richard, Vigilia

PUBLIC COMMENT:

There were no public comments.

WORK SESSION:

1. Draft Hayward Regional Shoreline Adaptation Master Plan

Associate Planner Maravilla introduced the item and introduced SCAPE, the City's landscape architect consultants.

Ms. Gena Wirth, Design Principal with SCAPE Landscape Architecture, provided a synopsis of the staff report and a PowerPoint presentation. Ms. Wirth noted that Mr. Nans Voron, Senior Associate and Mr. Nick Shannon, Senior Designer, were also present to answer questions.

There being no public speakers, Chair Bonilla opened and closed the public hearing at 7:27 p.m.

The Planning Commissioners thanked staff and SCAPE Consulting team for all the hard work on the comprehensive Master Plan.



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

Discussion ensued between the Planning Commission, staff, consultants, and applicant on the following:

Planning Commissioner Andrews said that climate change is real and protecting the shoreline is critical because of the amount of important infrastructure in that area; develop a plan to study protections for residential areas; encouraged staff and consulting team to write a letter of recommendation to Alameda County to conduct a sea level rise protection study; appreciated the team incorporating more natural elements to address flooding absorption and mitigate development impacts.

Commissioner Ali-Sullivan was glad that the Interpretive Center will be elevated and remain in place as it is a vital public resource; there needs to be a regional effort to address this ongoing issue; make sure all vulnerable populations are involved in community outreach and ensure information is available in different languages.

Planning Commissioner Goldstein spoke about the impacts of liquefaction; how wildfires and natural disasters impact construction costs and requested the team to address cost projection increases; impact of City's industrial growth to this plan; and what would happen if City does not do anything.

Planning Commissioner Stevens asked about groundwater emergence and contaminated sites with the flood risk zones; can the groundwater mobilize those contaminants and move the contamination to adjoining parcels; and how can these sites be remediated.

Planning Commissioner Roche said this issue needs to be addressed by an interagency effort to have a cohesive plan that will mutually benefit all affected bay area municipalities.

Chair Bonilla said the plan is a strong approach in balancing risk reduction with ecological enhancements to protect the shoreline and wildlife; he is impressed with the regional collaboration policies and programs; he likes that the plan includes technical support and education elements to assist industrial businesses and residential population in understanding the risks from sea level rise and aids these populations in developing mitigation measures. He asked how often will the plan be updated; at some point there needs to be a decision to stop growth in this impacted area to allow for mitigation measures to be put in place; he emphasized the necessity to educate the public on this very important issue; and reiterated the need to help the vulnerable population.

Ms. Wirth said many cities are adopting building and zoning codes to address sea level rise and one approach is to have an additional elevation for new development in vulnerable areas and the biggest impact is from erosion. Ms. Wirth said that while SCAPE was not contracted to conduct a do-nothing cost analysis, they do have visualizations of a do-



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

nothing scenario. She said existing groundwater can move contaminants to adjoining sites and a study would need to be done by experts in that field.

Mr. Nans Voron with SCAPE said long term plans need to be made regarding relocating development growth to other areas of the City to mitigate the flood impacts. Mr. Voron spoke about the importance of education and stewardship.

Environmental Services Manager Pearson said that in terms of a regional plan, the City is part of a working group that was convened by the San Francisco Bay Conservation and Development Commission (BCDC) which is putting together a plan called Bay Adapt, which is working on improving regional coordination and identifying funding gaps and technical assistance needed by local jurisdictions. Mr. Pearson said once the Master Plan is in place, staff has been discussing how to move forward and the City will be focusing on the short-term projects and conducting more detailed studies. Mr. Pearson said this comprehensive plan would be reviewed in approximately ten years.

PUBLIC HEARING:

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.

2. Proposed Cannabis Microbusiness with Cultivation, Manufacturing, Distribution, Delivery, and Ancillary Storefront Retail Activities Located at 25571 Clawiter Road and 3329 and 3363 Enterprise Road (APNs: 439-0099-046-00 and 439-0099-045-01) Requiring Approval of Conditional Use Permit Application No. 201907374. Precision Apothecary DBA Juva Life (Applicant); James Larrick (Property Owner)

Associate Planner Blanton provided a synopsis of the staff report and PowerPoint presentation. Ms. Blanton noted there are additional Conditions of Approval by the Fire Department indicated in red, that was circulated to the Planning Commission this afternoon.

Mr. Doug Chloupek, Applicant and CEO of JUVA Life; spoke about the project, their business plan and vision and provided a PowerPoint presentation.

Planning Commissioner Goldstein asked about hiring for local residents; having an equity hiring plan; he applauds their business vision; consider adding public art to the building; and the potential vulnerability of delivery drivers.



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

Commissioner Andrews was glad Commissioner Goldstein brought up local hiring practices; she asked about a social equity hiring program that focuses on hiring previously incarcerated individuals; she liked the clean look and wooden slats design; and the addition of microbusinesses in the industrial area.

Commissioner Ali-Sullivan asked about the Innovation Corridor (IC) zone; community benefit plan; has concerns that the retail component is not conducive for this area and there would be public nuisance and safety impacts because of the lack of activity after dark. He said there should be additional security guards for the very large site; the location of the greenhouse; requested revenue estimates; and asked about the inclusion of public art and the preservation of the redwood tree.

Planning Commissioner Roche was concerned about security as the greenhouse is unique and could be a target and asked the applicant to consider having a 24-hour security guard; expressed concerns about the retail hours operation and the visibility of patrons; asked about vape pens and cartridges since the City just passed a ban on flavored tobacco products; will product names have a medical emphasis; and for the applicant to consider an educational element for other cannabis businesses.

Planning Commissioner Stevens asked if the City's banned tobacco vaping extends to cannabis as the applicant said that they would be selling vaping paraphernalia.

Mr. Vigilia said staff would need to research this and return to the Commission with the results.

Chair Bonilla said the tobacco vaping ban was more to do with flavored tobacco products and noted Commissioner Roche's comment that there must be consistent City policies. Mr. Bonilla said since this is more of a life science company what is the plan to supplement this product for clients who cannot afford the product; and how much revenue goes into research and training programs for employees.

Mr. Chloupek said their goal is to have a community benefit plan that will truly benefit the health of the community; a top priority is security for the employees with reinforced, bullet-proof windows; the business plan details the security plan; and a work in progress is their targeted medical educators program (TME); public art is good for retail and downtown businesses but would be a detriment to the overall aesthetic value of the building; provided setbacks for greenhouse; provided estimates of potential annual revenue between \$37-\$68 million dollars. Mr. Chloupek said the business has a bank account and they can accept electronic payments. He said they are working on a remedy for medical billing codes that may be reimbursable by most standard medical insurances, product cost is the same for medical and non-medical but that usage would be higher for



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

someone with a severe medical condition; their core driving mission and what they base the company on is research; they have an in-depth training program for employees in order for staff to assist their clients in obtaining the correct product for their medical issues.

Associate Planner Blanton said the storefront retail is allowed in the City's code with a lot of limitations which is consistent with microbusinesses throughout the state; Council approved a tax increase that goes toward community benefits and applicants are still required to provide the components of their community benefits plans but with less detail. Ms. Blanton noted that there will be some significant redevelopment at the former Berkeley Farms and Gillig sites in this area. Ms. Blanton reiterated that if there are any issues the City will be able to address during the annual review including additional security measures. Ms. Blanton said the applicant needs to be consistent with City and State regulations and codes.

Senior Assistant City Attorney Vigilia said the cannabis tax which includes the one percent tax increase is a general tax and is available for all municipal purposes and may be used toward community benefit programs but this is at the discretion of Council when Council is deciding the City's budget.

Principal Planner Lochirco said that the community benefit component is required of all cannabis applicants when the initial RFP was issued in 2017. Mr. Lochirco said all the applicants coming forward will have this standard condition of a community benefit plan obligation included in their application packets/business plans.

There being no public speakers, Chair Bonilla opened and closed the public hearing at 9:43 p.m.

Commissioner Andrews asked if the applicant would consider a public art element such as an accent wall and is willing to participate in the City's Adopt-a-Block program as part of their community benefit program. Ms. Andrews explained the Adopt-a-Block program and that the applicant can work with City staff on the nuisance area in proximity to the business location.

Mr. Chloupek said that if the public art is a condition of approval then he will comply with the requirement but prefers not to. He said that they will oversee cleaning and beautifying their $\frac{3}{4}$ of a city block and would prefer to clean the immediate area adjacent to his buildings.

Commissioner Goldstein said he would like the inclusion of public art be a part of every project that comes before the Planning Commission as this can help educate applicants of the Commission's objectives for the community. Mr. Goldstein said there can be a way to add an



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

aesthetic element that contributes to the immediate vicinity without detracting from the business and encouraged the applicant to discuss this with staff.

Associate Planner Blanton said there are different options for public art besides painting a mural and staff can work with the applicant on this.

Commissioner Stevens is supportive of the project; likes the design; is not a fan of concentrating cannabis sales in the downtown area; would like the retail element brought to full capacity in the future; since this is a conditional use permit (CUP), this is an opportunity for the City to see how well the hours of the retail operation works and he is not in favor of adjusting these hours of operations.

Commissioner Ali-Sullivan said it was helpful to understand the applicant's commitment to security and is in favor of reduced hours of operation for the retail element.

Chair Bonilla was also glad to hear the applicant's commitment to security; voiced concerns for patrons shopping in the evening and no consumption in and around the vicinity as the days are getting darker faster and shares concerns about the hours of the retail operation; he does not necessarily agree with expansion of the retail component in the future. He said the City needs to be wiser on how much cannabis retail there should be as there has been multiple cannabis applications but not one grocery store; and if the City has approved 23 commercial cannabis permits, he hopes there are not 23 storefronts attached to them. He agrees that the application was comprehensive and appreciates the diversity and services; he wants to see a strong commitment to community service and to making sure that the area is kept clean and free of trash and debris.

Mr. Chloupek said they envision the retail hours will be until 5 or 6 and would not want the Planning Commission to limit the retail hours on a potential unknown when there is already a purview by the City CUP and by HPD that the applicant can change and limit the hours if there is an issue. He said that they are fully aware that they will try to limit the retail hours to only when they are going to see customers.

A motion was made by Commissioner Stevens, seconded by Commissioner Goldstein, to approve the staff recommendation.

Commissioner Roche made a friendly amendment to reduce the hours of retail operations to 6 p.m.

Commissioner Stevens does not accept the friendly amendment and that the City and staff will be regulating the retail hours of operations, just as they regulate and monitor all other related issues.



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

Commissioner Ali-Sullivan also made a friendly amendment to reduce the hours for the retail element to 6 p.m.

Commissioner Stevens did not accept the friendly amendment.

Commissioner Andrews made two friendly amendments for the applicant to participate in the City's Adopt-a-Block Program and incorporate an accent wall.

Commissioner Stevens accepted the two friendly amendments.

Commissioner Goldstein accepted the two friendly amendments.

A motion was made by Commissioner Stevens, seconded by Commissioner Goldstein, to approve the staff recommendation with two additional conditions of approval, for the applicant to: 1) participate in the City's Adopt-a-Block program; and 2) designate an accent wall on the building. The motion passed with the following roll call vote:

AYES:	Commissioners Ali-Sullivan, Andrews, Goldstein, Roche, Stevens Chair Bonilla
NOES:	None
ABSENT:	Patton
ABSTAIN:	None

APPROVAL OF MINUTES

3. Approval of the Planning Commission Meeting Minutes of October 8, 2020.

A motion was made by Commissioner Andrews seconded by Commissioner Stevens to approve the Planning Commission Meeting Minutes of October 8, 2020. The motion passed with the following roll call vote:

AYES:	Commissioners Ali-Sullivan, Andrews, Goldstein, Roche, Stevens Chair Bonilla
NOES:	None
ABSENT:	Patton
ABSTAIN:	None



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco spoke about the Council meeting this week, where there was a brokers' panel that was very informative on how the COVID-19 pandemic has impacted commercial uses and multi-family uses. Mr. Lochirco said the brokers' panel was very well received and encouraged Commission members and members of the public to view the video on the City's website.

Mr. Lochirco said the November 12 meeting might be cancelled as there is currently nothing on the November schedule.

Commissioners' Announcements, Referrals:

Commissioner Andrews said that she found the brokers' panel very informative and concurs that if there is the opportunity, to view the video. Ms. Andrews said some of the information provided is that there has been an 8% increase in renters and the flexibility of uses. She thanked the Development Services Department for putting this together.

Commissioner Goldstein welcomed Commissioner Ali-Sullivan and is looking forward to his intelligent insight and for when the Commission can meet in person and be able to shake his hand and congratulate him on his appointment to the Commission.

Commissioner Ali-Sullivan said he is looking forward to meeting everyone in person.

Chair Bonilla said there are only twelve days left and encouraged everyone to get out and vote as there are important City, County, Statewide and National initiatives, and it is important make your vote and voice count.

ADJOURNMENT

Chair Bonilla adjourned the meeting at 10:10 p.m.

APPROVED:

Robert Stevens, Secretary
Planning Commission



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, October 22, 2020, 7:00 p.m.**

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk