



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 26, 2007, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair McKillop followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS:	Lavelle, Sacks, Peixoto, Mendall, Thnay
	CHAIRPERSON:	McKillop
Absent:	COMMISSIONER:	Loché

Staff Members Present: Camire, Conneely, Fakhrai, Pearson, Rizk, Lens

General Public Present: Approximately 10

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. **Bicycle Master Plan Update** – Recommendation to City Council for Adoption of the 2007 Bicycle Master Plan Update and Approval of the Related Negative Declaration (**Continued from July 12, 2007**)

Staff report submitted by Associate Civil Engineer Samayoa, dated July 26, 2007, was filed.

Deputy Director of Public Works Fakhrai summarized the report indicating that he received a letter from the East Bay Regional Park District regarding the Bay Trail and indicated that he intends to include the comments provided prior to the adoption of the Bicycle Master Plan. He also indicated that a letter was received from Mr. Stanke with recommendations, some of which could be incorporated into the Bicycle Master Plan along with additional comments.

Commissioner Lavelle indicated that as a bicyclist she appreciated the miles added to the bike lanes and routes. In response to what determines a bike route, Deputy Director of Public Works Fakhrai responded that the requirement is a minimum of 14 feet of curb lane to share the road and no requirement on maximum slope. In reference to safety measures, Mr. Fakhrai indicated that there are certain areas where bike routes cannot be installed because of width variations. In regards to devices such as tricycles, unicycles, motorized bicycles, and rollerblades being allowed on bike routes and lanes, Mr. Fakhrai indicated they are not prohibited with the exception of wheelchairs because of the safety involved. Ms. Lavelle recommended that the public be informed about viable

uses.

Commissioner Sacks commented on an incident where a bicyclist was hit by a car and referring to the 5.5 Bicyclist Needs in the Draft Hayward Bicycle Master Plan, page 5-9, inquired about further safety measures. Deputy Director of Public Works Fakhrai indicated that the standard measures in place provide for safe traveling and added that increasing the 14-foot width standard would not be feasible.

Commissioner Thnay indicated that Class I Bike has less paths and less connectivity with north-south directions to the City and inquired about converting streets that are four lanes to two lanes in order to generate preference for bike over vehicle rides. He added that more education should be encouraged to promote more bike riding. Mr. Thnay inquired about bike lockers and their capacity at the BART Station. Deputy Director of Public Works Fakhrai indicated that they are available but the usage was unknown. In reference to converting streets to accommodate bike facilities, Mr. Fakhrai indicated that a study is being conducted in order to determine the current and future demands on C and B Streets in order to provide Class II Bike Lanes. Planning Manager Rizk referring to Class I Bike Paths and the connectivity indicated by Mr. Thnay, referred to the Union Pacific Regional Trail in the Planning and Policy Context, page 4-5 of the Draft Bicycle Master Plan, and indicated that there might be opportunity to develop a regional bicycle path.

Chair McKillop opened the public hearing at 8:00 p.m.

Mr. Brian Stanke expressed his appreciation for the improvements with installation of more bike routes in the Draft Bicycle Master Plan and expressed agreement with them. He added that in order to make it safer and friendlier for bike riders, bikes should be given equal road preference as vehicles, which would involve policy changes.

Chair McKillop closed the public hearing at 8:04 p.m.

Commissioner Mendall commended staff and Mr. Stanke for his input and made a motion as per staff recommendation.

Commissioner Sacks seconded the motion.

Commissioner Mendall moved, seconded by Commissioner Sacks, and unanimously approved, with Commissioner Loché absent, to adopt the Initial Study and Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA) guidelines, and the Bicycle Master Plan Update to the City Council.

- 2. Use Permit Application No. PL-2007-0329 (Modification of PL- 2007-0019) – Xiao Yuan Lu (Applicant) / General Growth Properties (Owner) – Request to Modify the Conditions of Approval for a Massage Establishment to Allow Five Massage Chairs in a Satellite Station in the Concourse Adjacent to Macy's in Southland Mall – The Project is Located at Southland Mall**

Staff report submitted by Associate Planner Camire, dated July 26, 2007, was filed.



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Associate Planner Camire summarized the staff report.

Commissioner Sacks, referring to Condition of Approval No. 8 (b) and (c), inquired if they pertained to the proposed satellite location. Associate Planner Camire indicated that the primary station on the lower level provides a restroom and the satellite would only be required to have the adequate supplies in order to be approved. Planning Manager Rizk clarified that all the conditions pertain to the establishment on the lower level and that only Condition of Approval No. 9 speaks to the proposed satellite.

In response to Commission Lavelle's inquiry for a survey in the Bay Area that reflected that massage establishments are a common practice, Associate Planner Camire indicated that from personal knowledge massage operations are common in malls, some grocery stores and pharmacies.

Commissioner Mendall inquired about a condition of approval regarding patrons to be fully clothed while receiving services. Associate Planner Camire stated that patrons are required to have their clothes on.

Chair McKillop opened the public hearing at 8:13 p.m.

Mr. John W. Houser, project applicant, indicated that his business would not be financially feasible with only one chair. He indicated the advantages to having five chairs and requested that the application approval be amended according to the proposed staff report.

In response to Commissioner Lavelle's inquiry regarding the anticipated number of therapists at the proposed site, Mr. Houser indicated that the therapists would be available according to the need. He also responded that the foot massage would not be allowed in the satellite location and there was an area at the satellite location where customers could pay for the services rendered.

In response to Commissioner Peixoto's inquiry if the 10x10-foot area for the chairs was mandated by a particular agency, Mr. Houser indicated that it was a requirement by the mall.

Mr. Edward Bogue, representing the South Gate Area Homeowners Association, indicated opposition to the proposed application at the mall.

In response to Commissioner Thnay's inquiry for opposition factors, Mr. Bogue indicated that it was a policy decision.

Chair McKillop closed the public hearing at 8:24 p.m.

Commissioner Mendall requested that a condition of approval be added stating that the patrons at the proposed facility be fully clothed. He made a motion with inclusion of the proposed condition.

Commissioner Lavelle seconded the motion.

Commissioner Thnay supported the motion stating that the proposed application serves a purpose and that the business success would be market driven. He stated appreciation for the input from Mr. Bogue.

In response to Commissioner Sacks, Commissioner Mendall clarified that the amendment would only apply to the satellite location.

Commissioner Mendall moved, seconded by Commissioner Lavelle, and unanimously approved, with Commissioner Loché absent, to find the project Categorical Exempt from CEQA pursuant to Section 15301, Class (b), Class 1, Existing Facilities; and approve the modification of the Use Permit application subject to the findings and conditions of approval.

3. **Zone Change Application No. PI-2007-0340 and Vesting Tentative Tract Map 7852 – Moe Janda (Applicant/Owner) – Request to Change the Zoning From a Single-Family Residential (RSB4) District to a Planned Development (PD) District and Subdivide a 0.77-Acre Parcel into Five Lots to Build Five Homes – The Project is Located at 24909 Mohr Drive, between West Street and Laguna Drive**

Staff report submitted by Associate Planner Pearson, dated July 26, 2007, was filed.

Associate Planner Pearson summarized the staff report.

In response to Commissioner Sacks' question regarding undergrounding of wires, Associate Planner Pearson indicated that the extent of the undergrounding would need to be determined by the Public Works Department.

In response to Commissioner Peixoto's inquiry if owners of Gerald Way were informed about the extension, Associate Planner Pearson indicated that it was discussed when the tract was approved. In reference to Mr. Peixoto's inquiry regarding Condition of Approval No. 14 in the Vesting Tentative Tract Map 7852 related to storm drainage, Mr. Pearson clarified that the condition only applies to property owners and the filtration system would be located in the right-of-way and maintained by the City.

In response to Commissioner Mendall, Associate Planner Pearson indicated that a cul-de-sac was considered for the extension of Gerald Way. Mr. Mendall asked about the use of tandem parking for the project. Mr. Pearson indicated that the City's off-street parking regulations allow for the use of tandem parking for single family homes without a special approval and added that parking on both sides of Gerald Way would be allowed.

Commissioner Lavelle inquired about Condition of Approval No. 7 in the Vesting Tentative Tract Map 7582 related to Portland Cement Concrete curb. It was noted that it was a standard type of concrete. In reference to the Initial Study Checklist Form, Environmental Issues, VII. Hydrology and Water Quality, Comment (b), it was noted that the proposed homeowners would receive water service by the City of Hayward.



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Commissioner Sacks inquired about a condition requiring cars to be parked inside the garages. Associate Planner Pearson stated that a condition could be added that the garages should be maintained for parking vehicles.

Chair McKillop opened and closed the public hearing at 8:42 p.m.

Commissioner Mendall mentioned that conditions where vehicles must be parked in the garage are not fully enforceable and therefore was not optimistic that tandem garages would be used to park two cars.

Commissioner Thnay reiterated the comment made by Commissioner Mendall regarding tandem parking, but indicated that the amount of overflow for potential cars would not be detrimental. He expressed concern about opening up Gerald Way, but indicated that cut-through traffic would be minimal. Commissioner Thnay made a motion per staff recommendation.

Commissioner Peixoto seconded the motion.

Commissioner Sacks offered a friendly amendment that cars be maintained inside the garages. The amendment was accepted by Commissioners Thnay and Peixoto.

Commissioner Mendall did not support the motion indicating that he would favor not changing the zoning and allowing for development according to the zoning for that area.

Commissioner Sacks, regarding the Gerald Way situation, made reference to Chance Street, east of Huntwood and Folsom Avenues, and indicated optimism for the proposed project.

Commissioner Thnay moved, seconded by Commissioner Peixoto, and approved to recommend to the City Council adoption of the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; approval of the zone change, preliminary development plan and precise development plan subject to the findings and conditions; and approval of the Vesting Tentative Tract Map subject to the findings and conditions of approval including a friendly amendment that cars be parked in the garage with the following vote.

AYES: COMMISSIONERS Lavelle, Sacks, Peixoto, Thnay
CHAIR McKillop
NOES: COMMISSIONERS Mendall
ABSENT: COMMISSIONER Loché
ABSTAIN: None

4. Oral Report on Planning and Zoning Matters

Planning Manager Rizk indicated that after the August recess the regular meetings would be on the first and third Thursdays with the first meeting on September 6, 2007. He also announced that the Commission would be electing a new Chair and Vice Chair at the next meeting.

Assistant City Attorney Conneely announced that starting in September, she would be assuming the duties of the City Attorney in an interim basis and that Assistant City Attorney Daniel Connolly would help with Planning Commission duties.

5. Commissioners' Announcements, Referrals

Commissioner Sacks spoke unfavorably about the Council's opposition to the decision of the Planning Commission regarding the project at 28000 Mission Boulevard between Webster and Hancock Streets.

Commission Mendall reported weeds on the street frontage of the property mentioned above.

Commissioner Lavelle invited the attendees to a seven-year birthday celebration for the Lighthouse Community Center on Saturday, July 28, 2007.

APPROVAL OF MINUTES

The minutes of July 12, 2007, were approved.

ADJOURNMENT

Chair McKillop adjourned the meeting at 8:54 p.m.

APPROVED:

Mary Lavelle, Secretary
Planning Commissioner

ATTEST:

Miriam Lens
Commission Secretary