



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, March 13, 2008, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

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**MEETING**

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

**ROLL CALL**

Present: COMMISSIONERS: McKillop, Sacks, Lavelle, Mendall, Thnay, Loché  
CHAIRPERSON: Peixoto  
Absent: COMMISSIONER: None

Staff Members Present: Camire, Conneely, Emura, Rizk, Lens

General Public Present: Approximately 6

Chair Peixoto announced that Item No. 3 was withdrawn per the applicant's request.

**PUBLIC COMMENTS**

There were none.

**PUBLIC HEARING**

1. **Tentative Tract Map No. 7699/PL-2007-0566 – Ali Adib (Applicant/Owner) - Request for a One Year Extension of Tentative Tract Map 7699/PL-2005-0527 – The Property is Located at 420 Smalley Avenue, between Flagg and Princeton Streets**

Staff report submitted by Associate Planner Emura, dated March 13, 2008, was filed.

Associate Planner Emura summarized the report.

Having no comments, Chair Peixoto opened and closed the public hearing at 7:37 p.m.

Commissioner Thnay made a motion to approve per staff recommendation.

Commissioner Lavelle seconded the motion.

Commissioner Thnay moved, seconded by Commissioner Lavelle, and unanimously carried, to rely on the previously approved categorical exemption under the California Environmental Quality Act (CEQA) and approve a one-year extension for Tentative Tract Map 7699.

2. **Administrative Use Permit No. PL-2007-0617 – Anna Hogan-Carstensen for Good Dog Day Care, Corporation (Applicant) / Craig Rossi for Sims Court, LLC (Owner) – A Request to Operate a Dog Day Care and Boarding Facility – The Project is Located at 29150 Sims Court at the Southeast Corner with Ruus Lane**

**This item was withdrawn by the applicant.**

3. **Use Permit Application No. PL-2007-0606 Wei Hua Tang (Applicant) / Dr. Clelen Tanner (Owner) – Request to Operate a Massage Establishment in an Existing Medical Building – The Property is Located at 21915 Foothill Boulevard at the Southwest Corner of Oakview Avenue and Foothill Boulevard**

Staff report submitted by Associate Planner Camire, dated March 13, 2008, was filed.

Associate Planner Camire summarized the report and responded to questions from Commissioners and ensured them that the conditions of approval and the ordinance were crafted to address any potential concerns.

Chair Peixoto opened the public hearing at 7:51 p.m.

Mr. Ron Nelson, Main Street resident, helped Ms. Tang understand the questions asked by the Commission.

Ms. Wei Hua Tang, applicant residing on Main Street, stated her professional background as a nurse and doctor in her native country, and added that when she came to this country, due to her limited English, she was only able to get a license as Massage Therapist. Ms. Tang asked the Commission to inspect her business for business compliance and kindly asked the Commission to approve her application.

Commissioner Lavelle thanked the applicant for bringing forward the type of business. In response to Commissioner Lavelle in reference to prospective customers, Ms. Tang stated that her clientele would be comprised of men and women. She added that her specialty is Chinese Qi Gong massage and the center would offer therapeutic, acupuncture, hot stone therapy, and foot reflexology services. In reference to the four massage rooms in the center, Ms. Tang indicated that even though there are only two therapists, the four rooms would serve to rotate customers.

In response to Commissioner Loché's inquiry and the need for a shower room in the facility, Mr. Nelson indicated that some customers prefer to shower prior or after the appointment.

Ms. Debora Nielsen, Oakview Avenue resident, opposed the application because of inadequate parking, hours of operations, and traffic congestion. Ms. Nielsen stated that the six tandem stalls would not be sufficient to attend to visitors and employees. She added that the traffic congestion on Oakview is horrendous and reported on the inappropriate use of the parcel at 1164 Oakview Avenue. She indicated that the parcel has an unused green land area that is being used by two businesses to store containers/equipment and trucks and cars that are double parked. She also stated that Oakview Avenue needs speed bumps and sidewalks because it currently represents an unsafe environment for the children. She added that the issue was reported to City staff but she was



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informed that the issue is a low priority. In reference to the hours of operation, she suggested that they be modified to be in consistency with neighboring businesses and reduce the hours to 7:00 p.m. or 8:00 p.m. She indicated that she is not opposed to the planned use, but to the time the business closes and to the traffic concern. She asked that if the project is approved, the parking and traffic issues be adequately addressed.

In response to Commissioner McKillop's inquiry regarding the property use prior to the application, Associate Planner Camire indicated that the site was a medical suite since 1962 and indicated that the application is a legal conforming use.

Ms. Nielsen indicated that the proposed application would aggravate the current situation on Oakview Avenue.

Commissioner Sacks inquired if staff could address the issue at 1164 Oakview Avenue. City staff indicated that the issue will be addressed and forwarded to Community Preservation staff.

Commissioner Loché inquired if there had been any attempts to obtain speed bumps along Oakview Avenue. Ms. Nielsen indicated she did not have knowledge regarding the matter. Mr. Loché suggested that she check with City staff procedures for speed bumps.

Chair Peixoto closed the public hearing at 8:10 p.m.

Commissioner Thnay, referring to the Ms. Nielsen's comments, indicated that the design of tandem parking makes it difficult to restrict to certain groups and indicated that the rear three tandem parking for employees made sense and suggested that the three parking stalls be striped for visitors only. In reference to the hours of operation, he did not think that the type of business would generate a noise concern and thus he did not feel that it would be appropriate to impose upon the hours of operation.

Commissioner McKillop concurred with Commissioner Thnay regarding the proposed hours of operation and added that the hours of operation would give more flexibility to the applicant and customers and it would also help ease the parking situation. Ms. McKillop agreed with the proposed use. She made a motion per the staff recommendation. She accepted Commissioner Thnay's suggestion to mark three stalls as visitor parking. Planning Manager Rizk indicated that Condition of Approval No. 8 addresses the parking designation.

Commissioner Sacks seconded the motion and praised the applicant for making the presentation. Ms. Sacks favored the proposed application because of the location and the need of the type of service. She supported the flexibility of hours of operation so that working groups could benefit from the services. She added that the conditions of approval have covered potential concerns.

Commissioner Lavelle supported the motion and thanked the applicant for the proposed establishment in downtown Hayward. Ms. Lavelle was content to find out that there are not many

establishments of the proposed type and she felt that it is good location to attract a variety of clients. She read Findings for Approval (E) that, "The proposed massage establishment is in harmony with applicable City policies and the intent and purpose of the zoning district involved. Hayward Massage Therapy Center, would be in harmony with applicable City polices of the North Hayward Neighborhood Plan in that new offices are encouraged while car sales and repair are discouraged. In addition, the intent and purpose of the Neighborhood Commercial Zoning District is met in that the massage establishment would offer a convenience service to the adjacent residents and the community." She agreed with the statement and wished the applicant success.

Commissioner Thnay thanked the applicant for the type of business and he mentioned that the business would be good for the sales tax. Mr. Thnay encouraged the applicant to embellish the frontal property by adding landscaping. He favored the application because it would be good for downtown.

Commissioner Loché concurred that there is need for quality businesses in downtown. He commented that he was concerned about the hours of operation, but his concerns were diminished after the discussion. He wished Ms. Tang success in her business and supported the motion.

Commissioner Peixoto opposed the motion because he was not comfortable that there was not total police input even though the permit requirements were met. Mr. Peixoto did not think it was an appropriate business for the area because of past prostitution problems in the area and especially in downtown when the City is about to launch the new Cinema Place. He also felt that encroachment on the neighborhood would change the character of the neighborhood. He added that the parking situation would be worse and he feared for the children's safety on that neighborhood. He felt that it was not the appropriate location and thus did not support the motion.

Commissioner McKillop moved, seconded by Commissioner Sacks, and carried with Commissioner Peixoto voting against, to find the project Categoricaly Exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1: Existing Facilities; and approve the Use Permit application, subject to the findings and conditions of approval.

#### **ADDITIONAL MATTERS**

##### **4. Oral Report on Planning and Zoning Matters**

Planning Manager Rizk announced forthcoming dates for the meetings.

##### **5. Commissioners' Announcements, Referrals**

Commissioner McKillop inquired about the status of the property on Portsmouth Avenue. Planning Manager Rizk stated he would look into the status.

Commissioner Lavelle announced the Annual Planners Institute and Exposition Exhibitors by the League of California Cities on March 26 to 28, 2008.

Commissioner Sacks announced that she would not be in attendance at the next March meeting. She also announced a couple of non-profit organization events: a lecture by USGS on Wetland



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Revival on March 27; a Bart outing on April 12 by Greenbelt Alliance; and a Bringing Back the Natives Gardens tour on May 4.

**APPROVAL OF MINUTES**

Per Commissioner Mendall's request, the minutes of January 24, 2008, were postponed until March 27, 2008.

**ADJOURNMENT**

Chair Peixoto adjourned the meeting at 8:27 p.m.

**APPROVED:**

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Al Mendall, Secretary  
Planning Commissioner

**ATTEST:**

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Miriam Lens  
Commission Secretary