

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, July 23, 2009, 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 Lavelle.

ROLL CALL

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

Commissioner Mendall led in the Pledge of Allegiance.

Staff Members Present: Conneely, Emura, Patenaude, Philis

General Public Present: 24

PUBLIC COMMENTS

None

PUBLIC HEARING

1. **Site Plan Review Application No. PL-2008-00393 / Vesting Tentative Tract Map 7989, Application No. PL-2008-0394 – Robert Dyer, Hayward North Lane, L.P. (Applicant/Owner) - Request to Construct 16 Attached Residential Units – The Property is Located at 1450 North Lane on a 0.98-Acre Site in a Medium Density Residential (RM) District**

Associate Planner Carl Emura gave a synopsis of the report.

Commissioner Mendall asked what the zoning designation was for the adjacent single family properties. Staff replied Medium Density Residential.

Chair Lavelle asked about condition of approval number 52 which requires a tree preservation bond. Associate Planner Emura explained that the bond will ensure that existing trees will not be damaged during construction. The bond would be returned after construction is complete.

Commissioner Thnay asked for examples of existing buildings with the same three-story design as the proposed project. Planning Manager Richard Patenaude mentioned City Walk and Atherton Place. Commissioner Thnay asked why the street was private. Mr. Emura explained that the street didn't meet the minimum width requirements for a public street.

Chair Lavelle opened the Public Hearing at 7:39 pm.

George Szabo, Urban Designer/Planner for the project, thanked staff and said the conditions of approval were acceptable and they looked forward to moving the project forward.

Commissioner Mendall asked when the owner envisions going forward with the building permit application and construction.

Owner Bob Dyer said he didn't have an exact timeline, but he wanted to get the project lined up so when the market turns they are ready to go.

Commissioner Mendall suggested that the CC&Rs include a rule that restricts residents from storing items on the porch. Due to the location of the porches at the front of the development, it could detract from the overall appearance of the project, he said. Owner Dyer said he would make a note of it.

Chair Lavelle closed the Public Hearing at 7:41 pm.

Commissioner Peixoto made a motion to accept staff recommendation, seconded by Commissioner Thnay, to find that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332, *In-Fill Development Projects*; approve the Site Plan Review application, subject to the attached findings and conditions; and approve the Vesting Tentative Tract Map applications, subject to the attached findings and conditions.

Commissioner Márquez said she viewed the project site and thinks the design and colors chosen will complement the surrounding buildings including Walker Landing. She also liked the amount of open space incorporated into the project and said she would be supporting the motion.

Commissioner Mendall agreed with Commissioner Márquez' comments adding he liked the balconies and would be supporting the motion.

Commissioner Thnay said he also likes balconies but agrees with Commissioner Mendall that they should not be used for storage. He also suggested some variation in window shape would make the buildings more interesting. Commissioner Thnay strongly supported the motion.

There being no other comments, the motion was approved with the following vote:

AYES:	Commissioners McKillop, Márquez, Mendall, Peixoto, Thnay, Loché Chair Lavelle
NOES:	None
ABSENT:	None
ABSTAINED:	None



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2. **Text Amendment Application No. PL-2009-0188 - Palace Poker Casino (Applicant/Owner)** - Request to Amend Hayward Municipal Code Section 4-3.18 to Increase the Number of Card Tables Allowed at a Single Location from 8 to 11

Modification of Use Permit Application No. PL-2009-0190 - Palace Poker Casino LLC (Applicant/Owner) - Request to Modify the Use Permit for the Palace Poker Casino to Increase the Number of Card Tables from 8 to 11. The Property is Located at 22821 Mission Boulevard in the Central City Commercial (CC-C) Zoning District

Planning Manager Richard Patenaude gave the report indicating some modifications were made to the conditions of approval for the conditional use permit and provided a list of the changes to the Commissioners.

Referring to a copy of a letter the Commissioners received from Dyana Anderly, consultant for the applicant, that states that the California Department of Justice regularly inspects the operations of the casino, Commissioner Márquez asked staff about the role of the agency and whether or not they've expressed any concerns. Planning Manager Patenaude said the Hayward Police Department would know of any concerns and nothing has been passed along to staff. Commissioner Márquez confirmed that the Casino is open 24/7 and asked if it is ever closed. Staff didn't know, but audience members indicated no.

Commissioner Loché asked if there have been a significant number of calls to police regarding the towing of vehicles. Planning Manager Patenaude said nothing has been reported to staff.

Commissioner Mendall asked if any fees or taxes are collected on a per table basis from the Casino. Mr. Patenaude indicated yes. Commissioner Mendall then asked when the City Council voted to extend the license of the Casino. He thought it was two or three years ago and staff was unable to confirm the date.

Commissioner Peixoto asked for more information about several emails mentioned, but not attached to, the written report expressing concerns such as loitering, late-night noise, trash, and illegal parking around the casino. Mr. Patenaude said staff was not able to verify that the noise was caused by the casino in particular and that the trash came from casino clients. Staff noted that the casino provides a shuttle to and from a nearby parking structure and that no complaints have been issued with police regarding any of the aforementioned matters. Commissioner Peixoto asked if there were any representatives in the audience from the police department. There were none.

Chair Lavelle opened the Public Hearing at 7:57 pm.

Steve Namoto, San Ramon resident and one of the general managers of the casino, spoke on behalf of owner Katherine Bousson and her two daughters Catherine Aganon and Pamela Roberts, saying that on most nights all the tables are full. Especially on weekends, the three tables being requested are needed and would be appreciated by customers who are currently forced to wait up to an hour or

more to play. The Bousson Family has been successful for over 50 years in downtown Hayward and has maintained a good relationship with the City and the community, and a positive rapport with the Hayward Police Department. The casino employs over 100 people making them one of the largest employers in the downtown area. Mr. Namoto said the casino always staffs three security guards and one shuttle driver 24 hours a day which allows them to provide a friendly and secure environment. This allows them to constantly monitor club activities and provide services such as a complimentary shuttle service. He said in the past year, the casino has invested over half a million dollars in these services. The club also has over 24 surveillance cameras over each table, at the entrance, and looking up and down Mission Boulevard. Recently their cameras helped the police solve an unrelated crime. On any given day, the casino has 50 employees and 250 customers who have a positive economic effect on surrounding downtown businesses. They strive to have positive relations with both business and residential neighbors. Signs posted in the casino remind the customers to use the complimentary shuttle service and be respectful of neighbors and to avoid parking in private lots. In conclusion, he said they have shown that over the last 50 years the Palace is a responsible business that has maintained a positive relationship with the City. On behalf of the Bousson Family, loyal customers and employees, Mr. Namoto asked that the Planning Commission grant them approval to add three additional, much needed, gaming tables.

Dyana Anderly, Cameron Park, California, said it has already been established that the casino is an appropriate land use so the only question is increasing the number of tables. She suggested the commissioners compare the request to adding more tables in a restaurant, which is not required to ask permission to do so. The casino is not required to provide additional parking when expanding because the City wants businesses to bring more people downtown and that is what the club is doing, she said. The addition of three tables would follow City policy which considers the downtown the social center of the city and encourages night-time activities plus the club has 24-hour security and absolutely no alcohol. She noted there is plenty of room to add the additional tables and maximum capacity would still not be reached. The area is zoned Central City Commercial which allows for a number of different uses including entertainment. The casino is compatible with surrounding businesses and actually brings in business to these establishments. She pointed out that the noise complaints could come from these surrounding businesses that are also open late. She concluded by urging the Commission to recommend approval to the City Council because the expansion would benefit the downtown and supports the Bousson family who have been such a big part of the community.

Vencent Caballero, Winsdor, California resident and Palace tournament director and shift manager, said he's worked at the casino for seven years and he's still one of the youngest employees because "most have been around for a long, long time". That says a lot about the organization, he said. He said one thing the Commissioners may not be aware of is the casino's charitable history. They started with small donations, then started giving more including donating computers to schools. Now they hold poker tournaments and Casino Nights for local charities with all employees working at their own expense. For the last two years, they have been working with four charities in the area. In February, the Palace Casino, along with neighboring casinos in California, raised \$150,000 for the Kidney Foundation. In September they are working with the Police Association to host a poker tournament to raise money for a scholarship program and separately, the upcoming golf tournament. Through the years they have raised a lot of money, he said, and all the employees work for free.



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Commissioner Peixoto thanked Mr. Caballero for a recent tour and the information about the charities. During the tour, he said one of things that impressed him the most was the amount of supervision at the casino. Each table has a point person, Commissioner Peixoto recalled, but asked Mr. Caballero to explain what other types of supervision are in place. Mr. Caballero explained that there are three floor managers for eight tables to make sure everything goes smoothly. The shift manager oversees the floor managers and there may also be a general manager on site as well. Commissioner Peixoto asked about the certification process for various employees. Mr. Caballero explained that managers are required to hold two different licenses, both issued from the state, one from the California Department of Justice. Clearance for the Key License, or Manager License, takes about two years, and the casino must have someone on the floor with that license at all times. He noted that guests can tell who has the license by the color of their shirt.

Commissioner McKillop asked Mr. Caballero if he commutes from Windsor and if there are any card clubs there. Mr. Caballero said he does commute and there are five casinos in the area, but none in Windsor itself.

Jim Wieder, President of the Hayward Chamber of Commerce and owner of Hayward Ace Hardware, said that his sister manages a casino in Palm Springs and she tells him about the other side of gambling, of people losing everything, or stealing to gamble, and he isn't sure expanding a casino or building more is the right approach for generating revenue in Hayward. With that said, however, Mr. Wieder said owner Bill Roberts and the casino staff are courteous and professional. Mr. Roberts is a member of the Hayward Rotary, the Chamber, and is "a man of his word" running a professionally, well-run operation, therefore Mr. Wieder said the chamber supports the expansion.

Bob Aganon read a letter on behalf of Paul Martin who could not attend. In his letter, Mr. Martin states that he owned property directly across from the casino and found that the casino was instrumental in the survival of surrounding businesses. If there were any issues with the club or its patrons, management was always responsive and cooperative. Without reservation Mr. Martin stated that the Palace Casino was a good neighbor to his tenants. He said in the past, card clubs have had the stigma of catering to an undesirable element, however, with the advent of on-line poker sites and the world series of poker televised on ESPN, card clubs and the gaming they provide have now become mainstream entertainment. The Palace provides that entertainment opportunity for folks patronizing downtown businesses; additional tables will serve to increase that opportunity. Mr. Martin states that he knows Mr. Roberts personally and has been to the club to see that it is a "clean operation". Mr. Martin concludes his letter by strongly urging the Planning Commission to recommend approval of the item to City Council.

William Roberts, Oakdale resident and one of the general managers at the Palace, member of the Chamber of Commerce and an honorary Deputy Sheriff with Alameda County, said he has worked for the Palace for over 16 years. He said the Bousson family has done everything in its power to do whatever the community has asked of them. The Palace is an equal opportunity employer with 107 current employees, many from the Hayward area, he said. They run the business in a safe and professional manner always striving to provide a safe and positive environment for their customers

and the surrounding neighborhood. He said the casino provides 24/7 security and shuttle service for the safety of their customers but also for the surrounding businesses and neighbors. That service, he said, is at the annual cost of \$700,000. Also on an annual basis, Mr. Roberts said the club pays \$12,000 in table fees to the City; \$21,400 in badge fees for the employees; and \$22,000 in table fees to the State. Mr. Roberts expanded on the list of local and national charities the Palace contributes to and concluded that the Palace has been a good business for the Hayward community.

Commissioner Peixoto thanked Mr. Roberts for the information and asked about the size of casino operations and how much revenue is produced each year. Mr. Roberts deferred the question to the club owners.

Commissioner McKillop asked Mr. Roberts how much sales tax is generated and he again deferred the question to the owners.

Commissioner Loché read condition of approval number four which states that management shall take all necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises. He asked Mr. Roberts what steps, if any, are going to take place if the requested tables are added. Mr. Roberts said it would depend on the customer base and need. Right now security is more than sufficient, he said. Besides the three security guards and shuttle driver, the managers are trained to provide intervention if a situation appears to be escalating. Commissioner Loché said that he had recently toured the casino and asked where the three additional tables were going to go and if any services would be eliminated or changed if the tables are added. Mr. Roberts said an unused fireplace would be eliminated and a counter that is currently being used as a waiting area would be removed to create more space for the additional tables.

Commissioner Márquez thanked Mr. Roberts for a tour of the casino and asked what specific complaints were made in the three emails received and who made them. Mr. Roberts said he didn't know who they came from but he does know one did not come from Alice Nguyen, the owner of the restaurant next door. In the past she had complained about casino patrons parking in her lot, but since the casino started the shuttle service and posted notices reminding patrons not to park in private lots, the problem has almost been eliminated. Commissioner Márquez asked what the parking shuttle looks like and how it was identified. Mr. Roberts said there are three Toyota Prius with the name of the security service on the door. Commissioner Márquez then asked if job opportunities would be created by adding the tables and Mr. Roberts said yes. She suggested that under Directions on the casino's website they add the location of the municipal parking lot and information about the shuttle.

Commissioner Mendall asked where customers would wait if the previously mentioned counter was eliminated. He expressed concern that people would be waiting outside of the casino. Mr. Roberts said the interior of the club would be modified to use the space more effectively and create a waiting area. He said there is also a sheltered area on the side of the building for people to wait and no patrons are allowed to loiter out front.

Lorenzo Gamero, Francisco Street resident, said he lives right behind the casino and the rosy picture casino representatives are painting is false. He said there is not enough room in the club to fit three more tables and if tables are added that will drive people outside into the area around his home. While they wait they drink, start problems and don't respect his property or his neighbor's



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property. He said he's been harassed, and his property burglarized and vandalized. When he called the police it didn't do any good, the vandalizing continued. He said he came to the meeting to let the Commissioners know what was really happening. He pointed out that while casino managers are more than willing to say how much they spend on security and different charities they won't say how much revenue the club generates. He said he opposes the expansion. He said casino representatives blame the Ranch Restaurant for the problems in the area, but he said they aren't open late. None of the businesses downtown are open late, only the casino, he said. He has lived at this location since 1982; he has watched downtown develop into a nice city. The casino definitely helps the City, he said, but the club is big enough, they don't need to expand.

Robert Sakai, Chatham Court resident since 1948, said he has watched the city grow and is proud of the city. He said it's important to help local businesses be as successful as possible and the casino has been around for a long time with long-time employees and customers. The City should support businesses like that, he said. He pointed out that the downtown area doesn't have a lot of successful entertainment venues so it's even more important to support one that is a "very good" community member. He said he personally knows the owner, Mr. Roberts, who has a very good reputation and supports local community organizations. Someone like that should be allowed to expand so he can continue to contribute to the community.

Catherine Aganon and Pamela Roberts, daughters of owner Katherine Bousson, introduced themselves as the co-owners of the Palace Poker Casino and thanked staff and the commissioners for their time and consideration. On behalf of the family and their extended family of employees and customers, Ms. Aganon respectfully requested that the commission approve the request to add three more gaming tables. Ms. Aganon thanked the commission and said that retired Sheriff Plummer was supposed to be at the meeting to speak on the club's behalf but he had an accident, broke a rib, and wasn't able to attend.

Commissioner Loché said he had heard that Palace clients have walked right through the neighboring restaurant to get to their cars, he asked Ms. Aganon and Ms. Roberts if they had been made aware of this concern. Ms. Roberts said she has a good relationship with restaurant owner Alice Nguyen and although this has happened in the past, security has been on alert and Ms. Nguyen has reported no new problems.

Commissioner Mendall asked why the Palace didn't pursue an application submitted a year or two ago to move to another location with more room for expansion. Ms. Aganon confirmed that the family had considered purchasing the Kumbala space on Foothill Boulevard because at their current location they have no dedicated parking and they wanted to expand and add amenities like a restaurant. Their brother was involved in that process but when he passed away suddenly, their mother asked them not to pursue it. Commissioner Mendall expressed his condolences and asked about condition of approval number eight that requests the improvement of the current building's plain front façade. Ms. Aganon said they would be happy to comply. He then asked about making the shuttle service a requirement rather than a voluntary service. Ms. Aganon said she doesn't have a problem with that but pointed out that the casino can't patrol all the streets all the time in regards

to illegal parking. The casino is not the only business on the street; the Ranch Restaurant doesn't close until 2am, she said. While casino staff is trying very hard to monitor where patrons park, they can't control everyone. While Commissioner Mendall agreed that the casino can't control every patron, he said what the casino really needs is a location that has its own parking. He explained that that's why the Kumbala location made sense to him. Ms. Aganon said that building isn't an option for them but they would like to move to a location away from residential housing and with plenty of parking.

Ms. Roberts sympathized with Mr. Gambero saying she wouldn't want a casino in her back yard either, but they have been there long before 1982 and they are doing the best they can with the little space they have. Ms. Roberts mentioned that the building next to the casino is really an eyesore and should be considered if the City wants to improve the look of the street.

Commissioner McKillop asked for information about sales tax revenues for the casino. Ms. Aganon said she didn't have those figures with her, but said the casino pays the City \$1,500 per table, or \$12,000 annually for all tables. Commissioner McKillop asked if the bulk of the club's revenue was subject to sales tax. Ms. Aganon said she didn't have that information but from the audience Mr. Roberts confirmed Commissioner McKillop's understanding that it was not.

Alberta Gambero, Francisco Street resident and wife of Mr. Gambero, said years ago, the City asked them if the Palace Poker Casino could move into their current location. The Gamberos said yes because it was a small business and the City told them when Katherine Bousson passed away the business would close. Mrs. Gambero asked what happened with that. Chair Lavelle said staff would answer the question at another time since it didn't pertain to the matter at hand. She suggested Mrs. Gambero give her phone number to staff or talk to someone after the meeting. Mrs. Gambero said they have been there longer than the Casino. She understands it's difficult to control patrons, but it's hard for them too because they have to get up very early for work and day and night there are people coming and going, starting their cars, fighting; it makes them afraid and worried that something might happen to them.

Chair Lavelle closed the Public Hearing at 8:45 pm.

Commissioner McKillop asked for confirmation that the expiration of the use permit was extended to include Ms. Bousson's children. Assistant City Attorney Maureen Conneely confirmed that the use permit will expire when the last of her three children passes away. Commissioner McKillop asked when that was changed and Ms. Conneely said four or five years ago when Ms. Bousson requested that the permit include her children.

Commissioner Mendall said he doesn't oppose the expansion of the casino, but he does have a problem with the expansion at this site. He said there is currently a parking problem and if more tables are added the additional customers will add to it. He said he's also concerned that adding more tables will push waiting customers outside and create issues for local businesses and residents. He said he was interested in hearing the opinions of the other commissioners.

Commissioner Thnay thanked staff for their work and Mr. Caballero for the tour of the Palace. He agreed with Commissioner Mendall that the main issue in approving the expansion is parking, but he said the Palace should be proud that they've been around for 50 years. While he personally



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doesn't support excessive gambling, he said the City should support long-time businesses in Hayward. He suggested that the casino could help their residential neighbors by assisting with the cost of installing an alarm system or dual-pane windows; something "to make their life easier". Commissioner Thnay also suggested that handouts be given to customers promoting the shuttle service. He said security should ask everyone coming in where they parked and ask them to move their car if the location is inappropriate. Steps like these, he said, would make the casino a better neighbor. He said by modifying the floorplan, the casino can accommodate the additional tables.

Commissioner Thnay moved, seconded by Commissioner Peixoto, to recommend to City Council to approve the Negative Declaration, the request to amend Hayward Municipal Code Section 4-3.18, and the modification to the Poker Palace Casino conditional use permit, subject to the attached findings and conditions of approval. Commissioner Thnay asked that the conditions of approval include monitoring of customer parking by casino staff; promotion of the shuttle service to all customers; and assistance for nearby residences to mitigate noise and security issues.

Commissioner McKillop said while the operation is very well run and they've done everything necessary to make the casino a strong, safe, viable business, she disagrees with Findings for Approval A in the written report that states: "Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward." She said she doesn't see that. She also questioned Finding D, which states all uses are compatible with present and future uses. She notes that the casino is right across, and kiddie-corner, to the library park and a playground park for children. If the casino was to relocate to another spot in the City away from residential buildings and with plenty of parking, she would fully support the motion, but at the current location she does not.

Commissioner Márquez agreed that the Palace was a well-run operation and was pleased that the police department has no stated concerns about the establishment. However, she requested adding to the conditions of approval a requirement for signage on surrounding streets prohibiting parking by casino patrons; patrols by the casino of local streets to monitor customer parking; and making the shuttle service mandatory. On a personally level she said she's fully supportive of the casino making donations to charities but hopes they would focus more specifically on Hayward organizations to reach out further to the community.

Chair Lavelle asked Assistant City Attorney Conneely if the City could restrict parking on local streets by club patrons. Ms. Conneely said if the street is a public right-of-way parking cannot be restricted to any particular member of the public. Commissioner Márquez then asked about the patrol request. Planning Manager Richard Patenaude pointed out that a patrol person would not know what cars are owned by casino patrons and said condition number three already requires the casino to inform customers of the shuttle service.

Chair Lavelle also pointed out that Commissioner Thnay had already requested that handouts be given to all patrons regarding the parking shuttle service.

Commissioner Thnay said if the neighbors don't mind, signs could be added directing casino patrons where to park.

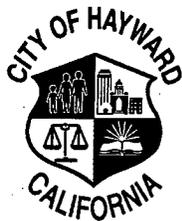
Chair Lavelle confirmed that he meant that patrons would be encouraged to use the near-by parking structure and utilize the shuttle. Planning Manager Patenaude said residents could also work with the police department to form neighborhood parking districts that could require decals or restrict parking to certain times of day, but that would take some work by the residents on Francisco Street.

While he had the floor, Planning Manager Patenaude gave more information about the aforementioned emails. He said one was sent by Alice Nguyen's husband regarding parking, but Mr. Nguyen didn't indicate how he felt about the expansion. The other two emails came from nearby property owners making complaints regarding noise, furniture dumping, vandalism, etc. Mr. Patenaude pointed out that nearby businesses (such as Pizza Hut and The Ranch) have driveways that exit to Francisco Street and there's a vacant lot on Francisco. These factors, he said, could certainly attract these types of problems and without any indication of trouble from police; these concerns are not necessarily related to the casino.

Commissioner Loché said he has no objection to gambling. He said he was very impressed with what he saw when he toured the facility and agrees the business is well-run. He applauds the casino for instituting the shuttle service on its own prerogative. It bothers him to impede a business's growth; businesses should be allowed to thrive, he said, but the lack of a parking lot will only make a bad situation worse by expanding at that location. At that location he thinks it would be a mistake to expand and he said he will not be supporting the motion.

Commissioner Peixoto said he visited the casino the day before and found it to be a well-run business. He points out that the casino employs 107 people, many of whom live in Hayward; casino customers patronize nearby businesses; it's been in Hayward for many years; and the business donates to local charities. If this was a new applicant he would be concerned, he said, but this is a business that has shown its desire to make a contribution to the community. The casino brings people outside of Hayward to the City to spend their money. He was very impressed with the security. Commissioner Peixoto said he realizes that parking is an issue, but that's why the City built the parking structures. He said improved signage regarding the availability of the municipal lot and the shuttle service should mitigate any of the parking problems that might occur on Francisco Street. In the past, when patronizing The Ranch, he admitted he parked on Francisco Street which is a public street. "You can't just blame it on the Palace," he said, "they've done everything they can to mitigate this parking issue." He said the City wants to encourage businesses that have done well and contributed to the community and this is an example of that. He said he fully supports the motion.

Commissioner Mendall confirmed that Commissioner Márquez's amendment to the motion would require the shuttle service to be mandatory but said he would be voting against the motion because of the parking. If this request was at a larger location that had parking and no residences next door, he said he would probably support the motion. But at this location with no parking, residential units next to it, and a fairly small building that could be crowded inside and perhaps outside, he said adding more tables just doesn't seem the right way to expand. He said he would not be supporting the motion.



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Chair Lavelle thanked the public for participating and the Palace staff for the tour and information. She said she participated in a charity Poker Night here at City Hall and really enjoyed her experience with the dealers from the casino. She said she is in favor of the motion. She appreciates the efforts the business makes to help patrons find parking. When she toured the casino on a Wednesday night she was frankly surprised to see every seat occupied. There probably is a need, she said, and expects the customers will start using the new tables the moment they are added. Chair Lavelle said she's a customer in downtown, is pleased with the efforts the City has made to improve and expand downtown and the Palace's request is an expansion of an existing business; it's not adding another facility. The City needs more businesses, more people, more customers, more visitors, and more parkers to come to Hayward, she said. The availability of entertainment is lacking in the downtown. She concluded by saying that she looks forward to the continued success the Bousson Family has brought to Hayward. She said she agrees with all the comments expressed by the other commissioners about the care and concern of neighbors who live in the neighborhood and the nearby businesses. She hopes the casino will be receptive to any complaints they receive, not just those from residents. She said she appreciates the added condition of approval number eight that requires an improvement to the façade. She recalled a beautiful historic mural that was on the side of a restaurant that was recently torn down and expressed a preference for a replacement mural on the casino.

Chair Lavelle asked staff if they needed any clarification on the amendments to the motion and when told no, called for a vote.

The motion was approved with the following vote:

AYES:	Commissioners, Márquez, Peixoto, Thnay, Chair Lavelle
NOES:	Commissioner McKillop, Mendall, Loché
ABSENT:	None
ABSTAINED:	None

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Richard Patenaude encouraged Commissioners to enjoy the August break and indicated that election of officers would take place when they return. He also reminded members that the Commission is now switching meeting times to the 1st and 3rd Thursday of each month for the rest of 2009.

4. Commissioners' Announcements, Referrals

Commissioner Mendall said in a recent trip downtown that he was pleased to see some new businesses and fewer empty storefronts. He encouraged everyone to visit downtown and checkout

the new stores and restaurants.

Commissioner Thnay asked staff to contact the owner of the property at Mission Boulevard and Tennyson Avenue which is becoming unsightly due to high weeds.

Commissioner Márquez said last week's downtown street party was very well attended and she was pleased to see so many people enjoying downtown Hayward. She encouraged people to come to the next two parties.

Commissioner McKillop agreed with Commissioner Márquez and complimented the City on their efforts saying the party just keeps getting bigger and better. The new Kids Section of the party was a great addition, she said.

Chair Lavelle said there's a new opportunity to hear free music downtown; on three future Friday evenings the Chabot College Jazz Band will perform by the fountain outside of City Hall. She encouraged people to come enjoy the music. She complimented staff on the beautiful landscaping in the formerly empty fountain outside of the main library. And finally she thanked the Commissioners for their courtesy and patience while she served as Chair, is looking forward to the new Chair come September, and said she hopes they enjoy their summer break and come back fully charged for a busy Fall.

APPROVAL OF MINUTES

5. Minutes from June 11, 2009 were unanimously approved.
6. Minutes from June 25, 2009 were unanimously approved with one minor change by Commissioner Loché.

ADJOURNMENT

Chair Lavelle adjourned the meeting at 9:21 pm.

APPROVED:

Rodney Loché, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk