



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, May 28, 2009, 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 Vice Chair Mendall.

**ROLL CALL**

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

Commissioner Peixoto led in the Pledge of Allegiance.

Staff Members Present: Buizer, Conneely, Koonze, Patenaude, Philis

General Public Present: 25

**PUBLIC COMMENTS**

None

**PUBLIC HEARING**

1. **Zone Change Application No. PL-2008-0280 - Guru Granth Sahib Foundation (Applicant/Owner)** - Request to Rezone a Parcel from Single-Family Residential (RS) District to Planned Development (PD) District to Allow the Construction of a 34,200 – Square-Foot Sikh Temple on a 3.8-Acre Parcel - The Property is Located at 1798 D Street

Associate Planner Tim Koonze gave the report.

Commissioner Peixoto asked if changes were made to accommodate neighbors concerned about losing existing scenic views. Associate Planner Koonze said the architect and owner had changed the design several times to lessen the impact on scenic views for existing neighbors. When Commissioner Peixoto pointed out there was a considerable drop down when entering the property from the street, staff responded that the proposed temple met all height requirements but because the owner had agreed to move the building down the slope, the temple was actually 20 feet lower than it would have been.

Commissioner Loché wanted to know why a two-story parking structure is needed if increased attendance isn't expected. Associate Planner Koonze explained that 107 parking spots is the standard for religious facilities, but the owner wanted to have more than enough parking (230 spots) on site for special events.

Planning Manager Richard Patenaude said Planning had recently received a proposal for a mosque and according to a parking study that was completed for that project, the 230 spots was more in line with the potential need.

Loché asked how many parking spaces would be lost if the parking structure was kept to one-story. Associate Planner Koonze said approximately 70 stalls would be lost. Planning Manager Patenaude said because the parking structure is embedded into the hillside it will look like a parking lot from D Street above. Associate Planner Koonze added that the top level of the parking structure is 20 feet below street grade.

Commissioner McKillop asked if hillside planning guidelines had been taken into consideration. Associate Planner Koonze said because the architect had staggered the structures down the slope of the property and increased setbacks well beyond requirements the guidelines were more than fulfilled. He added that the minarets don't count in the overall building height. He concluded that from D Street the building will look like a single story.

Commissioner McKillop asked for clarification on the elevations for the parking structure. Associate Planner Koonze projected the slide showing the parking structure and reviewed the information.

Addressing the concern of a resident who submitted a letter protesting the height of the structures, Commissioner Márquez asked how the aesthetic findings on the Initial Study Checklist Form were determined regarding scenic vistas. Associate Planner Koonze said there were two neighborhood meetings to discuss the proposal, including the impact on views. The simulation of view impact he provided in the presentation was made from the second story of a house on D Street. Although he couldn't see the view from the second floor of all the existing homes, he could see that existing trees already partially obstructed the view.

Planning Manager Patenaude added that the short-range view is slightly impacted by the temple but not the long-range view which is more impacted by existing trees.

Commissioner Márquez asked what days, beside Sunday, would be the busiest at temple. Staff said the owner will address this question later.

Vice Chair Mendall asked if Bay Friendly Landscaping guidelines were required or encouraged under the Condition of Approval. Associate Planner Koonze said because permits for the project will be issued after August 1, 2009 the guidelines will be required. Commissioner Mendall asked that the language be clarified to reflect the requirement.

Commissioner Thnay, concerned that the temple be a "good neighbor", asked if there would be more noise or traffic. Associate Planner Koonze said the temple has been there for 17 years and because services would not change staff didn't see any change in traffic or noise impacts. Commissioner Thnay said, in concern for potential issues, he would like to see noise mitigation and hours of service included in the conditions of approval.

Vice Chair Mendall opened the Public Hearing at 8:00pm

Audrey LePell, Ocie Way resident, said she lived in this neighborhood for 28 years. She asked a series of questions including: had the Commissioners seen the sight; what traffic numbers were being



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used; was the existing temple more than 50 years old and historical; what are the mitigations and had neighbors had been contacted; would traffic be impacted on B and/or D Streets; is there a secondary entrance and if it's closed, does the fire department know? She said this is green building under the City's guidelines and asked if the City is requiring drought-tolerant plantings. She asked how many trees will be taken down and how many replaced. She said the additional parking stalls will be needed to accommodate increased participation. And finally she indicated that she was worried about increased traffic on D Street and asked if there were going to be any safety or turn lanes added.

Associate Planner Koonze said there are still two entrances (one on D, the other from Hill Ave.) and those will both remain open. Staff has determined that the parking structure has a sufficient number of spots to accommodate all participants, and the traffic transportation manager has considered the number of trips on D Street and Hill Avenue and found that all local streets can handle any increased traffic.

Commissioner McKillop said she was very familiar with the structure and it has no architectural or historic value. The Episcopal Church also on site is historic and it is going to remain.

Vice Chair Mendall reiterated that the new temple would be required to follow the City's Bay Friendly Landscape guidelines and that it is a "Green" building. He said the staff report could answer the rest of Ms. Lepell's questions.

Commissioner Márquez said she also visited the site and because there are several ways to access the temple from the surrounding street, the impact on any one street would be less.

Barbara Fields, Maderos Street resident (off D Street), said traffic is a problem because the grade on D Street is steep going into the property. She asked if that would change. She pointed out that both Sulfur Creek and San Phillip Park on D Street have traffic on Sunday and it would be safer for temple patrons if there was another lane for them to enter and exit the temple from. Currently there are no curbs, gutters or sidewalks on D Street and she asked if those were going to be added. She was also concerned about the construction noise and debris from a project this size in a residential area and asked if the project included any mitigation for these factors as well as for protection against run-off into the creek that flows by the property. Finally, she asked if there will be construction on weekends and holidays and what the times of construction would be.

Associate Planner Koonze said both D Street and Hill Avenue are going to be improved with curbs, gutters, sidewalks and streetlights. He agreed that the driveway on D Street is steep, but said there isn't a lot that can be done to lessen the grade, but staff will look into it. The times of construction are standard to any building permit. Planning Manager Patenaude said construction times are Monday-Friday 7:00am-7:00pm, and less on Saturday. Associate Planner Koonze said construction was restricted on Saturdays, Sundays and holidays and could be limited to 8:00am-5:00pm Monday-Friday

Vice Chair Mendall asked staff to address creek run-off during construction. Associate Planner

Koonze said that any on-site drainage would be handled as part of construction. When the project is finished it will have an engineered drainage system complete with bio filters and underground piping for any water settling at the lower end of the property.

Vice Chair Mendall then asked the project architect if he would like to address the Commission.

Architect Sanjiv Bhandari, with BKBC Architects, thanked staff for the report and gave some background. He started the project in February of 2007 and has since been working continuously with staff to refine the building design and site plan. On April 16, 2008, the first public hearing was held with approximately a dozen neighbors attending and 40-50 supporters, another meeting was held October 22. Flyers for both meetings were hand-delivered to neighbors and mentioned that plan drawings would be exhibited in the entrance hall of the existing temple if people wanted to take a look. Based on comments the design was changed, even improved, to accommodate the neighbors' concerns.

Mr. Bhandari explained that Sikh religion was started in the 16<sup>th</sup> Century and this facility is about friendship and peacefulness; coming together and sharing a meal. Everyone is welcome, he said. The main gathering is on Sunday from noon-2pm. Wednesday evening another service is held, but attendance is much lower. Any special events will take place on Sunday. Nothing is going to be different than what is happening now, he said, there will be no change in routine.

Mr. Bhandari said the existing building is in poor condition with very little insulation. The new building will have much better construction. The services won't change, the people won't change, the building will just get better, he said.

In terms of the parking, Mr. Bhandari explained that the structure doesn't change the level of parking because they are digging into the hillside. There is no street parking; all cars will be kept on-site and the ramp from D Street is being improved and made less steep. The building height was reduced by lowering land levels. All local ordinances were followed for both drainage and "Green" elements, he said. The existing trees will only be replaced if they are unhealthy, otherwise new trees and drought-tolerant plantings will be added to enhance the site.

Commissioner Peixoto asked him how many services per week are anticipated. Mr. Bhandari replied one service every Sunday. On Wednesday, he said, there will be less than 30 cars. The frequency of service hasn't changed in 500 years, he assured him. Commissioner Peixoto asked if they expect increased participation and Mr. Bhandari said no. When asked for total membership, Mr. Bhandari explained that they have over 400 members, but most of them are families and they all come together in one car on Sunday.

Commissioner Peixoto said he visited the historic Episcopal Church on the project site and he asked what is going to happen to that building. Architect Bhandari said right now, there are no plans to do anything. They will paint it and maintain the exterior but it is rarely used so nothing will be done to the interior. If it needs a new roof of course they will replace it, but it looks OK now. Mr. Bhandari explained that they are trying to keep costs down so they will only make necessary repairs.

Finally, Commissioner Peixoto asked about the purpose of the temple minarets. The architect explained that they are purely symbolic.



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Commissioner Thnay asked what time the service is held on Wednesday. Mr. Bhandari replied 7:00-9:00pm. Thnay asked if the Commission could make it a condition of approval to have the service end by 10:00pm. Mr. Bhandari said that would be fine and explained that the temple in Fremont served a much larger population and sometimes went longer than 9:00pm. Thnay asked why the second floor needs to have such high ceilings. Architect Bhandari explained that the second floor is the main prayer room and the high ceiling makes for a more serene space. He pointed out that most churches have very high ceilings. Commissioner Thnay asked if any food would be sold and Mr. Bhandari said no.

Planning Manager Patenaude pointed out that the Episcopal Church is truly historic, is being preserved, and staff really doesn't want them to make any changes to it. Right now the City is compiling its Historic Resources Survey, he said, and looking at amendments to the preservation ordinance. When that is in place, the City will consider if anything should be done to the church.

Commissioner Loché asked Mr. Bhandari if restrictions on construction times would create any significant issues. Mr. Bhandari said no. Commissioner Loché also clarified that the height of the parking structure wouldn't change regardless of the number of levels. Mr. Bhandari said the structure is going to be even lower than the parking lot is now.

Vice Chair Mendall closed the Public Hearing at 8:29pm

Vice Chair Mendall asked if there is parking available on D Street that could be removed to make room for a turn lane. Staff didn't know but said they would look research the question and respond later.

Commissioner Thnay said the owner has tried to accommodate the concerns of the neighbors and a new building will be an improvement. He trusts the height simulation provided by staff and he's very impressed with the design. His concerns about construction noise have been answered by staff. The fact that this temple has been around for 17 years and there haven't been any complaints proves you are a good neighbor, he said.

Commissioner Thnay moved to approve the Negative Declaration, Zone Change, and Preliminary and Precise Development Plans subject to the stated conditions of approval with an amendment to limit services to 10:00pm on weekdays and 11:00pm on weekends. Commissioner McKillop seconded the motion.

Commissioner Peixoto was in favor of the motion but wanted to confirm with staff that the 40 foot height limit for the temple was to keep it in character with the neighborhood and avoid interfering with existing scenic views. Planning Manager Patenaude confirmed that the neighborhood was a mixture of single and multi-family uses and the zones pertaining to multi-family had an automatic 40 foot height limit. Staff deliberately recommended a Planned Development District zoning because it would protect neighbors from any change of plans that might also impact building heights. He explained that to use the property for any other use would require a zone change. Commissioner Peixoto pointed out that the building was in compliance with height regulations and

confirmed with staff that under California law no one was entitled to a view and this project broke no local ordinances. Assistant City Attorney Maureen Conneely confirmed that the City has no local viewshed protection ordinance.

Commissioner McKillop said she is really excited about this project and is really looking forward to the new temple. She proposed a “friendly amendment” to limit construction times to 8:00am-6:00pm Monday-Saturday with construction prohibited on Sunday and holidays. When an audience member protested construction on the weekend, Commissioner McKillop asked the applicant if they would be willing to limit construction to Monday-Friday. Mr. Bhandari pointed out that construction will just take longer, but said he would work with whatever the Commission recommends.

Vice Chair Mendall said the negative declarations already limit construction times to 8:00am-6:00pm Monday-Friday with no work done on weekends or holidays.

Commissioner Márquez said she supported the motion and that the applicant has accommodated neighbor concerns. She said the site is well-maintained and as she drives by frequently, has never witnessed any noise or parking disturbances.

Commissioner Loché also supports the project. He said the new temple will be a welcome change, the design of the new building is beautiful, and that they applicant has gone above and beyond what is necessary to be a good neighbor.

Vice Chair Mendall said he likes the wisdom of additional parking spaces, is very pleased that project is complying with hillside guidelines, and that the parking structure is hidden by the natural topography of the site. He said the new building is attractive and said staff made the correct zoning recommendation. As part of the motion he wanted it clarified that following Bay Friendly Guidelines is a requirement.

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

The motion passed 6-0-1 per staff recommendation with the following changes to the conditions of approval: 1) new condition to limit operation hours to 10:00pm weekdays and 11:00pm weekends; 2) new condition to limit construction to 8:00am to 6:00pm Monday thru Friday, with no construction on weekends or holidays; and modify condition #19 to require adherence to Hayward Environmentally Friendly Landscape Guidelines.

- 2. General Plan Amendment Application No. PL-2009-0276 and Zone Change Application No. PL-2009-0277 – Route 238 Bypass Land Use Study – City of Hayward/ Caltrans (Applicant/Owner) - Request to a) Amend the General Plan Land Use Designation of various properties; b) Amend the General Plan text to add a new General Plan designation called Sustainable Mixed use; c) Change the Zoning District Designation of various properties; d) Amend the Zoning Ordinance text to add a new zoning district called Sustainable Mixed Use; and e) Approve the Route 238 Bypass Land Use Study**



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The Project area comprises a large number of vacant and developed State-owned parcels totaling approximately 355 acres of land extending from the east side of Foothill Boulevard just south of I-580 freeway in the north to Industrial Boulevard in the south.

Senior Planner Sara Buizer gave the report prefacing that in unincorporated areas of Hayward, staff recommends using Alameda County land use designations. She concluded her report by asking the Commission to consider adding a Special Design Overlay District for the creation of the continuous trail. If the Commission was in favor of creating this District, which would require a zoning ordinance text amendment, staff would have to bring the topic back for consideration by the Planning Commission on June 11<sup>th</sup>.

Commissioner Peixoto asked for clarification of a “land use designation” versus “zoning” in the Bunker Hill area. Ms. Buizer explained, for example, in Cluster 15, the general plan shows a SDR (Suburban Density Residential) designation that would provide a range for lot sizes between 10,000 and 40,000 square feet. The zoning of RNP (Residential Natural Preserve) limits the lot size to 20,000 square feet so it fits into the range set by the general plan but provides enough room per lot for the developer to move the homes around to accommodate the hilly terrain. A smaller lot size would make it very difficult for the developer to work with the natural topography, she said.

Commissioner Márquez asked about the Hayward Unified School District’s interest in the land in Cluster 9-10. Ms. Buizer said the high school has more property than is typical. On a long-term basis the district would like to take a portion of the high school property and combine it with the available chunk of City-owned land to create a site that could be developed into townhouses and bring in much needed revenue that could be used to improve the high school property. Commissioner Márquez asked if a street would be added to get from East Avenue to Second Street. Staff said access would be evaluated at the time of the proposed development.

Commissioner Márquez asked about street aesthetic improvements including streetlights at the City’s gateway on Foothill and Mission Boulevards. Ms. Buizer said only land use designations are being considered with this report but that staff is working with the County to create attractive gateways entrances to the City (for example at Maddox and Foothill).

Commissioner Márquez asked staff to show her where Rockway Lane is located on the cluster maps. Ms. Buizer directed her attention to Cluster 7-8 that shows the area off A Street.

Vice Chair Mendall, referring to a map of the South Hayward BART area, asked if a line connecting Dixon Street to Mission Boulevard was a road. Ms. Buizer said it is a trail not a road. Vice Chair Mendall asked why not insert a road to create smaller blocks and walkable spaces. Ms. Buizer said Council just approved hiring a contractor to establish a Form-Based Code in that area and through that process the creation of a road could be considered. In terms of the study the Commission is reviewing tonight, Ms. Buizer was afraid that a road would cut across properties not included in the study area. She pointed out that the trail is 16 feet wide; a road would have to be much wider. She said a road is possible, but staff is reluctant to recommend something when a

Form-Based Code process might deliver better opportunities.

Vice Chair Mendall asked about the medium density designation abutting the open space in Cluster 17 just south of La Vista Quarry. He asked why a low density was not recommended. Ms. Buizer said the opposite side of East 16<sup>th</sup> had high density so a medium density was a better transition. She explained that just because the area is zoned medium density, high rise apartment buildings wouldn't necessarily be built. Vice Chair Mendall asked if there was a designation lower than medium density. Ms. Buizer said there is a Limited Medium Density Residential zoning could be recommendation if that's what the Commission wants.

At the Quarry site, Vice Chair Mendall asked if there was a change made to the road configuration. Ms. Buizer confirmed that road closure and extension that is currently shown was there on the previous maps.

Vice Chair Mendall opened the Public Hearing at 9:17pm.

Audrey LaPell, president of CATS (Citizens for Alternative Transportation Solutions), thanked Ms. Buizer for her assistance in addressing the issues important to her group and pointed out that the reason why they were all here tonight is because there isn't a freeway running through the study area. She feels very strongly that the five properties designated as historical in the study be preserved and protected now rather than when the City's designations are reviewed. She asked if the City had a designation that could protect a building. Regarding the tenants living on the CalTrans land, CATS wants to make sure that they are respected and that the State treats them fairly. She said the notification process was poor for tonight's meeting. She also had some corrections to the report including a spelling error on page 4, and a clarification of the last paragraph on page 6. On page 7, she said Preservation Park is so important and would be such a treat for Hayward residents. And on page 9 she's disappointed staff has "reservations" about Quarry Village and has written on page 15, "The project as mitigated will not have a significant effect on the environment..." She disagreed saying the project would have a wonderful effect on the environment. She's also in favor of the continuous trail.

Senior Planner Buizer said a half-page legal ad providing notice was run on May 16 in the Daily Review. Ms. LaPell said a legal notice is not an advertisement.

Barbara Fields, Maderos Street resident, asked if a land use would change the zoning. For example, if a single family home on Rockford Road (off Rex) burned down and that area had been rezoned high density or high density commercial, could the home be rebuilt. Ms. Fields was also concerned families wouldn't be able to get insurance for their homes if the zoning changed. Ms. Buizer pointed out that only the parcels owned by CalTrans are being considered under this study and that doesn't include the area mentioned by Ms. Fields. The zonings in that area aren't being changed and aren't part of this study, she said. Ms. Fields asked for clarification on some properties along Mission and Ms. Buizer indicated which parcels were part of the study. Ms. Fields said Ms. Buizer did a good job.

Linda Bennett, address unstated, thanked staff for being sensitive to public concerns. She agreed with the staff report regarding the Preservation Park because San Lorenzo Creek runs by the proposed location, additional studies would have to be conducted. She asked if the existing homes would have to be relocated or would they be considered historical. Regarding the Bunker Hill area



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she agrees with staff zoning recommendations because that is the area where the great quake hit in the 1800s. She is really concerned about the San Lorenzo Creek flooding and has concerns about establishing a creek zoning ordinance or a creek protection ordinance. She loves the Special Design Overlay District proposed for the area that would keep all roadways 100 feet away from the creek.

Debbie Frederick, Bunker Hill Blvd/CalTrans property tenant for almost 20 years, thanked Ms. Buizer and the Planning Department for their hard work. She said she shops and works locally and would like to stay a Hayward resident on Bunker Hill Boulevard. She asked if the SDR zoning would prohibit lot sizes under 20,000 square feet. Ms. Buizer said yes; new lots would have to meet the minimum lot size of 20,000 square feet. Ms. Frederick said the street has a lot of wildlife and she hopes that new zoning will protect that. She also asked that “potential vehicle access” on the north end of Bunker Hill Blvd. be changed to emergency vehicle access only. She doesn’t want a through street.

Mary Ann Faue, Westview Way resident, said she absolutely loves the designation for her area and thanked staff. She doesn’t think Quarry Village has a “ghost of a chance” but in support of trying to live a more sustainable life and to create a sustainable area, she thinks the City should give them the zoning they are requesting so they can at least have a chance. She thanked staff and said they have done a great job of listening to the public and capturing what is most important to everybody.

Vice Chair Mendall closed the Public Hearing at 9:36pm.

Commissioner Loché asked if the designation for the Quarry area would allow for the pursuit of the Quarry Village project. Senior Planner Buizer confirmed that the designation proposed gives the greatest flexibility for sustainable green mixed use development. Commissioner Loché agrees with Ms. Faue that he’s doubtful Quarry Village will happen, but he thinks the City should allow for the possibility. He’s hugely supportive of the Special Design Overlay District the Commission and City “should do whatever we need to do” to make sure the continuous trail doesn’t get pushed aside.

Commissioner Thnay thanked staff for their hard work in addressing some hard issues that will impact future Hayward generations. He also supports the Special Design Overlay, the new Sustainable Mixed Use General Plan Designation, and the Form-Based Code planned for South Hayward. All are very good, he said, and will bring Hayward to the forefront. He expressed some concern that the City’s energy is getting spread too thin and suggested focusing on one area to make sure it works. He said one key area, the Capital Improvement Program, has been rolled over several times. He said focus should be given to making the gateways into Hayward from both the north and south attractive so people say “Wow” and both businesses and people want to locate here. He said the ideas expressed by staff are pioneering.

Commissioner Márquez moved, seconded by Commissioner Thnay, with the following vote, to recommend approval of General Plan Amendment Application No. PL-2009-0276 and Zone Change Application No. PL-2009-0277 – Route 238 Bypass Land Use Study – City of Hayward/ Caltrans (Applicant/Owner) - Request to a) Amend the General Plan Land Use Designation of various properties; b) Amend the General Plan text to add a new General Plan designation called

Sustainable Mixed use; c) Change the Zoning District Designation of various properties; d) Amend the Zoning Ordinance text to add a new zoning district called Sustainable Mixed Use; and e) Approve the Route 238 Bypass Land Use Study

Assistant Maureen Conneely said the Commission should also adopt the attached findings and the text amendments for the Special Overlay District.

Vice Chair Mendall asked that the Medium Density zoning designation in Cluster 17 be changed to Limited Medium Density.

Commissioner Márquez accepted that friendly amendment.

Senior Planner Buizer clarified that the change is a general plan designation, not a zoning designation and recommended that he add that staff find a corresponding zoning designation that would be consistent with that. Vice Chair Mendall was amendable to the additional language.

Commissioner Loché asked when the Commission could approve the Special Overlay District for the continuous trail. Ms. Buizer said that if the Commission is supportive of the idea it would be brought back June 11 so they could approve a zoning ordinance text amendment.

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

The motion was passed 6-0-1.

### **ADDITIONAL MATTERS**

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

Planning Manager Patenaude gave a rundown of future meeting items. Commissioner Márquez asked if the Housing Element would be coming back for review and Mr. Patenaude said yes, but a date has not been set.

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

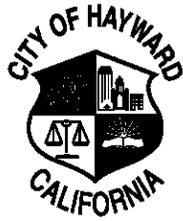
None

### **APPROVAL OF MINUTES**

5. Approval of March 26, 2009 and May 14, 2009 minutes. Both sets of minutes unanimously approved.

### **ADJOURNMENT**

Vice Chair Mendall adjourned the meeting at 9:49 p.m.



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**APPROVED:**

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Rodney Loché, Secretary  
Planning Commissioner

**ATTEST:**

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Suzanne Philis, Senior Secretary  
Office of the City Clerk