



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 20, 2008, 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.

Chair Lavelle provided opportunity to City Clerk Reyes to introduce a new member of the City Clerk team, Suzanne Philis, who will be serving as Planning Commission Secretary beginning in December. Ms. Reyes noted that Ms. Philis transferred from the Redevelopment Agency division and has been with the City since 2001. She is a graduate from San Jose State, where she earned a degree in Journalism. Chair Lavelle welcomed her and requested her to take roll.

ROLL CALL

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

Chair Lavelle led in the Pledge of Allegiance.

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

General Public Present: 5

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING

- 1. Request to Rezone a Parcel from Commercial Office (CO) to Planned Development (PD) District Defining the Type of Uses that are Permitted - The Property is Located at 1944 B Street at the Northwest Corner of Pearl Avenue - Zoning Application No. PL-2007-0594 – Ram Paharia and Amos Picker (Applicants/Owners)**

Associate Planner Koonze provided the staff report, noting the revised list of proposed uses for this development, which he distributed to each member. He pointed out that these additional proposed uses were included at the request of the applicant, Mr. Picker.

Chair Lavelle opened the public hearing at 7:38 p.m.

Mr. Amos Picker, the owner, spoke about his project, indicating that he felt the edifice and its tenants would be in harmony with the neighborhood. He was satisfied with the staff's proposed uses, and hoped to continue forward and lease the building.

Chair Lavelle closed the public hearing at 7:39 p.m.

Commissioner Márquez asked Mr. Picker if there were any potential business owners interested in opening such stores as the ethnic clothing store, cell phone, meat market and spices and specialty food stores as enumerated by Associate Planner Koonze. Mr. Picker responded that initially these were the only four business types that approached him and such uses would not impact parking requirements. Commissioner Márquez also asked whether the large sign on the building has attracted potential tenants. Mr. Picker deferred to his real estate agent.

Mike Tanzillo, real estate agent for Mr. Picker, stated that he was not successful with the CO zoning and with this current economic situation, there is not a strong market for office buildings. Mr. Tanzillo noted that he has experience in Hayward and is making every effort to lease the spaces. He later indicated that there is a potential tenant that is awaiting this approval.

Commissioner Thnay moved the recommendation, stating that he drives by the building everyday and it is a nice building. He agreed with the proposed list of uses for this building.

Commissioner Peixoto seconded his motion.

Commissioner Peixoto complemented Mr. Picker on his building, stating that it was a beautiful building and well-maintained in spite of its vacancy. He asked whether there were any issues with graffiti. Mr. Picker responded that he has frequent inspections and mentioned that if there is a problem, it is cleared immediately. Mr. Picker also mentioned that there is a pickup truck with a trailer that is parked nightly in front of his building that has a negative impact. He was urged to contact the police department if there is an issue.

Commissioner Mendall had several questions, which were responded to by Mr. Tanzillo, on the probability of leasing the building. He appreciated that Mr. Picker selected a professional agent to market the building. He thanked staff for working out a compromise and hoped that the building would be leased.

Commissioner Loché, in reviewing the proposed list of uses, asked staff to describe a reverse vending machine, which is a type of return facility for the recycling of beverage containers. He was satisfied with the proposed uses and the compromise and would be supporting the motion.

Chair Lavelle asked if an additional prohibited use could be added to that list. She requested that along with “bar and cocktail lounge” prohibition, that “retail liquor sales” be prohibited and included as part of this motion. She supported the motion and wished Mr. Picker well in leasing the building to tenants that will benefit that neighborhood. She reported that she visited the site and noted that there is a new restaurant just across the street from Mr. Picker’s building.

Commission Thnay accepted her friendly amendment.

Commissioner Thnay moved, seconded by Commissioner Peixoto, to recommend to the City Council, approval of the proposed zone change from Commercial Office (CO) District to Planned Development (PD) District, defining the type of uses that are permitted, subject to the findings and conditions of approval and with a friendly amendment to add to the list of prohibited uses, “retail



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liquor sales” as well as adopt the corresponding Negative Declaration, which was unanimously approved.

ADDITIONAL MATTERS

Planning Manager Patenaude reported that Grocery Outlet has applied to take over the previous Russell grocery store at the Vermont Plaza Center.

2. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude announced that there will be a joint work session with the City Council on December 9 to discuss and review two topics, landscape guidelines and the housing element update.

Planning Manager Patenaude also encouraged those Planning Commissioners who represent the Planning Commission on other committees, such as Council committees or community-wide committees, to report back to the rest of the Planning Commission on their participation.

Commissioner Peixoto stated that he received a report on an administrative approval at 1122 B Street, for a use permit to operate a massage business in conjunction with a beauty salon business.

Planning Manager Patenaude explained that in considering massage operations, either an administrative permit or a conditional use permit could have been utilized. In this case, the Police Department investigated the license, cleared the applicant and thus, the administrative approval. He explained that hand and foot massages are already permitted as part of beauty salon operations.

Commissioner Peixoto expressed his concern on whether this was a policy issue, in particular on this side of town and not particularly, that the applicant was cleared by the Police Department.

3. Commissioners’ Announcements, Referrals

Commissioner Thnay expressed the need to clear the debris and weeds in front of the Target Shopping Center on Whipple. He was appalled by the amount of weeds fronting Industrial Parkway. Planning Manager Patenaude explained that there is a portion that is considered natural wetlands and may look like weeds that can cause some concern along that area, but he will follow up on this request.

Chair Lavelle stated that she distributed information regarding the Metropolitan Transportation Commission (MTC) project that is currently being featured related to transit-oriented development. More information is on its website, www.mtc.ca.gov. She noted that there are 5 cities highlighted as part of this project with Hayward being the first. She noted that MTC has developed an audio that can be downloaded and is called a TODcast. An individual can ride BART, then walk around and view the development while listening to that recording. She noted that Hayward’s TODcast

features Planning Manager Patenaude as well as other familiar voices describing the areas. Chair Lavelle stated that it contains interesting information about Hayward and other TODcasts that will feature other transit oriented developments.

Chair Lavelle asked if there would be any future study sessions regarding the green building ordinance. She was surprised that the Planning Commission did not receive a report or a study session on this matter. She noted that there has not been a study session for the Planning Commission in over a year.

Planning Manager Patenaude stated that the Green Building ordinance deals primarily with building code issues, and as it was reviewed by the Sustainability Committee, staff took it directly to a Council work session. He noted that the ordinance will be online shortly as it proceeds for Council's final review, but hard copies can be provided if needed. Additionally, he indicated that sustainable landscape guidelines will be forthcoming; as the Planning Commission reviews projects, it can use them as a guide to make determinations.

Chair Lavelle appreciated the staff explanation and encouraged staff to bring issues before the Planning Commission for its comments and input.

In response to Commissioner McKillop's question regarding whether the sustainable landscaping guidelines would be a separate ordinance from the Green Building ordinance, Planning Manager Patenaude reported that the guidelines will be adopted by a separate resolution. The resolution will include a checklist for applicants and homeowners, but staff is waiting for stopwaste.org to complete a bay friendly landscape guide and provide a model ordinance for cities to adopt.

Lastly, Planning Manager Patenaude also indicated that a holiday party will be planned and more information will follow.

APPROVAL OF MINUTES

The Minutes of October 2, 2008, were approved by acclamation.

ADJOURNMENT

Chair Lavelle adjourned the meeting at 8:04 p.m. in memory of Adeline Peixoto, mother of Commissioner Marvin Peixoto, noting that she was a 1944 graduate of the former Hayward High School.

APPROVED:

Rodney Loché, Secretary
Planning Commissioner

ATTEST:

Angelina Reyes
City Clerk