

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 25, 2016, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Parso-York.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Goldstein, Enders, Schott, McDermott,
CHAIRPERSON: Parso-York
Absent: COMMISSIONER: Faria

Commissioner Enders arrived at 7:04 pm.

SALUTE TO FLAG

Commissioner Goldstein led in the Pledge of Allegiance.

Staff Members Present: Alvarado Jr., Brick, Buizer, Camire, Hamilton, Madhukansh-Singh, Chan

General Public Present: 7

PUBLIC COMMENT:

There were none.

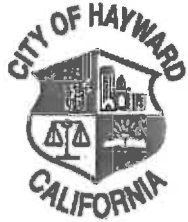
PUBLIC HEARINGS: For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision. For agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

1. Request to Operate a Spa with Full Body Massage in Conjunction with a Nail Salon at 199 Jackson Street, requiring approval of a Conditional Use Permit. Luu Que, Que Beauty Spa (Applicant) / Shamco Investment (Owner)

Planning Manager Buizer introduced new Associate Planner Hamilton.

Associate Planner Hamilton provided a synopsis of the staff report.

There being no public comments, Chair Parso-York opened and closed the public hearing at 7:08 p.m.



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Associate Planner Hamilton responded to Commissioner Schott that the Police Department (HPD) recommendations as stated in the staff report was for the applicant to follow the permit requirements which include the Massage Establishment Permit and the Massage Therapist Certification and all massage therapist must comply with the standards established by the Alameda County Health Services.

Associate Planner Hamilton responded to Commissioner McDermott that there was rear parking along Jackson and did not know if there would be dual certification. Planning Manager Buizer said the City does not have limitations on massage establishments, businesses owners must comply with the Massage Permit Ordinance and obtain the required certifications and permits.

Assistant City Attorney Alvarado said to perform massage services locally the massage therapists must be certified by the State of California Massage Therapy Council. Mr. Alvarado added that the owner was responsible for all activities that occur at the establishment.

Commissioner Willis expressed concern about the location of the massage tables as compared to the proximity to the rest of the salon. Associate Planner Hamilton said within the Massage Permit Ordinance there were specific regulations that address the massage rooms that will allow for privacy and also protections for the patrons to feel secure.

Commissioner Enders apologized to everyone for being late. Ms. Enders asked about the success rate of tenants as there seems to be a high turnover at this site; and if adding the massage element was supposed to guarantee the success of the business. Associate Planner Hamilton said in her estimation the massage element was just one part that will contribute to the success of this business along with the four foot massage chairs, facials and full nail service. Ms. Enders spoke about a previous City Council meeting in January 2015 regarding an update to the Massage Permit Ordinance which included a map of the many massage establishments in the City. Ms. Enders said she was trying to remain objective and cites the Police Department's support that the addition of the massage element does not pose a safety or security concern for the City.

Associate Planner Hamilton confirmed for Commissioner Goldstein that the owner plans to close another business on C Street and if this application was approved and noted the closing of the C Street business was not a Condition of Approval (COA). Ms. Hamilton added that through the HPD's review of the C Street business, it has not presented any issues.



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Commissioner Schott made a motion to move the item per the staff recommendation to allow the Conditional Use Permit for the applicant.

Commissioner Willis Jr. seconded the motion.

The motion passed with the following vote:

AYES: Commissioners Willis Jr., Goldstein, Enders, Schott
Chair Parso-York
NOES: None
ABSENT: Faria
ABSTAIN: McDermott

2. Proposal to subdivide 2.6 acres and Construct 50 Townhome-Style Condominiums located at 31 West Jackson Street east of Amador Street, requiring approval of a Zone Change, Variance and Vesting Tentative Tract Map; Blake Felson/Felson Companies, Inc. (Applicant); Felson Partners, LP, and Diamond Crossing Associates LP (Owners)

Associate Planner Camire provided a synopsis of the staff report.

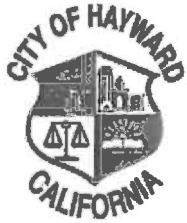
Chair Parso-York opened the public hearing at 7:30 p.m.

Mr. Blake Felson, with Felson Companies project applicant, provided a brief history of his company that has developed over 2000 residential units in the city; owns and manages 900 units in Hayward and is committed to the City.

Mr. Jeff Potts, with SDG Architects, thanked staff for the report; spoke about the project and plans for the site and the efforts to get the site in line with the General Plan. Mr. Potts spoke about the following: the odd shaped lot; efforts to mitigate sound from the railroad; locating a least traveled alley as a buffer between neighbors and the development; additional buffers of open spaces and safe open spaces for children, safe walking paths throughout site; and orientation of the front doors. Mr. Potts also spoke about the green elements; large porches, open decks, and solar zones on roof.

Chair Parso-York closed the public hearing at 7:40 p.m.

Mr. Potts responded to Commissioner Willis Jr. that there will be a Homeowner's Association (HOA) where meetings can be held at someone's residence. Mr. Pott's said a project of this size does not usually have a clubhouse. Mr. Willis Jr. noted that meeting at a residence or



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restaurant could be inconvenient for HOA members.

Commissioner Schott disclosed meeting with applicant and he favored the project and the project will clean up the Jackson area; the homes were well done; and a clubhouse for small development would be an additional cost to HOA members.

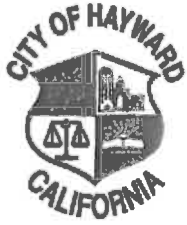
Mr. Potts noted for Commissioner McDermott that there was a sound report done which calculated the number of train trips which was ten per day and sound mitigation measures were put in place; such as a separation wall and insulation inside the units; safety measures to ensure children do not get onto the train tracks; some units will have triple pane windows according to the recommendations in the sound report. Ms. McDermott supported the item, it is a great infill project and will add value to the area and her concerns were about the train tracks and noise. Ms. McDermott noted that the Planning Commission has been asked quite a lot to waive setbacks and/or parking requirements and asked if there should be consideration to make changes to the requirements.

Planning Manager Buizer explained that the City currently does not have design standards or regulations to regulate small lot single family developments and an instrument most used was Planned Development Zoning (PD). Through the PD developers can request exceptions to current standards and in turn the developer provides an offset. Ms. Buizer said for this specific development, this was a variance not associated with PD rezone but to provide flexibility and given the median and landscape median and the way the road runs along West Jackson, this was a deviation from the standard. Staff's analysis was this development can be supported given the median and the greater separation, that even though five feet less, there was additional landscaping and the median will allow for separation and act as a buffer and will feel greater.

Mr. Potts responded to Commissioner McDermott that it was decided to provide more open spaces for children and the price range will be driven by the market as prices have changed over the last year. Mr. Felson said as soon as they receive City Council approval they can then move forward with the project.

Mr. Potts responded to Commissioner Enders that what sets this project apart was the following: high quality architecture; local Hayward developer who was committed to the community; walkable project to services; the geometry of the project will give it a different character than other cookie cutter projects; and there was only one paseo and the rest was open space.

Commissioner Enders thanked the developer for environmental features; there was a lot of thought into the surrounding neighborhood and future residents; high quality architecture; buffer zones and frontage to the street. Ms. Enders supported the project as it was perfect for



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the neighborhood, close to amenities; such as banks, grocery stores; coffee shops, transportation and she thanked the applicant.

Mr. Felson explained the process that took place in naming the project. Mr. Felson said they looked at the history of the area; how it used to be a lumberyard and an apricot orchard. He said the public liked Harvest Park the most.

Commissioner Enders liked the name and the carrying on of the heritage of Hayward as a farming community.

Commissioner Schott was encouraged that a developer comes in to build a development and was very supportive of the project. Mr. Schott said that Felson Companies have been in operation for 60 to 70 years and they maintained their properties very well. Mr. Schott addressed staff that Southern Pacific Railroad has been out of operation for 15 years and the railroad was owned by Union Pacific.

Commissioner McDermott was generally pleased with the project and that this was a Hayward developer who was vested in the community. Ms. McDermott noted Hayward already has an overabundance of apartments and was very encouraged that this project would move us toward the goal of more homeownership.

The applicant confirmed for Chair Parso-York that the development was intended for home ownership.

Commissioner Schott said there was a federal law that has reduced the condominium ownership rate to 35 %.

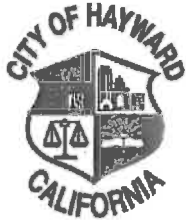
Chair Parso-York wanted to ensure that potential homeowners can obtain loans.

Commissioner Willis Jr. made a motion to move the item per the staff recommendation.

Commissioner McDermott seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Goldstein, Enders, Schott, McDermott Chair Parso-York
NOES:	None
ABSENT:	Faria
ABSTAIN:	None



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COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

Planning Manager Buizer reported about the noise impacts issues relayed during Public Comments at the Planning Commission meeting of February 11, 2016. Code Enforcement staff conducted their investigation and does have an active case and staff has made the determination that the existing use does require an administrative use permit, the businesses have been notified if they wish to continue to operate in that location and staff will continue to keep the complaining party updated.

Ms. Buizer said at this time there are no items for the March 10th regular Planning Commission meeting and will most likely be cancelled. The next regular meeting will be March 24, 2016.

4. Commissioners' Announcements, Referrals

Commissioner Schott pointed out that the entire Planning Commission will attend a Planning Commission Academy conference sponsored by the California League of Cities at the San Ramon Marriott from March 2nd through March 4th.

Commissioner Enders thanked staff for recommending the Planning Commissioners Academy and was looking forward to attending the Academy and thanked the City for approving the budget for the conference.

APPROVAL OF MINUTES

5. None.

ADJOURNMENT

Chair Parso-York adjourned the meeting at 7:58 p.m.

APPROVED:



Brian Schott, Secretary



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Planning Commission

ATTEST:

Avinta Madhukansh-Singh, Management Analyst I
Office of the City Clerk