



MEETING

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

ROLL CALL

Present: COMMISSIONERS Bogue, McKillop, Sacks, Halliday

CHAIRPERSON Zermeño

Absent: COMMISSIONER Fraas, Thnay

Staff Members Present: Anderly, Conneely, Emura, Gaber, Koonze, Looney, Patenaude

General Public Present: Approximately 150

PUBLIC COMMENT

AGENDA

1. Variance Application No. PL-2003-0276 – Richard Camponuevo (Applicant) / Manuel Garcia (Owner) – Reduction of Side Yard from 5 Feet to 3 Feet 6 Inches to Allow Expansion of Garage – The Property is Located at 23681 Ronald Lane
2. Appeal of Planning Director's Denial of Administrative Use Permit No. PL-2002-0330 – Operation Paintball (Operator/Applicant) / Seecon XVI Partners (Owner) – Request to Operate a Commercial Amusement Facility (Paintball) and For an Exception to the Number of Parking Spaces Required – The Property is Located at 1932 West Winton Avenue
3. Referral from the Planning Director of Administrative Use Permit No. PL-2003-0306 – Azad Ghulam (Architect/Applicant) / Wassim Azizi (Owner) – Request to Construct and Operate an Auto Glass Repair Shop – The Property is Located at 27794 Mission Boulevard at the Northeast Corner of Mission Boulevard and Douglas Street
4. Site Plan Review Application No. PL-2003-0113 – Francisco Trujillo for Tait & Associates (Applicant) / Southland Office Center Investors LLC (Owner) – Demolition of Vacant Bank Building and Construction of Two Multi-Tenant Retail Buildings - The Project is Located at 24301 Southland Drive
5. Site Plan Review Application No. PL-2002-0639 and Tentative Tract Map No. 7460 – PL-2003-0404 – Luis Tan/LST Investments Group (Applicant/Owner) – Request to Subdivide a 16,984 Square Foot Site Into Six Lots for The Development of Six

Townhouses and One Parcel for Common Open Space – The Property is Located at 772 West A Street

PUBLIC HEARINGS

1. Variance Application No. PL-2003-0276 – Richard Camponuevo (Applicant) / Manuel Garcia (Owner) – Reduction of Side Yard from 5 Feet to 3 Feet 6 Inches to Allow Expansion of Garage – The Property is Located at 23681 Ronald Lane

Principal Planner Patenaude made the staff report. He indicated that the Commission had directed staff to bring back findings and conditions of approval for the variance.

The public hearing opened at 7:33 p.m.

Mr. Garcia asked whether the plan was approved or not.

The public hearing was closed at 7:35 p.m.

Commissioner Halliday moved, seconded by Commissioner Sacks, to approve the variance and conditions of approval.

Commissioner Sacks thanked staff for bringing back the findings and conditions.

The motion carried by the following vote:

AYES:	COMMISSIONERS Halliday, Sacks, McKillop CHAIRPERSON Zermeño
NOES:	COMMISSIONER Bogue
ABSENT:	Fraas, Thnay
ABSTAIN:	None

2. Site Plan Review Application No. PL-2002-0639 and Tentative Tract Map No. 7460 – PL-2003-0404 – Luis Tan/LST Investments Group (Applicant/Owner) – Request to Subdivide a 16,984 Square Foot Site Into Six Lots for The Development of Six Townhouses and One Parcel for Common Open Space – The Property is Located at 772 West A Street

This item was previously listed as Item 5., but taken out of order to accommodate staff.

Associate Planner Emura described the units and the project, indicating that Staff recommended approval. He clarified that the applicant would be seeking approval for a tentative tract map and not a vesting tract map.

Commissioner Halliday asked for brief explanation and the difference between a tentative tract map and vesting tentative tract map.



Development Review Engineer Gaber explained that approval for a tentative tract map, the Planning Commission recommends approval or denial. The City Council would approve or deny the tract application.

Commissioner McKillop asked about John Kyle's letter regarding the City sewer capacity on West A Street

Associate Planner Emura described the sewer lines in the area and what was tied into the lines. He explained that the City has capacity in this area to accept this project which would be hooked up to the City's sanitary sewer lines.

Principal Planner Patenaude explained that this project would hook into the City's sewer system. Mr. Kyle's concern was with the Oro Loma sewer capacity in the area.

Commissioner Halliday asked about street access into the apartments.

Associate Planner Emura explained that there would be no U-turns along A Street.

Commissioner Sacks then asked whether there is a legal U-turn at Hesperian and West A Street.

Associate Planner Emura explained that none are allowed.

Commissioner Bogue asked about the two units close to the restaurant, which will be fairly close to the ventilation system.

Associate Planner Emura explained that there are no patios or balconies facing that side. The assumption is, that if there are smells, residents will close their windows.

Chairperson Zermeño asked whether a U-Turn might be a possible consideration at A and Hesperian.

Development Review Engineer Gaber said staff could talk with the City about that possibility.

The public hearing opened at 7:47 p.m.

Luis Tan, applicant, explained that he bought the property a year and a half ago and would like to build a project that would enhance A Street. He said he was glad to work with the City to help and assist with any problems. As to the sewer line, he explained that he is on the front side, which is the City of Hayward. Oro Loma is the provider for the apartment near-by and might have problems, but his project is located on the City side. He added that there is plenty of sewer capacity with existing pipe onto the property.

The public hearing closed at 7:50 p.m.

Commissioner Sacks moved, seconded by Commissioner Bogue, to approve the staff recommendation. She added that she was delighted to see this plan, noting that it looks like a very nice, pleasant place. She said she approved of trying to set a higher design standard along West A Street.

Commissioner Bogue then asked for friendly amendment that staff review the plans for the two units closer to the restaurant to determine whether they might need air conditioning for better air quality. This was accepted. He continued that this plan was a good example of meeting all the parking requirements, although he added that it also shows how inadequate the requirements are. He said the plans had very nice landscaping, and overall it was a very nice project.

Commissioner McKillop said she appreciated the design considering what is already there.

Commissioner Halliday said she would support the motion. Though she usually would not complain about inadequate parking, she expressed concern that there were only two extra spaces with six units and no nearby parking. She noted that there might be a problem for service people and deliveries to the project. She also expressed worry about guest parking. However, she added that she would support the motion since it was a nice infill project.

Commissioner Sacks explained that she, too, had looked at the parking and had similar concerns. However, she noted, that it meets the parking requirements and less visitor parking might encourage the use of public transportation.

Commissioner Bogue further discussed parking in the area.

Chairperson Zermeño complimented and thanked the developer for doing a marvelous job on the landscaping.

The motion passed unanimously, with Commissioners Thnay and Fraas absent.

3. Appeal of Planning Director's Denial of Administrative Use Permit No. PL-2002-0330 – Operation Paintball (Operator/Applicant) / Secon XVI Partners (Owner) – Request to Operate a Commercial Amusement Facility (Paintball) and For an Exception to the Number of Parking Spaces Required – The Property is Located at 1932 West Winton Avenue

Assistant Planner Koonze discussed the lack of a building permit on the site for the outdoor facility and the construction on the parking lot. He noted information on the use permit, adding that staff has approved two other similar recreational facilities within the City of Hayward in the past. He described the heavy industrial uses in the area, adding that this use is best served on an individual parcel and with not so many other industrial businesses close by. Because there is a shared driveway, staff does not believe it is a safe environment. He said the outdoor use puts pedestrians in jeopardy through the access. He noted that the owner is offering limited use, particularly for children, on Friday nights, Saturdays and Sundays when the other businesses are generally not in operation. He described another problem with the



parking variance. There are 20 spaces in front of the store while the other proposed parking would be shared parking. He said staff had not received a detailed parking proposal. Staff is recommending uphold the denial.

Commissioner Halliday asked about the approval of the other operations within the City of Hayward.

Assistant Planner Koonze explained that one was on Huntwood near Austin, an area with minor industrial uses and more residential uses. There was also a Laser tag operation at Watkins and Fletcher. He added that neither is still in use.

Commissioner Halliday asked how the outdoor facility could be made more compatible.

Assistant Planner Koonze said that masonry construction might be more compatible for aesthetic reasons.

Commissioner McKillop asked whether, were the Commission to grant approval of the permit, why the City of San Francisco needed to give permission for the easement.

Assistant Planner Koonze explained that the applicant had built the outdoor facility over the easement. He explained that staff is trying to work with San Francisco to see if it is an issue.

Commissioner McKillop asked about the outdoor structure. She commented that the San Francisco Water District would have pretty good access to this area. She also wondered whether it might not be better to determine clarification of the easement first, and not ask permission. She also asked why there was a need for an environmental review.

Assistant City Attorney Conneely explained that an environmental review would be necessary if the appeal was approved.

Chairperson Zermeño asked whether the excess outdoor storage in the area was legal.

Assistant Planner Koonze said it was not, and that Community Preservation had been notified.

Commissioner Sacks asked again about the easement, saying if there is an easement, somewhere there has to be a paper describing the easement, and where would it be. She added that something has to be recorded somewhere.

Assistant City Attorney Conneely agreed that there should be a recorded document filed somewhere.

Commissioner Sacks then continued that the illegal outdoor storage in the area of six cargo containers seem much more of an impediment to accessing the property than this structure is.

Development Review Engineer Gaber explained that the easement is generally for access in an emergency, which would be more difficult with a structure on the site. He noted that Containers could be moved more quickly.

Planning Director Anderly commented that the outdoor storage for the adjacent businesses would require a use permit.

Commissioner McKillop asked how staff determined that 102 parking spaces were required.

Assistant Planner Koonze responded that this determination was based on the fact that recreational facilities fall into a different category from industrial uses.

Commissioner McKillop asked whether staff took into consideration the retail and office parking in the area.

Chairperson Zermeño asked about the bathrooms and whether they would need to restructure or rebuild them.

Assistant Planner Koonze explained that yes, they would, since the only handicapped facility is outside the office building.

Commissioner Bogue said he saw the restrooms, which are in another unit.

Assistant Planner Koonze explained that handicapped people working for the paintball company would not have the same access to restrooms because they would have to exit the building which houses the office and go to the adjacent unit to use a handicap accessible restroom so this does not meet ADA requirements.

The public hearing opened at 8:17 p.m.

Alisha Roberts, applicant, explained that this is one of the few recreational services in Hayward. She noted the 900 people who signed a petition. She explained that they focus on families. The outdoor facility is player friendly, adding that they have raised the standard. This one structure constitutes 50 percent of their revenue. It is a secondary field. All three fields are needed. She explained that she and her partner are both 24 years old and started the business when they were only 18. The majority of their clientele are 12-17 year olds. The business attracts more than 70 young people a day.

Commissioner Bogue asked her to discuss their success with team building for companies.

Ms. Roberts named a number of groups who have been there to play in order to build trust and communication among staff. She said they have commented that they can really see the effect of the game. It has a very positive influence. She noted that corporate team building might be 20 percent of their business.



Commissioner McKillop commented that it seems the major issue is safety of participants and keeping customers out of harms way.

Ms. Roberts explained that the heavy use for their facility is mainly on Friday evenings, Saturday and Sunday. She said they try to control most aspects of safety concerns and provide escorts to and from the fields, to cross the traffic areas. She noted that there are no people running back and forth.

Planning Director Anderly advised members that supporter Hayward Patrol Officer Divinigracia was not speaking for the Hayward Police Department.

Commissioner McKillop noted that the business had been there a number of years and asked how they operated without the proper use permit.

Ms. Roberts explained that when she found they needed one, she went to the City of Hayward to determine what all they needed. She explained their incorporation structure and status. She added that they obtained their original permit in 1999, commenting that apparently she did not know the proper questions to ask.

Commissioner Halliday explained that she had met Ms. Roberts and toured the facility. She asked whether they had ever looked around for another site with more room for parking and the facilities.

Ms. Roberts said they had looked in various areas throughout the City of Hayward particularly behind Baumberg, but that they have not been able to find anything which is not too costly at \$15,000 a month. She added that their business is improving and growing steadily.

Commissioner Halliday commented on the size constraints at the present location and that the business could not grow that much more.

Ms. Roberts explained that they are presently at 60-75 percent of their capacity and will continue looking for another facility. She explained that to be able to afford to move they would need all three of their courts to be available for income. As it is, it might take from 6 months to a year to get back to full capacity.

Commissioner Halliday said she had noticed when she was visiting the facility in the evening, that there were trucks parked in the middle of the driveway. Having other cars parked in the drive could be a problem.

Ms. Roberts explained that they do not have a lot of traffic, so she had not encountered that problem although the illegal storage on the site could be a problem. She commented that many of their customers car pool since a number are children and families.

Commissioner Halliday asked her to describe the paintballs as far as the colors, as well as the complaints from neighbors.

Ms. Roberts explained that their paint is all white. This is their control system, so customers do not bring in outside paint. It does not stain clothing. She commented that the complaining neighbor's sign was shot with orange paint, so this was not her color and could not have been done by her customers. She said that subsequent to this complaint, they have made it a policy to clean up the area, and since this incident there have been no more.

Chairperson Zermeño asked whether this is part of their "Good Neighbor" policy.

Ms. Roberts explained that she and her six employees all look up and down the area for any signs of paint in the facility but have seen nothing.

Jay Reilly, the other owner, thanked everyone who was in attendance. He emphasized that safety is the number one aspect of this game, and can be enjoyed by almost everyone. He said it is a combination of capture the flag and tag. The paint is nontoxic and fully bio-degradable. He commented on the safety features they require including a mask, a barrel club, and that all patrons watch a mandatory safety video. He explained that they have multiple referees with a zero tolerance policy for safety. He said they love the City of Hayward and want to provide a safe haven for youngsters who want to have a good time.

Jerry Reilly, said he lives in Danville, and has never had a problem with traffic and pedestrian safety. He noted that it is far more dangerous to cross the Toys R Us parking lot with 50 or more cars and numerous trucks. He said they would agree to not allow minors during shipping and receiving times although he thought parking for more than 100 cars is an excessive requirement. He thought 25 - 35 spaces would be more acceptable, adding that they have submitted a parking plan. He said the family has organized the golf tournament and raised more than \$100,000 over the years. He added that their support for the community has been subtle. They believe it is their civic duty and community pride. He then asked members for their support of the application.

Jim Reilly who said Jay, the other owner of the paintball business, is his nephew. He commented on the concern of the City of Hayward Planning Department regarding the safety of the arena. He said they have reduced the height of the fence to 6 feet and called in their own engineer who determined that the structure is safe and meets building codes for an outdoor arena. He commented on the unfinished galvanized surface and indicated they would paint it any color deemed appropriate. As to its not being compatible with Industrial zone, he noted the lack of pedestrian traffic in the area and that their busy times are usually during weekend hours. As for the commercial drivers in the area, he said their customers are probably safer here than crossing streets. He added that they were also willing to limit playing fields to adults only during the week, and children and youth on the weekends.

Commissioner Halliday asked him for further information on the engineer they had hired to do a safety inspection.



Mr. Reilly said they had contracted with Peter Van Marin, a Civil Engineer who did a survey of the poles.

Planning Manager Anderly responded that staff would need a structural drawing.

Mr. Reilly said they would prepare one and submit it to staff.

Connie Roberts, Recreation Director of Rossmoor in Contra Costa County, explained that their newest facility is a converted high school gym. She said they obtained a variance with the City of Walnut Creek, which allowed for full use with 92 parking spaces and were allowed shared parking and adjacent uses. Operation Paintball has been in effect for a number of years and there have been no issues for the past 6 years. She commented that their facility is controlled by the City of Walnut Creek with a population who uses canes, walkers, and wheel chairs and there are no special requirements of them. As to speed bumps, their Planning Commission members thought it might be a detriment to the walkers.

Eric Roberts explained that Operation Paintball does many athletic events. He noted that they work with clients and focus on safety. In his estimation it is the safest place to operate in the country. It also creates a real sense of community. He added that he had never seen a truck speed through there.

Cynthia Kim said it is a very safe place for people of all ages to play and teaches safety and sportsmanship. She added that more females are starting to play since it is safe and friendly. She noted that many of the female players compete nationally.

John Macias commented that he used to play in the parks of Hayward as well as parking by the tracks at the park. He said he wanted support for the permit.

Ed Ricketts said he and his son play together at this location. It is a chance for them to spend time together. He said he would hate to see it go. It is the cleanest and safest environment for families, more than many others. He asserted that there is no problem with the driveway. The location is particularly safe on weekends. He said he had never had a problem with parking, since many of the customers carpool. He said he has brought from 15-20 people from Cisco Systems for team building. He added that he would hate to see it closed.

Caleen Espinosa said her whole family goes several times a month. Quite often they play late and never see any trucks come through. She maintained that it is safer than the local Safeway parking lot and that parking is never a problem. She maintained that the operator/owners of Operation Paintball are safety nazi's. It is a great place for the family. Although the surrounding buildings are awful, she said she could not imagine taking this business away from them.

Commissioner Halliday asked about the cost of this activity for a family.

Ms. Espinosa said the other children who come with her own, pay their own way. They must pay to play.

Robert Sakai said he really could not add any more to what had been said, but added that he hoped the Commission would support this.

Dannie Oda said he was 12-years old and came from New York City. He stated that this game was better for sportsmanship and teaches trust as well as building friendships.

Andrea Malkey agreed that it was a terrific way of bonding for teenagers.

Tamara Ramos, mother of 3 very active boys, explained that two of them play traditional sports, but one is different. He skateboards, and also paintballs. She said she has taken him all over the Bay Area to participate. Operation Paintball is a well-run business, and she said she feels safe in dropping him off or watching him play. Spending time with him there is special for her. She takes pride in watching what he can do and he gets the opportunity to show off his skills. As to the cost, she noted that this is cheaper than many other sports. She commented on the number of church groups who participate in the sport since it is a family environment. She added that she was happy to support them.

Michael Lugay said he had been living in Hayward for three years. He noted that this is a safe haven for engineering professionals such as him.

Annette Ludtke, with her two daughters, said she planned a 15th birthday party there. It was a wonderful experience. Although they live in Fremont, she said they experience no traffic at the site since most of the other nearby businesses are closed on weekends. She explained that the owners are almost family. As to the cost, for a family like theirs it costs \$40 to \$50 just to go to a movie. You can rent the equipment. She said she personally enjoys the sport. It is not a violent sport at all. Most competitors become friends.

Commissioner Halliday asked her how much it hurts to be hit by one of the paintballs.

Ms Ludtke explains that it stings, but you get over it. She explained the mandatory safety video, which explains that you do not hit anyone at close range. She added that she was impressed with the safety rules at the location.

Pamela Roney explained that she has three football players in her family and that the OP people are very strict.

David Murphy of Alameda said like most parents he faced the concern of safety for his children. He said he had never felt safer. He spent the first three months going with his children. He maintained that there are character-building aspects to the game. He said it does hurt to get hit by the paintballs, but there are no permanent bruises. He said he does not feel concerned about leaving his 12-year there since he knows he will be safe.

The public hearing closed at 9: 17 p.m.

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD****Council Chambers****Thursday, July 24, 2003, 7:30 P.M.****777 "B" Street, Hayward, CA 94541**

Commissioner Bogue commented that he had visited Operation Paintball three times. He described it as a very inviting environment; the owners were friendly and approachable. It was a comfortable atmosphere. He moved, seconded by Commissioner Halliday, to uphold the appeal of the denial. He asked staff to come back with findings and conditions that the business is in harmony with the neighborhood and in an area where it does work out well. As to the parking requirements, they already share a parking agreement with other owners. He said they are making an effort to accommodate; perhaps their engineers will be able to convince the City Engineers that the outdoor facility is safe, and to provide information that the structure is sound and properly constructed. He added an additional condition, which would give the owners six-months to meet all the conditions. He maintained that the structure and fence were strong although it does need color and perhaps a sprayed texture finish. As to the hours of operation, he agreed with the applicant's proposal that would limit the hours to Friday evening, Saturday and Sunday for children. Weekdays, adults can handle the safety problems, he suggested including a crosswalk and speed hump to slow down the traffic in the area.

Assistant City Attorney Conneely suggested that his motion direct staff to prepare a CEQA report as well as to bring back findings and conditions for approval.

Commissioner Halliday suggested that after reading the staff report, she did not think she would support this position. However, it was a good presentation. She said this is a new thing. She appreciated that people were able to articulate why they like the sport. She then asked about the need for including a speed bump in the motion. She said she could not imagine trucks speeding in that area. She asked the maker of the motion to consider excluding the crosswalk and said she would accept that. She asked whether any other paintball business would have to be reviewed. She suggested they see how this works to get an idea of what they would like to require. She did express concern about access into the business.

Commissioner Sacks said she would like removal of the requirement for speed bumps since this is an area across which people walk. Speed bumps could be pedestrian walking hazards. She maintained they would serve no useful purpose in this area. She thanked everyone for coming, adding that it was a great feeling to be on the Commission. She suggested the young people remember this experience and consider volunteering for various commissions at a later date. She said she did see the facility, adding that the owners/operators were extremely gracious and helpful. She said she was impressed with presentation and the people. She said she had thought carefully about the whole issue and this kind of recreational facility is needed in the City of Hayward.

Commissioner Bogue said he would remove the speed bump requirement from the motion.

Commissioner McKillop suggested that Staff's intent was to truly consider the people of Hayward but could make this work. She commented that she liked the galvanized steel look for this building. It is appropriate and gives the building a sort of "urban guerrilla" look. She also

suggested they enhance the landscaping around the property. She added that limiting the hours could be a problem since she did not know how effective the limit would be. She agreed that the parking area might be safer than the Toys R Us parking lot. She said she would prefer no condition regarding the City of San Francisco easement. She suggested that staff find the document itself to determine the conditions and requirements.

Commissioner Bogue said he would agree about the easement, since it would be easier and quicker to roll up Astroturf than move the cargo containers that are at that location. He said this does not need to be a requirement. As to the building being painted, he said he liked the galvanized steel and knows it will not rust, however, he thought perhaps it should match the other buildings in the area. He added that suggesting the texture was to soften the effect somewhat. He agreed to leave the structure alone and worry about the landscaping.

Assistant City Attorney Conneely said it would be appropriate for staff to reserve judgment on the easement until it has been reviewed, and then work with San Francisco on that.

Commissioner Halliday agreed that she would like to allow the building to remain as it is. It's far enough back so it is not seen from Winton, and since it is in an industrial area different things are more allowable. She then suggested adding a further condition requiring the owners to be responsible for cleaning the area of other paint.

Chairperson Zermeño said he was not sure he liked the stark fence.

Commissioner Bogue said he would remove the requirement of the painting from his motion since this is not steel that will rust.

Chairperson Zermeño said the key for supporting the motion for him was the support of the firefighters.

The motion passed unanimously, with Commissioners Thnay and Fraas absent.

All of the members agreed they would be willing to re-meet during the recess if they had to, in order to help get this business back in full operation.

4. Referral from the Planning Director of Administrative Use Permit No. PL-2003-0306 – Azad Ghulam (Architect/Applicant) / Wassim Azizi (Owner) – Request to Construct and Operate an Auto Glass Repair Shop – The Property is Located at 27794 Mission Boulevard at the Northeast Corner of Mission Boulevard and Douglas Street

Assistant Planner Koonze made the presentation and recommended that the Planning Commission approve the use permit. He indicated it is in compliance with the Zoning Ordinance in the neighborhood. With various street improvements along Douglas and Mission, two trees might be removed, which would then need replacing. The bay doors are in the rear but are 150' away from the residences. The building is of a Mission design, with storage area above the store. Staff is requesting that a monument sign not be allowed, but did recommend a 45-degree cut at the corner to complement the property across the street.



Commissioner Bogue asked about the elevations and whether they showed the 45-degree cut.

Assistant Planner Koonze said they did not, however, the Planning Commission decision on this matter would take precedence.

The public hearing opened at 10 p.m.

Wassim Azizi, owner, said he has been operating since March 1995, and been very successful. He said he is happy with the business since November 2001 when he moved to a new location. He discussed his experience with the process of purchasing the property and trying to get approval on his drawings, noting that he has had to change the design nine times, which has taken over a year and a half but should really have only taken three months. He noted that he has already given up approximately four feet of the building for the sidewalk and street improvements. In speaking with the neighbors they are happy with the new building.

Commissioner McKillop asked whether he was happy with this design as it is, even with the 45-degree cut.

Mr. Azizi explained that a 45-degree cut would create a bigger problem. He said that already he has given up four-feet to Douglas Street, which amounts to 2,000 square feet. This change is more and really not necessary.

Planning Manager Anderly said the cut is not solely for aesthetics. She said he would not lose that much square footage since there is room in the back to add additional square footage. There is only so much room for parking spaces, however. In that area a 10-foot setback is needed. She added that this change is necessary or a variance would have to be applied for, which would be difficult to support, particularly since the building across the street has a 45-degree cut at the corner.

Commissioner McKillop asked why, with all the revisions, this was not caught until recently.

Assistant Planner Koonze explained that it was only at this stage of the process that other departments had input, particularly engineering. He indicated that the curb return was shortened. Once this was analyzed, staff knew what they had to do to avoid a variance.

Commissioner Halliday expressed sympathy for the applicant and asked how wide the cut would actually be.

Assistant Planner Koonze said part of the issue is the square footage itself, without the cut it would be a larger building and would need an additional parking space, which would require a variance. By minimizing the building, the applicant avoids the variance for parking.

Mr. Azizi maintained that the storage on the second story should not count, adding that there is more parking in the 3-car garage in the facility.

Commissioner Halliday asked whether parking inside is included in the measurements.

Assistant Planner Koonze explained that it is not. However, staff does have to count the storage area inside.

Planning Manager Anderly explained that, although this particular user might not have that much need for parking, nor use the space for anything but storage, in the long range other users might use it for more than this. She said staff might be able to increase his area slightly.

Ghulam Azad, architect, discussed the parking and questioned the quality of the building with the cut. He explained that they could add one more parking space as well as cut the square-footage of the storage space.

Commissioner Halliday asked for further clarification on the 45-degree cut on the front of the building.

Assistant Planner Koonze explained that this application does not have a variance at this point. In order to do so it would have to be re-noticed and come back at a later date.

The public hearing closed at 10:20 p.m.

Commissioner Sacks asked about approval if the owner does not want to go ahead with the project, would it die a natural death.

Planning Manager Anderly suggested the owner could come back with a modified plan or wait for a year and reapply.

Commissioner Sacks moved, seconded by Commissioner Halliday, to approve the staff recommendation.

Commissioner Sacks noted that this would definitely be a benefit for that corner. She also wished the owner well with his business.

Commissioner Halliday said she did not like the idea of moving the landscaping in the back. She said this building is appropriate for the site and she liked the design.

Chairperson Zermeño added that he thought this building would be a tremendous addition to the area. He noted that to pursue the angle would look more appealing to customers.

The motion passed unanimously with Commissioners Thnay and Fraas absent.

4. Site Plan Review Application No. PL-2003-0113 - Francisco Trujillo for Tait & Associates (Applicant) / Southland Office Center Investors LLC (Owner) - Demolition of



Vacant Bank Building and Construction of Two Multi-Tenant Retail Buildings - The Project is Located at 24301 Southland Drive

Principal Planner Patenaude noted that this property is in the Southland Shopping Center area, at the sharp curve of Southland Drive. There is presently a bank there as well as a vacant bank. He showed various views of the property and explained the proposal. The new design would include more retail space. Staff believes more architectural features could be added to create more richness in the design, including more landscaping on the property.

Commissioner Halliday asked about the letter from the South Gate Homeowners Association Board and whether the uses approved in this area would be those appropriate uses listed in the letter.

Principal Planner Patenaude responded that uses permitted would be those approved for the Central Business District, which applies to the Southland Shopping Center area, although many would require a use permit. The property is not set up to handle a drive through but fast food restaurants similar to those in the downtown area would be appropriate. Many of the other uses would require a use permit and would have to come back for approval.

Planning Manager Anderly said maybe the cigarette store would not have to come back, but she was checking on a laundromat.

Commissioner Sacks asked about conditions for specific uses that would be appropriate and those that would not. She wondered why these are not spelled out as they were for the new Target store area.

Principal Planner Patenaude explained that the Target pad was a different situation. The intention of the use permit for an industrial district was to provide regional serving retail uses. The intent on having a list for that project was to insure providing for the retail uses most likely to be regional serving and in keeping with the original use permit for Target. There is not that issue with this project, since it is within an established zone district. This is an appropriate use permit area.

The public hearing opened at 10:34 p.m.

Pete Tobin with Tait & Associates explained that they would be willing to make staff changes to create a better project.

Kevin Kaseff, representing the ownership, explained that they bought these three buildings and want to do something different. At this point with the economy there is no demand for office space so they were looking for a large user. He said they went through everyone, and finally decided to focus on local developers. United Growth has come up with a program, which they fully support and are wholly committed to it.

Commissioner Bogue asked about selling the parcel or the buildings.

Mr. Kaseff said they would hold the two buildings on a long-term hold. He showed the property lines, and how they subdivided the lot. He noted that clearly their preference was to do this themselves.

Commissioner Halliday asked what reasons were given for larger users turning down the area.

Mr. Kaseff said he was not a retail expert but assured members they had solicited many. He explained that there just was not the demand. The demographics were not what they were looking for, or they were committed to other sites within the general geographic area.

Bill Stevenson, United Growth, said staff has kept them to fairly high standards. He indicated that they have quite a bit of initial interest in rentals on the property.

Commissioner Bogue asked whether they have parking agreements with others in the area to handle the over-flow.

Bob Diekoff, architect, working with Safe America Credit Union, which has a letter of intent with the applicants, explained that this is an ideal location for their business. This has high visibility. He hoped this plan would be approved since they need to plan for their future.

Rob Canapa, general manager of the Southland Mall, General Properties acquired Southland recently. He said there is still a lot of interest in the area for larger users but they want to be on Mall property. They will be coming back with plans. The existing building is in bad shape. He said the might lose some tenants that came to the area. But this is going to bring the area up to a higher standard by improving the property.

Commissioner Halliday explained that nearby is the former movie theatre, which the commission approved as a hotel. She asked what they envision in that area.

Mr. Kaniba said they are working on things. It would not negatively impact the other property. He explained that the hotel industry is not doing well enough to complete their project.

The public hearing closed at 10:49 p.m.

Commissioner Bogue asked whether convenience store would be able to be approved without a use permit.

Planning Manager Anderly commented that a convenience store would require an administrative use permit for which notices would be sent out to the neighborhood. Were members interested in hearing the item, it could be scheduled.

Commissioner Bogue commented that he thought the neighborhood would be interested. He then moved, seconded by Commissioner Sacks, the staff recommendations. He commented that he could see how this is the best thing for the site, and will be a benefit to the area.



Chairperson Zermeño said he hopes to see more people at Southland. This will be good for the area.

The motion passed unanimously with Commissioners Thnay and Fraas absent.

ADDITIONAL MATTERS

6. Oral Report on Planning and Zoning Matters

Planning Manager Anderly noted that the City Council supported the staff recommendation for the Mission-Garin area. She added that, although the owners are anxious to get started, staff would not be processing any applications until the property is annexed. As a result, it will be some months before anything is available for hearing.

7. Commissioners' Announcements, Referrals

Commissioner McKillop asked about the property on Grand and A Street, which is in disrepair with horrible landscaping.

Planning Manager Anderly reported that that property did not have landscaping attached to the original permit. It recently changed ownership as well.

Commissioner Bogue noted a successful opening for Chucky Cheese in the Toys R Us shopping area.

APPROVAL OF MINUTES

- June 26, 2003 - APPROVED

ADJOURNMENT

The meeting was adjourned by Chairperson Zermeño at 10:56 p.m.

APPROVED:

Christopher Thnay, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary