



**CITY OF SANTA MARIA  
PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF  
MAY 3, 2006**



Chairman John Everett called the meeting to order at 6:30 p.m.

**MEMBERS PRESENT:** Commissioners Lawnae Hunter, Michael W. Moats, Rodger Brown, Vice-Chair Etta Waterfield, and Chairman John Everett.

**STAFF PRESENT:** Community Development Director– Kirk Lindsey  
 Planning Division Manager – Peggy Woods  
 Deputy City Attorney II – Phil Sinco  
 Senior Civil Engineer – Rodger Olds  
 Park/Landscape Planning Tech – Patty Ellis  
 Planner II – Benjamin Kimball, Brian Halvorson  
 Recording Secretary – Kathleen Villegas

By motion, approved the Planning Commission minutes of April 5, 2006.

**PUBLIC COMMENT PERIOD:** There was no one present who wished to comment.

**PUBLIC HEARINGS:**

**ITEM 1 - REVIEW OF CONDITIONS OF APPROVAL RELATING TO TRAFFIC MITIGATION MEASURES FOR THE PLANNED DEVELOPMENT PERMIT FOR GALAXY FOR A 14-PLEX THEATER, 100 TOWN CENTER EAST, PD-2005-015, E-2005-049.**

Review of an Addendum, E-2005-049, to Final Environmental Impact Report, E-98-78, and the Conditions of Approval relating to the Traffic mitigation measures for the Planned Development Permit to allow the construction of a 14-Plex Theater in a PD/C-1 (Planned Development/Central Business District) zoning district, Assessor’s Parcel No. 125-320-046, -047, -048. (Project Planner: Benjamin Kimball)

**ACTION:** Adopted Resolution No. 2417, approving the additional Addendum to the Final Subsequent Environmental Impact Report (FSEIR) of the Town Center Multi-Plex Theater (Galaxy Theater), PD-2005-015; and

**VOTE:** Ayes-Commissioners Hunter, Moats, Brown, Waterfield and Chairman Everett; Noes-None; Absent-None; Abstained-None.

**ACTION:** By motion, approved the project subject to the conditions outlined in the Preliminary Draft of the revised Planned Development Permit as amended.

Benjamin Kimball presented the staff report. This project was recently reviewed on December 21, 2005, as well as a few years back, originally for a Planned Development Permit. The site is located at Main Street/Broadway/Cook Street, in a portion of the Town Center Mall and is proposed to accommodate a 14-screen theater. The proposal includes enlarging Gottschalks on the first floor and using the second floor above it for the theater. Different design criteria were considered in the initial traffic mitigation measures.

Mr. Kimball continued to state that in the late 1980s, an environmental document was completed for a larger theater at this site; at that time, it was proposed to be much larger, about 18 screens. In 1998 the project was revisited, and a subsequent EIR was prepared for an amendment to the environmental document for the theater at Main and Broadway, still a much larger theater than what is being proposed today. In December 2005, the project was looked at again, with the revised location at Broadway and Cook Street, and a much smaller theater. An addendum was also processed for the project, and the Planned Development Permit that was approved and accepted to a large extent the conditions that were originally put on the larger theater. Since December 2005, a traffic study has been prepared; and the results of the traffic study are that there are much fewer traffic impacts from this revised project because of the change in size of the theater and traffic dynamics. With this new traffic information, the applicant would like to revisit the Planned Development Permit and eliminate some of the mitigation measures. It is very clear from the traffic study that certain mitigation measures are no longer needed, such as a new left turn on Broadway southbound at Main and Broadway, also additional lanes at 101/Main off ramps. There improvements would no longer be necessary with the new traffic volumes. Staff has prepared a new Planned Development Permit referencing the addendum EIR and eliminating the unnecessary mitigation measures. Staff recommends that the Planning Commission, by resolution, adopt an additional addendum to the final subsequent environmental impact report based on the findings of a new traffic study and approve the project in accordance with the preliminary draft of the revised Planned Development Permit. Staff is available to answer any questions.

In response to Commissioner Moats' question, Benjamin Kimball responded that the change in theater size was driven by market forces at the time. The decision to have smaller theaters was made before the traffic study was prepared. There just wasn't enough demand to have such a large theater.

Mr. Kimball also noted that there will not be significant changes to the second floor of the mall where the theater will be located, but there will be significant changes to the first floor—Gottschalks will be made larger, moving the walls out in three directions. The expansion will accommodate retail use, not the theater.

Steven L. Watts, general manager for Santa Maria Town Center Mall, the applicant, was present. He noted that they have started moving in the escalators today for the project, and are looking forward to getting started on the project. They appreciate the Commission's review of their request, and they are continuing their efforts to reinvigorate downtown and the mall, fulfilling what the City is looking forward to in the Downtown Specific Plan.

Commissioner Moats asked Mr. Watts why the proposed theater is smaller.

Mr. Watts responded that the original plan in 1999 was proposed for the southeast corner of Main Street and Broadway, and that the original vision was to enlarge the mall toward the existing Bank of America. The current vision is to include the theater into the current footprint of the mall, resulting in a tighter and more attractive proposal. They believe 14 screens are adequate to meet the needs of the community. The proposed revised project is easier to implement for a variety of reasons.

Kirk Lindsey, Director of Community Development, commented on a condition noted on the green sheets of the draft Planned Development Permit, Condition 23, which is an Engineering requirement. He reiterated that changes in the conditions were made because they are no longer necessary. However, something was discovered that was not anticipated: increased traffic at the intersection of Miller Street and Main Street. The traffic congestion had reached a service level of Level D, which is very congested. Condition 23

speaks of the need for a traffic study specifically for that area. The study must be completed prior to occupancy of the theater. The theater process will not be delayed. The City is seeking a contribution toward that study. The study would be conducted, but it would not be necessary to complete the study and make any improvements until the theater is ready to be occupied. This process is likely to take 18 months to two years or more. Engineering is cooperating with this, but Mr. Lindsey thought the Commissioners needed to be aware of this condition.

Kirk Lindsey clarified for Chairman Everett that it would take approximately two years to complete construction drawings, demolition permits, building permit, and construction.

Rodger Olds responded to Chairman Everett's question concerning the traffic study that it would only take two or three months to complete. He explained that the intersection of Miller Street and Main Street is in some distress. Staff is anticipating with the Downtown Specific Plan that there might be even more traffic in the area. So staff is asking for a deficiency plan—a plan that would identify what improvements would need to be done to make that intersection work well. The plan will give the City a scope of work, what needs to be done, and a cost estimate, which then can be implemented into the next AB1600 study. The results of the plan won't generate more work for the mall; the study will help to identify future improvements that would be implemented.

Commissioner Waterfield asked what the contribution of the City will be toward this study.

Kirk Lindsey responded that the City will contribute time to the study.

Rodger Olds added that they are anticipating that Galaxy Theater will pay the consultant's expenses for the traffic study. The City will provide staff review and direction. It is anticipated that with future build-out and traffic within the City, the intersections will need to be improved.

Chairman Everett asked if the wording of Condition 23 would be changed to be more specific.

Rodger Olds responded that staff could do so if it pleased the Commission.

Mr. Watts, the applicant, commented that Kirk Lindsey had been discussing with the owners all the requirements, and they are all cooperating.

Commissioner Hunter commented that she thought it should be identified what should be in the study.

Rodger Olds read into the record the new wording of Condition 23: "The developer shall provide to the City deficiency plan for the intersection of Main Street and Miller Street per the standards of SBCAG conditioned management program. The deficiency plan shall be prepared by a traffic engineer acceptable to the City. This study must be completed prior to occupancy of the proposed project."

The applicant was in agreement.

Chairman Everett closed the public hearing, and called for a motion.

Rodger Brown made the motion to adopt Resolution No. 2417 to adopt an additional Addendum to the Final Subsequent Environmental Impact Report (FSEIR) of the Town Center Multi-Plex Theater (Galaxy Theater), PD-2005-015, based upon findings of a new traffic study that indicate that three previously adopted traffic mitigation measures are unnecessary; and approve the project in accordance with the Preliminary Draft of the revised Planned Development Permit, and include the addendum as read into the record by Mr. Olds. Commissioner Waterfield seconded the motion, and it was carried, 5-0.

**ITEM 2 - PARCEL AND CONDO MAP FOR CENTENNIAL PLAZA, LOCATED AT THE SOUTHWEST CORNER OF PLAZA DRIVE AND MILLER STREET, TRACT 5898.** Review of a parcel and airspace condominium map that would create one (1) residential parcel (5.09 acres), one (1) commercial parcel (1.27 acres) and 79 residential airspace units on a 6.35 acre lot. The zoning of the site is PD/R-3 (Planned Development/High Density Residential) and PD/CPO (Planned Development/Commercial Professional Office), Assessor's Parcel No. 128-066-003. This project qualifies for a Class 15 categorical exemption. No further environmental review is required. (Project Planner: Brian Halvorson)

*Items 2 and 3 were considered together.*

**ITEM 3 PLANNED DEVELOPMENT PERMIT FOR CENTENNIAL SQUARE, LOCATED AT THE SOUTHWEST CORNER OF MILLER STREET AND PLAZA DRIVE, PD-2005-019, E-2005-052.** Review of a Planned Development permit to construct 72 Residential Condominium units and a mixed use building containing 9,095 square feet of commercial office and 7 residential apartment units in a PD/R-3 (Planned Development/High Density Residential) and PD/CPO (Planned Development/Commercial Professional Office) zoning district. Assessor's Parcel No. 128-066-033. This project has been previously reviewed in a Mitigated Negative Declaration for GPZ-2005-012. No further environmental review is required. (Project Planner: Brian Halvorson)

**ACTION:** By motion, continued this item to the June 7, 2006, Planning Commission meeting.

**VOTE:** Ayes-Commissioners Hunter, Moats, Brown, Waterfield and Chairman Everett; Noes-None; Absent-None; Abstained-None.

Brian Halvorson presented the staff report, and combined Items 2 and 3, since they are related. This project is located at the southwest corner of Miller Street and Plaza Drive. The project includes a tentative map to subdivide the property into two parcels, one 5.09 acre parcel, with 72 residential airspace units, and one 1.27 acre parcel with seven residential airspace units, as well as a Planned Development Permit for a mixed use building with 9,095 square feet of commercial office space on the first floor, and seven two-bedroom two-bath apartments on the second floor, ranging in size from 970 square feet to 1,075 square feet. Mr. Halvorson pointed out a correction to the staff report: the 18% landscaping indicated is incorrect; it is 28% that will be landscaped. The code requirement is 20% for that lot. On the second lot, which is zoned PD/CPO, the applicant is proposing to have 18% landscaping, and the minimum requirement is 15%.

Staff expressed concerned with the lack of amenities for residents on the site. Currently, the project proposes a landscape basin, which includes a barbecue and benches. Staff is concerned that a project of this size usually has a community building, tot lot, larger recreational areas, maybe a pool; this site is not proposing any of those amenities, only about 3,800 square feet of basin. Due to these concerns, staff is recommending an alternate plan, which is included in the staff report as Exhibit F. The alternative plan eliminates one of the town home buildings, and in the back, combines three town homes into one building. The alternative plan is recommended because the project is lacking open space to accommodate the residents; it would also help with guest parking. This is a desirable optional plan, and might result in continuing this project.

The setbacks have been met. The applicant is requesting slight deviation from the height restrictions in the CPO zone. The maximum height is 35 feet, and a portion of this mixed-

use structure reaches 38 feet to 40 feet in height. Staff supports the slight deviation from the height requirements. The parking requirement has been met. The preliminary draft Planned Development Permit is conditioned to limit the medical office uses to a maximum of 3,000 square feet. The reason for the condition is that extra parking is needed for the town home project. The town home project alone is deficient in parking; however, as a mixed use project, a shared parking agreement would allow the exchange of parking to accommodate the lack of guest parking.

Mr. Halvorson reviewed the elevations—one for the mixed use project and one for town homes. Access to the site will be from Plaza Drive and Miller Street. A mitigated negative declaration has been completed and circulated. There are mitigation measures attached to this project, including noise mitigation as well as the median in Miller Street.

Staff is presenting two options to the Planning Commission: to approve the Planned Development Permit in accordance with the draft Planned Development Permit presented; or to continue the project to the Planning Commission meeting of June 7, 2006, in order for the applicant to make changes to the site plan to ultimately create a better project for the residents with increased open space, with guest parking, and to address the aesthetics of the site. There are some concerns of the views off of Miller Street, and the lack of amenities for the number of town homes. Staff is available for questions.

Commissioner Moats asked staff if one of the structures was to be eliminated as staff is proposing, would it be replaced somewhere else?

Brian Halvorson responded that staff believes removal of the building would be better to allow for an increase in open space, and to accommodate additional guest parking.

Commissioner Waterfield inquired as to what sort of amenities are provided in the project on Miller Street and Inger Drive.

Brian Halvorson responded that the project, Celebration, incorporated open spaces in the project as well as another park, and added that the entire frontage of the project is mixed use, with residences in the back.

Brian Schwartz of Urban Planning Concepts responded to Commissioner Waterfield's question by stating that the Centennial project has landscaped open space areas, but no tot lot, club house, barbecue areas, or pool for that project.

Commissioner Waterfield asked staff why the requirement for these amenities was included in the Celebration project and not the Centennial project.

Brian Halvorson responded that the reason is the size of the mixed use component of the Centennial Square project. The mixed use portion is a very small portion of the property. Originally, staff recommended a 50%/50% breakdown. The applicant didn't like that recommendation, so they rezoned land, and subdivided the residential component of the project from the mixed use component. Staff recommended a larger mixed use project, but that's not what the applicant submitted. Mr. Halvorson pointed out that the zoning ordinance (12-49.02b) states that "an appropriate mixed use development is diverse and contains a representative mix of residents, workers and uses." Celebration has good mix of both residential and commercial uses that satisfy both the letter and the spirit of the mixed use ordinance. Centennial Square does not have that same mix; it could be better. Staff doesn't want to sound unfair, but wants to improve it.

Brian Halvorson responded to Commissioner Moats' question by stating that staff has only offered a conceptual recommendation, leaving it up to the applicant to design the project and still have private space and a good look.

Commissioner Brown asked staff if they looked at the possibility of replacing the residential portion of the project with more commercial uses, and how that would affect the parking.

Brian Halvorson responded that staff has left it open-ended and up to applicant. He stated that Commissioner Brown's question is a good point. The parking requirement is much less for a mixed use project than a town home project. The parking is a constraint on the site, because two covered spaces are required per residential unit, as well as one guest space for every two units. The idea of the mixed use ordinance is to create more of a mixture of uses so there isn't such a strain on the parking for residential.

Commissioner Brown agreed; he stated that this project doesn't have the same feeling of a mixed use project as the Celebration project. He asked staff if a percentage requirement is in the mixed use ordinance.

Peggy Woods responded to Commissioner Brown's inquiry by stating that the mixed use ordinance was recently amended to include a percentage. The mixed use ordinance states: "When a mixed use project is proposed outside the four square mile area, it shall meet the following performance standards: a minimum of 51 percent of the gross floor area shall be utilized by a land use permitted or conditionally permitted by the underlying base zoning district." She stated that since the majority of the project site is residential, it doesn't meet the 51 percent requirement.

Commissioner Hunter commented on her concerns about the lack of recreational amenities; she feels that it is important to have tot lots, barbecue areas, and guest parking on the southern side of the site. There is no parking in the driveways, and for those units on the southern part of the site, there would be a long trek for guests.

Bill Isaman, Inland Pacific Builders, presented a PowerPoint presentation on the project. He stated that he'd like to address the three major concerns with the project that staff brought up. He began with a description of architecture. The site is designed around a "Drive Court." The architecture is pulled from a Spanish Hacienda look, with white finished stucco, dark exposed rafters, and terra cotta tile roofs. The applicant has gone through three site plans, and the mixed use ordinance changed during the process of planning this project. This project was based around the mixed use ordinance. As presented, it meets all the requirements of the mixed use ordinance. He addressed the three concerns that staff brought up: parking, open space, and site amenities, explaining their position on these points in the presentation.

Commissioner Hunter stated that she believes it is important to have a decorative fence with decorative cap to enhance this great architecture, and asked if there were any examples to view.

Bill Isaman responded that while they didn't have any examples, they were not opposed to that condition.

Commissioner Hunter stated that she really believes that the fences need to be upgraded substantially, especially since it's a very tight space. She also stated her concern over the lack of parking in the southwest corner of the site.

In response to Commissioner Hunter's concern, Bill Isaman reviewed the guest parking on the site. He commented that it is important to recognize bonus spaces, and that 1/3 of the units do have a full driveway.

In response to Commissioner Hunter's question, Brian Halvorson responded that the guest parking requirement is one parking space for every two units.

Commissioner Hunter reiterated that there needs to be guest parking in the southwest corner that would be more appropriate for those units. The units located there are a long way from proposed guest parking spaces. She feels very strongly about a large number of people in a dense space. The project boasts fabulous architecture, but really needs more open space, a tot lot, and other facilities, maybe not a pool and spa, but something. There are just not enough amenities.

Brian Halvorson clarified why there is a discrepancy in the numbers in the parking calculations: the site is deficient by 19 spaces because staff does not recognize stalls in driveways as parking spaces.

Peggy Woods also spoke on the question of parking spaces. The residential portion was reviewed using the standard—two parking spaces per unit plus one guest parking space for every two units. The project is short 17 parking spaces. The mixed use area has an overage of parking spaces. The applicant is crediting the residential portion utilizing the overage from the mixed use portion. The applicant would be requesting a waiver of the parking requirement which is allowed under the mixed use ordinance. The request would be for a 4.2% reduction in parking. The parcels together are nine or ten parking spaces short. The applicant is requesting a waiver of the requirement. The project is required approximately 237 parking spaces; 227 are proposed, combining both parcels. Approving the project as proposed would allow the reduction in parking spaces and utilizing the reciprocal parking agreement.

In response to Commissioner Moats' question, Bill Isaman responded that yes, about every two out of three units have backyards.

Mr. Isaman also responded to Commissioner Moats' question about removing one of the buildings and stated that with the costs incurred with widening Miller and the additional basin and the technology required to implement the improvements, if a building is removed, then Centennial would no longer be a project for Inland Pacific Builders. Inland Pacific Builders took on considerable cost with offsite costs and infrastructure not originally in the Project Performa when the property was purchased.

In response to Commissioner Brown's inquiry about making the northwest corner a mixed use component, Mr. Isaman responded that they have looked at the project several ways. To change it now would require the applicant to start over, especially if they had to remove an entire building.

Commissioner Brown asked Mr. Isaman if the AB1600 fee program would help to cover the costs of improving Miller Street.

Mr. Isaman responded that yes, about 300 feet south along Miller Street, which is being widened by 8 feet to include bike lane, is being covered.

Laurie Tamura addressed the Commissioners concerning the different requirements and improvements that are associated with this project.

Commissioner Brown met with Rick Sweet, Public Works Director, about the bike lane. The center turn lane on Miller Street will disappear when the median goes in. Commissioner Brown asked whether the median could be made smaller and still have a bike lane.

In response to Commissioner Brown's question, Kirk Lindsey responded that the General Plan, Circulation Element, calls for a bike lane, eight feet wide.

Rodger Olds clarified that narrowing the median to create additional width on Miller Street would allow for a bike lane on the west side of the street. The proposal is to extend the bike lane up to Plaza Drive, which would make the curb line consistent with the existing curb line.

Commissioner Brown commented on the extent of work that would be necessary in order to put in a bike lane that might not be necessary.

Kirk Lindsey showed the Commissioners a map to portray the proposed median.

Tim Walters, RRM Design Group, commented on the width of the center median as currently being 16 feet wide. In order to accommodate the channeling of left turn lanes and a median, there would be no room for a bike lane with that width.

In response to Commissioner Moats' question, Kirk Lindsey responded that yes, the General Plan requires a bike lane unless amended otherwise.

Commissioner Moats asked if in the residential portion there is an option to convert some of the open space to parking if there is not enough.

Laurie Tamura responded that potentially, yes, but it would decrease the landscaping between units.

Chairman Everett stated he would like to see where additional parking could be provided.

Mr. Isaman showed on the site plan potential spots for parking spaces, possibly six to seven additional spots.

Commissioner Brown suggested using grasscrete for those additional parking spaces.

Commissioner Brown inquired about the southwest corner of the lot backing up to the shopping center parking lot, and whether or not a locked gate was going to be proposed.

Mr. Isaman countered that there are two ways of looking at that; it could be a good or bad idea.

Commissioner Waterfield suggested checking with Lincoln Oaks to see how their gate works for them.

Commissioner Hunter spoke about the need for open space amenities. She stated that this project will provide housing for people for the next 50 years and it needs to be a good project. This particular site is not adjacent to anything easy to walk to. She suggested there could be opportunity to create a slightly better environment for the kids in the open space amenities.

Bill Isaman agreed, and stated that there could be some space that could be public space instead of private. Perhaps not a tot lot, but maybe a smaller playground with equipment.

Commissioner Hunter also stated her concern about the proposed fences and the need to be decorative.

Commissioner Brown agreed with Commissioner Hunter. He stated that the closest playgrounds are at Battles School and Miller School, and both are across a busy street. He also commented that basketball courts get lots of use—even half of one—so that might be an option to consider.

Commissioner Waterfield stated that Joe White Park is a good example of a basketball court and playground.

Commissioner Brown asked Patty Ellis about the slope of the basin being 6 to 1; could it be 4 to 1?

Bill Isaman clarified that there is a combination of the two slopes on the project; 6 to 1 is where the tables are proposed and 4 to 1 is in the other areas to meet the capacity calculation.

Commissioner Waterfield recommended that this project come back before the Commissioners on June 7th with the additional parking, samples of fencing, and more open space, either omitting a section or pushing it back to make more open space.

Chairman Everett closed the public hearing, and asked the Commissioners for their input.

Commissioner Moats stated that he thought it should be reviewed at a later date to allow the applicant to come up with additional parking on the project site.

Chairman Everett polled the Commissioners for what additional amenities they would like to see in this project, which included parking, grasscrete, perhaps rearranging the buildings, additional amenities, a half-basketball court, and fencing to match the architecture.

Phil Sinco reminded the Planning Commissioners that even if the applicant made all these changes, the Planning Commission still has the authority to deny the project. Nothing stated heretofore is binding, and the Planning Commission can still approve or deny the project.

Chairman Everett called for a motion. Commissioner Hunter made a motion to continue this item to the June 7, 2006, Planning Commission meeting. Commissioner Brown seconded the motion, and it was carried, 5-0.

*Chairman Everett called for a five minute break.*

**ITEM 4 - SUNRISE TERRACE GENERAL PLAN AMENDMENT AND ZONE CHANGE LOCATED AT THE NORTHEAST CORNER OF SUNRISE DRIVE/SANTA MARIA WAY AND THE SOUTHEAST CORNER OF MILLER/ SANTA MARIA WAY, GPZ-2005-005, E-2005-030.**

Review of recommendation to City Council regarding a Mitigated Negative Declaration and amendments to the General Plan (Land Use) and a zone change for properties located at the northeast corner of Sunrise Drive/Santa Maria Way and the southeast corner of Miller Street/Santa Maria Way, an amendment to the General Plan (Land Use) from 10.03 acres of CC (Community Commercial) to 3.22 acres of CC (Community Commercial) and 6.80 acres of HDR-14 (High Density Residential/14 units per acre), and a zone change from 10.03 acres of PD/C-2 (Planned Development/General Commercial) to 3.22 acres of PD/C-2 (Planned Development/ General Commercial) and 6.80 acres of PD/R-3 (Planned Development/High Density Residential), Assessor's Parcel Nos. 109-010-029, 128-090-023, and 128-090-022. (Project Planner: Brian Halvorson)

**ACTION:** By motion, adopted Resolution No. 2418, recommending that the City Council adopt a Mitigated Negative Declaration for the project, GPZ-2005-005, E-2005-030; and by motion, adopted Resolution No. 2419, recommending that the City Council adopt a resolution amending the General Plan (Land Use) **FROM** 10.03 acres of CC (Community Commercial) **TO** 3.22 acres of CC (Community Commercial) and 6.80 acres of HDR-14 (High Density Residential-14 units per acre) as shown on Exhibit A; and adopt an ordinance rezoning the site **FROM** 10.03 acres of PD/C-2 (Planned Development/General Commercial) **TO** 3.22 acres of PD/C-2 (Planned Development/General Commercial) and 6.80 acres of PD/R-3 (Planned Development/High Density Residential) as shown on Exhibit A.

**VOTE:** Ayes-Commissioners Hunter, Moats, Brown, Waterfield and Chairman Everett; Noes-None; Absent-None; Abstained-None.

Brian Halvorson presented the staff report. Access to the site is from Miller Street, Sunrise Drive and Santa Maria Way. A Mitigated Negative Declaration has been completed and circulated, and the mitigation measures have been included in the conditions of approval.

This item was continued from the March 15th, 2006, Planning Commission meeting because of concerns about density and the height of the project. The proposal is for 14 dwelling units per acre, instead of 16 dwelling units per acre. The revised density calls for 95 condominium units (the zoning would have allowed 108 condominium units). Staff believes issues of height would better be addressed during the Planned Development Permit stage which will be reviewed at a future date, and at that time, conditions will be attached to address the development. Staff recommends approval of the project, and is available for any questions.

Laurie Tamura, Urban Planning Concepts, representing Inland Pacific Builders (IPB), spoke concerning the project. She reviewed that the Planning Commission approved a site plan for 4.8 acres of commercial, and the rest residential. She also spoke concerning the issues raised about density, and that they will be working with adjacent property owners when designing the buildings.

Stephen Wagoner spoke in opposition to the project. He commented on having met with Inland Pacific Builders to discuss his concerns with them. He also commented on the bike lane, and spoke about parking in the Mission Creek project, and his concern about high density in the Mission Creek project and this project and what that might do to property values. Mr. Wagoner was very concerned about having two driveways on Sunrise Drive, and commented on the aesthetics of the building materials.

In response to Commissioner Waterfield's question, Mr. Wagoner said he thought there were some neat things about this project, including the commitment by IPB to "come to the table" and meet the concerns of the neighborhood.

Commissioner Moats asked if Mr. Wagoner was speaking as an individual, or as a president of the homeowners' group. Mr. Wagoner claimed he represents the group, but some of what he says is his own. After the last Planning Commission meeting, he met with nine of the other members of the homeowners' group.

In response to Commissioner Moats' question, Mr. Wagoner responded that his greater concern is the viewscape and vista, and he also has a concern with the bike lane.

Commissioner Brown asked Rodger Olds of the Engineering Division how many trips per hour the community commercial would generate, and how many trips per hour high density the residential project would generate at 14 dwelling units per acre. Mr. Olds responded that peak hour trips vary greatly. Generally, one-half trip per unit would be generated for the residential. Peak hour trips per 1000 square feet of office would be in the 8-10 range. If a drive-through is included, that generates a lot of traffic; if office, the numbers would be significantly less.

Brian Halvorson pointed out in the staff report, on page 6 of the Mitigated Negative Declaration, that there is some data on peak trips. A shopping center generates significantly more trips than residential uses. If this site was to be developed as commercial, it would generate much more traffic than residential. Charts T-1 and T-2 show big differences in traffic trips.

In response to Commissioner Brown's question, Brian Halvorson responded that buildings in the C2 zone are not to exceed 40 feet in height.

Commissioner Brown summarized that in the commercial zone, there could be more trips generated per day as well as higher buildings.

Brian Halvorson commented that staff believes this proposal is a less intensive use for this site, and also provides a different type of housing. Higher density projects are needed in the

City for the reason that not everyone can live in a single family home. This use is a less intensive use for the site, is close to a transportation corridor, and is a good fit for this corner.

Kieran Adam, representing the Adam Group that owns the property directly to the north, addressed the Commission. He is concerned about impacts to his property. His understanding is that by changing the zoning of the project site, it would require a ten-foot setback on his property where he could not build. This would be a significant impact to him. His parcel is a narrow triangular piece and that side is where he'd want to place a building, should he develop in the future.

In response to Chairman Everett's question, Brian Halvorson responded that the information was accurate. If there was not residential zoning on the proposed project parcel, then Mr. Adam could technically build to the property line. But since the applicant proposes to have residential zoning, the code requires a ten-foot setback on the commercial property where the commercial property is adjacent to residential property. Another concern of Mr. Adam's is the driveway on Santa Maria Way.

Commissioner Brown asked if the driveway would supply the necessary setback for Mr. Adam's property, and Brian responded that it would provide the required setback.

Commissioner Moats remarked that it created a definite negative financial impact for the property owner to the north. He asked if there is any financial compensation to the property owner to the north if this action were taken.

Phil Sinco responded that there was not since this is not a governmental taking of the property. In view of that, the Planning Commission could deny this project in favor of Mr. Adam.

Commissioner Brown asked if the Planning Commission could condition this project so that the residential component would have to be moved back to meet the required setback on the commercial property. Brian Halvorson responded that the ten foot setback is measured from the property line to the building on the commercial property. He referred to the Mitigated Negative Declaration stating that there is a setback condition for the northern corner of the project site for 20 feet. The buildings on the northern part of the property are further back from the property line.

Laurie Tamura, Urban Planning Concepts, commented that traffic and design issues are for another day, and stated that she hopes the Planning Commission will support this action tonight and the project can move forward.

Chair Everett asked Ms. Tamura what Urban Planning Concepts would do to address Mr. Adam's concern.

Ms. Tamura responded that the area in question could be used as parking or even a retention basin, which could be incorporated into their project design.

Mr. Adam addressed the Commissioners. They already have a 10 foot restriction on the east side; this action will mean an additional 10 foot setback on the south side. For the applicant to change from commercial to residential impacts him a lot. Further constraining his site is a negative impact to him. Since the site is a hard configuration, having the 10 feet imposed on the proposed project would help out a lot since the lot size is 60,000 square feet.

Commissioner Moats asked Mr. Adam what he would like to see.

Mr. Adam responded that he would like to have that condition waived or for the applicant to utilize Option 1 that they initially proposed, which had commercial adjacent his property.

Phil Sinco suggested that perhaps the property owners could explore with their own attorneys the idea that since there is usually a 10 foot setback, and there would be 20 feet here, perhaps they could deed 10 feet to Mr. Adam and have a sort of easement there to meet the requirement for the condition.

Mr. Sinco suggested perhaps continuing this item to allow time to explore that option now instead of at the Planned Development Permit time, when the rezoning would have already occurred.

Brian Halvorson suggested that since the applicant has been so patient, perhaps a condition could be written in and then presented to City Council.

Phil Sinco cautioned that the Planning Commission needs to take in all the considerations. Perhaps the owners could enter into an agreement to produce the setbacks on their own property, but maybe the property owner is not ready to give that area up, and they might be stuck with the 10 foot setback.

Commissioner Hunter commented that she is not in favor of continuing this item. She believes that there are remedies for Mr. Adam. She knows that developing the site will require effort but she is in favor of moving forward. Mr. Wagoner's concerns should be addressed at the Planned Develop Permit stage. She appreciates his comments, but those are addressed at the Planned Development Permit stage.

Commissioner Brown stated that he would like to see this project move forward. Nothing says that when Mr. Adam develops his property this Commission will still be around to remember this.

Commissioner Waterfield agreed with Commissioner Brown.

Commissioner Brown asked if there is something that can be put into the record to protect Mr. Adam.

Laurie Tamura said that language could be put in the record and in the deed that the 10 foot setback can be encroached upon, similar to a "buyer beware" notice for those northern property owners.

Commissioner Hunter stated that she was not ready to waive the ten foot setback, posing the question as to what if a carwash was to be proposed there. She expressed concern about setting a precedent. She asked for some advice from the attorney.

Phil Sinco responded that it is not possible to act for the other property owner during this procedure.

Commissioner Brown agreed with Commissioner Hunter, but stated that if the Commission approves this project, then they are conditioning Mr. Adam adversely.

Commissioner Hunter stated that while she does empathize with Mr. Adam, she also believes that there are design consideration that can be done, and thinks the 10-foot setback should be honored.

Chairman Everett commented that it is a potential loss to Mr. Adam.

Chairman Everett closed the public hearing.

Commissioner Brown asked for clarification concerning Mr. Sinco's suggestion of an easement agreement. Does that suggestion carry any weight?

Phil Sinco responded that he didn't think so. He said that perhaps the applicant could give up the 10 feet; but that couldn't be accomplished at this meeting.

Laurie Tamura reiterated that they were discussing the property line to the north. Whether it's a lot line adjustment or an easement, it would still be the same 20 feet.

Brian Halvorson clarified that the mitigation measure applied only to the northeast corner, not the entire northern property line.

Commissioner Moats commented that the decision being made tonight is purely an advisory suggestion to the City Council.

Chairman Everett called for a motion. Commissioner Hunter made a motion to adopt Resolution 2418, recommending that the City Council adopt a Mitigated Negative Declaration, E-2005-030, for the project (Attachments 1, 2 and 3), GPZ-2005-005 as amended. Commissioner Moats seconded the motion, and it passed, 5-0.

Commissioner Hunter made a motion to adopt Resolution 2419 amending the General Plan (Land Use) FROM 10.03 acres of CC (Community Commercial) TO 3.22 acres of CC (Community Commercial) and 6.80 acres of HDR-14 (High Density Residential-14 units per acre) as shown on Exhibit A; and adopt an ordinance rezoning the site FROM 10.03 acres of PD/C-2 (Planned Development/General Commercial) TO 3.22 acres of PD/C-2 (Planned Development/General Commercial) and 6.80 acres of PD/R-3 (Planned Development/High Density Residential) as shown on Exhibit A. Commissioner Brown seconded the motion, and it passed, 5-0.

**ADJOURNMENT:** The meeting was adjourned at 10:02 p.m. to a Study Session on May 4, 2006 at 10:00 a.m. in the Community Development Department conference room, 110 S. Pine Street, Santa Maria.

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Respectfully submitted,

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PEGGY WOODS, ASSISTANT SECRETARY  
CITY PLANNING COMMISSION