



**CITY OF SANTA MARIA
PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF
SEPTEMBER 20, 2006**



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

PRESENT: Commissioners Michael W. Moats, Rodger Brown, and Chair John Everett.

ABSENT: Commissioner Hunter and Vice-Chair Waterfield.

STAFF PRESENT: Planning Division Manager, Peggy Woods
Senior Deputy City Attorney, Wendy Stockton
Senior Civil Engineer, David Whitehead
Recording Secretary, Kathleen Villegas
Park/Landscape Planning Tech, Patty Ellis
Planner III, Ben Kimball

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

ITEM 1 – CONSENT CALENDAR: The consent calendar is approved with one motion.

ITEM 1A - REGENCY CENTERS DEVELOPMENT AGREEMENT, SP-2006-020. That the Planning Commission will consider the staff recommendation to adopt a resolution recommending to City Council approval of a Development Agreement for the Regency Centers/Kohl's Project. If the City and Developer enter into a Development Agreement, the Developer will construct additional traffic improvements the community needs now. In turn, the City can reimburse the developer for construction costs that exceed the developer's fair share. (Project Engineer: Rodger Olds)

ACTION: By motion, this item was continued to the October 4, 2006, public hearing.

ITEM 1B - PLANNED DEVELOPMENT PERMIT APPLICATION FOR THREE NEW COMMERCIAL BUILDINGS LOCATED AT THE SOUTHWEST CORNER OF BETTERAVIA ROAD AND COLLEGE DRIVE, PD-2006-012, E-2006-053. Review of a Planned Development Permit to allow the construction of three commercial buildings totaling approximately 47,500 square feet on a 4.48 acre portion of a 5.85 acre site in a PD/C-2, (Planned Development/General Commercial), zoning district, Assessor's Parcel Number 128-136-036. The environmental review for this project was completed in a Final Supplemental Environmental Impact Report (E-2004-065) for the General Plan Amendment, Zone Change and Specific Plan Amendment for the property (GPZ-2005-009, SPZ-2005-002). (Project Planner: Bill Scott)

ACTION: By motion, this item was continued to the October 4, 2006, public hearing.

Commissioner Moats made the motion to approve the Consent Calendar, Commissioner Brown seconded, and the motion passed; 3-0-2 (Waterfield and Hunter absent).

PUBLIC HEARINGS:

ITEM 2 – CONDITIONAL USE PERMIT FOR DON AHERN OF AHERN RENTALS TO INSTALL ABOVE-GROUND FUEL TANKS AND ASSOCIATED EQUIPMENT, 1105 SOUTH BLOSSER, U-2005-034, E-2005-045.

Review of a Mitigated Negative Declaration and of a Conditional Use Permit to allow the installation of an above-ground fuel storage tank, gasoline and propane tanks with dispensers, and display of static equipment at a height of 25 feet, and the topping of existing street trees adjacent to the site, in a PD/CM (Planned Development/Commercial Manufacturing) zoning district, 1105 S. Blosser Road, Assessor's Parcel No. 117-630-002, and -003.

ACTION: By motion, approved subject to the conditions as outlined in the Preliminary Draft of the Conditional Use Permit, as amended. Vote: 3-0-2.

Benjamin Kimball presented the staff report on the request for a Conditional Use Permit to install an above-ground fuel tank at Ahern Rentals on the northwest corner of Blosser and Furakawa Way. Mr. Kimball showed an overview of the project site, depicting the location of the fuel tanks. He also showed a detailed site plan showing the proposed project. He stated that because of the tree-topping issue and possible environmental impacts resulting from that action, an environmental review was conducted, and the replacement of trees was made as a condition of approval. Mr. Kimball concluded the staff report by stating that staff recommended approval with that condition and was available for any questions.

In response to Commissioner Brown's inquiry, Mr. Kimball confirmed that, as per the City Code, tree replacement would be two to one. He did point out that the replacement trees wouldn't have to be at the same site, but they could be planted elsewhere in the City.

Commission Moats noted that the City seemed to have considerable leverage over the applicant with regard to the tree issue. He asked staff what the City would have done to enforce the tree issue if this leverage wasn't available.

Mr. Kimball responded that the tree problems would have been answered through the Code Compliance process.

Patty Ellis of the Recreation and Parks Department reiterated that the issue would have been forced through the Code Compliance division. She stated that they usually give notice, and then send another notice after 30 days. If the issue is not corrected within that second notice, then it will cost a certain amount for the City to handle. She stated that she was not certain if the applicant had received a second notice or not in this case.

Chair Everett asked Attorney Wendy Stockton if it was within the Commission's authority to agree to a one to one tree replacement.

Ms. Stockton replied that she had researched Title 10 in regard to this issue. She could not find a situation exactly like this, where tree replacement would be a one to one ratio. The Commission could state that the situation falls outside the usual, but does not set a precedent for any other situation. An example might be if two arborists disagree about the safety of a tree. The Municipal Code says that if trees are unsafe, then they are to be replaced at a two to one ratio, but if there is doubt, then perhaps the Commission could request a one to one replacement ratio. This would not impact any future actions. There could be a compromise.

Ms. Ellis replied to Commissioner Moats' question by stating that the City's bonding for 24 inch box trees is \$250 each, which would include removing the existing trees and stumps. There are 10 trees to be replaced at the site and 10 to be added elsewhere in the City, so that would total \$5,000.

Mike Maglente, of Martinez & Associates, 2624 Airpark Drive, spoke representing the applicant, who was out of state. He stated that the applicant requests that the Planning Commission consider a one to one replacement ratio. The City arborist stated that the trees were damaged beyond repair and should be removed. The arborist for Ahern Rentals reported that the trees are okay and, with proper pruning, would come back. The topping of the trees occurred to maintain the current landscape of the site, not to destroy the trees.

Chair Everett opened the floor to any other public speakers in favor or opposition to the project. No one came forward. Chair Everett then closed the public hearing and called for a discussion.

Commissioner Brown stated that if the applicant had knowingly violated the code, then he believed that the trees should be replaced two to one. Commissioner Moats commented that he felt that a one to one replacement would be appropriate in this situation. Chair Everett concurred with Commissioner Moats, stating that he believed a one to one replacement ratio would be appropriate in this situation.

Following further discussion, it was decided to add language to the special environmental condition to ensure that the Municipal Code was not being changed, but to reflect that there are two conflicting opinions of experts and a compromise was being made. The wording would be, "...based on disagreement between the expert arborists as to whether the trees are damaged and need to be removed."

Chair Everett called for a motion. Commissioner Brown made a motion to file a mitigated negative declaration and approve the project subject to the conditions as outlined in the preliminary draft of the Conditional Use Permit, for Don Ahern of Ahern Rentals to install above ground fuel tanks and associated equipment at 1105 South Blosser, U-2005-034, E-2005-045, with the changes of condition number 1 of the Special Environmental Conditions, with the change that it be replaced with a ratio of one to one, and add the sentence that Attorney Stockton suggested. Commissioner Moats seconded, and the motion passed, 3-0-2.

ITEMS 3 AND 4 – TENTATIVE TRACT MAP FOR TERRY FLATLEY (CELEBRATION) OF MILLER-INGER, LLC, WEST SIDE OF MILLER STREET BETWEEN DANIEL DRIVE AND INGER DRIVE, TRACT 5921.

Review of an addendum to an existing Mitigated Negative Declaration of environmental impact, and a tentative tract map that would create 21 residential airspace condominium and 14 commercial airspace condominium units, and 15 condominium live-work units in a PD/R-2 (Planned Development/Medium Density Residential) zoning district, Assessor's Parcel No. 128-081-009. (Project Planner: Benjamin A. Kimball), and

PLANNED DEVELOPMENT PERMIT FOR TERRY FLATLEY (CELEBRATION) OF MILLER-INGER, LLC FOR THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT, SOUTHWEST CORNER OF MILLER STREET AND INGER DRIVE, PD-2006-019, E-2006-042.

Review of an addendum to an existing Mitigated Negative Declaration of environmental impact and a Planned Development Permit to allow the construction of 21 residential airspace condominiums, 14 commercial office units, and 15 condominium live-work units in a PD/R-2 (Planned Development/Medium Density Residential) zoning district, Assessor's Parcel No. 128-081-009. (Project Planner: Benjamin A. Kimball)

ACTION: By motion, adopted Resolution No. 2435, approving the design as shown on the Official Tentative Map and conditions set forth in the July 11, 2006, Subdivision Committee Minutes, vote 3-0-2; and

ACTION: By motion, approved subject to the conditions as outlined in the Preliminary Draft of the Planned Development Permit, vote 3-0-2.

Benjamin Kimball presented the staff report on the Celebration project with its proposed changes. He stated that there was a new tentative tract map to further subdivide this subdivision to create some air space condos and mixed use buildings, and a new Planned Development Permit to address some of the developments that change when a project is condos instead of apartments. Mr. Kimball, with the Commission's approval, focused on the differences between what was approved last time, and what was now being proposed. He displayed the new tentative tract map, which was identical to the previous one. There were 42 individual lots to the west and 32 mixed use lots along the Miller corridor. The only difference was that in-between the 32 mixed use lots, they were now creating the airspace condominiums to satisfy the requirements for such.

Mr. Kimball showed the floor plans for one of the commercial buildings, which had been altered to meet condo standards. One thing that condominiums require, that apartments don't, is 300 cubic feet of storage space for each residential unit. These must be lockable storage areas in addition to the closets and cabinets already in place. The applicant added cabinets inside the garages where there was surplus space. This alone surpasses the 300 cubic feet required. There would also be lockable space underneath the staircases. In the triplex floor plan, with office on the ground floor and residential up above, there has been added locked storage space in the garages.

Mr. Kimball continued by stating that another condition of approval on the Planned Development permit was that condominiums must be built to the proper standards for the separation of utilities for the units. These changes create no additional environmental problems. He concluded the staff report by stating that staff recommended approval and was available for questions.

In reply to Commissioner Moats' inquiry, Peggy Woods replied that each unit would have their own water lines, sewer lines and meters. Since the project was still in the design stage, that would not present a problem.

Brian Schwartz, Urban Planning Concepts, 2624 Airpark Drive, was present representing the applicant. Mr. Schwartz thanked staff for all their work on this project. He said that he was very pleased with the results. He introduced Mr. Terry Flatley, the applicant, his brother Mr. Patrick Flatley, and Laura Tamura, of Urban Planning Concepts.

Mr. Schwartz stated that this project was designed when the mixed use ordinance was first being developed. It was one of the first mixed use projects in Santa Maria and it meets the goals and objectives of that ordinance in terms of in-fill sites, compact design, a mix of housing types, being located along public transportation corridors, and having passive and active recreational amenities on site. Mr. Schwartz reviewed the elevations and site plans of the proposed project, describing the amenities and architecture. He also pointed out that there were no walls being proposed around the perimeter streets of Daniel, Miller or Inger to allow a free flow of pedestrians into the project. He concluded by stating that he was available to answer any questions.

In response to Commissioner Moats' inquiry, Mr. Schwartz replied that the commercial spaces were designed for professional use, small businesses, perhaps like an accountant, attorney, or even computer repair. It would be a professional oriented center, a live work mixed use, perhaps for home-based businesses.

Mr. Schwartz responded to Commissioner Moats' by stating that the units would be sold separately.

In response to Commissioner Brown's inquiry, Peggy Woods responded that the requirement for fire exits or stairways applies to any space over 500 square feet, and none of the top floors are over 500 square feet.

Commission Moats clarified that the project was originally approved for apartments, but was now being switched to condominiums. He requested an explanation for the change.

Mr. Schwartz responded that he believed that decision was due to a change in the marketplace. He further stated that the initial idea was to sell each building to an investor, who could rent out space or sell as a condominium, as best would suit the purpose.

The applicant, Terry Flatley, 1715 N. Refugio Road, Santa Ynez, stated that the change was due to an oversight on his part. He had thought that the project was being processed as a condo project. The idea was to design the project for young professionals, such as a lawyer, accountant, or other occupations that can work at home.

Mr. Kimball responded to Commissioner Brown's question by stating that although this was not the first mixed-use project in town, it was the first one of any significant size in Santa Maria.

Chair Everett opened the floor to any other public speakers in favor or opposition to the project. No one came forward.

Chair Everett closed the hearing and called for a resolution. Commissioner Moats made the motion for Resolution 2435 to approve the tentative map Tract 5921, for Terry Flatley's Celebration project, of Miller Inger LLC, west side of Miller Street, between Daniel Drive and Inger Drive, Tract 5921, subject to the following:

- a. The design is shown on the Official Tentative Map;
- b. The conditions set forth in the July 11, 2006, Subdivision Minutes.

Commission Brown seconded, and the resolution passed; 3-0-2.

Commissioner Moats made a motion to approve the project Planned Development Permit for Terry Flatley's Celebration, of Miller Inger LLC, for the construction of a mixed-use development, south west corner of Miller Street and Inger Drive, PD-2006-019, E-2006-042, subject to the conditions outlined in the preliminary draft of the Planned Development Permit.

Commission Brown seconded, and the motion passed; 3-0-2.

ADJOURNMENT: The meeting was adjourned at 7:12 p.m. to a Study Session on September 21, 2006, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

Respectfully submitted,

PEGGY WOODS, ASSISTANT SECRETARY
CITY PLANNING COMMISSION