



**CITY OF SANTA MARIA  
PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF  
DECEMBER 6, 2006**



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

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

**STAFF PRESENT:** Planning Division Manager – Peggy Woods  
Deputy City Attorney – Wendy Stockton  
Senior Civil Engineer – Rodger Olds  
Planner II – Brian Halvorson  
Planner II – Bill Scott  
Recording Secretary – Kathleen Villegas

---

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

---

**PUBLIC HEARINGS:**

**ITEM 1 - CONDITIONAL USE PERMIT APPLICATION FOR THE INTERNATIONAL CHURCH, HOUSE OF GOD TO BE LOCATED AT 1265 W MCCOY LANE, U-2006-050, E-2006-064.** Review of a Conditional Use permit application to allow a temporary church in an existing industrial building located at 1265 W. McCoy Lane within a PD/M-1 (Planned Development/Light Manufacturing) zoning district, Assessor's Parcel No. 111-400-054. This project qualifies for a Class 1 categorical exemption. No further environmental review is required. (Project Planner: Brian Halvorson)

**ACTION:** By motion, approved subject to the conditions as outlined in the Preliminary Draft of the Conditional Use Permit. Vote: 5-0.

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

Brian Halvorson presented the staff report, outlining details concerning the project, including the proposed floor plan, hours of operation and parking requirements. He also stated that staff has put a few restrictions on this permit: first, it would only be valid for five years, after which it could be renewed; second, the church would be limited to 184 seats; and third, to keep the church on a set schedule, the hours have been limited as listed in the CUP. He concluded staff's presentation, and was available to answer questions.

Brian Halvorson responded to Chair Everett's concern by stating that the proposed bathrooms had been reviewed by the Building Division Manager, who had determined that it was acceptable to have only two restrooms. If, for some reason, at the construction plan review stage, additional bathrooms were found to be required, it would be identified at that time. He stated that he would review that to be sure.

The architect, Kurt Ellingworth, 1212 Joyce Court, San Luis Obispo, representing the applicant addressed the Commissioners. He stated that everything on the floor plan is already existing; they just want to improve the two bathrooms. He was available to answer any questions.

In response to Chair Everett, Mr. Ellingworth replied that they have very few funerals at this location.

With no further comments, Chair Everett closed the hearing and called for a motion. Commissioner Brown made the motion to approve the Conditional Use Permit application for the International Church, House of God, 1265 West McCoy Lane, U-2006-050, E-2006-064, subject to the conditions as outlined in the Preliminary Draft of the Conditional Use Permit. Commissioner Moats seconded it, and it passed, 5-0.

**ITEM 2 - PLANNED DEVELOPMENT PERMIT FOR THE LATINO SERVICE INSURANCE AGENCY TO CONVERT AN EXISTING SINGLE FAMILY RESIDENCE INTO A MIXED-USE OFFICE AND RESIDENTIAL STRUCTURE, 830 WEST MAIN STREET, PD-2006-011, E-2006-046.** Review of a planned development permit to construct a mixed-use office and residential structure, located at 830 West Main Street, in a PD/C-2 (Planned Development/General Commercial) zoning district, Assessor's Parcel No. 123-024-002. This project qualifies for a Class 3 categorical exemption under the California Environmental Quality Act. No further environmental review is required. (Project Planner: Benjamin A. Kimball)

**ACTION:** By motion, approved subject to the conditions as outlined in the Preliminary Draft of the Planned Development Permit, as amended. Vote: 5-0.

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

Bill Scott presented the staff report, giving the location and description of the project. He stated that the applicant had resubmitted drawings to address the concerns that the Planning Commission had expressed at the previous study session. He concluded the presentation by stating that staff recommends approval of the project subject to the conditions outlined in the Preliminary Draft of the Planned Development Permit, and staff was available to answer any questions.

Tom Martinez, the architect and agent for the property owner, 2624 Airpark Drive, Santa Maria, addressed the Commission. He stated that the applicant had reviewed the conditions, and had a couple of items they wanted to discuss. In the Public Works Special Conditions, there is a reference to water runoff, and they have none. They did speak with Rodger Olds, who explained that that condition was included in case the occupancy changes and someone may wash cars there. The other item they discussed with staff concerned existing alley improvements on the site. They have met with Rodger Olds and will again to resolve that issue. Mr. Martinez stated that they agree with all the other conditions as written.

In response to Commissioner Hunter's question, Mr. Martinez described what was added to the window detail. He stated that they were trying to salvage as much of the existing building as possible. They did add some details around the top and bottom of the windows. He also stated that the westerly side has to be a fire rated wall, so it cannot have windows.

Commissioner Hunter also commented on the junipers shown on the landscape plans, and stated that she would like to see those planted fairly large so that some immediate height would be there, which would soften the building. She requested that the larger size plants be incorporated into the landscape documents.

Commissioner Brown commented that it is nice to see the improvements being done on West Main Street.

Mr. Martinez remarked that because of the Planning Commission asking for more and setting the bar higher, people see the nicer projects and are apt to follow.

Chair Everett asked Mr. Martinez for clarification concerning the trash receptacle location, fencing and the building placement on the lot.

With no further comments or questions, Chair Everett closed the hearing and called for a motion. Commissioner Waterfield made a motion to approve the Planned Development permit for the Latino Service Insurance Agency to convert an existing single family residence into a mixed-use office and residential structure, 830 West Main Street, PD-2006-011, E-2006-046, subject to the conditions as outlined in the Preliminary Draft of the Planned Development Permit, as amended. Commissioner Hunter seconded it, and reiterated the condition of: "Additional landscaping: The junipers shown on Planning Commission Exhibit E date stamped November 29, 2006, incorporated herein by reference, junipers shall be shown on the final landscape plan submitted to the Community Development Department for approval. The landscaping shall be maintained as installed in accordance with the standard condition for landscape maintenance." Motion carried, 5-0.

**ITEM 3 - TENTATIVE TRACT MAP FOR FAIRWAY INDUSTRIAL PARK FOR 22 NEW LOTS WITH ONE REMAINDER LOT, LOCATED AT THE NORTHEAST CORNER OF FAIRWAY DRIVE AND "A" STREET, TRACT 5925, E-2005-037.** Review of a tentative tract map for 22 industrial lots with one remainder lot, located at the northeast corner of Fairway Drive and "A" Street, in a PD/M-1 (Planned Development/Light Manufacturing) zoning district, Assessor's Parcel No.111-580-001, -002, -003. This project was previously reviewed through a Mitigated Negative Declaration (E-2005-037) and its accompanying Initial Study. Mitigation measures have been made a part of this project and are explained in an addendum on file at the Community Development Department. No further environmental review is needed. (Project Planner: Benjamin A. Kimball)

**ACTION:** Adopted Resolution No. 2446, approving the Tentative Map, Tract 5925, subject to the design as shown on the Official Tentative Map and the conditions as set forth in the September 19, 2006, Subdivision Committee Minutes.

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

*Items 3 and 4 were considered concurrently.*

**ITEM 4 - AN AMENDMENT TO A PLANNED DEVELOPMENT PERMIT FOR FAIRWAY INDUSTRIAL PARK TO CONSTRUCT 22 INDUSTRIAL BUILDINGS AT THE NORTHEAST CORNER OF FAIRWAY AND "A" STREET, PD-2005-007, E-2005-037.** Review of an amendment to a planned development permit to allow the construction of 22 industrial buildings ranging in size from 4,588 to 5,080 square foot industrial buildings in a PD/M-1 (Planned Development/Light Manufacturing) zoning district, Assessor's Parcel No.111-580-001, -002, -003. This project was previously reviewed through a Mitigated Negative Declaration (E-2005-037) and its accompanying Initial Study. Mitigation measures have been made a part of this project and are explained in an addendum on file at the Community Development Department. No further environmental review is needed. (Project Planner: Benjamin A. Kimball)

**ACTION:** By motion, approved subject to the conditions as outlined in the Preliminary Draft of the Planned Development Permit, as amended. Vote: 5-0.

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

Brian Halvorson presented the staff report, combining Items 3 and 4. He stated that this project was previously reviewed and approved for the Fairway Industrial Park, and this application is for an amendment to the previously approved Planned Development Permit to split the buildings into 22 industrial lots. Brian gave a brief overview description of the project, including a storage area that has been inserted between the two buildings. The parking lot and landscaping areas have been reconfigured to accommodate the changes to the building design. Brian summarized the project issues, and stated that the project does meet all the zoning requirements regarding parking, landscaping and height. Brian concluded staff's report by stating that based on staff review, staff recommends approval of this amendment, and is available to answer questions.

In response to Commissioner Moats, Peggy Woods stated that this project is being developed by Michael Peachy and Keith Mathias. She also stated that this is the second time the Planning Commission has seen this project. It is just now being subdivided into lots rather than the three parcels that were originally proposed.

Commissioner Everett commented on the fact that future transportation needs should be considered, and stated that perhaps bus stops should be incorporated into future plans.

In response to Chair Everett, Rodger Olds stated that "A" Street changes widths past the storm channel because it is not fully developed, and the City Circulation Element has "A" Street as a collector or secondary arterial, and then it steps down south of McCoy. He stated that it is a transition in the type of road that is per the City's General Plan Circulation Element.

Chair Everett commented on industrial zones in Los Angeles having sensors on their sewer drains for hazardous waste, and asked if something like that might be considered in Santa Maria. Rodger Olds responded that he would inquire with the Regulatory Compliance Division in the Utilities Department.

In response to Chair Everett, Rodger Olds responded that signage to eliminate parking of big rigs in the street had not been requested at this time, but it could be looked into. The parking of big rigs is a common problem in the non-developed industrial areas, but generally when the areas are developed, the trucks move on.

The project architect, Michael Peachy, of MW Architecture, 225 Prada Road, San Luis Obispo, addressed the Commission in behalf of the applicant, Keith Mathias, owner and developer, who is in the hospital. Mr. Peachy stated that he had reviewed the staff report, and went over several of the items with consultants, and had a few questions. Discussion followed concerning Special Planned Development Condition 2, exterior materials and color board requirements prior to building permit; and Items 5 and 6 on page 3, concerning the restriction of 50% office area.

Peggy Woods commented that some wording could be added to read: "No more than 50% of the tenant spaces within each building can be taken up by office spaces unless the applicant can demonstrate that additional parking is provided to allow a higher percentage."

Ms. Woods stated in response to Chair Everett that as long as the use is one that is allowed in the PD/M1 zone, research offices are allowed in the M-1 zone that are 100% office. If they provide the parking, they can be allowed. She stated that there are certain office types that are allowed, and there are office types that are prohibited in this zone.

Brian Halvorson stated that there is additional parking. The staff report was written to reflect the applicant's wish to have flexibility to use some of the parking area as outdoor storage. Brian stated that if the applicant elected not to do that, and use more office space, there were enough spaces to provide additional parking in the parking lot, and that shouldn't be a problem. He stated that staff would do an analysis at the time tenant improvements come in to be reviewed.

Wendy Stockton responded to Chair Everett by saying that Condition 5 could be changed with the language proposed by Ms. Woods, and then perhaps adding "and all other requirements of the zoning ordinance are met" which would clarify that the use needs to be right also.

Mr. Peachy commented on Item 6 that they noticed three lots not included in the listing of lots with storage, and they are lots 2, 21 and 22. Mr. Peachy asked staff for clarification about the standard planned development condition on page 8 in the yellow sheets, under item 5 (trash enclosure), the last statement in the last paragraph.

Brian Halvorson responded to Mr. Peachy by stating that there is a code section that addresses sight visibility next to driveways, but it is also applied to any structure that is adjacent to a parking stall. That is a policy that the Community Development Department has enforced. He stated that including this condition does not mean that this project does not conform, but if there are any problems in the future, they can refer back to this condition.

Mr. Peachy stated that he doesn't think "parking stall" is in the ordinance, and isn't sure when that condition applies.

Wendy Stockton clarified that items on the golden rod sheets, the standard conditions, are not word for word in the code; those are listed as code requirements. She stated that standard conditions do reflect standard policies, if not in the code, and they are safety based.

Mr. Peachy stated that he was trying to avoid having to redesign the parking lot at the very last. He said that he'd rather address it at the design phase, and not wait until the project is almost done.

Staff and the applicant spoke further concerning this requirement. Peggy Woods stated that since there were no dimensions on the plans, staff couldn't scale the distance off right now to see if they meet that requirement. Ms. Woods stated that she saw that the trash enclosures were located between lot lines, and there was room to push them back if there were problems meeting that requirement.

Brian Halvorson found the section in the Santa Maria Municipal Code Section 10-89.06: "No structure, hedge, or screen planting of any kind shall be constructed or grown to exceed 3 feet in height." He stated that staff has applied this to trash enclosures because it is a structure and next to a vehicle that is moving in a parking area. Brian stated that although it does not specifically say parking lot, it could be applied there because it is a matter of public safety.

Mr. Peachy also commented on Item 15 on bumpers, which pertains to the design of the front of the parking space. He stated that he would like to have a 7 foot sidewalk in lieu of landscaping, so with the overhang, the sidewalk won't be encroached. He'd rather do that than have the landscaping or the wheel stop because it looks nicer. He said he's appealing to change this condition to allow for a wider sidewalk.

After some discussion, Peggy Woods summarized that instead of overhanging an extra wide sidewalk, the applicant could make a 3 foot wide landscape planter and a 4 foot minimum

width sidewalk, and the requirement would be met. She stated that with no landscaping, the pedestrian is enabled to walk wherever they want, which wouldn't be safe.

Brian Halvorson stated that the wording in the condition also says "or other approved device" is listed there, too, and that could mean the landscape area.

With no further discussion, Chair Everett closed the public hearing and called for a motion each for Items 3 and 4. Commissioner Brown made the motion to pass Resolution No. 2446, to approve the Tentative Tract Map for Fairway Industrial Park for 22 new lots with one remainder lot, located at the northeast corner of Fairway Drive and "A" Street, Tract 5925, E-2005-037, subject to the design as shown on the Official Tentative Map, and the conditions set forth in the September 19, 2006 Subdivision Committee Minutes. Commissioner Hunter seconded it, and it passed, 5-0.

Commissioner Waterfield made the motion to approve the amendment to the Planned Development Permit for Fairway Industrial Park to construct 22 industrial buildings at the northeast corner of Fairway and "A" Street, PD-2005-007, E-2005-037, subject to the conditions outlined in the Preliminary Draft of the Planned Development Permit, with the corrections to Item 6, adding three additional buildings; Item 2, 21 and 22, and Special Planned Development Condition 5, as read into the record by Peggy Woods, and all other requirements of the zoning ordinance be met. Commissioner Brown seconded it, and it passed, 5-0.

***The Planning Commission took a five minute recess.***

**ITEM 5 - PLANNED DEVELOPMENT PERMIT FOR USA GAS STATION AND MINI-MART, LOCATED ON THE SOUTHWEST CORNER OF BETTERAVIA ROAD AND SKYWAY DRIVE, PD-2006-020, E-2006-068.** Review of a Mitigated Negative Declaration and Planned Development Permit to allow the construction of a 2,500 square foot self service gas station and mini-mart, including a 1,728 square foot canopy, eight gasoline dispensers, parking and landscaping, on a site located in a PD/C-2 (Planned Development/General Commercial) zoning district, Assessor's Parcel No. 111-400-032. (Project Planner: Bill Scott)

**ACTION:** By motion, approved subject to the conditions as outlined in the Preliminary Draft of the Planned Development Permit. Vote: 5-0.

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

Bill Scott presented the staff report, giving the location and description of the project. He commented on the parking requirements and the architectural elements. As requested by the Planning Commission at the November study session, he passed material boards to the Commissioners for review. Mr. Scott reviewed the primary issues relating to project, including the site design, and future widening of Betteravia Road. He stated that the project had been conditioned so that the building would be completely out of the corner setback after any future widening of Betteravia Road. Mr. Scott also commented on the landscaping requirements, and retention basin located in the front setback on Skyway Drive as shown in the exhibits. He stated that a mitigated negative declaration has been prepared for the project with potential impacts in the area of traffic, and mitigation measures have been added to reduce those potential impacts to a less than significant level. Staff recommends that the Planning Commission authorize the filing of the mitigated negative declaration with the environmental impact and approve the project subject to the conditions as outlined in the preliminary draft of the Planned Development Permit, and staff is available to answer questions.

In response to Chair Everett, Rodger Olds spoke about a deceleration lane, and that having one into the site would require right of way dedication from the property to the west. He stated that the project entrance is close to the property line, and the City doesn't currently have easement rights to the adjacent property.

The architect for the applicant, Mark McIlvain, with CRMS Architects, 5921 Folsom Boulevard, Sacramento, California, addressed the Commission. He stated that in behalf of the applicant, they accept all the conditions as set forth, and he was available to answer any questions.

In response to Commissioner Hunter, Mr. McIlvain stated that the air conditioning units are screened on the roof and not visible from the street.

With no further comments, Chair Everett closed the hearing and called for a motion. Commissioner Hunter made the motion to authorize the filing of the mitigated negative declaration for the Planned Development Permit for USA Gas Station and Mini-Mart, located on the southwest corner of Betteravia Road and Skyway Drive, PD-2006-020, E-2006-068. Commissioner Waterfield seconded it, and it passed, 5-0.

Commissioner Hunter made the motion to approve the project Planned Development Permit for USA Gas Station and Mini-Mart, located on the southwest corner of Betteravia Road and Skyway Drive, PD-2006-020, E-2006-068, subject to the conditions as outlined in the preliminary draft of the Planned Development Permit. Commissioner Brown seconded it, and it passed, 5-0.

**ITEM 6 - PLANNED DEVELOPMENT PERMIT FOR THE ROEMER COURT HOTELS TO BE LOCATED EAST OF NORTH BROADWAY, SOUTH OF PREISKER LANE AND WEST OF ROEMER COURT, PD-2006-018, E-2006-008 AND E-2006-009.** Review of a Planned Development permit to allow two hotels (with a total of 160 rooms) located on Roemer Court, in a PD/C-2 (Planned Development/General Commercial) zoning district. Assessor's Parcel No. 128-003-038. This project qualifies for a Class 32 Categorical Exemption. No further environmental review is required. (Project Planner: Brian Halvorson)

**ACTION:** By motion, continued this item to the February 21, 2007, Planning Commission hearing to allow processing of text amendments to the Zoning Ordinance. Vote 5-0.

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

Brian Halvorson presented the staff report, giving the location and description of the project, as well as the parking requirements, setbacks, and landscaping requirements. He reviewed some of the amenities provided, including decorative pavers, landscaping, and benches. Brian discussed the proposed elevations, and showed that there is a combination of elevations being shown—one with sloped roof line, and one with flat roof. Brian also displayed the materials board, and covered some of the proposed architectural details. He detailed some of the issues facing the project, stating that the hotels as proposed do not meet the height requirement in the C-2 zone, which is 40 feet high. The applicant is depicting elevations with a flat roof as well as a sloped roof, and seeks input from the Planning Commission to see what they would prefer. If the Planning Commission likes the elevations with the flat roof, the height requirement could be met, so that option has been submitted. Brian Halvorson stressed that the applicant and staff prefer the sloped roof over the flat roof. He stated that a summary of past hotels approved is in the staff report, and he was available to answer any questions concerning that hotel research as well. Brian concluded by

recommending the following options for this project: continue this item until the project has been redesigned in order to meet the required municipal code building height restrictions, or continue this item until the City Council approves an amendment to the C-2 zoning district height restrictions. Staff is in favor of supporting an amendment the C-2 zone height restrictions. Staff believes those restrictions are outdated and need to be addressed. At this time, staff has no mechanism in the code to allow structures over 40 feet in height. Mr. Halvorson concluded his presentation by stating staff was available to answer any questions.

Wendy Stockton stated that if the Planning Commission was inclined to decide on the second option, then it would need to be continued to a specific date in order to keep the item on the agenda.

Brian Halvorson commented that amending the code could very well take several months. The length of time is dependent on staff time to review the amendment, put together the staff report, and have the meetings. He stated that he could throw a date out there, but it probably wouldn't be correct.

Commissioner Hunter stated that she has wrestled with this project. She thinks it is a good project, and the applicant heard what the Planning Commission said about the architecture. She suggested that perhaps staff could look at beginning to process the code change while the applicant could submit working drawings so that it dovetails together and the applicant doesn't lose more time.

In response to Commissioner Hunter, Wendy Stockton responded that staff had discussed that idea, but staff still doesn't know exactly what the code is going to say. If the project is continued to a certain date, then the applicant does not lose any more time.

Staff and the Commissioners further discussed how to possibly process the project so that the applicant wouldn't lose more time, as well as architectural details and the height requirement. They also discussed the two renderings of the elevations, one with a flat roof and one with a pitched roof.

Commissioner Hunter stated that one of her issues with the flat roof rendering is the weird parapets that just stick out in front. They are flat and look strange from the side. She personally prefers a pitched roof with a nicer finish. She stated she'd like to help the applicant through this if possible.

Bill Orndorff, Orndorff Planning Services, representing the applicant, addressed the Commission. He spoke on the various possibilities and options that were available. He stated that he has been working with Kirk Lindsey to amend the height code. He commented on another issue in the C-2 zone—that a building can't be over three stories, or 40 feet. He pointed out that that would still pose a problem for his applicant. They are in agreement to go forward with a code amendment to the Planning Commission, which would allow roughly a 60 or 70 foot building, including the roof pitch, as long as the building is over 100 feet from any single family residence, and this project is over 425 feet away from single family homes.

Mr. Orndorff continued by stating that the applicant would like to proceed with the code amendment, and is also seeking direction from the Planning Commission as to which roof line they prefer. The applicant would like to proceed with construction drawings, and a pitched roof would make a significant change to wind load and change the structure of the building. If that would be the direction of the Commission, then he would proceed with that. He would like to start on the construction drawings while the City is processing the amendment.

Mr. Orndorff and staff discussed the code requirement that a building cannot be over three stories in the PD/C-2 zone or 40 feet, and the fact that some buildings do exist that are over those limits.

Wendy Stockton commented that staff can't always find out the exact history as to why things are the way they are now. She stated that staff doesn't ignore any part of the code, but they read every word and give it the respect it deserves. With this project, it seems that the Planning Commission wants to move forward in harmony with the applicant. Ms. Stockton warned that it needed to clear that if the Planning Commission does as the applicant is requesting, there are no guarantees what the City Council will decide to do, and the applicant assumes that risk. If there is a difference in the two different roofs and the applicant chooses to accept that risk by moving forward with a code section that right now does not exist, that risk belongs to the applicant and that must be clear. The Commission cannot vote on that and have it stick.

Commissioner Hunter commented that she believed that if the applicant is comfortable to proceed with construction drawings, accepting the risks that Ms. Stockton outlined, she'd like the door to open to have that happen, so their plans can be processed while the code amendment was also being processed.

Mr. Orndorff replied that the applicant understands the risk, and will proceed with the construction drawings, which are expensive, recognizing that there is no guarantee. He stated that they appreciate the Commissioners' comments and desire to allow that to happen. Mr. Orndorff stated that the project architect was in attendance and available if the Planning Commissioners had any questions concerning any of the architecture.

Mr. Orndorff also gave a brief history of the Santa Maria Inn when it was remodeled.

Commissioner Hunter stated that she would like the record to reflect that the items mentioned tonight will be incorporated into those plans. Mr. Orndorff responded that they would read the minutes very carefully.

The applicant, Prakash J. Patel, 1510 N. 1st Street, #400, San Jose, CA 95112, addressed the Commissioners. He spoke of the history of this project, and said that they'd said it was to be four stories from the start. He stated that he didn't realize that the Planning Commission did not have the authority to approve four stories until five minutes before the last meeting.

Commissioner Hunter thanked Mr. Patel for his patience. She expressed her appreciation to Mr. Patel for wanting to build lovely buildings in the City, and she stated her belief that they will be an asset to the City. Commissioner Hunter stated that hopefully a solution has been reached that will help him proceed and get back on schedule.

Mr. Orndorff asked for direction from the Planning Commission concerning staff's recommendation that they come up with different window sizes in the project. He stated that would be difficult to achieve, and he doesn't think it would look very good.

Brian Halvorson explained to the Commissioners that staff had looked at the elevations for the Candlewood Hotel, and they seemed monotonous, so staff had suggested using some variation in the windows.

Commissioner Hunter commented on her trip to Italy this past summer and the architecture there. She stated that in their multi-story buildings, all of the windows have different elements, and that really breaks up the heights of the buildings. Maybe something can be incorporated on the various stories on this project to make it appear more interesting.

Brian Halvorson asked the applicant whether they would find it more acceptable if the wording of the condition was varying "window treatments" instead of "window sizes."

The Commissioners and Mr. Orndorff agreed with that suggestion.

Staff and the Commission discussed when to reschedule this item, and February 21, 2007 was agreed upon.

With no further comments, Chair Everett closed the hearing and called for a motion.

Commissioner Waterfield made the motion to continue the Planned Development Permit application for the Roemer Court Hotels to be located east of North Broadway, south of Preisker Lane, and west of Roemer Court, PD-2006-018, E-2006-008 and E-2006-009, to February 21, 2007, until the City Council approves an amendment to the Santa Maria Municipal Code that would allow the height of the buildings as proposed by the applicant. Commissioner Moats seconded it, and it passed, 5-0.

**ITEM 7 - TENTATIVE TRACT MAP FOR REFUGIO TOWNHOMES LOCATED ON THE NORTHWEST CORNER OF WEST MCCOY LANE AND PROFESSIONAL PARKWAY TRACT 5905, E-2006-011.** Review of a Mitigated Negative Declaration and a tentative tract map to allow the subdivision of two parcels totaling 7.2 acres into 130 lots, for 129 townhome units, on individual lots ranging in size from 958 square feet to 1,801 square feet, and one 3.64 acre lot for associated common area facilities. The property is located in a PD/R-3 (Planned Development/High Density Residential) zoning district, Assessor's Parcel No. 111-06-015 and 018. (Project Planner: Bill Scott)

**ACTION:** By motion at the request of the applicant, removed this item from the agenda. Vote 5-0.

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

Bill Scott presented the staff report, outlining details concerning the tentative tract map. He stated that this item had been continued from the October 18th, 2006 Planning Commission meeting. Staff recommends that the Planning Commission take the following actions for the Tentative Tract Map 5905: by resolution, recommend that the City Council file a mitigated negative declaration for the project, and by resolution, recommend that the City Council approve the tentative map, Tract 5905, for the Refugio Townhomes project, subject to the design on the Official Tentative Map, the conditions set forth in the September 26, 2006 Subdivision Committee minutes, as last revised on December 1, 2006, and the mitigation measures in the initial study. With that, Mr. Scott concluded his presentation and was available for questions.

Commissioner Hunter stated that lot size is a major issue with her, and she asked staff if any lots as small as 958 square feet had been approved in the past.

Bill Scott responded that the comparatives considered were slightly larger for this project. He stated that there were other issues beyond lot sizes associated with this project. The primary consideration was consistency with Santa Maria Municipal Code regulations. Staff also looked at other projects, like airspace condominiums, where the same configuration could be proposed, and lot sizes wouldn't matter then.

Commissioner Hunter stated that she believed the lot sizes in this tentative tract map are inappropriate.

Laurie Tamura, Urban Planning Concepts, representing the applicant, addressed the Commissioners. She spoke concerning the issue of lot sizes. Ms. Tamura noted that this project is very close to the zoning designation on this property, which is 18 units per acre, and spoke about the amenities that they have included in this site: the common open space, the trails, the interconnectedness of the buildings. This map meets parking regulations, height regulations, and setback regulations. Ms. Tamura concluded by asking for a recommendation of support for this project.

Robert and Veronica Budasel, 213 Carmen Lane, Santa Maria, spoke in favor of the project. They stated they are currently unable to enjoy home ownership in their own city. This project may put that goal within their reach. They complimented the developer on the floor plans and architecture, and added that the project's superior location would make walking an added convenience.

Jennifer Winner, 2322 Eastbury Way, Santa Maria, spoke in opposition to the project. She brought pictures depicting the congestion on Cooley Lane with the UPS trucks parked around, and the medical buildings with very small parking lots.

Carole Shinn, 2329 Timsbury Way, Santa Maria, spoke against the project. She stated that at the last Planning Commission meeting, conducting another traffic study had been talked about, and asked staff if that had been completed.

Rodger Olds responded to Ms. Shinn and the Commissioners by stating that as he understood it, another traffic study had not been directed at that meeting.

Bill Scott confirmed that a traffic study had been discussed, and the Commission had determined that another traffic study would not be warranted.

Rodger Olds clarified that when the traffic study was performed, it was updated by the traffic consultant based on projects that are proposed or approved. It was assumed that the Kohl's site was incorporated into the traffic module system, as well as with the medical building and the other projects that were in the pipeline.

Frank Cobb, 2442 La Costa Drive, Santa Maria, spoke against the project. His main concern with this project is the traffic issue.

Jim Perry, 2324 Timsbury Way, Santa Maria, spoke in opposition. His two main concerns are parking in the development and the overall safety of the people living there. He believes that this project is overbuilt.

Susan Perry, 2324 Timsbury, Santa Maria, spoke in opposition to the project. She stated that it is unconscionable that Somerset Gardens was not consulted two years ago when this project was started. She said that she is mostly bothered by the parking and safety issues in Refugio. She suggested putting in driveways as a solution to the parking and safety issue.

Kathy Tognazzini, 2340 Timsbury Way, Santa Maria, spoke against the project. She stated that she is appalled by the crowding in this development.

Richard Tognazzini, 2340 Timsbury Way, Santa Maria, a native of Santa Maria, spoke against the project. He stated that the lot appears to be significantly overdeveloped. He said he'd like to see if this project could be refined to include backyards and driveways.

Tom Jackson, 2334 Eastbury Way, Santa Maria, spoke in opposition to the project. He applauded the developer for the redesign. He suggested pulling the sidewalk next to the wall and create more buffer between the two developments. He doesn't think the developer will make any more changes unless compelled to by the Planning Commission or City Council.

Edna Billings, 2411 Sandpiper Drive, Santa Maria, spoke against the project. She asked where children will play, skate, bicycle, or run. Not in their own yards—they're either too small or nonexistent. She asked the Commissioners to consider the long-term effects of this project and how it will affect the people, especially the children who may live there.

Duane Davis, 2337 Timsbury Way, Santa Maria, spoke in opposition to the project. He stated that he believes there are just too many units to this project.

Roger Hubbard, 2337 Eastbury Way, Santa Maria, spoke against the project. He stated that this proposed urban development is intellectually dishonest. South Broadway is not an urban area, and the code is wrong to permit this. This project will create health, safety and police issues for the residents and the community. This is a crowded, undesirable development.

J.F. Henry, 2333 Eastbury Way, Santa Maria, spoke in opposition to the project. He agreed with the comments already stated. He stated that the improvements that the developer has made are good and should be applauded. He still thinks there are problems with the project, and urged the Planning Commission to take into consideration the concerns of the people.

Mary Ann Perez, 2318 Eastbury Way, Santa Maria, spoke in opposition to the project. She stated that the developers were rude to the residents of Somerset Gardens—arrogant, sarcastic, and rude. She believed that the developer got taken in their own game, and now it comes down to they want their money back.

Sandy Gaggero, 2321 Eastbury Way, Santa Maria, spoke against the project. She has very real concerns about this project concerning the traffic and parking. She believes there will be a real traffic boondoggle there. She urged the Commission to put this project on hold until these issues are addressed.

The applicant's representative, Laurie Tamura, of Urban Planning Concepts, spoke in rebuttal to the previous comments. She acknowledged that there has definitely been a lack of communication between the Somerset Homeowner's Association and the developers, and apologized to the HOA for not participating sooner in their community. She stated that the applicant has addressed some of the issues that were brought up, and hoped that some were resolved.

Ms. Tamura stated that density is the big issue with this project. She said that this particular project is consistent with all the provisions of the City. The ordinance does not require driveways, and the project does have the requirements to have CC&R's that manage how parking is done. She said that it is important to look at this in context of what the ordinance currently says—the project exceeds the parking requirements, meets all the setback requirements, meets the height requirements, and the standards are for townhome projects to have their lot size move on to the City Council for their acceptance. The size of the lots will help to accommodate homeownership. The developer wanted to design this as homeownership.

Ms. Tamura went on to state that they have a letter from Keller Williams Realty, Duke Pomereli, dealing with the retail component of the project, and he wrote in favor of the project. He works across the street from the project, is supportive of the project, and wanted his letter on record.

Ms. Tamura concluded her rebuttal by stating that this project can work and they are asking for approval.

Commissioner Moats asked Ms. Tamura if there was any more wiggle room in making changes, or had the developer reached the extent of their compromising to try to appease the Somerset homeowners.

Laurie Tamura responded to Commissioner Moats that the next step for the developer would be a complete redesign. She stated that there are a variety of architectural elements to the project, but it is at its design capacity right now. To change now would be a substantial change.

Commissioner Hunter had some comments to make concerning the “18 units per acre” that keeps being mentioned. She wants it to be known she’s not opposed to that, but she is opposed to designs that don’t work, parking that doesn’t work, street widths that don’t work, and traffic issues. She’s tired of hearing that since this project is 18 units per acre, she “has to approve” it. She’s sympathetic to the developer; however, she doesn’t have to approve bad design. She thinks that 18 units per acre could be designed in a good way. She reiterated her belief that driveways are important. There is not a housing crunch in a townhouse type project. We don’t have to build bad neighborhoods. Somerset people have been to at least five meetings—the Planning Commission needs to hear what they are saying. She concluded by stating that the way it sits tonight, she cannot support the tentative map.

Commissioner Brown stated that he agrees with many things that have been said. He agrees with Commissioner Waterfield that there is a real traffic problem and it needs to be addressed, and he agrees with Commissioner Hunter that there is not enough parking on this project. He stated that he is not in favor of this project. He also stated that if he understands correctly, the Planning Commission cannot vote against this project because of density. He asked Wendy Stockton if that understanding was correct.

Wendy Stockton concurred that was correct.

Commissioner Brown asked if this project could be denied on the basis of traffic issues.

Wendy Stockton clarified that what was being considered now is the tentative tract map. The lot sizes proposed are smaller than what the code specifies. So the Planning Commission can make a recommendation that the City Council not approve the tentative tract map because of the small lot sizes, which would result in the tentative tract map not moving forward.

Ms. Stockton also reminded the Commission that the Planning Commission makes a recommendation, while the City Council makes the decision for this project because the lot sizes are smaller than what the municipal code provides for.

Commissioner Brown wanted to make it clear that the Planning Commission would only be making a recommendation to the City Council. He stated that he’s not in favor of this project, and concurred with Commissioner Hunter that there will be significant problems associated with it.

Commissioner Hunter suggested that perhaps the applicant could be given the opportunity to redesign having heard issues that are at hand instead of totaling derailing them. She commented that if the project went to City Council and was rejected, then the applicant would have to go back to square one.

Commissioner Moats stated that he would be inclined to vote against this project.

Commissioner Waterfield stated that for the reasons stated already, she would definitely not approve this project. She commented that the project needs to be reworked; the lot sizes are just too small.

Chair Everett asked the applicant if they would like to take the project to Council or if they would like to rework it. He warned that even if the project was redesigned to accommodate

sufficient parking, driveways, and still maintain the 18 units per acre, there was no certainty that it would be approved by the Planning Commission.

Ms. Tamura asked for a five minute break to confer with the applicant.

***The Commission took a five minute break.***

Chair Everett invited Ms. Tamura to address the Commission.

Laurie Tamura stated that after due deliberation and listening to the Planning Commissioners as well as the applicants, they still believe it is a good project. However, they request that the project be pulled from the agenda so that they can address some of the issues that were brought up.

Wendy Stockton stated that if the Commission wished to consider that request, it would be followed by a motion.

Chair Everett called for a motion. Commissioner Hunter moved to remove the Tentative Tract Map for Refugio Townhomes located on the northwest corner of West McCoy Lane and Professional Parkway, Tract 5905, E-2006-011, from the agenda. Commissioner Waterfield seconded, and it passed, 5-0.

**ITEM 8 - PLANNED DEVELOPMENT PERMIT FOR REFUGIO TOWNHOMES, LOCATED ON THE NORTHWEST CORNER OF WEST MCCOY LANE AND PROFESSIONAL PARKWAY, PD-2006-004, E-2006-011.**

Review of a Mitigated Negative Declaration and Planned Development Permit to allow the construction of 130 attached Townhomes, on individual lots ranging in size from 958 to 1,718 square feet, and one lot for associated common area facilities, on 7.2 acres in a PD/R-3 (Planned Development/High Density Residential) zoning district, Assessor's Parcel No.111-060-015 and 081. The Planning Commission will have recommended City Council to file a mitigated negative declaration, E-2006-011 with the tentative tract map. No further environmental review is required. (Project Planner: Bill Scott)

**ACTION:** By motion at the request of the Applicant, removed this item from the agenda. Vote 5-0.

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

Chair Everett called for a motion to remove the item from the agenda. Commissioner Hunter made the motion to remove the Planned Development Permit for Refugio Townhomes, PD-2006-004, E-2006-011 from the agenda, Commissioner Waterfield seconded, and it passed, 5-0.

Wendy Stockton clarified for the audience that what the Commission had done was vote to remove this from the agenda. So when the applicant is ready with a new project, before it can come before the Planning Commission again, notice would again be provided to all those within 300 feet, which would be sometime in the future when the applicant was ready with something else.

Laurie Tamura concluded by stating that it was their commitment to spend time with the Somerset HOA to resolve some of the design issues that were brought up.

**ITEM 9 - HOUSING ELEMENT UPDATE OF THE GENERAL PLAN, GP-2002-003, E-2002-064.**

Review of recommendation to City Council regarding adoption of the Housing Element Update of the General Plan. A negative declaration of environmental impact was prepared for

the project and adopted by City Council on November 16, 2004. This negative declaration and its accompanying initial study adequately analyzed the potential environmental impacts of the project. No further environmental review is required. (Project Planner: Wendy Stockton)

**ACTION:** By motion, removed this item from the agenda. Vote 5-0.

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

Wendy Stockton presented the staff report. A presentation on the Housing Element Update of the General Plan was presented to City Council last night. The City Council continued the item to its December 19, 2006 meeting for the reason that staff is still working with the State on this. Staff has received positive input from the State and has a working meeting scheduled next week with them. Ms. Stockton requested that the Planning Commission by motion remove this item from the agenda and direct staff to include additional information as required by the State for presentation to the City Council.

Chair Everett asked for a motion. Commissioner Waterfield made a motion to remove the Housing Element Update of the General Plan, GP-2002-003, E-2002-064 from the agenda. Commissioner Moats seconded, and it passed, 5-0.

**ITEM 10 - ZONING TEXT AMENDMENTS TO CHAPTERS 8, 10, AND 13 OF TITLE 12 OF THE MUNICIPAL CODE, Z-2006-002, E-2006-075.** Review of recommendations to the City Council regarding a negative declaration and an ordinance amending Chapters 8, 10 and 13 of Title 12 of the Municipal Code pertaining to senior citizen housing. (Project Planner: Peggy Woods)

**ACTION:** Adopted Resolution No. 2447, recommending that the City Council file a negative declaration, and adopted Resolution No. 2448, recommending that the City Council adopt an ordinance amending Chapters 8, 10, and 13 of Title 12 of the Santa Maria Municipal Code. Vote 5-0.

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

Peggy Woods presented the staff report, explaining that this text amendment is to remove senior housing from the zoning ordinance, specifically to remove senior citizen housing from the list of conditional uses in the R-3, CPO and C-2 zoning districts. The reason for the proposal is because senior citizen housing is a specific housing type, and in accordance with Section 65008(b) of the California Government Code, this is discriminatory based on age and is therefore illegal. She stated that this action would put senior housing on same level as all other housing types. Ms. Woods concluded her presentation by stating that she was available to answer any questions.

With no comments or questions forthcoming, Chair Everett closed the hearing and called for a motion. Commissioner Moats made a motion to adopt Resolution No. 2447, recommending that the City Council file a negative declaration, E-2006-075. Commissioner Brown seconded and it passed, 5-0.

Commissioner Moats made a motion to adopt Resolution No. 2448, recommending that the City Council adopt an ordinance amending Chapters 8, 10 and 13 of Title 12. Commissioner Hunter seconded and it passed, 5-0.

**ITEM 11 - REGENCY CENTERS DEVELOPMENT AGREEMENT, SP-2006-020.** Review of staff recommendation to adopt a resolution recommending 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. This project qualifies for a Categorical Exemption pursuant to Section 15061 (b) (3) of the Guidelines of the California Environmental Quality Act. Therefore, no further environmental review is required. (Project Engineer: Rodger Olds)

**ACTION:** Adopted Resolution No. 2449, recommending that City Council approve the Development Agreement with Regency Realty Group, Inc.

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

Rodger Olds presented the staff report. He explained that the development agreement will allow the City to reimburse the developer for the Broadway widening work and the second left turn on northbound Broadway that has already been completed. This is a recommendation to the City Council to approve the agreement. He concluded his report by stating that he was available to answer questions.

The Commissioners and staff discussed traffic improvements, as well as recommended distances between traffic signals, and the entrances to Kohl's.

Rodger Olds clarified that this development agreement is to reimburse the developer for work that they have already done at the site.

With no further comments, Chair Everett called for a motion. Commissioner Brown made a motion to adopt Resolution No. 2449 for the Regency Center Development Agreement, SP-2006-020, recommending that City Council approve the Development Agreement with Regency Realty Group, Inc. Commissioner Waterfield seconded, and it passed, 5-0.

**NOTE:** *Tentative date for City Council meeting is December 19, 2006.*

---

**ADJOURNMENT:** The meeting was adjourned at 10:15 p.m. to a Study Session on December 7, 2006, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

Respectfully submitted,

/s/ Peggy Woods  
PEGGY WOODS, ASST. SECRETARY  
CITY PLANNING COMMISSION

dS:\Community Development\Admin\Minutes\2006\December 6, 2006 minutes FINAL Approved7March2007.doc