



**CITY OF SANTA MARIA  
PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF  
FEBRUARY 21, 2007**



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

**PRESENT:** Commissioners Adrian Andrade, Rodger Brown, Lawnae Hunter, Michael W. Moats, and Chair Waterfield.

**STAFF PRESENT:** Planning Division Manager – Peggy Woods  
Deputy City Attorney – Philip F. Sinco  
Senior Civil Engineer – Rodger Olds  
Park/Landscape Planning Tech – Patty Ellis  
Recording Secretary – Kathleen Villegas  
Planner II – Bill Scott

**BY MOTION, APPROVED THE PLANNING COMMISSION MINUTES OF OCTOBER 4 AND NOVEMBER 15, 2006, AND FEBRUARY 7, 2007, AS WRITTEN.**

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

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

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

- a. **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.** Review of a Planned Development permit application to allow two hotels (with a total of 160 rooms) located 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 work is required. (Project Planner: Brian Halvorson)

**STAFF RECOMMENDATION:** That the Planning Commission, by motion, continue this item to the April 18, 2007, meeting.

**ACTION:** By motion, continued this item to the April 18, 2007, meeting.

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**PUBLIC HEARINGS:**

**ITEM 2 – CONDITIONAL USE PERMIT FOR FOSTER'S AUTO BODY AND PAINT, LOCATED AT 305 AND 327 EAST OAK STREET, U-2006-055, E-2006-092.** Review of a conditional use permit to allow the expansion of an existing auto body and paint shop and associated facilities into an adjacent vacant tenant space in an existing multi-tenant building; and operation of an auto body and paint shop and operation of an indoor slot car track for private use located at 305 and 327 East Oak Street, in a PD/CM (Planned Development/Commercial Manufacturing) zoning district, Assessor's Parcel No(s). 125-183-003 and -005. This project is a Class 1 Categorical Exemption. No further environmental review is required. (Project Planner: Bill Scott)

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

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

Bill Scott presented the staff report, citing the project site, zoning designation, existing buildings on the site, scope of the business, and parking requirements. He commented on the surrounding land uses, as well as the primary issues connected with this project, including good site design, outdoor staging area, indoor slot car storage area, and interface with nearby residences. He stated that by law, the Conditional Use Permit runs with the land, not the owner. Therefore, the Conditional Use Permit needs to be conditioned so that any future owner would operate the business as well as Mr. Foster, consistent with State, Federal and local regulations. He concluded the staff report by stating that staff recommends approval of the project subject to the conditions of the Conditional Use Permit, and is available for questions or comments.

Commissioner Brown asked for clarification of the location of residential near the project site, and staff pointed it out on the overhead aerial photo, stating that there are roughly four or five residential units close by.

In response to Commissioner Andrade's inquiry, Mr. Scott responded that the landscaping that is currently being installed is pursuant to the Planned Development Permit for Building B.

Michael Maglinte, of Martinez & Associates, 2624 Airpark Drive, Santa Maria, architects for the project, addressed the Commission, stating that the property owner, Michael Perry, and the tenant, Steve Foster, were present. He responded to some of the comments from staff regarding outdoor storage. He stated that many of the conditions of approval centered on the screening of the outdoor storage. Due to the nature of the business, vehicles are brought to the site and are stored outside. Those that are unrepairable sit on site and wait to be delivered to a dismantler for recycling. He stated that there was an existing fence that was taken down for the construction of Building B; now the applicant proposes to replace that with a chain link fence with slats to provide screening for the storage area.

The applicant, Steve Foster, 305 East Oak Street, Santa Maria, addressed the Commission. Mr. Foster responded to Chair Waterfield by stating that when cars come in, some are towed in, some are total losses. The cars could be there anywhere from two to five days, and then are picked up and taken away. Some may need to have a slight teardown to ascertain the damage and write an estimate for repair.

In response to Commissioner Andrade's inquiry, Mr. Foster responded that the number of vehicles varies, from two or three a day to that many a week. They have no control over the accidents that occur. He stated that a fence would block the view of the vehicles from the street.

Mr. Foster responded to Commissioner Moats' question by stating that the metal department was being moved over to Building B and the paint shop was staying in Building C.

Michael Maglinte addressed the Commission regarding the slot car track and warehouse storage. For the purposes of this application and the regular business hours, that area would be utilized as storage for Foster's Auto Body. Mr. Maglinte explained that the slot car uses occur after business hours. The use after hours is for research and development. Mr. Foster develops slot car parts and bodies, and part of that research involves test groups. Groups come in and offer feedback, and then Mr. Foster develops those slot car bodies as part of group use. The facility has not been used by the public in over three years; there are no signs indicating that it is a slot car arena. Mr. Maglinte stated that to condition this project that Mr. Foster cannot have groups in this building would be doing a disservice to the research and development of Mr. Foster. He has been doing this type of work in this location as long as he has been there.

Commissioner Hunter commented that she did not have a problem with that since during the evening hours there would be less traffic on the site related to the regular business. She stated that as long as it didn't create a problem, she believed it was a compatible use.

Bill Scott stated to the Commission that Condition 8 as stated in the draft Conditional Use Permit was the wrong condition. Staff cannot permit group activities. This condition was put there to try to allow flexibility. However, the Chief Building Official stated that there cannot be group occupancy in the building. So the condition must be modified to state that no group activity can occur based on the occupancy unless it is reviewed by the Chief Building Official. The applicant could pursue that at a later date with the Chief Building Official; get a building clearance for group occupancy and safety.

In response to Commissioner Brown, Mr. Scott stated that the designation "group" is not based on numbers; it's based on design that runs from everything from design to bathrooms.

Chair Waterfield asked staff to clarify what constitutes a special permit for a group.

Peggy Woods explained that during plancheck, the Building Official will look at the type of construction, floor plan and the proposed uses of a building. He will calculate an occupant load and approve the plans accordingly. For a group use, or assembly, where people are gathering together inside a building, particularly in an industrial building, there are code requirements above and beyond the typical use found in an industrial zone, such as exiting requirements and type of construction. Also, buildings need to be rated, with concern for getting groups out in an emergency. If considering only storage, warehouse, or office uses, the occupant load is not as high. Compared to an assembly use, the occupant load gets higher, and depending on how high, that can initiate specific design criteria, such as exiting, lighting, fire rating of the building and so forth.

Commissioner Andrade asked the City Attorney what the Planning Commission's limitations were with regard to making a decision that would conflict with the Building Official.

Phil Sinco responded that the Planning Commission didn't have any discretion with this decision at all. The Building Official has to approve the occupancy of a building, and the Planning Commission would not be able to void that.

Mr. Sinco added that perhaps the group use could be made conditional upon approval by the Building Official with submission of plans, so that the applicant would not have to come back to the Planning Commission for approval of that use at a later time. The condition would be worded to allow subsequent approval by the Building Official. If the applicant didn't get that approval, then the use would not be approved.

In response to Commissioner Moats, Mr. Sinco responded that this situation is a common one. Building codes change, and existing uses carry on as long as no changes are made in design or structure. This is an expansion of a use, however, and it is required to be brought into compliance with current codes. If nonconforming uses want to expand, then they need to be brought into current compliance.

Mr. Sinco clarified that there are two types of nonconforming situations: nonconforming structures and nonconforming uses, and they cannot be grandfathered in because they are expanding their operation. He stated he didn't think it would be impossible; just not possible to do it right now.

In response to Commissioner Andrade, Mr. Maglente responded that it would be acceptable to them if the Conditional Use Permit was approved subject to approval of the Building Official.

After lengthy discussion, the Commission and staff arrived at an agreement for the wording of the condition: "Use of the slot car facility shall be limited to the testing and wholesaling of slot cars, private use and material storage. Subject to approval of the Building Official, group or club use of the slot car facility shall be permitted" and strike the rest of that sentence but keep the rest of the paragraph.

Mr. Maglinte asked the Planning Commission for direction concerning the proposed fence.

Bill Scott responded that staff had a revised condition to address that, to allow longer term storage as well as a screened fence. In Condition 2: delete "temporary" from the condition so that it reads: "Outdoor staging and storage area: outdoor storage of vehicles shall be allowed only in the designated area located on the north side of the site between Buildings B and C so it would be allowed in accordance with the site plan and staging plan, date stamped February 14, 2007, attached hereto and incorporated. The requirements of this condition shall be shown on the final plans. Said final plans shall be approved by the Community Development Department."

Mr. Scott continued by stating that there would also be two conditions added, one condition about the screening: "Screening and outside storage shall be screened with a masonry wall or a chain link fence with slats, or other material acceptable to the Community Development Department, and shall be a minimum of six feet in height. No storage shall be visible above the fence." The second condition would state: "Barbed wire and razor wire prohibited. Use of barbed wire, razor wire or any other sharp material or electrically charged fencing placed at the top or within any fence is prohibited."

With no further comments, Chair Waterfield closed the hearing and called for a motion. Commissioner Brown made a motion to approve the Conditional Use Permit for Foster's Auto Body and Paint, located at 305 and 327 East Oak Street, U-2006-055, E-2006-092, subject to the conditions as outlined in the Preliminary Draft of the Conditional Use Permit, as amended by the Planning Division. Commissioner Andrade seconded it and it passed, 5-0.

*Items 3, 4 and 5 were presented concurrently.*

**ITEM 3 - GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR MCCLELLAND PROPERTY INVESTMENT I, LLC, TO ESTABLISH A MIXED-USE COMMERCIAL AND RESIDENTIAL PROJECT ON THE NORTHWEST CORNER OF SOUTH MCCLELLAND STREET AND INGER DRIVE, GPZ-2005-002, E-2005-016.**

Review of a mitigated negative declaration of environmental impact and a General Plan amendment and zone change to change the land use designation of the 2.89 acre site from CC (Community Commercial) to HDR-22 (High Density Residential – a maximum of 22 dwelling units per acre) and to change the zoning of the site from PD/C-2 (Planned Development/General Commercial) to PD/R-3 (Planned Development/High Density Residential). The General Plan amendment and zone change would allow the construction of a commercial/residential mixed-use project consisting of 8,978 square feet of commercial/retail space, 80,185 square feet of residential use incorporating 47 residential condominium units, and 24,695 square feet of enclosed parking garages, Assessor's Parcel No. 128-084-001. (Project Planner: Peggy Woods)

**ACTION:** Adopted Resolution No. 2453, recommending that City Council file a Mitigated Negative Declaration, E-2005-016 and E-2005-058 and adopt the Mitigation Monitoring Program for the project GPZ-2005-002, as amended.

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

**ACTION:** Adopted Resolution No. 2454, recommending that the City Council:

- a) Amend the General Plan (Land Use) of the 2.89 acre site **FROM** CC (Community Commercial) **TO** HDR-22 (High Density Residential - a maximum of 22 dwelling units per acre), as shown on Exhibit A to the Planning Commission Resolution; and
- b) Adopt an ordinance rezoning the 2.89 acre site **FROM** PD/C-2 (Planned

Development/General Commercial) **TO** PD/R-3 (Planned Development/High Density Residential), as shown on Exhibit A to the Planning Commission Resolution.

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

**ITEM 4 - TENTATIVE AIRSPACE CONDOMINIUM SUBDIVISION FOR MCCLELLAND PROPERTY INVESTMENT I, LLC, LOCATED ON THE NORTHWEST CORNER OF SOUTH MCCLELLAND STREET AND INGER DRIVE, TRACT 5901, E-2005-058.**

Review of a tentative subdivision map that would create one 2.89 acre lot for airspace condominium purposes. The zoning of the site is proposed to be changed from PD/C-2 (Planned Development/General Commercial) to PD/R-3 (Planned Development/High Density Residential), Assessor's Parcel No. 128-084-001. The environmental impacts of the project were analyzed in Initial Study/Mitigated Negative Declaration, E-2005-016, E-2005-058, prepared for General Plan Amendment and zone change, GPZ-2005-002, the tentative map, Tract 5901, and the Planned Development Permit, PD-2005-021. Mitigation measures have been made a part of the project conditions of approval. No further environmental review is required. (Project Planner: Peggy Woods)

**ACTION:** Adopted Resolution No. 2455, recommending that the City Council approve the tentative map, Tract 5901, for the McClelland & Inger Mixed-Use project, subject to the following as amended, the design as shown on the Official Tentative Map and the conditions set forth in the October 3, 2006, revised Subdivision Committee Minutes.

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

**ITEM 5 - PLANNED DEVELOPMENT PERMIT FOR MCCLELLAND PROPERTY INVESTMENT I, LLC FOR A MIXED-USE COMMERCIAL AND RESIDENTIAL PROJECT, LOCATED ON THE NORTHWEST CORNER OF SOUTH MCCLELLAND STREET AND INGER DRIVE, PD-2005-021, E-2005-058.**

Review of a Planned Development Permit to allow the construction of a commercial/residential mixed-use project consisting of 8,978 square feet of commercial/retail space, 80,185 square feet of residential use incorporating 47 residential condominium units, and 24,695 square feet of enclosed parking garages. The zoning of the site is proposed to be changed from PD/C-2 (Planned Development/General Commercial) to PD/R-3 (Planned Development/High Density Residential), Assessor's Parcel No. 128-084-001. The environmental impacts of the project were analyzed in Initial Study/Mitigated Negative Declaration, E-2005-016, E-2005-058, prepared for General Plan Amendment and zone change, GPZ-2005-002, the tentative map, Tract 5901, and the Planned Development Permit, PD-2005-021. Mitigation measures have been made a part of the project conditions of approval. No further environmental review is required. (Project Planner: Peggy Woods)

**ACTION:** Adopted Resolution No. 2456 recommending that the City Council approve the Planned Development Permit, PD-2005-021, for the McClelland Mixed-Use Project, subject to the conditions as outlined in the preliminary draft of the Planned Development Permit, as amended.

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

Peggy Woods presented the staff report, giving the details of the project: a General Plan Amendment and Zone Change application, Tentative Airspace Condominium Subdivision, and Planned Development Permit for McClelland Property Investment I, LLC, for a mixed-use commercial and residential project located on the northwest corner of South McClelland and

Inger Drive. Ms. Woods detailed the size of the lot, property location, land uses, zoning designation, and the fact that the site is currently vacant. Ms. Woods reviewed the details of the project, the building layout and proposed uses, requirements and setbacks. She also commented on two issues: setbacks and height, what is being proposed and what is allowed. She stated that with the mixed-use ordinance, some exceptions to the height limit and setbacks are allowed to the development standards, and the applicant is requesting the variation for the setbacks and the height.

Ms. Woods explained that exceptions of up to a 10% reduction in the setback requirements, the Zoning Administrator can approve. Greater than 10% and up to 25%, the Planning Commission can approve. Exceptions greater than 25%, the City Council makes the decision. The Planning Commission could be making the decision on a couple of the setback requests and the height; however, because the front setback is a 95% reduction request, it is required to go to City Council to review, and they will be reviewing the General Plan Amendment and Zone Change (GPZ) as well. She continued that the project has been packaged so that the City Council will make the decision on the map as well, to prevent it coming back to the Planning Commission for action on the map. The Planning Commission is being asked to make a recommendation to the City Council to approve the project.

Ms. Woods concluded her presentation by commenting on two additional items: the Commission had received a memo from the Public Works Department, and the conditions in that memo need to be attached to the GPZ. They are currently attached to the map and the Planned Development Permit, but they need to be with the GPZ as well. Also the Recreation & Parks Department submitted a revised memo dated February 20, 2007. She also stated for the record, that a letter was received from Julia Sand, dated February 21, 2007, entered into the record.

Rodger Olds of the Engineering Division of the Department of Public Works addressed the Commission. He stated that at the last study session, the Commission had requested that the accident history of the intersection of Broadway and Inger Drive be looked into. Mr. Olds reported that at that intersection in the past three years, there were a total of six accidents there: one in 2004, four in 2005, and one in 2006. Those figures are less than what would constitute a signal warrant based on accidents. He stated that staff would monitor the intersection, and if it becomes a problem, they will consult with Caltrans to see what should be done.

The applicant, Jay Blatter and Jan Hochhauser, of Hochhauser Blatter Architecture and Planning, presented a PowerPoint presentation on the project. They showed the revised plan of the project, a result of working with staff, Commission and consultants, which addresses the issues of livability, quality of life, parking, sense of community and open space, and streetscapes. They believe they have come up with a very exciting and appropriate urban infill project for this site.

Mr. Blatter responded to Commissioner Brown's concern by stating that the CC&R's will prohibit garage conversions.

In response to Commissioner Moats' comment, Mr. Hochhauser stated that the public would be welcome to go in to the project. They believe that with proper lighting and visibility, the site will be more secure than by having it gated. The applicant hopes there will be interaction between the public and residents.

Commissioner Moats asked about the underground parking, and Mr. Hochhauser responded that some of the parking spots will be designated and others will not be.

In response to Commissioner Moats' question, Mr. Hochhauser responded that they decided not to have a pool included in the project because of liability issues and maintenance.

Commissioner Moats' last comment dealt with the letter received from the private homeowner who is objecting to the project. The letter stated that, "With the high inventory of homes we have now in this area, it seems that once again Santa Maria is welcoming overbuilding." He asked the applicant to respond to that comment.

Jay Blatter responded that they believe they are offering a unique different type of product. They are not building a straight townhouse or subdivision. What they are proposing offers a unique urban village dwelling. They believe in Santa Maria, believe it is a thriving city, and think that this product will be a part of that by offering a diverse, superior-quality living option.

Jan Hochhauser added that intensifying the use on urban property adds to the heritage and richness of the City. He stated that if you can get people out of the car, put businesses and residences together, and make opportunities for shops, restaurants, and homes, it's a better thing for the future of the City.

In response to Chair Waterfield's inquiry, Mr. Hochhauser clarified that the trash receptacles are carefully placed around the site, and that each unit will have its own individual 90 gallon container.

Chair Waterfield invited anyone in the audience who wished to address the Commission to come forward.

Dan Fergon, 263 High Street, San Luis Obispo, CA, spoke in favor of the project. He stated that he appreciates the great work that Urban Planning Concepts is involved in. He commented that the plaza area would be a great area for a public art piece, maybe something from a local artist.

Commissioner Brown commented that the elevations look good because of the big trees shown. He asked what size trees the applicant was planning to install.

Mr. Hochhauser responded that their intention is to comply with what is typically required. Mr. Blatter added that they would be putting 24" box trees with minimum caliber of 2" along the street.

Commissioner Hunter commented that upgrading some of the interior trees on the project site to 24" was discussed at the study session. She asked if that applied to only the street trees or if some of the interior trees would also be larger.

Patty Ellis, Recreation & Parks Department, stated that the condition from her department would only be requiring the street trees to be 24" box size.

In response to Commissioner Hunter, Mr. Blatter responded that they would be willing to upgrade a percentage of the trees within the site to a bigger size. He stated that they would improve 25% of the trees in the interior to 24" box trees, and that could be put into the conditions.

Peggy Woods clarified that prior to making the recommendations, staff proposes based on the discussion to amend the subdivision conditions in the Community Development Department memo, (attachment G), item 9, on page 3, (pink sheets) about CC&R's. Currently there are items A-E right now; staff proposes to add another item (item F) to have the CC&R's address the prohibition of the conversion of garages and/or carports to living space; and to add a condition to the Planned Development Permit under Community Development Department, (green sheets), item 5, stating that garages and/or carports shall not be converted to living space. After item 18 on page 6, "garages and/or carports shall not be converted to living space" after "lot sales office." And, on item 5, site landscaping, page 4 of the green sheets, add a sentence after the first sentence, "A minimum of 25% of the site trees shall be a minimum of 24" box." She stated that those were all the changes.

Commissioner Hunter commented that she believes this is a great project that embodies what she has worked hard for for the past four years. She believes this is a wonderful new design for the City that will set a different tone for that neighborhood. She stated that she so appreciates the attitude of the applicant, because they were willing to listen to staff and the Planning Commission and be committed to turn out a product that will be livable for the residents and commercial occupants.

Commissioner Hunter made a motion to approve Resolution No. 2453, recommending that City Council file a Mitigated Negative Declaration, E-2005-016 and E-2005-058 and adopt the Mitigation Monitoring Program for the project GPZ-2005-002, as amended, for a General Plan Amendment and Zone Change for the McClelland Property Investment I, LLC, to establish a mixed-use commercial and residential project on the northwest corner of South McClelland and Inger Drive, and to incorporate the Public Works memo of February 12, 2007. Commissioner Andrade seconded it, and it passed, 5-0.

Commissioner Hunter made a motion to approve Resolution No. 2454, recommending that the City Council adopt a resolution amending the General Plan (Land Use) of the 2.89 acre site **FROM** CC (Community Commercial) **TO** HDR-22 (High Density Residential - a maximum of 22 dwelling units per acre), as shown on Exhibit A to the Planning Commission Resolution; and adopt an ordinance rezoning the 2.89 acre site **FROM** PD/C-2 (Planned Development/General Commercial) **TO** PD/R-3 (Planned Development/High Density Residential), as shown on Exhibit A to the Planning Commission Resolution. Commissioner Andrade seconded it, and it passed, 5-0.

Commissioner Hunter made a motion to approve Resolution No. 2455, recommending that the City Council approve the tentative map, Tract 5901, for the McClelland & Inger Mixed-Use project, subject to the following as amended: the design as shown on the Official Tentative Map, and the conditions set forth in the October 3, 2006, revised Subdivision Committee Minutes, and the changes as recommended by staff. Commissioner Andrade seconded it, and it passed, 5-0.

Commissioner Hunter made a motion to approve Resolution No. 2456, recommending that the City Council approve the Planned Development Permit, PD-2005-021, for the McClelland Mixed-Use Project, subject to the following as amended: The conditions outlined in the preliminary draft of the Planned Development Permit, and the conditions as outlined by staff. Andrade seconded the motion; and it passed, 5-0.

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**ADJOURNMENT:** The meeting was adjourned at 8:33 p.m. to a Study Session on February 22, 2007 at 10:00 a.m. in the Community Development Department conference room, 110 S. Pine Street, Santa Maria.

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Respectfully submitted,

/s/ Peggy Woods  
PEGGY WOODS, ASSISTANT SECRETARY  
CITY PLANNING COMMISSION

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