



**CITY OF SANTA MARIA
PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF
FEBRUARY 4, 2009**



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

PRESENT: Commissioners Adrian Andrade, Rodger Brown, Tom S. Lopez, Etta Waterfield, and Chairman Michael W. Moats.

STAFF PRESENT: Acting Director – Peggy Woods
Senior Assistant City Attorney/Utilities Counsel – Wendy Stockton
Principal Civil Engineer – Shad Springer
Recording Secretary – Kathleen Wilson
Advance Planner – Brian R. Smith
Planner III - Bill Shipsey
Planner III - Brian Halvorson
Planner I - Greg Stones

**APPROVED PLANNING COMMISSION MINUTES OF DECEMBER 17, 2008, AS WRITTEN;
APPROVED PLANNING COMMISSION MINUTES OF JANUARY 21, 2009, AS WRITTEN.**

PUBLIC COMMENT PERIOD: Nobody present wished to speak.

PUBLIC HEARINGS:

ITEM 1 - TECHNICAL TRAINING CENTER, 2301 “A” STREET, SP-2009-001. Determination of use to allow a technical training center within the “A” Street Business Center in a PD/CM (Planned Development/Commercial Manufacturing) zoning district. (Planner: Brian Halvorson)

ACTION: The Planning Commission adopted **Resolution No. 2538** making a determination that a technical training center is a permitted use within the Meyer “A” Street Business Center located in a PD/CM (Planned Development/ Commercial Manufacturing) zoning district.

VOTE: 5-0 AYES: Commissioners Andrade, Brown, Lopez, Waterfield, and Chairman Moats; NOES: None; ABSTAINED: None; ABSENT: None.

Brian Halvorson made the oral presentation, reviewing the project details as outlined in the written staff report. Brian concluded his presentation, offering to answer questions.

The applicant, Gordon Gill, 1010 S. Broadway, Santa Maria, addressed the Planning Commission, representing Meyer Industrial Group and the Carpenter’s Union.

In response to Commissioner Andrade, Gordon Gill stated that there would be 16 trainees at a time for day-long training.

In response to Commissioner Waterfield, Brian Halvorson explained how the parking calculation was performed to give the applicant the ability to add students as a result of a few extra parking spaces.

Commissioner Brown complimented the applicant on the project.

With no further comments or questions, Chairman Moats closed the public hearing, and called for a motion. Commissioner Waterfield made the motion to adopt Resolution No. 2538 making a determination that a technical training center is a permitted use within the Meyer "A" Street Business Center located in a PD/CM (Planned Development/Commercial Manufacturing) zoning district. Commissioner Lopez seconded the motion, and it passed, 5-0.

Commissioner Lopez recused himself due to ownership interest in items 2 and 3.

ITEM 2 - AN AMENDMENT AND ZONE CHANGE (GPZ) FOR SANTA MARIA VILLAGE SENIOR APARTMENTS, 450 AND 460 WEST STOWELL ROAD, GPZ-2008-001, E-2008-001.

Review of recommendations to City Council regarding a Mitigated Negative Declaration of environmental impact and a General Plan amendment and zone change to allow the re-designation of a 1.85 acre parcel from LDR-5 (Low Density Residential, 5 dwelling units per acre) to HDR-22 (High Density Residential, 22 dwelling units per acre) and a zone change from R-1 (Single-Family Residential) to PD/R-3 (Planned Development/High Density Residential), Assessor's Parcel No. 117-250-023. (Planner: Greg Stones)

ACTION: The Planning Commission:

1. By **Resolution No. 2539**, authorized the filing of a Mitigated Negative Declaration, E-2008-001; and adopted a mitigation monitoring program for the Santa Maria Village Senior Apartment Project, GPZ-2008-001 and PD-2008-001; and
2. By **Resolution No. 2540**, recommended that the City Council:
 - a. Adopt a resolution amending the General Plan (Land Use Policy Map) of the 1.85 acre site **from** LDR (Low Density Residential – 5 dwelling units per acre) **to** HDR-22 (High Density Residential – 22 dwelling units per acre), as shown on Exhibit A of the Planning Commission resolution, incorporated herein by reference; and
 - b. Adopt an ordinance rezoning the 1.85 acre site **from** R-1 (Single Family Residential) **to** PD/R-3 (Planned Development/High Density Residential), as shown on Exhibit A of the Planning Commission resolution, incorporated herein by reference.

VOTE: 4-0-1AYES: Commissioners Andrade, Brown, Waterfield, and Chairman Moats;
NOES: None; **ABSTAINED:** Commissioner Lopez; **ABSENT:** None.

Greg Stones made the staff presentation, stating that this item had been continued from the December 17, 2008 meeting. Greg outlined the project information as detailed in the written staff report, and reviewed the revisions that have been made on the project since the previous hearing, including an increase in the building footprint, a change in the building shape, a reduction in floor area, a reduction of dwelling units, a reduction in parking spaces, and increased setbacks and landscaping. The building height was also reduced from three stories to two stories, and the proposed balconies were removed.

Greg Stones made a correction on the Planned Development Permit conditions, on the green sheets, concerning conditions 7, 8 and 9. In speaking with the City Attorney, those conditions are being removed, and in condition 10, the language will be revised to read: "Density Bonus Program. The applicant has proposed this project as a "seniors only" project in order to receive a density bonus. In order for a developer to participate in the density bonus program and be eligible for incentives, the requirements specified in Santa Maria Municipal Code Section 12-48.09 shall be met."

Greg Stones concluded staff's presentation.

In response to Commissioner Andrade, Wendy Stockton explained that generally conditions are presented to the City Attorney's office for review. This project has changed quite a bit, so the conditions originally drafted did not fit from a legal standpoint, so the City Attorney's office requested the changes.

In response to Commissioner Andrade, Wendy Stockton explained what is included in the Santa Maria Municipal Code Section 12-48.09 requirements.

In response to Commissioner Waterfield, Wendy Stockton commented that changing the age specified for seniors on this project could be difficult because the Federal Fair Housing Amendment places restrictions on what agencies can do with age-based projects.

In response to Chairman Moats, Wendy Stockton confirmed that the project is time-limited to 30 years, after which the age limitation would go off, which is the mandate of State law for projects that avail themselves of concessions that are defined by State law. However, many times projects that go before the City Council with an agreement are restricted for longer than 30 years, because proponents receive funding from different sources that specify longer time periods, and the longer period would apply.

Bill Orndorff, Orndorff Planning Services, 925 S. McClelland Street, along with John Everett, representing the applicant, addressed the Planning Commission. Mr. Orndorff briefly reviewed the project history, and also discussed aspects of the current proposal.

In response to Chairman Moats, Bill Orndorff commented on the perimeter wall of the site, stating that typically, the developer would contact the owners and ask if they want a new wall. If the homeowners want to keep their existing wall, then the back could be plastered to match the new wall.

In response to Chairman Moats, Bill Orndorff stated that if the Planning Commission decided a higher wall is warranted, the applicant would not object.

In response to Chairman Moats, Bill Orndorff spoke about the reasons why the previously proposed duplex project by the applicant did not move forward, including rental units located close to the yards of the existing houses, and the potential for the units to be occupied by multiple families. Mr. Orndorff added that with that residential project, it would require a cul-de-sac into the site, and there is not enough room for turning into the site off of Stowell Road due to the close proximity to Thornburg Street. With the current proposal, the driveway is at the far western side of the project, allowing more room for the traffic turn pockets on Stowell Road.

Bill Orndorff stated that the location is within walking distance to the J.C. Penney's Shopping Center and Foods Co. which further supports the senior citizen housing proposal. Mr. Orndorff added that the proposal also includes a bus turn out on the Stowell Road frontage, so that the City buses would be able to pull out and pick up residents that would be going to the doctors, shopping, and errands.

With no further questions from the Commission, Chairman Moats invited speakers from the audience to speak.

Debra Brasket, Santa Barbara County Action Network, spoke in favor of the project. Ms. Brasket stated that the Network is very interested in this project to provide much needed housing for the community. Ms. Brasket stated the concern that changing the zoning doesn't necessarily guarantee that senior housing will be built, and recommended that staff look carefully to see if there is some way that the GPZ won't leave the way open for something else to go in there.

Ed Crawford, 1308 Ronald Place, spoke in opposition to the project, citing concerns about parking and traffic impacts.

Frank Zern, 411 West Edward Street, spoke in opposition to the project, citing flawed planning, and concerns with congestion and traffic.

Tina Centeno, 1324 South Wallis, spoke in opposition to the project, asking the Commissioners to deny the request. Ms. Centeno posed several questions to the Planning Commission, including: What is the legally defined age of a senior? Are senior developments restricted entirely or solely to seniors? Will the developer require all tenants to be seniors? Could the City legally place covenants and/or deed restrictions on the property or project requiring it to remain a senior development for longer than 30 years? If so, when would those covenants and/or deed restrictions be put in place? If they are implemented, what guarantees are there that the City actually will go forward with implementing those on the project?

Gloria Ramirez, 1307 South Thornburg, spoke in opposition to the project, citing issues with traffic, noise, congestion, and loss of privacy.

Ken Hansche, 1300 Ronald Place, spoke in opposition to the project. Mr. Hansche cited issues with traffic, and loss of privacy and view. Mr. Hansche reiterated that the neighborhood has 45 petitions from residents that surround the site, people hoping to preserve their privacy and the value of their homes, avoid more noise and keep their single family residence in tact.

Richard L. Parker, 3357 Quail Meadows Drive, spoke in opposition to the project in support of his previous neighbors. Mr. Parker stated that he thinks what seniors want is peace and quiet, not to live across the street from a high school and fairgrounds that are a concern to seniors six blocks away.

Joan Leon, 521 Amber Lane, spoke in opposition to the project, stating that she believes it to be incompatible with the surrounding neighborhood and against City policy.

Sister Janet Corcoran, Enos Drive, spoke in favor of the project, stating that there is a critical need for senior housing in this community, calling it a moral ethical responsibility to look at more senior housing, not less. Sister Janet quoted George Washington Carver, who reminds us of our responsibility to one another: "How far you go in life depends on your being tender with the young, compassionate with the aged, tolerant of the striving, and tolerant of the weak and the strong, because some day in life you'll have been all of these." Sister Janet spoke for the seniors who need a conducive environment for their later years, stating that the community shares a moral ethical responsibility to be there for our seniors.

With no more public speakers, Chairman Moats invited the applicant to speak in rebuttal.

John Everett addressed the Commission in rebuttal to some of the concerns expressed, stating that the seniors that will inhabit this project will make sure that the management has a tight control on the site. Mr. Everett called other senior establishments to see if they have the problems at their facilities as have been expressed by the neighbors to the proposed project, and they don't: Visitors are not staying, there are not a lot of cars, and residents are not under the age limit. Mr. Everett spoke about the traffic concerns expressed, stating that it's a scientific fact proven by the engineered traffic studies that seniors generate less traffic. Mr. Everett also spoke about the parking and noise concerns. Mr. Everett concluded by stating that this project is much needed; this is the right place, and the right time.

Bill Orndorff addressed the Planning Commission in rebuttal, and spoke about the senior population statistics in the Santa Maria Valley. Mr. Orndorff stated that the applicant could modify the site plan to provide eight to nine additional parking spaces, which would remove some of the

landscaping. Mr. Orndorff addressed the fear of loss of privacy, stating that the proposed building will not be on the property line but rather, 50 feet away, and with a substantial landscaping buffer area. Regarding the noise concerns, Mr. Orndorff stated that seniors don't typically make noise. The fairgrounds make noise, and this building would in effect be a buffer for the neighborhood from the fairgrounds. For residents in the proposed building, every unit will have its own mechanical ventilation and air conditioning with dual glazed windows that far exceed the noise standards. Mr. Orndorff said that in his 32 years of planning experience, having a 26 foot high house ten feet off his back property line would be more incompatible than 60 senior units 50 feet away. Mr. Orndorff also reiterated that the traffic would be much less with the senior project than with nine single family homes.

In response to Chairman Moats, Bill Orndorff commented that it would be unusual for someone to be able to see into the bathroom of the house behind them because of the landscaping strip that will be planted along the perimeter, 10 to 12 feet of landscaping with 24" box trees planted.

Commissioner Waterfield pointed out that the adjacent houses are an additional distance away from the property line, and the proposed building is 50 feet away.

John Everett commented on the fear of diminished property values, stating that the American Association for Retired Persons states that there is no study showing that senior housing has any affect whatsoever on housing values. Case studies from similar projects in communities show that the opposite happens; senior housing has a positive impact on the values of the homes.

In response to Chairman Moats, John Everett stated that the management would take care of the parking arrangements, and added that the units will be restricted to two persons.

In response to Commissioner Brown, Wendy Stockton stated that there is never a way to guarantee that something will be built, adding that a property owner can let their property stay vacant forever. Wendy added that if this applicant goes to City Council and makes an agreement which is recorded, that agreement can bind a future owner unless it is amended. The actions of this developer or a future owner would have to get approval of a later Planning Commission or City Council.

In response to Wendy Stockton, Commissioner Andrade summarized that if this developer wants to build something, he has to build what has been approved. If the Planning Commission approves this plan and continues the Planned Development Permit and later rules on the Planned Development Permit, the only thing the applicant can build is what the Planning Commission has agreed to, unless some future Planning Commission or City Council changes it.

Commissioner Andrade added that the City Council can impose the requirement that a project be a senior project in return for a developer concession for a density bonus.

In response to Commissioner Brown, Bill Orndorff reiterated that the application is to build senior housing, as defined by the State. The site plan, floor plan, and parking are all based on senior housing; the applicant could not build anything other than what is being proposed.

In response to Commissioner Brown, Bill Shipsey spoke about the parking for the Ted Zenich Gardens project. Bill added that the parking provided was one space per unit, with six guest spaces, and two for the manager.

Commissioner Waterfield remarked that the Santa Maria Senior Village Apartment project is required to have 25 spaces, and they are providing 40 spaces.

Commissioner Brown observed that in today's world, "single family residence" does not mean single family. Many times houses have several families living in them. Commissioner Brown requested to hear some of the answers to the questions raised by Tina Centeno.

Wendy Stockton read through the questions raised by Ms. Centeno, and answered them:

What age is legally defined as senior? It depends on what program the applicant is using. The most common one, under civil code section 51.3, is defined as age 55.

Are senior developments restricted entirely or solely to seniors? No; there has to be one resident in each unit that is senior age.

Will the developers be requiring all tenants to be senior citizens? The developer said yes.

Could the City legally place covenants or deed restrictions on the project property requiring it to remain a senior development for a specific length of time over the 30 years? It depends on the program under which the applicant comes to the City Council. State law states in the ordinary circumstances 30 years.

When would the covenants or deed restrictions be put in place? At the time that the City Council approves the agreement that is provided for by the density bonus ordinance.

If the covenants are implemented after a zone change is approved, what guarantees are there that the City will actually go forward with implementing them on the project? Wendy Stockton stated that question did not make sense to her, because they come about in the process under the density bonus ordinance, which is separate from the process currently undertaken.

If the deed covenants or deed restrictions were placed on the property and project and the ownership, title deed holder, etc., changed for any reason, would the current or future proprietors be bound by the restrictions put in place by the prior agreement? The agreements are recorded, and the next property owners have noticed the agreement, and the financing agency or bank that makes loans on the project is also very interested in having the agreement stay in place. There are a lot of ways that the restrictions are protected.

With no further questions from the Commission, Chairman Moats invited discussion amongst the Commission.

Commissioner Andrade commented on the requirements of Santa Maria Municipal Code Section 12-48.09, pointing out that the developer is required to provide the Community Development Department a yearly accounting of the total number of units occupied and units vacant, and also requires that pursuant to an approved agreement, the units be identified as senior, low income or very low income.

Commissioner Brown suggested that the applicant put some site poles on the site to give the surrounding neighbors an idea about the set backs and proposed height.

The Planning Commission and staff discussed code setback requirements and height restrictions.

In response to Commissioner Brown, Peter Lopez stated that the applicant would be in agreement to have some site poles on the site by the next City Council meeting.

Commissioner Waterfield commented that she understood the neighbors' comments about privacy, noise, traffic, things that impede their privacy as they see it. The residents of Hancock Park faced a similar situation with the new hospital going in. The heights of this hospital are tremendous, and there are helicopters landing next to backyards less than 50 feet away, but as a whole, they chose to serve the need of the City and the Valley with the hospital. Commissioner Waterfield stated that she sees the same need with seniors. This project is a need for seniors, and she is in favor of this project because it serves a need, just as the hospital serves a need in her backyard.

Commissioner Andrade stated his appreciation for all the information that Mr. Hansche provided that helped him to evaluate the number of balances and evaluations that need to be made on this project. Commissioner Andrade stated his appreciation for the testimony of Ms. Brasket and Sister Janet who spoke about a shared burden, which is important for our community that is graying, to have a place for seniors. Commissioner Andrade recognized that it is a burden on that area to have this project; however, the balance is that the developer owns that property, they are entitled to do what they want with their property within reason, and this project will enhance Santa Maria overall, with the burden shared more by the residents in the area. So too, with the residents of Hancock Park, when the Planning Commission heard testimony about the helicopter pad moved closer to the residential area and the subsequent noise, but the necessity of the hospital expansion really explained how the hospital would be a positive development for the community. Commissioner Andrade stated his support for this project, commenting that we need more senior housing for our community, and added that having seen the applicant bring the building height down from 40 feet to 26 feet was really a significant factor for him, and he'll vote in approval.

Commissioner Brown concurred, commenting that this is a good project, and added that the applicant has done everything they can to make it a good project.

Chairman Moats commented that he understood the concern that there will be reduced privacy; however, he stated that he still gets a feeling that this parcel is not in that single family neighborhood. It shares no common roads; it is completely divorced from the surrounding neighborhood with a wall. Chairman Moats questioned the "loss of value" claim, pointing out that right now, the parcel looks ugly with deferred maintenance and two junker houses, and stated that this project would beautify the area. Chairman Moats also stated that he liked the architecture and thinks it is an attractive project. Chairman Moats expressed his concern about the lack of support from the surrounding neighborhood, but stated his inclination to support the project.

Commissioner Waterfield made the motion by **Resolution No. 2539** to recommend that the City Council authorize the filing of a Mitigated Negative Declaration, E-2008-001; and adopt a mitigation monitoring program for the Santa Maria Village Senior Apartment Project, GPZ-2008-001 and PD-2008-001. Commissioner Andrade seconded the motion, and it passed, 4-0-1.

Commissioner Waterfield made the motion by **Resolution No. 2540** to recommend that the City Council adopt a resolution amending the General Plan (Land Use Policy Map) of the 1.85 acre site **from** LDR (Low Density Residential – 5 dwelling units per acre) **to** HDR-22 (High Density Residential – 22 dwelling units per acre), as shown on Exhibit A of the Planning Commission resolution, incorporated herein by reference; and adopt an ordinance rezoning the 1.85 acre site **from** R-1 (Single Family Residential) **to** PD/R-3 (Planned Development/High Density Residential), as shown on Exhibit A of the Planning Commission resolution, incorporated herein by reference. Commissioner Andrade seconded the motion, and it passed, 4-0-1.

ITEM 3 - PLANNED DEVELOPMENT PERMIT FOR SANTA MARIA VILLAGE SENIOR APARTMENTS, 450 AND 460 WEST STOWELL ROAD, PD-2008-001, E-2008-001. Review of a Planned Development Permit to allow the construction of a 27,112 square foot, two story independent living senior housing development with 60 dwelling units on a 1.85 acre property, located at 450 and 460 West Stowell Road, Assessor's Parcel No. 117-250-023. (Planner: Greg Stones)

ACTION: The Planning Commission continued the Planned Development Permit to the Planning Commission of March 18, 2009, after City Council action on the associated General Plan amendment and zone change.

VOTE: 4-0-1 AYES: Commissioners Andrade, Brown, Waterfield, and Chairman Moats;
NOES: None; ABSTAINED: Commissioner Lopez; ABSENT: None.

Commissioner Andrade moved to continue this item to the March 18, 2009 meeting. Commissioner Brown seconded the motion, and it passed, 4-0-1.

Commissioner Lopez took his seat with the Planning Commission.

ITEM 4 - PLANNED DEVELOPMENT PERMIT FOR THE CANCER CENTER MEDICAL OFFICE BUILDING, 1325 EAST CHURCH STREET, PD-2008-007, E-2008-046. Review of a Negative Declaration of environmental impact and a Planned Development Permit to allow the demolition of an existing 7,500 square foot medical office building at 1406 East Main Street and the construction of a 37,000 square foot, three story medical office building to be used for cancer treatment and related services in a PD/CPO (Planned Development/Commercial Professional Office) and PD/C-2 (Planned Development/General Commercial) zoning district, Assessor's Parcel Nos. 128-120-008, -012 and -013. (Planner: Bill Shipsey)

ACTION: By motion, authorized filing of a Negative Declaration, and approved subject to the conditions as outlined in the preliminary draft of the Planned Development Permit.

VOTE: 5-0 AYES: Commissioners Andrade, Brown, Lopez, Waterfield, and Chairman Moats; NOES: None; ABSTAINED: None; ABSENT: None.

Bill Shipsey presented the staff report, outlining the specifics of the project as detailed in the written staff report. Bill stated that a potential issue has been raised concerning parking, and staff believes it has been resolved as stated in the staff report on page 5, where it identifies the condition of approval for the Marian Medical Center expansion to provide required off street parking for the hospital expansion. That condition is not compromised by the approval of this project. Staff has received a letter and petition which expresses concerns about the project related to traffic and parking. The Community Development Department recommends special land development condition #3, which places a non-medical patient use limitation on the existing building that will remain, restricting the building to a general office configuration, which has a lower parking requirement. Bill concluded his presentation by stating that staff recommends that the Planning Commission authorize the filing of the negative declaration, and approve the Planned Development Permit because of the superior project design and compatibility with surrounding uses. Staff is available to answer questions, and the applicant is available to answer questions about the operations.

In response to Chairman Moats, Bill Shipsey stated that the parking issue referred to in the petition is not a part of this project, but rather a parking issue related to the whole area. The Marian Medical Center expansion is part of the whole area, and as such, it impacts the whole campus and surrounding area. Staff does not believe there are issues with this project.

Peggy Woods added that staff believes that while under construction of the Marian Medical Center, parking in the area is an issue, but that prior to occupancy of the hospital expansion, the parking will be in place for the hospital on the lots they have identified. This project provides all its required parking on the site, so with the completion of both projects, the parking issues in the area should be alleviated.

In response to Commissioner Andrade, Bill Shipsey explained how the parking was calculated.

Anita Williams, 1207 I Street, Modesto, CA 95354, project architect, addressed the Commission in behalf of the applicant. Ms. Williams thanked staff for their thorough review of this project, and

described the operations that will occur on the site, all to consolidate the various treatments and services that a cancer patient may require under one roof. Ms. Williams stated that the applicant has reviewed the report along with the recommended conditions of approval, and concurs with them.

Commissioner Waterfield complimented the applicant on the project, stating that this facility will compliment the new hospital, and added her hope that it will trigger a component of economic development in the medical community.

In response to Chairman Moats, Anita Williams commented on the previously proposed octagon shape building, stating that they had squared off the building to make it more efficient, but on the outside, one would be hard pressed to notice the difference.

Sister Janet Corcoran addressed the Planning Commission in favor of the project. Sister Janet stated that the Mission Hope Cancer Center will bring hope, comfort and compassionate care to cancer patients in the community. Sister Janet gave special thanks to Robert Dichmann who has diligently worked to see this project become a reality for the community, where all cancer care services can be consolidated at one location. Sister Janet thanked the Planning Commission for giving this project their blessing.

Peter Lopez, 201 West Main Street, spoke in favor of the project, stating that he was proud to help the Marian Capital Campaign Committee, and added that this project is a beautiful extension of our community for services that are very much needed.

With no further comments or questions, Chairman Moats invited comments from the Commission.

Commissioner Andrade commented that this is a beautiful project, and will become an important draw for our community.

Commissioner Waterfield made the motion to authorize filing of a Negative Declaration, and approve subject to the conditions as outlined in the preliminary draft of the Planned Development Permit. Commissioner Lopez seconded the motion, and it passed, 5-0.

ITEM 5 - PLANNED DEVELOPMENT PERMIT FOR A TACO BELL RESTAURANT, 1807 N. BROADWAY, PD-2008-006, E-2008-041. Review of a Mitigated Negative Declaration of environmental impact and a Planned Development Permit to allow the construction of a 2,880 square foot Taco Bell restaurant and site improvements on a one acre site located in a PD/C-2 (Planned Development/General Commercial) zoning district, Assessor's Parcel No. 117-040-027. (Planner: Greg Stones)

ACTION: By motion, authorized filing of a Mitigated Negative Declaration, and approved subject to the conditions as outlined in the preliminary draft of the Planned Development Permit.

VOTE: 5-0 AYES: Commissioners Andrade, Brown, Lopez, Waterfield, and Chairman Moats; NOES: None; ABSTAINED: None; ABSENT: None.

Greg Stones presented the staff report, reviewing the details of the project as outlined in the written report.

In response to Commissioner Andrade, Greg Stones confirmed that the required wall height to separate commercial from residential property is six feet high.

In response to Commissioner Lopez, Greg Stones stated that, according to the architect, if the existing wall height is to be increased to six feet high, then it would be stuccoed to improve its look.

Gabriela Marks, the architect for the project, addressed the Planning Commission in behalf of the applicant. Ms. Marks stated that the applicant has taken precautions to ensure that the adjacent residential development will not be impacted by this project, having placed the project as far away from the rear property line as possible for that reason. This project will use an advanced speaker system that automatically reduces its volume level at night. The applicant will plaster the rear wall and paint it to match the main building wall. Ms. Marks offered to answer any other questions.

In response to Commissioner Andrade, Gabriela Marks stated that the speakers will be at least 35 feet from the rear property line.

Greg Stones stated that the acoustical analysis consultant had indicated that the menu board speaker should not be closer than 80 feet from the closest residence, so it will be at least 80 feet from the residential property line.

Gabriela Marks added that a 36 inch high curved landscape wall is also being proposed that will help mitigate noise.

In response to Chairman Moats, Gabriela Marks stated that the three foot wall by the driveway will be moved back closer to the property line, and it will be the same length as the building and have vines growing on it.

With no further comments or questions, Chairman Moats closed the public session and asked for discussion.

Commissioner Andrade stated for the record that he believes that Santa Maria has too many drive thrus being approved. Commissioner Andrade stated that he would support this project, but thinks that as a City, we should think about lessening the drive thrus that are approved.

Commissioner Waterfield made the motion to authorize filing of a Mitigated Negative Declaration, and approve subject to the conditions as outlined in the preliminary draft of the Planned Development Permit for a Taco Bell Restaurant, 1807 North Broadway, PD-2008-006, E-2008-041. Commissioner Brown seconded the motion, and it passed, 5-0.

ADJOURNMENT: The meeting was adjourned at **9:20 p.m.** to a Study Session on February 5, 2009, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

Next regular Public Hearing: February 18, 2009

Respectfully submitted,

/s/ Peggy Woods

PEGGY WOODS, ACTING SECRETARY
CITY PLANNING COMMISSION