



AGENDA MINUTES

SANTA MARIA CITY PLANNING COMMISSION REGULAR MEETING JUNE 16, 2010 CITY COUNCIL CHAMBERS, 6:30 P.M.



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

PRESENT: Commissioners Adrian Andrade, Tom S. Lopez, Richard Quandt, and Chairman Rodger Brown.

ABSENT: Commissioner Michael W. Moats

STAFF PRESENT: Community Development Director – Larry Appel
Planning Division Manager – Peggy Woods
Assistant City Attorney – Philip F. Sinco
Principal Civil Engineer – Shad Springer
Utilities Engineer – Steve Kahn
Recording Secretary – Kathleen Wilson
Advance Planner – Brian R. Smith
Planner III – Brian Halvorson
Planner II – Greg Stones

This agenda is prepared and posted pursuant to the requirements of Government Code Section 54954.2. By listing a topic on this agenda, the Planning Commission has expressed its intent to discuss and act on each item. In addition to any action identified in the brief general description of each item, the action that may be taken shall include: a referral to staff with specific requests for information; continuance; specific direction to staff concerning the policy or mission of the item; discontinuance of consideration; adoption, approval or disapproval or recommendation thereof.

Participation includes assistance under the Americans with Disabilities Act to provide an equally effective opportunity for individuals with a disability to participate in and benefit from City activities. For the hearing impaired, the City has assisted listening equipment available. For TDD (Telecommunications Devices for the Deaf) service, please call 800-735-2929. In order for the City to make reasonable accommodation arrangements for the use of this assisted listening equipment, notification is required by at least 4:00 p.m. the Friday before the meeting by calling 925-0951, extension 307. This equipment can also be used for translation by Spanish-only speaking persons. To allow the City to coordinate and request a Spanish translator from the volunteer corps, call 925-0951, extension 307 by 1:00 p.m. on Tuesday before the meeting. Para permitir a la Ciudad el poder coordinar y solicitar a un traductor para español del cuerpo de voluntarios, llame al 925-0951, extensión 307 a la 1:00 de la tarde el martes antes de la junta.

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Community Development Department, available for public inspection during City business hours. Any writing or documents provided to a majority of the Planning Commission after distribution of the agenda will also be available for public inspection in the Community Development Department during normal business hours. The Community Development Department ([805] 925-0951, ext. 244) will answer any questions regarding the agenda.

NOTICE: IN ACCORDANCE WITH SEC. 12-35.211 OF THE MUNICIPAL CODE, PLANNING COMMISSION DECISIONS MAY BE APPEALED TO THE CITY COUNCIL.

Next Resolution No: 2566

Next Regular Planning Commission Meeting: July 21, 2010.

CALL TO ORDER: Chairman Rodger Brown

PLEDGE OF ALLEGIANCE TO THE FLAG.

PRESENT: Commissioners Adrian Andrade, Tom S. Lopez, Richard Quandt, and Chairman Rodger Brown.

ABSENT: Commissioner Michael W. Moats

APPROVED PLANNING COMMISSION MINUTES OF MAY 19, 2010, AS WRITTEN.

PUBLIC COMMENT PERIOD: No one present wished to speak.

ITEM 1 - CONSENT CALENDAR: The consent calendar is approved with one motion. These items are read only on request of Commission members. Should anyone, including members of the public, wish to discuss or disapprove any item, it must be dropped from the blanket motion and considered as a separate item.

- a. **ONE-YEAR EXTENSION OF TIME FOR THE REFUGIO TOWNHOME DEVELOPMENT, NORTHWEST CORNER OF WEST MCCOY LANE AND PROFESSIONAL PARKWAY, PD-2006-004, E-2006-011.** Review of a one year extension of time for a Planned Development Permit to allow the construction of 125 attached townhome units on individual lots and one lot for associated common area facilities, in a PD/R-3 (Planned Development/High Density Residential) zoning district, located at the northwest corner of West McCoy Lane and Professional Parkway, Assessor's Parcel Nos. 111-060-015 and -081. (Planner: Bill Scott)

ACTION: By motion, approved the extension of time for one year.

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

PUBLIC HEARINGS:

ITEM 2 - PLANNED DEVELOPMENT PERMIT FOR SANTA MARIA FREEWAY CENTER, 1000 EAST BETTERAVIA ROAD, PD-2009-007, E-2009-007. Review of a Planned Development Permit to allow the construction of a 42,824 square foot commercial center with gas station (and car wash), drive-thru restaurant and three retail buildings in a PD/FS (Planned Development/Freeway Services) zoning district, Assessor's Parcel Nos. 128-136-008 and 128-136-009. The environmental impacts of this project have been analyzed in an addendum to a Mitigated Negative Declaration, E-2002-041. No further environmental review is required. (Planner: Brian Halvorson)

ACTION: By **Resolution No. 2566**, denied the preliminary draft of the Planned Development Permit.

VOTE: 3-1-1 AYES: Commissioners Lopez, Quandt and Chairman Brown; NOES: Commissioner Andrade; ABSTAINED: None; ABSENT: Commissioner Moats.

Larry Appel reminded the Planning Commission and audience that the item to be considered was a request for a continuance only.

Brian Halvorson made the staff presentation, giving a brief history of recent City Council actions concerning the proposed project. Brian noted that due to City Council's denial of the zone change request, the proposed project does not meet current general plan and zoning requirements.

Brian Halvorson noted that to date, the Community Development Department had not received revised site plans or building elevations for the project, which would need to be consistent with the zoning and general plan designation. Because of the action of the City Council to deny the general plan amendment and zone change, and the lack of revised site plan and elevations, staff recommends denial of the project.

Brian Halvorson corrected the Planned Development Permit number incorrectly cited in the subject line of the staff report, the correct number being PD-2009-007.

Gordon Gill addressed the Planning Commission representing the applicant, General Development Company. Mr. Gill noted an item left out of the staff report, which was a letter dated May 7, 2010, that received an email response from the planner. Mr. Gill also requested that the \$4,300 that the applicant paid in Planned Development Permit fees be put into a trust fund so that if and when final action is taken by the Superior Court, that money could be applied toward review of the project.

Larry Appel explained that the fees paid have been used for processing the project thus far. Mr. Appel also stated that when the applicant's letter came to the Director's review, he made the determination that it could not be continued to keep in line with City Council's direction.

The Planning Commission and staff discussed the ramifications of the project being in litigation, and how long the legal appeals could take.

Larry Appel reiterated that the City Council has said they are not interested in this project. The direction from City Council is that they are not satisfied with this project and gave it a resounding denial. Mr. Appel stated that the most prudent action would be to deny the project because it cannot be approved in its current form.

The Planning Commission and staff discussed the idea of a short continuance, and the option the applicant has of developing the previously approved Planned Development Permit for the site.

Larry Appel clarified for Gordon Gill that the applicant would not need to pay a new \$4,300 fee if this project comes back for review after litigation is complete. However, Mr. Appel would not support the request made by the applicant to put money from the current processing into escrow.

With no further comments or questions, Chairman Brown closed the public hearing and called for a motion. Commissioner Quandt made the motion to adopt **Resolution No. 2566** to deny the project. Commissioner Lopez seconded the motion, and it passed, 3-1-1 (Andrade against, Moats absent).

ITEM 3 - CONDITIONAL USE PERMIT FOR MARTINEZ MIXED USE, 618 S. CURRYER ST, U-2010-008, E-2009-052. Review of a Conditional Use Permit to establish an auto shop and residential duplex, in a CM (Commercial Manufacturing) zoning district, Assessor's Parcel No. 123-124-001. This project is a class 3 categorical exemption. No further environmental review is required. (Planner: Greg Stones)

ACTION: By motion, approved subject to the conditions as outlined in the preliminary draft of the Conditional Use Permit.

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

Greg Stones made the staff presentation, outlining the details of the project as made in the staff report.

Greg Stones noted that due to previous code issues on the property, staff recommended that Special Condition 20 be added to the draft conditions of approval for the Conditional Use Permit, to read: "Within ninety (90) days of the Planning Commission approval of the Conditional Use Permit, the property owner/applicant shall do the following: a) Submit construction plans into plancheck with the Community Development Department. b) Obtain a building permit and remove the existing non-conforming pole sign."

The Planning Commission and staff discussed how projects get referred by the Code Compliance Division.

The applicant, Martin Martinez, Santa Maria, addressed the Planning Commission. Mr. Martinez stated he purchased the property in 2000, and he is currently trying to get it up to code.

With no further comments or questions, Chairman Brown closed the public hearing and called for a motion. Commissioner Andrade made the motion to approve the project, as amended. Commissioner Quandt seconded the motion, and it passed, 4-0-1 (Moats absent).

ITEM 4 - GENERAL PLAN CONSISTENCY DETERMINATION FOR THE SANTA MARIA INTEGRATED WASTE MANAGEMENT FACILITY LOCATED AT LOS FLORES CANYON ON PROPERTY OWNED BY THE CITY OF SANTA MARIA WITHIN THE COUNTY OF SANTA

BARBARA, SP-2010-010. Review of a General Plan consistency determination, as required by Government Code Section 65402(b) and State Public Resources Code Section 41720. The Integrated Waste Management Facility is located roughly seven miles south of the Santa Maria city center and one mile east of Highway 101 in the County of Santa Barbara. The 1,774 acre property is owned by the City of Santa Maria with a County Land Use Designation of Agricultural II, Assessor's Parcel Nos. 101-030-010, 101-030-013, 101-030-014 and 101-060-002. (Planner: Brian Smith)

ACTION: By **Resolution No. 2567**, as amended, find that the Integrated Waste Management Facility at Los Flores is consistent with the City of Santa Maria General Plan.

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

Brian Smith made the staff presentation, outlining the details of the General Plan consistency determination as made in the staff report.

The Planning Commission and staff discussed the compatibility finding procedure, and how a project is defined under CEQA.

With no further comments or questions, Chairman Brown closed the public hearing and called for a motion. Commissioner Quandt made the motion to approve **Resolution No. 2567**, adding to the fifth paragraph the language: "and minimizes the community risk from hazardous materials associated with this landfill," and "The environmental impacts of this Facility have been adequately addressed in a Final EIR (SCH#2006091069), certified on April 20, 2010."

Commissioner Andrade seconded the motion, and it passed, 4-0-1 (Moats absent).

ADJOURNMENT: The meeting was adjourned at **7:31 p.m.** to a Study Session on **July 8, 2010**, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

Next regular Public Hearing: July 21, 2010

Respectfully submitted,

/s/ Peggy Woods _____

PEGGY WOODS, ASSISTANT SECRETARY
CITY PLANNING COMMISSION