

PLANNING COMMISSION MEETING

In compliance with Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500-116, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR §§ 35.102-35.104; ADA, Title II.)

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memoranda relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 116 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Community Development Director after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

ITEM

REFERENCE

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

At this time, any member of the public may comment on any issue within the jurisdiction of the Planning Commission that is not on the Agenda.

Members of the public may also comment at this time on any Agenda Item that is not scheduled for a public hearing. To preserve continuity, the Planning Commission Chair may, at his/her discretion, request members of the public wishing to comment on Agenda Items for which public hearings are not scheduled to hold their comments until just prior to the Commission's discussion of the Agenda Item in question. Speakers are requested to limit their comments to no more than 5 minutes each.

4. CONSENT CALENDAR

4a. Minutes of Planning Commission Meeting: April 17, 2013

COPY

5. NEW BUSINESS

5a. Consider and provide a recommendation to the City Council regarding whether the development of the Fillmore Works Project should be governed by: (1) the current Development Permit (Design Guidelines) and Vesting Tentative Tract Map; (2) a Specific Plan; or (3) a Master Plan.

MEMO

6. REPORTS and COMMUNICATIONS

6a. Community Development Director

ORAL

6b. Planning Commission

ORAL

Discuss Commission desire concerning goal setting, workshops, and training topics.

7. ADJOURNMENT

7a. The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for June 19, 2013, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

Next Regular City Council Meeting

May 28, 2013

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6.

**PLANNING COMMISSION
CITY OF FILLMORE
250 CENTRAL AVENUE
FILLMORE, CA 93015**

**APRIL 17, 2013
REGULAR MEETING
6:30 PM**

MINUTES

CALL TO ORDER

Chair Tim Holmgren called the Planning Commission meeting to order at 6:30 p.m. and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Tim Holmgren, Christopher Hoy, Diane McCall, and Robert Smith. Planning Commissioner Mark S. Greenwell was absent. City Staff present were: Community Development Director Steve Stuart, Senior Planner Ann McLaughlin, and Assistant City Attorney Lindsay Tabaian.

ORAL COMMUNICATIONS - None

ELECTION

4a. Planning Commission Chair

The Chair opened the nominations for the Chairman of the Fillmore Planning Commission. Commissioner Smith nominated Tim Holmgren. At 6:36 p.m. nominations were closed and the vote was as follows:

Ayes: Hoy, Smith, and Holmgren. Nays: McCall. Abstentions: None. Absent: Greenwell. Motion Carried.

4b. Planning Commission Vice Chair

Chair Holmgren opened nominations for Vice Chair at 6:38 p.m. Commissioner Hoy nominated Commissioner McCall for Vice Chair. Seeing no further nominations the Chair closed the nominations and the vote was as follows:

Ayes: Hoy, Smith, McCall, and Holmgren. Nays: None. Abstentions: None. Absent: Greenwell. Motion Carried.

CONSENT CALENDAR

5a. Minutes of Planning Commission Meeting: December 19, 2012

It was moved by Commissioner Hoy and seconded by Commissioner Smith to approve the minutes. Ayes: Commissioners Holmgren, Smith, and Hoy. Nays: None. Abstain: McCall. Absent: Greenwell. Motion Carried.

PUBLIC HEARING:

6a. Applications for Modification of Conditions of Approval for Tentative Tract Maps (TTRs) in Business Park: TTR 5784; TTR 5785; and TTR 5803

Location: Bounded on the north by Highway 126/Ventura Street, west by Sespe Creek, on the east by “D” Street, and along the south generally by the Santa Clara River

Zoning: Business Park-1 and Business Park-2

Applicants: (1) Perry Ranch Project (aka Fillmore Riverview, LLC); (2) Coe Project (aka Fillmore Industrial Park, LLC); & (3) Maxwell Project (aka Sespe Creek Properties, LLC)

Purpose &

Procedure: Open public hearing, and provide motion to continue to provide the City the opportunity for in-depth analysis and review of financial and economic impacts of the proposal.

At 6:40 p.m. the item was opened and it was moved by Commissioner McCall and seconded by Commissioner Hoy to continue this item. Ayes: Commissioners Holmgren, Smith, McCall, and Hoy. Nays: None. Abstain: None. Absent: Greenwell. Motion Carried.

BUSINESS ITEMS

6b. Workshop on the Fillmore Business Park Master Plan

At 6:45 p.m. Ann McLaughlin, Senior Planner, provided an overview of the background and introduced former Planning Commissioner and current City Council member Doug Tucker to give an historical prospective the Business Park Master Plan.

REPORTS and COMMUNICATIONS

7a. The Community Development Director updated the Commission on projects and information related the Department including:

1. Upcoming City budget cycle
2. Farmers’ Market Temporary Use Permit
3. Recent Director level approvals: El Pescador Plaza and Fillmore Rental relocation
4. Update on housing development

7b. The Planning Commissioners discussed the following:

Chair Holmgren asked about hearing from City Council regarding goals of planning and City vision. Commission Smith asked for future agenda item to include workshop and training discussion on various topics pertinent to the Commission including the existing Design Guidelines for Highway 126 and Transportation Development Fees, including impact of County project on the City.

ADJOURNMENT – 7:20 PM

There being no further business to come before the Planning Commission, the meeting was adjourned to the next regular Planning Commission Meeting scheduled for April 22, 2013, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

A handwritten signature in black ink, appearing to read "Ann McLaughlin". The signature is written in a cursive style with a horizontal line underneath.

Ann McLaughlin
Senior Planner



CITY OF FILLMORE
CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015-1907
(805) 524-3701 • FAX (805) 524-5707

Item: 5a
May 22, 2013

TO: Planning Commission

THROUGH: Steve Stuart, Community Development Director

FROM: Joe Power, Rincon Consultants/Planner for the City

SUBJECT: Fillmore Works

REQUESTED ACTION/PURPOSE

That the Planning Commission review the following background information and analysis, consider the options presented in this staff report, and select and then make a recommendation to the City Council on whether: (1) City staff should continue to process the Fillmore Works Project under its current discretionary entitlement applications (GPA/ZC, VTTM, Annexation, DP) or (2) require the Fillmore Works Project to prepare a Specific Plan or Master Plan to more fully define the project and its intended objectives.

BACKGROUND

Texaco Downstream Properties, Inc. ("TDPI" or "Applicant"), a wholly owned subsidiary of Chevron Oil Company, owns a 55-acre parcel of contiguous land located within and adjacent to east Fillmore and north of Highway 126 (the "Fillmore Works Property"). The Fillmore Works Property is a Pacific Coast Pipeline ("PCPL") Superfund site, and thus is regulated by the U.S. Environmental Protection Agency ("USEPA"). TDPI is currently completing the required site remediation efforts under the direct supervision of the USEPA. TDPI is the "responsible party" under federal law for the PCPL Superfund cleanup.

TDPI filed applications for the development of the Fillmore Works Property" on May 17, 2012. The development applications submitted to the City included a request for approval of the following entitlements:

- General Plan Amendment
- Zone Change
- Vesting Tentative Tract Map
- Development Permit (Design Guidelines)
- Annexation

Overall, TDPI proposes to develop a range of land uses on the Fillmore Works Property which would include commercial, manufacturing/industrial, public facilities, and open space on this 55-acre site (the "Fillmore Works Project"). The proposed total building area is estimated to include 291,000 square feet of commercial uses, 307,000 square feet of manufacturing/industrial uses and 35,000 square feet of public facility uses. TDPI also proposes to dedicate approximately 15-acres of open space to the City of Fillmore for recreational uses.

TDPI has filed for Annexation, General Plan Amendment, and Zone Change to allow the development of the Fillmore Works Project. It has submitted a Vesting Tentative Tract map to subdivide the project area with developable lots ranging from approximately 0.3 to 3.7 acres in size and to establish circulation and infrastructure improvements, which include a new vehicle circulation network, pedestrian and bicycle connections, wet and dry utilities, and site grading.

The Applicant has also prepared Design Guidelines as part of the Development Permit application, which provide recommendations on building placement and architectural style, streetscape improvements, landscaping, sustainability measures, and other issues applicable to future on-site development projects.

On April 3, 2013, the Fillmore City Council and Planning Commission met in joint session at a Special Meeting to discuss the Fillmore Works Project. At this public meeting, Rincon Consultants, Inc. and City staff led a discussion regarding the project's key issues. The topics covered during the study session included:

- Project Overview
- Current Status of Planning and Environmental Review Process
- Project Related Issues
 - Access and Overall Vehicle Circulation
 - Land Use Compatibility
 - Site Remediation
 - Hillside Open Space
 - Legislative Processing Options (Specific Plan/Master Plan/Development Permit)
- Overview of Next Steps

During the presentation made at this joint session, members of the City Council and Planning Commission provided feedback and direction on each of these issues. The information provided during the study session was taken under advisement by City staff and will be utilized throughout the application review process and during preparation of the Draft EIR.

The primary task left unresolved from this joint special meeting, and which is the subject of this Agenda item, was for the Planning Commission to focus on, and make recommendations with respect to, the most appropriate method to convey the project's consistency with the City's underlying General Plan policies and the most appropriate way to establish enforceable zoning and development standards.

Historically, within the City of Fillmore, larger projects have most often been processed under the guidance of either a Master Plan or a Specific Plan (e.g. the Business Park Master Plan,

North Fillmore Specific Plan, Downtown Specific Plan, and Heritage Valley Parks Specific Plan). Therefore, the City Council and Planning Commission jointly directed staff to prepare a more detailed analysis comparing the legislative requirements and procedures of a Master Plan versus a Specific Plan with the project's proposed Vesting Tentative Tract Map and Design Guidelines.

ANALYSIS

In this meeting, the Planning Commission will be asked to review and make recommendations to the City Council regarding whether the proposed development of the Fillmore Works Project should be governed by one of three (3) regulatory planning documents:

- (1) Design Guidelines and a Vesting Tentative Tract Map ("TTR"); or
- (2) a Master Plan; or
- (3) a Specific Plan.

A summary comparison of these regulatory planning documents is provided below in Table 1, and a more detailed analysis of each site planning approach is provided below.

Table 1.
Comparison of Design Guidelines, Master Plan and Specific Plan Documents

Plan Components	Design Guidelines/TTM	Master Plan	Specific Plan
Community outreach.	X	X	X
Overall statement of goals and policies of project.	X	X	X
Constraints and opportunities based on stakeholder input.		X	X
Statement of relationship to the General Plan and Zoning Ordinance.		X	X
Recommendations for changes to the Zoning Ordinance and General Plan.	X	X	X
Distribution, extent, and location of land uses.	X	X	X
Distribution, extent, location, and intensity of major components of on/off-site public and private transportation, sewage, water, drainage, solid waste disposal, energy, etc.	X Limited Details Provided in VTTM	X	X
Standards by which development will proceed.	X	X	X

Plan Components	Design Guidelines/TTM	Master Plan	Specific Plan
A program of implementation and financing measures.			X
Comprehensive package of policies and Regulations.		X	X
Legislative action, enforceable by Law.			X

Approach 1: Development Permit (Design Guidelines) and Vesting Tentative Tract Map

As part of the Development Permit entitlement application package filed with the City of Fillmore, TDPI has prepared Fillmore Works Design Guidelines (Attachment A). Overall, this document provides direction for development of private lots and public right-of-way(s) as a part of the Fillmore Works Project and is intended to ensure a high-quality development that is aesthetically pleasing, safe, and compatible with the surrounding land uses. As part of the preliminary project review process, the applicant has held informational workshops with various community groups. The applicant had also planned to participate in additional community workshops coordinated by the City to discuss the various components of the project.

The Design Guidelines include a set of design policies, contextual urban design imagery, and conceptual design standards that could be used by Fillmore planning staff and future developers to help determine a future project’s consistency with the City’s underlying development standards, as set forth in the Fillmore Municipal Code. However, the Design Guidelines are intended to be informational, not prescriptive; thus, each future development phase and any intended future uses would legally be subject to the discretionary review procedures and development standards contained within the Fillmore Zoning Code. In the case of a conflict between the Fillmore Zoning Code and the proposed Design Guidelines, the Fillmore Zoning Code would govern.

The standards set by the Fillmore Zoning Code permit a wide variety of uses within the zoning designations that are proposed for the Fillmore Works Project - *i.e.* Commercial Highway, Manufacturing/Industrial, Open Space, and Public Facility. The zoning code also establishes minimum standards for floor-area-ratio, building coverage, building height, setbacks, parking requirements, and other standards specific to each zoning designation.

For example, the majority of uses are conditionally permitted within the Manufacturing/Industrial zone, including: dismantling facilities/scrap yards, kennels/veterinary clinics or hospitals, printing/publishing facilities, tire sales/service, heavy truck repair, and truck stops are not allowable within 500 feet of a residential zoning district/use and/or shall not be directly visible from a residential zoning district/use. Additional regulations and standards applicable to the proposed uses are contained in Chapter 6.04 of the zoning code.

Within the proposed Commercial Highway zoning designation, some of the more compatible permitted uses include: banks/financial institutions, and printing/publishing, and tourist oriented retail. Additional commercial uses are allowed with a Development Permit or Conditional Use

Permit, including: drug store, general merchandise (supermarket), hotel/motel, laboratories, mixed use, restaurants (various types), tourist oriented establishments, and others as specified in Table 2 attached.

Within the proposed Manufacturing/Industrial zoning designation, some of the more compatible permitted uses include: administrative and professional offices, light industrial, and light industrial research and development. Additional manufacturing uses are allowed with a Development Permit or Conditional Use Permit, including: child day care, distribution centers, health club, heavy industrial manufacturing, restaurants (various types), and others as specified in Table 2.

Within the proposed Open Space zoning designation, some of the more compatible permitted uses include non-vehicular recreation. Additional open space uses are allowed with a Development Permit or Conditional Use Permit, including: agriculture, campground, commercial stables, hiking, indoor/outdoor athletic facilities, interpretive center, outdoor theatre, parks, and others as specified in Table 2.

Within the proposed Public Facility zoning designation, the following uses are allowed with a Development Permit, including: art gallery, government offices, hospital/health clinic, library, parks, and others as specified in Table 2.

Approach 2: Master Plan Preparation

A Master Plan is broadly defined as a plan that meets the parameters and intent of the Specific Plan statutes contained in the California Government Code, which requires a land use plan, a circulation plan, an infrastructure plan, and implementation measures. The purpose of a Master Plan is to establish, as clearly as possible, a comprehensive scheme for future development of the entire area covered by such a plan. These types of plans typically serve as a policy and regulatory document for the planning area in question and such a plan would give the community greater assurance and certainty about the direction future development would take.

The benefits of a Master Plan driven planning process are that it:

- Provides a clear picture of the areas future development potential and allows more predictability for: (1) the general public, (2) City government and responsible/trustee agencies, (3) the project developer;
- Allows for a broad range of detailed information, beyond that usually obtained in traditional zoning applications, combined in a complete package;
- Provides an opportunity for citizen participation before the public hearing process, thus developing understanding, acceptance, and support for the project design;
- Allows some flexibility in zoning and development standards which typically results in developments that are more responsive to the unique conditions of the site and allows a project to respond to changing market conditions over time;
- Refines the policies of the General Plan as applicable to the project area, and is implemented by existing ordinances such as those regulating land use and subdivisions.

The Master Plan also creates the ability to establish a “tiered” environmental document, including appropriate mitigation measures, thus facilitating the consideration of subsequent development proposals or phases.

The recently approved City of Fillmore Business Park Master Plan provides an example of the above-referenced benefits. The first phase of the Business Park Master Plan process included a public outreach process that included multiple meetings with property owners and decision makers. The second phase involved document preparation, which involved the development of design guidelines addressing site planning, landscaping, building mass and form, utility screening, signage, street standards for circulation, and other public improvements throughout the plan area. The third phase involved multiple public hearings before the Planning Commission and City Council. Ultimately, the Master Plan was adopted by the City Council via City Council Resolution.

Although a Master Plan typically has many similarities in common with a Specific Plan, the primary difference is that a Master Plan cannot be adopted via ordinance. Therefore, it is not a regulatory document and its design guidelines and other project design components cannot supersede the City’s design standards for the site’s various zoning designations - as articulated by the Fillmore Municipal Code and Fillmore Zoning Code (as detailed supra). Moreover, there are no statutory requirements establishing the legal contents of a Master Plan.

Approach 3: Specific Plan Preparation

Although a Specific Plan would address many of the same issues discussed as part of a Master Plan, a Specific Plan is not a component of a General Plan. It is a separately adopted general plan implementation document. The California Government Code mandates that a Specific Plan be consistent with the adopted General Plan and that all subsequent subdivision and development, all public works projects, and zoning regulations must be consistent with the Specific Plan.

Moreover, Government Code Section 65451 mandates that a Specific Plan contain text and a diagram or diagrams specifying all of the following in detail:

- a) The distribution, location, and extent of uses of land, including open space, within the area covered by the plan.
- b) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land use described in the plan.
- c) Standards and criteria by which development will proceed, and standards for the conversion, development and utilization of natural resources where applicable.
- d) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs a, b, and c.

Often, a Specific Plan is adopted as a regulatory document, whose land use designations and design standards can supersede any existing land use and zoning standards for the area in

question. Moreover, Specific Plans are typically adopted for project areas involving multiple property owners with multiple development proposals. In this case, a Specific Plan can help clarify the applicability of overarching General Plan policies and it would establish financing infrastructure improvements and extensions, or cost recovery programs that may be implemented by matching land uses with supporting public facilities. It may also directly impose exactions in association with the General Plan's capital improvement policies to assist engineering departments and developers in avoiding ineffective or undersized streets, sewers, water lines, and other necessary improvements.

RECOMMENDATION

The project site is wholly owned by TDPI, Inc. and due to its history of contamination, the project site is most suitable for commercial, industrial, and open space uses. Furthermore, the property will be deed restricted for these types of uses, subsequent to completing site clean-up efforts in accordance with the standards established by the USEPA. Given the limited array of uses conceivable on the project site combined with relatively limited options for roadway and utility infrastructure connections, City staff recommends that TDPI, Inc. prepare a Master Plan for the Fillmore Works project.

The Master Plan should include, at a minimum: (1) a community engagement program, (2) illustrations detailing the extent of the proposed land uses and infrastructure improvements, (3) a summary of any proposed changes to the Zoning Code and/or the General Plan and (4) design/development guidelines by which future development shall proceed.

Therefore, if deemed appropriate, the Planning Commission would recommend to the City Council that TDPI, Inc. prepare a Master Plan for the Fillmore Works project.

Reviewed By:



Steve Stuart, Community Development Director

Attachments:

Table 2: Fillmore Permitted Uses Summary Table

Attachment A: Design Guidelines Submitted with the Application