

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 ext. 113, 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.

Memorandums: Memorandums 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. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission 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 This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (please do not exceed 5 minutes per topic).	
4. CONSENT CALENDAR	
4a. Minutes of the June 23, 2010 Special Planning Commission meeting.	Copy
4b. Minutes of the July 12, 2010 Special Planning Commission meeting.	Copy
4c. Minutes of the September 22, 2010 Regular Planning Commission meeting.	Copy
5. PUBLIC HEARINGS - None	
6. PRESENTATION	
6a. California Environmental Quality Act (CEQA) overview PowerPoint Presentation given by Planning Commissioner Mark Austin, AICP.	Oral
7. REPORTS and COMMUNICATIONS	
7a. Community Development Director	Oral
7b. Planning Commission	Oral

8. CLOSED SESSION

- 8a.** Conference with Legal Council - Existing Litigation (subdivision (a) of Section 54956.9): El Dorado Estates v. City of Fillmore, Case No. 56-2009-00358555-CU WM-VTA, Ventura County Superior Court.

9. ADJOURNMENT

- 9a.** The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for October 20, 2010, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**Next Regular City Council Meeting
October 26, 2010**

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

JUNE 23, 2010
SPECIAL MEETING
6:30 PM

MINUTES

CALL TO ORDER

6:30 p.m., Chair Douglas Tucker called the Planning Commission meeting to order, and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Vice Chair Tom Fennell, Mark Austin, and Diane McCall. City staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, City Engineer Tom Scott, Assistant Planner Manuel Minjares and Planning Secretary Denise Beauduy. Absent (excused): Commissioner Vance Johnson.

ORAL COMMUNICATIONS

There were no comments.

CONSENT CALENDAR - Approved

The Consent Calendar consisted minutes of May 19, 2010 Planning Commission meeting. There was a motion and second to approve the Consent Calendar as submitted. Motion: McCall; Second: Fennell. Ayes: Austin, Fennell, McCall and Tucker. Noes: None. Abstain: None. Absent: Johnson. Motion Carried 4:0.

PUBLIC HEARING

Modification #1 to CUP 92-01, Request to Change Alcoholic Beverage License from Type 41 (On Sale Beer and Wine- Eating Place) to Type 47 (On Sale General; Beer, Wine and Distilled Spirits – Eating Place) for Ay Chihuahua Restaurant, 1145 Ventura Street, Mario Galvez, Applicant.

6:31 p.m., Chair Tucker opened the public hearing and Assistant Planner Manuel Minjares presented the staff report. Mr. Minjares stated the purpose of the public hearing was to modify an existing Conditional Use Permit that was approved in 1992 to establish the on sale beer and wine license. Mr. Minjares said the land use activity is consistent with the land use designation for the Commercial Highway zone of the General Plan and Zoning Ordinance and Planning staff is recommending approval. Mr. Minjares said there were additional conditions regarding surveillance equipment that were imposed by the Sheriffs Dept., but they were not in the original packet that went out to the Commission. Mr. Minjares distributed the revised Conditions of Approval to the Commission.

Mr. Minjares said the surveillance equipment consists of eight (8) cameras that will be installed inside the restaurant and outside the restaurant to monitor the activity in the restaurant and the parking lot. The surveillance system includes a hard drive with the capacity to record thirty (30) days of video footage. Mr. Minjares said the condition states the Sheriff's Dept. has the authority to inspect the installation and equipment to make sure it is functioning properly. Mr. Minjares said the Applicant is required to schedule an inspection with the Building Dept., to determine if

improvements have to be made to bring the restaurant into compliance with the ADA accessibility requirements. The Applicant, said Mr. Minjares, has reviewed the revised Conditions of Approval and is in agreement with them.

Questions and Comments

Commissioner Fennell questioned if the surveillance cameras are required by ABC. Mr. Minjares responded the cameras were not required by ABC but it is required by the Sheriffs Dept. Mr. Minjares said the Zoning Ordinance requires the Sheriff's Dept. to review applications for ABC Licenses and the Sheriff's Dept. imposed the condition for surveillance. Commissioner Fennell asked if the Condition could be removed if the Commission did not agree with it. Mr. Minjares responded the condition could be removed if that is direction from the Commission.

Commissioner McCall asked if the Applicant is aware of the condition to provide surveillance. Mr. Minjares stated the Applicant was already planning to install surveillance equipment before the condition was imposed, and he is in agreement with it.

Commissioner Fennell stated his concern that the Sheriffs Dept. could go in at any time and asked to review the tapes without a warrant.

Mr. Minjares responded the purpose of the surveillance equipment is to assist police with an investigation if a crime occurs in the restaurant.

Mr. Schneider reviewed the language of Condition #57 and said the condition gives the Sheriff's Dept. the authority to inspect the surveillance equipment to make sure that it is installed correctly and pointed in the right direction; it does not give the Sheriff's Dept. the authority to request the tapes and review them any time they wish.

Commissioner McCall commented that if the Applicant agrees with the condition then there should not be an issue.

Commissioner Austin commented that it would be beneficial to applicant to have 24-hour notice.

Commissioner Tucker requested specific language be inserted to ensure the surveillance equipment is working.

There were no other comments or public testimony, and the public hearing was closed.

ACTION

Planning Commission Resolution 10-848 was Adopted

It was moved and seconded to adopt Planning Commission Resolution 10-848, approving Modification #1 to CUP 92-01 to allow the Applicant to modify the on sale beer and wine ABC License to include distilled spirits. The motion for approval included the additional Conditions 55 through 57 imposed by the Sheriff's Department. Staff was directed to revise language of Condition 57 to address specifically the inspection of the installation of the surveillance equipment, and Condition 58 was added for the Sheriff's Department to provide advance notice of 24 hours prior to the inspection of the surveillance equipment. Motion: Tucker; Second: Austin. Ayes: Austin, Fennell, McCall and Tucker. Noes: None. Abstain: None. Absent: Johnson. Motion Carried 4:0.

REPORTS and COMMUNICATIONS

6:42 p.m., Mr. McSweeney updated the Commission on various projects throughout the city:

Farmers Market – an application for a Temporary Use Permit has been submitted for a Farmers Market on Friday nights beginning on August 13th from 4:00 – 9:00 p.m. Mr. McSweeney said the Farmers Market will be located on the NE Corner of Sespe and Central Avenues and there will be approximately 30 booths. The application was submitted by the property owner, Thom Kestley.

Commissioner McCall asked if the Farmers Market would be in competition aware of Friday night football games during football season. Commissioner McCall suggested staff inform the applicant about Friday night football.

July 4th Block Party Permits – the deadline for submitting block party permits is June 21st, so that City staff has sufficient time to review the applications. The Planning Dept. has advertised the process on the City website and on Channel 10.

July 4th Car Show - Fillmore & Western Railway submitted the application for a Temporary Use Permit for the car. The application review is complete, and the permit is ready to issue.

Downtown Specific Plan Requirement for 1/3 retail – due to the vacancy rate downtown, the City Council questioned whether or not to remove the requirement from the Downtown Specific Plan for retail in the first third of storefronts along the street. The merchants are against removing the requirement but are flexible to allow a large office use. The City Council directed Planning staff to study the matter.

Mr. McSweeney said the downtown area will gain two new businesses: a teahouse and a restaurant and catering business. Mr. McSweeney said Mr. Minjares is working with both merchants to process storefront rehabilitation applications.

Mr. McSweeney said the Business Park Property Owners approached the City Council last night and asked for clarification of the Conditions of Approval and asked the Council to consider their request at the July 13th City Council meeting. The item would have to be before the Planning Commission first and the Commission would make a recommendation to the City Council. Mr. McSweeney asked the Commission to have a special meeting on July 14th. Mr. McSweeney said Planning staff needs more information and staff has a lot of work ahead of them.

Commissioners Fennell and McCall said they had family vacation plans and would be out of town.

ADJOURNMENT – 6:53PM

There being no further business to come before the Planning Commission, the meeting was adjourned to the next regular Planning Commission Meeting scheduled for August 18, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy
Planning Secretary

THIS PAGE IS INTENTIONALLY BLANK

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

JULY 12, 2010
SPECIAL MEETING
6:30 PM

MINUTES

CALL TO ORDER

6:32 p.m., Chair Douglas Tucker called the Planning Commission meeting to order and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Vice Chair Tom Fennell, Vance Johnson and Dianne McCall. City Staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, Public Works Director Bert Rapp City Engineer Tom Scott and Planning Secretary Denise Beauduy. Absent (excused) Commissioner Mark Austin.

ORAL COMMUNICATIONS

No Comments

PUBLIC HEARING

Request to Modify Conditions of Approval By Revising Condition E5. Modifications to Four Projects Within the Business Park:

- A. Mod #4 to TTR 5785, DP 07-01 (Perry Ranch), APN's: 046-0-050-160; 046-0-050-170, Fillmore Riverview, LLC., 660 Newport Center Drive, Suite 930, Newport Beach, CA 92260, Applicant.
- B. Mod #2 to TTR 5784, DP 07-02 (Coe Property), APN: 046-0-060-110, Fillmore Industrial Park, Attn: KDF Communities, 660 Newport Center Drive, Suite 930, Newport Beach. CA 92660, Applicant.
- C. Mod #2 to TTR 5803 (Maxwell Property), APN's: 046-0-060-010; 046-0-060-160, Sespe Creek Properties, LLC., 1253 Coast Village Road, Suite 105, Santa Barbara, CA 93108, Applicant.
- D. Mod #3 to DP 07-03, CUP 08-03, LLA 08-02 (The Stop), APN's: 052-0-160-010; 052 160-070. Request to Grant a One-Year Time Extension for DP 07-03. TSAF, LLC., 28212 Kelly Johnson Dr., # 275, Valencia. CA 91355, Applicant.

6:34 p.m., Chair Tucker called for the staff report and opened the public hearing. Mr. McSweeney presented the report and said four property owners in the Business Park would like clarification of the Conditions of Approval for the Business Park. On June 22, 2010, Planning staff received four separate applications from the developers of Perry Ranch and the Coe property, Jack Maxwell, and the developer of The Stop. Mr. McSweeney said the developers are asking for a modification to Condition E5 which has to do with the timing of flood plain analysis.

Mr. McSweeney said the Business Park was approved by the City Council on March 11 2008. When the Business Park was approved, only a portion of the Perry Ranch property was in the flood plain, but the levee was extended to protect the new Water Recycling Plan, and the levee removed that portion of Perry Ranch out of the flood plain. Approximately three months after the EIR was approved, FEMA released a preliminary draft FIRM that placed all property located west of A Street, including the Business Park, into the 100 year flood plain. Mr. McSweeney said the Engineering Dept. reviewed the map and identified errors. The City argued successfully that the map was incorrect and FEMA withdrew the map. Mr. McSweeney said the Developers in the Business Park would like to make it clear that they are not in the flood plain right now and they could pull building permits. The developers are asking to modify Condition E5 which states occupancy shall not occur on any lot that is within the 100 year flood plain. Mr. McSweeney said the Developers are concerned that if they are under construction, and the new FIRM indicates the Business Park is in the flood plain, City staff will enforce the FIRM, which will cause significant changes to those projects while they are under construction. Mr. McSweeney said City staff supports the all of the applicants re for the modification to Condition E5 and gave staff's recommendation for the applicants to comply with the FMC Chapter 6.16 as it relates to Flood Prevention.

Mr. McSweeney said approved tract maps in the Business Park expired in March 2010; however, due to the economy, the Governor took legislative action to extend the expiration date for tract maps throughout the state to March 2012. Because Development Permits were approved along with the Tract Maps, the Zoning Ordinance allows for expiration of the Development Permits to be extended as well. Mr. McSweeney said the entitlement for The Stop is only a Development Permit, but the developer submitted a letter requesting an extension prior to the expiration deadline. Mr. McSweeney gave City staff's recommendation to extend the Development Permit for one year.

Commissioner Tucker clarified that the modification of Condition E5 was not requested by all the developers in the Business Park. Mr. McSweeney responded that there are seven projects in the Business Park, but only four applications were submitted; the modification will not affect the other three projects.

Commissioner Tucker asked if the reason the projects in the Business Park would be in the flood plain is because the levee is 6 – 8 feet too short. Mr. McSweeney stated the Business Park is currently not in the flood plain, but there are measures such as raising the levee or raising the building pads to remove development from the flood plain..

Commissioner Tucker asked if the City is liable= if FEMA determines the Business Park is in the flood plain, and flooding occurs during a 100-year storm event or if the levee is determined to be inadequate. Mr. McSweeney responded if FEMA determines there are projects in the flood plain then Engineering staff will review those projects and require the development to be removed from the flood plain. Mr. Schneider responded the City is not liable if FEMA deems the levee inadequate.

Commissioner McCall asked for the time frame for FEMA to conclude their studies. Mr. McSweeney responded FEMA estimates it will take approximately two years so they will present

new data in 2012. Commissioner McCall asked if the projects are constructed in the Business Park, and FEMA determines the Business Park is in the floodplain, would the developer have to comply with Chapter 6 of the FMC. Mr. McSweeney if the buildings are already constructed and the FIRM changes then the flood insurance rates change. The developers are concerned that they may have to modify projects that under construction; the developer does not want to get caught in the middle of construction. If the developers are not issued building permits before FEMA makes a determination that the Business Park is in the floodplain then the developers would have to follow Chapter 6.16 of the FMC.

Commissioner Tucker asked why the Business Park is before the Planning Commission if FEMA is not going to make any changes prior to 2012. Mr. McSweeney said a modification to the Conditions of Approval can not be done administratively. This modification is required to be reviewed by the Planning Commission and the Commissioner will make a recommendation to the City Council. As for the urgency, Mr. McSweeney deferred to the Applicants.

Jack Maxwell, Sespe Creek Properties, LLC, Santa Barbara, CA. Mr. Maxwell stated he owns 19 acres west of D Street and north of River Street in the Business Park. Mr. Maxwell said he supports the revision of the Condition E5 and said it is important to have this resolved in order to move the projects forward. Mr. Maxwell stated his concern with the local and national economy which may not allow for construction. Mr. Maxwell said that he may build only two buildings before 2012, and there is the potential for his property to be in the floodplain. No one will want bring in 8 – 10 feet of dirt to raise the site; it will be cost prohibitive. Mr. Maxwell said it is important to resolve the issue with the levee so that is it not a floodplain issue and will allow us to build and obtain flood insurance.

Lisa Patricio, Attorney, Cox, Castle & Nicholson, 2049 Century Park East, 28th Floor,. Ms. Patricio stated she was representing Business Park developers and expressed support for City staff's recommendation. Ms. Patricio said there is a slight change in the language for Condition E5 in the staff report and asked if that language is accurately reflected in the resolutions.

Mr. McSweeney responded the resolutions do not reflect the change because it would be part of the motion. Mr. McSweeney said the condition as suggested by staff states: prior to building permits issuance the applicant shall comply with FMC Chapter 6.16 Flood Damage Prevention. Mr. McSweeney said staff would like to strike the words: prior to building permit issuance.

Ray Harper, KDF Communities, LLC. Mr. Harper addressed the urgency of the matter. Mr. Harper said there are some transactions pending that involve joint venture partners and lenders, and the one thing they will not deal with is uncertainty. FEMA may have new maps in 2012 or 2015; FEMA is not sure. Mr. Harper said they visited the General Council of FEMA in Washington several months ago on this very issue and it is still very confusing. Mr. Harper said the modification they are asking for takes away the uncertainty; it may cost more to build or they may have to raise the buildings, but they will be able to build.

There were no other public comments.

Planning Commission Comments

Commissioner Tucker said he is in favor of the Business Park; it is good for the community and will help the community. Commissioner Tucker stated his concern that the Business Park may become piece meal when FEMA presents the new FIRM and the other projects are ready to move forward and asked if there is any way to make the design uniform. Mr. McSweeney responded the Business Park Master Plan that was adopted is a comprehensive plan. Mr. McSweeney said not all projects proposed in the Business park will move forward; the self-storage business is not moving forward because the project was terminated. New applications will have to go through and environmental review process.

Mr. Schneider made a comment that FEMA is in control of making the floodplain determination not the City. The City has an ordinance on the books that deals with building in the floodplain, but the City does not determine the location of the floodplain and is not imposing any new conditions on development.

6:56. public hearing closed.

Commissioner Johnson commented piece meal development is the order of the day, and maybe it would not be if this was before us 25 years ago.

ACTION

(Perry Ranch)

Planning Commission Resolution 10-849 was Adopted.

It was moved and seconded to adopt Planning Commission Resolution 10-849, Recommending the City Council approve Modification #4, amendment to Condition E5 of the Conditions of Approval for Development Permit 07-01, TTR 5758 (Perry Ranch), Condition E5 has been revised to E5a and E5b: E5a, Public Improvements shall be completed prior to the City Council acceptance of the public improvements. E5b, The applicant shall comply with Chapter 6.16 of the FMC, "Flood Damage Prevention". Motion: Johnson; Second: Tucker. Ayes: Fennell, Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin. Motion Carried 4:0.

ACTION

(Coe Property)

Planning Commission Resolution 10-850 was Adopted.

It was moved and seconded to adopt Planning Commission Resolution 10-850, Recommending the City Council approve Modification #2, amendment to Condition E5 of the Conditions of Approval for Development Permit 07-02, TTR 5784 (Coe Property), Condition E5, has been revised to E5a and E5b: E5a, Public Improvements shall be completed prior to the City Council acceptance of the public improvements. E5b, The applicant shall comply with Chapter 6.16 of the FMC, "Flood Damage Prevention". Motion Johnson; Second McCall. Ayes: Fennell, Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin. Motion Carried 4:0.

ACTION

(Maxwell Property)

Planning Commission Resolution 10-851 was Adopted.

It was moved and seconded to adopt Planning Commission Resolution 10-851, Recommending the City Council approve Modification #2, amendment to Condition E5 of the Conditions of Approval

for TTR 5803, the Maxwell Property. Condition E5, has been revised to E5a and E5b: E5a, Public Improvements shall be completed prior to the City Council acceptance of the public improvements. E5b, The applicant shall comply with Chapter 6.16 of the FMC, "Flood Damage Prevention". Motion Johnson; Second McCall. Ayes: Fennell, Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin. Motion Carried 4:0.

ACTION

(The Stop Property)

Planning Commission Resolution 10-852 was Adopted.

It was moved and seconded to adopt Planning Commission Resolution 10-852, Recommending the City Council approve Modification #3, amendment to Condition E5 of the Conditions of Approval for Development Permit 07-03. Condition E5, has been revised to E5a and E5b: E5a, Public Improvements shall be completed prior to the City Council acceptance of the public improvements. E5b, The applicant shall comply with Chapter 6.16 of the FMC, "Flood Damage Prevention". Motion Johnson; Second McCall. Ayes: Fennell, Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin. Motion Carried 4:0.

ACTION

(The Stop Property)

Planning Commission Resolution 10-853 was Adopted.

It was moved and seconded to adopt Planning Commission Resolution 10-853, Granting a one-year time extension for Development Permit 07-03. Motion: Johnson; Second: McCall. Ayes: Fennell, Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin. Motion Carried 4:0.

REPORTS and COMMUNICATIONS

Mr. Schneider gave an update of the court decision for the case involving the City of Fillmore and the owner of the El Dorado Mobile Home Park. Mr. Schneider reported the owner of the EL Dorado Mobile Home Park sued the City of Fillmore over an incomplete application for a mobile home park condo conversion. The owner of El Dorado Mobile Home Park filed an application with the Planning Dept., approximately six months ago, for a condo conversion of the park. The application went before the Planning Commission and was deemed incomplete. The attorney for the owner of the park filed an appeal which went before the City Council. The City Council adopted a resolution denying the appeal and determined the application was incomplete. The judge ruled on El Dorado's writ of mandate that the application for condo conversion is incomplete

ADJOURNMENT – 6:58 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 August 18, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy
Planning Secretary

THIS PAGE IS INTENTIONALLY BLANK

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

SEPTEMBER 22, 2010
REGULAR MEETING
6:30 PM

MINUTES

CALL TO ORDER

6:34 p.m., Chair Douglas Tucker called the Planning Commission meeting to order and Commissioner McCall led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Vance Johnson and Dianne McCall. City Staff present were: Community Development Director Kevin McSweeney, Assistant City Attorney Julie Saltoun, City Engineer Tom Scott and Planning Secretary Denise Beauduy. Absent (excused): Commissioners Tom Fennell and Mark Austin.

ORAL COMMUNICATIONS

There were no Comments

CONSENT CALENDAR - Tabled

The Consent Calendar consisted of:

- a. Minutes of the June 23, 2010 Special Planning Commission meeting.
- b. Minutes of the July 12, 2010 Special Planning Commission meeting.

A quorum was not present to take action. The Consent Calendar was tabled until the next regular scheduled meeting for October 20, 2010.

PUBLIC HEARING

Conditional Use Permit 10-03 (CUP 10-03), Request Approval to Obtain an ABC license for On sale Beer and Wine, Double AA Café, 501 Santa Clara St., Applicant: Dustin Anderson, 1947 Grand Ave., Fillmore, CA 93015.

6:36 p.m., Chair Tucker called for the staff report and opened the public hearing. Mr. Minjares presented the report stating restaurants are a permitted use in the Central Business District as outlined in the land use activities in the Zoning Ordinance. The Zoning Ordinance also allows for restaurants to serve alcohol but requires a Conditional Use Permit. Mr. Minjares said the Applicant is requesting to approval to apply for a type 41 ABC license for the sale of beer and wine to be consumed in the restaurant. Mr. Minjares said the CUP application has been reviewed by City staff and the Sheriff's Department. Mr. Minjares concluded his staff report and asked if there were questions from the Commission.

Commissioner Johnson referred to Condition S10, requiring Sheriff's Department to give the business owner with 24 hours notice of inspection, and asked if this condition was the same

condition that was placed on Ay Chihuahua restaurant and did the Sheriff's Department agree with it. Mr. Minjares said it was the same condition that was placed on Ay Chihuahua restaurant, and the Sheriff's Department did agree to it.

Commissioner Tucker asked if the city has exceeded the number of ABC licenses that could be issued to businesses here. Mr. Minjares responded the moratorium is for off sale licenses; it does not affect restaurants.

6:40 p. m., the public was invited to speak on the matter. There were no public comments and hearing was closed.

Commissioner Johnson stated he would like to delete Condition S10 as it has no advantage to the City and it is counter productive to police business. Commissioner Johnson said if an armed robbery were to occur, the Sheriff's would want to review the surveillance tape immediately; this condition sets a dangerous precedent.

Commissioner McCall said Condition S10 was placed on a CUP that was reviewed by the Commission at their last meeting, and the applicant agreed to the condition. Commissioner McCall said she was indifferent as to keeping or deleting the condition.

Commissioner Tucker said Commissioner Johnson had a valid point that if there is an emergency situation; the condition becomes null and void.

Commissioner Johnson stated the surveillance equipment is in a public area; there is no expectation of privacy.

There was no further discussion of the matter.

ACTION

Planning Commission Resolution 10-586, Granting CUP 10-03 was Adopted with amended COA's. It was moved by Commissioner Johnson and seconded by Commissioner McCall to adopt Planning Commission Resolution 10-586, Granting CUP 10-03, deleting Condition S10, and subject to the amended Conditions of Approval. Ayes: Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin and Fennell. Motion Carried 3:0.

PUBLIC HEARING

Development Permit 10-02 (DP10-02), Variance 10-01 (VAR 10-01), Proposal for the Rebuild of a Single Family Residence on a Legal Nonconforming 3750 sq. ft. lot and a Request to Deviate from the Development Standards by reducing setbacks, located at 333 Mountain View St., Applicant: William Lindsay, PO Box 1025, Santa Paula, CA 93061.

6:45, p.m., Chair Tucker called for the staff report and opened the public hearing. Mr. Minjares presented the report and stated the project site location is 333 Mountain View Street, and the project was presented to the Planning Commission last May as a screening. Mr. Minjares said the proposed project consists of a 960 square foot structure that was demolished. Because of the constraint of the narrow lot, the Applicant submitted an application for a Screening before the Planning Commission. Mr. Minjares said the project was presented to the Commission, last spring, to seek their direction

for the construction of a new dwelling unit on that site. The Applicant is proposing a new 960 square foot home on the narrow lot. Mr. Minjares said the property is that it is only 25 feet wide, and it is impossible to meet side setbacks. The applicant is proposing a 3-foot setback on the south side to the property line and a 2-foot setback on the north side to the property line. Mr. Minjares said during the screening of this project the Commission gave the following comments: 1) Option B was the preferred site plan with the unit set farther back on the property with either a 1-car carport or 1-car garage. 2) The Applicant needs to submit a soils report. 3) The architect should pay attention to the design of the garage or carport for the unit. 4) Restrict the unit for a low or very low income family. Mr. Minjares said the Applicant prefers a 1-car carport instead of a 1-car garage because the carport would allow a better view of the property. Mr. Minjares said Planning staff is looking for direction from the Commission on this item. Mr. Minjares said the Conditions of Approval were amended, and two conditions were added after the packet was sent out. Mr. Minjares distributed the updated version of the conditions and noted that Condition E17 was added to prohibit lot to lot drainage. Condition P10 was added to reflect the 3-foot setback from the south side of the property line to allow the neighbor access to the existing driveway between the two properties.

Commissioner Tucker asked if the Fire Department had a preference for setbacks, and would the 3-foot setback cause a problem for the neighbor next door. Mr. Minjares responded the Fire Department prefers the building to be setback as far as possible. As for the 3-foot setback, the driveway has been used since the homes were built, and staff's intention is to condition the project properly so that there is no issue.

Commissioner Tucker stated his preference for an enclosed carport. Mr. Minjares said there were two elevations in the packet for a 1-car garage and a 1-car carport. Mr. Minjares said staff supports either structure to bring the property closer to conformance.

Chair Tucker invited the Applicant to comment on the project.

William Lindsay, Applicant, stated he has been working with City staff, and he is looking to get the project approved.

There were no other comments

6:55 p.m., Chair Tucker closed the public hearing.

Planning Commission Discussion

Commissioner McCall stated her preference for a garage and said placing the garage in front of the house works better with the neighboring property.

Commissioner Johnson stated he is not willing to give up the garage; allowing the carport instead of the garage would set a precedent. The carport would become a storage area. Commissioner Johnson said he likes the garage elevation; it matches the architecture of the home. With regard to the 3-foot side setback to the south, Commissioner Johnson said he supports it. The additional two feet will not impact the neighbor if they want to develop their property in the future.

Commissioner Tucker asked if moving the carport the additional two feet would have any impact on the walkway. The Applicant responded it would not affect the walkway.

There was no further discussion. Chair Tucker entertained a motion.

ACTION

Planning Commission Resolution No. 10-854 Approving DP 10-02, was Adopted.

It was moved by Commissioner Johnson and seconded by Commissioner McCall to Adopt Planning Commission Resolution 10-854, approving Development Permit 10-02, subject to Conditions of Approval. Ayes: Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin and Fennell. Motion Carried: 3:0.

ACTION

Planning Commission Resolution 10-855 Approving VAR 10-01, was Adopted.

It moved by Commissioner Johnson; seconded by Commissioner Tucker to adopt Planning Commissioner Resolution 10-855. Commissioner Johnson stated the findings have been met to approve Variance 10-01, subject to Conditions of Approval.

Commissioner Johnson amended his motion to include the amended Conditions of Approval with the addition of Conditions E17 and P10. Motion: Johnson; Second; McCall. Ayes: Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: Austin and Fennell. Motion Carried: 3:0.

REPORTS and COMMUNICATIONS

There were no comments.

ADJOURNMENT – 7:02PM

There being no further business to come before the Planning Commission, the meeting was adjourned to the next regular Planning Commission Meeting scheduled for October 20, 2010, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy
Planning Secretary