



**CITY OF SANTA MARIA  
PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF  
OCTOBER 15, 2008**



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

- PRESENT:** Commissioners Adrian Andrade, Rodger Brown, Etta Waterfield, and Chairman Tom S. Lopez.
- ABSENT:** Commissioner Michael W. Moats
- STAFF PRESENT:** Planning Division Manager – Peggy Woods  
Senior Deputy City Attorney – Wendy Stockton  
Senior Civil Engineer – Rodger Olds  
Recording Secretary – Kathleen Wilson  
Planner III – Bill Scott  
Planner I – Jennifer Fleming

**APPROVED PLANNING COMMISSION MINUTES OF OCTOBER 1, 2008, AS WRITTEN.**

**PUBLIC COMMENT PERIOD:** Nobody present wished to speak.

**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.

- 1a. **PLANNED DEVELOPMENT PERMIT FOR LAKEVIEW PROMENADE, A COMMERCIAL AND RESIDENTIAL MIXED USE DEVELOPMENT CONSISTING OF 12 BUILDINGS AND 274 AIRSPACE CONDOMINIUMS, 3596 SKYWAY DRIVE, PD-2006-024 E-2005-088.** Review of a Planned Development Permit for a commercial and residential mixed use development consisting of 12 buildings, and including 274 airspace condominiums, located at 3596 Skyway Drive, Assessor’s Parcel No.111-100-008 and -009. The environmental impacts of the project are adequately addressed in the Environmental Impact Report, E-2006-070, prepared for GPZ-2006-009. No further environmental review is required. (Project Planner: Bill Scott)
  - ACTION:** By motion, continued to the Planning Commission meeting of November 5, 2008.
  - VOTE: 3-0-2** AYES: Commissioners Andrade, Waterfield, and Acting Chairman Brown; NOES: None; ABSTAINED: Chairman Lopez; ABSENT: Commissioner Moats.
  
- 1b. **TENTATIVE TRACT MAP FOR LAKEVIEW PROMENADE, 3596 SKYWAY DRIVE, TRACT 5928 E-2005-087.** Review of a tentative tract map that would create nine (9) commercial lots, four (4) residential lots, and 274 airspace condominiums, Assessor’s Parcel No.111-100-008 and -009. The environmental impacts of the project are

adequately addressed in the Environmental Impact Report, E-2006-070, prepared for GPZ-2006-009. No further environmental review is required. (Project Planner: Bill Scott)

**ACTION:** By motion, continued to the Planning Commission meeting of December 3, 2008.

**VOTE: 3-0-2** AYES: Commissioners Andrade, Waterfield, and Acting Chairman Brown; NOES: None; ABSTAINED: Chairman Lopez; ABSENT: Commissioner Moats.

- 2a. **GENERAL PLAN 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, E-2008-001, 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, five [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), located at 450 and 460 W. Stowell Road, Assessor's Parcel No. 117-250-023. A mitigated negative declaration was prepared for the project under the provisions of the California Environmental Quality Act. No further environmental review is required. (Project Planner: Greg Stones)

**ACTION:** By motion, continued to the Planning Commission meeting of November 5, 2008, at the request of the applicant.

**VOTE: 3-0-2** AYES: Commissioners Andrade, Waterfield, and Acting Chairman Brown; NOES: None; ABSTAINED: Chairman Lopez; ABSENT: Commissioner Moats.

- 2b. **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 22,460 square foot, 3-story (40 feet in height) independent living senior housing development with 67 dwelling units for senior housing on a 1.85 acre property, located at 450 and 460 West Stowell Road, Assessor's Parcel No. 117-250-023. A mitigated negative declaration was prepared for the project under the provisions of the California Environmental Quality Act. No further environmental review is required. (Project Planner: Greg Stones)

**ACTION:** By motion, continued to the Planning Commission meeting of November 5, 2008, at the request of the applicant.

**VOTE: 3-0-2** AYES: Commissioners Andrade, Waterfield, and Acting Chairman Brown; NOES: None; ABSTAINED: Chairman Lopez; ABSENT: Commissioner Moats.

Commissioner Lopez recused himself due to a conflict of interest. Due to the absence of Vice-Chairman Moats, Commissioner Brown acted as Chairman, and made the motion to approve the consent calendar. Commissioner Andrade seconded it, and it passed, 3-0-2.

## **PUBLIC HEARINGS:**

### **ITEM 3 - CONDITIONAL USE PERMIT FOR LA CHIQUITA MARKETS, INCORPORATED (LA BODEGUITA, INCORPORATED) TO ALLOW THE ESTABLISHMENT OF A COMMISSARY FOR FOOD VENDORS, 700 WEST ORANGE STREET, U-2008-027, E-2008-026.**

Review of a Conditional Use Permit to allow the establishment of a commissary for food vendors, including two covered parking structures for parking of vendors' vehicles totaling approximately 12,708 square feet at an existing warehouse facility located at 700 West Orange Street in a CM (Commercial Manufacturing) and OS (Open Space) zoning districts, Assessor's Parcel Nos. 123-111-007, 123-111-008, and 123-111-009. The project is a class 32 categorical exemption. No further environmental review is required. (Project Planner: Bill Scott)

**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, Brown, Waterfield, and Chairman Lopez; NOES: None; ABSTAINED: None; ABSENT: Commissioner Moats.

Bill Scott presented the staff report, reviewing the details as outlined in the written staff report. Bill concluded by stating that staff recommends approval of the project, and was available to answer questions.

In response to Chairman Lopez, Bill Scott explained that the permit had been crafted for both phases to be covered with one approval, and that the phases would occur as they were budgeted. The phasing of the project was designed in such a way that each phase could function alone with enough parking to accommodate it.

In response to Commissioner Andrade, Bill Scott stated that there was no guarantee that phase 2 would occur, and added that phase 1 could stand alone and function without phase 2.

In response to Commissioner Andrade, Wendy Stockton explained that a bonding requirement could be put on the conditions of approval, which could work for a while if it was for something specific, but added that generally, security requirements don't work well on private property.

Commissioner Waterfield commented that this point had been discussed at the study session, adding that the applicant had stated completion of the project depended on the economy.

Peggy Woods explained that phase 2 was written in such a way that it wouldn't have to be part of the project, and it would only be required to be included if the number of commissary trucks increased.

In response to Commissioner Brown, Bill Scott confirmed that if phase 2 is not completed, the parking improvements on the west side of the building would not be required, stating that those improvements are part of the phase 2 parking requirements, not phase 1.

In response to Commissioner Brown, Peggy Woods clarified that if the project had come forward with the reduced number of commissary truck parking spaces, the City would not have required the adjacent parcel to the west to be improved, because it is owned by someone else. The adjacent parcel would only have to be improved if it was used for the additional commissary truck parking.

In response to Chairman Lopez, Bill Scott stated that queuing will not be allowed in the public street.

Niel Dilworth, architect for the project, addressed the Planning Commission.

In response to Mr. Dilworth, Rodger Olds commented on the requirement for a public utility easement, stating that 10 feet is the standard width to provide for street trees and utilities, and suggested that the applicant inquire of the Recreation & Parks Department concerning the requirement for the street frontage sections that already have existing buildings.

Niel Dilworth continued with his presentation, stating that the site includes two parcels, and the applicant is proposing two additional uses to the site, including a commercial wholesale bakery, and the commissary for up to fifty vendor vehicles, which is a new use for the site. Mr. Dilworth also stated that the parking is secured and adequate, meeting the requirement that commissary trucks park in a secured site during the night.

Niel Dilworth clarified that the term "servicing" for these trucks does not mean mechanical maintenance; rather, just the work required to clean the vehicles and make them acceptable as food vending vehicles. Mr. Dilworth also spoke about the parking, landscaping, a screening wall, street lighting, and curb, gutter and sidewalk improvements. He added that the applicant had not viewed this project as a phased project until recently because of the economy, and stated that the phasing would only be taken advantage of if financially they couldn't do the whole project at once.

David Iliff, 1310 Jodie Court, Santa Maria, owner of NH3 Service Company, the business to the south of the proposed project, addressed the Planning Commission. Mr. Iliff stated his issues that would concern phase 2, when the build out occurs on the Railroad Avenue side. Mr. Iliff stated that he had talked with the owner of the site, Mr. Eggert, who had indicated that the railroad tracks that are currently there will stay there. However, the drawings for phase 2 all show that the railroad tracks will be removed. Mr. Iliff also cited another issue with the property being extended out by six feet, adding his belief that there will be some traffic issues.

In response to Commissioner Brown, Bill Scott pointed out the location of the railroad tracks on the site plan.

In response to Commissioner Brown, Bill Scott stated that he knew the railroad tracks were there, and added that they could be driven over as they are. Bill added that staff saw no immediate impact to leaving the tracks where they are.

In response to Chairman Lopez, Niel Dilworth stated that the tracks would be in the traffic lane, and added that leaving them in would be fine.

Rodger Olds commented that regarding the location of the railroad tracks, if there was a railroad car parked there, exiting the parking lot as it is proposed would be very difficult.

David Iliff described the activity of the railroad cars on the site, adding that currently, they unload one railway car per month.

Commissioner Andrade stated his concern about this issue being raised now, adding that he did not know how much of an impact this would have on the project. On one hand, the proposal is to remove the railroad tracks, and now there is a consideration being raised that the railroad tracks are being used and are necessary. Commissioner Andrade stressed the need for the parties concerned to know the facts and agree upon a decision so that there are not problems later about what was or was not approved.

Bill Orndorff, Orndorff Planning Services, addressed the Planning Commission in behalf of the client, and pointed out that this conflict would only occur in phase 2, and only when a train car was parked on the tracks, at which time five or six parking spaces would be impacted. Bill spoke about the on-street parking available to the site, which could help alleviate the impacts of the rail car parked there for one day.

In response to Commissioner Brown, Commissioner Andrade reiterated that the two phases were set up as one project and needed to be considered together. Commissioner Andrade stressed the importance for all issues to be addressed and discussed at the study session so that they can be taken into consideration before a decision is reached.

Commissioner Waterfield commented that tonight was the first time the Planning Commission heard Mr. Iliff talk about the railroad tracks, so it puts the Planning Commission in a strange situation. Commissioner Waterfield added that she would like to see some type of agreement with Mr. Iliff and the applicant, perhaps something written into the minutes, making perfectly clear what is being approved.

Wendy Stockton commented that to go forward with the parking lot on the second parcel is key to the project, and the challenge facing the Commission is that since one of the property owners was not in attendance, staff did not know his position on the issue.

In response to Commissioner Brown, Bill Scott reiterated that the conditions were structured into two phases, so to only approve one phase would require restructuring the conditions.

The Planning Commission and staff discussed various suggestions as to how to resolve this issue, whether to continue the item or try to move forward.

Francisco Sanchez, the owner of La Bodeguita, addressed the Planning Commission. Mr. Sanchez suggested an agreement between the two property owners to not remove the railroad tracks, and offered to help Mr. Eggert remove the piping. Mr. Sanchez stated that for now, they would not remove the railroad, adding that if they removed the piping, then the extra space would not be needed. Mr. Sanchez added that if that agreement was put into writing, that could resolve the issue.

In response to Chairman Lopez, Mr. Sanchez stated that they have worked on this project for a very long time, and would like to start with phase 1 and remove the piping.

In response to Chairman Lopez, Peggy Woods discussed the process for a continuance, and reiterated that the staff report and conditions were looked at together as a complete project.

Commissioner Andrade opined that the issue could not be resolved because one of the parties was absent.

Bill Orndorff restated his proposal to implement phase 2 as shown, which would require removal of the 120-foot section of railroad tracks, and then add a second part to that condition that should the railroad tracks not be removed, the number of commissary trucks be reduced by three. Then those parking spaces would not be needed.

Rodger Olds stated that the primary issue from Public Works' point of view is that when the rail car is parked there, as the parking lot is currently designed, vehicles could not enter/exit the site, but would have to back up 150 feet to Orange Street. Rodger stated that the current proposal could be amended if it doesn't perform.

Peggy Woods reiterated the suggestion to approve the project as currently proposed with removing the tracks. If the railroad tracks are not removed by phase 2, then the applicant is not fulfilling the obligations of the Conditional Use Permit. Staff could work with the applicant to modify the Conditional Use Permit to reduce the number of commissary trucks and move the driveway to allow for entering/exiting the site and then bring a report to the Planning Commission.

Bill Orndorff stated that the applicant, Mr. Sanchez, was in agreement with that.

The Commissioners agreed with Ms. Woods' suggestion.

Chairman Lopez closed the public hearing, and called for a motion.

In response to Commissioner Brown, Peggy Woods clarified that removal of the piping cannot be in the Open Space area.

Commissioner Brown made the motion to approve the Conditional Use Permit for La Chiquita Markets, Incorporated (La Bodeguita, Incorporated) to allow the establishment of a commissary for food vendors, 700 West Orange Street, U-2008-027, E-2008-026, subject to the conditions as outlined in the preliminary draft of the Conditional Use Permit. Commissioner Andrade seconded the motion, and it passed, 4-0-1.

**ITEM 4 - CONDITIONAL USE PERMIT FOR BARCELLUS PLAZA, FOR OFFICE BUILDINGS, 502, 510, AND 524 EAST BARCELLUS AVENUE, U-2008-032, E-2008-032.** Review of a Conditional Use Permit to allow the construction of three (3) office buildings totaling 24,046 square feet on 2.37 acres located at 502, 510 and 524 East Barcellus Avenue, in a CPO (Commercial Office and Professional Office) zoning district, Assessor's Parcel Nos. 128-067-020, -021, -022, and -023. The project is a Class 32 categorical exemption. No further environmental review is required. (Project Planner: Jennifer Fleming)

**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, Brown, Waterfield, and Chairman Lopez; NOES: None; ABSTAINED: None; ABSENT: Commissioner Moats.

Jennifer Fleming presented the staff report, outlining the project details as stated in the written report.

In response to Commissioner Andrade, Jennifer Fleming noted that no communication had been received from any of the neighbors.

Brian Schwartz, Urban Planning Concepts, representing the applicant, gave a brief Power Point presentation concerning the project. Mr. Schwartz also introduced the applicant, Mark Fugate and Marilee Banks from Charter Brokerage; Laurie Tamura, Urban Planning Concepts; and the project architect, Lyle Munch.

Lyle Munch, 200 Santa Fe, Visalia, CA, project architect, addressed the Planning Commission regarding the architecture and design of the project.

Brian Schwartz concluded the presentation, stating that the applicant agrees with the conditions of approval, and added that they believe the site has been designed with sensitivity to the neighborhood to the south, and asked for approval of the project.

Commissioner Brown commented that the higher roof gives the building a better look.

With no further comments or questions, Chairman Lopez closed the public hearing and called for a motion. Commissioner Waterfield made the motion to approve the Conditional Use Permit for Barcellus Plaza, for office buildings, 502, 510, and 524 East Barcellus Avenue, U-2008-032, E-2008-032, subject to the conditions as outlined in the preliminary draft of the Conditional Use Permit. Commissioner Andrade seconded the motion, and it passed, 4-0-1.

**ITEM 5 - AMENDMENT TO THE GENERAL PLAN (LAND USE ELEMENT) AND ZONING REGULATIONS, RELATING TO THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT, GP-2008-003, Z-2008-006, E-2008-043.** Review of recommendations to the City Council regarding a Negative Declaration, E-2008-043, a General Plan text amendment, and a zoning text

amendment adding Chapter 13A – Highway Commercial (HC) District – to Title 12 of the Santa Maria Municipal Code. (Project Planners: Brian Smith, Bill Shipsey and Bill Scott)

**ACTION:** By resolution, recommended that the City Council amend the General Plan by:

1. Adopting a negative declaration of environmental impact, E-2008-043, for the General Plan and zoning text amendment to Title 12 of the Santa Maria Municipal Code; and
2. Adopting an ordinance to create a new zoning district and a resolution, establishing one or more corresponding land use designations for the new zone.

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

Bill Scott presented the staff report, outlining the details of the project as outlined in the written report. The actions would establish the Highway Commercial (HC) zoning district, designed to provide centers for convenience and retail shopping along U.S. Highway 101. The uses are intended to provide greater variety and flexibility than what is currently allowed in the Freeway Service (FS) zoning district, but more restrictive than the C-2 commercial zoning district. Specific areas that would be affected would include the corridor along U.S. Highway 101, most likely at the existing and planned interchanges. Bill explained that the proposed HC zone would not replace, but would supplement, the existing FS zone.

In response to Commissioner Andrade, Bill Scott spoke about the inclusion of bowling alleys in the proposed zone.

In response to Commissioner Andrade, Peggy Woods stated that this zoning district was called “Highway Commercial” to differentiate it from the “Freeway Service” zone. Peggy added that the FS zoning district will remain the same; this zoning district will not replace it.

Chairman Lopez commented on the written comments received into the record.

Mr. Gordon Gill, 1010 S. Broadway, Suite G, representing the company that owns the property at U.S. Highway 101 and Betteravia Road, spoke in favor of the project. Mr. Gill spoke about the growth in Santa Maria since the FS zone was implemented in 1980, and stated that the FS zoning does not provide the services that it was intended to for the traveling public; it is limited to hotels/motels, service stations and restaurants. Mr. Gill noted that many other communities have removed their FS zoning districts in favor of zoning that allows more commercial uses. Mr. Gill urged the Planning Commission to have the current FS zoning automatically changed to HC zoning, so that the effected 23 property owners won’t have to put in an application and go through the 4-6 month process to make the zone change. Mr. Gill stated that would be more efficient, and cost less time and money to the applicants.

In response to Commissioner Brown, Peggy Woods clarified that an applicant can apply for a zone change to rezone property from Freeway Service to Highway Commercial.

Wendy Stockton clarified that there are two types of zoning amendments: text amendments, which create standards, uses and conditional uses for a zone; and map amendments which place the zones in a geographical context. Both amendments are required for a property to be developed. Wendy stated that Mr. Gill is asking for both amendments to occur tonight, or with this project. However, the way the project has been set up, it has not been notified that way; owners would need to know that their properties were being automatically rezoned, and some may not agree with that.

In response to Chairman Lopez, Peggy Woods stated that the 4-6 month time frame is an approximate time line to process a zone change.

Commissioner Andrade reiterated that the Planning Commission can only act upon what was noticed, and for this project, that was to adopt an ordinance asking the City Council to establish a new zoning district.

Gordon Gill stated that if staff took the existing FS zoning, and the language from the proposed HC zoning to amend the existing uses allowed in the FS zoning, then it would be accomplished without requiring every property owner, about 23 of them, that have current FS zoning, to be required to come in at a later date and request a rezone.

The Commissioners agreed that suggestion made sense.

In response to Commissioner Waterfield, Wendy Stockton stated that if the Commission wanted to amend the FS zone, the way to do that would be to take this item off the agenda, and direct staff to start over again. Wendy stated that it was very unusual for the City to initiate zone changes for property owners. Generally, the property owners initiate that.

In response to Commissioner Waterfield, Wendy Stockton affirmed that uses can be changed in existing zoning districts, and pointed out that was just done at the Meyer A Street project. Wendy added that an applicant could come in and ask for additional uses to be approved for specific properties in the FS zone.

In response to Commissioner Andrade, Wendy Stockton stated that the Planning Commission would not be able to amend the FS zoning district now, because it had not been noticed as an amendment. The Planning Commission would need to direct staff to start all over again.

Peggy Woods addressed the Planning Commission, stating that there are a number of ways to facilitate this proposal; however, one of the reasons it is structured this way is that, although this evening there are those in support, there is also opposition in changing the conditional uses in the FS zone. They are not here tonight. As a compromise between those in support and those in opposition, the ordinance was structured as it appears before the Planning Commission this evening. Direction was given to staff to structure the Highway Commercial zoning district in this manner so that applicants could take advantage of additional uses.

In response to Commissioner Brown, Peggy Woods described the application process for an applicant to be able to get approval for the permitted uses as shown in Exhibit A of the staff report.

In response to Commissioner Brown, Bill Scott stated that he had met with Peter Koetting who likes the project structured as it is, so that reflects the other side. This iteration allows flexibility for projects on a case by case basis.

In response to Commissioner Waterfield, Peggy Woods stated that this ordinance is a tool to allow a property owner to get additional uses on their properties. Property owners can maintain an FS zone forever, but would be restricted to those FS uses. The HC zone would allow more flexibility for property owners, but to take advantage of that, they would have to apply for a rezone.

In response to Commissioner Waterfield, Wendy Stockton spoke about the two different types of amendments. This project sets up in the code for property owners to have the zoning if they want it; but some don't want it, so it doesn't force it on them. Some property owners are very much in favor; and some are very much against it.

Gordon Gill addressed the Planning Commission, and stated that the opposition to the rezoning is the adjacent property owner who has commercial zoning and doesn't want any competition. Mr. Gill stated that if the FS zoning ordinance was changed to allow the additional uses, the applicant could make the decision whether or not to take advantage of those uses. FS zoning does not work any more, because the community and uses have changed. Mr. Gill stated that the simplest way to fix that is to amend the FS zoning ordinance, and give property owners the additional uses without forcing applicants to go through a rezoning process, which is a 4-6 month period, and can delay the financing and planning of a project.

In response to Commissioner Brown, Bill Scott stated that the property in question is the property owned by Mr. Koetting, and staff is staying out of that dispute. Bill stated his belief that the zoning text amendment, as structured, is fair and reasonable for all parties.

In response to Commissioner Andrade, Wendy Stockton clarified that the Planning Commission cannot amend the FS zone. The Planning Commission could take the item off the agenda, and give direction to staff as to how to proceed.

Mr. Jay Hartman addressed the Planning Commission in favor of a mandatory and automatic change from FS zoning to HC zoning. Mr. Hartman spoke about his property, a leasehold that he has held for 40 years. With the current zoning, they can only have restaurants and hotels. Mr. Hartman stated that a number of cities nearby have changed their zoning along the highway, and added that he doesn't know of this "optional zoning" anywhere else, and doesn't see the advantage of it. He asked the Planning Commission to give them a level playing field; otherwise, their property will lay fallow because it is almost impossible to lease their property the way the zoning is structured now.

Mr. Todd Hartman addressed the Planning Commission. Mr. Hartman stated that the current uses under FS zoning, the new HC zoning does not preclude any of those uses, so there is no disadvantage to expanding the zoning. Why would any property owner oppose it, except for the competition?

Laurie Tamura, Urban Planning Concepts, addressed the Planning Commission in behalf of Nick Tompkins, owner of property at the corner of U.S. 101 Highway and Main Street, speaking in favor of the proposed HC zoning.

In response to Commissioner Brown, Mr. Hartman stated that with a Conditional Use Permit, they could have a gas station there.

In response to Commissioner Waterfield, Mr. Hartman clarified that he is in favor of the HC zoning, but he only controls 95% of his property, and the 5% is controlled by someone else who will not approve anything in competition of himself. The way the zoning is currently written, every other City has passed it as mandatory, not optional. Mr. Hartman asked what logic was there to be against more benefits, unless it is for some other reason.

In response to Commissioner Waterfield, Mr. Hartman stated that the other property controller has stated that he would oppose Mr. Hartman in this issue.

Peggy Woods stated that any applications currently received by the City for rezoning have to be signed by the property owners.

In response to Chairman Lopez, Wendy Stockton stated that if this was a text amendment to the FS zone, and the question was would that owner have to sign that? No, because it would be a text amendment, and would apply to all FS sites. Then that other person would not have to sign the application.

Peggy Woods stated that on the other hand, if this item is directed back to staff, and packaged so that FS zoned properties would be rezoned to HC, there could be a lot of people who come out and oppose it, resulting in a possible recommendation of denial. That is a chance that everyone would have to take if that was the direction given.

Gordon Gill summarized that they were present to support the proposed additional uses, whether they would be included in the FS or HC zoning. That change needs to be made for the betterment of the community. Mr. Gill stated that they were trying to make it more efficient in regard to amending the existing FS zoning by making the additional uses available to those property owners in the FS zone, if they want to take advantage of them. Mr. Gill stated that if the Planning Commission agreed with that approach, he suggested that staff re-advertise the hearing, and bring it back at a later date.

In response to Commissioner Waterfield, Laurie Tamura commented on the interesting dichotomy, with the one long-going stressful situation, and then all those other 22 parcels along U.S. Highway 101 struggling with what to do with their properties. Ms. Tamura encouraged the Planning Commission to address the other 22 landowners by adopting this proposal, and sending it on to City Council, and then the individual owners can come in with requests to rezone their properties. The controversial issue could perhaps be resolved with restructuring the FS zone or an independent rezoning application.

Wendy Stockton suggested that if the Planning Commission wanted to act, they could request that City Council give direction to staff.

Laurie Tamura stated that this is a tool for those 22 property owners to move forward with other uses for their properties, and it is a means of moving forward. There are issues with all of the other properties, and they all need to be looked at independently.

Jay Hartman stated that rather than start the whole process over again, they would support the Planning Commission as it is proposed now. It would be a great step forward.

With no further comment, Chairman Lopez closed the public hearing and asked for discussion.

Commissioner Andrade stated that it made sense to move the item forward to City Council, and ask them to give direction or consider the modification of the FS zone as an alternative.

The Commissioners agreed to not reinstate the three uses that were removed in order to protect the Downtown Specific Plan.

In response to Chairman Lopez, Commissioner Andrade stated that the Planning Commission could suggest that City Council consider as an alternative to amend the FS zone in addition to this proposal.

Commissioners Brown, Waterfield and Chairman Lopez agreed with that suggestion.

Commissioner Waterfield suggested that the Commissioners each speak with their City Council person who appointed them, so that they understand the points and will have a heads-up about the concerns of the Planning Commission.

With no further comments or questions, Chairman Lopez called for a motion. Commissioner Waterfield made a motion to approve **Resolution No. 2530** for an amendment to the General Plan (Land Use Element) and Zoning Regulations, relating to the Highway Commercial (HC) zoning district, GP-2008-003, Z-2008-006, E-2008-043, recommending that the City Council amend the General Plan by adopting a negative declaration of environmental impact, E-2008-043, for the General Plan and zoning text amendment to Title 12 of the Santa Maria Municipal Code. Commissioner Andrade seconded the motion, and it passed, 4-0-1.

and

Commissioner Waterfield made the motion to approve **Resolution No. 2531**, adopting an ordinance to create a new zoning district and a resolution, establishing one or more corresponding land use designations for the new zone. Commissioner Andrade seconded the motion, and it passed, 4-0-1.

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

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**ADJOURNMENT:** The meeting was adjourned at **9:09 p.m.** to a Study Session on October 23, 2008, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

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Next study session: October 23, 2008

Next regular Public Hearing: November 5, 2008

Respectfully submitted,

/s/ Peggy Woods

PEGGY WOODS, ASSISTANT SECRETARY  
CITY PLANNING COMMISSION