



**CITY OF SANTA MARIA  
PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF  
JANUARY 21, 2009**



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

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

**ABSENT:** Commissioner Etta Waterfield

**STAFF PRESENT:** Acting Director – Peggy Woods  
Assistant City Attorney – Philip F. Sinco  
Principal Civil Engineer – Shad Springer  
Recording Secretary – Kathleen Wilson

**APPROVED PLANNING COMMISSION MINUTES OF NOVEMBER 19 AND DECEMBER 3, 2008, AS WRITTEN.**

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

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

- a. **ONE YEAR EXTENSION OF TIME FOR CENTENNIAL SQUARE, LOCATED AT THE SOUTHWEST CORNER OF MILLER STREET AND PLAZA DRIVE, PD-2005-019, E-2005-052.** Review of a one year extension of time for a previously approved Planned Development permit to construct 72 residential condominium units and a mixed use building containing 9,095 square feet of commercial office and seven residential apartment units in the PD/R-3 (Planned Development/High Density Residential) and PD/CPO (Planned Development/Commercial Professional Office) zoning districts, Assessor's Parcel No. 128-066-033. This project was reviewed in a Mitigated Negative Declaration. No further environmental review is required. (Planner: Brian Halvorson)

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

- b. **ONE YEAR EXTENSION OF TIME FOR BLOSSER COMMERCIAL #2, 715 S. BLOSSER ROAD, PD-2007-001, E-2007-004.** Review of a one year extension of time for a previously approved Planned Development permit for the construction of a 34,281 square foot industrial building that would include 7,051 square feet of office and 27,230 square feet of warehousing to be located in a PD/CM (Planned Development/ Commercial Manufacturing) zoning district, Assessor's Parcel No. 117-190-058. This project is a class 32 categorical exemption. No further environmental review is required. (Planner: Brian Halvorson)

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

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

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**PUBLIC HEARINGS:**

**ITEM 2 - ZONING TEXT AMENDMENTS TO CHAPTERS 35 AND 43 OF TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE PROHIBITING THE TEMPORARY OUTDOOR DISPLAY AND SALE OF FLOWERS, Z-2008-008, E-2008-066.**

Review of recommendations to the City Council regarding an ordinance amending Chapters 35 and 43 of Title 12 of the Municipal Code pertaining to temporary outdoor display and sale of flowers, except at established businesses that sell flowers and at farmers' markets approved for operation by the City. This project qualifies for a class 5 categorical exemption. No further environmental review is required. (Philip F. Sinco, Deputy City Attorney; Peggy Woods, Acting Director)

**ACTION:** By **Resolution No. 2537**, recommended that the City Council adopt an ordinance amending Sections 12-35.302 and 12-43.01 of Chapter 12 of the City of Santa Maria Municipal Code prohibiting outdoor display and sale of flowers except at established businesses that sell flowers and at farmers' markets approved for operation by the City, as shown in Exhibit A attached to the Resolution.

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

Philip F. Sinco presented the staff report, first reviewing the background of the ordinance. Phil stated that City Council passed an emergency moratorium at their hearing last night on the selling of flowers, which allows the ordinance to take effect immediately. Last August, City Council requested staff to draft an ordinance to ban street vending of flowers and to change regulations regarding off-site auto sales, currently only allowed at two locations in town. Staff wanted to present both items at once, but the auto sales is not ready to proceed. Phil stated that staff is now processing a regular ordinance that is before the Planning Commission for a recommendation before proceeding to the City Council.

Philip Sinco continued, stating that at study session, mention was made of the Farmers' Market selling flowers. Philip stated that City Council does not want to prohibit selling flowers at Farmers' Market. However, another matter had been brought to his attention this morning: a swap meet that occurs weekly at the Highway Drive-In on Santa Maria Way, where sometimes flowers are sold. Staff wasn't aware of that, as the swap meet is not permitted or regulated by the City. The swap meet was operating when annexed into the City, making it a legal non-conforming use. Phil stated that City Council is not concerned about those venues as much as selling flowers on street corners during holidays, for aesthetics and safety issues, and not having shops in the City being undersold by flower sales on the corners.

Philip Sinco stated that in light of this new information, the proposed ordinance was redrafted to address the swap meet, and Phil directed attention to the proposed revision that was distributed to the Commissioners with the wording, "the outdoor seasonal sales of apples and oranges and other fruits and vegetables is specifically prohibited, unless conducted in association with a certified farmer's market operation." In response to the Commissioners affirming that fruits and vegetables are sold at the swap meet, Philip Sinco suggested adding "or legally non conforming swap meet" to the proposed ordinance.

Philip Sinco concluded the staff report, and offered to answer questions.

In response to Commissioner Brown, Peggy Woods stated that the Highway Drive-in Theater was annexed into City limits in the 1970's, and the swap meet obtains an annual business license from the City.

In response to Chairman Lopez, Philip Sinco stated that the County Health Department regulates farmer's markets, and they are approved by the County Agricultural Commissioner, which explains why the City does not regulate them. The farmer's market gets a permit from the Recreation & Parks Department which allows them to use the redevelopment property in the Mervyn's parking lot.

Peggy Woods concurred with Philip, adding that there was a special process that the farmer's market went through that was approved by all the City departments as well as the Redevelopment Agency. Peggy added that the property owner of the swap meet pays an annual fee as the sponsor of the swap meet based on the gross receipts, and stated that she was not certain how the Farmer's Market operates.

In response to Chairman Lopez, Philip Sinco stated that there is State law that covers what constitutes a certified farmers' market, and it is administered by the County Health Department. It is outside the City jurisdiction, but it is highly regulated by the State.

Peggy Woods added that people that live in the City who sell at the swap meet are required to have a business license and/or a home occupation license and pay appropriate fees, since they base their business out of their homes. The receipts from out-of-town sellers are rolled into the gross receipts that the property owner pays.

Peggy Woods added that as the vendors leave the swap meet, they pay a tax based on their gross receipts for the day.

In response to Chairman Lopez, Peggy Woods stated that the zoning ordinance allows established businesses to have temporary sidewalk sales on their properties, if that which they sell at the sidewalk sale is what they typically sell at that location, like Vons or A Little Something.

The Planning Commission and staff discussed possible scenarios and wording for the proposed ordinance.

Philip Sinco suggested the revised wording: "The outdoor seasonal sales of apples and oranges and other fruits and vegetables is specifically prohibited, unless conducted in association with a certified farmer's market operation or legal nonconforming swap meet." In subsection (e) of 12-43.01, add the language after the word Department, "or at a certified farmer's market or legal nonconforming swap meet."

In response to Commissioner Brown, Peggy Woods stated that within the Blosser Southeast Specific Plan area, there is a strawberry stand that was there when it was in the County, so it is legal nonconforming.

Commissioner Brown commented that he didn't think flowers being sold on the street was that big a hindrance to local businesses, adding that the people buying from vendors on the street aren't the ones that are going to go to a florist shop. Commissioner Brown added that many people do not read the paper, and they might set up a stand at Valentine's Day, and then lose their investment, so he hoped that the City would give people a warning.

In response to Commissioner Brown, Philip Sinco stated that the plan is to issue warnings, basically telling street vendors to pack up, because it is illegal. The City will not issue citations unless the vendors just move and sell somewhere else. Philip added that in the past few years, the City has educated people that they need to get a permit, and some do, while others just wait and get a permit if they're caught.

In response to Chairman Lopez, Philip Sinco stated that when the City Council wants to abolish a currently allowed practice, he researches and finds out if it is legal to do. If it is a matter of policy, then the legal department doesn't get involved, but only to determine if it's legal, and how to make it happen.

In response to Commissioner Moats, Philip Sinco stated that the owner of a floral shop, Mr. Tomasini, has been very vocal about this issue, and has been complaining to City Council for a number of years. Philip added that at the City Council meeting held last night, a flower grower spoke who said that he discovered a plot of his workers to steal flowers, and then bring them to Santa Maria to sell.

Commissioner Andrade commented that he has also heard from florists who have complained about vendors on the streets. There are people who will buy those flowers on the street, and the businesses have lost business, especially last year. In addition, the businesses pay taxes and employees.

Philip Sinco commented that the law is very strong about allowing legislative bodies wide discretion as to what will work for their city. Each city is different, and the Santa Maria City Council is determined to get rid of street flower vendors.

In response to Commissioner Moats, Philip Sinco stated that the City Council vote on the moratorium was unanimous, 5-0.

With no further questions or comments, Chairman Lopez closed the public hearing and called for a motion.

Commissioner Moats made the motion to approve **Resolution No. 2537** to adopt Zoning Text Amendments to Chapters 35 and 43 of Title 12 of the Santa Maria Municipal Code prohibiting the temporary outdoor display and sale of flowers, Z-2008-008, E-2008-066, subject to the conditions as outlined in the preliminary draft of the Conditional Use Permit. Commissioner Andrade seconded the motion, and it passed, 3-1-1.

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**OTHER BUSINESS:**

**ELECTION OF OFFICERS: CHAIR, VICE CHAIR, SUBDIVISION COMMITTEE MEMBER, ALTERNATE SUBDIVISION COMMITTEE MEMBER, SECRETARY AND ASSISTANT SECRETARY.**

CHAIR – **MICHAEL W. MOATS**

VICE-CHAIR – **RODGER BROWN**

SUBDIVISION COMMITTEE MEMBER – **RODGER BROWN**

ALT SUBDIVISION COMMITTEE MEMBER – **TOM S. LOPEZ**

ACTING SECRETARY – **PEGGY WOODS**

ASSISTANT SECRETARY – Deferred until such time as Director is filled.

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**ADJOURNMENT:** The meeting was adjourned at **7:33 p.m.** to a Study Session on January 22, 2009, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

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Next regular Public Hearing: February 4, 2009

Respectfully submitted,

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PEGGY WOODS, ACTING SECRETARY  
CITY PLANNING COMMISSION

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