



MINUTES

SANTA MARIA CITY PLANNING COMMISSION REGULAR MEETING OF

JULY 15, 2009



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

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

STAFF PRESENT: Director – Lawrence W. Appel
Planning Division Manager – Peggy Woods
Senior Assistant City Attorney/Utilities Counsel – Wendy Stockton
Principal Civil Engineer – Shad Springer
Recording Secretary – Kathleen Wilson
Planner III – Bill Scott
Planner III – Brian Halvorson
Planner I – Neda Zayer

APPROVED PLANNING COMMISSION MINUTES OF JUNE 17, 2009, 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 A PLANNED DEVELOPMENT PERMIT FOR SEVILLA, LOCATED AT THE INTERSECTION OF SUNRISE DRIVE, SANTA MARIA WAY AND MILLER STREET, PD-2007-010, E-2007-041.** Review of a one-year extension of time for a Planned Development Permit to allow the construction of 69 small lot single family homes, located in a PD/R-3 (Planned Development/High Density Residential) zoning district, Assessor's Parcel Nos.: 128-090-023 and 109-010-029. (Planner: Brian Halvorson)

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

- b. **TENTATIVE TRACT MAP FOR NEWLOVE VILLAS, TRACT 5941, E-2007-058.** Review of a recommendation to City Council regarding a tentative tract map that would create eight single family residential lots that would be 2,722 square feet in size and one 7,079 square foot common lot, Assessor's Parcel No. 128-075-007. The environmental impacts of the project were analyzed in Initial Study/Negative Declaration, E-2007-070, prepared for the proposed zone change, GPZ-2007-003. No further environmental review is required. (Planner: Brian Halvorson)

ACTION: By motion, removed the Newlove Villas subdivision map (Tract 5941) from the Planning Commission agenda.

VOTE: 5-0 AYES: Commissioners Andrade, Brown, Lopez, Waterfield, and Chairman Moats; NOES: None; ABSTAINED: None; ABSENT: None.

PUBLIC HEARINGS:

ITEM 2 - PLANNED DEVELOPMENT PERMIT, SANTA MARIA FREEWAY CENTER INTERCHANGE DIRECTORY SIGN, 1000 EAST BETTERAVIA ROAD, PD-2008-010, E-2008-

052. Review of a Planned Development Permit to allow construction of a 70-foot high, 135 square-foot interchange directory sign in a PD/FS (Planned Development/Freeway Service) zoning district, located at 1000 East Betteravia Road, Assessor's Parcel No. 128-136-009. This project qualifies for a Class 11 categorical exemption. No further environmental review is required. (Planner: Brian Halvorson)

ACTION: By motion, approved subject to the conditions as outlined in the preliminary draft of the Planned Development Permit, as amended.

VOTE: 5-0 AYES: Commissioners Andrade, Brown, Lopez, Waterfield, and Chairman Moats; NOES: None; ABSTAINED: None; ABSENT: None.

Mr. Brian Halvorson gave the staff presentation, outlining the details of the proposal as written in the staff report. Mr. Halvorson displayed a recent design received from the applicant that was more current than the one included in the meeting packet, stating that the revisions made were based on comments received at the study session two weeks ago. The dimensions were modified to be 10 by 12 feet, and the sides of the tower facing U.S. Highway 101 would be reduced to 12 feet wide to make it appear more tower-like.

Mr. Halvorson passed out a rendering of the current proposal to the Planning Commission. Mr. Halvorson also commented on the possibility of conditioning some sort of architectural treatment on the sides of the tower that do not have signage proposed, stating that nothing was currently conditioned. Mr. Halvorson added that staff would not recommend signage, stating that could make the tower look too cluttered.

Mr. Halvorson introduced a letter of opposition from Westar Associates, stating that staff had read it, and wanted the Planning Commission to be aware of its content before coming to a decision. The presentation was concluded by stating that staff recommends approval of the interchange directory sign, with a few changes including the updated exteriors colors and materials board. Mr. Halvorson offered to answer questions.

In response to Chairman Moats, Mr. Halvorson stated that the dimensions at the base of the sign in the new proposal start at 12 feet, then step in to 10 feet, and then step in again at the top to eight feet six inches. Mr. Halvorson added that the applicant tried to incorporate the Planning Commission's recommendation to incrementally step up the sign, so the tower is not the same width all the way to the top.

In response to Chairman Moats, Mr. Halvorson stated concerning the letter received from Westar Associates that the proposed sign had been reviewed with the sign code and meets all the regulations, including the height and sign area.

Commissioner Waterfield stated her concern that the proposed sign is too large and not in proportion to the project.

In response to Commissioner Waterfield, Mr. Halvorson stated that the latest drawing distributed is the current proposal, which is 12 feet wide. Mr. Halvorson added that staff had originally advocated something bigger, but the applicant wanted to keep the width smaller. The

recommendation at the study session was to make the sign 10 feet by 12 feet, which would be more rectangular and wider, more tower-like without being massive. So the current proposal is the result of that discussion.

In response to Commissioner Andrade, Mr. Halvorson stated that staff originally recommended that the sign be 50 to 60 feet tall, reduced from 70 feet, out of concern that it would overpower the building next to it. Mr. Halvorson added that the applicant made a firm and logical argument about the obstruction of the overpass bridge and slopes blocking the view of the sign from U.S. Highway 101.

In response to Chairman Moats, Mr. Halvorson stated that he spoke with Mr. Koetting today, and addressed most of the comments of the letter, and gave him a copy of the latest design.

In response to Commissioner Andrade, Mr. Halvorson confirmed that Mr. Koetting was still in opposition to the project.

Commissioner Brown brought up the issue of the plain sides on the east and west sides of the proposed sign, and suggested that there be something on those sides to dress them up.

Commissioner Lopez stated his agreement with Commissioner Waterfield concerning the size of the sign in proportion to the site, and agreed with Commissioner Brown that at the study session there had been some direction to make the sign squarer instead of rectangular. On the side that is stepped, it looks square, but on the other side, it does not.

Commissioner Andrade observed that the proposed sign seemed like a missile in its size and design, and suggested that perhaps some changes were needed.

The applicant, Gordon Gill, 1010 S. Santa Maria, addressed the Planning Commission. Mr. Gill stated that the applicant had listened to the comments from the Planning Commission and staff; and believed that the latest design fit the direction they were given. Mr. Gill added that the applicant had no objections if the Planning Commission wanted to have additional design features on the east and west sides of the tower. Mr. Gill offered to answer questions, and added that the project manager was also present.

Commissioner Waterfield drew some of her ideas on the rendering, and showed them on the overhead. Commissioner Waterfield stated her desire for more architectural features to be on the tower.

The Planning Commission discussed the proposed height of the sign and various ideas about how to dress up the sides.

In response to Chairman Moats, Mr. Halvorson stated that the sign code allows the applicant 400 square feet of sign area, as stated in the staff report. The applicant has approximately 370 square feet of sign on the two sides of the tower, leaving 30 square feet. Mr. Halvorson added that the tower was not designed to have signage along the whole top.

In response to Chairman Moats, Mr. Gill stated that one of the suggestions made at the study session was to have the tower base step in two times, so that the top third of the tower is 10 foot by 10 foot.

The Planning Commission discussed the proposed height of the tower.

Commissioner Andrade suggested some banding to break up the space on the side with no signage.

In response to Chairman Moats, Mr. Gill stated that the applicant tried to incorporate the recommendations of the Planning Commission into the latest proposal, and asked that this project move forward.

Mr. Jim Lehosh, project director, addressed the Planning Commission. Mr. Lehosh stated that the applicant worked hard on the rendering to depict the site with the buildings and the tower sign, and incorporate the ideas of Mr. Orndorff and the tower program. Mr. Lehosh added that the revisions made to the tower met with the tower program criteria.

In response to Commissioner Andrade, Mr. Lehosh suggested changing the bottom tier to 12 feet by 12 feet to break up the side elevation. Mr. Lehosh added that he liked the Planning Commissioner's suggestions of moving the window and the City logo to the sides of the sign, along with more banding, to enhance the blank sides of the tower.

In response to Commissioner Andrade, Mr. Lehosh commented that there will be one more color board presented along with the construction drawings that will be reviewed, so it will be seen again.

Mr. Halvorson suggested some wording for the amendments: on the green sheets, page 2, Special Planned Development Condition #2, the date would be July 15 instead of July 1, and instead of "as shown", it will be "as presented to the Planning Commission on July 15, 2009," and adding: "The sign shall include additional decorative architectural banding on the top tier of the sign, the City logo shall be displayed on the east and west side of first tier, and an architectural window detail on the second tier on the east and west elevation; the base of the sign first tier would have dimensions of 12 feet by 12 feet."

With no further comments or questions, Chairman Moats closed the public hearing and called for a motion. Commissioner Andrade made the motion to approve the Planned Development Permit for the Santa Maria Freeway Center Interchange Directory Sign, 1000 East Betteravia Road, PD-2008-010, with the modifications as discussed on the green sheets, reflecting the elevations dated July 15, 2009, with the changes that staff has added to the proposal.

Mr. Halvorson read the revised Condition 2 on green sheets into the record: "Exterior Materials and Colors. The project shall be developed in accordance with the architectural sign elevations date stamped July 15, 2009, and as presented to the Planning Commission on July 15, 2009. The sign shall include additional decorative architectural banding on the top tier of the sign. The City logo shall be displayed on the east and west side elevations of the first tier and an architectural window detail on the second tier of the east and west side elevations. The base (first tier) would have outside dimensions of 12 feet by 12 feet." The rest of the condition would remain the same. Commissioner Waterfield seconded the motion, and it passed, 5-0.

ITEM 3 - DEVELOPMENT AGREEMENT FOR WINDSET FARMS, A HYDROPONIC FARM, 1650 BLACK ROAD, SP-2009-015, E-2009-017. Review of a recommendation to City Council of a mitigated negative declaration and a development agreement to permit deferral of some or all of the requisite infrastructure improvements associated with the Windset Farms hydroponic farm. The subject site is located in three zoning districts: OS (Open Space) on 145.5 acres; PD/CM (Planned Development/Commercial Manufacturing) on 47.4 acres and PD/M-2 (Planned Development/General Manufacturing) on 28.7 acres on a 221.6 acre parcel, Assessor's Parcel No. 117-310-002. (Director of Public Works/City Engineer: David Whitehead) (Planner: Bill Scott)

ACTION: The Planning Commission, by **Resolution No. 2548**, recommended City Council adopt a Mitigated Negative Declaration, E-2009-017; and recommended City Council adopt an ordinance approving and executing a development agreement with Nick Tompkins, CEO, NKT O'Donnell, LLC.

VOTE: 5-0 AYES: Commissioners Andrade, Brown, Lopez, Waterfield, and Chairman Moats; NOES: None; ABSTAINED: None; ABSENT: None.

Mr. Bill Scott introduced the project, stating that staff will recommend that the Planning Commission by resolution recommend City Council adopt a Mitigated Negative Declaration, E-2009-017; and recommend City Council adopt an ordinance approving and executing a development agreement with Nick Tompkins, CEO, NKT O'Donnell, LLC. Mr. Scott introduced Shad Springer to review the proposed development agreement.

Mr. Shad Springer, Engineering Division of Public Works, addressed the Planning Commission regarding the proposed development agreement. Mr. Springer stated that the Santa Maria Municipal Code states that a building permit shall not be issued to any parcel of land unless the parcel meets the requirements of a building site, which includes full frontage improvements. This project site has City streets on four sides: E Street, Carmen Lane, Sonya and Black Road. Currently, only Black Road is constructed in a traversable fashion. Because of that, the owner/developer is concerned about the viability of the project due to the large cost of installing the public infrastructure on all four of the frontages as part of the initial development. Staff has worked with the applicant's representatives in drafting a development agreement, which was included in the staff report. Mr. Springer explained that the development agreement is a legal mechanism that allows the City to give concessions to the developer in exchange for guarantees for future performance of the City requirements. The development agreement does not waive any of the Municipal Code requirements; it only defers them to a different time. Mr. Springer added that due to the short time frame in the project schedule, staff and the representative did not have time to finalize the agreement prior to distribution.

Mr. Springer reviewed the changes as written in the memo distributed at the meeting:

1. Page 5 - Section 6. **REQUIRED IMPROVEMENTS AND TIMING:**

There are two items of clarification in the last paragraph with respect to the improvements required on Carmen Lane, Sonya Lane, "E" Street, and Black Road.

- a. Language will be added to clarify the owner/developer will be responsible for full frontage improvements on these roads, in addition to the water, sewer, and drainage systems mentioned.
- b. Language will be added to clarify the connection to the City's water and sewer system will be required for Domestic Use, not for water used in agricultural production.

2. Page 5 - Section 7. **SECURITY FOR CONSTRUCTION OF REQUIRED**

IMPROVEMENTS: This section will be modified to allow the developer/owner to provide a security to the City, equal to the amount of the most expensive portion of the properties frontage (Black, Carmen, Sonya, "E"). That security will remain in place until all roads on the property's frontage are complete.

3. Page 6 - Section 8.11 **CONSIDERATION FOR DEFERRAL OF REQUIRED**

IMPROVEMENTS: City Staff and the developer's representatives could not agree to terms for the City's use of brine injection wells. This portion of the agreement will be removed in its entirety.

4. Page 6 - Section 8.III **CONSIDERATION FOR DEFERRAL OF REQUIRED**

IMPROVEMENTS: Storm water will not be recycled with this project. The developer/owner will be required to meet the City's standard requirements for Storm Water detention. This portion of the agreement will be removed in its entirety.

5. Page 6 - Section 8.V CONSIDERATION FOR DEFERRAL OF REQUIRED IMPROVEMENTS: This section will be modified to clarify the operations will employ 200 employees in Phase I and 400 employees at build-out at no less than \$0.50 per hour above the minimum wage.

6. Page 9 - Section 13. TERM OF AGREEMENT: This section may be amended from the proposed 18 months. The applicant's representatives have requested the term of the agreement be ten years.

In response to Commissioner Andrade, Mr. Springer explained that the City's growth mitigation fees for traffic are based on the use, and the fees are different for retail, general office, hotel/motel, fast food, light industrial and heavy industrial. This is the fee that is appropriate for their intended use, and it is the same that has been used for similar facilities within the City.

In response to Commissioner Andrade, Mr. Springer stated that there are provisions in the Growth Mitigation Ordinance which allow an applicant to appeal traffic fees to the City Council and request a reduction. Mr. Springer explained that traffic growth mitigation fees are calculated in the Engineering Division, and added that he believed this is the least expensive growth mitigation fee rate the City has.

In response to Chairman Moats, Mr. Springer explained what improvements the owner will be making on the property, reviewing a condensed version of the development agreement conditions regarding infrastructure improvements, including installing Black Road improvements along with the asphalt widening, curb and gutter, street lights, and the appropriate widenings for the intersections at Carmen Lane and Sonya Lane. Another item in the development agreement is the rolling security to ensure that the construction of the required frontage improvements on the other streets are accomplished at the appropriate time. The owner will offer an irrevocable offer to dedicate the right of way for Carmen Lane, Sonya Lane, and E Street. The owner will also provide for the dedication of a construction easement along Carmen Lane, Sonya Lane, and E Street. Mr. Springer explained that there may be need for other infrastructure along those future streets some time in the future, and this easement will allow that alignment to be utilized.

Mr. Springer concluded, stating that the applicant's representative and staff have reviewed these changes and are in agreement. There may be some minor revisions to the language to provide clarification, but those changes do not change staff's recommendation to the Planning Commission.

In response to Chairman Moats, Mr. Springer stated that the City has a street light plan, and street lights will be set at regular intervals as required on Black Road.

Chairman Moats recognized Mr. Harrell Fletcher in the audience on the occasion of his 90th birthday.

Ms. Laurie Tamura, Urban Planning Concepts, representing Nick Tompkins, property owner, and Steve Newell, Windset Farms, addressed the Planning Commission by introducing the project team: Brian Schwartz, Senior Planner; Lori Speer, Bethel Engineering; and Jerry Williams, Harrell Fletcher, and Eric Gamble. Ms. Tamura stated their appreciation to staff on their work on the project and the development agreement. Ms. Tamura addressed the issue of bonding for the public improvements, claiming that the requirement to build out all of the frontage improvements is premature since there are no other developments in the surrounding area. Ms. Tamura added that there is a need between the development and the City to recognize the municipal code requirements, and how best to accomplish those goals. The applicant prefers a letter of credit rather than a bond to ensure that the infrastructure will be completed.

Ms. Tamura spoke about wages and benefits for employees, stating that Windset Farms starts at 50 cents above minimum wage, and will also look at a person's experience and position in the company. Ms. Tamura stated that these will be full-time positions, all day, all year long, and added that working in the greenhouses will provide better benefits than other farm jobs because of working with less pesticide and dust. Ms. Tamura added that another incentive offered to employees will be bonuses for production.

Commissioner Andrade commented on the applicant's offer to pay employees 50 cents above minimum wage, stating that the City is trying to encourage higher paying jobs. Commissioner Andrade observed that most office people start employees with no experience at \$10 per hour, so the offer of an \$8 range is not a great paying job. Commissioner Andrade encouraged the applicant to increase the minimum pay scale by another 50 cents, adding that the City is already reducing the bond requirements, utilizing the rolling security and cooperating with the applicant, so in his view, an increase of 50 cents, to \$9.25 an hour, should be something that the applicant consider.

In response to Commissioner Brown, a representative from Agro-Jal, Eric Gamble, spoke from his seat about the local pay scale for field workers, stating that working in piece work, employees have the opportunity to make more money if they are producing more. Mr. Gamble added that he has seen checks that net \$800 or \$900 per week. All of the local growers are in competition for the same labor force, so if a potential employer is paying too low, the employee will work for someone else.

Commissioner Waterfield commented that she recently had a tour at a large local farm, and their employees get paid \$200 to \$300 dollars a day, depending on what they pick.

In response to Commissioner Waterfield, Commissioner Andrade stated that he has represented a lot of farm workers since living in Santa Maria since 1978, and he has never seen farmworkers make \$200 or \$300 a day. Commissioner Andrade stressed the need for accurate information in order to make an informed decision. Commissioner Andrade added that Agro-Jal was paying a dollar above minimum wage per hour, and since most agriculture in the Santa Maria Valley is not twelve months a year, an additional dollar an hour would not be out of line.

In response to Commissioner Brown, Ms. Stockton explained that the Planning Commission is preparing to make recommendations to City Council of the benefits to the City in return for excusing some of the Municipal Code requirements on this project. The Planning Commission has to make some recommendations, and the salary benefit was one that was offered by the applicant.

In response to Ms. Stockton, Commissioner Andrade summarized that the Planning Commission is considering approval of the development agreement, and needs to make recommendations to the City Council concerning the conditions, one of which being the floor wage. Commissioner Andrade stated that Agro-Jal pays a dollar above minimum wage, so the Planning Commission had that as a suggestion.

In response to Commissioner Brown, Ms. Tamura stated that the Windset Farms employees will be working piecemeal, and will have incentives to work more efficiently and then receive bonuses.

In response to Commissioner Lopez, Ms. Tamura stated that the applicant had not yet decided whether the workers would be employees of Windset Farms or be hired through a labor contractor.

In response to Commissioner Lopez, Ms. Tamura stated that local contractors pay fifty cents per hour over minimum wage, which is why the applicant chose that amount.

Ms. Tamura spoke about the current condition of Black Road. The paved section of Black Road is currently about 22 feet wide, with a lane in each direction and a gravel shoulder. That road is in the City of Santa Maria jurisdiction, as part of the Area 9 annexation. Ms. Tamura stated the applicant understands the City requirement that as development moves forward, the developer will build out the half-width of the road plus a travel lane. In the original Area 9 specific plan, Black Road was going to be similar to Blosser Road, with two lanes in each direction and a landscaped median, and bike trail on both sides. However, the City has modified the standard for Black Road, with a smaller turn-pocket in the center, two lanes of travel, and a bike trail, at build-out. Ms. Tamura stated the applicant's quandary at how to get to the build-out from the 22 foot section of road that is currently there. The applicant had initially proposed to widen Black Road to about 42 feet, with a lane of travel in each direction, a turn pocket, and a shoulder and street lights. They believed that suggestion to be a good transition from the 22 feet to a little wider in front of the proposed development and then "bottleneck" back down to the 22 feet heading north. The applicant understands that the Engineering Division is requiring the full frontage improvements, which means that there will be two lanes of travel, a turn pocket, one lane of travel on the west side of the center line, and a bike trail, with curb and gutter and street lights. One side will look like Betteravia Road, and the other side will be a rural road, and then north and south of there the road will be 22 feet wide. Ms. Tamura stated that if it is required, the applicant will do it, but they don't understand the necessity. If it is done, there will be about 55 feet of pavement with two rural streets on either end until such time as the neighboring properties build out. Ms. Tamura added that the applicant would like to defer the construction of the last travel lane until such time as the neighboring properties build out to make it more consistent along Black Road. But the development agreement states that it will be done, so they will comply.

In response to Chairman Moats, Ms. Tamura stated that the proposed interim improvements along Black Road, about 1,800 feet of frontage, would cost approximately \$250,000. The additional requirement would add another \$200,000 to \$250,000 to that. Ms. Tamura commented that would be a lot of street and curb that probably won't be traveled on.

In response to Commissioner Waterfield, Mr. Springer spoke about the concerns of having a wide road narrow, stating that the safety depends on the striping. This property frontage ends with intersections that are required to be improved due to turning movements into the sites, so there will be asphalt tapers past the boundary of the property to direct traffic to the center of the road. Mr. Springer added that the asphalt will not dead end, but will taper back into the narrower lane.

In response to Commissioner Andrade, Mr. Springer stated that although the City has discretion over the timing of improvements, the Public Works Director is recommending the full widening on the frontage of Black Road. That section of Black Road is very narrow, and it has been deemed a public safety issue to provide the widening of that area. The trucks that will be pulling in and out of the site will have a large swept path, and with the existing roadway being so narrow, the trucks would have to pull into oncoming traffic, which is not safe.

In response to Commissioner Brown, Mr. Springer confirmed that this proposal is very similar to what is on Stowell Road in front of Cal Giant, and there have not been any issues there.

Ms. Tamura again thanked City staff for their work on this project, and asked the Planning Commission to find the development agreement consistent with the General Plan and move it forward to City Council.

Eric Gamble, 2606 Ocotillo Avenue, Santa Maria, representing Trium Rental Group and Agri-Jal Farms, addressed the Planning Commission. Trium Rental Group owns the property on the south side of this property, and Agri-Jal Farms is the current tenant on the subject property, and

will be displaced by this project. Mr. Gamble urged the Planning Commission to encourage this type of project because, as an agricultural entity, this type of operation may well be the future of agriculture in Santa Maria Valley.

In response to Commissioner Waterfield, Eric Gamble spoke on the requirement to widen Black Road, stating that there are already trucks leaving and coming onto their property. In terms of widening, Mr. Gamble stated that the entrances at potential Sonja Lane and Carmen Lane are the most dangerous areas for the vehicles pulling out into on-coming traffic. Mr. Gamble added that Black Road is a major corridor between Main Street and Betteravia Road, so it needs to be wide.

In response to Chairman Moats, Eric Gamble commented that a grower can grow anything with hydroponics with the correct design.

Commissioner Lopez spoke in favor of conditioning the wages to be \$1 above minimum wage, and added that he would also be in favor of widening Black Road.

In response to Commissioner Lopez, Mr. Springer stated that as each future development or project comes in, they would be evaluated to see what the public infrastructure needs are and what protects the City's interests. If a similar project came along where the infrastructure requirements did not make sense for the public interest at the time, then staff would review it.

In response to Commissioner Andrade, Ms. Stockton stated that she had taken notes on the discussion concerning the minimum wage provision, and explained that a report will go to the City Council from the Planning Commission with explanation of the issues and topics discussed.

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

Commissioner Andrade made the motion to approve **Resolution No. 2548** to recommend that City Council adopt a mitigated negative declaration and a development agreement to permit deferral of some or all of the requisite infrastructure improvements associated with the Windset Farms hydroponic farm, 1650 Black Road, SP-2009-015, E-2009-017, with the modifications that the wages be a \$1 above minimum wage, and the modifications as presented in the written Public Works memorandum. Commissioner Lopez seconded the motion, and it passed, 5-0.

The Planning Commission took a five minute break.

ITEM 4 - ZONING TEXT AMENDMENT TO CHAPTER 35 (RELATING TO USE PERMITS) OF TITLE 12 OF THE MUNICIPAL CODE, Z-2008-007, E-2009-008. Review of recommendations to the City Council regarding an ordinance amending Chapter 35 of Title 12 of the Municipal Code (Zoning Regulations) relating to temporary use permits for off-site auto sales. This project is a class 4 categorical exemption. (Planner: Neda Zayer)

ACTION: By **Resolution No. 2549**, recommended City Council adopt an ordinance amending Chapter 35 to Title 12 of the Santa Maria Municipal Code (Z-2008-007), which will in effect allow additional sites for off-site auto sales and establish criteria for allowing the Director of Community Development to determine the suitability of future sites.

VOTE: 5-0 AYES: Commissioners Andrade, Brown, Lopez, Waterfield, and Chairman Moats; NOES: None; ABSTAINED: None; ABSENT: None.

Ms. Neda Zayer presented the staff report, reviewing the details of the proposal as written in the staff report. Ms. Zayer stated that currently, the Municipal Code states only two sites for off-site auto sales, at the JC Penney and K-Mart parking lot sites. In November 2008, the property

owner of 1321 South Broadway decided to no longer participate in these events, leaving only one site codified for these events. So City Manager, staff and members of the automobile industry got together to locate additional sites, and came up with seven additional sites, as outlined in exhibit A of the resolution. Ms. Zayer concluded her presentation, stating that staff recommends approval, and was available to answer questions.

With no comments or questions, Chair Moats closed the public hearing and called for a motion. Commissioner Waterfield made a motion by **Resolution No. 2549** to recommend that City Council adopt an ordinance amending Chapter 35 to Title 12 of the Santa Maria Municipal Code (Z-2008-007), which will in effect allow additional sites for off-site auto sales and establish criteria for allowing the Director of Community Development to determine the suitability of future sites. Commissioner Andrade seconded the motion, and it passed, 5-0.

ADJOURNMENT: The meeting was adjourned at **9:02 p.m.** to a Study Session on July 23, 2009, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

Next regular Public Hearing: August 5, 2009

Respectfully submitted,

/s/ Peggy Woods

PEGGY WOODS, ASSISTANT SECRETARY
CITY PLANNING COMMISSION