

ORDINANCE NO. 2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, TO DEFINE EMPLOYEE HOUSING, ADD EMPLOYEE HOUSING AS AN ALLOWED USE IN SELECT RESIDENTIAL DISTRICTS, REORGANIZE CHAPTER 12-35 TO ESTABLISH PROVISIONS FOR EMPLOYEE HOUSING, AMEND TIME LIMITS OF DISCRETIONARY PERMITS, ESTABLISH A ZONING ADMINISTRATOR HEARING PROCESS, AND PERMIT MINISTERIAL APPROVAL OF EMPLOYEE HOUSING UNITS EXISTING AS OF THE EFFECTIVE DATE, IF CERTAIN CONDITIONS ARE MET (Z2016-0003).

WHEREAS, the use of single family residences and other residential units as Employee Housing, including federal H-2A visa program housing, is a matter of concern for the City because of possible adverse impacts to residential neighborhoods; and

WHEREAS, the federal H-2A visa program supports local agriculture, and provides a method for local agricultural businesses to secure necessary workers for temporary or seasonal agricultural jobs where there is a shortage of domestic workers; and

WHEREAS, the City Council passed an Urgency Ordinance on March 20, 2018, effective for 45 days, to prohibit more than six H-2A workers in any dwelling unit in the R-1 (low density) or R-2 (medium density) residential zoning districts; and

WHEREAS, citing likely negative economic impact on local farmers, the City Council declined to extend the Urgency Ordinance at its meeting on April 7, 2018, and therefore, the Urgency Ordinance expired on May 4, 2018; and

WHEREAS, the City of Santa Maria held five community forums between June and November 2018 to educate the City's officials and staff, the community at-large, and stakeholders, for the purpose of collecting additional information and background regarding the H-2A program and its impact on the City of Santa Maria; and

WHEREAS, the Planning Commission of the City of Santa Maria conducted a duly noticed public hearing on the proposed amendments to Chapter 12-35 and other amendments to Title 12 of Santa Maria's Municipal Code for Employee Housing on November 11, 2018, and continued the item to the meeting of January 16, 2019; and

WHEREAS, the Planning Commission of the City of Santa Maria held a regularly scheduled public hearing on January 16, 2019, for the purpose of considering proposed amendments to Title 12 of the Santa Maria Municipal Code; and

WHEREAS, at the January 16, 2019 Planning Commission meeting, staff presented two options, Option A and Option B, for the amendments to Title 12 of the Santa Maria Municipal Code regarding Employee Housing; and

WHEREAS, after considering all evidence presented at or before the hearing, the Planning Commission voted 3-2 (Commissioners White-O'Neill and Hernandez dissented) in

favor of a recommendation that the City Council make certain findings in support of amendments to Chapter 12-35 of the Santa Maria Municipal Code, including reorganization of the Chapter, the proposed change to permit time limits, the establishment of Zoning Administrator hearing process, and that the City Council make certain findings in support of amendments to enact Employee Housing *Option A*, requiring that in the R-1, RSL-1 and R-2 districts, housing where accommodations are provided for seven or more employees in a dwelling unit be subject to the approval of a Conditional Use Permit by the Zoning Administrator; and

WHEREAS, the Planning Commission included in their recommendation that all provisions for Employee Housing in the R-1 district expire in 18 months from the Ordinance adoption; and

WHEREAS, the City Council of the City of Santa Maria held a duly noticed public hearing on April 16, 2019, for the purpose of considering the proposed amendment (Z2016-0003) to the City of Santa Maria Zoning Code; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, after considering all evidence presented at or before the hearing, the City Council by motion voted 4-1 (Councilmember Waterfield dissented) in favor of a directive to City staff to create a revised ordinance; and

WHEREAS, the City Council directed the revised ordinance require that in the R-1 and RSL-1 districts, Employee Housing for seven or more employees in a dwelling unit is subject to the approval of a Conditional Use Permit by the Zoning Administrator; that Employee Housing be a permitted use in the R-2 and R-3 districts; and that the ordinance include the addition of Chapter 12-54; and

WHEREAS, the City Council directed that the ordinance not include a sunset provision for Employee Housing in the R-1 district; and

WHEREAS, the City Council had no changes to the amendments proposed to Chapter 12-35 for the reorganization of the Chapter, the proposed change to permit time limits, and the establishment of Zoning Administrator hearing process; and

WHEREAS, a duly noticed public hearing was held for the purpose of considering the proposed amendment (Z2016-0003) to the City of Santa Maria Zoning Code by the City Council of the City of Santa Maria on June 4, 2019; and

WHEREAS, the City Council determined the proposed Ordinance amendments (Z2018-0002), as presented at June 4, 2019, public hearing, achieves the best balance between the need for housing temporary workers in the City, supporting local Agricultural interests, and providing protections from possible adverse impacts of the use of housing in the City's residential zoning districts for housing of temporary workers; and

WHEREAS, the City Council finds the proposed Ordinance amendments (Z2018-0002) to be consistent with the General Plan.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Santa Maria, State of California, as follows:

SECTION 1. Title 12 of the Santa Maria Municipal Code is hereby amended as follows:

CHAPTER 12-2 DEFINITIONS

Section 12-2.19A. Employee housing.

"Employee housing" means employee housing as defined in Health and Safety Code Section 17008, when the accommodations consist of a housing type permitted in the underlying zone district, and of buildings and structures permitted by the City of Santa Maria for occupancy.

CHAPTER 12-6 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 12-6.04. Conditional uses.

The following uses and those similar uses which the Planning Commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or detrimental to the public welfare, are found by the commission to be compatible with adjoining land uses, and which are of a comparable nature and of the same class enumerated in this section, shall be permitted subject to obtaining a conditional use permit according to the procedures set forth in Article 2 of Chapter 12-35 of this title:

(a) Churches;
(b) Child day care centers;
(c) Public and private schools;
(d) Lodges and clubs, subject to the special development conditions as determined by the Planning Commission, on a case-by-case basis, as necessary to ensure maximum compatibility with adjacent land uses and to make the required findings specified in Section 12-35.207. These special development conditions may include, but are not limited to:

- (1) Minimum lot size,
- (2) Maximum lot coverage,
- (3) Hours of operation,
- (4) Types of activities permitted,
- (5) Building setbacks from adjacent properties,
- (6) Landscape buffers,
- (7) Architectural design,
- (8) Property line walls,
- (9) Limitations on dancing, entertainment and the serving of alcoholic beverages,
- (10) Lighting,
- (11) Ingress and egress,
- (12) Noise-attenuation measures;

(e) An increase in pipeline capacity through the repair, maintenance, replacement or installation of new pipelines as defined in Section 12-2.113.1.

(f) A commercial parking lot, provided that the commercial use is contiguous to the residentially zoned lot. If a dedicated public alley lies between the commercial use and the residentially zoned lot, the property may be determined to be contiguous to the residentially zoned lot.

(g) ~~Repealed per Ordinance 2005-04.~~ Employee housing as defined by Section 12-2.19A of this Title, where accommodations are provided seven (7) or more employees in a dwelling unit.

(h) Care of non-related persons, seven (7) or more persons.

CHAPTER 12-6A RSL-1 SINGLE-FAMILY SMALL LOT RESIDENTIAL DISTRICT

Section 12-6A.04. Conditional uses.

The following uses and those similar uses which the Planning Commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or detrimental to the public welfare, are found by the commission to be compatible with adjoining land uses, and which are of a comparable nature and of the same class enumerated in this section, shall be permitted subject to obtaining a conditional use permit according to the procedures set forth in Article 2 of Chapter 12-35 of this title:

- (a) Churches;
- (b) Child day care centers;
- (c) Public and private schools;
- (d) Lodges and clubs, subject to the special development standards in Section 12-6.16.

(e) Employee housing as defined by Section 12-2.19A of this Title, where accommodations are provided for seven (7) or more employees in a dwelling unit.

CHAPTER 12-7 R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

Section 12-7.03. Permitted uses.

The following uses are permitted in the R-2 district:

- (a) Single-family dwellings when they meet all requirements set out in the R-1 district, and accessory dwelling units when allowed pursuant to Section 12-56.01(c);
- (b) Duplexes;
- (c) Two (2) detached dwelling units;
- (d) Home occupations subject to obtaining a home use permit. See Chapter 12-29 of this title;
- (e) Care of nonrelated persons (six (6) or less persons);
- (f) Small family day care homes;
- (g) Keeping of household pets, aviaries and greenhouses for domestic or hobby use; such structures shall comply with provisions contained in Chapter 12-27, Accessory Structures. The keeping of roosters, goats, sheep, pigs, horses, cows or similar animals is specifically prohibited;
- (h) Large family day care homes when located in a single-family residence and when in accordance with requirements established in Chapter 12-29A of this title.
- (i) Cottage food operations when in accordance with the requirements established in Chapter 12-29B of this title.
- (j) Employee housing as defined by Section 12-2.19A of this Title, and when in accordance with requirements established in Chapter 12-54 of this title.

CHAPTER 12-8 R-3 HIGH-DENSITY RESIDENTIAL DISTRICT

Section 12-8.03. Permitted uses.

The following uses are permitted in the R-3 district:

- (a) Single-family dwellings, including accessory dwelling units as allowed by Section 12-56.01.(c); duplexes and triplexes;
- (b) Group dwellings;
- (c) Dwelling groups;
- (d) Home occupations, subject to home use permits. See Chapter 12-29 of this title;
- (e) Keeping of household pets, aviaries and greenhouses for domestic or hobby use; such structures shall comply with provisions contained in Chapter 12-27, Accessory Structures. The keeping of roosters, goats, sheep, pigs, horses, cows or similar animals is specifically prohibited;
- (f) Care of nonrelated persons (six (6) or less persons);
- (g) Small family day care homes;
- (h) Large family day care homes when located in a single-family residence and when in accordance with requirements established in Chapter 12-29A of this title;

(i) Cottage food operations when in accordance with the requirements established in Chapter 12-29B of this title.

(j) Employee housing as defined by Section 12-2.19A of this Title, and when in accordance with requirements established in Chapter 12-54 of this title.

CHAPTER 12-35_ USE AND PLANNED DEVELOPMENT PERMITS —

Article 1 Conditional Use Permits

Section 12-35.201.101 Intent.—

Uses permitted subject to conditional -use permit- are those uses necessary for the development of the community, having inherent qualities or characteristics which, unless provided for, would -cause such uses to be incompatible or inharmonious with adjacent or nearby permitted -uses. The procedures specified -in Sections 12-35.207 and 12-35.208 in this Article are intended to provide a means whereby the Planning Commission~~decision making body~~ may modify -and condition- such uses to the extent that such uses can be made compatible and harmonious with adjacent uses.

Section 12-35.202. Permitted uses.—102. Application.

~~Uses covered by this article include only those uses listed or described in the “Conditional uses” sections of the various districts. Permits for uses listed in Section 12-35.101(a) can be issued by the Zoning Administrator.~~

~~Section 12-35.203.~~ Application may be made by a property owner or authorized agent of the property owner upon forms provided by the Community Development Department.

(a) Such applications shall be filed with the Community Development Department.

(b) The Community Development Department shall charge and collect a filing fee for each such application, as determined by resolution of the Council. Prior to increasing the filing fee for a temporary use permit, or adding a new fee, notice shall be given in conformity with Chapter 2-24 of this Code.

(c) The Director, or his/her designee, shall determine whether the application contains all of the information and items necessary to make a determination on the application as required by the provisions of this eArticle. If the Director or his/her designee determines that the application is not complete, the applicant must be notified in writing within 30 calendar days of the date of receipt of the application that the application is not complete and the reasons for such determination, including any additional information necessary to render the application complete.

Section 12-35.204.103. Filing fee.

The Community Development Department shall charge and collect a filing fee for each such application, -as determined by resolution of the Council. ~~Prior to increasing the filing fee for a conditional use permit, or adding a new fee, notice shall be given in conformity with Chapter 2-24 of this Code.~~

Section 12-35.205.

Section 12-35.104. Hearing and notice.

Upon acceptance of a complete application, and completion of environmental review -the Ssecretary of the Planning Commission~~decision making body~~ shall set the matter for hearing before the Planning Commission~~decision making body~~, the hearing to be within a reasonable time. Notice of the time, place and date of the hearing shall be made in accordance with Section 6590565091 of the California Government Code. ~~The Planning Commission shall hold such required public hearing.~~

Section 12-35.207.105. Findings for approval.—

The Commission~~decision making body~~, in approving a conditional use permit, shall by motion by an affirmative vote of a majority -of its voting members, find as follows:

(a) That the site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls -and fences, parking, -loading and landscaping are adequate to properly- adapt such use with the land and uses in the vicinity;

(b) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

(c) That the proposed use will have no adverse effect upon abutting property;

(d) That the establishment, maintenance and/or conducting of the use for which the planned development review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in the neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development;

(e) That the conditions stated in the decision are necessary to protect the public health, safety and general welfare. ~~Such conditions may include but are not limited to:~~

Section 12-35.208106. General conditions.

~~The Planning Commission decision making body shall, in addition to any special conditions, impose the following general conditions upon every conditional use permit and planned development permit granted:~~

(a) That the right to use the permit shall be contingent upon the fulfillment of all general and special conditions imposed by the permit procedure;

(b) That all of the conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors or assigns;

(c) That all of the conditions shall be consented to in writing by the applicant and the property owner. ~~The owner shall also consent to the recordation of the conditions of approval as a declaration of covenant, conditions and restrictions imposed on real property. The conditions shall be recorded with the Santa Barbara County recorder's office at the owner's expense;~~

(d) That owner of the land, his successors or assigns shall comply with all the conditions shall be complied with or the City may reconsider or revoke the permit may be revoked pursuant to Article 5 of this eChapter.

Section 12-35.107. Special Conditions

The decision making body may, in addition to any general conditions, impose special conditions upon a conditional use permit or planned development permit granted. Such conditions may include, but are not limited to:(1)

(a) Regulation of use,

(2)-b) Special yards, spaces and buffers,

(3)-c) Special fences, solid fences and walls, -(4)

(d) Surfacing of parking areas,

(5)-e) Requiring street, service road or alley dedications and improvements or appropriate bonds,

(6)-f) Regulation of points of vehicular ingress and egress,

(7)-g) Regulation of signs,

(8)-h) Landscaping plan designed by landscape architect, ~~to be reviewed and approved by the Community Development Director;~~

(9)-i) Requiring maintenance of the grounds, -(10)

(j) Regulation of noise, vibration, odors,

(11)-k) Regulation of hours for certain activities,

(12)-l) Time period within which the proposed use or portions thereof shall be developed, -(13

(m) Duration of use or portions thereof,

(14)-n) Posting of a bond or bonds sufficient to guarantee the removal of any nonconforming structures or uses of the land upon the expiration of the period of the conditional -use permit,

(15)-o) Requiring the dedication of access rights, -and

(16)-p) Such other conditions -as will make possible the development of the City in an orderly and efficient manner.;

(f) ~~Any permit granted in accordance with this section expires if not used within eighteen (18) months from date of approval. (Prior Code § 10-128.4(2); Ord. 83-1065 § 1, eff. 1/5/84; Ord. 96-2, eff. 03/08/96)~~

Section 12-35.206108. Approval Recommendation, Approval or denialDenial.

(a) ~~Within thirty (30) days after~~ At the conclusion of the public hearing, the Planning Commission~~decision making body shall approve, conditionally approve or deny the use permit application, or shall make a recommendation as described in this sSection. Notice of the action shall be mailed to the applicant and any other person who has requested notice.~~

(b) Where an amendment to the land use and/or zone designation of the project site is required in conjunction with a use permit or planned development permit application, the Planning Commission by resolution shall make a recommendation to City Council, and City Council shall take action on the use permit or planned development permit. Zone amendments shall be processed per Chapter 12-38.

(1) ~~—The Planning Commission recommendation shall cite the degree to which the project conforms to required findings;~~

(2) ~~—The Planning Commission recommendation shall include recommended conditions;~~

(3) ~~—In making its recommendation to the City Council, the Planning Commission may recommend modifications to the project which are consistent with the notice of public hearing.~~

(c) ~~Notice of the action shall be mailed to the applicant and any other person who has requested notice. The notice of action shall include the procedures by which the decision of the decision making body may be appealed.~~

Section 12-35.209109. Effective date of approved permit.

(a) A conditional use permit or planned development permit is not valid until the fifteenth (15th) calendar day following the action of the Planning Commission or Zoning Administrator~~decision making body granting issuance of the permit.~~

(b) A conditional use permit or planned development permit is not valid until:

(a1) ~~—The applicant and property owner have acknowledged their consent to the conditions of approval by signing appropriate forms provided by the Community Development Department;~~

(b2) ~~The applicant and property owner have acknowledged compliance with all conditions established by the Planning Commissiondecision making body to be preconditions to the permit.;~~

(c) Building permits associated with a project awaiting Planning Commission or City Council approval ~~for an pending Conditional Use Permit or Planned Development Permit hearing and determination cannot be issued until the Planning Commission or City Council have approved Conditional Use Permit or Planned Development Permit for the project has been approved or conditionally approved and the appeal period has lapsed.~~

Article 2 Planned Development Permits.

Section 12-35.201. Planned Development Permit Processing.

Planned Development Permit applications shall be made and processed in the same manner as provided for in Article 1, eff. 1/5/84; Ord. 88-6 § 1(I), eff. 6/2/88; Ord. 90-1 § 2, eff. 3/8/90; Ord. 2005-04, eff. 5/19/05) of this eChapter.

Section 12-35.202. Planned Development Permit Discretionary Approval.

Any development proposal pursuant to the Planned Development Overlay District and primary zoning designation shall be subject to first receiving approval of a development plan The Planning Commission, through a Planned Development permit, in conformance with the provisions of Chapter 12-25 PD Planned Development Overlay District. The decision making body may approve projects which vary from the project development plans with modified setback, height, landscaping and parking provisions of this title on a case-

by-case basis subject to the situational context of the project site to allow flexibility for development in order to achieve superior design and community benefit.

Section 12-35.203. Planned Development Permit Findings.

Additional project requirements may be required by the decision making body Planning Commission in order to offset potential impacts of proposed modifications. No modification shall be approved unless the decision making body Planning Commission makes the following findings through the Planned Development permit process: findings in addition to the conditional use permit findings of Section 12-35.105:

- (a) The proposed modification(s) are otherwise consistent with the General Plan, Municipal Code and applicable Specific Plans;
- (b) The project includes superior design elements that mitigate or compensate for any potential impact of the proposed modification(s) on the surrounding area;
- (c) The proposed modification(s) are essential to the design of the project;
- (d) The proposed modification(s) have been minimized to the maximum extent possible consistent with ~~s~~Subsections (a) through (c) of this ~~s~~Section.

Section 12-35.102. Article 3 Delegation of Planning Commission powers to Zoning Administrator.

Section 12-35.301 Delegation of Planning Commission powers to Zoning Administrator.

The Planning Commission is authorized to adopt regulations by resolution whereby the Zoning Administrator may be authorized Planning Commission delegates to issue use permits in the Zoning Administrator the authority to process Use Permits of certain classes or types of situations, through an administrative process which classes or types shall be specifically as described in this Article. any such regulations. Applications for use permits in such classes or types shall be made and processed in the same manner as regular use permits, as the same are provided for in Article 2 of this chapter; provided, however, that except in the case of appeals, no hearing shall be held before the Planning Commission and; provided further, that the Zoning Administrator shall make the findings prescribed in Section 12-35.207.

- (a) "Zoning Administrator" shall mean the Director of Community Development or his or her designee.

Article 1. Conditional: Administrative Section 12-35.302 Use Permit classes or types of situations which may be processed administratively.

The Zoning Administrator process for the review of Use Permit applications is intended to provide for public review of land uses which, because of their type or intensity, may only be appropriate on particular sites, or may only be appropriate if they are designed or laid out in a particular manner, but are not of sufficient magnitude to warrant Planning Commission review as determined by the Community Development Director. Action taken by the Zoning Administrator is discretionary, and may include: approval based on the standards of this Chapter; approval with conditions; or disapproval based on conflict with the provisions of this code, information in the Notice, or public hearing testimony.

- (a) The Zoning Administrator is authorized to issue-serve as the decision making body to act on use permits-permit applications for the following uses:

- (1) Single-family residences; Moving a building into or within the City, per Chapter 12-30;
- (2) Churches;
- (3) Public and quasi-public uses;
- (4) Guesthouses and guestrooms; Live-Work/Work-Live spaces in existing buildings, per Chapter 12-49.
- (5) Duplexes;
- (6) Triplexes;

- ~~(75) Dwelling groups, multifamily dwellings and apartment houses- Residential developments with of twelve (12) or less fewer units;~~
~~(8) Pet shops;~~ (96) Light manufacturing;
~~(107) Establishments where liquor is served (in conjunction with restaurant use only);~~
~~(118) One outdoor RV lift per property in the C-2 and CM zoning districts;~~
~~(12) Temporary retail sales within a hotel or motel;~~
~~(139) Fences or walls constructed with barbed wire, razor wire or similar sharp materials pursuant to Chapter 12-27; and.~~
~~(1410) "Cart Containment Plans" (as defined in Santa Maria Municipal Code Section 12-55.01(b)); and~~
(11) Employee housing as defined by Section 12-2.19A of this Title, where accommodations are provided for seven (7) or more employees in a dwelling unit, and the total number of units on the project site is twelve (12) or fewer.

Section 12-35.303 Zoning Administrator Procedure.

Processing of discretionary permit applications by the Zoning Administrator shall be made and processed in the same manner as provided for in Article 1 of this eChapter; provided, however, that such processing of permits shall also comply with Sections 12-35.304 through 12-35.308 of this Article.

(a) The Community Development Director shall have the discretion to refer an application to the Planning Commission as a discretionary permit application due to proposed activity's complexity, size, intensity, impacts, location, or for any other reason deemed necessary. Such referred application shall be assessed the appropriate fees.

(b) In considering the uses listed in subsection (a) of this section, the Zoning Administrator shall use standard conditions as they are applicable, in accordance with this title.

(c) Within twenty-four (24) hours of receipt of any use permit to be considered by the Zoning Administrator, the Planning Commission shall be notified of the receipt. In addition, the property being considered for the use permit shall be posted within twenty-four (24) hours of the action taken on the use permit by the Zoning Administrator. The posting shall contain information as to the procedure for appealing the action of the Zoning Administrator.

Section 12-35.103. Appeals from Zoning Administrator.

Section 12-35.304. Zoning Administrator Public Meeting.

(a) A Zoning Administrator public meeting shall be the regular meeting of the Zoning Administrator.

(b) A discretionary permit application agendaized for a regular meeting of the Zoning Administrator shall be acted upon as a consent agenda item, except that the Zoning Administrator shall conduct a public hearing on a discretionary permit application when a public hearing is requested by the applicant or other interested person(s). In the event a Zoning Administrator public hearing is requested, the discretionary permit shall be scheduled for a hearing on the date and time as defined in the public notice.

Section 12-35.305 Notice of Zoning Administrator Public Meeting.

(a) Notice for a Zoning Administrator Regular Meeting made in accordance with Section 65091 of the California Government Code. In addition to the information required by Government Code Section 65091, the notice for a Zoning Administrator Regular Meeting on a discretionary application shall:

(1) Identify the tentative action by the Zoning Administrator as either approval, approval subject to conditions or disapproval of the discretionary permit;

(2) Note that the tentative decision will become the final action on the project, effective on the 15th day following the Zoning Administrator regular meeting, unless the tentative decision is changed as a result of information obtained at the hearing or is appealed pursuant to this Chapter.

(3) Declare that the application will be acted on as a consent item on the Zoning Administrator Regular meeting agenda, without a public hearing, if no request for a public hearing is made.

(4) Note that a request for a public hearing on a discretionary application shall be made in writing and provided to the Community Development Director no later than seven days prior to the Zoning Administrator regular meeting date as noticed.

(b) The Notice of the Zoning Administrator regular meeting shall be mailed to the applicant no later than 15 days before the date of the scheduled meeting.

(c) The notice may also be provided any other interested persons upon request, subject to any applicable fees set by the City Council.

Section 12-35.306. Zoning Administrator Actions.

Action on a discretionary permit application by the Zoning Administrator shall occur in the same manner and with the same discretion and effect as set forth for Conditional Use Permits in Article 1 of this Chapter.

Section 12-35.307. Notice of Final Zoning Administrator Action.

Immediately after the conclusion of a Zoning Administrator regular meeting, and public testimony in the case of a public hearing, or no sooner than the date of the meeting specified in the public notice, the Zoning Administrator shall either:

(a) Announce that the decision on the project set forth in the Tentative Notice of Action is the final administrative action on the proposed project and that the Use Permit will become effective unless appealed; or

(b) Announce that the tentative decision is changed as a result of information provided at the administrative hearing and whether the final decision is approval, conditional approval or denial; or

(c) Continue the hearing to a date certain to provide additional time to evaluate information obtained at the hearing prior to a final decision.

The notice of the final action shall be mailed to the applicant and any other person who has requested notice. The notice of a final action taken shall include the procedures by which the decision of the Zoning Administrator may be appealed.

Section 12-35.308 Exceptions to Zoning Administrator Discretionary Permit Processing.

(a) If a proposed discretionary project is found to have potentially significant environmental impacts, that project may not be processed by the Zoning Administrator.

(b) The Planning Commission shall be the decision making body for uses listed in Section 12-35.302 when the project site is within a Planned Development Overlay district and new construction or significant modification to existing structures or site elements is proposed.

Article 4 Appeals.

Section 12-35.401. Appeals of the decision making body action.

Any and all persons aggrieved by an action of the decision making body Zoning Administrator taken pursuant to the provisions of Sections 12-35.102 and 12-35.103 this Chapter may file an appeal from the action or part thereof; provided, that such appeal shall be in writing stating the reasons for the appeal and filed with the secretary of the Planning Commission within not more than fourteen (14) days following the action taken. (Prior Code § 10-131.5; Ord. 86-32 § 9(A), eff. 2/19/87; Ord. 2017-01 § 86, eff. 3/9/17) conforms to the following provisions:

Section 12-35.211. Appeals. —

(a) Filing. Written appeals may be taken to the Council by the applicant or by any interested party. Such appeal shall be filed in duplicate with the City Clerk within fourteen (14) calendar days from the date of action by the Planning Commission decision making body. Calendar days consist of weekdays, Saturdays, Sundays, and holidays.

(b) Effect of Filing. The filing of an appeal with the City Clerk shall toll the running of the fourteen (14) calendar day period before which a permit becomes valid. Once an appeal has been filed with the City Clerk the permit shall not become valid until the appeal has been formally withdrawn in writing by the appellant, or until the effective date of the City Council decision under sSubsection (h) of this sSection.

(c) Before accepting an appeal, the City Clerk shall charge and collect a fee established by resolution of the Council. Prior to increasing the filing fee for an appeal, or adding a new fee, notice shall be given in conformity with Chapter 2-24 of this Code.

(d) Transmittal of Copies. The City Clerk shall immediately transmit one (1) copy of the appeal to the Community Development Department and one (1) copy of the appeal to the City Manager, and one (1) copy to the City Attorney.

(e) Grounds Statement. The appeal shall specifically state the grounds therefor and shall state wherein the Planning Commission decision making body failed to conform to the requirements of this article.

(f) Defect Notice. The Community Development Director shall inspect the appeal for defects and within seventy-two (72) hours of receipt shall send notice to the appellant of the existence, type and nature of the defect or defects and advise the City Clerk thereof. The appeal application shall be considered incomplete until the applicant has addressed such defects to the satisfaction of the Community Development Director.

(g) Planning Commission Authority. The Planning Commission may reverse or affirm, wholly or in part, or may modify any decision, determination or requirement of the Zoning Administrator, but before doing so, the Planning Commission must set the matter for hearing, give the same notice for such hearing as provided in Section 12-35.104, and must make a written finding of fact setting forth wherein the Zoning Administrator's findings were in error. A majority vote of the whole of said Planning Commission is required to grant in whole or in part any appealed application for permit which was acted upon by the Zoning Administrator.

(gh) City Council Authority. The City Council may reverse or affirm, wholly or in part, or may modify any decision, determination or requirement of the Planning Commission, but before doing so, the Council must set the matter for hearing, give the same notice for such hearing as provided in Section 12-35.205104, and must make a written finding of fact setting forth wherein the Planning Commission's findings were in error. A majority vote of the whole of said Council is required to grant in whole or in part any appealed application for permit which was denied acted upon by the Planning Commission.

~~(h) Referral to Commission. If the decision of the Council is in any way contrary to the action taken by the commission, the Council shall refer its findings to the commission and request a further report of the commission. The commission shall consider the Council findings and report back to the Council for their consideration and action. Failure of the commission to report to the Council within forty (40) days after reference shall be deemed to be approval of any proposed change.~~

Article 5 Other Actions on Discretionary Permits.

Section 12-35.210. Council action.

~~The Council may reverse or affirm, wholly or in part, or may modify any decision, determination or requirement of the Planning Commission, but before doing so, the Council must set the matter for hearing, give the same notice for such hearing as provided in Section 12-35.205, and must make a written finding of fact setting forth wherein the Planning Commission's findings were in error. A majority vote of the whole of the Council is required to grant in whole or in part any appealed application for conditional use permit which was denied by the Planning Commission.~~

Section 12-35.212. Expiration and extension.~~If the development authorized by any conditional use permit or planned development permit is, or has been, unused, abandoned, discontinued or development has not been commenced within a period of eighteen (18) months, the permit shall expire and shall become null and void. The Planning Commission may grant extensions of time for additional periods of one (1) year, with or without additional conditions of approval if the development has not been established. An extension of time may be considered at any Planning Commission meeting. A public hearing shall be scheduled in accordance with Section 12-35.205 if additional conditions of approval are required. A written request to extend the date, and submittal of filing fee as determined by resolution of the Council must be filed with the Community Development Department prior to the expiration date of the approval. The submittal of a written request and filing fee for an extension of time shall prevent a permit from expiring until action is taken regarding the extension of time.~~

Section 12-35.213. Revocation. Section 12-35.501. Reconsideration of Discretionary Permits.

~~(a) The Planning Commission may, by motion and after a public hearing with notice in accordance with Section~~

~~12-35-205, modify conditions of approval of any conditional use permit or planned development permit to make a use compatible with surrounding properties, or revoke any conditional use permit or planned development permit for noncompliance with any of the conditions of approval contained in the permit. Written notice of intention to modify or revoke shall be mailed to the permittee not less than thirty (30) days before the date set for the Planning Commission hearing on the modification or revocation. The modification or revocation may be appealed in the manner provided in Section 12-35-211.~~

~~(b) If an established time limit for development expires or if a time limit for the duration of the carrying on of the use has been established as one of the conditions, the permit shall expire on such date of expiration without any notification to the owner thereof.~~

~~(c) The revocation~~

~~(a) Any previously approved conditional use permit or planned development permit shall be scheduled for a public hearing for reconsideration by the decision making body that took action on the permit, for any of the following reasons:~~

~~(1) If the use, activity or development authorized by the permit has not been implemented within a period of three (3) years from the date of approval, or within the period of time granted by an extension, except for :~~

~~(2) The permit limited the duration of a use and the time for such use has passed, or included a specific timeline that has not been complied with, or provided for phasing which has not occurred within the time provided for such phasing;~~

~~(3) The permit involves a conditional use that has been abandoned;~~

~~(4) Noncompliance with any condition of approval;~~

~~of a conditional use permit or planned development(b) Reconsideration hearings shall be noticed in accordance with Section 12-35.205 except that the applicant shall receive notice at least thirty (30) calendar days prior to the hearing.~~

~~(c) At a reconsideration hearing, the decision making body may take one of the following actions:~~

~~(1) Revoke the permit, which shall have the effect of denying all rights granted by the permit.~~

~~(2) Amend the permit through the addition, modification or removal of any condition(s) of approval.~~

~~(3) Affirm the permit without changes.~~

~~(4) Continue the hearing to a future date for further consideration.~~

~~(d) Any actions by the decision making body at a reconsideration hearing may be appealed in the manner provided in Article 4 of this Chapter.~~

~~(e) For hearings held pursuant to Subsection (a)(1) and (a)(2), the permit holder may submit an application to the Community Development Department at least ten (10) calendar days prior to the reconsideration hearing with a written request justifying the extension of permit expiration date, along with payment of a filing fee as determined by resolution of the City Council. Upon receipt of the written request, the item will be continued to a future hearing date to allow for public noticing of the extension request.~~

~~(1) Failure to comply with the requirements of Subsection (e) shall be considered a conclusive waiver of the permit holder's right to exercise the permit and deemed acceptable of permit revocation.~~

~~(2) The decision making body may amend the permit to extend the required timelines in the permit conditions to allow additional time for implementation, with or without additional conditions of approval, as follows:~~

~~a. For a permit that has not been implemented, as described in sSubsection (a)(1), the decision making body may amend the expiration date upon making a finding that there has been adequate due diligence to implement and complete the permit, or that there are significant economic factors that justify additional time, as substantiated by competent evidence in the record. An extension may be granted for up to two (2) years. A permit may be extended more than one time, but in no case shall a permit be extended such that the effective date of a permit exceeds seven (7) years from the original approval date.~~

~~b. For a permit described in sSubsection (a)(2), the decision making body may extend or remove the limited duration period for the use or modify the timeline or phasing requirement(s) only upon making the finding that the amendment would not result in any significant impact to public health, safety or welfare.~~

(3) If the decision making body is unable to adopt a resolution to revoke the permit or approve a permit amendment to extend the expiration date of the permit or modify the timeline or phasing requirement(s) because of a tie vote, then the item shall be referred to the City Council for final action.

(4) The expiration date of a discretionary permit issued in conjunction with a tentative subdivision map shall correspond with the expiration of that map, including any extensions.

Section 12-35.214502. Modification or enlargement.

(a) Any proposed additions, enlargements or modifications of the structures approved in any conditional use permit or planned development permit, or any proposed extension of the use into areas not approved in any such permit, shall require be subject to the approval of a new use permit or planned development permit.

(b) No building permit for such additions, enlargements, modifications or extensions shall be issued unless the Planning Commission decision making body has granted a use permit or planned development permit therefor.

(c) The Zoning Administrator may grant minor modification(s) to uses and structures without public notice or hearing, provided the modification(s) do not significantly expand or intensify the use for which the conditional use permit or planned development permit was granted.

Section 12-35.215503. Preexisting permits.

Any approved permits existing at the date of adoption of the ordinance from which this ~~a~~^AArticle derives shall continue to remain valid, until amended, according to the regulations stated in this ~~e~~^CChapter.

Article 36. Special Temporary Use Activity Permits.

Section 12-35.301601. Intent.

~~Uses-Temporary activities~~ permitted subject to special temporary ~~use-activity~~ permit are those temporary ~~uses-activities~~ which are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such ~~uses-activities~~ shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community.

Section 12-35.302602. Permitted ~~usesactivities~~.

(a) The following ~~uses-activities~~ shall be allowed upon the issuance of a special temporary use activity permit by the Community Development Department:

- (1) Christmas tree and pumpkin sales (limited to thirty (30) consecutive days);
- (2) Carnivals, circuses, special events (limited to ten (10) consecutive days);
- (3) Garage sale permits (limited to sixty (60) consecutive hours);
- (4) Parking and storage of earth moving or construction equipment;
- (5) Storage of materials incidental to the carrying on of a public works project, subdivision or construction project;
- (6) Tract home or lot sales office;
- (7) Construction trailers, recreational vehicles used as a temporary residence for construction superintendents, garages and sheds for use during building and subdivision construction;
- (8) Storage, temporary, of materials and construction equipment used in conjunction with construction or maintenance of streets and highways, sewers, storm drains, pipelines or similar uses;
- (9) Fireworks sales (limited to eight (8) consecutive days);
- (10) Temporary outdoor display and sale of merchandise to the public in connection with an established business in the City and on the same property thereof (limited to seventy-two (72) hours within a one-week period, and not more than once every quarter) provided that such merchandise is the usual and customary merchandise sold by the established business;
- (11) ~~Such other uses as the Planning Commission may, by resolution, deem to be within the intent and purpose of this article.~~ Temporary retail sales within a hotel or motel.
- (12) Offsite auto sales.

~~(A) Offsite auto sales at the following locations in accordance with Community Development Department pre-approved site plans, or at any site that meets the criteria in (12)(A)(i-v), are a special temporary use: Mervyn's (Town Center West), Town Center East/Parking Structure A, Town Center East/Parking Structure B, Madonna Plaza (1318 South Broadway), Rancho Bowl (128 East Donovan Road), G & S Carpets (222 E. Donovan Road), Santa Barbara County Government Center (2115 Centerpointe Parkway), and K-Mart (2875 Santa Maria Way):~~

~~i. that the site is located adjacent to, and accessible from, a Primary or a Secondary Arterial as identified in the City's General Plan Circulation Element;~~

~~ii. that the parking lot is of sufficient size and arrangement/layout to accommodate the parking and traffic circulation demands of the existing use(s) as well as the temporary auto sales activities, in accordance with Chapter 12-32 (Off-Street Parking and Loading) of this Code;~~

~~iii. that the site is not located within a residential district; and iv. that the site can accommodate the traffic load on weekends.~~

~~v. Redevelopment Agency and State property are exempted from this criteria.~~

~~(B) That off-site auto sales are held twice per month on each parking lot, each for a maximum of 72 consecutive hours.~~

~~(C) That the special temporary use is allowed subject to issuance of a conditional use permit.~~

~~(D) That new and used vehicles, including recreational vehicles and boats, may be sold.~~

~~(E) A valid City business license is required.~~

~~(F) Written permission from the property owner, or an authorized agent of the property owner, shall be included with the application to use the site for the off-site auto sales on specified dates.~~

~~(G) When the principle place of business for the person or business entity conducting the off-site vehicle sale is not located within the City of Santa Maria, a deposit of \$1,000.00 will be required as part of the temporary use permit. The deposit is intended to ensure that the City of Santa Maria receives the sales tax owed for all sales of vehicles occurring within the City limits. In addition, for sellers whose principle place of business is not located within the City of Santa Maria, a copy of the seller's completed State Board of Equalization Form B-530 must be submitted to the City within ten (10) days after the conclusion of the sale to enable tracking of the receipt of sales tax revenue. Once the City has received the appropriate amount of sales tax revenue from the State Board of Equalization, the \$1,000.00 deposit will be returned to the seller.~~

(13) Community event barbecues up to a maximum of 25 days per calendar quarter, subject to the regulations contained in Section 12-35.606306.

(14) Occasional event barbecues, occurring not more than three consecutive days in any calendar quarter, subject to the regulations contained in Section 12-35.306606.E.

(15) Charitable event barbecues, occurring not more than three consecutive days in any calendar quarter, subject to the regulations contained in Section 12-35.306606.F.

(16) Outdoor sales of produce, in connection with a Community Event.

(b) Except as permitted by subdivision (a), the outdoor sale of produce is specifically prohibited, unless conducted in association with a certified farmers' market operation or a legal nonconforming swap meet.

Section 12-35.303603. Application and filing fee.

Application for a special temporary use activity permit may be made by the property owner or his an authorized agent of the property owner. Such applications shall be filed with the Community Development Department. The Community Development Department shall charge and collect a filing fee for each such application, as determined by resolution of the Council. Prior to increasing the filing fee for a temporary use permit, or adding a new fee, notice shall be given in conformity with Chapter 2-24 of this Code.

(a) Supplemental information may be required to document that the special temporary activity permit will not cause adverse or detrimental effects on neighboring properties or the public.

(b) The Community Development Director shall have the discretion to refer a Special Temporary Activity Permit application to the Planning Commission as a discretionary permit application due to proposed activity's complexity, size, intensity, impacts, location, or for any other reason deemed necessary. Such referred application shall be assessed the appropriate fees.

Section 12-35.305604. ~~Conditions~~ Permit Provisions.

In approving a special temporary use activity permit, the approval shall be made subject to a time limit and other ~~conditions-provisions~~ deemed necessary to assure that the proposed special temporary activity conforms to the intent and purpose of the provisions of this Title and there will be cause no adverse effects. Such ~~conditions-provisions~~ may include the following:

- (a) Regulation of hours;
- (b) Regulation of lights;
- (c) Requirement of bonds or other guarantees for cleanup or removal of structure or equipment;
- (d) Such other conditions deemed necessary to carry out the intent and purpose of this article.

Section 12-35.605. Approval or denial.

Application for special temporary activity permit shall be reviewed by the Community Development Director or designee. Approval shall be given only when:

(a) The applicant of a temporary activity permit substantiates to the satisfaction of the **Community Development** Director that the proposed temporary activity shall be conducted to comply with the following findings:

- (1) That the use will have no adverse effect upon abutting property.
- (2) That the establishment, maintenance and/or conducting of the barbecue will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood of such use and will not be detrimental to the public welfare, injurious to property or improvements in said neighborhood or contrary to its orderly development.

(b) The Community Development Director determines the proposed special temporary use conforms to the intent and purpose of the provisions of this title.

Section 12-35.306606. ~~Community~~ Event Barbecues.

(a) ~~General Provisions~~Application:

(1) ~~In approving a~~An applicant for a special temporary use activity permit for Community, Occasional, and Charitable (Benefit) Event Barbecues, the approval shall acknowledge the Event Barbecue shall conform ~~be made under~~ to the ~~conditions-requirements~~ set forth in this ~~ordinance~~ Chapter to assure that there will be no adverse impacts to both the community and the qualified non-profit, charitable, or sponsor organizations that carry on the Santa Maria barbecue traditions.

(2) The applicant shall identify the site of the proposed barbecue and the Community Development Department shall assist the applicant in preparing the required site plan.

(3) The application shall be filed with the Community Development Department, ~~which will review and may issue the permit for the entire calendar year or remainder portion thereof.~~

(4) Any changes to the location, method of operation, or the size of the trailers or vehicles will require a revision to the special temporary use activity permit.

(5) The application shall include:

(A) A copy of a valid health permit or exemption issued by the Santa Barbara County Public Health Department for the Community Event, Occasional Event, or Charitable (Benefit) Event Barbecue.

(B) Permission from the property owner or authorized agent to use the site for the barbecue on specified dates.

(C) An accurate site plan showing the location of the facilities.

(b) ~~Site and Operational~~ Guidelines:

(1) The Community Development Department may offer direction and suggestions to assist the special temporary use activity permit applicants to complete the requirements in accordance to the applicant in their conformance to the following site operational guidelines:

(A) All vehicular drive aisles shall remain clear of obstructions.

(B) Utility lines shall not interfere with vehicular or pedestrian travel and avoid tripping or other safety hazards.

(C) All equipment and seating shall be located on a paved surface and shall not violate sight distance standards (SMMC 12-27.03 Corner Cutback Provisions).

(D) Only structures or equipment required to comply with County Health Department standards may be attached to the pavement or other structures on the property.

(E) No vehicles, signage, or other equipment shall be located in the public right-of-way or obstruct public access into adjacent buildings.

(F) ~~Community Event~~ barbecue signage requires no permits when the signage is attached to a vehicle, trailer, or tent, but shall otherwise comply with the number and size limitations of the sign regulations (SMMC 12-34).

(G) Only food and beverages may be sold in conjunction with the barbecues and no off-site sales are permitted.

(H) Alcohol sales are prohibited.

(I) The site shall be kept free and clear of litter during and after the hours of operation.

(J) Required on-site parking spaces may not be occupied prior to the hours of operation contained in this Section.

(e) Required Findings:

~~(1) That the use will have no adverse effect upon abutting property.~~

~~(2) That the establishment, maintenance and/or conducting of the barbecue will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood of such use and will not be detrimental to the public welfare, injurious to property or improvements in said neighborhood or contrary to its orderly development.~~

(cd) Additional Provisions for Community Event Barbecues:

~~In approving a special temporary use permit for Community Event Barbecues, the approval shall be made under the following conditions deemed necessary to assure that there will be no adverse impacts.~~

~~(1) The application for a special temporary use permit shall be filed with the Community Development Department.~~

~~(2) In approving a special temporary use permit for Community Event Barbecues, the Community Development Department must make the required findings, subject to the general provisions and site guidelines sections of this chapter.~~

(31) To assure that there will be no adverse impacts to the community, the following conditions shall be made part of the special temporary ~~use activity~~ permit for a Community Event Barbecue:

(A) The barbecues may occur on two of the three weekend days (Friday, Saturday, or Sunday), and on designated Federal holidays, up to a maximum of 25 days per calendar quarter.

(B) The barbecue hours of operation shall be between 7 a.m. to 9 p.m.

(C) The equipment may be placed on the site between the hours of 7 p.m. and 10:00 p.m. on the night before the proposed day of operation and shall be removed from the site by 9 a.m. on the following day. When not in use, all vehicles, equipment, and trailers associated with the barbecue shall be removed from the site.

(D) The size and number of barbecue facilities allowed per site shall be determined by the City Zoning Administrator.

i. The Zoning Administrator may allow more than one group to operate on the same property under a master site application when the property owner agrees to control the calendar dates and groups operating at specified locations on the property, as approved.

ii. The Zoning Administrator may allow more than one group to operate on the same property under a master site application when the property owner is a qualified sponsor organization.

(E) A qualified organization may apply for a conditional use permit from the Planning Commission to operate a barbecue solely for that organization's own fundraising, which occurs on the premises or primary facility of the organization on those days when the community event does not apply.

(F) Community event barbecues are special temporary use permits issued by the Community Development Department and may be transferred between qualified sponsor groups with notification to the Community Development Department and subject to the requirements of this sSection.

(G) The permitted site location may be moved, with the site plan approval of the Community Development Department, once per calendar quarter.

(H) Barbecues shall comply with all applicable state and local laws. Unless obtaining a conditional use permit from the Planning Commission, the number and size of the equipment shall be limited as follows:

- i. Each registered vehicle or trailer used in conjunction with the weekend barbecue events shall be limited to a length of 26 feet.
- ii. Barbecue units shall be limited to a length of 12 feet and a height of seven feet, including any hood structures.
- iii. No more than seventy-two linear feet of barbecue and support vehicles may be used for the community event barbecue.

~~(e) Occasional Event Barbecues:~~

~~(1) An application for a special temporary use permit shall be filed with the Community Development Department.~~

~~(2) In approving a special temporary use permit for Occasional Event Barbecues, the Community Development Department must make the required findings, subject to the general provisions and site guidelines sections of this chapter, to assure that there will be no adverse impacts to the community.~~

~~(f) Charitable (Benefit) Event Barbecues:~~

~~(1) An application for a special temporary use permit shall be filed with the Community Development Department.~~

~~(2) In approving a special temporary use permit for Charitable (Benefit) Event Barbecues, the Community Development Department must make the required findings, subject to the general provisions and site guidelines sections of this chapter, to assure that there will be no adverse impacts to the community.~~ **Section 12-35.607 Offsite Auto Sales.**

(Aa) Offsite auto sales at the following locations in accordance with Community Development Department pre-approved site plans, or at any site that meets the criteria in (12)(A)(i-v), are a special temporary use: Mervyn's (Mervyn's (Town Center West)), Town Center East/Parking Structure A, Town Center East/Parking Structure B, Madonna Plaza (1318 South Broadway), Rancho Bowl (128 East Donovan Road), G & S Carpets (222 E. Donovan Road), Santa Barbara County Government Center (2115 Centerpointe Parkway), and K-Mart (2875 Santa Maria Way):

i.(1)-that the site is located adjacent to, and accessible from, a Primary or a Secondary Arterial as identified in the City's General Plan Circulation Element;

ii.(2) that the parking lot is of sufficient size and arrangement/layout to accommodate the parking and traffic circulation demands of the existing use(s) as well as the temporary auto sales activities, in accordance with Chapter 12-32 (Off-Street Parking and Loading) of this Code;

iii.(3) that the site is not located within a residential district; and

iv.(4) that the site can accommodate the traffic load on weekends.

v.(5) Redevelopment Agency and State property are exempted from this criteria.

(Bb) That off-site auto sales are held twice per month on each parking lot, each for a maximum of 72 consecutive hours.

(C)That the special temporary use is allowed subject to issuance of a conditional use permit.

(Dc) That new and used vehicles, including recreational vehicles and boats, may be sold.

(Ed) A valid City business license is required.

(Fe) Written permission from the property owner, or an authorized agent of the property owner, shall be included with the application to use the site for the off-site auto sales on specified dates.

(Gf) When the principle place of business for the person or business entity conducting the off-site vehicle sale is not located within the City of Santa Maria, a deposit of \$1,000.00 will be required as part of the temporary use permit. The deposit is intended to ensure that the City of Santa Maria receives the sales tax owed for all sales of vehicles occurring within the City limits. In addition, for sellers whose principle place of business is not located within the City of Santa Maria, a copy of the seller's completed State Board of Equalization Form B-530 must be submitted to the City within ten (10) days after the conclusion of the sale to enable tracking of the receipt of sales tax revenue. Once the City has received the appropriate amount

of sales tax revenue from the State Board of Equalization, the \$1,000.00 deposit will be returned to the seller.

SECTION 2. Chapter 12-54 is hereby added to the Santa Maria Municipal Code, to read as follows:

CHAPTER 12-54 EMPLOYEE HOUSING

Section 12-54.01. Intent.

This Chapter is intended to identify employee housing as a residential use and to establish additional zoning regulations on this use consistent with the public health and safety and good planning practices.

Section 12-54.02. Definitions.

"Employee Housing" means employee housing as defined in Health and Safety Code Section 17008, when the residential accommodations consist of a housing type permitted in the underlying zone district, and of buildings and structures permitted by the City of Santa Maria for occupancy.

Section 12-54.03. Applicability of requirements.

(a) The requirements set out in this Chapter apply to and are conditions of all Employee Housing within the City. Failure of an operator of Employee Housing to comply with the provisions of this Chapter is a public nuisance and is subject to the administrative penalties, citations, fines and hearing procedures of the City of Santa Maria.

(b) Frequent or an unusual number of calls for service or public complaints for an Employee Housing unit or site, as determined by the Chief of Police, City Attorney/Code Compliance Division and/or the Community Development Director may lead to review and revocation of the permit by the City following the procedures outlined in the Municipal Code Title 12-42.

(c) Per California Health and Safety Code Section 17021.5, Employee Housing providing accommodations for six or fewer employees per unit is a residential use of property and therefore not subject to the provisions of this Chapter.

Section 12-54.04. Development of New Residential Units.

Development of new residential units shall conform to the density, development standards, permit requirements and other regulations of the underlying zone district and, and shall be processed in the manner specified by this Title.

Section 12-54.05. Performance Standards.

(a) In order to prevent the operation of Employee Housing from creating situations or impacts beyond that which is normal, expected, and consistent with the general welfare in a residential area, owners and operators of Employee Housing shall ensure continued compliance with the following criteria:

(1) As required by State law, no Employee Housing shall be allowed to be operated without first obtaining certification by the State Workforce Agency that the Employee Housing complies with Federal and State program standards. Prior to use of a property for Employee Housing, the owner or operator of the Employee Housing shall provide the City with proof of certification by the California Employment Development Department and/or California Department of Housing and Community Development acting as the State Workforce Agency.

(2) The owner and operator of a dwelling used for Employee Housing shall consistently maintain the dwelling and property, including maintaining landscape, so as not to create a public nuisance. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner and adhere to the requirements of the Santa Maria Municipal Code. Any graffiti on the property shall be promptly painted out. All landscaping areas on the property shall be permanently maintained with healthy, growing plant material, free from weeds. Dead or dying plant material shall be replaced within one month of plant deterioration.

(3) Employee Housing shall comply with all applicable residential development standards of the underlying zone district and the per-unit parking requirements of Title 12.

(4) Detached garages or other accessory buildings not permitted as dwelling units shall not be used to house employees.

(5) Common living areas (kitchens, dining rooms, living rooms, etc.) within existing units shall not be converted to, or used for, additional sleeping areas.

(6) The appearance of the dwelling or property shall not be modified (either by color, materials, construction, signs, lighting, sounds, etc.) so as to be recognized as serving as an Employee Housing use.

(7) No commercial signs shall be permitted on the property or on vehicles parked at the property.

(8) Any vehicles associated with the operation of Employee Housing, including but not limited to employee transportation, deliveries and company vehicles, shall not impede vehicular or pedestrian traffic or block any driveway or sidewalk.

(9) Vehicles, sixteen (16) passenger capacity and larger, shall not be parked on the property or on adjacent streets, other than in the active process of picking up or dropping off employees.

(10) The operator shall establish a 24-hour emergency contact phone number.

(b) An operator of a proposed Employee Housing facility may request modifications to the above criteria through the conditional use permit application and process.

Section 12-54.06. Statement acknowledging requirements.

Providing the use is permitted in the underlying zoning district, an owner and operator of proposed Employee Housing facilities shall sign and file a statement with the Community Development Department prior to the establishment of the use indicating his or her awareness of City regulations applicable to the operation of Employee Housing, and that each Employee Housing unit/property complies with the provisions of this Chapter and the underlying zone district. The operator shall list of all locations proposed for use as Employee Housing with this acknowledgement. An updated list to the Community Development Department within thirty (30) days of acquiring new properties proposed for Employee Housing use.

Section 12-54.07. Existing Employee Housing Units.

Owners and/or operators of existing employee housing unit(s) within the City upon the effective date of this ordinance, shall apply to the Community Development Department within six (6) months of the effective date of the ordinance for a ministerial employee housing certificate for each unit. At the time of application, the applicant shall:

(a) Acknowledge their consent to the terms and the standards adopted under this chapter by signing appropriate forms provided by the Community Development Department;

(b) Provide documentation of approval by the Housing and Community Development and/or the Employment Development Department for each unit; and

(c) Agree to an inspection by the City of each unit as a prerequisite to authorization, and abate any violations of the City's municipal code.

Upon determination of a complete application form, completion of approved inspections and, if necessary, abatement of municipal code violations, and completion and final approved inspection of building permits, if any were required, the applicant shall receive a ministerial employee housing certificate from the Community Development Department, unless there has been a documented history of service requests to Code Compliance and/or calls for service to the Santa Maria Police Department or other evidence that the employee housing unit(s) was a nuisance property, in which case, the employee housing unit(s) will be required to obtain a use permit as provided in this chapter. The ministerial employee housing certificate shall serve as a record of the establishment of the employee housing use prior to the effective date of this ordinance.

SECTION 3. SEVERABILITY. Should any provision, section, paragraph, sentence or word of this Ordinance be declared invalid by any court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs,

sentences or words of this Ordinance shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

SECTION 4. ENVIRONMENTAL DETERMINATION. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, in accordance with the City of Santa Maria Environmental Procedures, and has been found to be exempt per Section 15061(b)(3) (General Rule) of the Guidelines for the California Environmental Quality Act (CEQA), because the City Council hereby finds with certainty based on substantial evidence in light of the entire record, there is no possibility that the proposed amendment to the zoning code will have a significant effect on the environment.

SECTION 5. The Chief Deputy City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the Chief Deputy City Clerk shall consult with the City Manager and City Attorney concerning any changes deemed necessary.

SECTION 6. This Ordinance shall be in full force and effect 30 days after its passage. Within 15 days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity of the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If a summary is published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

INTRODUCED at a regular meeting of the City Council held the 4th day of June 2019 by the following roll call vote:

AYES:

NOES:

ABSENT:


ABSTAINED:

ATTEST:

Mayor

Chief Deputy City Clerk

APPROVED AS TO FORM:




Interim City Attorney

APPROVED AS TO CONTENT:



Department Director



City Manager