

**CITY OF SOLVANG  
PLANNING COMMISSION**

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**MEETING AGENDA**

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**Monday, February 3, 2020 – 6:00 P.M.**  
Council Chambers – Solvang Municipal Center – 1644 Oak Street

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**Members:** David Brents, Scott Gold, Aaron Petersen, Justin Rodriguez, Jack Williams

**Staff:** Brynda Messer, Assistant Planner  
Xenia Bradford, City Manager  
Chip Wullbrandt, City Attorney

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PLEDGE TO THE FLAG

**1. PRELIMINARY MATTERS:**

- A. Public Comment: Requests from the public to speak to the Commission on matters not on the agenda
- B. Requests for Continuance, Withdrawals, or Addition of Ex-Agenda items
- C. Conflicts and/or Ex-Parte Communications
- D. Approval of Minutes from December 2, 2019 meeting
- E. Brown Act Training

**2. PUBLIC HEARING ITEM**

- A. **Discussion and recommendations of proposed Ordinance Amendments to Title 11, Zoning Regulations, Chapter 12, Section 11-12-4: Second Residential Units.**

**3. DISCUSSION ITEMS**

**4. PLANNING COMMISSIONER’S COMMENTS**

**5. PLANNING STAFF COMMENTS**  
(Oral reports only/no written materials provided in packet)

**6. ADJOURNMENT**

*In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the Office of Administrative Services at 688-5575 or the California Relay Service. Notification 48 hours prior to the meeting would enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

CITY OF SOLVANG  
**PLANNING COMMISSION**

**DRAFT**  
**MEETING MINUTES**

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Monday, December 2, 2019 6:00 P.M.  
Regular Hearing of the Planning Commission  
Council Chambers – Solvang Municipal Center – 1644 Oak Street

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**Commissioners Present:** David Brents, Scott Gold, Justin Rodriguez, Jack Williams

**Commissioners Absent:** Aaron Petersen

**Staff Present:** Xenia Bradford, Acting City Manager  
Brynda Messer, Assistant Planner  
Chip Wullbrandt, City Attorney

CALL TO ORDER: Chair Williams called the meeting to order.

PLEDGE TO THE FLAG

**1. PRELIMINARY MATTERS:**

**A. Public Comment:** Requests from the public to speak to the Commission on matters not on the agenda

Joan Jamieson:

Requested support from the Planning Commission in regard to keeping the Board of Architectural Review intact.

**B. Requests for Continuance, Withdrawals, or Addition of Ex-Agenda items**

None.

**C. Conflicts and/or Ex-Parte Communications**

None.

**D. Approval of the September 3, 2019 meeting minutes**

*Motion made by Commissioner Rodriguez to approve the minutes as presented and*

*seconded by Commissioner Brents. Vote is 4-0-1, with Commissioner Petersen absent.*

Prior to discussion of item 2A, Brynda Messer, Assistant Planner introduced Xenia Bradford as the Acting City Manager.

## **2. PUBLIC HEARING ON NEW DEVELOPMENT AND CITY PROJECTS**

**A. Hearing on the request of Mike Trebbow, owner, to consider the approval of a General Plan Amendment from Medium Density Residential (3-7 dwelling units per acre) to Tourist Commercial, and rezone from 7-R-1 to Tourist Related Commercial, and approve a Development Plan [application filed June 21, 2018], for the remodel and change of use from an existing commercial office building to a ten room hotel, and adopt the Mitigated Negative Declaration pursuant to Section 15070 of the guidelines for the Implementation of the California Environmental Quality Act (CEQA).**

Brynda Messer, Assistant Planner, presented staff report.

Mike Trebbow, owner, presented a brief power point presentation explaining the project.

Commissioner Gold asked where access is to the hotel. Mr. Trebbow answered that the steps to the building will go away and a new ADA access shall be constructed. He also stated that he had an ADA specialist on-site to assist the architect.

Commissioner Gold asked if there was an elevator proposed. Mr. Trebbow answered that an elevator was not proposed, but that the ADA rooms would be on the bottom floor.

Commissioner Brents asked staff if approving this project would set a precedent to allow other properties into the TRC. Ms. Messer explained that each proposal is analyzed and this particular project was an existing commercial building already, so the proposed zoning change makes sense. She followed stating that the City would not want to lose existing residential zones.

Chair Williams asked Mr. Trebbow if he had any input from the neighbors. Mr. Trebbow responded that he did have conversations with several neighbors about the project and none of them were opposed to it. Mr. Williams asked about the proposed parking, and Mr. Trebbow responded they are restriping the lot and accommodating parking for the ten rooms, and constructing a new trash enclosure. Mr. Williams asked Mr. Trebbow about the concept of "extended stay," and Mr. Trebbow stated that is his operational concept and is meant to try to get visitors to stay more than one night at a higher quality hotel.

Planning Commission Meeting Minutes  
**Meeting Date: December 2 2019**

*Motion made by Commissioner Rodriguez to adopt PC Resolution 19-09, recommend approval to Council of the General Plan Amendment and Rezone, approve the Development Plan and adopt the Mitigated Negative Declaration, and seconded by Commissioner Brents. Vote is 4-0-1, with Commissioners Petersen absent.*

**1. DISCUSSION ITEMS**

Chair Williams asked staff what the status was on the Sign Ordinance updates. Xenia Bradford, Acting City Manager, answered stating that it will be reviewed in the future, but it is not an advanced calendar. Chip Wullbrandt, City Attorney, added that the final review will be by Planning Commission unless Council sends it back.

**2. PLANNING COMMISSIONER'S COMMENTS**

None.

**3. PLANNING/COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS**

None.

Chair Williams adjourned the meeting at 6:25 P.M.



**PLANNING COMMISSION  
STAFF REPORT**

**CITY OF SOLVANG MUNICIPAL CODE, TITLE 11  
ZONING ORDINANCE AMENDMENTS**

**TO:** PLANNING COMMISSION

**FROM:** Brynda Messer, Assistant Planner

**MEETING DATE:** February 3, 2020

**SUBJECT:** Amendment to the Zoning Ordinance Section 11-12-4, Second Residential Units/Accessory Dwelling Units

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**I. RECOMMENDATION:**

- A. That the Planning Commission discuss newly passed legislation in regard to Accessory Dwelling Units; and
- B. Recommend amendments to Title 11, Zoning Regulations, Section 11-12-4, Second Dwelling Units; or
- C. Defer entirely on State statute in regard to Accessory Dwelling Units; or
- D. Provide direction and refer back to Staff for appropriate action.

**II. BACKGROUND:**

In late 2016, the California State legislature passed several bills that went into effect January 1, 2017, making it easier for property owners to develop Accessory Dwelling Units

## **Ordinance Amendment – Accessory Dwelling Units**

PC Hearing Date: February 3, 2020

Page 2 of 5

(ADUs). In May 2018 and December 2018, staff brought discussion items to the Planning Commission to discuss possible revisions to the Zoning Ordinance pertaining to ADUs.

Various changes in City staff and workload has prevented this topic from coming back to the Planning Commission for discussion.

An Accessory Dwelling Unit (ADU) is defined as an attached or a detached residential unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit is situated. An Accessory Dwelling Unit also includes the following: An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

A Junior Accessory Dwelling Unit (JADU) is defined as a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Recommendations from the previous Planning Commission included modeling the new ordinance to be as close as possible to the City's previous ordinance for Secondary Dwelling Units and/or modeling after San Luis Obispo's ordinance.

Staff has been deferring to the State ordinance requirements for all ADU applications and will continue to do so until our ordinance is adopted.

### **III. DISCUSSION:**

Zoning Ordinance Section 11-12-4: Second Residential Units, is now null and void. The text amendments will remove the reference to Second Residential Units and include language for Accessory Dwelling Units (ADUs). The City of Solvang does not have to adopt our own ordinance in regard to ADUs, and we can defer to the State's regulations. Beginning January 1, 2020, a number of bills went into effect, which further reduces regulations on ADUs. These bills include Assembly Bills 670, 68, 671, 881, and 587, and Senate Bill 13. Below is a brief description of the changes in law:

- Provides maximum setbacks for ADUs at four (4) feet
- An ADU created in an existing structure (garage), no replacement parking is required
- No maximum or minimum size for ADU based on the percentage of the primary dwelling
- Local permitting agency must act within 60 days
- Owner/Occupancy requirements are no longer allowed – both primary dwelling and ADU may be rented

## Ordinance Amendment – Accessory Dwelling Units

PC Hearing Date: February 3, 2020

Page 3 of 5

- Clarifies “public transit” to mean bus stops and bus routes within ½ mile
- Any deed or covenant prohibiting ADUs are null and void and unenforceable on a single family lot
- An HOA, CC&Rs, or a neighborhood group cannot prevent ADUs
- Agencies cannot impose impact fees on ADUs under 750 square feet
- The applicant on the application to build the ADU does not have to be “owner-applicant” of either primary residence or the ADU
- An ADU, JADU, and primary dwelling can be allowed on lots where certain criteria are met including access, setbacks, and other criteria – could allow three units on one property in a single family zone

Mandatory approvals are now required with passing of the legislation. These approvals include the following:

1. ADU on Single Family Lots
  - One ADU or JADU shall be allowed within the existing Single Family Residence
  - Shall have own exterior access
  - Setbacks must be sufficient with Fire, Life and Safety
  - No parking is required
  - Must have own address
2. One detached ADU
  - 800 square feet or less
  - 16’ high
  - 4’ rear and side setbacks
  - Can also have a JADU within existing SFR and ADU
3. Multi Family Lots
  - Must approve conversion of space that was not originally livable
  - Must allow 25% of existing units to be ADUs. Example: A building with 200 units with an enclosed garage with 300 parking space, shall be allowed 50 ADU units in the garage.

Additional limitations have been included in ADU law including:

1. City may not require correction of nonconforming zoning conditions.
2. Fire sprinklers are not required for ADUs if the primary dwelling does not have sprinklers.
3. ADUs less than 750 square feet shall not collect any impact fees.
4. ADUs over 750 square feet shall only collect proportional capacity and connection fees, i.e., 50% of what would be charged for a new Single Family Dwelling.
5. ADUs and JADUs that are developed in an existing Single Family Residence shall not be charged any capacity or connection fees.
6. Local agencies may charge a recovery fee to reimburse costs incurred to adopt the new ordinance.

#### **IV. ISSUES**

Potential issues that can occur with submittals of ADUs include lot sizes, parking, and setbacks.

For example, the City's current Zoning Ordinance provides that residential lots must have a 25 foot rear setback. This requirement is not consistent with ADU law.

With allowances to waive parking if certain findings are met, on street parking could become a potential issue with ADUs. If an ADU is within ½ mile from a public transit stop, on-site parking requirements are waived, which has the potential of impacting on-street parking. However, if parking is required for the ADU, it is allowed in the front and/or side setback and can be tandem.

City Council had previously asked staff to research water and sewer capacity in regard to ADUs. Planning staff met with Public Works staff to discuss the issue. It was determined by Public Works that there is enough capacity for some ADUs, but not enough to allow all ADUs. Those results were discussed with a representative from Housing and Community Development. He stated we can limit and/or prohibit ADUs on that basis, but we would have to limit *all* development that would impact water and sewer capacity (residential and commercial).

Since design review is not required for ADUs, staff recommends that the architecture of new ADUs match the architecture of the primary residence. However, there are instances where the design of the ADU may look like a detached barn, but functions as an ADU. Staff would encourage the property owner to try to match architecture, paint colors, and materials as much as possible to minimize visual impacts.

Other things to consider when implementing the ordinance:

1. Limitations of ADUs and JADUs can be based on traffic, sewer, water, and public safety. The state has not defined exactly what the limitations of those parameters include, but if ADUs were limited for those reasons, any construction could be limited for those same parameters.
2. Short term rentals shall not be allowed for ADUs and JADUs.
3. Parking requirements can be removed for ADUs when the property is within ½ mile of a public transit stop.
4. The requirement for owner/occupancy can be added January 1, 2025. (The requirement for owner/occupancy sunsets on Jan. 1, 2025).

Standards that can be applied include:

1. Objective design review and landscaping
2. Useable open space
3. Lot coverage (only applies for ADUs without mandatory approvals). Current zoning does not have a requirement for lot coverage in single family zones.

**Ordinance Amendment – Accessory Dwelling Units**

PC Hearing Date: February 3, 2020

Page 5 of 5

4. Daylight/Shadow, i.e., projects that cast certain shadows on neighboring properties. (Solvang does not have requirements for providing shadow analysis in the Zoning Ordinance).
5. Historic preservation standards

**V. ADUs and HOUSING NEEDS**

Local governments may report ADUs as progress toward Regional Housing Need Allocation (RHNA). The state identifies total housing needs for each Metropolitan Planning Organization throughout the state on an eight year period. The current cycle is 2015-2023, and the City has already met the very low income requirement with the construction of the Solvang Senior Apartments. Solvang has requested that several ADUs be counted this year as progress towards meeting the RHNA allocation for lower and middle income ranges.

**VI. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

HCD is currently updating the state ordinance and are will provide a summary of changes to Planning Directors throughout the state. An updated FAQ sheet and handbook will also be available once the updates have been made. HCD will also review and provide comments to jurisdictions once they have submitted their ordinance, to make sure it complies with the state.

**VII. ATTACHMENTS**

- A. PC-Resolution 20-01
- B. Notice of Exemption

PC RESOLUTION NO. 20-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOLVANG,  
RECOMMENDING THAT THE CITY COUNCIL ADOPT RECEIVE  
RECOMMENDATIONS FROM THE PLANNING COMMISSION TO AMEND  
TITLE 11, ZONING REGULATIONS, CHAPTER 12, SUPPLEMENTAL REGULATIONS,  
11-12-4: SECOND RESIDENTIAL UNITS; AND TO ACCEPT THE EXEMPTION,  
PURSUANT TO §15061 OF THE GUIDELINES FOR IMPLEMENTATION OF THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**THE PLANNING COMMISSION OF THE CITY OF SOLVANG HEREBY RESOLVES AS  
FOLLOWS:**

**WHEREAS**, the Planning Commission has discussed and reviewed information provided by staff in regard to Accessory Dwelling Units, and have recommended changes to the aforementioned Section of the City's Municipal Code, Title 11, Chapter 12, Supplemental Regulations and,

**WHEREAS**, the Planning Commission has held a duly noticed Public Hearing on the proposed amendments to the Municipal Code, Title 11, on February 3, 2020, at which time all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission has reviewed the amendments in compliance with the California Environmental Quality Act (CEQA) and has determined that the project is Exempt under the General Rule, Section 15061 of the Guidelines for the Implementation of California Environmental Quality Act, and directs staff to prepare and file a Notice of Exemption;

**WHEREAS**, the Planning Commission, after due research and deliberation makes the following findings in regards to the proposed amendments to Title 11:

1. The potential environmental impacts are insignificant;
2. The proposed amendments are in the interest of the general community welfare;
3. The proposed amendments are consistent with the General Plan, the requirements of State Planning & Zoning Laws, and the Solvang Municipal Code; and
4. The proposed amendments are consistent with good zoning and planning practices.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Solvang hereby recommends that the City Council approve the amendments to the aforementioned Sections of Title 11 of the Solvang Municipal Code, and accept the Exemption from the California Environmental Quality Act (CEQA).

On motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, the foregoing Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

**PC Resolution 20-01**  
**Title 11 Ordinance Amendment Recommendation**  
**Chapter 12, Supplemental Regulations (ADUs)**  
**Adopted: February 3, 2020**  
**Page 2**

DATE: February 3, 2020

APPROVED:

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Jack Williams  
Planning Commission Chair

APPROVED AS TO CONTENT:

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Xenia Bradford  
Acting Planning & Economic Development Director

ATTACHMENT B

**NOTICE OF EXEMPTION**

TO: County Clerk  
County of Santa Barbara  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101

FROM: City of Solvang, Planning Department, 411 Second Street, Solvang, CA 93463

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** N/A

**Specific Location:** CITYWIDE

**Project Title:** Zoning Ordinance Change

**Project Description:** Consideration and recommendation of the changes to the Zoning Ordinance Title 11, Chapter 12, Supplemental Regulations.

**Name of Public Agency Approving Project:** City of Solvang

**Exempt Status:** (Check one)

Ministerial

Statutory

Categorical Exemption

Emergency Project

No Possibility of Significant Effect [§15303]

**Cite specific CEQA Guideline Section:** 15061. Review for Exemption.

**Lead Agency Contact Person:** Brynda Messer

Telephone: 805-688-4414

Signature: \_\_\_\_\_

Date of Approval: \_\_\_\_\_