

CITY OF SOLVANG  
**PLANNING COMMISSION**

**APPROVED**  
**MEETING MINUTES**

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Monday, February 3, 2020 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, Aaron Petersen, Justin Rodriguez, Jack Williams

**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

None.

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

None.

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

None.

**D. Approval of the December 2,, 2019 meeting minutes**

*Motion made by Commissioner Gold to approve the minutes as presented and seconded by Commissioner Rodriguez. Vote is 4-0-1, with Commissioner Petersen tardy.*

## **E. Brown Act Training**

*City Attorney Wullbrandt asked if the item could be continued as he did not realize it was on the agenda for this meeting. All commissioners agreed to continue the training until the next meeting.*

## **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.**

Brynda Messer, Assistant Planner, and Chip Wullbrandt, City Attorney, presented staff report and power point presentation regarding Accessory Dwelling Units and new legislation passed by the State. They explained that the City of Solvang currently does not have an ordinance in regard to ADUs, and that since Jan. 1, 2017, the ordinance section regarding second residential units is null and void. They further explained that this discussion item had been to Planning Commission and Council, and a draft ordinance had been written and sent to the state for review. The draft version was returned with several errors and redlines, as certain areas were not compliant with state law. Since that time, new legislation has passed and went into effect Jan. 1, 2020, which is what was being presented at this meeting.

Mr. Wullbrandt stated that the City can pass an urgency ordinance while we develop our formal ordinance. He suggested that is what we do for the time being while developing our ordinance. He also stated the City of Goleta was in the process of amending their ordinance to comply with State law. He followed stating their ordinance is very clear and we can model our ordinance after theirs.

Commissioner Brents asked staff if every house in the City is allowed to have an ADU. Staff responded stating yes that is allowed, and legal non-conforming homes in non-residential zones are allowed to have an ADU. Mr. Wullbrandt followed stating that state law now allows ADUs in multi-family dwellings as well. Commissioner Brents asked staff why the ADU laws have been passed, and staff responded, that they were not sure why the law for ADUs, except to help with the housing crisis with the state.

Chair Williams asked staff with the change in review time from 120 to 60 days, what happens if Fire has not responded within the time frame. Staff responded that we would have to approve the application without their review. Staff also stated they have spoken with Fire about timeframes and hopes to work with them to be more efficient.

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Commissioner Petersen requested clarification on the following:

- ½ mile to public transit and if that is walking distance
- Is short term rental considered less than 30 days
- If ADUs must meet building code
- Is there a process for appeals
- Can ADUs be a mobile home
- Why did the state have different requirements for 750 square feet vs 800 square feet

He also asked if we can have our ordinance 750 square feet for the mandatory ADUs (not 800), but Mr. Wullbrandt answered we cannot make our code more strict than the mandatory requirements per the state.

Commissioner Rodriguez asked if we can wait to use the State's draft ordinance before creating ours, and Mr. Wullbrandt suggested we develop an ordinance sooner, as the city can apply certain standards. If we don't, ADUs must be approved per the state and they standards are less stringent.

Commissioner Gold asked how many ADUs have been processed since 2017 and how many in 2019. Staff provided the approximate numbers.

Discussion followed regarding parking and where on-site parking can be allowed, and how square footage is measured for ADUs.

Chair Williams asked about the requirement for owner/occupancy. Mr. Wullbrandt responded saying that state law removed the requirement for owner/occupancy until January 1, 2025. After that date, the requirement can be added again.

Public Comment:

Nancy Emerson speaking for We Watch:

- Stated We Watch was in support since 2018
- Knows the City is in a difficult situation, being that this is a state mandate
- Glad there is a prohibition on vacation rentals
- Public Works can make findings on whether or not there is water and sewer capacity for ADUs
- Perhaps people can use Amnesty program for ADUs
- Agrees with the proposed regulations
- Perhaps adding a "good neighbor clause" into our ordinance would be appropriate

Commissioner Gold asked if we can consider adding a longer time frame when referencing vacation rentals and having rentals a minimum of 90 days versus 30 days minimum.

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Commissioner Petersen was in favor of adding a good neighbor policy to our ordinance.

Discussion followed regarding sewer and water capacities. Xenia Bradford, Acting City Manager stated that several studies will be conducted in the future to examine these two items more comprehensively, and Mr. Wullbrandt added that if the City limits construction of ADUs, then the City will have to limit all construction, not just ADUs.

Mr. Wullbrandt suggested that Staff moves forward with developing an urgency ordinance for ADUs, while creating our formal ordinance then return to Planning Commission for consideration for Council. The Commissioners agreed.

*\*\*As there was no motion passed, PC Reso 20-01 and the CEQA Exemption is not necessary. \*\**

**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 7:06.