



**MINUTES OF THE REGULAR MEETING OF  
THE SOLVANG  
PLANNING COMMISSION**

Council Chambers  
1644 Oak Street  
Solvang, CA 93463

April 5, 2021  
Thursday  
6:00 p.m.

**CALL TO ORDER**

The meeting was called to order at 6:00 p.m.

**ROLL CALL**

PRESENT: Commission Members: Scott Gold, Joannie Jamieson, Aaron Petersen,  
Justin Rodriguez, Jack Williams

STAFF: Laurie Tamura, Planning Consultant  
Xenia Bradford, City Manager/Planning Director  
Chelsea O’Sullivan, Assistant City Attorney  
Matt van der Linden, Public Works Director/City Engineer

**PLEDGE TO THE FLAG**

Commissioner Gold let in the Salute to the Flag.

**1. PRELIMINARY MATTERS:**

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

There were no public comments.

B. Requests for Continuance, Withdrawals, or Addition of Ex-Agenda items - None

C. Conflicts and/or Ex-Parte Communications – None

D. Approval of Minutes from March 1, 2021 Meeting

Commissioner Gold asked regarding the status of the inventory of public parking spaces and a related study and City Manager/Planning Director Bradford reported there is a parking study that explains public parking availability but there is no inventory of private parking availability.

*Motion by Commissioner Gold, to approve the Planning Commission meeting minutes of March 1, 2021, as presented, seconded by Commissioner Petersen, and carried, unanimously, 5-0.*

**2. BUSINESS ITEMS**

**General Plan Update Presentation**

Jim Harnish and Brent Gibbons, Mintier Harnish, narrated a PowerPoint presentation of the status of the General Plan Update.

Discussion followed regarding categorizing Parks and Recreation under Open Space, addressing the environment, the Safety Element, defining and including an Environmental Justice Element, if applicable and factors to consider under environmental justice, including pollution and other impacts. It was noted that Solvang does not have the kind of pollution sources that other communities have, and an environmental justice element would be optional.

City Manager/Planning Director Bradford announced upcoming General Plan Update community workshop sessions on April 8, 2021 and April 9, 2021.

Brief discussion followed regarding the timeline for the General Plan Update process.

**Consider volunteering for General Plan Advisory Committee (2 members)**

City Manager/Planning Director Bradford addressed the makeup, responsibility, and role of the General Plan Advisory Committee (GPAC) and requested two Planning Commission volunteers to serve on the GPAC.

Commissioners Jamieson and Petersen volunteered to serve on the GPAC.

**3. PUBLIC HEARING ITEMS**

- A. Hearing to provide direction to the City Council on the Conditions of Approval, CC&R's and the Skytt Mesa Design Manuals as they apply to the following issues.
  - a. Accessory Structures/Dwellings/Sheds
  - b. Recreational Vehicle Storage
  - c. Front Yard Landscaping Changes
  - d. Revised side yard landscaping and fencing types and location
  - e. Color or architectural changes
  - f. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling
  - g. Units (JADUs)

Provide direction to the City Council on how to process requested changes within the Skytt Mesa Project and with respect to the City's obligations and powers to enforce the applicable Covenants, Conditions & Restrictions, the Conditions of Approval and Design Manual requirements. This review applies to all 169 lots in the Skytt Mesa subdivision. (APN Pages 137-73, 74, 75, 76, 77, 78 and 80). The lots are located in the 10-R-1 (Residential, 10,000 SF lot size) zone district. This review is exempt from California Environmental Quality Act (CEQA) review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations because it can be seen with certainty that there is no possibility this review may have a significant impact on the environment.

Commissioner Rodriguez declared a conflict of interest as he resides in Skytt Mesa and departed the meeting.

Planning Consultant Laurie Tamura presented details of the staff report; narrated a PowerPoint presentation detailing critical issues regarding Skytt Mesa relative to Conditions of Approval, CC&Rs and the Skytt Mesa Design Manual and listed recommendations.

Discussion followed regarding the possibility of generating a survey gauging residents' interest in creating an

HOA and the need to consider the costs of using City resources.

Public Works Director/City Engineer van der Linden recommended obtaining legal advice prior to distributing a survey to understand legal issues involved in creating an HOA as there are certain thresholds that must be met.

Chair Williams opened public comments.

Gary Johnson, Homeowner, Skytt Mesa

- Referenced a letter submitted to the Planning Commission
- Stated there is no reference to color changes in documents he was given when he bought the house
- Noted his house is half painted but he has already invested approximately \$10,000 for the work
- Claimed it would be a financial hardship to repaint the house
- Spoke about other houses in the neighborhood painted outside the color codes
- Hoped he would be grandfathered in and reported Ms. Tamura approved moving forward with completing the project

Planning Consultant Tamura confirmed she sent Mr. Johnson a letter approving completion of the painting but then received notice of resident complaints and their intentions to appeal the decision; noted it is an example of not understanding the history; provided a background of the matter and noted Mr. Johnson was instructed to stop the project to allow staff to review options for evaluating the project.

Assistant City Attorney Chelsea O'Sullivan reported that at this point, the specific house is not up for the Commission's consideration but is an example of the issues that have been presented in the neighborhood, at large; stated that recommendations to City Council could be how to handle the color issues, in general.

Discussion followed regarding steps needed for Mr. Johnson to have closure on his project, providing direction to staff on how to handle the changes to move forward with a resolution to City Council.

Chair Williams acknowledged receipt of emails from the public and noted they will be part of the record.

Male Speaker (Name unidentified)

- Spoke about variances given to contractors at Skytt Mesa relative to structure heights
- Discussed raising foundations by 8-10 feet with fill dirt
- Commented on an open area on Valley View and Chalk Hill that has been fenced off that was to be a public access area and noted taxpayers are paying for landscaping

Public Works Director/City Engineer van der Linden noted taxpayers do not pay for the landscape maintenance in Skytt Mesa; stated each property owner is assessed annually, on their tax bills through the County and City for the Skytt Mesa Landscape and Lighting Maintenance District (LLMD) and reported HOAs are easier to administer than establishing a landscape district.

Kristin Kellner

- Expressed support for the majority of the Planning Commission's recommendations
- Felt residents should comply with City ordinances
- Sympathized with Mr. Johnson as painting is not regulated by City ordinance
- Spoke about concerns with a survey regarding HOAs as it could delay Code Enforcement in existing violations of City ordinances

Sherry Noble

- Reported working with the City when she
- Noted she followed the Skytt Mesa Design Manual
- Questioned why the rules changed from one phase to another
- Spoke about lack of City enforcement staff during COVID-19
- Expressed concern regarding negative impacts to property values

Pat Kelly

- Referenced the Skytt Mesa CC&Rs noting they were approved by City Council
- Reported many residents are not abiding by them
- Felt there is no one to enforce them
- Spoke about increasing issues with RVs
- Indicated people are driving over City easements and destroying City property

Gary Johnson

- Reported there were no CC&Rs when he purchased his home in 2007

Greg Millikan

- Distinguished between the LLMD and the CC&Rs and noted they are not connected
- Expressed interest in the City Attorney's opinion relative to establishing an HOA

There were no other public comments.

Chair Williams closed public comments.

Chair Williams reported there are three sets of CC&Rs; stated it appears each construction phase had its own set of CC&Rs, and the Design Manual references the first set of CC&Rs.

Planning Consultant Tamura reported the original Conditions of Approval were from 2004/2005, there were amendments done in 2011; noted there were two sets of CC&Rs (one for Curtis Homes and another for Vista at Skytt Mesa) and as each of the phases was built, they were annexed into the Skytt Mesa CC&Rs. The Design Manual was approved in 2004 by the BAR and was incorporated as a guiding document for all of Skytt Mesa.

Chair Williams noted that there is no clear definition of who enforces the CC&Rs.

Planning Consultant Tamura reported it is clear that the developer had a guiding role in implementing and managing the CC&Rs while they were engaged in the project and noted the City and homeowners have the right, but not the obligation to enforce the CC&Rs.

Assistant City Attorney O'Sullivan added that the CC&Rs also provide that homeowners are required to obtain Planning Commission approval for improvements and DRC approval in terms of consistency with the neighborhood.

Commissioner Petersen reported he was in the BAR when this was reviewed and looked at streetscape opportunities; stated the Design Guidelines took years to develop and claimed it was a public/private partnership development. He commented on subsequent phases and believed that when CC&Rs are recorded, they are recorded on the deeds of the home and noted the need for an enforcement mechanism. He believed the City has an obligation to do right by the homeowners; spoke about the prior administration dismantling much of the City government and acknowledged it was difficult for homeowners to get answers and for enforcement, with limited staff. Commissioner Petersen spoke about the City having to solve concerns until another governing body, such

as an HOA, takes over that role; stressed the City cannot allow homeowners to violate the CC&Rs without repercussion and felt City staff must enforce what it can enforce and consider subjective decisions such as painting and landscaping.

Commissioner Jamieson encouraged Skytt Mesa homeowners to create an HOA.

Commissioner Gold added that until an HOA is formed, homeowners are depending on the City to provide protection to the rules.

Chair Williams agreed the solution would be for Skytt Mesa homeowners to form an HOA and noted the need for increased enforcement.

It was noted that in general, when a Skytt Mesa homeowner is intent on painting his/her house, they would need to get approval from the City.

City Manager/Planning Director Bradford offered to meet with Mr. Johnson to discuss next steps in terms of painting his house.

*Motion by Commissioner Petersen, to forward the minutes regarding the Planning Commission's discussion on Skytt Mesa be forwarded to City Council with the general recommendation for the City to enforce the CC&Rs until homeowners make a change and/or establish an HOA and adding the possibility that Skytt Mesa homeowners establish an HOA, seconded by Chair Williams, and carried, unanimously, 4-0, with Commissioner Rodriguez, recused.*

**4. DISCUSSION ITEMS - None**

**5. PLANNING COMMISSIONER'S COMMENTS - None**

**6. PLANNING STAFF COMMENTS**

(Oral reports only/no written materials provided in packet)

Planning Consultant Tamura stated she is unsure whether there will be a Planning Commission meeting next month but will let Members of the Commission know if there will be items for the next agenda.


City Manager/Planning Director Bradford announced City Council authorized bringing back an Assistant Planner position.

Discussion followed regarding hiring a new Code Enforcement Officer.

**7. ADJOURNMENT**

The meeting was adjourned at 8:21 p.m.

Minutes Prepared by:

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XENIA BRADFORD  
City Manager/City Clerk