

**CITY OF SOLVANG
PLANNING COMMISSION**

MEETING AGENDA

Monday, October 3, 2016 – 6:00 P.M.
Council Chambers – Solvang Municipal Center – 1644 Oak Street

Members: Robert Clarke, Chair; Jack Williams, Vice-Chair;
Aaron Petersen; Gay Infanti; Brian Chaney

Staff: Arleen T. Pelster, Planning & Economic Development Director
Dave Fleishman, Assistant City Attorney
Brynda Messer, Assistant Planner

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:
August 1, 2016

2. PUBLIC HEARINGS ON NEW DEVELOPMENT AND CITY PROJECTS

- A. Tentative Parcel Map 30075**
Location: 1849 Old Mission Drive
APN: 139-160-010
Planner: Brynda Messer

Hearing on the request of DDP Properties, LLC to review and approve Tentative Parcel Map 30075 splitting an approximately one (1) acre parcel [application filed January 15, 2016] into two parcels in the 7-R-1 zone district and accept a Categorical Exception pursuant to Section 15315 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Proposed parcel one will be 36,764 square feet. Parcel two will be 11,470 square feet and will contain the existing single-family residence and a proposed new two car garage.

- B. Amendment to the Zoning Ordinance, Title 11 of the Municipal Code, to provide Regulations for Short Term/Vacation Rentals and accept the Exemption to the California Environmental Quality Act.**
Planner: Arleen Pelster

- 3. PLANNING COMMISSIONER'S COMMENTS**

- 4. PLANNING/COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS**
(Oral reports only/no written materials provided in packet)

- 5. ADJOURNMENT**

CITY OF SOLVANG
PLANNING COMMISSION

DRAFT MEETING MINUTES

Monday, August 1, 2016 6:00 P.M.
Regular Hearing of the Planning Commission
Council Chambers – Solvang Municipal Center – 1644 Oak Street

Commissioners Present: Robert Clarke, Chair; Brian Chaney
Gay Infanti, Aaron Petersen

Commissioners Absent: Jack Williams, Vice-Chair

Staff Present: Arleen T. Pelster, Planning & Economic Development
Director
Brynda Messer, Assistant Planner
Dave Fleishman, Assistant City Attorney
Matt van der Linden, Public Works Director

CALL TO ORDER: Chair Clarke called the meeting to order at 6:00 p.m.

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 Minutes:

June 6, 2016 –Regular Planning Commission Meeting

Motion to approve made by Commissioner Petersen and seconded by Commissioner Chaney. Vote is 4-0-1, with Commissioner Williams absent.

2. PUBLIC HEARING ON NEW DEVELOPMENT AND CITY PROJECTS

Public Hearing on the Capital Improvement projects proposed under the 10-year Capital Improvement Program (2016-2026) for conformity with the City's General Plan pursuant to Government Code §65401.

Arleen Pelster presented staff report.

Commissioner Infanti inquired as to why parks projects were not listed in the staff report. Matt van der Linden, Public Works Director, answered that they should have been listed separately, but the Commission is approving the program, not the report.

Commissioner Chaney asked for a description of what "highly visible crosswalks" are. Mr. van der Linden responded describing where the crosswalks would be located, then described how they function. Chair Clarke asked if one could be installed near the post office.

Discussion followed regarding Pine Street and the possible new driveway at The Merkantile. Mr. van der Linden responded stating that the signals need to meet Caltrans warrants.

Commissioner Chaney asked about the widening at Alamo Pintado Creek Bridge and how many lanes it will be. Mr. van der Linden responded stating it is a Caltrans decision.

Commissioner Petersen asked if left turn lanes could be added at Alisal. Mr. van der Linden responded stating that if one were added at Alisal, they would need to add them at Atterdag and Fifth, which would cause further traffic delays on Mission Drive.

Motion made by Commissioner Infanti to adopt Planning Commission Resolution 16-04 and seconded by Commissioner Chaney. Vote is 4-0-1, with Commissioner Williams absent.

3. PLANNING COMMISSIONER'S COMMENTS

Commissioner Petersen gave an update on Arleen Pelster's upcoming retirement. The Commissioners thanked Ms. Pelster and stated they would miss her.

4. PLANNING & ECONOMIC DEVELOPMENT DIRECTOR'S COMMENTS

Arleen Pelster stated there may not be a meeting in September.

5. ADJOURNMENT

Motion to adjourn at 6:26 p.m.



**PLANNING COMMISSION STAFF REPORT
MEETING DATE OCTOBER 3, 2016**

TO: CITY PLANNING COMMISSION

FROM: Arleen T. Pelster, AICP, Planning & Economic Development Director
Brynda Messer, Assistant Planner

APPLICANT: Brett Jones, Architect

OWNER: DDP Properties, LLC
1797 Mission Drive
Solvang, CA 93463

ADDRESS: 1849 Old Mission Drive – APN 139-160-010

REQUEST: Review and approve Tentative Parcel Map 30075, the splitting of an approximately one (1) acre parcel [application filed January 15, 2016 and deemed complete on September 7, 2016] into two parcels in the 7-R-1 district and accept a Categorical Exception pursuant to Section 15315 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Proposed Parcel One will be 34,764 square feet. Proposed Parcel Two will be 11,474 square feet and will contain the existing single-family residence and a proposed new two-car garage.



I. RECOMMENDATION:

- A. That the Planning Commission review and adopt Resolution 16-06 (attachment A), approving the lot split as proposed;
- B. Accept the Categorical Exception included as attachment B; or
- C. Refer back to Staff, if applicable.

II. SITE INFORMATION

SITE INFORMATION		
General Plan Designation	Medium Density Residential (3-7 DU/AC)	
Zone District	7-R-1, Single Family Residential District (one dwelling unit per 7,000 square feet minimum lot size)	
Lot Size	One (1) acre	
Access	The existing residence (Parcel Two) is accessed from Old Mission Drive. Parcel One is accessed from Pine Street, and an existing unpaved driveway from Old Mission Drive.	
Public Services	Both proposed parcels will be served by City water and sewer. The existing single-family residence is currently served by City water and sewer.	
Surrounding Zoning/Uses	North: Residential South: Residential East: Vacant West: Residential	
ONSITE DEVELOPMENT		
Parcel	Existing	Proposed or Required
Lot 1: 34,764 Square Feet	Garage, Sheds, and Barbeque Patio	Demolition of existing structures
Lot 2: 11,474 Square Feet	Single-Family Residence	New garage

III. PERMITTED USES

- A. The permitted uses for 7-R-1 include, but are not limited to: One single-family dwelling per legal lot; uses, buildings, and structures incidental to single-family dwellings; home occupancies; orchards, truck and flower gardens and raising of field crops; the keeping of animals and poultry; public parks, public playgrounds and community centers; second residential units; large family daycare homes and permitted uses with a conditional use permit.

IV. PROJECT DESCRIPTION

A two-way lot split to divide an approximately one (1) acre parcel into two legal parcels. Parcel One will be 36,764 square feet. Parcel Two will be 11,470 square feet, comprising of an existing single family residence and proposed new two car garage.

Parcel Breakdown	Gross Lot Size	Net Lot Size
Existing Parcel:	53,784.7 S.F.	46,237.8 S.F.
Proposed Parcel One:	39,660.6 S.F.	34,763.8 S.F.
Proposed Parcel Two:	14,124.1 S.F.	11,474.0 S.F.

All existing structures on Parcel One will be demolished, and the existing single-family house and associated improvements on Parcel Two will remain. A new garage is proposed to be constructed on Parcel Two.

V. DISCUSSION

The subject parcel is approximately one (1) acre. It currently comprises of one single family dwelling, a detached garage, sheds, a barbeque patio area, and various site walls and brick walkways. The detached garage, sheds, barbeque patio area, and various site walls and brick walkways are proposed to be removed, and a new two-car garage is proposed for Parcel Two.

It is the intent of the owner to split the lot, and return to Planning Commission for conceptual review to propose four condominiums on proposed Parcel One. However, one (1) single-family residence could be constructed on Parcel One with a Land Use Permit (review is performed and permit issued at staff level), therefore, appropriate conditions are recommended.

Access for Parcel One is currently provided via a 15.9' driveway from Pine Street, with secondary access via a dirt path adjacent to Old Mission Drive. Access for Parcel Two is via a 20' wide asphalt driveway adjacent to Old Mission Drive. Should Parcel One be developed with a single-family dwelling or another permitted use, access would need to be taken via the existing driveway to Pine Street, as it meets the current driveway width requirement of 12'. Should another entitlement be sought, City staff will consult with the Fire Department and review City standards to determine if the existing driveway adjacent to Pine Street is acceptable for primary access, or if other access is required. A condition of approval is proposed to address access (Condition B9).

Parcel One currently contains some structures which would be located in the required setback, if the tentative parcel map is approved and recorded. Parcel Two does not have a two-car enclosed garage, which is required by the Zoning Ordinance. Construction of

the required garage and the demolition work is proposed on the tentative parcel map, and must be completed prior to recordation of the final map in order for the new parcels to be compliant with the Zoning Ordinance. Conditions of approval are proposed to address non-compliant conditions (Conditions C9 and C10).

VI. GENERAL PLAN CONSISTENCY

The project would be consistent with applicable Policies, Objectives and Land Use Designations of the General Plan as follows:

Housing Element:

Goal 1.0: Conserve and improve the quality of existing housing and residential neighborhoods in Solvang.

Policy 1.1: Encourage citizen involvement in addressing the maintenance and improvement of the City's housing stock and neighborhood quality.

Goal 2.0: Facilitate the development of a range of housing types, densities, and affordability levels to meet the diverse needs of the community.

Policy 2.1: Encourage the production of housing that meets the needs of all economic segments, including homeless and extremely low, lower, moderate, and above moderate-income households, to achieve a balanced community.

Conservation/Open Space Element:

Goal 4.1: To protect the culture and heritage of native peoples.

Action Item (G): Impose the following conditions on all discretionary projects which may cause ground disturbance:

"The Planning Department shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action."

"All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed."

Noise Element:

Goal 3: Establish Measures To Control Non-Transportation Noise Impacts.

Policy 3.2: The City shall evaluate noise generated by construction activities and subject them to the requirements of the Community Noise Ordinance.

Action Item (A): Require construction activity to comply with limits established in the Community Noise Ordinance.

VII. ENVIRONMENTAL REVIEW

This project has been determined to be exempt from environmental review, pursuant to Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act. CEQA Section 15315 allows a Categorical Exemption for Minor Land Division Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than twenty percent.

The subject property relating to this tentative parcel map request is located within the urban area, the lot split contains only one additional parcel, the project is in compliance with the General Plan and zoning, and no variances are requested. Additionally, this property was not split from a larger parcel within the previous two years and the existing topography of the site contains less than a twenty percent slope.

VIII. ZONING ORDINANCE COMPLIANCE

The proposed tentative parcel map would conform to the requirements and permitted land uses of the R-1/E-1 Section (Single Family Residence District) of Title 11 Zoning Ordinance. The lots being created meet the minimum lot size requirement of 7,000 square feet and the required net lot width of 65 feet in the 7-R-1 zone district.

IX. SUBDIVISION REGULATIONS

The proposed subdivision would be consistent with all applicable subdivision standards of Title 12, Subdivision Regulations of the City of Solvang.

X. FINDINGS

Pursuant to the Subdivision Map Act the approval of the Tentative Parcel Map 30075 is subject to specified findings. The findings are provided below for easy reference, with discussion as to the projects consistency:

- 1. That the Tentative Parcel Map 30075 is consistent with all applicable provisions of the City of Solvang General Plan and require findings of the City Zoning Ordinance and Subdivision Regulations as documented in the staff report (State Subdivision Act Section 66473.5).*

The proposed Tentative Parcel Map is consistent with the Solvang General Plan. The General Plan designation is Medium Density Residential (3-7 DU/Acre). The project proposes lots that conform to the designated General Plan Density.

2. *The proposed Tentative Parcel Map is consistent with the findings for approval under State Subdivision Map Act Section 6674 which are:*

a. *That the proposed map is consistent the General Plan.*

The proposed project is consistent within the Medium Density Residential General Plan Designation, as shown on the City's Land Use Element Map and is zoned 7-R-1. This General Plan Designation allows 3-7 dwelling units per acre. The 7-R-1 Zoning Designation requires a minimum of 7,000 square feet per dwelling unit. The project proposes to split an approximately one (1) acre parcel into two parcels of 34,764 square feet and 11,474 square feet. This would be consistent with the City's General Plan, Zoning Ordinance, and Subdivision Regulations.

b. *That the design or improvement of the proposed subdivision is consistent with applicable General Plan Policies.*

The proposed project and improvements including lot size, lot configurations and lot dimensions are consistent with all goals, objectives, and policies of the General Plan.

c. *That the site is physically suitable for the type of development.*

The project is suitable to accommodate the type of proposed development. The Tentative Parcel Map would create one (1) additional single-family lot. At the density proposed, the site contains suitable area to accommodate future residential development on the proposed lot.

d. *That the site is physically suitable for the proposed density of development.*

The proposed parcel one is suitable for an additional residential lot, with an average slope of 6-10%.

e. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage of substantially and avoidably injure fish or wildlife or their habitat.*

The proposed lot split is located within a developed residential area and therefore will not cause any environmental damage or injure fish, wildlife, or

their habitat. The project site is not located near or adjacent to any creek, wetland, or environmentally sensitive area.

- f. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.*

No public health problems will result from approval of this lot split, or from subsequent development of the site. The proposed new parcel (Parcel Two) would connect to the City's water and sewer service.

- g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The project will not conflict with any public easements or public use of the site.

XI. ATTACHMENTS

Planning Commission Resolution 16-06

Categorical Exemption

Draft Conditions of Approval

Tentative Parcel Map

PC RESOLUTION NO. 16-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOLVANG APPROVING TENTATIVE PARCEL MAP 30,075; AND TO ACCEPT THE NOTICE OF EXEMPTION FOR ENVIRONMENTAL REVIEW PURPOSES

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

WHEREAS, the Planning Commission of the City of Solvang has considered a lot split of the subject address; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on the subject proposal on October 3, 2016, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed this project in compliance with the California Environmental Quality Act (CEQA) and has determined that the project is Categorically Exempt pursuant to Section 15303, and directs staff to prepare and file a Notice of Exemption; and

WHEREAS, the Planning Commission finds after due study, deliberation and public hearing that the following circumstances exist:

1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed;
2. That streets and highways are adequate and properly designed;
3. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project;
4. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area;
5. That the project is in conformance with the applicable provisions and policies of Title 11, Title 12 and the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Solvang hereby approves said tentative parcel map subject to the attached Conditions of Approval contained in the proposed Attachment A.

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

AYES: 0
NOES: 0
ABSENT: 0
ABSTAIN: 0

DATE: October 3, 2016

APPROVED AS TO CONTENT:

Arleen T. Pelster, AICP
Planning & Economic Development Director

APPROVED:

Robert Clarke
Planning Commission Chair

ATTACHMENT B

NOTICE OF EXEMPTION

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

Fax #: 568-2249

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: 139-160-010

Case No.: TPM 30075

Specific Location: 1849 Old Mission Drive

Project Title: LOT SPLIT

Project Description: The request of DDP, Properties, LLC owner, to consider the splitting of an approximately one (1) acre parcel into two parcels in the 7-R-1 zone district and approve the Tentative Parcel Map 30,075. Proposed parcel one will be 34,764 square feet. Proposed parcel two will be 11,470 square feet and will contain an existing single family residence and a proposed new two car garage.

Name of Public Agency Approving Project: City of Solvang

Exempt Status: (Check one)

Ministerial

Statutory

Categorical Exemption

Emergency Project

No Possibility of Significant Effect [§15061(b,3)]

Cite specific CEQA Guideline Section: 15303 (b,c)

This section exempts construction and location of limited numbers of new small facilities or structures and the conversion of existing structures from one use to another.

Reasons to support exemption findings (attach additional material, if necessary)

The project consists of splitting one existing lot into two, with no impacts relating to archaeological or biological resources, or no loss of native vegetation or tree removal.

Lead Agency Contact Person: Brynda Messer

Telephone: 805-688-4414

Signature: _____

Date of Approval: _____

**CONDITIONS OF APPROVAL
1849 Old Mission Drive
TENTATIVE PARCEL MAP
TPM 30075
APN 139-160-010**

Draft reviewed by the Planning Commission on October 3, 2016

- A. The following proposed conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded with the Final Map as a “Notice Document”, which shall be prepared by the City Engineer.

PROJECT DESCRIPTION: A two-way lot split to divide an approximately one (1) acre parcel into two legal parcels. Parcel One will be 36,764 square feet. Parcel Two will be 11,470 square feet, comprising of an existing single family residence and proposed new two car garage.

<u>Parcel Breakdown</u>	<u>Gross Lot Size</u>	<u>Net Lot Size</u>
Existing Parcel:	53,784.7 S.F.	46,237.8 S.F.
Proposed Parcel One:	39,660.6 S.F.	34,763.8 S.F.
Proposed Parcel Two:	14,124.1 S.F.	11,474.0 S.F.

All existing structures on Parcel One will be demolished, and the existing single-family house and associated improvements on Parcel Two will remain. A new garage is proposed to be constructed on Parcel Two.

B. PROJECT SPECIFIC CONDITIONS:

1. Owner(s) shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and access road, as applicable. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner, which will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
2. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
3. The Tentative Map shall expire two (2) years after approval or conditional approval by the final decision maker, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months, unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
4. The applicant hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant’s project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

5. The applicant shall notify the Planning Department immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.
6. All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.
7. All construction activity shall comply with the limits established in the Community Noise Ordinance.
8. Any future development shall be reviewed and approved by the Board of Architectural Review.
9. Should Parcel One be developed with a single-family dwelling or other permitted use, access shall be taken from Pine Street, unless a development plan or other entitlement is sought. In that event, City shall consult with the Fire Department and review City standards to determine if the existing driveway adjacent to Pine Street is acceptable for primary access, or if other access is required.
10. All trees shown on the Tentative Map, except existing fruit trees, shall be preserved, protected and maintained. No irrigation systems shall be installed within the drip-lines of the existing trees to be saved. In case of a diseased tree, the applicant shall hire a City-approved arborist to prepare an evaluation, in writing, to validate the reasons for removal. This evaluation shall be submitted to the Planning Director prior to the removal of any protected tree.
11. No recreational vehicles, boats or trailers shall be stored outside on either of the lots.
12. Prior to issuance of and Land Use Permit, Grading or Building Permit on Proposed Parcel 1, the owner shall obtain an address from the Fire Department.
13. Prior to issuance of Building Permits, all construction plans shall note the rules and regulations of the Santa Barbara County Air Pollution Control District regarding site preparation activities, which must be followed at all times.
14. All utility service lines shall be installed underground.
15. Prior to development of Parcel One the following development impact mitigation fees shall be paid:
 - Traffic mitigation
 - Water connection
 - Sewer Connection
 - Drainage Impact fee

C. PRIOR TO RECORDATION OF THE PARCEL MAP, the owner shall submit the following evidence of completion to the City:

1. Prior to recordation of the Parcel Map, the owner shall submit to the Planning Department for review and approval, 4 copies of a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer and the fee in effect at the time of submittal.
2. A qualified registered civil engineer or California licensed land surveyor shall prepare the legal descriptions provided in the deeds and submitted to the City Engineer for review and approval.
3. The applicant shall submit with the Final Map, a Title Report dated not more than thirty (30) days from date of submittal of final map to the Planning Department for review and approval by the City Engineer.
4. Relocate the existing water service/meter serving the existing residence (Parcel Two) to Old Mission Drive. This shall be accomplished by abandoning the existing water service off Pine Street, and installing a new 1" water service off Old Mission per Solvang Standard Drawings 510 and 520. The existing 5/8" meter will be relocated to the new service by City staff once the new service is completed.
5. Pay meter installation fee.
6. Remove/abandon plumbing for Parcel Two that crosses Parcel One.
7. Replace head of old fire hydrant along property frontage with new fire hydrant head and break-off spool per Solvang Standard Drawing 503.
9. All existing structures on Parcel One shall be demolished prior to recordation of the final map.
10. The proposed two-car garage on Parcel Two shall be constructed prior to recordation of the final map.
11. The owner and the carrier operating the facility shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to the Planning Department. Such form may be obtained from the Planning Department office prior to issuance of the Land Use Clearance. The owner/carrier shall provide evidence that he/she has recorded the Agreement to Comply with Conditions.

D. PRIOR TO ISSUANCE OF BUILDING PERMITS FOR PARCEL ONE, the owner shall submit the following evidence of completion to the City:

1. Provide an engineered plan for a retaining wall system to be constructed 24” behind edge of pavement along the north side of Old Mission Drive to provide 24” of level shoulder to prevent eroded soil and debris from adjacent slope from sloughing onto paved roadway.
2. Provide engineered Site Plan for review and approval of locations for installation of water service and sewer lateral off Old Mission Drive.
3. Provide calculations to justify ¾” or larger water meter sizing.
4. Prior to issuance of Land Use Permits for any development on Proposed Parcel One, the owner shall submit a grading and drainage plan that meets the requirements of the City Engineer. A preliminary soils report is required, identifying engineering parameters for grading, construction, and foundation design. Provide Stormwater Control Plan for City review and approval, in accordance with Solvang’s Stormwater Technical Guide. The grading plan shall incorporate all current Best Management Practices (BMP’s) for storm water pollution control. The drainage plan shall drain to Old Mission Dr, allowing for no drainage across adjoining properties. The City Engineer shall insure that all irrigation systems shall not have a negative impact on soil stability. The plan shall be reviewed and approved by the Public Works Department.
5. Additional requirements may apply depending upon proposed use of Parcel One.

E. PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY FOR PARCEL ONE, the owner shall submit the following evidence of completion to the City:

1. Install new 4” sewer lateral connection off Old Mission per Solvang Standard Drawings 606 and 607.
2. Install new 1” water service and ¾” or larger meter off Old Mission per Solvang Standard Drawings 510 and 520.
3. Provide Private Drainage Facilities Maintenance Agreement. Agreement must be recorded against Parcel One before a Certificate of Occupancy will be granted. The Agreement must be submitted for review and approval by the City prior to being recorded with the County of Santa Barbara. As part of the Post Construction Requirements of the City’s National Pollutant Discharge Elimination System (NPDES) Permit the City must ensure, and provide documentation to the Regional Water Quality Control Board (RWQCB), that all private stormwater facilities are operated and maintained in perpetuity.



**PLANNING COMMISSION
STAFF REPORT**

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

TO: PLANNING COMMISSIONERS

FROM: Arleen T. Pelster, AICP
Planning & Economic Development Director

MEETING DATE: October 3, 2016

SUBJECT: Amendment to the Zoning Ordinance, Title 11 of the Municipal Code,
to Provide Regulations for Short Term/Vacation Rentals

I. RECOMMENDATION:

- A. That the Planning Commission review amendments to Title 11, Zoning Regulations; and
- B. If the amendment to the Zoning Ordinance is recommended, the Planning Commission should adopt Planning Commission Resolution 16-05, accept the Exemption to the California Environmental Quality Act, and refer the item to the City Council; or
- C. Provide direction and refer back to Staff for appropriate action.

II. BACKGROUND:

At the March 24, 2014 City Council meeting, the Council discussed a request to allow short term/vacation rentals in residential districts. Following discussion, Council directed staff to schedule a workshop to take public input and discuss the request in detail.

On May 12, 2014, the City Council held a workshop to take public input and discuss the advantages and disadvantages of allowing short term/vacation rentals subject to a new ordinance. At the regular meeting of May 12, 2014, the Council directed staff to further

Ordinance Amendment – Short Term/Vacation Rental Regulations

PC Hearing Date: October 3, 2016

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review other agencies' ordinances and contact several other agencies to discuss the effectiveness and enforcement of their short term/vacation rental ordinances.

On September 8, 2014, the Council determined that short term/vacation rentals should not be allowed in most residential districts. However, Council indicated the area on the south side of Copenhagen extending east from Fifth Street to the area where the Tourist Related Commercial District (TRC) begins would be suitable for short term/vacation rentals with an overlay district and appropriate regulations. These properties were formerly zoned TRC, and the Council indicated that vacation rentals could be a compatible land use due to the close proximity to the TRC, as opposed to properties located in a solely residential neighborhood. The specific properties are:

- 1506 Copenhagen Drive
- 1510 Copenhagen Drive
- 1514 Copenhagen Drive
- 1518 Copenhagen Drive
- 1522 Copenhagen Drive
- 1524 Copenhagen Drive
- 1532 Copenhagen Drive
- 1540 Copenhagen Drive
- 1546 Copenhagen Drive

An Urgency Ordinance was adopted on October 27, 2014. This Ordinance will expire in October of 2016, therefore, a permanent ordinance amendment has been drafted for review by the Planning Commission.

III. DISCUSSION:

Four (4) vacation rentals are in operation on the 1500 block of Copenhagen Drive. These vacation rentals initiated business in May of 2015. One (1) complaint was received regarding noise, which the property owners addressed promptly. To date, no further complaints have been received regarding the operation of the vacation rentals.

Staff provided the Planning Commission with the regulations which were used in the Urgency Ordinance, since the regulations seem to be effective.

Staff is requesting that the Planning Commission review the proposed additions to Title 11, Zoning Regulations, and make a recommendation for adoption to the City Council. The changes are in the interest of the general community welfare and are consistent with good zoning and planning practices. Full text of the proposed amendments is provided in the draft ordinance, which is attached.

IV. ENVIRONMENTAL REVIEW

The proposed amendments to the Zoning Ordinance were determined to be exempt from environmental review pursuant to §15061 of the Guidelines for the Implementation of CEQA.

This section states that CEQA only applies to *“projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA”*. The proposed ordinance amendments are in the interest of the general community welfare and are consistent with good zoning and planning practices. Any potential environmental impacts associated with the proposed impacts are considered insignificant. The amendments are consistent with the General Plan, the requirements of State Planning & Zoning Laws and the Solvang Municipal Code, Title 11.

V. ATTACHMENTS

- a. Draft Ordinance No. 16-__
- b. Draft Planning Commission Resolution 16-05
- c. Notice of CEQA Exemption

ORDINANCE NO. 16-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLVANG
AMENDING TITLE 11 CHAPTER 12 OF THE ZONING ORDINANCE OF
SOLVANG TO PROVIDE REGULATIONS FOR
SHORT-TERM/VACATION RENTALS**

WHEREAS, vacation home rentals expand the number and type of lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and other costs; and

WHEREAS, City staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse at vacation home rentals which require response from police, and other city personnel; and

WHEREAS, the transitory nature of occupants of vacation homes makes continued enforcement against the occupants difficult and can negatively affect residential neighborhoods; and

WHEREAS, the provisions of this ordinance are necessary to prevent the continued burden on city services and impacts posed by vacation home rentals.

NOW THEREFORE, the people of the Chartered City of Solvang do ordain as follows:

SECTION 1.

Section 11-12-30 is hereby added to read as follows:

11-12-30-1: Short Term/Vacation Rental Regulations

11-12-30-2: Definitions

A. As used in this chapter, a “vacation rental” means any structure, as defined in the building code adopted in Title 10 Chapter 1 of this code, which exists, is constructed, or which is maintained or used upon any premises for the purpose of transient lodging. A vacation rental shall not include a “hotel” or “motel” as those terms are defined in Section 11-3-1.

B. As used in this chapter, “transient” shall have the same meaning as set forth in Section 3-2-1 of this code.

11-12-30-3: Application Process

A. Persons wishing to use a structure as a vacation rental shall do all of the following:

1. Complete a vacation rental certificate request form, which form shall be provided by the planning & economic development director or his/her designee.

2. Submit the following information in support of a vacation rental certificate:

a. The name, address and telephone number of the property owner and a contact person/entity that can be reached via telephone twenty-four hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person/entity shall reside or maintain a physical business address within 25 miles of the vacation rental. A post office box or private mail drop address shall not be deemed to comply with the requirement of maintaining a residence or physical business address. An owner of a vacation rental who resides within a twenty-five mile radius of the vacation rental unit may designate himself/herself as the contact person. Any change in the contact person's address or telephone number shall be furnished to City not later than 24 hours after the effective time of the change.

b. A scaled site plan and floor plan including bedroom locations and dimensions, parking locations and dimensions.

c. A copy of a proposed notice setting forth the name, address, and telephone number of the contact person required in subsection (a) that shall be posted inside the vacation rental unit.

d. Proof of written notification to all property owners within 100 feet of any point on the property containing the vacation rental, describing the proposed vacation rental use, including the number of separate vacation rental units, the number of on-site parking spaces and the telephone number of the contact person/entity set forth in subsection (a).

e. Evidence of a valid transient occupancy registration certificate issued by the tax administrator for the vacation rental pursuant to Section 3-2-4.

f. Acknowledgment that the owner and contact person/entity, if any, have read all this chapter, and acknowledgement of their responsibility to assist in enforcement for payment of transient occupancy taxes.

g. A proposed limitation for the number of overnight and daytime guests.

h. Such other information as the Planning Director or designee deems reasonably necessary to administer this chapter.

11-12-30-4: Vacation Rental Standards

- A. Each vacation rental shall have a minimum of two parking spaces available on-site at all times.
- B. Each vacation rental shall provide for garbage removal as required by the Solvang Municipal Code.

11-12-30-5: On-going Requirements for Vacation Rental Operation

- A. The operator of the vacation rental shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity that can be reached via telephone twenty-four hours a day, seven days a week, to respond to and resolve complaints regarding the use of the vacation rental. The contact person shall respond, either in person as set forth in subsection (B), or by return telephone call, within 3 hours of a complaint, and the contact person shall provide the complaining party a proposed resolution to the complaint.
- B. The operator or contact person/entity shall use best efforts to ensure that the occupants and/or guests of the vacation rental do not create unlawful noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct, by notifying the occupants of the rules regarding vacation rentals and responding in person when notified that occupants are violating laws regarding their occupancy. Notwithstanding the retention of a separate contact person/entity, the owner of the vacation rental is responsible for compliance with the provisions of this chapter and the failure of an agent, representative, or contact person to comply with this chapter shall be deemed noncompliance by the owner.
- C. The operator of the vacation rental shall annually, not later than December 31 of each year, notify in writing all property owners within 100 feet of any point on the property containing the vacation rental, that the property will continue to be used as a vacation rental, or if the vacation rental has been returned to use as a private residence.
- D. The operator of the vacation rental shall annually, not later than December 31 of each year, provide in writing to all property owners within 100 feet of any point on the property containing the vacation rental the name, address and telephone number of the contact person required in subsection (A).
- E. A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required in subsection (A). The notice shall also set forth the maximum number of occupants permitted to stay overnight in the unit, the maximum number of vehicles allowed to be parked on-site, and the day(s) established for garbage collection. The notice shall also provide the non-emergency telephone number of the Solvang Sheriff's Department.

F. Any advertising of the vacation rental shall include the vacation rental permit number provided by the City. No signs may be posted at the vacation rental.

G. The number of overnight and daytime guests shall be in accordance with the approved numbers on the vacation rental certificate. In general, the number of overnight guests should be limited to two (2) adults per bedroom and two (2) adults occupying another space in the unit. Daytime guests shall not exceed twice the amount of overnight guests.

H. Special events (i.e., weddings and celebrations) shall be limited to three (3) per calendar year, and are subject to written approval and conditions established by the Planning Director or his/her designee.

11-12-30-6: Permissible Locations

A. This ordinance does not amend the Solvang Municipal Code to allow vacation rentals in any residential zone except as indicated in subsection (B) below. This ordinance is intended to and does apply to the Tourist Related Commercial (TRC) Zone.

B. Vacation rentals shall be allowed on the south side of Copenhagen Drive east of Fifth Street. The properties on which vacation rentals shall be permitted are addressed as follows:

1506 Copenhagen Drive
1510 Copenhagen Drive
1514 Copenhagen Drive
1518 Copenhagen Drive
1522 Copenhagen Drive
1524 Copenhagen Drive
1532 Copenhagen Drive
1540 Copenhagen Drive
1546 Copenhagen Drive

11-12-30-7: Violations and Enforcement

A. It shall be unlawful and a misdemeanor for any person to construct for vacation rental use, to convert to vacation rental use, to offer to another for vacation rental use, or to occupy as a vacation rental use any portion of any structure or facility without full compliance with this chapter.

B. In addition to, or in lieu of criminal sanctions set forth in subsection (A), administrative penalties, including a notice of violation, shall be imposed, and permits shall be revoked, in the manner provided in this sub-section (B).

1. The Planning Director or designee shall conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this chapter. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the Planning Director or designee shall issue written notice of the violation and intention to impose a penalty and/or revoke the permit. The written notice shall be served on the owner and operator or agent and shall specify the facts which, in the opinion of the community development director, constitute substantial evidence to establish grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or that the permit will be revoked within 15 days from the date the notice is given unless the owner and/or operator files with the city clerk the fine amount and a request for a hearing before the city manager. The penalties for violations specified in subsection (B) of this section shall be as follows:

a. For the first violation within any 12-month period, the penalty shall be a fine not to exceed \$1,000.00, and/or suspension of the permit for a period not to exceed three months.

b. For a second violation within any 12-month period, the penalty shall be a fine not to exceed \$3,000.00, and/or suspension of the permit for a period not to exceed six months.

c. For a third violation within any 12-month period, the penalty shall be a fine not to exceed \$5,000.00, and/or suspension of the permit for a period not to exceed one year.

2. If the owner requests a hearing within the time specified in subsection (1) of this section, the city clerk shall serve written notice on the owner and operator, by mail, of the date, time and place for the hearing which shall be scheduled not less than 15 days, nor more than 45 days of receipt of request for a hearing. The city manager may preside over the hearing or may designate a hearing officer to take evidence and submit proposed findings and recommendations to the city manager. The city manager shall impose the penalties or revoke the permit only upon a finding that a violation has been proven by a preponderance of the evidence, and that the penalty or revocation is consistent with the provisions of this chapter. The city manager shall render a decision within 30 days of the hearing and the decision shall be final.

C. The City Manager or designee shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this chapter.

SECTION 2.

Section 11-6B-2.I is hereby added to read as follows:

I. Vacation Rentals, subject to the regulations and locations specified in Section 11-12-25 of this title.

SECTION 3.

This ordinance shall become effective immediately following passage and adoption hereof.

SECTION 4.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, section 15061 (b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 5. Publication

Solvang is a Charter City and has adopted its own rules for summarizing and posting ordinances once they are adopted. The City Attorney will prepare a summary of this ordinance. The summary will be posted in three locations after adoption as directed in the Solvang Municipal Code. The City Clerk shall keep a true and correct copy of the full ordinance together with a record of the vote of each council member.

PASSED, APPROVED, AND ADOPTED as an Ordinance by the City Council of the City of Solvang on this 14th day of November, 2016:

BY: _____
Jim Richardson, Mayor

ATTEST:

Lisa S. Martin, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF SOLVANG)

I, Lisa S. Martin, City Clerk of the City of Solvang, do hereby certify that the foregoing Ordinance had its first reading on October 24, 2016 and was adopted on second reading on November 14, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

BY: _____
Lisa S. Martin, City Clerk

PC RESOLUTION NO. 16-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOLVANG, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 11, ZONING REGULATIONS, TO PROVIDE REGULATIONS FOR SHORT TERM/VACATION RENTALS; 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 reviewed the proposed amendments to the aforementioned Section of the City's Municipal Code, Title 11, and,

WHEREAS, the Planning Commission has held a duly noticed Public Hearing on the proposed amendments to the Municipal Code, Title 11, on October 3, 2016, 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:

DATE: October 3, 2016

APPROVED:

Robert Clarke
Planning Commission Chair

APPROVED AS TO CONTENT:

Arleen T. Pelster, AICP
Planning & Economic Development Director



NOTICE OF EXEMPTION

To: County Clerk
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Project Title: Amendments to the Zoning Ordinance, Title 11 of the Solvang Municipal Code

Project Description: Review of proposed Ordinance Amendments to Title 11, Zoning Ordinance, to Provide Regulations for Short Term/Vacation Rentals.

Specific Location: 1506 – 1546 Copenhagen Drive

Name of Public Agency Approving Project: City of Solvang

Name of Person or Agency Carrying Out Project: Arleen T. Pelster, Planning & Economic Development Dir.

Exempt Status: *(check one)*

- Ministerial [Sec. 21080(b)(1); 15268];
- Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
- Categorical Exemption. State type and section number:
- Statutory Exemptions. State code number:
- No Possibility of Significant Effect [Sec. 15061(b)(3)]

Cite specific CEQA Guideline Section: **§15061.** This section states that CEQA only applies to “projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA”.

Reasons why project is exempt:

The environmental impacts of the proposed amendments to Title 11 are insignificant. The proposed amendments are in the interest of the general community welfare and are consistent with the General Plan, the requirements of State Planning & Zoning Laws and the Solvang Zoning Regulations. The proposed amendments to Title 11 are consistent with good zoning and planning practices.

Lead Agency Contact/Phone: Arleen T. Pelster / 805.688.4414

Signature: _____ Date: _____ Title: Planning Director