



Last Resolution No. 16-1000
Last Ordinance No. 16-0321

REGULAR MEETING OF THE SOLVANG CITY COUNCIL

COUNCIL CHAMBERS
1644 OAK STREET

November 14, 2016
6:30 p.m.

Please be advised that, pursuant to State Law, any member of the public may address the Council concerning any item on the Agenda. Please be aware that Items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the Council.

If you wish to speak on Items 3, 4, 5, or 6 please do so during Public Communications.

Regular City Council meetings are broadcast live on **Channel 23** in the Santa Ynez Valley, and stream live on the City's website at **www.cityofsolvang.com/City Council**

Mayor Richardson to introduce and relinquish the meeting to Linda Johansen, serving as "Mayor for a Day"

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Mayor Richardson will return to the dais and assume control of the meeting.

PRESENTATIONS

Mayor Richardson will be presenting proclamations honoring Law Enforcement personnel to the County of Santa Barbara Sheriff's Department and the California Highway Patrol.

CITY MANAGERS REPORT

1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL

At this time, please direct comments to the City Council regarding Consent Calendar Items or matters NOT on the agenda but within the jurisdiction of the Council. (Speakers are limited to five (5) minutes).

2. COUNCIL COMMENTS AND REQUESTS

Comments and requests from City Council Members. No action will be taken at this meeting.

3. CORRESPONDENCE RECEIVED BY CITY COUNCIL

4. APPROVAL OF AGENDA AS PRESENTED

5. CITY COUNCIL MINUTES OF OCTOBER 24, 2016

Approval of Draft Minutes.

6. CONSENT AGENDA

- a. Approval of Warrant Register
- b. Award Professional Services Agreement – Engineering Services for Mission Drive Intersection and Crosswalk Improvement Project
 1. Approve a Professional Services Agreement with LaChaine & Associates in the amount of \$48,000, and authorize execution of the Agreement by the Mayor; and
 2. Authorize the City Manager to execute contract amendments if within the contingency amount of \$8,000.
- c. Authorize the Mayor to execute the Agreement for Land Development Improvements for The Merkantile/Valley Plaza redevelopment project
- d. Adopt on Second Reading, by title only, an Amendment to Title 10, Chapter 1, Building Code Regulations, to add Regulations for Residential Short Term/Vacation Rentals
 1. Review proposed amendments to Title 10 of the Municipal Code, to amend Building Code Regulations for Short Term/Vacation Rentals; and
 2. Adopt on second reading, by title only, amendments to Title 11; and
 3. Accept the Exemption to the California Environmental Quality Act pursuant to CEQA Section 15061; or
 4. Provide alternate direction to staff.

REGULAR AGENDA

7. FIRST READING OF PROPOSED AMENDMENT TO BUILDING CODE REGULATIONS, TITLES 10 AND 11 OF THE MUNICIPAL CODE, TO ADOPT AND AMEND THE LATEST EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE AND ESTABLISH SPECIAL PERMIT PROCESSING FOR RESIDENTIAL ROOFTOP SOLAR SYSTEMS AND ELECTRIC VEHICLE CHARGING STATIONS

- a. Introduce for first reading by, title only, Ordinance No. 16-_____, an Ordinance of the City Council of the City of Solvang amending Titles 10 and 11 of the Solvang Municipal Code to adopt and amend the latest editions of the Constituent Codes of the California Building Standards Code and adopt findings of facts to support the imposition of requirements other than the requirements established by or pursuant to the California Building Standards Code, and establish special permit processing for small residential rooftop solar energy systems and electric vehicle charging stations;
- b. Adopt Resolution 16-___, Stating Exceptions to the Santa Barbara County Fire Code Pursuant to Health and Safety Code §13869 Et Seq.; and
- c. Accept the Exemption to the California Environmental Quality Act pursuant to CEQA Section 15061.

8. INTRODUCTION FOR FIRST READING, BY TITLE ONLY, AN AMENDMENT TO TITLE 9, CHAPTER 2 REVISING THE SEWER CODE TO ADD RESIDENTIAL WATER SOFTENER RESTRICTIONS

- A. Introduce for first reading by title only, Ordinance No. 16-_____, an Ordinance of the City of Solvang revising the Sewer Code; and
- B. Approve Budget Adjustment in the amount of \$20,000 for completion of conceptual City-Wide Wellhead Water Softening Study

9. CITY SIDEWALK MASTER PLAN 2016 UPDATE – FINAL DRAFT

Review and approve the Sidewalk Master Plan 2016 Update with any modifications as directed by City Council.

10. FISCAL YEAR 2015-16 FINANCIAL REVIEW

Receive and file the Fiscal Year 2015-16 ending fund balances.

11. COUNCIL MEMBER REPORTS (Oral reports: Each Council Member will give oral reports on their activities in relation to the following committee or agencies. In addition, each member may report on items that will be included on the agenda for such committee or agency and seek guidance from the Council as a whole on such items, including on what position to take on behalf of the City)

- Santa Barbara County Association of Governments
- Air Pollution Control Board
- Joint Wastewater Committee
- Finance Committee
- Chumash Tribe
- Indian Gaming Benefit Committee
- California Joint Powers Insurance Authority

12. ADVANCE CALENDAR

Informational Calendar – No Action.

13. CLOSED SESSION

Government Code Subdivision (a) of Section 54956.9 Existing Litigation – Amendment to Permit 15878 in front of the State Water Resources Control Board

14. ADJOURNMENT

Copies of staff reports and supporting documentation pertaining to each item on this agenda are available for public viewing and inspection at City Hall, 1644 Oak Street, Solvang, during regular business hours and on the City's website www.cityofsolvang.com, in addition, any writings relating to an open session agenda item provided to a majority of the Council that is distributed within 72 hours of the meeting, after the posting of the agenda, will be identified and available separately at City Hall and may be posted to the website.

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this 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.

Lisa Martin

From: Brad Vidro
Sent: Wednesday, November 09, 2016 10:22 AM
To: Lisa Martin
Subject: FW: Smoking Ban Expansion for Santa Barbara

Here is a City Council correspondence item

From: Hank Homburg [<mailto:hhomburg.hh@gmail.com>]
Sent: Tuesday, November 08, 2016 10:22 AM
To: Brad Vidro; Jim Richardson; Hans Duus; Ed Skytt; Joan Jamieson; tracy@solvangchamber.com; Neill Zimmerman
Subject: Smoking Ban Expansion for Santa Barbara

The following is a comprehensive update on the outdoor smoking ban that the City of Santa Barbara is considering expanding.

I would like to propose a similar ordinance for the City of Solvang, in particular, the ban of smoking within 100' of any restaurant or bar patio area.

The City of Solvang, in my view, needs to update their outdoor smoking ordinances... ESPECIALLY if

Propositon 64, the marijuana legalization initiative passes....

Does the City of Solvang have an Ordinance Committee currently in place? If so, could I please have a list of dates they will be meeting(?).

Thank You,

Hank Homburg
526 Aebeltoft Way
Solvang, CA 93463
805.714.0106

The City of Santa Barbara is updating its smoking laws to expand smoke-free, outdoor public areas. The public is invited to attend a public hearing and discussion on Tuesday, November 22 from noon to 2 p.m. at City Hall, Council Chambers at 735 Anacapa Street. At the meeting, the Council Ordinance Committee will receive input from the public and make recommendations to ban outdoor smoking. The following areas are being considered for a possible ban on smoking:

- *Beaches*
- *Parks and Sports Fields*
- *Stearns Wharf*
- *Harbor*
- *Outdoor Restaurant Patio Areas*
- *Outdoor Bar Patio Areas*
- *Commercial Sidewalks and Paseos*
- *Parking Lots and Structures*
- *Entryways to Public Buildings*
- *Community Centers, Libraries, and Recreational Facilities*
- *Public Events, Farmers Markets, Concerts, and Parades*
- *Outdoor Worksites*

The smoking ban will apply not only to tobacco but also to vaping devices, medical marijuana, and non-medical marijuana if Proposition 64 passes.



MINUTES OF THE REGULAR MEETING OF THE
SOLVANG CITY COUNCIL

Council Chambers
1644 Oak Street
Solvang, CA 93463

October 24, 2016
Monday
6:30 pm

CALL TO ORDER: Mayor Richardson called the meeting to order at 6:30 p.m.

ROLL CALL:

PRESENT: Mayor Richardson, Council Members Duus, Jamieson, Skytt, and Zimmerman

STAFF: Brad Vidro, City Manager; Roy Hanley, City Attorney; Arleen T. Pelster,
Planning & Economic Development Director; Lt. Shawn O'Grady; and
Lisa S. Martin, City Clerk

PLEDGE OF ALLEGIANCE: Led by Council Member Duus

CITY MANAGERS REPORT: Informational report only

1. **PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL**

Fred Kovol, Solvang Resident

- Attended the water workshop and ID#1 Board meetings. Property tax bills now have a parcel tax from ID#1. Provided water rate tables to the Council.
- Discussed ID#1 and CCWA projected costs for Solvang.
- Provided information on meter rates.

2. **COUNCIL REQUESTS**

None.

3. **CORRESPONDENCE RECEIVED BY COUNCIL**

No discussion – informational only.

4. **APPROVAL OF AGENDA AS PRESENTED**

Item 6b should be continued at the request of staff.

5. **CITY COUNCIL MINUTES OF OCTOBER 10, 2016**

*Motion made by Council Member Duus to approve the minutes with the correction of Item 8 to reflect a vote of 3-0-1-1, seconded by Council Member Skytt, and **carried** with a verbal response of 5 ayes.*

6. CONSENT AGENDA

- a. Receive and File Sheriff's Department Report for September 2016
- b. Authorize the Mayor to execute the Agreement for Land Development Improvements for the Merkantile (Valley Plaza) Redevelopment project
- c. Marijuana Urgency Ordinance Time Extension
 1. Adopt Resolution No. 16-___, extending the previously adopted Urgency Ordinance 16-319 until September 12, 2017

Mayor Richardson pulled Item 6c.

Mayor Richardson opened Item 6c to public comment at 6:47 p.m.

John De Friel

- The urgency ordinance seems to prohibit both medical and recreational marijuana mobile deliveries. Would ask that an exemption for medical cannabis deliveries be added.

The item was closed to public comment at 6:51 p.m.

City Attorney Hanley discussed that what is on the agenda tonight is a prohibition relating to adult use of marijuana only, and relates to the ballot measure.

Council Member Jamieson asked for clarification that the City of Solvang does allow for medical use and delivery of medical marijuana. City Attorney Hanley answered affirmatively.

Council Member Zimmerman noted that the Resolution does state "whether medical or adult use" in paragraph 6. City Attorney Hanley didn't see any problem with adding a "Whereas" in the Resolution to add clarification referring to the medical marijuana ordinance.

*Motion to approve consent agenda items 6a and c and to table item 6b made by Council Member Skytt, seconded by Council Member Duus, and **carried** with a roll call vote of 5 ayes.*

REGULAR AGENDA

7. PARKING IN-LIEU FEE PROMISSORY NOTE, 478 FOURTH PLACE

Staff report by City Manager Vidro.

Council Member Duus asked what our fund total is currently. Staff indicated that the fund contains \$407,894.

Council Member Jamieson asked if there had been any response from Solvang School regarding public parking in their lot. City Manager Vidro responded that a letter was sent but a response has not been received.

Council Member Zimmerman inquired as to the terms of the previous loans. City Manager Vidro indicated that we have approved 10 and 20 year terms. Additionally, we have a clause in the agreement that if the property sells we get the loan paid off during escrow.

Council Member Zimmerman would like the term to be shorter than the 20 years requested, would support a 10 year term.

Mayor Richardson opened the item to public comment at 7:05 p.m.

Demetrios Loizides, Applicant, Owner of K'Syrah

- Is asking for a term of 20 years with 0% interest due to the high costs of running a restaurant, Obamacare, etc. With all the taxation and regulations his profit margin is down to 7%.

The item was closed to public comment at 7:09 p.m.

Council Member Duus asked how the parking in-lieu funds are invested. Staff responded that it earns a quarter percent.

Motion made by Council Member Zimmerman to approve the agreement and promissory note with a term of 10 years. Motion dies for lack of a second.

Motion made by Council Member Duus to execute the Promissory Note with the terms as recommended in the staff report, seconded by Council Member Skytt, and carried with a roll call vote of 4-1 with Council Member Zimmerman voting No.

8. STATUS UPDATE FOR ECONOMIC DEVELOPMENT STRATEGIC PLAN

Staff report by Arleen Pelster, Planning & Economic Development Director.

Mayor Richardson opened the item to public comment at 7:15 p.m.

Susan Williams, Business Owner (Wandering Dog Wine Bar)

- Requested that the City add street lighting along the blocks at Mission and Fourth Place as there have been many near misses.

The item was closed to public comment at 7:13 p.m.

Motion made by Council Member Jamieson to accept the list of project and adopt Resolution 16-___, seconded by Council Member Skytt, and carried with a roll call vote of 5-0.

9. FIRST READING OF PROPOSED AMENDMENT TO THE ZONING ORDINANCE, TITLE 11 OF THE MUNICIPAL CODE, TO PROVIDE REGULATIONS FOR SHORT TERM/VACATION RENTALS

Staff report by Arleen Pelster, Planning & Economic Development Director.

Mayor Richardson asked for clarification of the map on page 2 of the staff report. There are nine properties included in the overlay, but only 4 rentals?

Planning Director Pelster answered affirmatively and indicated that several properties on Copenhagen are eligible but are not developed.

Council Member Skytt questioned if vacation rentals were allowed in the TRC zone district.

Planning Director Pelster responded that they are.

Council Member Jamieson asked what length of time constitutes a short term rental. Staff answered 30 days or less.

Mayor Richardson opened the item to public comment at 7:23 p.m. and, seeing none, closed the item.

*Motion made by Council Member Jamieson to approve the staff recommendation, seconded by Council Member Duus, and **carried** with a roll call vote of 5-0.*

Council Member Jamieson noted that she would like to look at Bed & Breakfast situations on a future agenda.

10. SECOND READING OF ORDINANCE AMENDING CONTRACT BETWEEN THE CITY OF SOLVANG AND THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM BOARD OF ADMINISTRATION

Staff report by City Manager, Brad Vidro.

Mayor Richardson opened the item to public comment at 7:23 p.m.

Fred Kovol, Solvang Resident

- This is a step in the right direction.

The item was closed to public comment at 7:25 p.m.

*Motion made by Council Member Duus to adopt Ordinance 16-___, seconded by Council Member Jamieson, and **carried** with a roll call vote of 5-0.*

11. FUNDING RECOMMENDATION FOR AWARD OF BID FOR SOLVANG FIRE STATION ADDITION

Staff report by City Manager, Brad Vidro.

Council Member Zimmerman inquired as to what will happen to the funding of the Alamo Pintado Bike/Pedestrian Bridge if we use this grant money for the addition to the fire station.

City Manager Vidro responded that when Caltrans moves forward with that project, we could still contribute \$150,000.

Council Member Zimmerman asked how much staff time would be utilized for the demolition of the parking area walls and asphalt. Staff estimated about 3-4 persons working for approximately 3 days.

Mayor Richardson opened the item to public comment at 7:32 p.m. and, seeing none, closed the item.

*Motion made by Council Member Skytt to approve the staff recommendation, seconded by Council Member Jamieson, and **carried** with a roll call vote of 5-0.*

12. COUNCIL MEMBER REPORTS (Oral reports: Each Council Member will give oral reports on their activities in relation to the following committee or agencies. In addition, each member may report on items that will be included on the agenda for such committee or agency and seek guidance from the Council as a whole on such items, including on what position to take on behalf of the City)

- Santa Barbara County Association of Governments
Mayor Richardson announced the appointment of the new Executive Director, Marjorie Kern.
- Air Pollution Control Board
Mayor Richardson discussed the Annual Air Quality Report. Santa Barbara County still has a problem with the pollution from ships passing through the channel, although slowing the ships down has helped. Additionally, there are three Clean Air Express buses for sale.
- Finance Committee
- Joint Wastewater Committee
- Chumash Tribe
- Water Committee
- Indian Gaming Benefit Committee
- California Joint Powers Insurance Authority

13. ADVANCE CALENDAR

Information only, no action.

14. ADJOURNMENT Mayor Richardson adjourned the City Council meeting at 7:36 p.m.



City of Solvang

City of Solvang Warrant Register

By Check Number

Date Range: 10/01/2016 - 10/31/2016

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description	Payable Amount	
Bank Code: APBNK-AP Bank Code					
11252	All Around Landscape Supply		10/03/2016 EFT	0.00	1.64 1464
S1905467.002	Invoice	09/03/2016	Repairs and Maintenance	0.00	1.64
11257	Aramark Uniform Service		10/03/2016 EFT	0.00	306.80 1465
00531783796	Invoice	08/22/2016	Mats and towels	0.00	306.80
10009	California Code Check, Inc.		10/03/2016 EFT	0.00	1,242.50 1466
osSLV16-19	Invoice	09/22/2016	On-Site Building Inspector 9/2/16 - 9/15/16	0.00	1,242.50
10853	California JPIA		10/03/2016 EFT	0.00	17,532.00 1467
PROP01552	Invoice	09/07/2016	Property Insurance 7/1/16 - 7/1/2017	0.00	17,532.00
	Void		10/03/2016 EFT	0.00	0.00 1468
10001	Dale Pena		10/03/2016 EFT	0.00	330.00 1469
629	Invoice	09/26/2016	Video Services for September 2016	0.00	330.00
10549	Level 3 Communications		10/03/2016 EFT	0.00	864.93 1470
46869186	Invoice	09/17/2016	T-1 line	0.00	864.93
10790	Polydyne, Inc		10/03/2016 EFT	0.00	2,293.92 1471
1077499	Invoice	09/16/2016	Annal PO for Polydyne	0.00	1,146.96
1079201	Invoice	09/22/2016	Annal PO for Polydyne	0.00	1,146.96
10723	Procure Janitorial Supply, Inc		10/03/2016 EFT	0.00	800.89 1472
103995	Invoice	09/21/2016	Waste Water	0.00	48.12
103996	Invoice	09/21/2016	Restroom 1	0.00	461.30
103997	Invoice	09/21/2016	Restroom 1	0.00	85.58
103998	Invoice	09/21/2016	Veterans Hall	0.00	205.89
11320	Rafael Ruiz Janitor Service		10/03/2016 EFT	0.00	2,640.00 1473
0805	Invoice	09/27/2016	custodial	0.00	2,640.00
10142	SP Maintenance Services, Inc		10/03/2016 EFT	0.00	3,300.00 1474
58477	Invoice	08/31/2016	Street Sweeping	0.00	3,000.00
58876	Invoice	09/21/2016	Street Sweeping for Danish Days Parade	0.00	300.00
11150	Sprint Communications Company		10/03/2016 EFT	0.00	36.58 1475
6674 9/16	Invoice	09/20/2016	Acc# 921051930	0.00	36.58
10902	Staples Advantage		10/03/2016 EFT	0.00	261.29 1476
8041046062	Invoice	09/17/2016	Supplies	0.00	261.29
10337	Visit the Santa Ynez Valley		10/03/2016 EFT	0.00	254.80 1477
6/30 Final	Invoice	06/30/2016	FY 15/16 reconciliation	0.00	254.80
11252	All Around Landscape Supply		10/10/2016 EFT	0.00	97.58 1478
S1910613.001	Invoice	09/27/2016	Repairs & Maintnenace	0.00	97.58
10009	California Code Check, Inc.		10/10/2016 EFT	0.00	5,403.75 1479
SLVG16-19	Invoice	09/19/2016	Code fees	0.00	5,403.75
10224	Christophe Millner		10/10/2016 EFT	0.00	268.80 1480
INV0003820	Invoice	09/21/2016	Kung Fu Instructor	0.00	268.80
11147	Muniservices Company		10/10/2016 EFT	0.00	356.25 1481
43020	Invoice	09/16/2016	SUTA Services	0.00	356.25
10034	ReadyRefresh by Nestle		10/10/2016 EFT	0.00	117.17 1482

City of Solvang Warrant Register

Date Range: 10/01/2016 - 10/31/2016

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
1610018038034	Invoice	09/26/2016	WWTP drinking water	0.00	117.17
10975	O'Reilly Automotive Stores, Inc. dba O'Reilly Auto	10/10/2016	EFT	0.00	42.28 1483
4372-286692	Invoice	08/31/2016	Small Equipment	0.00	15.11
4372-288645	Invoice	09/12/2016	Battery cables	0.00	27.17
10723	Procure Janitorial Supply, Inc	10/10/2016	EFT	0.00	979.91 1484
104056	Invoice	09/21/2016	Restroom 1	0.00	22.96
104057	Invoice	09/21/2016	Restroom 3	0.00	22.96
104255	Invoice	09/29/2016	Streets	0.00	216.11
104275	Invoice	09/30/2016	Restroom 2	0.00	389.99
104276	Invoice	10/29/2016	Restroom 2	0.00	327.89
10281	Satcom Global FZE	10/10/2016	EFT	0.00	42.75 1485
AS10160282	Invoice	10/01/2016	SIM Card	0.00	42.75
10902	Staples Advantage	10/10/2016	EFT	0.00	156.94 1486
8041141562	Invoice	09/24/2016	Supplies	0.00	156.94
11182	Underground Service Alert of Southern California	10/10/2016	EFT	0.00	28.50 1487
920160678	Invoice	10/01/2016	19 New Tickets	0.00	28.50
10028	Hanley & Fleishman, LLP	10/07/2016	EFT	0.00	7,029.00 1488
2751	Invoice	10/03/2016	Legal Services	0.00	7,029.00
10076	Cannon Associates	10/10/2016	EFT	0.00	2,323.46 1489
61994	Invoice	08/31/2016	Reservoir 2 Repairs & Recoating - Engrg Work	0.00	2,323.46
10797	Engel & Gray	10/10/2016	EFT	0.00	1,529.46 1490
16962	Invoice	09/07/2016	Annual po for sludge disposal	0.00	511.39
16975	Invoice	09/08/2016	Annual po for sludge disposal	0.00	496.46
17001	Invoice	09/13/2016	Annual po for sludge disposal	0.00	521.61
10885	Moore & Associates, Inc.	10/10/2016	EFT	0.00	5,393.48 1491
16:3714	Invoice	09/27/2016	SYVT Marketing	0.00	3,289.20
16:3715	Invoice	09/27/2016	SYVT Professional Mgmt Services	0.00	2,104.28
10142	SP Maintenance Services, Inc	10/10/2016	EFT	0.00	3,000.00 1492
58907	Invoice	09/30/2016	Street Sweeping	0.00	3,000.00
10686	ZWorld GIS	10/10/2016	EFT	0.00	832.65 1493
2016-0188	Invoice	10/03/2016	GIS Maint. & Updates	0.00	832.65
10613	Advantage Group, The	10/17/2016	EFT	0.00	170.00 1494
94251	Invoice	09/30/2016	Flex Administration & Processing fees Sept 2...	0.00	170.00
10875	Alliant Insurance	10/17/2016	EFT	0.00	2,831.00 1495
7/1-9/30	Invoice	10/11/2016	Special Events July 1, 2016 - Sept. 30, 2016	0.00	2,831.00
11281	Battery Systems	10/17/2016	EFT	0.00	40.20 1496
3708354	Invoice	10/04/2016	Batteries	0.00	40.20
10009	California Code Check, Inc.	10/17/2016	EFT	0.00	5,057.50 1497
osSLV16-20	Invoice	10/06/2016	Building Inspector 9/16/16 - 9/29/16	0.00	1,697.50
SLVG16-20	Invoice	10/04/2016	Code Check fees	0.00	3,360.00
10057	FGL Environmental, Inc.	10/17/2016	EFT	0.00	120.00 1498
610165A	Invoice	09/08/2016	Bacti Analysis	0.00	40.00
610446A	Invoice	09/19/2016	Bacti Analysis	0.00	40.00
610815A	Invoice	09/23/2016	Bacti Analysis	0.00	40.00
90022	Frank Pacheco	10/17/2016	EFT	0.00	77.55 1499
INV0003836	Invoice	10/11/2016	Reimbursements for uniform	0.00	77.55
10224	Christophe Millner	10/17/2016	EFT	0.00	113.40 1500

City of Solvang Warrant Register

Date Range: 10/01/2016 - 10/31/2016

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
10/7/16	Invoice	10/07/2016	Kung Fu Instructor	0.00	113.40
10885	Moore & Associates, Inc.	10/17/2016	EFT	0.00	1,710.00 1501
16:3716	Invoice	09/27/2016	Painting and Recarpeting SYVT office	0.00	1,710.00
10723	Procure Janitorial Supply, Inc	10/17/2016	EFT	0.00	1,840.53 1502
104378	Invoice	10/05/2016	Vets Hall	0.00	43.16
104423	Invoice	10/07/2016	Restroom 2	0.00	185.35
104437	Invoice	10/07/2016	Waste Water	0.00	83.46
104453	Invoice	10/07/2016	Annex	0.00	156.54
104454	Invoice	10/07/2016	Vets Hall	0.00	119.58
104455	Invoice	10/07/2016	Restroom 1	0.00	414.18
104456	Invoice	10/07/2016	Restroom 1	0.00	256.04
104457	Invoice	10/07/2016	Restroom 3	0.00	402.13
104458	Invoice	10/07/2016	Streets	0.00	180.09
11320	Rafael Ruiz Janitor Service	10/17/2016	EFT	0.00	2,400.00 1503
0810	Invoice	10/11/2016	custodial	0.00	2,400.00
10902	Staples Advantage	10/17/2016	EFT	0.00	185.39 1504
8041265028	Invoice	10/01/2016	Supplies	0.00	185.39
10005	Valley PC Repair	10/17/2016	EFT	0.00	5,800.00 1505
9048	Invoice	10/09/2016	IT Support	0.00	5,800.00
11257	Aramark Uniform Service	10/24/2016	EFT	0.00	306.80 1506
000531852786	Invoice	09/19/2016	Mats and towels	0.00	306.80
10076	Cannon Associates	10/24/2016	EFT	0.00	12,082.05 1507
62159	Invoice	09/30/2016	Reservoir 2 Repairs & Recoating - Engrg Work	0.00	12,082.05
11008	Carrs Boots & Western Wear	10/24/2016	EFT	0.00	130.00 1508
092059	Invoice	09/03/2016	Keith Cote Boots	0.00	130.00
10166	Clinical Lab of San Bernardino	10/24/2016	EFT	0.00	1,140.00 1509
952653	Invoice	10/13/2016	Annual PO for lab fees	0.00	1,140.00
10611	Farm Supply Co	10/24/2016	EFT	0.00	83.11 1510
20976	Invoice	10/11/2016	Mike Garley uniform	0.00	83.11
11068	MNS Engineers, Inc.	10/24/2016	EFT	0.00	8,075.77 1511
67593	Invoice	10/10/2016	MNS Professional Services - SWMP	0.00	6,138.27
67594	Invoice	10/10/2016	SWMP Annual Report - MNS	0.00	1,937.50
10723	Procure Janitorial Supply, Inc	10/24/2016	EFT	0.00	764.06 1512
104530	Invoice	10/12/2016	Restroom 2	0.00	210.76
104531	Invoice	10/12/2016	Restroom 2	0.00	455.67
104641	Invoice	10/14/2016	Still well @ Fjord lift station	0.00	97.63
10337	Visit the Santa Ynez Valley	10/24/2016	EFT	0.00	49,948.15 1513
INV0003846	Invoice	10/18/2016	August 2016	0.00	49,948.15
10042	Western Exterminator Company	10/24/2016	EFT	0.00	206.50 1514
4537628	Invoice	10/18/2016	September 2016	0.00	82.25
4537629	Invoice	09/30/2016	September - November 2016	0.00	124.25
10009	California Code Check, Inc.	10/31/2016	EFT	0.00	1,487.50 1515
osSLV16-21	Invoice	10/20/2016	Building Inspector 9/30/16 - 10/13/16	0.00	1,487.50
11008	Carrs Boots & Western Wear	10/31/2016	EFT	0.00	339.39 1516
190	Invoice	10/12/2016	Ray Cano Boots	0.00	130.00
191	Invoice	10/12/2016	Ray Cano Uniform	0.00	209.39
10576	Dekra-Lite Industries, Inc.	10/31/2016	EFT	0.00	5,590.19 1517
INV040353	Invoice	10/06/2016	Led christmas lights	0.00	5,590.19

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Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description	Payable Amount	
10797	Engel & Gray		10/31/2016 EFT	0.00	2,063.73 1518
17044	Invoice	09/19/2016	Annual po for sludge disposal	0.00	527.59
17069	Invoice	09/21/2016	Annual po for sludge disposal	0.00	512.71
17114	Invoice	09/26/2016	Annual po for sludge disposal	0.00	524.07
17140	Invoice	10/25/2016	Annual po for sludge disposal	0.00	499.36
10549	Level 3 Communications		10/31/2016 EFT	0.00	860.08 1519
47798206	Invoice	10/17/2016	T-1 line	0.00	860.08
10224	Christophe Millner		10/31/2016 EFT	0.00	111.30 1520
10/21/16	Invoice	10/21/2016	Kung Fu Instruction	0.00	111.30
10247	More Office Solutions		10/31/2016 EFT	0.00	581.56 1521
1296645 CM	Credit Memo	08/08/2016	Over payment on invoice # 1296645	0.00	-234.23
1386863	Invoice	10/17/2016	Copiers 7/19/16 to 10/18/16	0.00	815.79
	Void		10/31/2016 EFT	0.00	0.00 1522
11147	Muniservices Company		10/31/2016 EFT	0.00	150.00 1523
43662	Invoice	10/18/2016	2nd Qtr 2016	0.00	150.00
10723	Procure Janitorial Supply, Inc		10/31/2016 EFT	0.00	600.15 1524
104655	Invoice	10/14/2016	Wastewater	0.00	32.17
104697	Invoice	10/19/2016	Restroom 1	0.00	544.02
104773	Invoice	10/21/2016	Wastewater	0.00	2.38
104791	Invoice	10/21/2016	Restroom 2	0.00	21.58
11320	Rafael Ruiz Janitor Service		10/31/2016 EFT	0.00	2,370.00 1525
0813	Invoice	10/24/2016	custodial	0.00	2,370.00
90794	Sandra Featherson		10/31/2016 EFT	0.00	22.06 1526
10/11-10/14/16	Invoice	10/25/2016	Risk Management Forum Per Diem reimburs...	0.00	22.06
10902	Staples Advantage		10/31/2016 EFT	0.00	313.89 1527
8041361070	Invoice	10/08/2016	Supplies	0.00	240.06
8041452840	Invoice	10/15/2016	Supplies	0.00	73.83
10478	Statewide Traffic Safety and Signs, Inc		10/31/2016 EFT	0.00	83.60 1528
03005003	Invoice	10/18/2016	Custom Sign	0.00	83.60
10258	The Valley Gardener		10/31/2016 EFT	0.00	460.00 1529
22122	Invoice	09/25/2016	WWTP Bank Restoration - Long Term Maint...	0.00	460.00
11062	American Society of Civil Engineers dba ASCE		10/03/2016 Regular	0.00	295.00 33617
MV 9/16	Invoice	09/06/2016	Matthew can der Linden renew membership	0.00	295.00
10873	Aqua-Metric Sales Company		10/03/2016 Regular	0.00	345.60 33618
0062266-in	Invoice	09/12/2016	AMR Water Meter System - Phase 1	0.00	345.60
10579	Bengal Engineering, Inc.		10/03/2016 Regular	0.00	1,200.00 33619
2982	Invoice	09/16/2016	Seismic Retrofit - Bengal Construction Phase	0.00	1,200.00
90018	Bridget Eillott		10/03/2016 Regular	0.00	1,065.40 33620
INV0003771	Invoice	09/26/2016	9/11/16 - 9/14/16 CASQA Conference	0.00	1,065.40
10655	Comcast		10/03/2016 Regular	0.00	13.21 33621
9241 9/16	Invoice	09/20/2016	Acc# 8155 70 005 0009241	0.00	13.21
10220	D.J. Dunn Construction		10/03/2016 Regular	0.00	4,159.72 33622
1020	Invoice	09/26/2016	Vets Hall - Completion of Window Replacem...	0.00	4,159.72
11145	Ferguson Enterprises, Inc		10/03/2016 Regular	0.00	103.74 33623
3761107	Invoice	09/20/2016	Brow Wax Tape	0.00	103.74
11365	Frontier Communications		10/03/2016 Regular	0.00	259.37 33624
6997 9/16	Invoice	09/19/2016	Acc# 805-688-6997-072877-5	0.00	259.37

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Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount		
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount		
10928	Grand Performance Music & Sound	10/03/2016	Regular	0.00	142.00	33625	
4979	Invoice	09/16/2016	Mic for City Council	0.00	142.00		
11023	Gromatici Land Surveying, Inc.	10/03/2016	Regular	0.00	1,760.00	33626	
1318	Invoice	09/27/2016	Fjord Extension Record of Survey - Set Mon...	0.00	1,760.00		
10584	Industrial Truck Bodies	10/03/2016	Regular	0.00	3,936.32	33627	
16-11383	Invoice	09/20/2016	Safety Equip for new truck 636	0.00	3,936.32		
11121	Jones & Jones, LLP	10/03/2016	Regular	0.00	685.20	33628	
#9	Invoice	09/07/2016	Fire Department Building Addition	0.00	685.20		
90004	Kathryn Kelly	10/03/2016	Regular	0.00	273.89	33629	
INV0003772	Invoice	09/27/2016	ECS Imaging in Riverside	0.00	273.89		
10895	Lee Central Coast Newspaper	10/03/2016	Regular	0.00	77.04	33630	
89840	Invoice	09/22/2016	Nominees for Public Office	0.00	77.04		
90350	Lisa Martin	10/03/2016	Regular	0.00	251.57	33631	
INV0003773	Invoice	09/27/2016	Technical Training in Riverside	0.00	251.57		
10027	Lompoc Excel Personnel Svs Inc	10/03/2016	Regular	0.00	881.28	33632	
2064115	Invoice	09/15/2016	Heidi Serbus	0.00	881.28		
10697	Menveg Properties LLC	10/03/2016	Regular	0.00	405.00	33633	
10/16	Invoice	10/01/2016	Transit rent for October 2016	0.00	405.00		
10949	Municipal Maintenance Equipment Inc.	10/03/2016	Regular	0.00	119.40	33634	
0113376-IN	Invoice	09/21/2016	Leader Hose	0.00	119.40		
11187	Nu-Tech Pest Management	10/03/2016	Regular	0.00	268.00	33635	
0121811	Invoice	09/01/2016	Ants and Roaches Annex	0.00	78.00		
0121824	Invoice	09/16/2016	Gopher Sunny Fields	0.00	125.00		
0121826	Invoice	09/16/2016	Spiders sunnyfields	0.00	65.00		
11137	Pacific Gas & Electric Company	10/03/2016	Regular	0.00	30,334.24	33636	
7582-5 9/16	Invoice	09/19/2016	Acc# 0408007582-5 8/18/16 - 9/18/16	0.00	30,334.24		
10287	Pedro De la Cruz	10/03/2016	Regular	0.00	300.00	33637	
INV0003774	Invoice	09/27/2016	Teen Dance September 30, 2016	0.00	300.00		
10299	Praxair Distribution, Inc.	10/03/2016	Regular	0.00	72.46	33638	
55621172	Invoice	09/20/2016	Industrial Acetylene & Co2 50 Lbs	0.00	72.46		
10033	S.Y.R.W.C.D. ID #1	10/03/2016	Regular	0.00	1,789.22	33639	
0001 8/16	Invoice	08/24/2016	Acc# 17040001 900 Alamo Pintado	0.00	1,789.22		
10004	Santa Barbara Co Sheriff Dept	10/03/2016	Regular	0.00	130,385.00	33640	
17-073	Invoice	09/20/2016	October 2016 contract services	0.00	130,385.00		
11173	SCVB	10/03/2016	Regular	0.00	180,000.00	33641	
02016-038	Invoice	10/01/2016	Qtr #2 FY 16/17	0.00	180,000.00		
11176	The Gas Company	10/03/2016	Regular	0.00	86.57	33642	
2500 7 9/16	Invoice	09/22/2016	Acc# 194 215 2500 7 8/19/16 - 9/20/16	0.00	86.57		
10298	TotalFunds by Hasler	10/03/2016	Regular	0.00	500.00	33643	
1265 9/16	Invoice	09/15/2016	Postage	0.00	500.00		
10992	Tyler Technologies, Inc	10/03/2016	Regular	0.00	40.00	33644	
025-168487	Invoice	10/01/2016	Utility billing October 2016	0.00	40.00		
10214	USA Blue Book	10/03/2016	Regular	0.00	240.02	33645	
068502	Invoice	09/23/2016	Potassium Iodide	0.00	240.02		
10872	Verizon Wireless Services, LLC	10/03/2016	Regular	0.00	208.65	33646	

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Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
9772267919	Invoice	09/19/2016	Wireless Billing Aug 20 - Sep 19	0.00	208.65
10070	Cal-Coast Irrigation		10/10/2016 Regular	0.00	17.45 33653
770072	Invoice	09/22/2016	Repair Polymer unit at beltpress	0.00	17.45
11225	Clean Machine Laundromat		10/10/2016 Regular	0.00	103.00 33654
039330	Invoice	08/22/2016	8 Lbs Parks dept	0.00	8.00
039355	Invoice	08/29/2016	8 Lbs Parks	0.00	8.00
039356	Invoice	08/29/2016	17 Lbs Maintenance dept	0.00	17.00
039373	Invoice	09/06/2016	9 Lbs Parks	0.00	9.00
039376	Invoice	09/06/2016	9 Lbs Maintenance	0.00	9.00
039394	Invoice	09/12/2016	8 Lbs Parks Dept	0.00	8.00
039395	Invoice	09/12/2016	18 Lbs Parks	0.00	18.00
131861	Invoice	09/19/2016	8 Lbs Parks dept	0.00	8.00
131869	Invoice	09/19/2016	8 Lbs Maintenance	0.00	8.00
131882	Invoice	09/30/2016	10 Lbs Maintenance	0.00	10.00
10655	Comcast		10/10/2016 Regular	0.00	106.05 33655
5898 9/16	Invoice	09/28/2016	Acc# 8155 70 005 0125898	0.00	106.05
10467	DellaValle Embroidery		10/10/2016 Regular	0.00	203.30 33656
1265	Invoice	09/15/2016	WWTP uniforms	0.00	203.30
90005	Hans Duus		10/10/2016 Regular	0.00	35.00 33657
INV0003822	Invoice	09/30/2016	Channel Counties Division Dinner	0.00	35.00
90273	Fred Lageman		10/10/2016 Regular	0.00	115.52 33658
INV0003821	Invoice	10/05/2016	Reimbursement for Halloween & uniform ex...	0.00	115.52
11365	Frontier Communications		10/10/2016 Regular	0.00	159.03 33659
2900 9/16	Invoice	09/28/2016	Acc# 805-688-2900-110481-5	0.00	102.33
7459 9/2016	Invoice	09/25/2016	Acc# 805-688-7459-060995-5	0.00	56.70
10148	Gemplers		10/10/2016 Regular	0.00	122.90 33660
SI02854729	Invoice	09/08/2016	Jeff Morss uniform	0.00	122.90
10081	Harrison Hardware		10/10/2016 Regular	0.00	212.85 33661
356713	Invoice	08/31/2016	Repairs & Maintenance	0.00	94.10
357609	Invoice	09/12/2016	Repairs & Maintenance	0.00	47.50
357846	Invoice	09/15/2016	Repairs & Maintenance	0.00	23.75
358214	Invoice	09/19/2016	Repairs & Maintenance	0.00	47.50
10539	John K. Wheaton		10/10/2016 Regular	0.00	243.60 33662
INV0003823	Invoice	10/05/2016	Dance instructor	0.00	243.60
10027	Lompoc Excel Personnel Svs Inc		10/10/2016 Regular	0.00	1,101.60 33663
2069602	Invoice	09/22/2016	Heidi Serbus	0.00	1,101.60
10120	Newegg Business, Inc.		10/10/2016 Regular	0.00	588.44 33664
1202147687	Invoice	09/27/2016	Lexmark ink	0.00	588.44
11128	Nielsen Building Material		10/10/2016 Regular	0.00	378.88 33665
525703	Invoice	09/15/2016	HCA south well	0.00	104.43
527265	Invoice	09/23/2016	Small Equipment	0.00	237.37
527267	Invoice	09/23/2016	Small Equipment	0.00	15.89
527620	Invoice	09/26/2016	Repairs & Maintenance	0.00	21.19
11133	Nielsen's Market		10/10/2016 Regular	0.00	416.61 33666
9/2016	Invoice	09/30/2016	Supplies	0.00	416.61
11187	Nu-Tech Pest Management		10/10/2016 Regular	0.00	254.00 33667
0121825	Invoice	09/23/2016	Gophers Sunnyfields	0.00	125.00
0122099	Invoice	09/23/2016	Ground Squirrels HCA	0.00	129.00
10004	Santa Barbara Co Sheriff Dept		10/10/2016 Regular	0.00	1,566.66 33668

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Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
17-076	Invoice	09/30/2016	SM count case , Vets Hall	0.00	1,566.66
11167	Santa Ynez Valley Hardware	10/10/2016	Regular	0.00	937.23 33669
9/16	Invoice	09/30/2016	Repairs & Maintenance, Supplies	0.00	937.23
11174	Solvang Bakery Inc.	10/10/2016	Regular	0.00	130.00 33670
60295	Invoice	07/21/2016	Cookie Decorating Class	0.00	130.00
10478	Statewide Traffic Safety and Signs, Inc	10/10/2016	Regular	0.00	94.06 33671
03004827	Invoice	09/27/2016	Supplies	0.00	94.06
51008	Stephen Bryant	10/10/2016	Regular	0.00	106.80 33672
INV0003824	Invoice	10/05/2016	Toilet Rebate	0.00	106.80
11179	Todd Pipe & Supply	10/10/2016	Regular	0.00	66.66 33673
325095	Invoice	09/29/2016	Repairs & Maintenance	0.00	66.66
11078	Fresno Irrigation District	10/06/2016	Regular	0.00	500.00 33674
2016	Invoice	10/06/2016	Tyler Users Group Training for Kristin Rubin	0.00	500.00
10065	Brenntag Pacific, Inc	10/10/2016	Regular	0.00	998.31 33683
BPI665830	Invoice	09/27/2016	Chlorine	0.00	998.31
11181	Hill Brothers Chemical Co.	10/10/2016	Regular	0.00	922.69 33684
1418639	Invoice	09/27/2016	Aqua Ammonia	0.00	922.69
10083	Inner Nature	10/10/2016	Regular	0.00	2,100.00 33685
11101	Invoice	09/30/2016	City planters	0.00	2,100.00
10214	USA Blue Book	10/10/2016	Regular	0.00	708.67 33686
071992	Invoice	09/28/2016	New transducer for SBR #1	0.00	708.67
51850	WALLACE, ROBERT	10/10/2016	Regular	0.00	46.40 33687
INV0003775	Invoice	09/20/2016	WALLACE, ROBERT	0.00	46.40
10497	West Coast Arborists, Inc	10/10/2016	Regular	0.00	1,365.00 33688
118630	Invoice	09/22/2016	Tree removal and pruning	0.00	1,365.00
10873	Aqua-Metric Sales Company	10/17/2016	Regular	0.00	11,826.65 33694
0062471-IN	Invoice	10/03/2016	AMR Water Meter System - Phase 1	0.00	11,826.65
10073	Buellflat Rock Co, Inc	10/17/2016	Regular	0.00	944.24 33695
2016-0770	Invoice	09/30/2016	Fuel	0.00	944.24
10655	Comcast	10/17/2016	Regular	0.00	86.10 33696
8155 10/16	Invoice	10/05/2016	Acc# 8155 70 005 0228155	0.00	86.10
10037	Cushman Contracting Corp.	10/17/2016	Regular	0.00	128,673.97 33697
2	Invoice	09/20/2016	Alisal Bridge Seismic Retrofit Project	0.00	128,673.97
11365	Frontier Communications	10/17/2016	Regular	0.00	314.76 33698
1998 10/16	Invoice	10/01/2016	Acc# 805-686-1998-110309-5	0.00	102.46
5452 10/16	Invoice	10/04/2016	Acc# 805-688-5452-031006-05	0.00	212.30
10286	G.J. Jedlicka's Saddlery Inc.	10/17/2016	Regular	0.00	43.18 33699
167571	Invoice	10/01/2016	Jorge Garcia uniform	0.00	43.18
10148	Gemplers	10/17/2016	Regular	0.00	49.51 33700
SI02921856	Invoice	10/06/2016	Nathan Giacinto uniform	0.00	49.51
10069	Home Depot Credit Services	10/17/2016	Regular	0.00	128.52 33701
2622934	Invoice	09/23/2016	LED Connerical Wall Pack for Bus Shelter	0.00	128.52
10180	Jim's Service Center	10/17/2016	Regular	0.00	939.76 33702
9/2016	Invoice	09/30/2016	Fuel	0.00	939.76
10046	Lunde's Solvang Auto Repair	10/17/2016	Regular	0.00	1,326.19 33703

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006017	Invoice	10/05/2016	Avenger New Tires	0.00	534.05
006110	Invoice	10/04/2016	Truck # 629	0.00	739.58
006113	Invoice	10/04/2016	Truck # 629	0.00	52.56
10595	Monte's Auto Body		10/17/2016 Regular	0.00	3,859.33 33704
35111	Invoice	10/11/2016	Truck 629	0.00	3,859.33
10949	Municipal Maintenance Equipment Inc.		10/17/2016 Regular	0.00	233.13 33705
0113647-IN	Invoice	09/30/2016	Bulk charin for 10.080 series	0.00	233.13
10949	Municipal Maintenance Equipment Inc.		10/17/2016 Regular	0.00	-233.13 33705
11187	Nu-Tech Pest Management		10/17/2016 Regular	0.00	125.00 33706
0122289	Invoice	09/30/2016	Gopher Sunnyfields park	0.00	125.00
11136	Petty Cash		10/17/2016 Regular	0.00	55.43 33707
10/2016 Admin	Invoice	10/11/2016	Petty Cash reimbursement	0.00	55.43
11381	Roadrunner Management Services, Inc.		10/17/2016 Regular	0.00	39,108.78 33708
092016FUEL	Invoice	10/05/2016	Fuel Reimbursement	0.00	4,778.00
092016SYVT	Invoice	10/05/2016	SYVT Operations Contract	0.00	34,330.78
10033	S.Y.R.W.C.D. ID #1		10/17/2016 Regular	0.00	5,479.21 33709
0001 9/16	Invoice	09/23/2016	Acc# 17040001 900 Alamo Pintado	0.00	1,489.23
5001 9/16	Invoice	09/23/2016	Acc# 17005001 1890 Old Mill Rd	0.00	2,455.55
7501 9/16	Invoice	09/23/2016	Acc# 17037501 Alamo Pintado	0.00	1,534.43
91259	Ed Skytt		10/17/2016 Regular	0.00	724.29 33710
INV0003835	Invoice	10/11/2016	League of California Cities annual conference	0.00	724.29
10214	USA Blue Book		10/17/2016 Regular	0.00	403.75 33711
073024	Invoice	09/29/2016	Safety Gear	0.00	82.91
078950	Invoice	10/06/2016	Safety Gear	0.00	320.84
10587	Cushman Contracting "Escrow"		10/18/2016 Regular	0.00	6,772.31 33715
2	Invoice	10/18/2016	Escrow account for Alisal Bridge seismic retr...	0.00	6,772.31
10991	A-OK Power Equipment		10/24/2016 Regular	0.00	44.92 33716
209377	Invoice	10/11/2016	Frank Pacheco uniform	0.00	44.92
10579	Bengal Engineering, Inc.		10/24/2016 Regular	0.00	1,350.00 33717
3002	Invoice	10/18/2016	Seismic Retrofit - Bengal Construction Phase	0.00	1,350.00
10363	Broadcast Music, Inc		10/24/2016 Regular	0.00	336.00 33718
28694078	Invoice	10/02/2016	10/1/16 - 9/30/17	0.00	336.00
10261	California Building Standards		10/24/2016 Regular	0.00	153.00 33719
7/1-9/30/16	Invoice	10/18/2016	Building Standards Administration	0.00	153.00
51062	Castaneda, Cynthia		10/24/2016 Regular	0.00	25.00 33720
INV0003842	Invoice	10/18/2016	Dr Show cancelled full refund	0.00	25.00
10197	County of Santa Barbara		10/24/2016 Regular	0.00	2,634.00 33721
CS-10052016	Invoice	10/05/2016	Cloud Seeding Program	0.00	2,634.00
10608	County of Santa Barbara dba Treasurer-Tax Collec		10/24/2016 Regular	0.00	1,343.90 33722
20161112733	Invoice	10/18/2016	Parcel # 137-132-014 7/1/16 to 6/30/17	0.00	44.10
20161113070	Invoice	10/18/2016	Pacel # 137-270-013 7/1/16 to 6/30/17	0.00	269.86
20161113072	Invoice	10/18/2016	Parcel # 137-270-024 7/1/16 to 6/30/17	0.00	1,007.12
20161113105	Invoice	10/18/2016	Parcel # 137-310-012 7/1/16 to 6/30/17	0.00	22.82
11296	Department of Conservation		10/24/2016 Regular	0.00	412.93 33723
7/1-9/30/16	Invoice	10/18/2016	Strong Motion Instrumentation & Seismic Ha...	0.00	412.93
11233	Department of Justice		10/24/2016 Regular	0.00	678.00 33724
192983	Invoice	10/05/2016	Fingerprinting	0.00	678.00

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Payable #	Payable Type	Payable Date	Payable Description	Payable Amount	
10886	Division of the State Architect		10/24/2016 Regular	0.00	12.90 33725
7/1-9/30/16	Invoice	10/18/2016	Disability Access & Education Fee	0.00	12.90
11278	Dudek		10/24/2016 Regular	0.00	412.50 33726
20165749	Invoice	10/17/2016	WWTP Bank Restoration - Monitoring & Rep...	0.00	412.50
11365	Frontier Communications		10/24/2016 Regular	0.00	365.58 33727
1425 10/16	Invoice	10/13/2016	Acc# 805-686-1425-080105-5	0.00	233.68
5575 10/16	Invoice	10/13/2016	Acc# 805-688-5575-062171-5	0.00	131.90
10530	GSI Water Solutions		10/24/2016 Regular	0.00	5,288.00 33728
0662.001-2	Invoice	10/07/2016	River Wells Permit Hydrogeology Tech Assist	0.00	5,288.00
51058	Holda, Bob		10/24/2016 Regular	0.00	25.00 33729
INV0003843	Invoice	10/18/2016	Dr. Show cancelled trip	0.00	25.00
51670	JIMENEZ, ARTURO		10/24/2016 Regular	0.00	70.00 33730
INV0003844	Invoice	10/18/2016	Cancelled event 11/18/16	0.00	70.00
90350	Lisa Martin		10/24/2016 Regular	0.00	287.42 33731
INV0003845	Invoice	10/18/2016	JPIA Risk Management Educational Forum	0.00	287.42
10027	Lompoc Excel Personnel Svs Inc		10/24/2016 Regular	0.00	3,957.90 33732
2075124	Invoice	09/29/2016	Gail Ocheltree & Heidi Serbus	0.00	2,193.81
2080953	Invoice	10/06/2016	Gail Ocheltree & Heidi Serbus	0.00	1,764.09
10949	Municipal Maintenance Equipment Inc.		10/24/2016 Regular	0.00	223.13 33733
113647-IN	Invoice	09/30/2016	Bulk Chain	0.00	223.13
10136	Nargan Fire Safety		10/24/2016 Regular	0.00	212.40 33734
18653	Invoice	10/14/2016	Vets Hall Kidde Wet Chemical	0.00	100.80
18654	Invoice	10/14/2016	Parks & Rec. Wet Chemical Fire Suppression	0.00	111.60
11128	Nielsen Building Material		10/24/2016 Regular	0.00	15.52 33735
528453	Invoice	09/30/2016	Maintenance repairs & maint	0.00	15.52
11187	Nu-Tech Pest Management		10/24/2016 Regular	0.00	207.00 33736
0122459	Invoice	10/04/2016	Ants & Roaches Annex	0.00	78.00
0122741	Invoice	10/10/2016	Ground Squirrels HCA	0.00	129.00
11136	Petty Cash		10/24/2016 Regular	0.00	3,000.00 33737
10/16 HH	Invoice	10/18/2016	Haunted House Petty Cash	0.00	3,000.00
11025	Physio-Control, Inc.		10/24/2016 Regular	0.00	324.97 33738
116151698	Invoice	10/09/2016	Electrode Repl Kit	0.00	324.97
10999	Platinum Plus for Business dba Business Card		10/24/2016 Regular	0.00	7,111.80 33739
3831 10/16	Invoice	10/10/2016	September 11, 2016 - October 10, 2016	0.00	7,111.80
11227	Santa Maria Tire, Inc		10/24/2016 Regular	0.00	1,467.88 33740
108568	Invoice	10/18/2016	SYVT bus 977/974/976	0.00	1,467.88
11179	Todd Pipe & Supply		10/24/2016 Regular	0.00	237.71 33741
645794-1	Invoice	10/11/2016	Repairs & Maintenance	0.00	237.71
10992	Tyler Technologies, Inc		10/24/2016 Regular	0.00	11.40 33742
025-169893	Invoice	10/18/2016	Utility billing notification	0.00	11.40
10214	USA Blue Book		10/24/2016 Regular	0.00	1,285.10 33743
083420	Invoice	10/12/2016	pump for polymer unit	0.00	1,285.10
90025	Kristin Rubin		10/21/2016 Regular	0.00	91.00 33744
INV0003889	Invoice	10/21/2016	Per-Diem for Tyler Fresno user group	0.00	91.00
10991	A-OK Power Equipment		10/31/2016 Regular	0.00	47.06 33746
212121	Invoice	10/24/2016	Chain 3/8	0.00	47.06

City of Solvang Warrant Register

Date Range: 10/01/2016 - 10/31/2016

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
10873	Aqua-Metric Sales Company	10/31/2016	Regular	0.00	2,297.28 33747
0062793-IN	Invoice	10/20/2016	New Meters	0.00	2,297.28
11155	Baker, Manock & Jensen	10/31/2016	Regular	0.00	157.56 33748
414019	Invoice	10/17/2016	Environmental Impact Report	0.00	157.56
10986	Bartle Wells Associates	10/31/2016	Regular	0.00	10,095.00 33749
1002E	Invoice	10/12/2016	Water & Wastewater Rate Studies	0.00	10,095.00
10531	Berry General Engineering Contractors, Inc	10/31/2016	Regular	0.00	191,689.01 33750
6739	Invoice	09/30/2016	FY2016-17 Pavement Maintenance	0.00	191,689.01
11045	Bomar Security & Investigation	10/31/2016	Regular	0.00	112.50 33751
36066	Invoice	09/24/2016	Vets Hall Security Arturo Jimenez Medina	0.00	112.50
10553	BrightView Landscape Services	10/31/2016	Regular	0.00	4,291.00 33752
5133896	Invoice	09/30/2016	LLMD Landscape Maintenance	0.00	4,291.00
10655	Comcast	10/31/2016	Regular	0.00	13.21 33753
9241 10/16	Invoice	10/20/2016	Acc# 8155 70 005 0009241	0.00	13.21
10586	Flynn's Heating & Air	10/31/2016	Regular	0.00	1,996.00 33754
670	Invoice	09/30/2016	Heater for City Hall	0.00	1,996.00
11365	Frontier Communications	10/31/2016	Regular	0.00	259.33 33755
6997 10/16	Invoice	10/19/2016	Acc# 805-688-6997-072877-05	0.00	259.33
10928	Grand Performance Music & Sound	10/31/2016	Regular	0.00	125.00 33756
4991	Invoice	10/19/2016	New Video system	0.00	125.00
11262	Graphic Systems	10/31/2016	Regular	0.00	107.98 33757
68351	Invoice	10/20/2016	City Manual	0.00	107.98
10158	ICMA Membership	10/31/2016	Regular	0.00	1,397.00 33758
368834 2017	Invoice	10/21/2016	Annual Membership for Bradley Vidro	0.00	1,397.00
10027	Lompoc Excel Personnel Svs Inc	10/31/2016	Regular	0.00	2,032.66 33759
2086597	Invoice	10/13/2016	Gail Ocheltree & Heidi Serbus	0.00	2,032.66
10606	McCoy Electric Corporation	10/31/2016	Regular	0.00	128.08 33760
6947-1146	Invoice	10/18/2016	Parking Lot #3	0.00	128.08
10697	Menveg Properties LLC	10/31/2016	Regular	0.00	405.00 33761
11/16	Invoice	11/01/2016	Transit Rent for November 2016	0.00	405.00
11187	Nu-Tech Pest Management	10/31/2016	Regular	0.00	125.00 33762
0122468	Invoice	10/25/2016	Gopher Sunnyfields	0.00	125.00
11137	Pacific Gas & Electric Company	10/31/2016	Regular	0.00	33,859.81 33763
5526-1 10/16	Invoice	10/14/2016	Acc# 3982645526-1	0.00	4,604.43
7582-5 10/16	Invoice	10/18/2016	Acc# 0408007582-5	0.00	29,255.38
10305	S.B.C. Public Health Dept.	10/31/2016	Regular	0.00	10,195.75 33764
Qtr 1 FY 16/17	Invoice	10/19/2016	July 1, 2016 - September 30, 2016	0.00	10,195.75
10004	Santa Barbara Co Sheriff Dept	10/31/2016	Regular	0.00	130,385.00 33765
17-083	Invoice	10/24/2016	November 2016 Contract Services	0.00	130,385.00
11174	Solvang Bakery Inc.	10/31/2016	Regular	0.00	25.52 33766
60637	Invoice	09/01/2016	Small cookie tub	0.00	25.52
10183	State Water Resources Control Board (SWRCB)	10/31/2016	Regular	0.00	60.00 33767
28117	Invoice	10/19/2016	Chris Whitford Grade 2 certification	0.00	60.00
10183	State Water Resources Control Board (SWRCB)	10/31/2016	Regular	0.00	3,068.99 33768
LW-1007874	Invoice	10/19/2016	Large Water System Fees for 7/1/15 to 6/30...	0.00	3,068.99

City of Solvang Warrant Register

Date Range: 10/01/2016 - 10/31/2016

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
11176	The Gas Company		10/31/2016 Regular	0.00	138.86 33769
2500 7 10/16	Invoice	10/20/2016	Acc# 194 215 2500 7 9/20-10/18/16	0.00	65.47
9410 6 10/16	Invoice	10/18/2016	Acc# 188 514 9410 6 9/16-10/13/16	0.00	34.84
9500 0 10/16	Invoice	10/18/2016	Acc# 098 214 9500 0 9/16-10/14/16	0.00	38.55
10605	805 Signs		10/26/2016 Regular	0.00	213.20 33772
16-277	Invoice	10/24/2016	Signage	0.00	213.20
51068	Father Peter M Banks		10/26/2016 Regular	0.00	100.00 33773
INV0003892	Invoice	10/26/2016	Deposit Refund 9/22/16	0.00	100.00
51380	GUERRERO, RAMIRO		10/26/2016 Regular	0.00	200.00 33774
INV0003893	Invoice	10/26/2016	Cancelled Event full refund 4/29/17	0.00	200.00
51066	SYV Democratic Org.		10/26/2016 Regular	0.00	100.00 33775
INV0003891	Invoice	10/26/2016	Deposit Refund 9/24/16	0.00	100.00

Bank Code APBNK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	170	134	0.00	1,000,103.48
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-233.13
Bank Drafts	0	0	0.00	0.00
EFT's	101	66	0.00	165,582.79
	271	201	0.00	1,165,453.14

Fund Summary

Fund	Name	Period	Amount
998	POOLED CASH	10/2016	1,165,453.14
			<u>1,165,453.14</u>



**CITY COUNCIL
STAFF REPORT/CONSENT AGENDA**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Bridget Elliott, Associate Engineer

MEETING DATE: November 14, 2016

DATE PREPARED: November 2, 2016

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT – ENGINEERING
SERVICES FOR MISSION DRIVE INTERSECTION AND
CROSSWALK IMPROVEMENT PROJECT**

I. RECOMMENDATIONS:

1. Approve a Professional Services Agreement with LaChaine & Associates, Inc. in the amount of \$48,800, and authorize execution of the Agreement by the Mayor.
2. Authorize the City Manager to execute contract amendments if within the contingency amount of \$8,000.

II. BACKGROUND:

Solvang's focus on various Mission Drive traffic and safety issues began in 2013 when the City of Solvang awarded a contract to Orosz Engineering Group (teamed with Alta Planning & Design) to conduct the Mission Drive Corridor Traffic Circulation Study. The Study was provided to the California Department of Transportation (Caltrans) for their review and comments. Caltrans expressed general concurrence with the proposed improvements and had only minor comments. The Council then took action to prioritize the improvements and directed staff to move forward with preliminary design, cost estimates, and Caltrans coordination for six selected projects. The preliminary design and construction cost estimates for the six projects were completed by Rick Engineer this Spring (2016).

III. DISCUSSION:

The consultant engineering services solicited in this Request for Proposal will allow the City to move forward with the final design for two of the original projects and parts of a third; pedestrian safety upgrades to three existing crosswalk locations, final design for a new mid-block crosswalk at the City's Transit Center near Solvang Park, and final design for intersection/stripping upgrades to the Fifth Street, Atterdag and Alisal Road intersections. **Please note, all ADA ramps along Mission Drive must meet Caltrans and ADA design criteria. The relocation and construction of the Fourth Place Crosswalk (North) will require curb extensions on the south side of Mission Drive to comply with Caltrans and ADA requirements. The curb extension will provide the necessary landing (turning space) between the Landsby Hotel stairs and the proposed curb ramp.**

In addition, the Consultant shall be responsible for the preparation, submittal, and approval of all accompanying documents necessary to obtain approval from Caltrans for the Project work and secure a Caltrans Encroachment Permit. City staff does not have the three hundred plus hours of time estimated required to complete the final design and Caltrans Encroachment Permit submittal for the Project. It is therefore necessary to enter into a Professional Services Agreement to obtain the necessary services for successful completion of this Project.

Public Works staff solicited proposals from four pre-qualified engineering firms possessing the necessary capabilities to perform the services requested. On October 18, 2016 staff received three proposals. Staff from the Public Works Department reviewed and evaluated the proposals. LaChaine & Associates was selected and determined to be well qualified to provide the requested services. The final scope of work and fee were negotiated for an amount of \$48,800.

The proposed engineering services are required for successful completion of the Mission Drive Intersection and Crosswalk Improvement Project. Therefore, staff recommends that the City Council approve a Professional Services Agreement with LaChaine & Associates in the amount of \$48,800, authorize execution of the Agreement by the Mayor, and authorize the City Manager to execute contract amendments if within the contingency amount of \$8,000.

IV. ALTERNATIVES:

The City Council could choose to cancel or postpone the Mission Drive Intersection and Crosswalk Improvement Project and not approve a Professional Services Agreement at this time.

V. FISCAL IMPACT:

Funding for the Mission Drive Intersection and Crosswalk Improvement Project is approved in the City's Fiscal Year 2016-17 Budget in Account No. 200-2600-000-70936. The cost of engineering services is included in the approved project budget. Therefore, funding for the recommended engineering services is available. Furthermore, the cost of the proposed consultant services is considered reasonable and consistent with the approved project budget.

VI. ATTACHMENTS:

Professional Services Agreement

CITY OF SOLVANG

PROFESSIONAL SERVICES AGREEMENT

This agreement is made upon the date of execution, as set forth below, by and between **LaChaine & Associates, Inc.** (“Consultant”), a consulting engineering services firm, and the City of Solvang (“City”). The parties hereto, in consideration of the mutual covenants contained herein, hereby agree to the following terms and conditions:

1.0 GENERAL PROVISIONS

1.01 **Term**: This agreement will become effective on the date of execution set forth below, and will continue in effect until terminated as provided herein.

1.02 **Services**: Consultant shall perform the **scope of work (tasks)** described and set forth in **Exhibit A**, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to the **project schedule** which is also set forth in **Exhibit A**.

Consultant shall determine the method, details and means of performing the above-referenced services.

Consultant may, at their own expense, employ such assistants and subconsultants, as Consultant deems necessary to perform the services required of Consultant by this agreement. However, Consultant may not assign this agreement to any other person or entity in the performance of required project-related services, and the City may not control, direct or supervise Consultant’s assistants or employees in the performance of those services.

1.03 **Standard of Performance**: Consultant’s services shall be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of Consultant’s profession currently practicing under similar conditions. Whenever the scope of work requires or permits approval by the City, it is understood to be approval solely for the purposes of conforming to the requirements of the scope of work and not acceptance of any professional or other responsibility for the work. Such approval does not relieve the Consultant of responsibility for complying with the standard of performance or laws, regulations, industry standards, or from liability for damages caused by negligent acts, errors, omissions, noncompliance with industry standards, or the willful misconduct of Consultant or its subcontractors. By delivery of completed work, Consultant certifies that the work conforms to the requirements of this contract and all applicable federal, state and local laws. If Consultant is retained to perform services requiring a license, certification, registration or other similar requirement under California law, Consultant shall maintain that license, certification, registration or other similar requirement throughout the term of this Contract.

1.04 **Compensation**: In consideration for the services to be performed by Consultant, City agrees to pay Consultant monetary consideration for professional consulting engineering services in accordance with the **fee schedule** set forth in **Exhibit A**. The

parties agree that total compensation for fees and costs for the services detailed in **Exhibit A** shall not exceed the sum of **\$48,800**, unless and until this Agreement is amended as provided herein.

1.05 **Billing/Payment Terms.** All charges for Consultant's services and related reimbursable expenses shall be billed monthly, and all undisputed charges will be paid by City within 30 (thirty) days of receipt. The bills will itemize by date all services and expenses provided for the invoice period under this Agreement including a brief description of the nature of work performed, the person performing or vendor providing them, the applicable billing rate, the time expended. All Consultant service invoices must be approved by either the Public Works Director or the City Manager, prior to payment.

2.0 OBLIGATIONS OF CONTRACTOR

2.01 **Contract Management and Service Performance:** Consultant Principal shall serve as the project manager and will personally prepare, or direct and supervise the preparation of, all work product called for by this agreement. Consultant represents that it has the qualifications, experience and facilities to properly perform all services hereunder in a thorough, competent, timely, and professional manner and shall, at all times during the term of this Agreement, have in full force and effect all licenses required of it by law. Consultant agrees to devote the hours and the human resources necessary to timely perform the services set forth in this agreement in an efficient, professional, and effective manner.

2.02 **Avoidance of Conflict of Interest.** Consultant may represent, perform services for, and be employed by additional individuals or entities, in Consultant's sole discretion, as long as the performance of these extra-contractual services does not interfere with or present a conflict with City's business or interfere with the timely performance and completion of Consultant's services under this Agreement.

Consultant shall comply with all conflict of interest laws and regulations including, without limitation, the City's Conflict of Interest Code (on file in the City Clerk's Office). All officers, employees and/or agents of Consultant who will be working on behalf of the City pursuant to this Agreement may be required to file Statements of Economic Interest. Therefore, it is incumbent upon the Consultant or Consulting Firm to notify the City of any staff changes relating to this Agreement.

- A. In accomplishing the scope of services of this Agreement, all officers, employees and/or agents of the Consultant(s) unless as indicated in Subsection B, will be performing a very limited and closely supervised function, and therefore, unlikely to have a conflict of interest arise. No disclosures are required for any officers, employees, and/or agents of Consultant, except as indicated in Subsection B. _____ (*Initials*).
- B. In accomplishing the scope of services of this Agreement, Consultant(s) will be performing a specialized or general service for the City, and there is substantial likelihood that the Consultants work product will be presented, either written or orally for the purpose of influencing a

governmental decision. As a result, the following Consultant(s) shall be subject to the City's Conflict of Interest Code.

2.03 **Tools and Instrumentalities:** Consultant shall provide all tools and instrumentalities to perform the services under this agreement.

2.04 **Workers' Compensation and Other Employee Benefits:** City and Consultant intend and agree that Consultant is an independent contractor of City and agree that Consultant and Consultant's employees and agents have no right to Workers' Compensation and other City-sponsored employee benefits. Consultant agrees to provide Workers' Compensation and other employee benefits, where required by law, for Consultant's employees and agents. Consultant agrees to hold harmless and indemnify City for any and all claims arising out of any claim for injury, disability, or death of Consultant and any of Consultant's employees or agents.

2.05 **Indemnification: Design Professional:** (a) To the fullest extent permitted by law, the Design Professional shall indemnify the City of Solvang, and its elected officials, officers, and employees from and against all liabilities that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Design Professional, or its employees, agents, or subcontractors. Liabilities to the extent caused by the Design Professional and subject to the obligation to indemnify include all claims, losses, damages, defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. The Design Professional's obligation to indemnify applies unless it is finally adjudicated that the liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, then Design Professional's indemnification obligation shall be reduced in proportion to the established comparative liability.

(b) The duty to defend is a separate and distinct obligation from Design Professional's duty to indemnify. Design Professional shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by the City of Solvang, the City of Solvang and its elected officials, officers, and employees, immediately upon tender to Design Professional of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination that persons other than Design Professional are responsible for the claim does not relieve Design Professional from its separate and distinct obligation to defend under this section. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Design Professional asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the comparative active negligence or

willful misconduct of an indemnified party, Design Professional may submit a claim to the City of Solvang for reimbursement of reasonable attorneys' fees and defense costs in proportion to the established comparative liability of the indemnified party.

(c) The review, acceptance or approval of the Design Professional's work or work product by any indemnified party shall not affect, relieve or reduce the Design Professional's indemnification or defense obligations. This Section survives completion of the services or the termination of this contract. The provisions of this Section are not limited by and do not affect the provisions of this contract relating to insurance.

2.06 **Insurance:** Consultant shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in Exhibit C attached to and part of this agreement

3.0 OBLIGATIONS OF CITY

3.01 **Cooperation:** City agrees to comply with all reasonable requests of Consultant necessary to the performance of Consultant's duties under this agreement. City employees, agents and officers of the City agree to disclose all information relevant to this project to Consultant.

4.0 TERMINATION OF AGREEMENT

4.01 **Termination Notice:** Notwithstanding any other provision of this agreement, any party hereto may terminate this agreement, at any time, without cause, by giving at least 30 (thirty) days' prior written notice to the other parties to this agreement.

4.02 **Termination on Occurrence of Stated Events:** This agreement shall terminate automatically on the occurrence of any of the following events:

- a. Sale of the business of any party;
- b. The end of the 30 (thirty) days as set forth in section 4.01;
- c. End of the contract to which Consultant's services were necessary; or
- d. Assignment of this agreement by Consultant without the consent of City.
- e. Death of any party.

4.03 **Termination by any Party for Default:** Should any party default in the performance of this agreement or materially breach any of its provisions, the non-breaching party, at its option, may terminate this agreement, immediately, by giving written notice of termination to the breaching party.

4.04 **Termination:** This agreement shall terminate on **November 14, 2020**, unless earlier extended as set forth in this Section. The City, with the agreement of Consultant, is authorized to extend the term of this agreement beyond the termination date, as needed, under the same terms and conditions as set forth in this agreement. Any such extension shall be in writing and be an amendment to this agreement.

5.0 SPECIAL PROVISIONS

5.01 **Additional Tasks as May Be Assigned by Public Works Director or the City Manager:** Prior to initiating any Consultant work on matters relating to the **Mission Drive Intersection and Crosswalk Improvement Project**, but outside this contract, it shall be the responsibility of Consultant to obtain written approval of the Public Works Director, or the City Manager, prior to initiation of such tasks.

5.02 **Time Schedule:** Consultant is to begin work upon receipt and execution of City contract. It is contemplated that most of the services hereunder, including but not limited to the preparation, agency review, submission of final construction documents, and obtaining a Caltrans Encroachment Permit for the project's construction will be completed on or before **July 31, 2017**. **TIME IS OF THE ESSENCE OF THIS CONTRACT.** Consultant agrees to engage its best efforts to adhere strictly to the schedule set forth in **Exhibit A** and incorporated herein.

5.03 **Work Outside Contract Scope:** No payment for changed or additional work shall be made unless the changed or additional work has first been approved in writing by the Contract Manager and the parties have agreed upon the appropriate adjustment, if any, to the payment schedule and maximum payment amount for the changed or additional work. The Contract Manger may order changes or additions to the scope of work. Whether a change or addition to the scope of work is proposed by the Consultant or ordered by the Contract Manager, the parties shall in good faith negotiate an appropriate adjustment, if any, to the payment schedule and maximum payment for the changed or additional work. An approved change or addition, along with the payment adjustment, if any, will be effective upon an amendment to this contract executed by both parties. The amendment shall not render ineffective or invalidate unaffected portions of this contract.

5.04 **Confidentiality:**

- (a) Confidential Nature of Information. Consultant shall treat all information obtained from the City in the performance of this contract as confidential and proprietary to the City. Consultant shall treat all records and work product prepared or maintained by Consultant in the performance of this contract as confidential.
- (b) Limitation on use and disclosure. Consultant agrees that it will not use any information obtained as a consequence of the performance of work for any purpose other than fulfillment of Consultant's scope of work. Consultant will not disclose any information prepared for the City, or obtained from the City or obtained as a

consequence of the performance of work to any person other than the City, or its own employees, agents or subcontractors who have a need for the information for the performance of work under this contract unless such disclosure is specifically authorized in writing by the City.

- (c) Security plan. If requested by the Contract Manager, Consultant shall prepare a security plan to assure that information obtained from the City or as a consequence of the performance of work is not used for any unauthorized purpose or disclosed to unauthorized persons. Consultant shall advise the City of any request for disclosure of information or of any actual or potential disclosure of information.
- (d) Survival. Consultant's obligations under this paragraph shall survive the termination of this contract.

6.0 MISCELLANEOUS

6.01 **Notices:** Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this agreement or by law to be served on or given to any party to this agreement shall be in writing and delivered or, in lieu of such personal service, when deposited in the United States mail, first class postage prepaid, to the following address for each respective party:

PARTY	ADDRESS
TO: CITY OF SOLVANG	City of Solvang 1644 Oak Street Solvang, CA 93463 Attention: City Clerk
	Copy to: Roy Hanley City Attorney HANLEY & FLEISHMAN, LLP 8930 Morro Road Atascadero, CA 93422
TO CONSULTANT:	_____ _____ _____ _____

6.02 **Governing Law:** This agreement and all matters relating to this agreement shall be governed by the laws of the State of California in force at the time, should any need

for interpretation of this agreement or any decision or holding concerning this agreement arise.

6.03 **Binding Effect:** This agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto, but nothing in this Section shall be construed as consent by City to any assignment of this agreement or any interest in the agreement.

6.04 **Remedies:** The remedies set forth in this agreement shall not be exclusive, but shall be cumulative with, and in addition to, all remedies now or hereafter allowed by law or equity.

6.05 **Due Authority:** The parties hereby represent that the individuals executing this agreement are expressly authorized to do so on and in behalf of the parties.

6.06 **Ownership of Work Product:** Upon delivery, the work product, including without limitation, all original reports, writings, recordings, drawings, files, and detailed calculations developed under this contract are the property of the City. Consultant agrees that all copyrights, which arise from creation of the work pursuant to this contract, shall be vested in the City and waives and relinquishes all claims to copyright or other intellectual property rights in favor of the City. City acknowledges that its use of the work product is limited to the purposes contemplated by the scope of work and that the Consultant makes no representation of the suitability of the work product for use in or application to circumstances not contemplated by the scope of work.

6.07. **Integration and Modification:** This contract represents the entire understanding and agreement of the City and Consultant as to those matters contained herein. This agreement correctly sets forth the obligations of the parties hereto to each other as of the date of this agreement. All agreements or representations respecting the subject matter of this agreement not expressly set forth or referred to in this agreement are null and void. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This contract may not be modified, amended, or altered except in writing signed by the City and Consultant.

6.08. **Advice of Counsel:** The parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms, and conditions of this contract, and that the decision of whether or not to seek the advice of counsel with respect to this contract is a decision which is the sole responsibility of each of the parties hereto. This contract shall not be construed in favor or against either party by reason of the extent to which each party participated in the drafting of the contract.

6.09. **Independent Review:** Each party hereto declares and represents that in entering this contract it has relied and is relying solely upon its own judgment, belief and knowledge of the nature, extent, effect and consequence relating thereto. Each party further declares and represents that this contract is being made without reliance upon any statement or representation not contained herein of any other party, or any representative, agent, or attorney of any other party.

6.10. **Attorney Fees:** In the event of any controversy, claim or dispute between the parties hereto, arising out of or relating to this agreement, or the breach hereof, the prevailing party shall be entitled, in addition to other such relief as may be granted, to a reasonable sum as and for attorney fees.

6.11 **No waiver:** The waiver of any breach by any party of any provision of this agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of this agreement.

6.12. **Assignment:** This agreement is specifically not assignable by Consultant to any person or entity. Any assignment or attempt to assign by Consultant whether it be voluntary or involuntary, by operation of law or otherwise, is void and is a material breach of this agreement, giving rise to a right to terminate as set forth in Section 4.03.

6.13. **Time for Performance:** Except as otherwise expressly provided for in this agreement, should the performance of any act required by this agreement to be performed by either party be prevented or delayed by reason by any act of God, strike, lockout, labor trouble, inability to secure materials, or any other cause, except financial inability, which is the fault of the party required to perform the act, the time for performance of the act will be extended for a period of time equivalent to the period of delay and performance of the act during the period of delay will be excused: provided, however, that nothing contained in this Section shall exclude the prompt payment by either party as required by this agreement of the performance of any act rendered difficult or impossible solely because of the financial condition of the party required to perform the act.

6.14 **Severability:** Should any provision of this agreement be held by a court of competent jurisdiction or by a legislative or rulemaking act to be either invalid, void or unenforceable, the remaining provisions of this agreement shall remain in full force and effect, unimpaired by the holding, legislation or rule.

6.15. **Construction:** The parties agree that each has had an opportunity to have their counsel review this agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this agreement or any amendments or exhibits thereto. The captions of the sections are for convenience and reference only, and are not intended to be construed to define or limit the provision to which they relate.

6.16. **Amendments:** Amendments to this agreement shall be in writing and shall be made only with the mutual written consent of all the parties to this agreement.

6.17. **Signatures:** The individuals executing this contract represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

IN WITNESS WHEREOF, the parties have executed this contract on the following date.

LaChaine & Associates, Inc. Consultant:

Date: _____

By: _____
Dennis LaChaine, President

City of Solvang:

Date: _____

By: _____
Jim Richardson, Mayor

APPROVED AS TO FORM:

City Attorney:

HANLEY & FLEISHMAN, LLP

Date: _____

By: _____
Roy Hanley, City Attorney

EXHIBIT A

SCOPE OF WORK,

FEE SCHEDULE

&

PROJECT SCHEDULE

REQUEST FOR PROPOSALS FOR THE

CITY OF SOLVANG

MISSION DRIVE INTERSECTION AND CROSSWALK IMPROVEMENTS

September 21, 2016

INTRODUCTION

The City of Solvang is seeking a qualified Transportation Engineering Consultant to help provide final design for pedestrian safety improvements along its downtown corridor. Mission Drive (Highway 246) is an east-west arterial, which connects the Santa Ynez Valley to north-south Highway 101. Approximately 1.75 miles of the highway runs through Solvang. The downtown corridor we are focusing on for this project is a 0.5 mile stretch of two lane road with on street parking. The road width varies with left turn pockets and has a posted speed limit of 25 miles per hour.

During peak hours of the day, traffic congestion increases significantly in Solvang's downtown area. Uncontrolled pedestrian crossings, left turns from through lanes, unfamiliar motorist and on-street parking are all factors interrupting the flow of traffic through this area. The congestion leads to frustration and unsafe conditions for both residents and visitors to Solvang.

Solvang's focus on various Mission Drive traffic and safety issues began in 2013 when the City of Solvang awarded a contract to Orosz Engineering Group (teamed with Alta Planning & Design) to conduct the Mission Drive Corridor Traffic Circulation Study. The Study was provided to the California Department of Transportation (Caltrans) for their review and comments. Caltrans expressed general concurrence with the proposed improvements and had only minor comments. The Council then took action to prioritize the improvements and directed staff to move forward with preliminary design, cost estimates, and Caltrans coordination for six selected projects.

This Request for Proposal (RFP) is to move forward with the final design for two of the original projects and parts of a third; pedestrian safety upgrades to three existing crosswalk locations, final design for a new mid-block crosswalk at the City's Transit Center near Solvang Park, and final design for intersection/striping upgrades to the Fifth Street, Atterdag and Alisal Road intersections. In addition, the Consultant shall be responsible for the preparation, submittal, and approval of all accompanying documents necessary to obtain approval from Caltrans for the project work and secure an Encroachment Permit. The ideal Consultant responding to this RFP shall have sufficient experience in, and comprehensive knowledge of Caltrans regulations and standards regarding the design of ADA compliant pedestrian crossing facilities and the Caltrans Encroachment Permit application process.

SCOPE OF SERVICES

1. Meetings and Coordination.

The Consultants project manager and project engineer shall attend a project kick-off meeting and progress meetings throughout the course of the project as recommended by the Consultant. The Consultant shall provide project oversight and coordination as necessary for prompt and successful completion of the contract engineering services.

2. Site Visit, Research and Data Collection.

Consultant shall conduct site visits, and take photographs and measurements as necessary. Consultant shall perform the necessary research, and collect, review and analyze all available plans, reports, records, etc. regarding the projects as necessary to successfully complete all contract engineering services for the projects. The City has requested As-builts, R/W Maps, and Pedestrian Signal Timing Information from Caltrans.

3. Construction Document Preparation

The scope of work includes providing all services needed to prepare construction documents and other necessary documents required to obtain Caltrans approval of the project. All project services and deliverables must adhere to Caltrans requirements for project development of improvements. These requirements include adherence to design standards, regulation, policies and procedures for all elements of the project within the State right-of-way. Any work beyond the limits of the State right-of-way must adhere to the City of Solvang standards. All work must be performed and work products prepared in a format and manner customarily anticipated by Caltrans. Refer to District 5's Local Encroachment Permit website www.dot.ca.gov/dist05/permit for additional information including a plan check list, as-built and right-of-way (R/W) request forms, ADA drafting guidelines, Highway Design Manual, and Standard Plans Lists.

A. Field Survey & Base Map

Consultant shall perform field survey and prepare mapping suitable for project approval in accordance with current Caltrans standards, policies, and procedures. Include right-of-way limits, existing horizontal control, utilities, and drainage facilities on the base mapping using available record data. Base mapping shall include elevations and roadway features at critical locations required to develop the final engineering of the project.

B. Flashing Beacon Crosswalks at 2 Fourth Place Locations and First Street.

The final design shall include all necessary plans required by Caltrans to submit and obtain an Encroachment Permit from Caltrans for the installations of new ADA ramps, curb extensions and the necessary grading and drainage design to accommodate the site changes. Painting of highly reflective crosswalks and the installation of new flashing beacon pedestrian signage. A preliminary design was completed by Rick Engineering and should be used as a starting point for final design.

C. Crosswalk at Transit Center (Mission Dr).

The final design shall include all necessary plans required by Caltrans to submit and obtain an Encroachment Permit from Caltrans for the installations of new ADA ramps, curb extensions and the necessary grading and drainage design to accommodate the site changes. Painting of highly reflective crosswalks and the installation of new flashing beacon pedestrian signage. A preliminary design was completed by Rick Engineering and should be used as a starting point for final design.

D. Intersection Upgrades

Prepare the necessary plans required by Caltrans to submit and obtain an Encroachment Permit from Caltrans for the painting of highly visible crosswalks at three intersections along Mission Drive Fifth Street, Atterdag Road and Alisal Road. In addition, we would like to re-strip the North and South local streets at the Fifth Street and Atterdag Road intersections to allow for a dedicated left-turn lane to segregate left-turn movements from through traffic to increase the roads capacity. A preliminary design was completed by Rick Engineering and should be used as a starting point for final design.

E. Specifications

Consultant shall prepare project specifications using the City of Solvang's Project Manual template as a starting point including bid schedule, Section D2 Construction Materials & Methods, and Section D3 – Technical Specifications. After approval of the specifications, the Consultant will provide the City with a PDF and Microsoft Word version of all documents.

Project plans need to be complete and concise to clearly identify all bid items for the contractor to interpret and build. The project plans must have a title sheet. Caltrans Standard Plans (2015) should be referenced and used for all work. All drawings shall conform to Caltrans latest standards for a complete and efficient Encroachment Permit submittal. This includes submittal of six (6) complete sets of FOLDED plans (folded 8-1/2" x 11") along with any applicable specifications, calculation, maps, etc. A California Registered Engineer shall sign and stamp all submitted plan set sheets. Refer to the attached Encroachment Permit instructions, application, checklist and ADA drafting guidelines for information required on the proposed improvement plans. Drawings shall be prepared using Civil3D 2015 or later. All details and cross sections should be drawn to an appropriate scale in accordance with all Caltrans design standards.

Minimal information required on Plan Sets submitted to Caltrans for Encroachment Permit:

- North Arrow, scale and index
- Existing pavement
 - Lane lines
 - Shoulders
 - Curbs & gutters
 - Sidewalks
 - Elevations, invert and top
- Existing utilities and proposed
 - Differentiation between existing and proposed
 - Elevations, invert and top
 - Clearances
- Distances
 - Centerline to edge of pavement
 - Centerline to proposed improvement
 - Property lines
 - State R/W lines
- Length and size of proposed conduits, pipes or improvement
- Landscaping
 - Differentiation between existing and proposed
- Cross sections and profiles of trenches, roadway or other improvements
- Identification of existing landscaping and irrigation facilities
- Notes
 - General notes
 - Construction notes
 - Material notes
 - Types
 - Quantities
 - Locations
 - Details

4. Encroachment Permit Submittal

This scope of work includes providing all services needed to prepare and submit a complete and efficient Caltrans Encroachment Permit Application, and obtain an Encroachment Permit for the project work above. Please refer to District 5's Local Encroachment Permit website www.dot.ca.gov/dist05/permit for all documents to be completed by the Consultant on behalf of the City which would include: Authorization of Agent form, Standard Encroachment Permit Application, Encroachment Permit Application Check List, Certification of Compliance with Americans with Disabilities Act (ADA) form, etc.

5. Final Cost Estimate

Prepare final cost estimate to provide and assess construction, right-of-way, mitigation and utility relocation costs to estimate funding boundaries for the Project. Cost will be based on mapping and design data development by previous preliminary design layout and individual cost items quantified. The cost estimate shall be prepared in Excel format, match bid schedule items, and submitted at draft and final level of completeness. Consultant shall address City comments following each review.

6. Caltrans Re-submittals

Consultant shall address all Caltrans comments from Encroachment Permit submittals. Comment letter and all revised application documents shall be submitted to the City for final review and comment prior to all re-submittals. After the City's final review the Consultant will re-submit to Caltrans for and Encroachment Permit.

7. Record Drawings

The Consultant shall provide record drawings upon completion of the project construction. Changes and modifications incorporated into the constructed work shall be recorded by the contractor and City inspector. Upon completion of construction, red-lined drawings will be provided to the Consultant. Consultant shall prepare and submit to the City draft Record Drawings incorporating the red-line comments. Following the City's review, final Record Drawings shall be submitted to the City. The Consultant shall provide electronic files in both PDF and Civil3D 2015 or later format.

SUMMARY OF DELIVERABLES

All draft documents shall be submitted in Microsoft Word for City review and comment. Graphics and drawings shall be submitted in PDF format. Consultant to provide a draft and final version submittal of construction cost estimate, construction and application documents electronically prior to external agency submittal. After the City's final review of all documents the Consultant will submit to Caltrans for and Encroachment Permit.

Caltrans Encroachment Permit Submittal:

1. Standard Encroachment Permit Application (TR-0100)
2. Encroachment Permit Application Check List (TR-0402)
3. Certificate of Compliance with ADA (TR-0405)
4. Authorization of Agent form
5. Six (6) Complete Sets of Plans folded to 8-1/2"x11". Stamped and signed by a Registered Engineer.
6. Cost Estimate for all work to be conducted

City Deliverables:

1. Draft Base Map
2. 70% Draft Submittal

- a. Encroachment Permit Submittal
 - i. Construction Documents
 - ii. Application Documents
- b. Specifications
- c. Cost Estimate
- 3. 100% Final Submittal
 - a. Encroachment Permit Submittal
 - i. Construction Documents
 - ii. Application Documents
 - b. Specifications
 - c. Cost Estimate
- 4. Caltrans Resubmittals
- 5. Record Drawings

PRELIMINARY PROJECT SCHEDULE

<u>Description</u>	<u>Date</u>
1. Proposal due date, 5:00 PM	10/18/2016
2. Consultant Selection	10/25/2016
3. Notice to Proceed	11/15/2016
4. Project Kick-off Meeting	11/21 thru 11/23/2016
5. City Submittal 70% PS&E	01/06/2017
6. City Submittal 100% PS&E	02/10/2017
7. Encroachment Permit Submittal to Caltrans	03/03/2017
8. Address Caltrans Comment Letter & Resubmit	05/08 thru 05/26/2017
9. Encroachment Permit Resubmittal to Caltrans	05/29/2017

CONTENT OF PROPOSAL

In order to maintain uniformity with all proposals furnished by engineering firms, the proposals shall be limited to a maximum of 20 one-sided pages excluding front and back covers and resumes. Please do not include a cover letter. Minimum font size shall be size 11. Proposals are to include the following:

1. Project Understanding / Scope of Work

Include a statement of project understanding containing any suggestions to improve the project or special concerns that City staff should be made aware of. Include a detailed scope of work. **Highlight any additional or modified scope of work tasks you believe will reduce the overall project cost or improve the overall outcome of the project.**

2. Project Team

Include an organization chart or list of proposed project team members identifying the work to be performed by key team members. Include a brief resume of each team member, describing similar type projects in which they have been directly involved. Identify the Project Manager (PM) proposed for this project. The Project Manager will be the key point of contact with City staff. Sub-Consultants shall be identified with the same requirements as for the prime Consultant.

3. Related Experience and References

Submit a list of similar projects for which your firm has completed the engineering work within the last five years. Information should include: 1) project name and brief project description, 2) your firm's role in the project, 3) client name, 4) client contact person and telephone number, 5) approximate construction cost, and 6) year completed. Indicate which two clients you would like to serve as references.

4. Project Schedule

Develop a detailed project schedule(s) indicating stages of work, time frames, progress meetings, submittal dates, etc. The schedule(s) should allow adequate time for city review of various submittals. The engineering firm's ability to provide quality services while completing the work promptly is very important to the City.

5. Lump Sum Fee Proposal

The Fee Proposal(s) shall be submitted in a separately sealed envelope marked with the words "Fee Proposal." The Fee Proposal(s) will not be opened by the City until after all proposals are reviewed and scored using the evaluation criteria below. The Fee Proposal shall encompass the total project cost. All tasks shall be assigned separate Lump Sum costs, the sum of which equals the total project cost. The intent is to allow individual project tasks to be billed separately as completed. The Fee Proposal shall reflect all anticipated fee increases during the contract duration.

SUBMITTAL REQUIREMENTS

Please submit three (3) copies of your Proposal with one copy of your Fee Proposal no later than **5:00pm Tuesday, October 18, 2016**. All proposals shall be delivered to Bridget Elliott, Associate Engineer, City of Solvang, **411 Second Street Solvang, CA 93463**. Any questions regarding this request for proposal shall be submitted in writing to Bridget Elliott at the address listed above or e-mailed to bridgete@cityofsolvang.com.

CONSULTANT SELECTION COMMITTEE

The City of Solvang will utilize a Consultant Selection Committee consisting of two or three members of the Public Works Department staff. The Consultant Selection Committee will evaluate and score each proposal based on the technical information, qualifications, and fee presented. Reference checks will also be performed.

Proposals will be evaluated on the following Criteria:

Project Understanding / Scope of Work	35%
Project Team Qualifications	30%
Firm Related Experience	15%
Project Schedule	10%
Reasonability of Proposal Fee	10%

ESTABLISHMENT OF FEES

The City will select the top engineering Consultant(s) based on the evaluation criteria above. However, the final contract price will be subject to negotiation based on the final scope of work desired by the City and a further breakdown of the lump sum costs submitted in the Fee Proposal(s). The City's budget for engineering services on this project is approximately \$60,000. Engineering firms shall work with the City to limit the scope of work to maintain engineering costs within the City's available budget amounts.

INSURANCE REQUIREMENTS

The engineering firm shall obtain and maintain during the life of the contract \$1,000,000 of general liability insurance, and \$1,000,000 automobile and worker's compensation insurance. Professional liability insurance in the amount of \$1,000,000 shall be maintained during the life of the contract and for a period of three years after completion of the project. The City of Solvang shall be named as additionally insured and the policy shall not be cancelled or reduced until 30 days after written notice is given to the City. If cancelled, the policy shall be promptly replaced with a new policy meeting City requirements.

PROJECT ASSESSMENT / SITE EXAMINATION

Each engineering firm must inform themselves fully of the conditions relating to each project and the effort and labor required to complete the project, as described above in the Scope of Services, prior to submitting a proposal. Failure to do so will not relieve the firm awarded the project of the obligation to carry out the provisions of the contract.

RIGHT TO REJECT ALL PROPOSALS

The City of Solvang reserves the right to reject any or all proposals submitted, and no representation is made hereby that any contract will be awarded pursuant to this RFP or otherwise. All costs incurred in the preparation of a proposal, the submission of additional information and/or any aspect of a proposal prior to award of a written contract will be borne by the respondent. All proposals submitted become the property of the City.

PROJECT UNDERSTANDING

LaChaine and Associates, Inc. (LAA) understands that this proposed Project is to provide final design for pedestrian safety improvements along an approximately 0.5-mile stretch of the City's downtown corridor, Mission Drive (Highway 246), currently consisting of a varying width two-lane road with on-street parking, left turn pockets, and a posted speed limit of 25 miles per hour. This project will provide safety upgrades to six selected projects, preliminary design for such work prepared by Rick Engineering to be used as starting points. It is LAA's understanding that the California Department of Transportation (Caltrans) has reviewed and expressed general concurrence with the preliminary design. LAA will provide and submit all plans and documents necessary to obtain Caltrans approval for the project work and secure an Encroachment Permit.

SCOPE OF WORK

Task 1 – Meetings and Coordination

LAA staff will attend the project kick-off meeting and progress meetings throughout the course of the project as necessary, and provide project oversight and coordination as necessary for prompt and successful completion of engineering services.

Task 2 – Site Visit, Research and Data Collection

LAA staff will conduct site visits and take photographs and measurements as necessary; perform the necessary research and collect, review and analyze all available plans, reports, records, etc. regarding the projects as necessary for prompt and successful completion of engineering services. It is LAA's understanding that the City has requested As-builts, R/W maps and Pedestrian Signal Timing information from Caltrans. We are assuming that record information on buried utilities will suffice for our designs.

Task 3 – Construction Document Preparation

LAA staff will provide all services needed to prepare construction documents and other necessary documents required to obtain Caltrans approval for the project. It is LAA's understanding that all project services and deliverables must adhere to Caltrans requirements for project development of improvements, including adherence to design standards, regulations, policies and procedures for all elements of the project within the State right-of-way. It is further understood that any work beyond the limits of the State right-of-way must adhere to the City of Solvang standards. All work performed and required reports will be performed/prepared in a format acceptable to Caltrans.

A. Field Survey & Base Map

LAA subconsultant, Gromatici, Inc., will perform field survey and prepare mapping in suitable format for project in accordance with current Caltrans standards, policies, and procedures. Base mapping shall include right-of-way limits, existing horizontal control, utilities and drainage facilities using available Record Data. Base mapping shall also include elevations and roadway features at critical locations required to develop the final engineering of the project.

B. Flashing Beacon Crosswalk at 2 Fourth Place Locations and First Street

LAA staff will prepare a final design for submittal that will include all necessary plans required by Caltrans to obtain an Encroachment Permit from Caltrans for the installation of new ADA ramps, curb extensions and the necessary grading and drainage design to accommodate the site changes. Also included in the design will be painting of highly reflective crosswalks and the installation of new flashing beacon pedestrian signage. The preliminary design completed by Rick Engineering will be reviewed and used as a starting point for this task.

C. Crosswalk at Transit Center (Mission Drive)

LAA staff will prepare a final design for submittal that will include all necessary plans required by Caltrans to obtain an Encroachment Permit from Caltrans for the installation of new ADA ramps, curb extensions and the necessary grading and drainage design to accommodate the site changes. Also included in the design will be painting of highly reflective crosswalks and the installation of new flashing beacon pedestrian signage. The preliminary design completed by Rick Engineering will be reviewed and used as a starting point for this task.

D. Intersection Upgrades

LAA staff will prepare a final design for submittal that will include all necessary plans required by Caltrans to obtain an Encroachment Permit from Caltrans for the painting of highly visible crosswalks at three intersections along Mission Drive: Fifth Street, Atterdag Road, and Alisal Road as well as re-stripping of North and South local streets at the Fifth Street and Atterdag Road intersections to allow for a dedicated left-turn lane to segregate left turn movements from thru traffic to increase the road's capacity. The preliminary design completed by Rick Engineering will be reviewed and used as a starting point for this task.

E. Specifications

LAA staff will prepare project specifications using the City of Solvang's Project Manual template as a starting point including bid schedule, Section D2 Construction Materials & Methods, and Section D3-Technical Specifications. Following approval of the specifications, LAA will provide the City with a PDF and Microsoft Word version of all documents. LAA staff will provide, in a complete and concise manner, project plans to allow contractors to

interpret and build said improvements. Plans will include a title sheet and Caltrans Standard Plans (2015) will be referenced and used for all work. Drawings will conform to Caltrans latest standards in order to provide a complete and efficient submittal for an Encroachment Permit. The Encroachment Permit submittal will include six (6) complete sets of FOLDED plans (folded 8-1/2" x 11") as well as any applicable specifications, calculations, maps, etc. Encroachment Permit instructions, application, checklist and ADA drafting guidelines provided by Caltrans will be reviewed in order to assure all necessary information is included in the improvement plans. All submitted plan set sheets will be signed and stamped by a California Registered Engineer. Drawings will be prepared using Civil 3D 2015 or later. Details and cross sections will be drawn to an appropriate scale in accordance with Caltrans design standards.

Plans submitted to Caltrans for the Encroachment Permit will include at the minimum the following items:

- North Arrow, scale and index
- Existing pavement
 - Lane Lines
 - Shoulders
 - Curbs & gutters
 - Sidewalks
 - Elevations, invert and top
- Existing utilities and proposed
 - Differentiation between existing and proposed
 - Elevations, invert and top
 - Clearances
- Distances
 - Centerline to edge of pavement
 - Centerline to proposed improvement
 - Property Lines
 - State Right-of-Way Lines
- Length and size of proposed conduits, pipes or improvement
- Landscaping
 - Differentiation between existing and proposed
- Cross sections and profiles of trenches, roadway or other improvements
- Identification of existing landscaping and irrigation facilities
- Notes
 - General Notes
 - Construction Notes
 - Material Notes
 - Types
 - Quantities
 - Locations
 - Details

TASK 4 – Encroachment Permit Submittal

LAA staff will provide all services needed to prepare and submit a complete and efficient Caltrans Encroachment Permit Application and obtain an Encroachment Permit for all work previously mentioned. Documents to be completed: Authorization of Agent form, Standard Encroachment Permit Application, Checklist, Certificate of Compliance with Americans with Disabilities Act (ADA) form, etc.

TASK 5 – Final Cost Estimate

LAA staff will prepare a final cost estimate to provide and assess construction, right-of-way, mitigation, and utility relocation costs to estimate funding boundaries for the Project. Cost will be based on mapping and design data development by previous preliminary design layout and individual cost items quantified. LAA staff will prepare the cost estimate in an Excel format, match bid schedule items, and submit at draft and final level of completeness. LAA staff will address any city comments made following each review in a timely efficient manner.

Task 6 – Caltrans Re-submittals

LAA staff will address all Caltrans comments regarding the Encroachment Permit Submittals in a timely efficient manner. The comment letter and all revised application documents will be submitted to the City of Solvang for final review and comment prior to resubmittal to Caltrans. Following the City of Solvang's review and approval, LAA staff will re-submit to Caltrans for an Encroachment Permit.

Task 7 – Record Drawings

LAA staff will provide Record Drawings upon completion of the project construction. Changes and modifications incorporated into the constructed work shall be recorded by the contractor and the City inspector. It is LAA's understanding that upon completion of construction, red-lined drawings will be provided to LAA to prepare and submit to the City draft Record Drawings incorporating the red-line comments. It is further understood that following the City's review, final Record Drawings will be submitted to the City in both PDF and Civil3D (2015 or later format).

Summary of Deliverables

LAA staff will submit all draft documents in Microsoft Word format for City review and comment. All graphics and drawings will be submitted in PDF format. LAA will provide a draft and final version submittal of construction cost estimate as well as construction and application documents electronically, prior to external agency submission.

Following the City's final review of all documents, LAA staff will submit to Caltrans for an Encroachment Permit. **The Caltrans Encroachment Permit Submittal will include:**

1. Standard Encroachment Permit Application (TR-0100)
2. Encroachment Permit Application Check list (TR-0402)
3. Certificate of Compliance with ADA (TR-0405)
4. Authorization of Agent Form
5. Six (6) Complete Sets of Plans folded to 8-1/2"x11". Stamped and signed by a California Registered Engineer.
6. Cost Estimate for all work to be conducted.

Deliverables to the City of Solvang will include:

1. Draft Base Map
2. 70% Draft Submittal
 - a. Encroachment Permit Submittal
 - i. Construction Documents
 - ii. Application Documents
 - b. Specifications
 - c. Cost Estimate
3. 100% Final Submittal
 - a. Encroachment Permit Submittal
 - i. Construction Documents
 - ii. Application Documents
 - b. Specifications
 - c. Cost Estimates
4. Caltrans Resubmittals
5. Record Drawings.



**City of Solvang - Mission Drive Intersection and
Crosswalk Improvement Project Fee Proposal**

Tasks and Sub-Tasks	LUMP SUM PER TASK
1 Meetings & Coordination	
1.1 Project Kickoff Meeting	
1.2 Client/Caltrans Meetings (8)	
1.3 Staff Review Meetings	
Sub-total	\$ 3,600.00
2 Site Visits, Research, Data Collection	
2.1 Site Visits	
2.2 Document Analysis	
Sub-Total	\$ 3,800.00
3 Construction Document Preparation	
3.1 Field survey & base map	
3.2 Flashing Beacon Crosswalk-2 fourth Place Locations	
3.3 Flashing Beacon Crosswalk-First Street	
3.4 Transit Center (Mission Drive) Crosswalk	
3.5 Intersection Upgrade	
3.6 Specifications	
Sub-Total	\$ 25,900.00
4 Encroachment Permit Submittal	
4.1 Encroachment Permit Submittal	
Sub-Total	\$ 4,700.00
5 Final Cost Estimate	
5.1 Cost Estimate	
Sub-Total	\$ 2,000.00
6 Caltrans Re-Submittals	
6.1 Address Caltrans comment/resubmittal	
Sub-Total	\$ 2,400.00
7 Record Drawings	
7.1 Draft Record Drawings	
7.2 Address Red Lines- Record Drawings	
7.3 Final Record Drawings	
Sub-Total	\$ 6,400.00
Grand Total all Tasks/Sub-Tasks	\$ 48,800.00

EXHIBIT C

INSURANCE REQUIREMENTS

Prior to the beginning of and throughout the duration of the Work, Consultant will maintain insurance in conformance with the requirements set forth below. Consultant will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth here, Consultant agrees to amend, supplement or endorse the existing coverage to do so. Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds available to City in excess of the limits and coverage required in this agreement and which is applicable to a given loss, will be available to City.

Consultant shall provide the following types and amounts of insurance:

Commercial General Liability Insurance using Insurance Services Office “Commercial General Liability” policy form CG 00 01 or the exact equivalent. Defense costs must be paid in addition to limits. There shall be no cross liability exclusion for claims or suits by one insured against another. Limits are subject to review but in no event less than \$1,000,000 per occurrence.

Business Auto Coverage on ISO Business Auto Coverage form CA 00 01 including symbol 1 (Any Auto) or the exact equivalent. Limits are subject to review, but in no event to be less than \$1,000,000 per accident. If Consultant owns no vehicles, this requirement may be satisfied by a non-owned auto endorsement to the general liability policy described above. If Consultant or Consultant’s employees will use personal autos in any way on this project, Consultant shall provide evidence of personal auto liability coverage for each such person.

Workers Compensation on a state-approved policy form providing statutory benefits as required by law with employer’s liability limits no less than \$1,000,000 per accident or disease.

Professional Liability or Errors and Omissions Insurance as appropriate shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the consultant and “Covered Professional Services” as designated in the policy must specifically include work performed under this agreement. The policy limit shall be no less than \$1,000,000 per claim and in the aggregate. The policy must “pay on behalf of” the insured and must include a provision establishing the insurer’s duty to defend. The policy retroactive date shall be on or before the effective date of this agreement.

Insurance procured pursuant to these requirements shall be written by insurers that are admitted carriers in the state of California and with an A.M. Bests rating of A- or better and a minimum financial size VII.

General conditions pertaining to provision of insurance coverage by Consultant. Consultant and City agree to the following with respect to insurance provided by Consultant:

1. Consultant agrees to have its insurer endorse the third party general liability coverage required herein to include as additional insureds City, its officials, employees and agents, using standard ISO endorsement No. CG 2010 with an edition prior to 1992. Consultant also agrees to require all contractors, and subcontractors to do likewise.
2. No liability insurance coverage provided to comply with this Agreement shall prohibit Consultant, or Consultant’s employees, or agents, from waiving the right of subrogation prior

to a loss. Consultant agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all contractors and subcontractors to do likewise.

3. All insurance coverage and limits provided by Contractor and available or applicable to this agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to the City or its operations limits the application of such insurance coverage.
4. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.
5. No liability policy shall contain any provision or definition that would serve to eliminate so-called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor.
6. All coverage types and limits required are subject to approval, modification and additional requirements by the City, as the need arises. Consultant shall not make any reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) that may affect City's protection without City's prior written consent.
7. Proof of compliance with these insurance requirements, consisting of certificates of insurance evidencing all of the coverages required and an additional insured endorsement to Consultant's general liability policy, shall be delivered to City at or prior to the execution of this Agreement. In the event such proof of any insurance is not delivered as required, or in the event such insurance is canceled at any time and no replacement coverage is provided, City has the right, but not the duty, to obtain any insurance it deems necessary to protect its interests under this or any other agreement and to pay the premium. Any premium so paid by City shall be charged to and promptly paid by Consultant or deducted from sums due Consultant, at City option.
8. Certificate(s) are to reflect that the insurer will provide 30 days notice to City of any cancellation of coverage.
9. It is acknowledged by the parties of this agreement that all insurance coverage required to be provided by Consultant or any subcontractor, is intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self insurance available to City.
10. Consultant agrees to ensure that subcontractors, and any other party involved with the project who is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with subcontractors and others engaged in the project will be submitted to City for review.

11. Consultant agrees not to self-insure or to use any self-insured retentions or deductibles on any portion of the insurance required herein and further agrees that it will not allow any contractor, subcontractor, Architect, Engineer or other entity or person in any way involved in the performance of work on the project contemplated by this agreement to self-insure its obligations to City. If Consultant's existing coverage includes a deductible or self-insured retention, the deductible or self-insured retention must be declared to the City. At that time the City shall review options with the Consultant, which may include reduction or elimination of the deductible or self-insured retention, substitution of other coverage, or other solutions.
12. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City will negotiate additional compensation proportional to the increased benefit to City.
13. For purposes of applying insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.
14. Consultant acknowledges and agrees that any actual or alleged failure on the part of City to inform Consultant of non-compliance with any insurance requirement in no way imposes any additional obligations on City nor does it waive any rights hereunder in this or any other regard.
15. Consultant will renew the required coverage annually as long as City, or its employees or agents face an exposure from operations of any type pursuant to this agreement. This obligation applies whether or not the agreement is canceled or terminated for any reason. Termination of this obligation is not effective until City executes a written statement to that effect.
16. Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Consultant's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to City within five days of the expiration of the coverages.
17. The provisions of any workers' compensation or similar act will not limit the obligations of Consultant under this agreement. Consultant expressly agrees not to use any statutory immunity defenses under such laws with respect to City, its employees, officials and agents.
18. Requirements of specific coverage features or limits contained in this section are not intended as limitations on coverage, limits or other requirements nor as a waiver of any coverage normally provided by any given policy. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue, and is not intended by any party or insured to be limiting or all-inclusive.

19. These insurance requirements are intended to be separate and distinct from any other provision in this agreement and are intended by the parties here to be interpreted as such.
20. The requirements in this Section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this Section.
21. Consultant agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Consultant for the cost of additional insurance coverage required by this agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.
22. Consultant agrees to provide immediate notice to City of any claim or loss against Consultant arising out of the work performed under this agreement. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.



**CITY COUNCIL
STAFF REPORT/CONSENT AGENDA**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Matt van der Linden, Public Works Director/City Engineer

MEETING DATE: November 14, 2016

DATE PREPARED: October 14, 2016

**SUBJECT: LAND DEVELOPMENT AGREEMENT FOR MERKANTILE
(VALLEY PLAZA) REDEVELOPMENT PROJECT**

I. RECOMMENDATIONS:

Authorize Mayor to execute Agreement for Land Development Improvements for the Merkantile (Valley Plaza) Redevelopment Project.

II. BACKGROUND:

On April 4, 2016, the Planning Commission approved the Development Plan for the Merkantile (Valley Plaza) Redevelopment Project, and adopted the Mitigated Negative Declaration for the Project. The Project adheres to permitted uses within the C-2 zone district as outlined in Chapter 7 of the Zoning Regulations, Title 11 of the City of Solvang Municipal Code. Planning Staff found the Project to be consistent with General Plan policies.

The property owners Development Plan requested approval to reconfigure and reconstruct the existing Valley Plaza shopping center comprising 39,282 square feet (SF) and two apartment units, and rebuild a new shopping center comprising 41,429 SF commercial retail space and eight one-bedroom residential units on a 3.9 acre property zoned C-2, and to adopt the Mitigated Negative Declaration (MND) pursuant to State Guidelines.

The project includes the following public improvements: new water services and fireline connections, new driveway approaches with ADA compliant sidewalk, and realignment of existing public storm drain improvements.

III. DISCUSSION:

All conditions necessary for the Merkantile (Valley Plaza) Redevelopment Project have either been met or are in progress to the satisfaction of staff.

Agreement for Land Development Improvements: The Agreement for Land Development Improvements requires the developer to complete all site grading, construct all public improvements, and provide surety in the form of bonds, cash, or Letter of Credit to ensure completion of those improvements. The necessary bonds have been submitted by the developer and are on file with the City's Administrative Services Director.

IV. ALTERNATIVES:

None.

V. FISCAL IMPACT:

None.

VI. ATTACHMENTS:

Agreement for Land Development Improvements

RECORDING REQUESTED BY

City of Solvang

AND WHEN RECORDED MAIL TO

City of Solvang
1644 Oak Street
Solvang, CA 93464

No Fee Per Government Code 6103

Revised Form 07/11/01

APNs 139-540-051 & 139-540-052

CITY OF SOLVANG

County of Santa Barbara, California

AGREEMENT FOR LAND DEVELOPMENT IMPROVEMENTS

PROJECT IDENTIFICATION: **Merkantile (Valley Plaza) Redevelopment Project**

THIS AGREEMENT is between the City of Solvang, a municipal corporation, hereinafter referred to as "City", and **1980s Old Mission Drive, LLC**, hereinafter referred to as "Developer", and is dated **October 24, 2016**.

Developer is the owner of land situated in the City, generally known and described in **Exhibit "A"**, attached hereto. Developer proposes to do and perform certain work of improvement thereon as hereinafter set forth; and

City desires to assure that said proposed improvements will be done in good workmanlike manner and in accordance with all ordinances and laws now in force and effect in the City, the terms and conditions of which are incorporated herein by reference. Developer declares that it is familiar with the regulations contained in said laws and agrees to comply therewith.

WHEREAS, onsite and offsite improvement plans have been prepared in accordance with the provisions of the City Municipal Code and have been filed by the Developer with the City and reviewed by the City, said plans are identified as:

- A. Merkantile Onsite Grading (& Private Drainage) Plans,**
- B. Merkantile Erosion Control Plans,**
- C. Public Storm Drain Improvements for the Merkantile Project,**
- D. Public Street Improvements for the Merkantile Project,**
- E. Public Water Improvements for the Merkantile Project, and**
- F. Highway 246 (Mission Drive) Street Improvements.**

NOW THEREFORE, in consideration of the review and acceptance by the City of said improvement plans, bond estimates and the covenants herein contained, the parties hereto mutually covenant and agree that the Agreement for Land Development Improvements shall include the following numbered paragraphs: All paragraphs 1 through 21.

1. General Requirements

Developer shall, at its own cost and expense, complete all of the improvements hereinafter referred to in a good and workmanlike manner in accordance with all adopted City/County standards and all applicable laws, rules and regulations, to the satisfaction of the City Engineer at an estimated cost of: **\$879,359** for improvements (grading, retaining walls, storm drain system improvements, street improvements (asphalt paving, curb & gutter, driveway approaches, sidewalk, etc.), and water system improvements, including any cost of checking and inspection which is the estimate of the City Engineer. The time for completion may be extended by the City Engineer in writing for good cause shown by the Developer. The estimated cost of said improvements shall be for bonding purposes only and shall not limit Developer's obligation and promise to complete said developments, as herein provided. Said improvements shall be those required by all the terms, provisions, conditions, plans and approvals set forth by the Planning Commission and/or the City Council (collectively "approvals").

2. Definition and Ownership of Improvements

The term "improvements" means and includes all grading, retaining walls, erosion control measures, paving, curbs and gutters, driveway approaches, sidewalks, pathways/bikeways, storm drain system, water system, sanitary sewer system, utilities, street lights, traffic safety devices, ornamental "street trees", landscaping and landscaping maintenance that are shown upon said plans, which Developer agrees to complete in accordance with City standards. The cost of checking and construction inspection shall be paid by Developer. All public improvements constructed or installed pursuant to this agreement shall become the sole exclusive property of the City, without payment thereof, upon acceptance of said improvements by the City.

3. Time of Completion

All of said improvements shall be completed within eighteen (18) months of Agreement date, or prior to final occupancy clearance for Building B, whichever is sooner. In the event that Developer fails to complete the improvements within the time specified herein or to maintain the same as provided in the plans, the City may complete said work and Developer promises to pay the City the full cost and expenses thereof or City may recover the same from the surety as hereinafter provided, including reasonable attorneys' fees. The City may require Developer, or his surety, to pay the City in advance, sufficient moneys to cover City's cost in completing construction of said improvements.

4. Surety Bonds

(a) Form of Security. Prior to the recordation of this Agreement, Developer shall file with the City a bond or bonds by one or more duly authorized corporate securities to secure the faithful performance and for the security of laborers and material men offered in conjunction with the improvements required hereunder. Such security shall be in one of the following forms, at the option of, and subject to the approval of the City:

(i) A bond or bonds by one or more duly authorized corporate sureties;

(ii) A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, or money or negotiable bonds of the kind approved for securing deposits of public moneys; or

(iii) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government, pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

(b) Amount of Security. The improvement security shall be in the amount set forth as follows:

(i) An amount which equals one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, as specified in Section 1 of this Agreement, conditioned upon the faithful performance of the act or agreement.

(ii) An additional amount which equals one hundred percent (100%) of the total estimated cost of the improvement or performance of the required act, as specified in Section 1 of this Agreement, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.

(iii) An additional amount which equals fifteen percent (15%) of the total estimated cost of the improvement or act to be performed, as specified in Section 1 of this Agreement, to guarantee and warranty the work for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done or materials furnished (to be provided upon completion and acceptance of improvements by the City).

(c) Release of Security. The improvement security required hereunder shall be released in the following manner:

(i) Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of Subsection (ii) below.

(ii) The Director of Public Works may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application therefore by the subdivider; provided, however, that no such release shall be for an amount less than twenty-five percent (25%) of the total improvement security given for faithful performance of the act or work and that security shall not be reduced to an amount less than fifty percent (50%) of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the Director of Public Works authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work, or any other obligation imposed by the provisions of Title 3 of the Solvang Municipal Code, the Subdivision Map Act, or the improvement agreement.

(iii) Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials, or equipment, may, thirty days after the completion and acceptance of the act or work, be reduced to any amount equal to the amount of all claims therefore filed and of which notice has been given to the City Council, plus an amount reasonably determined by the Director of Public

Works to be required to assure the performance of any other obligations for which the security was given.

(iv) Security given for the guarantee or warranty of work shall be released upon the expiration of the period for which it is given. The City Council shall have one (1) year after completion and acceptance of the performance of the obligation to register its satisfaction or dissatisfaction. If, at the end of that period, it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

5. Effective Date of Contract

This contract shall not become effective unless and until it is approved by the City Council and all fees and deposits paid and bonds or instruments of credit posted.

6. Liability for Non-Performance

Neither the City nor any of its elected or appointed officials, employees, or volunteers shall be liable to Developer or its contractors for any error or omission arising out of or in connection with any work to be performed under this Agreement.

7. Liability for Personal Injuries

The City shall not be liable to the Developer or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the development of said land covered by this Agreement, or any part thereof.

8. Release and Indemnification

The Developer hereby releases and agrees to indemnify and save the City and its employees as individuals, harmless from and against any and all damages, injuries and deaths to persons and property, and any and all claims, demands, costs, losses, damages, injuries or liability, howsoever caused, resulting directly or indirectly from the performance or non-performance of any and all work done or to be done pursuant to this Agreement, in connection with said development, or in, upon or under the streets in said development including without limitation, any made or suffered by the Developer or the Developer's agents, employees, contractors or subcontractors.

9. Insurance

Prior to the commencement of any work pursuant to this Agreement, Developer's contractors, without cost to the City, shall furnish to City satisfactory evidence of insurance as provided in **Exhibit "B"** attached hereto and incorporated herein by this reference.

10. Developer's Expenses

Without limiting Developer's obligations, Developer agrees to pay for the following expenses:

(a) The Developer and its contractors and subcontractors shall pay for any and all materials, provisions, supplies, equipment, labor and materials used in, upon, for, or about the performance of the work contracted to be done for the improvements for any

labor or work done thereon of any kind or nature and for the payment of the bond with respect to such work or labor.

(b). All required improvements shall be constructed under the inspection of and subject to the approval of the City. The cost of inspections shall be paid by Developer.

11. Review by City Engineer

It is agreed that the City shall have the right to reject any or all of the work to be performed under this contract if such work does not conform with the plans mentioned herein or the ordinances or adopted standards of the City. Developer agrees to pay for any and all damage to the water system, sewer system, drainage system, utilities, concrete work, or street paving that occurs after installation and agrees to completely repair the same to the satisfaction of the City Engineer before release of bond or final acceptance of completed work.

12. Obligations of Developer

Notwithstanding the fact that Developer's plans and specifications, completion of the work, and other acts are subject to approval of the City, it is understood and agreed that any review by the City thereof shall not relieve Developer from satisfactorily performing said work or his obligations hereunder. The construction shall be done strictly in accordance with the plans approved by the City in accordance with law and the Standard Specifications. Developer hereby warrants that its plans will comply with all of the City Standard Specifications and all applicable laws and ordinances and that the work done pursuant thereto shall be in conformity with the City Standard Specifications and ordinances and that they are adequate to accomplish the work in a good workmanlike manner and in accordance with sound construction practices. This warranty shall survive any investigation by the City and any City employees. The sufficiency and the compliance of the plans and specifications with City Standards and all applicable laws, rules and regulations shall be the sole responsibility of the Developer.

13. Warranty and Maintenance of Work

Without limiting the foregoing, Developer warrants and guarantees materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City.

Unless the plans are for maintenance only, the Developer shall maintain the work (a) for a period of one (1) year after acceptance of the work by the City, or (b) until all deficiencies in the work are corrected to conform to the plans and the City's Standards and Specifications for the work, whichever is later.

14. Relationship of Contractors

It is hereby mutually covenanted and agreed by the parties hereto that the Developers and the Developer's contractors are not partners, employees, joint ventures nor agents of the City, and that the Developer's and the Developer's contractors' relations to City, if any, are those of independent contractors.

15. Assignment

This contract shall not be assignable by Developer without the written consent of the City.

16. Supplying Record Drawings

Upon completion of the improvements and subsequent to the acceptance of the improvements by the City, the Developer shall supply the City, at no cost to the City, one mylar set of record drawings, and electronic files of record drawings in PDF format. These drawings shall be certified as being record drawings and shall reflect the improvements as actually constructed, with all changes incorporated therein.

17. Survival of Representations

All promises, representations, and warranties made by Developer pursuant to this Agreement shall survive the consummation of the transactions contemplated by this Agreement, the acceptance of the work by the City, and any investigations or inspections made by or on behalf of the City.

18. Binding on Successors

All covenants, agreements, promises, representations and warranties of the Developer shall be binding upon the Developer and his heirs, successors, legal representatives and assigns.

19. Modification

This Agreement supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties in connection with the subject matter hereof. No supplement, modification, discharge, waiver or termination of this Agreement or any provisions hereof shall be binding unless executed in writing by the parties to be bound thereby. No waiver of any of the provisions of this Agreement shall constitute a continuing waiver unless otherwise expressly provided.

20. Headings Not For Construction

Section, paragraph, and subparagraph headings, if any, are not to be considered part of this Agreement and are included solely for convenience and are not intended to be full or accurate descriptions of the contents thereof.

21. No Waivers

No course of dealing between the Developer and the City, or any delay on the part of the City in exercising any rights hereunder shall operate as a waiver of any rights by City, except to the extent expressly waived in writing by City.

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the **24th** day of **October, 2016**.

City of Solvang

Mayor
ATTEST:

Lisa S. Martin, City Clerk

Developer (1980s Old Mission Drive, LLC)

Signature

Printed Name

Title

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

Parcel "A" as shown on Parcel Map No. 13,125 in the City of Solvang, County of Santa Barbara, State of California, filed in Book 26, Pages 78 and 79 of Parcel Maps, in the office of the County Recorder of said County. Assessor's Parcel No. 139-540-051 (formerly APN 139-240-074).

PARCEL 2:

Parcel "B" as shown on Parcel Map No. 13,125 in the City of Solvang, County of Santa Barbara, State of California, filed in Book 26, Pages 78 and 79 of Parcel Maps, in the office of the County Recorder of said County. Assessor's Parcel No. 139-540-052 (formerly APN 139-240-075).

Exhibit "B"

Contractor Insurance Requirements

Prior to the beginning of and throughout the duration of the Work, Contractor will maintain insurance in conformance with the requirements set forth below. Contractor will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth here, it will be amended to do so. Contractor acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds in excess of the limits and coverage required in this Agreement and which is applicable to a given loss, will be available to the City of Solvang.

Contractor shall provide the following types and amounts of insurance:

- 1. Commercial General liability Insurance** using Insurance Services Office "Commercial General liability" policy form CG 00 01, with an edition date prior to 2004, or the exact equivalent. Coverage for an additional insured shall *not* be limited to its vicarious liability. Defense costs must be paid in addition to limits. Limits shall be no less than \$1,000,000 per occurrence for all covered losses and no less than \$2,000,000 general aggregate.
- 2. Workers' Compensation** on a state-approved policy form providing statutory benefits as required by law with employer's liability limits no less than \$1,000,000 per accident for all covered losses.
- 3. Business Auto Coverage** on ISO Business Auto Coverage form CA 00 01 including owned, non-owned and hired autos, or the exact equivalent. Limits shall be no less than \$1,000,000 per accident, combined single limit. If Contractor owns no vehicles, this requirement may be satisfied by a non-owned auto endorsement to the general liability policy described above. If Contractor or Contractor's employees will use personal autos in any way on this project, Contractor shall obtain evidence of personal auto liability coverage for each such person.
- 4. Excess or Umbrella Liability Insurance** (Over Primary) if used to meet limit requirements, shall provide coverage at least as broad as specified for the underlying coverage. Such policy or policies shall include as insured those covered by the underlying policies, including additional insureds. Coverage shall be "pay on behalf", with defense costs payable in addition to policy limits. There shall be no cross liability exclusion precluding coverage for claims" or suits by one insured against another. Coverage shall be applicable to City for injury to employees of Contractor, subcontractors or others involved in the Work. The scope of coverage provided is subject to approval of City following receipt of proof of insurance as required herein.



**CITY COUNCIL
STAFF REPORT/CONSENT AGENDA**

TO: SOLVANG CITY COUNCIL MEMBERS

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

MEETING DATE: November 14, 2016

DATE PREPARED: November 2, 2016

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

I. RECOMMENDATION:

Accept the Exemption to the California Environmental Quality Act pursuant to CEQA Section 15061 and adopt Ordinance No. 16-_____, on second reading by title only, an ordinance of the City Council of the City of Solvang amending Title 11.

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 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

Ordinance Amendment – Vacation Rental Regulations

City Council Hearing Date: November 14, 2016

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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 was reviewed by the Planning Commission on October 3, 2016, and recommended to the Council for adoption. Council introduced the ordinance for first reading on October 24, 2016.

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, and the Commission recommended adoption of those regulations.

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,*

Ordinance Amendment – Vacation Rental Regulations

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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. ALTERNATIVES:

The City Council could provide direction and refer back to staff.

VI. FISCAL IMPACT:

None.

VII. ATTACHMENTS:

1. City Council Ordinance 16-__
2. Draft CEQA NOE

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 provide a community benefit by expanding 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

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 11-12-25 is hereby added to read as follows:

Short Term/Vacation Rental Regulations

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.

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

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 promptly furnished to the City.

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

c. A copy of the proposed notice setting forth the name, address, and telephone number of the contact person required in Section a 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.

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.

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 complaints regarding the use of the vacation rental. The contact person shall respond, either in person, 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 should 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 & economic development director or his/her designee.

Permissible Locations

A. This ordinance does not amend the Solvang Municipal Code to allow vacation rentals in any residential zone except as indicated in 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 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

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



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



**CITY COUNCIL
STAFF REPORT**

TO: SOLVANG CITY COUNCIL MEMBERS

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

MEETING DATE: November 14, 2016

DATE PREPARED: October 21, 2016

SUBJECT: INTRODUCTION FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE AMENDING TITLES 10 AND 11 OF THE SOLVANG MUNICIPAL CODE TO ADOPT AND AMEND THE LATEST EDITIONS OF THE CONSTITUENT CODES OF THE CALIFORNIA BUILDING STANDARDS CODE AND ESTABLISH SPECIAL PERMIT PROCESSING FOR RESIDENTIAL ROOFTOP SOLAR SYSTEMS AND ELECTRIC VEHICLE CHARGING STATIONS

I. RECOMMENDATIONS:

1. Introduce for first reading by, title only, Ordinance No. 16-_____, an Ordinance of the City Council of the City of Solvang amending Titles 10 and 11 of the Solvang Municipal Code to adopt and amend the latest editions of the Constituent Codes of the California Building Standards Code and adopt findings of facts to support the imposition of requirements other than the requirements established by or pursuant to the California Building Standards Code, and establish special permit processing for small residential rooftop solar energy systems and electric vehicle charging stations;
2. Adopt Resolution 16-xxx, Stating Exceptions to the Santa Barbara County Fire Code Pursuant to Health and Safety Code §13869 Et Seq.; and
3. Accept the Exemption to the California Environmental Quality Act pursuant to CEQA Section 15061.

II. DISCUSSION:

Introduction

The City is required to comply with the building and fire codes adopted by the State of California, which are updated every three years. The code editions recently adopted by the State will be effective January 1, 2017. These codes can be modified locally to reflect unique situations or special needs, and the City must adopt these local modifications as part of the Municipal Code in order to coordinate the City's building and fire codes with the State's codes. The recommended action will incorporate all special construction requirements that are unique to the City of Solvang into the most recent "building and fire codes" established by the State of California. The evolution of the model codes, on which the California codes are based, recognize the latest advances in building safety, environmental concerns, resource management, and fire suppression safety. The improved regulations will enhance the City's rating by the Insurance Services Organization, which evaluates the City's construction regulation program.

The City became a part of the Santa Barbara County Fire Protection District in 2007. Santa Barbara County has provided the City with their proposed ordinance to adopt the new fire code, which is attached. Since Solvang is within the Fire Protection District, final action by the Santa Barbara County Board of Supervisors will establish the Fire Code for the City of Solvang.

The proposed ordinance will retain needed previously established amendments, improve the enforceability of amendments, maintain compatibility with the California Building Standards Code (Title 24), and establish expedited permit processing for residential solar energy systems and electric vehicle charging stations as mandated by State law.

Background

Every three years, the model construction and fire codes are republished to incorporate all code changes accepted by a majority of members attending the hearings of several code development organizations. The State of California adopts and amends the most recent edition of those codes, which are subsequently published by the Building Standards Commission. The State has established the 2015 edition of the International Building Code developed by the International Code Council as the basis for the 2016 California Building Code (CBC); the 2015 editions of the Uniform Mechanical and Plumbing Codes developed by the International Association of Plumbing and Mechanical Officials and the 2014 edition of National Electrical Code developed by the National Fire Protection Association are the basis of the corresponding 2016 California code. Other codes are unique to California, such as the Green Building Standards Code and the Energy Code, and have evolved directly from a State agency.

The Building Standards Commission completed the adoption process for the current triennial edition of the California Building Standards Code, also known as "Title 24", in

the early months of 2016. As a result, the new codes (2016 California Building, Residential, Mechanical, Plumbing, Electrical, Energy, Green Building Standards, Historical, Existing Building, and Fire Codes) will become effective statewide on January 1, 2017.

Evolution of the model codes brings many changes to the final publication at the end of the code cycle. The changes are notated in the code books as a vertical line in the margin, suggesting that the user carefully read the text to determine the extent of changes. Most code changes are relatively insignificant and generally provide clarity, improved enforceability, or recognize technological gains in construction materials and methods. Some changes will improve building safety, but may add to the cost of construction.

The California Health and Safety Code allows for the City to amend provisions of the California Building Standards Code for local climatic, geological, or topographical conditions. The proposed ordinance will amend the State codes to address unique local conditions in the City of Solvang, and contains the findings required to justify the proposed code modifications. Additional findings in support of California Fire Code amendments by Santa Barbara County applicable to the Fire Protection District including Solvang will be established in the action by Board of Supervisors.

Without adoption of the proposed ordinance, the Building Division will have no authority to enforce the City's existing local amendments, since they are tied to prior California codes. These editions will no longer be valid when the 2016 editions automatically become the City's codes on January 1, 2017. If the recommended action is endorsed by the City Council, final passage of the ordinance at the next regular meeting will make the local and statewide codes coincide on January 1, 2017.

Technical Summary

The proposed ordinance will repeal Chapters 1 and 2 of Title 10 of the Municipal Code and replace them with new Chapters 1 and 2 to establish the new construction and maintenance codes for the City. The new Chapter 1 will adopt and amend the 2016 construction codes and the 2015 International Property Maintenance Code and Chapter 2 will adopt the fire code. Adoption of the 2015 International Property Maintenance will provide the necessary technical provisions and administrative authority for code enforcement staff to pursue unsafe building conditions. The proposed ordinance will also repeal Section 11-16-7 of the Municipal Code, which established special permit processing for small residential rooftop solar energy systems as mandated by Government Code 65850.5. Since AB 1236 (Government Code 65850.7) mandates that each jurisdiction in the State establish a streamlined permit processing system for electric vehicle charging stations similar to small residential rooftop solar energy systems, the proposed ordinance will create a new Chapter 4 in Title 10 that will establish special permit processing for residential rooftop solar systems and electric vehicle charging stations. The proposed action will essentially relocate the repealed Section 11-16-7 found in the Zoning Regulations and also add electric vehicle charging station permit processing to Title 10, both with comparable format and requirements. Since State law

assigns responsibility for administering these special permit processing programs to the local building official, the provisions are more appropriately located in Title 10, Building Regulations.

The recommended action will also to formally adopt the County's Codes relative to the California Fire Code. The City of Solvang retains its sovereign authority within the city limits even though it is now part of the County Fire District. The mechanism for exercising this authority is found in the Health and Safety Code. The system works as follows: Once the County adopts a fire code, the City is free to accept or reject all or any portions of that ordinance. Those portions that are not rejected are accepted. There is no specific time limit upon which the City must address the issue, but the City must give the County notice of any rejections within fifteen (15) days of such action. Although most code adoptions for a city must be done by ordinance, a rejection of a County Code is accomplished by a Resolution. Solvang has historically never allowed open burning. The County allows some open burning with a permit during low fire season. The attached Resolution would continue the prohibition of any open burning in the City Limits. Staff consulted with the County Fire Department in establishing the proposed exception.

The County has also established a fee schedule pursuant to their ordinance. Solvang is not "adopting" those fees, and therefore does not have to have a hearing on them. However, since we are not proposing to reject that portion of the County Ordinance that sets those fees, those fees are effective for Fire Department services within the city limits of Solvang.

No new construction requirements are established by the amendments to codes adopted in the proposed ordinance. The majority of the amendments are administrative provisions. The existing roofing requirements are carried over without modification. A significant component of this triennial code cycle is State adoption of the complete International Existing Building Code, which may provide more compliance alternatives when an existing building is altered. In past code cycles, only the technical standards for unreinforced masonry building strengthening were adopted. A brief summary of each proposed code amendment in this adoption cycle is found in Attachment 3 to this report.

Attachment 2 illustrates actual text changes for all proposed local amendments to the various codes.

III. ALTERNATIVES:

1. Adopt ordinance with City Council-directed modifications.
2. Take no action, which would result in the State's versions of the codes, without local amendments, becoming effective January 1, 2017.

IV. FISCAL IMPACT:

There are no significant fiscal impacts.

V. ATTACHMENTS:

1. Proposed Ordinance
2. Illustrated Text Changes for Proposed Amendments
3. Discussion of Amendments
4. Resolution
5. Proposed Santa Barbara County Fire Code Adoption Ordinance
6. CEQA NOE

Ordinance No. 2016-___

**AN ORDINANCE OF THE CITY OF SOLVANG
AMENDING TITLES 10 AND 11 OF THE SOLVANG MUNICIPAL CODE THAT
ADOPTS AND AMENDS THE LATEST EDITIONS OF THE CONSTITUENT CODES
OF THE CALIFORNIA BUILDING STANDARDS CODE
AND ADOPTS FINDINGS OF FACT TO SUPPORT THE IMPOSITION OF
REQUIREMENTS OTHER THAN
THOSE OF THE CALIFORNIA BUILDING STANDARDS CODE
AND ESTABLISHES SPECIAL PERMIT PROCESSING FOR SMALL RESIDENTIAL
ROOFTOP SOLAR SYSTEMS AND ELECTRIC VEHICLE CHARGING STATIONS**

WHEREAS, it is the desire and intent of the City Council of the City of Solvang to provide citizens with the greatest degree of fire, life and structural safety in buildings in the most cost effective manner by adopting that body of regulations referred to as the California Building Standards Code with amendments specific to the City of Solvang; and

WHEREAS, the California Health and Safety Code, Section 17958.7 and Section 18941.5, require the City Council, before making any modifications or changes to the California Building Standards Code pursuant to Health and Safety Code Sections 18941.5 and 17958.5, to make an express finding that each such modification or change is needed; and,

WHEREAS, the California Health and Safety Code Section 17958.7 requires that such changes must be determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission; and

WHEREAS, the City Council hereby determines that Sections 903.2, 1505 and 1506 of the 2016 California Building Code, Sections R313 and R904 of the 2016 California Residential Code, Section 230.70(A)(1) of the 2016 California Electrical Code, and Section 403 of the 2016 California Plumbing Code are required to be modified due to the findings contained herein to other requirements than those set forth in the California State Building Standards Code; and

WHEREAS, the City Council finds that each of the changes or modifications to measures referred to therein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Solvang, and the City Council further finds that the following findings support the local necessity for the changes or modifications:

FINDING 1

That the City of Solvang lies approximately midway between the major population centers of San Francisco and Los Angeles, making mutual aid resources from these centers delayed. Furthermore, within Santa Barbara County, organized fire departments are characteristically at

such distance and of such limited resources that they may not present a reliable rapid response mutual aid alternative, although agreements currently exist. The continued development in new residential areas within the City and potential annexation areas will increase response times for personnel, creating a substantial threat to human life and public safety. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of other requirements than set forth in Sections 903.2, 1505 and 1506 of the 2016 California Building Code, Sections R313 and R904 of the 2016 California Residential Code, and Section 230.70(A)(1) of the 2016 California Electrical Code.

FINDING 2

That the City of Solvang is surrounded by areas susceptible to a wild-land fire event. A fire in these areas, in conjunction with coastal winds, Santa Ana winds, and similar dry, conditions could threaten the City with burning embers traveling thousands of feet that will ignite structures. City fire-suppression resources will be inadequate to resist this threat. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of other requirements than set forth in Sections 903.2, 1505 and 1506 of the 2016 California Building Code, Sections R313 and R904 of the 2016 California Residential Code, and Section 230.70(A)(1) of the 2016 California Electrical Code.

FINDING 3

That the City of Solvang is primarily accessed by only one major highway (Hwy 246) that may be subject to earthquakes that create impassable roads and collapsed bridges. Emergency personnel responding to a fire may be unduly impeded or delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The afore-described condition support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of other requirements than set forth in Sections 903.2, 1505 and 1506 of the 2016 California Building Code, Sections R313 and R904 of the 2016 California Residential Code, and Section 230.70(A)(1) of the 2016 California Electrical Code.

NOW, THEREFORE, the City Council of the City of Solvang does hereby ordain as follows:

Section One. Action:

The provisions of State Building Standards Code are hereby modified, changed and amended, as provided for in this ordinance, based upon the foregoing recitals and findings. The City Council takes said action because of the public interest in protecting life and preserving public safety and property. Chapters 1 and 2 of Title 10 and Section 11-16-7 of Title 11 of the Solvang Municipal Code are hereby repealed and replaced by new Chapters 1, 2, and 4 of Title 10 as follows:

Chapter 1 BUILDING CODES

10-1-1: ADOPTION OF CONSTRUCTION CODES:

Ten documents, each of which is on file in City offices, marked and designated as (1) the 2016 edition of the California Building Code (Volumes 1 and 2) published by the International Code Council, (2) the 2016 edition of the California Residential Code published by the International Code Council, (3) the 2016 edition of the California Electrical Code published by the National Fire Protection Association, (4) the 2016 edition of the California Mechanical Code published by the International Association of Plumbing and Mechanical Officials, (5) the 2016 edition of the California Plumbing Code published by the International Association of Plumbing and Mechanical Officials, (6) the 2016 edition of California Energy Code, (7) the 2016 edition of the California Historical Building Code, (8) the 2016 edition of the California Existing Building Code, (9) the 2016 edition of the California Green Building Standards Code, and (10) the 2015 edition of the International Property Maintenance Code published by the International Code Council are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Building Construction Regulations of the City of Solvang. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter except as modified in Section 10-1-4.

10-1-2: BUILDING OFFICIAL DESIGNATED

The Building Official is hereby designated as the building official and code official for the City of Solvang. Where the “authority having jurisdiction” is used in the adopted codes, it shall mean the building official. The Building Official shall be appointed by the Planning and Economic Development Director of the City of Solvang.

10-1-3: REFERENCED CODES AND STANDARDS

Where other codes and standards are referred to in the codes adopted in Section 10-1-1, the following shall apply:

- A. International Building Code shall mean California Building Code or the California Residential Code, as applicable.
- B. International Plumbing Code shall mean California Plumbing Code.
- C. International Fuel Gas Code shall mean California Plumbing Code.
- D. International Mechanical Code shall mean California Mechanical Code.
- E. NFPA 70 and National Electrical Code shall mean California Electrical Code.
- F. International Residential Code for One- and Two-family Dwellings shall mean the California Residential Code.

- G. International Fire Code shall mean California Fire Code.
- H. International Existing Building Code shall mean California Existing Building Code.
- I. International Zoning Code shall mean applicable provisions of Title 11 of the Solvang Municipal Code.

10-1-4: AMENDMENTS; CALIFORNIA BUILDING CODE

The California Building Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

- A. Delete Appendices A, B, D, F, and K.

- B. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the California Building Code, hereinafter referred to as “this code.”

- C. Amend Section 101.4 to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each reference.

- D. Add Section 101.4.8 to read as follows:

101.4.8 Electrical. The provisions of the California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, and replacement of electrical equipment, appliances, fixtures, fittings and appurtenances thereto.

- E. Amend 103.1 to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created within the Planning and Community Development Department and the official in charge thereof shall be known as the building official.

- F. Add Section 104.3.1 to read as follows:

104.3.1 Citations. The building official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

- G. Amend Section 105.2 and the Building exemptions only to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage shed, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls and non-retaining walls, including masonry and concrete free-standing walls, that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agriculture purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

H. Amend Section 105.3.2 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 365 days after the date of filing, unless a permit has been issued. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

I. Add Section 109.2.1 to read as follows:

109.2.1 Plan review fees. When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged at a rate established by the applicable governing authority.

- J. Amend Section 109.4 to read as follows:

109.4 Work commencing before permit issuance.

109.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

109.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- K. Delete the exception to Section 110.3.5.

- L. Amend Sections 113.1 and 113.2 to read as follows, and delete Section 113.3:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the California Building Standards Code and the International Property Maintenance Code, there shall be and is hereby created a Board of Appeals. Said Board shall also serve as the Housing Appeals Board and the Local Appeals Board referenced in the California Building Standards Code. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Solvang City Council is expressly declared to be the Board of Appeals and shall have all of the power and authority conferred upon a local appeals board under the Health and Safety

Code. The order of the City Council upon such appeal shall be final and immediate. The fee for appeals shall be consistent with fees established by the applicable governing authority.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of the California Building Standards Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the California Building Standards Code do not fully apply or an equally good or better form or construction is proposed. The board shall have no authority to waive requirements of the adopted codes. For appeals relating to accommodations for the disabled, the authority of the board shall include the ability to authorize reasonable alternatives to disabled access requirements imposed by the California Building Standards Code. Decisions of the board of appeals shall be final and only subject to review by writ of mandate to the superior court.

M. Amend Section 114.1 to read as follows:

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

N. Amend Section 114.4 and add Sections 114.4.1 and 114.4.2 to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals within the time fixed herein, shall be subject to penalties as prescribed by law. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

114.4.1 Costs of abatement; tax lien. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this code, the municipal code, other adopted California codes, or the state housing law shall be liable for and obligated to pay to the city all costs incurred by the city in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action,

whether such action is administrative, injunctive, or legal, and for all damages suffered by the city, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the city, the city council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of the delinquency as are provided for ordinary property taxes.

114.4.2 Recording noncompliance with county recorder. Whenever the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this building code, or other provision of the municipal code, the state housing laws, or any other code adopted herein, the building official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the building official that the noncomplying conditions have been corrected.

O. Amend Section 115.3 to read as follows:

115.3 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

P. Amend Section 116.1 to read as follows:

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and the 2015 edition of the International Property Maintenance Code, as adopted. A vacant structure that is not secured against entry shall be deemed unsafe.

Q. Amend Section 903.2 to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be provided in a new building, and in an existing building where floor area is increased, as provided in

Sections 903.2.1 through 903.2.12 of this code and Section 903.7.1 of California Fire Code as adopted by the County of Santa Barbara.

Exception: A building containing a Group R, Division 3 occupancy not more than three stories above grade plane in height shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.

R. Add Section 1505.1.5 and Table 1505.1.5 to read as follows:

1505.1.5 Roofs in commercial areas. All roofs on all commercial buildings located in any area zoned commercial in the city shall be constructed of roofing materials rated as a Class A roof assembly. This section shall apply to any new commercial buildings built in an area zoned commercial in the city and to the replacement of any existing roofing materials on any commercial building in an area zoned commercial in the city. No owner of any building, however, shall be required solely by virtue of this section to replace any roofing material.

Exception: The exclusive list of commercial buildings listed in Table 1505.1.5 having wooden roofs with rolled eaves and shingles with clipped ends, provided that all of the following provisions are satisfied:

1. The roofing material to be used is determined by the board of architectural review to be compatible with the roofing materials being replaced and with the Danish theme of the commercial areas of the city;
2. An underlayment of one-half inch ($\frac{1}{2}$ ") type X gypsum board or comparable material approved by the building official be placed under the solid or spaced sheathing;
3. Attic and occupancy fire area separations are provided as required by this code;
4. Automatic fire sprinklers and/or other types of automatic fire extinguishing systems are installed, if in the opinion of the building official such systems are necessary to minimize any additional fire hazards;
5. The wood roofing materials used are fire-retardant treated and listed by the State Fire Marshal to comply with Section 1505.6; and
6. The owner agrees to execute an agreement acceptable to the city attorney obligating the owner to maintain the effectiveness of any treatment of any roofing material installed pursuant to this section as required by the service conditions encountered in actual use. Such agreement shall also provide that the method of retreatment and the frequency of retreatment are satisfactory to the building official.

**Table 1505.1.5
Buildings Exempt from Class A Roof Assembly**

Address	Assessor's Parcel No.
440 Alisal Road	139-240-70
442 Alisal Road	139-240-71

460 Alisal Road	139-240-57
473 Alisal Road	139-182-22, 24
1659 Copenhagen	139-181-12
1679 Copenhagen	139-182-13
1688 Copenhagen	139-193-23
1692 Copenhagen	139-193-22
1697 Copenhagen	139-182-21
1440 Mission Drive	137-260-33
1523-25 Mission	139-132-13
1529 Mission Drive	139-132-17
1531 Mission Drive	139-132-21
1555 Mission Drive	139-132-9
1588 Mission Drive	139-173-8
1595 Mission Drive	139-133-16
1711 Mission Drive	139-150-19

S. Add Section 1506.5 to read as follows:

1506.5 Wood shake and shingle roof covering limitations. Wood shake or shingle roof coverings shall not be installed on any building. A roof covering shall not be applied over existing wood shakes or shingles.

Exceptions:

1. A wood shake or wood shingle system listed as a Class A-rated roof covering.
2. Roof covering for an addition to, or the reroofing of, an existing building where the new roof covering area is less than 750 square feet of the existing roof area may be an approved Class B pressure treated wood shingle system.

T. Amend Section 3201.1 to read as follows:

3201.1 Scope. The provisions of this chapter and Section 8-3-3 of the Solvang Municipal Code shall govern encroachment of structures into the public right-of-way.

U. Amend Appendix Section G104.1 to read as follows:

G104.1 Permit application and processing. Any person, owner, or owner's authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permit. The processing and administration of a permit application shall be as prescribed in Sections 105 and 107.

V. Amend Appendix Section H101.2 to read as follows:

H101.2 Signs exempt from permits. The following signs are exempt from the requirement to obtain a permit from the building official before erection or alteration of a sign:

1. Signs where a Planning Permit is not required.
2. Temporary signs announcing the sale or rent of property in accordance with the City Sign Ordinance.
3. Signs erected by transportation authorities.

W. Add Section J101.3 to read as follows:

J101.3 Administration. This appendix chapter shall be administered by the city engineer. References to building official shall mean city engineer.

X. Amend Appendix Section J103.2 and add Appendix Sections J103.3 and J103.4 to read as follows:

J103.2 Exempted Work. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.
8. An excavation which does not exceed fifty cubic yards and (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical to 2 units horizontal.
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal, not intended to support structures, on any one lot and does not obstruct a drainage course.
10. A fill less than 3 foot (38.3 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

J103.3 Early grading. A grading permit shall not be issued prior to issuance of a building permit for the project unless:

1. A tentative subdivision or tract map, use permit, architectural review commission project approval or similar authorization has been granted; and
2. Related street and utility grades have been established and approved; and
3. A surety bond in accordance with Section J103.4 is deposited to guarantee restoration of the site to a natural or other condition acceptable to the building official should the project not proceed to completion.

J103.4 Bonds. The building official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or restore a graded site to the original condition. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

The city engineer may require that bonds be posted to recover the full costs of any damage to public right-of-way which may occur because of the peculiar nature or large scope of the project, such as transportation of fill or heavy equipment on local streets not designed to accommodate the traffic.

Y. Amend Appendix Section J104.2 to read as follows:

J104.2 Site plan requirements. In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code. The plans shall show existing drainage conditions and drainage devices and all proposed changes thereto. The plans shall include the location and dimension of all trees on the site to remain and to be removed which are 3 inches (76.2 mm) in diameter or larger at the trunk, measured at 4.5 feet (1.37 m) above ground level. A preservation plan shall be submitted for all trees to remain. The plans shall indicate where excess material, rocks, or rubble will be disposed of.

Z. Add Appendix Section J110.3 to read as follows:

J110.3 Other standards. Erosion control measures shall conform to the following standards and approval processes:

1. The City's Stormwater Management Plan.
2. The most current "Erosion and Sediment Control Field Manual" published by the California Regional Water Quality Control Board, San Francisco Bay Region.
3. NPDES permit requirements.
4. The 2016 California Green Building Standards Code.

10-1-5: AMENDMENTS; CALIFORNIA RESIDENTIAL CODE

The California Residential Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Delete Appendices A, B, C, D, E, F, G, I, J, K, L, M, N, O, P, Q, R, T, U, and W.

B. Amend Section R101.1 to read as follows:

R101.1 Title. These provisions shall be known as the California Residential Code and shall be cited as such and shall be referred to herein as “this code”.

C. Amend Section R103.1 to read as follows:

R103.1 Creation of enforcement agency. The Building Division is hereby created within the Planning and Community Development Department and the official in charge thereof shall be known as the building official.

D. Add Section R104.3.1 to read as follows:

R104.3.1 Citations. The building official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

E. Amend Section R105.2 to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls and non-retaining walls, including masonry and concrete free-standing walls, that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

10. Decks not attached to a dwelling and not more than 30 inches (762 mm) above grade at any point.

F. Amend Section R105.3.2 to read as follows:

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 365 days after the date of filing, unless a permit has been issued. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

G. Add Section R108.2.1 to read as follows:

R108.2.1 Plan review fees. When submittal documents are required by Section R106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review an additional plan review fee may be charged at a rate established by the applicable governing authority.

H. Amend Section R108.6 to read as follows:

R108.6 Work commencing before permit issuance.

R108.6.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

R108.6.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

I. Amend Section R112.1 to read as follows and delete Sections R112.2 through R112.4:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the provisions of Section 113 of the California Building Code, as amended, shall apply.

J. Amend Section R113.1 to read as follows:

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

K. Amend Section R113.4 and add Sections R113.4.1 and R113.4.2 to read as follows:

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals within the time fixed herein, shall be subject to penalties as prescribed by law. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

R113.4.1 Costs of abatement; tax lien. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this code, the municipal code, other adopted California codes, or the state housing law shall be liable for and obligated to pay to the city all costs incurred by the city in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action, whether such action is administrative, injunctive, or legal, and for all damages suffered by the city, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the city, the city council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the

same procedure and sale in case of the delinquency as are provided for ordinary property taxes.

R113.4.2 Recording noncompliance with county recorder. Whenever the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this building code, or other provision of the municipal code, the state housing laws, or any other code adopted herein, the building official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the building official that the noncomplying conditions have been corrected.

L. Amend Section R114.2 to read as follows:

R114.2 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

M. Add Section R312.1.5 to read as follows:

R312.1.5 Glazing. Where glass is used to provide a guard or as a portion of the guard system, the guard shall also comply with Section 2407 of the California Building Code. Where the glazing provided does not meet the strength and attachment requirements of Section 1607.8 of the California Building Code, complying guards shall also be located along glazed sides of open-sided walking surfaces.

N. Amend Section R313.2 to read as follows

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings.

Exception: Where additions or alterations to an existing dwelling increase the existing floor area, an automatic fire sprinkler system shall be provided as required by Section 903.7 of the California Fire Code as adopted by the County of Santa Barbara.

O. Amend Section R326.1 to read as follows:

R326.1 General. The design and construction of pools and spas shall comply with the California Building Code.

P. Add Section R904.5 to read as follows:

R904.5 Wood shake and shingle roof covering limitations. Wood shake or shingle roof coverings shall not be installed on any building. A roof covering shall not be applied over existing wood shakes or shingles.

Exceptions:

1. A wood shake or wood shingle system listed as a Class A-rated roof covering.
2. Roof covering for an addition to, or the reroofing of, an existing building where the new roof covering area is less than 750 square feet of the existing roof area may be an approved Class B pressure treated wood shingle system.

10-1-6: AMENDMENTS; CALIFORNIA EXISTING BUILDING CODE

The California Existing Building Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Delete Appendix Chapters A3 and A4.

B. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the California Existing Building Code, hereinafter referred to as “this code.”

C. Amend 103.1 to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created within the Planning and Community Development Department and the official in charge thereof shall be known as the building official.

D. Add Section 104.3.1 to read as follows:

104.3.1 Citations. The building official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

E. Amend Section 105.3.2 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 365 days after the date of filing, unless a permit has been issued. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

F. Add Section 108.2.1 to read as follows:

108.2.1 Plan review fees. When submittal documents are required by Section 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan

review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 106.3.4, an additional plan review fee may be charged at a rate established by the applicable governing authority.

G. Amend Section 108.4 to read as follows:

108.4 Work commencing before permit issuance.

108.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

108.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

H. Delete the exception to Section 109.3.5.

I. Amend Section 112.1 to read as follows and delete Sections 112.2 and 112.3:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, the provisions of Section 113 of the California Building Code, as amended, shall apply.

J. Amend Section 113.1 to read as follows:

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar,

bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

K. Amend Section 113.4 to read as follows:

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals within the time fixed herein, shall be guilty of a misdemeanor, and is subject to the penalty as provided for in Chapter 1.20 of the City of Pismo Beach Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

L. Amend Section 114.3 to read as follows:

114.3 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

M. Amend Section 115.1 to read as follows:

115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and the 2015 edition of the International Property Maintenance Code, as adopted. A vacant structure that is not secured against entry shall be deemed unsafe.

10-1-7: AMENDMENTS; CALIFORNIA ELECTRICAL CODE

The California Electrical Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Annexes are informative only and not adopted.

B. Administration of the electrical code shall be as set forth in Division II of Chapter 1 of the California Building Code.

C. Amend Section 230.70(A) (1) to read as follows:

(1) **Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.

10-1-8: AMENDMENTS; CALIFORNIA MECHANICAL CODE

The California Mechanical Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Delete Division II of Chapter 1, Table 104.5, and Appendices A, B, C, D, E, F, and G.

B. Administration of the mechanical code shall be as set forth in Division II of Chapter 1 of the California Building Code.

10-1-9: AMENDMENTS; CALIFORNIA PLUMBING CODE

The California Plumbing Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Delete Division II of Chapter 1 and Appendices C, E, F, G, K and L.

B. Administration of the plumbing code shall be as set forth in Division II of Chapter 1 of the California Building Code.

C. Add Section 406.5 to read as follows:

406.5 Commercial Car Washes. Commercial car wash facilities shall have water-recycling systems approved by the Authority Having Jurisdiction.

10-1-10: AMENDMENTS; INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of Solvang, hereinafter referred to as “this code”.

B. Amend Section 102.3 to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Standards Code and other applicable laws and ordinances.

C. Amend Section 103.1 to read as follows:

103.1 General. The office of property maintenance inspection within the Building Division is hereby created and the executive official in charge thereof shall be known as the building official. For the purposes of this code, building official shall mean code official.

D. Amend Section 103.5 to read as follows:

103.5 Fees. The fees for activities and services performed by the code official under this code shall be in accordance with the schedule as established by the applicable governing authority.

E. Add Section 104.5.1 to read as follows:

104.5.1 Citations. The code official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

F. Add Sections 106.4.1 and 106.4.2 to read as follows:

106.4.1 Costs of abatement; tax lien. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this code, the municipal code, other adopted California codes, or the state housing law shall be liable for and obligated to pay to the city all costs incurred by the city in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action, whether such action is administrative, injunctive, or legal, and for all damages suffered by the city, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the city, the city council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of the delinquency as are provided for ordinary property taxes.

106.4.2 Recording noncompliance with county recorder. Whenever the code official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this building code, or other provision of the municipal code, the state housing laws, or any other code adopted herein, the code official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that the owner of such property has been duly notified. The code official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the code official that the noncomplying conditions have been corrected.

G. Amend Section 111.2 to read as follows, and delete Sections 111.2.1 through 111.2.5.

111.2 Membership of board. The board of appeals shall be the board of appeals established in Section 113 of the California Building Code as amended in Section 10-1-3 of the Solvang Municipal Code.

H. Amend Section 112.4 to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

Chapter 2 FIRE PREVENTION AND PROTECTION

10-2-1: ADOPTION OF FIRE CODE:

The current California Fire Code as adopted and amended by the Santa Barbara County Board of Supervisors in Chapter 15 of the Santa Barbara County Code is hereby ratified and adopted by reference as the fire code of the City.

10-2-2: FIRE CODE OFFICIAL DESIGNATED:

The fire code official for the Santa Barbara County Fire Protection District is hereby designated as the fire code official for the City of Solvang.

10-2-3: REFERENCED CODES AND STANDARDS:

Where other codes and standards are referred to in the code adopted in Section 10-2-1, the following shall apply:

A. International Building Code shall mean California Building Code or the California Residential Code, as applicable.

- B. International Plumbing Code shall mean California Plumbing Code.
- C. International Fuel Gas Code shall mean California Plumbing Code.
- D. International Mechanical Code shall mean California Mechanical Code.
- E. NFPA 70 and National Electrical Code shall mean California Electrical Code.
- F. International Residential Code for One- and Two-family Dwellings shall mean the California Residential Code.
- G. International Fire Code shall mean California Fire Code.
- H. International Existing Building Code shall mean California Existing Building Code.

Chapter 4 SPECIAL PERMIT PROCESSING

10-4-1 RESIDENTIAL SMALL ROOFTOP SOLAR SYSTEMS

- A. **Definitions.** As used in Section 10-4-1, the following terms shall have the following meanings:

Electronic submittal. The utilization of one or more of the following:

1. Email;
2. Internet;
3. Facsimile.

Small residential roof top solar energy system. A solar energy system which meets all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable fire, structural, electrical, and other building codes as adopted or amended by the City and all applicable safety and performance standards established by the Institute of Electrical and Electronics Engineers and accredited testing laboratories.
3. A solar energy system that is installed on a one- or two-family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

Solar energy system. Any solar collector, other solar energy device or any structural design feature of a building the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

Specific adverse impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

B. Checklists and Standard Plans

1. The building official shall establish an administrative, nondiscretionary expedited permit application review process for small residential rooftop solar energy systems, including standard plans and checklists. The checklists shall set forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review.
2. The small residential rooftop solar system permit process, standard plans, and checklists shall substantially conform to the recommendations for expedited permitting, including the checklists and standard plans, contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. The building official may modify the checklists and standard plans found in the California Solar Permitting Guidebook due to unique climactic, geological, seismological, or topographical conditions.
3. The checklists and standard plans for small residential rooftop solar energy systems, as well as all other required permitting documentation, shall be available on the City of Solvang website. Unique climactic, geological, seismological or topographical conditions requiring modifications of the checklists and standard plans found in the California Solar Permitting Guidebook shall be included on the website.

C. Permit Application Review

1. An applicant may submit the permit application and related documentation for a small residential rooftop solar energy system by electronic submittal, including all required permit processing and inspection fees, as specified on the City of Solvang website. Electronic signatures shall be accepted on all electronic submittals in lieu of a wet signature.
2. A permit application for a small residential roof top solar energy system shall be deemed complete when the building official determines that the application satisfies all the information requirements in the checklists and standard plans.
3. If a permit application for a small roof top solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
4. A permit application for a small residential rooftop solar energy system shall be administratively reviewed and approved by the building official as a nondiscretionary permit within in a reasonable time following receipt of a complete application that

satisfies the requirements of the approved checklists and standard plans, and includes payment of all required permit processing and inspection fees.

5. The building official may require the applicant to apply for use permit pursuant to other City Municipal Code provisions if the building official, based on substantial evidence, determines that the proposed small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety.
6. Approval of a permit application for a small residential rooftop solar energy system shall not be based or conditioned on the approval of an association, as defined in section 4080 of the Civil Code.
7. Approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility.

D. Inspection

1. Only one inspection shall be required and performed by the building official for small residential rooftop solar energy systems eligible for expedited review. A separate fire inspection may be performed if an agreement with the local fire code official does not exist to perform safety inspections on behalf of the fire code official.
2. The inspection shall be done in a timely manner.
3. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

10-4-2 ELECTRIC VEHICLE CHARGING STATIONS

- A. **Definitions.** As used in Section 10-4-2, the following terms shall have the following meanings:

Electric vehicle charging station or charging station. Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Electronic submittal. The utilization of one or more of the following:

1. Email;
2. Internet;
3. Facsimile.

Specific, adverse impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

B. Electric Vehicle Charging Station Requirements

1. All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the city.
2. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, accredited testing laboratories, and, where applicable, the Public Utilities Commission regarding safety and reliability.

C. Checklists and Standard Plans

1. The building official shall establish an administrative, nondiscretionary expedited permit application review process for electric vehicle charging stations, including standard plans and checklists. The checklists shall set forth all requirements with which the electric vehicle charging station must comply in order to be eligible for expedited review.
2. The electric vehicle charging station permit process, standard plans, and checklists shall substantially conform to the recommendations for expedited permitting, including the checklists and standard plans, contained in the most current version of “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research. The building official may modify the checklists and standard plans found in the Guidebook due to unique climactic, geological, seismological, or topographical conditions.
3. The checklists and standard plans for electric vehicle charging stations, as well as all other required permitting documentation, shall be available on the City of Solvang website. Unique climactic, geological, seismological or topographical conditions requiring modifications of the checklists and standard plans found in the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” shall be included on the website.

D. Permit Application Review

1. An applicant may submit the permit application and related documentation for an electric vehicle charging station by electronic submittal, including all required permit processing and inspection fees, as specified on the City of Solvang website. Electronic signatures shall be accepted on all electronic submittals in lieu of a wet signature.
2. A permit application for an electric vehicle charging station shall be deemed complete when the building official determines that the application satisfies all the information requirements in the checklists and standard plans.

3. If a permit application for an electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
4. An application for an electric vehicle charging station shall be administratively reviewed and approved by the building official as a nondiscretionary permit within in a reasonable time following receipt of a complete application that satisfies the requirements of the approved checklists and standard plans, and includes payment of all required permit processing and inspection fees.
5. The building official may require the applicant to apply for a use permit pursuant to other City Municipal Code provisions if the building official, based on substantial evidence, determines that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health and safety.
6. Approval of a permit application for an electric vehicle charging station shall not be based or conditioned on the approval of an association, as defined in Section 4080 of the Civil Code.

Section 4. Validity:

If any provision of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, the City Council hereby declares that it would have passed each and every remaining provision irrespective of such holding in order to accomplish the intent of this ordinance.

Section Three. Effective Date:

This ordinance shall be in full force and shall take effect thirty (30) days after its passage, but not before January 1, 2017.

Section 4. Publication:

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

Section 5. Exemptions From CEQA:

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.

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

BY: _____
Jim Richardson, Mayor

ATTEST:

Lisa Martin, City Clerk

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

I, Lisa Martin, City Clerk of the City of Solvang, do hereby certify that the foregoing Ordinance had its first reading on November 14, 2016 and was adopted on second reading on November 28, 2016 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

BY: _____
Lisa Martin, City Clerk

**ILLUSTRATED TEXT CHANGES FOR PROPOSED AMENDMENTS
TITLE 10 CHAPTERS 1, 2, AND 4 OF THE SOLVANG MUNICIPAL CODE**

Underlined text represents amendments carried over from the prior code adoption and shaded text represents a new amendment or modified portion of a prior amendment. Text with a line through it is deleted.

Chapters 1 and 2 of Title 10 and Section 11-16-7 of Title 11 of the Solvang Municipal Code are hereby repealed and replaced by new Chapters 1, 2, and 4 in Title 10 as follows.

Chapter 1 BUILDING CODES

10-1-1: ADOPTION OF CONSTRUCTION CODES:

Ten documents, each of which is on file in City offices, marked and designated as (1) the 2013~~6~~ edition of the California Building Code (Volumes 1 and 2) published by the International Code Council, (2) the 2013~~6~~ edition of the California Residential Code published by the International Code Council, (3) the 2013~~6~~ edition of the California Electrical Code published by the National Fire Protection Association, (4) the 2013~~6~~ edition of the California Mechanical Code published by the International Association of Plumbing and Mechanical Officials, (5) the 2013~~6~~ edition of the California Plumbing Code published by the International Association of Plumbing and Mechanical Officials, (6) the 2013~~6~~ edition of California Energy Code, (7) the 2013~~6~~ edition of the California Historical Building Code, (8) the 2013~~6~~ edition of the California Existing Building Code, (9) the 2013~~6~~ edition of the California Green Building Standards Code, and (10) the 2012~~5~~ edition of the International Property Maintenance Code published by the International Code Council are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Building Construction Regulations of the City of Solvang. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter except as modified in Section 10-1-4.

10-1-2: BUILDING OFFICIAL DESIGNATED

The Building Official is hereby designated as the building official and code official for the City of Solvang. Where the “authority having jurisdiction” is used in the adopted codes, it shall mean the building official. The Building Official shall be appointed by the Planning and Economic Development Director of the City of Solvang.

10-1-3: REFERENCED CODES AND STANDARDS

Where other codes and standards are referred to in the codes adopted in Section 10-1-1, the following shall apply:

- A. International Building Code shall mean California Building Code or the California Residential Code, as applicable.

- B. International Plumbing Code shall mean California Plumbing Code.
- C. International Fuel Gas Code shall mean California Plumbing Code.
- D. International Mechanical Code shall mean California Mechanical Code.
- E. NFPA 70 and National Electrical Code shall mean California Electrical Code.
- F. International Residential Code for One- and Two-family Dwellings shall mean the California Residential Code.
- G. International Fire Code shall mean California Fire Code.
- H. International Existing Building Code shall mean ~~Chapter 34 of the~~ California Existing Building Code.
- I. International Zoning Code shall mean applicable provisions of Title 11 of the Solvang Municipal Code.

10-1-4: AMENDMENTS; CALIFORNIA BUILDING CODE

The California Building Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

- A. Delete Appendix A, B, D, ~~and F~~ and K.
- B. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the California Building Code, hereinafter referred to as “this code.”
- C. Amend Section 101.4 to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through ~~101.4.6~~ 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each reference.
- D. Add Section 101.4.8 to read as follows:

101.4.8 Electrical. The provisions of the California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, and replacement of electrical equipment, appliances, fixtures, fittings and appurtenances thereto.
- E. Amend Section 103.1 to read as follows:

103.1 Creation of enforcement agency. The ~~Department of Building Safety~~ Division is hereby created within the Planning and Community Development and the official in charge thereof shall be known as the building official.

F. Add Section 104.3.1 to read as follows:

104.3.1 Citations. The building official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

G. Amend Section 105.2 and the Building exemptions only to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage shed, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 76 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls and non-retaining walls, including masonry and concrete free-standing walls, that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agriculture purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

H. Amend Section 105.3.2 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned ~~365~~ 180 days after the date of filing, unless ~~such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for an additional period not exceeding 90 days. The extension shall be requested in writing and justifiable cause demonstrated.~~ In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

I. Add Section 109.2.1 to read as follows:

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged at a rate established by the applicable governing body.

J. Amend Section 109.4 to read as follows:

109.4 Work commencing before permit issuance. ~~Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.~~

109.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

109.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee established by the applicable governing body. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- K. Delete the exception to Section 110.3.5.

110.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

~~**Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.~~

- L. Amend Section 113.1 and 113.2 to read as follows, and delete Section 113.3:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of ~~this code~~ the California Building Standards Code and the International Property Maintenance Code, there shall be and is hereby created a Board of Appeals. Said Board shall also serve as the Housing Appeals Board and the Local Appeals Board referenced in the California Building Standards Code. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. ~~The Board of Appeals shall be appointed by the applicable governing authority City Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~ The Solvang City Council is expressly declared to be the Board of Appeals and shall have all of the power and authority conferred upon a local appeals board under the Health and Safety Code. The order of the City Council upon such appeal shall be final and immediate. The fee for appeals shall be consistent with fees established by the applicable governing authority.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The board shall have no authority to waive requirements of this code. For appeals relating to accommodations for the disabled, the authority of the board shall include the ability to authorize reasonable alternatives to disabled access requirements imposed by the California Building Standards Code. Decisions of the board of appeals shall be final and only subject to review by writ of mandate to the superior court.

~~**112.3 Qualifications.** The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to building construction and building service equipment and are not employees of the jurisdiction.~~

M. Amend Section 114.1 to read as follows:

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

N. Amend Section 114.4 and add Sections 114.4.1 and 114.4.2 to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals within the time fixed herein, shall be subject to penalties as prescribed by law. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

114.4.1 Costs of abatement; tax lien. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this code, the municipal code, other adopted California codes, or the state housing law shall be liable for and obligated to pay to the city all costs incurred by the city in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action, whether such action is administrative, injunctive, or legal, and for all damages suffered by the city, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the city, the city council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of the delinquency as are provided for ordinary property taxes.

114.4.2 Recording noncompliance with county recorder. Whenever the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this building code, or other provision of the municipal code, the state housing laws, or any other code adopted herein, the building official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the building official that the noncomplying conditions have been corrected.

O. Amend Section 115.3 to read as follows:

115.3 Unlawful continuance Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties ~~as prescribed by law~~ and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

P. Amend Section 116.1 of to read as follows:

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and the 2015 edition of the International Property Maintenance Code, as adopted. A vacant structure that is not secured against entry shall be deemed unsafe.

Q. Amend Section 903.2 to read as follows:

903.2 Where required. ~~An approved automatic fire sprinkler systems shall be provided in a new buildings and structures, and in an existing building where floor area is increased, shall be as provided in the locations described in~~ Sections 903.2.1 through 903.2.12 of this code and Section 903.7.1 of California Fire Code as adopted by the County of Santa Barbara.

Exception: A building containing a Group R, Division 3 occupancy not more than three stories above grade plane in height shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.

R. Add Section 1505.1.5 and Table 1505.1.5 to read as follows:

1505.1.45 Roofs in commercial areas. All roofs on all commercial buildings located in any area zoned commercial in the city shall be constructed of roofing materials rated as a

Class A roof assembly. This section shall apply to any new commercial buildings built in an area zoned commercial in the city and to the replacement of any existing roofing materials on any commercial building in an area zoned commercial in the city. No owner of any building, however, shall be required solely by virtue of this section to replace any roofing material.

Exception: The exclusive list of commercial buildings listed in Table 1505.1.5 having wooden roofs with rolled eaves and shingles with clipped ends, provided that all of the following provisions are satisfied:

1. The roofing material to be used is determined by the board of architectural review to be compatible with the roofing materials being replaced and with the Danish theme of the commercial areas of the city;
2. An underlayment of one-half inch (1/2") type X gypsum board or comparable material approved by the building official be placed under the solid or spaced sheathing;
3. Attic and occupancy fire area separations are provided as required by this code;
4. Automatic fire sprinklers and/or other types of automatic fire extinguishing systems are installed, if in the opinion of the building official such systems are necessary to minimize any additional fire hazards;
5. The wood roofing materials used are fire-retardant treated and listed by the State Fire Marshal to comply with Section 1505.6; and
6. The owner agrees to execute an agreement acceptable to the city attorney obligating the owner to maintain the effectiveness of any treatment of any roofing material installed pursuant to this section as required by the service conditions encountered in actual use. Such agreement shall also provide that the method of retreatment and the frequency of retreatment satisfies the requirements of the building official.

Table 1505.1.15
Buildings Exempt from Class A Roof Assembly

<u>Address</u>	<u>Assessor's Parcel No.</u>
<u>436 Alisal Road</u>	<u>139-240-70</u>
<u>440 Alisal Road</u>	<u>139-240-70</u>
<u>442 Alisal Road</u>	<u>139-240-71</u>
<u>460 Alisal Road</u>	<u>139-240-57</u>
<u>473 Alisal Road</u>	<u>139-182-22, 24</u>
<u>1659 Copenhagen</u>	<u>139-181-12</u>
<u>1679 Copenhagen</u>	<u>139-182-13</u>
<u>1688 Copenhagen</u>	<u>139-193-23</u>
<u>1692 Copenhagen</u>	<u>139-193-22</u>
<u>1697 Copenhagen</u>	<u>139-182-21</u>
<u>1440 Mission Drive</u>	<u>137-260-33</u>
<u>1518 Mission Drive</u>	<u>139-172-11</u>
<u>1523-25 Mission</u>	<u>139-132-13</u>

<u>1529 Mission Drive</u>	<u>139-132-17</u>
<u>1531 Mission Drive</u>	<u>139-132-21</u>
<u>1555 Mission Drive</u>	<u>139-132-9</u>
<u>1588 Mission Drive</u>	<u>139-173-8</u>
<u>1595 Mission Drive</u>	<u>139-133-16</u>
<u>1711 Mission Drive</u>	<u>139-150-19</u>

S. Add Section 1506.5 to read as follows:

1506.5 Wood shake and shingle roof covering limitations. Wood shake or shingle roof coverings shall not be installed on any building. A roof covering shall not be applied over existing wood shakes or shingles.

Exceptions:

1. A wood shake or wood shingle system listed as a Class A-rated roof covering.
2. Roof covering for an addition to, or the reroofing of, an existing building where the new roof covering area is less than 750 square feet of the existing roof area may be an approved Class B pressure treated wood shingle system.

T. Amend Section 3201.1 to read as follows:

3201.1 Scope. The provisions of this chapter and Section 8-3-3 of the Solvang Municipal Code shall govern encroachment of structures into the public right-of-way.

U. Amend Appendix Section G104.1 to read as follows:

G104.1 Required Permit application and processing. Any person, owner, or owner's authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permit. The processing and administration of a permit application shall be as prescribed in Sections 105 and 107.

V. Amend Appendix Section H101.2 to read as follows:

H101.2 Signs exempt from permits. The following signs are exempt from the requirement to obtain a permit from the building official before erection or alteration of a sign:

1. ~~Painted nonilluminated signs~~ Signs where a Planning Permit is not required.
2. Temporary signs announcing the sale or rent of property in accordance with the City Sign Ordinance.
3. Signs erected by transportation authorities.
4. ~~Projecting signs not exceeding 2.5 square feet (0.23 m²).~~
5. ~~The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.~~

W. Add Section J101.3 to read as follows:

J101.3 Administration. This appendix chapter shall be administered by the city engineer. References to building official shall mean city engineer.

X. Amend Appendix Section J103.2 and add Appendix Sections J103.3 and J103.4 to read as follows:

J103.2 Exempted Work. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.
8. An excavation which does not exceed fifty cubic yards and (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical to 2 units horizontal.
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal, not intended to support structures on any one lot and does not obstruct a drainage course.
10. A fill less than 3 foot (38.3 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

J103.3 Early grading. A grading permit shall not be issued prior to issuance of a building permit for the project unless:

1. A tentative subdivision or tract map, use permit, architectural review commission project approval or similar authorization has been granted; and
2. Related street and utility grades have been established and approved; and

3. A surety bond in accordance with Section J103.4 is deposited to guarantee restoration of the site to a natural or other condition acceptable to the building official should the project not proceed to completion.

J103.4 Bonds. The building official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or restore a graded site to the original condition. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

The city engineer may require that bonds be posted to recover the full costs of any damage to public right-of-way which may occur because of the peculiar nature or large scope of the project, such as transportation of fill or heavy equipment on local streets not designed to accommodate the traffic.

- Y. Amend Appendix Section J104.2 to read as follows:

J104.2 Site plan requirements. In addition to the provisions of Appendix Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code. The plans shall show existing drainage conditions and drainage devices and all proposed changes thereto. The plans shall include the location and dimension of all trees on the site to remain and to be removed which are 3 inches (76.2 mm) in diameter or larger at the trunk, measured at 4.5 feet (1.37 m) above ground level. A preservation plan shall be submitted for all trees to remain. The plans shall indicate where excess material, rocks, or rubble will be disposed of.

- Z. Add Appendix Section J110.3 to read as follows:

J110.3 Other standards. Erosion control measures shall conform to the following standards and approval processes:

1. The City's Stormwater Management Plan.
2. The most current "Erosion and Sediment Control Field Manual" published by the California Regional Water Quality Control Board, San Francisco Bay Region.
3. NPDES permit requirements.
4. The ~~2013~~ 2016 California Green Building Standards Code.

10-1-5: AMENDMENTS; CALIFORNIA RESIDENTIAL CODE

The California Residential Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Delete Appendices A, B, C, D, E, F, **G, I, J, K, L, M, N, O, P, Q, R, T, U, and W.**

B. Amend Section R101.1 to read as follows:

R101.1 Title. These provisions shall be known as the California Residential Code ~~for One and Two family Dwellings~~ and shall be cited as such and shall be referred to herein as “this code”.

C. Amend Section R103.1 to read as follows:

R103.1 Creation of enforcement agency. The ~~department of building safety~~ Building Division is hereby created within the Planning and Community Development Department and the official in charge thereof shall be known as the building official.

D. Add Section R104.3.1 to read as follows:

R104.3.1 Citations. The building official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

E. Amend Section R105.2 to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 7 6 feet (1829 mm) high.
3. Retaining walls and non-retaining walls, including masonry and concrete free-standing walls, that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
4. Sidewalks and driveways.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
7. Swings and playground equipment.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
9. Decks not ~~exceeding 200 square feet (18.58 m²) in area attached to a dwelling that are~~ and not more than 30 inches (762 mm) above grade at any point, ~~are not attached to a dwelling and do not serve the exit door required by Section R311.4.~~

F. Amend Section R105.3.2 to read as follows:

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 365 480 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for an additional period not exceeding 90 days. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

G. Add Section R108.2.1 to read as follows:

R108.2.1 Plan review fees. When submittal documents are required by Section R106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review an additional plan review fee may be charged at a rate established by the applicable governing authority.

H. Amend Section R108.6 to read as follows:

R108.6 Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fees.

R108.6.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

R108.6.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- I. Amend Section R112.1 to read as follows and delete Sections R112.2 through R112.4:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, ~~there shall be and is hereby created a board of appeals the provisions of Section 113 of the California Building Code, as amended, shall apply. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.~~

~~**R112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**R112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass judgement on matters pertaining to building construction and who are not employees of the jurisdiction.~~

~~**R112.4 Administration.** The building official shall take immediate action in accordance with the decision of the board.~~

- J. Amend Section R113.1 to read as follows:

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

- K. Amend Section R113.4 and add Sections R113.4.1 and R113.4.2 to read as follows:

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals within the time fixed herein, shall be subject

to penalties as prescribed by law. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

R113.4.1 Costs of abatement; tax lien. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this code, the municipal code, other adopted California codes, or the state housing law shall be liable for and obligated to pay to the city all costs incurred by the city in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action, whether such action is administrative, injunctive, or legal, and for all damages suffered by the city, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the city, the city council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of the delinquency as are provided for ordinary property taxes.

R113.4.2 Recording noncompliance with county recorder. Whenever the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this building code, or other provision of the municipal code, the state housing laws, or any other code adopted herein, the building official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the building official that the noncomplying conditions have been corrected.

L. Amend Section R114.2 to read as follows:

R114.2 ~~Unlawful continuance~~ Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties ~~prescribed by law~~ and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

M. Add Section R312.1.5 to read as follows:

R312.1.5 Glazing. Where glass is used to provide a guard or as a portion of the guard system, the guard shall also comply with Section 2407 of the California Building Code. Where the glazing provided does not meet the strength and attachment requirements of Section 1607.7 of the California Building Code, complying guards shall also be located along glazed sides of open-sided walking surfaces.

N. Amend Section R313.2 to read as follows:

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings.

Exception: ~~An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.~~ Where additions or alterations to an existing dwelling increase the existing floor area, an automatic fire sprinkler system shall be provided as required by Section 903.7 of the California Fire Code as adopted by the County of Santa Barbara.

O. Amend Section R326.1 to read as follows:

R326.1 General. The design and construction of pools and spas shall comply with the International Swimming Pool and Spa Code **California Building Code**.

P. Add Section R904.5 to read as follows:

R904.5 Wood shake and shingle roof covering limitations. Wood shake or shingle roof coverings shall not be installed on any building. A roof covering shall not be applied over existing wood shakes or shingles.

Exceptions:

1. A wood shake or wood shingle system listed as a Class A-rated roof covering.
2. Roof covering for an addition to, or the reroofing of, an existing building where the new roof covering area is less than 750 square feet of the existing roof area may be an approved Class B pressure treated wood shingle system.

10-1-6: AMENDMENTS; CALIFORNIA EXISTING BUILDING CODE

The California Existing Building Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

A. Delete Appendix Chapters **A3 and A4**.

B. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the **California** Existing Building Code, hereinafter referred to as “this code.”

C. Amend 103.1 to read as follows:

103.1 Creation of enforcement agency. The ~~Department of Building~~ **Division** is hereby created ~~within the Planning and Community Development Department~~ and the official in charge thereof shall be known as the building official.

D. Add Section 104.3.1 to read as follows:

104.3.1 Citations. The building official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

E. Amend Section 105.3.2 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned ~~365~~ **180** days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; ~~except that the building official is authorized to grant one or more extensions of time for an additional period not exceeding 90 days. The extension shall be requested in writing and justifiable cause demonstrated.~~ In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

F. Add Section 108.2.1 to read as follows:

108.2.1 Plan review fees. When submittal documents are required by Section 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 106.3.4, an additional plan review fee may be charged at a rate established by the applicable governing authority.

G. Amend Section 108.4 to read as follows:

108.4 Work commencing before permit issuance. ~~Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.~~

108.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

108.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee established by the applicable governing body. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

H. Delete the exception to Section 109.3.5.

109.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

~~**Exception:** Gypsum board that is not part of a fire resistance rated assembly or a shear assembly.~~

I. Amend Section 112.1 to read as follows and delete Sections 112.2 and 112.3:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, ~~there shall be and is hereby created a board of appeals~~ the provisions of Section 113 of the California Building Code, as amended, shall apply. ~~The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~

J. Amend Section 113.1 to read as follows:

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

K. Amend Section 113.4 and add Sections 113.4.1 and 113.4.2 to read as follows:

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals within the time fixed herein, shall be subject to penalties as prescribed by law. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

114.3.1 Costs of abatement; tax lien. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this code, the municipal code, other adopted California codes, or the state housing law shall be liable for and obligated to pay to the city all costs incurred by the city in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action, whether such action is administrative, injunctive, or legal, and for all damages suffered by the city, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the city, the city council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of the delinquency as are provided for ordinary property taxes.

114.3.2 Recording noncompliance with county recorder. Whenever the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this building code, or other provision of the municipal code, the state housing laws, or any other code adopted herein, the building official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the building official that the noncomplying conditions have been corrected.

L. Amend Section 114.3 to read as follows:

114.3 Unlawful continuance Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as prescribed by law and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

M. Amend Section 115.1 to read as follows:

115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and the 2015 edition of the International Property Maintenance Code, as adopted. A vacant structure that is not secured against entry shall be deemed unsafe.

10-1-7: AMENDMENTS; CALIFORNIA ELECTRICAL CODE

The California Electrical Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

- A. Annexes are informative only and not adopted.
- B. Administration of the electrical code shall be as set forth in Division II of Chapter 1 of the California Building Code.
- C. Amend Section 230.70(A) (1) to read as follows:
 - (1) **Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.

10-1-8: AMENDMENTS; CALIFORNIA MECHANICAL CODE

The California Mechanical Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

- A. Delete Division II of Chapter 1 and Table 1-1, and Appendices A, B, C, D, E, F, and G.
- B. Administration of the mechanical code shall be as set forth in Division II of Chapter 1 of the California Building Code.

10-1-9: AMENDMENTS; CALIFORNIA PLUMBING CODE

The California Plumbing Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

- A. Delete Division II of Chapter 1 and Appendices **C, E, F, G, K**, and L.
- B. Administration of the plumbing code shall be as set forth in Division II of Chapter 1 of the California Building Code.
- C. Add Section 406.5 to read as follows:

406.5 Commercial Car Washes. Commercial car wash facilities shall have water-recycling systems approved by the Authority Having Jurisdiction.

10-1-10: AMENDMENTS; INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code adopted in Section 10-1-1 is modified, amended and/or supplemented as follows:

- A. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the ~~International~~ Property Maintenance Code of Solvang, hereinafter referred to as “this code”.

- B. Amend Section 102.3 to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code, and the ICC Electrical Code California Building Standards Code and other applicable laws and ordinances. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.~~

- C. Amend Section 103.1 to read as follows:

103.1 General. The ~~department~~ office of property maintenance inspection within the Building Division is hereby created and the executive official in charge thereof shall be known as the ~~code~~ building official. For the purposes of this code, building official shall mean code official.

- D. Amend Section 103.5 to read as follows:

103.5 Fees. ~~The fees for activities and services performed by the department in carrying out its responsibilities~~ code official under this code shall be as indicated in the following schedule in accordance with the schedule as established by the applicable governing authority.

- E. Add Section 104.5.1 to read as follows:

104.5.1 Citations. The code official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

- F. Add Sections 106.4.1 and 106.4.2 to read as follows:

106.4.1 Costs of abatement; tax lien. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this code, the municipal code, other adopted California codes, or the state housing law shall be liable for and obligated to pay to the city all costs incurred by the city in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action, whether such action is administrative, injunctive, or legal, and for all damages suffered by the city, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the city, the city council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of the delinquency as are provided for ordinary property taxes.

106.4.2 Recording noncompliance with county recorder. Whenever the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of this building code, or other provision of the municipal code, the state housing laws, or any other code adopted herein, the building official may cause a notice of noncompliance to be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the building official that the noncomplying conditions have been corrected.

- G. Amend Section 111.2 to read as follows, and delete Sections 111.2.1 through 111.2.5:

111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official

~~shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms be the board of appeals established in Section 113 of the California Building Code as amended in Section 10-1-3 of the Solvang Municipal Code.~~

~~**111.2.1 Alternate members.** The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

~~**111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.~~

~~**111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~**111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceeding in the office of the chief administrative officer.~~

~~**111.2.5 Compensation of members.** Compensation of members shall be as determined by law.~~

H. Amend Section 112.4 to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~liable to a fine of not less than (AMOUNT) dollars or more than (AMOUNT) dollars~~ subject to the penalties and code enforcement procedures set forth in Title 1, Chapter 3, of the Solvang Municipal Code.

Chapter 2 FIRE PREVENTION AND PROTECTION

10-2-1: ADOPTION OF FIRE CODE

The 2013 ~~current~~ California Fire Code as adopted and amended by the Santa Barbara County Board of Supervisors in Chapter 15 of the Santa Barbara County Code is hereby ratified and adopted by reference as the fire code of the City.

10-2-2: FIRE CODE OFFICIAL DESIGNATED:

The fire code official for the Santa Barbara County Fire Protection District is hereby designated as the fire code official for the City of Solvang.

10-2-3: REFERENCED CODES AND STANDARDS:

Where other codes and standards are referred to in the code adopted in Section 10-2-1, the following shall apply:

- A. International Building Code shall mean California Building Code or the California Residential Code, as applicable.
- B. International Plumbing Code shall mean California Plumbing Code.
- C. International Fuel Gas Code shall mean California Plumbing Code.
- D. International Mechanical Code shall mean California Mechanical Code.
- E. NFPA 70 and National Electrical Code shall mean California Electrical Code.
- F. International Residential Code for One- and Two-family Dwellings shall mean the California Residential Code.
- G. International Fire Code shall mean California Fire Code.
- H. International Existing Building Code shall mean ~~Chapter 34 of the California~~ Existing Building Code.

Chapter 4 SPECIAL PERMIT PROCESSING

10-4-1 RESIDENTIAL SMALL ROOFTOP SOLAR SYSTEMS

- A. **Definitions.** As used in Section 10-4-1, the following terms shall have the following meanings:

Electronic submittal. The utilization of one or more of the following:

1. Email;
2. Internet;
3. Facsimile.

Small residential roof top solar energy system. A solar energy system which meets all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable fire, structural, electrical, and other building codes as adopted or amended by the City and all applicable safety and performance standards established by the Institute of Electrical and Electronics Engineers and accredited testing laboratories.
3. A solar energy system that is installed on a one- or two-family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

Solar energy system. Any solar collector, other solar energy device or any structural design feature of a building the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

Specific adverse impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

B. Checklists and Standard Plans

1. The building official shall establish an administrative, nondiscretionary expedited permit application review process for small residential rooftop solar energy systems, including standard plans and checklists. The checklists shall set forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review.
2. The small residential rooftop solar system permit process, standard plans, and checklists shall substantially conform to the recommendations for expedited permitting, including the checklists and standard plans, contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. The building official may modify the checklists and standard plans found in the California Solar Permitting Guidebook due to unique climactic, geological, seismological, or topographical conditions.
3. The checklists and standard plans for small residential rooftop solar energy systems, as well as all other required permitting documentation, shall be available on the City of Solvang website. Unique climactic, geological, seismological or topographical conditions requiring modifications of the checklists and standard plans found in the California Solar Permitting Guidebook shall be included on the website.

C. Permit Application Review

1. An applicant may submit the permit application and related documentation for a small residential rooftop solar energy system by electronic submittal, including all required permit processing and inspection fees, as specified on the City of Solvang website. Electronic signatures shall be accepted on all electronic submittals in lieu of a wet signature.
2. A permit application for a small residential roof top solar energy system shall be deemed complete when the building official determines that the application satisfies all the information requirements in the checklists and standard plans.

3. If a permit application for a small roof top solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
4. A permit application for a small residential rooftop solar energy system shall be administratively reviewed and approved by the building official as a nondiscretionary permit within in a reasonable time following receipt of a complete application that satisfies the requirements of the approved checklists and standard plans, and includes payment of all required permit processing and inspection fees.
5. The building official may require the applicant to apply for use permit pursuant to other City Municipal Code provisions if the building official, based on substantial evidence, determines that the proposed small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety.
6. Approval of a permit application for a small residential rooftop solar energy system shall not be based or conditioned on the approval of an association, as defined in section 4080 of the Civil Code.
7. Approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility.

D. Inspection

1. Only one inspection shall be required and performed by the building official for small residential rooftop solar energy systems eligible for expedited review. A separate fire inspection may be performed if an agreement with the local fire code official does not exist to perform safety inspections on behalf of the fire code official.
2. The inspection shall be done in a timely manner.
3. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

10-4-2 ELECTRIC VEHICLE CHARGING STATIONS

- A. Definitions.** As used in Section 10-4-2, the following terms shall have the following meanings:

Electric vehicle charging station or charging station. Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Electronic submittal. The utilization of one or more of the following:

1. Email;
2. Internet;
3. Facsimile.

Specific, adverse impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

B. Electric Vehicle Charging Station Requirements

1. All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the city.
2. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, accredited testing laboratories, and, where applicable, the Public Utilities Commission regarding safety and reliability.

C. Checklists and Standard Plans

1. The building official shall establish an administrative, nondiscretionary expedited permit application review process for electric vehicle charging stations, including standard plans and checklists. The checklists shall set forth all requirements with which the electric vehicle charging station must comply in order to be eligible for expedited review.
2. The electric vehicle charging station permit process, standard plans, and checklists shall substantially conform to the recommendations for expedited permitting, including the checklists and standard plans, contained in the most current version of “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research. The building official may modify the checklists and standard plans found in the Guidebook due to unique climactic, geological, seismological, or topographical conditions.
3. The checklists and standard plans for electric vehicle charging stations, as well as all other required permitting documentation, shall be available on the City of Solvang website. Unique climactic, geological, seismological or topographical conditions requiring modifications of the checklists and standard plans found in the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” shall be included on the website.

D. Permit Application Review

1. An applicant may submit the permit application and related documentation for an electric vehicle charging station by electronic submittal, including all required permit processing and inspection fees, as specified on the City of Solvang website. Electronic signatures shall be accepted on all electronic submittals in lieu of a wet signature.
2. A permit application for an electric vehicle charging station shall be deemed complete when the building official determines that the application satisfies all the information requirements in the checklists and standard plans.
3. If a permit application for an electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
4. An application for an electric vehicle charging station shall be administratively reviewed and approved by the building official as a nondiscretionary permit within in a reasonable time following receipt of a complete application that satisfies the requirements of the approved checklists and standard plans, and includes payment of all required permit processing and inspection fees.
5. The building official may require the applicant to apply for a use permit pursuant to other City Municipal Code provisions if the building official, based on substantial evidence, determines that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health and safety.
6. Approval of a permit application for an electric vehicle charging station shall not be based or conditioned on the approval of an association, as defined in Section 4080 of the Civil Code.

DISCUSSION OF AMENDMENTS
PROPOSED CHAPTERS 1, 2, and 4 of TITLE 10 of the SOLVANG MUNICIPAL CODE

The repeal of Chapters 1 and 2 in Title 10 and Section 11-16-7 of Title 11 and the adoption of two replacement chapters in Title 10 is the most efficient method of continuing existing amendments paired to the new 2016 codes. The addition of new Chapter 4 in Title 10 will achieve consolidated construction permit processing for residential solar energy systems and electric vehicle charging stations in one Municipal Code location.

Chapter 1 BUILDING CODES

10-1-1: All necessary construction codes and the property maintenance code are adopted in this Section. The International Property Maintenance Code is the essential tool of the code enforcement program.

10-1-2: This Section clarifies the individual authorized to enforce the codes.

10-1-3: This Section defines other documents that may appear in the adopted codes.

10-1-4: Section 4 contains amendments to the California Building Code adopted in Section 10-1-1 and summarized in the following discussion:

- A. Appendix Chapters involving qualifications of building inspectors and plans examiners, qualifications for members of the Board of Appeals, establishment of fire districts, and requirements for rodent proofing are covered elsewhere, not adopted by the State, or inappropriate and are not adopted.
- B. Section 101.1 is modified to properly cite the code as the California Building Code (CBC).
- C. Section 101.4 is modified to include reference to Section 101.4.8 (see item D).
- D. Section 101.4.8 is added to reference the California Electrical Code as the applicable code governing all electrical, thereby correcting an oversight in the publishing process.
- E. Section 103.1 is modified to reference the entity within the jurisdiction organization responsible for administering the construction codes.
- F. Section 104.3.1 is added to provide the building official the ability to issue a citation for a violation of the code.
- G. Section 105.2 is modified to specify that fences over 6 feet in height are not exempt from a permit and that free-standing masonry and concrete walls over 3 feet in height above grade are not exempt from a permit.

- H. Section 105.3.2 is modified to simplify management of permit applications by establishing a permit application to be valid for one year before expiration.
- I. Section 109.2.1 establishes the plan check fee assessment criteria missing in the new code.
- J. Section 109.4 is amended to establish an investigation fee for work started without a permit.
- K. Section 110.3.5 is amended to delete the exception for required inspection of lath and gypsum wallboard. Verification of proper attachment of these products is considered essential regardless of the type of assembly.
- L. Section 113 is modified to allow one Board of Appeals to serve as the appeals board for all codes adopted under Section 10-1-1. This Section will continue to establish the City Council as the Board of Appeals.
- M. Section 114.1 is amended to prohibit the use of a travel, trucking trailer, cargo container, or rail car for habitation, storage or any structural purpose. A travel trailer or recreational vehicle is prohibited from being used for residential purposes unless located in an approved campground or recreational vehicle park.
- N. Section 114.4 is modified to strengthen code language to aid enforcement. Section 114.4.1 continues an existing Title 10 provision that provides authority to establish a tax lien against a property for recovery of the City's cost of code enforcement. Section 114.4.2 continues an existing Title 10 provision that authorizes the building official to record a notice of noncompliance with the County recorder where useful as a code enforcement tool.
- O. Section 115.3 is modified to include reference to code enforcement procedures found elsewhere in the Municipal Code to aid enforcement.
- P. Section 116.1 is modified to reference the International Property Maintenance Code for procedures to order removal or repair of unsafe building conditions.
- Q. Section 903.2 establishes where a fire sprinkler system is required. The section is amended to reference the additional fire sprinkler requirements of the Santa Barbara County Fire Code applicable to the Fire District in which Solvang is located. Fire sprinkler requirements for one- and two-family dwellings are found in Section R313 of the California Residential Code (CRC).
- R. Section 1505.1.5 and Table 1505.1.5 are added to continue municipal code sections that require fire-rated roof assemblies for commercial buildings but allow for modified roof coverings at historic buildings itemized in the Table. Two addresses are deleted from the previous table.

- S. Section 1506.4 is added to continue the prohibition on the installation of wood shingles or wood shakes, unless it is a Class A fire-resistance-rated system. For repairs and where an addition up to 750 square feet is to match existing, wood shingles and shakes may be Class B-rated.
- T. Section 3201.1 is amended to reference Section 8-3-3 of the Solvang Municipal Code for regulations governing encroachment of structures into the right-of-way.
- U. Appendix Section G104.1 is modified to allow the administrative provisions of the CBC Chapter 1 to govern the permitting process in a flood hazard area.
- V. Appendix Section H101.2 modified to eliminate exemption of certain signs from the permitting process to avoid conflict with Planning Permit requirements.
- W. Section J101.3 is added to indicate that Appendix J GRADING will be administered by the City Engineer.
- X. Appendix Section J103.2 clarifies that a grading permit is not required for work that does not exceed 50 cubic yards of, excavation less than 2 feet, and fill less than 1 foot, subject to limitations. Appendix Sections J103.3 and J103.4 are added to require a guarantee (bond) for grading prior to the issuance of a building permit to ensure elimination of hazardous conditions or restoration of the graded site if the project fails to proceed to the issued building permit stage.
- Y. Appendix Section J104.2 is amended to require that a grading plan include drainage conditions and devices and the location of existing trees on the site that are 3 inches or greater in diameter, together with a tree preservation plan.
- Z. Appendix Section J110.3 is added to provide reference to additional erosion control regulations contained in other documents.

10-1-5: Section 5 contains amendments to the California Residential Code adopted in Section 10-1-1 and summarized in the following discussion:

- A. Appendix chapters pertaining to gas pipe sizing, sizing of appliance venting, safety inspection of appliances, manufactured housing, radon control, private sewage disposal, existing buildings, sound transmission, permit fees, home day care use, venting methods, vehicular gates, sizing of water piping systems, straw/clay construction, testing for atmospheric venting systems, solar-ready provisions, swimming pool safety, and the central valley flood protection plan are covered elsewhere, not adopted by the State, or inappropriate and are not adopted.
- B. Section R101.1 is amended to properly cite the code as the California Residential Code.
- C. Section R103.1 is modified to reference the entity within the jurisdiction organization responsible for administering the construction codes.

- D. Section R104.3.1 is added to provide the code official authority to issue a citation for a code violation.
- E. Section R105.2, item 2 is revised to limit permit exempt fences to 6 feet in height for consistency with Planning regulations, item 3 is amended to require a permit for free-standing masonry and concrete walls over 3 feet in height above grade, and item 10 is revised to exempt a detached deck not greater than 30 inches above grade from permit requirements.
- F. Section R105.3.2 is modified to simplify management of permit applications by establishing a permit application to be valid for one year before expiration.
- G. Section R108.2.1 establishes the plan check fee assessment criteria found in the previous code, but inadvertently missing in the new code.
- H. Section R108.6 is amended to establish an investigation fee for work started without a permit as found in the previous code.
- I. Section R112.1 is amended to reference Section 113 of the CBC for board of appeals matters.
- J. Section R113.1 is amended to prohibit the use of a travel, trucking trailer, cargo container, or rail car for habitation, storage or any structural purpose. A travel trailer or recreational vehicle is prohibited from being used for residential purposes unless located in an approved campground or recreational vehicle park.
- K. Section R113.4 is modified to strengthen code language to aid enforcement. Section 113.4.1 continues an existing Title 10 provision that provides authority to establish a tax lien against a property for recovery of the City's cost of code enforcement. Section 113.4.2 continues an existing Title 10 provision that authorizes the building official to record a notice of noncompliance with the County recorder where useful as a code enforcement tool.
- L. Section R114.2 is modified to include reference to penalties and code enforcement procedures found elsewhere in the Municipal Code to aid enforcement.
- M. Section R312.5 is added to allow glazing in a guardrail system as specified by the CBC. Glass guardrails are not properly addressed in the CRC.
- N. The exception to Section R313.2 is modified to require fire sprinklers in existing one- and two-family dwellings where existing floor area is increased as prescribed in Section 903.7 of the California Fire Code as amended by the County of Santa Barbara. Requirements of the County Fire District prevail.
- O. Section R326.1 is modified to refer to the CBC for swimming pool requirements.

- P. Section R904.5 is added to prohibit the installation of wood shingles or wood shakes, unless it is a Class A fire-resistance-rated system. For repairs and where a minor addition (750 square feet) is proposed to match existing, wood shingles and shakes may be used if Class B-rated.

10-1-6: Section 6 contains amendments to the California Existing Building Code adopted in Section 10-1-1 and summarized in the following discussion: (Note: Administrative sections are identical to those in the CBC; the amendments at intended emulate the CBC for consistency).

- A. Appendix Chapters A3 and A4 contain mandatory seismic strengthening for wood-frame residential buildings are not adopted by the State and are inappropriate, and therefore not adopted.
- B. Section 101.1 is modified to properly cite the code as the California Existing Building Code.
- C. Section 103.1 is modified to reference the entity within the jurisdiction organization responsible for administering the construction codes.
- D. Section 104.3.1 is added to provide the building official the ability to issue a citation for a violation of the code.
- E. Section 105.3.2 is modified to simplify management of permit applications by establishing a permit application to be valid for one year before expiration.
- F. Section 108.2.1 establishes the plan check fee assessment criteria missing in the new code.
- G. Section 108.4 is amended to establish an investigation fee for work started without a permit.
- H. Section 109.3.5 is amended to delete the exception for required inspection of lath and gypsum wallboard. Verification of proper attachment of these products is considered essential regardless of the type of assembly.
- I. Section 112 is modified to allow one Board of Appeals to serve as the appeals board for all codes adopted under Section 10-1-1.
- J. Section 113.1 is amended to prohibit the use of a travel, trucking trailer, cargo container, or rail car for habitation, storage or any structural purpose. A travel trailer or recreational vehicle is prohibited from being used for residential purposes unless located in an approved campground or recreational vehicle park.
- K. Section 114.4 is modified to include reference to penalties found elsewhere in the Municipal Code to aid enforcement.
- L. Section 114.3 is modified to include reference to code enforcement procedures found elsewhere in the Municipal Code to aid enforcement.

M. Section 115.1 is modified to reference the International Property Maintenance Code for procedures to order removal or repair of unsafe building conditions.

10-1-7: Section 7 contains amendments to the California Electrical Code adopted in Section 10-1-1 and summarized in the following discussion:

- A. Annex chapters are informative only and not adopted.
- B. The Electrical Code does not contain an administrative chapter in the main body of the code. This Section establishes Chapter 1, Division II, of the CBC as such, since it is compatible with all adopted codes. Establishing one administrative chapter that is applicable to all codes avoids confusion and conflict between code sections.
- C. Section 230.70(A)(1) is amended to require installation of a new electrical service to be located or equipped such that emergency personnel are not required to undertake a lengthy transit of a building to disconnect electric power.

10-1-8: Section 8 contains amendments to the California Mechanical Code adopted in Section 10-1-1 and summarized in the following discussion:

- A. Division II of Chapter 1 of the California Mechanical Code is deleted because Division II of Chapter 1 of the CBC includes administrative provisions compatible with all adopted codes. Establishing one administrative chapter that is applicable to all codes avoids confusion and conflict between code sections. Appendices pertaining to plan review forms, appliance start-up procedures, testing of equipment, sustainable practices, and example calculations are covered elsewhere, not adopted by the State, or inappropriate and are not adopted.
- B. Division II of the CBC Chapter 1 is established for administration of the Mechanical Code.

10-1-9: Section 9 contains amendments to the California Plumbing Code adopted in Section 10-1-1 and summarized in the following discussion:

- A. Division II of Chapter 1 of the California Plumbing Code is deleted because Division II of Chapter 1 of the CBC includes administrative provisions compatible with all adopted codes. Establishing one administrative chapter that is applicable to all codes avoids confusion and conflict between code sections. Appendices regarding guidelines for plumbing system sizing, alternate plumbing systems, mobile home parks, fire fighter breathing replenishment system, private sewage disposal systems, potable rainwater catchment systems, and sustainable practices are covered elsewhere, not adopted by the State, or inappropriate and are not adopted.
- B. Division II of the CBC Chapter 1 is established for administration of the Plumbing Code.
- C. Section 406.5 is added to continue the existing requirement that commercial car wash facilities have a water recycling system.

10-1-10: Section 10 contains amendments to the International Property Maintenance Code (IPMC) adopted in Section 10-1-1 and summarized in the following discussion:

- A. Section 101.1 is modified to clarify applicability of the IPMC to the City of Solvang.
- B. Section 102.3 is modified to clarify that all work done to an existing building shall comply with all parts of the California Building Standards Code and all other related laws of the jurisdiction.
- C. Section 103.1 establishes the office responsible for enforcement of the property maintenance code in the jurisdiction.
- D. Section 103.5 clarifies that fees for activities performed by the code official are established under a separate action by the governing authority.
- E. Section 104.5.1 is added to grant authority to the code official to issue citation for code violations.
- F. Section 106.4.1 continues an existing Title 10 provision that provides authority to establish a tax lien against a property for recovery of the City's cost of code enforcement. Section 106.4.2 continues an existing Title 10 provision that authorizes the building official to record a notice of noncompliance with the County recorder where useful as a code enforcement tool.
- G. Section 111.2 is amended to refer to Chapter 113 of the CBC for the appeals board required under the IPMC.
- H. Section 112.4 is amended to reference enforcement tools and penalties found elsewhere in the Municipal Code that can be applicable where there is failure to comply.

Chapter 2 FIRE CODE

10-2-1: Section 1 establishes the current edition of the California Fire Code (CFC) as adopted and amended by the County of Santa Barbara as the fire code of the City of Solvang.

10-2-2: Section 2 designates the fire code official for the Fire Protection District as the fire code official for the City of Solvang.

Chapter 4 SPECIAL PERMIT PROCESSING

This new chapter in the Municipal Code is created to accommodate State mandates to provide expedited permit processing for small residential roof top solar energy systems and electric vehicle charging stations. The various sections in 10-4-1 and 10-4-2 are similar, except for definition of the subject (residential roof top solar system or electric vehicle charging station).

The repealed Section 11-6-7 for residential rooftop solar systems previously enacted will be relocated to this chapter and revised to be comparable to the new section for electric vehicle charging stations. The State mandate under AB2188 and AB 1236 is that local jurisdictions establish checklists and standard plans for use by a permit applicant to prepare a permit application for a proposed solar energy system or electric vehicle charging station to streamline permit processing and expedite permit issuance. For a small residential roof top solar system, Section 10-4-1D also stipulates that only one inspection be typically performed by the building inspector; required corrections will require subsequent inspection.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG STATING EXCEPTION TO THE SANTA BARBARA COUNTY FIRE CODE PURSUANT TO HEALTH AND SAFETY CODE §13869 ET SEQ.

WHEREAS, Solvang is an incorporated City within a County-wide Fire Protection District; and

WHEREAS, the County of Santa Barbara has recently enacted County Ordinance #_____ establishing Title 15 in the County Code; and

WHEREAS, the City of Solvang retains the authority to reject those portions of said Code it wishes to and instead, by resolution establish its own exceptions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Solvang approves and adopts the following exception to County Ordinance #_____ based upon the findings contained herein:

Solvang rejects any portion of County of Santa Barbara Ordinance #_____ that permits residential backyard burning, and instead prohibits residential backyard burning within the City Limits. This is based upon the finding that in the incorporated area of Solvang, with residences being constructed more closely together than in the unincorporated area of Santa Barbara County, air quality and fire safety considerations require the City of Solvang to continue the banning of such burning already contained in the Solvang Municipal Code.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solvang, State of California held on this 28th day of November 2016, by the following vote:

- AYES:
- NOS:
- ABSTAIN:
- ABSENT:

Jim Richardson
 Mayor
 City of Solvang

ATTEST:
CLERK OF THE CITY OF SOLVANG

By: _____
Lisa Martin

APPROVED AS TO FORM:
CITY ATTORNEY

By: _____
Roy A. Hanley



NOTICE OF EXEMPTION

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

Project Title: Amendments to Titles 10 and 11 of the Solvang Municipal Code.

Project Description: Review of proposed Ordinance Amendment to adopt the latest editions of the constituent codes of the California Building Standards Code.

Specific Location: Citywide

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 Titles 10 and 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 Titles 10 and 11 are consistent with good zoning and planning practices.

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

Signature: _____ Date: _____ Title: Planning Director



**CITY COUNCIL
STAFF REPORT**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Matt van der Linden, Public Works Director/City Engineer

MEETING DATE: November 14, 2016

DATE PREPARED: November 7, 2016

**SUBJECT: INTRODUCTION FOR FIRST READING, BY TITLE ONLY,
RESIDENTIAL WATER SOFTENER RESTRICTIONS – SEWER
CODE REVISION**

I. RECOMMENDATIONS:

1. Introduce for first reading by title only Ordinance No. 16-_____, an ordinance of the City of Solvang revising the Sewer Code, Title 9, Chapter 2 of the Municipal Code; and
2. Approve Budget Adjustment for completion of conceptual City-Wide Wellhead Water Softening Study.

II. BACKGROUND:

The City of Solvang Wastewater Treatment Plant (WWTP) operates under a Waste Discharge Permit from the Regional Water Quality Control Board (RWQCB). Some of the constituents that most significantly contribute to the degradation of surface water and groundwater quality include nitrogen, sodium, chloride, and total dissolved solids (TDS or hardness). In recognition of this fact, within the City's Waste Discharge Permit, RWQCB has imposed discharge limits on the concentrations of sodium (150 mg/l), chloride (150 mg/l), and TDS (1,000 mg/l) within the effluent of the Solvang WWTP.

In 2002, following the passage of State legislation, the Solvang City Council revised its Municipal Code and implemented non-residential water softener restrictions effectively prohibiting brine discharge from all non-residential land

uses within the City. This has helped the City in the past to comply with the State imposed discharge limits for the WWTP. On an annual basis, from 2002 through 2012, State water which is low in TDS, comprised a large percentage of the City's water supply. This also helped the City comply with the State imposed discharge limits for the WWTP.

During the past four years of severe drought in California, the City has had to rely more heavily on local groundwater supplies, and the sodium, chloride, and TDS concentrations in the Solvang WWTP effluent have increased to undesirable levels. During this period the sodium and chloride levels have fluctuated from approximately 10% below the discharge limit to approximately 30% above the limit. The undesirable concentrations of sodium and chloride in the WWTP effluent have the potential to result in the gradual degradation of the alluvium and groundwater within the Santa Ynez River Basin.

In October 2011, the City of Solvang completed a Salt Management Study, an independent study of the sources of sodium, chloride, and TDS that reach the WWTP, and found that residential salt-using self regenerating water softeners (referred to as "automatic water softeners") are a significant contributor to the higher concentrations of sodium and chloride in the WWTP effluent. Based on national studies and the estimates within the Salt Management Plan, each salt-using self regenerating water softener is estimated to contribute between 20 and 40 pounds of salt per month to the Solvang WWTP. The use of sodium chloride, and/or potassium chloride both contribute to the undesirable concentrations of chloride and TDS in the WWTP effluent. Therefore, the use of potassium chloride pellets instead of sodium chloride rock salt in automatic water softeners does not solve the problem.

At its regular meeting of February 22, 2016 the Solvang City Council considered revising the Sewer Code and incorporating residential water softener restrictions. However, the City Council chose not to take action at that time, and directed staff to return to City Council with this item in the future in conjunction with a Water Softener Rebate Program.

III. DISCUSSION:

At its regular meeting of September 12, 2016 the Solvang City Council again considered revising the Sewer Code and incorporating residential water softener restrictions as well as implementing a Water Softener Rebate Program. Shortly before the meeting, staff became aware of additional information and recommended a revised version of the proposed Ordinance. Also, during discussion, questions were raised regarding the impact of salt water swimming pools. Upon research it has been determined that salt water swimming pools rarely discharge to the public sewer system. Therefore, restrictions relative to salt water swimming pools are not recommended at this time.

In addition to the factors discussed in the Background section above, with the projected reduced availability of State water, the City's recently completed Water Supply Management Plan has recommended less usage of State water during periods of higher water availability, and banking this water for use during future droughts. Therefore, during typical years, larger quantities of local groundwater that is higher in TDS will be used resulting in more automatic water softener brine discharge to the sewer system. This will perpetuate the undesirable concentrations of sodium, chloride, and TDS in the WWTP effluent unless other mitigating actions are taken. In order to protect the alluvium and groundwater quality of the Santa Ynez River Basin for beneficial uses, staff recommends implementation of restrictions on residential water softeners as described below.

Title 9, Chapter 2 of the City of Solvang Municipal Code sets forth the Sewer Code for the City, and explains all of the laws, rules and regulations that pertain to the provision of sewer service within the City. Staff recommends that Title 9, Chapter 2, Sewer Code, Article C now be revised to mitigate degradation of the Santa Ynez River Basin and assist the Solvang WWTP in compliance with the RWQCB discharge limits on the concentrations of sodium and chloride within the Plant effluent. Included as attachments are: the existing Code Section 9-2C-9: Water Softening and Conditioning Equipment, and an alternative proposed revised Code Section 9-2C-9. More specifically, staff recommends an Alternative Ordinance that would prohibit single tank and low efficiency automatic water softeners, and require that by January 1, 2019 all such single tank and low efficiency automatic water softeners must be replaced with high efficiency dual tank, dual sensor systems, with diagnostic functions and having an efficiency rating of not less than 4,000 grains of hardness removed per pound of salt used in regeneration (or portable exchange tank systems). It is estimated that this Alternative Ordinance would result in a 20% to 30% reduction in salt loading to the WWTP.

During the regular meeting of September 12, 2016 the alternative of City-wide wellhead treatment/water softening was discussed. Also, complaints were heard from residents about the hardness of City water, and support for City-wide wellhead water softening was expressed. Council members expressed interest in studying this alternative, and directed staff to proceed with a conceptual study of water softening alternatives, and evaluate the cost ramifications in our ongoing water and sewer rate study. To proceed with the City-Wide Wellhead Water Softening Study, a budget adjustment of \$20,000 is required. Staff recommends the City Council approve the attached budget adjustment.

It should be noted that the Solvang WWTP treats the wastewater generated from the Santa Ynez community. Our Agreement with the Santa Ynez Community Services District (SYCSD) requires that they implement water quality regulations at least equivalent to those of the City. Therefore, staff will coordinate with SYCSD as appropriate upon action by the City Council.

IV. ALTERNATIVES:

The City Council could direct staff to make additional changes to Title 9, Chapter 2, Article C, Section 9-2C-9: Water Softening and Conditioning Equipment prior to the second reading and adoption.

Staff has been able to identify only two viable alternative methods to reduce sodium, chloride, and TDS from the WWTP effluent. The first is to add costly high capacity water softening at each City well. (Installing additional treatment at the WWTP is cost prohibitive.) The cost of City-wide wellhead water softening is in the millions of dollars. If the budget adjustment for the Study is approved staff will return upon completion with more detailed cost information. The second alternative is a prohibition on all automatic water softeners as previously suggested. This alternative is not recommended at this time.

V. FISCAL IMPACT:

In general there is not a significant fiscal impact to the proposed updates of Title 9, Chapter 2 Sewer Code. There is potential significant cost savings in maintaining compliance with our WWTP Waste Discharge Permit with the State. The cost to complete a conceptual City-Wide Wellhead Water Softening Study is estimated at just under \$20,000. Staff recommends the City Council approve the attached budget adjustment if they desire to proceed with this study.

VI. ATTACHMENTS:

1. Existing Title 9, Chapter 2, Article C – Water Softening and Conditioning Equipment (Nonresidential Brine Discharge Prohibition)
2. Title 9, Chapter 2 Sewer Code Revision Ordinance (alternative adoption pages)
 - B. Alternative proposed revised Title 9, Chapter 2, Article C – Water Softening and Conditioning Equipment
3. Budget Adjustment

**CITY OF SOLVANG
MUNICIPAL CODE**

EXISTING TITLE 9, CHAPTER 2, ARTICLE C

9-2C-9: WATER SOFTENING AND CONDITIONING EQUIPMENT:

- A. Disposal Of Wastes From Nonresidential Uses: No person shall allow, permit or cause any water conditioning or softening equipment of any type to discharge its wastes into the city sewage system, nor shall any such person deposit or cause to be deposited into the city sewage system the waste product of any water softening or conditioning equipment of any type. The foregoing sentence shall not apply to the wastes or waste product of any water softening or conditioning equipment that is used exclusively for residential uses in accordance with the Health And Safety Code, article 1 of [chapter 5](#) of part 12 of division 104, section 116775 et seq.
- B. Inspection Of Equipment: Any person using, operating or maintaining water conditioning or softening equipment of any type within the boundaries of the city shall make such equipment accessible to the city inspector for inspection at such reasonable times as the city inspector may specify, and shall furnish such information concerning the operation and use of said equipment as the city inspector may reasonably request. (Ord. 16-318, 3-14-2016)

**CITY OF SOLVANG
MUNICIPAL CODE**

PROPOSED TITLE 9, CHAPTER 2, ARTICLE C

9-2C-9: WATER SOFTENING AND CONDITIONING EQUIPMENT:

- A. Disposal Of Wastes From Nonresidential Uses: No person shall allow, permit or cause any water conditioning or softening equipment of any type to discharge its wastes into the city sewage system, nor shall any such person deposit or cause to be deposited into the city sewage system the waste product of any water softening or conditioning equipment of any type.
- B. Disposal Of Wastes From Residential Uses - Requirement For High Efficiency Automatic Water Softeners: Effective January 1, 2019, no person shall allow, permit or cause to be deposited into the city sewage system the waste product of any water softening or conditioning equipment, unless said water softening or conditioning equipment is a high efficiency dual tank, dual sensor system, with diagnostic functions and operating at an efficiency rating of not less than 4,000 grains of hardness removed per pound of salt used in regeneration. Effective January 1, 2019, no person shall replace or install, or in any manner assist in the replacement of or installation of, any water softening or conditioning equipment that discharges its waste into the city sewage system, unless said water softening or conditioning equipment is a high efficiency dual tank, dual sensor system, with diagnostic functions and operating at an efficiency rating of not less than 4,000 grains of hardness removed per pound of salt used in regeneration.
- C. Residential and non-residential portable tank exchange water softening or conditioning systems that do not discharge waste are not prohibited.
- D. Inspection Of Equipment: Any person using, operating or maintaining water conditioning or softening equipment of any type within the boundaries of the city shall make such equipment accessible to the city inspector for inspection at such reasonable times as the city inspector may specify, and shall furnish such information concerning the operation and use of said equipment as the city inspector may reasonably request. (Ord. 16-318, 3-14-2016)
- E. Violation Penalty: All violations of this Code shall be infractions. It is unlawful for any person to violate any mandatory provisions of or fail to comply with provisions of this Code. Any persons violating such sections shall be prosecuted as an infraction. Any infraction may be prosecuted by the city authorities in the name of the people of the state or redressed by civil action. Every violation determined to be an infraction is punishable by a fine not exceeding five hundred dollars (\$500) for each violation within one year.



City of Solvang Budget Adjustment Request

Agenda Item	MO/YR	Number
	11/16	17-04

Dept: Wastewater Treatment Plant

Revenue Adjustments

Decrease/ Increase	Account/ Project Name	Fund	Dept	Prog.	Object	Reason for Transaction	Current Budget	AMOUNT		Revised Budget
								Decrease	Increase	
										0
										0
										0
										0
							\$ -	\$ -	\$ -	\$ -

Total Revenues Increase (Decrease) \$ -

Expense Adjustments

Decrease/ Increase	Account/ Project Name	Fund	Dept	Prog.	Object	Reason for Transaction	Current Budget	AMOUNT		Revised Budget
								Decrease	Increase	
										0
Increase	WWTP	501	5300	503	57024	City-Wide Water Softeneing Study	36,000		20,000	56,000
										0
										0
							\$ 36,000	\$ -	\$ 20,000	\$ 56,000

Total Expense Increase (Decrease) \$ 20,000

EXPLANATION:

Budget Adjustment to proceed with Council directed conceptual City-Wide Wellhead Water Softening Study.

Prepared By: Matt van der Linden	9/16/2016
Admin. Services Director Approval:	Date
City Manager Approval:	Date
City Council Approval:	Date
Posted by:	Date



**CITY COUNCIL
STAFF REPORT**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Matt van der Linden, Public Works Director/City Engineer, and
Bridget Elliott, Associate Engineer

MEETING DATE: November 14, 2016

DATE PREPARED: November 3, 2016

SUBJECT: SIDEWALK MASTER PLAN 2016 UPDATE – FINAL DRAFT

I. RECOMMENDATIONS:

Review and approve the Sidewalk Master Plan 2016 Update with any modifications as directed by City Council.

II. BACKGROUND:

The City of Solvang, although a rural community, has a relatively dense commercial and residential core. This relatively dense core area is often referred to as the Village. Pedestrian activity is heavy throughout the Village area which includes the immediately surrounding residential areas. The walk-ability of the Village area is one of the attractive features of the City to tourists and residents alike.

The documents that address sidewalk throughout the City are the Sidewalk Master Plan, and the General Plan Circulation Element. The Circulation Element of the General Plan was last updated and adopted by City Council in June 2008. The Circulation Element states there is a general lack of pedestrian incentives and linkages throughout the City as a whole. Sidewalks have been provided throughout most of the Village area to accommodate the high volume of tourist-related pedestrian traffic in the Village. Lack of pedestrian connection from the Village to the west and east ends of town is noted. Goal 3 of the Circulation Element is to promote safe alternatives to motorized transportation that meet the needs of all City residents. Goal 3 establishes the policy of providing a system of sidewalks or pathways that provides a safe environment for pedestrians, and calls for the installation of sidewalks and access ramps along new and existing

roadways where feasible. The Circulation Element also states that in many of the residential neighborhoods of the City, streets were constructed without sidewalks, mainly to preserve the rural character of the City.

The City's current Sidewalk Master Plan consist of the Sidewalk Infill Program Map that was reviewed by the City Council in 2009 and updated by Public Works staff in 2012. The locations of existing sidewalk within the City are shown in Attachment 1. The current Sidewalk Infill Program Map that was updated in 2012 is included as Attachment 2. The Sidewalk Infill Program Map identifies locations of proposed sidewalk installation, and also identifies the many sidewalk and access ramp installations completed since 2009.

Public Works staff recommends updating the City's Sidewalk Master Plan at this time to ensure we are implementing City Council priorities, and to improve our competitiveness for future grant funding.

III. DISCUSSION:

Sidewalk Master Plan Workshop

On July 25, 2016 Public works staff conducted a Sidewalk Master Plan Workshop that was attended by 15 people. The majority of those attending the meeting were Solvang residents or business owners. In the workshop a map with the existing, planned, and future sidewalk locations was provided. During the meeting residents suggested giving lower priority to residential streets that already had existing sidewalk on one side of the road. Staff has adjusted the Sidewalk Master Plan to accommodate this community recommendation. Attendees were also asked to complete a survey with the following questions:

- 1. Are there any areas not shown on the "Sidewalk Master Plan Map" where you would like staff to consider adding sidewalk?*
- 2. Should any proposed sidewalks shown on the "Sidewalk Master Plan Map" be omitted?*
- 3. Please prioritize your top 3 locations where you would like new sidewalk installed?*
- 4. Are there any locations where the sidewalk is in need of replacement or repair?*

Responses to the above questions were received verbally during and after the meeting, via completed questionnaire, and throughout the next week via email. A total of 8 responses were received by staff. The community responses focused mainly on residential areas currently without any sidewalks. Table 1 below shows a summary of the responses received. Any location that received more than one request was noted in Table 1 and ranked by interest. Staff agrees that these locations are of value. Therefore, the street segments that met the top 2 Master Plan priorities have been added to the Sidewalk Master Plan Update and are shown in bold font in Table 1.

Table 1
Highest Ranking Sidewalk Request Locations

Number of Like Requests	Locations/Street Segments
3	North Alisal Rd - Maple Ave to Viborg Rd
2	1440 Mission Drive frontage
2	Pine St - Mission Dr to Laurel Ave
2	Viborg Rd – Alamo Pintado Rd to Fredensborg Canyon Rd
2	Mission Dr - Skytt Mesa Rd to Fifth St

Master Plan Overview

The Sidewalk Master Plan 2016 Update includes discussion of existing sidewalk, existing sidewalk replacements, proposed sidewalks, prioritizing proposed sidewalks, funding, recommendations, and the Proposed 10-Year Sidewalk Plan. The full 2016 Sidewalk Master Plan Update is included as Attachment 3.

Grant Funding

Pedestrian related grant programs are infrequent, and typically only fund construction of new sidewalk. In addition, these programs are highly competitive and available funds are very limited. Public Works staff evaluate grant opportunities as they become available, and pursue grant funding when it is determined we have a competitive project. Generally only proposed sidewalks within the vicinity of a school are competitive for grant funding. Therefore, Priority 1 areas in the vicinity of Solvang School have been deferred in the past few years while State and local grant funding was pursued. Public Works staff applied for grant funding under the Active Transportation Program (administered by Caltrans) in May 2014 and again in June 2016. Although our grant applications scored well, State-wide requests exceeded available funding by a factor of 6 times. Therefore we were not awarded funding. Public Works staff also applied for grant funding under the North County Measure A Safe Routes to School Program (administered by SBCAG) and were awarded a grant of \$168,000 for construction of new sidewalk on Fifth Street.

Existing Sidewalk Replacements

The Public Works Department currently maintains approximately 118,000 linear feet (LF) of existing sidewalks within the City. Approximately 3,600 LF of the existing sidewalks are in bad or poor condition and in need of replacement. Based on the estimated replacement cost of \$200/LF, the cost to replace/repair all of the existing sidewalks in bad or poor condition is approximately **\$720,000**.

Based on the Master Plan priorities the following locations have been identified as top priority for existing sidewalk replacements within the 10-Year Master Plan period.

- Mission Drive (both sides) various locations
- Second Street (both sides) from Molle to Oak
- Alisal Road (west side) from Molle to Oak
- First Street (both sides) from Fjord to Manzanita
- Rebuild Drive (both sides) various locations
- Holly Lane (both sides) various locations

New Sidewalks

Based on the factors and financial constraints described in the Master Plan, to achieve the pedestrian related goals within the Circulation Element, new sidewalks are recommended at a limited number of locations such as near Solvang School, along high pedestrian use areas, and to complete missing sidewalk links. There are a few recommended locations such as north Alisal Road, south Pine Street and sections of Laurel Avenue where new sidewalk on only one side of the street is recommended and considered sufficient.

The proposed locations of new sidewalk installation are broken into two groups and are assigned Priority 1 or Priority 2. Based on funding constraints, and the evaluation and recommendations of the Master Plan, a plan has been developed to complete construction of all Priority 1 sidewalk installations over the next 10 years. The locations within the Proposed 10-Year (Priority 1) Sidewalk Plan are illustrated in Appendix C of the Master Plan, and listed in Table 2 below.

**Table 2
Proposed 10-Year Sidewalk Plan**

Location/Side	Limits (from – to)	Length (LF)
Fifth St. / east	Oak to Mission	460
Fifth St. / east	Alnor to Elm	190
Copenhagen Dr. / north	one parcel	100
Elm Av. / south	Fifth to Atterdag	590
Fourth Pl. / west	Elm to Laurel	460
Laurel Av. / north	Fourth to Atterdag	360
Atterdag Rd. / both sides	Copenhagen to Molle	240
Mission Dr. / south	1440 Mission Dr.	240
	Total Length:	2,640

The costs for constructing new sidewalks within the City will vary greatly depending on the specific location. Most locations will require minor grading, and removing existing vegetation, fences, power poles and other obstructions from the path of travel. Most locations will also require installation of access ramps and reconstruction of driveway approaches to comply with ADA requirements. Some of the areas that do not have sidewalks also do not have curb & gutter. Installing curb & gutter and adequate drainage facilities is usually necessary before sidewalks can be installed, and the cost for this infrastructure will be much higher than the actual cost of the sidewalk. In some locations, for new sidewalks to be constructed, easement or right-of-way acquisition will also be required as well as extensive grading and retaining walls. This will also significantly increase the overall cost.

Based on the above described conditions and additional costs, the cost per linear foot (LF) to construct new sidewalk (5 feet wide) is estimated to range from \$400/LF to \$800/LF. Based on an average unit cost of approximately \$600/LF, the total estimated cost to construct new sidewalk as recommended in Table 2 above is approximately **\$1,584,000**.

The full 2016 Sidewalk Master Plan Update is included as Attachment 3.

IV. ALTERNATIVES:

The City Council could choose to direct staff to expend more or less funding annually, revise priorities, or make more substantial changes to the Sidewalk Master Plan 2016 Update, and return to City Council for approval and adoption.

IV. FISCAL IMPACT:

There is no direct fiscal impact to approving and adopting the Sidewalk Master Plan 2016 Update. Annually staff will include in the City's draft Fiscal Year Budget, a request for funding to implement the sidewalk improvements in accordance with the approved and adopted Sidewalk Master Plan 2016 Update. Therefore, each Fiscal Year the City Council will have the opportunity to approve, modify or deny the proposed funding with that year's Budget.

V. ATTACHMENTS:

1. Locations of Existing City Sidewalk
2. 2008-2012 Sidewalk Infill Program Map
3. Sidewalk Master Plan 2016 Update – Final Draft



SIDEWALK MASTER PLAN 2016 UPDATE

DRAFT: OCTOBER 2016



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1 Introduction

The City of Solvang, although a rural community, has a relatively dense commercial and residential core. This relatively dense core area is often referred to as the Village. Pedestrian activity is heavy throughout the Village area which includes the adjacent residential areas. The walk-ability of the Village area is one of the attractive features of the City to tourists and residents alike.

The primary documents that address sidewalk throughout the City of Solvang are the Sidewalk Master Plan, and the General Plan Circulation Element. The Circulation Element of the General Plan was last updated and adopted by City Council in June 2008. The Circulation Element states there is a general lack of pedestrian incentives and linkages throughout the City as a whole. Sidewalks have been provided throughout most of the Village area to accommodate the high volume of tourist-related pedestrian traffic in the Village. Lack of pedestrian connection from the Village to the west and east ends of town are noted. One of the Primary Circulation goals of the General Plan's Circulation Element is, "to promote safe alternatives to motorized transportation that meet the needs of all City residents." Goal 3 goes on to establish the policy of providing a system of sidewalks or pathways that provides a safe environment for pedestrians, and calls for the installation of sidewalks and access ramps along new and existing roadways where feasible. The Circulation Element also states that in many of the residential neighborhoods of the City, streets were constructed without sidewalks, mainly to preserve the rural character of the City.

The City's current Sidewalk Master Plan consist of the Sidewalk Infill Program Map that was reviewed by the City Council in 2008 and updated by Public Works staff in 2012. The locations of existing sidewalk within the City are shown in Appendix A. The current Sidewalk Infill Program Map that was updated in 2012 is included in Appendix B. The Sidewalk Infill Program Map identifies locations of proposed sidewalk installation, and also identifies sidewalk and access ramp installations completed since 2008. The proposed locations of sidewalk installation are broken into two groups and are assigned Priority 1 or Priority 2.

Federal, State and local grant programs only fund construction of new sidewalk, and only occur from time to time. In addition, these programs are highly competitive and available funds are typically very limited. Public Works staff evaluate each grant opportunity, and pursue grant funding when it is determined we have a competitive project. Generally only proposed sidewalks within the vicinity of a school are competitive for grant funding. Therefore, Priority 1 areas in the vicinity of Solvang School have been deferred in the past few years while State and local grant funding was pursued. Public Works staff applied for grant funding under the Active Transportation Program (administered by Caltrans) in May 2014 and again in June 2016. Although our grant applications scored well, State-wide requests exceeded available funding by a factor of 6 times. Therefore we were not awarded funding. Public Works staff also applied for grant funding under the North County Measure A Safe Routes to School Program (administered by SBCAG) and was awarded a grant of \$168,000 for construction of new sidewalk on Fifth Street.

Public Works staff recommends updating the City's Sidewalk Master Plan at this time to ensure we are implementing City Council priorities, and to improve our competitiveness for future grant funding. The following sections of the City of Solvang Sidewalk Master Plan 2016 Update include

discussion of existing sidewalk, existing sidewalk replacements, proposed sidewalks, prioritizing proposed sidewalks, funding, recommendations, and the Proposed 10-Year Sidewalk Plan.

2 Existing Sidewalk

The Public Works Department currently maintains approximately 118,000 linear feet (2.2 miles) of existing sidewalk within the City which are shown in Appendix A. Several sidewalk locations are in bad or relatively poor condition and need to be completely replaced because they have deteriorated past the point where minor repairs are feasible or cost effective. Tree flare damage where the actual trunk of the tree lifts the sidewalk and root damage where a root causes damage are significant sources of sidewalk damage. The approximate length of the existing sidewalks in bad or poor condition is approximately 3,600 linear feet, or 3.1% of the total length of existing sidewalks.



Figure 1: Deteriorated curb



Figure 2: Sidewalk uplift near Theaterfest



Figure 3: Repeated grinding required at sidewalk uplift locations

The City desires to add new sidewalk in many locations. However, the City has invested millions of dollars in its existing sidewalk network throughout the City. Therefore, it is imperative that the City allocate adequate resources in the future to properly maintain these sidewalks.

City Code Title 8 – Public Ways and Property, Chapter 2, Article B – Sidewalk and Street Edge Maintenance and Improvement addresses the responsibility for maintenance of existing sidewalks. In essence, current City code requires the property owner to be responsible for the cost of maintaining the sidewalk adjacent to their property. It is believed that this responsibility, on the property owner, did not exist in unincorporated Solvang. However, this section of the code has been in place since the City was incorporated in 1985, and to staff’s knowledge has never been enforced. In many locations and cities throughout California, the cities do not require the adjacent property owners to pay for the cost of maintaining or replacing their sidewalk. In addition, California courts have held public agencies responsible for trip & fall claims within the public right-of-way. So since the City was incorporated, the City has been maintaining the public sidewalks.



Figure 4: Root-damaged sidewalk near Solvang School

2.1 Existing Sidewalk Replacements

Over the past several years, the City has implemented a program of sidewalk replacements. During the past five years, approximately 930 linear feet of sidewalks (5-foot wide) have been replaced.

Priority of Future Sidewalk Replacements

The City has a large number of existing sidewalks in poor condition. Therefore, it is very important that sidewalk replacements be prioritized so that those sidewalks with the highest amount of pedestrian use and highest liability risk to the City are replaced first. The following criteria have been established to prioritize future sidewalk replacements:

Priority 1: Locations along arterial roadways and/or within the Tourist Related Commercial (TRC) zone with high pedestrian use.

Priority 2: Locations near schools, along collector roadways, near SYVT bus stops, and near other public facilities with high pedestrian use.

Priority 3: Residential streets with no existing sidewalks.

2.2 Costs for Sidewalk Replacements.

There can be a fairly wide range in the actual cost of sidewalk replacements depending on factors such as if curb & gutter and drainage inlets need to be replaced as part of the sidewalk replacement. Based

on recent sidewalk replacement projects, the current cost per linear foot of sidewalk replacement (5-foot wide) is approximately \$200 per linear foot (LF). This includes mobilization and traffic control costs, and some curb & gutter and tree replacement costs that are commonly involved.

As mentioned, the City currently maintains approximately 118,000 linear feet of existing sidewalks within the City, and approximately 3,600 LF of the existing sidewalks are in bad or poor condition and need to be replaced. Based on the replacement cost per linear foot indicated above, the estimated cost for replacing/repairing all of the existing sidewalks in bad or poor condition is approximately **\$720,000**.

2.3 Funding for Sidewalk Replacements

The following are the primary funding sources that are available to the City to fund sidewalk replacements and a brief discussion of each:

Measure A Funds - For the past several years Measure A funds (from the Santa Barbara County 0.5% sales tax) have been the primary source of funds for replacement of old/damaged sidewalks and installation of new sidewalks. Measure A funding for sidewalk infill and repair is limited to approximately \$40,000/year.

City's General Fund - The City's General Fund is a potential funding source for replacement of old/damaged sidewalks and installation of new sidewalks.

Adjacent Property Owners - The current City Code requires that the adjacent property owner be responsible for the cost to maintain or replace the sidewalk adjacent to their property when it is in poor condition. However, this has never been strictly enforced. Only during new development, per City Code, have property owners been held responsible for bringing the right-of-way infrastructure up to current standards including the installation of new sidewalk.



3 Proposed Sidewalk

As mentioned in Section 1, the Circulation Element of the Solvang General Plan addresses pedestrian access and was adopted in 2008. The Circulation Element notes that there is a general lack of pedestrian incentives and linkages throughout the City as a whole, and specifically mentions lack of connection from the central Village to the west and east ends of town. Goal 3 of the Circulation Element is to promote safe alternatives to motorized transportation that meet the needs of all City residents. Goal 3 establishes the policy of providing a system of sidewalks or pathways that provides a safe environment for pedestrians, and calls for the installation of sidewalks and access ramps along new and existing roadways where feasible. It should be noted that since 2008 several new sections of sidewalk and many new access ramps have been constructed as illustrated in Appendix B – 2008-2012 Sidewalk Infill Program.

3.1 Locations with No Existing Sidewalk

Currently there are several areas throughout the City with no existing sidewalk. These locations are indicated in Appendix A as all locations where existing sidewalk is not present. A large number of these missing sidewalk areas are locations that were already developed when the City incorporated in 1985. The Circulation Element also notes that sidewalks were specifically omitted in many residential neighborhoods in Solvang to preserve the rural character of the City. Based on these factors and financial constraints, to achieve the pedestrian related



Figure 5: Fifth St. and Oak St.

goals within the Circulation Element, new sidewalks are recommended at a limited number of locations such as near Solvang School, along high pedestrian use areas, and to complete missing sidewalk links. There are a few recommended locations such as north Alisal Road, south Pine Street and sections of Laurel Avenue where new sidewalk on only one side of the street is recommended and considered sufficient.



Figure 6: Elm Ave. adjacent to Solvang School



Figure 7: Fifth St. and Copenhagen Dr.

3.2 Priority of Locations for New Sidewalk.

The criteria for determining the locations to construct new sidewalks where none currently exist are basically the same criteria for prioritizing sidewalk replacements. The following criteria have been established to prioritize construction of new sidewalk:

Priority 1 - Locations along arterial roadways and/or within the Tourist Related Commercial (TRC) zone with high pedestrian use.

Priority 2 - Locations near schools, along collector roadways, near SYVT bus stops, and near other public facilities with high pedestrian use.

Priority 3 - Residential streets with no existing sidewalks.



Figure 8: Corner of Fifth St. and Elm Ave.

3.3 Costs for New Sidewalk.

The costs for constructing new sidewalks within the City will vary greatly depending on the specific location. Most locations will require grading, and removing existing vegetation, fences, power poles and other obstructions from the path of travel. Most locations will also require installation of access ramps and reconstruction of driveway approaches to comply with ADA requirements. Some of the areas that do not have sidewalks also do not have curb & gutter. Installing curb & gutter and adequate drainage facilities is usually necessary before sidewalks can be installed, and the cost for this infrastructure will be much higher than the actual cost of the sidewalk. In some locations, for new sidewalks to be constructed, easement or right-of-way acquisition will also be required as well as extensive grading and retaining walls. This will significantly increase the overall cost.

Based on the above described conditions and additional costs, the cost per linear foot (LF) to construct new sidewalk (5-feet wide) is estimated to range from \$400/LF to \$800/LF. Based on an average unit cost of approximately \$600/LF, the total estimated cost to construct new sidewalk as recommended in Table 1 below and illustrated in Appendix C – Proposed 10-Year Sidewalk Plan is approximately **\$1,584,000**.

Table 1 – Proposed 10-Year Sidewalk Plan

Location / Side	Limits (from – to)	Length (LF)
Mission Dr. / South	1440 Mission Dr.	240
Fifth St. / East	Oak to Mission	460
Fifth St. / East	Alnor to Elm	190

Copenhagen Dr. / North	at Fifth (one parcel)	100
Elm Av. / South	Fifth to Atterdag	590
Fourth Pl. / West	Elm to Laurel	460
Laurel Av. / North	Fourth to Atterdag	360
Atterdag Rd. / Both sides	Copenhagen to Molle	240
Mission Dr. / south	1440 Mission Dr.	240
Total Length		2,640

3.4 Funding for New Sidewalk

The following are the primary funding sources that are available to the City to fund new sidewalk and a brief discussion of each:

Measure A Funds. For the past several years Measure A funds (from the Santa Barbara County ½% sales tax) have been the primary source of funds for replacement of old/damaged sidewalks and installation of new sidewalks. Measure A funding for sidewalk infill and repair is limited to approximately \$40,000/year.

Grant Funding. Funds to construct new sidewalks may be available in the future through the North County Measure A Safe Routes to School Program (administered by SBCAG), and the Active Transportation Program (administered by Caltrans). Potential funding from these sources is limited and highly competitive.

City's General Fund. The City's General Fund is also a potential funding source for replacement of old/damaged sidewalks and installation of new sidewalks.

The use of Gas Tax funds for the construction/reconstruction of sidewalks is not recommended since these funds are limited and needed for roadway pavement maintenance.

4 Recommendations and Proposed 10-Year Sidewalk Plan

The Circulation Element of the Solvang General Plan establishes goals related to pedestrian safety and convenience. The City desires to construct new sidewalk yet has an extensive existing sidewalk network to maintain that has significant replacement needs. City funding is limited and the availability of grant funding in the future is unpredictable. The proposed Sidewalk Master Plan (10-year plan) will require significant funding (approximately **\$2.3 million**) to implement. Measure A and the City General Fund is the proposed primary funding sources to construct the improvements in the Sidewalk Master Plan 2016 Update. As mentioned above, Measure A funding for sidewalk infill and repair is limited to approximately \$40,000/year. Therefore, the following recommendations are made:

- Over the 10-year Master Plan period, allocate a total of approximately \$1.4 million in funding to complete an average of approximately \$140,000 of “sidewalk” work per year.
- Continue to utilize approximately \$40,000/year in Measure A funding for repair of existing sidewalk.

- Over the 10-year Sidewalk Master Plan period, allocate available funds approximately as follows: 36% towards existing sidewalk replacements & 64% towards installation of new sidewalk.
- Pursue grant funding for installation of new sidewalk whenever feasible. Any awarded grant funding shall supplement the annual allocation thus accelerating completion of new sidewalk installation.
- For existing sidewalk replacements, give top priority to locations that pose the greatest liability risk to the City.
- As grant funding becomes available, focus on completing installation of new sidewalk in as many Priority 1 locations as possible over the 10-year Master Plan period.
- Construct ADA compliant access ramps and driveway approaches wherever new sidewalk is installed and existing sidewalks are replaced.
- Update the Sidewalk Master Plan approximately every 10 years.

Based on the recommendations above and priorities developed herein, the following locations have been identified as top priority for existing sidewalk replacements within the 10-year Master Plan period.

- Alisal Road (west side) from Molle to Oak
- First Street (both sides) from Fjord to Manzanita
- Holly Lane (both sides) various locations
- Mission Drive (both sides) various locations
- Rebuild Drive (both sides) various locations
- Second Street (both sides) from Molle to Oak

Based on the recommendations above and priorities developed herein for new sidewalk, a proposed 10-year plan for new sidewalk installation has been developed and is listed in Table 1 from Section 3 above. The proposed 10-year plan for new sidewalk installation is also illustrated in Appendix C – Proposed 10-Year Sidewalk Plan.

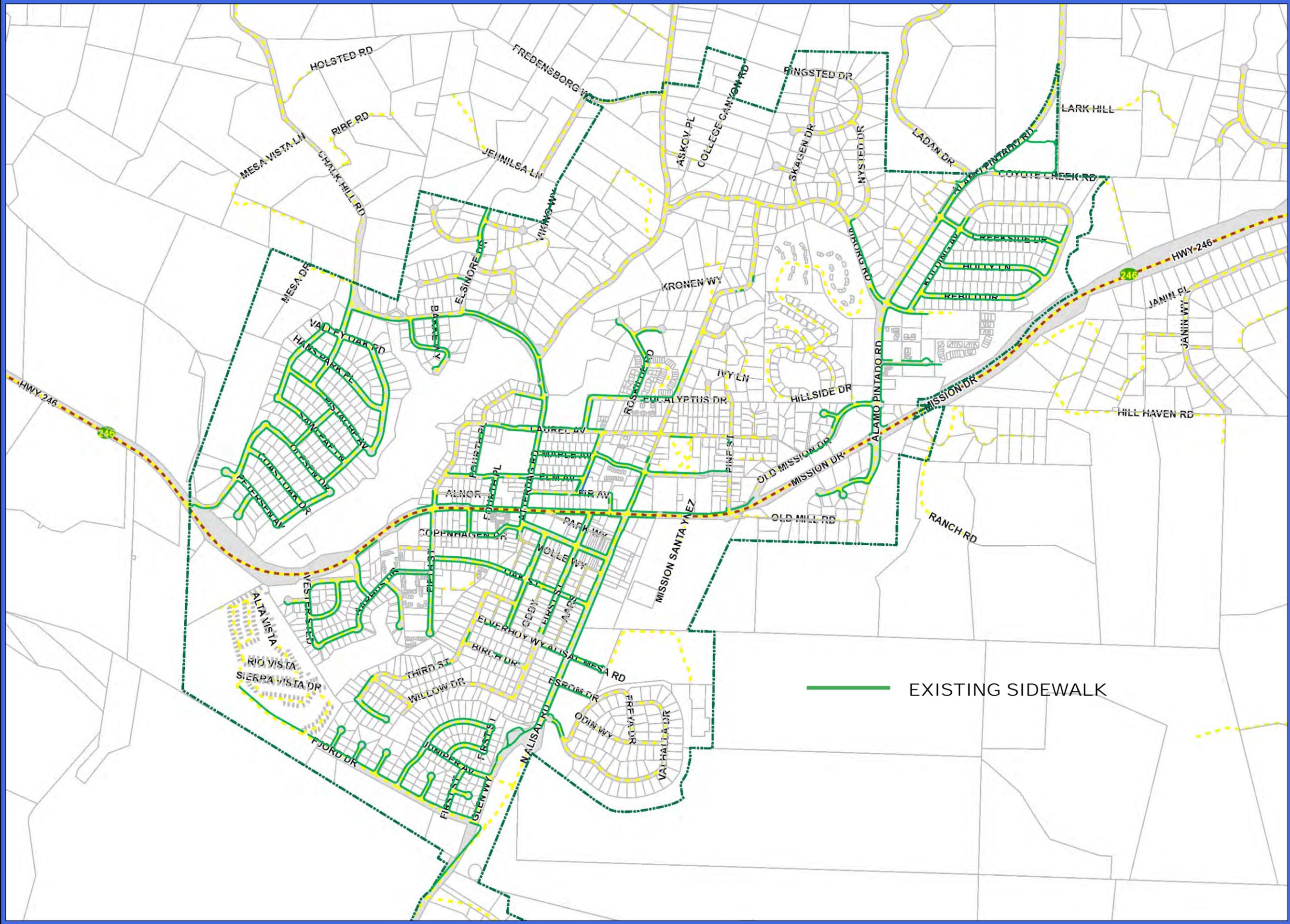
Appendix A – Existing City Sidewalk



City of Solvang

Key to Features

- City Boundary
- Tax Assessment Parcels
- Streets
- Tax Parcels



DISCLAIMER: This map is for reference only. Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used to develop the database may be reflected on this map. No level of accuracy is claimed for the boundary lines shown herein and lines should not be used to obtain coordinate values, bearings or distances.

N



Feet

0 500

State Plane California Zone V NAD 83

Santa Barbara County, California

City of Solvang

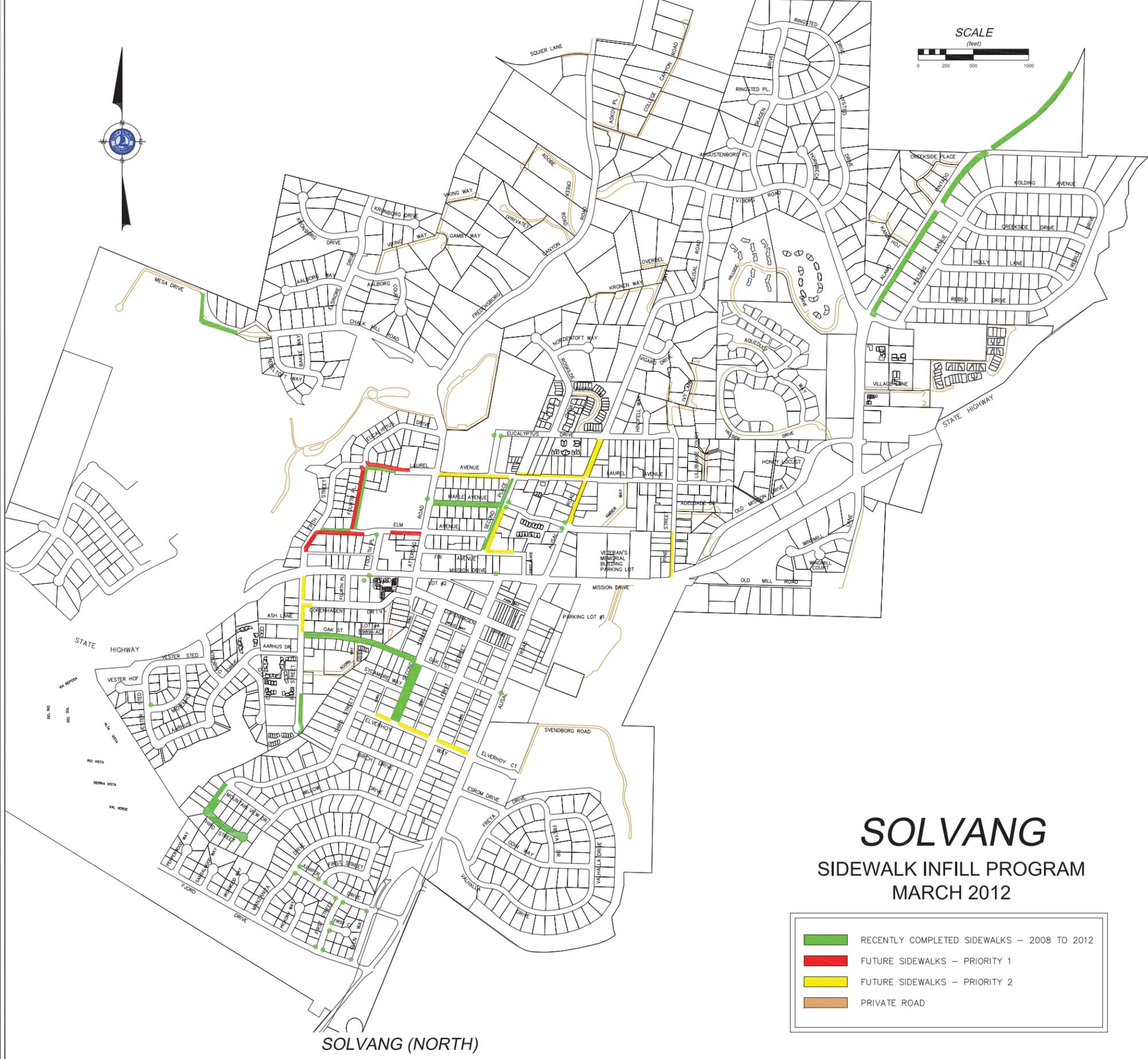
Compiled on ##-##-##

Provided by zworldgis.com

Appendix B – 2008-2012 Sidewalk Infill Program



SOLVANG (SOUTH)



SOLVANG (NORTH)

SOLVANG

SIDEWALK INFILL PROGRAM

MARCH 2012

- RECENTLY COMPLETED SIDEWALKS - 2008 TO 2012
- FUTURE SIDEWALKS - PRIORITY 1
- FUTURE SIDEWALKS - PRIORITY 2
- PRIVATE ROAD

SOLVANG
 City of Solvang - Department of Public Works
 1644 Oak Street - P.O. Box 107 - Solvang, CA 93464
 Ph: (805) 688-5575 - Fax: (805) 686-2049
 www.cityofsolvang.com



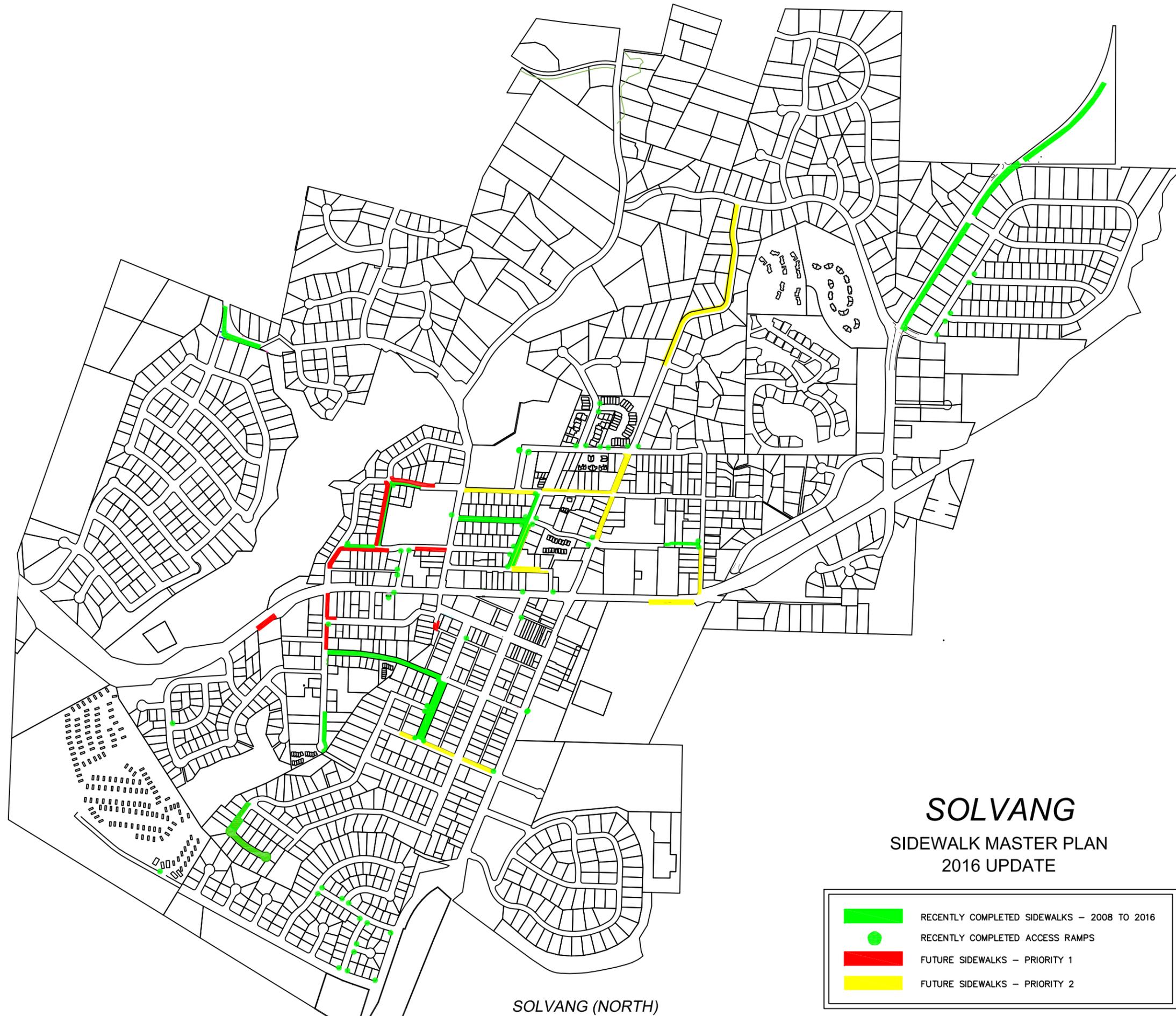
Number	Date	Description

Project Number: ---	Project Location: SOLVANG, CALIFORNIA
---------------------	---------------------------------------

Sheet Title: CITY OF SOLVANG SIDEWALK INFILL PROGRAM FEBRUARY 2012
Owner: CITY OF SOLVANG 1644 OAK STREET SOLVANG, CALIFORNIA 93463

Date: 3-1-2012
Scale: AS SHOWN
Sheet Tab: 24x36
Drawn By: FMS
Proofed By: ---
Drawing No: N/A

Appendix C – Proposed 10-Year Sidewalk Plan



SOLVANG

SIDEWALK MASTER PLAN 2016 UPDATE

	RECENTLY COMPLETED SIDEWALKS – 2008 TO 2016
	RECENTLY COMPLETED ACCESS RAMPS
	FUTURE SIDEWALKS – PRIORITY 1
	FUTURE SIDEWALKS – PRIORITY 2

REVISIONS		
Number	Date	Description

Sheet Title: CITY OF SOLVANG SIDEWALK MASTER PLAN 2016 UPDATE	Project Number: SOLVANG, CALIFORNIA
Owner: CITY OF SOLVANG 1644 OAK STREET SOLVANG, CALIFORNIA 93463	Project Location: SOLVANG, CALIFORNIA

Date: 8/19/2016
Scale: AS SHOWN
Sheet Tab: 24x36
Drawn By: F.M.S.
Proofed By: M.V.
Drawing No: N/A
Sheet: 1 of 1

Appendix D

Solvang Municipal Code – Sidewalk Maintenance Responsibility

8-2B-4: MAINTENANCE OF SIDEWALK AND STREET EDGE MAINTENANCE BY ABUTTING OWNERS:

The owners of lots or portions of lots fronting on any portion of a public street or place, when the street or place is improved, shall maintain all items including, but not limited to, sidewalks, parkways, curbs and gutters and driveways located in public rights of way in a condition that will not endanger persons or property or will not interfere with the public convenience in the use of those works pursuant to this article and chapter 22, of part 3, division 7 of the Streets and Highways Code. (Ord. 01-213, 3-26-2001)

8-2B-5: NUISANCE DECLARED; NOTICE:

- A. Notice To Repair: When any portion of a sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience it is hereby declared a nuisance as defined in section 5-1-3 of this code. The superintendent of streets may notify the owner or person in possession of the property fronting on that portion of such sidewalk to repair the sidewalk according to the city's standard plans and specifications.
- B. Service Of Notice: Notice to repair any portion of a sidewalk may be given by delivering a written notice personally to the owner or to the person in possession of the property out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his/her last known address as the same appears on the last assessment rolls in the records of the county clerk.

8-2B-8: ASSESSMENT, NOTICE OF LIEN, RECORDATION:

- A. The cost of repair may be assessed by the city council against the parcel of the parcel or parcels of property fronting upon the sidewalk upon which such repair was made. Such cost so assessed, if not paid within five (5) days after its confirmation by the city council, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.



**CITY COUNCIL
STAFF REPORT**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Sandra Featherson, Administrative Services Director

MEETING DATE: November 14, 2016

DATE PREPARED: October 31, 2016

SUBJECT: FISCAL YEAR 2015-2016 FINANCIAL REVIEW

I. RECOMMENDATION:

1. Receive and file the fiscal year 2015-2016 ending fund balances.

II. DISCUSSION:

Our independent auditor Terry Krieg, CPA, performed the City of Solvang's audit for the 2015-2016 financial records. Mr. Krieg conducts his audit in accordance with generally accepted auditing standards as they pertain to Government Auditing Standards issued by the Comptroller General of the United States. While he has not finalized his opinion on our financial statements, pending our GASB 68 and OPEB valuations, he does not anticipate any findings.

Annually, the Administrative Services & Finance Department gives an update to City Council highlighting the fiscal condition of all funds following the end of each fiscal year. Below please find a table showing the prior year fund balance, the current year fund balance and the net increase or decrease.

Solvang City Council Staff Report
Date: November 14, 2016
Subject: FY 2015-2016 Year End Review
Page 2 of 4

Fund #	Fund	FY 2014-15 Ending Balance	FY 2015-16 Ending Balance	Net Increase/ Decrease
100	General Fund	\$ 8,633,656	\$ 9,568,138	\$ 934,482
200	Government Impact Fees	\$ 2,427,316	\$ 2,618,850	\$ 191,534
201	Traffic Safety	\$ 8,254	\$ 5,448	\$ (2,806)
202	Gas Tax	\$ 51,480	\$ 9,238	\$ (42,242)
203	Local Transportation	\$ 15,923	\$ 2,345	\$ (13,578)
204	Measure A	\$ 261,778	\$ 263,244	\$ 1,466
205	Skytt Mesa LLMD	\$ 101,794	\$ 166,368	\$ 64,574
300	Capital Projects	\$ 130,490	\$ 144,668	\$ 14,178
500	Water	\$ 6,212,705	\$ 10,156,661	\$ 3,943,956
501	Wastewater	\$ 9,792,705	\$ 9,926,485	\$ 133,780
502	Transit	\$ 1,199,507	\$ 1,466,109	\$ 266,602

General Fund

The increases in the General Fund can be attributed primarily to the increased revenue in Transient Occupancy Tax (TOT) as well as a slight increase in Sales Tax. In addition, our reserves yielded a better return of interest in FY 2015-16, from a low of .32% to a high of .525%.

Revenue	FY 2015-16 Budgeted	FY 2015-16 Actual	Difference between Budgeted vs. Actual
TOT	\$ 3,556,000	\$ 4,195,939	\$ 639,939
Sales Tax	\$ 1,185,000	\$ 1,226,777	\$ 41,777
Property Tax	\$ 1,157,200	\$ 1,213,317	\$ 56,117
Building Permits	\$ 90,000	\$ 160,735	\$ 70,735
Development Fees	\$ 27,000	\$ 56,651	\$ 29,651
Special Events Revenue	\$ 13,000	\$ 14,358	\$ 1,358
Interest Income	\$ 12,275	\$ 43,521	\$ 31,246
Total	\$ 6,040,475	\$ 6,911,297	\$ 870,822

In the General Fund, we spent less than anticipated in several categories, as identified in the table below.

Expenditures	FY 2015-16 Budgeted	FY 2015-16 Actual	Difference between Budgeted vs. Actual
HCA Restroom Upgrades	\$ 100,000	\$ -	\$ (100,000)
Salaries	\$ 1,781,428	\$ 1,687,451	\$ (93,977)
Law Enforcement Contract	\$ 1,630,000	\$ 1,552,371	\$ (77,629)
Gazebo/ADA Upgrades	\$ 25,000	\$ -	\$ (25,000)
Projects	\$ 93,770	\$ 70,642	\$ (23,128)
FICA	\$ 136,176	\$ 115,883	\$ (20,293)
Repairs and Maintenance	\$ 116,650	\$ 98,331	\$ (18,319)
Studies	\$ 15,000	\$ -	\$ (15,000)
Centennial Plaza	\$ 13,500	\$ -	\$ (13,500)
General Plan	\$ 30,000	\$ 20,043	\$ (9,957)
Total	\$ 3,941,524	\$ 3,544,720	\$ (396,804)

- The City incurs less salary, payroll taxes and benefit costs when positions are vacant, or employees are out on a leave.
- Projects moved to FY 2016-17:
 - Centennial Plaza
 - Gazebo/ADA Upgrades
 - HCA Restroom Upgrades

As of June 30, 2016, the General Fund had a total fund balance of \$9,568,138. The Fund Balance Policy, revised in 2013, states for emergency reserves, fifty percent of the operating expenditures will be set aside. As of June 30, 2016, the General Fund balance committed for emergencies is \$4.1 million, which represents 50% of our projected expenditures of \$8.2 million for FY 2016-17.

The remaining fund balance is designated as follows:

Unassigned	\$ 5,345,636
Emergencies	\$ 4,127,320
Recycling Grant	\$ 18,680
Nonspendable	\$ 76,502
Total	\$ 9,568,138

Our enterprise funds are Water, Wastewater, and Transit. When reporting on enterprise funds, the term “net position” is used to describe the difference between assets and liabilities, similar to the term “fund balance” used when referring to the General Fund. For our enterprise funds, the chart below identifies the draft unrestricted net position for each fund. These amounts will change once the City receives the GASB 68 pension fund liability valuation and will be finalized in the City’s Comprehensive Annual Financial Report issued in early January.

Fund #	Fund	FY 2014-15 Unrestricted Net Position	FY 2015-16 Unrestricted Net Position	Net Increase/ Decrease
500	Water	\$ 2,395,297	\$ 5,775,667	\$ 3,380,370
501	Wastewater	\$ 3,769,647	\$ 3,961,280	\$ 191,633
502	Transit	\$ 630,027	\$ 868,694	\$ 238,667

The unrestricted net position represents the funds available to spend. A note about the Water Fund – it did not actually increase by \$3.3 million. After working with our City Auditor, we reclassified the annual state water payment (\$2.7M in FY 2015-16) as a “prepayment” since the annual payment in May is for the coming fiscal year. In addition, the Auditor requested we book the Central Coast Water Authority (CCWA) refundable rate reserve cash deposit (\$609,453). The Auditor advised the City to make these changes in accounting principle as best practices going forward. Without that reclassification, the net increase to the Water Fund is about \$625K. This is much better than the initial FY 2015-16 budget, which anticipated an operating deficit of \$2.6M.

The City did not spend the \$750K budgeted on purchased water and our state water payment was less than anticipated by about \$115K. In addition, the City spent about \$256K less than budgeted on well development.

III. ALTERNATIVES:

None

IV. FISCAL IMPACT:

None

V. ATTACHMENTS:

None



November 8, 2016

ADVANCE CALENDAR

Below is an Advance Calendar of anticipated agenda items. The dates are tentative but reflect an overview of items to come. Items on this advance calendar are subject to change. Final agendas will be available on-line and at City Hall at least 72 hours prior to the meeting date.

MEETING DATE	AGENDA ITEM	ACTION
NOVEMBER 28, 2016	Halloween Haunted House Donation	Accept
	Sign Ordinance Discussion re: Flags	Discuss
	Stormwater Management Plan Annual Report	Review
	Award Professional Services Agrmt for Compensation Study	Approve
DECEMBER 12, 2016	Results of Election and Installation of New Mayor/Councilmembers	Accept
<i>(BBQ for Council, Bds, And Commissions)</i>	Appointment to Boards and Commissions	Approve
	Cancellation of 2 nd Meeting in December	Approve
DECEMBER 27, 2016	Hazard Mitigation Plan Update	Approve
<i>(Cancelled?)</i>		
JANUARY 9, 2017	Investment Report	Receive
JANUARY 23, 2017		
FEBRUARY 13, 2017	2015-16 Comprehensive Annual Financial Report (CAFR)	Receive
FEBRUARY 27, 2017		
MARCH 13, 2017	Solvang Mesa LLMD Resolution of Intent	Adopt
MARCH 27, 2017		
<i>*Public Notice Required</i>	Measure A 5-Year Local Program of Projects (2 nd Mtg in March 2017)	Approve
APRIL 2017		
<i>*Public Notice Required</i>	Solvang Mesa LLMD Resolution of Assessment (1 st Mtg in Apr 2017)	Adopt
MAY 2017		
<i>*Public Notice Required</i>	Amend Appropriation Limit for FY 2016-17 (2 nd Mtg in May)	Approve

<u>Unscheduled</u>		
	Resolution of Intent re: Installment Sale Water Revenue Bonds	
	Ordinance Amendment-Water Softeners & Snowbird Meter Fees	
	Storm Water Resource Plan	
	Sphere of Influence/Annexation Study	
	Marijuana Cultivation & Delivery Ordinance First Reading	
<i>*Public Notice Required</i>	Building Code/Fee revisions, California Code Check Agreement	
	Wireless Telecommunication Facilities Regulations	
	Findings of SYCSD Recycled Water Planning Study	
	Resolution of Support for SBCAG Regional Bike & Ped Plan	
	NPDES Permit Trash Amendment Summary	
	Conflict of Interest Code Review (June 2018)	Discuss
	<i>Warrant Register (1st meeting of each month)</i>	<i>Approve</i>
	<i>Sheriff's Department Report (2nd meeting of each month)</i>	<i>Receive</i>
	<i>SCVB Report (2nd meeting of each month & biennial report)</i>	<i>Receive</i>
	<i>Fire Department Report (Quarterly)</i>	<i>Receive</i>
	<i>VisitSYV Report (Quarterly)</i>	<i>Receive</i>