

**CITY OF SOLVANG
PLANNING COMMISSION**

MEETING AGENDA

Monday, December 5, 2016 – 6:00 P.M.
Council Chambers – Solvang Municipal Center – 1644 Oak Street

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

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

PLEDGE TO THE FLAG

1. PRELIMINARY MATTERS:

- A. PUBLIC COMMENT:** Requests from the public to speak to the Commission on matters not on the agenda.
- B.** Requests for Continuance, Withdrawals, or Addition of Ex-Agenda items
- C.** Conflicts and/or Ex-Parte Communications
- D.** Approval of Minutes:
October 3, 2016

2. PUBLIC HEARINGS ON NEW DEVELOPMENT AND CITY PROJECTS

- A. Amendment of Approved Development Plan**
Location: 1980-1992 Old Mission Drive
APN: 139-540-051, 052
Planner: Arleen Pelster

Hearing on a request to amend the Development Plan approved on April 4, 2016 to reconfigure and reconstruct the existing Valley Plaza shopping center comprising of 39,282 square feet (sq. ft.) and two apartment units, and rebuild a new shopping center comprising of 41,429 sq. ft. commercial retail space and eight one-bedroom residential units, and to approve an Addendum to the Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA).

The amendment is requested to allow removal of five (5) existing trees and a hedge located on the north side of the shopping center adjacent to Old Mission Drive; the trees and hedge were shown to remain on the approved Development Plan.

B. Development Plan

Location: 678 Alamo Pintado Road

APN: 139-380-006

Planner: Brynda Messer

Hearing on the request of Kit Kolb, owner of 678 Alamo Pintado Road, to consider the approval of a Development Plan [application filed August 1, 2016] for the construction of a 745 square foot (sq. ft.) addition to an existing commercial office building within the P-O Zone District; and to accept a Categorical Exemption pursuant to Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA).

3. PLANNING COMMISSIONER'S COMMENTS

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

5. ADJOURNMENT

CITY OF SOLVANG
PLANNING COMMISSION

DRAFT MEETING MINUTES

Monday, October 4, 2016 6:00 P.M.
Regular Hearing of the Planning Commission
Council Chambers – Solvang Municipal Center – 1644 Oak Street

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

Commissioners Absent: None

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

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

PLEDGE TO THE FLAG

1. PRELIMINARY MATTERS:

A. PUBLIC COMMENT: Requests from the public to speak to the Commission on matters not on the agenda.

None.

B. Requests for Continuance, Withdrawals, or Addition of ex-agenda items

None.

C. Conflicts and/or Ex-Parte Communications

Commissioner Petersen stated that he will not participate in Item 2A, as he has a possible conflict of interest.

D. Approval of Minutes:

August 1, 2016 –Regular Planning Commission Meeting

Motion to approve made by Commissioner Chaney and seconded by Commissioner Petersen. Vote is 5-0.

2. PUBLIC HEARING ON NEW DEVELOPMENT AND CITY PROJECTS

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

Commissioner Petersen excused himself due to a possible conflict of interest.

Arleen Pelster presented staff report. She referred to the Memorandum dated October 3, 2016, regarding a request to change the timing of the demolition of the existing garage and allow the garage to remain until the issuance of building permits.

Commissioner Infanti asked if the garage was going to remain during construction and Arleen Pelster answered yes it would remain, then be demolished at a later date.

Chair Clarke opened Public Comment at 6:07 p.m.

Brett Jones, architect for the applicant spoke stating that the owner has read through all the conditions of approval and agrees with them. He also stated he is available for any questions the commissioners may have.

Public Comment was closed at 6:09 p.m.

Motion made by Commissioner Infanti to adopt Planning Commission Resolution 16-06, approve the Conditions of Approval with the revisions, and accept the Categorical Exemption seconded by Commissioner Chaney. Vote is 4-0-1, with Commissioner Petersen abstaining and not participating due to a possible conflict of interest.

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

Arleen Pelster presented the staff report.

Chair Clarke asked Ms. Pelster if she had researched what other cities and jurisdictions do regarding vacation rental and she responded affirmatively.

Discussion followed regarding how many legal vacations were currently in operation and how many more could be allowed.

Commissioner Infanti asked about how illegal vacation rentals will be dealt with and Ms. Pelster explained that Code Enforcement procedures are in place with penalties for repeat offenses.

Commissioner Petersen asked for clarification that Vacation Rentals are in fact not allowed in residential zones and Ms. Pelster confirmed.

Chair Clarke opened Public Comment at 6:20 p.m.

Dave Gowing, owner of vacation rentals on Copenhagen spoke in support of the amendment and stated his rentals are working well.

Public Comment was closed at 6:23 p.m.

Motion made by Commissioner Infanti to adopt Planning Commission Resolution 16-05, and accept the Categorical Exemption seconded by Commissioner Chaney. Vote is 5-0.

3. PLANNING COMMISSIONER'S COMMENTS

None.

4. PLANNING & ECONOMIC DEVELOPMENT DIRECTOR'S COMMENTS

Arleen Pelster stated there will not be a meeting in November. She also went over a new procedure of having the commissioners sign in for all meetings to document their attendance.

5. ADJOURNMENT

Motion to adjourn at 6:26 p.m.



**PLANNING COMMISSION STAFF REPORT
MEETING DATE DECEMBER 5, 2016**

TO: CITY PLANNING COMMISSION

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

APPLICANT: Joshua J. Richman
1980s Old Mission Drive LLC
425 Market Street, Suite 2200
San Francisco, CA 94105
(805) 350-1791

LOCATION: 1980-1992 Old Mission Drive, Solvang (Northwest of the intersection between Mission Drive [State Route 246] and Alamo Pintado Road) (APN 139-540-051 and 139-540-052)

REQUEST: Hearing on a request to amend the Development Plan approved on April 4, 2016 to reconfigure and reconstruct the existing Valley Plaza shopping center comprising 39,282 square feet (sq. ft.) and two apartment units, and rebuild a new shopping center comprising 41,429 sq. ft. commercial retail space and eight one-bedroom residential units, and to approve an Addendum to the Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA).

The amendment is requested to allow removal of five (5) existing trees and a hedge located on the north side of the shopping center adjacent to Old Mission Drive; the trees and hedge were shown to remain on the approved Development Plan.

I. RECOMMENDATION:

- A. Adopt the Addendum to the Mitigated Negative Declaration prepared pursuant to CEQA Guidelines Sections 15162 and 15164; and
- B. Review and adopt Resolution 16-07 approving an amendment to the development plan approved on April 4, 2016, for the Valley Plaza/The Merkantile rebuild; or
- C. Provide alternate direction to staff.

II. BACKGROUND:

On April 4, 2016, the Planning Commission approved a Development Plan for reconfiguration and reconstruction of the Valley Plaza shopping center. A Mitigated Negative Declaration (MND) was also adopted in accordance with the California Environmental Quality Act (CEQA).

III. DISCUSSION:

The approved Development Plan includes removal of 17 mature trees and retention of ten (10) mature trees. While removal of the trees was not identified as a potentially significant impact in the MND, a mitigation measure was included to address the tree removal. The mitigation measure reads as follows:

MM-AES 1: *To mitigate potential impacts resulting from the removal of mature trees, the City shall determine during BAR review, if tree removal would be inconsistent with General Plan Community Design Element policy and shall provide mitigation through architectural review. Landscape Plans with adequate tree replacement as determined by the City shall be required.*

The applicant had proposed to retain all trees on the perimeter of the site, with removal of trees generally focused in the center of the site to accommodate the new buildings. However, as detailed plans were prepared for the site work, including the retaining walls, it became apparent that five (5) existing trees and a hedge, located on the south side of Old Mission Drive between the existing driveways, could be damaged by the construction of a retaining wall.

As required with Condition No. D-14, a tree protection and replacement program was prepared by a certified arborist on October 3, 2016. The report recommends removal of the five (5) trees and the hedge, as the arborist concluded that there is great likelihood of structural failure or tree health decline. The applicant is therefore requesting an amendment to the Development Plan to allow removal of these trees and the hedge.

IV. ENVIRONMENTAL REVIEW:

When an approved project requires revision, the lead agency is required to determine if further environmental review is necessary. Section 15162 of the CEQA Guidelines provides that no

further environmental review is necessary when the lead agency determines that no substantive changes are proposed to the project, there are no changes to the project circumstances, and there is no new information. Section 15164 provides that the lead agency may prepare an Addendum to a MND if minor technical changes or additions are necessary.

Removal of trees was analyzed in the MND under Aesthetics. Impacts were found to be less than significant or non-existent. However, in order to insure that replacement trees and landscaping meets City standards and that the landscape plan is compliant with the City's General Plan, mitigation measure MM-AES 1 was adopted with the MND to require Board of Architectural Review approval. Removal of five (5) additional trees and a hedge would not create a new environmental impact, as the required replacement landscaping would serve to present a visual image similar to the approved project.

V. CONCLUSION/FINDINGS:

It is the finding of the Planning Department that the previous environmental document as amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or ND is not required. Discretionary processing of the Development Plan amendment may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

VI. ATTACHMENTS:

1. Draft Resolution No. 16-07
2. Draft CEQA Addendum with 10-3-16 Arborist's Report
3. Conditions of Approval dated 4-4-16
4. Site Plan Showing Trees/Hedge to be Removed

PC RESOLUTION NO. 16-07

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SOLVANG
APPROVING AN AMENDMENT TO THE VALLEY PLAZA SHOPPING
CENTER/THE MERKANTILE DEVELOPMENT PLAN
FOR A NEW 41,429 SQUARE FOOT SHOPPING CENTER WITH 8 RESIDENTIAL
UNITS; AND TO APPROVE THE ADDENDUM TO THE MITIGATED NEGATIVE
DECLARATION PURSUANT TO THE STATE GUIDELINES FOR THE
IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA).**

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

WHEREAS, the Planning Commission of the City of Solvang has considered a requested amendment to the Valley Plaza Shopping Center/The Merkantile Project Development Plan to allow removal of five (5) additional trees and a hedge located on the south side of Old Mission Drive; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on the subject Development Plan proposal on December 5, 2016, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed this project in compliance with the California Environmental Quality Act (CEQA) and has approved an Addendum to the Mitigated Negative Declaration, subject to the Mitigation Measures as adequate environmental review for the project; and

WHEREAS, the Planning Commission finds after due study, deliberation and public hearing that the requested amendment to the Development Plan is consistent with applicable goals, policies, and regulations of the City's General Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Solvang hereby approves an amendment of the Valley Plaza Shopping Center/The Merkantile Development Plan subject to the attached Conditions of Approval .

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

AYES:

NOES:

ABSTAINED:

PC Resolution 16-07

Amendment to Valley Plaza Shopping Center/The Merkantile Development Plan – 12-5-16

Page: 2

DATE: December 5, 2016

APPROVED AS TO CONTENT:

Arleen T. Pelster, AICP
Planning & Economic Development Director

APPROVED:

Robert Clarke
Planning Commission Chair

**ADDENDUM TO THE VALLEY PLAZA/THE MERKANTILE
MITIGATED NEGATIVE DECLARATION
SCH #2015101093**

Background:

The Planning Commission approved a Development Plan for the following project on April 4, 2016:

Development Plan [application filed March 18, 2015], to reconfigure and reconstruct the existing Valley Plaza shopping center comprising 39,282 square feet (sq. ft.) and two apartment units, and rebuild a new shopping center comprising 41,429 sq. ft. commercial retail space and eight one-bedroom residential units, pursuant to Zoning Ordinance Sections 11-16-4 (Permit Procedures), on a 3.9 acre property zoned C-2, located at 1980-1992 Old Mission Drive, Solvang (Northwest of the intersection between Mission Drive [State Route 246] and Alamo Pintado Road) (current APNs 139-540-051 and 139-540-052).

In accordance with State CEQA Guidelines Sections 15162 and 15164, this Addendum serves to analyze and disclose any environmental effects due to changes in the environmental baseline or revisions to the project since certification of the Mitigated Negative Declaration (MND).

Change to Project Description:

As a result of construction activity related to demolition and reconstruction of a retaining wall, five (5) existing trees (#93-97) and an existing hedge will be removed. According to the addendum to the report prepared by Greenvale Tree Company dated October 3, 2016, the likelihood of structural failure or tree health decline is so great that removal of the trees is recommended.

Environmental Determination:

The Valley Plaza/The Merkantile MND (SCH No. 2015101093) is hereby incorporated by reference.

Section 15164 of the CEQA Guidelines states *"The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."*

Section 15162(a) of the State CEQA Guidelines limits the preparation of a subsequent EIR to three situations:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

After review of the current environmental conditions and review of the Valley Plaza/The Merkantile MND, staff has determined that:

1. The removal of five (5) trees and a hedge is not a substantial change to the project and will not create new significant impacts; replacement trees and shrubs will be planted and are subject to review by the City's Board of Architectural Review (MM-AES 1);

2. No substantial changes have occurred with respect to the circumstances in which the project will be undertaken which would involve new significant environmental impacts resulting from the project; and

3. No new information has become available since the preparation of the previous MND for the project which would result in new significant impacts, an increase in severity of significant impacts, or affect the feasibility of mitigation measures, or provide for different methods of mitigating significant impacts.

Therefore, this Addendum has been prepared to affirm no changes to the analysis which was conducted in the Valley Plaza/The Merkantile MND are required.

Attachment: Arborist Report dated 10-3-16 Prepared by Greenvale Tree Company



GREENVALE TREE COMPANY

Arborist Report – October 3, 2016

For: Steve Rigor, Arris Studio Architects
Clint Pearce, Madonna Enterprises, LLC
Joshua Richman

Site: The Merkantile
1980 – 1992 Old Mission Dr.
Solvang CA

Task Identify trees that are to be protected and trees that are to be removed.
Prepare a report indicating tree protection zones (TPZ) and tree protection plan.

Per site visit and per rules of “Conditions of Approval” from the city of Solvang.

Trees identified

As per drawing AO.4 Tree Removal Plan.

Trees to be removed – I have marked at the base of each tree to be removed, using an orange spray paint, a small paint splotch for each tree to be removed. If a tree to be removed does not have an orange mark, please contact me to verify.

Trees to be protected – Each tree to be saved is marked with a numbered aluminum disk 1½ inch diameter. Disks have been attached to the trees with a small nail at approximately 5½-6½ feet. Disks are placed mostly on the backsides, or sides of trees, away from public view to avoid tampering. Each disk is numbered and future references to trees from here forth will be identified by number.

In General

Most of these trees are in areas that will have some disturbance below and within the tree protection zone. Pavement is to be removed, excavated, base added and compacted and repaving done. Curbs are also to be demolished and reinstalled in similar operation. In addition, entry modifications, new pedestrian entries, bus stop turnout, retaining wall and significant grade level changes (along Old Mission Drive parking) are also proposed. Excavation within the dripline of the trees are to be done by hand. Exceptions can be made but would need the approval of City of Solvang planning and a Certified Arborist.

RECEIVED

OCT 10 2016

CITY OF SOLVANG

113	California Sycamore	23 *	17	23
114	<i>Platanus racemosa</i> California Sycamore	22	15	21
115	<i>Platanus racemosa</i> California Sycamore	32 *	28	34
116	<i>Platanus racemosa</i> California Sycamore	18	13	19

Key * indicates a change from drawing AO.4 Tree Removal Plan

Yellow highlight indicates a tree not located on drawing AO.4 Tree Removal Plan

“Multi Trunk” indicates a tree that has several stems coming from one trunk/base of tree

Trees above are listed in order from #90 at the corner of Alamo Pintado Rd. and Old Mission Dr. going west along Old Mission Rd. stopping at #100 at the north side of building A. This continues with #101 on the south side of building A and continues along Hwy 246 (Mission Dr.) ending with #116 near the corner of Alamo Pintado Rd. and Hwy 246 (Mission Dr.).

Tree Protection Zones (TPZ)

Tree Protection Zones (TPZ) shall be established around all trees or groups of trees within a construction site. Construction site can be determined as the area where work is to take place and the area needed to support activities of construction. Typically, the area includes fifty feet off structures, pavements, utility trenches etc. allowing for maneuvering equipment, stockpiling supplies and access to construction. TPZ will protect trees from equipment, storage, traffic, trenching or grading within the construction area. A TPZ is always bordered with fencing.

The City of Solvang has determined that the Tree Protection Zone is the length of the dripline of each tree plus six feet (Conditions of Approval D-14 section 2-c). This area is to be protected by using chain link fencing with posts set every six feet. Signage declaring that the fenced zone is off limits shall be posted frequently enough so signs are visible from any approach.

A certified arborist shall examine any area that may be impacted within the TPZ. Much of the curbing and pavement replacement as well as some new construction will take place within this zone. Fencing can be moved for work within the zone but only for the immediate work area. If the construction can accommodate less severe root impacts such as less soil movement, re-routing drainage or utilities, then the minimal impact construction must be considered.

Before fencing is put up, 4-6 inches of mulch shall be placed below the tree canopies. This will act as a cushion if the area must be used during construction and act as soil mulch for retaining moisture during stress from construction.

Chain link fencing shall be installed at the measurements listed above and around the entire tree, or groups of trees. Trees that have some trenching or grading around them can have the TPZ moved during construction and replaced after the work is completed. All work within a TPZ shall have prior approval by a Certified Arborist and the Solvang Planning Department. No access point shall be available and the fencing shall be secure from sagging (people crossing at a low point) or being too high (people climbing underneath). Fence shall be a minimum of 4 feet from ground to top of fence.

Recommendations:

Several trees will have construction below their dripline which will have some impact on the tree so care shall be taken to preserve as much root and branch structure as possible. Any trimming shall be done by a certified arborist and with approval of the City of Solvang Planning Department. Any trenching or soil movement (within the TPZ) shall be done by hand unless otherwise approved by a certified arborist. Protection plan shall be followed exactly and any deviation from the plan shall be approved by a certified arborist.

When construction is complete it is recommended that Mycorrhizae and beneficial micro-organisms be injected into the soil to restore the soil flora.

The following are general guidelines:

- Roots that are more than 1½ inch diameter that must be severed shall be cut with a clean blade using a reciprocal or pruning saw. Roots shall not be broken or torn. Roots that are pruned shall be examined by a certified arborist before backfilling.
- Severed (cut) roots shall be drenched with a root rot preventing fungicide as a precaution.
- Do not let exposed roots dry. Cover exposed roots with dampened carpets or canvas until trenches can be backfilled.
- The preferred method of bringing utilities through a TPZ is to use boring methods that will limit damage as opposed to trenching.
- Never build up soil under the canopies of trees. Even building up soil an inch can lead to a tree's decline.
- Tree roots are very fragile and can easily be damaged due to vibration, pressure or through compaction of soil. Do not store overburden, fill materials, construction materials or equipment below tree canopies. Do not drive, walk or move equipment below tree canopies.
- Do not change the runoff patterns of slopes or close in (make a basin or low point) around a tree. The trees should be slightly higher than the grade to prevent water retention below the canopy and around the tree's base.
- Supplemental water shall be available as trees can use more water in the stress of construction. Watering guidelines can be obtained from an arborist.

Sincerely
Chris Stier,
ISA Certified Arborist, #9262

The following table identifies trees that are to be saved. The information in this table is also available on a site plan.

Tree ID #	Tree species/Common name	Diameter trunk at 4½ feet. In Inches	From base of trunk to dripline in feet	From base of trunk to TPZ fence
90	<i>Platanus racemosa</i> California Sycamore	28 *	23	29
91	<i>Platanus racemosa</i> California Sycamore	24	16	22
92	<i>Platanus racemosa</i> California Sycamore	18	10	16
93	<i>Platanus racemosa</i> California Sycamore	16	9	15
94	<i>Platanus racemosa</i> California Sycamore	20 *	12	18
95	<i>Platanus racemosa</i> California Sycamore	16	10	16
96	<i>Platanus racemosa</i> California Sycamore	16	10	16
98	<i>Quercus engelmannii</i> * Engelman Oak	Multi-trunk 18 *	5	11
97	<i>Platanus racemosa</i> California Sycamore	22	16	22
99	<i>Platanus racemosa</i> California Sycamore	19 *	12	18
100	<i>Quercus engelmannii</i> * Engelman Oak	8 *	8	14
101	<i>Platanus racemosa</i> California Sycamore	14 *	11	17
102	<i>Quercus engelmannii</i> * Engelman Oak	8	5	11
103	<i>Quercus engelmannii</i> * Engelman Oak	6	5	11
104	<i>Platanus racemosa</i> California Sycamore	7	6	12
105	<i>Platanus racemosa</i> California Sycamore	10	5	11
106	<i>Platanus racemosa</i> California Sycamore	18 *	9	15
107	<i>Platanus racemosa</i> California Sycamore	16 *	15	21
108	<i>Platanus racemosa</i> California Sycamore	19 *	15	21
109	<i>Quercus engelmannii</i> * Engelman Oak	6 *	5	11
111	<i>Quercus engelmannii</i> * Engelman Oak	7 *	5	11
110	<i>Platanus racemosa</i> California Sycamore	18 *	15	21
112	<i>Platanus racemosa</i> California Sycamore	16	15	21
	<i>Platanus racemosa</i>			

Addendum to Arborist Report

Per a site visit and Walk-through with construction manager Leonard Marshall on October 3, 2016, and in regard to trees #93 – 97 (5 total). These trees will have construction on the North and South sides. The North side will be the demolition and reconstruction of a retaining wall. The South side will be the demolition, total regrade with elevation changes and reconstruction of pavement and curbs. As a result of this construction activity:

- 60 – 90% of root zone will be impacted. Roots will be cut or injured during construction.
- Because of the close proximity of the trees to construction, damage to lower branches and trunks is inevitable.
- The chance of windthrow due to construction damage is considerable and damage to cars, injury or death could occur if the trees were to fail.
- Loss of root mass will likely cause the trees to decline in health.

Since the likelihood of structural failure or tree health decline is so great, I am recommending removal of these trees. Mitigation by replanting trees during the landscaping phase, with guidance from the landscape architect and city planners, is a proactive approach.

Sincerely
Chris Stier,
ISA Certified Arborist, #9262

12" STANDARD SIGN DIMENSION

NO

ENTRY

TREE PRESERVATION
AREA

CALL: (XXX) XXX-XXXX
TO REPORT VIOLATIONS

PROHIBIDO ENTRAR
ZONA DE PROTECTION DEL ARBOL

LLAMAR AL TEL. (XXX) XXX-XXXX
PARA REPORTAR INFRACCIONES

18" STANDARD SIGN DIMENSION

TREE PROTECTION ZONE (TPZ) SIGNAGE EXAMPLE

FINAL - Approved by Planning Commission on 4-4-16, and Amended on 12-5-16 to Allow Removal of Five (5) Existing Trees and a Hedge Adjacent to Old Mission Drive

CONDITIONS OF APPROVAL
VALLEY PLAZA SHOPPING CENTER/THE MERKANTILE
DEVELOPMENT PLAN
APN 139-240-074, -075, 1980-1992 Old Mission Drive

The following conditions and the attached Public Works Department conditions dated 9-28-15 shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded with the Development Plan on an “Agreement Relating to Conditions Imposed on Real Property” which shall be reviewed as to form and content by the City Attorney.

A. PROJECT DESCRIPTION

The project description is as follows:

Applicant seeks approval of a Development Plan which utilizes the three existing access points, and an alternative (“Caltrans Alternative”) that seeks reconfigured access to the site. Details concerning the existing center, the proposed Development Plan, and the Caltrans Alternative are set forth below:

Existing Shopping Center
Existing Buildings: 4
Existing Commercial Area: 39,282 s.f.
Existing Residential: 2 apartments
Existing Parking: 170 spaces
Existing Building Height: 20’-28’
Existing Highest Point (Altitude): 498.91’

<u>Proposed Development Plan</u> Existing Access Points Remain Intact	<u>Caltrans Alternative¹</u> New Access Point on Mission Drive
Proposed Buildings: 4	Proposed Buildings: 4
Proposed Commercial Area: 41,429 s.f.	Proposed Commercial Area: 42,365 s.f.
Proposed Residential: 8 apartments	Proposed Residential: 8 apartments
Proposed Parking: 186 spaces	Proposed Parking 165 spaces
Proposed Building Height: 22'-35'	Proposed Building Height: 22'-35'
Building Height Permitted by Code: 35'	Building Height Permitted by Code: 35'
Proposed Highest Point (Altitude): 502.50'	Proposed Highest Point (Altitude): 502.50'

Existing water, sewer, storm drain and natural gas lines will remain and continue in use for the interior and southern portions of the site. New water and natural gas lines will be constructed along the northerly driveway and will extend south to connect to existing lines. A bioretention facility is proposed with permeable concrete pavers in portions of the parking area to reduce runoff.

A new retaining wall will be constructed along Old Mission Drive which will connect to the existing retaining wall, and will continue westerly along the site perimeter around to Mission Drive where the new wall will connect with the existing wall. A new retaining wall will be constructed at the easterly side of the existing wall which will extend around the corner of Mission Drive and Alamo Pintado. The wall will have a maximum height of 11'. A total of 36 trees are proposed to be removed to accommodate site improvements; ten (10) existing trees will be preserved on the site. Approximately 30 large specimen trees and 50 small/medium specimen trees are proposed to replace those trees to be removed. The project would require grading of approximately 8,500 cubic yards of cut and 7,000 cubic yards of fill. Under the Caltrans alternative all existing buildings on the site would be demolished.

¹ The Caltrans Alternative contemplates the closing of the westernmost entrance to the shopping center off Old Mission Drive, and construction of a new one-way driveway into the center off westbound Mission Drive. This proposed reconfigured access is intended to improve access to the site, and reduce traffic impacts on Old Mission Drive. In particular, delivery and trash trucks would enter the site off the state highway rather than through the otherwise quiet residential street. Since Mission Drive is a state highway, the Caltrans Alternative will require a separate encroachment permit from Caltrans, which applicant is concurrently pursuing.

New Frontiers grocery store is the shopping center's anchor tenant. New Frontiers wishes to remain in business for the duration of the proposed project, and as a result, applicant intends to construct the new shopping center in two phases, as follows:

Phase 1:

- Demolish 1988 and 1992 Old Mission Drive (Buildings C and D as depicted on existing site plan)
- Partial demolition of 1984 Old Mission Drive (Building B as depicted on existing site plan), up to New Frontiers' offices. New Frontiers' existing store and offices to remain intact during Phase 1
- Construction of new Building C (New Frontiers) and Building D (Tenants TBD)
- Construction of a portion of the parking lot adjacent to new Buildings C and D
- Square footage summary for Phase 1:
 - Demolition: Approx. 25,014 s.f.
 - 1988 Old Mission Drive: Approx. 11,000 s.f.
 - 1992 Old Mission Drive: Approx. 5,218 s.f.
 - 1984 Old Mission Drive: Approx. 7,600 s.f. (partial demolition)
 - Construction: Approx. 25,400 s.f.
 - Building C: (New Frontiers): Approx. 18,000 s.f.
 - Building D: Approx. 7,750 s.f.

Phase 2:

- New Frontiers to move into new grocery store (new Building C)
- Old New Frontiers store and offices to be demolished
- Construction of new Building B (Tenants TBD)
- If Caltrans approves encroachment permit on Mission Drive, then Applicant intends to raze and reconstruct Building A and construct new access point and driveway off of Mission Drive
- If Caltrans does not approve encroachment permit on Mission Drive, then Applicant intends to remodel existing Building A so that its façade matches the new shopping center
- Finish parking lot
- Square footage summary for Phase 2:

- Demolition: Approx. 16,400 s.f.
 - 1980 Old Mission Drive: 6,400 s.f.
 - 1984 Old Mission Drive: 10,000 s.f.
- Construction: Approx. 16,965 s.f.
 - Building A: 7,750 s.f. (assuming Caltrans approval)
 - Building B: 9,215 s.f.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto.

All plans must be submitted for review and approval and shall be implemented as approved by the City of Solvang.

- A-1. This Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked “Planning Commission Exhibit 1” (consisting of Sheets A0.0 through C2.1), stamped received on March 4, 2016, and Conditions of Approval set forth below. Access to the project site shall only be via Old Mission Road and Alamo Pintado Road in accordance with Exhibit 1.

Should the applicant receive approval from Caltrans to create a driveway to the project site from State Route (SR) 246, the Development Plan would then be required to comply with “Planning Commission Exhibit 2” (comprising the Caltrans Highway 246 Exhibits [Sheets CT1.0 through CT3.3] and Sheets L-1 & L-2),” which includes such a driveway. Under this scenario, existing Building A would be demolished rather than renovated, and moved slightly to allow construction of the driveway from SR 246.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

- A-2. **Compliance with the Law:** The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.

B. MITIGATION MEASURES

- B-1. **(MM-AES-1):** To mitigate potential impacts resulting from the removal of mature trees, the City shall determine during BAR review, if tree removal would be inconsistent with General Plan Community Design Element policy and shall provide mitigation through architectural review. Landscape Plans with adequate tree replacement, as determined by the City, shall be required.
- B-2. **(MM-AES-2):** To mitigate potential impacts of glare from new light fixtures spilling light to adjoining properties, all exterior lighting shall meet the requirements of Section 11-12-18 of the City's Zoning Ordinance, and shall be dark sky compliant. The final plans shall incorporate only down-directed cut off type pole light luminaries. All building mounted lights shall be hooded and shielded to minimize glare off-site.
- B-3. **(MM-AQ-1):** These measures are required for all projects involving earth-moving activities regardless of the project size or duration. The measures are based on policies adopted in the 1979 AQAP for Santa Barbara County. Proper implementation of these measures is assumed to fully mitigate fugitive dust and construction equipment emissions.
- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such

persons shall be provided to the Air Pollution Control District (APCD) prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- Prior to land use clearance, the applicant shall provide an informational sheet with these dust control requirements. All requirements shall be shown on grading and building plans.
- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles.
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- All portable diesel fired construction engines with 50 brake-horsepower (bhp) or greater must have either statewide Portable Equipment Registration (PERP) certificated or APCD permits. Construction engines with PERP certificates are exempt from APCD permits provided they will be on-site for less than 12 months.
- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.

- B-4. **(MM-BIO-1):** Pre-construction nesting bird and bat surveys. Pre-construction bat and nesting bird surveys shall be conducted prior to demolition of existing structures. Should Project activities be initiated during the nesting bird season (approximately February 15 to August 15), pre-construction nesting bird surveys shall be conducted within approximately 200 feet of any area where impacts are expected to occur, and a determination of sensitivity be made by a qualified biologist should any nesting birds or bats be present in this zone. The biologist shall identify avoidance strategies.
- B-5. **(MM-CUL-1):** The Santa Ynez Chumash Indian Reservation Elders Council will be provided advance notice of proposed construction timing, in order to allow Reservation representatives the opportunity to visit and observe ground disturbances. Should any cultural materials be discovered during excavation, work shall be temporarily suspended and the tribe notified. In that event, a Chumash consultant from the SYBCI Elders Council shall be retained by the City to observe all subsequent excavations. The documentation and ultimate disposition of any cultural resources unearthed shall be pursuant to State Law.
- B-6. **(MM-GEO-1):** To mitigate impacts resulting from potential soils/geologic hazards, implement the program-level standard requirement that requires all parcels have a Soils Engineering Report prepared prior to obtaining building permits. In addition, development shall design structures and other improvements in accordance with the seismic criteria contained in the latest City-adopted California Building Code. Implementation of these standard measures would reduce impacts to a less than significant level.
- B-7. **(MM-HYD-1):** The developer shall conduct a hydraulic analysis of the existing downstream storm drain system to verify adequate capacity in the cumulative condition. The analysis shall verify there are no existing deficiencies that must be corrected to properly serve the proposed project. If deficiencies are identified for the 25 year storm or less, the project will correct those deficiencies.
- B-8. **(MM-NOI-1):** Potential noise generated from the loading dock shall be mitigated by limiting delivery hours to a period from 7:00 a.m. to 7:00 p.m. Based upon the final tenant mix, if deliveries are planned outside 7:00 a.m. to 7:00 p.m., acoustical evaluation and mitigation shall be required.
- B-9. **(MM-TR-1):** To mitigate effects to the area street network, the Project is required under City Ordinance to contribute traffic impact fees. The Applicant shall pay the calculated fee (\$3,067 per peak hour trip) based on the contribution of peak hour trips to the intersection of SR 246 and Alamo Pintado Road.

C. PROJECT SPECIFIC CONDITIONS:

- C-1. **Water Efficient Landscaping.** To improve water conservation, the Owner/Applicant shall include the following in Landscape and Irrigation Plans to be approved by the Planning Department and BAR:
- A. Landscaping that reduces water use:
 - 1. Landscape with native and low water demand plant species;
 - 2. Group plant material by water needs;
 - 3. No turf shall be allowed;
 - 4. Extensive mulching (2" minimum) shall be used in all landscaped areas to reduce evaporation.
 - B. Install drip irrigation or other water-conserving irrigation.
 - C. Use permeable surfaces for hardscape to the maximum extent feasible.
- C-2. **Signage.** No signs of any type are approved with this action unless otherwise specified. All signs require a separate Land Use Clearance and Board of Architectural Review approval and shall comply with the City's Sign Regulations.
- C-3. **Outdoor Display of Merchandise.** Fruit, vegetables, and flowers may be displayed under the awnings located on either side of the primary entrance to Building C, as shown on Sheet A3.3 of the approved plans (labeled "south elevation"). Any additional display of outdoor merchandise will require review by the Planning Commission.
- C-4. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use and Building and/or Grading Permit from the Solvang City Planning and Building Department. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before the City will issue any permit, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions.
- C-5. **Exterior Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is dark sky compliant, of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. Exterior light fixtures shall be approved by the Board of Architectural Review.
- C-6. **Board of Architectural Review.** For the trees to be removed, the BAR shall require appropriate mitigation and approve a landscape plan including tree replacement and screening vegetation. The Owner/Applicant shall obtain BAR Final Approval of the project which must include the Landscape Plan, all Exterior Lighting, and Colors and Materials. The project shall be in conformance with all aspects of the BAR approval, including landscaping.

- C-7. **Utility Services.** All new and existing utility services shall be placed underground and completed prior to any paving required for the project. No new utility poles shall be installed.
- C-8. **Contaminated Soils.** If contaminated soils are found at the project site, the APCD must be contacted to determine if Authority to Construct and/or Permit to Operate permits are required.
- C-9. **Agreement to Comply.** The owner and the carrier operating the facility shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to the Planning Department. Such form may be obtained from the Planning Department office prior to issuance of the Land Use Clearance. The owner/carrier shall provide evidence that he/she has recorded the Agreement to Comply with Conditions.
- C-10. **Hours of Construction.** Hours of construction shall be limited to 7:30 a.m. to 5:30 pm weekdays. No construction shall be allowed on Saturday, Sunday or State holidays except as approved in writing by the Public Works Director, or his designee, or in the case of an emergency for the immediate preservation of life, health, or property.
- C-11. **Property Maintenance.** The Project and Property, including the landscaping, shall be maintained in a continuous state of good condition and repair, in full compliance with all approved plans, specifications and conditions of approval. Corrective improvements shall be undertaken as necessary to continuously conform with and implement conditions of Project approval including, as applicable, repair, repainting and/or replacement of Project components as needed. Where a Project is found to be non-compliant, the Applicant shall adhere to City recommendations to bring the Project into compliance.
- C-12. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
- C-13. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void,

or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.

C-14. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

C-15. **Compliance Costs.** This condition shall serve as implementation of the Mitigation Monitoring and Reporting Program for the Mitigation Measures as well as the general conditions of approval set forth herein.

The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.

C-16. **Expiration.** This Development Plan shall expire three (3) years after the date of final approval unless substantial physical construction has been completed on the development or unless a time extension has been applied for by the applicant in compliance with City rules and regulations.

D. PRIOR TO ISSUANCE OF ANY LAND USE PERMIT, GRADING OR BUILDING PERMIT, whichever is applicable, the applicant shall complete the following:

D-1. **Departmental Conditions.** Project must comply with the following departmental conditions:

1. County of Santa Barbara Fire Department letter dated April 16, 2015, which requires applicant to complete an access plan and fire hydrant plans.

D-2. **Fire Protection Certificate.** The Owner/Applicant shall obtain a Fire Protection Certificate.

D-3. **Asbestos Demolition Notification.** The applicant is required to complete and submit an Asbestos Demolition/Renovation Notification (APCD Form ENF-28) for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed notification should be presented or mailed to the Santa Barbara County Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition.

D-4. **APCD Permitting.** APCD permits must be obtained for all equipment that

requires an APCD permit.

- APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g. firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
- Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to installation.

- D-5. **Asphalt Paving.** Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*. This condition shall be noted on public improvement plans.
- D-6. **Pre-Construction Conference.** The applicant shall hold a pre-construction conference with representatives of the Public Works Department, Building Department, Planning Department, and contractor(s) to discuss the contents of a Construction Management Plan to be prepared for the project (per Condition D-7). The Construction Management Plan shall be prepared and submitted two (2) weeks prior to the Pre-Construction Conference.
- D-7. **Construction Management Plan.** A Construction Management Plan shall be prepared, and reviewed and approved by the Public Works Department, Building Department, and Planning Department prior to issuance of land use clearances and grading permits. The Construction Management Plan shall include the following:
- a) Reiteration of Condition C-9 which states "Hours of construction shall be limited to 7:30 a.m. to 5:30 p.m. weekdays. No construction shall be allowed on Saturday, Sunday, or State holidays except as approved in writing by the Public Works Director, or his designee, or in the case of an emergency for the immediate preservation of life, health, or property."
 - b) Construction-related truck trips are to be scheduled during non-peak hours to help reduce truck traffic on adjacent streets and roadways. Deliveries are prohibited before 7:30 a.m. and after 5:30 p.m.
 - c) The route of construction-related traffic is to be established to minimize trips through surrounding residential neighborhoods.
 - d) The street, whether public or private, shall not be used for storage of equipment or materials.
 - e) A parking plan for construction workers shall be shown and discussed in the plan. Adequate parking for construction workers shall be provided and demonstrated within the property boundaries. Construction workers shall not be allowed to park on the surrounding neighborhood streets.
 - f) A construction plan showing the separations, such as fencing, screening, etc., between the areas of the site that are open to the public, and areas that are

- closed for construction. Show the details of the fencing, methods of supports, heights, colors, material types, etc. Indicate the portability, if any, graffiti abatement plan and methods, and signs to indicate the construction entrances and the public customer and employee entrances.
- g) At the dividing line through Building B where the first and second phase of construction meet, show the methods and materials for maintaining safe entrance and egress from the businesses, overhead protection and alternate night hours lighting under such scaffolding or platforms for seating and stairways.
 - h) Show the location of parking sites on property assigned to the open business employees, and the location of parking sites on property assigned for use by the public. Provide signs for each space. Show on the plan how the public vehicles which upon entering the parking area cannot find parking, can safely turn around and exit the parking area. Provide signs for delivery vehicles for the open businesses.
 - i) City review the parking area open to the public after the construction has started and separations have been placed. City may deem it necessary to provide on-site, continuous control and direction by property owner's staff for the parking area used by the public and open business employees.
 - j) The location of the construction trailer shall be shown as well as all designated staging and laydown areas for materials and equipment.
 - k) The use of portable stereos (i.e., boom boxes) shall be prohibited prior to 9:00 a.m.
 - l) The site shall be regularly watered during site grading and transportation of fill, trucks shall be tarped, and streets and sidewalks shall be kept clean during construction pursuant to the dust control measures required in Condition B-3.
 - m) Trash shall be placed in proper receptacles onsite at all times.

The Construction Management Plan shall be adhered to throughout construction. In the event that complaints are received, the City may amend the Construction Management Plan.

- D-8. **Construction Staging.** Construction equipment staging and storage areas shall not be located beyond the boundaries of the property unless approved by the City. The staging and storage areas for construction vehicles shall be depicted on project plans submitted for land use clearances and grading permits.
- D-9. **Construction Wash-Out Area.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete, stucco, paint, equipment, tools, etc., to prevent wash water from discharging to the storm drains, streets, drainages, or creeks. Polluted water and materials from the washout area(s) shall be contained within this area and removed from the site at least once a week or more often as needed to prevent spillage. The area shall be located at least 100 feet from any storm drain to the extent feasible. The construction wash-out area shall be depicted on project plans submitted for land use clearances and grading permits.
- D-10. **Storm Water Pollution Prevention.** A Storm Water Pollution Prevention Plan

(SWPPP) for the entire site shall be developed before the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific Best Management Practices (BMPs) to control the discharge of material from the site and into the creeks and local storm drains. At a minimum, the following BMPs designed to reduce or eliminate construction site pollutants shall be incorporated into all project plans as a condition of approval and be implemented during construction:

Construction Site Planning BMPs, including but not limited to:

- n) Concrete, asphalt, and seal coat shall be applied during dry weather only; storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc.

BMPs to Minimize Soil Movement, including but not limited to:

- a) Exposed stockpiles of soil and other erosive materials shall be covered during the rainy season.
- b) Soil stabilizers shall be employed, as appropriate.
- c) Disturbed soils shall be restored and revegetated as soon as practicable.
- d) Sediment and construction materials shall be dry-swept from finished streets the same day they are deposited.
- e) Tire wash stations, gravel beds, and/or rumble plates will be installed at site entrance and exit points to prevent sediment from being tracked onto adjacent roadways.
- f) Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- g) Site runoff control structures, such as earth berms, gravel bags, silt fences, drainage swales, and ditches that reduce erosion and convey surface runoff during construction into temporary or permanent sediment detention basins shall be installed and made operational in the initial phase of construction, as necessary.

Good Housekeeping BMPs, including but not limited to:

- a) All drainage patterns located near the construction site prior to construction shall be identified to ensure that all subcontractors know their location to prevent pollutants from entering them.
- b) Storm drain inlets shall be protected from sediment-laden waters for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures, or landscaping.
- c) All leaks, spills, drips shall be immediately cleaned up and properly disposed of.
- d) One or more emergency spill containment kits shall be placed on-site in easily visible locations and personnel will be trained in proper use and disposal methods.
- e) Vehicles and heavy equipment shall be refueled and serviced in one designated location; vehicles and heavy equipment that are leaking fuel, oil, hydraulic fluid or other pollutants shall be immediately contained and either repaired immediately or removed from the site.

- f) Trash cans and recycling bins shall be placed liberally around the site and properly maintained.
- g) Dry clean-up methods shall be used whenever possible.
- h) Construction material and waste management practices shall be identified, including temporary borrow and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.
- i) All subcontractors and laborers shall be educated about proper site maintenance and storm water pollution control measures through periodic site "tailgate" meetings.

D-11. **Grading and Public Infrastructure Plans.** The Owner/Applicant shall obtain Public Works Department approval of all grading and drainage, civil, storm water, and public improvement plans prior to issuance of Grading and Public Works permits.

D-12. **Agreement for Land Development Improvements.** An Agreement for Land Development Improvements, prepared by the City Engineer, shall be submitted to the City Council for execution prior to issuance of grading and/or public works permits. Said agreement shall guarantee the implementation of the required improvements.

D-13. **Erosion Control.** Excavation and grading shall be avoided during the rainy season (November through April) unless grading plans approved by the Public Works Department include an acceptable erosion control plan.

D-14. **Tree Replacement and Protection.** A tree protection and replacement program prepared by a City approved, certified arborist, and hired at the applicant's expense, shall be implemented. The program shall include but not be limited to the following components:

1. Project elements to be graphically depicted on final grading and building plans:
 - a. The location of all trees to be removed or relocated, the location and extent of dripline for all trees to be preserved that are in close proximity to construction, and the type and location of tree fencing for trees to be preserved.
 - b. All proposed utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
 - c. Construction equipment storage and staging areas shall be designated on approved grading and building plans outside of dripline areas.
 - d. Drainage plans shall be designed so that the area within the dripline of all trees to be preserved is properly drained to avoid ponding.

- e. The location of the construction wash-out area shall be shown on the tree protection exhibit and shall be located outside of the dripline of any tree to be preserved.
2. Project elements to be printed as conditions on final grading and building plans:
 - a. No grading or development shall occur within the dripline of all trees to be preserved.
 - b. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
 - c. All trees to be preserved within 25 feet of proposed ground disturbances shall be temporarily fenced with chain link throughout grading and construction activities. The fencing shall be installed 6 feet outside of the dripline of each native tree to be preserved, to the extent feasible, and shall be staked every 6 feet. Such fencing is to remain in place throughout grading and shall not be moved after initial installation. Such tree fencing shall be shown on all grading and building plans.
 - d. No construction equipment shall be parked, stored or operated within 6 feet of the dripline of any tree to be preserved.
 - e. No fill soil, rocks, or construction materials shall be stored or placed within 15 feet of any tree to be preserved.
 - f. Any roots encountered that are 1 inch in diameter or greater shall be cleanly cut under the supervision of the approved arborist. Excavation for trenching within the dripline of native all trees to be preserved shall be performed with hand tools.
 - g. No permanent irrigation shall occur within the critical root zone of any native all tree.
 - h. Only trees designated for removal on the approved tree protection plan shall be removed.
 - i. All trees to be preserved or relocated on site that are damaged by construction activities or within 2 years of construction shall be replaced in kind of a 5:1 basis. All trees shall be replaced with 15-gallon size saplings grown from locally obtained seed.
 - j. All trees to be preserved within 25 feet of construction activities shall receive deep feeding after grading activities are completed if directed by the approved arborist.
 - k. Maintenance of relocated or replacement all trees shall be accomplished through water-conserving irrigation techniques, but only during the initial establishment period, after which such irrigation improvements shall be removed to allow trees to become acclimatized to natural conditions.

1. The City approved arborist shall be on site throughout all grading and construction activities that may affect trees to be preserved, salvaged, or relocated.

D-15. **Landscape Performance Securities.** Two performance securities in the form of irrevocable letter of credits are required prior to approval of the Land Use Clearance. One performance security in an amount equal to the cost of installation of irrigation and plantings including labor and materials, and one performance security equal to the cost of two (2) years maintenance of landscaping.

The installation performance security shall be released by the City at Occupancy Clearance. The maintenance performance security shall be released by the City after the landscaping has been established and maintained for two (2) years.

D-16. **Development Impact Fees.** Payment of necessary fees as follows:

- a. Traffic mitigation fee of \$3,067 for each noon peak hour trip for 21 new peak hour trips, in the amount of \$64,407.
- b. Drainage Element impact fee in the amount of \$500.00.
- c. Water connection fee as set forth in the Municipal Code.
- d. Sewer connection fee as set forth in the Municipal Code.
- e. All applicable processing review fees.

E. PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY for the proposed Development Plan, the following shall be completed by the owner of the Real Property:

E-1. **Final Repairs.** Repair any damaged public or private improvement (curbs, gutters, sidewalks, water valves, fire hydrants, manholes, etc.) subject to the review and approval of the City Engineer.

E-2. **Construction Debris.** The developer shall clear the project site of all construction debris. This requirement shall be noted on final building plans. Debris clearance shall occur prior to occupancy clearance.

E-3. **Street Signs.** All required street identification signs shall be installed.

E-4. **Landscape Installation.** Landscaping shall be installed by the applicant and inspected by the City prior to final Occupancy Clearance.

E-5. **Construction Material Recycling.** All excess construction materials (concrete, wood, etc.) shall be transported to a licensed facility which collects recyclable commodities from the public for separation, reuse/recycling or proper disposal. The nearest facility is Foxen Canyon Landfill. The Building Inspector will require copies of all dump receipts prior to Final Inspection.

E-6. **Greenhouse Gas Reduction.** At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:

- Energy use (energy efficiency, low carbon fuels, renewable energy)
- Transportation (reduce vehicle miles traveled, compact and transit-oriented development, pedestrian- and bicycle-friendly communities)
- Water conservation (improved practices and equipment, landscaping)
- Waste reduction (material re-use/recycling, composting, waste diversion, waste minimization)
- Architectural features (green building practices, cool roofs)

E-7. **Offer of Dedication of Utility Easements.** Prior to Occupancy Clearance, the Owner/Applicant shall offer to dedicate to the City the following:

- a. Water line easement (for the new segment on the property);
- b. Natural gas line easement (for the new segment on the property); and
- c. Bioretention facility easement.

Owner/Applicant shall maintain bioretention facilities.

Attachment: Public Works Department Conditions date 9-28-15

1980S OLD MISSION DRIVE, LLC

JOSHUA J. RICHMAN
MANAGER
425 MARKET STREET, SUITE 2200
SAN FRANCISCO, CA 94105
PHONE: 805-350-1791
EMAIL: JJRICHMAN@GMAIL.COM

November 10, 2016

Via Email Only

Arleen T. Pelster, AICP
Planning & Economic Development Director
City of Solvang
411 Second Street
Solvang CA 93463

Re: The Merkantile
Request for Amendment

Dear Arleen,

Please accept this letter as our request to amend the entitlement package previously approved by the Solvang Planning Commission on April 4, 2016. The purpose of the amendment is that we need to remove additional trees and a hedge on the back of the site due to nearby grading and retaining wall work. Enclosed is a revised Tree Removal Plan and revised Construction Management Plan reflecting the requested changes.

Yesterday, you should have received a check to cover fees relating to the requested amendment.

Please contact me should you have any questions or concerns.

Sincerely,

1980s Old Mission Drive, LLC

By:



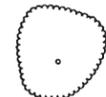
Joshua J. Richman
Its Manager

cc: Clint Pearce

Encl.

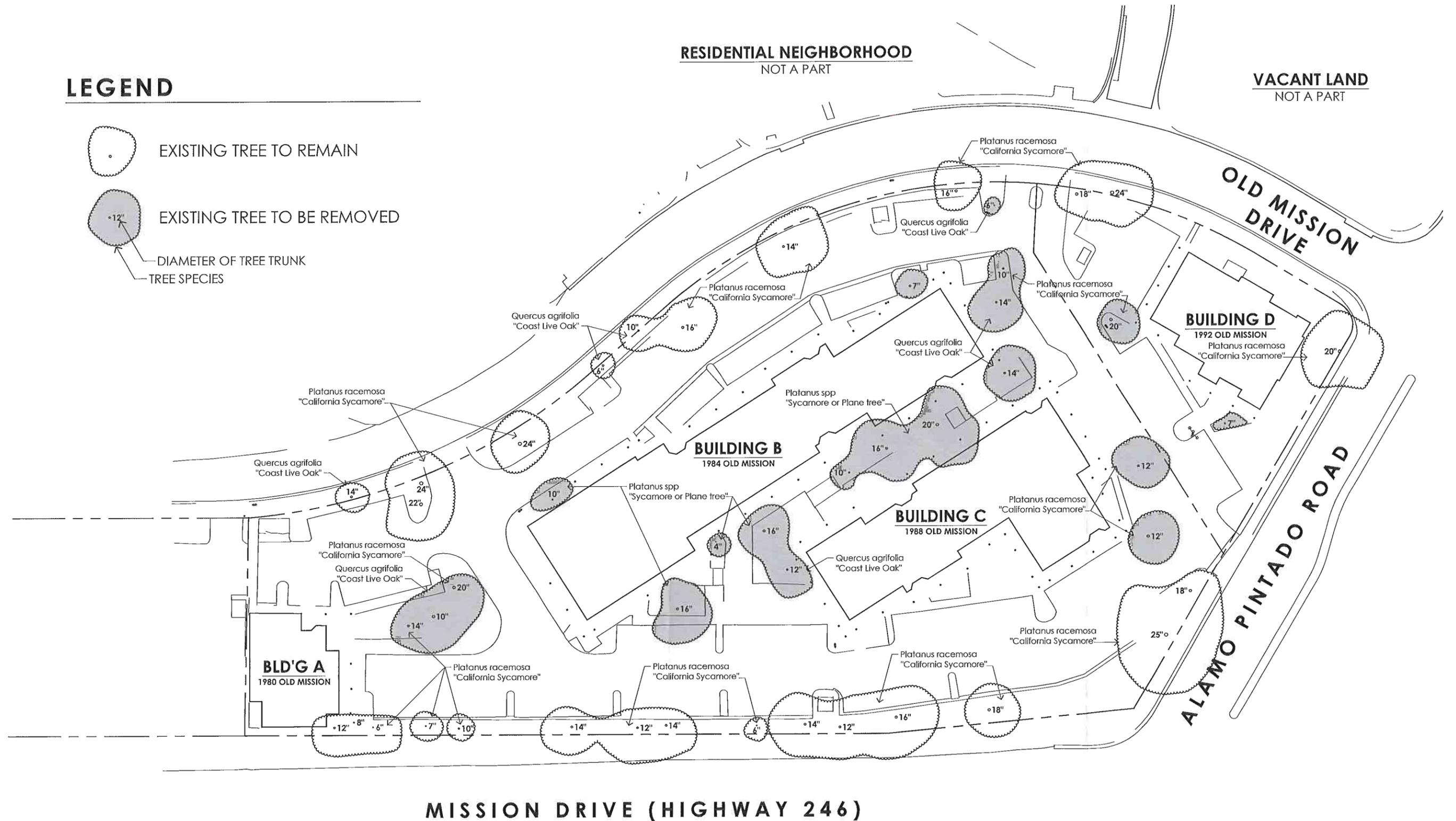
RECEIVED
NOV 14 2016
CITY OF SOLVANG

LEGEND

-  EXISTING TREE TO REMAIN
-  EXISTING TREE TO BE REMOVED
- DIAMETER OF TREE TRUNK
- TREE SPECIES

RESIDENTIAL NEIGHBORHOOD
NOT A PART

VACANT LAND
NOT A PART



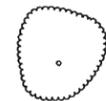
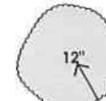
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NOV 14 2016
CITY OF SOLVANG

TREE REMOVAL PLAN - PREVIOUSLY APPROVED

0 5 10 20 30 60 TRUE NORTH
11"x17" SCALE: 1" = 60'-0"
24"x36" SCALE: 1" = 30'-0"

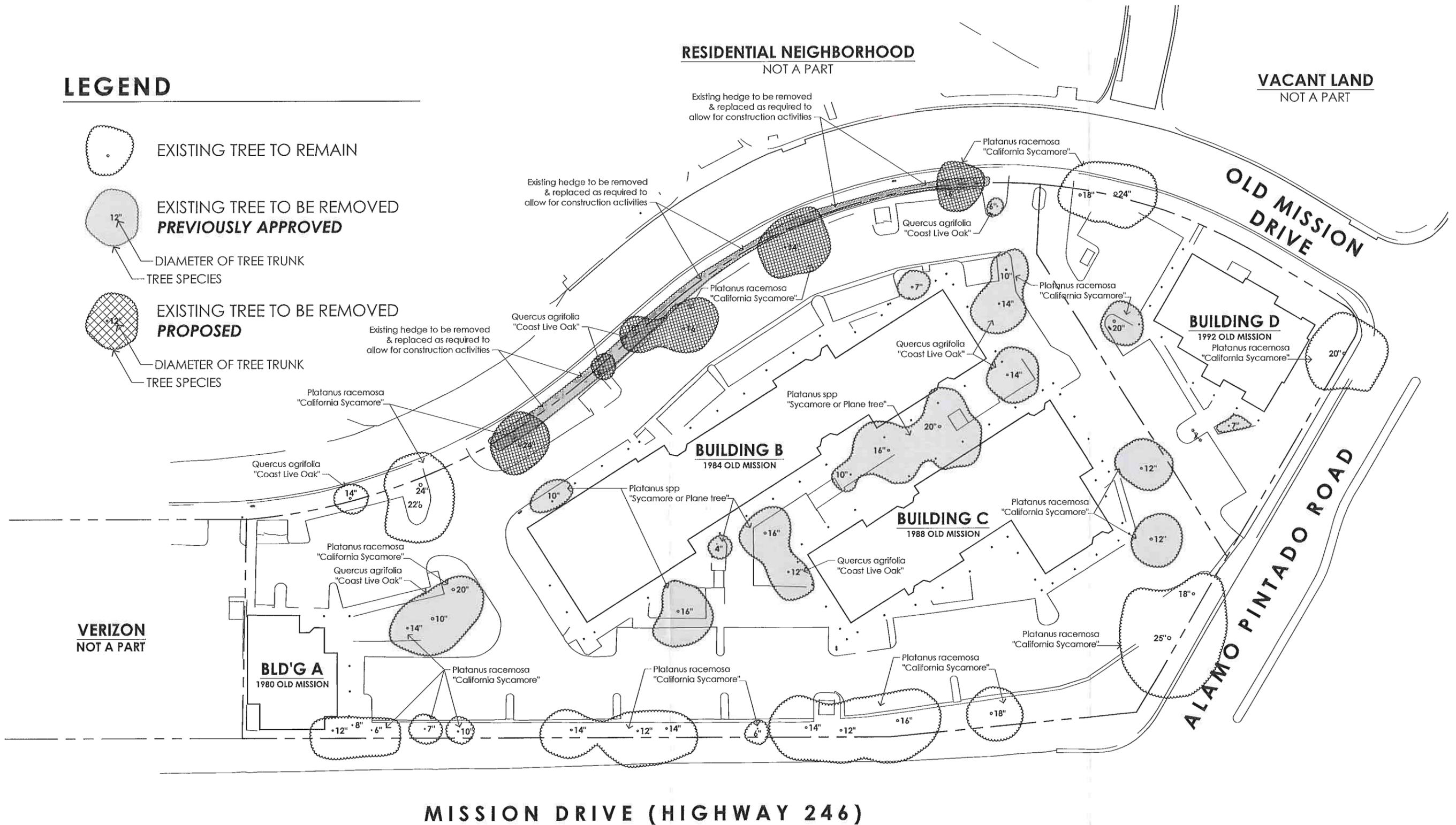
	<i>The Merkantile</i> SCHEMATIC DESIGN PACKAGE 1980 - 1992 OLD MISSION DRIVE SOLVANG, CA	
	TREE REMOVAL PLAN PREVIOUSLY APPROVED	11-08-2016 A0.4a

LEGEND

-  EXISTING TREE TO REMAIN
 -  EXISTING TREE TO BE REMOVED PREVIOUSLY APPROVED
 -  EXISTING TREE TO BE REMOVED PROPOSED
- DIAMETER OF TREE TRUNK
TREE SPECIES

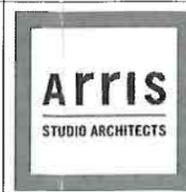
RESIDENTIAL NEIGHBORHOOD
NOT A PART

VACANT LAND
NOT A PART



TREE REMOVAL PLAN - PROPOSED

0 5 10 20 30 60 TRUE NORTH
11"x17" SCALE: 1" = 60'-0"
24"x36" SCALE: 1" = 30'-0"

	<i>the Merkantile</i> SCHEMATIC DESIGN PACKAGE 1980 - 1992 OLD MISSION DRIVE SOLVANG, CA	
	TREE REMOVAL PLAN PROPOSED	11-08-2016 A0.4b

RECEIVED
NOV 14 2016
CITY OF SOLVANG



PLANNING COMMISSION STAFF REPORT

**ADDITION TO AN EXISTING COMMERCIAL OFFICE BUILDING
DEVELOPMENT PLAN**

Meeting Date: **DECEMBER 5, 2016**

TO: CITY PLANNING COMMISSION

FROM: Brynda Messer
Assistant Planner

AGENT: Wesley Azzouz, Architect
PO Box 398
San Luis Obispo, CA 93406

OWNER: Kit Kolb
1715 N. Refugio Road
Santa Ynez, CA 93460

LOCATION: Johnson Family Dental
678 Alamo Pintado Road – APN 139-380-006



REQUEST: Hearing on the request of Kit Kolb, owner of 678 Alamo Pintado Road, to consider the approval of a Development Plan [application filed August 1, 2016] for the construction of a 745 square foot (sq. ft.) addition to an existing commercial office building within the P-O Zone District; and to accept a Categorical Exemption pursuant to Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA).

I. RECOMMENDATION:

- A. Adopt Resolution 16-08 (Attachment C) to approve the Development Plan, subject to the Findings and the Conditions of Approval (Attachment A), and;
- B. Accept the Categorical Exemption (Attachment B), pursuant to Section 15303

of the Guidelines for Implementation of the California Environmental Quality Act; or

- C. Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

II. BACKGROUND AND JURISDICTION:

The lot currently has two existing office buildings, parking areas, landscaping, and pathways. The property is divided into commercial condominiums.

This Development Plan relates to the construction of a 745 square foot addition to the existing Johnson Family Dental Office.

Zoning Ordinance Section 11-7D-1C states:

"No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in Section 11-16-4 of this title and with land use permits in section 11-16-1 of this title."

Zoning Ordinance Section 11-16-4-D4., specifies that the Planning Commission has jurisdiction as decision maker for all Development Plans.

III. ISSUE SUMMARY:

A. Aesthetics

The existing architecture of the building is Spanish, and the proposed addition will continue with that style. The Board of Architectural Review (BAR) granted conceptual approval of the project at the June 9, 2016 meeting.

B. Parking

The site has a total of 56 parking spaces that are shared between the two office buildings on site. The total number of required parking spaces for the proposed addition and the existing square footage is 11 spaces. The calculation is shown below:

Johnson Family Dental: 2,195 square feet of gross floor area of dental office space = 11 spaces (1 space per 200 square feet).

There are four additional dental offices with a combined gross floor area of 5,628 square feet = 29 spaces (1 space per 200 square feet).

There are three professional offices with a combined gross floor area of 4,251 square feet = 15 spaces (1 space per 300 square feet).

The number of spaces required is 55 and the number on site is 56, so the parking requirement is met.

IV. PROJECT INFORMATION:

A. Site Information

Land Use Designation:	Professional Office
Zoning:	P-O, Professional Office
Square footage of site	Approximately 34,000 square feet
Present Development and Use:	Medical Offices, Professional Offices
Surrounding Uses/Zoning:	North: Office/Medical South: Vacant East: Office/Medical West: Alamo Pintado Road/Vacant
Access:	Primary vehicular access would be from Alamo Pintado Road. The building can also be accessed from Viborg Road.
Public Services:	Water: City of Solvang Sewer: City of Solvang Fire: County of Santa Barbara/City of Solvang

B. Project Description

The applicant, Kit Kolb, owner, has proposed a Development Plan application to construct an addition of 745 square feet to an existing commercial office building. There is no grading proposed for the project. There are two existing storm water inlets adjacent to the existing building which will not be altered. Two trees are proposed to be removed, since they are too close to the proposed addition.

V. FINDINGS REQUIRED FOR APPROVAL:

1. *That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.*

The lot size is approximately 34,000 square feet. The proposed addition is adequate in regard to size, shape, location and physical characteristics.

2. *That significant environmental impacts are mitigated to the maximum extent feasible.*

The proposed project is categorically exempt from CEQA, and no significant environmental impacts are anticipated.

3. *That streets and highways are adequate and properly designed.*

The proposed use is not anticipated to greatly increase the number of people or amount of traffic in the area. Alamo Pintado Road and Viborg Road have adequately served the area to the hospital and other medical offices without incident.

4. *That there are adequate public services, including, but not limited to, fire protection, water supply, sewage disposal and police protection to serve the project.*

Adequate public services are available to serve this project.

5. *That the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will be compatible with the surrounding area.*

This proposed project is compatible with the surrounding Professional Office uses and should not be detrimental to the surrounding areas.

6. *That the project is in conformance with the applicable provisions and policies of this title and the general plan.*

This project is in conformance with all applicable provisions and policies of the Zoning Ordinance and the General Plan.

VI. DEVELOPMENT REVIEW COMMITTEE:

Due to the simplicity of the proposal, a formal Development Review Committee (DRC) Meeting was not held to discuss this project. However, planning staff informally discussed the project with other departments to determine appropriate conditions for the project, and those discussions are incorporated in the attached conditions of approval (Attachment A).

VII. ZONING ORDINANCE CONSISTENCY:

The proposed project would be consistent with all applicable regulations of the P-O (Professional Office) Zone District, Zoning Ordinance, Title 11.

VIII. GENERAL PLAN CONSISTENCY:

The project would be consistent with the following applicable General Plan policies:

Land Use Element:

Policy 1.2: Provide a mix of commercial uses to promote both the tourist economy and the needs of residents.

Policy 2.2: Ensure that commercial development is located conveniently and is consistent with the Community Design Element of the General Plan.

IX. ENVIRONMENTAL DETERMINATION:

The project was determined to be exempt from environmental review, pursuant to §15303 of the Guidelines for the Implementation of the California Environmental Quality Act. This section specifies: *“15303. New Construction or Conversion of Small Structures: Class 3 consists of construction and location of limited new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”*

The proposed project consists of activities that fall within these categories. Please see Attachment B (Notice of Exemption) of this staff report for additional information.

Attachments:

- A. Conditions of Approval (Draft)
- B. Notice of Exemption
- C. Draft Resolution 16-08
- D. Full-Size Plans (Planning Commissioners only)

ATTACHMENT A

**Draft Conditions of Approval – Adopted by Planning Commission on 12-5-2016
Addition to Commercial Office Building – Johnson Family Dental
678 Alamo Pintado Road – APN 139-380-006 - Development Plan**

The following conditions and the attached Public Works conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded with the Development Plan on an “Agreement Relating to Conditions Imposed on Real Property” which shall be reviewed as to form and content by the City Attorney.

ORDER OF CONDITIONS:

- A. Project Description
- B. Project Specific Conditions
- C. Prior to Issuance of any Land Use, Grading or Building Permit
- D. Prior to Issuance of Certificate of Occupancy

A. Project Description

- A-1. This Development Plan is based upon the following project description:
Construct a 745 square foot addition to an existing commercial office building. The grading, development, use, and maintenance of the property; the size, shape, arrangement, and location of structures, parking areas and landscape areas; and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the City of Solvang.

- A-2. **Compliance with the Law:** The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.

B. PROJECT SPECIFIC CONDITIONS:

- B-1. **Drainage.** Owner(s) shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and access road, as applicable. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner,

which will preclude any hazard to life, health or damage to the Real Property or any adjoining property. All construction shall be in conformance with the City of Solvang Storm Water Management Program.

- B-2. **Signage.** No signs of any type are approved with this action. All proposed signage shall comply with the City's Sign Regulations. All signs require a separate Land Use Clearance and shall not be installed prior to Board of Architectural Review approval.
- B-2. **Development Impact Fees** to be paid prior to Building Permit Issuance:
a. Drainage Impact Fee in the amount of \$500.00.
- B-3 **Exterior Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is dark sky compliant, of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. Exterior light fixtures shall be approved by the Board of Architectural Review.
- B-4. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use and Building and/or Grading Permit from the Solvang City Planning and Building Department. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before the City will issue any Permit, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. Plan Requirements: The applicant shall submit to the Solvang Planning Department four (4) complete sets of construction drawings consistent with City requirements for Land Use Clearance review and approval.
- B-5. **Construction Hours Limited.** Hours of construction shall be limited to 7:30 a.m. to 5:30 p.m. weekdays. No construction shall be allowed on Saturday, Sunday or State holidays except as approved in writing by the Public Works Director, or his/her designee, or in the case of emergency for the immediate preservation of life, health, or property.

- B-6. **Expiration.** This Development Plan shall expire three (3) years after the date of final approval unless substantial physical construction has been completed on the development or unless a time extension has been applied for by the applicant in compliance with City rules and regulations.
- B-7. **Agreement to Comply.** The applicant shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to the Planning Department. Such form may be obtained from the Planning Department office prior to the issuance of Land Use Clearance. The applicant shall provide evidence that he/she has recorded the Agreement to Comply with Conditions.
- B-8. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
- B-9. **Indemnity.** Applicant agrees, as its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.
- B-10. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended

pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

C. PRIOR TO ISSUANCE OF ANY LAND USE, GRADING, OR BUILDING PERMIT, whichever is applicable, the applicant shall complete the following:

- C-1. **Construction Wash-Out Area.** The owner/Applicant shall designate a washout area(s) for the washing of concrete, stucco, paint, equipment, tools, etc., to prevent wash water from discharging to the storm drains, streets, drainages, or creeks. Polluted water and materials from the washout area(s) shall be contained within this area and removed from the site at least once a week or more often as needed to prevent spillage. The construction washout area shall be depicted on project plans submitted for land use clearances and grading permits.
- C-2. **Fire Protection Certificate.** Prior to the issuance of Land Use Clearance, applicant shall obtain a Fire Protection Certificate. The project shall comply with all requirements of the Fire Code.
- C-3. **Board of Architectural Review.** Prior to Land Use Clearance, applicant shall obtain Final BAR approval of the project. The project will comply with all aspects of the BAR approval.
- C-4. **Construction Management:**
 - a) The applicant shall hold a pre-construction conference with representatives of the Public Works Department, Building Department, Planning Department, and contractor(s) to discuss construction management two weeks prior to construction.
 - b) Hours of construction shall be limited to 7:30 a.m. to 5:30 p.m. weekdays. No construction shall be allowed on Saturday, Sunday, or State holidays except as approved in writing by the Public Works Director, or his/her designee, or in the case of an emergency for the immediate preservation of life, health, or property.
 - c) Construction-related truck trips are to be scheduled during non-peak hours to help reduce truck traffic on adjacent streets and roadways.
 - d) The street, whether public or private, shall not be used for storage of equipment or materials.
 - e) Adequate parking for construction workers shall be provided.
 - f) The use of portable stereos (i.e., boom boxes) shall be prohibited.

- g) Trash shall be placed in proper receptacles onsite at all times.
- h) Provide six-foot high construction fencing for screening and additional dust control. This shall be placed along Alamo Pintado Road and down the sides of the property.

C-5. **Best Management Practices (BMP)** to control the discharge of material from the site and into local storm drains shall be utilized. At a minimum, the following BMP designed to reduce or eliminate construction site pollutants shall be incorporated into all project plans as a condition of approval and be implemented during construction:

Construction Site Planning BMP, including but not limited to:

- a) Concrete, asphalt, and seal coat shall be applied during dry weather only; storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc.

Good Housekeeping BMP, including but not limited to:

- a) Storm drain inlets shall be protected from sediment-laden waters for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures, or landscaping.
- b) All leaks, spills, or drips shall be immediately cleaned up and property disposed of.
- c) One or more emergency spill containment kits shall be placed on-site in easily visible locations and personnel will be trained in proper use and disposal methods.
- d) Vehicles and heavy equipment shall be refueled and serviced in one designated location; vehicles and heavy equipment that are leaking fuel, oil, hydraulic fluid or other pollutants shall be immediately contained and either repaired immediately or removed from the site.
- e) Trash cans and recycling bins shall be placed liberally around the site and property maintained.
- f) Dry clean-up methods shall be used whenever possible.
- g) Construction material and waste management practices shall be identified, including temporary borrow and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel areas.
- h) All subcontractors and laborers shall be educated about proper site maintenance and storm water pollution control measures through periodic site "tailgate" meetings.

D. **PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY** for the proposed Development Plan, the following shall be completed by the owner of the Real Property:

- D.1 **Final Repairs.** Applicant shall repair any damaged public or private improvement (curbs, gutters, sidewalks, water valves, fire hydrants, manholes, etc.) prior to occupancy clearance, subject to the review and approval of the City Engineer.
- D.2 **Construction Debris.** The applicant shall clear the project site of all excess construction debris prior to occupancy clearance.
- D.3 **Construction Material Recycling.** Excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete, asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. The requirement shall be printed on grading and construction plans. Permittee shall provide Planning and Community Development with receipts for recycled materials or for separate bins. Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.
- D.4 **Trash Pick-Up and Commercial Recycling.** The applicant shall ensure that trash pick-up is adequate for the project. The project shall conform to all requirements of the Mandatory Commercial Recycling Program. Businesses can utilize one of any combination of the following in order to reuse, recycle, compost or otherwise divert solid waste from disposal:
- Self-haul.
 - Subscribe to a hauler(s).
 - Arrange for pickup of recyclable materials.
 - Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

Attachment: Public Works Conditions of Approval
Fire Department Letter



Public Works Department

411 Second Street
Solvang, CA 93464
Phone: (805) 688-5575
Fax: (805) 693-1070

MEMORANDUM

To: Brynda Messer
From: Bridget Elliott/Associate Engineer
Public Works Department
Subject: Johnson Family Dental – Conditions of Approval
678 Alamo Pintado Rd.
Date: November 3, 2016

Below are the Public Works Department's Conditions of Approval for the Johnson Family Dental Project on 678 Alamo Pintado Road:

1. The City does not authorize the current on-site storm drain system remaining in place because it will be in conflict with the proposed building foundation. The storm drain pipe is a private facility, beyond the Department's jurisdictional boundary. Therefore, a signed and notarized letter from the owner which acknowledging their choice to proceed with the construction of a permanent structure over the private stormwater facility will be required.
2. The permeable pavers shown on the Site Plan must be installed to the manufacture's design, specification, construction, and maintenance recommendations.
3. This project is required to comply with the City's Stormwater Management Ordinance. During construction, effort must be made to eliminate, to the maximum extent practicable, the discharge of pollutants and construction debris, such as, but not limited to paint, dirt, trash, and wash water.
4. The commercial drive approach will need to be replaced or retrofitted to meet current California Disabled Accessibility Guidebook (CaDAG) standards for ADA compliance. The drive approach will need to be a minimum of 6-inch thick and Class 560-C-3250 Portland Cement Concrete.

MEMORANDUM

DATE: August 29, 2016

TO: Brynda Messer
Planning and Development
Solvang

FROM: Glenn Fidler, Captain
Fire Department



SUBJECT: APN: 139-380-006 Permit: None
Site: 678 Alamo Pintado Road, Solvang
Project: Commercial Addition and Tenant Improvement (Johnson Family Dental)

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

NO CONDITIONS FOR DEVELOPMENT PLAN

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

THE FOLLOWING CONDITIONS FOR FUTURE DEVELOPMENT ARE ADVISORY ONLY AT THIS TIME

We submit the following with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions.

1. A Fire Protection Certificate (FPC) shall be required.

PRIOR TO OCCUPANCY CLEARANCE, THE FOLLOWING CONDITIONS SHALL BE MET

2. Designated fire lanes shall include red curbs and signs indicating "Fire Lane – No Stopping" placed as required by the Fire Department. Refer to current adopted California Fire Code.
3. Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
4. An automatic fire or emergency alarm system shall be installed.
 - Fire alarm system shall meet Santa Barbara County Fire Department requirements.
 - Automatic fire or emergency alarm system plans shall be approved by the Fire Department.

- Alarm panel locations and annunciator graphics shall be approved by Fire Department prior to installation.
5. Address numbers shall be a minimum height of twelve (12) inches.
- Address number location(s) shall be approved by the Fire Department.
 - Address numbers shall be a color contrasting to the background color.
 - The address numbers shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
 - The numbers shall be visible from the access road when travelling in either direction.
6. A Knox Box entry system shall be installed. A spare key shall be provided for the Knox Box entry system.*

As always, if you have any questions or require further information, please call me at 805-681-5528 or 805-681-5523.

GF:kk

*Information is posted at sbcfire.com. Select "Planning and Engineering (Development)" under the Doing Business Section. To have information provided, telephone 805-681-5523.

ATTACHMENT B

NOTICE OF EXEMPTION

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

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

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

APN: 139-380-006

Case No.: N/A

Specific Location: 678 Alamo Pintado Road

Project Title: ADDITION TO AN EXISTING COMMERCIAL OFFICE BUILDING DEVELOPMENT PLAN

Project Description: The request of Kit Kolb, owner, to consider the approval of a Development Plan for the construction of a 745 square foot addition to an existing commercial office building within the P-O zone district.

Name of Public Agency Approving Project: City of Solvang

Exempt Status: (Check one)

Ministerial

Statutory

XX Categorical Exemption

Emergency Project

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

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

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

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

The project consists of a 745 square foot addition to an existing commercial office building. Water and sewer services are adequate to serve the project. Traffic and the demand on existing services would not be increased.

Lead Agency Contact Person: Brynda Messer

Telephone: 805-688-4414

Signature: _____

Date of Approval: _____

PC RESOLUTION NO. 16-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOLVANG
APPROVING A DEVELOPMENT PLAN FOR A 745 SQUARE FOOT ADDITION TO
AN EXISTING COMMERCIAL OFFICE BUILDING AND TO ACCEPT THE NOTICE
OF EXEMPTION FOR ENVIRONMENTAL REVIEW PURPOSES**

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

WHEREAS, the Planning Commission of the City of Solvang has considered a Development Plan request to allow the subject proposal in the Professional Office P-O Zone; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on the subject Development Plan proposal on December 5, 2016, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the Board of Architectural Review considered the architectural merits of the project on June 9, 2016, and found the proposed Development Plan proposal to be in compliance with the City Design Guidelines; and

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

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

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

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

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

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

DATE: December 5, 2016

APPROVED AS TO CONTENT:

Arleen T. Pelster, AICP
Planning & Economic Development Director

APPROVED:

Robert Clarke
Planning Commission Chair