CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: February 12, 2008

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Project Compatibility Analysis

RECOMMENDATION: That Ordinance Committee:

A. Review proposed amendments to the Architectural Board of Review Ordinance 22.68 and Historic Structures Ordinance 22.22 involving new project compatibility analysis tools; and
B. Provide direction to staff and forward to Council for introduction and adoption.

DISCUSSION:

Background

On July 18, 2007, the City Planning Division organized a joint workshop with members of Council, Planning Commission, Historic Landmarks Commission (HLC), and Architectural Board of Review (ABR) to:

1. Hear a staff presentation titled "Community Design/Compatibility of New Development Issues: Size, Bulk, Scale and Height."
2. Review and discuss existing policies, guidelines and findings for approval of large projects, including mixed-use and new condominium development;
3. Evaluate whether additional standards and/or findings of approval should be required; and
4. Discuss questions/issues to be considered in Plan SB Round 2 workshops.

The staff presentation gave all workshop attendees background on the history of land use policies that had helped guide major land use decisions in the past ten years.

REVIEWED BY: _____Attorney

Agenda Item No._____

Workshop participants were informed that adopted "smart growth" policies and implementation strategies that encourage residential and mixed-use development along or near transit corridors in the urban downtown have been successful but also raise some concerns regarding community design and the desired small town character for Santa Barbara. Due to high land costs, developers are more likely to propose mixed-use developments with larger condominium units and taller building heights. In addition, the composition of recent mixed-use developments include larger upper-story units which when combined with reduced setbacks, contributed to larger and taller scale development patterns.

The meeting generated good dialogue among participants, and the group discussions that followed produced several ideas relative to short-term and long-term changes that could be implemented to assist the decision makers to improve on their ability to make good decisions relative to proposed tall project developments. Long term suggested changes included re-examining variable density zoning standards to encourage smaller size dwelling units, increasing front yard building setbacks for taller buildings, and new height standards for El Pueblo Viejo District. Planning staff has indicated that these long-term changes should be considered as part of the General Plan update discussions.

There was also support of short-term ideas or changes. One such suggested change was development of new tools for checking that projects were indeed compatible with surrounding development. The ABR and HLC members recognized that some newly constructed mixed use projects may not have had sufficient project compatibility analysis at the concept level to ensure compliance with adopted Urban Design Guidelines. One suggestion included the development of new project compatibility findings for tall buildings. The intent of the proposed findings was to reaffirm the ABR and HLC's role in evaluating a project's proposed height and compatibility with existing development at the Concept Review and to serve as a checklist of necessary issues that the Design Review Board would need to consider and comment on prior to the project proceeding to the Planning Commission or Staff Hearing Officer (SHO). The findings would be made at the Preliminary Approval level.

<u>ABR/HLC Review of Draft Findings</u>

Planning staff developed five initial draft findings for discussion and review by the ABR and HLC. The ABR and the HLC held separate discussions and took public comment on the proposed draft compatibility findings which generally consisted of the following subjects:

- Appropriate size, bulk, height and scale compatibility
- Architectural character compatibility
- Compatibility with adjacent Historic Landmarks/Resources
- Sufficient open space and landscaping
- General Consistency with adopted design guidelines

Staff initially believed that the findings might be required when a specific height of building was proposed and asked for direction from the Boards to better identify when the proposed findings might be required.

The ABR was first to review the proposed draft findings on October 22, 2007 and asked for some minor wording changes to the findings (see Attachment 1). The ABR also indicated it was their consensus opinion that the proposed findings apply only to development projects that were being referred to either the Planning Commission or Staff Hearing Officer (SHO).

The proposed draft findings were slightly revised and reviewed again on November 5, 2007, where the ABR asked the findings be renumbered and continued to voice some concern whether some of the findings were conflicting or redundant. For example the ABR had questions whether the use of a finding that required projects to have "sufficient" landscaping" was too vague and open to subjectivity concerns. The proposed finding has since been revised to ensure that projects will have "an <u>appropriate</u> amount of open space and landscaping."

The HLC reviewed the draft findings on October 31, 2007 and agreed with the ABR's direction regarding application of the findings. Similarly the HLC requested that some minor modifications be made to a finding to clarify that compatibility with all adjacent historic resources will be considered. The HLC voted unanimously to forward the findings to Council for adoption (see Attachment 2).

Staff has consulted with the City Attorney's Office to refine the proposed findings based on the comments received from the ABR and HLC. As staff further considered the proposed findings, an additional finding concerning existing public views was added for consideration by the Ordinance Committee.

<u>Project Approval Process Concerns</u>

As staff further examined how project compatibility findings would be integrated into the City's review process, concerns developed. Planning staff and the City Attorney's Office are concerned that the project approval process could be negatively impacted if the ABR/HLC and Planning Commission/SHO were to be required to make project compatibility findings on the same project. Conflicts could result on project reviews if both decision-making bodies were to disagree on the ability to make the findings. In order to avoid this potential conflict and to establish clear roles in the review process, Staff believes some additional adjustments to the proposal are necessary. Therefore, Staff reconsidered whether new project approval findings was the correct approach and is now recommending a simpler approach.

Staff is recommending that "consideration of review topics" be the implementation tool and the following process for project reviews be established:

Where the ABR or HLC is the sole discretionary review: The ABR or HLC would consider the review topics prior to granting Preliminary approval of a project (see Attachment 3).

If a project also requires approval from the SHO, Planning Commission (PC) or City Council (CC), the ABR/HLC would be required to consider the criteria during concept review and to formulate comments to the CC//PC/SHO as the ABR or HLC deem necessary. The PC or SHO would be required to consider the compatibility criteria and the ABR or HLC comments when reviewing the project. The expectation is that the SHO/PC/CC would use the compatibility criteria and the ABR or HLC comments to guide their decisions on any findings required for approval. The PC/SHO/CC approval decision would be recognized as the "substantive" approval decision on a project's approved site plan and building height. Once the project is approved by the PC/SHO, the ABR or HLC would be required to grant Preliminary Approval to the project if the plans are in substantial conformance to the plans approved by the PC/SHO, subject to any directions or conditions included in the PC/SHO approval. The ABR or HLC could not seek significant reductions to height or major site plan changes unless the project approval had specific directions to do so.

Discussion Issues

Staff is seeking Ordinance Committee direction on specific questions that require further discussion relating to when and how the compatibility findings or criteria would be utilized.

Remaining questions consist of:

1. What types of projects require these considerations?
2. Should some projects be exempt from this type of review consideration?
3. Should the consideration review criteria be expanded or reduced?
4. Is the question format appropriate or are there other suggestions from the Committee?

Implementation Issues

Staff is aware that the introduction of new compatibility findings or review criteria for project approval at the design review level may involve some additional level of analysis by Planning staff. Questions remain as to how Planning Staff and the ABR or HLC will analyze projects at the early concept review level. Different tools such as the use of checklists or the staff reports could assist in forming a staff recommendation on whether the project compatibility findings could be made. There is some disagreement on whether these tools would be helpful or necessary at conceptual reviews. Planning Staff will work with the ABR and HLC to implement the new use of new project approval findings and to determine the level of assistance that is requested.

RECOMMENDATION:

Staff recommends the Ordinance Committee review the proposal outline, provide staff direction on remaining questions or any suggested changes and forward the proposed amendments to City Council for introduction and adoption.

ATTACHMENTS:
1. ABR Minutes dated 10/22/07 and 11/05/07
2. HLC Minutes dated 10/31/07
3. Outline of Proposal

PREPARED BY: Jaime Limón, Senior Planner II

SUBMITTED BY: David Gustafson, Acting Community Development Director

APPROVED BY: City Administrator's Office

ABR MINUTES OCTOBER 22, 2007

MISCELLANEOUS ACTION ITEM:

Review and provide comments on Draft Findings for ABR Project Approvals. Recommendation to forward findings to City Council for adoption.

Staff: Jaime Limon, Senior Planner.

Draft Findings:
In order to approve new and remodeled structures that will result in heights that will be greater than ? feet from natural grade, the following findings must be made by the ABR and/or Planning Commission:

1. The development will be compatible with the site, and surrounding structures, and its size, mass, and scale will be appropriate for its location within the City;
2. The development will be compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood;
3. The height of the development will be compatible with immediately adjacent developments;
4. The development will have sufficient open space and landscaping;
5. The development will be consistent with the City's Urban Design Guidelines; and
6. The development will be consistent with the ABR's Design Guidelines

Public comment opened at 3:54 p.m.
Judy Orias, former Planning Commissioner: suggested changing the word "will" to "is"; consider sunlight and shadows in El Pueblo Viejo District; wording must be as clear; parks are needed to off-set density; given the things the Board does not have control over, it is important to recognize the middle of the road.
Public comment closed at 3:59 p.m.

Board's individual and collective comments:

1. Finding Item #1: suggested adding: "and height"
2. Finding Item #3: suggested adding "adjacent to city historic and landmark structures"
3. Finding Item #4: suggested stating "sufficient landscape" with Board taking a straw vote
4. Finding Item #4: concerned that "sufficient landscaping" is open for interpretation
5. Finding Preamble: Various suggestions were made to revise the wording on the preamble such as adding "new construction", and revising the findings trigger. The Board decided that the trigger for making the compatibility findings should be solely for projects that are being reviewed by the SHO or Planning Commission.

Motion: Continued indefinitely back to Full Board for review of revised Findings:
Action: Manson-Hing/Zink, 7/0/0. Motion carried. (Blakeley absent.)

ABR MINUTES NOVEMBER- 5, 2007

MISCELLANEOUS ACTION ITEM:

(3:25)
Review and comment on Revised Draft Findings for ABR Project Approvals. Recommendation to forward findings to City Council for adoption.

Staff: Jaime Limon, Senior Planner.

Mr. Limon presented the Revised Draft Findings:

~~**In order to approve new and remodeled structures that will result in heights that will be greater than ? feet from natural grade, the following findings must be made by the HLC.**~~ ***All development projects subject to ~~approval~~ <u>review</u> by the Planning Commission and Staff Hearing Officer will require project compatibility findings to be made by the Architectural Board of Review or Historic Landmarks Commission. The Architectural Board of Review or Historic Landmarks Commission shall provide specific comments at Concept Review indicating if the compatibility findings as listed below can be made for the project*:**

1. The development will be compatible with the site, surrounding structures, and its size, mass, *height*, and scale will be appropriate for its location within the City;
2. The development will be compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood;
3. The height of the development will be compatible with adjacent *City Landmarks and historic <u>resources</u>*;
4. The development will have sufficient open space and landscaping; and,
5. The development will be consistent with the <u>City Charter, City Ordinances,</u> Urban Design Guidelines, *and other applicable Design Guidelines.*

~~6. The development will be consistent with the ABR's Design Guidelines~~

Public comment opened at 3:46 p.m.
Judy Orias, former PC Chair: "sufficient" is too vague.
Tony Fisher, Attorney: Item 3, needs further drafting, too vague; warning is needed indicating review is concept level and not a binding approval.
Brian Cearnal, Architect: Item 1 states everything needed to make the finding; Item 2 is the same as Item 1 with additional language; Item 3 not needed; Item 4 is appropriate; Item 5 needs clearly indicate that the project is a conceptual design.
Public comment closed at 3:52 p.m.

Boards individual and collective comments:
All items: renumber Item 5 becomes Item 1; Item 1 becomes Item 2, etc.
Item #3: suggested change: define the specific types of resources, including art work.
Item #4 and #5: suggested change: due to potential conflict, consider reordering.
Item #4: concern: "sufficient" is too subjective.
Item #4: suggested change: development will have sufficient landscaping or other outdoor features.

Motion: Refer to the Ordinance Committee for adoption with the following comments:

The Board has some trepidation concerning the actual wording and ramification thereof, and wishes to review a revision based on its concerns, such as: 1) Duplicity of the item numbering and other frictional relationships between items; renumber item 5 as new item 1, renumber current items 1 through in sequence; 2) There is concern with the subjectivity of item 4 and how it relates to the use of "sufficient" 3) Identify specific resources in item 4.

Action: Zink/Mosel, 6/0/0. Manson-Hing/Aurell absent.

ATTACHMENT 2

HISTORIC LANDMARKS COMMISSION MINUTES OCTOBER 31, 2007

MISCELLANEOUS ACTION ITEM:

(1:45 PM)

Review and comment on draft findings for HLC project approvals and recommendation to forward findings to City Council for adoption.

Staff: Jaime Limon, Senior Planner

Public comment opened at 2:14 P.M.

Kellam De Forrest, a local resident, suggested that canopy trees and pedestrian access should be included on the plans.

Tony Fischer, a local attorney, made the following comments: **1)** The second sentence, "subject to approval by the Planning Commission and Staff Hearing Officer" puts limitations on only those projects, and it does not clearly indicate whether or not the project is subject to future approval**. 2)** Findings need to be made at each step of the process, (concept, preliminary, and final) as a way to stay consistent with the Guidelines and if it is not mentioned at each stage, it could be interpreted as not being required, and that the findings could be made at other times. **3)** He expressed concern as to why there was no mention of Chapter 22.22, Historic Structures, or the Charter Section which has language in it that may or may not be not be verbatim copied in the design guidelines. **4)** He expressed his support of the change made in finding number three, which was to not have these findings only limited to landmarks and historic buildings.

The Historic Landmarks Commission suggested changes to the findings:

1) Mr. Hausz suggested that "Applicable Design Guidelines and Ordinances" should be added to the end of finding number five.

2) Mr. Pujo stated that the critical stage for mass, bulk, and scale are included in concept review so it is made early in the process. He claimed that, after that, the project does not usually grow, and that it would be redundant if it was again included in the other stages.

3) Mr. La Voie stated that at times, projects tend to change.

Mr. Limon stated that findings would be made at preliminary approval and at concept review it should be made clear as to why or why not the findings could be made.

Ms. Gantz suggested changing the wording of finding #3 to state that "the height of the development will be compatible with adjacent City Landmarks and historic *resources*," vs. "compatible with adjacent City Landmarks and historic *buildings*."

Public comment closed at 2:19 P.M.

Motion: **To forward the item to the Ordinance Committee with the recommendation that the findings be adopted by City Council.**

Action : Adams/ Boucher, 9/0/0. Motion carried.

A. CONSIDERATIONS OF THE ARCHITECTURAL BOARD OF REVIEW OR HISTORIC LANDMARKS COMMISSION WHEN REVIEWING PROJECTS THAT DO NOT REQUIRE APPROVAL FROM THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL.

When reviewing a project, the Architectural Board of Review or Historic Landmarks Commission shall consider the following subjects before granting preliminary approval:

1. **Compliance with Ordinances and General Consistency with Guidelines.** Does the proposed development comply with the City Charter and applicable City Ordinances? Is the project generally consistent with applicable Design Guidelines?

2. **Compatible with Architectural Character of City and Neighborhood.** Is the proposed development compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the proposed development appropriate for its location within the City?

4. **Sensitive to Adjacent Landmarks and Historic Resources.** Is the proposed development sensitive to adjacent City Landmarks and other historic resources; including historic structures, sites, and natural features?

5. **Public Views of the Ocean and Mountains.** Does the design of the proposed project respond appropriately to existing public views?

6. **Appropriate Amount of Open Space and Landscaping.** Does the proposed development include an appropriate amount of open space and landscaping?

B. CONSIDERATIONS OF THE ARCHITECTURAL BOARD OF REVIEW OR HISTORIC LANDMARKS COMMISSION AND OPPORTUNITY TO COMMENT WHEN REVIEWING PROJECTS THAT ALSO REQUIRE APPROVAL FROM THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL.

For projects that require an approval by the Staff Hearing Officer, Planning Commission, or City Council in addition to design review by the Architectural Board of Review or the Historic Landmarks Commission, the Architectural Board of Review or Historic Landmarks Commission shall consider the following subjects during conceptual review and may provide comments to the Staff Hearing Officer, Planning Commission, or City Council as deemed appropriate by the Architectural Board of Review or the Historic Landmarks Commission.

1. **Compliance with Ordinances and General Consistency with Guidelines.** Does the proposed development comply with the City Charter and applicable City Ordinances? Is the project generally consistent with applicable Design Guidelines?

2. **Compatible with Architectural Character of City and Neighborhood.** Is the proposed development compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the proposed development appropriate for its location within the City?

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6. **Appropriate Amount of Open Space and Landscaping.** Does the proposed development include an appropriate amount of open space and landscaping?

C. SUBJECTS FOR THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL TO CONSIDER WHEN REVIEWING PROJECTS; REVIEW OF COMMENTS BY ARCHITECTURAL BOARD OF REVIEW OR HISTORIC LANDMARKS COMMISSION.

When reviewing a project, the Staff Hearing Officer, Planning Commission, or City Council shall consider the following subjects and any comments from the Architectural Board of Review or Historic Landmarks Commission regarding these subjects:

1. **Compliance with Ordinances and General Consistency with Guidelines.** Does the proposed development comply with the City Charter and applicable City Ordinances? Is the project generally consistent with applicable Design Guidelines?

2. **Compatible with Architectural Character of City and Neighborhood.** Is the proposed development compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the proposed development appropriate for its location within the City?

4. **Sensitive to Adjacent Landmarks and Historic Resources.** Is the proposed development sensitive to adjacent City Landmarks and other historic resources; including historic structures, sites, and natural features?

5. **Public Views of the Ocean and Mountains.** Does the design of the proposed project respond appropriately to existing public views?

6. **Appropriate Amount of Open Space and Landscaping.** Does the proposed development include an appropriate amount of open space and landscaping?

D. CONSISTENCY OF REVIEW FOLLOWING APPROVAL BY THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL.

Once a project is approved by the Staff Hearing Officer, Planning Commission, or City Council, the Architectural Board of Review or Historic Landmarks Commission shall grant preliminary approval to the project if the plans presented to the Architectural Board of Review or Historic Landmarks Commission are in substantial conformance to the plans approved by the Staff Hearing Officer, Planning Commission, or the City Council, subject to any project revisions or other directions by the Staff Hearing Officer, Planning Commission, or the City Council.