Staff Notes for

Neighborhood Preservation Ordinance Update
Two-Year Review
Public Workshop October 24, 2009

Attendance

Staff present: Paul Casey, Community Development Director; Bettie Weiss; City Planner; Jaime Limón; Senior Planner; Heather Baker; Project Planner; Tony Boughman; Planning Technician II

Councilmembers present: Mayor Marty Blum, Councilmember Helene Schneider

Planning Commission member present: Bruce Bartlett

Single Family Design Board (SFDB) members present: Bill Mahan, Chair, Paul Zink, Vice-Chair, Bernie Bernstein, Member

Former Neighborhood Preservation Ordinance Update Steering Committee members present: Dianne Channing (Allied Neighborhood Association Representative on the former Steering Committee), Bill Mahan, Bruce Bartlett

Public attendance per sign in sheet: 20

Total attendance (public, council, commission, board and committee members): 32

Staff Presentations

- Heather Baker, Project Planner, called the meeting to order, made staff introductions, went over the workshop agenda and explained the workshop survey handout.

- Jaime Limón, Senior Planner, presented project statistic patterns, appeal patterns, and budget constraints.

- Heather Baker, Project Planner, presented the nine proposed changes covered in the Draft Two-Year Review of the NPO Update, as well as items which the City Council directed staff to review and changes not recommended for implementation by staff and invited public comments.

Public Comments

Connie Hannah, League of Women Voters (LWV)

- An initial written letter (*attached to these meeting notes*) was submitted, but stated that more formal written public comment from the LWV is forthcoming. The LWV appreciates the solid, early report as well as the analysis and data provided regarding how many projects are over and under 85% of the maximum FAR. The charts comparing the time periods of '03 – '05 and '07 –'09 are very helpful.
- The same membership balance between professional and public at large members is not necessary for both the Architectural Board of Review (ABR) and SFDB because the work is different on the SFDB. Non-professional people can address projects. There should be two or three public members on the SFDB at all times.
- Glad to learn that the one recent project over 100% of the maximum FAR on a small lot was a project that only had a small addition to a non-conforming as to FAR home allowed by ordinance without a modification.

Naomi Kovacs, Citizens Planning Association (CPA)

- The CPA will submit a formal letter at a later date.
- Appreciates getting the report early with enough time to review it and to receive the statistical charts. The lack of recent projects over 100% of the maximum FAR on small lots is good. The charts show that the NPO is working.
- A question to staff is that if projects over 85% of the maximum FAR need to submit 20 closest homes *data*, a 20 closest homes *map* will already be produced by staff, then why not keep the *hand-delivered notice* for the 20 closest rather than the proposed 10 closest homes *hand-delivered notice* for these projects? (*Staff Post-Meeting Note*: The reason to keep the 10 closest homes delivery consistent for all projects requiring noticing is for simplicity in administrative practice. The less complex our regulations are, the easier they are for applicants to understand and for staff to consistently verify compliance.)
- Page numbering on the addendum for changes 7 and 7a is not consistent with the page numbering in the full report.
- Commented on administrative reviews, and Change 9 regarding reducing the number and types of projects to be reviewed, would like more information about that and asked about appeals.
- On page 22, CPA would still like to see gross square feet to measure FARs, rather than net square feet.
- Would like to see secondary unit FARs addressed in the report.
- Need clarification regarding piecemealing of loggias and other covered areas.
- Would like the issue of large visible basements to be included in the report
- Public at large membership is important on the SFDB.

Tim Harding, City-wide Homeowners Association member

- There are too many obstacles for projects proposing over 85% of the maximum FAR, additional unnecessary submittal requirements can make it seem like 85% of the maximum FAR is actually the maximum.
- 20 closest homes data is not helpful because it is not accurate and so it should not be required to be submitted.
- Rejects the idea that the 20 closest homes data can appropriately guide the growth of a neighborhood.
- Opposes the idea presented by some members of the public to include covered porches or similar features in FAR calculations.
- Questions why there should be more restrictions on basements because they do not impact neighborhoods. Why put more restrictions on what is underground?
- Feels that an FAR of .50 is a reasonable size limit, so that someone with a 6,000 square foot lot could build a 3,000 square foot home.
- Garages and carports should not be included in the FAR calculations as they are currently.

Toby Bradley, Santa Barbara Association of Realtors (SBAOR)

- Appreciates the meetings which staff held with interested groups, including the SBAOR. Her comment at the workshop is not official on behalf of the SBAOR.
- Appreciates the staff report which shows the ideas presented to staff and staff's analysis of the ideas.
- SBAOR still believes the FARs adopted are too small.
- Would like to know how many single-story versus how many two-story homes are now being built compared to prior to the NPO Update. I.e. the FAR restrictions only apply to two-story homes, so it seems likely that many people have chosen to build larger one-story homes instead, which translates to lower site permeability, undesired aesthetic effects and unintended consequences.
- Would like to see more professionals on the SFDB.
- Have received negative feedback from applicants who have indicated that they have been directed by the SFDB to change things back and forth from one meeting to the next.

David Berry

Can we require SFDB members to visit the sites of Tea Fire projects? A number of hillside designs wedged into the hillside are not going with the topography of the areas and are not appropriate, including in the West Mountain Drive area:

- Eastern/western roof sloping architecture needs more examination.
- Inappropriate two story facades are being approved.
- Site plans being presented at the SFDB for Tea Fire projects are too small and there is not enough architectural or topographical detail visible on the plans.

Richard St. Claire

At the SFDB, neighbors to be most impacted by proposed projects (such as adjacent neighbors) should be allowed more time to speak than other members of the public.

Bettie Weiss, City Planner

Clarified that the SFDB membership is not proposed to change, that it is only the ABR membership which is proposed to be changed (from 9 to 7 members).

Berni Bernstein, Single Family Design Board member

- Appreciated everyone coming early on a Saturday to the workshop.
- Encouraged audience to view the SFDB hearings on television if they haven't been following them.
- Explained that besides being a public at large member on the SFDB, that she is also a long-time local realtor and that the SFDB is very serious about making the right decisions for our community.
- Reported that the SFDB and individual members sometimes visit project sites.
- Addressed site visits and encouraged members of the public to contact the SFDB with concerns.
- Feels that additional public at large members would be appropriate.
- Appreciates the creative solutions common among this community's architectural designs and within the SFDB comments.

Workshop Adjournment

- Heather Baker, Project Planner, thanked the public for participating in the workshop, asked members of the audience to turn in surveys, stated that staff would be available to answer questions and ended the workshop.

- 17 surveys were turned in at the meeting by the public, survey results are on the following page.

Survey Results Regarding NPO Two-Year Review Proposed Changes 1 - 9
Surveys Collected at 10/24/09
Public Workshop

Change 1
No notice for <150 sq.ft. 2nd story addtn.

Highest positive respone rate of all the changes.

Change 2
Reduce hand-delivered notice to 10 closest homes.

Change 3
Clarify roof alterations Design Review trigger.

Change 4
Design Review for >3.5 ft. tall front yard fence or wall.

Change 5
Staff can administratively approve retaining walls in some circumstances.

Change 6
Guidelines additions via a subcommittee.

Note low response rate, 12 out of 17.

Most controversial

Change 7
Disallow yard encroachments for uncovered parking on large lots.

Change 7A
Allow case by case SFDB waivers to allow two uncovered parking spaces.

Change 8
Clarify green building alternatives acceptable for homes over 4,000 sq. ft.

Change 9
Reduce projects subject to review per budget constraints.

Note low response rate, 12 out of 17.

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Statement to the Single Family Design Board (SFDB) on 10-24-09

Subject: Two Year Review of the NPO Guidelines and SFD Board

I'm Connie Hannah, speaking for the Santa Barbara League of Women Voters. The League thanks you for a solid staff report that came out early for our examination. We were glad that you included some previous history on certain items, and the staff thinking about each item. We agreed with your reasoning on many issues, and don't have further questions about many of your conclusions.

As you know, the League has been particularly interested in how many houses were being built in excess of 85% of the Floor Area Ratios, and how many went over 100%. Your chart showing those comparisons with 2003 to 2005 were helpful. We were reassured that only one home on a smaller lot went over 100%, but we feel that 32 going over 85% means that many very large houses are still being built in smaller neighborhoods.

We should be considering ways to reduce that figure. One way to do so would be to put more public members on the Single Family Design Board. Since our goal was to make remodels and additions more compatible with the nearby housing, we think that public members would make excellent judgements about that. We note that the City has been trying to achieve the same balance of members on the Architectural Board of Review and the Single Family Design Board, but we don't see why you are. Their work is not the same. Obviously architects are needed to study the architectural features of new projects, but the SFDB work deals with a house's affect on its neighborhood, which is a very different subject. We think that non-professional people would be better able to judge how a house would impact its neighbors and understand their concerns.

It is also clear that on lots over 15,000 square feet, 25 out of 105 houses still were built over 85% of FAR. This is much harder to judge, since many of these lots may be huge, and the houses appropriate for the sites. We can support the reduction in the ABR, but we would recommend that the SFDB not be reduced in size when the ABR is, and that it have either 2 or 3 public members on it at all times.

Part 1 City Council Review Topics

The League has been concerned about the protection of private views, because we know that the public is always anxious for protection of their views. However, you have done a good review of previous efforts to solve this problem, and we can understand how difficult it may be to deal with this. We accept the current decision not to deal with private views, but we would ask all City representatives to remain alert to ways that other jurisdictions handle this. We know that every coastal city must have similar problems, and perhaps some of them have found ways to protect private views better.

Proposed Changes to the NPO Guidelines

Change 4 on Fences. We strongly support reducing front yard fences to 3.5 feet. All over the South Coast there are examples of neighborhoods damaged by 6 or 8 foot high front yard fences.

Change 6 on Needed Guidelines. We think it is a good idea to consider what other guidelines may be needed. We think that special attention should be given to new guidelines regarding coastal bluffs and creek areas.

Change 7 on Uncovered Parking . We support the present recommendation in cases of need. We agree that the staff should establish a trigger for Design Review and create guidelines for such review. However, we think that Second Proposal 7A is very questionable and should not be approved. Many of the arguments that you list opposing it are sound: in particular the peculiar devices that people use to shade their cars from the sun, which are often unsightly.

Proposed Change 9. We are opposed to removing any eligible projects from SFDB hearings. We think that they need to be heard by that board. Perhaps the slower economy will slow the number of projects being introduced and make that possible.

Additional Proposals

The League can support several of these proposals. We especially want to endorse keeping the current FARs and regulations for small lots. As staff points out, these were crafted after months of work, and represent the best the community could agree on. We originally wanted them to be more limiting, but we surely do not want to see them weakened at all now.

SFDB Hearings: Having had years of testifying in public meetings, the League would recommend a three minute limit on public comments, unless there are a very large number of people planning to speak, in which case it can logically be reduced to two minutes. This is the normal procedure in many jurisdictions, and widely accepted. If an argument is fairly complicated, it can be very hard to explain in two minutes, even for very experienced speakers.

Modifications: We would like to recommend a trial period of two years, during which time any rejected modifications can be appealed to the Planning Commission. During these years the Commission caseload will not be as heavy as usual because of the downturn in the economy, and it would give them a chance to see what modifications are being sought, and whether they have a broader or precedent setting effect.