

**Single Family Design Guidelines Update/
Neighborhood Preservation Ordinance Update**

ISSUE PAPER G

Good Neighbor Policies

The purpose of this issue paper is to:

- **Review** the current Single-Family Residential Design Guidelines Good Neighbor Policies
- Identify Good Neighbor Policies that should become **required standards** (p. 2)
- Identify **additional appropriate guidelines or standards** related to Good Neighbor Policy issues (e.g. construction nuisance prevention and lighting) (Att.)
- Consider a **“Compatibility Checklist”** application requirement to increase applicant consideration of Good Neighbor Policies (p.3)
- Revise some Good Neighbor Policies, for example **upper-story balcony/deck** policies. (p. 3)
- Consider **larger staff role** to ensure Good Neighbor Policies are addressed
- Consider methods to encourage **early neighbor discussion of projects**, including “early neighbor notification” (p.7)
- Consider **story pole** use to assist in analysis of potential impacts of some single family projects (p.10)
- Consider whether potential **private views** impacts should be considered as part of the design review process and, if they are considered, to what extent private views should be protected (p. 14)

Background

Good Neighbor Policies are a subset of the City’s Single Family Residence Design Guidelines (See Guidelines in reference binder, page N-1). The purpose of the Good Neighbor Policies is to encourage homeowners and designers to incorporate neighbors’ concerns into the design of projects. Stronger Good Neighbor Policies could be one tool to further ensure neighborhood compatibility. The current Good Neighbor Policies address the following topics:

- Before Completing Your Design
- Privacy
- Noise
- Lighting
- Views

This paper discusses the current Good Neighbor Policies, and provides options for changes in order for the guidelines to become clearer and more effective. The current Good Neighbor Policies are “recommendations,” meaning the guidelines are only suggestions and do not have to be followed when applicants propose a new design. Some residents are requesting more stringent criteria. This paper discusses the possible criteria,

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which could be applied in order to require neighbors to consider surrounding properties when designing a new home, or remodel. The paper also includes example guidelines from other jurisdictions. Similar guidelines could be added to the Single Family Design Guidelines along with clarifying diagrams.

Staff recommends review of previously distributed Guidelines: Rancho Palos Verdes, Redondo Beach, Montecito, Summerland, etc. as part of preparation for discussion of this issue paper.

Good Neighbor Policy Strength and Availability

A larger question than Good Neighbor Policy content and understandability, is the question of the strength of the Good Neighbor Policies. Currently, although called “policies”, as part of the Single Family Design *Guidelines*, they are implemented simply as guidelines. Non-compliance with Good Neighbor Policies has not been utilized as the basis for project denial. Since non-compliance with the policies can cause considerable concern among neighbors and the overall community welfare could be improved with more Good Neighbor Policy compliance, staff does recommend strengthening the use of Good Neighbor policies. Also, to access Good Neighbor Policies, applicants must typically purchase the policies at the Zoning Counter as part of the Single Family Residential Guidelines for \$6, many applicants are likely to have never seen the Good Neighbor Policies.

Recommendation 1: Routinely Provide Guidelines as a Handout to Applicants. Publish the Single Family Residential Guidelines in two parts, one for Hillside Design Districts and one for infill neighborhoods to reduce printing costs per applicant accessing the information. Incorporate the cost of providing Single Family Design Guidelines as a handout to applicants into the application fee for Design Review. Provide the Single Family Design Guidelines for either infill or hillside areas to applicants when they receive a Design Review submittal packet. Put the Guidelines on the City website.

Recommendation 2: Allow Project Actions Based on Compliance With Good Neighbor Policy. Change design review practice regarding Good Neighbor Policies to make them “stronger”. In the ABR Guidelines, acknowledge that compliance with the Good Neighbor Policies is integral to being able to make the NPO findings, including that the public, health, safety and welfare will be protected.

Draft Revised Good Neighbor Policies

Clipped to this Issue Paper under a separate staple are two Draft Revised Good Neighbor Policy versions. The first version is a text-only “track changes”, or “marked up”, version of the current Good Neighbor Policies with additions and changes suggested by staff. Staff predicts that many of these changes will make sense to the majority of the community. Items in the Good Neighbor Policies that staff recommends as requirements,

rather than guidelines, are formatted with shaded text. Suggested changes that involve more complex decision-making, such as balcony/deck and private view considerations, are described below. The second version includes example graphics from other jurisdictions. The graphics would all be adapted by a professional to the same rendering style illustrating typical Santa Barbara development projects for the Draft Single Family Design Guidelines.

Recommendation 3: That the Steering Committee review the changes to Good Neighbor Policy text and proposed graphic content and provide feedback on:

- the appropriateness, clarity and completeness of the text
- usefulness, clarity and completeness of the example graphics
- whether the items highlighted are appropriate to be standards rather than guidelines

Compatibility Checklist

Included in the current Good Neighbor Policies are recommendations on ways an individual can design a single family residence that minimizes impacts to neighbors. One way the design review process can encourage individuals who are designing a new home or remodel to consider neighboring properties is to provide an easy to use checklist of items for applicants to consider. The checklist could incorporate such issues as balcony design and window placement. For example, some questions on the checklist would prompt applicants to consider if their proposed project is being designed to consider the privacy of surrounding homes. One city that requires applicants to complete a checklist is Palo Alto (Attachment 1).

Recommendation 4: Require completion of a Compatibility Checklist as part of Design Review project applications, similar to the City of Palo Alto Compatibility Checklist.

- **Advantage:** Will require the applicant to consider whether their proposed project is designed in a way that considers potential impacts to neighbors. Project designs may improve for mutually beneficial neighbor outcomes.
- **Disadvantage:** Complicates application submittal process for applicants and staff, requiring additional applicant and City time investments.

Upper Story Decks & Balconies

Background & Issues

Upper story decks and balconies are a concern for many residents because they can be placed and designed in ways that decrease the privacy between neighboring lots. Sensitive balcony additions can achieve enhanced outdoor living spaces or views for a

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homeowner, while at the same time reducing impacts on neighbor privacy. The Good Neighbor Policies have one guideline regarding upper story balconies: **“Orient your upper floor balconies toward your yard area.”**

This guideline implies that a home would not be disturbing a neighbor’s privacy if it is oriented toward a “yard area”. The term “yard area” is vague. Does it mean side yard, front yard, or the required 1250 sq. ft. of open yard area? Typically, the largest yard area for a structure is the rear yard. During the Neighborhood Visual Survey workshops, staff heard from a number of residents that, in smaller lot neighborhoods, yard privacy is actually more important than street privacy. Also, windows for bedrooms and bathrooms are more likely to be oriented to side and rear yards rather than front yards, so balcony impacts to privacy-sensitive windows would be less impactful when the balcony faces the street.

Good planning theories also address the idea of “eyes on the street” to increase safety. For example, good planning in residential areas usually calls for porches and windows of living areas to face streets rather than garages to create a street presence that would discourage criminal activity and encourage friendly neighbor relations. A second story balcony may not facilitate friendly neighbor relations as users of the balcony would have to shout to neighbors passing by to be heard, but the upper story decks and balconies would add to a greater “street presence” for safety, similar to porches.

For large lot neighborhoods, backyard privacy may be less likely to be impaired by a neighbor’s balcony, which is located 20 feet away or more or where large mature trees are more likely to be located between properties. Neighbors have objected to recent single family projects including second-story balcony proposals on small lots. Some neighbors have argued that when indoor living spaces are small, as is often the case on very small lots, protection of the privacy of outdoor living spaces becomes more important.

A fairly new issue related to upper story decks is the placement of fireplaces with tall chimneys which are aesthetically obtrusive and incompatible with the neighborhood. At least three cases have raised this issue so far. Limiting the height of such chimney proposals would be helpful to avoid proliferation of this emerging issue.

Balcony Minimum Standards

1. **Design Review.** All new or expanded upper story balconies and decks must undergo Design Review, some upper story decks and balconies may be eligible for a staff level of review.
2. **15’ Interior Yard Setback.** For all projects adjacent to single-family development in all zones, include a 15’ foot interior and rear yard balcony setback.
3. **Chimneys.** Balcony decks with fire place chimneys over 8’ tall are discouraged.

Recommendation 5: Implement Three Listed Minimum Balcony Review Standards.

Balcony Placement & Screening

Option #1 Front Yard & Enclosed Side & Rear Yard Upper Story Balconies & Decks

Allow unenclosed or enclosed upper story decks and balconies facing the street. Only allow side and rear yard upper story decks and balconies enclosed with 6' walls.

Advantage

- Privacy concerns regarding side and rear yard upper story decks and balconies addressed in all cases.

Disadvantages

- Flexibility in design curtailed;
- Opportunity for additional outdoor living spaces and opportunities for residents to enjoy some views outside lost even in cases where large lots, mature trees or site design might pose no privacy issues for neighbors;
- Potential opportunities for increased light and air in designs curtailed

Balcony-only additions may be eligible for staff administrative approval when the following criteria are met. However, Staff may refer projects which do not meet the criteria and projects which pose design issues to the ABR¹.

- Unenclosed or enclosed upper story decks and balconies facing the street are acceptable.
- Upper story decks and balconies facing a yard area adjacent to a neighbor are generally discouraged, but are acceptable when an applicant demonstrates neighboring property privacy will be maintained by one of the following²:
 1. Enclosed with walls over 4' and planters at least 3' deep are included around the balcony perimeters facing neighbor's side or rear yards; or
 2. Healthy, mature screening trees are present to maintain privacy and neighbors agree to maintain the screening trees; or
 3. The site line from the balcony preserves the privacy of a neighbor's property. This option usually only applies to properties with very large lots and relatively flat topography, since often, this can usually only be achieved by balcony placement almost 100' away from a neighbor's property at a modest elevation; or
 4. The application submittal includes letters from the property owners adjacent to the project where privacy levels may be impacted stating they do not object to the balcony proposal.

¹ All references to Architectural Board of Review also apply to the Historic Landmarks Commission when such projects are proposed within a Landmark District.

²This is similar to a City of Carpinteria guideline regarding balconies.

Option #2: Allow Rear & Side Yard Upper Story Decks and Balconies in Some Cases

- Unenclosed or enclosed upper story decks and balconies facing the street are acceptable
- Upper story decks and balconies facing a yard area adjacent to a neighbor are generally discouraged, but are acceptable when an applicant demonstrates neighboring property privacy will be maintained by one of the following³:
 1. Enclosed with walls over 4' and planters at least 3' deep are included around the balcony perimeters facing neighbor's side or rear yards; or
 2. Healthy, mature screening trees are present to maintain privacy and neighbors agree to maintain the screening trees; or
 3. The site line from the balcony preserves the privacy of a neighbor's property. This option usually only applies to properties with very large lots and relatively flat topography, since often, this can usually only be achieved by balcony placement almost 100' away from a neighbor's property at a modest elevation; or
 4. The application submittal includes letters from the property owners adjacent to the project where privacy levels may be impacted stating they do not object to the balcony proposal.

Option #3: Flexible Guideline

- Unenclosed or enclosed upper story decks and balconies facing the street are acceptable.
- Upper story decks and balconies facing a yard area adjacent to a neighbor are permitted if the applicant has made a good faith effort to address neighbor privacy concerns; for example, the applicant should consider:
 1. Enclosing a balcony with walls and/or deep planters around the balcony perimeters facing neighbor's side or rear yards; or
 2. Considering the location of any healthy trees and orienting the balcony to be screened by the trees or planting trees which are likely to grow to become screening trees; or
 3. Placing a balcony as far from a neighbor's property as is practical.

Advantages

- Methods to achieve privacy maintenance are outlined for applicant and encouraged.
- Design flexibility and opportunities for residents to maximize outdoor living and view opportunities.

Disadvantages

- Not all neighbor privacy concerns are likely to be addressed, since this option simply presents options for applicants to voluntarily consider.

³This is similar to a City of Carpinteria guideline regarding balconies.

- A standard of a “good faith effort” is vague, it would be difficult for the ABR to make consistent determinations regarding this standard.

Recommendation 6: Implement Balcony Placement and Screening Option 2.

Balcony Size

Another issue related to upper story decks and balconies is their size. Upper story balconies and large decks are often of more concern to neighbors than small balconies. Small, shallow balconies attached to a bedroom for example, are traditionally associated with passive uses. A large balcony or upper story deck that can fit many people can become the site of loud parties likely to be annoying to neighbors.

Option: When upper story decks and balconies are located close to an interior property line (for example, closer than 30’ to a property line), the ABR may consider limiting the balcony size with the goal of allowing for only passive uses for two or fewer people on the deck. For example, a size of less than 24 square feet when there is no planter or less than 75 square feet when a 3 foot planter is included, may achieve this goal in some instances.

Other Jurisdictions

Other jurisdictions’ good neighbor policies or design guidelines routinely state upper story decks and balconies should not interfere with neighbors’ privacy. Many jurisdictions are no more specific than is the City of Santa Barbara. However, jurisdictions sometimes require that upper story decks and balconies oriented toward side or rear yards must:

- Use appropriate **screening measures** when privacy invasion would otherwise result (City of Los Altos Single Family Design Guidelines).
- Be small enough to limit the use of the balcony to **passive uses** (Los Altos).
- **Avoid looking directly onto private areas** of adjacent properties (Montecito Architectural Guidelines and Development Standards).
- Be built no closer than:
 - ◆ **10 feet** to adjacent single-family **side** property lines.
 - ◆ **20 feet** to **rear** property lines.(City of San Jose Single Family Design Guidelines)
- Second-story decks and balconies located on the side or rear of a dwelling are strongly **discouraged unless it can clearly be demonstrated that it will not create an impact on the privacy of a neighboring parcel**. Mitigating factors might include the placement and design of adjacent structures, significant setbacks from adjacent properties, adjacent land uses, and orientation and placement of a deck. (City of Carpinteria)

Recommendation 6: Consider Balcony Size Option.

Early Neighbor Project Discussions

The Project Noticing Paper introduced the concept of neighbor noticing serving a purpose to encourage early neighbor discussions regarding potential projects in the hopes the discussions will lead to mutually agreeable project outcomes. The paper acknowledged that, ideally, neighbor discussions would take place prior to project submittal to the City. Through research, Staff has found that other jurisdictions have methods to encourage applicants to speak with their neighbors early in the review process. In some cases, signatures are required on project plans to indicate neighbors have seen proposed projects. Rancho Palos Verdes has an optional noticing program, called a “Pre-Application” Step (Attachment 2). The following table compares a few jurisdictions that have “early neighbor notification” processes.

	City-Wide?	Optional or Required?	Radius for signatures	Method?
Rancho Palos Verdes	Yes	Optional	500’ & 20 closest neighbors	1. Mailed notice 2. Applicant hosts neighborhood meeting 3. Applicant collects signatures
City of Irvine	No, only in Woodbridge Homeowner’s Association	Required	Adjacent properties	1. Applicant collects signatures 2. Association approval is required
Paradise Valley, Arizona	Yes	Required	600’ or 1000’, depends on project type	1. Mailed notice 2. Neighborhood meeting (for some projects)

Advantages

- **Mutually agreeable project outcomes:** Early dialog may increase possibilities of mutually agreeable project outcomes.
- **Greater compatibility of projects:** By instituting early communication, projects would be more likely to be compatible with the surrounding neighborhood.
- **Fewer repeat visits to Architectural Board of Review:** By increasing communication between neighbors, revision of projects may occur prior to project application. In this way, projects may be less problematic and result in fewer ABR revision suggestions.
- **Cost reductions:** If neighbors have plans initially designed with neighbor concerns addressed, fewer costly plan revisions may be required. Fewer ABR meetings can also save applicants hourly professional fees.
- **More Efficient ABR Hearings:** If neighbor comments are addressed prior to City applications, neighbors would not need to comment on projects at the

ABR level. In this case, the ABR could review more projects at each meeting, reducing potential application backlogs.

Disadvantages/Technical Considerations

- **Neighbor Unavailability:** Neighbors may be unavailable to review proposed plans (e.g. out of town)
- **Applicant Resistance:** Some applicants may not want to engage in communicating with their neighbors. It is currently outside the realm of routine neighbor social interactions to consider project plans with neighbors. Applicants may fear awkward interactions regarding proposed plans. Some applicants also hold an individualist view of community development whereby each person should be able to build as they please on a lot without input from others. This set of applicants would likely disagree philosophically with being required to approach their neighbors regarding a potential project.
- **Neighbor Resistance:** Some neighbors may believe that by not coordinating with applicants in reviewing plans, they could slow down the processing of an application. Rather than promoting good neighbor relations, a neighbor choosing not to cooperate in reviewing or signing a neighbors plans could create further discord among neighbors.
- **Greater Applicant Responsibility:** The applicant would be required to perform additional tasks in order to submit their project
- **Additional Applicant Time Commitment Required:** The applicant must spend time to inform neighbors, engage in dialog and collect signatures.

Recommendation 7: Require an “Early Neighbor Discussion Pre-Application Step” and provide incentives for an optional “*Extensive* Early Neighbor Discussion Pre-Application Step”

1. **Require an “Early Neighbor Discussion Pre-Application Step”** for all upper story projects. Completing an Early Neighbor Discussion Step requires applicants to collect signatures on submitted plans from the following:
 - adjacent property owners, and
 - property owners directly across the street within the same width of the project property directly across the street from the project property (to include property owners across the street who have a direct view of the project property)

When an applicant is unable to receive a signature from one of these property owners, an invitation for the owner to view the plans sent by certified mail two weeks prior to application will be an acceptable substitute for the signatures. The signatures will simply indicate the property owner has seen the plans, not that they are either in support of or opposed to the project.

2. **Provide incentives for applicants to complete an “*Extensive* Early Neighbor Discussion Pre-Application Step”** as follows. In an *Extensive* Early Neighbor Discussion Step, applicants for any project that requires noticing would:

- collect signatures on submitted plans, perhaps through a neighborhood meeting from the following:
 - adjacent property owners, and
 - property owners directly across the street within the same width of the project property directly across the street from the project property (to include property owners across the street who have a direct view of the project property), and
 - at least 50% of the remaining 20 closest neighbors, and
- make a presentation of the project to a neighborhood association which includes the project property

The signatures will simply indicate property owners have seen the plans, not that they are either in support of or opposed to the project. Applicants who complete an Extensive Early Neighbor Discussion Step could receive the following incentives:

- Priority in ABR scheduling over projects which have not completed the Extensive Early Neighbor Discussion Step when there are ABR backlogs, and
- Applicant will be given the ability to request a specific hearing time for the project and Staff will accommodate the hearing time request whenever possible

Story Poles

Story poles are currently used as a tool to analyze potential public view impacts. The Visual Aids Policy and Handout was approved by Planning Commission on June 20, 2002. There are three fundamental policy questions to explore in regards to story poles.

1. Should story poles be used to analyze both potential public and private impacts?
2. Given the substantial cost of story poles, which projects merit story pole use?
3. How strongly should the secondary purpose of noticing via story poles be considered? For example, should story poles be placed as early as possible in a review process to more effectively serve a noticing purpose, or should story poles be placed later in a review process when a project is closer to its final form to analyze the most likely project effects?

Currently, as described in Attachment 3, story poles are required by the Planning Commission whenever a proposed single-family residential project meets one of the following criteria:

- **FAR:** floor to lot area ratio exceeds 0.40,
- **Tall:** the height of the proposed building substantially exceeds that of surrounding buildings,
- **Public Views:** the building will block or reduce important public scenic views
- **Visibility:** is very visible to the public or is proposed to project above a topographic ridgeline

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This requirement is consistently applied for Planning Commission projects. For Planning Commission projects, the story poles are erected on the Friday prior to a Tuesday Planning Commission site visit. The site visit is the first step in the Planning Commission's consideration of a proposed project. However, the Architectural Board of Review (ABR) or Historic Landmarks Commission (HLC) must specifically request story pole construction, and it is rarely requested. In all cases, a project can be exempted by the Planning staff from story pole requirements if one of the above criteria does not apply. Also, a project can be exempted by the Planning staff from story pole requirements if project site characteristics would make story poles extremely difficult or costly to install due to topography, vegetation, present use of the property. Staff and the Design Review boards will consider other options, including photo simulations and models.

Advantages

- **Evaluation tool:** Story poles make it easier to evaluate a proposed project's potential size, bulk and scale, or potential to block public scenic views.
- **Noticing Assistance:** Story poles secondarily notify neighbors of a proposed project.

Disadvantages

- **Applicant Cost:** Story pole construction can cost from \$500 to \$3000 or more depending on the size and site conditions of a proposed project. This is a substantial cost to applicants.
- **Site Visits:** If story poles are required, ideally, the design review board reviewing the project would visit the project site during the time period when the story poles are in place. Formalized site visits for multiple story pole installations each week would require an additional substantial design review board investment of time. ABR members already contribute significant numbers of hours to the review of projects during long agendas each week; additional site visits would further strain this situation. Informal site visits may create situations where members are not analyzing the same public viewpoints, leading to varying assessments of potential impacts. A formalized site visit where all members attend can help to ensure agreement regarding where public views are located and the degree of impacts which may be posed by a project.
- **City Cost:** The City expends additional resources to administer story pole requirements.
- **Overstate Effect:** By their very nature, story poles can overstate the potential size, bulk and scale of a building because they don't show bulk minimizing roof slopes, building articulation, windows, etc. An example of this effect would be the downtown Ralph's. There were lots of complaints during project framing because it looked so massive. Once the Ralph's was completed, most people were pleased with the outcome.

Alternatives

Three-dimensional models or mocked up digital photographic images of a structure, or photo simulations, can also serve to help evaluate a project proposal's potential size, bulk and scale or potential to block public scenic views. Three-dimensional models which include adjacent property topography, structures, and public viewing areas could provide some ability to analyze potential public view impact analysis and comparison of a structure's size, bulk and scale with existing development.

Advantages

- **Cost:** Whereas story pole installation can be quite substantial, from \$500 to \$3,000 depending on the size of the project, these alternative visual aids may typically cost less than \$1,000 if an architect has proper tools.

Disadvantages

- **Limited view analysis:** Evaluation of how a project might affect views from an infinite number of vantage points is possible with story poles, whereas a mocked up digital photographic image set, might only evaluate two or three view points at most. However, some might argue that a typical project only affects at most three significant public view points, and so this limited analysis may be sufficient.
- **Potential for minimization of potential view impacts:** Potential distortions possible with visual simulations are very well known among the planning and development community. It is possible for applicants to make potential public view impacts appear smaller by strategically choosing the perspective of the view in a way that a structure appears smaller than it might in other view locations. Also, creative landscaping additions and color brightening can create a positive image of a structure that may not always be achieved in reality. Design review boards must be scrupulous in reviewing visual simulations to ensure accurate potential view impacts are portrayed. If visual simulations are required, it may even be advantageous for the design review board to choose the view point of the public view impact to be analyzed, and mark the location for analysis on the project plans. The best time for a design review board to choose such vantage points for analysis would likely be during the first Concept Review level hearing. Alternatively, Staff could direct visual analysis locations for analysis to be completed prior to design review body scheduling.
- **Secondary public noticing does not occur:** These alternatives would also not achieve the same secondary public noticing function which story poles fulfill.

Riviera Association Proposal: The Riviera Association has requested story-pole construction for all two-story or more Hillside Design District projects reviewed by the ABR or HLC six weeks prior to project approval. Many of the two-story or more projects proposed in Hillside Design District areas would be likely to meet one of the criteria above. However, in part because of the high cost to applicants of story pole construction, story poles are not routinely requested by the ABR or HLC. Also, for reasons explained in Issue Paper F: Project Noticing, a requirement for story-poles to remain in place for six weeks prior to an ABR approval would cause some significant project processing

delays and so is infeasible. Also, increased posting timeframes for story poles could lead to increased neighborhood nuisance and safety issues. Story poles are usually not suitable to remain erected during rainy or windy weather conditions. Planning Commission story pole site visits have been delayed many times in the past due to adverse weather conditions so that applicants can wait to erect the story poles during fair weather.

Other Jurisdictions

Rancho Palos Verdes: The City of Rancho Palos Verdes requires applicants to create a “temporary silhouette frame” when proposing a variance to the City’s “by-right” maximum height limit of 16 feet. The story poles must be connected using taut ropes in order to demonstrate the ridgelines of the proposed structure.

Once the silhouette frame is in place, neighboring property owners who express concern regarding the proposed construction may request Staff to determine the “viewing area” of their property. The City defines the viewing area as the location on a property “where the best and most important view is taken.” The viewing area must be a single location in the primary living area or outside near the structure. As a finding for project approval, the proposed structure must not significantly impair the viewing areas of neighboring parcels.

Napa County: In Napa County, a computer simulation or scaled model instead of story poles satisfies “visual impact analysis” requirements.

Recommendation 8: Continue Current PC Story Pole Practices, Consider Staff Ability to Require Story Poles for Some Design Review Projects. Upon project application, Staff would review a project to determine if story poles are necessary as follows.

1. Continue with current practice of story pole requirements at the Planning Commission review level.
2. Consider routinely requiring story pole construction for two or more story single-family projects reviewed by the ABR or HLC, which meet one of the following criteria. Require that the story poles be in place for at least one week prior to the Preliminary Plan design review hearing.
 - **Tall:** the height of the proposed building substantially exceeds that of buildings in the immediate neighborhood, or
 - **Public Views:** the building has the potential to block or reduce important public scenic views, or
 - **Visibility:** may be very visible to the public or may project above a ridgeline

Note the Planning Commission trigger for a project to need story poles if it exceeds a certain floor to lot area ratio has been deleted. This is because many hillside projects which may block public views also may have very small floor to lot area ratios because of a large lot size. Also, since the purpose of story poles is to help determine impacts to public views and projections in comparisons to ridgelines, it is advantageous to be able to

require story poles where these impacts are in question, not just for cases where the proposed project will clearly create an impact. Last, the story poles are recommended to be erected just prior to the Preliminary Plan design review hearing, rather than at the Concept Review hearing because projects can change substantially from the Concept Review hearing to the Preliminary Plan design review hearing. Waiting until after a Preliminary Plan hearing would seem to be too late in the process. Therefore, the Preliminary Plan design review hearing appears to be the best stage at which to require story pole construction.

Disadvantages

- **Applicant Costs:** Many more project applicants would be required to complete costly story pole construction.
- **Increased Site Visits:** See discussion of this disadvantage on page 10.
- **City Cost:** This approach will require additional staff time to analyze projects for story pole criteria and communicate story pole requirements to applicants whose projects require story poles.

Advantages

- **Public View Protections:** More accurate evaluation of potential public view impacts may be possible for some proposed single-family projects. Once impacts are more accurately assessed, better public view protections may be achieved through Design Review board required changes.
- **Additional Noticing:** Additional project awareness would be achieved among a project's neighbors when story poles are erected for some projects. Early project discussion may lead to more mutually beneficial project outcomes.

Private Views

Background

Currently only public views are protected by the City of Santa Barbara. The City has traditionally held that private views are a private matter for individual property owners to handle between themselves. However, some members of the community have requested that the City regulate protection of private views. Whether to protect private views was discussed in the late '70's and early '80's as part of the development of the Conservation Element Policy, Local Coastal Plan and Master Environmental Assessment procedures. The conclusion of each discussion was to maintain a policy of addressing public views only. In 1999, the View Ordinance Task Force (VOTF) proposed a Draft Ordinance to protect views. The staff report to City Council on the proposal, Attachment 4, outlined four potential approaches regarding protecting views ranging from "No Involvement/Status Quo or Minor Amendments to Existing Design Guidelines" to "The Greatest Amount of City Involvement". City Council reviewed the proposal and potential approaches and directed staff to work on a private view vegetation mediation process and not address private view impacts caused by structures.

Some advantages and disadvantages associated with potential City regulation of private views are summarized here. For further discussion regarding potential consideration of public views, see Attachment 4.

Advantages

- **Potential for More Total Private Views.** Considering proposed project potential private views effects may result in an overall larger total number of residents who live at properties with views. With private view consideration, resulting individual views may not be as spectacular as new developments may not take full advantage of view possibilities to partially preserve neighbors' views. A larger total number of properties with some type of view may benefit the general public welfare.
- **Efficient Development Patterns.** Property owners who have established views sometimes have their view blocked by a new development. To regain a view, the property owner with the original view may need to expand development on a property. This chain reaction of development could be considered wasteful and illogical. Regulating private views could lead to more efficient, environmentally sensitive development patterns.
- **Further City Goals to Be Responsive to Public Concerns.** Several members of the public have requested this issue be addressed over a number of years. Addressing the concerns regarding this issue would be consistent with City goals to be responsive to public concerns.

Disadvantages

- **Equity Issue Regarding Potentially Protecting Developed Properties More Than Undeveloped Properties?** It could be considered unfair to protect views of an existing development to the point where a neighbor is not allowed to develop in a way that might provide even a modest view. Because one lot developed first, or more, than an adjacent lot, would it be fair for the City to provide more view protection for the developed lot than the underdeveloped lot? Some might argue that, if a property owner would like to preserve a private view at the expense of an adjacent property owner's ability to develop, then the concerned property owner should purchase a "view easement" from the neighbor. Some argue that private views and private easement negotiations should be a purely private matter.
- **Equity Issue Regarding Not Equally Protecting Previously Developed Properties Which Have Already Lost Views?** Some views have already been degraded or lost by new development. For example, a Property A may have had a sweeping view, which when Property B developed, was completely lost. Would new City regulation of private view considerations protect Property B since it now has a view, but not Property A, which originally had a view but no longer does? Would this be fair?
- **Administratively Difficult to Implement.** Administratively, protecting private views could amount to a large amount of work. Some jurisdictions have staff visit sites of properties which may be affected by new development to document or "register" the primary view of a property and analyze the impact of a new

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development on that view. Alternatively, staff would need to analyze the adequacy of information submitted regarding private view impacts by applicants. Analyzing the adequacy of view impact information is known as a very difficult task due to ease of distortion through use of perspectives or photograph simulation mark up techniques, etc. Each iteration of changed plans would require renewed view impact analysis. Is it feasible to invest large amounts of staff time to analyze and assist design review boards in interpreting potential private view impacts? How would costs of additional planner work to address private views be recouped?

- **Longer Design Review Hearings.** Design review boards already are experiencing prolonged hearings. Discussion of potential private view impacts would lengthen agendas.
- **Complicated Design Review Focus.** A strong central focus of increasing architectural quality and compatibility is already a very large task for the design review bodies. Expanding design review focus to include careful consideration of Good Neighbor Policy and private view considerations would complicate the task of the design review bodies. A potential to detract from aesthetic architectural design quality by expanding purview could result. Also, the design review bodies membership might need to be revisited with such an expanded focus. For example, would requiring at least two of the members of the ABR or HLC to have expertise in mediation be appropriate with a wider review focus? Also, might some architects lose interest serving on the design review boards with this wider focus?

Other Jurisdictions

There are many examples of how other jurisdictions have addressed private views to some extent. Most of the cities that put substantial efforts into private view protection are small and usually primarily residential with substantially less construction to consider. Del Mar's population is about 4400. Palos Verdes Estates has about 13,400 people. Tiburon has about 6700 people. Appendix ___ includes a summary description of some of these approaches. Additional information gathered since the appendix was created for City Council is as follows:

City of Del Mar: The City of Del Mar Municipal Code includes provisions for project denials where "The design will create an unreasonable invasion of the privacy of neighboring properties. The proposed development unreasonably encroaches upon primary scenic views of neighboring property."

City of Palos Verdes: The City of Palos Verde's Neighborhood Compatibility Handbook addresses private views. Private views are encouraged to be protected, but are not required to be protected from neighboring structures under 16' in height. Projects over 16' in height trigger neighbor view protection provisions. In part, the Guidelines state:

“In accordance with... the Municipal Code, views from the viewing area of neighboring residences are protected by the City when structures exceed the 16-foot “by right” height limit. As such, in cases where a Height Variation application is required for a proposed project that exceeds the 16-foot “by-right” height limit, views from a neighboring residence should be preserved by carefully positioning a new structure or addition, and by limiting the project’s width, depth, and height. Although views that may be blocked by a structure below 16-feet are not protected, residents are encouraged, but not required, to take their neighbor’s views into account when designing a project below 16-feet in height.”

Riviera Association Proposal

The Riviera Association has submitted correspondence requesting consideration of private views. The request is based on the City of Tiburon Design Guidelines. Further verbal discussion with the Riviera Association President, Dianne Channing, clarified that the Association is only requesting the following for *Hillside Design District new upper-story and upper-story addition projects*.

1. Locate all new dwellings so they interfere minimally with views of neighbors.
2. Plan landscaping so it does not eventually grow and block views of neighbors.
3. While views should be preserved as much as possible, the neighborhood, and the developer/architect/owner of a new dwelling must work together to obtain the best solution when there is a conflict in priorities.
4. To insure that this communication takes place, new permits must include notification of planned impact to all neighbors via story poles and written notices at least six weeks prior to requested approval by ABR. Signatures are required on notices from neighbors to ensure that they received the notice.
5. If affected neighbors do not provide signatory approval of proposed construction/modifications, a mandatory design review by ABR is required.

Suggested Items 1 and 2 have been augmented to allow for flexibility depending on site constraints, and incorporated into suggested additions to guidelines, below. However, suggestions 3 through 5 appear infeasible. The City can encourage developers, architects, owners and neighbors to work together, but requiring this would be infeasible. Written notices and story poles are appropriate in some cases, but six weeks lead time and story poles in all cases, as suggested in item 3 is infeasible. Delayed project processing which would result from six weeks lead time is discussed in the Noticing Issue Paper. It would be inappropriate to give neighbor’s signatory approval ability of proposed construction or modifications, as suggested in item 5, above.

Private View Recommendations

Recommendation 9: Add more specific guideline text as indicated below and provide more graphics to guide applicants.

Recommendation 10: Allow Design Review hearing comment and discussion of private views as part of Good Neighbor Policies at design review hearings. Revise design review noticing, agenda materials and ABR Guidelines to delete statements discouraging public comment on and discussion of private views.

To implement recommendation #9, the following new underlined text would be added to the Single-Family Residential Design Guidelines Guidelines regarding views:

- **Visit your neighbors' houses to see how your building will affect their views and work to accommodate their concerns**
- **Be sensitive to your neighbors' views in the placement and architectural appearance of your house or addition**
 - Identify neighbors' lines of sight and current views and how both your neighbor's views and your own can be preserved or enhanced through a good design
 - Where it is possible to preserve the view of a neighbor's property, and achieve applicant project goals and respond to effectively to environmental and other site constraints, then locate new dwellings so they interfere minimally with the views of neighbors. Where compromising balances between these various project components must be made, if possible, strive to: place a new dwelling so that similar amounts and quality of private view may be achieved on a neighbor's property as could be achieved on the applicant's property
- **Reduce height of the structure to minimize blockage of views**
 - More clearly define neighbors' views and how your new project will affect other views in the neighborhood
 - Introduce methods which can be used to limit height blockage
 - Be sensitive to the existing size and bulk patterns in the neighborhood
- **Locate higher portions of the structures to minimize obstruction of views**
 - Show how neighbors' lines of sight will be affected by the proposed project
- **Protect views from major living areas as well as other high quality views**
 - Identify neighbors' major living areas and lines of sight from those areas
- **Where neighbors have significant long-distance views off-site, include project landscape plans in the project proposal. In the landscape plans, include only vegetation that is likely to mature at a low enough height to preserve neighbor's views.**
- **Screen solar panels, satellite dishes, radio antennae and other equipment from neighbors' views to maximum amount possible**

Summary of Recommendations

Following is a summary list of the recommendations of this paper.

Recommendation 1: Routinely provide guidelines as a handout to applicants.

Recommendation 2: Allow project actions based on compliance with Good Neighbor Policies.

Recommendation 3: The Steering Committee review changes to Good Neighbor Policy text and proposed graphic content and provide feedback

Recommendation 4: Require completion of a compatibility checklist as part of Design Review project applications, similar to the city of Palo Alto compatibility checklist.

Recommendation 5: Implement minimum balcony review standards.

Recommendation 6: Implement balcony placement and screening Option 2: Allow rear and side yard balconies in some cases.

Recommendation 7: Require an “Early Neighbor Discussion Pre-Application Step” and provide incentives for an optional “*Extensive* Early Neighbor Discussion Pre-Application Step”

Recommendation 8: Continue current Planning Commission story pole practices, consider staff ability to require story poles for some Design Review projects.

Recommendation 10: Allow Design Review hearing comment and discussion of private views.

Please note, Staff has concern that all the recommendations considered in this and other issue papers, combined, may lead to an overly complicated, expensive application process. Staff expects to look at all of the recommendations combined from the various issue papers prior to publishing the Draft Updated Single Family Design Guidelines. Adjustments to reduce the quantity or nature of implementation items may be recommended at that time to ensure a balanced application review process.

Attachments

1. City of Palo Alto: Single Family Individual Review Guideline Checklist
2. Rancho Palos Verdes: Pre-Application Process & Neighborhood Compatibility Questionnaire
3. City of Santa Barbara Handout: Visual Aid Requirements for Development Applications
4. Council Agenda Report, Request from the View Ordinance Task Force to Consider Proposal for a View Preservation Ordinance, October 1, 1999.

Part II: Draft Revised Good Neighbor Policies

1. Track Changes (Revision Marks) Showing
2. Example Illustrations from Other Jurisdictions Included

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Municipal Code 17.24.210 G
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Montecito:

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http://www.scbeacon.com/beacon_issues/03_03_06/montplan.html

Woodbridge Village Association – Preliminary Plan Review

<http://www.wva.org/PDF/PRELIM~1.PDF>