



City of Santa Barbara
Community Development Department

Memorandum

DATE: January 22, 2009

TO: Architectural Board of Review (ABR)
Historic Landmarks Commission (HLC)
Planning Commission (PC)

FROM: Planning Division, Community Development

SUBJECT: Alternative Building Heights Charter Amendment

Purpose of Meeting

The purpose of the upcoming meetings with the ABR, HLC and PC is to obtain input on the Charter amendment being considered by City Council. The possible amendment to City Charter Section 1506 would lower the 60-foot building height allowance to 45-feet in the C-2 (Commercial), C-M (Commercial Manufacturing) and M-1 (Light Manufacturing) zones with exceptions for certain projects. Also discussion of a new variable front yard setback in these zones that have no front yard setback for landscaping and additional open space requirements is an issue for consideration.

Background

Due to concerns about the height of some buildings recently constructed and approved projects, the "Save El Pueblo Viejo" citizens' group undertook an initiative drive to put forth a charter amendment to reduce the maximum building height allowance from 60 to 45 feet in all commercial zones, and to 40 feet in El Pueblo Viejo. This initiative will be on the ballot this coming November. What is being presented to you is an alternative Charter amendment.

Over the past few months, Staff has discussed other alternatives to addressing design concerns in favor of the Save El Pueblo Viejo initiative with the Ordinance Committee and full Council as well as at a joint meeting with Planning Commission. Originally, discussions included a possible interim ordinance to be operational as *PlanSB* progressed. The design issues discussed included building height, variable front yard setbacks in C-2 and C-M zones (with some exceptions), a "wedding cake" floor area ratio concept, maximum unit sizes, and open space requirements.

The Council decided that an interim design ordinance was not necessary at this time, given the qualifying Charter initiative and a desire to limit the redirection of resources from the overall *PlanSB* process. They also were not interested in initiating an interim discussion on the unit size issue, and thought that this was more appropriate as part of the *PlanSB* process.

Therefore, in November, the Council directed staff to initiate an alternative amendment to the Charter, together with an implementing ordinance that focused only on building height with exceptions, a variable front yard setback, and additional open space for certain projects. While Council recognizes the validity and significance of the 11,000 or more people who signed the petitions to put the Save El Pueblo Viejo initiative on the ballot, the majority felt that having an alternative to give the voters a choice in November 2009 was equally important.

The Council is interested in keeping the Charter amendment simple and focused and has requested input from the design review boards and Planning Commission on design and land use related issues of the key provisions before formalizing the language of the Charter and companion ordinance.

Summary of Key Provisions

1. Reducing the permissible maximum building height from 60 feet to 45 feet in the C-2, C-M and M-1 zones, with an exception for projects that are designated a Community Priority by Council, or which include affordable housing or rental units and additional open space;
2. Initiating a five-foot variable front yard setback to the C-2 and C-M zones that would allow for landscaping, street frontage amenities, building variation, and open areas; and
3. Developing a companion implementing ordinance with the details necessary to complement and carry out the Charter provisions.

Attachment 1 includes the Ordinance Committee motion with direction to the design review boards and Planning Commission.

Zones Affected

Currently the zones that would be affected by a Charter Amendment relative to building height include the C-2, C-M, and M-1 Zones. These zones are generally located in the downtown area between the waterfront on the south, Padre Street to the north, the 101 Freeway on the west, and the Milpas Street corridor on the east, as well as an area near Constance and Chapala Streets (Attachment 2, Existing Building Height Limits Map). There is a significant amount of C-2 zoning along Upper State Street; however, the building height is already limited to a maximum of 45 feet because of SBMC Chapter 28.45 S-D-2 Zone overlay.

Discussion Points and Issues for Consideration

The following includes specific discussion points that must be addressed before defining the specifics of the alternative, the companion ordinance, and to complete environmental review under CEQA.

1. Building Height

Policies in the *PlanSB* draft recommend that the City implement reduced building heights and greater setbacks for properties adjacent to residential zones and on projects that could affect historic resources. Further recommendations call for the development of "Form Based Codes" and special historic and design districts. These policies will require additional study and would not be completed and adopted until the implementation phase of *PlanSB* after 2010. Council direction at this time is for an alternative Charter amendment that is more specific, simple and provides height regulations which can be more quickly implemented.

The alternative Charter amendment proposes to reduce the maximum building height from 60 feet to 45 feet unless a project is determined by the Council to be an exception project (see below) then it could exceed the 45 feet to a height still to be determined.

The Save El Pueblo Viejo proponents are of the position that a four story building could be accommodated within a 40-foot height limit (Exhibit 3, Diagramatic Building Height Study in EPV).

A good understanding of what a 40 foot and 45-foot height limit would mean to the design of buildings downtown in our main commercial/mixed use corridors is important. What type of roof structure and slope are provided for with 40 feet or 45 feet? In order to have a typical sloping roof, will the maximum number of stories be in effect reduced to three from the current four? These details matter in the design of a building and community, and particularly for us in Santa Barbara. Staff is working with a local architect for the development of sections showing different building heights that will be presented at the meetings.

The definition of building height is an integral part of this understanding. At present, the definition includes all roof areas up to the ridge line, and there are exemptions for architectural elements such as towers. The ground level from which the height is measured is currently the lower of either the existing grade or new finished grade. This definition was discussed extensively in the Neighborhood Preservation Ordinance Update and it works very well for residential developments, both infill and in the hillside areas.

If the maximum building height is reduced to 45 feet for commercial, multiple-unit and mixed-use projects in El Pueblo Viejo and other commercial areas, staff believes there could be an interest in changing the definition to recognize grade changes due to the topography of the downtown and flood control standards.

Issues for Consideration:

- Would the 40 foot height limit proposed by Save El Pueblo Viejo result in a reduction from four to three stories?
- And if so, could a typical sloped roof be accommodated within the 40 feet on a three story commercial or mixed use building?
- Can 45 feet accommodate well designed four story buildings with sloped roofs? Or does a reduction to 45 feet likely mean a reduction to three stories for mixed use projects?
- If the 60-foot height limit is reduced to 45 feet, should the new maximum height limit for exception projects (see below) be less than 60 feet, e.g., 52 feet to plate height or 55 feet to the ridge line?
- In other words, what reduced height is sufficient for the type of community benefit land use buildings that the community wants to see?

2. Exceptions to the 45-foot Height Limit

The Council is considering whether the following types of land uses should except from the 45-foot height limit.

a. Community Priority Land Uses

Community Priority is defined in Charter Section 1508 and the Municipal Code as those land uses found by the City Council as necessary to meet a present or projected need directly related to public health, safety or general welfare. A "general welfare project" is defined in the Charter as a project which has a broad public benefit (for example museums, childcare facilities, or community centers) (See Attachment 4, List of Community Priority Projects Approved by Council Under Measure E.)

The Council is supportive of using the same type of process whereby Council makes the finding of community priority use for ALL projects (including those below) in the C-2, C-M and M-1 zones that exceed the 45-foot height limitation.

b. Affordability

It is suggested that projects that double the current City inclusionary requirement of 15% (i.e., 30% of the units affordable to middle-income¹ households) be allowed to exceed the building height over 45 feet. If this method is ultimately decided, it is recommended that the development would need to be a minimum number of units (e.g., 10 units) to avoid the unintended consequence that the top floors of a mixed use building are a couple of large penthouses with an inclusionary unit.

¹ Middle income units are price restricted to a household earning 120%-160% of the area median income. Upper middle income units are price restricted to a household earning 160% to 200% of the area median income. The current area median income is \$65,200.

Issues for Consideration: (focus for the PC)

- Is a 30% middle income standard on projects with 10 units or more enough of a community benefit to allow a project to exceed the 45-foot height limit?
- Should an exception to the height limit also be allowed for projects with income restricted units that are targeted to upper middle income households?
- If so, what percentage of the projects units should have to be upper middle income restricted to exceed the height? For example, would the standard be 50% or more of the units need to be upper middle income units?
- Should the base number of units in a project be 10 or what number is appropriate if development upper middle income units?

c. Rental Housing

There is consensus from the Ordinance Committee that rental housing projects are also a community benefit; irrespective if affordable or not. Thus, it is recommended that a residential project with 100% rental units qualify for an exception to the 45-foot height limit. However, Ordinance Committee members were also of the opinion that if a project has mixed uses, then a certain percentage of square footage of the building should be rental in order to exceed the 45-foot height limit.

The Ordinance Committee also recommended that if a rental project is approved for a higher height limit under these circumstances, then it will be important to build into the City condo conversion ordinances an enforceable prohibition on conversion to ownership condominiums.

Issues for Consideration:

- What percentage of the total habitable square footage of a mixed use building should be rental to be allowed to exceed the 45-foot height limit? For example, should half (50%) of the building be rental?
- All projects with rental or affordable units that exceed the 45 foot height limit would be required to obtain Council approval as a community priority project. Council requested that the Planning Commission suggest criteria for granting a community priority designation if exceeding the height limit. This will be discussed at the Planning Commission meeting on this item.

d. Increased Open Space Standards

The table below reflects the current open space standards depending on land use. Residential and mixed use projects generally are required to provide a small private and common area. The Ordinance Committee was interested in requiring projects that exceed the 45 foot limit to "substantially" increase the open space requirements. What a substantial amount of open amounts to has not been determined.

Issues for Consideration:

- How much is a “substantial amount of open space for a building that exceeds the 45-foot height limit? Is a doubling of the common area requirements a good guideline?
- Where would this “substantial” amount of open space be required? Is it along the frontage of a site, within the development, or on a case by case basis? (Currently, open space cannot be provided along the front yard.)
- If the Charter passes along with requirements for a variable front yard setback (see below) would the variable front setback be enough so that we prefer to see the open space in the interior of the development?

Weighing the aesthetic and open feel qualities of the development and/or serving the needs of the residents all need to be taken into consideration.

Open Space Standards in C-2 and C-M Zones		
100% Residential Development	100% Commercial	Mixed Use Development
Private – 60’ – 160’ and 10% on grade common area (w/15’ X15’ area, flexible location, but not front yard); <u>Or</u>	None	Private – 60’ – 160’ and 10% on grade common area (w/15’ X15’ area, flexible location but not front yard); <u>Or</u>
Common – 15% of total lot area (on grade) but not part of front yard		Common 15% of total lot area (on grade) but not part of front yard

e. Variable 5-foot setback in C-2 and C-M zones

In addition to the above criteria for being exempted from the 45-foot height limitation, another consideration is that a project includes a variable front yard setback along the entire frontage in the C-2 and C-M zones. Currently the C-2 and C-M zones (as well as M-1) are the only zones in the City that do not require a commercial or mixed use building to provide any setback along the front of the building. The community has expressed an interest in having buildings set back from the sidewalk in order to allow for landscaping, pedestrian amenities, and a greater sense of openness along the frontage.

The proposed front yard setback standard would be a new zoning standard applied to ALL C-2 and C-M zones irrespective of the proposed height of the building. An exemption to this that was discussed with the Ordinance Committee is those properties that front on State Street and the first blocks East and West between Montecito and Sola Streets. Council members recommended the 5-foot variable setback apply in the M-1 zones only for those sites developed with a building 45 feet or higher.

The Ordinance Committee was supportive of a variable front yard setback along the frontage of buildings to provide for articulation but they also felt it was important to

discuss with the design boards as to the proper amount of landscaping that should go along the frontage.

Issues for Consideration:

- Should a larger than 5 foot variable setback along the frontage apply to buildings in the C-2 and C-M zones that exceed the 45 foot height limit?
- What are appropriate landscaping requirements for this setback area?

Next Steps

1. Joint Planning Commission and Council Worksession – A status update about input from ABR, HLC and the Planning Commission will be presented.
2. Further Ordinance Committee direction - The key components of the charter amendment and the draft companion ordinance would be reviewed by the Ordinance Committee.
3. Council action to initiate environmental review – Once the draft language of the Charter Amendment and Ordinance have been reviewed by the Ordinance Committee, the matter would be brought before the full Council for initiation.
4. Environmental review - Staff would complete environmental review under CEQA and work with the City Attorney's office on the draft companion ordinance.
5. Planning Commission review - The Planning Commission would have public comment on the environmental document and make a recommendation to Council on the key components of the charter amendment and draft companion ordinance.
6. Council Hearing - Adoption of Environmental Review (assuming the project is a Negative or Mitigated Negative Declaration), approval of final language for charter amendment, and introduction of companion ordinance.
7. Council – Adoption of ordinance that would implement charter amendment provisions should the charter amendment pass.
8. Final charter language due to City Clerk by June 16, 2009
9. Election, November 10, 2009

Attachments

1. Ordinance Committee Finished Agenda, December 16, 2008
2. Building Heights Map
3. Diagrammatic Building Height Study in El Pueblo Viejo
4. List of Community Priority Projects Approved by Council Under Measure E
5. Charter Language 1506, Definition of Building Heights and Save El Pueblo Viejo Charter Amendment Language

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE

Due to technical difficulties 25 minutes of this meeting are missing from the video.

SPECIAL MEETING
FINISHED AGENDA

x = Attendees

DATE: December 16, 2008
TIME: 12:00 p.m.
PLACE: Council Chambers

x Das Williams, Chair
x Dale Francisco
x Grant House

Office of the City
Administrator

Office of the City
Attorney

x Lori Pedersen,
Administrative Analyst

x Stephen P. Wiley
City Attorney

x Beatriz Gularte, Project Planner
x John Ledbetter, Principal Planner
x Bettie Weiss, City Planner

ITEM FOR CONSIDERATION

Subject: Alternative Building Heights Charter Amendment

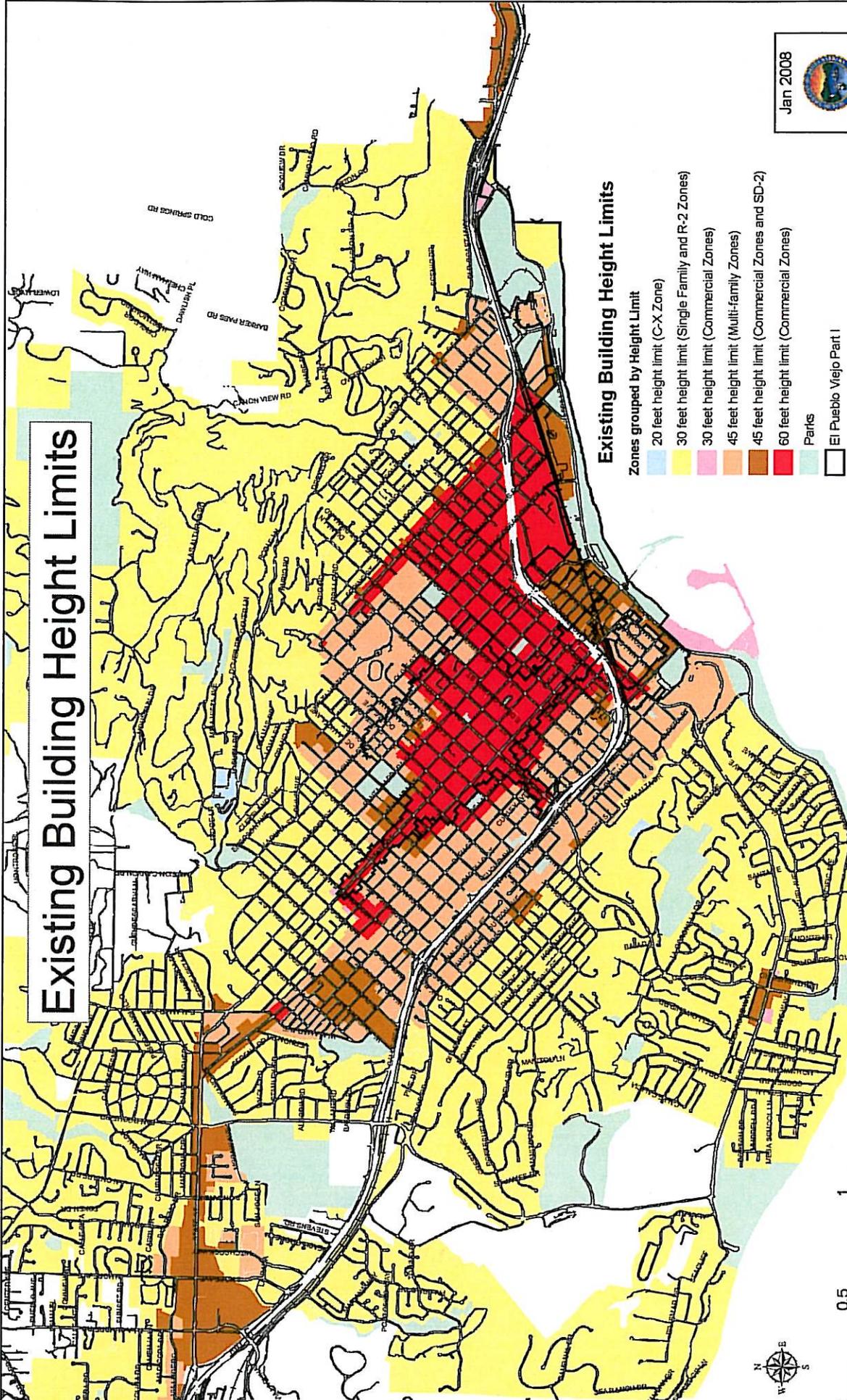
Recommendation: That the Ordinance Committee discuss the amendment to City Charter Section 1506 and any necessary implementing ordinance with regard to changing the City Charter's 60-foot building height allowance for certain commercial zones and to require new front yard setback standards.

The Ordinance Committee heard staff presentation and public comment. It moved the following:

- a) Require a variable front yard setback for all buildings in the C-2 and C-M and for buildings that exceed the height limit in the M-1 zone;
- b) The exemption for the 5 foot variable setback along State Street should go all the way to Sola Street and include the first blocks East and West of State Street;
- c) The requirement to exceed the 45 foot height limit should be based on a percentage of square footage of the building being rental or affordable;
- d) Rental projects that exceed the height limit should be prohibited from converting to condominiums;
- e) Projects exceeding the height limit will be required to substantially increase the open space requirements, ABR and HLC to provide input;

- f) **Additional height request for affordable and rental projects would go before Council for approval (similar to Community Priority process), PC to suggest criteria;**
- g) **In order to exceed the height limit, need a base number of 10 ownership units. 30% of the units (including employer provided housing) would be required to be middle income affordable for any projects to exceed the height limit, Planning Commission to provide guidance on minimum number of units and percentage required if upper middle income units;**
- h) **100% of the commercial floor should be required for a Community Priority designation with the longest term possible and any change would required a conditional use permit or similar; The height limit requirement should be reduced to 45 feet; and**
- i) **Discuss with advisory boards, 52 feet as the maximum height measured to plate height or 55 feet or taller to ridge line.**

Existing Building Height Limits



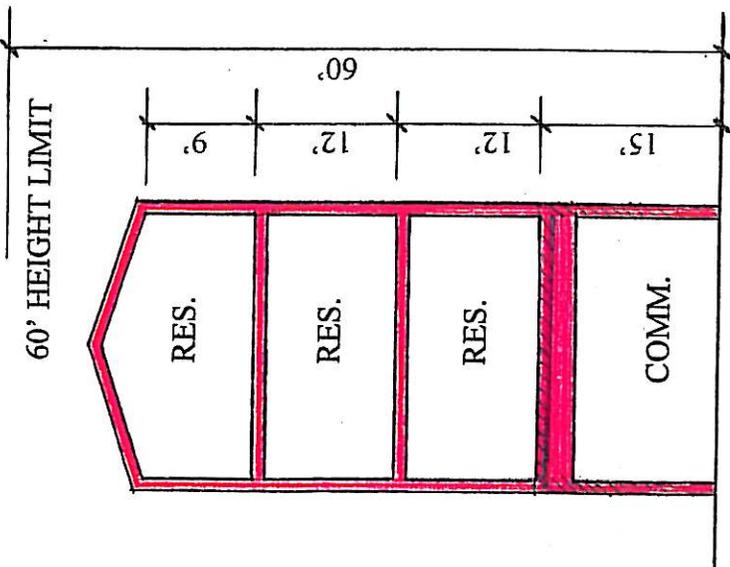
Existing Building Height Limits

- Zones grouped by Height Limit
- 20 feet height limit (C-X Zone)
 - 30 feet height limit (Single Family and R-2 Zones)
 - 30 feet height limit (Commercial Zones)
 - 45 feet height limit (Multi-family Zones)
 - 45 feet height limit (Commercial Zones and SD-2)
 - 60 feet height limit (Commercial Zones)
 - Parks
 - El Pueblo Viejo Part I

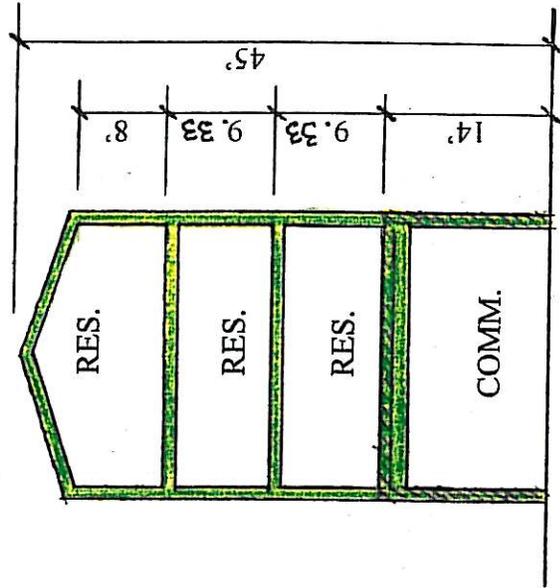
Note: Most non-residential zones have lower height limits when immediately adjacent to residential zones with lower height limits. See zoning ordinance for these areas/zones.

Jan 2008

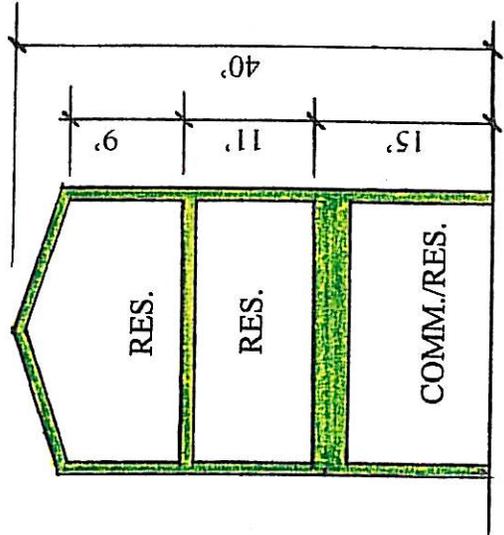
Planning Division



45' HEIGHT LIMIT



40' HEIGHT LIMIT



CURRENT COMM. ZONES

PROPOSED COMM. ZONES

PROPOSED E.P.V.

DIAGRAMATIC BUILDING HEIGHT STUDY

**PROJECTS WITH PRELIMINARY OR FINAL
COMMUNITY PRIORITY DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Boys & Girls Club Addition 602 W Anapamu Street MST90-02931	4,800		Initial application 1990; potential – now working on revised
Housing Authority 702 Laguna Street MST92-00043		4,550	Completed
Natural History Museum 2559 Puesta Del Sol MST92-00608		2,165	Completed
Airport Fire Station 40 Hartley Place MST92-00746		5,300	Completed
Santa Barbara Zoo 500 Niños Drive MST95-00330		210	Completed
Desalination Plant 525 E. Yanonali Street MST95-00425 (MST90-00360)		528	Completed
Santa Barbara Rescue Mission 535 E. Yanonali Street MST96-00228		7,213	Completed
Airport Master Plan 601 Firestone Road MST96-00355		12,557*	Airline Terminal expansion; portion or all may be considered for Economic Development category at later date
Airport Master Plan 601 Firestone Road MST96-00355		50,000*	
Rehabilitation Institute 2405 and 2415 De la Vina Street MST97-00196		9,110	Completed
Visitor Information Center - Entrada de Santa Barbara 35 State Street MST97-00357		2,500	Approved 8/21/01
Santa Barbara Harbor Restrooms 134 Harbor Way MST97-00387		1,200	Completed
Airport Terminal Expansion (trailers) 500 Fowler Rd. MST97-00392		2,300	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Waterfront Department Offices 132 Harbor Way MST97-00503		3,240	Completed
Transitions Preschool 2121 De la Vina Street MST97-00696		723	Completed
S.B. Maritime Museum 113 Harbor Way MST97-00832		2,805	Completed
Santa Barbara Cottage Hospital (Hospitality House) 2407-2409 Bath Street MST98-00042		4,158	Completed
MacKenzie Park Lawn Bowls Clubhouse 3111 State Street MST98-00076		763	Completed
Cottage Hospital 320 West Pueblo Street MST98-00287		980	Completed
The Full Circle Preschool 509 West Los Olivos Street MST98-00231		832	Completed
Storyteller Children's Center 2115 State Street MST98-00364		2,356	Completed
Free Methodist Church 1435 Cliff Drive MST98-00877		2,544	Completed
Salvation Army 423 Chapala Street MST99-00014		2,968	Completed
Homeless Day Center and Shelter 816 Cacique Street MST99-00432		10,856	Completed
Emmanuel Lutheran Church 3721 Modoc Road MST99-00510		8,120	Completed
Marymount School 2130 Mission Ridge Road MST99-00542		4,000	Completed
Parking Lot 6 – Granada Theater 1221 Anacapa MST1999-00909/MST2003-00908		7,810	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Planned Parenthood 518 Garden Street MST1999-00916		3,565	BP Issued 2/10/06
Sea Center 211 & 213 Stearns Wharf MST2000-00324		3,212	Completed
Santa Barbara Zoo 500 Ninos Drive MST2000-00707 (& MST2002-00676)		10,000	Final Designation 4/10/2007
Clean Water and Creeks Restoration Office 620 Laguna Street MST2000-00828		480	Completed
Elings Park 1298 Las Positas Road MST2001-00007/MST2006-00509	12,190		Planning Comm. application submitted; requesting more SF
Braille Institute 2031 De la Vina Street MST2001-00048		4,000	Completed
Modular Classrooms at Boys & Girls Club 632 E. Canon Perdido Street MST2001-00150		6,502	Completed
Cater Water Treatment Plant 1150 San Roque Road MST2001-00732		6,750	Completed
Santa Barbara Neighborhood Medical Clinics 915 North Milpas Street MST2001-00774		2,518	Completed
632 E. Canon Perdido St. Boys and Girls Club MST2002-00786	7,600		Preliminary Designation 7/15/03
617 Garden St. Mental Health Assoc. MST2002-00257		2,703	BP Issued 11/17/06
4000 La Colina Rd Bishop Diego High School MST 2004-00673		9,512	Final Designation 12/20/2005
SUBTOTALS:	24,590	199,030	
ALLOCATED TO DATE: 223,620 SQ. FT.			
REMAINING UNALLOCATED: 76,380 SQ. FT.			

Existing Building Heights Charter Language (Charter Section 1506)

The Charter language that could change as a result of the passing of a Charter Amendment includes:

Charter of the City of Santa Barbara - Section 1506 – Building Heights. Limitations

It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. Building heights are limited to 30 feet in areas zoned for single-family and two-family residences; are limited to 45 feet in areas zoned for residences for three (3) or more families, for hotel, motel and office use; are limited to 60 feet in areas zoned for industrial, manufacturing and other commercial uses; and 30 feet for all other zones. The Council may, by ordinance, set limits of heights less than these maximums. The Council may, by ordinance, set up reasonable methods of measuring the heights set forth in this section. (Approved by election held November 7, 1992)

Existing Building Heights Definition (SBMC Section 28.04.120)

The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included.

Save El Pueblo Viejo Charter Language Amendment

Amend Section 1506 as follows: "It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. Therefore, building heights are limited to 30 feet in areas zoned for single-family and two-family residences; and building heights in areas zoned for residences for three (3) or more families and all other building heights shall be limited to 45 feet except in the El Pueblo Viejo Landmark District where building heights shall be limited to 40 feet. The Council may, by ordinance, set limits of heights less than these maximums. The Council may, by ordinance, set up reasonable methods of measuring the heights set forth in this section."