Agenda Item No._____

File Code No. 110.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 18, 2008

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Alternative Building Heights Charter Amendment

RECOMMENDATION: That Council:

A. Initiate an amendment to City Charter Section 1506 and implementing ordinance with regard to the 60-foot building height allowance for certain commercial zones, and standards for new setbacks; and
B. Provide direction to staff and the Ordinance Committee on the provisions to be included in the amendments.

EXECUTIVE SUMMARY:

Throughout the *Plan Santa Barbara (PlanSB)* process, the community has expressed the importance of community character, and their views are clearly divided as to what an appropriate building height limit is for the City's commercial zones. Due to concerns about the height of some buildings recently constructed and approved projects, the "Save El Pueblo Viejo" group undertook a citizens' 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 has qualified for the ballot in November 2009.

On October 8, 2008, at the joint City Council and Planning Commission meeting, staff discussed the recommendation from the Ordinance Committee to consider an alternative charter amendment. The Council and Planning Commission expressed that a *PlanSB* Interim Zoning and Design Ordinance was not necessary at this time, given the pending Charter initiative and a desire to not redirect 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.

At the conclusion of the joint meeting, staff was directed to return to Council to formally initiate an alternative charter amendment proposed for the November 2009 ballot to lower building height allowances from 60 to 40 or 45 feet under certain circumstances.

The provisions to be considered include: 1. reducing the permissible maximum building height to 45 feet in the C-2, C-M and M-1 zones, with a possible exception for projects that are designated a Community Priority by Council, or which include affordable housing or rental units; 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. a companion implementing ordinance with the details necessary to complement the Charter provisions.

Staff is requesting direction from Council on the provisions that the Ordinance Committee should consider in the possible charter amendment and that would be carried out through a companion implementing ordinance.

DISCUSSION:

Background

On April 29, 2008, the City Council heard from community members, some in favor of the Save El Pueblo initiative and several others requesting that a more comprehensive charter amendment alternative be put forth by the City Council. Council instructed staff and the Ordinance Committee to consider an interim ordinance to address the issue of reduced building height limits in commercial zones that allow 60 feet and including provisions for setbacks, open space, and unit size, and then return to Council.

Subsequently, two meetings were held with the Ordinance Committee to review design standards that could be included in an interim ordinance to be operational as *PlanSB* progressed. The 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 Ordinance Committee concluded that it was more interested in hearing from the full Council on whether the City should propose a charter amendment on the November 2009 election ballot as an alternative to the proposed Save El Pueblo Viejo charter amendment (Attachment 1, Charter Section 1506, Save El Pueblo Viejo Charter Language Amendment and Definition of Building Height).

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.

Key Components of an Alternative Charter Amendment

At the joint meeting, Planning Commission and Council members expressed interest in an alternative ballot measure that allowed a 60-foot building height when the project addressed identified community needs and benefits including, community priority land uses, such as affordable housing, rental housing, and when it provided a variable front yard setback for inclusion of landscaping/open space. Once the proposed charter amendment is formally initiated by Council, the specific language will be developed with the Ordinance Committee before beginning environmental review and returning to Council for approval of the final language for submission to the voters.

The following proposed components for a possible charter amendment are consistent with policies being considered as part of *PlanSB*.

1. Building Height

Policies in the *PlanSB* draft recommend that the City retain the maximum building height of 60 feet but require 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. Staff recognizes that the Council direction for this charter amendment is to be more specific, simple and to provide height regulations which can be more quickly implemented.

The concept discussed to date is to reduce the maximum building height from 60 feet to 40 or 45 feet in the C-2, C-M, and M-1 commercial and industrial zones of the City, with an exception for specific types of projects (see below) that could develop at a maximum of 60 feet. Staff is suggesting a 45-foot height limit as the standard rather than 40 feet, as proposed in the Save El Pueblo initiative. Proponents of the 40-foot height initiative have indicated that a change in the Municipal Code building height definition would be necessary in order allow a 4-story building with a sloping red tile roof. A change in the definition to height, which currently is a maximum which, includes the roof, would result in an increase to building height. For simplicity, staff recommends that the height standard not require a change in the Municipal Code building height definition.

El Pueblo Viejo encompasses a large area of the downtown, including the main urban core as well as the waterfront area along Cabrillo Boulevard. From staff's perspective and in a traditional urban planning approach, it is preferable to have higher intensity uses within the main urban core of the City. Furthermore, a portion of El Pueblo Viejo along the waterfront area has only allowed 45 feet since the Local Coastal Plan was adopted in the early 1980s; therefore, limiting the height to 40 feet could result in a number of non-conforming buildings. Staff believes that a 45-foot height limitation makes more sense

from a practical standpoint than a new blanket 40 feet limitation for the entire El Pueblo Viejo.

The following are some questions to begin the Council discussion with an understanding that community dialog and input is necessary to refine any recommendations.

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 3, List of Community Priority Projects Approved by Council Under Measure E.)

A majority of the designated Community Priority projects are currently single use projects, and not typically part of a mixed use. Determining whether the City will apply this same definition to projects to be excluded from the 45-foot height limitation will be an important discussion point. Throughout the *PlanSB* process, we have heard from the community that any future nonresidential growth should be allocated to projects that truly meet a community need and that the definition should not be too broad. If a project is going to be granted additional height, then perhaps a strict interpretation of this definition is a good standard to consider. Because a community priority designation would have to be granted by Council, a project greater than 45 feet in height would not be left up to a decision by City staff or made at a design review level. This results in having the 45 – 60 foot height standard decided on a case by case basis by the City Council.

Discussion points include:

- Should the entire project be occupied by community priority land uses in order to allow a project to exceed the 45-foot height limit?
- What would happen when a building's use changes? Would it be restricted to community priority uses?

b. Affordable Housing

It has been suggested that projects that double the current City inclusionary requirement of 15% (i.e., 30% of the units affordable to middle-income households) be allowed to increase building heights between 45 and 60 feet. Because inclusionary requirements could change over time, staff recommends that a specific standard be decided that clearly supports a special Affordable housing allowance for additional building height.

Discussion points include:

- What levels of affordability must be provided in the project to allow additional height? Should the City only consider a standard that allows "capital A" type of affordable units (very low, low and moderate), or should those levels recognized in the City's Affordable Housing Policies (middle and upper middle) also be acceptable?
- What percentage of the units in a project must be affordable or what mix of affordable ranges could be comparable, e.g., 75% middle or upper-middle income and 50% if moderate?

Clearly, the community dialogue will be important on these issues; however, Staff is interested in hearing Council's initial thoughts on these ranges.

c. Rentals Units

There is broad consensus from the public and City Council that rental housing projects are also a community benefit land use (as defined in *PlanSB*); thus, staff recommends that a project with 100% rental units also be considered for an exception to the 45-foot height limit. However, 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.

A discussion point includes:

- If affordable or rental housing are part of a mixed use project, can the nonresidential portion be any commercial allowed use or would it also need to be a "community priority" use? If so, should the commercial be limited to the ground floor only?

2. Variable 5-Foot Setbacks

In addition to the above criteria for being exempted from the 45-foot height limitation, another consideration is that a project include a variable front yard setback 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 interested 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 Victoria Streets. Developing the appropriate standards will be part of the work with the Ordinance Committee and the public process as this goes forward.

Implementing Ordinance

The City Attorney's office is recommending that the language of the proposed Charter Amendment be kept simple and focused on the broader issue of the height. The variable front yard setback standard is clearly more of a zoning standard, and possibly not appropriate for inclusion in the charter amendment language. Therefore, should the charter amendment go forward and pass, it would be beneficial to have an accompanying companion ordinance that implements the development standards (e.g. height limitations, front yard setback) in place so that it becomes effective if and soon after the charter amendment passes. The ordinance would proceed concurrently through the process with the Charter Amendment process. This was the approach taken by the City and City Council in 1989 and 1990 with the approval and implementation of Measure E, now Charter Section 1508.

NEXT STEPS

1. Ordinance Committee, December 9, 2008
2. Special work session of ABR, HLC, and Planning Commission
3. Further Ordinance Committee Direction
4. City Council direction
5. Environmental review
6. Planning Commission review
7. Council adoption of Environmental Review and final language
8. Final charter language due to City Clerk by June 16, 2009
9. Implementing Ordinance Processed
10. Election, November 10, 2009

BUDGET/FINANCIAL INFORMATION:

It is anticipated that the processing of the consideration of the proposed charter amendment could be provided with existing staff resources.

RECOMMENDATION

Staff is seeking direction from Council to the Council Ordinance Committee on what should be considered for the possible Charter Amendment and whether they agree that an implementing ordinance also should go through the process concurrently. If Council agrees, we recommend that they initiate the charter amendment and a draft companion ordinance and forward this subject to the Ordinance Committee.

ATTACHMENTS:
1. Charter Language 1506, Save El Pueblo Viejo Charter Amendment Language and Definition of Building Heights
2. Building Heights Limit Map
3. List of Community Priority Projects Approved by Council Under Measure E

PREPARED BY: Beatriz E. Gularte, Project Planner and
Bettie Weiss, City Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

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)

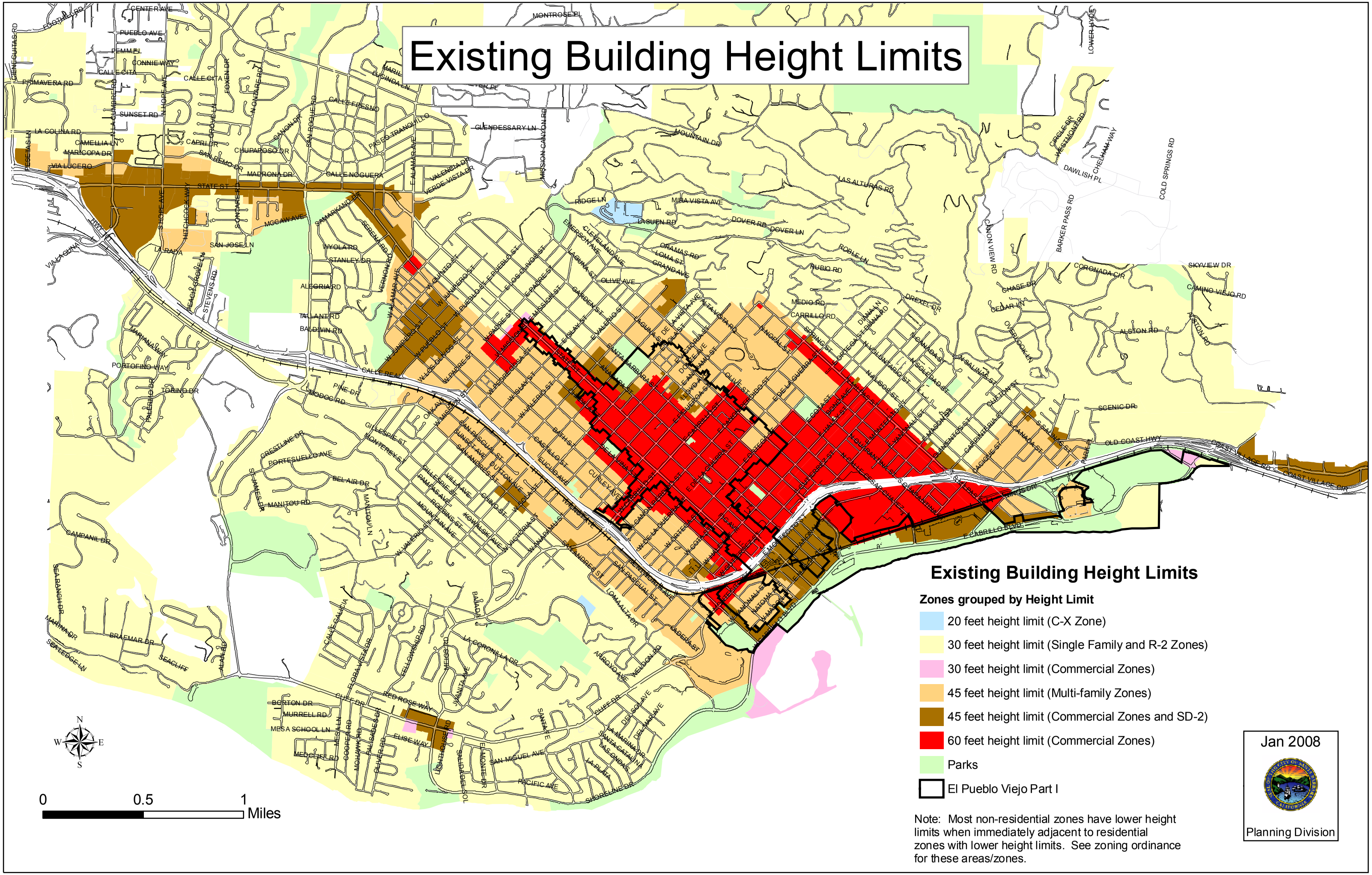
Existing Building Heights Definition (SBMC Section 28.04.120)

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. <u>Therefore</u>, building heights are limited to 30 feet in areas zoned for single-family and two-family residences; <u>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.</u> 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."

Existing Building Height Limits



ATTACHMENT 2

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.**			