Agenda Item No._____

File Code No. 640.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 15, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Two-Year Review Of Neighborhood Preservation Ordinance

RECOMMENDATION:

That Council:

A. Review and comment on the attached report, Two-Year Review of Neighborhood Preservation Ordinance/Single Family Design Guidelines Update (NPO Update);
B. Initiate recommended changes with Staff to work with a subcommittee of the Single Family Design Board and the Ordinance Committee; and
C. Direct Staff to return to Council with ordinance and guideline amendments for adoption.

EXECUTIVE SUMMARY:

Planning Staff was directed to report back to Council on the effectiveness of the NPO Update which was adopted in May 2007. In general, Staff concludes that the NPO Update regulations are functioning as intended. Staff does not recommend major changes in the five topic areas that Council had expressed interest in receiving a report on. However, Staff does recommend that specific guidelines and ordinance sections be further clarified and suggests process improvements for better efficiency of reviews as outlined in the attached report.

Staff completed discussions with the Single Family Design Board (SFDB), several community organizations and neighborhood groups in order to prepare the attached report. The report summarizes comments, concerns and ideas relative to the effectiveness of the current NPO and Single Family Residential Design Guidelines (SFRDG). A public workshop was also held to provide additional feedback on Staff recommendations. Staff has incorporated some of the input into the current recommendations with the understanding that there is little interest in expending more Staff time in re-opening controversial issues or topics that were debated in lengthy subcommittee discussions from 2004 to 2007. Staff recommends some guideline improvements by briefly working with a subcommittee of SDFB members to address review areas that can be further clarified. If Council agrees, Staff expects to develop

some of these guidelines and ordinance amendments and return to the Ordinance Committee early next year.

DISCUSSION:

I. Council Directed Review Topics

When the NPO Update Package was adopted in May 2007, Council directed Staff to track the following five topics and report back to Council on the topics and overall NPO Update performance after two years. Research results for each of the following five Council-directed research topics are in Part 1 of Attachment 1 and are listed below.

1. 20 closest homes database effectiveness and reliability.
2. The appropriateness of floor to lot area ratios (FARs) as guidelines (current practice) versus standards for single-family homes in multi-family zones.
3. Should roofed porches and covered decks be included in net floor area for FAR calculations? (They are not included now.)
4. Carports and their inclusion in FAR calculations (current practice).
5. Private View Issues.

Staff concluded for each item that changes to the implementation of the NPO and SFRDG related to these topics are not needed.

In general, the NPO Update regulations are functioning as intended. The FAR limits, guidelines and application requirements appear to generally be resulting in an appropriate range of development options, proposals and approvals. Applications for homes approved by the SFDB in the past two years were studied and revealed that homes are now being designed to meet the new FAR limits for applications proposed on lots 15,000 square feet or less. In addition, the statistical analysis indicates the SFDB does provide some guideline flexibility to allow larger homes on lots in excess of 15,000 square feet (see Attachment 2).

The level of controversy and debate surrounding larger homes has been significantly reduced from past years. There has been a decrease in the number of appeals of single family homes to the City Council since the NPO Update was adopted (see Part 4 of Attachment 1). The SFDB is functioning well. Also, it was helpful to have the SFDB in place to handle the numerous expedited project rebuilds posed by the Tea and Jesusita Fires.

II. Additional Topics & Recommended Changes

In addition to the topics which Council specifically asked to consider and report on, Staff gained ideas for changes through meetings and interviews. In the summer of 2009, Staff met with a number of neighborhood organizations including the Allied Neighborhood Association, local chapter of the American Institute of Architects, Citizens Planning Association, City-Wide Homeowners Association, La Mesa Neighborhood Association, League of Women Voters, and the Santa Barbara Association of Realtors. Additionally, Staff reviewed a report which summarizes interviews conducted in 2009 of SFDB members and former NPO Steering Committee Members asking their opinions regarding the NPO Update and any needed changes. The report was prepared by

Jason Smart, former city staff-member and recent graduate of the University of British Columbia School of Community and Regional Planning Master's Degree program.

As a result of these meetings and interviews, a number of proposals for change have been considered by Staff. Those which are considered appropriate for implementing, given budget constraints and goals for a simple, clear, efficient and fair process, are listed briefly below and described in more detail in Part 2 of the attached report. Items which are not recommended to change are listed in Part 3 of the report with a brief explanation as to why the change is not advisable.

Staff Recommended Changes

Noticing

Change 1: Eliminate noticing for additions of less than 150 square feet to existing second stories.
Change 2: Reduce hand-delivered noticing to the closest 10 lots, rather than the closest 20 lots.
Change 2A: Eliminate the administrative practice of ensuring the 20 closest homes are noticed and simply maintain the standard 300 foot mailed noticing radius.

Design Review Triggers

Change 3: Clarify the trigger for design review for roof alterations in the Hillside Design District to specify "new roof area" or "alterations to existing roofs that increase height or volume" for projects where the proposed work will be over 17' tall or two or more stories.
Change 4: Change the trigger for Design Review for walls, fences or gates in front yards from six feet and greater in height to greater than 3.5 feet in height.

Staff Administrative Approvals

Change 5: Give Staff the authority to approve retaining walls as well as freestanding walls that meet the existing criteria for staff administrative approvals.
Change 5A: Give Staff the authority to approve black chain link fencing outside of front yards.

Single Family Residential Design Guidelines

Change 6: Create new guidelines and provide more detail on selected topics in the Single Family Residential Design Guidelines and SFDB Guidelines.

Uncovered Parking Allowances

Change 7: Disallow uncovered parking encroachments on large lots for single-family residential projects that propose an uncovered parking space and require that the uncovered parking space be screened.

Optional Change 7A: This option would allow case by case waivers which could be granted by the SFDB for two uncovered parking spaces for homes under 80% of the maximum FAR outside any front yards. Design Review would be required for the uncovered parking spaces.

Green Building Standard for Large Residences

Change 8: Update the Ordinance to clarify that green building programs equivalent to the Santa Barbara Contractor Association's Built Green program are acceptable for homes over 4,000 square feet.
Change 8A: Exempt additions of less than 500 square feet from the green building requirement.
Change 8B: Clarify that both Historic Landmarks Commission and SFDB single family home projects resulting in over 4,000 square feet are subject to the Built Green requirement.

Budget Reduction Adjustments

Change 9: Study reducing the number and type of Design Review projects and increasing Staff administrative approvals.
Change 9A: Implement two specific proposals to reduce single family residential design review functions.

III. Review Process

Single Family Design Board Review

In order to evaluate single family residential projects, the SFDB and Staff visited nine completed or under construction projects on September 14, 2009. The projects had obtained approvals after the 2007 NPO Update. Photographs of the projects visited are in Part 5 of Attachment 1.

Various drafts of the attached report were commented on by the SFDB at their October 12 and November 9 hearings, and three SFDB members attended the October 24, 2009, public workshop. The SFDB concurs with Staff's recommended changes, with the following exceptions:

- Optional Change 7A, regarding the potential for the SFDB to allow two uncovered spaces on a case by case basis, the SFDB members had a split vote in favor and opposed to the change.
- Change 9.1 regarding allowing Staff review of any project which are not publicly visible, the SFDB felt needed further clarification. The SFDB was concerned that landscaping should not be considered in determining whether or not a project is publicly visible.

The SFDB especially hopes the Council directs Staff to work with a subcommittee of the SFDB to make changes to the Single Family Residential Design Guidelines listed in Change 6. The SFDB declined to make a motion regarding Parts 1 or 3 of the report, but felt that it was important for City Council to receive the entire report. In addition, the SFDB expressed their preference for one-story homes greater than 4,000 square feet to continue to have architectural as well as landscaping review.

Public Workshop

Notes, survey results and a public comment letter from an October 24, 2009, public workshop which was widely noticed are provided in Attachment 3. All applicants and interested parties for projects the SFDB reviewed in the last two years were sent a mailed notice regarding the workshop. Optional Change 7A, regarding uncovered parking spaces, had split votes for and against the option in a written survey conducted at the workshop, similar to the SFDB vote results for the item.

BUDGET/FINANCIAL INFORMATION:

In general, staffing resources are increasingly limited due to new City budgetary constraints. As a result, only the most important changes are recommended for implementation.

Some reductions in the quantity of projects which are reviewed by the SFDB and methods to allow more Staff approvals are included in the recommended changes (items 6 and 9). This will help to address some upcoming budgetary constraints. However, further reductions in the scope of projects reviewed by the SFDB may be required to achieve future larger budget reduction goals.

SUSTAINABILITY IMPACT:

Change 8 supports sustainability in Santa Barbara. Change 8 proposes key refinements to green building program requirements for additions for homes over 4,000 square feet.. By continuing to require homes over 4,000 square feet to participate in a green building program, site, water, energy, materials use reduction, and indoor air quality improvements are achieved.

NOTE: A copy of the existing versions of the Single Family Residential Design Guidelines and SFDB Guidelines have been provided to the Mayor and Council and are available for public viewing at the City Clerk's office as well as online at www.santabarbaraca.gov/Resident/Home/Guidelines/.

ATTACHMENTS:

1. Report to Mayor & Council Two-Year Review of Neighborhood Preservation Ordinance / Single Family Design Guidelines Update (NPO Update)
2. Project Statistics
3. October 24, 2009, Public Workshop: Notes, Survey Results & Comment Letter

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Report to Mayor & Council

Two-Year Review

of

Neighborhood Preservation Ordinance / Single Family Design Guidelines Update (NPO Update)

December 15, 2009

Report Parts

Part 1. City Council Directed Review Topics

Part 2. Recommended Changes to the Ordinance, Single Family Residential Design Guidelines and Single Family Design Board Guidelines

Part 3. Other Changes Not Recommended for Implementation

Part 4. List of Projects Appealed to City Council & Yearly Appeal Statistics

Part 5. 9/14/09 SFDB Site Visit: Photos, Project Description including Statistics and Case Status

PART 1

City Council Directed Review Topics

When the Neighborhood Preservation Ordinance (NPO) Update was adopted, the City Council directed Staff to track the following list of five topics and report back to the City Council on the performance after two years. Discussion for each topic follows.

1. 20 closest homes database effectiveness and reliability.
2. The appropriateness of FARs as guidelines (current practice) versus standards for single-family homes in multi-family zones.
3. Should roofed porches and covered decks be included in net floor area for FAR calculations? (They are not included now.)
4. Carports and their inclusion in FAR calculations (current practice).
5. Private View Issues.

1. 20 closest homes database effectiveness and reliability.

When the Update was adopted, the 20 closest homes analysis was a new concept. There were questions and concerns about the accuracy of the available information and the usefulness of the data for project analysis.

Staff Response: The data are accurate enough to give a general sense of how the proposed project compares to other homes in the neighborhood. The SFDB has found the data to be helpful to determine neighborhood compatibility. If an applicant would like to provide more accurate, up to date data than the County Assessor's Office provides, they have the option of providing data from City records. Data sources are required to be listed for all data submitted. A database of the 20 closest homes data submitted to date has been compiled into an Excel spreadsheet and is now available free on-line. A few comments from SFDB members help to illustrate the usefulness of the 20 closest homes data:

- The data help to raise red flags. For example, if a home will be the second biggest in the area, which can be useful for the SFDB to know...
- The data are beneficial when a project is close to 100% of the maximum Floor to Lot Area Ratio (FAR). It makes a difference with the first large home in an area. If a home is the third largest or smaller, the 20 closest homes data doesn't matter. It's important for home size to transition gradually…

Example for Reference: See 20 closest lots data submitted for 214 Selrose Lane included at the end of this part of the report on pages 7-9.

2. The appropriateness of FARs as guidelines (current practice) versus standards for single-family homes in multi-family zones.

When the Update was adopted, there was a debate as to whether it was appropriate or beneficial to apply FARs as standards in multi-family zones. In the end, a majority of the City Council concluded that FARs should apply as a standard in single-family zones and only as a guideline in multi-family zones. However, the City Council wanted Staff to report back to the Council on how this division of guidelines and standards has performed.

Staff Response: Staff is not aware of any cases in multi-family zones where the SFDB, staff or the public have commented that it would have been more helpful if the FARs were standards rather than guidelines. Therefore, it is recommended that the FARs remain guidelines in multi-family zones.

3. Should roofed porches and covered decks be included in net floor area for FAR calculations? (They are not included now.)

The League of Women Voters (LWV) and two SFDB members would like roofed porches, decks and loggias included in FAR calculations. The local chapter of the American Institute of Architects (AIA) and Santa Barbara Association of Realtors (SBAOR) continue to advocate that no change take place regarding this calculation. One member of the SFDB suggested that the covered features should be counted at a 50% rate. Some have also expressed concern regarding potential piece-mealing of projects, whereby approved covered project features are later fully enclosed.

Staff Response: This issue was discussed in Issue Paper D, page 3, and extensively by the Steering Committee for the NPO Update. Covered decks and loggias are partly open; therefore, the visual impact is not the same as completely enclosed square footage. Including such items in the net floor area may discourage their use, which could lead to less diversity in architecture. Also, net floor area as defined in the Zoning Ordinance and used for two-car garage triggers and Measure E do not count these items, so if they were counted for FAR, it would further complicate the City's review process to have varying standards.

Appropriate use of roofed porches, covered decks and loggias is reviewed case by case by the SFDB. The Single Family Residence Design Guidelines (SFRDG) addresses appropriate use of covered porches, decks and loggias. The Good Neighbor Guidelines extensively address potential privacy issues upper story covered decks and porches can pose in Guideline 35.

Piecemeal prevention language is already included in the NPO. SBMC§22.69.020.J Code states that if Design Review was required in the past two years (from Certificate of Occupancy), or if the cumulative scope of work from permits in the past two years would

trigger design review, then design review is required. SFDB members are aware of this issue (example, 122 Santa Rosa Place proposal, MST2008-00407). The SFDB usually has the opportunity to analyze these projects twice. First they review projects with covered, unenclosed areas in the context of required NPO findings and SFRDG with the realization that these areas contribute to mass and bulk. Second, when the SFDB reviews a proposal to enclose these areas, they consider the appropriateness of the additional FAR square footage and the loss of the unenclosed architectural features.

The Allied Neighborhood Association (ANA) advocates an option whereby covered porches, verandas, and loggias be counted as net square footage at a 50% or 75% rate. Options similar to this were discussed at length by the Steering Committee for the NPO Update. The conclusion that this approach would overly-complicate the review process is still valid today. The present treatment of cellars and basements for FAR purposes is an example of the complications that can result from such a proposal.

Staff continues to believe that counting roofed porches or covered decks as floor area would unnecessarily complicate the Design Review process and overly discourage these architectural elements which can be sufficiently regulated with guidelines implemented by the SFDB.

4. Carports and their inclusion in FAR calculations (current practice).

As the ordinance is currently written, carports and garages count as floor area in the same manner. The SBAOR would like to give incentive to carports over garages by excluding them from FARs. According to the SBAOR, unlike garages that are often illegally converted to living space or storage space, carports are a one-use structure that will actually be used for parking.

Staff Response: This topic was carefully considered in the NPO Update process. Illegal garage conversions are enforced upon when complaints are received or when applicants seek new building permits. Carports are not favored design-wise over garages by the design review hearing bodies. If carports were exempted from FARs, it is expected that carports would be proposed more often. This conflict of design philosophy could complicate the design review process. Opportunities for uncovered parking located behind homes where it is not visible, are provided for in the current ordinance.

No change is needed because the current practice of including garages and carports in FARs supports neighborhood design goals while maintaining a simpler review process, and alternative parking opportunities are already provided for in the ordinance.

5. Private View Issues.

Some would like private views to be considered by the SFDB in approval decisions (Riviera Association, ANA, LWV, SFDB member). Others would prefer that the SFDB

not even allow public comments regarding private views and that the SFDB should refrain from asking questions regarding alternatives applicants might have considered to help preserve neighbors' views (SBAOR, AIA).

Staff Response: The issue of how to consider private views was considered in detail in Issue Paper G in the NPO Update. The topic was discussed at length by the NPO Update Steering Committee, the Ordinance Committee, and Council before adoption of the NPO Update.

The Steering Committee discussed at length whether Neighborhood Preservation Ordinance findings should require consideration of private views and concluded that it is better not to address private views in required findings. Rather, the Steering Committee and Staff recommended providing optional information to the public in the Single-Family Design Guidelines (SFDG) regarding neighbors' private views. Before the Update, the Guidelines included less than half a page of text addressing voluntary protection of private views, with no illustrations. The updated SFDG include more tips for addressing private views and two new pages of illustrations regarding private views as well as five pages of tips for "managing conflict with comfort" to encourage communication among neighbors. The update package also included provisions in the SFDB Guidelines to allow public comment and discussion of private views as part of Design Review public hearings.

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 protect private views with regulations. Whether to protect private views was discussed in the late '70s and early '80s 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, City Council considered protecting private views in private structural development projects, but rejected the proposal. Instead, the City Council adopted a private view vegetation mediation process.

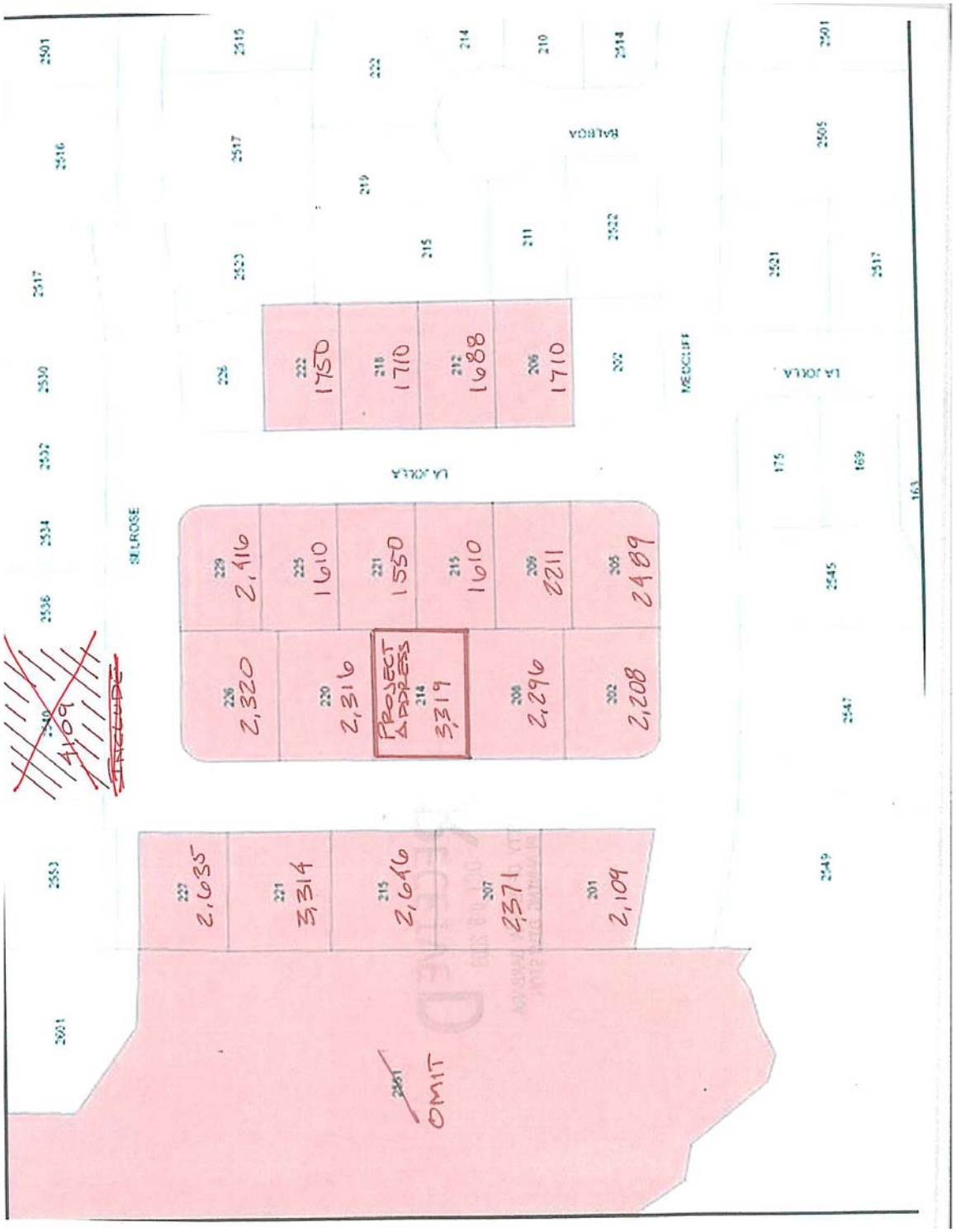
Further discussion regarding advantages and disadvantages associated with potential City regulation of private views are summarized in attachments to the October 2006 Ordinance Committee staff report. The Ordinance Committee and City Council decided that NPO findings should not require protection of private views. Ultimately, the City Council concluded that the inclusion of the Good Neighbor "tips" regarding private views in the 2007 Updated SFDG was the most prudent way to address the issue. In Staff's opinion, none of the legal considerations or other conditions that formed the basis of this decision have changed since 2007.

The current process allows for some dialogue between the SFDB and the project design architect. Design considerations are presented to explain how potential impacts to neighbors have been considered. The neighbors have an opportunity to share how their private views may be impacted by the project. In some cases, the applicant may choose a design alternative that lessens blockage impacts. The Board may require the installation of story poles, but private views are not provided specific protection. Some neighbors remain

frustrated with the SFDB review process if no design changes are made as a result of their potential view blockage complaints.

The city's existing approach to private views: providing a public forum where neighbors can briefly comment on concerns regarding views, providing tips in the guidelines, but not providing specific protection for private views, is still the recommended approach.

Example 20 Closest Home Data Submittal


SELROSE
LA JOLLA
BALBOA
MERCHIFF
LA JOLLA
4,109
INCLUDE
229 2,416
225 1,610
221 1,550
215 1,610
209 2211
205 2489
226 2,320
220 2,316
PROJECT ADDRESS
214 3,319
208 2,296
202 2,208
227 2,635
221 3,314
215 2,646
207 2371
201 2,109
OMIT
222 1750
218 1710
212 1688
206 1710

RECEIVED
OCT 0 6 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

20 Closest Lots Data Ranked by Size
214 selrose lane

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size	Floors	House	Garage /Carport	Total	Rank	
214 selose ln	Co. Assessor's Office	041-363-011	7,493	2	2,874	445	3,319	1	Largest
221 selrose ln	Co. Assessor's Office	041-362-008	7,405	2	2,616	698	3,314	2	
215 selrose ln	Co. Assessor's Office	041-362-009	7,405	2	2,137	510	2,647	3	
227 selrose ln	Co. Assessor's Office	041-362-013	6,534	2	2,127	508	2,635	4	
205 la jolla dr	Co. Assessor's Office	041-363-006	6,534	1	2,049	440	2,489	5	
229 la jolla dr	Co. Assessor's Office	041-363-008	6,098	1	1,984	432	2,416	6	
207 selrose ln	Co. Assessor's Office	041-362-010	7,405	1	1,750	621	2,371	7	
226 selrose ln	Co. Assessor's Office	041-363-013	7,840	1	1,900	420	2,320	8	
220 selrose ln	Co. Assessor's Office	041-363-012	7,405	1	1,587	729	2,316	9	
208 selrose ln	Co. Assessor's Office	041-363-010	7,405	1	1,565	731	2,296	10	
209 la jolla dr	Co. Assessor's Office	041-363-005	6,098	1	1,726	485	2,211	11	
202 selrose ln	Co. Assessor's Office	041-363-009	7,405	1	1,730	478	2,208	12	
201 selrose ln	Co. Assessor's Office	041-362-011	7,405	1	1,626	483	2,109	13	
222 la jolla dr	Co. Assessor's Office	041-361-019	6,098	1	1,354	396	1,750	14	
218 la jolla dr	Co. Assessor's Office	041-361-018	6,098	1	1,292	418	1,710	15	
206 la jolla dr	Co. Assessor's Office	041-361-016	6,098	1	1,292	418	1,710	16	
212 la jolla dr	Co. Assessor's Office	041-361-017	5,662	1	1,292	396	1,688	17	
225 la jolla dr	Co. Assessor's Office	041-363-002	6,088	1	1,170	440	1,610	18	
215 la jolla dr	Co. Assessor's Office	041-363-004	6,098	1	1,170	440	1,610	19	
221 la jolla dr	Co. Assessor's Office	041-363-003	6,098	1	1,170	380	1,550	20	
								21	Smallest

Average/Mean House Size (including project proposal): 2,214

Revised 8-21-07

To Sort, press all at same time: CTRL+SHIFT+S

20 Closest Lots Data Ranked by FAR
214 selrose lane

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size in net sq. ft.	Floors	House	Garage /Carport	Total	FAR	FAR Rank	
221 selrose ln	Co. Assessor's Office	041-362-008	7,405	2	2,616	698	3,314	0.45	1	Largest
214 selose ln	Co. Assessor's Office	041-363-011	7,493	2	2,874	445	3,319	0.44	2	
227 selrose ln	Co. Assessor's Office	041-362-013	6,534	2	2,127	508	2,635	0.40	3	
229 la jolla dr	Co. Assessor's Office	041-363-008	6,098	1	1,984	432	2,416	0.40	4	
205 la jolla dr	Co. Assessor's Office	041-363-006	6,534	1	2,049	440	2,489	0.38	5	
209 la jolla dr	Co. Assessor's Office	041-363-005	6,098	1	1,726	485	2,211	0.36	6	
215 selrose ln	Co. Assessor's Office	041-362-009	7,405	2	2,137	510	2,647	0.36	7	
207 selrose ln	Co. Assessor's Office	041-362-010	7,405	1	1,750	621	2,371	0.32	8	
208 selrose ln	Co. Assessor's Office	041-363-010	7,405	1	1,565	731	2,296	0.31	9	
220 selrose ln	Co. Assessor's Office	041-363-012	7,405	1	1,587	729	2,316	0.31	10	
226 selrose ln	Co. Assessor's Office	041-363-013	7,840	1	1,900	420	2,320	0.30	11	
202 selrose ln	Co. Assessor's Office	041-363-009	7,405	1	1,730	478	2,208	0.30	12	
212 la jolla dr	Co. Assessor's Office	041-361-017	5,662	1	1,292	396	1,688	0.30	13	
222 la jolla dr	Co. Assessor's Office	041-361-019	6,098	1	1,354	396	1,750	0.29	14	
201 selrose ln	Co. Assessor's Office	041-362-011	7,405	1	1,626	483	2,109	0.28	15	
218 la jolla dr	Co. Assessor's Office	041-361-018	6,098	1	1,292	418	1,710	0.28	16	
206 la jolla dr	Co. Assessor's Office	041-361-016	6,098	1	1,292	418	1,710	0.28	17	
215 la jolla dr	Co. Assessor's Office	041-363-004	6,098	1	1,170	440	1,610	0.26	18	
225 la jolla dr	Co. Assessor's Office	041-363-002	6,088	1	1,170	440	1,610	0.26	19	
221 la jolla dr	Co. Assessor's Office	041-363-003	6,098	1	1,170	380	1,550	0.25	20	
									21	Smallest

Average/Mean Total of House + Garage Size (including project proposal): 2,214

Average/Mean FAR (including project proposal): 0.33

Revised 8-21-07

PART 2

Proposed Changes to the Neighborhood Preservation Ordinance and Guidelines

The following nine changes to the NPO and Guidelines are proposed for implementation.

Noticing

Proposed Change 1: Eliminate noticing for additions of less than 150 square feet to existing second stories.

The purpose of this change is to reduce the administrative time and expense associated with noticing projects where the level of public interest is generally low. The City currently requires notices for any size second story addition, capturing projects like bathroom remodels, or addition of dormer windows. Neighbors have shown little interest in small additions of less than 150 square feet to existing second stories.

Proposed Change 2: Reduce hand-delivered noticing to the closest 10 lots, rather than the closest 20 lots.

Hand-delivering notices have been working well in getting applicants face-to-face with neighbors to discuss projects. Currently, staff identifies the 20 closest lots for delivering notices using a geographic information system (GIS). The procedure requires expensive and cumbersome GIS software and specialized training so only a few city staff members can create the maps. If the number of lots required for hand-delivered noticing is reduced to ten, applicants could identify the lots themselves and Staff would no longer need to create maps. In most cases, it is the immediate neighbors who respond to noticing and offer comments on projects. Projects that require noticing would continue to post the on-site sign, and property owners within 300 feet would also receive a mailed notice regarding the project from the City. Reducing the hand-delivered notice requirement to the 10 closest neighbors instead of the 20 closest neighbors can more efficiently achieve noticing goals.

Proposed Change 2A: Eliminate the administrative practice of ensuring the 20 closest homes are noticed and simply maintain the standard 300 foot mailed noticing radius.

The purpose of this change would be to save Staff time and avoid confusion by having a consistent standard noticing requirement for all mailed notice projects. Implementation of this change would not require an ordinance amendment, simply a change to the Single Family Design Board Guidelines and Planning and Zoning Counter handouts.

Design Review Triggers

Proposed Change 3: Clarify the trigger for design review for roof alterations in the Hillside Design District to specify "new roof area" or "alterations to existing roofs that increase height or volume" for projects where the proposed work will be over 17' tall or two or more stories. The purpose of this change is to clarify the intent of the requirement for design review for roofs in the Hillside Design District. The proposed change makes explicit the kinds of changes to roofs that warrant Design Review. Intensification of roof development in the Hillside Design District is intended to be reviewed. Intensification of roof development can be in the form of new roof area, and increased height or volume of existing roofs, in addition to the replacement of roof coverings. The new language clarifies when Design Review is to be triggered.

Proposed Change 4: Change the trigger for Design Review for walls, fences or gates in front yards from six feet and greater in height to greater than 3.5 feet in height. Privacy walls in front yards can conflict with these design guidelines:

- Preference for entries to be visible from the street
- Preference for living area windows to be visible from the street to contribute towards a friendlier and safer neighborhood public streetscapes
- Minimize bulky designs/inappropriate apparent home massing

Therefore, Staff recommended Design Review of walls and fences in front yards that are 6 feet or taller as part of the NPO update. However, Staff has seen owners avoid the requirement for Design Review by proposing 5 foot 11 inch walls and fences. The change from six feet to three and a half feet for the Design Review trigger is proposed because a height of three and a half or less clearly maintains an open, friendly neighborhood character, does not contribute to bulk, and does not result in a significant "barrier" between the house and the street. Fences or walls 3.5 feet in height or less usually do not require building permits and are not limited by the Zoning Ordinance in their placement with regard to front lot lines and driveways. This proposal has two advantages: 1. it more closely aligns the trigger for design review with the requirement for a Building Permit, and 2. it captures walls and fences that may conflict with existing design guidelines.

Vales Street Front Yard Privacy Wall Example

North La Cumbre Privacy Fence Example

Alston Road Entry Wall Example

Crestline Privacy fence example

Foothill Road front yard fence example

Riviera Front Yard Fence Example

Staff Administrative Approvals

Proposed Change 5: Give Staff the authority to approve retaining walls as well as freestanding walls that meet the existing criteria for staff administrative approvals. Small retaining walls that otherwise meet the criteria for staff administrative approval pose no additional issues for design review as compared to freestanding walls. Examples of these would be walls that are retaining a minor amount of earth, walls that are freestanding with only a partial section that is retaining, or replacement of existing retaining walls. Retaining walls tend to be less visible than freestanding walls.

The SFDB Guidelines currently allow staff administrative approvals of walls if they are not retaining walls in the following circumstances. This proposal would allow staff administrative approvals of retaining walls that meet the same criteria and are less than 150' in length and involve less than 100 cubic yards of grading.

Proposed Change 5A: Give Staff the authority to approve black chain link fencing outside of front yards.

Additional item added to the administrative approval list based on discussions with SFDB. Staff to continue to work with SFDB to further refine this proposal to clarify under what specific conditions black chain link fencing can be approved.

Single Family Residential Design Guidelines & Single Family Design Board Guidelines

Proposed Change 6: Create new guidelines and provide more detail on selected topics in the Single Family Residential Design Guidelines and Single Family Design Board Guidelines.

Staff recommends the creation of an SFDB Subcommittee to address the following items:

Single Family Residential Design Guidelines

Site Planning and Structure Placement

- Subdivision projects which will go before the PC
- Uncovered parking spaces
- Coastal bluff special considerations, including use of privacy fences and hedges
- Improve references to city guidelines projects alongside creeks and their specific landscaping issues (e.g. riparian and native plant preservation).
- Improve references to the city's landscaping guidelines for water conservation.

Compatibility Guidelines

- How to implement FAR guidelines, including a list of case by case factors to consider, including how unusable portions of steeply sloped blufftop or

hillside lots might indicate a smaller square footage than allowed by FAR calculations as more appropriate.

- How to use 20 closest homes data (see pages 7-9 for example of data)
- How to determine if a basement design and size is appropriate and compatible with the surrounding neighborhood.
- Address covered elements such as covered loggias and decks:
  - suggest size limit thresholds where excessive amounts of these roof covered elements are being proposed could be considered as adding too much additional mass to a building design
  - include an advisory that future enclosure of roof covered elements could be denied on the basis that the loss of the architectural feature is considered a negative change and/or the increase in the additional square footage may be not be considered compatible with the neighbohrood.
- Glass guard rails

Good Neighbor Guidelines & Tips

- Update/revise lighting guidelines (Steve Hausz has agreed to provide assistance)

Single Family Residential Design Board Guidelines

Vacant Lot Review

- Consider whether site visits should be required for all new homes, and if not, then consider eliminating vacant lot reviews.

Procedures

- Clarify that five supporting votes are required by the SFDB for projects which seek an FAR Modification to be able to proceed to the PC.

When the subcommittee and SFDB complete their review, Staff would present the proposals to the City Council for adoption of guideline amendments.

Uncovered Parking Allowances

Proposed Change 7: Disallow uncovered parking encroachments on large lots for single-family residential projects that propose an uncovered parking space and require that the uncovered parking space be screened. The ordinance currently allows one covered and one uncovered parking space for any lot developed with less than 85% of the maximum FAR. The ordinance also provides for a setback encroachment of the uncovered parking space. One intention was to allow lots that are non-conforming with only one covered parking space to be brought into compliance without the burden of constructing new covered parking structures. Another intention of the provision of the setback encroachment was to facilitate an additional parking space on smaller, constrained lots. Occasionally, these provisions have been implemented on larger lots or for new development on vacant lots. Staff proposes that:

- the setback encroachment only be allowed on lots less than 15,000 square feet
- that uncovered parking spaces be screened from the street
- Uncovered parking spaces may encroach three feet into setbacks, but a minimum of three feet from property lines must be maintained

Optional Second Proposed Change 7A: Study an option to allow case by case waivers which could be granted by the SFDB for two uncovered parking spaces for homes under 80% of the maximum FAR could be added. Design Review would be required for the uncovered parking spaces. Two uncovered parking spaces would typically require only 333 square feet (18' by 18.5'), whereas a two-car garage requires 400 square feet (interior 20' by 20'). A subcommittee of the SFDB working with staff would further refine this proposal. Minimum standards would be determined as well as supporting factors for waivers which would be listed in the Single Family Design Guidelines. Standards and guidelines may include specifications such as the following:

- No more than 80% of the maximum FAR
- The uncovered space is not located in any front yard
- The uncovered spaces is screened from public view
- The lot's width is no more than 55'
- The uncovered spaces uses permeable material
- 200 cubic feet of lockable storage detached from occupied space suitable for the storage of hazardous cleaning and maintenance products is provided if no garage is provided
- A bicycle parking area is provided

This change to the ordinance and guidelines could support these goals:

- Minimize the unfriendly/bulky appearance of garages on street facades and allow for more "open" site designs.
- Maximize permeable surfaces on lots.
- Maximize site development flexibility for constrained lots, avoiding the need for demolition of major portions of existing structures to accommodate additions in many cases.
- Reduce overall single-family housing construction costs, as uncovered parking spaces are much less expensive to construct than garages or carports.
- Achieve an overall increase in the amount of off-street parking actually available/in use on a day to day basis in single-family neighborhoods, since a number of garages are illegally converted to storage and uncovered spaces are less likely to be converted to storage.

Potential disadvantages to this second proposal option 7A could include:

- Even with the 200 cubic yards of required storage space, some properties without the incidental storage provided in garages might have aesthetically inferior sheds installed to provide additional storage.
- Temporary plastic canvas shade structures may be erected for people who are concerned about their cars getting hot in the sun if the screening mechanism, buildings or trees nearby don't provide adequate shade. This would constitute aesthetic issues and could lead to more enforcement cases.
- A practice of parking in uncovered spaces may lead some people to also park in undesignated spaces on the property.
- Electronic gates used to screen cars might not be closed all the time, making cars visible, and this issue would be difficult to address through enforcement.
- Screening fences or hedges may not be maintained over time, whereas a garage structure would take longer to degrade than fences and hedges. While enforcement for illegal conversion of garages to storage may lessen, additional enforcement cases regarding screening maintenance may occur.
- Some residences prefer the appearance of garages over screening such as hedges, fences or gates, even if the garage takes up a large portion of a home's street façade.
- Water usage may increase slightly due to the need to wash cars more often if they are not parked inside garages. However, the permeable paving area will allow water to soak into the ground instead of flowing straight to creeks, allowing for some level of pollutant control.

Green Building Standard for Large Residences

Proposed Change 8: Update the Ordinance to clarify that programs equivalent to the Santa Barbara Contractor Association's Built Green program are acceptable for homes over 4,000 square feet. Projects subject to the two-star Santa Barbara Built Green requirements may use alternative programs, to allow applicants flexibility in meeting the requirement; the ordinance language needs to be updated to clearly state this. Acceptable alternative programs include a California Green Builder certification for new homes, Green Point Rated certification, LEED for homes certification, or a National Green Building Certification program rating.

Proposed Change 8A: Exempt additions of less than 500 square feet from the Built Green requirement. Additions of less than 500 square feet are proposed to be exempted from the Built Green requirement. Garage, minor accessory structure or bathroom additions have triggered the Built Green requirement since 2007. The expense of the Built Green program can be disproportionate to the incremental change such small additions pose. Also, the complexity of the green building checklist and point options appear better suited for additions larger than 500 square feet.

Proposed Change 8B: Clarify that both Historic Landmarks Commission and SFDB single family home projects resulting in over 4,000 square feet are subject to the Built Green requirement.

Budget Reduction Adjustments

Proposed Change 9: Study reducing the number and type of Design Review projects and increasing staff administrative approvals. Given difficult economic conditions, the City has been reducing General Fund expenditures and more significant adjustments must be considered for next fiscal year beginning July 1, 2010. Community Development Department Staff will be considering changes in all programs, including Design Review. Additional discussions will be held with Boards and Commissions, the public, and Council before changes are made. Possible changes affecting the NPO and SFDB include reducing the number and type of projects reviewed by the Board, and increasing staff administrative approvals.

Proposed Change 9A: Implement two specific proposals to reduce single family residential design review functions.

Two specific potential draft proposals to reduce review purview or extent of review are as follows

1. **Hillside Exterior Alterations.** The Design Review trigger for review of any proposed alteration on a property with a slope greater than 20% in the Hillside Design District which requires a building permit would be revised. Rather than any exterior alterations requiring a building permit on such sites triggering review, other project aspects, such as project height, size, retaining walls,

significant second story decks, grading, etc. would trigger projects in the Hillside Design District for design review, just as those project aspects are triggered in Infill areas. The goal of this change is to reduce the quantity of minor projects less likely to affect neighborhood character being subject to Design Review. If this item is to be implemented, a few additional triggers for particular types of alteration projects of particular concern may be need to be implemented.

2. **Projects Not Publicly Visible.** Some projects which are triggered for review are situated on a lot in a manner in which they are not visible from immediately surrounding public streets or parks. Such projects are proposed to be eligible for Staff approval to save time in placing such projects on SFDB agendas. Also, administrative waivers of some of the standard administrative review criteria in the SFDB Guidelines should be allowed where projects are not publicly visible.

PART 3

Additional Proposals Communicated to Staff that are Not Recommended for Implementation

In addition to the topics which Council specifically asked Staff to consider, staff met with a number of neighborhood organizations and that resulted in additional topics. Also staff reviewed a report by Jason Smart, a former city staff-member and recent graduate of the University of British Columbia School of Community and Regional Planning Master's Degree program. Mr. Smart's report summarized interviews he'd conducted of SFDB members and former NPO Steering Committee Members.

As a result, a number of proposals for change have been considered by staff. Those which are considered appropriate for implementing are listed in Part 2 of this report. Items which are not recommended to change are listed here with a brief explanation as to why the change is not advisable.

In general, staffing resources are increasingly limited due to new City budgetary constraints. As a result, only the most important changes are recommended for implementation. Non-essential changes are not recommended for implementation.

Noticing

A. Require notices for roof decks.

Proposal: Roof decks do not count as floor area and so are not noticed if they are proposed independently of a second story addition. Unenclosed second or higher story work may have greater impacts to neighbors than enclosed square footage. Also, if these unenclosed areas are roofed, they could block views as an addition could.

Staff Response: Roof decks are usually proposed with second story additions, which do have noticing requirements. If someone were to "piece-meal" a roof deck, subsequent to the second floor addition, design review would still be required for the roof deck. Interested parties for the property would receive the Full Board or Consent Calendar agenda for the item. The SFDB is very careful in reviewing second floor decks for potential privacy issues. Requiring noticing for all upper story roof deck projects is not necessary.

Design Comments

B. Proposal: Minor details like door color should not be reviewed by the SFDB. The Board should be restricted to big issues of size, bulk and scale. (SBAOR)

Staff Response: Past development projects have shown that poor choices of color, materials and details can create obviously incompatible developments in a neighborhood. The SFDB is charged with reviewing size, massing and scale issues as well as design details. The projects the Board reviews are those with more potential to have neighborhood visual impacts, such as two-story or hillside homes.

Design Review traditionally consists of two major steps. First, a design review hearing body looks for an overall size, bulk and massing of a project to ensure neighborhood compatibility and site appropriateness. Second, appropriate design details proposals is assured. Both roles are essential to achieving an aesthetically pleasing environment in Santa Barbara. Within reason, commenting on design details to ensure quality and a cohesive look is within the SFDB purview, as supported by the SFRDG. Larger projects are often held to a higher standard in design details as their visual presence is stronger than smaller projects. The quality of design details in the surrounding neighborhood also plays a role in the level of quality of detail required by the SFDB for a particular project.

The SFDB's existing practices regarding reviewing design details should continue.

Floor to Lot Area Ratios (FAR)

C. Proposal: Some groups, including the SBAOR, AIA and City-Wide Homeowners Association (CWHOA) are asking for larger maximum FARs for small lots and to eliminate the requirement for a zoning modification for projects above 85% of the maximum FAR in conjunction with building height, slope of lot, and quantity of grading. Others, including the Allied Neighborhood Association (ANA), Citizens Planning Association (CPA) and the local chapter of the League of Women Voters (LWV) would like smaller maximum FARs for small lots.

Staff Response: Generally, the FAR chart appears to working effectively. The current FAR maximum formulas were the result of a great amount of discussion and compromises that on the whole appears to be functioning appropriately. Adjustments to the FAR chart for lots under 15,000 square feet do not appear to be warranted. On September 14, 2009 the SFDB visited several sites to see projects they have approved. The projects which approached the maximum FAR appeared in reality to be approaching the maximum size that would be appropriate for the site. The current compromise of maximum square footages by lot size appears to be effective.

D. Proposal: Provide floor area bonuses for design features such as a detached garage or carport, solar power inclusion or Built Green status. (SBAOR)

Staff Response: This concept was considered by the NPO Steering Committee in their discussion of Issue Paper D as part of the NPO Update process. This would overly

complicate the process. Square footage limits are based on design aesthetic and neighborhood compatibility concerns. The items listed as potentially earning bonus square footage, would not necessarily alleviate the design concerns which additional square footage might pose. Choosing logical appropriate amounts of bonus square footage area for given features would be problematic and likely involve a lengthy public review process to implement.

E. Proposal: Allow the maximum floor area for single family homes on small lots to be larger than what is allowed for three-bedroom affordable apartments. (CWHOA)

Staff Response: There is no upper limit to the size of affordable apartment units, only a minimum size, so this comparison isn't relevant. The City's minimum size requirement for a three-bedroom affordable apartment is 990 square feet. With affordable apartment projects, the City's challenge is commonly to convince developers to make the affordable units larger. The City's maximum size limit for a home on a 6,000 square foot lot is 2,700 square feet. Single family homes on small lots are certainly typically larger than affordable three-bedroom apartments.

F. Proposal: Change how the FAR chart for large lots functions. Some groups would like maximum home sizes to be larger for larger lots. (AIA, SBAOR, CWHOA) Others would like the FAR guidelines for large lots to be changed into requirements. (LWV, ANA) Examples of proposals received include:

- Development of multiple smaller buildings should be encouraged via a 20% increase in allowable FAR if lot is > ½ acre, slope is < 10%, main house is < 85% max FAR, and there is a minimum 10 foot separation between buildings.
- 500 sq. ft. of accessory structures should be exempt from FARs on large lots.
- Secondary units should / should not count in FARs

Staff Response: Generally, the FAR chart appears to working effectively. The current large lot FAR maximum guideline formulas were the result of a great amount of discussion and compromises that on the whole appears to be functioning appropriately. Adjustments to the FAR chart do not appear to be warranted. The current approach, which was the result of compromises made in the NPO Update, appear to be effective and appropriate.

G. Proposal: Do not fully count steeply sloped lot areas, including coastal bluff areas, toward the total lot area when determining maximum FAR for projects. For example, slopes of 10-20% should reduce lot area by one third for the calculation of FAR. 21-30% slope should decrease lot size by one half. Over 30% slope should reduce lot area by two thirds. This would help protect hillsides and public views of hillsides, also helps with erosion issues. (ANA, LWV, CPA)

Staff Response: The current FAR regulations reduce the amount of floor area allowed on sloped lots without a PC modification to 85% of the maximum floor to lot area in the following circumstances:

- The average slope of the lot or the building site is 30% or greater.

- The lot is in the Hillside Design District and more than 500 cubic yards of grading is proposed outside the footprint of the main building.

Creating new formulas and calculation methods to further reduce sloped lots FARs would complicate the review process. Additionally, the SFDB has considers lot constraints in reviewing projects for appropriate FARs. The SFRDG feature a chapter on the appropriate design of hillside development. Also, the SFDB must make hillside findings for sloped lot projects that the project protects natural topography and has an appropriate building scale. Given overriding goals for a simple review process and budget/staffing constraints, the current reductions in floor area in the ordinance for sloped lots and discretionary SFDB tools to address this topic are considered adequate.

H. Proposal: Use gross rather than net square footage because we view gross size and net can be manipulated and increased later. (CPA and SFDB Member) The SBAOR advocates continued usage of net square footage for FAR measurements.

Staff Response: This idea was carefully considered as part of the NPO Update process in Issue Paper D. Although gross square footage better reflects what is seen because it includes the thickness of exterior walls, gross square footage is not used in the Design Review process for these reasons:

- Thicker walls are aesthetically more appealing, not counting wall thickness encourages thicker walls.
- Other Zoning calculations are dependent on net floor area. For example, the two-car garage "trigger" is based on a 50% net floor area addition and Measure E also uses net floor area. It is easier to use consistent calculations during the zoning plan check and design review process.
- Switching to gross square footage measurements at this point in the process would require re-calibration of the FAR chart. Sine the interest in changing to gross floor area calculations does not appear great, the accompanying staff time, public outreach and review of this proposal would not be justified.

I. Proposal: Some have requested that basement square footage discount provisions be eliminated and others have requested that basement discount provisions be made broader and greater.

Staff Response: It appears that the current basement square footage discount provisions strike an appropriate balance between simplicity and fairness. Additional basement discount provisions would likely need to be more complicated, with detailed calculation provisions, in order for them to be implemented fairly. Alternatively, in many cases, eliminating basement square footage discounts would result in FAR figures less closely reflecting the "visible" square footage of a proposed structure. Rather than update the ordinance regarding basement square footage calculations, Staff proposes to work with a Subcommittee of the SFDB to provide guidelines regarding appropriate basement design.

Parking

J. Proposal: Make triggers for the two-car garage requirement more lenient for narrow lots (ex. 50' wide). Some older neighborhood tracts of narrow lots have a large number of homes fully built out across the lot width with an existing legal non-conforming one-car garage. For these lots, the only way to have a two-car garage would be to demolish the one car garage and a portion of the home square footage adjacent to the garage - which often leads to complete demo./rebuild projects. Exceptions should be made for site layouts where a two-car garage would lead to a complete demo-rebuild. Or the 50% addition trigger for a required two-car garage should be changed to a 75% addition trigger, consistent with the new fire sprinklers requirement trigger. The current 50% addition two-car garage compliance trigger unfairly affects smaller homes. For example, a 1,000 square foot home trying to add on 500 square feet may not be allowed to do that without such a substantial amount of demolition that a complete demolition/rebuild becomes more feasible to accommodate a two-car garage. (AIA)

Staff Response: The 2007 NPO created a new provision, whereby one uncovered parking space can be provided behind a home, rather than requiring a two-car garage to allow flexibility on small lots (SBMC28.90.100.G.1.b). A project at 2921 Paseo Del Refugio was approved in June 2009 which features not only an uncovered parking space behind the house, but also tandem parking, so that the original home lay out could be preserved. For that project, parking is to be provided in the existing 236 square foot one-car garage and one uncovered space in a tandem parking configuration.

Further changes to the ordinance would be too complicated and time consuming at this time. The current uncovered parking standard provides sufficient flexibility to address this concern.

K. Proposal: Allow 19' wide two-car garages on small constrained lots.

Staff Response: 20' by 20' is the recommended two-car size to ensure functional use of garages, given space needed to open and close car doors, safely pull in and out, etc. The Public Works, Transportation Planning Division allows garage width waivers on a case by case basis where legal non-conforming issues on constrained sites prevent a full 20 foot wide garage.

SFDB Membership

L. Proposal: Some organizations would like the SFDB to have a higher percentage of community at large members in place of architects (LWV, CPA). Other organizations would like the SFDB to have a higher percentage of architects on the Board (AIA, SBAOR).

Staff Response: The current make up of the SFDB has generally the same number of professional and community at large positions as does the ABR. Following are the number of members in each category for both the ABR and SFDB with notes where the ABR membership will be reduced:

- Two licensed architects.
- One licensed landscape architect. (ABR currently has two landscape architects, will become one position, as landscape architects are especially difficult to recruit)
- Three persons who possess professional qualifications in fields related to architecture, including, but not limited to, building design, structural design, structural engineering, industrial design, or landscape contracting.
- One representative of the public at large. (ABR currently has two public at large positions, will be reduced to one public at large position.)

At the time the NPO Update was completed, Council felt it was important for the same balance of review board membership types to be copied for the SFDB so that applicants would have a review experience similar to the reviews previously performed by the ABR. Identical SFDB and ABR membership categories helps to provide consistency in the City's design review process. No change in SFDB membership is needed at this time.

M. Proposal: There should be no membership overlap between ABR and SFDB. (Citizen's Planning Association)

Staff Response: Overlap between the ABR and SFDB does not appear to be an issue to staff. Paul Zink and Gary Mosel have participated in both the ABR and SFDB since the NPO Update. This overlap was viewed as preferable for the beginning stages of the SFDB to ensure that business is conducted in a similar fashion between the ABR and SFDB. Now that the SFDB has been established for two years, overlaps in membership are no longer critical between the two boards, but it also would not appear to be an issue. The two boards have mutually exclusive jurisdictions so a member participating on both boards does not have inordinate influence on any project. The only concern staff might have regarding a future volunteer participating on both boards is the substantial time commitment required and the ability of an individual to devote time to both boards. The City Council can make the decision to allow an individual to participate on both boards when appointing members.

N. Proposal: All SFDB members should be able to read plans. If they cannot read plans, then members should be trained in how to read plans. (CPA)

Staff Response: City Council makes appointments to the Design Review Boards, and plan review skills could be a Council question topic. Members have traditionally been able to obtain plan reading skills without much staff assistance. Staff and Board members can provide some training assistance as needed to improve plan reading abilities. Public at large members do not have the same level of training as an architect, but can provide a unique perspective in reviewing applications.

SFDB Hearings

O. Proposal: Public commenters should be allowed more than two minutes to speak. Also, adjacent neighbors most directly affected by a proposed project should be allowed more time to speak.

Staff Response: The SFDB must balance public participation with an efficient review process. The SFDB Chair, as with all hearing body chairs, has the discretion to slightly extend individual public comment time-frames, including potentially adjusting time allowed for immediate neighbors, depending on the number of speakers present and the board's progress on an agenda where possible in keeping an on-time agenda. It is unusual at SFDB hearings to have large numbers of the public wishing to speak. Individuals are usually given adequate time to make their comments. Members of the public are always welcome to submit lengthier written comment in advance which can be reviewed by board members prior to the public hearing.

P. Proposal: Council and PC liaisons and City Attorney should attend SFDB meetings. (CPA)

Staff Response: Council and PC liaisons receive agendas for the hearing bodies which they serve as liaisons to and choose to attend hearings for items at their discretion. The SFDB or staff occasionally specially request attendance by liaisons for controversial items. SFDB liaisons from Council and PC have many time consuming duties, and it would not be reasonable to expect them to attend every SFDB hearing. Also, liaisons can view an agenda item through video recordings if issues arise with a specific project.

Modifications

Q. Proposal: If the SFDB is not in favor of a modification request, the PC should decide on the mod; SFDB should be given authority to refer Modifications to PC instead of the Staff Hearing Officer (SHO). (CPA)

Staff Response: The SHO was created to more efficiently review smaller projects, allowing the PC to focus their time on projects which have potentially broader community land use issues, although the PC does have the ability to suspend SHO actions and require a PC hearing. SHO decisions can be appealed to the PC. Single family home modifications do not typically have the breadth of impact which the PC is intended to address. Such a referral process would overly complicate the City's review process and decrease certainty.

PART 4

List of Projects Appealed to City Council & Appeal Statistics

SFDB has had five appeals since the NPO Update was adopted in May 2007 and September 2009.

1057 Arbolado Rd.

Proposal for additions and remodeling for an existing one-story, 2,024 square foot single-family residence, including a 531 square foot attached two-car garage. Proposed additions consist of a new 636 square foot second story, 620 square feet at the first floor, and demolition of 189 square feet on the first floor. The project includes 331 square feet of second-story decks, replacement of all roofing, complete exterior remodel, demolition of 1,070 square feet of patio, 681 square feet of new first-floor patio, repaving the driveway, and 50 cubic yards of fill grading. Zoning modifications were approved for additions and alterations in the front setback, and for part of the required open yard to be provided in the front yard.

FAR Statistics: The proposed total of 3,091 square feet is 74% of the maximum allowable Floor-To-Lot-Area-Ratio.

Appeal Issues: Upper-level decks impact privacy. Size, bulk, and scale and architectural style are not compatible with the neighborhood. The project does not preserve public views.

Council Action: Modified the SFDB decision: Council denied the appeal and directed SFDB to review the project and require a higher deck screening in the direction of the neighbor who appealed the case.

Current Case Status: SFDB reviewed and approved the project per Council direction and the project is now under construction.

3455 Marina Drive.

Construct a 5,390 square foot one-story single-family residence including a 574 square foot three-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, fencing, synthetic putting green, solar panels, and landscaping. The project is located on a 1.2 acre lot in the coastal zone.

FAR Statistics: The proposed total of 5,390 square feet is 102% of the maximum guideline FAR.

Appeal Issues of Planning Commission, City Council, and Coastal Commission Decisions: FAR is not compatible with the neighborhood, public views preservation. Appeals denied. **Appeal Issues of SFDB Decision:** Public view preservation violated by final landscape plan.

Council Action: Upheld SFDB decision: Council denied appeal.

Current Case Status:
Building permit application received in July 2009. Plan check corrections printed for applicant in September 2009.

2105 Anacapa St.

The project involves the demolition of the existing 1,752 square foot single-family residence and detached 340 square foot garage and construction of a new 4,183 square foot three-story single-family residence and attached 410 square foot two-car garage. Zoning modifications were approved to allow alterations to two facades of the house that are proposed to be replaced within two front yard setbacks. The 9,372 square foot project site is located in the Upper East neighborhood and the Mission Area Special Design.

FAR Statistics: The floor to lot area ratio (FAR) calculation includes a 100% deduction for the 783 square foot full basement and a 50% deduction for the 870 square foot partial basement/garage. The FAR total of 3,375 square feet is 95% of the maximum floor to lot area ratio.

Appeal Issues: Size, bulk, and scale and the setback of the structure are not compatible with the neighborhood.

Council Action: Upheld SFDB decision and denied appeal.

Current Case Status: Project will return to the Full Board for Final Approval.

3750 Meru Ln.

Proposal to construct a new 3,307 square foot two-story single family residence, including attached 479 square foot two-car garage. The project includes demolition of the existing 2,279 square foot single-family residence with 400 square foot garage on the 15,534 square foot lot.

FAR Statistics: The proposed total of 3,786 square feet is 86% of the maximum guideline floor to area ratio.

Appeal Issues: Size, bulk, and scale are not compatible with Meru Lane. Privacy impacts to adjacent neighbor.

Appeal withdrawn: Neighbors reached a compromise on square footage without an appeal hearing.

Current Case Status: Project was continued to Full Board for in-progress review.

803 Rametto Rd.

Proposal for 350 square feet of additions to the first floor and a new 691 square foot second-story. The project includes a new deck, entry porch, and remodeling. The existing 1,837 square foot one-story single-family residence and attached 499 square foot two-car garage is located on a 40,678 square foot lot in the Hillside Design District.

FAR Statistics: The proposed total of 3,832 square feet is 77% of the maximum guideline floor to lot area ratio.

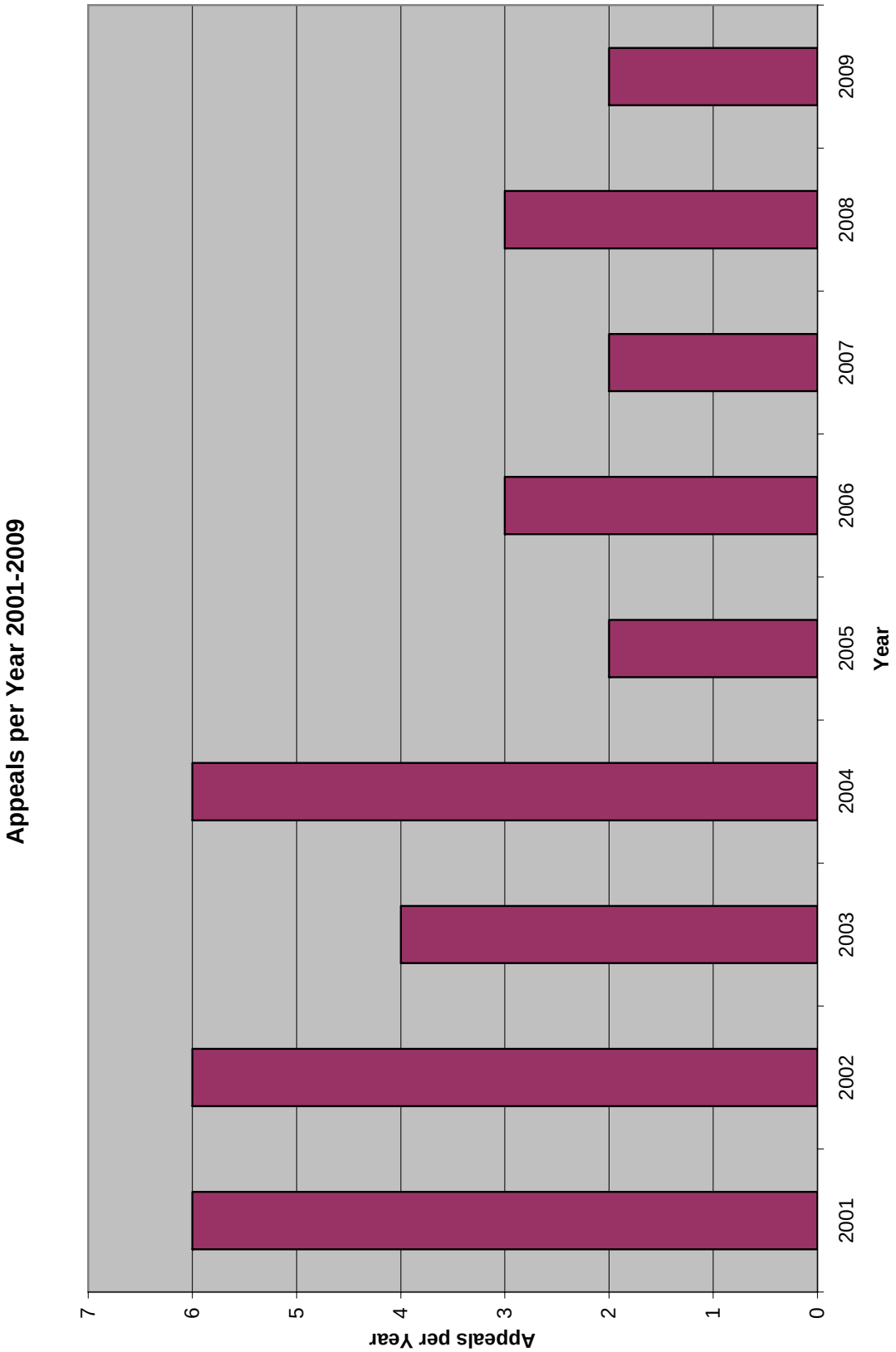
Appeal Issues: New second-story and deck impact privacy and property value of adjacent neighbor.

Current Case Status: Appeal received of SFDB final approval on September 24, 2009.

Appeal pending: Appeal withdrawn.

Appeal Cases 2001 - 2009

		DATE	STREET #		STREET NAME	BODY	
2001	6	3/23/2001	151		La Jolla Drive	ABR	
		4/24/2001	1402		Grand Avenue	ABR	
		6/26/2001	801	E	Montecito Street	ABR	
		7/10/2001	212, 214 & 218		Equestrian Avenue	HLC	
		10/2/2001	121		West Mountain Drive	PC	
		10/23/2001	536		De La Vista Avenue	ABR	
2002	6	1/29/2002	1011		San Carlos Road	PC	
		3/19/2002	1825		Stanwood Drive	PC	
		5/21/2002	2221		Anacapa Street	ABR	
		7/23/2002	334		East Padre Street	PC	
		8/20/2002	3731		Amalfi Way	ABR	
		10/8/2002	398	W	Mountain Drive	ABR	
2003	4	4/29/2003	17		Celine Drive	ABR	
		9/16/2003	2540		Clifton Drive	PC	
		11/18/2003	3208		Campanil Drive	ABR	
		12/16/2003	1960		Mission Ridge Road	ABR	
2004	6	1/13/2004	1820		Anacapa Street	ABR	
		3/2/2004	3408		Madrona Drive	ABR	
		6/24/2004	1535	W	Mountain Drive	ABR	
		7/13/2004	3349		Cliff Drive	ABR	
		7/27/2004	221		San Clemente Drive	ABR	
		8/3/2004	2135		State Street	ABR	
2005	2	5/3/2005	2928		Arriba Way	ABR	
		5/24/2005	1464		La Cima	ABR	
2006	3	3/7/2006	3501		Sea Ledge Lane	ABR/PC	
		4/6/2006	1025		Las Alturas	ABR	
		7/11/2006	559		Ricardo Ave.	ABR	
2007	2	2007	1443		San Miguel	ABR	
		2007	1575		La Vista Del Oceano	ABR	
2008	3	8/5/2008	3475		Marina Drive	ABR	
		2008	3455		Marina Drive	SFDB	
		2008	1057		Arbolado	SFDB	
2009	2	2009	2105		Anacapa Street	SFDB	
		2009	803		Rametto	SFDB	
		~~*2009*~~	~~*3750*~~		~~*Meru*~~	~~*SFDB*~~	*(withdrawn)*


Appeals per Year 2001-2009
Appeals per Year
0
1
2
3
4
5
6
7
2001
2002
2003
2004
2005
2006
2007
2008
2009
Year

PART 5

9-14-09 Single Family Design Board Site Visit Photographs

627 Dolores MST2007-00417
Proposal for a 909 square foot two-story addition to an existing one-story single-family residence on a 7,300 square foot lot in the Hillside Design District. Included in the proposal is removal of an as-built second-story deck, a new 109 square foot second-story deck, and an as-built gazebo. The proposed total of 2,563 square feet has a FAR of 0.35 and is 85% of the maximum.

1418, 1420, and 1422 Santa Rosa Avenue

1418 Santa Rosa Ave. MST2007-00310
Proposal for a 2,995 square foot one-story residence including an attached 469 square foot two-car garage on a 9,288 square foot lot, which is the front lot of a newly created three lot subdivision. All three lots will be served by a 16 foot wide common driveway along the eastern property line. The project includes approximately 143 cubic yards of grading outside the building footprint. Planning Commission approved the Tentative Subdivision Map, Modifications, Public Street Waiver, and Coastal Development permit for the project under MST2006-00288. The proposal has a FAR of 85% of max.

1420 Santa Rosa Ave. MST2007-00312
Proposal for a 3,060 square foot one-story residence including an attached 541 square foot two-car garage on a 9,262 square foot lot, which is the middle lot of a three lot subdivision. All three lots will be served by a 16 foot wide common driveway along the eastern property line. The project includes approximately 199 cubic yards of grading outside the building footprint. Planning Commission approved the Tentative Subdivision Map, Modifications, Public Street Waiver, and Coastal Development permit for the project under MST2006-00288. The proposal has a FAR of 87% of max.

1422 Santa Rosa Ave. MST2007-00313
Proposal for a 2,413 square foot one-story residence with an attached 628 square foot two-car garage on a 9,239 square foot lot, which is the rear lot of a three lot subdivision. All three lots will be served by a 16 foot wide common driveway along the eastern property line. The project includes approximately 204 cubic yards of grading outside the building footprint. Planning Commission approved the Tentative Subdivision Map, Modifications, Public Street Waiver, and Coastal Development permit for the project under MST2006-00288. The proposal has a FAR of 87% of max.

1600 Shoreline Drive MST2007-00123

Proposal to add 458 square feet first- and 470 square feet second-story additions to an existing 1,528 square foot one-story single-family residence and to replace the existing attached 409 square foot two-car garage with a new 410 square foot two-car garage. Also proposed are a 254 square foot roof deck and a 225 square foot veranda. The project is located on a 7,866 square foot parcel located in the non-appealable jurisdiction of the Coastal Zone. The proposed total of 2,875 square feet is 91% of the maximum FAR.

1394 Shoreline Drive MST2007-00344

Proposal to construct a new two-story 2,980 square foot single-family residence and attached 500 square foot garage. The existing 1,109 square foot house and attached 400 square foot garage on the 9,781 square foot lot will be demolished. The project is located in the non-appealable jurisdiction of the coastal zone. The proposed total of 3,480 square feet is 95% of the maximum FAR.

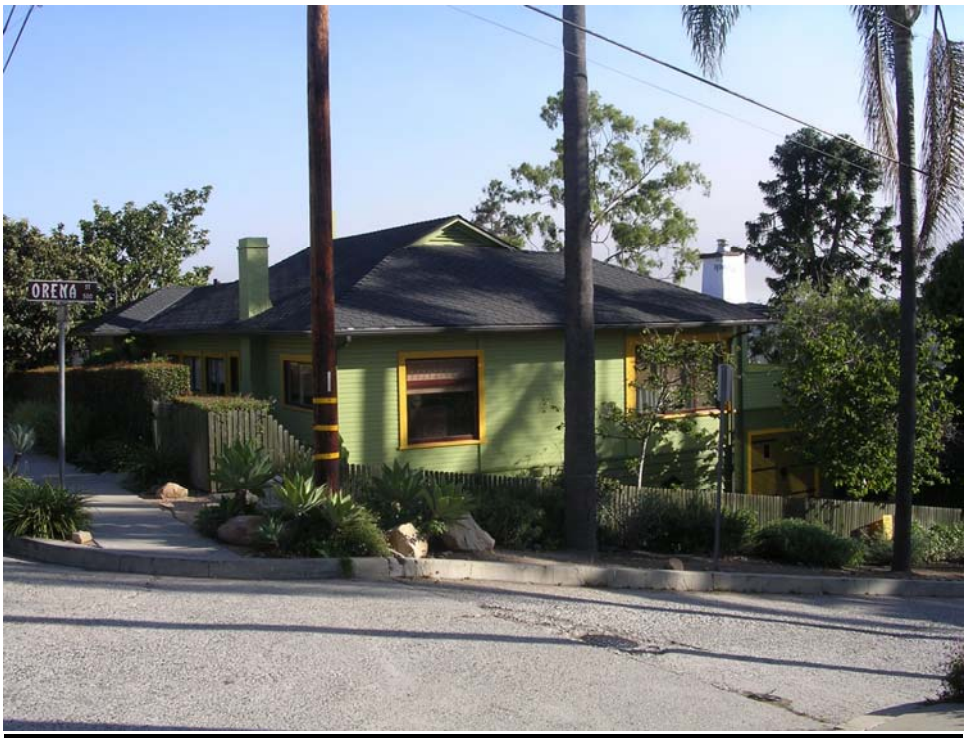
3035 Hermosa Road MST2007-00432

Proposal to remodel and add an 828 square foot second-story to an existing 2,007 square foot single-family residence including a 460 square foot two-car garage on a 8,712 square foot lot. The proposal includes demolition of 115 square feet on the first floor, an addition of 94 square feet to an existing first floor deck, and a new 80 square foot deck on the second floor. The project will result in a 2,720 square foot two-story residence which is 80.5% of the maximum FAR.

2929 Serena Road Revised proposal for a 566 square foot two-story addition and interior remodeling. The existing 1,954 square foot two-story single-family residence including 374 square foot attached two-car garage is located on a 6,000 square foot lot. Staff Hearing Officer approval for a modification of the solar access ordinance is requested. The total of 2,520 square feet is 93% of the maximum floor to lot area ratio.

1943 Grand Avenue MST2007-00015 R-2 zone

Proposal for remodeling and additions to an existing 1,968 square foot two-story single-family residence on a 7,018 square foot lot in the Mission Area Special Design District. The proposal would add 633 square feet of living area, two attached 242 square foot one-car garages, and 284 square feet of roof decks. The proposed total of 3,085 square feet is 104% of the maximum guideline FAR.



2290 Las Tunas MST2008-00262

Proposal for a 134 square foot first floor addition, a 580 square foot second story addition, a 704 square foot three-car garage, a 218 square foot deck, and a 348 square foot covered porch, a new pool and spa, 1,550 cubic yards of grading to be balanced on the site, conversion of the existing garage to habitable space, and the demolition of 8 square feet of the garage. Existing development on the site includes a 3,184 square foot single-family residence and attached 693 square foot garage, and a 756 square foot accessory structure. The project is located on a 2 acre lot in the Hillside Design District. The proposed total of 6,043 square feet is 108% of the maximum guideline FAR.

1121 Quinientos MST2007-00277

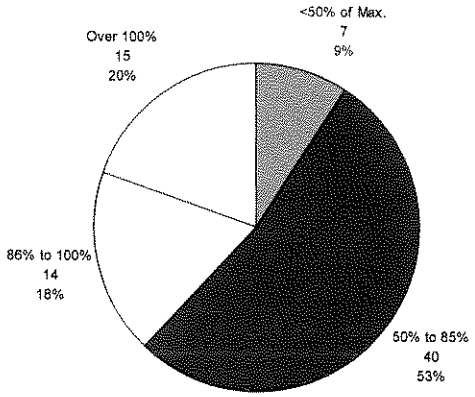
Proposal to construct a 3,458 square foot two-story residence and an attached 500 square foot two-car garage on a 11,275 square foot lot. The proposal includes demolition of the existing 951 square foot single-family residence, detached 551 square foot two-car garage, and existing 117 square foot accessory structure. The proposed total square footage of 3,458 is 88% of the maximum guideline FAR.

NPO Two Year Review- Comparison of ABR vs SFDB Projects

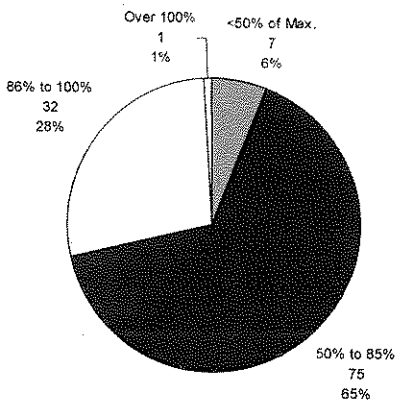
	Pre NPO Update 7/2003-7/2005 (Two years) ABR		**Post NPO Update 7/200-7/2009 (Two years) SFDB**	
Total number of projects	167		220	
Range of Approvals FAR Ord. Projects Lots 15,000 sf or lower	<50 % of Max = 7 50% to 85% =40 86% to 100% =14 Over 100% =15 Total= 76 projects		<50 % of Max = 7 50% to 85% =75 86% to 100% =32 Over 100% = 1 Total= 115 projects	
Range of Approvals FAR Guideline Projects Lots greater than 15,000 sf	<50 % of Max =10 50% to 85% =47 86% to 100% =21 Over 100% =13 Total= 91 projects		<50 % of Max =16 50% to 85% =64 86% to 100% =14 Over 100% =11 Total= 105 projects	

Small Lot % Max. of FAR Patterns

Pre NPO Update 7/2003-7/2005 (Two years)
76 Pending and Approved Applications
Architectural Board of Review

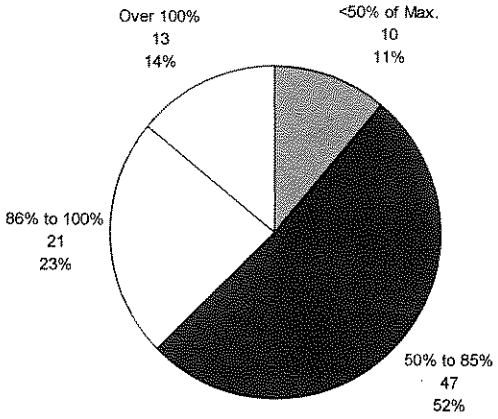


7/2007-7/2009 (Two years)
115 Pending & Approved Applications
Single Family Design Board

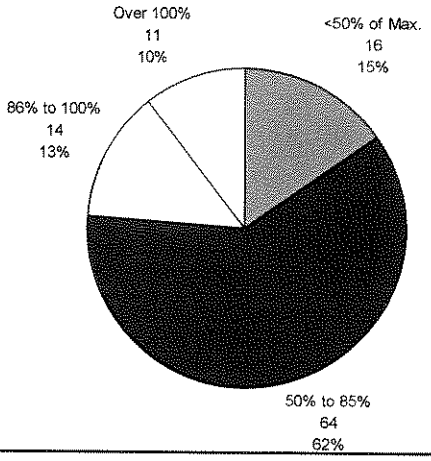


Large Lot % Max of FAR Patterns

Large Lots
7/2003-7/2005 (Two years)
91 Pending and Approved Projects
Architectural Board of Review



Large Lots
7/2007-7/2009 (Two years)
105 Pending & Approved Projects
Single Family Design Board



Staff Notes for

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

Attendance

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

Councilmembers present: Mayor Marty Blum, Councilmember Helene Schneider

Planning Commission member present: Bruce Bartlett

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

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

Public attendance per sign in sheet: 20

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

Staff Presentations

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

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

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

Public Comments

Connie Hannah, League of Women Voters (LWV)

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

Naomi Kovacs, Citizens Planning Association (CPA)

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

Tim Harding, City-wide Homeowners Association member

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

Toby Bradley, Santa Barbara Association of Realtors (SBAOR)

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

David Berry

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

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

Richard St. Claire

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

Bettie Weiss, City Planner

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

Berni Bernstein, Single Family Design Board member

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

<u>Workshop Adjournment</u>

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

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

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

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

Highest positive respone rate of all the changes.

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

Change 3
Clarify roof alterations Design Review trigger.

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

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

Change 6
Guidelines additions via a subcommittee.

Note low response rate, 12 out of 17.

Most controversial

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

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

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

Change 9
Reduce projects subject to review per budget constraints.

Note low response rate, 12 out of 17.

LEAGUE OF WOMEN VOTERS®
OF SANTA BARBARA
328 East Carrillo Street, Suite A TEL/FAX (805) 965-2422 email: info@lwvsantabarbara.org
Santa Barbara, California 93101 www.lwvsantabarbara.org

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

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

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

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

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

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

Part 1 City Council Review Topics

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

Proposed Changes to the NPO Guidelines

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

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

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

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

Additional Proposals

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

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

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