



Citizens Planning Association

COMMENT LETTERS & STATEMENTS

July 1 – August 7, 2009

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Upper State Street Guidelines

6/8/09 CPA letter to SB City Planning Commission

June 8, 2009

TO: Chair Larson and Planning Commissioners
FROM: Citizens Planning Association's South County Land Use Committee
RE: June 2009 Draft of the Upper State Street Guidelines

The Citizens Planning Association's South County Land Use Committee welcomes the long-awaited completion of the Draft Upper State Street Guidelines. We wish the public had been given more time to review this recently finalized document. But your first hearing about the Draft Guidelines has been scheduled for this week, and we appreciate the opportunity to submit the following comments for your consideration.

Our chief concerns about the Draft Guidelines relate to their occasional divergence from both the letter and the spirit of the SD-2 ordinance, which established the Upper State Street area as a "special district." We list six of our particular concerns below:

- (A) We believe that any contemplated deviations from the development standards of the ordinance should honor its legislative intent, which was "to prevent the volumes of traffic on State Street from exceeding acceptable limits and to limit increased air pollution, due to vehicular traffic." In our opinion, this intent should have been explicitly reaffirmed and vigorously deployed in the Draft Guidelines. The intent's continued relevance is obvious in the light of the June 2004 forecast by the Santa Barbara County Association of Governments according to which, in 2030, "State Street west of Las Positas Road [will] operate at LOS F with PM peak hour traffic." (Quoted from the City of Santa Barbara's General Plan Update 2030: Conditions, Trends and Issues, August 2005, p. 104). Furthermore, to cite staff's foresightful observation from the Upper State Street Study Report (March 2007, p. 5 - 5), "retaining substantial setbacks as part of current streetscape standards" would avoid preempting the possible future addition of a dedicated "transit lane (for bus or light rail, bicycles, emergency vehicles)."
- (B) We also believe that the updated Upper State Street Guidelines should explicitly address the land use implications of underground parking whose feasibility was not envisioned by the framers of the SD-2 ordinance. In our opinion, the updated Guidelines should demand that a considerable part of a project's building area no longer needed for surface parking be used as landscaped open space. In the absence of such a requirement, the intent of the SD-2 ordinance would be thwarted by overdevelopment leading to increased traffic and air pollution.
- (C) The Guidelines should also demand stricter adherence to the SD-2 requirements in the review of proposals for new development. Consider, for instance, the requirement that a three-story building be only permitted if it doesn't exceed the total floor area of a two-story building "which could be constructed on the lot in compliance with all applicable regulations." In our opinion, the updated Guidelines should insist on calculating the hypothetical two-story structure's buildable lot size after the square footage of required open spaces and the square footage of the sidewalks and driveways needed for appropriate internal circulation have been subtracted.
- (D) Stricter adherence to SD-2 height and setback standards would also help to preserve Upper State Street's visual resources. To be sure, the original stated intent of restricting building heights and requiring generous front setbacks was the curbing of the area's traffic and air pollution. Yet, when observed, the SD-2 ordinance has the beneficial side effect of protecting the spectacular mountain

views of the uptown business district. Those views may be safely enjoyed by drivers whenever the flow of traffic comes to a standstill, and they can always delight three growing segments of the population: pedestrians, ride sharers, and bus riders.

- (E) Given the importance of the SD-2 front setback and building height requirements for the area's traffic, air quality, and visual aesthetics, we urge that vague, ambivalent, or adverse comments about those requirements be eliminated from the Guidelines. Examples include the second and last paragraphs of the Discussion on p. 2 - 2, the Discussion on pp. 3 - 6 and 3 - 7, and Guidelines 2 - 4, 2 - 5, 2 - 6, 3 - 13, 3 - 14, 3 - 31, 3 - 32
- (F) A final word about modifications, which should of course be rarely granted. The Draft Guidelines laudably insist (p. 5-4) that the approval of any project in need of the modification of a zoning law or development standard be contingent on "the provision of substantial community benefits (such as views, open space, creek buffers, pedestrian amenities, improved circulation or connectivity, and/or affordable housing)." We note, however, that the word "substantial" fails to clarify that the "community benefits" in question should be extraordinary (i.e., not such as are routinely required or typically expected in comparable cases).

We conclude by wishing you success in helping to perfect the USS Guidelines in a circumspect and forward-looking manner.

Santa Ynez Valley Community Plan

7/14/09 CPA letter to County Planning Commission & Staff

from Naomi Kovacs <naomi@citizensplanning.org>
to Derek Johnson <djohnso@co.santa-barbara.ca.us>,
"Opland, Jessica" <jopland@co.santa-barbara.ca.us>, dvillalo@co.santa-barbara.ca.us
bcc Christina McGinnis <mcginnis@peoplepc.com>, Cecilia Brown <brownknight1@cox.net>, Marell
Brooks <mebrooks@sbceo.org>, Naomi Kovacs <naomi@citizensplanning.org>
date Tue, Jul 14, 2009 at 4:58 PM
subject **Santa Ynez Valley Community Plan**

Dear Planning Commission & Staff,

Please see the attached letter dated May 26, 2009 from the Citizens Planning Association regarding the Santa Ynez Valley Community Plan. While I looked glanced through the public comment letters posted on the County's website for tomorrow's PC hearing, I did not see our letter. Could you point me to where it's posted?

ALSO, and more important, we would like to reiterate for tomorrow's Planning Commission hearing that **we support staff's recommendation to adopt the downzone alternative**, as it will preserve the rural character of the Valley and long-term agriculture.

Furthermore, we urge that no changes be made to staff's recommendations for individual properties, since there is logical reasoning for moving forward with **all** of the downzone recommendations.

We strongly support the Planning Commission in moving forward with a long-term vision that will protect the Santa Ynez Valley

Sincerely,
Naomi Kovacs, Executive Director
Citizens Planning Association

----- Forwarded message -----

From: **Naomi Kovacs** <naomi@citizensplanning.org>
Date: Tue, May 26, 2009 at 5:02 PM
Subject: SYVCP FEIR
To: Derek Johnson <djohnso@co.santa-barbara.ca.us>
Cc: Paul Hernadi <hernadip@english.ucsb.edu>, Kalon Kelley <kalon@mtnimage.com>

Hi, Derek -

Attached is a brief letter (one page) from CPA's Comprehensive Planning Committee voicing its support of the Santa Ynez Valley Community Plan and the Downzoning Alternative. We plan on submitting further comments prior to the June 3rd hearing in the south county.

Would you please confirm receipt of this letter?

Thank you!

Best, -Naomi

 **2009-05-26 letter to Planner.pdf** 34K [View](#) [Download](#)

Plan Santa Barbara

7/20/09 General Plan Update Committee (GPUC) letter to SB City Planning Commission
7/23/09 Statement presented by: Paul Hernadi (GPUC & board member),
Mary Louise Days (GPUC Chair) & Naomi Kovacs (Exec. Dir.)

20 July 2009

Chair Larson & Commissioners
Planning Commission
City of Santa Barbara
Santa Barbara, CA

Sent via email to: PCSecretary@santabarbaraca.gov

RE: Plan Santa Barbara

Dear Chair Larson and Planning Commissioners,

CPA's General Plan Update Committee submits the following comments for your consideration in the work session scheduled for July 23, 2009, concerning:

- (G) the Development Feasibility Study (first summarized at the June 24-25 workshops), and
- (H) the working draft of the General Plan Land Use Map (discussion continued from the June 18 Planning Commission meeting) and the revised MODA map (Exhibit E to the staff report of July 16, 2009).

(A) COMMENTS ON THE DEVELOPMENT FEASIBILITY STUDY

The following comments are based on the late June 2009 PowerPoint presentations by the consultant (Strategic Economics) and by planning staff (John Ledbetter), and on the staff report dated July 16, 2009, which included the final report of the consultant's "Santa Barbara Development Feasibility Study" dated July 10, 2009.

1. The fundamental problem

Given the worldwide competition for real estate in the Santa Barbara area, the expense of owning or renting a place of residence here will remain above the national average for the foreseeable future. As a result, the private sector cannot build our way out of the jobs/housing imbalance. Indeed, all four basic "scenarios" analyzed by the consultants produce considerably more market-rate than affordable units and would thus increase that imbalance and decrease our city's economic and cultural diversity. This is true even about Scenario 4 in which the density of 62 dwelling units per acre is very problematic in view of at least two other major goals of Plan Santa Barbara: living within our resources and preserving the city's historical heritage and esthetic attractiveness.

Since this kind of "cure" (excessive increase in density) would make the "disease" (our jobs/housing imbalance) even worse, we ask: Why risk losing what we have and cherish – a great city with small-town charm and metropolitan culture, attractive to home owners, renters, commuters, and visitors alike?

2. Deficiencies stemming from the narrow scope of the study

We submit that it would have been very useful for the consultant to be charged with assessing the economic feasibility of a number of more promising alternative remedies for the jobs/housing imbalance and the associated long-distance commuting. These remedies might have included:

- (a) Promote or even require employer supported rental and ownership housing. This would enlarge our stock of affordable housing without adding job-generating luxury units to the mix, and also assist employers in recruitment and retention.
- (b) Persuade voters to approve bond issues for producing a significant amount of affordable workforce housing, some of which could enable middle-income nurses and public safety workers to reside closer to where their services are critically needed.
- (c) Build more economically and on less expensive land than the methods and locations evaluated in the consultant's study. A preliminary draft of Architect Gil Barry's scenario along such lines was reviewed by our committee, and we trust that you will seriously consider Mr. Barry's thought-provoking model which he intends to present to Planning Commission at or before the July 23rd work session.
- (d) Make long commutes less detrimental to the environment through increased support for alternative transportation by bus, train, van pools, and ride-sharing.
- (e) Adopt a dual density policy in appropriate commercial and multi-family zones to curb the production of large luxury units and stimulate the production of housing that is affordable either by law or by design. For example, the Variable Density Ordinance could be modified by providing a 10% density bonus for three-bedroom units under 1,000 square feet, with lower size limits for one- and two-bedroom units (900 sf and 800 sf, respectively). By contrast, units over 1,000 square feet should be held to the city's traditional density limit of 12 units per acre (rather than to the current Variable Density standards). Such a balancing act would increase the availability of affordable housing without increasing the total number of permitted units even though, needless to say, the required state and city bonus density allowances for subsidized affordable and inclusionary units would have to be added to the new dual density standards outlined above.

3. Blind spots in the consultant's approach to developer profit

Concerning the financial feasibility of providing affordable housing by private developers, at least four important considerations seem to have been largely neglected:

- (a) The supposed need for a 15% profit margin is calculated at current land prices, but ignores the fact that some owners and developers have acquired the land in question at even lower than the current depressed prices.
- (b) The otherwise detailed calculations do not list the profit to be made by selling or leasing the commercial component of a new mixed-use development and/or by selling development rights attached to the existing commercial development (as provided by the Transfer of Existing Development Rights ordinance).
- (c) Land values can be expected to decline if sensible "dual density" policies are adopted to correlate land use and unit size, thereby promoting affordability both by law and by design (see above, Section 2e).
- (d) Depending on available alternative investment options at a particular time, developers may well settle for less than 15% profit.

4. Two additional shortcomings of the study:

- (a) The consultant's use of the terms "inclusionary" and "workforce" units conflicts with their meanings as virtual synonyms in most local discussions of the city's Inclusionary Housing Ordinance. The resulting terminological confusion is conspicuous in the Introduction to the Final Report where Footnote 1 states

that “City Policy allows households earning up to 160 percent of AMI to qualify for the inclusionary units” and Footnote 2 states that “for the purposes of this study, we have defined workforce households as households earning between 130 percent and 200 percent of the area median income” (p. 2). Furthermore, the two categories overlap between 130% and 160% of the AMI when they are associated with a four-person household on p.2, but the overlap turns into a 30-percentage-point gap on p.8 when household incomes for Workforce Units (160%-200%) and Inclusionary Units (120%-130%) are contrasted with reference to the “area media income for a three-person household in Santa Barbara County” (see footnote 1 to “Table II-1: Unit Types by Target Market Segments,” emphasis added).

- (b) Some discrepancies between the consultant’s comparative summary table (Slide 26) and staff’s comparative summary table (Slide 23) seem to have arisen from conflicting definitions of Scenarios 3 and 4 in staff’s and the consultant’s respective late June PowerPoint presentations. For example, why assume that a four-story building with heights between 45 to 52 feet (Scenario 4) could yield a 104,000sf “building area” and accommodate 62 units when a four-story building with a height of 40 feet (Scenario 3) will only provide 66,000sf for 38 units? Such dramatic difference is entirely counterintuitive, especially because the fourth floor of tall buildings is supposed to be “stepped back” to reduce visibility “from pedestrian viewpoint” (see staff’s Slides 12 and 13).
- (c) It is not made clear whether, and if so how, the consultant’s final report of July 10 and the staff report of July 16 resolve these and other discrepancies between the two PowerPoint presentations.

(B) COMMENTS ON THE DRAFT LAND USE MAP AND THE REVISED MODA MAP

We welcome the continuation of the discussion of the Working Draft of the General Plan Land Use Map, first presented in the staff report for the Planning Commission meeting of June 18, 2009, but wish to point to what we perceive as problems with that map and the supplementary map entitled “Plan SB Concepts,” as well as with the recently revised MODA map (Exhibit E of the staff report dated July 16, 2009).

1. El Presidio de Santa Barbara State Historic Park is not shown as a Park on Exhibit E of the July 16, 2009, staff report. Nor is it identified on the June 2009 draft land use maps. This is an existing state-owned historic park with properties on four downtown city blocks, and is a cultural attraction to visitors and local residents. The existing General Plan supports the development of the state park, as does a reference in the General Plan Update goal proposals.
2. El Pueblo Viejo Landmark District (EPV) is not identified as a “Special District” on the General Plan Land Use Map Plan SB Concepts draft of June 2009. This district is defined in the City Charter as well as in the Municipal Code, and its requirements will continue to have an impact on the character and design of a major portion of the city.
3. The Upper State Street area is not identified as a “special district” on the Draft Land Use Map, nor is it included among the special districts listed in the legend of the Plan SB Concepts. These omissions are highly problematic because the SD-2 setback, building height, and other requirements of this special district were established for important environmental reasons, and they were recently reconfirmed in the Upper State Street Study and Improvement Plan.
4. An ultra high residential density of 60 units per acre is described as “necessary” for affordable housing in some Higher Density Neighborhood Centers (sub-areas). Six of these centers are shown on Exhibit C, including one at State Street between Victoria and Arrellaga Streets. This area contains several historically and architecturally significant buildings and is located within EPV. The proposed plan update should specify that no ultra high density project would be permitted to have an adverse impact on, or a conflict with, these existing structures and views of them. Likewise, development plans in the two Higher Density Neighborhood Centers within the Upper State Street area should not call for any violations of the SD-2 requirements or be allowed to have major adverse impacts on the area’s panoramic mountain views intended by the Upper State Street Study and Improvement Plan to remain protected.

5. The July 16, 2009, staff report's discussions and exhibits assume that the entire proposed MODA will allow multiple family residential densities. Yet large portions of the MODA shown on Exhibit E of the report incorporate two-family (duplex) and single-family-zoned sections of the city. The "second unit incentives" of Housing Policy H14, reproduced in Exhibit B, could also overdevelop many single-family-zoned neighborhoods. Those incentives would encourage second units in the MODA and allow them outside of the MODA. "Second units" are not the same as "granny units," as implied via parentheses in the policy. Granny units are currently allowed by the Municipal Code, with restrictions. By contrast, H14 would simply convert single-family zoning into two-family zoning, thus jeopardizing a core identifying feature of Santa Barbara. We request that the Planning Commission address the various inconsistencies involved. In particular:
 - (a) Several blocks of the "old" Upper State Street between Mission Street and Constance Avenue, including properties in the Upper East Side and Oak Park/Upper West Side neighborhoods, are included within the proposed MODA. The area is single-family zoned, a zoning classification that has been protected for many decades, as has the planted street divider. There should be special wording inserted into the GPU land use language to guarantee the preservation of this single-family zoning and to severely limit provisions for additional dwelling units. The Circulation Element and the Land Use Element should require the preservation of the historic planted divider strip.
 - (b) Other long-established single-family-zoned areas that appear to be threatened by the MODA concept for increased density are several San Roque neighborhoods, nearly half of the Samarkand neighborhood, and portions of the Hope-La Cumbre area.
6. For the sake of completeness, we note that the final Land Use Maps should identify the County Courthouse complex and the City government offices and facilities as "Major Public & Institutional" or "Institutional" buildings.

We thank you and planning staff in advance for considering our input.

Sincerely,

Naomi Kovacs
Executive Director

CC: John Ledbetter, Principal Planner <jledbetter@SantaBarbaraCA.gov>
Irma Unzueta <iunzueta@SantaBarbaraCA.gov>

PH;gpuc,mld,nk

Taylor Tentative Parcel Map (590 N. Kellogg Ave.)

7/20/09 South County Land Use Committee letter to Goleta Planning Commission

20 July 2009

Chair Daniels & Commissioners
Planning Commission
City of Goleta, CA

Sent via email to: *Brent Daniels <bdaniels@cityofgoleta.org>*
 Doris Kavanagh <dkavanagh@cityofgoleta.org>
 Julie Kessler Solomon <jsolomon@cityofgoleta.org>
 Bill Shelor <bshelor@cityofgoleta.org>
 Jonny Wallis <jwallis@cityofgoleta.org>

RE: Taylor Tentative Parcel Map (590 North Kellogg Ave.)

Dear Chair Daniels & Commissioners,

CPA's South County Land Use Committee (LUC) only just learned about this proposal before your commission this evening. We apologize for this late submission, but appreciate this opportunity to weigh in.

The proposed 4-way lot split was found to be inconsistent with the City General Plan's oak protection policies. Projects which are inconsistent with General Plan policies are not supposed to be approved. With that in mind, while the 3-way lot split being recommended for approval by staff may be better than the 4-way split, it still should not be approved.

If you insist on approving a lot split for this project, it should be the 2-way lot split, which is the environmentally superior alternative and is less inconsistent with the General Plan.

Again, we apologize for the late input, but appreciate your consideration of this input.

Sincerely,

Naomi Kovacs
Executive Director

CC: *Patty Miller <pmiller@cityofgoleta.org>*
 Scott Kolwitz <skolwitz@cityofgoleta.org>

436 Corona Del Mar (Appeal)

8/4/09 South County Land Use Committee letter to Santa Barbara City Council

4 August 2009

Mayor Blum & Councilmembers
Santa Barbara City Council
Santa Barbara, CA 93101

Sent via email to: *Marty Blum <mblum@ santabarbaraca.gov>*
 Dale Francisco <dfrancisco@santabarbaraca.gov>
 Iya Falcone <ifalcone@santabarbaraca.gov>
 Roger Horton <rhorton@ santabarbaraca.gov>
 Grant House <ghouse@ santabarbaraca.gov>
 Helene Schneider <hschneider@santabarbaraca.gov>
 Das Williams <daswilliams@ santabarbaraca.gov>

RE: Support of Appeal of 436 Corona Del Mar Appeal

Dear Mayor Blum & Councilmembers,

The purpose of this letter is to voice the Citizens Planning Association's South County Land Use Committee's support of the appeal before you today regarding the project proposed at 436 Corona Del Mar.

The proposed project does not merit a modification and is too tall and incompatible with the surrounding neighborhood. Furthermore, we are concerned with setting a precedent for 3-story homes in the area.

Mr. Tony Fischer's letter on behalf of the appellant outlines very clearly the reasons why your council should deny the requested modification and uphold the appeal before you today, which we urge you to do.

Thank you for your consideration.

Sincerely,

Naomi Kovacs
Executive Director

Ordinance Amendments to the 2007 Fire Code Regarding Fire Sprinklers
8/4/09 South County Land Use Committee letter to Santa Barbara City Council

4 August 2009

Mayor Blum & Councilmembers
Santa Barbara City Council
Santa Barbara, CA 93101

Sent via email to: *Marty Blum <mblum@ santabarbaraca.gov>*
 Dale Francisco <dfrancisco@santabarbaraca.gov>
 Iya Falcone <ifalcone@santabarbaraca.gov>
 Roger Horton <rhorton@ santabarbaraca.gov>
 Grant House <ghouse@ santabarbaraca.gov>
 Helene Schneider <hschneider@santabarbaraca.gov>
 Das Williams <daswilliams@ santabarbaraca.gov>

RE: Ordinance Amendments to the 2007 Fire Code Regarding Fire Sprinklers

Dear Mayor Blum & Councilmembers,

The Citizens Planning Association's South County Land Use Committee appreciates this opportunity to voice its support of the proposed ordinance change in which the requirement of installing fire sprinklers for a home addition or remodel would be 75% instead of 50% of the floor area.

Sincerely,

Naomi Kovacs
Executive Director