

Single Family Design Guidelines Update/ Neighborhood Preservation Ordinance Update

ISSUE PAPER I

Hillside Issues

The purpose of this issue paper is to provide options and recommendations regarding:

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Background

In response to strong public interest, the City of Santa Barbara and the community are working to update the City's Single Family Design Guidelines, which govern how single-family homes are developed. The update involves revisions of the Neighborhood Preservation Ordinance (NPO). This is the ninth issue paper being reviewed by a steering committee comprised of representatives from the Allied Neighborhood Association, City Council, Planning Commission, Architectural Board of Review (ABR) and the Historic Landmarks Commission (HLC). This issue paper explores many topics addressed in previous issue papers, but focuses specifically on hillside areas. The reader may wish to refer to previous issue papers, which provide a background regarding definitions and methods involved in single-family residential project review, as well as options for controlling volume, bulk and scale.

The City's Hillside Design District was created to refer certain projects on hillside areas (that are more likely to be visible to the public) to the ABR for design review. The City's Conservation Element contains adopted policies that seek to protect/ prevent major hillsides and open spaces from excessive grading or scarring as part of residential development proposals. The District was intended to generally encompass lots of 20% slope or greater. Generally, under the Neighborhood Preservation Ordinance, properties within the district are subject to ABR review if at least one of two conditions is met:

- 1) The average slope of the property or building site equals or exceeds 20 percent.
- 2) Project grading (cut plus fill) exceeds 250 cubic yards, excluding grading under the main building footprint.

Either of these criteria will trigger ABR review for Hillside Design District projects, regardless of whether the citywide ABR triggers related to height, size or miscellaneous design criteria are

exceeded. In addition, specific grading and size triggers were also developed to require additional review and scrutiny by the Planning Commission for larger projects involving the following:

- 1) Projects that exceed a cumulative total of 6,500 square feet; or
- 2) Project grading (cut plus fill) exceeds 500 cubic yards, excluding grading under the main building footprint; or
- 3) Preparation of an Environmental Impact Report is required

Other Discussion Topic:

In addition to the primary hillside issues outlined above, another topic expected to be discussed by the Steering Committee includes the following:

Story Poles: This topic discussion began in the context of the Good Neighbor Policy Issue Paper. Notes from the November 12th meeting are as follows regarding the Good Neighbor Policy Issue Paper Recommendation #8:

“Continue current Planning Commission story pole practices and consider Staff ability to require story poles for some Design Review projects.

- The ABR would need to conduct site visits to adequately evaluate projects with story poles.
- Detailed standards are needed for story pole requirements so that projects have equally effective story poles.
- Further discuss as part of Hillside Issues discussion.”

On Friday, December 3rd, the Steering Committee further discussed story poles and assigned Richard Six, Brian Barnwell and Dianne Channing to a Story Pole Subcommittee. The recommendations from the Subcommittee are intended to be discussed during the Hillside Issues meeting.

Standards, Guidelines or Findings

As Staff drafted this issue paper and recommendations, a basic choice had to be made: Should **standards, guidelines** or both be proposed to achieve desired design outcomes? Following are the advantages and disadvantages of the approaches:

Standards:

- Promote efficiency in project review: extremely unacceptable projects will not be accepted if they exceed specific, quantified Zoning Ordinance standards.
- Specific detailed standards can reduce the ABR's workload by expanding staff's role in the expedited review of certain improvements without the creation of blanket exceptions with no design review, i.e. color changes and window changes.
- Less flexibility, ability for exceptions is absent.
- May confuse some applicants to thinking that anything up to the standard is acceptable, which will likely not be the case, standards only sets what is clearly unacceptable in almost all cases. Appropriate design will often be smaller than standard limits.

Guidelines:

- Allow flexibility, but do not guarantee that extremely inappropriate project proposals will not be made.
- Often do not include quantitative standards.

Findings

- Require decision-makers to confirm projects meet certain "performance standards" and carry out community goals and policies.
- Allow flexibility in interpretation of whether a project meets certain "performance standards."
- Too many findings will diminish the attention paid to each of the individual findings and could prolong decision-maker reviews. Too many findings may create less ability for decision-makers to explain in detail how projects meet findings due to limited meeting time and heavy agendas.

The ABR or the Planning Commission must make six findings for projects triggered by the NPO in order for a project application to be approved. Two of these findings, 2 and 6 below, addressing grading and scenic views, are particularly relevant for hillside projects. Headings were added by Staff for easy reference:

1. **Safety:** The public health, safety and welfare will be protected.
2. **Grading:** **The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.**
3. **Trees:** The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk. Any specimen tree, skyline tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade that must be removed will be replaced on a one-to-one basis, at a minimum. Designated Specimen, Historic and Landmark trees will not be removed.
4. **Appearance:** The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.
5. **Compatibility:** The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.
6. **Views:** **The development will preserve significant public scenic views of and from the hillside.**

Generally, the Zoning Ordinance creates “boundaries” and the Design Review boards ensure “quality” for proposed projects and “findings” serve as a decision-makers assurance that certain “performance standards” are met. For this Issue Paper, at first, creating standards to address various issues appeared desirable. However, after discussion and further evaluation, it appeared that the existing hillside design techniques and guidelines have resulted in fewer design problems. Therefore, Staff decided that in most cases, using an approach of clearer guidelines with illustrations and a few additional findings should be recommended for this paper’s topics. Many of the issues described here have not been adequately addressed in the current SFDGs, and graphics in the new guidelines could very clearly illustrate acceptable versus unacceptable project proposals. As a result of this general approach, only a few new ordinance standards have been proposed in this issue paper.

District Boundary

Issue: Reset Hillside Design District Boundaries, simplify and adjust review trigger mechanisms

Some properties located within the Hillside Design District are not subject to design review requirements because the average slope is less than 20%. The way the current Hillside Design District boundaries are drawn, sometimes neighbors on one side of a street are subject to ABR for all projects, including re-roofs or decks, whereas neighbors on the other side of the same street on the same block are not subject to ABR for much more substantial additions. Many have pointed out that this can appear unfair, especially when the slopes on the different sides of the street are similar. The lack of or inaccuracy of slope information can also lead to excessive costs for applicants to survey properties for average slope calculations. Also, when the boundaries were drawn, slope boundary lines appeared to follow High Fire Hazard hillside areas rather than setting boundaries to include parcels on either side of the same street. More accurate slope information is now available from Penfield & Smith parcel slope information which was not available at the time the Hillside Design District boundaries were set.

Option A: Reset Hillside Design District boundaries. Staff has prepared thirteen study areas, Attachment 1, to show how the Hillside Design District perimeter boundaries might be changed to more fairly include the majority of parcels that appear 20% and over for both sides of street blocks.

Advantage: The revised boundaries would appear more “fair” to those property owners in the Hillside District currently near boundary edges. Also, properties known to be over 20% slope would be included in the Hillside District, providing a higher degree of protection for public views of sloped areas.

Disadvantage: Cumbersome process of sorting parcels less than 20% slope within the District to determine Design Review applicability would be more widely applied.

If applicants within Hillside Design District boundaries complete studies which show their lot has less than a 20% slope per Zoning Ordinance calculation standards (different than the Penfield and Smith methodology), then their project would remain exempt from the ABR. The standard administrative practice to determine average slope on a parcel is provided in a May 6, 2002 Memo by Bettie Hennon, City Planner, Attachment 2.

This current practice can be costly to applicants and is cumbersome to explain. Including more parcels less than 20% in the Hillside Design District boundaries would lead to more potentially costly studies performed by applicants to show that they are not within the Hillside Design District boundaries. The next option, Option B, provides a potential solution to the issue presented in this disadvantage.

Option B: Simplify Neighborhood Preservation Ordinance to trigger Design Review of all properties within the Hillside Design District, rather than just those projects over 20% slope or that involve over 250 cubic yards of grading.

Advantage: Procedures for restudy of parcel slopes to determine District applicability would be eliminated. Administration of the Hillside Design District would be greatly simplified. If a parcel is in the boundary, it is subject to the NPO, if it is not in the boundary, then “Infill” triggers are considered instead.

Disadvantage: The problem with this approach is that more projects would be referred to the ABR, which may overburden meetings. In addition, there appear to be some project types that should qualify for exemptions from Design Review in Hillside Design District areas: for example, projects located on relatively flat areas of parcels, previously graded parts of a property, or areas not visible from the street or from neighboring properties.

Option C: Reduce the scope of projects subject to ABR review in the Hillside Design District boundaries as part of the Application Routing and Trigger Mechanisms discussion.

Within the application routing and trigger mechanisms issue paper, the Steering Committee will explore which projects are appropriate for Design Review under the Neighborhood Preservation Ordinance in more detail. Staff plans to recommend that fewer projects be subject to Design Review, and that a greater share of Hillside Design District projects be made eligible for Administrative approval by Staff. The current categories of projects which Staff may review in the Hillside Design District are listed on pages 9 to 11 of the ABR Guidelines, Attachment 3:

- Re-roofs
- Rooftop equipment
- Door or window alterations or additions
- Simple color changes
- First 1-year time extension of ABR approval
- Temporary Soil Remediation Systems
- Small mechanical equipment or mechanical equipment enclosures
- Fencing less than 6’ high
- Small canvas awnings
- Small wood decks
- Minor outdoor lighting alterations
- Minor paving

Potential Routing for Building Permits: Staff is likely to recommend in the Application Routing and Trigger Mechanisms paper to exempt the following types of Hillside Design District projects from Design Review and require only building permits:

- Projects less than 100 square feet and less than 17 feet in height that are not visible from public streets and involve no grading outside of the main footprint of the structure.

Potential Routing for Staff Administrative Review: Staff is also likely to recommend in the Application Routing and Trigger Mechanisms paper to exempt the following types of Hillside

Design District projects from ABR review, requiring only design review by Staff, with Staff's ability to refer the following projects to the ABR.

- Project alterations which do not significantly alter the architectural elements of structures and match the existing materials, detail and colors.
- One-story additions less than 200 square feet that match the existing architecture of the building and that propose no grading outside the building footprint.
- Projects consisting solely of paving, fencing, decks, outdoor lighting, awnings, and mechanical equipment, rather than just “small” or “minor” versions of these projects.

Staff understands there are concerns from the design review boards regarding increasing the amount of review authority to Staff. However, key to this change being implemented is the desire to have more ABR reviews, such as all second story proposals, and then corresponding resource concerns which can be addressed through the development of design standards for Staff to follow for these types of projects.

Staff Recommendation: Options A and/or B, only if C is also Chosen:

Option A: Reset Hillside Design District boundaries.

Option B: Simplify Neighborhood Preservation Ordinance to trigger all properties within the Hillside Design District for Design Review.

Option C: Reduce the scope of projects subject to ABR review in the Hillside Design District.

Staff recommends that the quantity and types of projects triggered for ABR review should be a primary consideration when making decisions that may impact the workload and length of future ABR meetings. The adoption of the NPO increased the review of alterations to single-family residential projects, which are currently dominating ABR agendas. Staff recommends that a reduction in the number of projects referred to the ABR is necessary to maintain a thorough level of review and good NPO decisions. Options A and B should be seriously considered, but only in combination with Option C. Options A and B alone would unduly burden the already overloaded ABR.

Hillside Spillover & Revised Height Limits

Issue: Hillside homes can appear overly tall because of the absence of hillside “spillover” controls.

Discussion Regarding Ordinance Standards that establish new height limits

Staff has outlined several options available to further reduce the height of structures on hillsides. When comparing the following options, potential new standards must be reviewed to determine all of the effects they may have, not only on new development but on existing homes on hillsides. Options D through J, by reducing the maximum allowed height of homes and restricting future changes to existing structures, may generate serious objections from property owners. Some of the options listed are being utilized by other communities where no design guidelines or design review are in place to assist in regulation of hillside development.

Any significant changes to height regulations could create many legally non-conforming structures. Although alterations to legally non-conforming structures are acceptable, remodels and additions which intensify the non-conformity of such structures are generally prohibited. Additionally, unlike other Zoning Ordinance requirements, height limits are not able to be waived under a modification procedure.

The current definition of building height allows for “spillover” on sloped lots, which may allow for an appearance of a very tall structure as viewed from below at a distance. Even though a home might comply with a maximum building height of 30’, it could appear taller than three stories due to “stepping” of a structure. Single Family Design Guidelines Pages H-6 and H-7, in Attachment 4, indirectly illustrate this issue.

There is currently no limit to the rise or run of a structure’s “step” or to how many steps a structure may have. Some jurisdictions have placed restrictions regarding grading cut and fill rises or runs for homes. These restrictions have the effect of changing the overall perceived height of a structure since there is a limit to how far a structure can spill down a hillside.

Other Jurisdictions: The City of Rancho Palos Verdes, the County of Santa Barbara’s Toro Canyon Plan and various other jurisdictions address this issue in many different ways.

As part of Issue Paper C: Calculation methods, a discussion of many options for where height is measured “from” and “to” took place. Following is a summary of the motion taken that day regarding building height:

Further explore the following options:

- **Issue Paper C Option 3:** Return to original definition of height; however, rather than not counting the height above the finished plate height, measure from lowest grade point to maximum building height. Define height as follows (Attachment 5):

“The vertical distance measured from all points of a building or structure where it meets the adjacent ground, either natural or finished grade, whichever is lower, to the maximum vertical height of a building or structure at all points.”

- **Issue Paper C Option 4:** Consider a different maximum building height for ridgeline or steeply sloped properties.
- **Issue Paper C Option 5:** Enact hillside spillover maximum grading regulations which would improve height appearance of stepped structures.
 - A goal of hillside building height regulations will be to limit hillside spillovers.
 - Height regulations should address “apparent height” of structures.
 - Consider whether current plan check methods are sufficient to measure height at all points on a lot.
 - Consider using “approved natural grade” vs. “natural grade” for measuring project heights.
 - Consider development standards for architectural projections, e.g. chimneys and towers.
 - Further consider how structure placement is handled by the NPO for hillside lots.
 - Consider different height calculations or maximums for pitched roofs.

This issue paper facilitates further exploration of Issue Paper C Options 3, 4 and 5 through the following options D through F.

Option D: Change where height is measured “from” to natural or finished grade, whichever is lower.

Change the definition of height per Issue Paper C Option 3, described above.

Advantage: This approach will result in the measurement of a structure’s height more accurately reflecting how tall it appears and would result in further limiting the height of structures. Could further assist the ABR by providing a mechanism to create an ordinance standard for reducing the appearance of structures on hillsides.

Disadvantage: Creation of legally non-conforming structures. New height limit regulations can be perceived as over-regulation of a not too common problem in hillside areas.

Option E: Change the maximum height of structures in the Hillside Design District.

As shown in, Attachment 6, Survey of Other Jurisdictions’ Height Requirements, the County of Santa Barbara has a 16’ height limit for rural hillside areas of the County and 25’ for urban hillside areas of the county. The City of Santa Barbara’s 30’ height limit in hillside areas is very generous when compared with most other jurisdictions.

Advantage: A modest decrease in the allowed height of structures in the Hillside Design District would help to reduce the potential for overly tall appearing structures. Could further

assist the ABR by providing a mechanism to create ordinance standard for reducing the tall appearance of structures on hillsides.

Disadvantage: Creation of legally non-conforming structures. New height limit regulations can be perceived as over-regulation of a “not too common” problem on hillside development. May not allow for flexibility by decision-makers where warranted.

Option F: Institute a maximum horizontal grade stepping limit and/or step levels limit.

A recent project on La Vista del Oceano included steps at more than three levels over a horizontal distance of more than 100’. If a limit of, for example, 100’ or three major steps in the structure were in place, the project would not have been consistent with requirements and the ABR would have been able to initially review a more modest project proposal for the site.

Advantage: A set limit in the allowed spillover of structures in the Hillside Design District would help to reduce the potential for overly tall appearing structures. Could further assist the ABR by providing a mechanism to create an ordinance standard for reducing the appearance of structures on hillsides.

Disadvantage: New height limit regulations can be perceived as over-regulation of a not too common problem on hillside development. May not allow for flexibility by decision-makers where warranted. Restricts design flexibility for a wide variety of hillside lots.

Option G: Institute a maximum vertical grade stepping height similar to Toro Canyon Plan’s regulations.

In this concept, the lowest elevation of grading to the highest point of grading is measured. The change in elevation between those two points cannot exceed 16 feet. Please refer to the attached Toro Canyon Plan excerpt, Attachment 7.

Advantage: Directly addresses the issue of stepping as well as prevents excessive grading. Resulting development on a site would be in accordance with site constraints. Once the concept is grasped, it is easily applied. Appears to be less arbitrary than Floor to Lot Area regulations adjusted by slope for large hillside parcels.

Disadvantage: The concept is somewhat complex to explain to applicants and decision-makers. Restricts design flexibility for a wide variety of hillside lots. Property owners or developers hoping to build extremely large projects may be dissatisfied with the constraints this regulation presents.

Option H: Change the definition of height to limit the total apparent height of stepped structures.

Some jurisdictions measure height from the lowest point where a structure meets the ground to the highest point of a structure, regardless of whether the highest point of the structure is directly above the lowest part of the structure or not. This is the opposite of the City of Santa Barbara’s

approach of measuring a structure's height at every point along natural grade. See Attachment 5, City of Santa Barbara building height limitations handout.

Advantage: The current method of measuring height from natural grade in the City is often cumbersome. Measuring height from natural grade may be impractical because natural grade may be difficult to determine if a property was graded prior to application submittal. The County has a full-time geologist on staff who can determine natural grade in these cases, but the City does not have an on-staff geologist who can perform this task, and rarely uses the services of a contract geologist to perform such a study. Instead, Staff will tend to measure the building height from finished grade instead. Measuring height at every point is also cumbersome, because it leads to the need to check for height limit compliance for every point of a building's floor plan, yet Staff is only provided with a few section elevations, making height limit compliance very difficult to determine for all points of a plan. If height were measured from the lowest point of natural grade (if available) or from the lowest point of finished grade (if natural grade cannot be determined) to the highest point of a structure, it would become much more practical and efficient to determine project compliance with maximum height.

Disadvantage: Property owners or developers hoping to build extremely large projects may be dissatisfied with the constraints this regulation presents. Any changes to height regulations would likely create many legally non-conforming structures. Although alterations to legally non-conforming structures are acceptable, remodels and additions which would intensify the non-conformity would be prohibited.

Option I: Create a new Single Family Design Guideline to address Hillside Spillover.

Following is a potential draft Guideline on this topic. The guideline would also be illustrated with sketches or photo examples:

Although stepping a structure down a hillside can reduce the appearance of understories, excessive stepping down a hillside can result in overly tall appearing structures and/or excessive grading. Avoid excessive "stepping" down a hillside.

Tips:

- Homes approaching a total run of 100' in horizontal distances for combined steps are usually unacceptable.
- Homes with a lowest point of contact with grade to highest point of building dimension in excess of 30' often appear overly tall.
- Homes with more than three major "steps" down a hillside usually appear overly tall.
- Although the Zoning Ordinance height limit is 30', appropriate hillside project proposals usually have a height dimension well below the Zoning Ordinance height limit.
- Strive to appropriately size development to maintain the appearance of no more than a two-story home.

Option J: Create two new Hillside NPO findings to more specifically address Hillside spilldown, excessive grading, and visual appearance of structures.

Existing Finding:

22.68.060.B. Appropriate Grading & Natural Topography Protection: The grading and development will be appropriate to the site, have been designed to **avoid visible scarring**, and will not significantly **modify the natural topography of the site or the natural appearance of any ridgeline or hillside.**

Proposed Complementary Findings:

22.68.060.G. Quality Architecture & Materials: The grading and development of the site has been designed with quality architectural details, and use of materials and colors to maintain the natural appearance of the ridgeline or hillside.

22.68.060.H. Appropriate Development Scale: The grading and development of the site has been designed to maintain a home scale and form which blends with the hillside area by minimizing the visual appearance of structures and the overall height of the structure.

Staff Recommendation: Options D, I and J:

- **Change where height is measured “from” to natural or finished grade, whichever is lower.**
- **Create a new Single Family Design Guideline to address Hillside Spilldown.**
- **Create new Hillside NPO findings.**

Grading

Option K: Change NPO Grading Thresholds and add new Guidelines and Building and Safety Standards

Introduction

Since a central issue for hillside development is grading, consideration to limit the cumulative amount of grading allowed for hillside projects could be effective in the following:

- reducing construction impacts, including noise, creek/stream and air quality impacts
- minimizing visual change to the hillside area
- achieving home sizes responsive to site constraints
- reducing potential safety hazards

The Application and Routing Mechanisms Issue Paper will further explore cubic yards of grading triggers within the Neighborhood Preservation Ordinance. However, reviewing those triggers as part of this issue paper, as some view the NPO triggers as effectively curtailing some types of grading. The current grading triggers are as follows:

ABR exemption < 250 cubic yards of grading

Hillside Design District property project proposals with less than 20% slope can be exempted from ABR review per Code §22.68.045.2 if:

- “The project will involve no more than 250 cubic yards of grading beyond the footprint of the main building”

Planning Commission Review > 500 cubic yards

22.68.070.A.3 specifies property project proposals are referred to Planning Commission if:

- “Any portion of the site is located within the Hillside Design District and the amount of grading exceeds (500) cubic yards of grading (cut and/or fill) on the lot excluding grading necessary for the building foundation for the main buildings.”

Issue 1: Analysis of Grading Under the Main Building Footprint

The phrases “grading beyond the footprint of the main building” and “building foundation for the main building” are not defined in the Zoning Ordinance. The standard was written this way to encourage hillside projects to be built lower into the hillside and minimize the appearance of understories. Administratively, Staff has interpreted the phrases to mean all grading, including recompaction, under the main building and within 5’ of the main building. The area within 5’ of the main building is excluded to account for “over-excavation” of the main building footprint which usually occurs with grading. An issue has arisen whereby Staff does not always receive statistical information about the amount of grading underneath the building which can be important for environmental impact analysis. The following appears to be an assumption common among many applying for and reviewing permits: because the triggers for grading do not include under the main building footprint, project proposals for any amount of grading under the main building footprint are OK. However, some recent projects which have been proposed or approved include large quantities of grading underneath the main building footprint. It is important for Staff and decision-makers to consider all project grading impacts in regards to potential land form alteration, construction impacts, etc. Over the last several years there have been concerns expressed on some projects in hillsides that warrant consideration to change the existing project review practices.

How can grading under the main building footprint both be encouraged where appropriate, but also be analyzed as part of environmental impact analyses and decision-maker findings?

Issue 2: Planning Commission Referrals for >500 cubic yards

Some have proposed that single family projects over 500 cubic yards should not be referred to the Planning Commission, rather the ABR (the body most familiar with grading) or HLC should be able to review these projects. The reasoning behind the proposal is that these single family projects “bog down” the Planning Commission, which should be reviewing projects which affect greater areas of the community. Also, it is awkward and inappropriate for a grading deterrent to be indirectly achieved through the requirement of a hearing body review. More appropriate mechanisms to encourage applicants to grade less would be through strengthened findings, guidelines or standards (see Issue 3).

Option K, Part I: Eliminate referrals of projects to Planning Commission if Option K, Parts II and III are also instituted. (Option I alone is not advised).

Advantages: Planning Commission agenda would not be as full. ABR appears to be the most appropriate review body to carefully analyze any quantity of grading for a single-family development. An inappropriate indirect deterrent for grading through a hearing body review requirement would be eliminated.

Disadvantages: Design Review and Building and Safety staff have witnessed some applicants purposely scaling proposals down to just below the 500 cubic yards of grading trigger to avoid a Planning Commission hearing. With no referral to Planning Commission trigger, what would prevent applicants from proposing large quantities of grading? Also, would the Design Review Boards be able to effectively curtail proposals of excessive grading? Without new standards or guidelines, approvals of overly aggressive grading plans would seem likely because overly aggressive grading plans have been approved in the past by the Design Review Boards. Due to limited time, the Design Review boards' focus tends to be on the aesthetic issues related to grading, and there is less time for focus on the other NPO findings covering grading as it relates to appropriate quantities for a site and health and safety issues.

Option K, Part II: More Specific Grading Guideline. Options to solve this issue would be instituting more specific quantified guidelines or standards, such as a cubic yards of grading limitations or guidelines. Staff recommends a more flexible guideline approach rather than an inflexible standard which would require a modification to exceed. An example draft guideline for inclusion in the Single Family Design Guidelines is as follows:

“Carefully plan your project to minimize grading both underneath main building footprints and on the entire site. Most reasonably sized development projects should be able to achieve a project program with less than 250 cubic yards of grading on a property. Only rarely do projects need to approach 500 cubic yards of grading to achieve reasonable development of a property.”

Disadvantages: Standards would decrease ability for flexibility. Very constrained parcels may need a modification for reasonable development of the property.

Advantages: Planning Commission agenda could be free of the project. The Design Review Boards would be freer to focus on aesthetic issues.

Issue 3: Project Construction Grading Amounts Sometimes Do Not Match Plan Grading Amounts.

Members of the public have expressed concern that grading for projects often appears to exceed grading proposed on plans. Sometimes, the amount of grading appears to be in excess of 250 or 500 cubic yard amounts that would have triggered additional project review if the actual quantity of grading had been identified at the time of project application. The Building and Safety Inspection Supervisor was consulted in the drafting of this issue paper and had the following ideas to help ensure project plans match project proposals.

Option K, Part III: Additional Standards for Hillside Design District and 20% + Slope Projects Over 250 Cubic Yards of Grading. Staff recommends that for projects in the Hillside Design District proposed with over 250 cubic yards of grading as well as for projects outside the Hillside Design District with slopes over 20% and over 250 cubic yards, the following additional requirements apply:

1. A licensed engineer must prepare the grading plans.
2. Require an on-site pre-consultation meeting with Building and Safety Staff, the building contractor, engineer and grading crew with equipment present on the day of grading commencement prior to grading commencement for projects.
3. Require the engineer for the projects to submit interim grading progress reports including grading quantity to be submitted to Building and Safety at the completion of cutting for work to be able to continue and at the mid-point completion of fill for work to be able to continue.

Advantages: These measures would ensure that the most potentially impactful projects, those over 20% slopes and over 500 cubic yards of grading would have greater insurance of their accuracy prior to approval (licensed engineer). The on-site pre-consultation would ensure that any project conditions such as temporary walls to hold back hillsides or special erosion control measures would be put in place. The Building staff and grading crew would also have the opportunity to ensure sure their understanding of the approved extent of grading is the same. The grading progress reports from the engineer would hold the engineer accountable to flag any changes in project plans during construction and give Building and Safety staff an opportunity to respond to any changes. Savings in Building and Safety Staff time spent investigating neighbor complaints may occur with this option if it effectively improves project compliance with grading plans.

Disadvantages: Costs increase for applicant to hire a licensed engineer rather than an architect to prepare grading plans. Applicants would also need to pay the engineer for preparing the grading reports. Some increased costs would also be borne by the City, for additional Building and Safety Staff time for preconsultation meetings and grading report review. However, some

Option L: Strengthen NPO findings for Grading on Slopes Over 30% and Increase Review for These Locations.

The Conservation Element Visual Resources Goals, Policies 2 and 6, and Implementation Strategy 2, Attachment 8, discusses the importance of limiting grading on very steep slopes. However, no Ordinance limits, administrative practice or guideline has prevented development on 30% and steeper slopes. The Conservation Element Implementation Strategy 2.1 states:

“Development which necessitates grading on hillsides with slopes greater than 30% slope should not be permitted. The Slope Density Ordinance and Grading Ordinance should be so amended.”

The Planning Commission carefully considers this issue during subdivision review with findings for consistency with the General Plan. Grading on slopes steeper than 30% requires special engineering and presents potentially greater hazards and visible alterations of landforms than

flatter areas. For project sites with varied terrain, where there are suitable developable areas less than 30% in slope, these flatter areas of the site should be used for development rather than steeper portions of a site. Additional findings for grading on slopes over 30% would make it more difficult for development on slopes greater than 30% unless the following finding is made:

22.68.060.G. The grading and development of the site has been designed to avoid areas with slopes in excess of 30%. Proposed grading is minimized and is necessary to secure a reasonable improvement of the site.

Advantage: This approach would guide development to reasonably sloped portions of a parcel, while still allowing for building on 30% slopes if deemed necessary to secure reasonable development.

Disadvantage: Property owners with aggressive hillside development plans would be likely to oppose this finding if the ABR consistently denied development on steeply sloped parcels.

Retaining Wall Height

The current Single Family Design Guidelines state retaining walls “should be less than 6’ tall” (Attachment 4). Unfortunately, some recently completed projects and some proposed project exceed this 6’ guideline and are highly visible to the community. Some jurisdictions have enacted retaining wall height limits. For example, Santa Barbara County, in the Toro Canyon Plan limits the visible portion of retaining walls above finished grade to 6’ (Attachment 6). The City of Los Angeles just enacted a 12’ height limit for retaining walls (Attachment 9). Since the Single Family Design Guidelines have been ineffective in ways that have caused negative visual impacts in the community, creating a Zoning Ordinance standard for stronger protection against tall retaining walls appears appropriate. Staff would recommend that the modification process would be available for retaining wall height exceptions to secure reasonable development of a property.

Option M: Create a Zoning Ordinance standard to limit retaining wall heights visible above finished grade to 8’. Eight feet is the height limit for fences and walls in the perimeter of a property (within required yard setbacks). This option would require visible retaining walls *wherever they occur* on a site to also be 8’ or less.

Decks & Courtyards

As part of the Good Neighbor Policies Issue Paper, deck and courtyard privacy impacts were discussed. For infill areas, the Steering Committee created a motion which included the following concepts regarding upper-story decks and balconies:

- Define balconies and decks separately in the Single Family Design Guidelines and Zoning Ordinance. The following definitions have since been revised to coincide with pending Zoning Ordinance amendments:

Deck: An outdoor platform, constructed on a raised foundation.

Balcony: A platform cantilevered from the wall of a building that projects from a building above the ground floor and is surrounded by a railing, balustrade or parapet.

- Design Review Required for upper-story balconies/decks > 3' x 7'
- 15' Interior Yard Setback: Guidelines should encourage 15' interior yard setbacks for decks and balconies over 3' by 7' in order to maintain neighbors' privacy.

Concern was also expressed by the Steering Committee about special impacts decks and outdoor courtyards can have on adjacent hillside neighbors. For example, decks can be built to a property line if they are under a certain height. Depending on topography, this can lead to a "looming" outdoor source of people and noise for some neighbors. Potential solutions were not further discussed, but the Steering Committee expressed an interest in a continued discussion of this topic.

Option N: Create an additional Good Neighbor Guideline to address hillside decks and courtyards.

Following is a potential draft Guideline on this topic. The guideline could also be illustrated if the illustration budget permits:

"For Hillside areas, special consideration is required for decks and outdoor courtyard placement. Depending on topography, these features have the potential to greatly affect downhill neighbors' privacy and noise levels. Often, keeping decks and outdoor courtyards within the Zoning Ordinance setbacks listed for a zone district, even when not required, can help to maintain good neighbor relations."

Chimneys on Decks

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

The Steering Committee's initial discussion of this topic led to the recommendation that the Single Family Design Guidelines should discourage freestanding chimneys because of potential view blockage and strong potential to look aesthetically unattractive. Staff also proposed a potential freestanding chimneys height limit on decks. Discussion of this idea was postponed to discussion of this issue paper.

Option O: Implement Guidelines to discourage freestanding chimneys.

Following is a potential draft of this guideline:

“Place outdoor fireplaces and chimneys in a location which would not impact neighbor's views, privacy, noise or air quality.”

This option could include a graphic to illustrate this concept if budget permits.

Landscape Plans

Landscape plans are required for the following types of projects:

Not all remodel projects require landscape plans. The ABR and HLC have the ability to request landscape plans where they are necessary. Building permits not subject to design review often do not have landscape plan requirements. Landscape plans designed to minimize fire hazard and erosion are important in the hillsides.

Option P: Explore the feasibility of requiring landscape plans for terracing projects in the hillside area to ensure fire hazard landscape plans are implemented where grading activities may leave large areas un-landscaped.

In Staff's opinion, it would constitute possible over-regulation to require landscape plans for all grading activities, but terracing projects appear appropriate for landscape plan requirements. However, the appropriate review body for the landscape plan does not appear to be the Design Review boards. Perhaps this can best be implemented by changing the Zoning Ordinance to require terracing proposal building permits and landscape plans, and to route the plans to the Fire Department for review as part of the plan check process.

Exterior Home Colors

Exterior home color has traditionally been seen as the prerogative of the homeowner. However, the high visibility of Santa Barbara’s hillside area has raised some discussion among the community. Santa Barbara’s downtown area features Spanish architecture, much of it with white walls and red tile roofs. Many new homes in town, including those on hillsides, have emulated this type of architecture. However, many residents would prefer natural or earth tone homes on the hillsides in order to blend better with the vegetation. Others have expressed concern that a homeowner might paint a home an array of discordant non-traditional home colors, such as purple.

Option Q: Encourage natural earth tone colors for Hillside District homes in the Single Family Design Guidelines.

The City would not set strict standards or limits on the colors of homes. However, it would be appropriate to encourage natural toned homes in the Single Family Design Guidelines. This would help to make it clear that the white exterior color of buildings in the El Pueblo Viejo District is not encouraged for hillside areas. This would be consistent with the Conservation Element’s recognition and suggestions for protection of the City’s natural hillside beauty where possible.

Home Size Limits

Currently, the only limit to hillside home development is Zoning Ordinance height and yard setback requirements. The current NPO contains a “trigger” provision, whereby home proposals over 6,500 square feet are referred to the Planning Commission for review. This threshold serves as a deterrent to some applicants, who take care to design projects less than 6,500 square feet. However, Staff and Design Review boards have often found these 6,500-square-foot homes to be inappropriately large, and it can be time-consuming and difficult to convince applicants to change proposals to more modestly sized homes. Staff is also likely to recommend in the Application Routing and Trigger Mechanisms paper to eliminate the 6,500-square-foot trigger for Planning Commission review and only require review by the ABR.

For hillside projects, immediate neighborhood compatibility isn’t always as important in determining appropriate home size as responsiveness to site constraints such as slope, erosion potential, grading impacts, respect of existing view corridors, and effects on public ridgeline views.

Fundamental questions appear to be:

- “Should there be an upper limit on home size for even the largest hillside lots in the City of Santa Barbara?”

- “Should any hillside **home size limits be based on lot size** as in infill areas, **or** would **slope or cubic yards of grading** quantitative measurements constitute more appropriate types of limits for hillside home development?”

To some extent, hillside spillover guidelines discussed above may indirectly limit home size depending on site constraints. Other options for limiting home size are as follows:

- FAR Maximums by Lot Size
- FAR Maximums Varied by Slope
- Early Site Constraints Analysis for New Homes

Option R: FAR Maximums by Lot Size

FAR can be increased by lot size in 100 foot increments for lots up to 15,000 square feet. This option will be described in a chart to be published for an upcoming comprehensive FAR discussion. FARs for lot sizes beyond 15,000 square feet are not recommended because lot size ratios tend to result in overly large maximum home sizes which do not relate to more relevant issues of lot slope or home visibility.

Option S: FAR Maximums Varied by Slope

Slope-based FARs are sometimes used because structures on hillsides are more likely to be visible from more areas. FAR maximums varied by slope can also indirectly limit grading and hillside alterations by not allowing as much floor area on sloped lots as on flat lots of the same size.

FAR Maximums Varied by Slope

For this approach, if maximum FARs were adopted, the allowed FAR would be less for parcels with a large slope. As shown in the table below, the City of Belmont bases its FAR limits entirely on slope, with the maximum allowed FAR becoming more restrictive as the slope increases.

Slope-Based FAR Maximums in the City of Belmont	
Slope	Maximum allowed FAR
10% and less	.53
11%	.53
12%	.53
13%	.52
14%	.52
15%	.51
20%	.48
25%	.44
30%	.40
35%	.34
40%	.29
45% and up	.27

Advantage: Allows less development on steeper lots where visual impact is likely to be greatest.

Disadvantages:

- More complicated than FARs that do not account for slope.
- Does not account for variations in slope across a lot.

Variation: FAR Maximums Varied by Slope and Lot Size

The City of Beverly Hills uses a complicated method to address both slope and lot size in its Hillside Area. Beverly Hills calculates the area of a lot’s level building pad as well as the sloped portion of the lot. The City’s maximum allowed floor area is calculated by adding a percentage of the level pad to a percentage of the sloped portion. For example, the maximum permitted floor area for lots of 15,000 square feet or less is 40% of the area of the level pad plus 10% of the area of the slope. Thus a larger amount of floor area is permitted on a mostly level lot than on a more sloped lot of the same size. As lot size increases, a smaller percentage of the area of the level pad is used to determine maximum permitted floor area. A maximum FAR of .2 applies to lots that have no level pad, or have a level pad of less than 750 square feet in area, and have an average slope of 20% or greater. The following table lists Beverly Hills’ floor area limits for specific lot sizes.

Floor Area Limits by Lot Size and Slope in the City of Beverly Hills	
<i>Lot size (in square feet)</i>	<i>Maximum permitted floor area</i>
< 15,000	40% of level pad area + 10% of slope area
15,001 – 25,000	37% of level pad area + 10% of slope area
25,001 – 30,000	34% of level pad area + 10% of slope area
> 30,000	31% of level pad area + 10% of slope area

Option T: Require a Pre-Application Concept Review for New Hillside Projects on Vacant Lots.

A “Steep Slopes Committee” met during the 1990’s as part of on-going review of the NPO. A major goal of the committee was to determine how to address site constraint issues early in project application processing before applicants had greatly invested in a particular development proposal. One idea identified was to require a “site constraints analysis” to be completed prior to formal review of applications. Currently, this type of analysis occurs for subdivision projects subject to the Development Application Review Team (DART) process. However, for a single-family development on a lot which is not proposed to be subdivided, this type of “pre-review” does not occur. A new Pre-Application Concept Review with a “Site Constraints Analysis” could be required for all vacant hillside lots at early concept review.

The Site Constraints Analysis would consist of complete topographic information identifying slope ranges, significant vegetation features, view corridors, ridgelines, soil constraints etc. The additional information is necessary to properly evaluate whether site constraints may impact the location and siting of proposed new structures. The information would be valuable so the ABR and Staff are made aware of all possible site considerations prior to projects receiving preliminary approvals. Complete engineering details would also be required to be submitted prior to obtaining Final ABR approvals.

Advantages: Such a detailed analysis could identify advantages and disadvantages of alternative building sites on a lot. Decision-makers could direct the development proposal to be on the most appropriate portion of the lot and gain an idea of the appropriate sizing of the development. This step would occur before any building drawings had been created. This can save applicants time and cost for potential required redesigns if flaws with chosen building sites would instead have been discovered later in the review process.

Disadvantages: Some applicants prefer to choose their building site without decision-maker input. For example, there would likely be properties where the least grading impacts on a site would occur closest to a street. Decision-makers may direct the project to occur at the location nearest the street. A property owner might prefer to propose a more controversial project on a

steeper portion of a property, which may afford greater privacy and views, and take a chance that their project may be approved. This property owner approach would be facilitated by less site constraints review occurring early in the development application process.

Recommendations & Options Summary

The following summarizes the list of options described above. Options recommended by Staff are bolded.

District Boundary

Note: Options A and/or B are only recommended if Option C is also chosen.

Option A: Reset Hillside Design District boundaries.

Option B: Simplify Neighborhood Preservation Ordinance to trigger all properties within the Hillside Design District for Design Review, rather than just those projects over 20% slope and over 250 cubic yards of grading.

Option C: Reduce the scope of projects subject to ABR review in the Hillside Design District boundaries as part of the Application Routing and Trigger Mechanisms discussion.

Hillside Spilldown

Option D: Change where height is measured “from” to natural or finished grade, whichever is lower.

Option E: Change the maximum height of structures in the Hillside Design District.

Option F: Institute a maximum horizontal grade stepping limit and/or step levels limit.

Option G: Institute a maximum vertical grade stepping height similar to Toro Canyon Plan’s regulations.

Option H: Change the definition of height to limit the total apparent height of stepped structures.

Option I: Create a new Single Family Design Guideline to address Hillside Spilldown.

Option J: Create new Hillside NPO findings.

Grading

Option K: Change NPO Grading Thresholds and add new Guidelines and Building and Safety Standards

Option L: Strengthen NPO findings for Grading on Slopes Over 30% and Increase Review for These Locations.

Retaining Wall

Option M: Create a Zoning Ordinance standard to limit visible retaining wall above grade heights to 8’.

Decks and Outdoor Courtyards

Option N: Create an additional Good Neighbor Guideline to address hillside decks and courtyards.

Chimneys on Decks

Option O: Create an additional Guideline to discourage free-standing chimneys.

Landscape Plans

Option P: Explore the feasibility of requiring landscape plans for terracing projects in the hillside area to ensure fire hazard landscape plans are implemented where grading activities may leave large areas un-landscaped.

Exterior Home Colors

Option Q: Encourage natural earth tone colors for Hillside District homes in the Single Family Design Guidelines.

Home Size Limits

Option R: FAR by Lot Size.

Option S: FAR by Slope.

Option T: Require a Pre-Application Concept Review for New Hillside Projects on Vacant Lots.

Attachments

1. Thirteen Hillside Design District Boundary Study Areas.
2. Memorandum, Bettie Hennon, Calculation of Average Slope of Parcels to Determine if Development Applications Can Be Exempted From ABR, May 6, 2002.
3. Architectural Board of Review Guidelines, Part III, pages 9 through 11.
4. City of Santa Barbara Single Family Design Guidelines Excerpts, pages H-6, H-7 and H-11.
5. City of Santa Barbara Building Height Definition Handout and Options.
6. Survey of Other Jurisdictions' Definitions of Height.
7. Santa Barbara County Toro Canyon Plan Implementing Zoning Ordinance, pages 9-12.
8. Conservation Element Excerpt, pages 9- and 51-52.
9. "L.A. Limits Height of Retaining Walls", Los Angeles Times, January 8, 2005.

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