

ALLIED

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RE: 1624 BATH ST.
MST2017-000156

Madam Staff Hearing Officer,

Our concern with conversions of residential units to hotel or short term occupancy can be stated simply. The City Zoning Ordinance (specifically 28.85.040) requires that review bodies, before approving any Development Plan, must make certain Findings ("Development Plan Approval (DPA) Findings"). **One of the required Findings is subsection (B) "The proposed development is consistent with the principles of sound community planning".** The Findings must not be simply boilerplate recitations, but must be based on specifics and articulable, substantive considerations.

This requirement makes good sense: though you are not charged specifically with Community Planning, your decisions should be made in the broader context of sound planning for the community at large. In the *Memorandum on Development Plan Findings* (dated March 30, 2017, paragraph 2) it says that to properly make the required DPA Findings you must exercise "independent judgment when reaching your decision, explaining your reasoning, and supporting your decision with facts and/or statements." It goes on to state (page 2 paragraph 1) that "Issues such parking deficits, loss of housing, accessibility and possible noise related impacts are common issues raised by neighbors that may factor into whether the approval of the Development Plan is consistent with principles of sound community planning." Additionally, **you can incorporate any other information, including information from the Housing Element and the General Plan, which you receive to make your Findings.**

In January you reviewed the hotel/STR project at 1608 Bath St., and approved the requested Interior Setback Modification. At that time you were not required to make any DPA Findings and you did not have the latitude to make a decision on the proposed project for the entire community, but today you have that opportunity. 1624 Bath St. will be the second hotel/STR on this block, on the same side of the block, and only two parcels separate the proposed hotel/STR and the hotel/STR at 1608 Bath. If approved these two hotels/STRs will be a mere 100 feet apart. **At this location it appears that a concentration of hotels/STRs will impact the immediate neighbors, and the neighborhood.** Because of the very close proximity of these two properties and long-term impacts

to this neighborhood do not appear to be “*sounding community planning.*”

With respect to the project presently before you...

it is inconceivable to us how this conversion of a residence to a hotel unit can be deemed consistent with sound community planning, much less with priorities set out in the General Plan and Housing Element. Very recently, the Architectural Board of Review and the Historic Landmarks Commission (HLC) turned down three similar applications on such grounds nearly unanimously.

In reaction to a severe housing shortage, with current vacancy rates at historic lows, the City has elevated to highest priority the creation and preservation of housing stock. **The loss of even a single unit of residential housing, aside from its cumulative effect, rings of a blatant inversion of priorities, one that places a higher priority on hotel units than scarce housing.**

It should be added that part of our (Allied's) mission is to promote stable neighborhoods; the proliferation of these short term rentals has a destabilizing effect.

It has been argued that this application only involves one unit - no big deal since the AUD promises many new “affordable” units. But please consider: since addressing the housing crunch, the City has realized how hard it is getting each individual unit built, and has paid dearly for them with City resources (such as relaxed development standards and other incentives). On the other hand, we have no shortage of hotels. An HLC Commissioner noted our miniscule residential housing vacancy rate versus a substantial (24.38%) hotel vacancy rate, and urged that we should not be “depleting things” we need badly, while adding to what we already have in abundance.

Our purpose in addressing this issue is to urge you to do due diligence in making the community planning Findings that align with our City's fundamental priorities.

Respectfully,
Allied Neighborhoods Association

PS. Staff in both planning and building regularly say that this or that specific proposal for a hotel/STR does not require (does not trigger) ADA requirements. The plan for 1624 Bath does not include ADA access into this proposed hotel/STR. **The City needs to explain to the community, and to the disabled community, why overnight public accommodations** such as 1624 Bath, 1608 Bath, 109 W. Ortega, 812 Jennings, 2017 Bath, 102 W. Islay, 402 Anacapa, 13 W. Haley, 316 W. Pedregosa, 1924 Bath, and others, **do not require ADA access.** The way things are getting approved and building permits issued by the City it appears the vast majority, if not almost all, hotels/STRs will have no ADA access. (An exception is 101 W. Anapamu, which has access to the vacation rental/hotel unit because the building has an elevator.)



City of Santa Barbara
Community Development Department

Memorandum

DATE: March 30, 2017

TO: Architectural Board of Review
Historic Landmarks Commission

FROM: Jaime Limon, Sr. Planner II

SUBJECT: Development Plan Approval Findings

Background

The purpose of this memorandum is to clarify the role of the Architectural Board of review (ABR) and Historic Landmarks Commission (HLC) relative to the review of projects proposing new non-residential floor area and a Development Plan Approval (DPA). SBMC Section 28.85.030.C.1 gives authority to the ABR and HLC to review, and approve or deny any non-residential project that involves the construction, addition, or conversion of more than one thousand (1,000) square feet of new non-residential floor area and not more than three thousand (3,000) square feet of new non-residential floor area.

In addition to the Planning Commission, the ABR and the HLC also have similar authority to perform land use review and grant smaller Development Plan Approvals. Staff has been advised by the City Attorney's Office to ensure the ABR and HLC properly make the required DPA findings by **exercising independent judgment when reaching your decision, explaining your reasoning, and supporting your decision with facts and/or statements.**

The ABR and HLC must make all the findings below (A thru D) and **can consider facts presented to them by staff, the applicant, or from the general public.**

28.85.040 *Standards for Review – Development Plans.*

The following findings shall be made prior to approving any development plan pursuant to this Chapter:

- A. The proposed development complies with all provisions of this Title; and*
- B. The proposed development is consistent with the principles of sound community planning; and*
- C. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.22.145 or 22.68.045 of this Code; and*
- D. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of*

March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050. (Ord. 5609, 2013.)

Recently, there has been some confusion relating to ABR and HLC making the DPA findings involving short-term vacation rental (STVR) projects. The permitting of STVRs is a relatively new activity for the ABR and HLC. STVR projects involve the conversion of residential square footage to non-residential floor area requiring a DPA, even if no or minor exterior alterations are proposed. It may be difficult at times to make findings if ABR and HLC members are not familiar or have experience dealing with all of the issues raised by the conversion of residential units to STVRs. Issues such as parking deficits, loss of housing, accessibility and possible noise related impacts are common issues raised by neighbors that may factor into whether the approval of the Development Plan is consistent with principles of sound community planning.

In the future, staff will be providing more support to assist the ABR and HLC in making DPA findings. The ABR and HLC must exercise independent judgment when reaching their decisions and explain why findings are being made. To be clear: As individual Commission and Board members, if you cannot make each of the required findings, you cannot support project approval. In addition, your decisions must be supported by facts or statements taken from the record presented to the Board or Commission before a decision is made. Those facts may come from Staff, the applicant or members of the public. In order to create a defensible legal record on project decisions, statements similar to those shown below must be provided by your Commission/Board as shown below:

Examples:

- A. The proposed land use is allowed by zoning and the project type is consistent with other uses in the neighborhood.
- B. The project follows adopted design guidelines proposes improvements or uses which benefit the residents of the City and the project will not have a significant impact to the City's housing supply.
- C. The proposed project's size and architectural style are not compatible with the neighborhood.
- D. The proposed project has included insufficient parking and/or the parking demand has not been met.

Again, as ABR and HLC members, you must be aware that your duty and responsibility includes making findings for DPA, and if you don't believe that you have sufficient information to make any DPA findings, you should ask for more information or assistance from Planning staff.

I will be attending the next ABR and HLC meetings to answer any additional questions you may have on this subject. Please feel free to contact me at any time. 564-5507 or via email JLimon@SantaBarbaraCA.gov