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June 21, 2020

To: Ordinance Committee

Re: Amendments To Santa Barbara Municipal Code Chapter 30.150 For Average Unit-Size Density Incentive Program Amendments Focused On The Central Business District

Allied Neighborhoods Association has been engaged in the AUD Ordinance from the beginning. Most recently, we reviewed the 80-page Planning Commission Staff Report, provided a comment letter, watched the Commission deliberations, and reviewed the materials for the Ordinance Committee.

We provide the following comments:

Trial Period End Date. We don't agree with the Planning Commission recommendation to eliminate the 8-year trial period end date of August 31, 2021. This would end the trial period upon adoption of the Downtown-Focused Package, expected July 2020, and before the Subsequent Amendments come to Council later this year. We agree with City Council direction to retain the 2021 trial period end date.

With the Council direction to eliminate the 250-unit cap, all that remains of the compact with the community is the original 2021 trial period end date. This compact with the community was the result of a number of years of community process and compromise, and should not be eliminated.

Intent Language. Section 1, Findings & Determinations in Attachment 1, is critical to be included as it provides important intent language (discussed on page 4, Ordinance Committee Agenda Report). As discussed there, this is legally necessary to protect and implement Council's specific directions. We discuss this further in item #2 below.

60 Feet. We were rather shocked to hear discussion at Planning Commission about building height of 60 feet, and 60 feet by right. Additionally, it was mentioned that 60 feet would be part of subsequent amendments.

Language is very important. In AUD staff materials, there's the Downtown-Focused Package, the Full Package, and also Subsequent Amendments (those being the balance of amendments in the Full Package, minus the Downtown-Focused Amendments). When it was mentioned at Planning Commission that

building heights to 60 feet would be coming back in subsequent amendments, it was unclear whether that comment meant the Subsequent Amendments coming this fall, or subsequent amendments in a more general sense, which could be coming in the future.

Below please find below our comments on specific topic areas in the Downtown-Focused Package:

1. **Allow unbundled parking for multi-unit residential development in the CBD.**

   Allied is supportive of unbundled parking, it provides flexibility for residents and property owners.

2. **Remove the Priority Housing Overlay from the potential Historic Districts on lower De La Vina and Castillo Streets.**

   Allied is very supportive of the proposed AUD Program Amendment to remove the Priority Overlay and High-Density designation from the potential historic districts on De La Vina and Castillo Streets. We are also very supportive of retaining the lower density zoning for the Brinkerhoff Avenue Historic District. Our historic resources are very important to our residents, contribute to the character and charm of our city, and are an important economic driver.

   It was unfortunate to learn, because of Housing Element requirements and timing, this will not move forward concurrently with the Downtown-Focused AUD Amendment Package - but will trail and be included in the Subsequent Amendment Package, probably beginning this Fall. We have concern with the length of time between the packages, State no-net-loss requirements, and whether this can actually be accomplished with the timing gap; this is discussed on page 4 of the Committee Staff Report as mentioned in the beginning of our letter, and in Section 1, Findings & Determinations, and provides necessary legal intent language.

3. **Eliminate the open yard requirement on properties in the CBD between Chapala and Anacapa Streets.**

   We think an open yard requirement is still important; some common open yard should be required.

4. **Increase the maximum building height limit from 45 feet to 48 feet in the CBD, C-G and M-C Zones.**

   We oppose an increase in the maximum building height.

   The current 45-foot height limit allows for 9-foot ceilings, which are adequate. Adding 3 additional feet for a height of 48 feet, allows units to be promoted as high-end luxury,

with 10-foot ceilings, and can command higher rental rates. This runs counter to the goal of the AUD Program to provide workforce housing.

Additional height can be available under the State Bonus Density program and our local Bonus Density program, and under AB 1763.

Taller buildings use more energy and cost more per unit to build.

5. **Add High Density with Priority Housing Overlay in the CBD, except within the Brinkerhoff Avenue Historic District.**

Allied is very supportive of retaining the current lower density zoning for the Brinkerhoff Avenue Historic District. Allied is not supportive of the proposed density increases for the CBD.

This housing will be market rate and most likely very expensive due to high land prices in this area of the CBD. Recent AUD market-rate rental projects show that rental rates are not affordable, in spite of the fact that generally the units may be smaller.

Increased densities can be accomplished through State Bonus Density or our local Bonus Density Program, and can also provide true affordable price-restricted housing.

6. **Parking Maximum. (Not part of Council direction for Downtown-Focused Package)**

Planning Commission recommended a parking maximum, and recommended the in-lieu fee section be eliminated. Allied is not supportive of the parking maximum concept, as no parking would be required. In this model, if no parking is required, no in-lieu fees could be charged. Attachment 1, Exhibit A (red-lined Ordinance, Ordinance Committee materials), removes the in-lieu fee section and includes the new parking maximum section. This is a big giveaway to the developers and will likely increase land values even more.

7. **Allow developers to pay in-lieu fees in the CBD instead of providing required on-site parking.**

We request the In-Lieu Fee section, 30.150.090.F.1 be included in the AUD Ordinance. The language, as amended from the language presented to Planning Commission, can be seen in the June 30, 2020 Memorandum from the Office of the City Attorney. The amended language is in the Calculation of In-Lieu Fee section, which includes "in compliance with the Mitigation Fee Act (Government Code section 66000, et seq)." The necessity to include this language in 30.150.090.F.1.a. is in the discussion on page 2 of the Attorney's Office Memorandum. (this Memorandum may not be included in the Ordinance Committee materials)

Use of in-lieu fee**.** The ordinance language is extremely broad and vague for the use of the funds and needs to be more specific and defined. Allied recommends maintenance of our parking structures (3 of the structures are older) be a high priority for use of the funds.

The newly included parking maximum section added at the recommendation of the Planning Commission, which was not in directions from Council, would need to be removed as it would be in conflict with in-lieu fees.

Additionally, we'd like to provide comments on two related topics:

Prohibit tenants of new multi-unit residential projects from obtaining on-street parking permits through the Residential Parking Permit Program. Allied is very supportive of this. Some older properties in the CBD, such as the apartments above the old Sojourner Café location, have been able to obtain Residential Parking Permits in the past (this allows the residents to park their cars in on-street parking 24/7/365 days.) We do not think this is appropriate for new AUD and/or multi-family housing downtown.

Noticing for AUD Projects needs to begin with the first review, including any Pre-Application Reviews. For a fee, an applicant can have a Pre-Application design review meeting, where the project is presented, questions are answered, and individual design review members provide comments (but no motion is made) - and no noticing is required for immediate neighbors. We ask for noticing in this situation. (This is our understanding of a Pre-Application Review)

Our unique architectural impression in the CBD is mostly determined by our low density and lower building heights, and historic resources. These attributes contribute to Santa Barbara's small-town character and are important elements in the attraction of our town and our tourist economy.

Thank you for your careful consideration of these important decisions.

Sincerely,
Allied Neighborhoods Association

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