

Sarah Gorman

From: Nicole Grisanti
Sent: Monday, March 05, 2018 4:12 PM
To: Kristen Sneddon; Cathy Murillo; Randy Rowse; Paul Casey; Sarah Gorman; Monday Fitzgerald; Allison Fore; Norma Estrada; George Buell; Renee Brooke; Rosie Dyste
Subject: FW: ADU ideas from Berni Bernstein, Realtor

From: Berni Bernstein [mailto:bernibernstein@hotmail.com]
Sent: Monday, March 05, 2018 4:04 PM
To: Nicole Grisanti ; cathy mcmammon
Subject: Fw: ADU ideas from Berni Bernstein, Realtor

Thanks for your work putting the pieces together to make this new concept comply with the state regulations and also fit with SB. Our neighborhood character and quality of life is important to preserve. On the Mesa, dozens if not hundreds of these units are already built, and they will now be getting permitted. For me the important issues are: size, height, parking and residency. It is important that **they not be too big or too tall. Can they be 2 stories?** If so , they could potentially be built too close to the lot line and look over into the neighbors property which would be a bad idea. Would they have to go through design review at SFDB if they are two stories? On the Mesa, there are so many already and many more to come, so **parking is a concern**. Consider at least two people and two more cars estimated for each new ADU. There should be some required offstreet and/or covered parking. High Fire Areas I say no. Owner occupied? Some developers have already come in with stacks of applications for ADU's from what I've been hearing. Perhaps it is a good idea. I'm not sure what the issues are around this point. Thank you for your attention and work on this. I am unable to attend the meeting, so please send my comments to the committee members. Thanks.
Berni Bernstein, Realtor for over 30 years in Santa Barbara
805 705 4867

Helen Couclelis
2138 Ridge Lane
Santa Barbara, CA 93103

March 8, 2018

The Honorable Cathy Murillo
Mayor, City of Santa Barbara

VERY Urgent: ADUs on the Riviera

Dear Mayor Murillo,

First, my apologies for jumping the gun a couple of days ago, by sending a version of this letter by email to Councilmember Kristen Sneddon as our District 4 Councilmember and as Chair of the Ordinance Committee. Following Tuesday's special City Council meeting I also sent a version to Fire Marshall Joe Poiré, as I was heartened by his very professional views and answers to questions, his appreciation of issues that may be too technical for many others, and his suggested need for criteria that might help to justify excluding certain hillside areas from ADU development. I hope that this letter will help provide a perspective on such criteria.

I am highly concerned about the major liability currently facing primarily the Riviera neighborhood in the City of Santa Barbara: the threat of allowing any ADU development in that extremely vulnerable area. I am requesting your leadership in helping avert potential disasters in that neighborhood, especially those resulting from evacuation bottlenecks and responder access problems, in case increased densities of structures, population, and automobiles are allowed. To varying degrees, the issues highlighted here also affect additional local high-fire-hazard areas. Since the City's ADU Ordinance is expected to be finalized soon, and pressures from some City officials and interested parties are mounting, this is close to the last opportunity to act. I regret I was not able to have this letter ready before Tuesday's Special Ordinance Committee meeting.

In my capacity as UCSB Professor Emerita of Geography, and as certified urban and regional planner in Europe, I have a professional obligation to speak up about the issue of permitting ADUs on the Riviera in particular. Since my appointment in 1982 I have worked and published on techniques widely used for fire spread modeling, and occasionally also on urban area evacuation issues. Mr. Andy Newkirk, Senior Planner in Goleta's Department of Planning and Environmental Review, who is currently responsible for Goleta's ADU Ordinance, earned his M.A. with me in 2016. Further, as a Riviera homeowner of 29 years, I know the neighborhood intimately.

The specific, serious problem I wish to address here is the emerging consensus among the members of the City's Planning Commission and others that ADU applications should be approved in *all* hillside areas as long as the property concerned conforms to the Fire Department's regulations on vegetation management (Planning Committee, 1/25/18, Ordinance Committee 2/27/18 and 3/6/18). This goes against the recommendations of the City's professional planning staff working on the draft Ordinance on ADUs, who until recently continued to support a blanket ban of ADUs on all of the high-fire-hazard areas of the foothills. However, under strong pressure, they are considering a "strategic" approach of approving ADUs in these high-fire-hazard areas foothill areas on a property-of-property basis.

The proposed property-by property approach to ADU approval based on vegetation management and perhaps some parking considerations, is seriously insufficient in helping safeguard life and property on the Riviera. That approach cannot take into account the cumulative vulnerabilities of different neighborhoods, and of different areas within neighborhoods. Topography, geology, hydrology, size, fuel distribution, population distribution, the distribution of structures, the configuration and condition of local road networks, the location and conditions of exits from the area, and other special conditions on individual fire-prone hillside neighborhoods, are all critical *area-wide* considerations that cannot be captured in a lot-by-lot approach. Disasters such as wildfires, mud-and debris flows, and earthquakes are all area-wide. Here are some relevant facts about the specific vulnerabilities of the Santa Barbara Riviera.

1. The Riviera neighborhood is by far the single largest Very High Fire Hazard Severity Zone (VHFHSZ) under local responsibility in the County, as designated by CalFire. On the east side it retains traces from the 2008 Tea fire, the contour of which significantly overlapped with that of the Riviera. We are told that wildfires will be ‘the new normal’. Note that ADUs are not allowed in the Mission Canyon neighborhood immediately west of the Riviera, which is under County jurisdiction (Figures 1-3).
2. The Riviera hill is an active seismic fault – the Mission Ridge fault – and the older, western part of the Riviera in particular is officially recognized by the state as high risk because of a combination of high seismic hazard and a high proportion of older (pre-1940s) homes. Several of these west Riviera homes are actually pre-1925. A moderate earthquake can close roads, destroy bridges, and cause fires as a result of broken gas lines (Figure 4).
3. The Riviera’s hills are themselves a threat to its road network in an earthquake or a major storm. Just last winter, the steep slopes of the N. Franceschi Park area produced a rock- and mud-slide that closed one lane of Mission Ridge Road, the neighborhood’s main artery, for several days. Similar very steep slopes exist along Mountain Drive, along Route 192, and elsewhere. The upper Riviera (above Hwy. 192,) on the urban-wildland interface, is not only an extreme fire-hazard area. It is also situated similarly to upper Montecito and is known to have produced at least one cataclysmic rock slide in the pre-colonial past (origin of Rocky Nook park, adjacent to the west Riviera), at a time when most of today’s common wildfire ignition sources were absent.
4. The west Riviera is home to several CUP facilities, including an industrial park, a movie theater, a large hotel, and a school (not counting Roosevelt Elementary right below). These facilities substantially increase the day (and night, in the case of the hotel) population of the neighborhood.
5. A high percentage of the ca. 2,500 residents of the Riviera are elderly and can be expected to be mobility- and/or partially visually impaired to different degrees. Most of these seniors can and do drive safely – on clear days, in light traffic. Last October, of the 43 people who died in the Northern California fires, the majority were elderly.

Considering the Riviera’s cumulative vulnerabilities, it is fair to say that every additional dwelling and driver and every additional car parked on Riviera streets increase the likelihood of a nightmare evacuation scenario in case of wildfire (especially if it starts in or near the populated area), or in case of an earthquake (especially if it triggers fires or renders some the already insufficient streets impassable). These kinds of scenarios are equally dire for the evacuating populations and for the first responders trying to enter the area. Note that one additional dwelling does not mean one additional car. Visitors and weekend guests and service people are also adding their vehicles to those already parked on the streets.

These factors all point to the grave risks the Riviera residents will face in case a short-order evacuation becomes necessary. Neighborhood evacuation and responder access are area-wide processes involving all or part of an area's road network, ending in widely scattered exits to safety. These processes are not about individual streets or sections of streets along individual properties. They save lives when disaster strikes, but under unfavorable conditions they can also be major threats to life for both evacuating residents and first responders¹. Due to the hilly terrain and early-20th-C development, the Riviera's road network largely consists of steep, narrow, winding roads affording very limited visibility around curves, and is clearly insufficient for today's population and automobile densities. Under the stress and poor visibility conditions of a short-order evacuation, it can be deadly. Some numbers:

- a. Mission Ridge Rd. is one of only two main access roads to/from the West Riviera. Yet at its western Mountain Dr. end, by the very challenging 3-way intersection, it is just under 20 ft. wide (Figure 4).
- b. Ridge Lane (two-way, on-street parking allowed), a feeder street to western Mission Ridge Rd. and typical of many Riviera side streets, is 17 ¾ ft. wide on average, and 16 ¾ ft. on the blind curve.²
- c. The main Riviera hill has about 14 egress/ingress points along Los Olivos, Foothill, Sycamore Cny, and Alameda Padre Serra (APS) roads. Casual observation suggests that only about two of these may be acceptable in terms of surrounding population density, width, geometry, and slope. In an approaching wildfire or following an earthquake or debris flow, several of these exits will/may not be available.
- d. The lower Riviera (below APS) faces its own evacuation challenges with narrow streets that are dead-ending or clogged up with parked cars, or that are too steep for safe egress under stressful and crowded conditions.

Note that the basic consideration in estimating the evacuation capacity of a road network is how many vehicles per unit time (say, per minute) each usable exit, or road segment leading to an exit, can handle before traffic-stopping bottlenecks occur. In principle that means that up to 2,500 residents, not counting hundreds more in daytime (and transient nighttime) population, could be trying to escape from a handful of twisted and narrow exits. A single fender-bender at the wrong place could instantly bring exit capacity down to zero and kill dozens. Wide road segments here and there don't matter. It is well known that "a chain is as strong as its weakest link" (Figures 5 & 6).

Moving beyond the physical aspects of the issue, I note the following:

- Insurers increasingly appreciate that the level of risk at a property is also a function of conditions in its wider surroundings, and are beginning to use analytic methods to help estimate and quantify that risk. For example, California's FAIR program, which provides insurance of last resort to properties that cannot get coverage elsewhere, uses such an area-wide methodology to set individual property rates. That methodology takes into account the following: fuels at property, fuels within surrounding one-half mile, slope, access, special hazard interface area, prevailing wind directions from wildlands, and historical wildfire activity in the vicinity.³ It is developed for use by regular insurers who also are increasingly using

¹ Most of the 1991 Oakland Hills Firestorm's 25 fatalities and 150 injuries occurred during evacuation over a hilly road network. 2,843 single-family dwellings and 437 apartment and condominium units were destroyed, partly due to the inability of first responders to access the area.

² For reference, the City of Berkeley will not approve an ADU unless it is located on a lot with access from a roadway with a minimum 26 ft. in pavement width. The City of Los Angeles excludes ADUs from Hillside areas, except when located within a half mile of public transit and adjoining a 'standard street'.

³ See http://www.iso.com/isoPassportHelp/reading_loc_fireline_reports.htm
<https://www.verisk.com/siteassets/media/underwriting-v/resources/article-ca-fair-plan.pdf>

area-wide criteria (including ZIP codes and CalFire maps) to set insurance rates or to decline coverage in highly hazardous areas. Locally, certain companies are shunning ZIP code 93103 (and 93105).

- Contrary to the original intent of the ADU legislation, homeowners will be allowed to live in the new, smaller unit and rent out the main dwelling. Many elderly Riviera homeowners are likely to take that option. A non-negligible proportion of ADUs could thus each add a new multi-car family to the existing numbers of residents and vehicles, plus the cars of all those interacting with that family.

- ADUs on the Riviera, the least affordable residential area in the City, will never be 'affordable'. The median sale price for homes on the main Riviera hill was \$2,084,400 on 1/31/18 (versus 1,101,800 for the City) and projected to rise 2.6% this year. Riviera rentals currently listed include a 4-bds house for \$18,000/mo. and a 2-bds. house for \$7,900/mo. (Zillow, early March 2018). Predicted rising home insurance costs and property taxes will push Riviera rental prices even higher.

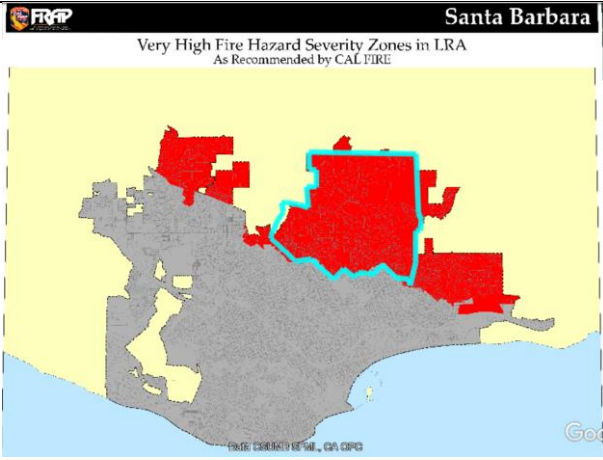
- By banning ADUs on the Riviera, the City would not be taking away any rights that current homeowners ever had. Everyone who bought property in that neighborhood knew exactly what a "single-family housing area" means in the USA. Anyone who absolutely must have an ADU on their property can move a mile or so down the hill where ADUs are not only welcome but also make very good sense. This would also conform to City's planning objectives of "safety, housing affordability, and sound community planning". Allowing any ADUs on the Riviera would not.

To summarize: the "Very High Fire Hazard Severity Zone" that is the Riviera according to CalFire is not only severely threatened by fire. Short-notice evacuation for any reason is a close second in risk to life and property, considering the multi-hazard, multi-vulnerabilities nature of the neighborhood. Both the risks and the vulnerabilities are area-wide. This is why, while essential, measures such as property-by-property vegetation management and road clearance, or a case-by-case requirement for off-street ADU parking, barely begin to address the egress-ingress problem in case of a disaster.

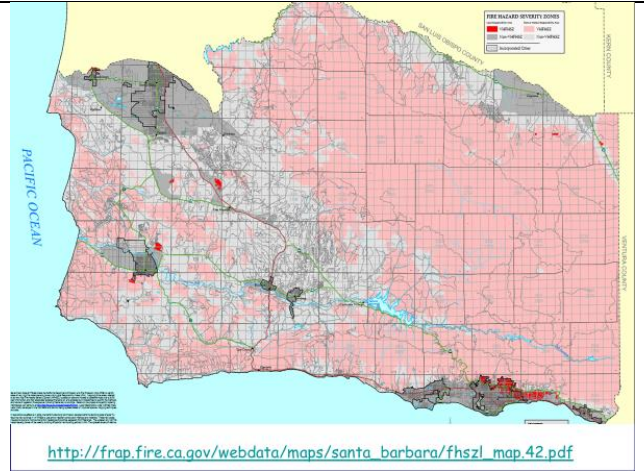
One last thing. No legislation can affect the preexisting natural and human-made facts on the ground, some of which have existed unchanged for centuries, while others have been steadily deteriorating as a result of increasing densities and traffic, the addition of population-intensive non-residential uses, the rising living standards supported by outside personnel, infrastructure aging, and climate change. This is not a squabble about setbacks or maximum sizes or parking spaces. The moment the City approves even one ADU on the Riviera for administrative reasons, it turns the issue from a professional recognition of hard facts seriously affecting public safety, into an administrative action that to many will appear arbitrary. The City may be able to handle lawsuits resulting from such a fundamentally displaced framing of the ADUs-on-the-Riviera issue. If a disaster does strike, it might be more difficult to confront an angry public wondering "What *were* they thinking?..."

Respectfully yours,

Helen Couclelis
Professor of Geography Emerita, UCSB
cook@geog.ucsb.edu



1. The Riviera outline (blue) superimposed on CalFire's VHFHSZ local responsibility zones. The yellow wedge between the red areas is the County's Mission Canyon neighborhood (*no ADUs* allowed).



2. CalFire uses its most severe, VHFHSZ recommendation sparingly. Of the County's areas under local jurisdiction, the City of SB, concentrates most of it. The Riviera is the largest single part. Goleta (e.g.) has no VHFHSZ areas.

"We had the luxury of time. We didn't have that during the Tea Fire. We didn't have that during Painted Cave..."

Pat McElroy, City of SB Firechief cited in the Independent, 12.21.2017



3. Contour of the 2008 Tea Fire, overlapping with the Riviera. This 'tiny' fire compared to the Thomas fire burned over 210 homes. It started closer and there was little time to prepare.

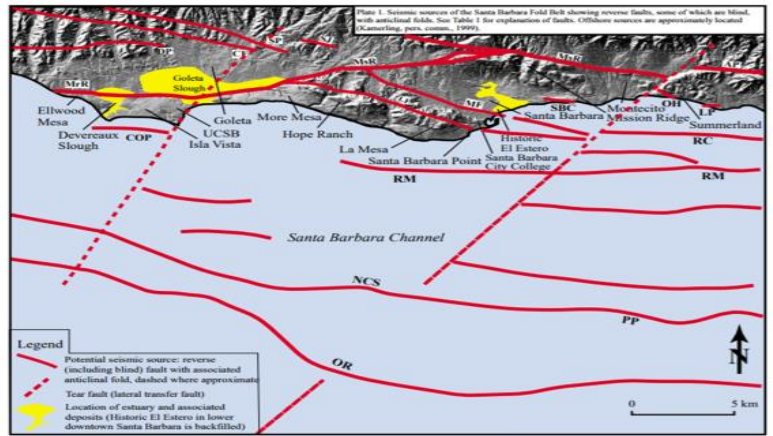


Figure 1. Seismic sources of the Santa Barbara Fold Belt showing reverse faults, some of which are blind, with anticlinal folds. Offshore sources are approximately located (Kamerling, pers. comm., 1999). The Mission Ridge Fault System is subdivided into the More Ranch (MrR), the Mission Ridge (MsR), and the Arroyo Parida (AP) segments. Additional onshore seismic sources include the Dos Pueblos (DP), the Carreros (CF), the San Jose (SJ), the San Pedro (SP), the Lavigia (LF), the Mesa (MF), the Santa Barbara Cemetery, the Ortega Hill (OH), and the Leon Point (LP) faults.

4. Top: The long Mission Ridge fault (MsR), in 3 sections, ranging from Ellwood to well beyond Summerland. The Riviera is its most prominent part. The state sponsors seismic retrofitting of older homes in ZIP 93103.

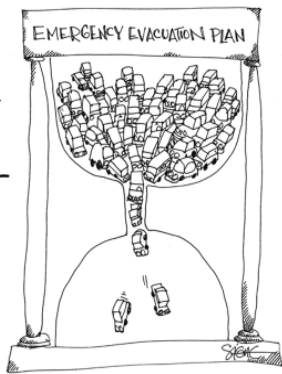
Evacuation vulnerability

$$e = p / c$$

P = Population - households - CARS

C = Capacity (network - link - intersection) ~ CARS per MINUTE

"A chain is as strong as its weakest link"



5. No matter how wide the street in front of you is, when evacuating in a hurry you will still depend on the same few substandard exits as everyone else, adding to the congestion.



6. This U-turn is one of only two access points to/from the Riviera from the west. It is hard to navigate under even the best conditions.



April 6, 2018

Mayor Murillo and Council Members
City of Santa Barbara
City Hall, Santa Barbara, California

Re: Draft Accessory Dwelling Unit (ADU) Ordinance.

Dear Mayor Murillo and Councilmembers,

In recent months, AIASB has been working together with government and the community to help craft the City’s Proposed ADU Ordinance to promote safe, functional, and inspired ADUs in keeping with State Law and the unique needs, personality, and environment of Santa Barbara.

We support ADUs for the following reasons:

- ADUs offer the most promising approach to achieve affordable housing for our essential workforce (police, firefighters, nurses, teachers, family members, young professionals, retirees, etc.).
- ADUs are the best way for the City to increase our housing supply and meet State Mandated Requirements with the least cost to the City.
- ADUs are the best way to preserve our neighborhoods through low impact development.
- ADU housing in the City core can bring much needed commerce and vitality.

Progress has been made that we acknowledge and appreciate. Key components of the Draft Ordinance still need to be revised to encourage the creation of ADUs.

Our suggestions follow and are *italicized*:

ADU GENERAL REQUIREMENTS

Whether a proposed ADU can be permitted and built is determined by the regulations that must be met. If obstacles can be eliminated, more creative housing can be realized.

1. LOT SIZE

We agree with the Planning Commission super majority vote on January 25, 2018 to allow the maximum ADU size to be based on lot size as follows:

<u>LOT SIZE</u>	<u>MAXIMUM ADU SF ALLOWED</u>
<i>Lots 5,000 SF or less</i>	<i>600 SF maximum</i>
<i>Lots 5,001 to 9,999 SF</i>	<i>800 SF maximum</i>
<i>Lots 10,000 to 14,999 SF</i>	<i>1,000 SF maximum</i>
<i>Lots 15,000 SF or larger</i>	<i>1,200 SF maximum</i>

2. OPEN YARD REQUIREMENT (See attached illustrations)

For the Larger Lots, we support the proposed reduction of open yard requirement of 1250 by 20% or by 150 SF, whichever is greater. Smaller lots common in the town core and near transport and services need less restrictive Open Yard Requirement.

We support the following:

OPEN YARD REQUIREMENT FOR LOTS OF 6,000 SF OR LESS:

- *10% of the Lot Size*
- *10’ minimum Open Yard Space dimension and not required to be contiguous*
- *Open Yard Area allowed to overlap the Driveway*

3. FLOOR AREA RATIO (FAR) *This calculation can result in the elimination of ADUs. The FAR calculation should be eliminated for ADU’s on small lots of 6,000 SF or less. ADU’s proposed on lots of 6,000 SF or less should be approved if:*

- *It meets the maximum ADU SF allowed for the lot per 1. above.*
- *It meets Open Yard Requirement per 2. above.*

**4. HEIGHT, VIEWS, PRIVACY, NEIGHBORHOOD CHARACTER, SOLAR ACCESS
A New Separate Single Story ADU:**

- Requires the open yard area to be reduced to accommodate the new structure.
- Is less likely to intrude on neighbor visual privacy, block views, block the sun and conflict with the Solar Ordinance.
- Is less likely to be visible from street or impact neighborhood character.

Second Story ADU Addition:

- Maintains more of the existing open yard area.
- May intrude on neighbor visual privacy, block views, block the sun and conflict with the Solar Ordinance.
- May be visible from street and more likely to alter neighborhood character.

The height for second story ADUs should be per the current height allowed in the zone where the ADU is proposed. Detached single story ADUs are encouraged by relaxing Open Yard Requirements for small lots.

5. JUNIOR ADU (JADU) *We agree with the recommendation by the Council Ordinance Committee to allow JADUs everywhere, including High Fire areas, where approved by the Fire Marshal.*

6. MINISTERIAL DESIGN CHECK LIST *A simple Ministerial Design Check List is required to meet the State Law.*

7. HIGH FIRE HAZARD AREAS *Safety is paramount. Any development in High Fire Areas (ADU, Addition, etc.) should be reviewed and approved by the Fire Marshal. If a property can obtain a permit for an addition, the property should also be suitable for a permit for an ADU.*

8. OWNER OCCUPANCY

We agree with Members of the Planning Commission concern regarding negative assumptions about Renters versus Homeowners in the Proposed ADU Ordinance and agree that no discriminatory practices should be included in any City Housing policies. We agree with the Ordinance Committee that multi-family lots should not require owner occupancy and single family lots, if required to have owner occupancy, should have a sunset clause.

9. ADU APPLICATION PROCESS & FEES

- Embrace ADUs, work to assist applicants, streamline process, and reduce fees.
- Create ADU Permit Application Handouts / Graphics. Consider a Stand Alone ADU Ordinance and Refer to City's Seismic Upgrade Program.
- Allow ADU's to be included on permit applications with other proposed work on the property without penalties or restrictions to development rights. Allow applicant to waive state mandated deadlines in exchange for this option.
- Provide Itemized receipts on for all payments for clarity and transparency.

Thanks to all of you, our elected officials, and City Staff for the significant work to date on the Proposed Santa Barbara ADU Ordinance. AIASB is here to serve and help make our community better and more vital through excellence in our built environment.

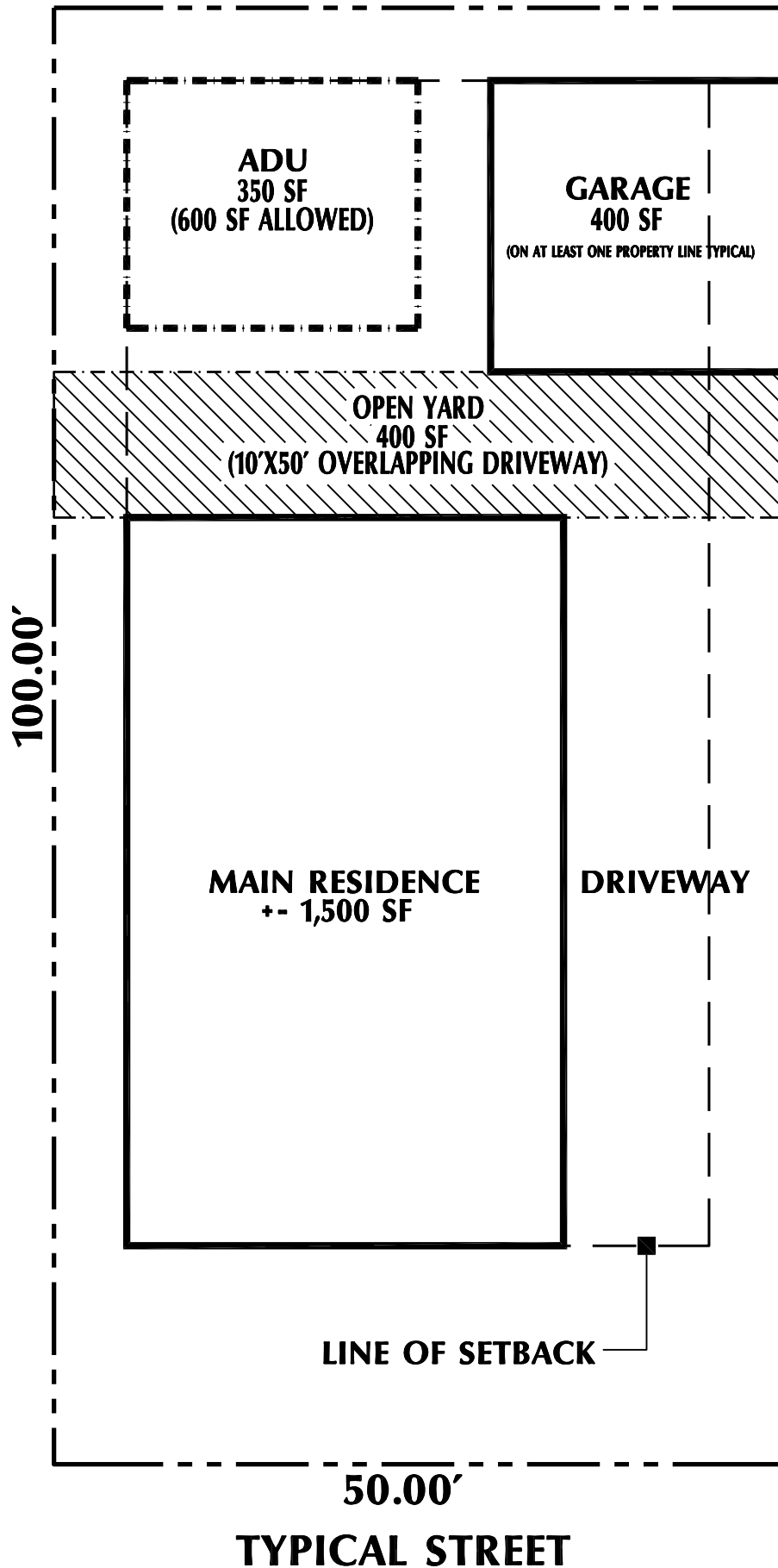
Sincerely,



Keith Rivera, AIASB President & AIASB ADU Advocacy Sub Committee

Copy: George Buell, Santa Barbara Community Development Director

Attachments: Typical 50' x 100' Site Plan
ADU Example Sketches #1, #2, #3,



SITE PLAN

NTS

TYPICAL SB LOT IN TOWN CORE 50'X100'



SKETCH #1 CONVERTED GARAGE ADU 50'X100' LOT



SKETCH #2 ABOVE GARAGE ADDITION ADU 50'X100' LOT



SKETCH #3 DETACHED 1 STORY ADU 50'x100' LOT