



4/27/99

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Board of Supervisors, County of Santa Cruz:
Jan Beautz, Walt Symons, Mardi Wormhoudt, Tony Campos, and Jeff Aimquist
701 Ocean Street
Santa Cruz, CA 95060

Regarding: Additional Design Review Requirements: 3 Dimensional drawings

Dear Members of the Board:

As an architect, property owner, and county citizen, I am concerned about the new Design Review requirements. I understand that a Development Permit will require submittal of 3-D perspective views with an emphasis on views from neighboring properties.

Now a owner applying for a minor land division will be required to submit 3-D views of a structure before it is known if the land division will be approved. This will require a site study for a property that does not yet exist, architectural designs, and 3-D perspective?, presentation drawings for a building that may never be able to be built.

I believe the Board has good intentions in proposing and approving these new requirements, however they are not a good solution. I doubt if they will produce the desired results. They will promote poor architecture. They will add another layer of bureaucracy and additional cost. Changes that may improve a project will be discouraged. They will create additional work for an overloaded Planning Department. Questionable information was provided to the Board for consideration on this matter. And these new requirements are likely to give some property owners more rights than others.

First of all, I do not see how these requirements will provide the intended results of a compatible, quality development that neighbors will not complain about. In proposing and approving these requirements it has been assumed that the "decision - making body" will magically know and make the "right" decision, one that everyone will be happy with. However, this will not happen and complaints will continue. Rio Highlands is an example. In essence the staff planners (who will probably be the "decision - making body") acted as the "decision - making body" approving changes to the project and there were complaints. Even with no changes, the odds are great that there would have been complaints.

It is my understanding that the "decision - making body" has not been determined. Who will be this "decision - making body"? Planners? Architects? Individual property owners? It does not matter who the "decision - making body" is, they will not be able to please everyone.

These requirements will promote poor architecture. This requirement puts the cart before the horse. The architectural design will not receive the care and effort it should because it must be completed prior to approval of a land division. Under these new requirements the architectural phase will be limited as much as possible to lower costs. It is likely that applicants will submit plans that they already have (from other projects) to cut costs. The design will be the result of the lowest cost;

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It will not be easy to make changes. Even if a new owner wants to improve the design, they will be discouraged by additional costs and bureaucracy. Development application fees are significant. All of mine have exceeded \$2,000.00. Also, a change will probably take at least 8 months to a year for approval.

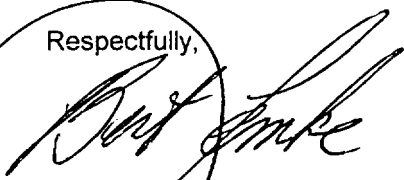
This requirement will add to the back log of projects, for an already overloaded Planning department. Currently, after an application is complete which can take more than a few months for the initial review, there is a minimum 6 month wait to get on an agenda for a hearing. Currently for a project that requires a development or use permit like a lot split, an accessory dwelling or even an accessory structure, it will probably take over 10 months at best, before a Building Permit would be ready to issue (initial review - 2.5 months + wait to hearing - 6 months (assume approval here or it will take longer) + building plan check - 1.5 months = 10 months).

I question information provided to the Board for consideration on this matter. I have not been to meetings as I was not aware of the proposed changes until recently. However, in reviewing documents provided to the board, I noticed that the Planning staff sponsored meetings with representatives of the development community. As an active member of the American Institute of Architects and the Architects Association of Santa Cruz County which are major representatives of the development community, I do not know anyone that attended these meetings. I am sure that if asked, professional opinions would have been provided.

Lastly, these requirements are likely to give some property owners more rights than others. Many property owners today feel their property "rights" extend beyond their property to include their neighbor's property. This attitude infringes on the rights of the neighboring property owner. The current zoning regulations provide "equal rights to all property owners" must comply with the zoning equally. Approval of private property development must not be subject to neighbors' whims. It must be fair and equal for all!

I respectfully request that you reconsider this Design Review requirement. It just does not make sense to design a building for a property that does not yet exist, create more work for an already overloaded Planning Department, create additional cost, create poor architecture for a program that will not work. Please inform me of your actions. Thank you.

Respectfully,



Bert Lemke, AIA, Architect

cc: Walt Symons, Supervisor
Alvin James, Planning Director

John D. Maschino - Architect
125 Bella Vista Lane, Mt. Madonna
Watsonville, CA 95076
Tel/Fax: (831) 722-7308

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MEMO

April 27, 1999

Re: Santa Cruz Co. Planning Dept. proposal to Planning Commission, dated April 19, 1999;
Waivers of Submittal Requirements for projects subject to the Design Review ordinance.

Memo from Steve Graves re: Comments on New Application Requirements for Design Review, dated April 26, 1999.

Dear Ad Hoc Planning Committee,

Thank you for faxing me the above information, along with your request to join you at the Planning Commission meeting tomorrow, April 28, 1999, at 9:00 A.M. Unfortunately, I have scheduled another matter at that time and will not be able to attend. I have taken the time to read the information today. There are many issues swept into this proposed design review ordinance. Not the least of these is the entire matter's questionable legality under the First Amendment. Each part deserves a full measure of time for public thought, reflection, comment, debate and so forth, beginning with our own communication today. Obviously we cannot do this in one afternoon.

Please submit a copy of this memo tomorrow morning for me, or otherwise read it into the record. Do add my exclamation to Alvin D. James, following the recent public discussion of the requirements. If you recall, I said to him at that time, that I believe the County's approach to design review as reflected in this proposal demonstrates *absolutely no understanding of the creative process*. As an Architect duly licensed by the State of California to practice the art of Site Planning, which is part of the Architect's examination, and none other, I believe I not only have the right to make this statement, but a serious duty to the community to say so loud and clear.

I further believe that given proper time and forum, I can successfully argue that such design review policy as proposed, in fact creates stagnation in the culture. This can be demonstrated historically, as well as in these times. Stagnation in this form is nothing less than censorship. All artists know that censorship is the arch-villain of the creative individual, as well as the collective body. It kills the creative mind, and with it the passion to create beauty in the world; in this case, Santa Cruz County.

Stagnation can also be shown to lead directly to domestic violence, mistrust, and ill-will among people. Too often in the past, a strong willed individual has marshalled an angry overburdened working class into an army. The goal is always to topple a top-heavy leadership, or upper class, (and the bureaucracy always survives). Does anybody need to be reminded that war is the opposite of peace?

I believe our chosen leaders should begin to couple their actions with some inspired wisdom, lest our common future suffers more for lack of it. Given the opportunity, please thank the Planning Commission for allowing me this opportunity to add one small voice in protest of this ill-advised design review ordinance. Again, thank you for calling this to my attention, and allowing me to speak through you.

Sincerely,



John D. Maschino

- c. Clerk of the Board of Supervisors, Santa Cruz Co.
Planning Secretary of the Planning Commission, Santa Cruz Co.
Alvin D. James - Planning Director, Santa Cruz Co.



STEPHEN GRAVES & ASSOCIATES

Environmental and Land Use Consulting

June 4, 1998

Board of **Supervisors**
701 Ocean Street
Santa **Cruz**, CA **95060**

Re: Comments on New Application Requirements for Design Review & Planning Commission comments (Item 74 - June 8th agenda)

Dear Board of Supervisors:

I have **attached a letter**, signed by a group of **9 professionals/firms** which **was provided to the Planning Commission** on April 28, **1999** during their review of **the design review requirements**. I am not sure why the **letter was omitted** from the Board package. since it **constituted** written **correspondence** included in **the Planning Commission's deliberations** with copies **provided to staff and the Commission**. **Nevertheless, please** review the attached letter along with **the Planning Commission's comments** and reconsider the design review **procedures** as **currently** written.

It was clear from the Planning Commission's comments, that all 5 Planning Commissioners were in **agreement** that the design review requirements are **too cumbersome** and appear to be ineffective in accomplishing the goals set out by **the Board**. We would strongly recommend, **based** upon public testimony, the comments by the Planning Commission, and the significant problems which have already **resulted** from the requirements, that the Board **suspend** the current **requirements** and return to the previous **requirements** (at least for residential subdivisions and minor land divisions) and direct **staff** to work **with** the Planning Commission, **Board**, and public to readdress **the design issues** and come up with a **new** approach to addressing the Board's concerns. **Thank** you.

Respectfully **Submitted**,

Stephen P. Graves

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STEPHEN GRAVES & ASSOCIATES

Environmental and Land Use Consulting

MEMO

To: Planning **Commissioners**

From : Steve Graves (Stephen Graves & Associates) **Ag**
 John **Swift (Hamilton-Swift Land Use Development Consultants)**
Kathy Casey (Casey Consulting)
Silvana DeBarnardo (DeBarnardo Construction)
 Rosanna **Grau (Grau Development)**
Dee Murray, Debbie Locatelli (DDM Land Use Consultants)
 Tom Thatcher, (Thatcher Tompson Architects) Glen Ifland (Ifland Eng. Inc.)
 PAUL KENECKO, (Habitat for Humanity)

Re: **Comments on New Application Requirements for Design Review**
 Planning Commission **Agenda** for April 28, 1999 (Item **H-3**)

Dale : April 27, 1999

Dear Planning **Commissioners**:

As you may know, a group of professionals, including architects, land planners, **designers, builders,** and real estate **agents** have on **several** occasions **expressed concerns with** the new **design** review requirements, particularly as **applied** I.O residential land divisions. Based upon **testimony** by the **Board of Supervisors on March 23, 1999,** it was our opinion that the Board **referred** the **entire matter** back to the Manning Commission for **consideration.** **The professionals** listed **above** have all reviewed and **provided** input, **as necessary into** the formation of this position letter which outlines our concerns with the **requirements.** Our concerns along with **proposed** solutions are outlined below:

Problems With Current/New Design Review Guidelines As Applied To Residential Land Divisions:

- **The design requirements** are **extremely** cost **prohibitive, increasing the cost** of **development** and housing.
- Full **design at** the application stage prior to **even** preliminary **review** results in significant **upfront expense** without any indication of project **feasibility.**
- By requiring full architectural plans at the initial application stage, **the incentive** to design custom homes is **greatly** reduced.
- Full design at the initial application stage does not allow the applicant to address staff or community concerns raised during the **project** review process, without **significant** redesign **costs.**
- if **the design issues** are identified during the project **review** and reflected in the record, **higher** quality designs that respond **directly to the issues will result.**

- Full architectural design is not necessary in most cases to accurately **evaluate** site **specific** design issues for land divisions.
- **The design review process** inappropriately fails to distinguish **between** land division /site planning issues and **architectural/design issues**.

Problems With Proposed Waiver System:

- **The proposed** waiver adds **unnecessary** delays and **creates** an **overly** cumbersome **review process**; approximately 1-3 months **could** be added to **the** land division process.
- Under a. waiver **request**, the Planning Commission is **being** asked to waive design **requirements** at **the** initial application stage **without** getting a **chance** to fully **evaluate** the **project** and **receive** input from **staff**, the applicant, and community.
- There will **be little incentive** to **pursue** a waiver, since it will add significant time, and since there isn't, any **guarantee** that **the** Commission won't **require** the **additional** information at the **hearing stage**.

Proposed Solution or Approach to Design Review Issues:

The additional design review requirements should be recommendations only and not required. This would allow the applicant to choose which requirements are applicable to evaluating a given project and **provide** that **information** up front. in **the** application.

This would **also** allow the applicant to **proceed** through the **project** process and to **receive** input from **staff** and **the** surrounding community. At any time **the** applicant, based upon this input during **the** project review **stage**, could opt to prepare **the** additional design information prior to the **hearing**.

The applicant would have to understand **that**, by not providing **the** full **architectural** and other **design** information, **they** would be taking a risk that **the** Planning Commission could deny or continue the **project** and require additional design information based upon **staff** or community **input** at **the** hearing. This is a risk that the applicant **should** be able to **choose**.

The benefit of this approach is that it allows **the** developers, **staff**, and the community to discuss, **evaluate** and **identify** what design issues may exist. Proposed solutions to **these** issues may be based upon this testimony and data. The Planning Commission could be expected to take any of the following actions :

- 1) ***Deny or continue the project and require that additional design information be provided based upon the evidence provided at the hearing.*** Under this scenario, **the** project would have to return to a hearing on

the Tentative Map after the additional **information** (specifically **identified** by the Planning **Commission** to **address** project Specific design issues] has **been** generated and evaluated.

2) Make a decision on the project based upon *Vte determination that adequate information has been provided and that no unresolved design issues exist that need to be worked out at the tentative map stage.* Under this scenario the Commission would **determine** that **further** design review **is** not **necessary**.

3) Identify potential design issues based on hearing testimony and require that these issues be recorded as *conditions of approval of the tentative map and require future design review at the building permit stage for the identified lots.* **Under this scenario, design issues would be** worked out at the building permit **stage**.

A findings process, similar to that proposed for the waiver process could **be implemented** to ensure that **the staff** and **Commission** have adequately evaluated the full range of potential **design issues**.

We would greatly appreciate your consideration **of these issues and potential** solutions. Thank you.

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HAMILTON SWIFT

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HAMILTON SWIFT Land Use & Development Consultants

May 19, 1998

Walt Symons
Santa Cruz County Board of Supervisors
701 Ocean St.
Santa Cruz, CA 95061

Re: Subdivision.. Design Guidelines

Dear Mr., Symons;

Thank you for taking the time to meet with me regarding the design guidelines. I hope that by looking at the specifics of the property, located on Haas Drive and Soquel Ave. evident that the assessment of the visual and privacy impacts of a subdivision on surrounding properties does not in all cases require the submittal, of complete architectural plans for every proposed lot. We believe that there are many properties due to their location, surroundings, natural buffers, topography or other circumstances which do not warrant the time consuming and costly preparation of complete architectural plans.

The Planning Commission' felt that 'the requirement for architectural elevations for each lot within a subdivision is excessive. They were particularly, concerned with the requirement that all future changes to a house, however' insignificant, would require review by the decision-making body.

We believe the concept of Design Review is appropriate to ensure that privacy and design compatibility is not compromised when considering subdivisions. At the same time we are concerned that over regulation of the design and development process will result in additional time and costs and ultimately inferior subdivision design. It is important to recognize that some of the most desirable and sought after neighborhoods in Santa Cruz County were lot subdivisions which allowed individual property owners to design and build their own house. Westlake, Seabright, Rio Del Mar, Carbonaro, even Pasatiempo were lot subdivisions which allowed for individual and unique home design.,

We believe the Subdivision Application Requirements should provide for a waiver process., Applicants should be able to present arguments as to why designs for houses may not be required as part of the subdivision review.

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HAMILTON SWIFT

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Walt Symons
Re: Subdivision Design Guidelines
May 19, 1998
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These arguments should be considered in the context of the public hearing, for the subdivision itself. Only then will the 'design issues be able to be considered in the full context of the subdivision, proposal.

It seems appropriate that the Planning Commission could make one of four decisions when considering a request for waiver of the requirement to submit design plans for each lot:

1) Deny the requested waiver and require full design plans for each and every lot in the subdivision. This would require continuance of the application or denial. By requesting the waiver, the applicant assumes the risk that this delay in the processing of the application could occur.

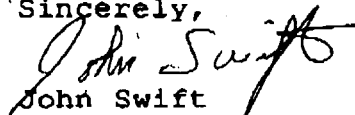
2) Approve the waiver and make findings that 'given the location, surroundings and design of the subdivision that the proposed lots do not create significant privacy or design compatibility conflicts with surrounding properties.

3) Approve the waiver for some of the lots, but require design plans for other lots which are more sensitive. These may be proposed lots which are immediately adjacent to neighboring property or due to topography may effect the 'privacy of neighboring, property.

4) Lastly the Commission could determine that some or all of, the lots are not sens'itive enough to warrant full design plans. at the time of the subdivision but plans for the homes , should return to the Planning Commission or Zoning Administrator for Design Review prior to issuance of a Building Permit.

A waiver process of the current requirement to submit plans for all proposed lots will protect the public interest while still allowing for a more efficient planning and development , process. We look forward to discussing this at the Board hearing on May 25th.

Sincerely,


John Swift

cc:Board of Supervisors
Alvin James