



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: May 10, 2012
AGENDA DATE: May 17, 2012
PROJECT: Initiation of Amendments to Title 28 of the Municipal Code for Implementation of Non- Residential Growth Management Program
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 John Ledbetter, Principal Planner *JLcd*
 Rob Dayton, Principal Transportation Planner
 Beatriz Gularte, Project Planner *BEG*

I. PURPOSE OF MEETING

The purpose of the meeting is to initiate necessary amendments to the City's Zoning Ordinance including the Development Plan Ordinance (DPO), SBMC §28.87.300 and Council Resolution No. 09-058 to carry out recently adopted General Plan Policy LG2, Limit Non-Residential Growth and LG7, Community Benefit Non-Residential Land Uses. Amendments are also proposed to the definitions section of the Transfer of Existing Development Rights (TEDR) Ordinance Chapter 28.95 and the building height sections in the C-2, C-M, M-1 and OM-1 zones that allow 60 feet in height (SBMC §28.66.050, §28.69.050, and §28.72.050). Staff is requesting Planning Commission input and discussion into key ordinance provisions for preparation of the amendments.

II. BACKGROUND

The 2011 General Plan provides specific policies to guide the amount of non-residential development allowed over the next twenty years. As discussed at the Joint Planning Commission and Council meeting of February 28, 2012, the implementation for the City's non-residential growth management policy is one of the first implementing measures to be completed.

The growth management policy, historically known as Measure E¹, has been implemented by the Municipal Code Section 28.87.300, Development Plan Ordinance (Exhibit A) and Resolution No. 09-058 (Exhibit B). This zoning section contains many key provisions, including definitions, allocation categories such as Community Priorities, Small Addition, etc., and standards for processing all non-residential projects in the city. The existing DPO and procedures have served the City well in implementing the non-residential growth limitations

¹ Charter Section 1508, known as Measure E, has been removed from the City's Charter due to its' sunset clause.

and in the review of projects; however, improvements are needed to implement the latest General Plan policies while continuing to carry over relevant components. The current DPO will expire on January 1, 2013. Therefore, the new implementing ordinance and Resolution need to be adopted by City Council before the end of this year.

Ordinance revisions include updating the non-residential allocation amounts and categories for the net new 1.35 million square feet approved through *PlanSB*. Revisions will also include refining definitions, process and findings for Community Benefit projects, and the Development Plan findings for projects. The growth management program will include an overall strategy and standard practices for analyzing project specific and cumulative traffic impacts, revisions to overriding considerations standards and findings, and possible use of the traffic model developed as part of *PlanSB*.

III. ASSUMPTIONS FOR ORDINANCE PROVISIONS

Staff has applied the following assumptions so far in developing our thoughts on revisions to the DPO and Resolution.

A. General Plan Allocation Categories

General Plan Policy LG2 establishes the new non-residential square footage allowance for the next 20 years as 1.35 million square feet and how it shall be allocated by category. The 1.35 million net new square feet shall be allocated to Small Additions, Vacant and Community Benefit categories as follows:

1. **Small Additions (400,000 s.f.)** - Small Additions would be limited to 20,000 square feet annually. In the past, a project could be allocated from 1,000- 2,000 square feet per legal lot from Small Additions for a cumulative total of 3,000 square feet if combined with a 1,000 Minor Addition (see Minor below). At 2,000 square feet per lot, an annual allocation of 20,000 square feet would allow for a Small Addition for approximately 10 projects.

The Council may consider that each lot be allocated less than 2,000 square feet allowing opportunity for more applicants to obtain an allocation. The annual limit is intended to pace the rate of development in this category. Staff requests Planning Commission provide a recommendation as to the maximum Small Addition per lot (see Issues section below).

Under "Measure E," only half of the 600,000 allowance (approximately 290,000) was actually allocated. The remaining Small Additions square footage went into the Economic Development category as a result of projects that expired or were unused annually. Under the revised DPO, Small Addition square footage that expires or is not used would roll over to the Community Benefit allowances.

The cumulative total development allowed potential for this program includes all additions on the site since Measure E was implemented in 1990. Therefore, if Small Additions of 3,000 square feet have been allocated to a parcel in the past, then no additional development potential is available under this continuation program.

2. **Vacant (350,000 s.f.)** – In 1990, 500,000 square feet was allocated under Measure E for vacant properties. The amount was based on a vacant land survey in the City in 1988 that identified approximately 32 acres of vacant land and an additional 100,000 square feet was included within the Airport Specific Plan². Vacant square footage allocations will continue to be available to those lots vacant on October 1988 at a rate of .25 Floor Area Ratio (FAR) of the lot area. Currently approximately 243,000 square feet of Vacant square footage remains unallocated; therefore, the 350,000 allocation would suffice for future application out of the Vacant category.
3. **Community Benefit (600,000 s.f.)** - These are projects designated by Council as a community priority necessary to meet a present or projected need directly related to public health, safety or general welfare. Under Measure E, a total of 300,000 square feet was provided in this category. Approximately 237,000 square feet was allocated to projects from 1990 to the present (Exhibit C, Projects with Preliminary or Final Community Priority Designations). The allocation amount would have been greater had the Cottage Hospital project with 182,541 square feet used Community Priority rather than Economic Development.

Under *PlanSB*, this category was revised to include other community benefit type non-residential projects (e.g. Economic Development) and was allocated 600,000 square feet. Revised definitions are necessary as a part of these zoning amendments. The draft definitions are discussed below under item IV.

B. Excluded Square Footage

A “Nonresidential Construction Project” is defined in the DPO as one that adds new floor area and excludes repair or replacement of existing floor area in the calculation of new floor area. The original 3 million square foot limitation of Measure E was net new square footage above the 1988 baseline when the growth measure was being developed. The growth limitation focused on the next increment of growth in light of resources and certain categories of projects were not considered new square footage. Furthermore, rebuilding of existing floor area, Minor Additions of less than a 1,000 s.f., and room for room replacements were exempt from requiring a Development Plan. With the adoption of *PlanSB*, some additional categories of development were approved for exclusion from the 1.35 million allowance.

Consistent with General Plan Policy LG2, the following would be excluded from the 1.35 million square feet allocated for Nonresidential Construction Projects. All of the following except Pending and Approved and Government Buildings are already excluded per the DPO.

1. **Demolished Floor Area** - Square footage that is demolished and rebuilt on site or on another site as part of a Transfer of Existing Development Rights (TEDR) is excluded per

² 48,254 square feet has been allocated from Vacant (Gateway - 6100 Hollister) and approximately 52,000 square feet remains within the Airport Specific Plan.

the DPO. If the square footage is rebuilt on the same site it does not count as new square footage and is exempt from requiring a Development Plan. This exemption is to encourage rebuilding on a site and to maintain property rights to existing improvements. If a project is demolished and does not rebuild until some years later, environment review would be required as if it were new development. If demolished square footage is transferred to another site, the square footage is excluded from the 1.35 million, however, would require a Development Plan.

Historically, projects have rebuilt less square footage than what could have been reconstructed on site or elsewhere. Currently, approximately 295,000³ square footage has been demolished since 1990 and has not been reconstructed and 113,000 square feet is approved for demolition. Approximately 65,000 square feet of demolished square footage is involved as part of a pending or approved TEDR projects.

2. **Minor Additions** - These are projects that add or convert 1,000 square feet or less and are considered reasonable necessary improvements that should be allowed with minimal process. Minor Additions are an important aspect of small business flexibility and are important to the economic health of existing businesses and the community.

Some of the pending and approved projects in the pipeline include both a Minor Addition for the first 1,000 square and up to 2,000 square feet of Small Addition. Staff assumes that the first 1,000 square feet added to a project would be a Minor Addition and excluded from the 1.35 million net new square feet. Currently, there is approximately 47,500 square feet of pending or approved Minor additions.

3. **Hotel Room for Room Replacement** – This is a project that allows for replacing existing hotel rooms on a room for room basis. The DPO does not preclude the reconstruction of larger rooms when replacing existing hotel rooms in order to support enhancements to existing properties and to maintain hotel rooms throughout the City. Any square footage associated with the replacement of a hotel room would be excluded square footage.
4. **Government Displacement** – This is a project which involves the relocation, replacement, or repair of a structure or use acquired, removed or damaged by direct condemnation or acquisition by the government (federal, state or local), provided the square footage does not exceed the square footage of the building acquired or removed.
5. **Pending and Approved Projects** - These are the projects that are currently in the pipeline. Pending Projects are projects that have submitted a formal application but have not yet been approved. While the square footage would be excluded from the 1.35 million, these projects would continue to require a Development Plan if they add more than 1,000 new

³ An additional 189,000 square feet was demolished as part of the Saint Francis hospital demolition, however, that square footage cannot be transferred per the Cottage Hospital Development Agreement.

square feet. The square footage for Pending Projects is approximately 266,252⁴ square feet. Approved Projects are those that have received project approval but have not been constructed. The square footage from Approved projects totals approximately 99,864 square feet for a combined total of 366,116 square feet. (Exhibit D, Pending and Approved Projects). (Note that 113,000 square feet of square footage is also approved for future demolition.)

These numbers could change as projects continue to process until the DPO amendments are adopted later this year. Square footage associated with Pending and Approved Projects that expire or withdraw will be eliminated.

6. **City Government Buildings** – Council included this new category of projects that would be excluded from the 1.35 million net new square footage. In the past, government buildings received a Community Priority designation for their square footage. Examples of past projects that would comply with this category include: Harbor restrooms, Waterfront offices, Cater Water Treatment Plant. Under this new category it is assumed a Preliminary and Final designation of Community Benefit would not be required by Council, however they would require a Development Plan.

Staff recommends that Government Buildings be defined as: *City owned and operated buildings and facilities used to conduct City business and/or provide public services.*

7. **Annexations** – The policy on annexations is that when property with existing development is annexed into the City it does not count as new square footage needing an allocation. However, once annexed or if annexing land with new development proposed, any proposed new square footage would be subject to the limitations of the DPO.

IV. ISSUES FOR PLANNING COMMISSION DIRECTION

Staff recommends that the Planning Commission discuss and provide direction on the following issues in order to develop the necessary DPO amendments and revisions to both the ordinance and resolution.

A. Small Addition Allocations

Currently under the DPO each lot can be allocated up to 2,000 square feet per lot for a maximum of 30,000 square feet per year. Under *PlanSB*, the total amount allocated to Small Additions category was reduced to 400,000 square feet or 20,000 square feet annually. How should the 20,000 square feet of Small Additions be distributed per lot? Options include:

1. 1,500 s.f./lot (approximately 13 projects); or
2. 2,000 s.f./lot (approximately 10 projects).

⁴ This total includes the Paseo de la Playa, 101 Garden Street (Wright Specific Plan) that met the definition of an “Approved” project when Measure E was adopted, but has a project status of pending.

B. Community Benefit Projects – Definition

If an applicant is interested in developing a project that proposes more than a Small Addition and is not eligible for an allocation from Vacant lands, then the applicant may request an allocation from the Community Benefit Project category. Agreeing on the definitions for what constitutes a Community Benefit project is an important component of the zoning amendments. Based on existing definitions and General Plan policy language, Staff developed the following draft definitions for the Commission’s consideration:

1. **Community Priority Development** – These are projects which have been designated by the City Council as a community priority necessary to meet a present or projected need directly related to public health, safety or general welfare. General welfare in this section is interpreted to mean a project which has a broad public benefit and which is not principally operated for private profit.

Examples include:

- a. Parks and recreation facilities
- b. Community centers or museums
- c. Educational institutions and uses
- d. Public cultural or arts facilities
- e. Youth development programs
- f. Childcare facilities
- g. Buildings used in conjunction with community gardens and urban farming
- h. Development for special needs⁵
- i. A mixed use project on a site where the commercial component supports rental or affordable housing

This definition is consistent with the current definition of Community Priority that has served the City well in processing these types of projects. We have many examples of projects that meet the criteria of a – f (see Exhibit C). Development for Special Needs (General Plan Implementation Action LG7.1.e) came about from public input during the *PlanSB* process. The addition of a mixed use project that supports rental or affordable housing could serve as an incentive to develop Community Benefit type housing for projects with limited commercial opportunities.

2. **Economic Development** – A project that enhances the standard of living for City and South Coast residents and/or strengthens the local and regional economy by either creating new permanent employment opportunities or by enhancing the City’s revenue base. An Economic Development Project should also accomplish one or more of the following:

⁵ A project that meets the present or projected needs of people with disabilities, the workforce that provides them direct support, and the agencies or organizations providing programs and services to them.

- a. Support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; or
- b. Provide new recreational, educational, or cultural opportunities for City residents and visitors; or
- c. Provide products or services which are currently not available or are in limited supply either locally or regionally.
- d. Support a small and local business in the community that is started, maintained, relocated, redeveloped or expanded.

This definition, with the exception of 2.d., is our current definition of an Economic Development Project. The City has only processed a few projects under this allocation category (Exhibit E, Economic Development Designations). During the *PlanSB* process we heard support from the community about the importance of supporting and encouraging small and local businesses.

3. **“Green” Economic Development** – Businesses that specialize in “green” products or “green collar” jobs (e.g. buildings used for manufacturing of green building products or climate change research, but not solely a green building or structure.)

This is a new category of Community Benefit projects that came about through *PlanSB*.

C. Development Plan Findings (Standards for Review)

Currently all projects that add more than 1,000 new square feet require a Development Plan from either the design review boards, the Staff Hearing Officer or the Planning Commission. The following findings are required for projects that require a Development Plan Approval (DPA).

Staff realizes that the DPA findings related to housing, water and traffic have been critical to ensure that potential impacts are addressed. What is different now from the past is that the City has completed a comprehensive Final Environmental Impact Report (FEIR) and updated General Plan that provide the City’s direction to work towards a better balance of land uses. We are also more informed as to possible impacts on resources such as traffic and water. Therefore, Staff believes that some of the findings are no longer necessary to be made on a project specific level and we are recommending other changes to update the findings.

1. **The proposed development complies with all provisions of this Title (the Zoning Ordinance).**

This finding is very basic but from time to time it is needed to explain that consistency includes that granting of a modification or CUP. Staff proposes that the finding remain unchanged.

2. The proposed development is consistent with the principles of sound community planning.

A project's consistency is analyzed based on existing City goals, policies and ordinances including the General Plan, the Zoning Ordinance, the Local Coastal Plan (if in Coastal Zone) and applicable development or design guidelines. In some cases, special studies have resulted in direction for development in a particular area such as in the Upper State Street Study. This finding allows for a good amount of latitude on the part of the decision makers and some have asked that it be further explained. Staff proposes that this finding remain as part of the DPO and that at the time it is used to approve a project that the reasoning is provided on a project by project basis.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.

Staff recommends that this finding be revised to the project has been found to favorably meet the criteria under the project compatibility analysis of SBMC §22.22.145 and §22.68.045 (see Exhibit F, Project Compatibility Analysis Criteria).

Historically the project's design review by either the ABR or the HLC informs the Planning Commission for making this finding. In 2008, in order to promote consistency between the City land use decision making process (SHO or Planning Commission) and the City design review process, the Council adopted the Project Compatibility Analysis. The design review boards must consider the six criteria in their review of every project that goes before them and requires a noticed public hearing.

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

Staff recommends the Commission and Council consider elimination of the project specific housing finding given the following consideration: the development trends of the past 20 years has resulted in: less commercial and more mixed use; the City has tight limitations on non-residential construction; the City has strong policy support and programs for workforce rental and employer housing and affordable housing units (e.g. the Inclusionary Housing Program, City's bonus density program, and rental and employer housing developed with the Average Unit Density Incentive Program); and the demand for affordable housing is a broader and regional issue.

The City has addressed housing impacts in a number of ways over the years. Historically staff has determined the level of housing impact related to non-residential development based on employment information for a specific land use (i.e. hotel, museum, office) or in earlier years the Regional Growth Impacts Study, 1980 (RGIS) was used. The impact on the regional housing market was described as the number of new housing units that would be demanded to meet the needs of new employees moving to the area for jobs created by the development. Then the impact was further defined by

the number or percentage of those households that would be of low or moderate income.

In 1988, the City Council adopted the Housing Mitigation Ordinance (HMO) which required replacement of housing units lost to demolition or conversion. In addition, it required mitigation if there was a demand for new affordable units generated by developments subject to a DPA. Developers had options to pay in-lieu fees (\$20K to \$40K per unit); fund affordable projects directly; or provide housing within the project.

In 1995, the Housing Mitigation Ordinance was repealed. Council found that the anticipated level of non-residential development (Measure E had been adopted) would not create a significant impact on the Santa Barbara South Coast housing market which would necessitate the program; there was only moderate economic and physical growth in the community (recession level); the residential vacancy rates were high; generally housing supplies seemed to adequately meet demands; rents were relatively affordable; and the approach of the program was felt to be outdated and not very effective.

Currently, the City of Santa Barbara has approximately 60% of the South Coast's multiple family homes⁶ as well as the largest RHNA allocation for affordable housing. Local government programs provide approximately 4,516 units of affordable housing on the South Coast. The City is the region's leading affordable housing provider, supplying 76% (3,427 controlled affordable units) of the local agency-sponsored affordable housing in the South Coast.

Also, under the current DPO, overriding housing considerations for a Community Priority project can be made if it is found that the benefits of the proposed development outweigh its significant adverse impacts. Many of the larger projects will be requesting to be designated as a Community Benefit project; therefore, it is assumed that many of the larger projects would be a community benefit by definition.

Both non-residential and housing development in the City will be carefully tracked and monitored through the Adaptive Management Program. The Adaptive Management Program will provide information on the number and location of new affordable, rental and employer sponsored housing. If current development trends were to change and there is an unforeseen increase in projects with primarily new non-residential square footage and limited projects with community benefit type housing (that could worsen the jobs to housing ratio) this finding could be reinstated.

⁶ Source: California Department of Finance 2008

5. The proposed development will not have a significant unmitigated adverse impact on the City's Water Resources.

Staff recommends that the Commission consider elimination of this finding because water supply and demand are addressed through the City's Long Term Water Supply Plan.

The City's Long Term Water Supply Plan and Urban Water Management Program already provide tools and guidelines to manage the City's long-term water supply. Water supplies are also one of the resources that will be tracked through the Adaptive Management Program.

The assessment done in the General Plan Update EIR found that potential future development and population growth occurring under the *PlanSB* General Plan Update could increase the City's existing water demand from approximately 14,000 AFY to 14,791 AFY. This is below the City's estimated 15,358 AFY average for existing supplies that are available during a normal water year (this includes a 10% safety margin of 1,706 AFY). Current water supplies are 17,064 AFY. Therefore, the finding that 1.85 million square feet of new development will not adversely impact City Water Resources has already been evaluated and this finding is not necessary on a project level. In the event that the City reviews a specific development proposal that would result in water use exceeding the type and amount of water demand analyzed in the FEIR, then additional environmental review would be necessary.

6. The proposed development will not have a significant unmitigated adverse impact on the City's Traffic; and resources will be available and traffic improvements will be in place at the time or project's occupancy.

The current DPO and review standards pose significant limitation on the ability of the Planning Commission and Council to approve projects which contribute or result in significant traffic impacts for which the mitigation is not feasible or available. This finding has historically been the most difficult for new construction projects and thus a significant amount of the EIR was dedicated to analyzing existing traffic impacts and possible effect for the next increment of growth. This issue needs thorough discussion by decision makers and is scheduled at the Planning Commission on June 21, 2012.

D. Floor Area Definition

Staff recommends minor revisions to the current definition of floor area in the DPO to exclude certain enclosures that do not add "useable" or habitable square footage. The current definition of floor area is:

Floor area is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of the area occupied by the surrounding walls, vent shafts and courts, or areas or structures used exclusively for parking. Nonhabitable areas used exclusively for regional public utility facilities shall not count toward the calculation of

floor area. Any floor area which was constructed, approved, demolished or converted in violation of any provision of this Municipal Code, shall not give rise to any right to rebuild or transfer floor area.

Typically applicants are reluctant to count trash and equipment enclosures as floor area in their cumulative total and come up with creative solutions to avoid a full enclosure. Staff proposes amending the definition to exclude enclosed areas necessary for operation of the building.

The following type of mechanical equipment enclosures would be excluded if they are designed in the minimum size necessary to screen or enclose the equipment and the area cannot be used or converted to storage or any other use: trash and recycling enclosures, air conditioners, forced air units, electric vaults, water heaters and softeners, cellular equipment, and other uses deemed substantially similar. Staff recommends also excluding enclosed stairway landings. In addition, reaffirming our administrative practice that the area occupied by stairs or an elevator shaft within the exterior walls of a building be counted only on one floor of the building. Staff recommends excluding these areas in a development as they do not intensify the use or result in higher demand of parking, traffic or other resources.

E. Community Benefit Projects that Exceed 45 Height (LG12.4)

Staff recommends that the Planning Commission initiate the zoning amendments for Community Benefit projects that exceed 45 feet in height in areas of the City that allow 60 feet in height

During *PlanSB*, the Planning Commission and Council agreed to incorporate an implementation measure, LG12.4, Building Height, that would require special findings and a super majority approval by the Planning Commission for Community Benefit projects that exceed 45 feet in height.

Currently, the only areas in the City that allow building heights of over 45 feet are the C-2, Commercial Zone, C-M, Commercial Manufacturing Zone, M-1, Light Manufacturing Zone and OM-1, Ocean-Oriented Light Manufacturing Zones. Those zones allow a height of 4 stories or 60 feet. See Exhibit G for areas that allow 4 stories or 60 feet in height.

While the 60 foot height limit will remain, only those buildings designated as Community Benefit would be eligible for exceeding 45 feet and only if findings are made and approved by a super majority of the Planning Commission. The findings could only be made for non-residential projects that Council designates as Community Benefit (as discussed above) or residential projects that meet the criteria of Community Benefit housing. The definitions of Community Benefit Housing include Affordable units, rental, employer sponsored housing, co-ops, and transitional or special needs housing.

A key finding from the AIA Design Charrette in July 2011 was that mixed use projects that include commercial space on the first floor with Community Benefit Housing (49 – 63 du/ac) above are the projects that could exceed 45 feet in height to make the project economically viable.

This amendment would require a new process for all Community Benefit projects that exceed 45 feet in height even if only ABR or HLC is required (e.g. rental housing). Staff will prepare a draft ordinance and resolution for processing the review of buildings over 45 feet in height.

V. PROCESS & NEXT STEPS

Given that the current DPO will expire on January 1, 2013, maintaining the following timeline would get the amendments adopted by the end of this year.

1. Initiation and PC Direction (May/June 2012)
2. Draft Ordinance (June/July 2012)
3. Planning Commission for recommendations to Council Ordinance Committee (August 2012)
4. Council Ordinance Committee (October 2012)
5. Planning Commission, only if significant changes per Ordinance Committee (Nov. 2012)
6. Council Introduction and Adoption (Dec. 2012)

Exhibits:

- A. Development Plan Ordinance
- B. Resolution No. 09-058
- C. Projects With Preliminary or Final Community Priority Designations
- D. Pending and Approved Projects
- E. Economic Development Designations
- F. Project Compatibility Analysis Criteria
- G. Building Heights Map



City of Santa Barbara

Development Plan Ordinance

28.87.300 Development Plan Review and Approval.

A. DEVELOPMENT PLAN.

1. Requirement for Development Plan.

a. Planning Commission Review Required. No application for a land use permit for a nonresidential construction project as defined in Subsection B of this Section will be accepted or approved on or after December 6, 1989 unless the project falls within one or more of the categories outlined in Paragraph 2 of this Subsection and defined in Subsection B of this Section. Before any nonresidential construction project is hereafter constructed in any zone including zones at the Santa Barbara Municipal Airport, a complete development plan for the proposed development shall be submitted to the Planning Commission for review and approval. In addition, before residential floor area in any building or structure located in any zone including zones at the Santa Barbara Municipal Airport is converted to nonresidential use, a complete development plan for the proposed conversion shall be submitted to the Planning Commission for review and approval. Before any transfer of existing development rights may be approved pursuant to Chapter 28.95, development plans for both the sending site(s) and receiving site(s) as defined therein shall be approved by Planning Commission or City Council on appeal pursuant to this section.

Any nonresidential project except for Transfer of Existing Development Rights projects, which involves an addition of greater than three thousand (3,000) and less than ten thousand (10,000) square feet of floor area and which does not require the preparation of an Environmental Impact Report, shall be placed on the Planning Commission Consent Calendar for review and action. The only findings in Paragraph D.1 applicable to these projects are Findings d, e, f, and g. These findings shall be made at the time of Planning Commission approval.

b. Exceptions.

(1) Notwithstanding the provisions of Subparagraph a. of this Subsection, any nonresidential project which involves an addition of one thousand (1,000) square feet or less, and which does not require the preparation of an Environmental Impact Report, shall not be required to receive development plan approval.

(2) Notwithstanding the provisions of Subparagraph a. of this Subsection, any nonresidential construction project which involves the following shall not be required to receive development plan approval from the Planning Commission:

- a. an addition of greater than one thousand (1,000) and less than or equal to three thousand (3,000) square feet of floor area, and;
- b. does not require the preparation of an Environmental Impact Report, and;
- c. does not require some other form of discretionary approval from the Planning Commission under other applicable provisions of this Code.

(3) Development plan approval for projects not requiring Planning Commission approval under subparagraph (2) above shall be required from the Staff Hearing Officer if the application requires discretionary review by the Staff Hearing Officer under another provision of this Code. Otherwise, development plan approval for projects not requiring Planning Commission approval under subparagraph (2) above shall be required at the time of Preliminary Approval from the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark

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District or another landmark district, or if the structure is a designated City Landmark. Such projects are subject to the findings in Subsection E of this Section and the provisions of Section 28.87.350.

2. Development Potential.

a. Nonresidential Construction Project. Nonresidential construction projects, as defined in Subsection B of this Section, shall be restricted to no more than three million (3,000,000) square feet until the year 2013. This allowable square footage shall be allocated in the following categories, as defined in Subsection B of this Section.

Category	Square Footage
Approved Projects	900,000 s.f.
Pending Projects	700,000 s.f.
Vacant Property	500,000 s.f.
Minor Additions	Exempt
Small Additions	600,000 s.f.
Community Priorities	300,000 s.f.

Small Additions shall be limited to no more than thirty thousand (30,000) square feet annually. Procedures for allocating square footage under these categories shall be established by resolution of City Council.

Notwithstanding the development restrictions established above, the Planning Commission or City Council on appeal may approve nonresidential development projects determined by the City Council to promote Economic Development. However, the total development square footage of all Economic Development Projects approved prior to January 1, 2013, shall not exceed the total square footage of "Approved" or "Pending" projects which have expired or been abandoned and any unused development square footage remaining from the annual allotment in the "Small Additions" category as of the date the Planning Commission or City Council on appeal approves a particular Economic Development Project. Nothing herein shall be deemed to authorize the approval of nonresidential development totalling in excess of three (3) million square feet above the October 1988 baseline condition until January 1, 2013.

b. Other Nonresidential Development. Other nonresidential development may occur so long as it falls within the following categories, as defined in Subsection B of this Section.

- (1) Government Displacement Project.
- (2) Hotel Room for Room Replacement Project.

B. DEFINITIONS.

1. Approved Projects or Revisions thereto. A project which satisfies any of the following criteria:

a. An application for a land use permit for the project (other than an application for Specific Plan approval) which was approved on or before October 26, 1989 and the approval is still valid.

b. The project pertains to implementation of a Specific Plan which was approved prior to April 16, 1986, and the Plan required the construction of substantial circulation system improvements, and all of those improvements were either:

- (1) Installed prior to the effective date of this ordinance; or
- (2) Subsequently constructed pursuant to an Owner Participation Agreement (OPA) and installed prior to the approval of any development plan(s).

c. The project consists of a revision to a project which qualifies under either Subparagraph a. or b. of this Paragraph B.2, provided the revision will result in no increase in floor area over the approved

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amount. Once a revision to a project has been approved that reduces the floor area from the originally approved amount, the unused floor area shall not be reallocated to the project as part of a future revision. The unused floor area shall be available for Economic Development Projects.

2. Community Priority. A project which has been designated by the City Council as a community priority necessary to meet a present or projected need directly related to public health, safety or general welfare.

3. Economic Development Project. A project which has been designated by the City Council as a project that is consistent with the City Charter, General Plan and this Title, will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base. An Economic Development Project should also accomplish one or more of the following:

a. Support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; or

b. Provide new recreational, educational, or cultural opportunities for City residents and visitors; or

c. Provide products or services which are currently not available or are in limited supply either locally or regionally.

For purposes of this Section, "standard of living" is defined as wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts.

4. Floor Area. Floor Area is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of the area occupied by the surrounding walls, vent shafts and courts, or areas or structures used exclusively for parking. Nonhabitable areas used exclusively for regional public utility facilities shall not count toward the calculation of floor area. Any floor area which was constructed, approved, demolished or converted in violation of any provision of this Municipal Code, shall not give rise to any right to rebuild or transfer floor area.

5. Floor Area Ratio. The area expressed as the ratio of floor area to total square footage of a parcel.

6. General Welfare. A community priority project which has a broad public benefit (for example: museums, child care facilities, or community centers) and which is not principally operated for private profit.

7. Government Displacement Project. A project which involves the relocation, replacement, or repair of a structure or use acquired, removed or damaged by direct condemnation or negotiated acquisition by the government (federal, state or local), provided the square footage of a project constructed to replace a building acquired or removed by the government does not exceed the square footage of the building so acquired or removed.

8. Hotel Room for Room Replacement Project. A project which consists of replacement or remodeling of existing hotel rooms at the same location on a room for room basis.

9. Land Use Permit. A governmental decision concerning a permit, license, certificate, or other entitlement for use of land, including a conditional use permit, variance, modification, development plan, specific plan, general plan amendment, coastal development permit, conversion permit, subdivision map (except those creating new single family lots), building permit, grading permit, demolition permit, water service connection or any similar approval or use.

10. Minor Addition. A project which consists of a minor addition defined as:

a. A nonresidential addition of one thousand (1,000) square feet or less of floor area to an existing structure; or

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b. Construction of a free standing nonresidential structure of one thousand (1,000) square feet or less of floor area on a parcel containing another structure; or

c. Conversion of residential floor area to no more than one thousand (1,000) square feet of nonresidential floor area; or

d. Concurrent construction of nonresidential floor area of one thousand (1,000) square feet or less associated with a new structure constructed under the Approved, Pending, Community Priority or Vacant Property categories.

e. The one thousand square foot limitation defined in subparagraphs a. through d. above is a cumulative total available per parcel. Once a cumulative total of 1,000 square feet of Minor Additions has been reached, any further additions up to a total of 3,000 square feet (including the Minor Additions) shall be allocated from the Small Addition category.

(1) EXCEPTION: If an existing or proposed building occupies two or more parcels created prior to October 1988, the maximum square footage available for a Minor Addition shall equal the sum of the Minor Additions which could be approved on the individual parcels pursuant to the findings in Subsection E of this Section. For parcels created after October 1988, any remaining Minor Addition allocation shall be divided evenly between all of the parcels created from each parcel eligible for a Minor Addition. The remaining allocation may be divided in a different manner between the parcels created if this division is executed in a legal instrument that is recorded with the County recorder and approved as to form by the City Attorney for each parcel involved at the time of recordation of the Final or Parcel map for the subdivision.

11. Nonresidential Construction Project. A project, or portion thereof, which consists of the construction of or addition of new floor area for other than residential use or the conversion of existing residential floor area to nonresidential use. Repair or replacement of existing floor area is not included in the calculation of new floor area for the purpose of this Section.

12. Pending Project or Revisions thereto. A project which satisfies any of the following criteria:

a. An application for a land use permit for the project was accepted on or before October 26, 1989 and the application: (1) has not been denied by the City; (2) has not been withdrawn by the applicant; (3) has not yet received City approval or (4) has received City approval after October 26, 1989 and that approval is still valid.

b. The project pertains to implementation of a Specific Plan which was approved prior to April 16, 1986 and the project does not qualify under Subparagraph 1.b. of this Subsection.

c. The project consists of a revision to a project which qualifies under either Subparagraph a. or b. of this Paragraph 12, provided the revision will result in no increase in floor area over the amount shown on the pending application. Once a revision to a project has been approved that reduces the floor area from the originally approved amount, the unused floor area shall not be reallocated to the project as part of a future revision. The unused floor area shall be available for Economic Development Projects.

13. Residential Unit. A dwelling unit as defined in Chapter 28.04, but not including any of the following:

a. A hotel or boarding house as defined in Chapter 28.04 which includes a motel, bed and breakfast inn, or similar facility in which the average duration of stay of the residents, during the six month period prior to February 1, 1990, was less than thirty (30) days.

b. A mobile-home or recreation vehicle as defined in Chapter 28.04.

14. Small Addition. A project which consists of a small addition defined as:

a. A nonresidential addition of more than one thousand (1,000) and less than or equal to three thousand (3,000) square feet of floor area to an existing structure; or

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b. Construction of a free standing nonresidential structure of more than one thousand (1,000) and less than or equal to three thousand (3,000) square feet of floor area on a parcel containing another structure; or

c. Conversion of residential floor area to more than one thousand (1,000) and less than three thousand (3,000) square feet of nonresidential floor area; or

d. Concurrent construction of nonresidential floor area of more than one thousand (1,000) and less than or equal to three thousand (3,000) square feet associated with a new structure constructed under the Approved, Pending, Community Priority or Vacant Property categories.

e. The limitations on floor area defined in subparagraphs a. through d. above establish the cumulative total available per parcel. In any case, the combined total of Minor and Small Additions shall not exceed a cumulative total of three thousand (3,000) square feet.

(1) EXCEPTION: In the case where an existing or proposed building occupies two or more parcels created prior to October 1988, the maximum square footage available for a Small Addition shall equal the sum of the Small Additions which could be approved on the individual parcels pursuant to the findings in Subsection E of this Section. For parcels created after October 1988, any remaining Small Addition allocation shall be divided evenly between all of the parcels created from each parcel eligible for a Small Addition. The remaining allocation may be divided in a different manner between the parcels created if this division is executed in a legal instrument that is recorded with the County recorder and approved as to form by the City Attorney for each parcel involved at the time of recordation of the Final or Parcel map for the subdivision.

f. Procedures for allocating square footage in the Small Addition category shall be established by resolution of the City Council.

15. Vacant Property. A project on a parcel of land which was vacant in October 1988, which consists of construction of a nonresidential structure with a floor area ratio of no more than 0.25.

C. REVIEW BY PRE-APPLICATION REVIEW TEAM. All nonresidential construction projects requiring the preparation of an Environmental Impact Report or involving greater than 3,000 square feet of floor area and subject to this Section shall be reviewed by the Pre-Application Review Team as provided in Chapter 27.07 of this Code.

D. STANDARDS FOR REVIEW. Unless specifically exempt, the following findings shall be made in order to approve a development plan submitted pursuant to this Section.

1. Findings:

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 neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood; and

d. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock; and

e. The proposed development will not have a significant unmitigated adverse impact on the City's water resources; and

f. The proposed development will not have a significant unmitigated adverse impact on the City's traffic; and

g. Resources will be available and traffic improvements will be in place at the time of project occupancy.

2. Potential for Overriding Considerations:

a. A finding of significant adverse impact under Subparagraph 1.c above can be overridden if it is determined that the economic, social or public benefits of the proposed development outweigh its significant adverse impacts.

b. A finding of significant adverse impact under Subparagraphs 1.a or 1.b above cannot be overridden.

c. A finding of unmitigated significant adverse impact under Subparagraphs 1.d, 1.e, 1.f, or 1.g above for a Minor Addition Project, Government Displacement Project or that portion of a project which qualifies as a Government Displacement Project, a Community Priority Project, and an Approved Project or Revision thereto can be overridden if it is determined that the benefits of the proposed development outweigh its significant adverse impacts.

3. Exception. Notwithstanding any provision of this Section to the contrary, a development plan shall not be denied based on a finding pursuant to Subparagraph 1.d of this Subsection E if (i) the plan incorporates revisions to a development plan approved by the Planning Commission under this Section prior to February 25, 1988, and (ii) the project shown on the plan will not generate a demand for new housing in excess of the demand generated by the previously approved project.

E. DEVELOPMENT PLAN NOTICE AND HEARING. The Staff Hearing Officer, Planning Commission, or City Council on appeal, shall hold a public hearing prior to taking action on any development plan. Notice of the public hearing shall be given in accordance with Section 28.87.380.

F. SUSPENSIONS AND APPEALS.

1. A decision by the Staff Hearing Officer under this Section may be suspended or appealed according to the provisions of Section 28.05.020.

2. A decision by the Planning Commission under this Section may be appealed according to the provisions of Chapter 1.30. In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Planning Commission regarding a decision of the Staff Hearing Officer shall be provided in the same manner as notice was provided for the hearing before the Planning Commission.

G. FEES. Fees for filing applications and appeals shall be established by resolution of the City Council.

H. EXPIRATION OF DEVELOPMENT PLANS. A development plan approved pursuant to this Section shall expire pursuant to the provisions of Section 28.87.350. For projects with floor area allocated from the Approved, Pending, Economic Development and Small Addition categories, the unused floor area shall be made available for allocation to Economic Development Projects upon expiration of the development plan. For projects with floor area allocated from the Community Priority and Vacant Property categories, the unused floor area shall revert to the category from which the floor area was allocated upon expiration of the development plan.

I. MULTIPLE DEVELOPMENT PLANS. When more than one valid approved development plan exists for a lot, upon issuance of a building or grading permit for any work authorized by one of the approved development plans, all other development plans approved for that lot are deemed abandoned by the property owner. No building or grading permit shall be issued for any work authorized by a development plan following abandonment of that plan. For projects with floor area allocated from the Approved, Pending, Economic Development and Small Addition categories, any unused floor area shall be made available for allocation to Economic Development Projects upon abandonment of a development plan. For projects with floor area allocated from the Community Priority and Vacant Property categories, any unused floor area shall revert to the category from which the floor area was allocated upon abandonment of a development plan. (Ord. 5493, 2009; Ord. 5380, 2005; Ord. 5378, 2005; Ord. 4995, 1996; Ord. 4945, 1996; Ord. 4918, 1995; Ord. 4858, 1994; Ord. 4851, 1994; Ord. 4790, 1992; Ord. 4761,

1992; Ord. 4696, 1991; Ord. 4670, 1991; Ord. 4557, 1988; Ord. 4535, 1985; Ord. 4530, 1988; Ord. 4529, 1988; Ord. 4492, 1988; Ord. 4361, 1986; Ord. 4140, 1982.)

28.87.350 Development Plan Time Limits.

A. **TIME LIMIT.** A development plan approved pursuant to any provision of this Title shall expire four (4) years from the date of its approval, except as otherwise provided herein. No building or grading permit for any work authorized by a development plan shall be issued following expiration of that plan.

B. **CONDITIONS.** Any condition imposed on a development plan may, in the discretion of the body approving the development plan, also constitute (i) a condition to the issuance of and continued validity of any building or grading permit issued to implement that development plan, (ii) a condition to the issuance of the certificate of occupancy with respect to any improvements authorized by the development plan and (iii) if recorded with the County Recorder, to the continued validity of the certificate of occupancy. Violation of any such condition shall be grounds for suspension or revocation of any building or grading permit or certificate of occupancy issued with respect to the development plan.

C. **EXTENSION OF TIME PERIOD.** Upon application of the developer filed prior to the expiration of the development plan, the time at which the development plan expires may be extended by the Community Development Director for one (1) year.

An extension of the expiration date of a development plan shall be granted if it is found that there has been due diligence to implement and complete the proposed project as substantiated by competent evidence in the record.

D. **SUSPENSION OF TIME DURING MORATORIUM.** The period of time specified in Subsection A, including any extension thereof granted pursuant to Subsection C, shall not include any period of time during which a moratorium, imposed after approval of the development plan, is in existence, provided however, that the length of the moratorium does not exceed five (5) years. For purposes of this Subsection, a development moratorium shall include (i) a water or sewer moratorium, (ii) a water and sewer moratorium, and (iii) a building or grading permit moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land other than the City, which thereafter prevents, prohibits, or delays the completion of the development.

Once a moratorium is terminated, the development plan shall be valid for the same period of time as was left to run on the development plan at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the development plan shall be valid for 120 days following the termination of the moratorium.

E. **SUSPENSION OF TIME DURING LITIGATION.** The period of time specified in Subsection A, including any extension thereof granted pursuant to Subsection C, shall not include the period of time during which a lawsuit involving the approval of the development plan or related approvals is or was pending in a court of competent jurisdiction, if the stay of time period is approved by the Planning Commission or City Council pursuant to this Section. After service of the initial petition or complaint in the lawsuit upon the City, the developer may apply to the City for a stay pursuant to the City's adopted procedures. Within forty (40) days after receiving the application, the City shall either stay the time period for up to five years or deny the requested stay. The City Council may, by resolution, establish procedures for reviewing a request for a stay, including, but not limited to, notice and hearing requirements, appeal procedures and other administrative requirements.

F. **DEVELOPMENT PLANS ALREADY APPROVED.**

1. **Beginning Date – Development Plan Approvals.** For the purpose of calculating the expiration date of development plans approved prior to the adoption of the ordinance approving this Section, the date of approval of such development plans shall be deemed to be the date said ordinance is adopted by the City Council.

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2. Specific Plan Development Plan Approvals. For the purposes of calculating the expiration date of a Specific Plan project Development Plan approved in accordance with Santa Barbara Municipal Code Chapter 29.30, Development Plan approvals shall be deemed to expire eight (8) years after the date of the final City action approving the project Development Plan and shall include any related project approvals or modifications granted by the City in connection therewith. (Ord. 5380, 2005; Ord. 5308, 2004; Ord. 4361, 1986.)



City of Santa Barbara

MEASURE E ALLOCATION AND SUBMITTAL REQUIREMENTS

RESOLUTION NO. 09-058

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING PROCEDURES FOR ADMINISTRATION OF THE AMENDMENTS TO TITLES 28 AND 29 OF THE MUNICIPAL CODE IMPLEMENTING THE GENERAL PLAN UPDATE GROWTH DECISIONS AND CHARTER SECTION 1508, AND RESCINDING RESOLUTION NO. 99-036.

A. On April 27, 1989, the City Council adopted a series of recommendations on proposed amendments to the City's General Plan and instructed the staff to begin preparation of ordinances and resolutions to implement those recommendations.

B. On November 7, 1989, the voters of the City of Santa Barbara adopted a charter amendment restricting the amount of nonresidential growth which can occur over the next twenty years and directing the Council to adopt measures to assure that those restrictions are not exceeded.

C. On February 12, 1991, the City Council adopted amendments to the Zoning Ordinance to implement the Growth Decisions and Charter Section 1508.

D. On June 18, 1991, the City Council, recognizing the need to allow for large institutions to plan with a comprehensive, long range perspective, amended Resolution 91-017 in order to allow certain types of projects the ability to reserve square footage in the Community Priority Development Allocation Category.

E. On December 13, 1994, the City Council amended the City's S-D-2 Zone to eliminate development plan processing requirements which were different from the requirements of Municipal Code Section 28.87.300.

F. On November 7, 1995, the voters of the City of Santa Barbara amended Charter Section 1508 to create an "Economic Development" floor area allocation category in order to reallocate unused square footage from the "Approved," "Pending" and "Small Addition" allocation categories to nonresidential development projects which promote the economic development of the City.

G. In 1997, the City Council, recognizing the need to allow more flexibility for the expansion of existing businesses during times of economic growth, amended Resolution 96-027 to allow a greater number of Small Addition projects to proceed within the three million square foot growth cap established by Charter Section 1508.

H. In 1999, the City Council, recognizing the need to reaffirm the fairness of the allocation procedure for Small Addition square footage, amended Resolution 97-048 to allow Small Addition square footage to be allocated by lottery.

I. Pursuant to its own language, Charter Section 1508 will sunset as of December 31, 2009.

J. In the Spring of 2007, the City Council initiated the public process for an update of the General Plan known as *Plan Santa Barbara*. It is expected that *Plan Santa Barbara* will result in new policies concerning nonresidential growth during the *Plan Santa Barbara* planning period. *Plan Santa Barbara* will not be finished before the expiration of Charter Section 1508.

K. On July 14, 2009, the City Council adopted an ordinance amending Section 28.87.300 of the Municipal Code extending the regulations relating to nonresidential growth through January 1, 2013.

The City Council extended Section 28.87.300 for the purpose of maintaining the status quo concerning nonresidential growth management until the completion of *Plan Santa Barbara* and to allow for the orderly implementation of the *Plan Santa Barbara* policies regarding nonresidential growth management.

L. In order to maintain the continued operation of the nonresidential growth regulations in their present form, the City Council hereby reallocates 90,000 square feet of floor area from the Economic Development category to the Small Additions category effective January 1, 2010.

M. This Resolution includes the administrative procedures necessary to implement Charter Section 1508 and the Municipal Code provisions through January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

The following are the administrative procedures required by Charter Section 1508 and SBMC §28.87.300:

1. Reallocation Floor Area from Economic Development Category to the Small Additions Category.

Pursuant to Municipal Code Section 28.87.300, 600,000 square feet of floor area was allocated to the Small Additions category for the period from 1989 through December 31, 2009. Section 28.87.300 limited Small Additions to no more than 30,000 square feet of floor area per year. At the end of each year, any unused square footage from the annual allotment for Small Additions was transferred to the Economic Development category. By December 31, 2009, the entire allocation of 600,000 square feet assigned to the Small Addition category will have been assigned or developed as Small Additions or transferred to the Economic Development category.

On July 14, 2009, the City Council adopted an ordinance extending the regulations found in Section 28.87.300 through January 1, 2013. In order to provide for a continued allotment of 30,000 square feet per year for Small Additions, 90,000 square feet of floor area is hereby reallocated from the Economic Development category to the Small Additions category, effective January 1, 2010.

2. Minor Additions, Small Additions, Projects on Vacant Property, Government Displacement Projects, and Revisions to Approved Projects. An application for a land use permit for a nonresidential construction project consisting of a minor addition, small addition, project on vacant property, Government Displacement or revision on an approved project, as those terms are defined in Section 28.87.300 of Chapter 28.87 of Title 28 shall be subject to the following procedure:

a. Application.

(1) **Minor Additions, Projects on Vacant Property, Government Displacement Projects, and, Revisions to Approved Projects.** An application for a land use permit for a nonresidential construction project involving a proposed minor addition, project on vacant property, government displacement project or revision to an approved project shall be submitted to the Community Development Department in accordance with the standard application requirements in place at the time of submittal.

(2) **Small Additions.** An application for a land use permit for a nonresidential construction project involving a proposed small addition shall be submitted to the Community Development Department in accordance with the following procedures:

(a) **Initial Application Period.** Beginning on January 1 of each year, completed applications for small additions will be accepted for a period of the first two (2) business days of each year. Applications received during this two (2) day period will be reviewed by staff to determine the total amount of square footage requested from the small addition category. If the total amount of

small addition square footage requested is less than or equal to the 30,000 square foot annual allotment, the accepted applications will be allocated square footage in the amounts requested. Subsequent applications for small additions will be accepted on a first-come, first-served basis until the 30,000 square foot annual limit has been reached.

Applications submitted after this point will be returned to the applicant, with the names of the applicants for the next 10,000 square feet of small additions placed on a Reallocation List for use in the event that projects originally accepted are reduced in size, withdrawn, abandoned or denied. All other potential applicants will be advised to reapply in January of the following year.

(b) **Allocation By Lot.** If the total amount of small addition square footage requested exceeds the 30,000 square foot annual limit, priority for square footage allocations will be determined by the casting of lots in a manner deemed appropriate by the Community Development Director. Each proposed development project for which an application has been received will have one lot in the lottery, regardless of the number of small additions requested or the number of properties involved in the proposed project. Projects will be allocated small addition square footage in the order drawn until the 30,000 square foot limit has been reached. Projects which were not drawn during the initial 30,000 square foot allocation will continue to be drawn for priority placement on a Reallocation List for use in the event that projects originally accepted are reduced in size, withdrawn, abandoned, or denied. Subsequent to the lottery, all other potential applicants will be advised to reapply in January of the following year.

b. Action.

(1) Minor Additions, Government Displacement Projects, and Revisions to Approved Projects. An application for a minor addition, government displacement project, or revision to an approved project may be considered even if the project will cause a significant unavoidable environment effect or create a traffic impact in violation of adopted City policies. The discretion to approve such a project upon a finding of overriding considerations rests solely with the reviewing body.

(2) Small Additions and Projects on Vacant Property. An application for a small addition or project on vacant property shall not be approved if the project will cause an unavoidable and unmitigated significant adverse environmental effect (as documented in an environmental impact report) other than a cumulative air pollution impact, or create a traffic impact in violation of adopted City policies, including the Circulation Element of the General Plan.

c. Tracking.

(1) Minor Additions. The cumulative total Minor Additions on a parcel shall not exceed 1,000 square feet.

(2) Minor Additions and Small Additions. Minor Addition square footage developed in conjunction with a Small Addition shall be counted as a Minor Addition. The annual total square footage of such projects shall be subtracted annually from the total square footage available in the Economic Development category. In no case shall the combined total of Small Addition square footage and Minor Addition square footage on a parcel exceed 3,000 square feet.

3. Community Priority Project or Economic Development Project. An application for a land use permit for a nonresidential construction project which has been designated by the City Council as a community priority or economic development project shall be subject to the following procedure:

a. Application. An application for a land use permit for a nonresidential construction project proposed as a community priority or economic development project shall be submitted to the Community Development Department for a recommendation of community priority or economic development status. The following information shall be included in the application packet:

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- A completed Master Application form;
- 3 copies of a Plot Plan including the following:
 - Vicinity Map
 - North Arrow
 - Scale (not smaller than 1" = 20')
 - Project address and property owners
 - Land Use Zone
 - Total site acreage
 - Property boundaries
 - Setback dimensions
 - Assessor's Parcel Number(s)
 - Location of proposed Structures
 - Indication of removal of any structures
 - Major trees should be indicated including those proposed for removal
 - Footprint of structures on adjacent properties
 - Location of existing and proposed parking spaces
 - Legend including: net lot area of parcel in square feet and acres, site statistics showing both square footage and percentage of site coverage for all buildings and parking statistics showing the number of spaces required by ordinance and the total number of on-site space (existing and proposed);
- Letter from the applicant containing a description of the project including but not limited to the square footage of existing and proposed structures (consistent with the definition of Floor Area contained in Section 28.87.300 of the Zoning Ordinance), and the square footage associated with any proposed demolition;
- For Community Priority Projects, a Needs Assessment providing Staff and the Council with information necessary to make the finding that the proposed project meets a "present or projected need directly related to public health, safety or general welfare". The content of the Needs Assessment should be as follows:
 - Introduction outlining the proposal
 - Development history of the site; past development activity at the site should be documented, noting types and dates of past permits
 - Existing uses and associated square footage. This section should address the need for expansion and reasons why an allocation is necessary.
- For Economic Development Projects, an assessment providing Staff and the Council with information necessary to make the finding that the proposed project will "enhance the standard of living for City and South Coast Residents and will strengthen the local and regional economy". The content of the assessment should be as follows:
 - Introduction outlining the proposal
 - Development history of the site; past development activity at the site should be documented, noting types and dates of past permits

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- Existing uses and associated square footage. This section should address the need for expansion and reasons why an allocation is necessary.
- Documentation of how the project meets the definition of an Economic Development Project in Section 28.87.300 of the Zoning Ordinance.

The staff recommendation shall be presented to the City Council for a preliminary and non-binding identification of community priority or economic development status. The Preliminary Community Priority Designation or Preliminary Economic Development Designation permits acceptance of the application for processing, but does not commit the City Council, or any City agency, board or commission to approval of the project.

b. Action.

(1) If a project is granted a Preliminary Designation as a community priority or economic development project, the project application shall continue through the review process in place at the time of application. The Planning Commission shall, as part of the review, be asked to make a recommendation to the City Council concerning the project's ability to meet the Zoning Ordinance definition of a community priority project or an economic development project found in SBMC Section 28.87.300(B). Should the project not require Planning Commission review as part of the established review process, the Commission shall be asked to consider the application for purposes of making that recommendation only. Once the project review is complete, the application shall be forwarded to the City Council, together with the Planning Commission's recommendation for a Final Designation as a community priority or economic development project.

(2) Reserving Square Footage in the Community Priority or Economic Development Categories. If an application meets the following criteria, square footage in these categories can be reserved without applying for a land use permit. The application process for a reservation shall be the same as outlined in (a) above. In order to be eligible for a reservation of square footage, the project must exceed 10,000 square feet and be a component of a recognized Facilities Master Plan with interrelated phases of construction, which has been reviewed by the Planning Commission and can be fully implemented within 10 years.

For the purposes of a community priority or economic development project square footage reservation, a Facilities Master Plan shall be a plan which includes the following information:

- The potential for short and long range development for the facility and site;
- A brief history of development occurring at the facility;
- Description of the type and number of parking spaces existing;
- Plans to indicate the size and conceptual location of proposed structures;
- Proposed schedule of implementation of each component.

If Council makes the finding that the project meets the Zoning Ordinance definition of a community priority project or an economic development project found in SBMC Section 28.87.300(B), a reservation of square footage in this Category may be granted by a resolution of the City Council for a period not to exceed five years. Prior to expiration of the Resolution, the applicant shall submit a complete application for a land use permit and a Final Designation as a Community Priority or Economic Development Project.

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4. Hotel Replacement. An application for a land use permit for a nonresidential construction project which involves the replacement or remodeling of existing hotel rooms on a room for room basis at the same location shall be subject to the following process:

(a) Application. An application for a land use permit for a proposed hotel room replacement project shall be submitted to the Community Development Department in accordance with the standard application process in place at the time of submittal. All applications shall include a site plan identifying the location and size of all existing hotel rooms. An additional site plan showing the proposed size and location of all rooms after the replacement project is completed shall also be submitted.

(b) Action. Hotel room replacement projects shall not be approved if the project will cause an unavoidable and unmitigated significant adverse environmental effect (as documented in an environmental impact report) other than a cumulative air pollution impact, or create a traffic impact in violation of adopted City policies, including the Circulation Element of the General Plan.

5. Resolution No. 99-036 is hereby rescinded.

Adopted June 30, 2009.

**PROJECTS WITH PRELIMINARY OR FINAL
COMMUNITY PRIORITY DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Boys & Girls Club Addition 602 W Anapamu Street MST2002-00786	4,800		Initial application 1990; potential - working on revised
Housing Authority 702 Laguna Street MST92-00043		4,550	Completed
Natural History Museum 2559 Puesta Del Sol MST92-00608		2,165	Completed
Airport Fire Station 40 Hartley Place MST92-00746		5,300	Completed
Santa Barbara Zoo 500 Niños Drive MST95-00330		210	Completed
Desalination Plant 525 E. Yanonali Street MST95-00425 (MST90-00360)		528	Completed
Santa Barbara Rescue Mission 535 E. Yanonali Street MST96-00228		7,213	Completed
Airport Master Plan 601 Firestone Road MST96-00355		12,557*	Airline Terminal expansion; portion or all may be considered for Economic Development category at later date
Airport Master Plan 601 Firestone Road MST96-00355		50,000*	
Rehabilitation Institute 2405 and 2415 De la Vina Street MST97-00196		9,110	Completed
Visitor Information Center - Entrada de Santa Barbara 35 State Street MST97-00357		2,500	Approved 8/21/01
Santa Barbara Harbor Restrooms 134 Harbor Way MST97-00387		1,200	Completed
Airport Terminal Expansion (trailers) 500 Fowler Rd. MST97-00392		2,300	Completed
Waterfront Department Offices 132 Harbor Way MST97-00503		3,240	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Transitions Preschool 2121 De la Vina Street MST97-00696		723	Completed
S.B. Maritime Museum 113 Harbor Way MST97-00832		2,805	Completed
Santa Barbara Cottage Hospital (Hospitality House) 2407-2409 Bath Street MST98-00042		4,158	Completed
MacKenzie Park Lawn Bowls Clubhouse 3111 State Street MST98-00076		763	Completed
Cottage Hospital 320 West Pueblo Street MST98-00287		980	Completed
The Full Circle Preschool 509 West Los Olivos Street MST98-00231		832	Completed
Storyteller Children's Center 2115 State Street MST98-00364		2,356	Completed
Free Methodist Church 1435 Cliff Drive MST98-00877		2,544	Completed
Salvation Army 423 Chapala Street MST99-00014		2,968	Completed
Homeless Day Center and Shelter 816 Cacique Street MST99-00432		10,856	Completed
Emmanuel Lutheran Church 3721 Modoc Road MST99-00510		8,120	Completed
Marymount School 2130 Mission Ridge Road MST99-00542		4,000	Completed
Parking Lot 6 – Granada Theater 1221 Anacapa MST1999-00909/MST2003-00908		7,810	Completed
Planned Parenthood 518 Garden Street MST1999-00916		3,565	Completed
Sea Center 211 & 213 Stearns Wharf MST2000-00324		3,212	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Santa Barbara Zoo 500 Ninos Drive MST2000-00707 (& MST2002-00676)		10,000	Final Designation 4/10/2007
Clean Water and Creeks Restoration Office 620 Laguna Street MST2000-00828		480	Completed
Elings Park 1298 Las Positas Road MST2001-00007/MST2006-00509	12,190		Draft EIR stage
Braille Institute 2031 De la Vina Street MST2001-00048		4,000	Completed
Modular Classrooms at Boys & Girls Club 632 E. Canon Perdido Street MST2001-00150		6,502	Completed
Cater Water Treatment Plant 1150 San Roque Road MST2001-00732		6,750	Completed
Santa Barbara Neighborhood Medical Clinics 915 North Milpas Street MST2001-00774		2,518	Completed
632 E. Canon Perdido St. Boys and Girls Club MST2002-00786 MST2008-00563	7,600		Preliminary Designation 7/15/03
617 Garden St. Mental Health Assoc. MST2002-00257		2,703	BP Issued 11/17/06
4000 La Colina Rd Bishop Diego High School MST 2004-00673		9,512	Final Designation 12/20/2005
540 W Pueblo St Cancer Center MST2007-00092		5,845	Final Designation 7/13/2010
125 State St Children's Museum MST2009-00119		5,106	Final Designation 10-25-11
602 Anacapa St Antioch University MST2011-00145		2,671	Final Designation 8/23/2011
SUBTOTALS:	24,590	212,652	
ALLOCATED TO DATE: 237,242 SQ. FT.			
REMAINING UNALLOCATED: 62,758 SQ. FT.			

Pending and Approved Projects – April 2012

Status	MST Case	Name	Address	Small	Vacant	Comm. Priority	Economic Develop.	Approved	Total
Approved	MST2008-00322		412 Anacapa St		3,375				3,375
Approved	MST2008-00362		710 Anacapa St	40					40
Approved	MST2002-00786	Boys and Girls Club	632 E Canon Perdido			7,600			7,600
Approved	MST2005-00088		517 Chapala St	429					429
Approved	MST2011-00220		1255 Coast Village	2,000					2,000
Approved	MST2004-00493		1298 Coast Village	1,778					1,778
Approved	MST2007-00140	El Encanto Hotel	1900 Lasuen Rd	6,000					6,000
Approved	MST2009-00332		1032 Mason St	1,776					1,776
Approved	MST2006-00510		803 N Milpas St	200					200
Approved	MST2000-00707	Zoo – Discovery Pavilion	500 Ninos Dr			9,190			9,190
Approved	MST2007-00092	Cancer Center	540 W Pueblo	20,000		5,845			25,845
Approved	MST2009-00119	Children's Museum	125 State St	4,000	5,625	5,106			14,731
Approved	MST2005-00389		1528 State St	1,810					1,810
Approved	MST2007-00494		1704 State St	2,403					2,403
Approved	MST2005-00455		1722 State St	200					200
Approved	MST2011-00189		1722 State St	2,000					2,000
Approved	MST2006-00185		3880 State St	733					733
Approved	MST2005-00477		518 State St	1,487					1,487
Approved	MST2008-00261		528 State St	200					200
Approved	MST2005-00831	Montecito Country Club	920 Summit Rd		7,771				7,771
Approved	MST2006-00758		101 E Victoria St	2,000			2,703		4,703
Approved	MST2009-00266		34 W Victoria St	2,000			3,413		5,413
Approved	MST2009-00011		520 E Yanonali St	180					180
				49236	16771	27741	6116	0	99,864
				Total				Approved	

Total

99,864

Approved

Pending	MST2008-00174		1324 Cacique St	322					322
Pending	MST2007-00371	Arlington Parking Lot	1330 Chapala St	2,000					2,000
Pending	MST2008-00496	Fielding Institute	4151 Foothill Rd	4,000	39,057		22,499		65,556
Pending	MST2006-00210	Paseo de la Playa	101 Garden St					45,145	45,145
Pending	MST2012-00069		115 E Gutierrez St	598					598
Pending	MST2007-00461	Gateway - Airport	6100 Hollister Ave		48,254		80,320		128,574
Pending	MST2006-00509	Elings Park	1298 Las Positas	1,325		12,190			13,515
Pending	MST2011-00171		101 State St	4,000	3,501				7,501
Pending	MST2008-00597		1533 State St	1,041					1,041
Pending	MST2008-00358		3820 State St	2,000					2,000
				15286	90812	12190	102819	45145	266,252
				Total				Pending	
				Grand Total				366,116	

**PROJECTS WITH PRELIMINARY OR FINAL
ECONOMIC DEVELOPMENT DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Gateway Project (Miravant) 6100 Hollister Avenue MST97-00715		80,320	Approved 5/28/2000 Expired/Pending
Architectural Millworks 815 Quinientos Street MST97-00320		15,000	C of O 1/20/2004
Penfield and Smith 111 E Victoria St MST2002-00243		7,905	BP 2/11/2005
Software.com 630-634 Anacapa Street MST97-00520	26,493		Withdrawn
Alliance Manufacturing Software 1035 Chapala Street MST98-00051	30,257		Withdrawn
Fielding Institute Sansum Clinic 4151 Foothill Road MST2001-00840 MST2008-00496	22,499 22,499 1,703		Prelim with MST2001-00840 Still Active
Santa Barbara Auto Gallery 352 Hitchcock Way MST2009-00015	7,925		Withdrawn
Airport Mobile Structure 500 Fowler Rd MST2002-00265		720	Approved 6/20/02
Cottage Hospital 320 W Pueblo St MST2003-00152		182,541 <u>+ 10,600</u> 193,141	Under Construction Add'l s.f. approved 10/19/10
Granada Theatre 1216 State St MST2004-00005		13,360	C of O
101 E Victoria MST2006-00758		2,703	Approved 12/23/2008
34 W. Victoria MST2009-00266		3,413	Approved 4/26/11
SUBTOTALS	24,202*	316,562	SUBTOTALS
ALLOCATED TO DATE: 340,764 SQFT*			
REMAINING UNALLOCATED: 538,034 SQFT			

11/22/2010

*Does not include SF from Software.Com, SB Autogroup or Alliance, which have been withdrawn

EXHIBIT E

Project Compatibility Analysis

(Excerpt from Title 22, Historic Structures Ordinance)

22.22.145 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Historic Landmarks Commission and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Historic Landmarks Commission when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Section 22.22.132:

1. Compliance with City Charter and Municipal Code; Consistency with Design Guidelines. Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. Sensitivity to Adjacent Landmarks and Historic Resources. Is the design of the project appropriately sensitive to adjacent Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. Public Views of the Ocean and Mountains. Does the design of the project respond appropriately to established scenic public vistas?

6. Use of Open Space and Landscaping. Does the project include an appropriate amount of open space and landscaping?

C. PROCEDURES FOR CONSIDERING PROJECT COMPATIBILITY.

1. Projects with Design Review Only. If a project only requires design review by the Historic Landmarks Commission pursuant to the provisions of this Chapter and does not require some form of discretionary land use approval, the Historic Landmarks Commission shall consider the criteria listed in Subsection (B) above during the course of its review of the project's design prior to the issuance of the preliminary design approval for the project.

2. Projects with Design Review and Other Discretionary Approvals. If, in addition to design review by the Historic Landmarks Commission, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Historic Landmarks Commission shall review and discuss the criteria listed in Subsection (B) above during its conceptual review of the project and shall provide its comments on those criteria as part of the minutes of the Commission decision forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as the appropriate case may be) and as deemed necessary by the Historic Landmarks Commission. (Ord. 5464, 2008.)

(Excerpt from Municipal Code, Chapter 22.68, ABR Ordinance)

22.68.045 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Architectural Board of Review and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review

process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Architectural Board of Review when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Chapter 22.68:

1. Compliance with City Charter and Municipal Code; Consistency with Design Guidelines. Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. Sensitivity to Adjacent Landmarks and Historic Resources. Is the design of the project appropriately sensitive to adjacent Federal, State, and City Landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features?

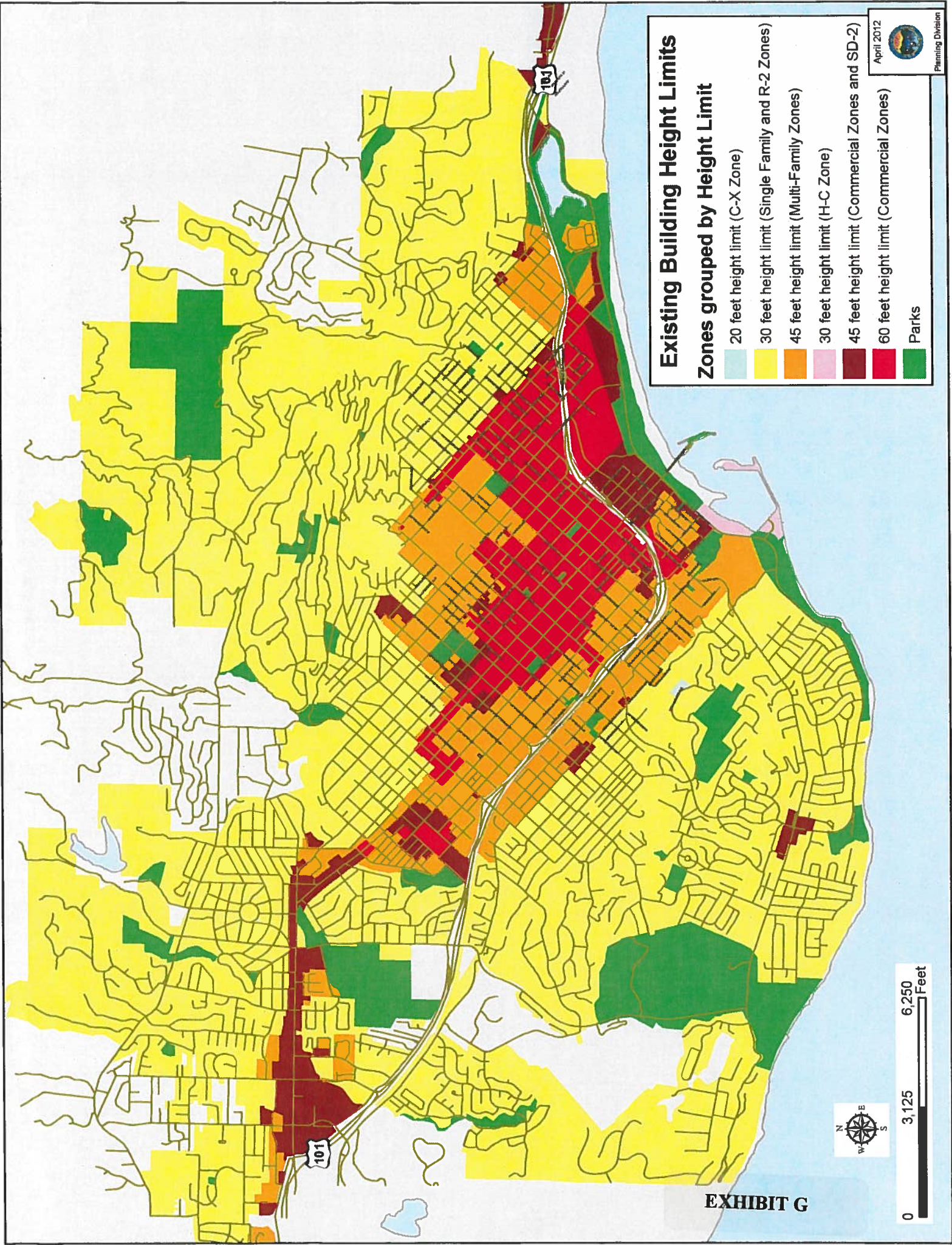
5. Public Views of the Ocean and Mountains. Does the design of the project respond appropriately to established scenic public vistas?

6. Use of Open Space and Landscaping. Does the project include an appropriate amount of open space and landscaping?

C. PROCEDURES FOR CONSIDERING PROJECT COMPATIBILITY.

1. Projects with Design Review Only. If a project only requires design review by the Architectural Board of Review pursuant to the provisions of this Chapter and does not require some form of discretionary land use approval, the Architectural Board of Review shall consider the criteria listed in Subsection (B) above during the course of its review of the project design prior to the issuance of a preliminary design approval for the project.

2. Projects with Design Review and Other Discretionary Approvals. If, in addition to design review by the Architectural Board of Review, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Architectural Board of Review shall review and discuss the criteria listed in Subsection (B) above during its conceptual review of the project and shall provide its comments on those criteria as part of the minutes of the Board decision forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as the appropriate case may be) as deemed necessary by the Architectural Board of Review. (Ord. 5464, 2008.)



Existing Building Height Limits

Zones grouped by Height Limit








	20 feet height limit (C-X Zone)
	30 feet height limit (Single Family and R-2 Zones)
	45 feet height limit (Multi-Family Zones)
	30 feet height limit (H-C Zone)
	45 feet height limit (Commercial Zones and SD-2)
	60 feet height limit (Commercial Zones)
	Parks

EXHIBIT G

