



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** November 29, 2012

**AGENDA DATE:** December 6, 2012

**PROJECT:** Amendments to Title 28 of the Municipal Code for Implementation of Nonresidential Growth Management Program

**TO:** Planning Commission

**FROM:** Planning Division, (805) 564-5470  
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### **I. PURPOSE OF MEETING**

The purpose of the meeting is for the Planning Commission to formalize its recommendations to City Council on amendments to the City's Zoning Ordinance implementing the General Plan Growth Management Policies, including: Policy LG2, Limit Nonresidential Growth and LG7, Community Benefit Nonresidential Land Uses. Amendments are proposed for the Development Plan Ordinance, Santa Barbara Municipal Code Section 28.87.300, the Transfer of Existing Development Rights (TEDR) Ordinance Chapter 28.95, the Development Potential sections throughout the Municipal Code that refer to the Development Plan Ordinance, and the Council Resolution No. 12-075.

The ordinance proposes a new Chapter 28.85, entitled "Growth Management Program" (Exhibit A). The former Development Plan Ordinance, Section 28.87.300, is proposed to be deleted from the Zoning Ordinance. Also attached is the proposed Council Resolution that provides direction for implementation of the new Growth Management Program (GMP). (Exhibit B).

### **II. BACKGROUND**

The 2011 General Plan provides specific policies to guide the amount of nonresidential development, such as commercial, institutional, and industrial uses, allowed over the next twenty years. The prior City growth management policy, known as Measure E<sup>1</sup>, has been implemented by Municipal Code Section 28.87.300, the Development Plan Ordinance (DPO) (Exhibit C) and Resolution No. 12-075. The existing DPO contains many key provisions,

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<sup>1</sup> Charter Section 1508, known as Measure E, expired on January 1, 2010 due to its sunset clause and has been removed from the City's Charter.

including definitions, allocation categories such as Community Priorities, Small Addition, etc., and standards and findings for processing nonresidential projects in the city. The Council Resolution details the administrative procedures for the allocations.

The existing DPO and procedures have served the City well in implementing the nonresidential growth limitations; however, amendments are needed to implement the latest General Plan policies and Planning Commission direction while carrying over relevant components. Also, the past two decades provided experience with the ordinance that informs areas for improvements and that could streamline processing of projects.

Proposed ordinance revisions would update the nonresidential square foot amounts and categories allowing allocation of up to 1.35 million square feet net new nonresidential development to the year 2033, as adopted through the *PlanSB* General Plan update. Revisions also include: refining the category definitions, allocation process, and specifying the Development Plan permit process; including the required findings for approval. The growth management program also includes a traffic strategy for analyzing projects with respect to traffic impacts, and use of the traffic model developed as part of *PlanSB*.

On May 17, 2012, the Planning Commission initiated amendments to the GMP with recommendations for processing of Small Additions, Community Benefit Projects, amendments to the definition of floor area, and the findings currently required for Development Plans. These are described in more detail below.

On June 21, 2012 and September 6, 2012, meetings were held with the Planning Commission to discuss staff's initial approach for the Traffic Management Strategy for direction to change the current traffic finding in the existing DPO.

Between May and September, staff also met with two focus groups comprised of stakeholders knowledgeable about the development process (e.g., architects, planning consultants, traffic consultants, and land development attorneys). The three goals of the focus groups were to explain the staff proposal, demonstrate the differences between the current system and the staff proposal, and to solicit informed input on the subject to assist during Planning Commission discussion and decision-making.

On November 20, 2012, the Council adopted a one year time extension to the current Development Plan Ordinance and Resolution to allow time to process these zoning amendments. The current Development Plan Ordinance will expire on January 1, 2014. Soon after adoption of the new ordinance, Planning Staff will provide a final accounting of how much square footage was allocated and built from the Measure E three million square feet from 1990 to 2013.

### **III. KEY ORDINANCE PROVISIONS**

Any new project submitted after the effective date of the revised ordinance that results in net new square footage will need a square footage allocation from the 1.35 million or be excluded

from the provisions as described below. An individual project can potentially obtain an allocation of square footage from multiple categories consistent with the Traffic Management Strategy.

The GMP is being amended to implement the new 1.35 million square foot allocation for the next two decades and to track the cumulative total allocated per lot under the various category provisions initiated since 1989 when the existing ordinance went into effect.

Below is a summary of the following key ordinance provisions:

- A. Establishment of the Nonresidential Growth Limit for the Next 20 Years and Identify the General Plan Allocation Categories - SBMC §28.85.010.A
- B. Identify the Types of Nonresidential Floor Excluded from the Development Limit – SBMC §28.85.010.B
- C. Definitions – SBMC §28.85.020
- D. Development Plan Review Procedures – SBMC §28.85.030
- E. Standards for Review and Findings – SBMC §28.85.040
- F. Traffic Management Strategy Implementation – SBMC §28.85.050
- G. Amendments Regarding Transfer of Existing Development Rights – SBMC Chapter 28.95

**A. General Plan Allocation Categories**

General Plan Policy LG2 establishes the new nonresidential square footage allowance for the next 20 years as 1.35 million square feet and specifies how allowance will be allocated by category. The 1.35 million net new square feet is to be allocated to Small Additions, Vacant Property and Community Benefit categories as follows:

1. **Small Additions (400,000 s.f.)** – General Plan Policy LG2 allocates up to 400,000 square feet to Small Additions over 20 years. In order to regulate the pace of growth, Small Additions are limited to 20,000 square feet annually with the potential for unallocated Small Addition square footage to roll over, increasing the amount of square footage that could be allocated in the following year.

A project can be allocated up to 2,000 square feet per legal lot from the Small Additions category for a cumulative total of 3,000 square feet if combined with a 1,000 Minor Addition (see a discussion of Minor Additions under Excluded Square Footage below). Once Small Additions reach a cumulative total on the lot of 2,000 square feet over the amount of development that existed on the lot as of December 6, 1989 (beyond 1,000 sq. ft. of Minor Additions), no additional Small Addition square footage can be allocated to that lot. This is a continuation of the current development potential allowances established with Measure E.

Under the current ordinance, at the end of each year, unused Small Additions square footage or Small Addition square footage that had been allocated to a project for which the land use permit approvals had expired during the year rolled over into the Economic Development category. In May, the Planning Commission recommended that the

Planning Commission decide annually whether unused, expired or withdrawn Small Addition square footage would roll over to either the Small Additions or Community Benefit categories. This change in the allocation process for Small Additions is explained in the GMP §28.85.010.A. and Resolution page 6.

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 conducted in the City in 1988 that identified approximately 32 acres of vacant land and an additional 100,000 square feet within the Airport Specific Plan area. Vacant Property square footage allocations will continue to be available to those lots that were vacant as of October 1988, at a rate of up to .25 Floor Area Ratio (FAR) of the lot area. Under the current DPO, approximately 357,620 square feet remains unallocated from the 1990 Vacant category. Staff expects the 350,000 allocation under General Plan Policy LG2 and incorporated into the new ordinance to be sufficient to accommodate anticipated development on vacant properties over the next 20 years. The provisions of the Vacant Property allocation category are proposed to remain the same under the new ordinance.
3. **Community Benefit (600,000 s.f.)** - Community Benefit projects may be designated by Council as either a Community Priority or Economic Development project. A Community Priority project is one that meets 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 228,810 square feet was allocated to projects from 1990 to the present.

With the 2011 General Plan update, Community Priority category was revised to include other community benefit types of nonresidential projects (e.g. Economic Development projects) and was allocated 600,000 square feet. These categories are further defined in proposed SBMC §28.85.020 with the designation process specified in the proposed Council Resolution (Exhibit B).

In May, the Planning Commission recommended that the City Council designation and allocation from the Community Benefit category occur once at the beginning of a project permit process, rather than continuing the current procedure with a preliminary allocation for the initial application and a final allocation at permit approval. It now is proposed that there be only one review at Council to determine whether the project can be designated as a Community Benefit Project and allocated floor area from that category, after which the project would proceed through the standard planning process required of the application. It will no longer be necessary for the Planning Commission to make a recommendation to Council on a Community Benefit Final allocation.

General Plan Policy LG7. identifies “Green” Economic Development as a Community Benefit Nonresidential land use category, and an associated implementation action further defines what constitutes a “green” product or job. In addition, General Plan Policy EF5. calls for the promotion and economic development of “Green”/ Sustainable

businesses where practicable. After further analysis, staff recommends at this time that the “Green” Economic Development category not be differentiated from other Economic Development because in doing so, we believe long-term reporting and monitoring would be required to ensure the use of the project remains “Green” and this is neither practical nor cost effective to implement. However, staff supports emphasizing promotion of “Green”/Sustainable businesses through programmatic incentives as envisioned under Policy EF5.

## **B. Excluded Square Footage**

A “Nonresidential Construction Project” is defined in the GMP as one that adds new floor area and excludes repair or replacement of existing floor area in the calculation of new floor area. With the adoption of the 2011 General Plan update, some additional categories of Nonresidential Construction Projects (Prior-Pending, Prior-Approved, and Government Buildings, for example) were approved for exclusion from the overall nonresidential growth allowance. While these excluded categories do not require an allocation of square footage from the 1.35 million, some are subject to the Development Plan process outlined in the ordinance and described later in the report.

Consistent with General Plan Policy LG2, the ordinance excludes the following development from the 1.35 million square feet allocated for Nonresidential Construction Projects:

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 from the 1.35 million square feet. If the square footage is rebuilt on the same site it does not count as new square footage and is not counted when determining whether Development Plan approval is required. This treatment is intended to encourage rebuilding on-site and is a continuation of the current process that has been in effect for the last 20 years.

If demolished square footage is transferred to another site, the transferred square footage is excluded from the 1.35 million limit; however, the project would still require a Development Plan under the TEDR ordinance. The only change being an exception for TEDR projects of less than 1,000 square feet, which would not require a Development Plan.

Historically, projects have generally rebuilt less square footage than what could have been reconstructed on site or elsewhere. Currently, approximately 300,000<sup>2</sup> square feet have been demolished since 1990 and have not been reconstructed, and 100,000 square

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<sup>2</sup> 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.

feet are approved for demolition. Approximately 76,000 square feet of demolition are part of pending or approved TEDR projects.

Under the proposed Traffic Management Strategy, the ability to transfer existing development rights will depend upon the location of the sending and receiving sites. Further explanation of TEDR projects is included later in this report.

2. **Minor Additions** – Minor Additions are projects that add or convert 1,000 square feet or less as a cumulative total on a lot since December 6, 1989. Staff considers Minor Additions to be reasonable, necessary improvements that should continue to 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. A project adding square footage only from the Minor Additions category does not require a Development Plan.
3. **Hotel Room for Room Replacement** – This is a project that replaces existing hotel rooms on a room for room basis. The GMP allows 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 with a hotel room is 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 that the square footage does not exceed the square footage of the building acquired or removed. At one time in the early 1990's there were a few Government Displacement projects associated with the Cross Town Freeway. Although we do not foresee many projects under this category, staff recommends maintaining the exclusion in the ordinance.
5. **Prior-Pending and Prior-Approved Projects** - These are project applications that are currently in the permitting pipeline or have been approved, but not built. Prior-Pending and Prior-Approved projects are allocated under the prior Measure E allocation and not from the 1.35 million. The square footage for Prior-Pending Projects is approximately 73,754<sup>3</sup> square feet. The square footage from Prior-Approved projects totals approximately 141,905 square feet for a combined total of 215,659 square feet (Exhibit D, Prior-Pending and Prior-Approved Projects).

These numbers could change as projects continue to process until the GMP Ordinance is formally adopted by the Council. If these projects expire or withdraw, the associated

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<sup>3</sup> This total includes 45,145 from 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 current project permitting status of pending.

square footage allocated to them will be eliminated. However, if a Prior-Pending or Prior-Approved project submits a revised project with an increase in the nonresidential square footage, the additional square footage would need to be allocated from one of the categories under the 1.35 million allocation established under the General Plan Policy LG2.

6. **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 fall within this new category include: Harbor restrooms, Waterfront offices, and Cater Water Treatment Plant.
7. **Annexations** – The policy regarding annexations is not proposed to change. If a property with existing development is annexed into the City, the existing development does not count as new square footage needing an allocation. If the annexation is proposed with new development, the new nonresidential square footage would require an allocation under the GMP. In addition, once a lot is annexed any new development proposed on the lot would be subject to the GMP.

### **C. DEVELOPMENT PLAN PROCESS**

#### **1. Development Plan Initiation and Review**

The square footage allocations allowed from the categories of Minor Additions, Small Additions and Vacant Property will continue as cumulative totals on a lot since December 6, 1989. Under the current DPO, a Development Plan is initiated based on the cumulative total square footage that has been allocated to a lot since 1989. Once a property has received 1,000 net new square feet, any additional square footage requires a Development Plan. This has resulted in Development Plans being required for very small amounts if previous Minor or Small Additions have occurred on a lot in the past.

Under the proposed ordinance amendments, a new nonresidential construction project of 1,000 square feet or more will continue to require a Development Plan; however, that requirement will be based on the size of the project being presently reviewed and not based on a cumulative total since 1989. For example, if a project is allocated 900 square feet of Minor Additions for the first time on a lot in 2013, no Development Plan is required. If another project of 900 square feet of nonresidential floor area is proposed on the same lot in 2018, even though the second project would constitute a Small Addition of 800 square feet, the second project would not require development plan approval because the proposed project is less than 1,000 square feet of floor area.

Exhibit E outlines the review process for nonresidential construction projects that do not require the preparation of an Environmental Impact Report (EIR). Any project, irrespective of size, that requires an EIR will be subject to review and findings by the

Planning Commission. These requirements are included in SBMC 28.85.030, Development Plan Review Procedures and are similar to current processing of projects

## **2. Review of Public Utility Facilities**

Another recommended change to the Development Plan process is for future projects involving regional public utility equipment. In May, the Planning Commission supported amendments to the current definition of floor area to exclude “infrastructure” spaces from the calculation of floor area (see Exhibit A, SBMC 28.85.020.F for revised definition). The definition of floor area has historically also exempted nonhabitable areas used for regional public utility facilities from the calculation of floor area. Staff believes this standard is awkward in that “habitable” usually refers to residential uses or conditioned space and for some utilities it is necessary to have conditioned space for equipment. Staff believes the definition of Floor Area should continue to exclude those portions of regional utility buildings occupied exclusively by equipment, but floor area associated with office space or storage should not be excluded.

Further, while Staff recommends excluding spaces occupied exclusively by equipment from the calculation of floor area for purposes of the development limit, staff recommends counting such floor area for purpose of determining whether a Development Plan is required. Staff recommends that any such facility with 3,000 square feet of new construction require a Development Plan by the Planning Commission in addition to a Conditional Use Permit, if required. This treatment of regional public utility facilities would allow for the review of a potentially large nonresidential construction project consistent with other provisions of the code (i.e. review of Community Benefit projects).

## **D. TRAFFIC MANAGEMENT STRATEGY**

The 2011 General Plan Update FEIR found that the addition of up to 1.35 million square feet of nonresidential growth along with residential growth would cumulatively result in significant traffic impacts at identified intersections by the end of the allocation period. City Council deemed this level of potential traffic impact to be acceptable in light of the Plan’s benefits. New projects will contribute to cumulative traffic impacts; therefore, the current traffic finding required for Development Plans is proposed to be replaced. This finding is:

*“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.”*

A new Traffic Management Strategy is proposed to manage and track traffic associated with future growth. The General Plan FEIR used a Traffic Model specifically developed for the City to estimate future traffic impacts and congestion. Based upon actual traffic behavior within the City, the Traffic Model identified different traffic generation rates

based on the location within the City (i.e., Downtown vs. outlying areas). The model also determined that the effectiveness of the traffic mitigation measures identified in the FEIR varied based on location. These findings substantially inform the policies and procedures adopted in the proposed Traffic Management Strategy (Exhibit B of the Resolution).

The primary goals of the Traffic Management Strategy are to utilize existing transportation capacity efficiently and to reserve constrained transportation capacity for high priority land uses. All new nonresidential projects will be subject to the Traffic Management Strategy that will specify the types and locations of nonresidential development that can be approved and also which development can be considered for overriding findings for project specific impacts. Given the limited amount of development potential allowed under the Growth Management Program, an important component of the program is the ability to override project specific traffic impacts for those projects that the Planning Commission determines meet other objectives of the General Plan and are beneficial to the community.

Please refer to Exhibit B of the Resolution (Exhibit B) for the proposed Traffic Management Strategy. This strategy would become part of the Growth Management Plan through a Resolution of the Council.

#### **E. TRANSFER OF EXISTING DEVELOPMENT RIGHTS**

Currently, the City's Transfer of Existing Development Rights (TEDR) Ordinance, SBMC Chapter 28.95, regulates the transfer of existing floor area. Existing development rights are defined as existing floor area, approved floor area, demolished floor area, or converted floor area. Floor area can currently be transferred from a sending site to a receiving site by obtaining a Development Plan approval for both sites by the Planning Commission.

While a comprehensive revision of the TEDR Ordinance is not a part of this work effort, some revisions are necessary at this time to ensure consistency with the Growth Management Program definitions, to streamline small transfers to a receiving site within the same Development Area as the sending site, to regulate transfers amongst the Development Areas in a manner consistent with the General Plan Policy of living within our resources.

Historically, there were no particular limits on where existing development rights could be transferred within the City. The system relied on the Development Plan findings to prohibit transfers that could cause traffic impacts. The proposed TEDR Ordinance amendments are consistent with the proposed Growth Management Program and provide for the continued regulation of the transfer of existing nonresidential floor area and hotel rooms. However, some limitations are proposed with the following rules:

1. Existing development rights may be proposed for transfer between a sending site and a receiving site that are within the same development area anywhere in the city.

2. Existing development rights may be proposed for transfer from a sending site within any of the Outlying Development Areas to a receiving site in the Downtown Development Area.
3. Existing development rights cannot be transferred from a sending site in the Downtown Development Area to a receiving site in any of the Outlying Development Areas or the Airport Development Area.
4. Existing development rights cannot transfer from a sending site in one of the Outlying Development Areas to a receiving site in a different Outlying Development Area or the Airport Development Area.
5. Existing development rights cannot transfer from a sending site in the Airport Development Area to a receiving site any other development area.

These amendments to the TEDR process are intended to promote the General Plan Policy of focusing the majority of future land development within the Downtown Area while leaving flexibility to transfer existing development rights within the same development area. This is consistent with the policy of focusing future development in the Downtown Development Area, which according to the Traffic Model generates the least amount of additional traffic and can best accommodate anticipated traffic growth that is shifted from one site to another.

Staff is recommending that the Planning Commission also consider the following amendments to the existing TEDR Ordinance.

**Transfers of First 1,000 Square Feet or Less** - Under the current TEDR, any proposed transfer of existing development rights, requires a Development Plan by the Planning Commission. Staff would like to streamline transfers of existing development rights involving 1,000 square feet or less of demolished square footage in the same Development Area because this may be the only opportunity for some businesses to make small improvements if they have exhausted their Minor or Small Additions in the past 20 years without having to request an Economic Development allocation from Council.

This amendment would establish a similar process to Minor Additions of 1,000 square feet or less that do not need a Development Plan. Any one time transfer up to 1,000 square feet to a receiving site would not need a Development Plan and could be processed at the design review level for the exterior changes if no other land use permit is required from the Staff Hearing Officer or Planning Commission.

Staff will develop the administrative procedures for tracking and recording the appropriate legal instruments, but these projects will not need Planning Commission review if the transfer is less than 1,000 sf. This will assist in reducing the cost to the applicant: processing a Development Plan/TEDR at the Planning Commission level involves more time and cost than processing at the design review level without a Development Plan. This

would be consistent with General Plan policy EF21, Small Businesses which calls for recognizing the economic importance of small business in the community and allowing flexibility in future expansion.

#### **F. DEVELOPMENT PLAN FINDINGS (STANDARDS FOR REVIEW)**

In May 2012, the Planning Commission supported Staff's proposed amendments to the current Development Plan findings such that findings related to housing and water would no longer be necessary on a project specific case-by-case review level. The recently adopted General Plan update and associated programmatic FEIR provide a substantial resource baseline and policy basis for future growth and development over the next 20 years. Possible resource impacts will now be tracked and policies and programs will be adjusted as necessary through the Adaptive Management Program.

The following findings are recommended as those required to be made by the decision making body when a Development Plan is approved.

1. **The proposed development complies with all provisions of this Title (the Zoning Ordinance).**  
This finding is fundamental; however, from time to time it is needed to explain that consistency may include granting of a modification or CUP. This finding exists in the current DPO.
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 exists in the current DPO and allows for a significant amount of latitude on the part of the decision makers and is used to approve a project and provide the reasoning 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 based on the Project Compatibility Analysis found in SBMC §22.22.145 and §22.68.045."**

Historically, design review by either the ABR or the HLC informs the Planning Commission for making this finding on a particular project. 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 criteria. The design review boards must consider the six

criteria in their review of every project that goes before them and a noticed public hearing is required.

4. **The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy as expressed in the allocation allowance specified in Section 28.85.050.**

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 project environmental review was dedicated to analyzing existing traffic impacts and possible traffic effects for the next increment of growth.

In order to utilize the City's transportation capacity efficiently and to prioritize constrained transportation capacity for high priority land uses, a new Traffic Management Strategy as described earlier in this report is being proposed. Only certain categories of development will be allowed in certain areas. For those projects requiring a Development Plan, this finding will be required.

#### **G. ENVIRONMENTAL REVIEW**

The General Plan Final Program Environmental Impact Report (FEIR) certified in September 2010 and December 2011 initially assessed citywide impacts associated with 2,178,202 square feet of nonresidential development. Subsequently, an Addendum to the Final EIR analyzed a revised, lower growth management program of 1.85 million square feet of nonresidential development (up to 1.35 million SF growth policy cap plus 0.5 million SF for excluded development). The FEIR and Addendum concluded that even with identified mitigation measures, unavoidable significant impacts associated with increased traffic congestion and greenhouse gas generation would occur by 2030 as a result of maximum allowable new development under the General Plan policies.

On September 18, 2012, the City Council adopted the City's Climate Action Plan. An Addendum to the Program FEIR was prepared to document the Climate Action's Plan updated greenhouse gas emissions analysis, which showed that future citywide greenhouse gas emissions would be lower than earlier identified in the FEIR and would meet the State target, thereby constituting a less than significant impact.

The FEIR identified that vehicle trips associated with new development would increase the number of intersections exceeding the City's level of service standard from 13 to up to 20 - 26 with the growth level provided under General Plan policies, and feasible mitigation measures would only partially offset the impact. The City Council adopted findings of overriding consideration for this significant cumulative traffic impact and also adopted

General Plan Circulation Element policies directing that traffic impacts should be minimized as feasible.

The FEIR traffic model analysis completed for the General Plan found that the Downtown Area is distinguished from all Outlying Development Areas within the City because land developed within the Downtown will generate the least amount of vehicle traffic due to the mix of land uses/trip destinations and substantial travel via walking, biking, and transit. Additionally, transportation implementation actions recommended in the Circulation Element will predominantly be effective in the Downtown development area. By helping to direct future incremental growth toward areas that would generate less traffic, the proposed Traffic Management Strategy component of the implementing ordinance amendments reflects the General Plan policies for growth limitation in a manner to minimize traffic impacts and conserve remaining roadway capacity.

The zoning amendments implementing the General Plan growth limitation policies constitute a citywide program. The policies and standards for the City's projected growth have been previously analyzed for environmental impacts in the Final EIR and Addenda for the General Plan and Climate Action Plan. Specifically, the environmental and traffic impacts associated with implementing General Plan Policy LG2 and the growth limitation policy for up to 1.35 million net new square feet was included in the analysis of the General Plan FEIR and Addenda. Potential future development under these zoning amendments is within the growth projections and traffic distribution assumptions for that impact analysis.

The California Environmental Quality Act (CEQA) Guidelines Section 15168 for Program Environmental Impact Reports (EIRs) provide for preparing a Program EIR for a series of actions characterized as one large project related in connection with issuance of rules, regulations, plans, or other criteria to govern the conduct of a continuing program. Use of a Program EIR is intended to streamline environmental review and avoid duplicative reconsideration for subsequent implementing steps.

CEQA Section 21083.3 and Guidelines Section 15183 mandate that projects which are consistent with the development density established by general plan policies for which an EIR was certified, and rezonings consistent with the plan, shall not require additional environmental review except under specified instances.

The proposed implementing ordinance amendments do not trigger the additional environmental review requirements, as follows: There are no additional site-specific or project-specific significant effects which are peculiar to the proposed zoning amendments; there are no new significant effects not addressed in the prior Program EIR; and there is no new information since the FEIR that would involve more significant impacts than identified in the FEIR. Environmental review for the proposed implementing ordinance amendments is addressed by the General Plan Program EIR and Addenda, and no further environmental review is required.

## **H. RECOMMENDATION AND NEXT STEPS**

Staff recommends incorporation of the proposed amendments for the new Growth Management Program. Staff requests that the Planning Commission consider the proposed draft ordinance amendments, the amended Council Resolution and the Traffic Management Strategy, and direct any changes and recommendations to the City Council for adoption of the overall Growth Management Program.

Following Planning Commission review and recommendation, the Growth Management Program will be reviewed by the Council Ordinance Committee. The program would then return to the Planning Commission only if significant changes are recommended by the Ordinance Committee. Otherwise, the Ordinance Committee will review and make a recommendation for introduction and adoption by the City Council. While the current DPO is in effect until January 2014, staff anticipates that the new Growth Management Program Ordinance and the accompanying resolution would be adopted in April of 2013.

## **I. EXHIBITS**

- ~~A. Draft Growth Management Program and Transfer of Existing Development Rights Ordinance~~ Refer to Ordinance included in CAR, 3/5/2013
- ~~B. Draft Council Resolution w/Exhibits~~ Refer to Resolution included in CAR, 3/5/2013
- C. Existing Development Plan Ordinance, SBMC 28.87.300
- D. Prior Pending and Prior Approved Projects Table
- E. Typical Process for Nonresidential Projects by Size of Project

**EXHIBIT A (PRIOR DRAFT OF CITY ORDINANCE) FROM PC STAFF REPORT DATED AGENDA DATE, DECEMBER 6, 2012 IS OMITTED.**

**EXHIBIT B (PRIOR DRAFT OF CITY RESOLUTION) FROM PC STAFF REPORT DATED AGENDA DATE, DECEMBER 6, 2012 IS OMITTED.**



# City of Santa Barbara

## Development Plan Ordinance

### 1. 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

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, 19858; 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.)

**Prior-Pending and Prior-Approved Nonresidential Projects  
December 2012**

**Prior-Pending Net New Square Feet**

ADDRESS	APN	APPLICATION #	Airport	Downtown	Riviera	Upper State	Coast Village	Mesa
602 W ANAPAMU ST	039-151-014	MST90-02931		4,800				
350 CHAPALA ST B	037-450-023	MST2012-00096		460				
101 GARDEN ST - Wright Property	017-630-018	MST2006-00210		45,125				
115 E GUTIERREZ ST	031-271-030	MST2012-00069		598				
1298 LAS POSTAS RD - Elings Park	047-010-034	MST2006-00509						13,821
101 STATE ST	033-075-006	MST2011-00171		7,501				
1936 STATE ST	025-372-001	MST2011-00167		1,449				
			0	59,933	0	0	0	13,821

Prior-Pending Total: **73,754 S.F.**

**Prior-Approved Net New Square Feet**

412 ANACAPA ST	031-271-019	MST2008-00322		3,375				
528 ANACAPA ST	031-201-029	MST2012-00300		2,000				
710 ANACAPA ST	031-081-013	MST2008-00362		40				
517 CHAPALA ST	037-163-007	MST2005-00088		429				
1255 COAST VILLAGE RD	009-291-018	MST2011-00220					2,000	
1298 COAST VILLAGE RD	009-230-043	MST2004-00493					1,778	
4151 FOOTHILL RD	059-160-017	MST2008-00496						
513 GARDEN ST	031-202-009	MST2010-00168		1,730		56,372		
134 HARBOR WAY	033-120-018	MST2007-00356		66				
702 LAGUNA ST	031-092-023	MST2010-00288		2,000				
1900 LASUEN RD	019-170-022	MST2007-00140			6,000			
803 N MILLPAS ST	031-042-028	MST2006-00510		200				
635 OLIVE ST	031-160-012	MST2012-00156		1,997				
540 W PUEBLO ST - Cancer Center	025-090-046	MST2007-00092		25,845				
35 STATE ST - Entrada	033-102-004	MST97-00357		8,508				
125 STATE ST	033-075-012	MST2009-00119		14,691				
518 STATE ST	037-173-046	MST2005-00477		1,487				
3880 STATE ST	057-240-046	MST2006-00185				733		
920 SUMMIT RD - Montecito CC	015-211-009	MST2005-00831					7,771	
101 E VICTORIA ST	029-071-013	MST2006-00758		4,703				

**Prior-Pending and Prior-Approved Nonresidential Projects  
December 2012**

**Prior-Pending Net New Square Feet**

<b>520 E YANONALI</b>	<b>017-113-016</b>	<b>MST2009-00011</b>					
			<b>180</b>				
			<b>0</b>	<b>67,251</b>	<b>6,000</b>	<b>57,105</b>	<b>11,549</b>
							<b>0</b>

**Prior-Approved Total: 141,905 S.F.**

**Exhibit D Grand Total 215,659 S.F.**

### Typical Process for Nonresidential Projects by Size of Project<sup>1</sup>

Project Size**	Dev. Plan Required	Design Review	SHO or PC	Notes	Change in Current Process**
1. 1,000 s.f. or less	No	Yes	Only if other land use permit is needed	<ul style="list-style-type: none"> <li>SHO for modifications, mixed use with 4 or less condos.</li> <li>PC if mixed use with 5 or more condos or CUP.</li> </ul>	No
2. 1,000 – 3,000 s.f.	Yes	Yes	SHO	<ul style="list-style-type: none"> <li>Design Review if no other land use permit is needed.</li> <li>SHO if other land use permit is needed.</li> <li>PC if mixed use with 5 or more condos or CUP.</li> </ul>	No
3. 3,000 s.f. or more	Yes	Yes	PC		No
4. Demo/Replace Same or Less	No	Yes	Only if other land use permit is needed	<ul style="list-style-type: none"> <li>SHO for modifications, mixed use with 4 or less condos.</li> <li>PC if mixed use with 5 or more condos or CUP.</li> </ul>	No
5. TEDR 1,000 s.f. or less	No	Yes	Only if other land use permit is needed	<ul style="list-style-type: none"> <li>When not combined with other square footage allocations. Project review is based on total size of the addition.</li> <li>SHO for modifications, mixed use with 4 or less condos.</li> <li>PC if mixed use with 5 or more condos or CUP.</li> </ul>	Yes**
6. TEDRs 1,000 s.f. or greater	Yes	Yes	PC	<ul style="list-style-type: none"> <li>Development Plan required for sending and receiving site.</li> </ul>	No
7. Hotel Room for Room Replacement on site	No	Yes	Only if other land use permit is needed	<ul style="list-style-type: none"> <li>Any hotel expansion in addition to the rooms would require review based on project size.</li> </ul>	No
8. Hotel Room for Room Replacement off site (TEDR)	Yes	Yes	PC	<ul style="list-style-type: none"> <li>Development Plan required for sending and receiving site.</li> </ul>	No
9. Regional Public Utility Facilities Greater than 3,000 s.f.	Yes	Yes	PC	<ul style="list-style-type: none"> <li>For structures 3,000 s.f. or greater.</li> <li>If less than 3,000 s.f., Development Plan could be granted by other decision making body depending if no other land use permits needed (e.g. modifications or CUP)</li> </ul>	Yes**

**Exhibit E**

<sup>1</sup> This is a typical process when adding new nonresidential square feet. Projects located in the Coastal Zone or zones that require a Development Plan by the Planning Commission or Planning Commission for any other reason specified in the Municipal Code could require reviews at the Planning Commission level.