



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 13, 2012

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Introduction Of Zoning Ordinance Amendment, Municipal Code Section 28.87.300, Pertaining To Non-Residential Construction Projects

**RECOMMENDATION:** That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 28.87.300 of Chapter 28.87 of Title 28 of the Municipal Code Regarding Limitations on Non-Residential Development Within the City; and
- B. Adopt, by reading of title only, 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 Rescinding Resolution No. 09-058.

**DISCUSSION:**

The City's non-residential growth management program (City "Measure E") is currently implemented through the Development Plan Review and Approval Ordinance SBMC 28.87.300 (DPO). This ordinance is set to expire on January 1, 2013. A one-year extension of the DPO is being requested to January 1, 2014 in order to complete the processing of the comprehensive zoning amendments currently underway for compliance with the recently adopted General Plan policies related to the non-residential Growth Management Program.

This zoning ordinance section contains many key provisions including definitions, allocation categories such as Community Priority, Small Additions, etc., and standards for processing all non-residential projects in the city.

In November 1989, city voters approved an amendment to the City Charter establishing Section 1508 to regulate non-residential growth in the community (Measure E). The DPO would have expired on January 1, 2010; however, in July 2009, the Council

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granted a three year extension of the DPO as the Plan Santa Barbara process to adopt the General Plan was expected to be approved soon. The regulations were extended to January 1, 2013, and all other provisions of the Zoning Ordinance remained the same. Staff is actively processing the overall zoning amendments necessary to carry out the General Plan policies related to non-residential growth that were adopted in December 2011. On May 17, 2012, the zoning amendments were initiated by Planning Commission. On June 21, 2012 and September 6, 2012 meetings were held with the Planning Commission on the traffic component of the Growth Management Program.

In accordance with the City Charter, an ordinance becomes effective 30 days after adoption. Based on the current expiration date in the ordinance, Council would need to act before December 1 of this year, and that is not feasible given the hearings and consideration that is still needed. Time is necessary to finalize the ordinance amendments and resolution; have review and a recommendation by the Council Ordinance Committee, and to have the Council review, introduction and adoption of the proposed ordinance amendment. Staff anticipates that Council adoption will happen by the spring of next year. Therefore, we recommend that the date specified in Section 28.87.300 be changed from January 1, 2013 to January 1, 2014.

Section 28.87.300 establishes that approvals under the ordinance shall not exceed three million square feet above the October 1988 baseline condition through January 1, 2013. This clause is proposed to be amended to change 2013 to 2014. Therefore, the ordinance would continue to cover the original three million square feet. Staff recommends that the ordinance continue to operate in the manner that it currently operates until 2014.

Pursuant to Section 28.87.300, the allocation from the Small Addition category was limited to no more than 30,000 square feet per year. Any portion of the annual allocation for Small Additions that remained at the end of the year was transferred to the Economic Development category. As a part of the extension granted in 2009, Council approved 90,000 square feet from the Economic Development category returned to the Small Addition category to cover the three year time extension.

Since January 1, 2010 to the present, a total of 20,022 square feet of the 90,000 has been allocated out of Small Additions to projects. A total of 45,118 square feet unused Small Addition square footage from 2010 and 2011 was returned to Economic Development. Staff is requesting that similarly, 30,000 square feet from the Economic Development category be returned to the Small Addition category to cover the one year time extension for the year 2013.

Since January 2010, 10,600 square feet has been allocated to Economic Development projects. Currently there are 503,828 square feet of unallocated Economic Development square footage. As before, the annual un-allocated Small Addition square feet would continue to be transferred into the Economic Development category. The

entire amount of the proposed 30,000 square feet of re-allocation is contained within the original three million square feet as approved in the original Charter Section 1508 and implementing ordinances. This proposal in no way expands the amount of potential non-residential development beyond the original three million square foot limit approved by Measure E.

The Planning Commission reviewed the extension request on September 20, 2012 and unanimously recommended approval of the one-year time extension.

On October 23, 2012, the Ordinance Committee considered the proposed amendment and voted 3 to 0 to forward the ordinance amendment to Council for introduction and adoption.

### **ENVIRONMENTAL REVIEW**

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305, Minor Alterations in Land Use Limitations. The City's adopted list of projects that are consistent with this exemption class include:

- Creation of minor new, and minor amendments to existing land use plans, ordinances, guidelines, regulations and/or development standards which do not result in any changes in land use density and which have no potential for significant environmental effects.
- Minor Zoning Ordinance amendments that do not significantly change plan uses in an area.

### **BUDGET/FINANCIAL INFORMATION:**

The processing of this proposed amendment is being done by existing City staff and the associated costs of public notices and meetings can be accommodated within the existing budget for the Community Development Department.

**ATTACHMENT:** Projects with Preliminary or Final Economic Development Designations

**PREPARED BY:** Beatriz Gularte, Project Planner

**SUBMITTED BY:** Paul Casey, Assistant City Administrator/ Community Development Director

**APPROVED BY:** City Administrator's Office

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

<b>PROJECT/ADDRESS</b>	<b>PRELIM. DESIG. (SQ. FT.)</b>	<b>FINAL DESIG. (SQ. FT.)</b>	<b>STATUS/ COMMENT</b>
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	<del>26,493</del>		Withdrawn
Alliance Manufacturing Software 1035 Chapala Street MST98-00051	<del>30,257</del>		Withdrawn
<del>Fielding Institute</del> Sansum Clinic 4151 Foothill Road <del>MST2001-00840</del> MST2008-00496	<del>22,499</del>	13,526	Prelim with MST2001-00840 - New Case is MST2008-00496 Apvd 6/12/2012
Santa Barbara Auto Gallery 352 Hitchcock Way MST2009-00015	<del>7,925</del>		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		330,088	SUBTOTALS
<b>ALLOCATED TO DATE: 330,088 SQFT*</b> <b>REMAINING UNALLOCATED: 503,828 SQFT</b>			
*Does not include SF from Software.Com, SB Autogroup or Alliance, which have been withdrawn			