

## ORDINANCE NO. 23-16

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE GOLETA MUNICIPAL CODE TO CHANGE THE ZONE DISTRICT AND STANDARDS FOR 449 KELLOGG WAY (APN 071-130-039) AND 469 KELLOGG WAY (APN 071-130-010) (CASE NO. 23-0004-ORD)**

**WHEREAS**, the City of Goleta ("City") adopted Title 17 (Zoning) of the Goleta Municipal Code ("Title 17") on March 3, 2020; and

**WHEREAS**, Title 17 includes standards and procedures that regulate residential development within the City; and

**WHEREAS**, the City adopted an amended Housing Element 2023-2031 on December 5, 2023; and

**WHEREAS**, the Housing Element 2023-2031 subprogram HE 2.1(a) required amendments to Title 17 the Land Use Element of the City's General Plan / Coastal Land Use Plan ("General Plan"); and

**WHEREAS**, the City adopted amendments to the Land Use Element on December 5, 2023; and

**WHEREAS**, included in the Land Use Element were land use designation changes for 449 Kellogg Way and 469 Kellogg Way; and

**WHEREAS**, pursuant to California Government Code Section 65860(a), Title 17 must also be amended to align with the required amendments to the General Plan; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on November 13 and 15, 2023, at which time all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission recommended to City Council adoption of the Title 17 Amendments Ordinance on November 15, 2023; and

**WHEREAS**, by separate action taken on December 5, 2023, the City Council adopted Resolution 23-63, adopting an Addendum to the General Plan Environmental Impact Report (State Clearinghouse No. 2005031151), which was certified in October 2006 by the City Council; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on December 5, 2023, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the City Council adopted Ordinance No. 23-16, which amends Title 17 of the Goleta Municipal Code, by a majority vote on December 19, 2023;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals**

The City Council hereby finds and determines that the recitals above are true and correct and are each incorporated by reference and adopted as findings by the City Council.

**SECTION 2. Required Findings for Zoning Ordinance Amendments**

Pursuant to subsection 17.66.050(B) of the Goleta Municipal Code, the City Council hereby finds as follows:

- (a) The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and this Title.**

Pursuant to California Government Code Section 65860(a), the City's zoning must be consistent with the General Plan. Because the City is amending the Housing Element and Land Use Element to facilitate additional housing development within the City, such amendments would create inconsistencies between the General Plan and Title 17 without the proposed amendments to Title 17. Specifically, the Housing Element 2023-2031 includes subprograms HE 2.1(a)-(e). These subprograms are intended to facilitate additional housing development and require the City to make several changes to the Land Use Element and Title 17, including several changes in land use designations and zoning districts of several parcels. The implementation of these programs, including the Land Use Element amendments and Title 17 amendments are identified in the Housing Element 2023-2031 for implementation by February 15, 2024. The Land Use Element amendments to implement subprograms HE 2.1(a)-(e) occurred on December 5, 2023. Consequently, to ensure consistency with the time commitment for implementation in the Housing Element 2023-2031 and the amendments in the Land Use Element, the amendments are needed to ensure consistency across all City planning documents.

As such, under state planning law, the amendments to Title 17 are required and consistent with General Plan and state law.

Additionally, the amendments were prepared with the entirety of Title 17 in mind to ensure that the amendments do not create any internal inconsistencies within this Title.

For these reasons, the proposed amendments to Title 17 are consistent with the General Plan, the requirements of state planning and zoning laws, and Title 17.

**(b) The amendment is in the interests of the general community welfare.**

The amendments to Title 17 serve to facilitate additional housing development within the City. Additional housing, including additional below market rate housing, will help address issues identified in the Housing Element 2023-2031 Technical Appendix such as cost overburden, overcrowded households, and the need to commute from outside the City to jobs within the City, thereby benefiting the welfare of residents and employees within the City.

The amendments to Title 17 implement the amendments to the Housing Element 2023-2031, thereby implementing requirements for consistency with state housing law. Without these amendments, the City risks losing local regulatory authority over certain housing projects in the future and potential grant funds that require the City to have a compliant Housing Element in order to qualify for those grants. These grants could provide a variety of benefits to the community.

For these reasons, the proposed amendments to Title 17 are in the interests of the general community welfare.

**(c) The amendment is consistent with good zoning and planning practices.**

Ensuring consistency between Title 17 and the General Plan is required pursuant to California Government Code Section 65860(a). The amendments to Title 17 have been prepared to ensure consistency between the General Plan amendments to implement the Housing Element 2023-2013 and Title 17. Such vertical consistency represents good zoning and planning practices to comply with the requirement of Section 65860(a) but also to ensure for the public consistent, clear, and applicable requirements across all planning documents.

For these reasons, the proposed amendments to Title 17 are consistent with good zoning and planning practices.

### **SECTION 3. Environmental Assessment**

By separate action taken on December 5, 2023, the City Council adopted Resolution 23-63, adopting an Addendum to the Goleta General Plan/Coastal Land Use Plan Environmental Impact Report (“EIR”) (State Clearinghouse No. 2005031151), which was certified in October 2006 by the City Council. The Addendum analyzed the environmental impacts of the actions taken in this ordinance. The resolution to adopt the Addendum satisfied the City Council’s obligations under the California Environmental Quality Act (“CEQA”) with respect to adopting the amended Housing Element 2023-2031 and the amending the General Plan and Title 17 of the Goleta Municipal Code and none of the conditions in Public Resources Code section 21166 or State CEQA Guidelines section 15162 apply. Thus, no further environmental review is required as adoption of this ordinance falls within the scope of the adopted Addendum and previously certified EIR.

### **SECTION 4. Title 17 of the Goleta Municipal Code Amendments**

- (a) Subsection 17.07.030(F), entitled “Increased Minimum Density, RH District” is hereby amended to add the following parcels:

The following sites shall have a minimum residential density of 20 dwelling units per acre:

449 Kellogg Way (APN 071-130-039)  
469 Kellogg Way (APN 071-130-010)

### **SECTION 5. Zoning Map Amendments**

The existing City of Goleta Zoning Map is hereby amended as follows:

1. Change the Zone District for 449 Kellogg Way (APN 071-130-039) from Business Park (BP) to Residential—High Density (RH).
2. Change the Zone District for 469 Kellogg Way (APN 071-130) from Planned Residential (RP) to Residential—High Density (RH).

### **SECTION 6. Effect of Amendments**

To the extent any provision of this Ordinance repeals, amends, or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed or superseded part of previous approvals will remain in full force

and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

**SECTION 7. Severability**

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

**SECTION 8. Codification**

The City Clerk shall cause these amendments to be appropriately renumbered and codified in Title 17 of the Goleta Municipal Code on the effective date of this Ordinance.

**SECTION 9. Certification of City Clerk**

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

**SECTION 10. Effective Date**

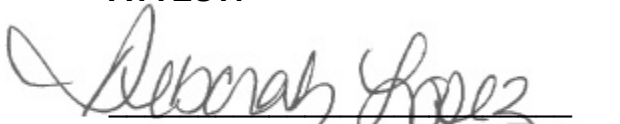
This Ordinance shall take effect on the 31<sup>st</sup> day following adoption by the City Council.

**INTRODUCED ON** the 5<sup>th</sup> day of December, 2023.

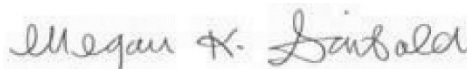
**PASSED, APPROVED, AND ADOPTED** this 19<sup>th</sup> day of December, 2023.

  
PAULA PEROTTE  
MAYOR

**ATTEST:**

  
DEBORAH S. LOPEZ  
CITY CLERK

**APPROVED AS TO FORM:**

  
MEGAN GARIBALDI  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 23-16 was introduced on December 5, 2023, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 19<sup>th</sup> day of December, 2023, by the following roll-call vote, to wit:

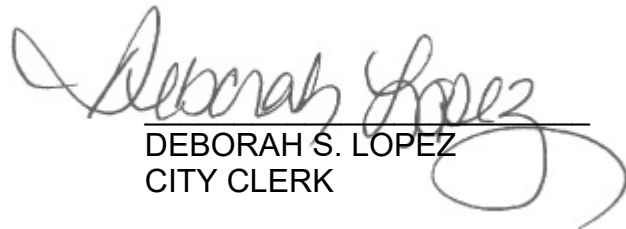
AYES: MAYOR PEROTTE MAYOR PRO TEMPORE RICHARDS,  
COUNCILMEMBERS KASDIN, KYRIACO AND REYES-  
MARTÍN

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH S. LOPEZ  
CITY CLERK