

## ORDINANCE NO. 23-17

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE GOLETA MUNICIPAL CODE TO IMPLEMENT CERTAIN HOUSING ELEMENT 2023-2031 PROGRAMS INCLUDING REZONING OF SPECIFIC PROPERTIES (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 requires amendments to 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**, 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 hearings 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. 23-17, 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 and increasing the allowed dwelling units density in Community Commercial from 12 to 20 units per acre. 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.

Additionally, other components of subprograms HE 2.1(a)-(e) are included in the ordinance to specifically implement requirements of State planning law, including California Government Code section 65583.2(h) and (i) related to streamlining, under certain circumstances, projects on sites identified for rezoning within the Housing Element 2023-2031.

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.

Therefore, the amendments 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 2023-2031 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.

Therefore, the amendments 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 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) Table 17.07.030 is hereby amended as follows:

Add an “(F)” after “15” in the cell for Minimum Dwelling Unit Density (units/acre) for the RH District column.

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

60 Colusa Avenue (APN 077-155-004)  
7190 Hollister Avenue (APN 073-030-005)  
Parcels to East of 7190 Hollister Avenue (APN 073-030-009 and APN 073-030-006)  
35 Ellwood Station Drive (APN 079-210-066)  
7360 Hollister Avenue (APN 073-020-003, APN 073-020-034, and APN 073-020-035)

(c) Table 17.08.030 is hereby amended as follows:

1. The “Maximum Dwelling Unit Density (units/acre)” standard for the CC Zone District is amended to read “20.”

(d) Chapter 17.21, entitled “-RH High Density Residential Overlay District” is hereby added to read in its entirety:

#### **17.21.010 Purpose**

The -RH High Density Residential Overlay District is intended to facilitate new residential development on non-residentially zoned land without creating nonconformities.

### **17.21.020 Applicability**

The standards of this chapter apply to sites designated with an -RH extension on the Zoning Overlay Map. Except as provided in this Chapter, all new structures and development as well as alterations to existing structures must comply with the requirements of the base zone district.

### **17.21.030 Permit and Processing Requirements**

New development proposals within the -RH Overlay District may, at the applicant's election, be processed under the standards and procedures applicable to multiple unit dwelling developments in the RH zone district.

(e) Section 17.44.010(B)(2)(b) is hereby amended to read in its entirety:

On a nonvacant parcel that was used in the City's previous Housing Element sites inventory to accommodate lower-income units; or

(f) Section 17.44.010(B)(2)(c) is hereby added to read in its entirety:

Sites that are rezoned to RH pursuant Housing Element 2023-2031 subprogram HE 2.1(a).

(g) Section 17.59.020(A) is hereby amended to read as follows:

**Exemptions.** The following do not require a Development Plan:

1. One Single-Unit Dwelling and Accessory Structures on a single lot in the "RS" Zone Districts.
2. Residential projects that do not exceed four units in the "RP", "RM", and "RH" Zone Districts.
3. Structures in "C" Zone Districts that do not exceed 5,000 square feet for the entire site.
4. Development, other than greenhouses and related structures (e.g., packing sheds) of 20,000 square feet or more, within the "AG" Zone District.
5. Any structural development where another approval requirement is specified under this Title or where the development is exempt pursuant to Chapter 17.53, Exemptions.
6. Projects that qualify for ministerial review pursuant to Chapter 17.44, Multiple-Unit and Mixed-Use Objective Design Standards.

(h) Section 17.59.040 is hereby amended to read as follows:

As part of a Development Plan, an applicant may request that the Review Authority consider approving an adjustment to one or more of the following development standards: maximum residential density, height, lot coverage, buildings separation, setbacks, parking, landscaping, or screening requirements specified in the applicable Zone District.

A. Additional Finding. To approve any requested adjustment to one of the standards listed in this section, the Review Authority must make the following finding for each requested adjustment:

1. The adjustment is justified and consistent with the intent of applicable General Plan policies.

B. Resolution Required. Any deviation from a height or lot coverage standard must be reviewed and approved by Resolution by the Planning Commission.

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

The existing City of Goleta Zoning Map is repealed and replaced with the City of Goleta Zoning Map as shown in Exhibit A, except for 449 and 469 Kellogg Way, 7264 Calle Real (Kenwood Village), and 625 Dara Road. In order to comply with segmentation requirements under the Political Reform Act for public officials who have a conflict of interest in a governmental decision, the City Council, has, by separate action on the same date as this ordinance, adopted Ordinances 23-14, 23-15, and 23-16, thereby changing the Zoning Map for 449 and 469 Kellogg Way, 7264 Calle Real (Kenwood Village), and 625 Dara Road. The inclusion of 449 and 469 Kellogg Way, 7264 Calle Real (Kenwood Village), and 625 Dara Road in the attached Zoning Map serves the sole purpose of representing a comprehensive list of properties affected by the amended Housing Element 2023-2031. By adoption of this ordinance, the City Council takes no action on 449 and 469 Kellogg Way, 7264 Calle Real (Kenwood Village), and 625 Dara Road. The specific parcel rezones, as adopted by this ordinance and by Ordinances 23-14, 23-15, and 23-16, represented comprehensively in Exhibit A include:

1. 60 Colusa Avenue (APN 077-155-004) – Intersection Commercial (CI) to High Density Residential (RH)
2. 7264 Calle Real (Kenwood Village) (APN 077-130-006) – Single Family Residential (RS) and Agricultural (AG) to RH
3. 7190 Hollister Avenue (APN 073-030-005) – General Commercial (CG) and Medium Density Residential (RM) to RH
4. Parcels to East of 7190 Hollister Avenue (APN 073-030-009 and APN 073-030-006) – CG and RM to RH

5. 625 Dara Road (APN 069-373-064) – RS to RM
6. 35 Ellwood Station Drive (APN 079-210-066) – CG to RH
7. 6470 Hollister Avenue (APN 073-070-034) – CG to CC
8. 7020 Calle Real (APN 077-155-003) – CI to CC
9. 7360 Hollister Avenue (APN 073-020-003, APN 073-020-034, and APN 073-020-035) – CC to RH
10. 449 Kellogg Way (APN 071-130-039) – Business Park (BP) to RH
11. 469 Kellogg Way (APN 071-130-010) – Planned Residential (RP) to RH

#### **SECTION 6. Zoning Overlay District Map Amendment**

The existing City of Goleta Zoning Overlay Districts Map is repealed and replaced with the City of Goleta Zoning Overlay Districts Map as shown in Exhibit B. The map in Exhibit B includes the addition of an “-RH High Density Residential Overlay District” consisting of APN 071-130-084.

#### **SECTION 7. 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 8. 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 9. 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 10. 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 11. 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.

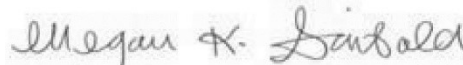
**PASSED, APPROVED, AND ADOPTED** this 19<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
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. 23-17 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:

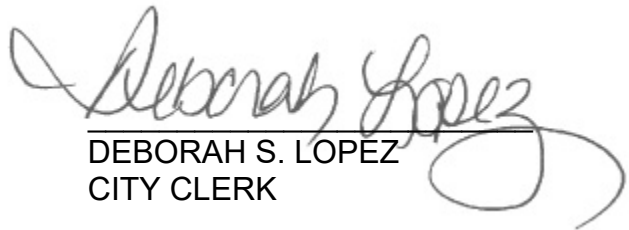
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE RICHARDS,  
COUNCILMEMBERS KASDIN, KYRIACO AND REYES-  
MARTÍN

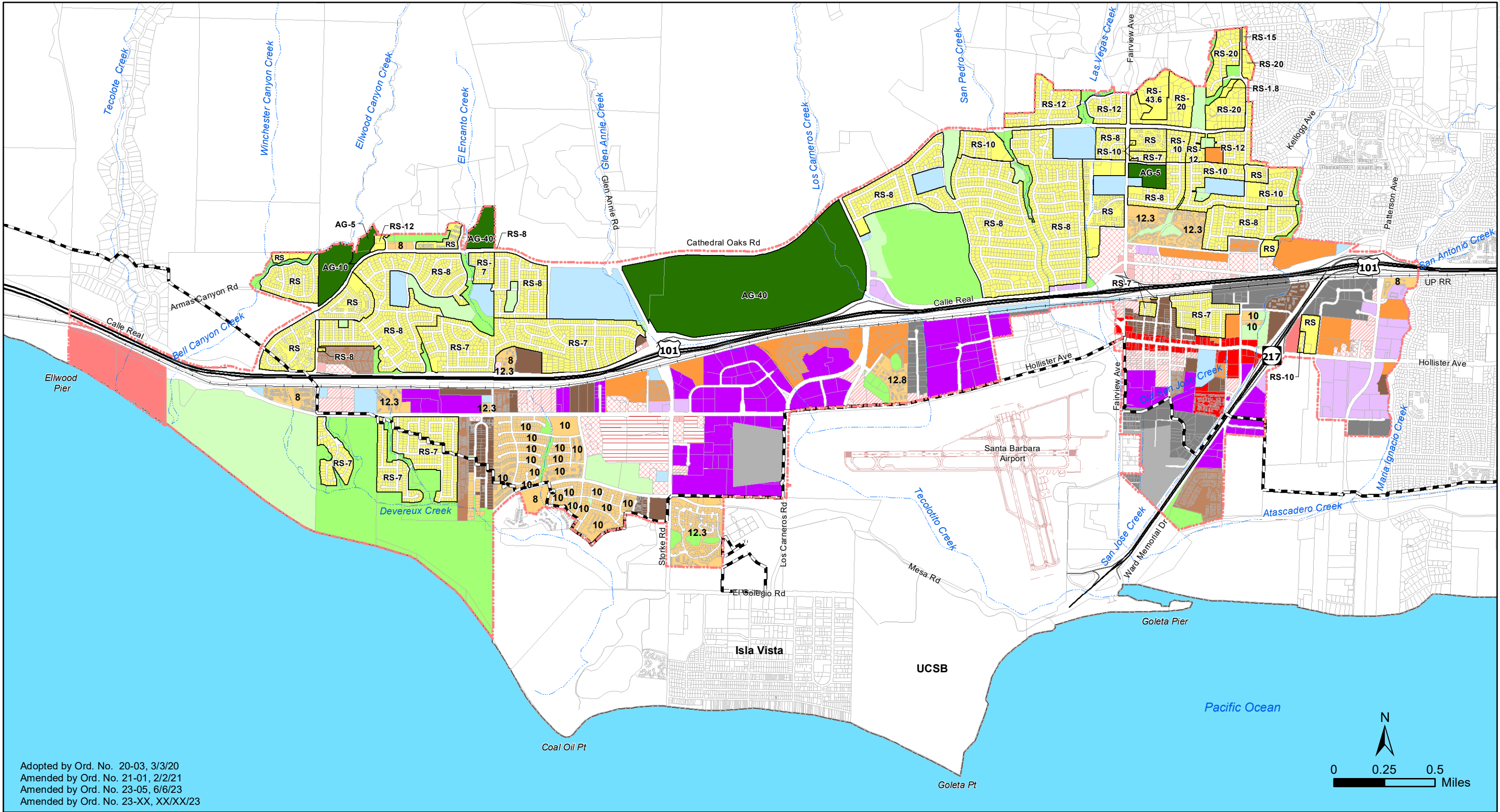
NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH S. LOPEZ  
CITY CLERK



Adopted by Ord. No. 20-03, 3/3/20  
 Amended by Ord. No. 21-01, 2/2/21  
 Amended by Ord. No. 23-05, 6/6/23  
 Amended by Ord. No. 23-XX, XX/XX/23

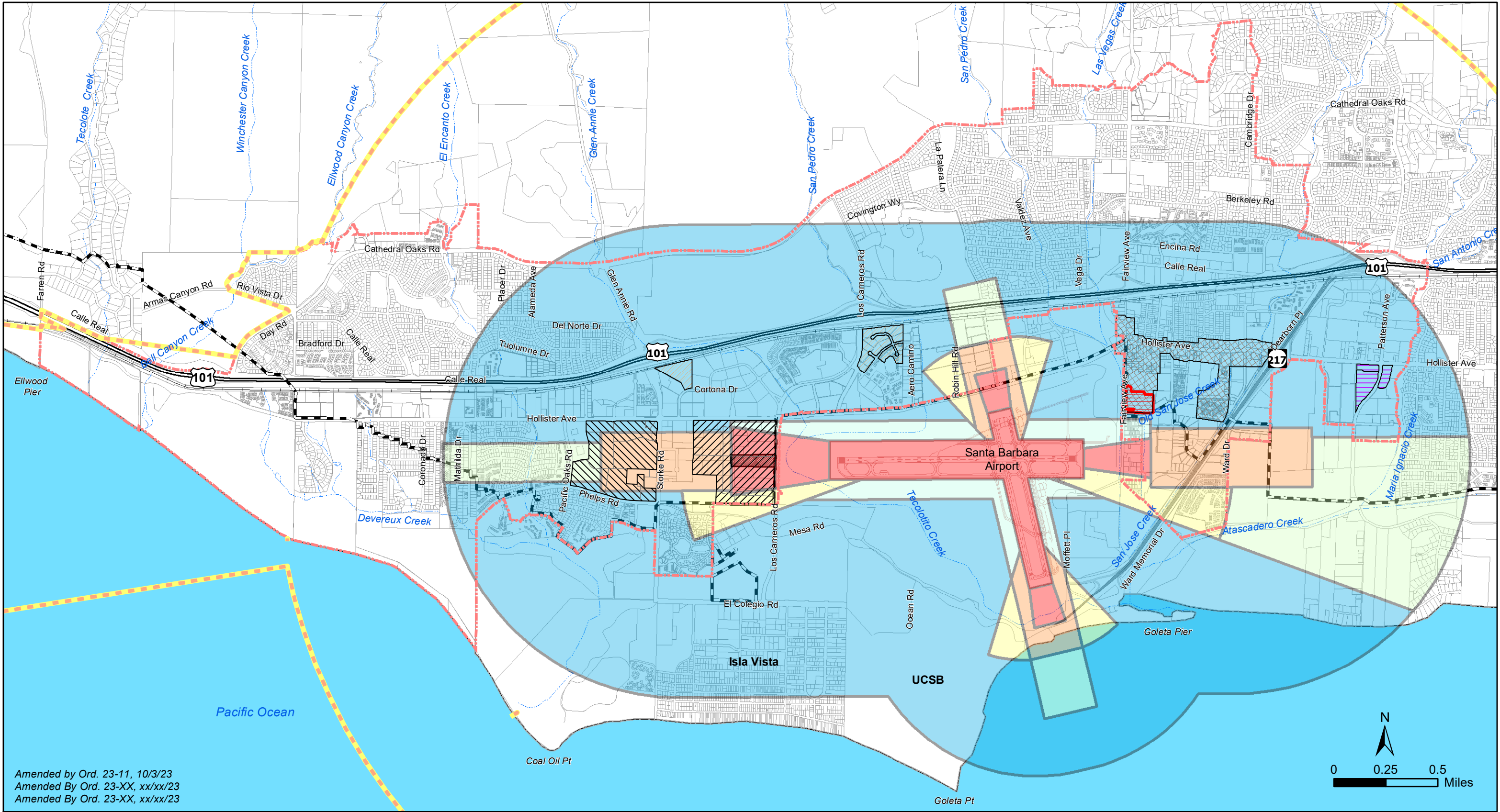
| <u>Residential Districts</u>  | <u>Commercial Districts</u>   | <u>Office and Industrial Districts</u> | <u>Other Districts</u>               | <u>Other Features</u> |
|-------------------------------|-------------------------------|--|--------------------------------------|-----------------------|
| RS Single Family Residential  | CR Regional Commercial        | BP Business Park                       | PQ Public and Quasi-Public           | Goleta City Boundary  |
| RP Planned Residential        | CC Community Commercial       | OI Office and Institutional            | OSAR Open Space - Active Recreation  | Coastal Zone Boundary |
| RM Medium Density Residential | OT Old Town                   | IS Service Industrial                  | OSPR Open Space - Passive Recreation |                       |
| RH High Density Residential   | VS Visitor Serving Commercial | IG General Industrial                  | AG Agricultural                      |                       |
| RMHP Mobile Home Park         | CI Intersection Commercial    |  |                                      |                       |
|                               | CG General Commercial         |  |                                      |                       |

Notes:  
 1. Labels for RS and AG represent minimum lot size (thousands of square feet).  
 2. Labels for RP represent maximum residential density (units/acre).

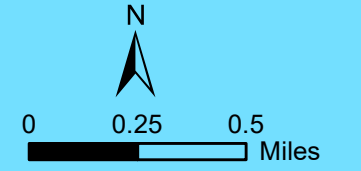
**CITY OF GOLETA ZONING MAP**

November 2023





Amended by Ord. 23-11, 10/3/23  
 Amended By Ord. 23-XX, xx/xx/23  
 Amended By Ord. 23-XX, xx/xx/23



- Legend**
- AE Airport Environs
  - Safety Zone 1
  - Safety Zone 2
  - Safety Zone 3
  - Safety Zone 4
  - Safety Zone 5
  - Safety Zone 6
  - 300' Airport Safety Corridor
  - Airport Influence Area

- Other Overlay Districts**
- AH Affordable Housing
  - H Hospital
  - OTH Old Town Heritage
  - CBPSP Cabrillo Business Park Specific Plan
  - CRMSP Camino Real Marketplace Specific Plan
  - RH High Density Residential

- Other Features**
- Goleta City Boundary
  - Coastal Zone Boundary

**CITY OF GOLETA ZONING OVERLAY DISTRICTS**

November 2023

