



**Agenda Item B.1
PUBLIC HEARING
Meeting Date: November 4, 2008**

TO: Mayor and Council Members

FROM: Dan Singer, City Manager

CONTACT: Steve Chase, Director, Planning and Environmental Services
Patricia S. Miller, Manager, Current Planning
Cindy Moore, Senior Planner

SUBJECT: 08-045-RZ: HCR Ltd. Rezone Project;
6466 Hollister Avenue and 170 Los Carneros Way; APN 073-070-035

RECOMMENDATION:

- A. Open the public hearing on the HCR Ltd. Rezone project.
- B. Allow staff presentation, applicant presentation, and public testimony.
- C. Introduce and conduct the first reading (by title only) and waive further reading of City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, California Amending the Official Zoning Map Referenced in Section 35-204 of Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to Change the Zone District Applicable to 6466 Hollister Avenue and 170 Los Carneros Way; APN 073-070-035". (Attachment 1)
- D. Continue the item to November 18, 2008 in order to conduct the second reading and adoption of the ordinance for the rezone.
- E. Close the public hearing.

Refer back to staff for appropriate findings, if the City Council takes other than the recommended action.

BACKGROUND:

The 5.45 acre parcel is a legal lot created by recordation of Parcel Map 11,348 on October 21, 1971 and referenced as Parcel B in Book 8, page 77. Existing development on site consists of an athletic club, a warehouse/distribution center, and office space.

Permit history for the site indicates the Santa Barbara County Planning Commission approved a Partial Development Plan, 76-DP-2, on May 26, 1977, authorizing construction of a roller skating rink, a racquetball club, and a recreation building accessory to a miniature golf course and race car track. On September 13, 1978, the Planning Commission approved a Revised Final Development Plan, 78-DP-21, to allow development of a pool, jacuzzi, fire pit, sunning area, and outdoor eating area as uses accessory to the existing racquetball club. On September 29, 1982, the Planning Commission approved a Revised Final Development Plan, 82-DP-16, to allow an addition to the existing racquetball club building. Final Development Plan 82-DP-16 remains the controlling discretionary permit for the property.

DISCUSSION:

Project Description

The General Plan land use designation for the project site is C-G (General Commercial). The subject property would be rezoned from M-RP (Industrial Research Park) to C-2 (Retail Commercial), consistent with the site's General Plan land use designation.

No new development or changes to the existing development are proposed with this request. The parcel would retain both the FA Overlay (Flood Hazard Area) and the ESH-GOL Overlay (Environmentally Sensitive Habitat Area) of the zoning ordinance.

Project Analysis

Environmental Analysis

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) Guidelines pursuant to the general rule that "CEQA applies only to projects which have the potential for causing a significant effect on the environment." Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (CEQA Implementation Guidelines §15061[b][3]).

The approval of a zone change to bring the parcel into conformance with the General Plan land use designation does not have the potential to cause a significant effect. The proposed zoning designation of C-2 would be consistent with the General Plan land use designation C-G. No new square footage or changes to existing development are proposed with this request. Therefore, the project may be considered exempt from the provisions of the California Environmental Quality Act.

General Plan Consistency

With City Council adoption of the General Plan in 2006, a land use designation of C-G (General Commercial) was established on the subject parcel as well as the adjacent parcels to the east and west.

The General Commercial land use designation is intended to provide appropriate sites to accommodate a diverse set of commercial uses including those that may involve activities that reduce compatibility with other uses. General commercial uses may serve as a buffer between industrial activities or major transportation corridors and residential areas. Allowed uses in this designation include a broad range of retail trade, services including offices, lodging and services, auto-related uses, wholesale trade and storage, residential uses, and other uses.

The proposed rezone to C-2 Retail Commercial would result in a zone district appropriate for the commercial land use designation and would be consistent with the applicable policies of the adopted General Plan / Coastal Land Use Plan and subsequent Track 2 Amendments approved on June 17, 2008. A summary of applicable policies is listed below:

Land Use Element (Policies LU 1.1; 3.7, Table 2-2)

The rezone of the property to C-2 (Retail Commercial) would make the zoning designation of the property consistent with the site's General Plan Land Use Designation of General Commercial (C-G), as indicated on the Land Use Plan Map (LU Element, Figure 2-1).

Conservation Element (Policies CE1.2, Figure 4-1, CE 1.6, CE 1.9)

No new development or changes to the existing development are proposed with this request. The parcel would retain the ESH-GOL Overlay (Environmentally Sensitive Habitat Area) of the zoning ordinance.

Safety Element (Policies SE 6.1, Figure 5-2, SE 6.3, SE 6.4)

No new development or changes to the existing development are proposed with this request. The parcel would retain the FA Overlay (Flood Hazard Area) of the zoning ordinance.

As a result, the proposed C-2 zoning designation would be consistent with the adopted General Plan land use designation of C-G.

Zoning Ordinance Consistency

While adoption of the City's General Plan established the C-G land use designation on the parcel, it did not include an associated rezone action to a commercial zoning designation for the parcel. Under State Planning and Zoning Law §65860, the City is required to rezone properties that currently have a zoning designation that is not consistent with their General Plan land use designation through the process of creating a new zoning ordinance. This process, however, has not yet begun. The applicant has decided to initiate a rezone prior to the City's completion of the new zoning ordinance. The subject property is proposed to be rezoned from M-RP (Industrial Research Park) to C-2 (Retail Commercial).

The purpose and intent of the C-2 zone district is to provide areas for local retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community. No new physical development is proposed as part of this project. Therefore, no conditions of approval are recommended at this time.

The adjacent parcel to the west has a zoning designation of C-2, is surrounded on the north and east by the subject parcel, and both parcels are owned by the same entity. The Santa Barbara County Board of Supervisors rezoned the adjacent parcel to the west, Parcel A of Parcel Map 11,348, from M-RP (Industrial Research Park) to C-2 (Retail Commercial) on November 28, 1995. The purpose of the rezone at that time was to rectify a non-conforming use on a non-conforming lot in the M-RP zone district and to allow for the future renovation of the then-existing gas station. A rezone of the subject parcel to C-2 would create a consistent land use designation and zoning pattern for the subject parcel and the adjacent parcel to the west. The adjacent parcel to the east also has a land use designation of General Commercial and zoning of M-RP. The proposed rezone to C-2 is anticipated to be consistent with a future commercial zone district on that parcel when it is brought into conformance with the commercial land use designation.

Goleta Growth Management Ordinance (GGMO)

The proposed project would not result in new square footage and is therefore not subject to Ordinance 03-04, the Goleta Growth Management Ordinance.

Summary

The proposed project site has a General Plan land use designation of G-C (General Commercial). The proposed rezone request from M-RP (Industrial Research Park) to C-2 (Retail Commercial) would bring the property into conformity with the General Plan land use designation, as required by state law. The rezone request is determined to be in the public interest and is consistent with good zoning and planning practices. Therefore, staff recommends approval of the proposed HCR Ltd. project.

GOLETA STRATEGIC PLAN:

The HCR Ltd. Rezone would be consistent with the following Goals in the Strategic Plan entitled: "Promote a Healthy Business Climate" and moves the City closer towards realizing its vision as defined in the City's Strategic Plan.

ALTERNATIVES:

None are recommended.

LEGAL REVIEW:

This staff report has been reviewed by the City Attorney.

FISCAL IMPACTS:

The processing costs associated with the HCR Ltd. project are paid by the applicant.

Submitted By:

Reviewed by:

Approved By:

Steve Chase, Director
Planning and Environmental
Services

Michelle Greene, Director
Administrative Services

Daniel Singer
City Manager

ATTACHMENTS:

1. City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, California Amending the Official Zoning Map Referenced in Section 35-204 of Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to Change the Zone District Applicable to 6466 Hollister Avenue and 170 Los Carneros Way; APN 073-070-035".
2. CEQA Notice of Exemption
3. Planning Commission Resolution 08-07 entitled "A Resolution of the Planning Commission of the City of Goleta, California Recommending to the City Council Approval of Various Actions Related to the HCR LTD. Rezone Project, Case No. 08-045-Rz At 6466 Hollister Avenue and 170 Los Carneros Way; Assessor Parcel Number 073-070-035
4. Site Exhibit (8.5" x 11")

ATTACHMENT 1

City Council Ordinance 08-__ entitled “An Ordinance of the City Council of the City of Goleta, California Amending the Official Zoning Map Referenced in Section 35-204 of Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to Change the Zone District Applicable to 6466 Hollister Avenue and 170 Los Carneros Way; APN 073-070-035”.

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA AMENDING THE OFFICIAL ZONING MAP REFERENCED IN SECTION 35-204 OF ARTICLE III OF THE GOLETA MUNICIPAL CODE, THE INLAND ZONING ORDINANCE, TO CHANGE THE ZONE DISTRICT APPLICABLE TO 6466 HOLLISTER AVENUE AND 170 LOS CARNEROS WAY; APN 073-070-035

WHEREAS, on February 1, 2002, the City Council adopted Ordinance 02-01 entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting by Reference the Santa Barbara County Code and Other Relevant Non-Codified Santa Barbara County Ordinances as City Ordinances," which code and ordinances remain in effect except as expressly repealed or amended by the City; and

WHEREAS, the ordinances adopted by the City included Article III of Chapter 35, referred to as the "Inland Zoning Ordinance;" and

WHEREAS, on August 11, 2008, the City of Goleta Planning Commission held a duly noticed public hearing to consider the proposed rezone from M-RP to C-2, at which times all interested persons were given an opportunity to be heard; and

WHEREAS, on August 11, 2008, the City of Goleta Planning Commission adopted Resolution 08-07, recommending that the City Council approve the proposed rezone; and

WHEREAS, on November 4, 2008, the City Council held a duly noticed public hearing to consider the proposed rezone, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on November 4, 2008, the City Council adopted Resolution 08-__, adopting findings pursuant to the California Environmental Quality Act (CEQA) and accepting the CEQA exemption; and

WHEREAS, the City Council has considered the entire administrative record, including the application materials, staff reports, the CEQA exemption, the recommendation of the Planning Commission, and oral and written testimony from interested persons.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLETA FOLLOWS:

SECTION 1. Recitals.

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Acceptance of the CEQA Exemption.

The City Council hereby accepts the CEQA Notice of Exemption for Case No. 08-045-RZ (15061b(3); no possibility of significant effect).

SECTION 3. Adoption of Findings.

The following findings are adopted pursuant to Section 35-325 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code:

- a) The request for a Rezone is in the interest of the general community welfare in that the new commercial zoning designation of C-2 (Retail Commercial) would be consistent with the land use designation of C-G (General Commercial) in the City's General Plan, thereby facilitating implementation of the City's intended uses of the site as allowed by the land use designation which may serve as a buffer between industrial activities or major transportation corridors and residential areas.
- b) The request for a Rezone is consistent with the General Plan as specified in the City Council staff report for the hearing of November 4, 2008, the requirements of State planning and zoning laws, and Article III, Chapter 35 of the Goleta Municipal Code, the Inland Zoning Ordinance, as applicable.
- c) The new zoning designation of C-2 (Retail Commercial) would be consistent with the property's land use designation of C-G (General Commercial) in the City's General Plan. Further, a rezone of the parcel to C-2 would create a consistent land use designation and zoning pattern for the subject parcel and the adjacent parcel to the west.

SECTION 4. Amendment of the Official Zoning Map Referenced in Section 35-204 of Article III

The zoning map referenced in Section 35-204 of Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, is hereby amended as follows and as shown on the map in Exhibit 1, attached hereto and incorporated herein by this reference:

- a. Change the zoning applicable to 6466 Hollister Avenue and 170 Los Carneros Way (APN 073-070-035) to C-2 (Retail Commercial), as of the effective date of the adopted ordinance.

SECTION 5. Documents

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 6. Effective Date

This ordinance shall take effect on the 31st day following the date of its final adoption.

SECTION 7. Publication

The City Clerk shall certify to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

INTRODUCED ON the 4th day of November, 2008.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2008.

MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 08-__ was duly adopted by the City Council of the City of Goleta at a meeting held on the __ day of _____, 2008, by the following vote of the Council:

AYES:

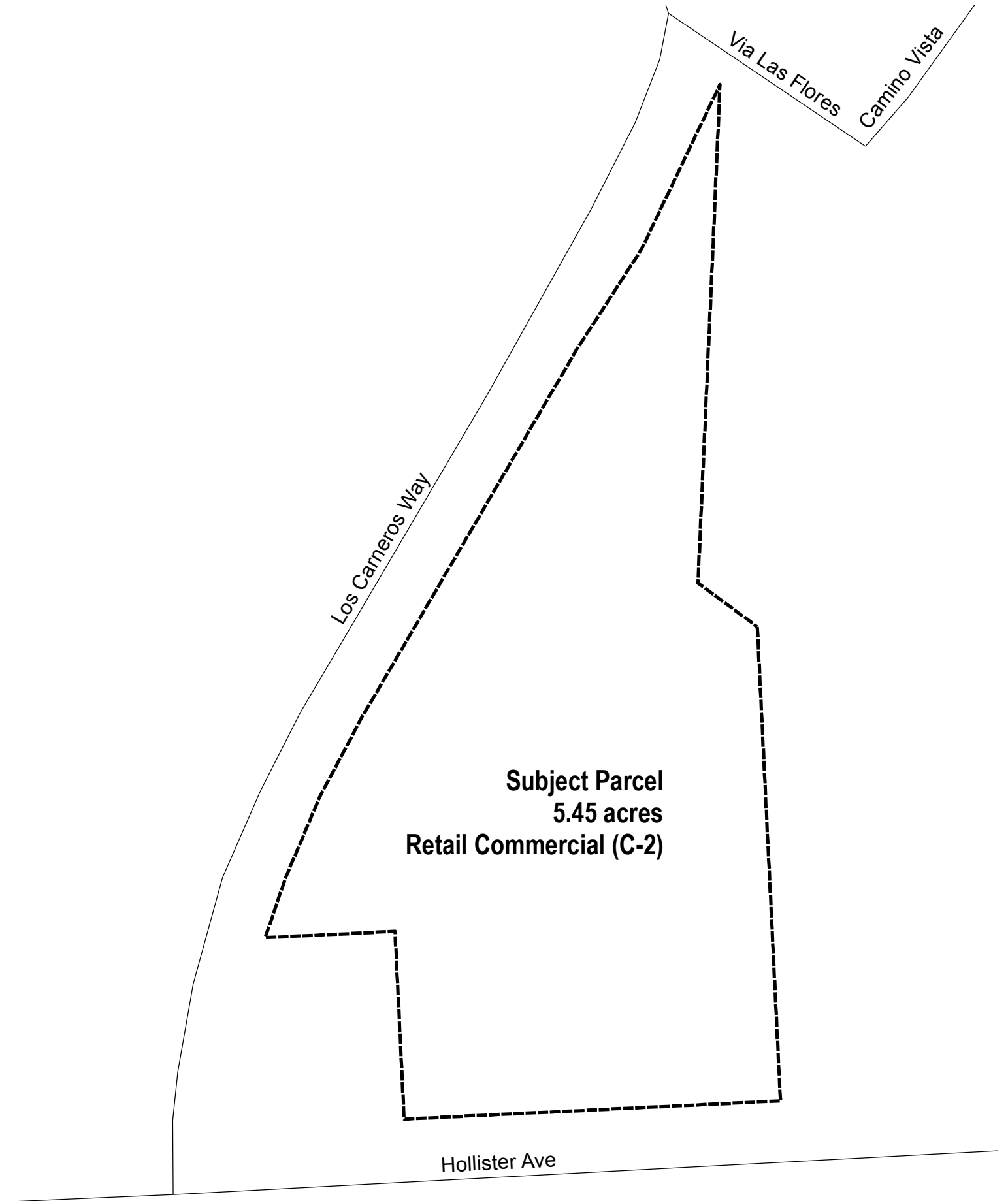
NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK



Subject Parcel
5.45 acres
Retail Commercial (C-2)

Los Carneros Way

Via Las Flores

Camino Vista

Hollister Ave



0 60 120 Feet

ATTACHMENT 2

CEQA Notice of Exemption



ATTACHMENT 2 NOTICE OF EXEMPTION

Planning and Environmental Services
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 961-7551

PROJECT DESCRIPTION

Case No. 08-045-RZ; HCR Ltd. Rezone Project; 6466 Hollister Avenue and 170 Los Carneros Way APN 073-070-035: The subject property is proposed to be rezoned from M-RP (Industrial Research Park) to C-2 (Retail Commercial). The purpose of this request is to bring the zoning designation into conformance with the site's General Plan land use designation of C-G (General Commercial). No new square footage or changes to existing development are proposed with this request. The parcel would retain both the FA Overlay (Flood Hazard Area) and the ESH-GOL Overlay (Environmentally Sensitive Habitat Area) of the zoning ordinance.

FINDING

The Planning and Environmental Services Department of the City of Goleta has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption, Section 15311(a)
- Statutory Exemption
- Emergency Project
- Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, §15061(b)(3)]

SUPPORTING REASONS

Environmental Analysis

This project may be found exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). Pursuant to this section CEQA applies only to projects which the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The approval of a zone change to bring the parcel into conformance with the General Plan land use designation does not have the potential to cause a significant effect. The proposed zoning designation of C-2 would be consistent with the General Plan land use designation C-G. No new square footage or changes to existing development are proposed with this request. Therefore, it may be found that the project will have no possibility of significant effect on the environment and is not subject to CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Patricia S. Miller
Manager, Current Planning Division

Date

Note: A copy must be filed with the County Clerk of the Board after project approval and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

ATTACHMENT 3

Planning Commission Resolution 08-07 entitled "A Resolution of the Planning Commission of the City of Goleta, California Recommending to the City Council Approval of Various Actions Related to the HCR LTD. Rezone Project, Case No. 08-045-Rz At 6466 Hollister Avenue and 170 Los Carneros Way; Assessor Parcel Number 073-070-035

RESOLUTION NO. 08-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF VARIOUS ACTIONS RELATED TO THE HCR LTD. REZONE PROJECT, CASE NO. 08-045-RZ AT 6466 HOLLISTER AVENUE AND 170 LOS CARNEROS WAY; ASSESSOR PARCEL NUMBER 073-070-035

WHEREAS, an application was submitted on March 5, 2008, by Jonathan Leech of Dudek as agent for HCR Ltd., property owner, requesting approval of a Rezone; and

WHEREAS, the application was found complete for processing on April 1, 2008; and

WHEREAS, the application is for a rezone of the subject property from M-RP (Industrial Research Park) to C-2 (Retail Commercial) to bring the zoning into conformance with the General Plan land use designation of G-C (General Commercial); and

WHEREAS, the procedures for processing the project application have been followed as required by state and local laws; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the project application on August 11, 2008, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA exemption, and oral and written testimony from interested persons; and

WHEREAS, the Planning Commission finds that approval of Case No. 08-045-RZ would be consistent with the City's General Plan, the provisions of Article III, Chapter 35 of the Goleta Municipal Code (the Inland Zoning Ordinance); and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1. Recommendation for Acceptance of the CEQA Exemption

The Planning Commission hereby recommends that the City Council adopt the CEQA findings set forth in Exhibit 1 to this resolution, pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of the California Environmental Quality Act.

SECTION 2: Recommendation for Rezoning.

The Planning Commission hereby recommends that the City Council adopt the findings for a rezoning of the property, set forth in Exhibit 1 to this resolution, pursuant to Section 35-325 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code.

SECTION 3: Documents.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

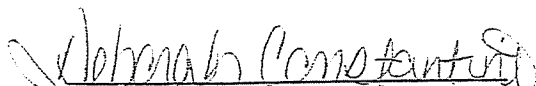
SECTION 4:

The City Clerk shall certify to the adoption of this resolution.

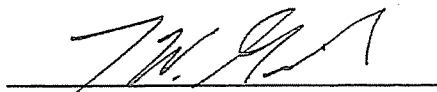
PASSED, APPROVED AND ADOPTED this 11th day of August, 2008.


KENNETH KNIGHT, CHAIR

ATTEST:


DEBORAH CONSTANTINO
CITY CLERK

APPROVED AS TO FORM:


TIM W. GILES
CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Planning Commission Resolution No. 08-07 was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 11TH day of August, 2008, by the following vote of the Commission members:

AYES: CHAIR KNIGHT, VICE CHAIR DANIELS COMMISSIONERS EASTON, KAVANAGH, AND KESSLER-SOLOMON,

NOES: NONE

ABSENT: NONE

(SEAL)


DEBORAH CONSTANTINO
CITY CLERK

**EXHIBIT 1
FINDINGS
HCR LTD. REZONE PROJECT
6466 HOLLISTER AVENUE and 170 LOS CARNEROS, APN 073-070-035
CASE NO. 08-045-RZ**

1.0 CEQA Findings

As discussed in the staff report for the hearing of August 11, 2008, the proposed project qualifies for an Exemption from the California Environmental Quality Act (CEQA) Guidelines pursuant to the general rule that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (CEQA Implementation Guidelines §15061[b][3]).

The approval of a zone change to bring the parcel into conformance with the General Plan land use designation does not have the potential to cause a significant effect. The proposed zoning designation of C-2 would be consistent with the General Plan land use designation C-G. No new square footage or changes to existing development are proposed with this request.

Therefore, it may be found that the project will have no possibility of significant effect on the environment and is not subject to CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2.0 ADMINISTRATIVE FINDINGS

Pursuant to City of Goleta Municipal Code, Article III, Section 35-325.5, a Rezone shall be approved only if all of the following findings can be made:

2.1 The request is in the interest of the general community welfare.

The request for a Rezone is in the interest of the general community welfare in that the new commercial zoning designation of C-2 (Retail Commercial) would be consistent with the land use designation of C-G (General Commercial) in the City's General Plan, thereby facilitating implementation of the City's intended uses of the site as allowed by the land use designation which may serve as a buffer between industrial activities or major transportation corridors and residential areas.

2.2 The request is consistent with the General Plan, the requirements of State planning and zoning laws, and this Article.

The request for a Rezone is consistent with the General Plan as specified in the Planning Commission staff report for the hearing of

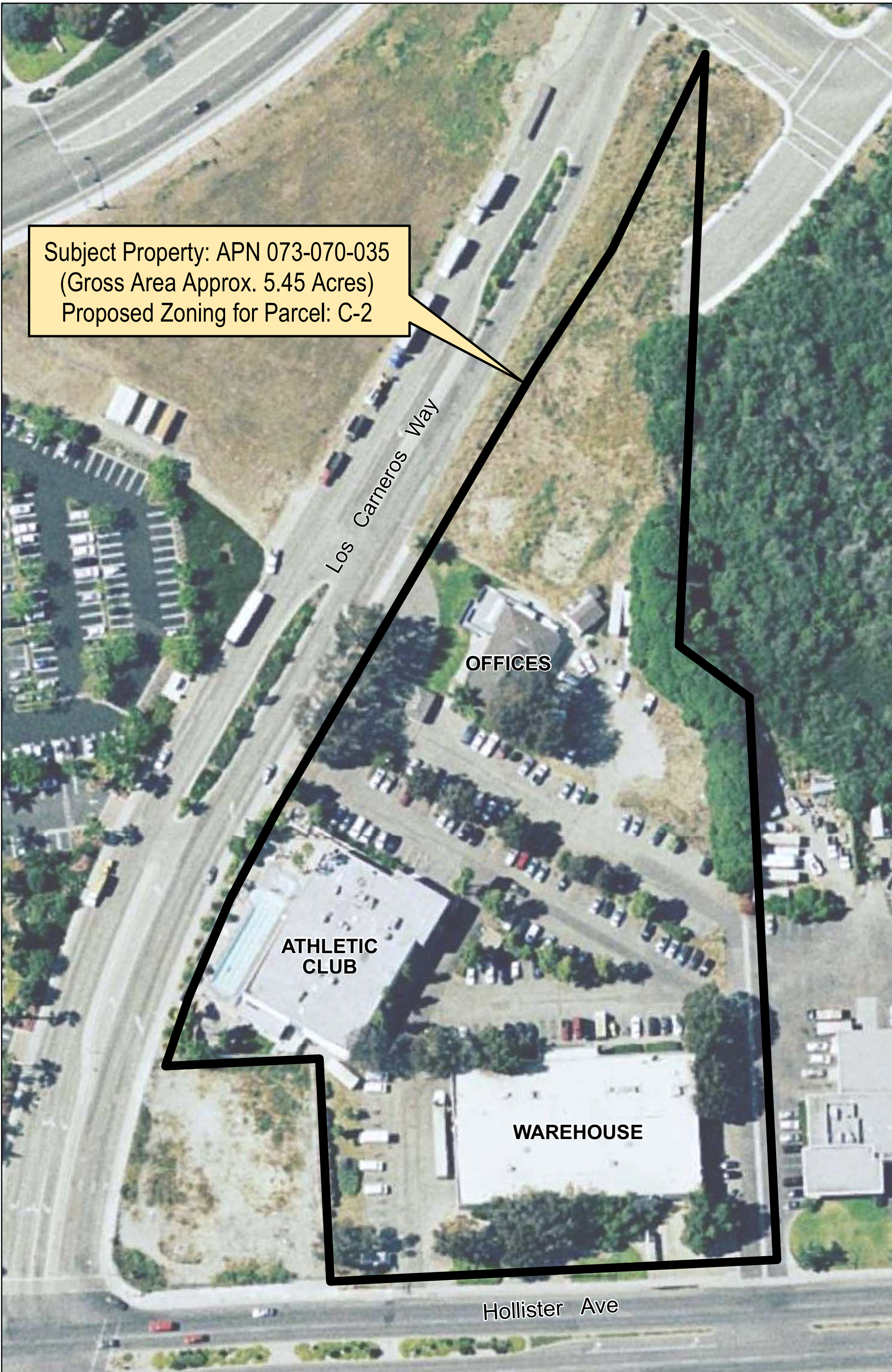
August 11, 2008, the requirements of State planning and zoning laws, and Article III, Chapter 35 of the Goleta Municipal Code, the Inland Zoning Ordinance, as applicable.

2.3 *The request is consistent with good zoning and planning practices.*

The new zoning designation of C-2 (Retail Commercial) would be consistent with the property's land use designation of C-G (General Commercial) in the City's General Plan. Further, a rezone of the parcel to C-2 would create a consistent land use designation and zoning pattern for the subject parcel and the adjacent parcel to the west.

ATTACHMENT 4

Site Exhibit



Subject Property: APN 073-070-035
(Gross Area Approx. 5.45 Acres)
Proposed Zoning for Parcel: C-2

Los Carneros Way

OFFICES

ATHLETIC CLUB

WAREHOUSE

Hollister Ave

Z:\Projects\579701\arcmap\5797_Fed Ex. Project Site.mxd 7/14/2008