

ATTACHMENT 3

CITY COUNCIL ORDINANCE NO. 15- _____, ENTITLED "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING THE ZONING MAP TO REDESIGNATE PROPERTY FROM RESORT/VISITOR SERVING COMMERCIAL (C-V) TO OLD TOWN RESIDENTIAL/GENERAL COMMERCIAL (OT-R/GC) FOR THE OLD TOWN VILLAGE MIXED-USE PROJECT; CASE NO. 14-026-RZ; APN 071-130-064 (FORMERLY 071-130-023)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA AMENDING THE ZONING MAP TO REDESIGNATE PROPERTY FROM RESORT/VISITOR SERVING COMMERCIAL (C-V) TO OLD TOWN RESIDENTIAL/GENERAL COMMERCIAL (OT-R/GC) FOR THE OLD TOWN VILLAGE MIXED USE PROJECT; CASE NO. 14-026-RZ, APN 071-130-064 (FORMERLY 071-130-023).

The City Council of the City of Goleta does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. On April 3, 2014 Peikert & RRM Design Group, representing City Ventures Homebuilding Inc. (Applicant) submitted an application for a rezone (Project) on a 12.31 acre parcel from Resort/Visitor Serving Commercial (C-V) to Old Town-Residential/General Commercial (OT-R/GC), consistent with the requested General Plan Land Use Amendment in Resolution No. _____;
- B. The Project site is vacant land west of South Kellogg Avenue and Kellogg Way consisting of two parcels totaling 12.31 acres (Assessor's Parcel No. 071-130-064);
- C. The Project site has a General Plan Land Use Element designation of Commercial Visitor-Serving (C-V). Separately, the Applicant seeks a General Plan amendment to change the Land Use Element Figure 2-1 (The Land Use Plan Map) from C-V to Commercial Old Town Commercial (C-OT);
- D. The Project would allow the Old Town Village Mixed Use development (the "Development") on 9.84 acres of the Project site consisting of mixed residential and commercial buildings including 113 traditional townhomes, 28 shop keeper townhomes, 34 live-work flex townhomes and a community center, and land dedications for the City's planned extension of Ekwill Street and land to be used for storm water purposes;
- E. Subsequently, the City reviewed the Project and Development's environmental impacts in accord with the California Environmental Quality Act (Public Resources Code, §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 California Code of Regulations, §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Review Guidelines ("Goleta Guidelines");

- F. The City prepared a Mitigated Negative Declaration (MND) assessing the Project and Development's potential environmental impacts along with a Mitigation Monitoring and Reporting Program (MMRP);
- G. On July 27, 2015, the Planning Commission held a duly noticed public hearing and considered the entire administrative record, including staff reports, the MND, MMRP and oral and written testimony from interested persons, all of whom were given an opportunity to be heard and recommended approval of the Project; and
- H. On August 18, 2015, the City Council conducted a duly noticed public hearing and considered the entire administrative record, including the Planning Commission record; staff reports; the MND; MMRP; and oral and written testimony from interested persons, all of whom were given an opportunity to be heard.

SECTION 2: Factual Findings and Conclusions. In addition to the facts set forth in Sections 1 and 3, the City Council makes the following findings and conclusions:

- A. The Project involves a 12.3 acre site upon which the Development is proposed. The Project would allow the Development to be constructed on this site as the mix of residential and commercial uses described in the OT-R/GC zone correspond to the uses permitted by the Project;
- B. The Project allows a variety of office and general commercial uses as well as residential use, when it is associated with a principal commercial use, which would otherwise not be permitted in the existing Resort/Visitor Serving Commercial (C-V) zone;
- C. The Project allows the Development, which includes construction of 14 on-site affordable housing units and the payment of in-lieu fees for additional affordable housing. The Development would assist in meeting the affordable housing needs within the City; and
- E. The Project is desirable in Old Town as it would permit build-out on the site with a mix of commercial and residential uses in support of General Plan policies for Old Town. The Development associated with the Project would improve the built characteristics of the existing neighborhood and bring residents and patrons to the Old Town area.

SECTION 3: Environmental Assessment. Resolution No. ____ adopted a MND and MMRP which, among other things, properly assesses the environmental impact of this Project and the Development in accordance with CEQA. This Ordinance incorporates by reference the environmental findings and analysis set forth in Resolution No. ____ as if fully set forth herein.

SECTION 4: *General Plan and City of Goleta Inland Zoning Ordinance.* The Project conforms to the General Plan and Inland Zoning Ordinance (ZO) as set forth in the consistency analysis contained in Resolution No. ____.

SECTION 5: *Rezone Findings.* Pursuant to ZO § 35-325.5 (Ordinance Text Amendments/Rezone), the City Council finds the following as to the Project application:

- A. The Project is in the public interest of the general community welfare for the reasons set forth in Section 2.
- B. The Project is consistent with the General Plan, the requirements of State planning and zoning laws, and this article. As set forth in Sections 2, 3 and 4 of this Resolution, this project conforms to all applicable law including, without limitation, the General Plan and the ZO.
- C. The Project is consistent with good zoning and planning practices. As set forth in Sections 2, 3, and 4, the request complies with the City's policies and goals for land use planning.

SECTION 6: *Action.* Based on the findings contained in Sections 1-5 above, the City Council approves the Project to change the Zoning Map referenced in ZO § 35-204 as shown on attached Exhibit 1, which is incorporated by reference. This Project changes the Project site's existing zoning designation of Resort/Visitor Serving Commercial (C-V) to Old Town-Residential/General Commercial (OT-R/GC), consistent with the requested General Plan Land Use Amendment in Resolution No. ____.

SECTION 7: *Technical Changes.* The City Manager, or designee, is authorized to make technical corrections, in a form approved by the City Attorney, to maps, diagrams, tables, and other, similar, documents (collectively, "Maps") that may be required to reconcile the changes made by this Ordinance with amendments made to the Maps by other City Council action in unrelated land use applications before 2014.

SECTION 8: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9: *Repeals.* To the extent any provision of this Ordinance repeals 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 10: 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 11: The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

SECTION 12: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

INTRODUCED ON the ____ day of ____, 2015.


PASSED, APPROVED, AND ADOPTED this __ day of _____, 2015.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH LOPEZ
CITY CLERK



TIM W. GILES
CITY ATTORNEY

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

I, DEBORAH LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Ordinance No. 14-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the __ day of _____, 2015, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH LOPEZ
CITY CLERK

ATTACHMENT 3, EXHIBIT 1

ZONING MAP

**Proposed Rezone from
Resort/Visitor Serving Commercial
to Old Town Residential/General
Commercial**

APN 071-130-064

