



TO: Mayor and Councilmembers

SUBMITTED BY: Peter T. Imhof, Planning and Environmental Review Director

PREPARED BY: Anne Wells, Advance Planning Manager
Andy Newkirk, Supervising Planner

SUBJECT: Title 17 (Zoning) Amendments to Implement Housing Element 2023-2031 Programs and Determination that the Amendments are Exempt from the California Environmental Quality Act

RECOMMENDATION:

Conduct second reading (by title only) and waive further reading of Ordinance No. 24-___, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 (Zoning) of the Goleta Municipal Code to Implement the Housing Element 2023-2031 and Finding the Amendments to be Exempt from the California Environmental Quality Act (Case No. 24-0003-ORD).”

BACKGROUND:

On December 5, 2023, the City adopted an amended Housing Element 2023-2031 (Housing Element). The Housing Element includes a variety of implementation programs that commit the City to General Plan and Title 17 of the Goleta Municipal Code (Title 17) amendments by December 2024. Many of these requirements have been met through the adoption of Ordinances Nos. 23-05, 23-14, 23-15, 23-16, 23-17, and 24-01. However, several outstanding 2024 implementation programs remained to be addressed. These programs were addressed through a proposed General Plan amendment to Conservation Element Subpolicy CE 1.5 and through multiple amendments to Title 17.

The Planning Commission considered the proposed amendments on October 14, 2024, and recommended adoption of the proposed General Plan and Title 17 amendments to City Council.

DISCUSSION:

On November 19, 2024, the City Council reviewed the Planning Commission recommendation and adopted an amendment to Conservation Element Subpolicy CE 1.5 (via Resolution No. 24-65) and unanimously introduced and conducted the first reading

of an Ordinance to amend Title 17, provided as Attachment 1. The General Plan amendment became effective immediately.

The City Council must conduct a second reading of the Ordinance prior to the Ordinance going into effect. The City Council has the opportunity to conduct the second reading and adopt the Ordinance, which would then be effective on the thirty-first day after adoption.

FISCAL IMPACTS:

There is no direct fiscal impact from adopting the attached Ordinance. Funding for Planning and Environmental Review staff time to prepare the proposed Ordinance was included in the adopted FY 2023–24 and FY 2024-2025 Budgets under Program 4300 of the Advance Planning Division.

ALTERNATIVES:

The City Council could choose not to adopt any of the amendments presented. Failure to adopt amendments would delay the City’s implementation commitments within the adopted Housing Element.

LEGAL REVIEW BY: Isaac Rosen, Acting City Attorney

APPROVED BY: Robert Nisbet, City Manager

ATTACHMENT:

1. Ordinance No. 24-___, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 (Zoning) of the Goleta Municipal Code to Implement the Housing Element 2023-2031 and Finding the Amendments to be Exempt from the California Environmental Quality Act (Case No. 24-0003-ORD)”

ATTACHMENT 1

Ordinance No. 24-___, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 (Zoning) of the Goleta Municipal Code to Implement the Housing Element 2023-2031 and Finding the Amendments to be Exempt from the California Environmental Quality Act (Case No. 24-0003-ORD)”

ORDINANCE NO. 24-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADOPTING VARIOUS AMENDMENTS TO TITLE 17 (ZONING) OF THE GOLETA MUNICIPAL CODE TO IMPLEMENT THE HOUSING ELEMENT 2023-2031 AND FINDING THE AMENDMENTS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. 24-0003-ORD)

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

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

WHEREAS, the amended Housing Element 2023-2031 includes several programs that require the City to process Title 17 amendments; 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 for the Housing Element 2023-2031 amendments and implementing General Plan and Title 17 amendments; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 14, 2024, 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 Housing Element Title 17 Amendments Ordinance on October 14, 2024; and

WHEREAS, the City Council conducted a duly noticed public hearing on _____, 2024 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council adopted Ordinance No. 24-__, which amends Title 17 of the GMC, by a majority vote on _____, 2024.

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 foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2 Required Findings for Ordinance Amendments

Pursuant to subsection 17.66.050(B) of the Goleta Municipal Code, the City Council makes the following findings:

- 1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code.**

The Ordinance, which amends the Goleta Municipal Code Title 17, is consistent with all applicable provisions of the City's General Plan that relate to development on real property throughout the City.

The Ordinance serves as implementation of various Housing Element implementation programs to support housing. Specifically, the Ordinance serves as implementation for Housing Element subprograms HE 1.5 (Limit Conversion of Rental Housing to Condominiums and Housing Units to Nonresidential Use), HE 2.1(g) (Mixed-Use Housing), HE 2.1(j) (Streamlined Processing), HE 2.1(k) (Revised Findings), HE 2.3(d) (Parking Standards), and HE 2.4 (Density Bonus). Implementation of these subprograms serves to align the City's zoning regulations with State housing requirements to reduce barriers to the development of affordable housing.

Therefore, the Amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code.

- 2. The amendment is in the interests of the general community welfare.**

The Ordinance, which amends Goleta Municipal Code Title 17, will allow the City to continue to regulate housing development in the City while further supporting the types of housing and processes identified in the Housing Element 2023-2031, including additional mixed-use development and below market-rate housing, and better protecting existing and future housing stock.

The effective exercise of the City's police powers also ensures the City's ability to implement the goals, objectives, and policies of the General Plan, which protect the health, safety, and general welfare of the community. Additionally, the Ordinance provides clarity to the City's zoning regulations to help ensure the consistent application of City land use regulations.

Therefore, the Amendment is in the interest of the general community welfare.

3. The amendment is consistent with good zoning and planning practices.

The Ordinance, which amends Goleta Municipal Code Title 17, will help the City continue to implement the community goals, objectives, and policies of the General Plan. Furthermore, the Amendment will further enable the City to have better control over existing and future land uses and development on real property throughout Goleta and ensure full compliance with State law controlling the review of certain types of development.

By updating Title 17 to reduce costs for new residential development; improve processing times and certainty for certain housing projects; and protecting existing and future housing stock, including below market-rate units, the Ordinance is consistent with good zoning and planning practices.

Therefore, the Amendment is consistent with good zoning and planning practices.

SECTION 3 Environmental Review

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 amendments above related to Housing Element 2023-2031 implementation. The resolution to adopt the Addendum satisfied the City Council's obligations under the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.) with respect to adopting the amended Housing Element 2023-2031 and amending the General Plan/Coastal Land Use Plan and Title 17 of the Goleta Municipal Code as detailed in the Housing Element 2023-2031 and none of the conditions in Public Resources Code Section 21166 or State CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) Section 15162 apply. Thus, no further environmental review is required for the amendments to implement the Housing Element 2023-2031, as adoption of those amendments falls within the scope of the adopted Addendum and previously certified EIR.

Additionally, the amendments are not subject to CEQA pursuant to Section 15060(c)(3) of the CEQA Guidelines because the activity is not a project as defined in Section 15378(a) but it is an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment pursuant to Section 15378(b)(5). The amendments are also exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

Finally, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan, or General Plan policies for which an EIR was certified shall be exempt from additional CEQA analysis, except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. There is no new substantial information indicating that the impacts of adopting the amendments will be more severe than described in the General Plan EIR and there are no cumulative or off-site impacts from the proposed amendments that were not addressed in the General Plan EIR.

As such, the Ordinance is exempt from further CEQA review.

SECTION 4 Title 17 of the Goleta Municipal Code Amendments

Title 17 of the Goleta Municipal Code is hereby amended as follows:

A. Section 17.24.120 is amended to read as follows:

Mixed-use development must comply with the following standards for open space:

A. For Mixed-Use Development where no more than 40 percent of the total floor area of the development is devoted to residential use, a minimum of 60 square feet of open space per unit is required, which may be provided as restricted and/or common open space.

B. For Mixed-Use Development where more than 40 percent of the total floor area of the development is devoted to residential use, a minimum of 160 square feet of open space per unit is required, which may be provided as restricted and/or common open space.

B. Subsection 17.27.030(B)(7) is amended to read as follows:

Required Term of Affordability. Unless the affordable housing unit is governed by subsection 17.28.050(C), the term of affordability restrictions shall be 55 years.

C. Subsection 17.27.030(B)(9) is amended to read as follows

Transfers and Conveyances. A new affordability housing covenant will be entered into upon each change of ownership of an affordable housing unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied affordable housing unit.

D. Chapter 17.29 is retitled as “Demolition and Relocation” and amended to read as follows:

Section 17.29.010 Applicability.

No structure in the City may be demolished, removed, or relocated, except as authorized under the provisions of this chapter.

A. Removal Considered Development. For purposes of this chapter, the removal of a structure for relocation to another lot is considered a demolition on the origin site and new development on the receiving site. Structures may be relocated subject to the requirements of Section 17.29.030, Relocation of Structures.

B. Exemptions. The following structures are exempt from the provisions of this chapter:

1. Any building, structure, object, or site that is less than 50 years old that is not:
 - a. Located within the Coastal Zone or within the Old Town Heritage Overlay District; or
 - b. A historic resource; or
 - c. Identified as a historical resource under the California Environmental Quality Act (CEQA).
2. Any building structure, object, or site that is 50 years or more in age that is not a historic resource
3. Notwithstanding anything to the contrary, if a building, structure, or object is determined by the City’s Building Official to be unsafe, presents a public hazard, is not securable, or is in imminent danger of collapse so as to endanger persons or property, it must be demolished. The Building Official’s determination in this matter will be governed by applicable law.

Section 17.29.020 Permit Requirements.

Demolition or relocation of structures, including historic resources, subject to this chapter must obtain the following permit types:

A. **Coastal Zone.** All buildings, structures, or objects proposed for demolition or relocation that are located on property within the Coastal Zone of the City are subject to the permit requirements of Chapter 17.61, Coastal Development Permits.

1. **Exception.** Demolition or relocation of any historic resource requires the approval of a Major Conditional Use Permit.

B. **Inland Area.** All buildings, structures or objects proposed for demolition or relocation that are located on property within the Inland Area of the City are subject to the following:

1. **Zoning Clearance.** Any demolition of a structure that is 50 years or more in age and is neither a historic resource nor within a buffer of any other protected resource (e.g., ESHA, cultural, oak tree CRZ, etc.) and structures less than 50 years in the Old Town Heritage Overlay District.

2. **Land Use Permit.** Any demolition of a structure that is 50 years or more in age and is not a historic resource but is within the buffer area of a protected resource.

3. **Discretionary Action.** A discretionary action is required under the following circumstances:

a. Any demolition associated with a permit application that involves other development that requires discretionary review and approval. The demolition must be concurrently processed as part of the overall project.

b. Historic Resources. Demolition or relocation of any historic resource requires the approval of a Major Conditional Use Permit.

Section 17.29.030 Relocation of Structures.

Structures may be relocated within the City if the following requirements are met:

A. The relocated structure must comply with all regulations of this Title, including all applicable development standards for the base zoning district of the property upon which the structure is proposed to be relocated.

B. Prior to relocating oversized structures using the public roadway, the approval of a City Encroachment Permit or a Single Trip Transportation Permit is also required by the Public Works Department.

E. Section 17.30.010, is amended to read as follows:

The purpose of this chapter is to establish standards for development that could impact Environmentally Sensitive Habitat Areas (ESHA) and to describe the permit requirements and the review process for such proposed development. More specifically, this chapter is intended to:

A. Protect, maintain, and enhance natural ecosystem processes and functions in Goleta's ESHA in order to maintain their natural ecological diversity.

B. Preserve, restore, and enhance the physical and biological integrity of Goleta's creeks and natural drainages and their associated riparian and creek-side habitats.

C. Protect, restore, and enhance coastal bluffs and dune areas.

D. Identify and protect wetlands, including vernal pools, as highly productive and complex ecosystems that provide special habitats for flora and fauna, as well as for their role in cleansing surface waters and drainages.

E. Protect and enhance other important aquatic and terrestrial habitats, including those associated with rare, threatened, or endangered species of plants or animals.

F. Protect marine aquatic habitats.

G. Protect monarch butterfly habitats.

F. Section 17.30.200, entitled "Changes to Mapped ESHA", is added to read in its entirety:

If a project includes a change to the extent of mapped ESHA, as represented on Figure 4-1 of the City's General Plan Conservation Element, the Planning Commission shall be the Review Authority for the project and make, in addition to any other findings required for the project, the following finding at a public hearing:

A. Based on substantial evidence, including a site-specific Biological Study prepared consistent with subsection 17.30.030(B) and peer reviewed by a City-retained biologist, the physical extent of the ESHA applicable to the project is accurately reflected in a manner that refines the locations of ESHA shown in Figure 4-1 of the City's General Plan Conservation Element.

G. Table 17.38.040(A) is amended to create separate rows for “Multiple-Unit Development, Studios” and “Multiple Unit, One-Bedroom Units” with the following parking requirements (with no change to requirements for covered parking, guest parking, and reductions for senior housing and income-restricted units) for those unit types:

1. Multiple-Unit Development, Studios: 1 space per unit.
2. Multiple-Unit Development, One-Bedroom Units: 1.5 spaces per unit.

H. Subsection 17.44.010(B)(4) is added to read in its entirety:

Residential projects that consist of 100 percent affordable housing units for extremely low-, very low-, low-, and moderate-income households, except for any unit(s) dedicated to on-site management.

I. Chapter 17.45, entitled “Replacement of Lost Dwelling Units” is added to read in its entirety:

Section 17.45.010 Loss of Multi-Unit Dwellings.

In addition to the requirements of Section 17.45.020 below, the City will not allow the demolition or other loss of any conforming dwelling unit unless associated with a project that will create at least as many residential dwellings as will be demolished or lost.

A. Notwithstanding anything to the contrary, if a dwelling unit is determined by the City’s Building Official to be unsafe, presents a public hazard, is not securable, or is in imminent danger of collapse so as to endanger persons or property, it must be demolished. The Building Official’s determination in this matter will be governed by applicable law.

Section 17.45.020 New Development Under State Law.

A. Any development on a site that currently has residential uses, or within the past five years has had residential uses that have been vacated or demolished, that are or were subject to affordability restrictions as detailed in Government Code Section 65583.2(g)(3), shall replace those units affordable to the same or lower income level in accordance with Government Code Section 65583.2(g)(3).

B. In accordance with Government Code Section 66300.6(a), no housing development project, as defined by Government Code Section 65905.5(b)(3), that will require the demolition of a residential dwelling unit shall be approved unless the project will create at least as many residential dwellings as will be demolished.

C. In accordance with Government Code Section 66300.6(b), no development project that will require the demolition of occupied or vacant protected units, as that term is defined in Government Code Section 66300.5(h) or that is located on a site where protected units were demolished in the previous five years, shall be approved unless all the requirements of Government Code Section 66300.6(b) are met. When this subsection applies, all applicable requirements of Government Code Section 66300.6(b) must be met.

Section 17.45.030 Timing of Replacement.

The City shall not issue a certificate of occupancy for any other Building Permits for the project until all certificates of occupancy have been issued for the replacement unit(s).

J. *Subsection 17.52.050(B)(1)(c) is amended to read as follows:*

A general description of the proposed project, requested permit action, any requested modifications, and when applicable, any change to the extent of mapped ESHA, as represented on Figure 4-1 of the City's General Plan Conservation Element, proposed for the project pursuant to Section 17.30.200;"

K. *Subsection 17.58.080(A) is amended as follows:*

The development, except as it relates to the minimum allowed dwelling unit density for the site, will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.

L. *Subsection 17.58.080(C) is amended to read as follows:*

The development, except as it relates to the minimum allowed dwelling unit density for the site, demonstrates a harmonious relationship with existing adjoining development, avoiding both excessive variety as well as monotonous repetition, but allowing similarity of style, if warranted.

M. *Subsection 17.59.020(A)(7) is added to read as follows:*

Mixed-Use Development that includes no more than 5,000 square feet of non-residential square footage and no more than 4 dwelling units.

N. *Subsection 17.59.030(B) is amended to read as follows:*

The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the intensity, except as it relates to the minimum allowed dwelling unit density for the site, of development proposed.

SECTION 5 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 6 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 7 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 8 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 9 Effective Date

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

INTRODUCED ON the ___ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2024.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
ACTING 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. 24-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK