



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Director

CONTACT: Chris Noddings, Assistant Planner
Mary Chang, Supervising Senior Planner

SUBJECT: Proposed General Plan Amendment from Public/Quasi-Public to Community Commercial and Ordinance Amendment from Public/Quasi-Public to Community Commercial at 5631 Calle Real; APNs 069-160-057, -058; Case Nos. 20-0002-GPA; 20-0002-ORD

RECOMMENDATION

- A. Open a public hearing to take verbal and written testimony; and
- B. Adopt Resolution No. 21-__ entitled “A Resolution of the City Council of the City of Goleta, California, Approving a General Plan Amendment from Public/Quasi-Public (P-QP) to Community Commercial (C-C) on a 4,355-square foot (0.1-acre) site located at 5631 Calle Real, APNs 069-160-057, -058; Case No. 20-0002-GPA” (Attachment 1); and
- C. Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 21-__ entitled “An Ordinance of the City Council of the City of Goleta, California, Amending the Zoning Map to Re-Designate Property from Public/Quasi-Public (P-QP) to Community Commercial (C-C) for a 4,355-square foot (0.1-acre) site located at 5631 Calle Real, APNs 069-160-057, -058; Case No. 20-0002-ORD” (Attachment 2).

AGENT

Sarah Bronstad, Vanguard Planning Inc.
735 State Street, Suite 204
Santa Barbara, CA 93101

APPLICANT/PROPERTY OWNERS

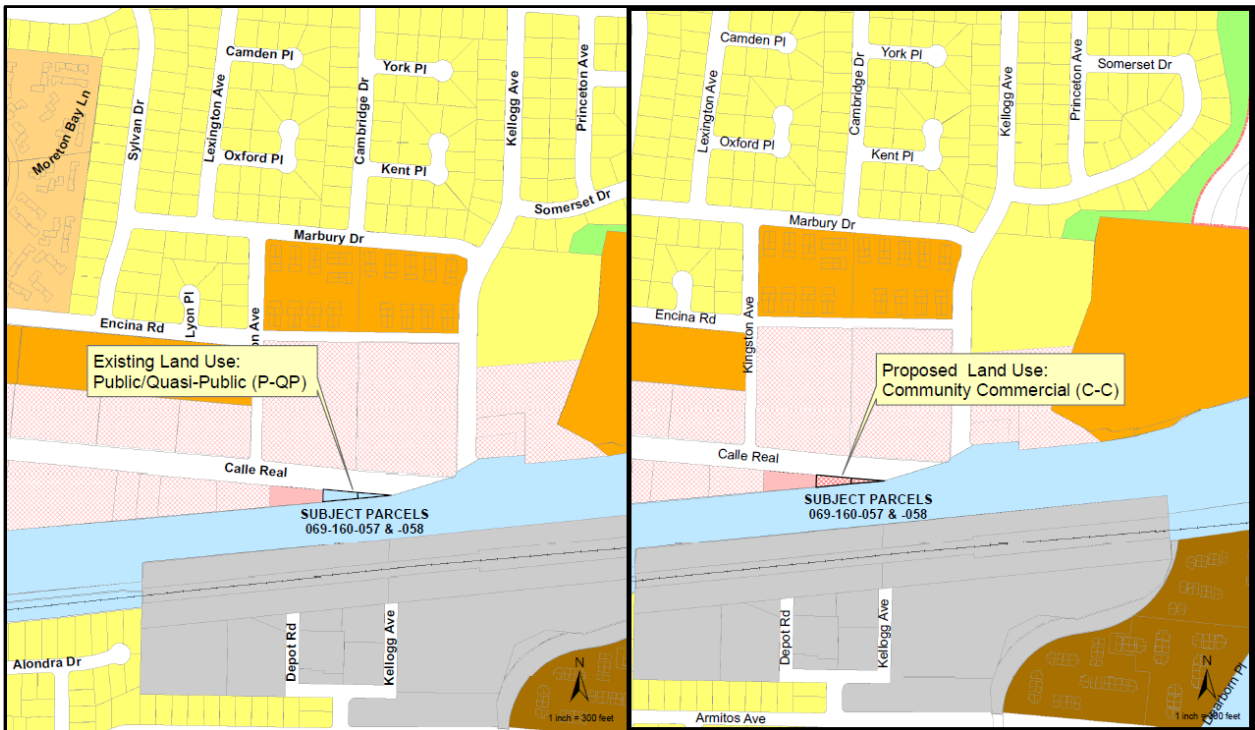
The Sun Group, LLC
5631 Calle Real
Goleta, CA 93117

APPLICANT’S REQUEST / PROJECT DESCRIPTION

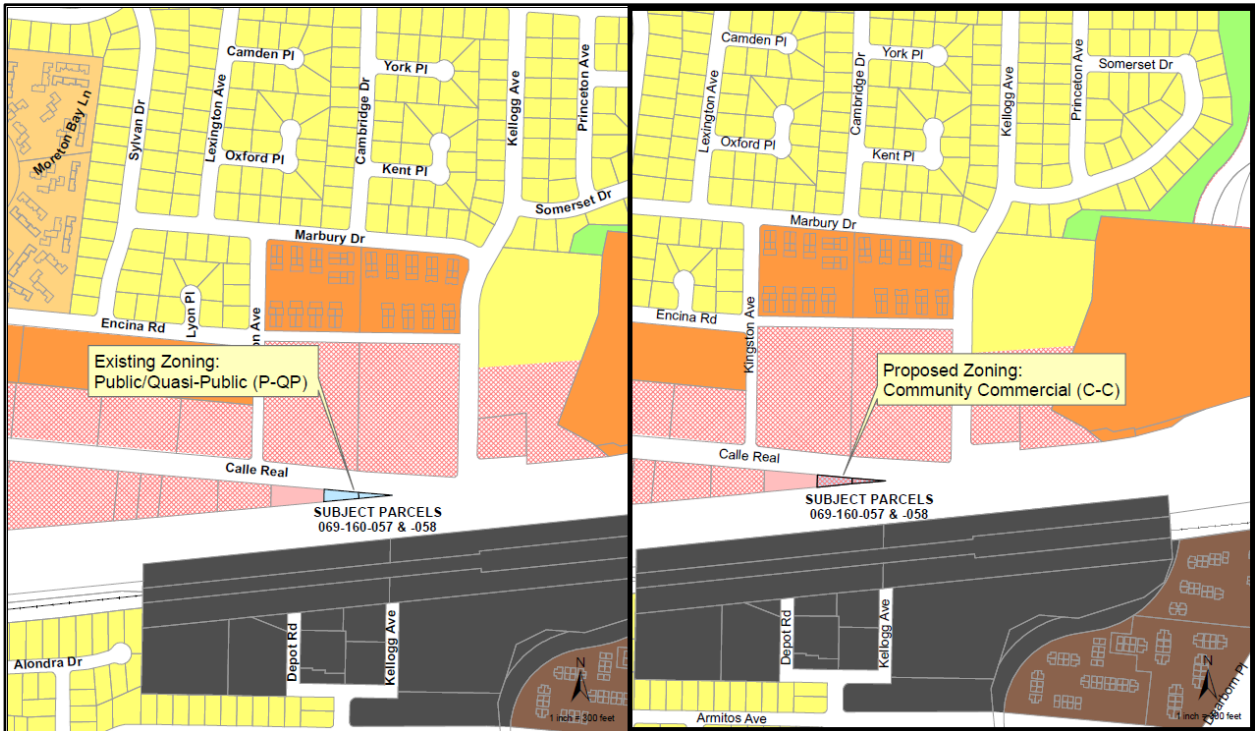
On March 31, 2020, The Sun Group, LLC (“Applicant”) filed an application to change the subject property’s General Plan land use and zoning designations. The applicant requests

a General Plan Amendment to change General Plan/Coastal Land Use Plan (GP/CLUP) Land Use Element Figure 2-1, the Land Use Plan Map, from Public/Quasi-Public (P-QP) to Community Commercial (C-C). Also requested is an Ordinance Amendment to change the zoning designation (from P-QP to C-C), consistent with the proposed General Plan Amendment. These changes are shown on Figure 1 below. No physical development is proposed and no modifications to the existing building are requested.

Figure 1: Existing and Proposed General Plan Land Use and Zoning Designations



General Plan Land Use Designation – Existing and Proposed



Zoning Designation – Existing and Proposed

Below is a summary of the relevant dates for this project. City Council Resolution 20-11, initiating the GPA process, is provided as Attachment 3. Planning Commission Resolution 20-07, recommending that the City Council approve the requested General Plan Amendment and Ordinance Amendment, is provided as Attachment 4.

GPA-Initiation Application Filed	17-Dec-19
City Council General Plan Amendment Initiation	3-Mar-20
GPA and ORD Application Filed (Initial Submittal)	31-Mar-20
Zoning on the Site Changed with Effective date of Title 17 zoning provisions	3-Apr-20
GPA and ORD Application Deemed Complete	26-Jun-20
Native American Consultation Request Sent	4-Sep-20
DRB Review	Not Applicable as no changes to existing building/site are proposed
Planning Commission Recommendation	14-Sep-20
Native American Consultation Request Sent	4-Sep-20
Native American Consultation Period End (90 days after receipt of Consultation Request)	8-Dec-20

JURISDICTION

Final action on the General Plan Amendment and Ordinance Amendment requests is the responsibility of the City Council (Subsection 17.50.030(A)).

BACKGROUND

Project Site: Location, Existing Uses, and Adjacent Land Use and Zoning

The 4,355-square-foot subject site is located on the south side of Calle Real, between Kingston Avenue and North Kellogg Avenue (Figure 2, below). Surrounding uses, land use designations, and zoning are provided in Table 1 and a site plan is provided in Figure 3, below, as well as Attachment 5.

Existing uses of the project site include real estate services (Suncoast Realty) on the first floor and personal services (New Life Day Spa) on the second floor. Both uses are considered non-conforming with respect to the current land use and zoning designation (P-QP) but were consistent with the site's land use (General Commercial) and zoning (C-2) designations at the time of approval by the County of Santa Barbara.

Table 1: Adjacent Land Use and Zoning Designations and Uses		
Direction	Current Land Use and Zoning Designation	Current Use
North	Community Commercial (C-C)	The Goodland Hotel and the South Coast Best Western Hotel
East	Public/Quasi-Public (P-QP)	Highway 101/Calle Real
South	Public/Quasi-Public (P-QP)	Highway 101
West	Intersection Commercial (C I)	Valero gas station

Figure 2: 5631 Calle Real and Surrounding Land Use and Zoning Designations (Existing)



Land Use and Zoning Designation Legend:

- Purple: Public/Quasi-Public (P-QP)
- Orange: Community Commercial (C-C)
- Gray: Intersection Commercial (C I)
- Yellow: Medium-Density Residential (R-MD)

Note: Adjacent properties across Calle Real are zoned "C-C" Community Commercial



Prior County Approvals

The subject site was developed with an approximately 1,500-SF, two-story retail commercial space and office space under Permit Number 95-LUS-392 issued by the County of Santa Barbara on September 15, 1998. The first floor was permitted for retail commercial use and the second floor was permitted for office use. At the time, the property was zoned C-2 and its land use designation was "General Commercial." Commercial designations were also applicable to all adjacent commercial businesses and hotels.

By 2000, the building and site improvements were constructed in keeping with Permit Number 95-LUS-392. Subsequently, on April 21, 2000, the County of Santa Barbara issued a Zoning Exemption to convert the first floor to office space. At the time of City incorporation, the County zoning for the site was C-2 and the County Land Use designation was General Commercial. The General Commercial General Plan designation remained in place until the City adopted its General Plan in 2006 and the zoning on the site changed on April 3, 2020, as discussed below.

Subsequent City Land Use and Zoning Designation Changes

City of Goleta General Plan Adoption (2006)

The General Plan land use designation for the subject property was changed to P-QP at the time of adoption of the City's General Plan/Coastal Land Use Plan (GP/CLUP) on October 2, 2006, as denoted in Figure 2-1 of the GP/CLUP. Staff has reviewed the relevant documents to determine the rationale for change but has not been able to identify one. In reviewing the General Plan Final Environmental Impact Report (FEIR), for example, staff noted that Figure 3.10-1 of the FEIR (Existing Land Uses) identified the existing use of the subject site as "Office" and that Figure 3.10-4 of the FEIR (Proposed Land Use Map) shows the designation of the site as P-QP.

It is not clear why the land use designation was changed as: (1) neither the General Plan nor the EIR for the General Plan explicitly addresses the change; (2) the City has never had written plans to use the site for public or quasi-public uses; (3) all other properties designated for P-QP uses under the General Plan are either owned by a public entity or a utility that is regulated by the California Public Utilities Commission or are in public ownership (e.g., City property or Goleta Unified or Santa Barbara Unified School Districts); (4) the surrounding/adjacent commercial uses retained commercial designations similar to those that existed at the time of incorporation; and (5) the property owner did not request the change.

City of Goleta New Zoning Ordinance (Title 17) Adoption (2020)

The City's New Zoning Ordinance (Title 17 of the City of Goleta Municipal Code) became effective on April 3, 2020. At this time, zoning designations throughout the City were changed to be consistent with each property's GP/CLUP Land Use designation. In the case of the subject property, the zoning designation changed from C-2 to P-QP. This zoning designation change made the property's existing uses (real estate services and

personal services) inconsistent and non-conforming with the new zoning designation of Public/Quasi Public (P-QP).

As mentioned above, all past and present uses on the site conformed with the site's original land use and zoning designations in place when the County of Santa Barbara approved the existing development. At the time the existing development was approved, three parking spaces (which includes one ADA-accessible space) were required and provided. With the adoption of Title 17 zoning provisions, several development standards have changed that may make existing site improvements nonconforming, such as the number of parking spaces and setbacks. However, this issue is not material to the requested GPA/ORD and would only become relevant if/when changes are proposed to the uses or site development.

Planning Commission Review

The Planning Commission held a noticed public hearing on September 14, 2020 and recommended approval of the project on a 5-0 vote. In general, Planning Commissioners commented that the applicant's request was very reasonable and could be considered a "clean-up matter." Commissioners also commented that they could not think of a reason to explain why the site's land use was designated Public/Quasi-Public when the General Plan was adopted.

DISCUSSION

General

The proposed request changes the mapped designations on the property; no physical changes are proposed. As stated above, the site was developed with an approximately 1,500-sq.-ft. building, which has been consistently occupied and used for commercial uses for more than 20 years and the site was re-designated as P-QP in 2006 (General Plan) and 2020 (zoning), even though the nature of the use of the site has not changed since construction.

Public facilities and uses allowed under the existing GP/CLUP P-QP land use designation include, but are not limited to, community centers, governmental administration, governmental operations, libraries, and public schools. Quasi-public facilities and uses allowed under the existing GP/CLUP P-QP land use designation include, but are not limited to, private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. Land within the rights-of-way for US 101 and SR 217 are also designated within this use category. Public and quasi-public uses are also permitted in various other land use categories in order to provide maximum flexibility in determining locations for future public facilities. The Public and Quasi-Public use category does not include public and private parks, recreation, or open space, which are accommodated in a separate use category.

The subject property has never been used for the public or quasi-public uses mentioned above. Furthermore, the City does not have written plans to use the site for public or quasi-public uses and, given its small narrow configuration, it is not likely to be a viable site for uses mentioned above.

The proposed GP/CLUP C-C land use designation would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood. Further, re-designating the property for Community Commercial uses would be consistent with the designations of the nearby commercial uses (except the gas station) and would not be out of character of the commercial corridor of this portion of Calle Real. In addition, changing the designation back to something like what it was at the time of incorporation would be reflective of the approved use of the site and the on-going commercial activities that have occurred on the site for more than 20 years.

Findings

Based on the analysis provided in the attached Resolution (Attachment 1) and Ordinance (Attachment 2), staff believes that the findings to approve the requested General Plan Amendment and Ordinance Amendment can be made. In general:

- The requested GPA is:
 - Consistent with the General Plan's Land Use Element Guiding Principles and Goals 4, 6, and 10.
 - Deemed to be in the public interest, as it is more reflective of the development on the site and the ownership of the property, resolves existing issues related to non-conforming uses, and could expand employment opportunities by reducing barriers to re-development and allowing a greater variety of uses.
- The requested ORD is:
 - Consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code, as it would (1) align the site's zoning with its proposed General Plan designation, (2) resolve the existing non-conforming use status of the property, and (3) change the zoning for the site to one that is more appropriate (C-C) than the existing zoning (P-QP).
 - In the interests of the general community welfare for all the aforementioned reasons and because it would reflect the existing, and previously approved, development and use on the subject property.
 - Consistent with good zoning practices, as it would align the property's zoning designation with its best use (given its size, history, and adjacent uses), and it would rectify the existing, non-conforming status with respect to the property's existing and previously approved use.

As described in the attached Resolution and Ordinance, rectifying the existing non-conforming status with respect to the property's existing (and previously approved) use can be critical to the economic success of a property. For example, when a property has a non-conforming use status, many aspects of property- or business-ownership can become difficult or impossible to pursue. This difficulty includes, and is not necessarily

limited to: (1) modifying or redeveloping the site; (2) rebuilding following a catastrophic loss of one or more structures on the site; and (3) obtaining financing, such as a business loan to support new or ongoing business operations. The requested GPA-ORD would resolve this situation.

Traffic and Parking

While traffic and on-site parking issues are not primary considerations for the requested change, the City Council asked staff to review these issues at the time of GPA initiation. Regarding traffic, the requested GP/CLUP land use and zoning changes would have little impact on traffic for several reasons. First, the Level of Service (LOS) at the Calle Real/Kellogg Ave. intersection is rated "A" in Table 7-1 of the GP/CLUP under all scenarios analyzed: the base year (2005) and under the planned land use buildout (2030), both with and without the planned transportation improvements. Second, traffic associated with the existing uses (real estate services and personal services) existed in 2005 and is therefore already considered in the analysis provided in the GP/CLUP. Third, the real estate service and personal services uses have continued for the past 20 years. In addition, the use of the parcel as commercial has been reflected in the applicable Traffic Analysis Zone of the Goleta Traffic Model since 2004.

Lastly, parking requirements are based on the uses allowed on the site and square footage of the building. Retail and personal service uses require one space for every 500 sq. ft. and office uses require one space per every 300 sq. ft. If the uses in the building were changed in the future, staff would rely upon the provisions of Subsection 17.55.020(A) (Change of Use) to determine whether additional parking would be required. If it was determined that additional parking was needed, the property owner/applicant would need to provide the additional parking on site in an acceptable manner or secure approval of a Modification (Chapter 17.62) or secure approval of the use of off-site parking (Subsection 17.38.070(C)). These Code sections are provided as Attachment 6. However, as stated above, the adequacy of the existing, on-site parking spaces is not material to the requested GP/CLUP land use and zoning changes.

Green Building Code

As with the traffic and on-site parking issues discussed above, the City's Green Building Code (Chapter 15.12 of the Goleta Municipal Code) is not a primary consideration for the requested change since there is no development. However, any future proposed development on the property would be reviewed by staff to determine whether Chapter 15.12 of the Goleta Municipal Code is applicable. The CALGreen+ requirements are:

- 65% Construction Waste Reduction, Disposal & Recycling
- 40% Landscape Potable Water Use Reduction or Use of Recycled Water
- 30% Interior Water Use Reduction
- 90% Low Volatile Organic Compound Flooring
- Solar Ready
- Electric Vehicle Ready

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.; “CEQA”) and CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.). Specifically, the project is categorically exempt from environmental review pursuant to the following CEQA Guidelines:

- No possibility of significant effect [Section 15061(b)(3)]
- Not a project [Section 15378]

Additionally, as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the project does not generate any impacts not analyzed or increase the severity of impacts analyzed in association with changing the land use designation from C-C to P-QP in the 2006 General Plan EIR.

Categorical Exemption

Regarding the categorical exemptions listed above, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale for which has not been identified) during the 2006 City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) adoption process, there would be no need for the current project. The property owner has no intention to change the commercial nature of uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act (“CEQA”). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review.

Previous Analysis in a Certified Environmental Impact Report

In the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report. The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers,

governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing, on-the-ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason, no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162).

PUBLIC NOTICE

In accordance with Subsection 17.52.050(C) of the Goleta Municipal Code, public notice for this hearing was provided in the following manner:

- Posted on the subject site on January 4, 2021; and
- Published in the Santa Barbara Independent and sent by First Class mail to property owners and tenants within 500 feet on January 7, 2021.

In addition, although not required by Subsection 17.52.050(C) of the Goleta Municipal Code, public notice for this hearing was also:

- Sent (via electronic and/or or First-Class mail) to all public speakers during the City Council's General Plan Amendment Initiation hearing on March 3, 2020;
- Posted on the City's website; and
- Sent via email to all parties that had requested updates related to the Planning and Environmental Review Department (approximately 2,602 addresses) or City Council meetings (approximately 1,610 addresses) as well as other interested parties and agencies (approximately 14 addresses).

CONCLUSION & STAFF RECOMMENDATION

The proposed General Plan Amendment and Ordinance Amendment would make the subject property's land use and zoning designations consistent with the site's current use, historic use, adjacent uses, and prior land use and zoning designations. As discussed above, no new significant impacts would result from approving the requested General Plan and Ordinance amendments.

For the reasons outlined in this staff report and the attached Resolution and Ordinance, and consistent with the Planning Commission's recommendation on September 14, 2020, staff recommends that the City Council approve the requested General Plan and Ordinance amendments.

FISCAL IMPACTS

The processing costs associated with the requested General Plan and Ordinance amendments are being borne by the applicant.

ALTERNATIVES

In addition to staff's recommendation, the following alternative actions are available to the City Council: 1) Continue the item for additional discussion, information or redesign; or 2) Deny the requested General Plan Amendment and Ordinance Amendment, identify which finding(s) cannot be made, and continue the item so that a Resolution can be prepared to deny the General Plan Amendment and the Ordinance Amendment.

STAFF REVIEW


Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENTS

1. City Council Resolution No. 21-____
 Exhibit 1: Proposed Land Use Designation
 Exhibit 2: CEQA Notice of Exemption
2. City Council Ordinance No. 21-____
 Exhibit 1: Proposed Zoning Designation
3. City Council Resolution No. 20-11
4. Planning Commission Resolution No. 20-07
5. Existing Site Plan
6. Excerpts from Title 17
 Subsection 17.55.020(A), Change of Use
 Subsection 17.38.070(C), Off-Site Parking
 Chapter 17.62, Modifications
7. Presentation

Attachment 1

City Council Resolution No. 21-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C) ON A 4,355-SQUARE-FOOT (0.1-ACRE) SITE LOCATED AT 5631 CALLE REAL, APNS 069-160-057, -058; CASE NO. 20-0002-GPA

RESOLUTION NO. 21-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA,
CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT FROM
PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C)
ON A 4,355-SQUARE-FOOT (0.1-ACRE) SITE LOCATED AT 5631
CALLE REAL, APNS 069-160-057, -058; CASE NO. 20-0002-GPA**

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

SECTION 1: *Recitals:* The City Council finds and declares that:

- A. On October 2, 2006, the City Council of Goleta adopted the General Plan Coastal Land Use Plan (GP/CLUP). Figure 2-1 (Land Use) designated the subject privately owned site as Public/Quasi-Public;
- B. On December 17, 2019, The Sun Group, LLC (“Applicant”) submitted an application for a General Plan Amendment Initiation to change the land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C);
- C. On March 3, 2020, the City Council of the City of Goleta granted the Applicant’s request to initiate the General Plan Amendment process as outlined in City Council Resolution No. 20-11;
- D. On March, 3, 2020, the City Council of the City of Goleta adopted, on second reading, Ordinance 20-03, thereby adding Title 17 (Zoning Regulations) to the Goleta Municipal Code and adopted a new zoning map to bring all of zoning designations into alignment with the General Plan and base zoning districts contained in Title 17;
- E. On March 31, 2020, Applicant filed an application to amend the subject property’s General Plan land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C). The requested approvals do not include physical changes or development;
- F. On April 3, 2020, Ordinance No. 20-03 became effective and the subject property’s zoning designation officially changed from Retail Commercial (C-2) to Public and Quasi- Public (P-QP). The Applicant subsequently revised the application to include an ordinance amendment to change the property’s zoning designation from P-QP to C-C;
- G. On June 26, 2020, the City of Goleta deemed the application request complete;
- H. The proposed General Plan Amendment to change the land use designation as shown on Figure 2-1 is attached as Exhibit 1 to this Resolution;

- I. On September 4, 2020, requests for consultation with local Native American groups were mailed. No requests to consult were received;
- J. On September 14, 2020, the Planning Commission conducted a duly noticed public hearing, at which all interested parties were heard, and recommended approval of the project on a 5-0 vote;
- K. On January 19, 2021, the City Council held a duly noticed public hearing at which all interested parties were heard; and
- L. This Resolution is adopted based upon the entirety of administrative record including, without limitation, staff reports, and evidence submitted during the public hearing.

SECTION 2 *Factual Findings and Conclusions:* The City Council finds as follows:

- A. The Project site is developed with a two-story, approximately 1,500-SF commercial building consistent with existing entitlements on two lots with a combined 4,355 square feet (approximately 0.1 acre; Assessor's Parcel Nos. 069-160-057, -058) in accordance with 95-LUS-392 approved by the County of Santa Barbara on September 15, 1998. At the time of approval, the property was zoned C-2 and its land use designation was "General Commercial."
- B. The Project site currently has a General Plan land use designation, and a zoning designation, of Public/Quasi-Public (P-QP). The Applicant is seeking a General Plan amendment and a Zoning Ordinance Amendment to change these designations to Community Commercial (C-C) to reflect the existing uses and the private ownership of the site. No physical changes on the property are proposed or requested;
- C. The Project site includes a total of three parking spaces (including one ADA-accessible space);
- D. No adjustments to development standards are requested;
- E. The Project site is a generally level, triangular-shaped property on two separate parcels (APNs 069-160-057, -058);
- F. The Project site has adequate ingress and egress that also meets Fire Department requirements; and
- G. The factual findings and conclusions in this Section are based upon substantial evidence found within the entirety of the administrative record.

SECTION 3: *Environmental Assessment for the Project.* The City Council makes the following environmental findings:

- A. The proposed project is exempt from environmental review pursuant to the common-sense exemption (State CEQA Guidelines § 15061(b)(3).) Specifically, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process, there would be no need for the current project. The property owner has no intention to change the commercial nature of uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review;

- B. In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the City Council hereby finds that the Project was analyzed for its potential environmental impacts in a certified environmental impact report.

The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be

similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason, no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162.)

- C. There is substantial evidence in the record showing that the land use changes proposed are not an activity subject to CEQA.
- D. In the alternative, if the land use changes were determined to be an activity subject to CEQA, there is substantial evidence in the record demonstrating that the land use changes do not trigger further environmental review under Public Resources Code Section 21166 and State CEQA Guidelines Section 15162.
- E. A Notice of Exemption is attached as Exhibit 2 and was prepared in full compliance with CEQA.

SECTION 4: General Plan Amendment Findings. The City Council makes the following Findings pursuant to Subsection 17.67.040(C) of the Goleta Municipal Code:

- A. *The amendment is consistent with the guiding principles and goals of the General Plan.*

The proposed General Plan Amendment conforms to Land Use Element Guiding Principles and Goals 4, to “Maintain economic prosperity with a sustainable economy that is not based on growth” as the proposed land use designation change would resolve the existing non-conforming status of current uses of the site, while also allowing the site to be used for a greater variety of appropriate land uses, without the need for physical change or development of the property.

The proposed amendment also conforms to Land Use Element Guiding Principles and Goals 6, to “Maintain a balanced community, with an appropriate mix of residences, workplaces, and services,” as well as Land Use Element Guiding Principles and Goals 10, to “Ensure that all new development and changes to existing development are compatible with the character, scale, and design of the neighborhood” for the following reasons:

- The site’s original land use designation was “Commercial;”
- All surrounding uses are commercial;
- The site was originally developed for commercial use and has continually been occupied with commercial uses;
- Community Commercial (C-C) uses are already occurring on the site;

- C-C uses are generally more appropriate than P-QP uses given existing development on the Site that consists of a two-story, approximately 1,500-square-foot building; and
- No physical changes to the already-developed property are currently proposed.

B. *The amendment is deemed to be in the public interest.*

Amending Figure 2-1 of the Land Use Element, Land Use Map, to change the land use designation of the property from Public/Quasi-Public (P/QP) to Community Commercial (C-C) is in the public interest as this designation is more reflective of the development on the site and the ownership of the property. Typically, the P/QP designation has only been applied to sites that are in public or quasi-public ownership such as Caltrans, City of Goleta, Goleta Unified and Santa Barbara School Districts, or Southern California Edison. Further, the change in the General Plan land use designation will restore the land use designation on the site in question to the equivalent General Plan designation that existed on site at the time it was developed.

Additionally, the proposed Amendment would resolve the non-conforming status of the existing land use on the site. While reducing non-conforming uses within the City is a public benefit in and of itself, in this instance, it may also have a public benefit of expanding employment opportunities. For example, when a property has a non-conforming use status, many aspects of property- or business-ownership can become difficult or impossible to pursue. This includes, and is not necessarily limited to, (1) modifying or redeveloping the site; (2) rebuilding following a catastrophic loss of one or more structures on the site; and (3) obtaining financing such as a business loan to support new or ongoing business operations. Resolving the non-conforming status of the existing land use on the Site would remove these constraints. As another example, resolving the non-conforming status of the existing land use on the Site would also allow a greater variety of commercial uses.

SECTION 5: Actions. The City Council hereby takes the following actions:

- A. Adopt the General Plan Land Use Map Amendment from Public/Quasi-Public (P-QP) to Community Commercial (C-C) as shown in Exhibit 1 to this Resolution, which is incorporated by reference.
- B. Direct the City Manager or designee to file the Notice of Exemption (NOE) (Exhibit 2) within five (5) business days.

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution is 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 7: *Limitations.* The City Council's analysis and evaluation of the Project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the Project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent Resolution.

SECTION 10: The City Clerk is directed to mail a copy of this Resolution to The Sun Group, LLC and to any other person requesting a copy.

SECTION 11: This Resolution will become effective immediately upon adoption.

SECTION 12: The City Clerk will certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2021.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
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 City Council Resolution No. 21-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the ____ day of _____, 2021 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

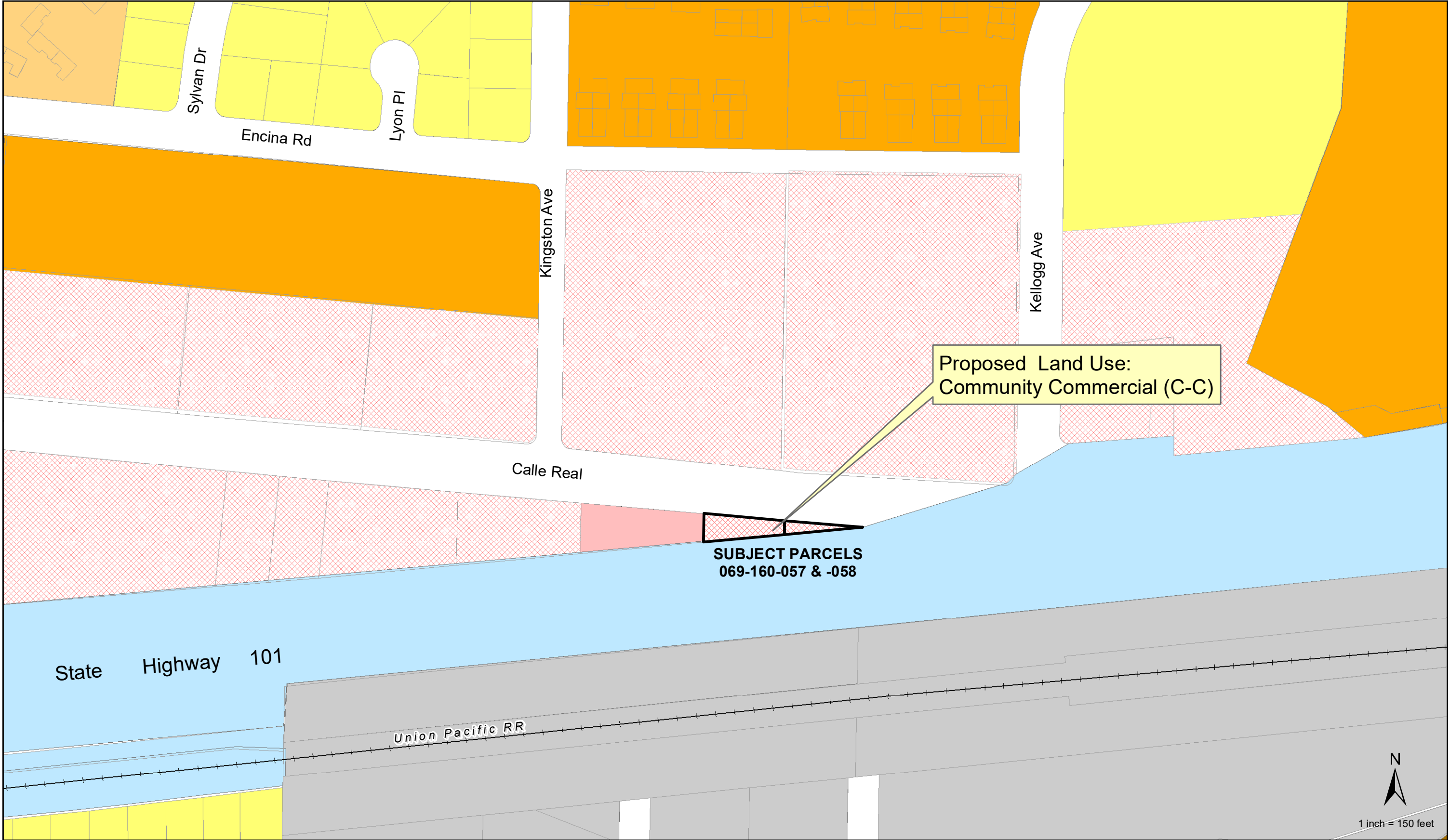
(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 1, Exhibit 1

PROPOSED LAND USE DESIGNATION

Document Path: C:\Projects\Gileas\Goleta\General Plan\PROPOSED Amendments\Proposed Land Use Designation for Calle Real Dec 2020.mxd



Legend				
Residential Use Categories		Commercial Use Categories		Office and Industrial
Single-Family	Planned Residential	Regional	Community	Business Park
Medium Density	High Density	Old Town	Visitor-serving	Office and Institutional
Mobile Home Park		Intersection	General Commercial	Service/Industrial
				General Industrial
Other Use Categories		Other Features		
Agriculture	Open Space / Passive Recreation	Goleta City Boundary	Coastal Zone Boundary	Schools
Open Space / Active Recreation	Public / Quasi-public	Maximum Density in Planned Residential Areas (units/acre)		

Proposed Land Use Designation
(Inset Map of General Plan Figure 2-1)

December 2020



Attachment 1, Exhibit 2

NOTICE OF EXEMPTION (NOE)

NOTICE OF EXEMPTION (NOE)

To: ☐ Office of Planning and Research
P.O. Box 3044, 1400 Tenth St. Rm. 212
Sacramento, CA 95812-3044

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

☒ Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title:

General Plan Amendment and Ordinance Amendment for 5631 Calle Real
Case Nos. 20-0002-GPA; 20-0002-ORD

Project Applicant:

Sarah Bronstad, Agent
The Sun Group, LLC, Property Owner

Project Location (Address and APN):

5631 Calle Real
Goleta, CA 93117
County of Santa Barbara
APNs: 069-160-057, -058

Description of Nature, Purpose and Beneficiaries of Project:

The request is to amend the subject property's General Plan land use and zoning designations from Public/Quasi-Public (P-QP) to Community Commercial (C-C). No physical development is proposed, and no modifications are requested.

The beneficiary of the project is the property owner.

Name of Public Agency Approving the Project:

City of Goleta City Council

Name of Person or Agency Carrying Out the Project:

Sarah Bronstad, Agent; and The Sun Group, LLC, Property Owner

Exempt Status: *(check one)*

- ☐ Ministerial (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269 (a))
- ☐ Emergency Project (Sec. 15269 (b) (c))
- ☒ Categorical Exemption: § 15061(b)(3) (No possibility of a significant effect) and § 15378 (Not a project).
- ☒ Other: Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162 (The project will not result in new or more significant environmental effects from those that were analyzed in a certified environmental impact report and no further environmental review is required).

NOTICE OF EXEMPTION (NOE)

Reason(s) why the project is exempt:

The proposed project is categorically exempt pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.; "CEQA") and CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.). Specifically, the project is categorically exempt from environmental review pursuant to CEQA Guidelines § 15061(b)(3) (No possibility of a significant effect) and 15378 (Not a Project). In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report.

Specifically, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale for which has not been identified) during the 2006 City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) adoption process, there would be no need for the current project. The property owner has no intention to change the commercial nature of uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review.

In the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report. The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

NOTICE OF EXEMPTION (NOE)

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason, no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162).

City of Goleta Contact Person, Telephone Number, and Email:

Chris Noddings, Assistant Planner
805-961-7566
cnoddings@cityofgoleta.org

Signature	Title	Date
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If filed by the applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project?
☐Yes ☐No

Date received for filing at OPR: _____

Note: Authority cited: Section 21083 and 211110, Public Resources Code
Reference: Sections 21108, 21152.1, Public Resources Code

Attachment 2

City Council Ordinance No. 21-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING THE ZONING MAP TO RE-DESIGNATE PROPERTY FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C) FOR A 4,355-SQUARE FOOT (0.1-ACRE) SITE LOCATED AT 5631 CALLE REAL, APNS 069-160-057, -058; CASE NO. 20-0002-ORD

ORDINANCE NO. 21-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA,
CALIFORNIA, AMENDING THE ZONING MAP TO RE-DESIGNATE
PROPERTY FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY
COMMERCIAL (C-C) FOR A 4,355-SQUARE FOOT (0.1-ACRE) SITE
LOCATED AT 5631 CALLE REAL, APNS 069-160-057, -058; CASE NO.
20-0002-ORD**

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

SECTION 1: *Recitals:* The City Council finds and declares that:

- A. On October 2, 2006, the City Council of Goleta adopted the General Plan Coastal Land Use Plan (GP/CLUP). Figure 2-1 (Land Use) designated the privately owned site as Public/Quasi-Public;
- B. On December 17, 2019, The Sun Group, LLC (“Applicant”) submitted an application for a General Plan Amendment Initiation to change the land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C);
- C. On March 3, 2020, the City Council of the City of Goleta granted the Applicant’s request to initiate the General Plan Amendment process as outlined in City Council Resolution No. 20-11;
- D. On March, 3, 2020, the City Council of the City of Goleta adopted, on second reading, Ordinance 20-03, thereby adding Title 17 (Zoning Regulations) to the Goleta Municipal Code and adopted a new zoning map to bring all of zoning designations into alignment with the General Plan and base zoning districts contained in Title 17;
- E. On March 31, 2020, Applicant filed an application to amend the subject property’s General Plan land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C). The requested approvals do not include physical changes or development;
- F. On April 3, 2020, Ordinance No. 20-03 became effective and the subject property’s zoning designation officially changed from Retail Commercial (C-2) to Public and Quasi-Public (P-QP). The Applicant subsequently revised the application to include an ordinance amendment to change the property’s zoning designation from P-QP to C-C;
- G. On June 26, 2020, the City of Goleta deemed the application request complete;
- H. The proposed Ordinance Amendment (zoning designation change) is attached as Exhibit 1 to this Ordinance;

- I. On September 4, 2020, requests for consultation with local Native American groups were mailed. No requests to consult were received;
- J. On September 14, 2020, the Planning Commission conducted a duly noticed public hearing, at which all interested parties were heard, and recommended approval of the project on a 5-0 vote;
- K. On January 19, 2021, the City Council held a duly noticed public hearing at which all interested parties were heard; and
- L. This Ordinance Amendment (zoning designation change) is approved based upon the entirety of administrative record including, without limitation, staff reports, and evidence submitted during the public hearing.

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

- A. The Project site is developed with a two-story, approximately 1,500-SF commercial building consistent with existing entitlements on two lots with a combined 4,355 square feet (approximately 0.1 acre; Assessor's Parcel Nos. 069-160-057, -058) in accordance with 95-LUS-392 approved by the County of Santa Barbara on September 15, 1998. At the time of approval, the property was zoned C-2 and its land use designation was "General Commercial."
- B. The Project site currently has a General Plan land use designation, and a zoning designation, of Public/Quasi-Public (P-QP). The Applicant is seeking a General Plan amendment and a Zoning Ordinance Amendment to change these designations to Community Commercial (C-C). No physical changes on the property are proposed or requested;
- C. The Project site includes a total of three parking spaces (including one ADA-accessible space);
- D. No adjustments to development standards are requested;
- E. The Project site is a generally level, triangular-shaped property on two separate parcels (APNs 069-160-057, -058);
- F. The Project site has adequate ingress and egress that also meets Fire Department requirements; and
- G. The factual findings and conclusions in this Section are based upon substantial evidence found within the entirety of the administrative record.

SECTION 3: *Environmental Assessment for the Project*. The City Council makes the following environmental findings:

- A. The proposed project is exempt from environmental review pursuant to the common-sense exemption (State CEQA Guidelines § 15061(b)(3).) Specifically, it can be seen with certainty that there is no possibility that the zone change would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the zone change to the property (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process, there would be no need for the current project. The property owner has no intention to change the commercial nature of uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the zone change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review;

- B. In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the City Council hereby finds that the Project was analyzed for its potential environmental impacts in a certified environmental impact report.

The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be

similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason, no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162.)

- C. There is substantial evidence in the record showing that the land use changes proposed are not an activity subject to CEQA.
- D. In the alternative, if the land use changes were determined to be an activity subject to CEQA, there is substantial evidence in the record demonstrating that the land use changes do not trigger further environmental review under Public Resources Code Section 21166 and State CEQA Guidelines Section 15162.

SECTION 4: General Plan and Title 17 of the City of Goleta Municipal Code (Zoning). The Project conforms to the General Plan and Title 17 of the Goleta Municipal Code (Zoning). The proposed General Plan Amendment conforms to Land Use Element Guiding Principles and Goals 4, to “Maintain economic prosperity with a sustainable economy that is not based on growth” as the proposed land use designation change would resolve the existing non-conforming status of current uses of the site, while also allowing the site to be used for a greater variety of appropriate land uses, without the need for physical change or development of the property.

The proposed amendment also conforms to Land Use Element Guiding Principles and Goals 6, to “Maintain a balanced community, with an appropriate mix of residences, workplaces, and services,” as well as Land Use Element Guiding Principles and Goals 10, to “Ensure that all new development and changes to existing development are compatible with the character, scale, and design of the neighborhood” for the following reasons:

- a) The site’s original land use designation was “Commercial;”
- b) All surrounding uses are commercial;
- c) The site was originally developed for commercial use and has continually been occupied with commercial uses;
- d) Community Commercial (C-C) uses are already occurring on the site;
- e) C-C uses are generally more appropriate than P-QP uses given existing development on the Site that consists of a two-story, approximately 1,500-square-foot building; and
- f) No physical changes to the already-developed property are currently proposed.

SECTION 5: Ordinance Amendment Findings. The City Council makes the following findings pursuant to Subsection 17.66.040(B) of the Goleta Municipal Code:

- A. *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 proposed Ordinance Amendment will align the zoning designation with the General Plan Land Use Designation for the property, consistent with the approved General Plan Land Use Amendment adopted in Resolution No. _____. Further, the change would resolve the existing non-conforming use status of the property. Moreover, given the Site's characteristics (history, size, existing development, surrounding uses, and location fronting a five-lane arterial road), C-C uses providing "convenience goods and services to serve the everyday needs of the surrounding residential neighborhoods" are generally more appropriate for the Site than P-QP uses such as "community centers, governmental administration, governmental operations, libraries, and public schools, private schools, religious institutions, lodges, social clubs, day care centers, and similar uses."

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

The proposed amendment would be in the interest of the general community welfare as the zoning of the site would be match the predominate commercial zoning along this portion of Calle Real. Further, the zone change would reflect the existing, and previously approved, commercial development and use on the Site and eliminate the non-conforming nature of existing site uses. If the site retains the current Public/Quasi-Public designation, then if the existing use were terminated (e.g., the building was destroyed by a natural disaster or not used for 1 year with similar uses), the site could only be developed with P-QP uses. Continuation of the existing commercial uses, terminating non-conforming uses, allowing commercial uses on the site to change over time, and ensuring the ability of the site to support commercial uses of the Site (e.g., following a natural disaster), are all public benefits compared to the retention of the P-QP zoning designation.

- C. *The amendment is consistent with good zoning and planning practices.*

Good zoning planning practice includes aligning a property's zoning designation with its best use, which is partly dependent on the property's context such as the surrounding land use designations. The uses to the north are hotels and are zoned C-C; the use to the west is a gas station and is zoned Intersection Commercial (C-I). The uses to the east and south are roads/highway and either have no zoning or are zoned Public/Quasi-Public. The Site was originally designated and developed for commercial use, is sized for commercial use, is in a commercial corridor, and the change would result in the site having the same

zoning designation as the uses located across Calle Real. As such, commercial uses represent the site's best use, and among the commercial designations, the site is best encompassed by the Community Commercial designation.

Another good zoning practice is to rectify non-conforming uses either through changing the land use designations or by eliminating the use over time. Since the surrounding uses are commercial, a C-C zoning designation would convert the existing, non-conforming uses to conforming uses that are well-suited for the Site and are compatible with established uses in the surrounding area.

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 Goleta Municipal Code Section 17.01.080 as shown on attached Exhibit 1, which is incorporated by reference. This Project changes the Project site's existing zoning designation from Public and Quasi-Public (P-QP) to Community Commercial (C-C), consistent with the approved General Plan Land Use Amendment adopted in Resolution No. _____.

SECTION 7: Reliance on Record. Each and every one of the findings and determinations in this Ordinance is 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 8: 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 9: 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 10: 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 11: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

INTRODUCED ON the ____ day of _____, 2021.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
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 City Council Ordinance No. 21-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the ____ day of _____, 2021 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

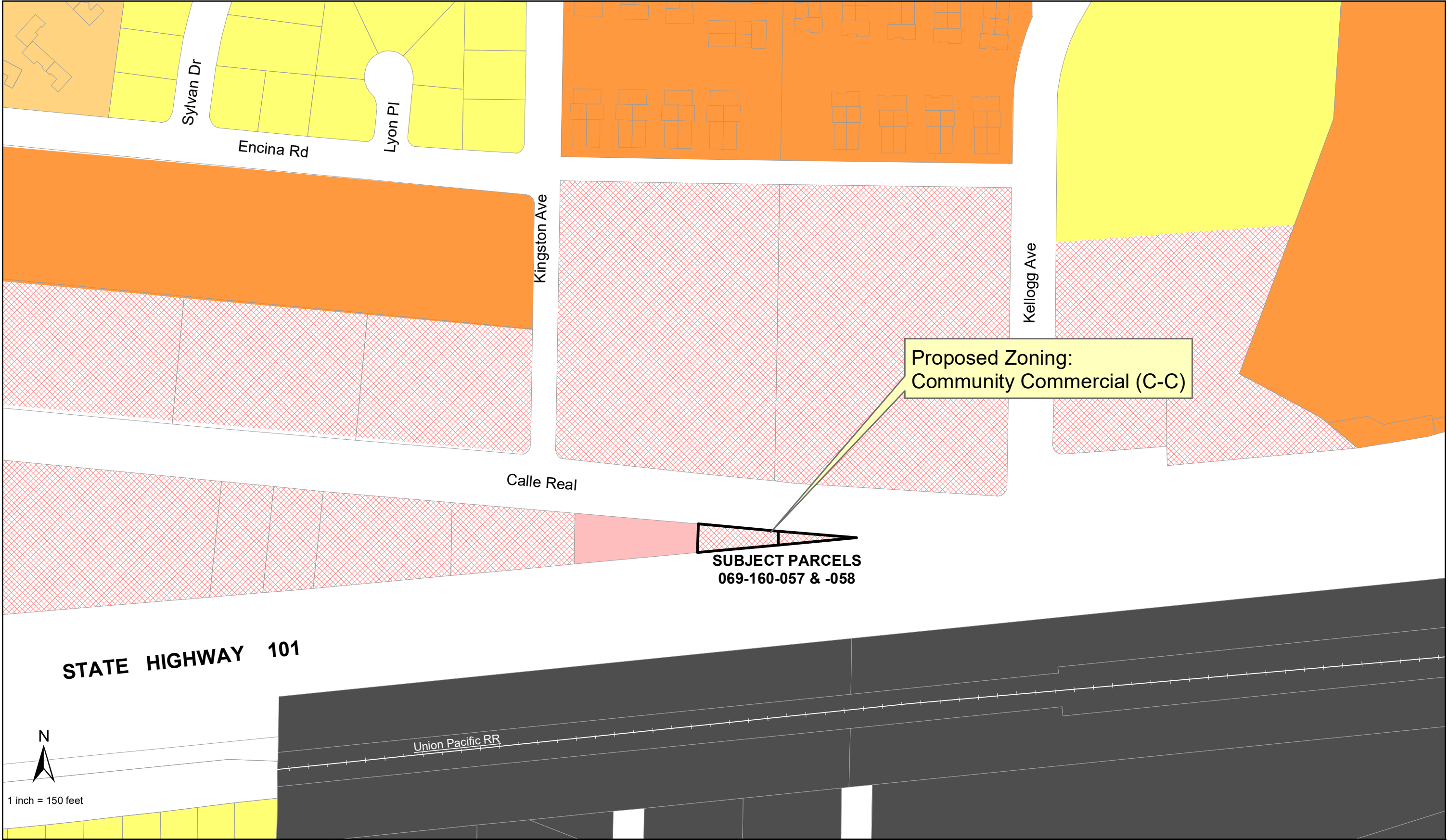
(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 2, Exhibit 1

PROPOSED ZONING DESIGNATION

C:\Projects\City of Goleta\zoning\Proposed Zoning Designations\for Calle Real Dec 2020.mxd



Legend

Residential Zoning Types

- RS Single Family Residential
- RP Planned Residential
- RM Medium Density Residential
- RH High Density Residential
- RMHP Mobile Home Park

Commercial Zoning Types

- CR Regional Commercial
- CC Community Commercial
- OT Old Town
- VS Visitor Serving Commercial
- CI Intersection Commercial
- CG General Commercial

Office and Industrial Zoning Types

- BP Business Park
- OI Office and Institutional
- IS Service Industrial
- IG General Industrial

Other Zoning Types

- OSAR Open Space/Active Recreation
- OSPR Open Space/Passive Recreation
- AG Agriculture
- PQ Public/Quasi Public

Other Features

- Goleta City Boundary
- Coastal Zone Boundary
- Schools

Proposed Zoning Designation

December 2020



Attachment 3

City Council Resolution No. 20-11

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF GOLETA, CALIFORNIA, INITIATING
THE PROCESSING OF AN APPLICANT-
REQUESTED GENERAL PLAN AMENDMENT AT
5631 CALLE REAL, APNS 069-160-057, -058**

RESOLUTION NO. 20-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, INITIATING THE PROCESSING OF AN APPLICANT-REQUESTED GENERAL PLAN AMENDMENT AT 5631 CALLE REAL; APNS 069-160-057, -058

WHEREAS the Goleta General Plan / Coastal Land Use Plan ("General Plan") is the City's official policy that guides land use and physical development of the geographic area of the incorporated City limits; and

WHEREAS California Government Code Sections 65350 et seq. authorize cities and counties to prepare, adopt and amend General Plans and their elements; and

WHEREAS California Government Code Section 65358(a) reads, "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment"; and

WHEREAS City Council Resolution No. 12-13 establishes a procedure for the initiation of processing of requests for a General Plan Amendment; and

WHEREAS City Council Resolution No. 12-13 requires the City Council to consider certain factors for the initiation of General Plan amendments, including consistency with the Guiding Principles and Goals of the General Plan, consistency with the surrounding community or General Plan, possible public benefits, availability of or the future study of the availability of public services, or rules or regulations that may drive the need to amend the General Plan; and

WHEREAS, on December 17, 2019, The Sun Group, LLC requested the initiation of a General Plan Amendment to the land use designation to Assessor's Parcel Numbers 069-160-057 and -058 (Site); and

WHEREAS the existing General Plan land use designation for the Site is Public/Quasi-Public (P/QP) and The Sun Group, LLC is seeking the initiation of a General Plan Amendment affecting Figure 2-1 of the Land Use Element to change the land use designation from Public/Quasi-Public (P/QP) to Community Commercial (C-C) to allow the Site to be consistent with (1) the Site's zoning (Retail Commercial [C-2]) before adoption of the New Zoning Ordinance (NZO); (2) nearby land use designations on Calle Real; (3) the Site's original Land Use

Permit (95-LUS-392); and (4) the site's existing uses (real estate services and personal services); and

WHEREAS the City Council conducted a duly noticed public hearing on March 3, 2020, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the City Council considered the entire administrative record, including staff reports, the General Plan, and oral and written testimony from interested persons.

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

SECTION 1.

The City Council makes the following statements regarding the initiation factor/criteria outlined in City Council Resolution No. 12-13:

(a) The amendment proposed may be consistent with the Guiding Principles and Goals of the General Plan. First, the proposed amendment appears to conform to Land Use Element Guiding Principles and Goals 4, to "Maintain economic prosperity with a sustainable economy that is not based on growth" as the proposed land use designation change would potentially allow the site to be used for a greater variety of appropriate land uses while simultaneously resolving several inconsistencies with existing permits, land use, and zoning without the need for physical change or development of the Site. Second, the proposed amendment appears to conform to Land Use Element Guiding Principles and Goals 6, to "Maintain a balanced community, with an appropriate mix of residences, workplaces, and services" as Community Commercial (C-C) uses are already occurring on the site and are generally more appropriate than P-QP uses on the Site. Third, the proposed amendment appears to conform to Land Use Element Guiding Principles and Goals 10, to "Ensure that all new development and changes to existing development are compatible with the character, scale, and design of the neighborhood" as the Site is already being used with C-C uses, is generally surrounded by C-C uses, and no physical changes to the already-developed property are currently proposed; and

(b) It is anticipated that the proposed amendment to C-C would have no material effect on the community or the General Plan because the Site was originally permitted for small-scale commercial office/retail use, consistent with the proposed C-C land use designation; is zoned for retail commercial prior to adoption of the NZO; is currently used for services allowed in C-C land use designation; and is unlikely to be used for uses allowed in the P-QP land use designation. As a result, the change would

not cause a fundamental change to the overall land use pattern in the City; and

(c) The proposed amendment may provide an additional public benefit to the community as compared to the existing land use designation because uses allowed under the C-C land use designations are potentially more compatible with the Site as well as the adjacent uses. By resolving the legal non-conforming status of the Site, the amendment has the potential to provide a public benefit through expanded employment opportunities in the community; and

(d) The Site is fully developed, served by public facilities, and is adjacent to Calle Real, a main arterial in the City with proximity to public services. In addition, no new development or other physical changes are currently proposed; and

(e) The amendment proposed is not required under other rules or regulations; and

(f) The foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2.

The City Council hereby authorizes staff to initiate processing of the proposed General Plan Amendment to Community Commercial Land Use Designation. The initiation of the General Plan Amendment does not suggest how the City Council may ultimately act on the General Plan Amendment when it is brought forward for City Council consideration. The initiation of the General Plan Amendment shall not influence the City Council's consideration of the General Plan Amendment.

SECTION 3.

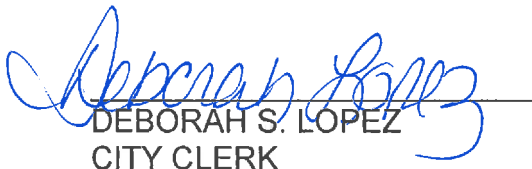
The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 3rd day of March 2020.



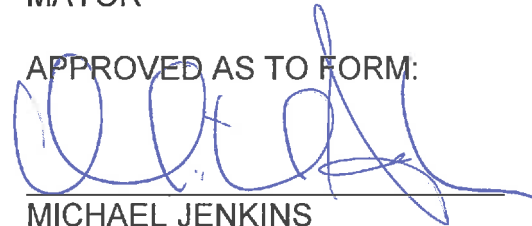
PAULA PEROTTE
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MICHAEL JENKINS
CITY ATTORNEY

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

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 20-11 was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 3rd day of
March, 2020 by the following vote of the Council:

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

NOES: COUNCILMEMBER ACEVES

ABSENT: NONE

ABSTAIN: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK

Attachment 4

Planning Commission Resolution No. 20-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL 1) APPROVE A GENERAL PLAN AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C); AND 2) APPROVE AN ORDINANCE AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C) ON A 4,355-SQUARE FOOT (0.1-ACRE) SITE LOCATED AT 5631 CALLE REAL, APNS 069-160-057, -058; CASE NOS. 20-0002-GPA, 20-0002-ORD

RESOLUTION NO. 20-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL 1) APPROVE A GENERAL PLAN AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C); AND 2) APPROVE AN ORDINANCE AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C) ON A 4,355-SQUARE FOOT (0.1-ACRE) SITE LOCATED AT 5631 CALLE REAL, APNS 069-160-057, -058; CASE NOS. 20-0002-GPA, 20-0002-ORD.

The Planning Commission of the City of Goleta does resolve as follows:

SECTION 1: *Recitals:* The Planning Commission finds and declares that:

- A. On October 2, 2006, the City Council of Goleta adopted the General Plan Coastal Land Use Plan (GP/CLUP). Figure 2-1 (Land Use) designated the privately owned site as Public/Quasi-Public;
- B. On December 17, 2019, The Sun Group, LLC (“Applicant”) submitted an application for a General Plan Amendment Initiation to change the land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C);
- C. On March 3, 2020, the City Council of the City of Goleta granted the Applicant’s request to initiate the General Plan Amendment process as outlined in City Council Resolution No. 20-11;
- D. On March, 3, 2020, the City Council of the City of Goleta adopted, on second reading, Ordinance 20-03, thereby adding Title 17 (Zoning Regulations) to the Goleta Municipal Code and adopted a new zoning map to bring all of zoning designations into alignment with the General Plan and base zoning districts contained in Title 17;
- E. On March 31, 2020, Applicant filed an application to amend the subject property’s General Plan land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C). The requested approvals do not include physical changes or development.
- F. On April 3, 2020, Ordinance No. 20-03 became effective and the subject property’s zoning designation officially changed from Retail Commercial (C-2) to Public and Quasi- Public (P-QP). The Applicant subsequently revised the application to include an ordinance amendment to change the property’s zoning designation from P-QP to C-C;
- G. On June 26, 2020, the City of Goleta deemed the application request

complete.

- H. The proposed General Plan Amendment and Zoning Ordinance Amendments (land use and zoning designation changes) are attached as Exhibits 1 and Exhibit 2 to this Resolution, respectively;
- I. On September 4, 2020, requests for consultation with local Native American groups were mailed.;
- J. On September 14, 2020, the Planning Commission conducted a duly noticed public hearing at which all interested parties were heard. Further, the Planning Commission considered the entire administrative record including, without limitation, staff reports, and evidence submitted during the public hearing.

SECTION 2 *Factual Findings and Conclusions:* The Planning Commission finds as follows:

- A. The Project site is developed with a two-story, approximately 1,500-SF commercial building consistent with existing entitlements on two lots with a combined 4,355 square feet (approximately 0.1 acre; Assessor's Parcel Nos. 069-160-057, -058) in accordance with 95-LUS-392 approved by the County of Santa Barbara on September 15, 1998. At the time of approval, the property was zoned C-2 and its land use designation was "General Commercial."
- B. The Project site currently has a General Plan land use designation, and a zoning designation, of Public/Quasi-Public (P-QP). The Applicant is seeking a General Plan amendment and a Zoning Ordinance Amendment to change these designations to Community Commercial (C-C). No physical changes on the property are proposed or requested;
- C. The Project site includes a total of three parking spaces (including one ADA-accessible space);
- D. No adjustments to development standards are requested;
- E. The Project site is a generally level, triangular-shaped property on two Assessor Parcels;
- F. The Project site has adequate ingress and egress that also meets Fire Department requirements; and
- G. The factual findings and conclusions in this Section are based upon substantial evidence found within the entirety of the administrative record.

SECTION 3: *Environmental Assessment for the Project.* The Planning Commission makes the following environmental findings:

- A. The proposed project is exempt from environmental review pursuant to the common sense exemption (State CEQA Guidelines § 15061(b)(3).) Specifically, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process, there would be no need for the current project. The property owner has no intention to change the uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review;

- B. In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the Planning Commission hereby finds that the Project was analyzed for its potential environmental impacts in a certified environmental impact report.

The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs

of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162.);

- C. There is substantial evidence in the record showing that the land use changes proposed are not an activity subject to CEQA;
- D. In the alternative, if the land use changes were determined to be an activity subject to CEQA, there is substantial evidence in the record demonstrating that the land use changes do not trigger further environmental review under Public Resources Code section 21166 and State CEQA Guidelines section 15162;
- E. A Notice of Exemption/Determination is attached as Exhibit 3 and was prepared in full compliance with CEQA.

SECTION 4: *General Plan Amendment Findings.* The Planning Commission makes the following Findings pursuant to Subsection 17.67.040(C) of the Goleta Municipal Code:

- A. *The amendment is consistent with the guiding principles and goals of the General Plan.*

The proposed General Plan Amendment conforms to Land Use Element Guiding Principles and Goals 4, to “Maintain economic prosperity with a sustainable economy that is not based on growth” as the proposed land use designation change would resolve the existing non-conforming status of current uses of the site, while also allowing the site to be used for a greater variety of appropriate land uses, without the need for physical change or development of the property.

The proposed amendment also conforms to Land Use Element Guiding Principles and Goals 6, to “Maintain a balanced community, with an

appropriate mix of residences, workplaces, and services,” as well as Land Use Element Guiding Principles and Goals 10, to “Ensure that all new development and changes to existing development are compatible with the character, scale, and design of the neighborhood” for the following reasons:

- The site’s original land use designation was “Commercial;”
- All surrounding uses are commercial;
- The site was originally developed for commercial use;
- Community Commercial (C-C) uses are already occurring on the site;
- C-C uses are generally more appropriate than P-QP uses given existing development on the Site that consists of a two-story, approximately 1,500-square-foot building; and
- No physical changes to the already-developed property are currently proposed.

B. The amendment is deemed to be in the public interest.

Amending Figure 2-1 of the Land Use Element, Land Use Map, to change the land use designation of the property from Public/Quasi-Public (P/QP) to Community Commercial (C-C) is in the public interest as this designation is more reflective of the development on the site and the ownership of the property. Typically, the P/QP designation has only been applied to sites that are in public or quasi-public ownership such as Caltrans, City of Goleta, Goleta Unified and Santa Barbara School Districts, or Southern California Edison. Further, the change in the General Plan land use designation will restore the land use designation on the site in question to the equivalent General Plan designation that existed on site at the time it was developed.

Additionally, the proposed Amendment would resolve the non-conforming status of the existing land use on the site. While reducing non-conforming uses within the City is a public benefit in and of itself, in this instance, it may also have a public benefit of expanding employment opportunities. For example, when a property has a non-conforming use status, many aspects of property- or business-ownership can become difficult or impossible to pursue. This includes, and is not necessarily limited to, (1) modifying or redeveloping the site; (2) rebuilding following a catastrophic loss of one or more structures on the site; and (3) obtaining financing such as a business loan to support new or ongoing business operations. Resolving the non-conforming status of the existing land use on the Site would remove these constraints. As another example, resolving the non-conforming status of the existing land use on the Site would also allow a greater variety of commercial uses.

SECTION 5: *Ordinance Amendment Findings.* The Planning Commission makes the following findings pursuant to Subsection 17.66.040(B) of the Goleta Municipal Code:

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

If the General Plan Amendment is approved, the proposed Ordinance Amendment will align the zoning designation with the General Plan Land Use Designation for the property. Further, the change would resolve the existing non-conforming use status of the property. Moreover, given the Site's characteristics (history, size, existing development, surrounding uses, and location fronting a five-lane arterial road), C-C uses providing "convenience goods and services to serve the everyday needs of the surrounding residential neighborhoods" are generally more appropriate for the Site P-QP uses such as "community centers, governmental administration, governmental operations, libraries, and public schools, private schools, religious institutions, lodges, social clubs, day care centers, and similar uses."

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

The proposed amendment would be in the interest of the general community welfare as the zoning of the site would be match the predominate commercial zoning along this portion of Calle Real. Further, the zone change would reflect the existing, and previously approved, development and use on the Site and eliminate the non-conforming nature of existing site uses. If the site retains the current Public/Quasi-Public designation, then if the existing use were terminated (e.g., the building was destroyed by a natural disaster or not used for 1 year with similar uses), the site could only be developed with uses allowed under P-QP;.. Continuation of the existing commercial uses, terminating non-conforming uses, allowing commercial uses on the site to change over time, and ensuring the ability of the site to support commercial uses of the Site (e.g., following a natural disaster), are all public benefits compared to the retention of the P-QP zoning designation.

- C. *The amendment is consistent with good zoning and planning practices.*

Good zoning planning practice includes aligning a property's zoning designation with its best use, which is partly dependent on the property's context such as the surrounding land use designations. The uses to the north are hotels and are zoned C-C; the use to the west is a gas station and is zoned Intersection Commercial (C-I). The uses to the east and south are roads/highway and either have no zoning or are zoned

Public/Quasi-Public. The Site was originally designated and developed for commercial use, is sized for commercial use, is in a commercial corridor, and the change would result in the site have the same zoning designation as the uses located across Calle Real. As such, commercial uses represent the site's best use, and among the commercial designations, the site is best encompassed by the Community Commercial designation.

Another good zoning practice is to rectify non-conforming uses either through changing the land use designations or by eliminating the use over time. Since the surrounding uses are commercial, a C-C zoning designation would convert the existing, non-conforming uses to conforming uses that are well-suited for the Site and are compatible with established uses in the surrounding area.

SECTION 6: *Recommendation.* The Planning Commission recommends that the City Council take the following actions:

- A. Adopt the General Plan Land Use and Zoning Designation Map Amendments from Public/Quasi-Public (P-QP) to Community Commercial (C-C) as shown in Exhibit 1 and Exhibit 2 to this Resolution, which are incorporated by reference.
- B. Direct staff to file the Notice of Exemption (NOE)/Notice of Determination (NOD) (Exhibit 3) within five (5) business days.

SECTION 7: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution is 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 Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations.* The Planning Commission's analysis and evaluation of the Project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the Project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.


SECTION 10: This Resolution will remain effective until superseded by a subsequent Resolution.

SECTION 11: The City Clerk is directed to mail a copy of this Resolution to The Sun Group, LLC and to any other person requesting a copy.

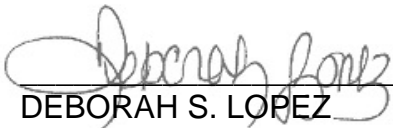
SECTION 12: This Resolution will become effective immediately upon adoption.

SECTION 13: The City Clerk will certify to the passage and adoption of this resolution and enter it into the book of original resolutions.


PASSED, APPROVED AND ADOPTED this 14th day of September 2020.


KATIE MAYNARD
VICE CHAIR

ATTEST:


DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:


WINNIE CAI
ASSISTANT CITY ATTORNEY

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

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 20-07 was duly adopted by
the Planning Commission of the City of Goleta at a regular meeting held on the
14th day of September, 2020 by the following roll call vote of the Planning
Commission:

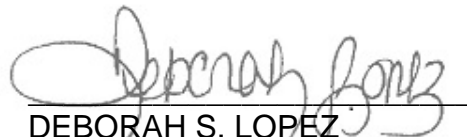
AYES: VICE CHAIR MAYNARD, COMMISSIONERS FULLER,
 FULLERTON, SMITH AND REYES-MARTIN

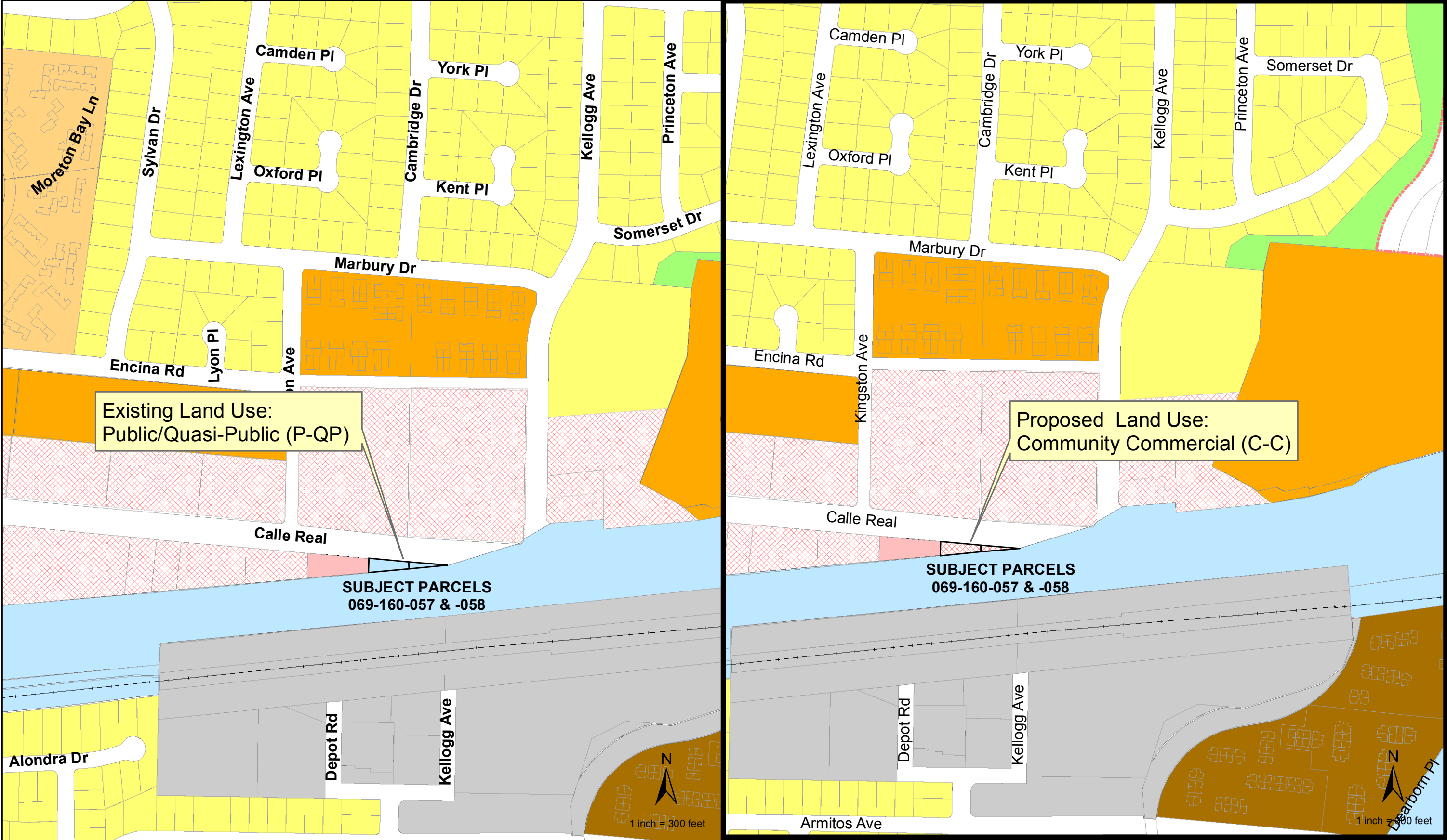
NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK



Legend

Residential Use Categories

- Single-Family
- Planned Residential
- Medium Density
- High Density
- Mobile Home Park

Commercial Use Categories

- Regional
- Community
- Old Town
- Visitor-serving
- Intersection
- General Commercial

Office and Industrial

- Business Park
- Office and Institutional
- Service/Industrial
- General Industrial

Other Use Categories

- Agriculture
- Open Space / Passive Recreation
- Open Space / Active Recreation
- Public / Quasi-public

Other Features
























- Goleta City Boundary
- Coastal Zone Boundary
- Schools
- Maximum Density in Planned Residential Areas (units/acre)

Existing and Proposed Land Use Designations (Inset Map of General Plan Figure 2-1)

August 2020

Document Path: C:\Projects\Goleta\General Plan\PROPOSED Amendments\Existing and Proposed Land Use Designations.mxd



Legend					Existing and Proposed Zoning Designations	
Residential Zoning Types		Commercial Zoning Types		Office and Industrial Zoning Types	Other Features	
	RS Single Family Residential		CR Regional Commercial			
	RP Planned Residential		CC Community Commercial			Goleta City Boundary
	RM Medium Density Residential		OT Old Town			Coastal Zone Boundary
	RH High Density Residential		VS Visitor Serving Commercial			Schools
	RMHP Mobile Home Park		CI Intersection Commercial			
			CG General Commercial			
				Other Zoning Types		
					OSAR Open Space/Active Recreation	
					OSPR Open Space/Passive Recreation	
					AG Agriculture	
					PQ Public/Quasi Public	

NOTICE OF EXEMPTION (NOE)/NOTICE OF DETERMINATION (NOD)

To: ☐ Office of Planning and Research
P.O. Box 3044, 1400 Tenth St. Rm. 212
Sacramento, CA 95812-3044

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

☒ Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title:

General Plan Amendment and Ordinance Amendment for 5631 Calle Real
Case Nos. 20-0002-GPA; 20-0002-ORD

Project Applicant:

Sarah Bronstad, Agent
The Sun Group, LLC, Property Owner

Project Location (Address and APN):

5631 Calle Real
Goleta, CA 93117
County of Santa Barbara
APNs: 069-160-057, -058

Description of Nature, Purpose and Beneficiaries of Project:

The request is to amend the subject property's General Plan land use and zoning designations from Public/Quasi-Public (P-QP) to Community Commercial (C-C). No physical development is proposed, and no modifications are requested.

The beneficiary of the project is the property owner.

Name of Public Agency Approving the Project:

City of Goleta City Council

Name of Person or Agency Carrying Out the Project:

Sarah Bronstad, Agent; and The Sun Group, LLC, Property Owner

Exempt Status: (check one)

- ☐ Ministerial (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269 (a))
- ☐ Emergency Project (Sec. 15269 (b) (c))
- ☒ Categorical Exemption: § 15061(b)(3) (No possibility of a significant effect) and § 15378 (Not a project).
- ☒ Other: Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162 (The project will not result in new or more significant environmental effects from those that were analyzed in a certified environmental impact report and no further environmental review is required).

NOTICE OF EXEMPTION (NOE)/NOTICE OF DETERMINATION (NOD)

Reason(s) why the project is exempt:

The proposed project is categorically exempt pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.; "CEQA") and CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.). Specifically, the project is categorically exempt from environmental review pursuant to CEQA Guidelines § 15061(b)(3) (No possibility of a significant effect) and 15378 (Not a project). In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report.

Specifically, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale for which has not been identified) during the 2006 City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) adoption process, there would be no need for the current project. The property owner has no intention to change the uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review.

In the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report. The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

NOTICE OF EXEMPTION (NOE)/NOTICE OF DETERMINATION (NOD)

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162).

City of Goleta Contact Person, Telephone Number, and Email:

Chris Noddings, Assistant Planner
805-961-7566
cnoddings@cityofgoleta.org

Signature	Title	Date
-----------	-------	------

If filed by the applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project?
☐Yes ☐No

Date received for filing at OPR: _____

Note: Authority cited: Section 21083 and 211110, Public Resources Code
Reference: Sections 21108, 21152.1, Public Resources Code

Attachment 5

Existing Site Plan

Project Data

Owner	The Sun Group, LLC, Jerry DeRose 5631 Calle Real Goleta, CA 93117
Project Address	5631 Calle Real Goleta, CA 93117
APN	069-160-057 & 069-160-058
Lot Size (from County Assessor's Rolls)	0.0746 Acres
Lot Size (Estimate from City's GIS System)	3,250 Square Feet
Zone	P/Q-P
Land Use Designation	Public-Quasi Public

Applicable Codes:
2019 California Residential Code
2019 California Plumbing Code
2019 California Electrical Code
2019 California Mechanical Code
2019 California Fire Code
2019 California Energy Code
2019 California Green Building Standards Code

Project Description
Scope of work includes a General Plan Amendment and Zoning Ordinance Amendment from the existing Public/Quasi-Public (P/Q-P) use designation to Community Commercial (C-C). The existing development shown on these plans is legal non-conforming with respect to the current P/QP land use designation and P/QP zoning, but will be consistent with the C-C land use designation and zoning. No physical improvements are proposed.

Existing Floor Area	Gross
Commercial Buildings	1,500 SF
Proposed Floor Area	Gross
Commercial Buildings	1,500 SF

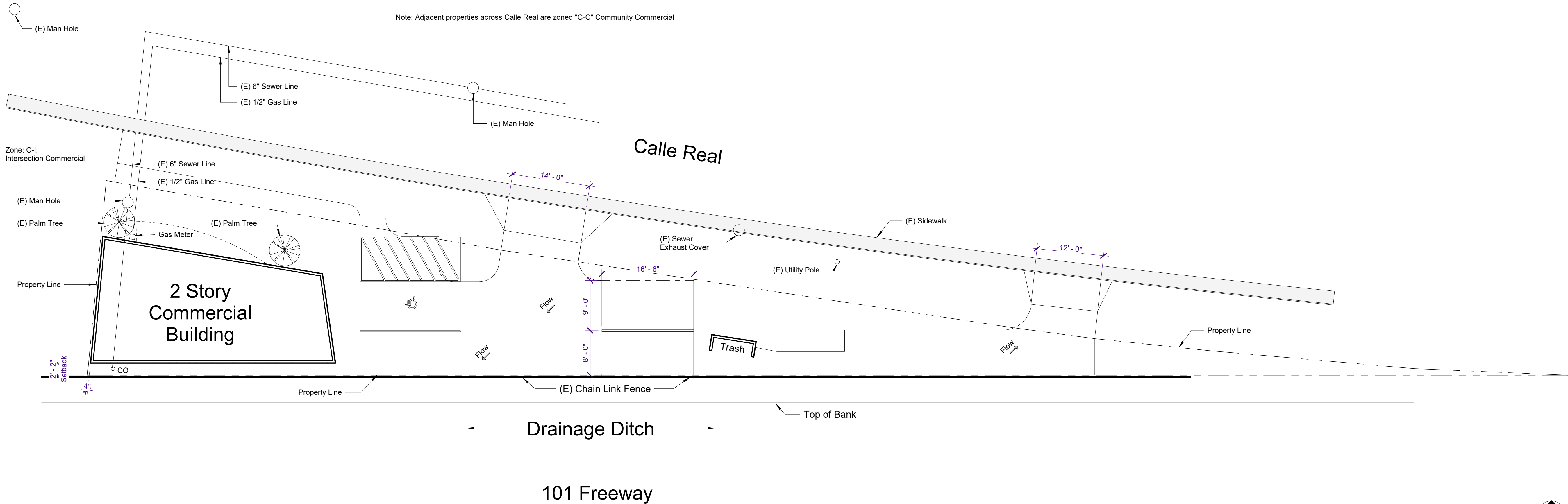
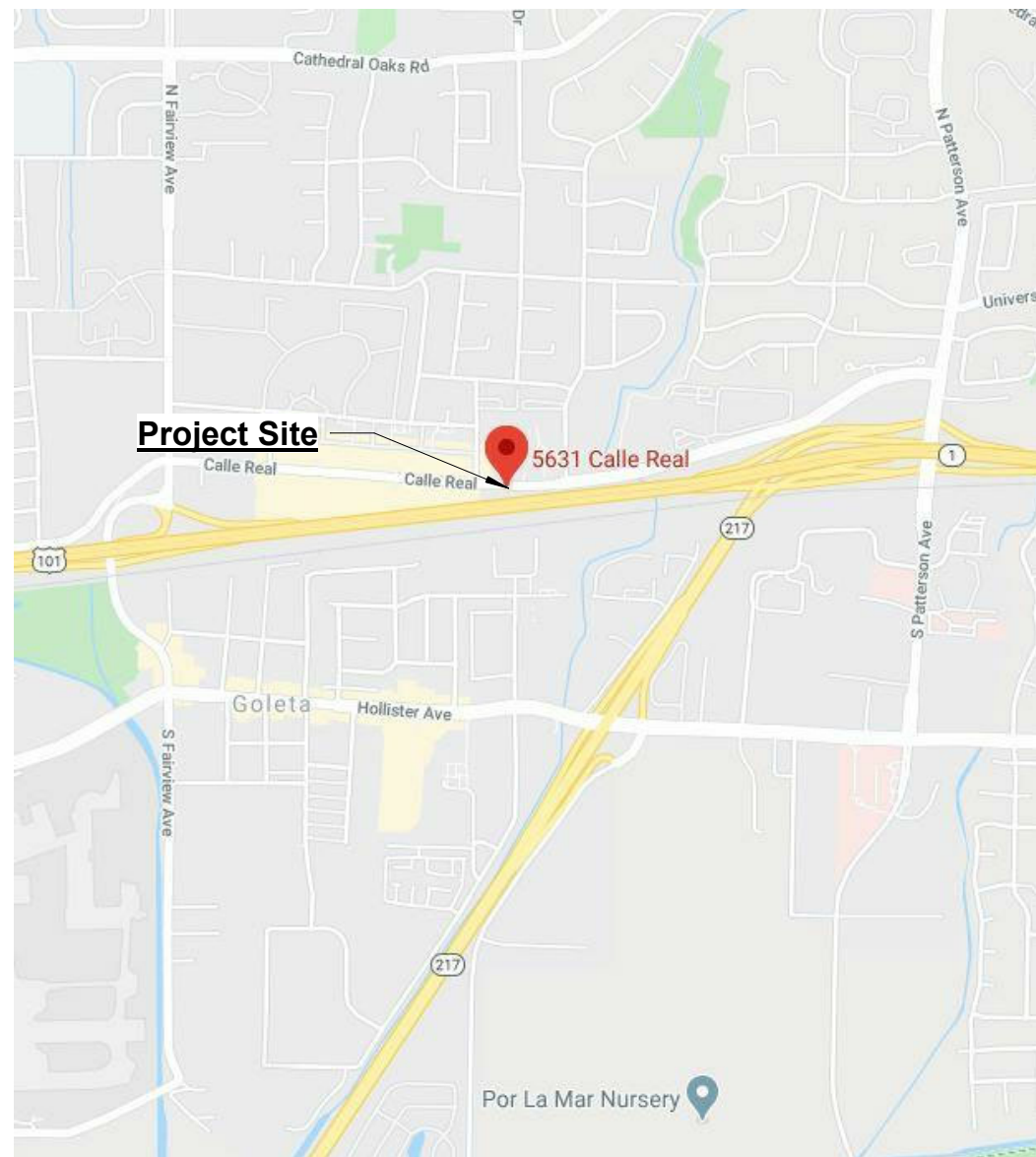
Proposed Grading: No Grading Proposed

Parking Analysis:
Existing
3 (one is a van-accessible handicap space)

Sheet Index

A0.0 Cover Sheet + Site Plan

Vicinity Map



1 Site Plan - (Dimensions Not Verified)
1" = 10'-0"



RECEIVED
June 16 2020
City of Goleta
Current Planning Division

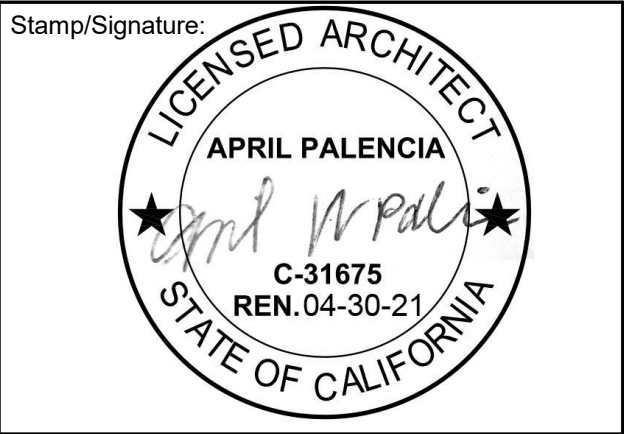
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Goleta, CA 93117

vanguardplanning

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Santa Barbara, CA 93101

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www.vanguardplanning.com



Initial Submittal 3/30/2020

Revisions:	
△	
△	
△	
△	

Sheet Title:
**Cover Sheet +
Site Plan**

Sheet No.:
A0.0

Attachment 6

Excerpts from Title 17

Goleta Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Part V. Administration and Permits](#)[Chapter 17.55 LAND USE PERMITS](#)**17.55.020 Applicability**

Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, rebuilding, or demolishing of any building, structure, or improvement within the City a Land Use Permit must be issued by the Planning and Environmental Review Department under the provisions of this Title.

A. **Change of Use.** A Change of Use requires a Land Use Permit when, based on a legally permitted use consistent the zoning district of the site, any of the following occur unless a Discretionary Approval is required pursuant to this Title:

1. The change from one Use Classification to another as provided in Chapter [17.72](#) (e.g., a Residential to Commercial, Commercial to Residential, etc.);
2. The new use requires additional parking on the site pursuant to Chapter [17.38](#), Parking and Loading; or
3. The new use includes any additions to existing structures to accommodate the use, unless the additions are solely to provide facilities that are compliant with ADA requirements (e.g., restrooms, walkways, ramps, etc.). (Ord. 20-03 § 6)

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Goleta Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Part IV. Regulations Applying to Multiple Districts](#)[Chapter 17.38 PARKING AND LOADING](#)**17.38.070 Location of Required Parking**

A. Residential Uses.**1. Single-Unit Dwellings.**

a. *Required Parking.* Required parking for single-unit dwellings must be located on the same lot as the dwelling served. Required parking may not be located within required front or side setbacks.

b. *Additional Parking.* Additional parking spaces beyond those that are required as part of the permitted or allowable land use may be located anywhere on the subject lot, including setbacks, and in any configuration.

2. **Other Residential Uses.** Required parking for residential uses other than single-unit dwellings must be on the same lot as the dwelling or use they serve or at an off-site location as provided in subsection C, Off-Site Parking. Required parking may not be located within a required front or street side setback.

B. Non-Residential Uses. Required parking spaces serving non-residential uses must be located on site a minimum of 10 feet from any right-of-way or at an off-site parking location as provided below in subsection C, Off-Site Parking.

C. Off-Site Parking. Parking for uses other than single-unit dwellings may be provided off-site with Review Authority approval of a Conjunctive Parking Agreement, provided the following standards are met.

1. Location.

a. *Residential Uses.* Any off-site parking must be located within 200 feet, measured along a pedestrian route, of the unit served.

b. *Non-Residential Uses.* Any off-site parking must be located within 500 feet, measured along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

2. **Conjunctive Parking Agreement.** A written agreement between the landowner(s) and the City, in a form satisfactory to the City Attorney, must be executed and recorded in the Office of the County Recorder. The agreement must include:

a. A guarantee among the landowner(s) for access to and use of the parking facility; and

b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation. (Ord. 20-03 § 6)

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Goleta Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Part V. Administration and Permits](#)**Chapter 17.62 MODIFICATIONS****17.62.010 Purpose**

The purpose of this chapter is to establish a means of granting a limited amount of relief from the requirements of this Title, when so doing would be consistent with the purposes of this Title. (Ord. 20-03 § 6)

17.62.020 Applicability

The provisions of this chapter apply to specific development proposals. In no case may a Modification be granted to allow a use or activity that is not otherwise permitted in the district in which the property is located, nor shall a Modification be granted which alters the procedural or timing requirements of this Title.

A. **General Modifications.** The Review Authority may grant relief from the development standards specified in this Title, as provided below.

1. **Setbacks.**

- a. The total area of each side, front and/or rear setback area may not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable district.
- b. No setback reduction for structures shall result in:
 - i. A front yard setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 16.5 feet.
 - ii. A side yard setback depth from property lines of less than five feet.
 - iii. A rear yard setback depth from property lines of less than 15 feet.
- c. No unenclosed, attached porch or entryway may result in a front yard setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.

2. **Parking.** A reduction in the required number and/or a modification in the design, loading zone, or location of parking spaces is allowed through a Modification. However, in no case may:

- a. Any required number of bicycle parking spaces be reduced;
- b. Any parking or screening requirement Modification be granted for a vehicle with more than two-axes, a recreational vehicle or bus, a trailer or other non-passenger vehicle; or
- c. Any modification to allow compact spaces may not allow more than 20 percent of all required spaces be compact.

3. **Signs.** The allowable signage may be exceeded through the approval of a Modification for the following:

- a. Maximum area for wall signs in non-residential districts.
- b. Maximum area for menu boards for drive-through restaurants.
- c. Maximum area, maximum number, and maximum height for freestanding signs within shopping centers.

B. **Special Modifications.** The Planning Commission or City Council may grant relief from the dimensional requirements specified in this Title, as provided below.

1. **Height.**

a. **Structures.** The Review Authority may allow an increase in height above the base Zone District height standard as follows:

i. Residential Districts.

- (1) Up to 30 Percent.

- (a) All RS and RMHP Zone Districts; and
- (b) RP, RM, and RH Zone Districts within the Coastal Zone.
- (2) Up to 20 Percent. RP, RM, and RH Zone Districts within the Inland area.

ii. Non-Residential Districts. Up to 20 percent.

b. **Antennas**. The Review Authority may increase the allowable height of an antenna based upon the physical requirements and purpose of the facility in order to reasonably accommodate the proposed project.

2. **Lot Coverage**. Up to 50 percent of the maximum lot coverage otherwise allowed.

3. **Required Finding**. The Review Authority for all Special Modifications must make the following good cause finding:

a. The requested Modification is of public or community necessity (e.g., a better site or architectural design that will result in better resource protection, will provide a significant community benefit, and/or does not create an adverse impact to the community character, aesthetics, or public views, etc.).

C. **Limits to Modifications**. In no case may a Modification be granted for a reduction in a required buffer, open space, or other regulation within this Title, except as provided above. (Ord. 20-03 § 6)

17.62.030 Review Authority

A. **Authority and Duties**. Consideration of a Modification requires a public hearing before the Zoning Administrator or higher Review Authority, if the Modification is concurrently processed with an action requiring Planning Commission or City Council review. The Review Authority may approve, conditionally approve, or deny applications for modifications with consideration of the requirements of this chapter.

B. **Concurrent Processing**. If a request for Modification is being submitted in conjunction with an application for another approval, permit, or entitlement under this Title, it must be heard and acted upon at the same time and in the same manner by the same Review Authority.

C. **Design Review**. A project requesting a Modification shall be subject to Design Review. (Ord. 20-03 § 6)

17.62.040 Required Findings

To grant a Modification, the following findings must be made:

A. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, without limitation, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

B. The Modification is minor in nature and will result in a better site or architectural design and/or will result in greater resource protection than the project without such Modification. (Ord. 20-03 § 6)

17.62.050 Time Limit

The approval of a Modification shall be subject to dates and timing of the underlying Zoning Permit as discussed in Section [17.52.090](#), Common Procedures—Dates and Timing. (Ord. 20-03 § 6)

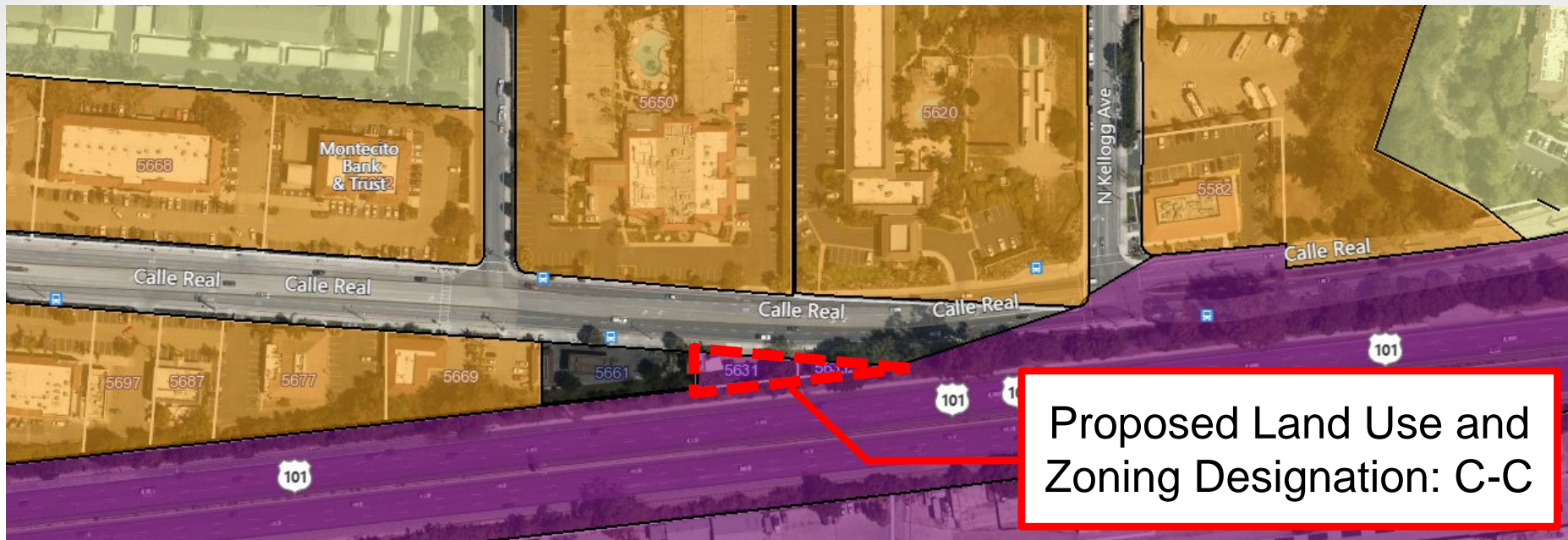
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ATTACHMENT 7

Staff Presentation

5631 Calle Real: General Plan Amendment & Ordinance Amendment

City of Goleta
City Council Meeting
January 19, 2021

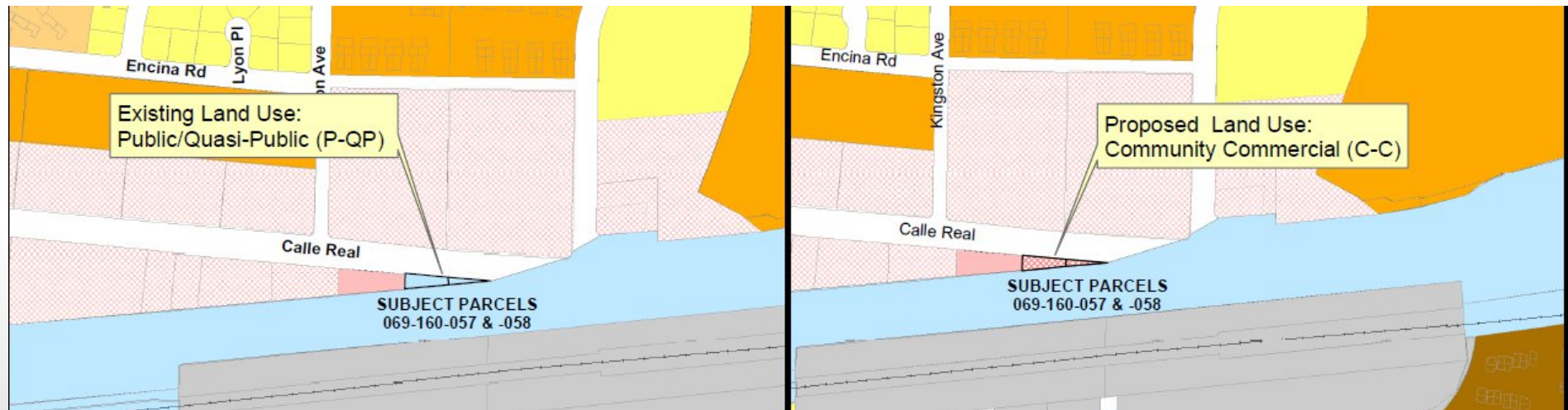


Land Use Designation Legend:

- Purple: Public/Quasi-Public (P-QP)
- Orange: Community Commercial (C-C)
- Gray: Intersection Commercial (C I)
- Yellow: Medium-Density Residential (R-MD)

Project Description

- Change property's Land Use and Zoning designations from Public/Quasi-Public (P-QP) to Community Commercial (C-C).
- No physical development is proposed and no modifications to the existing building are requested.

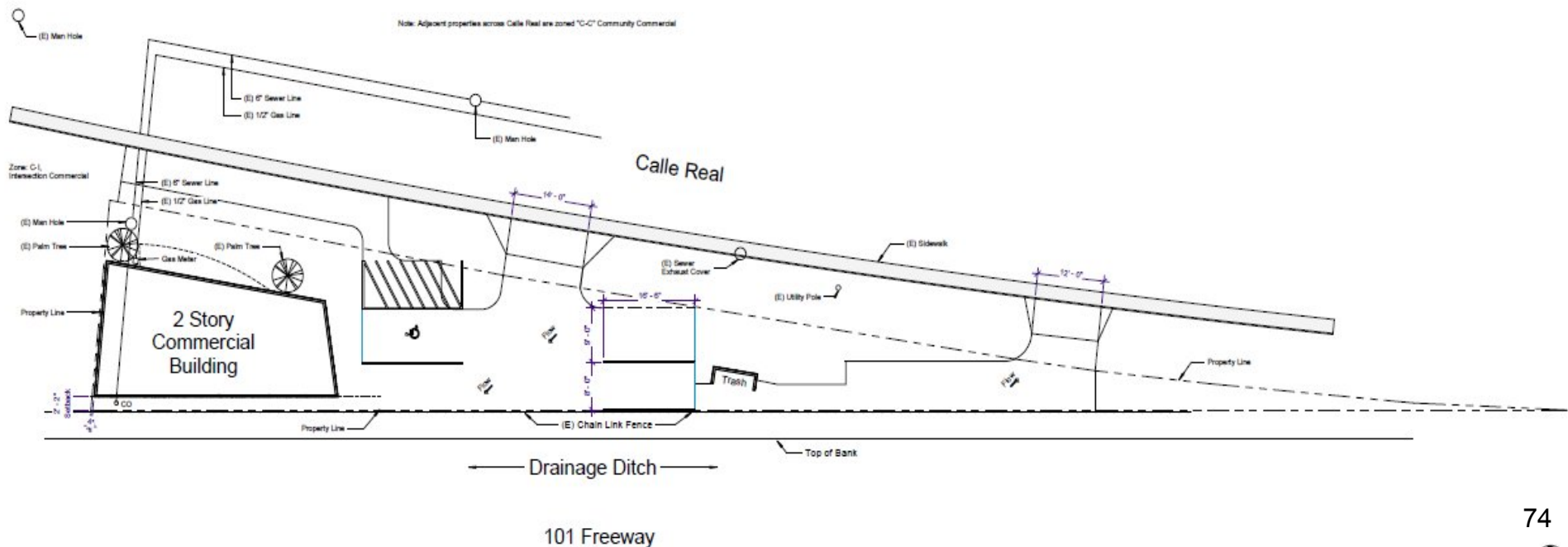


Jurisdiction

- Final action on the General Plan Amendment and Ordinance Amendment requests is the responsibility of the City Council pursuant to GMC (Subsection 17.50.030(A)).

Background

- Site: 4,355 square feet (0.1 acre), two parcels
- Development: 1,500-square-foot, two-story building
- Existing uses:
 - Real estate services (Suncoast Realty), first floor
 - Personal services (New Life Day Spa), second floor



Surrounding Uses:

- North: C-C (Goodland Hotel, Best Western Hotel)
- East: P-QP (Highway 101/Calle Real)
- South: P-QP (Highway 101)
- West: C-I (Valero gas station)

Historic Land Use and Zoning Designations:

- 1998 (95-LUS-392): CG Land Use & C-2 Zoning
- 2006: City General Plan Adoption: P-QP Land Use
- 2020: City Title 17 Adoption: P-QP Zoning

Discussion

Not clear why the land use designation was changed in 2006:

- Not explicitly addressed in General Plan or its EIR
- No written City plans to use the site for P-QP uses
- All other P-QP properties are publicly-owned or are used by utilities
- Surrounding commercial uses were generally unchanged
- Property has never been used for P-QP uses
- Property owner did not request the change

Traffic, Parking, & GBC

Traffic: little to no impact

- LOS rated “A” in 2005 and under full 2030 build-out
- Traffic for existing uses also existed in 2005

Parking:

- Any future development subject to Title 17
- Any future changes of use on the site subject to 17.55.020(A) (Change of Use)

Green Building Code:

- Staff to determine if Chapter 15.12 of GMC applies to any future proposed development

Environmental Review

Categorically Exempt from CEQA

- No possibility of significant effect [Section 15061(b)(3)]
- Not a project [Section 15378]

Previously Analyzed in 2006 EIR for GP/CLUP

- GP/CLUP anticipated continued urban (P-QP) site uses
- Requested C-C would allow “a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood”
- Intensity of land use under the proposed C-C would be similar to, or less than, that of the existing P-QP; no new or more severe impacts

Conclusion

- Requested GPA-ORD would make the property's Land Use and Zoning consistent with the site's:
 - Current use
 - Historic use
 - Adjacent uses
 - Prior land use and zoning designations
- No physical development proposed
- No new significant impacts would result from GPA-ORD approval
- The Planning Commission recommended approving the GPA-ORD on September 14, 2020

Recommendation

That the City Council:

- Open a public hearing;
- Approve the requested GPA by adopting Resolution No. 21-____;
- Introduce and conduct first reading of Ordinance No. 21-_____.