RESOLUTION NO. 19-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT TO AMEND THE CITY'S HOUSING ELEMENT POLICY HE 2.5: INCLUSIONARY HOUSING AND TO DETERMINE THAT THE GENERAL PLAN AMENDMENT IS EXEMPT FROM CEQA, PURSUANT TO CEQA SECTION 15061(B)(3)

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, Section 65350 et seq., authorizes 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 October 15, 2019, the City Council adopted Resolution 19-64 initiating a General Plan Amendment to Housing Element Policy HE 2.5, Inclusionary Housing; and

WHEREAS the amendments to the General Plan Housing Element are to extend the City's inclusionary housing policy to all new residential development, including both for-sale and rental units; and
WHEREAS the General Plan Amendment can be found exempt from California Environmental Quality Act (CEQA) requirements per Section 15061(b)(3), [Review for Exemption] of the CEQA Guidelines, as discussed in detail in the Notice of Exemption included as Exhibit 3. Specifically, the Section 15061(b)(3) exemption applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS the Planning Commission conducted a duly noticed public hearing on November 18, 2019, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the City Council conducted a duly noticed public hearing on December 3, 2019, 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 CEQA Notice of Exemption, 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. ADMINISTRATIVE FINDINGS
The City Council has considered all required factors outlined in City Council Resolution No. 12-13 and makes the following findings:

(a) It is anticipated that the proposed amendment will be consistent with the Guiding Principles and Goals of the General Plan. In particular, the proposed amendment conforms to Housing Element Housing Goals to support "A Variety of Housing Types and Choices" and "Employee Housing";

(b) It is anticipated that the proposed amendment will have no material effect on the community or the General Plan because the potential amendment would not allow for greater or more dense housing development than already envisioned in the General Plan;

(c) The proposed amendment would potentially provide public benefit to the community through requiring income-restricted apartments within the City;

(d) The proposed amendment unlikely alters the need or provisions for public facilities because the policy change would not allow for greater development or more dense housing development than already envisioned in the General Plan; and

(e) The amendment proposed is not required under other rules or regulations.
SECTION 2. CALIFORNIA GOVERNMENT CODE SECTION 65358
The City Council deems that the amendments to the General Plan Housing Element are in the public interest.

SECTION 3. APPROVAL OF GENERAL PLAN AMENDMENT
The City Council adopts the amendments to the General Plan Housing Element, included as Exhibit 1 (Policy HE 2.5 amended text).

SECTION 4. CEQA FINDING
The City Council finds that the amendments to the General Plan Housing Element are exempt from the California Environmental Quality Act based on the following:

(a) Pursuant to CEQA Guidelines section 15061(b)(3) states, including rental units in the City's inclusionary housing requirements will result in no physical changes and will result in no change to the number of housing units built or expansion of use. The minor revisions to the Housing Element text will delete each reference to “for-sale” units and effectively extend the inclusionary policy to all new rental residential development. Consequently, the General Plan amendment does not represent an activity that can have a significant effect on the environment. Further, there are no unusual circumstances which would create a possibility that there would be a significant effect. Therefore, the General Plan amendment is exempt from CEQA through what is known as the “common sense exemption.”

SECTION 5. DOCUMENTS
The documents and other materials that constitute the record of proceedings upon which this decision is based, are in the custody of the City Clerk of the City of Goleta, located as 130 Cremona Drive, Suite B, Goleta, California, 93117.
SECTION 6. CERTIFICATION
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 December, 2019.

PAULA PEROTTE
MAYOR

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

Resolution No.19-73 General Plan Amendment for Housing Element
STATE OF CALIFORNIA  
COUNTY OF SANTA BARBARA  
CITY OF GOLETA  

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 19-73 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 3rd day of December, 2019 by the following vote of the City Council:

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

NOES: COUNCILMEMBER ACEVES

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

DEBORAH S. LOPEZ  
CITY CLERK

Resolution No. 19-73 General Plan Amendment for Housing Element
HE 2.5 Inclusionary Housing. To the extent permitted by law, the City will require all residential developments—including, but not limited to, single-family housing, multifamily housing, condominiums, townhouses, stock cooperatives, and land subdivisions—to provide affordable housing as follows:

a. Projects consisting of one single-family unit will be exempt from the inclusionary requirement.

b. Projects consisting of two to four units shall be required to pay an inclusionary housing in-lieu payment.

c. Projects of five or more units will be required to construct the applicable number of units, except that the City Council, at its sole discretion, may allow the inclusionary requirement for these projects to be satisfied by alternative means as set forth in this Implementation Program.

d. Projects of five or more units located outside of the Central Hollister Affordable Housing Opportunity Sites, including subdivisions for purposes of condominium conversions, are required to provide 20 percent affordable units of the total number of units. The City may consider decreasing the 20 percent affordable unit requirement, but not less than 15 percent, on a case-by-case basis where the community services, such as new onsite or nearby park/open space facilities, resulting from the project exceed standards set forth in applicable law.

Proposed projects including units qualifying for a 15 percent affordability level shall provide 2 percent of the total number of units at prices affordable to extremely low- and very low-income households, 5 percent affordable to low-income households, 4 percent affordable to moderate-income households, and 4 percent affordable to above moderate-income households earning 120 to 200 percent of the median income.

Proposed projects including units qualifying for a 20 percent affordability level shall provide 5 percent of the total number of units at prices affordable to extremely low- and very low-income households, 5 percent affordable to low-income households, 5 percent affordable to moderate-income households, and 5 percent affordable to above moderate-income households earning 120 to 200 percent of the median income.

e. Projects of five or more units located within the Central Hollister Affordable Housing Opportunity Sites, including subdivisions for purposes of condominium conversions, are required to provide 20 percent affordable units of the total number of units. The Central Hollister Affordable Housing Opportunity Sites, shown in Figure 10A-5 of the Technical Appendix, are site numbers 10, 11, and 12. Required affordability levels on these sites shall be as follows:
   1. 5 percent of the total number of units within the project shall be provided at prices affordable to extremely low- and very low-income households.
   2. 5 percent of the total number of units within the project shall be provided at prices affordable to low-income households.
3. 5 percent of the total number of units within the project shall be provided at prices affordable to moderate-income households.

4. 5 percent of the total number of units within the project shall be provided at prices affordable to above moderate-income households earning 120 to 200 percent of the median income.

f. The primary intent of the inclusionary requirement is to achieve the construction of new affordable units on site. A second priority is construction of affordable units off site or the transfer of sufficient land and funds to the City or a nonprofit housing organization to develop the required number of affordable units. If these options are determined to be infeasible by the City, other alternatives of equal value, such as, but not limited to, payment of an inclusionary housing in-lieu payment or acquisition and rehabilitation of existing units, may be considered at the sole discretion of the City.

g. It is the City's intent to facilitate the production of new affordable housing commensurate with the needs of the community. Creative ways to meet the City's inclusionary requirement to help achieve City housing goals are encouraged, especially for extremely low-, very low-, and low-income housing, such as through partnership with a nonprofit housing agency. In addition, tradeoffs of extremely low- and very low-income units for moderate-income units may be considered if it can be demonstrated that the City's housing goals can be more effectively achieved. Such tradeoffs may incorporate a unit equivalency based on a financial pro forma provided by the applicant.

h. The City will secure the affordability of inclusionary units by requiring a covenant, or other instrument approved as to form by the City Attorney, to be recorded against the property. The term of affordability restrictions shall be based on applicable federal laws and financing mechanisms, generally 45 years but not less than 30 years, and provide for monitoring and reporting in a manner acceptable to the City Attorney.