

RESOLUTION NO. 6350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 ARE INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S LOCAL COASTAL PROGRAM CONSISTENT WITH THE CALIFORNIA COASTAL ACT; DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE SECTION 30510 AND IN ACCORDANCE WITH SECTION 13551 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS; AND DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR HOUSING ELEMENT CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 65585.

PROJECT 24-2279-LCPA/ORD

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff held numerous meetings with HCD staff and California Coastal Commission staff regarding revisions to the Housing Element that would be protective of coastal resources and comply with Housing Element Law, made the necessary revisions to the Housing Element, and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted its 2023-2031 Housing Element to the HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Housing Element Program 1, completing necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, pursuant to Government Code Section 65860(a), the City's Zoning Ordinance (Title 14 of the Carpinteria Municipal Code) and Local Coastal Program must be amended to align with the required amendments to the Housing Element of the City's General Plan, including, but not limited to, Program 1; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or new Environmental Impact Report for the City to attain Housing Element certification from HCD; and

WHEREAS, on May 28, 2024, the City Council directed staff to proceed with phased implementation of Program 1 where in phase 1 the City would rezone sufficient sites to meet its RHNA shortfall that would not require a GP/CLUP amendment or new Environmental Impact Report, and in phase 2 the City would consider additional rezones for sites identified in Program 1 as part of its ongoing GP/CLUP amendment process; and

WHEREAS, in an effort to expeditiously implement Program 1 in a manner concurrent with recent case law,¹ City staff developed a new Residential/Mixed Use Zone District (Ordinance No. 788), Objective Design Standards ("ODS") which would apply to specified residential and mixed-use projects (Ordinance No. 789), and a

¹ *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, which determined that a jurisdiction may not rely on a residential zoning overlay to satisfy State Housing Element law if the overlay allows for both a higher density and a lower density development option.

phased rezone of recommended sites in the City to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791); and

WHEREAS, City staff prepared the Residential/Mixed Use Zone District (Ordinance No. 788) and ODS (Ordinance No. 789) to contain the development standards described in Program 1 of the City's Housing Element and in accordance Housing Element Law, including, but not limited to, Government Code Section 65583.2, subdivisions (c), (h), and (i); and

WHEREAS, based on the factors and evidence described in the Housing Element and evidence in the record, the recommended sites in the City to rezone to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791) are suitable to accommodate the City's lower income RHNA shortfall during the Housing Element planning period; and

WHEREAS, City staff have prepared a California Coastal Act and GP/CLUP consistency analysis for Ordinance Nos. 788, 789, 790, and 791, which based on substantial evidence concluded that adoption of these ordinances is consistent with the California Coastal Act as implemented by the City's GP/CLUP; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for the zoning amendments, for the purpose of implementing Program 1, and at this public hearing, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the amendments with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, following a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were introduced on a first reading, and, after considering all the evidence in the record, the Council moved to approve the Ordinances as follows:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and Approved the Ordinance 4-0-0-1 (Clark absent) as amended;

- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and

WHEREAS, in addition to introducing upon first reading, Ordinance Nos. 788, 789, 790, and 791—which are sufficient to accommodate the City's lower income RHNA shortfall—the City Council requested that the Council consider rezoning of additional sites (Housing Element Inventory Sites 5 and 21) to the Residential/Mixed Use District through a separate action in early 2025; and

WHEREAS, on December 9, 2024, at a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were heard on a second reading, and the Council adopted the Ordinances; and

WHEREAS, Ordinance Nos. 788, 789, 790, and 791 shall take effect immediately upon the date certified by the California Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and

WHEREAS, on December 9, 2024, after consideration of the Planning Commission's recommendation, receipt of public comment, due consideration of all evidence in the record, and discussion among the Council members and staff, the City Council adopted this Resolution certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's GP/CLUP consistent with the California Coastal Act, and directed that these Ordinances be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code Section 30510 and in accordance with Section 13551 of Title 14 the California Code of Regulations; and be submitted to HCD so that the City may achieve Housing Element certification pursuant to Government Code Section 65585; and

WHEREAS, on October 17, 2024, a notice appeared in a newspaper of general circulation in the City informing the public of Project 24-2279-LCPA/ORD, the Ordinances proposed, and the availability and location of review drafts and other associated documents, and on October 23, 2024 the City mailed notices to the parties described in California Code of Regulations ("CCR"), Title 14, Section 13515(a), pursuant to CCR Title 14, Section 13515(c); and

WHEREAS, the proposed amendments and additions approved for submittal to both the California Coastal Commission and HCD by the City Council as set forth below and as attached hereto and incorporated herein by reference, reflect the findings and determinations of the Planning Commission and City Council; and

WHEREAS, a full and complete copy of the project materials (Project No. 24-2279-LCPA/ORD) is on file with the City's Community Development Department,

located at 5775 Carpinteria Avenue, Carpinteria, California, and is available to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:


Section 1. The foregoing recitals, incorporated herein by reference, are true and accurate and are based on substantial evidence in the record.

Section 2. Pursuant to Public Resources Code Section 30510 and Government Code Sections 65854, 65855, 65856, and 65860, the City Council held a public hearing on the proposed amendments to the Local Coastal Program and Zoning Code (Title 14 of the Carpinteria Municipal Code) and is transmitting all proposed amendments and additions to the California Coastal Commission for submittal and filing pursuant to Section 13551 of Title 14 of the California Code of Regulations, as well as to the California Department of Housing and Community Development in order to achieve Housing Element certification pursuant to Government Code Section 65585.

Section 3. Ordinance Nos. 788, 789, 790, and 791 have been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and are consistent with the City's adopted Housing Element and State Housing Element Law.

PASSED, APPROVED AND ADOPTED this 9th day of December 2024, by the following vote:

AYES: Councilmembers: Clark, Mayer, Nomura, Solorzano, Alarcon
NOES: Councilmembers: None
ABSENT: Councilmembers: None


Mayor, City of Carpinteria

ATTEST:


City Clerk, City of Carpinteria



I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 9th day of December 2024.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Jena Shoaf Acos, Legal Counsel
Brownstein Hyatt Farber Schreck, LLP,
Acting as City Attorney