

ORDINANCE NO. 791

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,
CALIFORNIA, AMENDING THE CITY ZONING MAP TO REZONE CERTAIN
PROPERTIES IN THE CITY TO IMPLEMENT PROGRAM ONE OF THE 2023-2031
HOUSING ELEMENT**

PROJECT NO. 24-2279-ORD/LCPA

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 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 the revised Housing Element to 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 revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised 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 completes necessary rezones to address the shortfall of sites to accommodate the City’s Regional Housing Needs Allocation (“RHNA”); and

WHEREAS, recent California case law has determined that a city may not rely on a residential zoning overlay to satisfy the requirements of Housing Element law (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193), and therefore City staff determined that rezoning sites to a newly created zone district would be necessary to

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; 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 Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; 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 this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 790), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances 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, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum to the 2003 GP/CLUP PEIR, was introduced on a first reading, and the Council moved to approve this Ordinance on a 3-0-1-1 (Solorzano recused, Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 - Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State planning and housing laws including, but not limited to, the provisions of Housing Element Law; and

WHEREAS, the City Council finds that the sites selected for rezoning to the RMU zone district, in combination with the proposed Objective Design Standards and RMU zone district, satisfy the requirements of State Housing Element Law and Housing Element Program 1, and aim to incentivize the development of deed-restricted affordable housing in Carpinteria.

WHEREAS, the sites to be rezoned by this Ordinance were selected because they are already developed, contain minimal environmental constraints for redevelopment, and/or are in close proximity to transit, employment, schools, retail, and recreational opportunities; and

WHEREAS, the sites to be rezoned by this Ordinance are intended to accommodate the City's RHNA and bring the City into substantial compliance with State Housing Element Law.

NOW THEREFORE, the City Council of the City of Carpinteria does ordain as follows:

SECTION 1. Incorporation of Recitals.

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. Amendment to Zoning Map.

The City of Carpinteria Zoning Map is hereby amended as follows, and as shown in the attached Exhibit 1 (to be provided upon 2nd reading):

Candidate Site#	Assessor's Parcel No.	Existing Zone Designation	New Zone Designation
15	004-039-002 004-039-010 004-039-009	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
18	003-151-018 004-039-007	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25

SECTION 3. Severability.

This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, "provisions") thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.

The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.

This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) 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 before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.


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

AYES: COUNCILMEMBER(S): Clark, Mayer, Nomura, Alarcon

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

ABSTAIN: COUNCILMEMBER(S): Solorzano



Mayor, City of Carpinteria

ATTEST:



Brian C. Barrett, CMC, City Clerk
City of Carpinteria

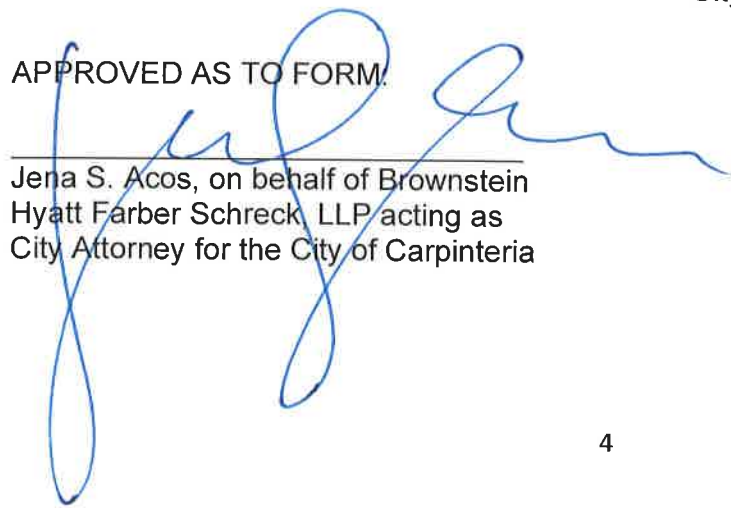


I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held December 9, 2024.



Brian C. Barrett, CMC, City Clerk
City of Carpinteria

APPROVED AS TO FORM:







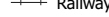




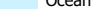
Jena S. Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney for the City of Carpinteria

Exhibit 1



City of Carpinteria Proposed Rezoning

 RMU-20/25 Residential/Mixed Use

-  Existing Zoning
-  Freeway
-  Roads
-  Railways
-  Creeks/Rivers
-  Parcels
-  City Limits
-  Lakes/Marsh
-  Ocean

