

City of Carpinteria
City Council Regular Meeting Agenda
Monday, October 12, 2015
Council Chamber, 5775 Carpinteria Avenue

5:30 p.m. Regular Session

INFORMATION ABOUT CITY COUNCIL MEETINGS:

- The time at which an item on the agenda is scheduled to be heard is an estimate only. The City Council may consider and act on an agenda item in any order it deems appropriate. In addition, an item may be considered earlier or later than the Estimated Time, depending on the length of time which is devoted to other agenda items. All persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure that they are present when the item is called.
- The regular meeting will be broadcast live over Government Access Television Channel 21. The City Council meetings will be rebroadcast on Wednesdays at 8:00 p.m. and Saturdays at 5:00 p.m.
- Materials related to an Agenda item submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 5775 Carpinteria Avenue, Carpinteria, during normal business hours. Such documents are also available on the City of Carpinteria website at www.carpinteria.ca.us subject to staff's ability to post the documents before the meeting.
- Any written or printed material and/or exhibits presented at a City Council meeting or work session become the property of the City.
- Any information presented to the City Council by the public on any agenda item and during Public Comment using electronic media to be displayed on the overhead projector must be arranged with staff for review of materials in advance of the meeting and no later than close of business Wednesday prior to the Council meeting.
- As a courtesy to others and to avoid interference with the public address system, please refrain from using cell phones in the Council Chambers and please turn off all audible pagers and rings.
- If you wish to speak on a matter scheduled for consideration in a closed session, you will have an opportunity to address the City Council before the Council retires to its closed session deliberations.

**ESTIMATED
TIME:**

5:30 p.m. **CALL TO ORDER**

5:30 p.m. **ROLL CALL**

5:31 p.m. **PLEDGE OF ALLEGIANCE**

5:32 p.m. **INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS**

5:32 p.m. **PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS**

5:35 p.m. **CITY MANAGER'S REPORT**

The City Manager will report to the City Council regarding various City and/or community events and/or matters of interest. There will be no City Council discussion except to ask questions or refer matters to staff; and no action will be taken unless listed on a subsequent agenda.

5:40 p.m. **PRESENTATIONS BY CITIZENS / PUBLIC COMMENT**

This is a time for public comments on matters not otherwise on the agenda but within the subject matter jurisdiction of the City Council. The Public Comment period is limited to 15 minutes and divided among those persons desiring to speak. No person shall speak longer than three minutes; however, the Mayor may establish shorter periods based on the time available and/or the number of persons waiting to speak. Persons wishing to speak on a specific item will be recognized at the time the agenda item is considered.

Please be aware that items on the consent calendar are considered to be routine and are normally enacted by one unanimous vote of the Council. If you wish to speak on a consent calendar item, or on a matter scheduled for consideration in a closed session at the end of the agenda, please do so during the Presentations by Citizens/Public Comment portion of the meeting.

The City and the City Council are not responsible for the content of statements made during the public comment period, or the factual accuracy of any such statements.

5:55 p.m. **AGENDA MODIFICATIONS:** The City Council may modify the regular agenda by tabling items, adding urgency items to the agenda, or changing

the order in which items are considered. Changes to the Consent Calendar are considered at the time the Consent Calendar is considered.

5:55 p.m.

CONSENT CALENDAR (to be approved by roll call vote on one motion with all resolutions and ordinances as read by title only). Individual items may be removed and considered separately at the request of a Councilmember. Any item, which is removed from the Consent Calendar, will be added to the end of the agenda under Other Business.

1. Expenditures for the period beginning September 24, 2015 and ending October 6, 2015.
2. Minutes of the regular meeting held September 14, 2015 and Joint City Council and Planning Commission special meeting held September 21, 2015.
3. Adoption of Resolution No. 5628 amending Resolution No. 5589 concerning the Housing-Related Parks grant amount and authorizing submittal to the State Department of Housing and Community Development.
4. Selection of City's Representative to the County Library Advisory Committee.

ADMINISTRATIVE MATTERS:

5:57 p.m.

5. Adoption of Resolution No. 5574 conveying a nonexclusive easement on City owned property (APN 001-070-026) for the benefit of Carpinteria Sanitary District subject to terms and conditions in the Grant of Sewer Easement and Agreement Thereon.

(Matt Roberts, Director of Parks and Recreation)

PUBLIC HEARINGS:

6:05 p.m.

6. Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Local Coastal Program Amendments – Project 09-1522-LCPA/ORD

Consider the California Coastal Commission's suggested modifications to the Local Coastal Program Amendment LCP-4-CPN-15-0018-1 adding chapter 14.41 to the Carpinteria Municipal code (Whitney Site Agricultural Overlay District), adding chapter

14.45 to the Carpinteria Municipal Code (Transportation Corridor Wetland Overlay District), amending Chapter 14.42 of the Carpinteria Municipal Code (Development standards [wetland]), adding Policies OSC-9m, OSC-3e and OSC-15e to the Coastal Land Use Plan, and amending Coastal Land Use Plan Implementation Policy 12 (policy 9-4 of the 1980 CLUP). The modifications amend the LCPA recommended for approval by the City Council in association with conceptual approval of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension on June 22 and the amendments to Chapter 14.45 of the Carpinteria Municipal Code reviewed by the City Council on July 27, 2015.

Recommendation:

1. Introduce Ordinance No. 703, as read by title only (first reading), incorporating and accepting the Coastal Commission suggested modifications to amend the City's Local Coastal Program, thereby creating Chapter 14.41 and 14.45 of the Carpinteria Municipal Code and amending Chapter 14.42 of the Carpinteria Municipal Code, and continue consideration of Ordinance 703, as read by title only, to the City Council's meeting of October 26, 2015 for passage of the Ordinance on second reading.

2. Adopt Resolution No. 5629 accepting the Coastal Commission suggested modifications to amend the City's Local Coastal Program, adding Policies OSC-9m, OSC-3e and OSC-15e to the Coastal Land Use Plan; amending Coastal Land Use Plan Implementation Policy 12 (policy 9-4 of the 1980 CLUP); and taking appropriate actions to effectuate Local Coastal Program Amendment LCP-4-CPN-15-0018-1 as modified by the California Coastal Commission.

Staff Presenter: Jackie Campbell, Director of Community Development

Staff Report

Public Comment

City Council Determination

OTHER BUSINESS:

- 6:35 p.m 7. An Agreement between the Santa Barbara Metropolitan Transit District and the City of Carpinteria for Facility Support for Carpinteria Electric Shuttle Service on Property Located at 5775 Carpinteria Avenue

Recommendation: Approve the agreement between the Santa Barbara Metropolitan Transit District and the City of Carpinteria for Facility support for Carpinteria electric shuttle service.

Staff Presenter: Dave Durflinger, City Manager

Staff Report
Public Comment
City Council Determination

- 6:45 p.m 8. Selection of a City Representative to the Community Choice Energy Feasibility Study Work Group

Recommendation: Approve as discussed the nomination of a City Representative to the Community Choice Energy Feasibility Study Work Group.

Staff Presenter: Dave Durflinger, City Manager

Staff Report
Public Comment
City Council Determination

6:50 p.m

**COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS
PRESENTED BY COUNCILMEMBERS**

Informational reports from Councilmember representatives on the committees, commissions and organizations listed below. This is also an opportunity for Councilmembers to request information from staff or seek support from fellow Councilmembers for future agenda items.

1. Representatives to Regional Agencies and Committees
 - a. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) (Shaw/Alt. Carty)
 - b. California Joint Powers Insurance Authority (CJPIA) (Clark/Alt. Shaw)

- c. Channel Counties Division, League of California Cities (Nomura/Alt. Shaw)
- d. Santa Barbara County Association of Governments (SBCAG)(Clark/Alt. Nomura)
- e. Santa Barbara County Air Pollution Control District (APCD)(Clark/Alt. Nomura)
- f. Santa Barbara Joint Housing Task Group (Carty & Shaw)
- g. Central Coast Collaborative on Homelessness (C3H) (Clark)
- h. South Coast Task Force on Youth Gangs Leadership and Executive Council (Carty & Clark)

2. Joint and Standing Committees

- a. City Council/Chamber of Commerce Board of Directors Committee (Carty & Nomura)
- b. City Council/Public Safety Committee (Clark & Shaw)
- c. City Council/School Board Committee (Stein & Carty)
- d. City Council/Utilities Committee (Stein & Nomura)
- e. City Council/First District Supervisor Committee (Stein & Carty)
- f. City Council Finance/Budget Committee (Stein & Clark)
- g. 50th Anniversary Committee (Carty & Nomura)

3. Ad Hoc Committees

- a. Public Facility Site Acquisition/Development Committee (Carty & Nomura)
- b. Transportation Committee (Stein & Shaw)
- c. Labor Relations Committee (Nomura & Shaw)

4. City Representatives on other Committees

- a. Community Media Access Center (Gary Dobbins)
- b. Santa Barbara Coastal Vector Control District (Ronald Hurd)
- c. Santa Barbara Metropolitan Transit District (Chuck McQuary)

6:55 p.m

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

6:55 p.m.

ADJOURNMENT

The next regular meeting to be held on **Monday, October 26, 2015** at **5:30 P.M.**, in the Council Chamber, City Hall, 5775 Carpinteria Avenue, Carpinteria, California.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at 684-5405, extension 403 or the California Relay Service at (866) 735-2929. Notification two business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

This agenda was posted on Wednesday, October 7, 2015, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.



City of Carpinteria

COUNCIL AGENDA STAFF REPORT October 12, 2015

ITEM FOR COUNCIL CONSIDERATION

Expenditures for the period beginning September 24, 2015 and ending October 6, 2015.

STAFF RECOMMENDATION

Action Item ____ ; Non-Action Item X

Motion: That the City Council accept this report concerning the current list of warrants pursuant to Carpinteria Municipal Code 2.08.150(F).

DISCUSSION

As part of each regular City Council agenda, a list of all checks (attached) dispersed since the last reporting period is presented to the City Council pursuant to C.M.C. 2.08.150(F). The report is provided for City Council and public information and serves as Staff's verification that the expenditures have been reviewed and are within budgeted appropriations.

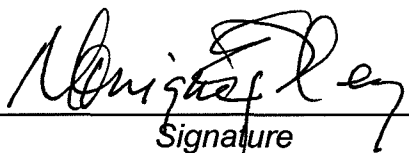
FINANCIAL CONSIDERATIONS

The warrant register included as an attachment is designed to communicate fiscal activity since the prior reporting period. No action is requested as part of this report.

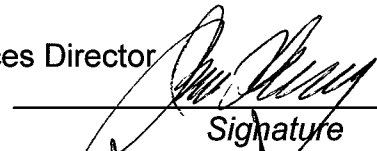
ATTACHMENTS

Attachment A: Warrant Register for the period beginning September 24, 2015 and ending October 6, 2015.

Staff contact: Monique Epley, Finance Supervisor
(805) 684-5405 ext. 406
moniquee@ci.carpinteria.ca.us

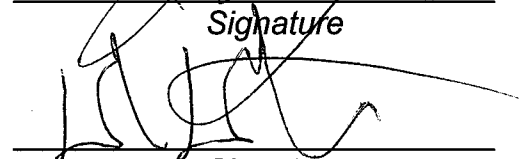

Signature

Reviewed by: John Thornberry, Admin. Services Director



Signature

Reviewed by: Dave Durflinger, City Manager



Signature

11:27 AM

10/06/15

CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
09/30/15	NAJERA, ESTHER	NAJERA, ESTHER	VETS HALL CLEANING DEPOSIT REFUND	1000101 · Operating Cash 10	
09/30/15		NAJERA, ESTHER	VETS HALL CLEANING DEPOSIT REFUND	1000231 · Veterans Building De...	(290.00)
TOTAL					(290.00)
09/30/15	YOUNGS, MORGAN	YOUNGS, MORGAN	PERS REIMBURSEMENT	1000101 · Operating Cash 10	
09/17/15		YOUNGS, MORGAN	PERS REIMBURSEMENT	1000160 · ADP A/R	(112.22)
TOTAL					(112.22)
09/30/15	AFLAC	AFLAC	INVOICE #785555	1000101 · Operating Cash 10	
09/15/15		AFLAC	WELLNESS - SEPTEMBER	2361194 · Wellness 61	(48.80)
		AFLAC	WELLNESS - SEPTEMBER	1016194 · Wellness 16	(64.30)
		AFLAC	WELLNESS - SEPTEMBER	1041194 · Wellness 41	(24.10)
		AFLAC	WELLNESS - SEPTEMBER	1051194 · Wellness 51	(43.30)
		AFLAC	WELLNESS - SEPTEMBER	1012194 · Wellness 12	(62.60)
		AFLAC	WELLNESS - SEPTEMBER	1030194 · Wellness 30	(43.30)
		AFLAC	WELLNESS - SEPTEMBER	1022194 · Wellness 22	(23.60)
		AFLAC	WELLNESS - SEPTEMBER	1042194 · Wellness 42	(100.76)
		AFLAC	WELLNESS - SEPTEMBER	1041194 · Wellness 41	(32.20)
		AFLAC	WELLNESS - SEPTEMBER	1022194 · Wellness 22	(35.10)
		AFLAC	WELLNESS - SEPTEMBER	2531194 · Wellness 31	(48.80)
		AFLAC	WELLNESS - SEPTEMBER	1042194 · Wellness 42	(63.10)
		AFLAC	WELLNESS - SEPTEMBER	1030194 · Wellness 30	(29.60)
		AFLAC	WELLNESS - SEPTEMBER	2531194 · Wellness 31	(52.10)
		AFLAC	WELLNESS - SEPTEMBER	3332194 · Wellness 32	(106.80)
		AFLAC	WELLNESS - SEPTEMBER	1069194 · Wellness 69	(56.96)
		AFLAC	WELLNESS - SEPTEMBER	1014194 · Wellness 14	(50.31)
		AFLAC	WELLNESS - SEPTEMBER	1069194 · Wellness 69	(69.70)
		AFLAC	WELLNESS - SEPTEMBER	1051194 · Wellness 51	(32.20)
		AFLAC	WELLNESS - SEPTEMBER	2531194 · Wellness 31	(48.80)
TOTAL					(1,036.43)
09/30/15	AG ENT INC	AG ENT INC		1000101 · Operating Cash 10	
09/03/15		AG ENT INC	BF TEST	2361221 · Miscellaneous Contr...	(45.00)
09/03/15		AG ENT INC	BF TEST	2361221 · Miscellaneous Contr...	(80.00)
TOTAL					(125.00)
09/30/15	ALL AROUND LANDSCAPE SUPPLY	ALL AROUND LA...		1000101 · Operating Cash 10	
08/21/15		ALL AROUND LA...	TREES	2732220 · Public Tree Maintena...	(103.85)

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CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
08/26/15		ALL AROUND LA...	POOL	4866308 · Supplies & Materials ...	(10.67)
09/02/15		ALL AROUND LA...	STREETS	2923225 · Public Right of Way ...	(56.54)
TOTAL					(171.06)
09/30/15	ANIMAL MEDICAL CLINIC	ANIMAL MEDICA...	INVOICE #168329	1000101 · Operating Cash 10	
09/16/15		ANIMAL MEDICAL...	ANIMAL SHELTERING	1047213 · Animal Sheltering	(1,758.20)
TOTAL					(1,758.20)
09/30/15	ATT	ATT	ACCOUNT 030-149-5366-001	1000101 · Operating Cash 10	
09/19/15		ATT	CIVIC CENTER	1013301 · Telephone 13	(1,042.35)
		ATT	PW	2531301 · Telephone 31	(46.47)
		ATT	BEACH	2862301 · Telephone 62	(169.30)
		ATT	POOL	4866301 · Telephone 66	(185.90)
TOTAL					(1,444.02)
09/30/15	BAY ALARM	BAY ALARM	ACCOUNT 544852	1000101 · Operating Cash 10	
09/15/15		BAY ALARM	MONITORING SERVICE FEE	4866308 · Supplies & Materials ...	(186.75)
TOTAL					(186.75)
09/30/15	CA PARK & RECREATION SOCIETY, INC	CA PARK & RECR...	REGULAR MEMBER DUES	1000101 · Operating Cash 10	
07/14/15		CA PARK & RECR...	REGULAR MEMBER DUES - ROBERTS	1069305 · Dues & Subscription...	(170.00)
TOTAL					(170.00)
09/30/15	CALIFORNIA STATE DISBURSEMENT U...	CALIFORNIA STA...	CASE NUMBER 0850182383-01	1000101 · Operating Cash 10	
09/29/15		CALIFORNIA STA...	PAYROLL WITHHOLDING 10-01-15	1000105 · ICMA Cash	(330.46)
TOTAL					(330.46)
09/30/15	CENTRAL COAST IMAGING SOLUTIONS	CENTRAL COAST...	AR31169	1000101 · Operating Cash 10	
09/21/15		CENTRAL COAST...	COMPUTER MAINTENANCE	1018222 · Equipment Maintena...	(1,159.55)
TOTAL					(1,159.55)
09/30/15	COASTAL VIEW NEWS	COASTAL VIEW ...		1000101 · Operating Cash 10	
09/11/15		COASTAL VIEW N...	OIL PAYMENT PROGRAM	2000261 · Deferred Revenue 20	(215.00)
09/15/15		COASTAL VIEW N...	CREEK WEEK	3937308 · Supplies & Materails ...	(1,124.00)

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CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
09/15/15		COASTAL VIEW N...	TRIATHLON	4863300 · Triathlon Expense	(578.00)
09/23/15		COASTAL VIEW N...	PET ADS	1047303 · Printing & Advertisin...	(40.00)
TOTAL					(1,957.00)
09/30/15	COLSON, MARY ANN	COLSON, MARY ...	2014 SCCR REPORT ASSISTANCE	1000101 · Operating Cash 10	
09/23/15		COLSON, MARY ...	2014 SCCR REPORT ASSISTANCE	1014228 · Accounting Services	(37.37)
TOTAL					(37.37)
09/30/15	COUNCIL ON ALCOHOLISM & DRUG A...	COUNCIL ON AL...	083115CALGRIP2-2	1000101 · Operating Cash 10	
09/25/15		COUNCIL ON ALC...	CALGRIP GRANT	2000261 · Deferred Revenue 20	(10,534.81)
TOTAL					(10,534.81)
09/30/15	DATA TICKET INC	DATA TICKET INC	INVOICE 64656	1000101 · Operating Cash 10	
09/22/15		DATA TICKET INC	CITATION PROCESSING	1022214 · Hearing Officer	(200.00)
TOTAL					(200.00)
09/30/15	EDD-SDI	EDD-SDI	776-5147-9	1000101 · Operating Cash 10	
09/29/15		EDD-SDI	PAYROLL 10-01-15	1000223 · SDI Withheld	(729.06)
TOTAL					(729.06)
09/30/15	EDD-SIT	EDD-SIT	932-0283-6	1000101 · Operating Cash 10	
09/29/15		EDD-SIT	PAYROLL 10-01-15	1000221 · SIT Withheld	(3,776.43)
TOTAL					(3,776.43)
09/30/15	ERDMAN VIDEO SYSTEMS	ERDMAN VIDEO ...	INVOICE #3626	1000101 · Operating Cash 10	
08/05/15		ERDMAN VIDEO ...	BEACHCAM	2862308 · Supplies & Materials ...	(450.00)
TOTAL					(450.00)
09/30/15	FLAG FACTORY, THE	FLAG FACTORY, ...	INVOICE 22399	1000101 · Operating Cash 10	
07/29/15		FLAG FACTORY, ...	FLAGS FOR TOWERS	2862308 · Supplies & Materials ...	(294.62)
TOTAL					(294.62)
09/30/15	HARTHORN, ROY	HARTHORN, ROY	INVOICE #1243	1000101 · Operating Cash 10	

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CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
09/28/15		HARTHORN, ROY	BUILDING PLAN CHECK	1010188 · BLDG PLAN CHECK...	(889.40)
TOTAL					(889.40)
09/30/15	IMPULSE INTERNET SERVICES	IMPULSE INTERN...	INVOICE #807597	1000101 · Operating Cash 10	
09/11/15		IMPULSE INTERN...	PHONE INSTALLATION	1070417 · Computer Hardware	(9,462.06)
		IMPULSE INTERN...	EMAIL FILTERING	1018222 · Equipment Maintena...	(89.95)
TOTAL					(9,552.01)
09/30/15	JOY EQUIPMENT PROTECTION INC	JOY EQUIPMENT ...	INVOICE #63362	1000101 · Operating Cash 10	
09/03/15		JOY EQUIPMENT ...	FIRE EXTINGUISHERS	3332221 · Miscellaneous Contr...	(202.00)
TOTAL					(202.00)
09/30/15	KING LUMINAIRE	KING LUMINAIRE	INVOICE #17429	1000101 · Operating Cash 10	
08/31/15		KING LUMINAIRE	HOLLY AVE	2923220 · Street Lighting	(1,786.32)
TOTAL					(1,786.32)
09/30/15	LINCOLN FINANCIAL GROUP	LINCOLN FINANC...	OCTOBER 2015 BILLING	1000101 · Operating Cash 10	
09/18/15		LINCOLN FINANC...	OCTOBER 2015	1051191 · Life Insurance Premi...	(71.94)
		LINCOLN FINANC...	OCTOBER 2015	1011191 · Life Insurance Premi...	(107.68)
		LINCOLN FINANC...	OCTOBER 2015	1012191 · Life Insurance Premi...	(76.22)
		LINCOLN FINANC...	OCTOBER 2015	1013191 · Life Insurance Premi...	(34.68)
		LINCOLN FINANC...	OCTOBER 2015	1014191 · Life Insurance Premi...	(229.70)
		LINCOLN FINANC...	OCTOBER 2015	1016191 · Life Insurance Premi...	(177.46)
		LINCOLN FINANC...	OCTOBER 2015	1030191 · Life Insurance Premi...	(306.72)
		LINCOLN FINANC...	OCTOBER 2015	2531191 · Life Insurance Premi...	(195.74)
		LINCOLN FINANC...	OCTOBER 2015	1041191 · Life Insurance Premi...	(407.41)
		LINCOLN FINANC...	OCTOBER 2015	1042191 · Life Insurance Premi...	(200.61)
		LINCOLN FINANC...	OCTOBER 2015	1069191 · Life Insurance Premi...	(195.16)
		LINCOLN FINANC...	OCTOBER 2015	1022191 · Life Insurance Premi...	(138.51)
		LINCOLN FINANC...	OCTOBER 2015	3332191 · Life Insurance Premi...	(85.39)
		LINCOLN FINANC...	OCTOBER 2015	1044191 · Life Insurance Premi...	(112.40)
		LINCOLN FINANC...	OCTOBER 2015	2361191 · Life Insurance Premi...	(61.33)
		LINCOLN FINANC...	OCTOBER 2015	4868191 · Life Insurance Premi...	(70.26)
TOTAL					(2,471.21)
09/30/15	MCCORMIX CORP	MCCORMIX CORP	INVOICE #906737	1000101 · Operating Cash 10	
08/31/15		MCCORMIX CORP	PW VEHICLE FUEL	3332307 · Vehicle Oper & Maint...	(157.01)

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CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
TOTAL					(157.01)
09/30/15	MONTGOMERY HARDWARE CO	MONTGOMERY H...	INVOICE #199493 DS	1000101 · Operating Cash 10	
07/01/15		MONTGOMERY H...	LIFEGUARD TOWER	2862308 · Supplies & Materials ...	(724.27)
TOTAL					(724.27)
09/30/15	PROFESSIONAL WASH CENTER	PROFESSIONAL ...	INVOICE #8522	1000101 · Operating Cash 10	
09/01/15		PROFESSIONAL ...	DOWNTOWN BANNERS	3332308 · Supplies & Materials ...	(22.50)
TOTAL					(22.50)
09/30/15	REAL GREEN GARDENING	REAL GREEN GA...	AUGUST 2015 BILLING	1000101 · Operating Cash 10	
08/31/15		REAL GREEN GA...	BAILARD	2361306 · Bluffs Park Expense	(540.00)
		REAL GREEN GA...	CARP CREEK	2361225 · Park Maintenance 61	(540.00)
		REAL GREEN GA...	PROJ 4865	1000251 · Development Deposits	(75.00)
		REAL GREEN GA...	PALM TO LINDEN TRAIL GRANT	2000261 · Deferred Revenue 20	(540.00)
		REAL GREEN GA...	MARSH	2861225 · Marsh Park Maintena...	(450.00)
		REAL GREEN GA...	MONTE VISTA	2361225 · Park Maintenance 61	(1,375.00)
		REAL GREEN GA...	SEASIDE	4865220 · Grounds Maintenanc...	(275.00)
		REAL GREEN GA...	COASTAL VISTA	2861225 · Marsh Park Maintena...	(360.00)
		REAL GREEN GA...	TAR PITS	2861225 · Marsh Park Maintena...	(450.00)
		REAL GREEN GA...	PROJ 4865	1000251 · Development Deposits	(120.60)
		REAL GREEN GA...	VETS HALL	4865309 · Misc Operating Expe...	(59.40)
		REAL GREEN GA...	VIOLA	2361306 · Bluffs Park Expense	(720.00)
TOTAL					(5,505.00)
09/30/15	RILEY, CHRISTOPHER	RILEY, CHRISTO...	2015 TRIATHLON MC	1000101 · Operating Cash 10	
09/27/15		RILEY, CHRISTO...	2015 TRIATHLON MC	4863300 · Triathlon Expense	(150.00)
TOTAL					(150.00)
09/30/15	SANTA BARBARA PEST CONTROL	SANTA BARBARA...		1000101 · Operating Cash 10	
08/31/15		SANTA BARBARA...	RODENT CONTROL	3332223 · Chemical Treatment	(65.00)
08/31/15		SANTA BARBARA...	PROJ 4865	1000251 · Development Deposits	(30.15)
		SANTA BARBARA...	VETS HALL	4865309 · Misc Operating Expe...	(14.85)
09/08/15		SANTA BARBARA...	RODENT CONTROL	3332223 · Chemical Treatment	(135.00)
TOTAL					(245.00)
09/30/15	SANTA BARBARA TROPHY/ENGRAVING	SANTA BARBARA...	INVOICE 6425	1000101 · Operating Cash 10	

11:27 AM
10/06/15

CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
09/25/15		SANTA BARBARA...	NECK DRAPES TRIATHLON	4863300 · Triathlon Expense	(378.00)
TOTAL					(378.00)
09/30/15	SEUI LOCAL 620	SEUI LOCAL 620	PAYROLL 10-01-15	1000101 · Operating Cash 10	
09/29/15		SEUI LOCAL 620	PAYROLL 10-01-15	1000229 · SEIU Local 620	(172.31)
TOTAL					(172.31)
09/30/15	SMART EMS	SMART EMS	2015 TRIATHLON	1000101 · Operating Cash 10	
09/28/15		SMART EMS	TRIATHLON 2015	4863300 · Triathlon Expense	(600.00)
TOTAL					(600.00)
09/30/15	SOUTHERN CALIFORNIA SWIMMING	SOUTHERN CALI...	2015 ARENA COLUMBUS DAY MEET	1000101 · Operating Cash 10	
09/17/15		SOUTHERN CALI...	2015 ARENA COLUMBUS DAY MEET	4868308 · Supplies & Materials ...	(176.00)
TOTAL					(176.00)
09/30/15	STAPLES ADVANTAGE	STAPLES ADVAN...		1000101 · Operating Cash 10	
08/29/15		STAPLES ADVAN...	VETS HALL	4865309 · Misc Operating Expe...	(181.63)
09/05/15		STAPLES ADVAN...	OFFICE SUPPLIES	1013308 · Supplies & Materials ...	(187.93)
TOTAL					(369.56)
09/30/15	T. ROWE PRICE	T. ROWE PRICE	PAYROLL CONTRIBUTION - ANTHONY VE...	1000101 · Operating Cash 10	
09/29/15		T. ROWE PRICE	PAYROLL 10-01-15 - ANTHONY VEGA	1000105 · ICMA Cash	(50.00)
TOTAL					(50.00)
09/30/15	UNITED WAY OF SANTA BARBARA CO...	UNITED WAY OF ...	PAYROLL 10-01-15	1000101 · Operating Cash 10	
09/29/15		UNITED WAY OF ...	PAYROLL 10-01-15	1000224 · United Way Payable	(24.00)
TOTAL					(24.00)
09/30/15	VAN ATTA ASSOCIATES INC	VAN ATTA ASSO...	INVOICE #5222	1000101 · Operating Cash 10	
07/01/15		VAN ATTA ASSO...	RINCON TRAIL GRANT	2000261 · Deferred Revenue 20	(2,681.25)
TOTAL					(2,681.25)

11:27 AM

10/06/15

CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
09/30/15	VANTAGEPOINT TRANSFER AGENTS - ...	VANTAGEPOINT ...	PAYROLL 10-01-15	1000101 · Operating Cash 10	
09/29/15		VANTAGEPOINT ...	PAYROLL 10-01-15	1000105 · ICMA Cash	(1,100.00)
TOTAL					(1,100.00)
09/30/15	WISSING, ALICE	WISSING, ALICE	9-14-15 CC MEETING	1000101 · Operating Cash 10	
09/23/15		WISSING, ALICE	CC MINUTES	1011221 · Contract Services 11	(360.00)
TOTAL					(360.00)
09/30/15	A-OK POWER EQUIPMENT	A-OK POWER EQ...		1000101 · Operating Cash 10	
09/08/15		A-OK POWER EQ...	PW SUPPLIES	2531308 · Supplies & Materials ...	(20.71)
09/09/15		A-OK POWER EQ...	PW SUPPLIES	2531308 · Supplies & Materials ...	(259.19)
TOTAL					(279.90)
09/30/15	ALL AROUND LANDSCAPE SUPPLY	ALL AROUND LA...	INVOICE #S1827098.001	1000101 · Operating Cash 10	
09/09/15		ALL AROUND LA...	PW SUPPLIES	2531308 · Supplies & Materials ...	(56.96)
TOTAL					(56.96)
09/30/15	SO CA EDISON	SO CA EDISON	2-00-378-2059	1000101 · Operating Cash 10	
09/25/15		SO CA EDISON	CIVIC CENTER	1013313 · Utility - Electric 13	(3,120.09)
		SO CA EDISON	ROW	3332313 · Utility - Electric 32	(237.59)
		SO CA EDISON	PARKING	3332313 · Utility - Electric 32	(216.73)
		SO CA EDISON	PARKS	2361313 · Utility - Electric 23	(604.87)
		SO CA EDISON	STREETS	2923220 · Street Lighting	(527.61)
		SO CA EDISON	BIKEWAYS	2923225 · Public Right of Way ...	(69.59)
TOTAL					(4,776.48)
09/30/15	STAPLES ADVANTAGE	STAPLES ADVAN...		1000101 · Operating Cash 10	
09/10/15		STAPLES ADVAN...	PW SUPPLIES	2531308 · Supplies & Materials ...	(65.31)
09/10/15		STAPLES ADVAN...	PW SUPPLIES	2531308 · Supplies & Materials ...	(31.92)
TOTAL					(97.23)
09/30/15	ULINE	ULINE	INVOICE #70438893	1000101 · Operating Cash 10	
09/08/15		ULINE	SAFETY EQUIPMENT	4863300 · Triathlon Expense	(111.97)
TOTAL					(111.97)

11:27 AM

10/06/15

CITY OF CARPINTERIA
Warrant Register
September 24 through October 6, 2015

Date	Name	Source Name	Memo	Account	Paid Amount
09/30/15	VENCO POWER SWEEPING INC	VENCO POWER ...	INVOICE 0045191-IN	1000101 · Operating Cash 10	
09/15/15		VENCO POWER ...	STREET SWEEPING SERVICE	2531227 · Street Sweeping	(3,318.60)
TOTAL					(3,318.60)
10/05/15	HERNANDEZ, DAVID	HERNANDEZ, DA...	TRAVEL PER DIEM	1000101 · Operating Cash 10	
10/05/15		HERNANDEZ, DA...	TRAVEL PER DIEM	1047306 · Meetings & Travel 47	(99.00)
TOTAL					(99.00)
				TOTAL	\$61,118.96

**City of Carpinteria
City Council Minutes
Regular Meeting
Monday, September 14, 2015**

CALL TO ORDER

Mayor Carty called the meeting to order at 4:00 p.m.

ROLL CALL

Councilmember Al Clark, Councilmember Wade Nomura, Councilmember J. Bradley Stein, Vice Mayor Fred Shaw and Mayor Carty were present.

City Manager Dave Durflinger, Dylan Johnson on behalf of Brownstein Hyatt Farber Schreck LLP acting as City Attorney of the City of Carpinteria, and Parks and Recreation Director Matt Roberts, Community Development Director Jackie Campbell and Arlene Balmadrid were also present.

PUBLIC COMMENT ON CLOSED SESSION MATTER: None.

Mr. Johnson announced the City Council would temporarily adjourn to a Closed Session for the purpose of the following two matters:

CLOSED SESSION

1. Conference with Real Property Negotiator(s) pursuant to Government Code Section 54956.8

Property: A parcel approximately two miles in length and fifty feet in width, bisecting the area of the City's tidelands jurisdiction.

Negotiating Party/Property Owner: Venoco, Inc. and Ellwood Pipeline, Inc.

Agency Negotiators: Dave Durflinger, City Manager; Dylan Johnston on Behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria; Matt Roberts, Director of Parks and Recreation; and Jacquie Campbell, Director of Community Development.

Under Negotiation: price and/or terms of payment.

2. Public Employees Performance Evaluation pursuant to Government Code Section 54957

Title: City Manager, Dave Durflinger

TEMPORARY ADJOURNMENT TO CLOSED SESSION

The City Council recessed to Closed Session at 4:02 p.m.

CALL BACK TO ORDER

Mayor Carty called the meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present:

Councilmember Al Clark
Councilmember Wade Nomura
Councilmember J. Bradley Stein
Vice Mayor Fred Shaw
Mayor Gregg Carty

Staff members present:

Dave Durflinger, City Manager
Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as
City Attorney of the City of Carpinteria
Fidela Garcia, City Clerk
Jackie Campbell, Community Development Director
Erin Maker, Environmental Coordinator
Charles W. Ebeling, Director of Public Works

CLOSED SESSION REPORT

Mr. Brown noted that the City Council met in Closed Session to discuss the following two matters:

1. Conference with Real Property Negotiator(s) – Government Code Section 54956.8

Property: A parcel approximately two miles in length and fifty feet in width, bisecting the area of the City's tidelands jurisdiction

Negotiating Party/Property Owner: Venoco, Inc. and Ellwood Pipeline, Inc.

Agency Negotiators: Dave Durflinger, City Manager; Peter Brown and Dylan Johnson on Behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City

of Carpinteria; Matt Roberts, Director of Parks and Recreation; and Jacquie Campbell, Director of Community Development.

Under Negotiation: price and/or terms of payment.

2. Public Employees Performance Evaluation Government Code Section 54957 and title of employee reviewed was the City Manager, Dave Durflinger.

Mr. Brown announced there were no reportable actions from the Closed Session matters.

PLEDGE OF ALLEGIANCE

All present were led in the salute to the flag by Mayor Carty.

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS

3. Presentation of a Proclamation designating October 18-24, 2015, "Freedom from Workplace Bullies Week"

Mayor Carty read a Proclamation designating October 18-24, 2015, "Freedom from Workplace Bullies Week."

4. Presentation of a Proclamation designating September 18, 2015, "Boys and Girls Clubs Day"

Mayor Carty read a Proclamation designating September 18, 2015, "Boys and Girls Clubs Day." Director of Carpinteria Girls and Boys Club Timothy Grigsby introduced members Jose, Josh, Brian and Christian who said that they enjoy playing basketball. Mr. Grigsby thanked the City for the Proclamation and invited all to attend a free carnival this Saturday at the Carpinteria Boys and Girls Club.

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: None

CITY MANAGER'S REPORT

City Manager Dave Durflinger announced the following upcoming events:

- The City's Annual Triathlon will be held on Sunday, September 27th. Approximately 450 athletes are expected and it will start at the beach at 7:00 a.m.
- Several events in honor of Carpinteria's 50th Anniversary are scheduled, including the film "Truth Be Told" at the Plaza Theatre on Sunday, September 27th; a regularly scheduled City Council meeting on September 28th which will include thank-yous, a Carpinteria Beautiful presentation, a few business matters

and the film "Carp at 50" playing at the Plaza Playhouse Theatre at 8:00 p.m.; and "Wullbrandt's Carpinteria," a collection of former mayor and councilmember Ernie Wullbrandt's home movies on Wednesday, September 30th at 7:00 p.m.

- The Avocado Festival opens on Thursday, October 1st and includes a display at the Carpinteria Museum from 1:00-5:00 p.m., early opening of the festival at 4:00 p.m., speechmaking at the Seal Fountain at 5:00 p.m., a birthday cake cutting at the Arts Center at 6:00 p.m. and a Shin Dig party on Linden Avenue at 6:30 p.m. (tickets available at Porch, Seastrand, Tide Pools and Montecito Bank & Trust).
- The Rotary Club of Carpinteria is gathering 50 musical instruments for the schools and will be burying a time capsule along Carpinteria Avenue on December 12th, the day of the Holiday Parade.

Erin Maker of Public Works announced that Creek Week is in its 16th year and listed the scheduled events: Clean-up Day at various sites on Saturday, September 19th from 9:00-Noon; a water wise landscaping workshop on Saturday, September 19th from 1:00-4:00 p.m. at the Veterans Memorial Building; and a Carpinteria wildlife paddle along the Carpinteria Coast on Sunday, September 20th from 10:00-Noon. She said details and a full list of events can be found at SBcreekweek.com.

PRESENTATIONS BY CITIZENS / PUBLIC COMMENT

Ben Anderson asked if any progress has been made on the Skate Park, and City Manager Dave Durflinger explained that there have been a few meetings and a designer has been hired to look at design options that can fit the site. He says the project will be subjected to a permitting review process and mutual work is going on between the Skate Park and the City.

Daniel Hart said he has six children and one of the reasons he moved to Carpinteria was because of the Skate Park. He said he has heard that designers are unable to get started because a footprint is needed. He stated that it's embarrassing when they travel and are asked what's up with the park. He requested timelines and asked if he should move to Ojai. In response to Hart's comments, City Manager Dave Durflinger said he would provide the City Council with an update.

Joyce Donaldson of the Carpinteria Valley Chamber of Commerce reviewed the following upcoming events: A Member Welcome on September 30th at 8:30 a.m. at the State Beach Park office during Creek Week; a ribbon cutting at Casa de Las Flores apartments on Thursday, September 15th from 11:30 to 1:00 p.m.; and a "Good Morning Carpinteria Valley Legislative Breakfast" at Rincon Beach Club on Friday, October 16th at 8:00 a.m.

Kathleen Reddington stated that she sides with the Skate Park families and said the project was discussed 7-8 years ago when she was a councilmember. She said the park is a beach thing and is needed, and she hopes it will be agendized and a timeline made. She also commented that there are too many work trucks in some of the

residential neighborhoods (particularly around Canalino) and the homes are not selling because of them. She said they create blight and safety issues, and she asked that the issue be agendaized.

AGENDA MODIFICATIONS: None

CONSENT CALENDAR

Motion by Councilmember Stein, seconded by Vice Mayor Shaw to approve the Consent Calendar.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Stein, Vice Mayor Shaw and Mayor Carty were in favor. Motion carried.

5. Expenditures for the period beginning July 23, 2015 and ending September 2, 2015.
6. Minutes of the regular meeting held August 10, 2015.
7. Authorization to purchase two light trucks for Public Works Department and Parks Department to replace existing vehicles in an amount not to exceed \$52,000.
8. Adoption of Resolution No. 5572, approving the recommendations of the Traffic Safety Committee made on August 6, 2015 as set forth in the Staff Report.

ADMINISTRATIVE MATTERS: None

PUBLIC HEARINGS:

9. Amendment of Title 6 of the Carpinteria Municipal Code to Include a Spay Neuter Requirement (with exemptions) for Dogs and Cats Living in the City and Updates to Other Animal Control Sections of the Code

Recommendation: Amend Title 6 of the Carpinteria Municipal Code by adopting the proposed spay-neuter Ordinance No. 704 (first reading) which would require residents of the City to spay or neuter their dog or cat unless as provided for by exemptions specified within the ordinance, and updating other sections of Title 6 related to animal control.

Jackie Campbell, Community Development Director, presented the staff report.

Mayor Carty opened the Public Hearing at 6:09 p.m.

Dr. Lee Heller said she is fostering around 10 dogs per year for the City at significant expense and wants to see us chip away at the situation. She said if we are going to require people to fix their animals that free services should be provided, noting that Care for Paws provides free spaying, as well as the Humane Society. She said there should be a law against selling animals in public places.

Amy Orozco, board member of Catalyst for Cats, expressed support for the ordinance and provided details about her organization.

Gail Marshall expressed support for the ordinance and said an important part is inclusion of the option for those who cannot afford to spay or neuter a pet.

Scott Smith, owner of Animal Medical Clinic, said there is no moral justification for not spaying or neutering and said he will be involved in providing services for those who cannot afford it.

Marla Daily expressed support for the ordinance and provided statistics on the benefits. She spoke about how she started a program to spay/neuter animals in Loreto, Mexico.

Jeanne Tutor said she wonders where the free choice is. She said she has a problem with the 4-month requirement and noted issues can result when large dogs are spayed at a young age. She said what is best for un-owned animals is not best for owned ones and asked that the Council re-think the 4-month age requirement.

Shirley Johnson expressed support but said she agrees with Ms. Tutor about the 4-month age requirement. She spoke about how dogs in San Rafael had growth issues as a result of it. She also said she was against the 6-foot leash requirement and described dogs as not being robots. Longer leashes allow her dogs to get more exercise and the requirement is an infringement on her liberty, she said.

Mayor Carty closed the Public Hearing at 6:24 p.m.

Councilmember Stein pointed out that the ordinance allows the animal's veterinarian to make the determination whether the 4-month age is appropriate. He said he supports the 6-foot leash requirement.

Councilmember Nomura commented that he does not see how visiting dogs will be addressed. He also questioned whether we have adequate facilities to deal with potential overcrowding of facilities.

Motion by Councilmember Stein, seconded by Councilmember Nomura, to adopt Ordinance 704, as read by title only.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Stein, Vice Mayor Shaw and Mayor Carty were in favor. Motion carried.

OTHER BUSINESS:

10. Special Event Permit for the Golden Jubilee and 2015 Avocado Festival

Recommendation:

1. Approve the issuance of a special event permit for the City's Golden Jubilee and 2015 California Avocado Festival with special conditions,
2. Make the determination that the area within the beer garden boundaries is a Public Park, pursuant to C.M.C. §10.68.010, and
3. Authorize expenditure of City resources as detailed in the staff report.

Mayor Carty recused himself at 6:30 p.m.

Erin Maker, Environmental Coordinator, presented the staff report.

Heather Jenkins, representing the California Avocado Festival, said she looks forward to making it a world class event.

Motion by Councilmember Stein, seconded by Councilmember Clark, to approve the issuance of a special event permit for the City's Golden Jubilee and 2015 California Avocado Festival with special conditions; make the determination that the area within the beer garden boundaries is a Public Park, pursuant to C.M.C. §10.68.010; and authorize expenditure of City resources as detailed in the staff report.

Councilmember Nomura asked for a breakdown of how the \$15,000 will be spent. City Manager Dave Durflinger explained that expenditures will go to the 50th Anniversary Committee for approval.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Stein and Vice Mayor Shaw, were in favor (Mayor Carty recused himself). Motion carried.

Mayor Carty rejoined the meeting at 6:38 p.m.

11. Request from County of Santa Barbara to contribute funds for a planned Community Choice Energy Feasibility Study

Recommendation:

1. Authorize the participation in the Community Choice Energy feasibility study and working group, and

2. Approve appropriation of \$7,500 from the General Fund unallocated fund balance to Account No. 1012220, Contract Services, City Administration.

City Manager Dave Durflinger presented the staff report.

Shirley Johnson, representing the Carpinteria Valley Association, voiced support for Carpinteria's participation and financial contribution towards the study. She encouraged elimination of dependence on non-renewable resources.

Dr. Lee Heller said she is fortunate to have solar panels and if the community aggregates energy and is able to identify renewable resources, people who cannot generate the energy on their own will also benefit. She said it will chip away at pollution and prevent climate change and sea level rise. She encouraged Carpinteria to participate and make a contribution.

Gail Marshall, a representative of Get Oil Out (GOO), expressed support for the feasibility study and asked them to move in the direction of less fossil fuels and more renewable energy.

Jefferson Litten of the Community Environmental Council urged the Council to make the appropriation toward the feasibility study. He noted other cities have been saving money and spoke about the potential economic benefits.

Motion by Vice Mayor Shaw, seconded by Councilmember Nomura, to authorize the participation in the Community Choice Energy feasibility study and working group and approve appropriation of \$7,500 from the General Fund unallocated fund balance to Account No. 1012220, Contract Services, City Administration.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Stein, Vice Mayor Shaw and Mayor Carty were in favor. Motion carried.

12. Second Amendment to Lease with Ellwood Pipeline, Inc., for Submerged Pipelines Serving Platforms Gail and Grace, in City Submerged Lands

Recommendation:

1. Approve and authorize the Mayor to execute the attached Second Amendment to a Lease Agreement between the City of Carpinteria and Ellwood Pipeline, Inc., ("Ellwood") a subsidiary of Venoco, Inc., for an extended term of eighteen (18) months, beginning September 27, 2015, and ending March 26, 2017; and

2. Determine that the proposed action is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities, Section 15261, Ongoing Project, and 15061(b)(3), Review for Exemption; and approve and direct staff to file and post the attached Notice of Exemption on that basis.

City Manager Dave Durflinger presented the staff report, with City Attorney Dylan Johnson reviewing points from the environmental analysis.

Dr. Lee Heller, President of the Board of Directors of the Environmental Defense Center, asked for support of the ordinance and that the time be used to gather critical information regarding the condition of the pipeline. She also requested that an independent third party analyze and review the inspection materials. She called for another public hearing after the material is brought in and a subsequent environmental review before committing to a longer lease.

Susan Allen asked for a full public hearing and presented a hand-out prepared in 2004 that is still current. She read notes from it regarding pipeline repair and the importance of preserving the area for the environment and community. She clarified that public hearings should take place throughout the process. She noted another document detailing her concerns as of May's oil spill.

Jim Taylor of the Carpinteria Valley Association (CVA) spoke about safety issues. He urged the Council to take proactive steps beyond what is on the agenda and take a larger view of the risks we take from oil production and its transportation.

Jane Benefield, representing the League of Women Voters of Santa Barbara, said a decision on a longer extension should not be made until a proper evaluation of various factors affecting the pipeline's safe operation is done. She agreed with the Environmental Defense Center's call for a third party examination of pipeline inspection reports and urged for public hearings when the investigation is completed and decisions are to be made.

Stanley Tzankov, speaking on behalf of Senator Hannabeth Jackson of the 19th District, read a letter opposing Venoco's request for a 40-year extension of its permit renewal. Among other things, the letter stated that it is critical that we take all possible measures to assure no spills occur again. Senator Jackson expressed support for the ordinance.

Valerie Bentz said an exemption to CEQA is dangerous and risky, and what happened in Goleta can happen any day here.

Jefferson Litten of the Community Environmental Council expressed support for staff's recommendation and asked that the 18-month period be used to review the inspection reports regarding the quality of the lines. He expressed support for public hearings and emphasized the importance of frequent, thorough and independent evaluations.

Gail Marshall, speaking as a resident and representing GOO, expressed support for the statements made by Dr. Heller, Susan Allen and CVA. She said she supports the 18-month extension, additional staff work with Venoco and third party review of all inspections.

Vice Mayor Shaw expressed concern that the staff report mentions the pipeline has gotten thinner. He said the amount is remarkably similar to the Plains pipeline before it ruptured and asked for research and information on the condition of the pipelines.

Councilmember Clark said the public needs to be kept informed and involved in the process. He said state-of-the-art equipment and the best procedures available are needed.

Motion by Councilmember Stein, seconded by Councilmember Clark, to approve and authorize the Mayor to execute the attached Second Amendment to a Lease Agreement between the City of Carpinteria and Ellwood Pipeline, Inc., ("Ellwood") a subsidiary of Venoco, Inc., for an extended term of eighteen (18) months, beginning September 27, 2015, and ending March 26, 2017; and determine that the proposed action is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities, Section 15261, Ongoing Project, and 15061(b)(3), Review for Exemption; and approve and direct staff to file and post the attached Notice of Exemption on that basis.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Stein, Vice Mayor Shaw and Mayor Carty were in favor. Motion carried.

13. Approval of Contract Agreement No. 4 with Drake Haglan and Associates for Preliminary Engineering Services for the Carpinteria Avenue Bridge Replacement Project.

Recommendation: Approve and authorize the Mayor to sign Amendment No. 4 to the Agreement with Drake Haglan and Associates for Preliminary Engineering Services for the Carpinteria Avenue Bridge Replacement Project in the amount of \$78,802.

Charles W. Ebeling, Director of Public Works, introduced Management Analyst Brian Barrett who presented the staff report.

There were no public comments.

Motion by Councilmember Stein, seconded by Vice Mayor Shaw, to approve and authorize the Mayor to sign Amendment No. 4 to the Agreement with Drake Haglan and Associates for Preliminary Engineering Services for the Carpinteria Avenue Bridge Replacement Project in the amount of \$78,802.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Stein, Vice Mayor Shaw and Mayor Carty were in favor. Motion carried.

14. Approval of Agreement with Stantec Consulting Services Inc. for Traffic Engineering Services

Recommendation: Approve and authorize the City Manager to sign the agreement with Stantec Consulting Services Inc. for traffic engineering services.

Director of Public Works Charles W. Ebeling introduced Engineering Technician Melissa Angeles who presented the staff report.

There were no public comments.

Motion by Councilmember Stein, seconded by Councilmember Nomura, to approve and authorize the City Manager to sign the agreement with Stantec Consulting Services Inc. for traffic engineering services.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Stein, Vice Mayor Shaw and Mayor Carty were in favor. Motion carried.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Mayor Carty and Councilmember Nomura updated the Council on the organization of events for Carpinteria's 50th Anniversary.

Vice Mayor Shaw reported that this Friday's Beacon meeting at City Hall has been cancelled.

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

ADJOURNMENT

The meeting was adjourned at 7:38 p.m. by Mayor Carty.

Gregg A. Carty, Mayor

ATTEST:

Fidela Garcia, CMC, City Clerk

**City of Carpinteria
Joint City Council and Planning Commission Minutes
Special Meeting
Council Chambers
Monday, September 21, 2015**

CALL TO ORDER

Mayor Carty called the meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present:

Councilmember Al Clark
Councilmember J. Bradley Stein
Councilmember Wade Nomura
Vice Mayor Fred Shaw
Mayor Gregg Carty

Planning Commissioners present:

Commissioner Jane L. Benefield
Commissioner David Allen
Commissioner Glenn La Fevers (arrived at 5:41 p.m.)
Vice-Chair John Callender
Chair John Moyer

Staff members present:

Dave Durflinger, City Manager
Dylan Johnson, City Attorney
Jackie Campbell, Community Development Director
Steve Goggia, Senior Planner
Brian Barrett, Management Analyst
Fidela Garcia, City Clerk (arrived at 6:36 p.m.)

PLEDGE OF ALLEGIANCE

All present were led in the salute to the flag by Mayor Carty.

The City Council and the Planning Commission met for the following purpose:

1. Conceptual Review of a Planned Unit Development project on two parcels totaling 27.30 acres located in the Carpinteria Bluffs Area 1 planning area.

Senior Planner Steve Goggia presented the staff report. In response to questions from councilmembers and commissioners, he provided additional details about the project.

Charles Hamilton, General Manager of the Carpinteria Water District, said the site currently uses 26 acre feet of water per year primarily for agriculture, and the proposed project needs another 21 acre feet. He spoke about the new climate reality, noting that the snow pack in the Sierras is the lowest it has been in 500 years, and the drought has severely impacted both Lake Cachuma and the groundwater supply. He stated that he does not have enough empirical evidence to say there is enough water.

Regarding the financial aspects, Mr. Hamilton explained that the developer would be charged a \$1 million capital cost recovery fee or "buy in," and there would be infrastructure costs, as well, of which he does not have an amount at this time. He said there would be a downward effect on water rates due to bringing in a new customer. He answered questions raised by the councilmembers and commissioners about the drought's effects on the water supply.

Applicant Brian Cearisal reviewed the site constraints and described the project. He explained, among other things, that the farm portion should be adjacent to the preserve, a safe crossing is needed at the railroad tracks (they are proposing an undercrossing), there could be a farm-to-table restaurant, there is an extensive commitment to a gray water system, the hotel is envisioned as a family one, mountain views will be preserved, a golf component will be maintained and there will be 75,000 square feet of hotel rooms. He stated that 30 percent of the site will be dedicated to private space and 70 percent to public space.

Applicant Brad Hall provided background information about himself, noting that he has an appreciation for agriculture and the needs of a small community. He stated that 70% of the project is public and 30 percent is residential. He spoke about how clustering allows more contiguous space. He said his project will be the most environmentally sensitive in the city and they want it to be safe, which is why it will include a railroad crossing. He provided information about his past business projects.

Dave Moore said it is the height of irresponsible planning to approve a project while there is no water and based on an assumption that it will rain tomorrow. He expressed concern about traffic issues on Carpinteria Avenue, as well as health risks due to the adjacent oil processing facility.

Rik Prussing complained that a view corridor is going to be obstructed, there will be unwanted congestion in the community, wildlife will be seriously impacted and the

serene environment of the bluffs will be disturbed. He said more information is needed regarding the right-of-way for the passage under the railroad.

Gail Marshall stated that the plan is insulting to the community and the goal should be to preserve open space, both active and passive.

Ted Rhodes, President of the Citizens for Carpinteria Bluffs, said an underpass on the railroad is wanted but the negatives of the project outweigh the benefit. He said nothing is forgotten here except the essence of the bluffs.

Jim Taylor, speaking on behalf of the Carpinteria Valley Association, expressed concern about the traffic and water usage. He said there will be an additional 700 trips per day on Carpinteria Avenue, as well as 30,000 gallons of water used per day. He said a more central location for the project would be better.

Bill Murphy said his biggest concern is the developer's motivations and the loss of natural landscape of the bluffs. He noted the traffic issues from Bailard Avenue to the Casitas Pass traffic light. He stated that once change occurs, we will have lost our beautiful little town forever.

Linnea Murphy, in response to the developer's comments that the Miramar had been lost, stated that the Miramar is being built as we speak. She said as a senior citizen, she appreciates Tee Time.

Susan Allen identified herself as a long-time oil watchdog and said that as a neighbor, Venoco stinks. She said Carpinteria's charm is not an accident, and open space is too precious to be wasted on this kind of project.

John VanderKar said he has been farming for 25 years and a big mistake he made was not harvesting water. He said rain needs to be captured.

Vera Benson described the project as unbelievably dense, said it cannot be placed next to the bluffs, and encouraged developers to place a hotel on lower Linden Avenue. She expressed concerns about traffic, noting that one morning it took her 15 minutes to get from Bailard to Linden Avenue.

Nancy Lusk expressed concern that we are setting precedents. She asked about the vacancy rates of existing hotels, said the area is Chumash sensitive and asked how Jelly Bowl would be affected. She suggested loaner bikes for hotel guests.

Arturo Tello said the project does not respect site constraints. He expressed concern about safety, noting the oil processing facility next door and railroad cars that carry hazardous materials. He said the proposal should be rejected and the developer return when site constraints are respected.

Whitney Abbott explained that an organic farm will not work, the view corridors are ridiculously narrow, and the restaurant is in an awkward location. She said that to accept the density is an insult to our intelligence and way of life.

Donnie Nair said it is a beautiful thought-out plan for someplace else. She said other developers have come and gone, vowing to never come back.

Kathleen Reddington provided background information about Bradley Hall, noting that he last advised on two projects built in Orange County. This is not Orange County, she said. She described the developers as businessmen involved in arbitrage or "flipping." She said the project is way too dense, foreign, unheard of, and she hopes it is impossible. She emphasized the need to preserve.

Hillary Blackerby, representing Assemblyman Das Williams, said the project seems a little overwhelming. She said they are looking forward to seeing what happens next.

Judy Pierce said developers have been trying to turn us into San Fernando Valley for a long time, and so far we have been able to reject them. She said we need to remind them that we are not Orange County or San Fernando Valley.

Giti White said the plan is missing context. She expressed concerns about issues related to Venoco and environmental risks. She said it is too dense, and the hodgepodge of uses is conflicting.

Susan Ledig described what it was like to live by the Miramar and said she cannot imagine that many homes and visitors on the bluffs going to the beach. She said it is going to change the whole coastal area.

Megan Shannon spoke about how she has lived and traveled all over and always looks forward to returning to Carpinteria because it is quiet. She expressed concern about the potential increase in noise and water using appliances.

Leslie Gascoigne expressed concern about the noise impact on the seal rookery during construction. She said freeway ramps are already backed up in both directions and that Carpinteria Avenue is an alternative freeway during freeway gridlock. She asked about the waste and said we do not have the infrastructure to support the project.

Commissioner Benefield said she is opposed to any hotels or single homes on the property. She said the project must be low density and emphasized that it must use renewable energy. She said buildings should be no more than two stories, and there should be interior access roadways so cars cannot stack up. She noted that live-work developments are huge traffic creators. She asked for no apartments and that development be pushed farther toward Carpinteria Avenue. She said she loves the restaurant farm-to-table idea, and the underground parking and railroad crossing are good ideas.

Vice-Chair Callender read the General Plan's community goal that includes preserving small beach town character and expressed concern that the project has the greatest potential of any he has heard to impact it. He said he is not sure what lesser density would satisfy him; perhaps just a hotel, links and agriculture. He also expressed concern about the project's proximity to the oil and gas facility, and said it is bizarre to use a dense hotel and residential development as a buffer. He said he does not believe the view corridors are adequate and that there would be significant degradation of mountain views.

Chair Moyer said he thinks the Bluff's General Plan needs to be looked at, noting that, among other things, there are formidable issues such as sea water rise. He stated that he does not think the project is that dense. He said the proposal should not be an oasis from the wilderness but part of it, and he suggested salt water pools and a central element such as an aquarium featuring tide water creatures. He challenged the developer to do something really special for the community. He suggested to the public that the property be bought and turned into a preserve.

Commissioner Allen read a portion of the General Plan that described the Bluffs as a community gateway and spoke about how the property is subject to extraordinary constraints. He displayed a diagram of the development, explaining that if views are to be protected; only a small portion of the site should be developed.

Commissioner La Fevers said from a big picture perspective, the project is much too busy, with too many uses. He asked that a use be picked that can be truly enhanced and developed. Regarding the intensity, he said it is far too high, and there needs to be respect that the public purchased a large portion of the Bluffs. Regarding the open space and layouts, he said the development needs to be oriented fairly close to Carpinteria Avenue and concentrated on the northwest end of the parcel.

Councilmember Stein spoke about the 300-ft. setback from Venoco and said there used to be a 200-ft. setback along the railroad tracks, which is not shown on the plans. He did not express support for commercial development along Carpinteria Avenue, noting that a lot of effort has gone into protecting the existing downtown commercial areas. He commented that there are better places in Carpinteria for a hotel than this site, the housing is extremely dense, and he likes the gray water idea. He said the community had been close to purchasing the site as open space but lost out to investors, and he plans to look out for Carpinteria's investment first.

Vice-Mayor Shaw stated that the project is very isolated from the community. He expressed concerns about the traffic, noting that Carpinteria Avenue is serving as the third lane they have been awaiting from the freeway project and 700 more trips along it per day would be almost impossible. Regarding the view corridors, he said they are not as viable as they should be. He said the project sets a precedent, and he is concerned that more development will continue east towards the end of the Santa Barbara County line. With respect to the buffer with Venoco, he said the housing could be leveled if there was an explosion or fire. He said that the more we expand out, the less

Carpinteria is going to seem like a small beach town, and it will be more like Marina Del Ray, Malibu or Venice.

Councilmember Clark stated that a lot of work went into environmental protections for the Bluffs and therefore must be taken seriously. He said the biggest environmental impact is the views, asked where the 200-foot shoreline park is in the plan, and said three 30-foot view corridors are not going to preserve views. He pointed out that the 300-foot buffer is for the event of an explosion, and he reminded all that the Paradon project is in the wings and will need a setback, as well. He said the highest priority and best use is public recreation and open space.

Councilmember Nomura noted the site constraints and expressed concern about the project not fitting within the envelope. He stated that the work/live component does not fit the area and is better suited to the downtown area. He asked for specific calculations of open space within the building envelope instead of overall numbers for the site. He said that he must weigh the benefits and sacrifices and, if the project is not of value to the community, he probably will not support it.

Mayor Carty said there is far too much going on, it is way too dense, he does not want commercial use, and it is incompatible with the pristine Bluff's preserve. He spoke about how many of the beach-related points of interest will not be the same due to the increase in visitors. He said he does not want to see Carpinteria become a tourist town. He expressed concerns about the oil processing facility and railroad, the water resources, and whether the sanitary district has enough infrastructure. He said view corridors should be a priority, and he likes the gray water and pedestrian crossing. He echoed Councilmember Clark's comments about preserving the parcel as open space.

Concerns about current traffic issues were expressed. Councilmember Clark shared that a Caltrans EIR revealed that the proposed HOV lane will enable cars to enter Carpinteria faster, creating traffic back-ups. Mayor Carty commented on the traffic issues that Carpinteria already faces, noting that he has difficulty exiting the Concha Loma neighborhood at 6:30 a.m.

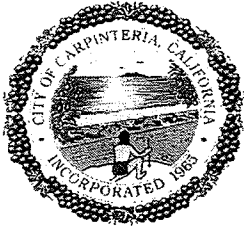
ADJOURNMENT

Mayor Carty thanked all for attending and adjourned the meeting at 8:39 p.m.

Gregg A. Carty, Mayor

ATTEST:

Fidela Garcia, CMC, City Clerk



City of Carpinteria

COUNCIL AGENDA STAFF REPORT October 12, 2015

ITEM FOR COUNCIL CONSIDERATION

Adoption of Resolution No. 5628 amending Resolution No. 5589 concerning the Housing-Related Parks grant amount and authorizing submittal to the state Department of Housing and Community Development.

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

Staff recommends that the City Council adopt Resolution No. 5628 authorizing the Community Development Director to submit the resolution to the State Department of Housing and Community Development.

Motion: I move to adopt Resolution No. 5628 and authorize the Community Development Director to submit the amended Resolution to the State Department of Housing and Community Development.

BACKGROUND

In February 2015, the City submitted a grant application to the State Department of Housing and Community Development (HCD) under the Housing-Related Parks (HRP) Program funded by Proposition 1C. In June 2015, the City was notified that a grant had been awarded in the amount of \$340,575. However, based on information available at the time of application of the grant materials, the Council adopted Resolution No. 5589 authorizing application for a grant in the amount of \$330,000. The Program awards funds on a per-bedroom basis for each residential unit affordable to very low- and low-income households permitted during the designated Program year. As the City was eligible for more funding than initially realized, Resolution No. 5589 must be amended at this time and returned to State HCD in order for the City to receive the total award amount of \$340,575.

The HRP provides funds for parks and recreation projects that benefit the community and add to the quality of life. The intention of the Parks Director is to use this grant to update and upgrade the play equipment, fall area and surrounding seating area at Memorial Park.

FINANCIAL CONSIDERATIONS

Submitting the new resolution will enable the City to enter into a contract with the state for the full amount eligible, \$340,575. This amount will pay for most of the anticipated amenities desired for the park at this time. An estimated funding gap of approximately \$20,000 can be provided through the Park Improvement Fund which currently has a balance of several hundred thousand dollars.

LEGAL

No legal issues have been identified at this time.

OPTIONS

The Council could direct staff to decline the grant if it chooses not to pursue a contract for the grant funding at this time.

PRINCIPAL PARTIES EXPECTED AT MEETING

None

ATTACHMENT

Attachment A: Resolution No. 5628

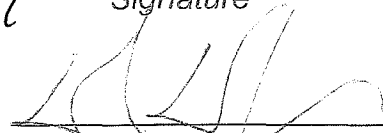
Staff contact: Jackie Campbell, Community Development Director
Phone: 805-755-4451
Email: jackiec@ci.carpinteria.ca.us


Signature

Reviewed by: Matt Roberts, Parks and Recreation Director


Signature

Reviewed by: Dave Durlinger, City Manager


Signature

RESOLUTION NO. 5628

**A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL AMENDING
RESOLUTION NO. 5528 AND AUTHORIZING SUBMITTAL TO THE STATE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated December 10, 2014 (NOFA), under its Housing-Related Parks (HRP) Program; and

WHEREAS, the City of Carpinteria (Applicant) applied for and has been awarded a Housing-Related Parks Program grant; and

WHEREAS, the grant award exceeded the amount included in Resolution No. 5589, and the authorization must be amended in order for the City to receive the full award.

**NOW THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS
FOLLOWS:**

1. Applicant is hereby authorized and directed to submit this Resolution acknowledging a not to exceed amount of \$340,575 for the Housing-Related Parks Program grant to the City of Carpinteria for the 2012 and 2014 Designated Program Years. The Applicant is hereby authorized and directed to enter into, execute and deliver a State of California Standard Agreement (Standard Agreement) in an amount not to exceed \$340,575, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").

PASSED, APPROVED AND ADOPTED this 12th day of October 2015 by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

Gregg A. Carty, 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 12th day of October 2015.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown, on behalf of
Brownstein Hyatt Farber Schreck, LLP
acting as City Attorney of the City of Carpinteria



City of Carpinteria

COUNCIL AGENDA STAFF REPORT OCTOBER 12, 2015

ITEM FOR COUNCIL CONSIDERATION

Selection of City's Representative to the County Library Advisory Committee

STAFF RECOMMENDATION

Action Item X ; Non-Action Item ____

Approve re-nominating Gaby Edwards to serve as the City's representative on the County Library Advisory Committee.

Motion: I move to re-nominate Gaby Edwards to serve as the City's representative on the County Library Advisory Committee for an additional 2-year term ending June 30, 2017.

BACKGROUND

The City has the opportunity to select a representative on the County's Library Advisory Committee. The term of the position runs concurrent with the term of the Library Agreement between the City of Santa Barbara and the County of Santa Barbara or until discharged at the pleasure of the Board of Supervisors. The Committee meets quarterly to review services and operations, make advisory recommendations to the Board of Supervisors regarding the level of services necessary to ensure adequate library services, address any library service concerns/issues, and provide for an exchange of information among branch libraries.

On April 14, 2014, the City Council appointed Gaby Edwards as its representative to the County's Library Advisory Committee. Marie Gensler, who staffs the County's Library Advisory Committee, has confirmed that Ms. Edwards' term has expired. Ms. Edwards has submitted an email communication confirming she would like to continue to serve on the Committee for another term. The Friends of the Library is in support of the reappointment of Ms. Edwards.

PRINCIPAL PARTIES EXPECTED AT MEETING

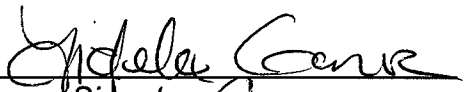
Gaby Edwards

ATTACHMENTS

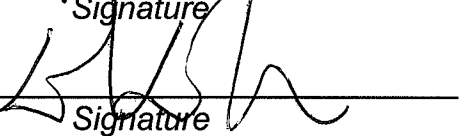
Email Communications from Gaby Edwards & Foster Markov, Friends of the Library

Staff contact: Fidela Garcia, City Clerk
(805) 755-4403
Fidelag97@gmail.com

Reviewed by: Dave Durflinger, City Manager



Signature



Signature

From: Gaby Edwards [mailto:gaby_edwards@cate.org]
Sent: Tuesday, September 29, 2015 1:56 PM
To: Dave Durlinger <daved@ci.carpinteria.ca.us>
Cc: Foster Markolf <famarkolf@aol.com>; Jean Bailard <jbailard2@cox.net>
Subject: Representing Carpinteria on the County Library Advisory Committee

Hi, Dave:

I write to confirm that I will happily serve on the Library Advisory Committee for another term. I apologize for not confirming sooner. As you know the committee meets quarterly under the thoughtful leadership of Supervisor Farr. While in the past I have not reported regularly to you or the City Council regarding the proceedings of the committee, I would be happy to do so if you or the Council would like.

Just a few weeks ago, we resolved to explore the possibility of all county libraries together proposing a parcel tax on the November 2016 ballot. One of our first steps would be to consult our city managers at their monthly meeting. I haven't heard yet if that has been arranged. Anyway, I thought you would be interested in this rather new and bold development. Supervisor Farr was also planning to run the idea by County Counsel to see if it would meet legal guidelines.

Thank you for this opportunity to serve our library (and our town) in this way.

Gaby Edwards

On Sep 10, 2015, at 12:25 PM, "famarkolf@aol.com" <famarkolf@aol.com> wrote:

Dave, we're not certain, but it may be that Gaby Edwards', who, as you know, has been Carpinteria's representative on the County's Library Advisory Committee, term on the Committee has officially ended. If it has, she is willing to continue to serve in this capacity and the Carpinteria Friends of the Library very much would like her to be re-appointed to this position.

Can you accept this "letter" as our request that this happen or is there a form we need to resubmit?

Regards,
Foster

Foster Markolf
4818 Third Street
Carpinteria, CA 93013
805-570-0341 (cell)
805-684-4610 (home)



City of Carpinteria

COUNCIL AGENDA STAFF REPORT October 12, 2015

ITEM FOR COUNCIL CONSIDERATION

Adoption of Resolution No. 5574 conveying a nonexclusive easement on City owned property (APN 001-070-026) for the benefit of Carpinteria Sanitary District subject to the terms and conditions in the Grant of Sewer Easement and Agreement Thereon.

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

Adopt Resolution No. 5574

Motion: I move to adopt Resolution No. 5574, conveying a nonexclusive easement on City owned property (APN 001-070-026) for the benefit of Carpinteria Sanitary District subject to the terms and conditions in the Grant of Sewer Easement and Agreement Thereon.

BACKGROUND

The Carpinteria Sanitary District is proposing to relocate a sewer line that is just north of the freeway in the vicinity of Carpinteria Creek. The relocation is necessary to allow for the reconfigured freeway interchange at Casitas Pass Road to be built. In order to do so, the District requires a nonexclusive easement from the City across City owned land also known as Carpinteria Creek Park.

DISCUSSION

The complete project relocates the existing above ground sewer line to a location further north of U.S. 101. This relocation is induced by the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Project, to be constructed by Caltrans. The Caltrans project includes reconstructing the Linden Avenue and Casitas Pass Road interchanges, reconfiguring on- and off-ramps, replacing the U.S. 101 bridges over Carpinteria Creek, extending the Via Real frontage road to Casitas Pass Road and

through to Linden Avenue by way of a new bridge over Carpinteria Creek and reconstruction of the bicycle path. The resulting changes to U.S. 101 would require reconstruction of the current aboveground sewer line, that runs approximately 100 feet north of the U.S. 101 bridge structures and that is suspended over Carpinteria Creek. The replacement line will be below ground. Carpinteria Sanitary District intends to complete this project prior to commencement of the larger Caltrans project so that work in Carpinteria Creek can be completed in the limited construction window available in late summer and early fall. The Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Project would commence, weather permitting, after the completion of the Sewer Line Relocation Project, requiring four to five years to complete.

In June of 2015, the Carpinteria Planning Commission granted the sewer relocation project a DP/CDP (Project No. 15-1766).

The easement across the Creek Park Property is in the very southern portion of the property and should not affect existing or anticipated park use and improvements. The requested easement involves 1,032 square feet.

The attachments to this report include a legal description and map of the proposed easement.

POLICY CONSISTENCY

The project has been found consistent with the Carpinteria General Plan and Local Coastal Plan by the Carpinteria Planning Commission at its regularly scheduled meeting held on June 1, 2015.

FINANCIAL CONSIDERATIONS

The proposed action is not expected to have any financial effects on the City of Carpinteria.

LEGAL

The City Attorney's office has reviewed the Grant of Sewer Easement and Agreement Thereon document and is available for questions.

OPTIONS

1. Authorize the conveyance of the Grant of Sewer Easement and Agreement Thereon.
2. Direct Staff at the City Council's discretion.

PRINCIPAL PARTIES EXPECTED AT MEETING

ATTACHMENTS

Attachment 1

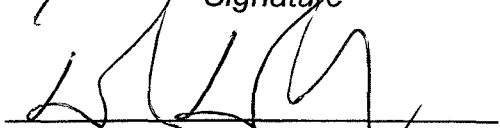
1. Resolution No. 5574
2. Grant of Sewer Easement and Agreement Thereon

Staff contact:

Matthew Roberts
(805) 684-5405 ext. 449
mattr@ci.carpinteria.ca.us

Reviewed by: Dave Durflinger, City Manager


Signature


Signature

RESOLUTION No. 5574

**A RESOLUTION OF THE CARPINTERIA CITY COUNCIL
APPROVING THE CONVEYANCE OF A NONEXCLUSIVE SEWER EASEMENT
ACROSS A CERTAIN PORTION OF CARPINTERIA CREEK PARK
(APN 001-070-025)
TO THE CARPINTERIA SANITARY DISTRICT
FOR THE PURPOSE OF AN UNDERGROUND
SEWER PIPELINE**

WHEREAS, The City of Carpinteria is the simple fee owner of a parcel of land (The Property) assigned APN 001-070-025 also known as Carpinteria Creek Park; and

WHEREAS, The Carpinteria Sanitary District has requested the City convey a nonexclusive easement across the Property to install, operate and maintain a underground sewer pipeline including manholes pursuant to the terms and conditions in the Grant of Sewer Easement and Agreement Thereon; and,

WHEREAS, Under Government Code Section 50335, a City may convey to any public corporation, or private corporation engaged in the public utility business, an easement to lay, construct, reconstruct, maintain, and operate water, sewer, gas or storm drain pipes or ditches, electric or telephone lines, and access roads used in connection therewith, over and upon any land belonging to the local agency, upon such terms and conditions as the parties thereto may agree.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Carpinteria hereby resolves that the conveyance of a sewer easement as described in the attached Grant of Sewer Easement and Agreement Thereon to the Carpinteria Sanitary District is hereby approved and the City Manager is authorized to execute said Grant of Sewer Easement and Agreement Thereon on behalf of the City.

The foregoing resolution was passed by the City Council of the City of Carpinteria this 12th day of October, 2015.

PASSED, APPROVED AND ADOPTED this 12th day of October, 2015, by the following called vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

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 12th day of October, 2015.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown,
on behalf of Brownstein Hyatt Farber Schreck, LLP
Acting as City Attorney of the City of Carpinteria

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Carpinteria Sanitary District
5300 Sixth Street
Carpinteria, CA 93013

Project: Via Real Sewer Main Relocation

Assessor's Parcel Number: 001-070-025
NO FEE PER GOVERNMENT CODE 27383

SPACE ABOVE THIS LINE FOR RECORDER USE

GRANT OF SEWER EASEMENT
AND AGREEMENT THEREON

THIS GRANT OF SEWER EASEMENT AND AGREEMENT THEREON ("AGREEMENT") is made this ____ day of September 2015, by and between the CITY OF CARPINTERIA, a municipal corporation in Santa Barbara County, California ("Grantor") and CARPINTERIA SANITARY DISTRICT, a public agency in Santa Barbara County, California ("Grantee"), with reference to the following facts:

RECITALS

- A. Grantor owns certain real property located adjacent to Carpinteria Creek, west of 5700 Via Real in Carpinteria, California ("Property") which is designated by the Santa Barbara County Assessor's Office as Parcel Number 001-070-025 and is developed for recreational purposes as the Carpinteria Creek Park.
- B. Grantee is empowered under its enabling act, the Sanitary District Act of 1923, to provide sewer services in the City of Carpinteria and surrounding unincorporated areas.
- C. Grantee desires to implement the Via Real Sewer Main Relocation Project ("Project") to relocate a portion of its existing sewer system out of the way of the forthcoming improvements to the Casitas Pass Road interchange by Caltrans. In doing so a new sewer line will be constructed north of the current location, and out of the area of disturbance for the Caltrans improvements. Caltrans evaluated the environmental impacts of the Project in an Environmental Impact Report (EIR State Clearinghouse# 2008041158) / Finding of No Significant Impact (FONSI) and subsequent Natural Environment Study and Addendum (EA 054482U0) certified by Caltrans and Re-Validated March 26, 2015. On June 1, 2015, Grantor approved a Coastal Development Permit and Conditional Use Permit to Grantee (Project No. 15-1766-CUP/CDP), relying on the environmental documents referenced above.
- D. Grantee desires to acquire an easement through the Property to access, construct, install and maintain public infrastructure necessary for the conveyance and transmission of sewage eastward across the site from the western terminus of Via Real to Grantor's existing sewer collection system west of Carpinteria Creek.
- E. Grantor desires to grant Grantee such easement, consistent with the terms and conditions of

this Agreement.

NOW, THEREFORE, it is agreed, for valuable consideration, the receipt of which is hereby acknowledged, as follows:

1. EASEMENT GRANT. Grantor grants to Grantee a non-exclusive easement under, across, over and through the Property for sewer purposes and the right to lay, construct, use, operate and maintain underground pipelines and appurtenances thereto, including manholes ("Sewer Facilities"), for the purpose of conveying sewage through, over, under and across the real property hereinafter described, subject to the following terms and conditions ("Easement").
 - 1.1 Non-routine Maintenance. After the Sewer Facilities have been constructed, Grantee shall not perform any non-routine maintenance activities, including, but not limited to, reconstruction, alteration, addition to, replacements and removal of Sewer Facilities, or removal of trees, bushes, undergrowth and other obstructions interfering with the location, construction or maintenance of Sewer Facilities ("Non-routine Maintenance Activities") without first obtaining written approval from Grantor of the manner, time and place of such Non-routine Maintenance Activities. Grantor agrees to cooperate in good faith with Grantee and not unreasonably withhold such approval. Activities such as manhole inspections and pipeline hydro-cleaning shall not be considered Non-routine Maintenance Activities.
 - 1.2 Emergency. Notwithstanding paragraph 1.1, when immediate action is required to protect life and property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, Grantee shall have the right to immediately access the Sewer Facilities and perform any Non-routine Maintenance Activities required to resolve the emergency without approval from Grantor. Grantee shall endeavor to give Grantor reasonable notice prior to performing any Non-routine Maintenance Activities in emergency circumstances.
 - 1.3 Location. The Easement shall be located on that portion of the Property that is more particularly described in metes and bounds in the attached legal description identified as Exhibit A, and which is shown on the map attached hereto as Exhibit B, which are incorporated herein by reference ("Easement Area").
 - 1.4 Access and Assignment. Grantee and its successors, assigns, agents, employees and contractors shall have the right to ingress to and egress from the Easement Area and all pipelines and appurtenances located thereon at all times, subject to the other limitations in this Agreement. Grantee shall further have the right to authorize its agents or contractors to use the Easement for the purposes set forth herein.
 - 1.5 Consistency with Approvals. Grantee's use of the Easement shall at all times be consistent with applicable approvals, including but not limited to the environmental mitigations set forth in an Environmental Impact Report, FONSI and subsequent Natural Environment Study and Addendum certified by Caltrans, and Project Number 15-1766-

CUP/CDP Conditions of Approval, attached hereto as Exhibit C and incorporated by reference.

- 1.6 Grantor's Reservation of Rights. Grantor reserves any rights which Grantor may have to enter upon the Easement Area or to improve or modify the Property for any purpose, provided, however, that Grantor shall not directly or indirectly interfere with the Easement or endanger Grantee's exercise of the rights described in this Agreement.

2. GRANTEE'S OBLIGATIONS.

- 2.1 Compliance with Conditions. Grantee shall be solely responsible for the costs incurred under the exercise of its rights under this Agreement. Further, Grantee shall be liable to Grantor for all damage caused by Grantee in the exercise of any of its rights hereunder, and Grantee agrees to replace and repair all surfaces as nearly as possible to their grade and condition immediately prior to the exercise of any rights granted herein. Grantee agrees to coordinate directly with Grantor in exercising its rights under this Agreement to ensure that natural resources within the Easement Area are protected to the greatest practicable extent. Grantee further agrees to comply with measures set forth in the Conditions of Approval, Project No. 15-1766- CUP/CDP and the environmental mitigations set forth in an Environmental Impact Report, FONSI and subsequent Natural Environment Study and Addendum certified by Caltrans, whenever undertaking any activities in or around the Easement Area.
- 2.2 Subsequent Improvements. Grantor agrees to notify Grantee prior to the installation of Subsequent Improvements that will alter Grantee's access to the Easement Area. In the event that Grantor desires to construct Subsequent Improvements that interfere with the Grantee's ability to exercise the rights granted herein or requires relocation of Sewer Facilities within the Easement Area, such as buildings, Grantee agrees to cooperate with Grantor in such development efforts. Grantor acknowledges that relocation of the Sewer Facilities will involve considerable lead time for planning and design by Grantee, and if applicable, competitive bidding, and procurement of discretionary approvals and permits over which Grantee has limited control. In the event Grantor reasonably deems relocation of the Sewer Facilities to be necessary and that no reasonable alternatives to such relocation exist, Grantor shall: (a) pay all costs (including but not limited to design, engineering, planning, and construction) associated with relocation of the Sewer Facilities including conveyance of easements or rights of way as required (b) provide to Grantee as much advance notice as reasonably possible, optimally at least six (6) months in advance; and (c) provide Grantee a reasonable time to complete such relocation, whether temporary or permanent. In such event, the parties shall cooperate to the fullest possible extent in good faith to arrive at a mutually satisfactory schedule for such work, and Grantee shall thereafter diligently prosecute such work to completion.
- 2.4 Indemnification by Grantee. Grantee, its successors and assigns, shall waive all claims against Grantor, its agents, employees or lessees for, and shall indemnify, defend, protect, and hold Grantor, its officers, agents, employees or lessees free and harmless from, any and all liability, claims, proceedings, lawsuits, injuries, deaths, fines, penalties, judgments, awards, costs, losses, damages or expenses, including, without limitation,

reasonable attorney's fees and costs resulting from Grantee's, its employees', agents', contractors', representatives', or invitees' use of the Easement during the term of the Easement unless the liability, claims, loss, damages or expenses is caused by the negligence of the Grantor, its agents, employees or lessees.

- 2.5 Insurance. Grantee hereby represents that it is insured through a joint powers authority pooled self-insurance program for liability purposes.
- 2.6 Taxes. Grantor shall continue to be responsible for paying all real property taxes or other assessments, bonds or levies ("Taxes") against the Property, if applicable. However, to the extent any additional Taxes are specified in the tax assessor's records as being caused by improvements installed within the Easement by Grantee, Grantee shall be responsible for paying such additional Taxes. Notwithstanding the foregoing, it is acknowledged that both Grantor and Grantee are public entities and exempt from payment of such taxes.

3. GENERAL PROVISIONS.

- 3.1 Recitals. The recitals stated at the beginning of this Agreement of any matters or facts shall be conclusive proof of the truthfulness thereof and the terms and conditions of the recitals, if any, shall be deemed a part of this Offer.
- 3.2 Covenant Running With the Land. This Agreement shall bind and inure to the benefit of the respective heirs, personal representatives, successors and assigns to the parties hereto, and shall be construed as a covenant and restriction which shall run with the land.
- 3.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof. This Agreement may not be modified in any way except by instrument in writing, signed by Grantor.
- 3.4 Further Assurances. The Parties each agree to cooperate with one another and to promptly perform such acts and to execute such documents or instruments as are reasonably necessary and proper to consummate the transactions contemplated by this Agreement.
- 3.5 Authorizations. All individuals executing this and other documents on behalf of the respective Parties certify and warrant that they have the capacity and have been duly authorized to so execute the documents on behalf of the entity so indicated. Each signatory shall also indemnify the other Party to this Agreement, and hold them harmless, from any and all damages, costs, attorneys' fees, and other expenses, if the signatory is not so authorized.
- 3.6 No Waiver. Any failure to enforce any of the provisions of this Agreement shall in no way affect the validity of this Agreement, or any part hereof, and shall not be deemed a waiver of the rights of either Party to enforce any and each such provision. Any consent or approval given pursuant to this Agreement shall be limited to its express terms and

shall not otherwise increase the obligations of the Party giving such consent or approval or otherwise reduce the obligations of the Party receiving such consent or approval.

- 3.7 Notices. All notices, approvals, acceptances, requests, demands and other communications required or permitted, to be effective, shall be in writing and shall be delivered, either in person or by mailing the same by United States mail (postage prepaid, registered or certified, return receipt requested) or by Federal Express or other similar overnight delivery service, to the party to whom the notice is directed at the address of such party as follows:

Grantor: City of Carpinteria
Attn: City Manager
5775 Carpinteria Ave.
Carpinteria, CA 93013

With Copy to: Peter N. Brown
Brownstein Hyatt Farber Schreck, LLP
1020 State St.
Santa Barbara, CA 93101

Grantee: Carpinteria Sanitary District
Attn: General Manager
5300 Sixth Street
Carpinteria, CA 93013

With Copy to: Anthony Trembley
Musick, Peeler & Garrett, LLP
2801 Townsgate Road, Suite 200
Westlake Village, CA 91361

Any communication given by mail shall be deemed delivered two (2) business days after such mailing date, and any written communication given by overnight delivery service shall be deemed delivered one (1) Business day after the dispatch date. Either party may change its address by giving the other party written notice of its new address.

- 3.8 Headings. The section headings contained in this Agreement are for convenience and reference only and shall not affect the meaning or interpretation of this Agreement
- 3.9 Severability. If any term, provision, covenant or condition of this Agreement shall be or become illegal, null, void or against public policy, or shall be held by any court of competent jurisdiction to be illegal, null, void or against policy, the remaining provisions of this Agreement shall remain in full force and effect, and shall not be affected, impaired or invalidated. The term, provision, covenant or condition that is so invalidated, voided or held to be unenforceable, shall be modified or changed by the parties to the extent possible to carry out the intentions and directives set forth in this Agreement.

- 3.10 Governing Law. The provisions of this Agreement shall be governed and construed in accordance with the laws of the State of California. The venue or any action or proceeding arising out of or relating to this Agreement shall be Santa Barbara County, California.
- 3.11 Construction. No presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement which shall be interpreted and enforced according to the plain meaning thereof.
- 3.12 Incorporation of Exhibits. The exhibits attached to this Agreement are incorporated by this reference.
- 3.13 Counterparts and Execution. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed to be an original Agreement and all of which taken together shall constitute one (1) agreement, notwithstanding that all of the parties are not signatories to the original or to the same counterpart.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

SIGNATURES AND NOTARY STATEMENTS:

David Durflinger, City of Carpinteria
City Manager

Peter N. Brown, on behalf of
Brownstein Hyatt Farber Schreck, LLP
acting as City Attorney of the City of Carpinteria

Craig Murray, Carpinteria Sanitary District
General Manager

NOTARY STATEMENTS

EXHIBIT A - Metes and bounds legal description of Easement

EXHIBIT B – Map of Easement

EXHIBIT C – CUP/CDP Conditions of Approval, Project No. 15-1766-CUP/CDP

Exhibit A
Legal Description

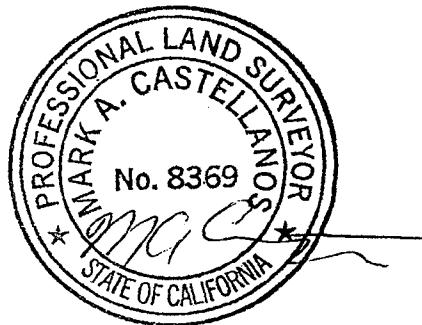
That portion of that certain parcel of land described in deed to the County of Santa Barbara, recorded as Document No. 37567 on September 3, 1963, in Book 2010, Page 742, of Official Records, in the office of the County Recorder, County of Santa Barbara, State of California, within a strip of land 20.00 feet wide, lying 10.00 feet on each side of the following described line:

Commencing at southern most corner of said land, said corner being marked with a ½ inch iron pipe as shown on the Record of Survey filed in Book 117, Page 15 of Record of Surveys, with the County Recorder of said County; thence, northeasterly along said parcel of land North 45°28'41" East, a distance of 37.67 feet to the True Point of Beginning; thence, leaving said line and into said parcel North 29°22'24" West, a distance of 51.62 feet to the west boundary of said parcel.

The sidelines of the above described strip shall be prolonged or shortened so as to terminate on the southeasterly and west lines of said parcel.

Containing 1032 square feet plus or minus

The above described land is shown graphically on the attached Exhibit B made a part of this description by reference thereto.



9/28/2015

APN: 001-070-012

BK. 2010, PG. 742 O.R.
APN: 001-070-025

APN
001-070-018

APN: 001-070-036

APN: 001-070-026

POINT OF
COMMENCEMENT

TRUE POINT
OF BEGINNING

U.S. 101

VIA REAL

20.00'

CARPINTERIA CREEK DRIVE



9/28/2015



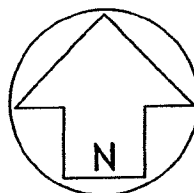
Stantec

111 East Victoria Street,
Phone: (805) 963-9532

Santa Barbara, CA 93101
Fax: (805) 966-9801

P.N.

DWG: 2064021104Legal01.dwg



SCALE: 1" = 60'

EXHIBIT B
OF
CARPINTERIA SANITARY DISTRICT
EASEMENT AREA

CITY OF CARPINTERIA
STATE OF CALIFORNIA

PLOT DATE: 9/28/2015

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

On this ____ day of _____, 20__, before me, _____, a Notary Public in and for said County and State, personally appeared

_____,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal:

Signature: _____

Printed: _____

My Commission Expires: _____

Principal office located in County of: _____



MEMORANDUM

Date: October 12, 2015

To: Councilmembers

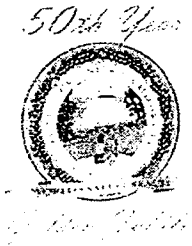
From: Matt Roberts

Subject: Agenda Item No. 5
Resolution No. 5574 Conveying a Nonexclusive Easement on City
Owned Property (APN 001-070-926) for the Benefit of Carpinteria
Sanitary District

After the distribution of the staff report regarding the Carpinteria Sanitary District Easement agenda item, it was discovered that Resolution No. 5574 did not contain Exhibit C, Conditions of Approval attached. It is attached here and distributed tonight for your consideration.

EXHIBIT "C"

CONDITIONS OF APPROVAL PLANNING COMMISSION HEARING PROJECT NO. 15-1766-CUP/CDP June 1, 2015



CSD SEWER LINE RELOCATION PROJECT

The Conditions set forth in this permit affect the use of the real property which is the subject of this permit and shall run with the real property or any portion thereof. All the terms, covenants, conditions, and restrictions herein imposed shall be binding upon and inure to the benefit of the lessee, his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the lessee and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on the lessee by this permit.

COMMUNITY DEVELOPMENT DEPARTMENT

1. This Conditional Use Permit and Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits (Exhibit 1, Attachment B to the staff report dated June 1, 2015), and conditions of approval set forth below.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project includes installation of approximately 1,700 linear feet of new sewer line, to replace a sewer line currently located aboveground approximately 100 feet north of U.S. 101 at Carpinteria Creek. As part of the California Department of Transportation (Caltrans) Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Project, the Carpinteria Sanitary District will be required to relocate the existing sewer line outside of the new transportation corridor prior to Caltrans commencement of construction. The existing aboveground sewer line would be removed and existing underground lines and manholes abandoned in place.

The project includes abandonment of 570 feet of underground VCP sewer pipe, abandonment of 280 feet of underground cast iron pipe, removal of 350 feet of aboveground cast iron pipe, and abandonment of three manholes. Sewer lines and

manholes to be abandoned in place will be flushed with recycled water and filled with cement slurry. The manholes will be abandoned in place by removing the upper five feet of the manhole shaft and filling the upper void with native materials.

In order to minimally impact the creek habitat, horizontal directional drilling is used to avoid impacts to habitat and vegetation near the creek. Minimal vegetation would be removed to accommodate new sewer lines, including removal of five avocado trees.

Temporary construction activities would impact public right-of-way along Via Real and private access to the western gate of the San Roque Mobile Home Park. Temporary closure of the bicycle path between Carpinteria Avenue and Via Real will last for approximately two to three weeks. The overall project is estimated to take eight to 10 weeks to complete and is scheduled to be constructed in late summer / early fall.

Minimization and Mitigation Measures from the Project EIR/FONSI

The Minimization and Mitigation Commitments Summary (MMC) is included as a part of the EIR/FONSI, Appendix D. Reference should be made to the document for complete monitoring requirements. The EIR/FONSI Addendum is attached as Exhibit 2 to the Planning Commission Staff Report dated June 1, 2015. Elements of the MMC are included as Conditions of Approval below.

2. Section 2.1.1.4 – Parks and Recreation

- a. Bicycle and pedestrian detours shall be clearly marked during the construction.
- b. When the Class I bicycle path requires closure, a minimum seven-day public notice of the closure and designated detour routes will be posted on the bicycle path and adjacent access points where the closure will occur.

3. Section 2.2.2 – Water Quality

- a. Permanent and temporary construction designs shall include pollution prevent Best Management Practices.
- b. Work in the creek bed shall be conducted during the dry season.
- c. A Storm Water Pollution Prevention Plan shall be approved prior to work in the creek.

4. Section 2.3.1 – Natural Communities

- a. The applicant shall comply with all regulatory agencies' recommendations.
- b. All oaks and native trees and shrubs that will remain in the project vicinity shall be delineated on the plans and fenced in the field as environmentally sensitive areas. A habitat delineation and fencing plan shall be submitted to the City Biologist prior to start of construction. Delineation shall be verified by the City Biologist prior to the start of construction and staging activities.

- c. To comply with provisions for the protection of nesting birds found in the Migratory Bird Treaty Act, a 15.2-30.5 meter (50-100 foot) buffer area will be identified and delineated on the plans and in the field. A habitat delineation and fencing plan shall be submitted to the City Biologist prior to start of construction. Delineation shall be verified by the City Biologist prior to the start of construction and staging activities.
 - d. Disturbed vegetation will require revegetation. Riparian trees >10cm dbh (4 inches) will be replaced at a ratio of 3:1. Oaks >10cm dbh (4 inches) will be replaced at a ratio of 10:1 and all other natural community trees and shrubs will be replaced at a ratio of 3:1 (acreage). The revegetation plan shall be approved by the City Biologist prior to removal of any vegetation. Both riparian and oaks will have a three-year plant establishment period.
- 5. **Section 2.3.2 – Wetlands and other Waters**
 - a. The project will incorporate environmentally sensitive area fencing. A habitat delineation and fencing plan shall be submitted to the City Biologist prior to start of construction. Fencing shall be approved and inspected by the City Biologist prior to start of construction.
 - b. Diversion of creek flow will be restricted to June 1- October 31, cofferdam construction required. All creek diversions shall be approved by the appropriate agency prior to start of construction.
- 6. **Section 2.3.4 – Animal Species**
 - a. The applicant shall comply with regulatory agencies' recommendations.
 - b. Environmentally Sensitive Area fencing shall be installed prior to construction and staging and shall be depicted in the final design layout plans. The City Biologist shall verify proper installation of the fencing prior to start of construction.
- 7. **Section 2.3.5 – Threatened and Endangered Species**
 - a. The applicant shall comply with regulatory agencies' recommendations.
 - b. Steelhead trout and native fish within the project area to be diverted will be removed and relocated.
 - c. Soil exposed as a result of the project shall be revegetated using native hydroseeding or live planting methods. Planting method shall be approved by the City Biologist prior to installation.
 - d. The applicant shall restore the contour, slope and surrounding area of the creek bed to pre-construction conditions or better.
 - e. Permits and consultation shall be completed with the US Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries, and State Water Resources Control Board prior to construction or any impacts to steelhead trout or other native fish.
 - f. Intakes shall be completely screened with wire mesh no larger than five millimeters.
 - g. Approved fish removal and relocation techniques shall be implemented.

- h. Upon completion of construction activities, the barriers to flow shall be removed in a manner that will allow flow to resume with the least disturbances to the substrate.
- i. Fish passage will be maintained during and after construction.
- j. Environmentally Sensitive Area fencing shall be installed prior to construction and staging and shall be depicted in the final design layout plans. The City Biologist shall verify proper installation of the fencing prior to start of construction.
- k. All removed riparian habitat shall be replaced at a ratio of 3:1.

8. Section 2.3.6 – Invasive Species

- a. The landscaping and erosion control plan shall not include species listed as noxious weeds.
- b. In areas of particular sensitivity, extra precaution shall be taken if invasive species are found in or adjacent to the construction areas. These include the inspection and cleaning of construction equipment and eradication strategies to be implemented should an invasion occur.

9. Section 3.4 – Construction Impacts

- a. Natural communities. The number of access routes, size of staging areas, and total area of activity shall be limited to the minimum necessary.
- b. Wetlands and Other Waters. Project shall comply with regulations of the California Coastal Commission and US Army Corps of Engineers regarding environmentally sensitive area fencing, diversion from June 1- October 31, use of cofferdam, restoration of channel bottom, and incorporation of best management practices and a Storm Water Pollution Control Plan.
- c. Animal Species. Environmentally sensitive areas shall be fenced.
- d. Migratory Birds. Habitat removed before migratory nesting season begins; use of bird netting, if needed.
- e. Threatened and Endangered Species. Biologist shall be present. The Biologist shall have the authority to halt action.
- f. Hazardous Waste. Any contaminated soil identified with the proposed project shall be transferred to an appropriate disposal site during construction. All procedures governing the handling or disposal of hazardous waste shall be in accordance with the appropriate regulatory agencies.
- g. Paleontology. If any vertebrate or plant fossils are discovered during construction, construction shall be halted in the immediate vicinity (33 foot radius), until the District Paleontology Coordinator has the opportunity to review the find. All plans shall include a statement regarding this requirement including the Resident Engineer's Instructions.
- h. Cultural Resources. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area shall be diverted until a qualified archeologist can assess the nature and of the significance of the find.

- i. Utilities and or Emergency Services. A Traffic Management Plan shall be developed for the project. Detour routes will be provided for all full closures to auto and pedestrian access.
- j. Water Quality. Temporary construction site pollution prevention Best Management Practices shall be implemented. Work in the creek bed shall be performed during the dry season. Contractor shall acquire a SWPPP.
- k. Air Quality. Dust control and dust palliative requirements are a required part of all construction contracts and shall effectively reduce and control emission impacts during construction. Implementation of the following measures will reduce any air quality impacts resulting from the construction activities: apply water or dust palliative to the site and equipment, soil binder shall be used on any unpaved roads or parking areas, wash trucks off, properly maintain equipment and vehicles, use of low sulfur fuels in all construction equipment, develop a dust control plan, equipment shall be stored as far away from residential and park uses as practical, use track-out reduction measures such as gravel pads at project access points, cover all transported soils and wet materials prior to transport, remove dust and mud from paved roads and install mulch or vegetation as soon as practical after grading.

Community Development Environmental Impact Conditions

10. "Frac Out" Contingency Plan

The CSD shall prepare and implement a "frac out" contingency plan. The plan shall be prepared in case of a "frac out" during directional drilling. The Contingency Plan shall be prepared prior to drilling and shall be implemented during directional drilling. **Plan Requirements and Timing:** The "frac-out" contingency plan shall be submitted to the City Public Works and Community Development Department prior to the pre-construction meeting for review and approval.

The following components shall be included in the Contingency Plan:

- a. Should a "frac out" occur, drilling shall immediately cease;
- b. A spill kit of sufficient size shall be kept onsite to clean up any drilling fluid that escapes the drill pit and or is spilled via the fracture;
- c. If drilling fluid begins to discharge to any flowing water, silt fencing and rice straw bales shall be immediately placed downstream of the spill to isolate the spill and capture and halt continued flow downstream;
- d. The contaminated area shall be cleaned immediately and contaminated materials properly disposed;
- e. The project foreman and monitor shall be notified immediately and the CDFW and jurisdictional agencies notified within 24 hours;
- f. Boring under Carpinteria Creek shall not occur 12 hours prior to any forecasted measurable rainfall at 50% chance or higher;
- g. Subject to approval by the Regional Water Quality Control Board, a non-toxic fluorescent water soluble dye, such as the dye used by Santa Barbara County

- to detect septic leaks, shall be added to the drilling muds to allow frac outs to be seen in muddy waters. The dye shall be used in a concentration which allows the monitors to easily determine the source of the frac out;
- h. Borings shall not occur adjacent to instream structures, such as pilings, because frac outs tend to occur where the structures interface with the substrate. If instream structures are present, the bore shall be deep enough to minimize frac out potential;
 - i. All field staff and monitors shall be properly trained for directional drilling operations;
 - j. A trained monitor shall be onsite during drilling and have the authority to make recommendations to the drilling operators and, if necessary, shut down operations if the operators are not following procedures which minimize frac outs;
 - k. Pressure levels shall be monitored randomly by the monitor and recorded. Pressure levels shall be set at minimum level to prevent frac outs; and
 - l. Drilling contractors shall use benign material in drilling muds to avoid contamination of any water or habitat.
11. **Regulatory Compliance.** Prior to start of construction, any required regulatory permits shall be acquired, for example a U.S. Army Corps of Engineers 404 permit. **Plan Requirements:** Copies of all required regulatory permits from affected resource agencies shall be submitted to the Community Development Department. **Timing:** Permits shall be submitted to CDD prior to initiation of construction. **Monitoring:** CDD shall confirm receipt of all necessary permits prior to construction.
12. **Creek Channels and Banks.** No alteration to stream channels or banks shall be permitted until the California Department of Fish and Wildlife has been contacted to determine if the drainage falls under its jurisdiction. **Plan Requirements and Timing:** Prior to construction, the applicant must receive all necessary permits from the California Department of Fish and Wildlife.
13. Excavation work within or adjacent to sensitive habitats shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas, it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by CDD, excavation work may be authorized by CDD to be completed with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by CDD. **Plan Requirements:** The above measure shall be noted on all grading and construction plans. **Monitoring:** CDD shall ensure compliance on site during construction.
14. **Bird Nesting Survey.** If vegetation clearing or other project construction is to be initiated during the bird breeding season (March 1 through September 15 and

December 1 through July 1 for raptors), a pre-construction survey shall be conducted by a qualified ornithologist or biological monitor approved by or working directly for the City. The survey shall include an area of 500 feet from the proposed construction. If raptors are observed nesting within 500 feet of construction/grading areas, or if other bird species are observed nesting within 300 feet of construction/grading areas, the breeding habitat/nest site shall be buffered from construction activities by a fence and the buffer area shall not be disturbed until the nest becomes inactive. **Plan Requirements:** The above measure shall be noted on all grading and construction plans. **Timing:** The survey shall occur no earlier than 14 days and no later than three days prior to initial construction or grading activity. **Monitoring:** Survey report to be provided to CDD prior to the initiation of construction.

15. Environmental Training / On-site Biological Monitor

To ensure that protective measures listed in these Conditions of Approval are fully implemented, a qualified biological monitor approved by or working directly for the City shall be provided during construction activities for projects on parcels within a creek ESHA overlay area. The biological monitor's duties shall include:

- a. Conducting environmental training of all construction personnel prior to construction activity and subsequent orientations upon significant crew changes to educate work crews about the sensitivity of biological resources at the site and to inform them of protective measures that must be complied with;
- b. Observing construction activities and providing direction to the supervisor of construction crews as needed to ensure that protective measures are implemented;
- c. Monitoring for presence of sensitive and/or special-status wildlife species that may have migrated into the project site;
- d. Ability to halt construction if sensitive and/or special-status wildlife species are present in the work area;
- e. Monitoring for condition of construction zone demarcation (e.g., fencing, flagging) and directing the maintenance of the material as necessary; and
- f. If any breach in protective fencing occurs, the monitor shall order all work suspended until the fence is repaired or replaced.

Plan Requirements and Timing: The City approved biological monitor shall be identified prior to start of construction. A preconstruction training shall be scheduled prior to start of construction. CDD shall be informed of the scheduled environmental training date, time and location. **Monitoring:** The biological monitor shall report to CDD as required by the City.

16. Construction Zone Demarcation

Important resources (e.g., native vegetation) located within the construction area that are to be preserved shall be clearly marked onsite to avoid the accidental removal of such resources. The ground disturbance zone shall either be fenced with orange construction fencing or appropriately flagged prior to activity within the creek. This material shall be removed at the end of construction.

- 17. Native Revegetation.** All temporarily disturbed areas containing riparian, coastal sage scrub, or annual grassland habitat shall be revegetated in-kind at a 1:1 ratio. Willows, sycamores, or other trees impacted by any necessary emergency activities shall be replaced at a 3:1 ratio with plants acquired from a local source with Santa Barbara genetic heritage. Specific requirements for monitoring and performance criteria, such as achieving 80% coverage of the restored species, shall be outlined in a Habitat Restoration Plan prepared by a qualified biologist, which shall identify where native seed sources will be obtained and include a schedule for seed collection and weed management. Native specimen plants and seed stock from locally obtained sources shall be utilized for landscaping purposes. **Plan Requirements:** This requirement shall be included in a landscape plan to be prepared by a CDD approved landscape architect or arborist. **Timing:** Landscaping shall be installed prior to issuance of occupancy clearance. **Monitoring:** Prior to release of performance security, the landscape architect or arborist shall verify in writing to CDD the use of native seed stock on the property.

- 18. Protection of Sensitive Biological Resources.** The following actions and best management practices shall be implemented during and after construction in sensitive habitat to ensure that biological resources are not adversely affected by project activities.

- a. Any equipment storage, if necessary, shall occur outside USACE jurisdiction and/or sensitive habitat and outside CDFW jurisdiction.
- b. The project shall comply with all litter and pollution laws. A litter control and site clean-up program shall be implemented onsite.
- c. Any material/spoils from project activities shall be located away from jurisdictional features or sensitive habitat and shall be protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Only the minimal amount of material needed for the project shall be stored. Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground. Sanitary/septic wastes shall be located away from drainages and sensitive habitat and shall be discharged only to a permitted sanitary sewer discharge facility.
- d. Vehicles and equipment shall be fueled offsite. Fuel storage and fueling areas shall be located at a minimum of 100 feet from drainages or sensitive habitats.

All fueling shall be conducted in the presence of the fueling operator and tanks shall not be "topped off."

19. **Cultural Resource Monitoring.** If artifacts are discovered, the archeologist or Native American representative shall be consulted. An archeologist or Native American representative shall notify the District immediately, and excavation shall cease until the archeologist has documented the resources. The archeologist or Native American representative shall recommend actions to be taken by the District prior to construction restart. Equipment stoppages prescribed by the archeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and shall not be construed to require stoppage of all equipment on the site unless the resources are thought by the archeologist to be disturbed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be impacted and said equipment may undertake work in other areas of the site away from the discovered resources. If the find is determined by the archeologist to be a unique archeological resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code with mitigation as appropriate. If the find is determined not to be a unique archeological resource, no further action is necessary and construction may continue.
20. **Cultural Resource Evaluation and Notification.** Should archeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by a qualified archeologist. In general the following guidelines shall be followed:
 - a. Preservation of sites in-place is the preferred manner of avoiding damage to historic and prehistoric archeological resources.
 - b. In the event of discovery of human remains, work shall stop until the coroner has determined that no investigation of cause of death is required; or, if descendants have made a recommendation within 24 hours of notification, if no recommendation is received, remains shall be interred with appropriate dignity on the property in a location not subject to future development.

General Conditions

21. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitations period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.

22. Any and all damage or injury to public property resulting from this development, including without limitation, City streets, shall be corrected or result in being repaired and restored to its original or better condition.
23. All requirements of the City of Carpinteria (including but not limited to public improvements as defined in the City of Carpinteria Municipal Code (CMC), Section 15.16 and 12.04) and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met.
24. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
25. Any minor changes may be approved by the Community Development Director. Any major changes will require the filing of a modification application to be considered by the Planning Commission.
26. Approval of the Conditional Use Permit and Coastal Development Permit shall expire two years after approval, unless prior to the expiration date an Engineering or Encroachment Permit has been issued. The decision maker with jurisdiction over the project may grant a time extension for good cause.
27. When not specified herein, all conditions shall be satisfied prior to the issuance of Encroachment and Engineering Permits or prior to final permit sign-off when allowed by the Director of Community Development.
28. An approval granted by the Planning Commission does not constitute an Engineering or Encroachment Permit or authorization to begin any construction. An appropriate permit issued by the Public Works Department must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
29. If, at any time, the City or Planning Commission determines that there has been, or may be, a violation of the findings or conditions of this Conditional Use Permit/Coastal Development Permit, or of the Municipal Code regulations, a public hearing may be held before the Planning Commission to review this permit. At said hearing, the Planning Commission may add additional conditions, or recommend enforcement actions, or revoke the permit entirely, as necessary to ensure compliance with the Municipal Code, and to provide for the health, safety, and general welfare of the City. The applicant shall reimburse the City for all costs associated with gaining compliance with the original conditions of approval.
30. All project conditions shall be listed on a sheet included as part of the construction plans submitted for review and approval by the City prior to issuance of an Engineering or Encroachment Permit. The approved set of plans shall be retained at the construction site for review by the City during the course of construction.

CONDITIONS OF APPROVAL

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Construction Conditions

31. All construction activities shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of those construction activities specified in the EIR/FONSI or should a "frac out" occur. Should hours of construction extend past the hours listed above, the City shall review the proposed work schedule and determine if the hours of construction are appropriate and necessary. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to the beginning of and throughout all grading and construction activities. Violations may result in suspension of permits. **Monitoring:** Public Works staff shall spot check and respond to complaints.
32. To allow time for utility companies to locate and mark their facilities for the contractor, the applicant shall telephone Underground Service Alert (USA) toll free at 1-800-227-2600 a minimum of 48 hours prior to the start of construction. For best response, provide as much notice as possible, up to 10 working days.
33. No construction-related debris (mud, dust, paint, lumber, rebar, etc.) shall leave the project site unless transported to an approved disposal site.
34. During construction, washing of concrete trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches or creeks. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location of the washout area shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to Public Works Department, and this area shall be shown on the construction Engineering Plans. **Timing:** The wash off area shall be designated on all plans prior to issuance of an Engineering or Encroachment Permit. The washout area shall be in place and maintained throughout construction. Public Works Department shall check plans prior to issuance of an Engineering or Encroachment Permit and staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area.
35. Existing and proposed easements for all utilities shall be located and described on the Engineering Plans prior to issuance of Engineering or Encroachment Permits.

36. At least 10 days prior to the start of any construction, adjacent property owners within 300 feet and occupants within 100 feet of the project shall be notified by the Carpinteria Sanitary District of the tentative construction schedule. The District shall provide the Community Development Department a copy of mailing labels and notice used for notification purposes prior to the 10-day period.
37. Should nighttime construction become necessary and approved by the City as identified in Condition 31, and residents in close proximity to the site affected by noise from project drilling complain of inability to sleep or other loss of normal life functions during the period of nighttime construction, the District shall retain a noise monitor to measure interior noise at the residence(s) in question. Should interior noise levels be above the 45 dBA (Ldn) interior residential standard within the home, with doors and windows closed, the District shall offer to provide temporary relocation of residents during the period of nighttime construction activities. The District shall have an acoustical consultant selected and on-call on the first day and through the duration of line drilling to conduct noise measurements. Adequate District funds shall be available to cover the cost of temporary relocations should they be required. Additionally, the District shall make advanced inquiries to ensure that adequate temporary accommodations are available with the City of Carpinteria during the sewer line drilling period.
38. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to CDD's satisfaction and shall be located a minimum of 100 feet from occupied residences. **Plan Requirements:** The equipment area shall be surrounded with appropriate acoustic shielding. **Timing:** Equipment and shielding shall remain in the designated location throughout construction activities. **Monitoring:** CDD shall perform site inspections to ensure compliance.
39. Prior to construction, the District shall hold pre-construction meeting(s) with the Biological Monitor, City Biologist, Carpinteria-Summerland Fire District, Public Works Department, Carpinteria Valley Water District, County Flood Control, Caltrans, Department of Fish and Wildlife and any other interested agencies or parties.
40. Carpinteria Sanitary District shall record, in a form satisfactory to City, any and all fee interest(s), easement(s) or other real property interest(s) that may be necessary to install, operate and maintain the new sewer line as a part of this project. Carpinteria Sanitary District shall provide copies of such recorded documents to the City prior to operation of the new sewer line.
41. Carpinteria Sanitary District shall maintain an adequate distance between all underground pipeline and the surface of the earth; promptly remove any exposed sewer line; backfill any collapsed sewer line; and return the surface above said underground sewer line to substantially the same condition as immediately prior, at

CONDITIONS OF APPROVAL

CSD Sewer Line Relocation Project, June 1, 2015

its sole cost and expense. To the extent that Carpinteria Sanitary District is required to undertake maintenance or repair work to satisfy this ongoing obligation, the overlying property owner shall grant Carpinteria Sanitary District a license as required to allow temporary access for such purpose.

42. The aboveground sewer line to be abandoned shall be removed concurrent with the construction of the Via Real Bridge over Carpinteria Creek or before June 1, 2020, whichever occurs first. Removal may be conducted by Caltrans as part of the larger construction project although the removal date above remains the responsibility of the Carpinteria Sanitary District should the line not be removed by Caltrans.
43. Carpinteria Sanitary District shall indemnify, defend and hold harmless the overlying property owners, including, but not limited to the City of Carpinteria, its officers, employees, and agents from and against all claims, damages, liabilities, losses and expenses which result from, relate to, or arise out of Conditions 42 of this Agreement.
44. Landscape and planting plans shall be approved by the Community Development Department prior to installation.

Public Works Department Conditions

45. An Engineering Permit for the project will be required for any work within the public right-of-way. The deposit for the Permit will be determined based on the estimated construction cost of the work being performed. A standard indemnification form will also be required.
46. The applicant shall submit two (2) sets of final improvement plans prepared by a California Registered Civil Engineer. Said plans shall include but not be limited to any street, utility, grading, retaining wall/fence and/or storm drain improvements and shall be submitted to the Department of Public Works for review and approval prior to issuance of an Engineering Permit. Said plans shall include striping plans, traffic handling plans and provide number of working days.
47. A temporary traffic control plan is required for any work performed within the roadway. The plan must adhere to current MUTCD standards and include pedestrian and bicycle detours. If the bike path is planned to be closed for more than 10 days, coordination with City Public Works and Caltrans is required to initiate an alternative transportation plan. Such transportation plan may include, for example, a 'Dial-a-Ride' program.
48. Steel plates used to cover open trenches must be textured.
49. Applicant shall submit an erosion and sediment control plan prior to project approval. The plan shall contain site-specific best available erosion and sediment

control measures to be implemented before demolition or construction activities occur. All erosion and sediment control plans shall be reviewed and approved by Public Works prior to start of work.

50. Sixty-five percent (65%) or more of all construction and demolition debris generated shall be diverted from the landfill, as mandated by Carpinteria Municipal Code. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During demolition and grading, separate bins for recycling of construction materials and brush shall be provided onsite. Applicant shall submit a Waste Management Plan (WMP) prior to demolition and provide Public Works with a completed WMP, including receipts for recycled materials to demonstrate compliance with the City's Construction and Demolition Program's 65% mandatory diversion rates.

District Condition Letters

51. Compliance with the attached Departmental and District letters is required as follows:
 - a. Santa Barbara County Air Pollution Control District dated May 14, 2015

Written authorization to proceed and consent to conditions of approval by the applicant shall be provided to the City prior to Building Permit issuance.

I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY
WITH ALL ABOVE STATED CONDITIONS OF THIS PERMIT

	9/1/15
Applicant	Date



City of Carpinteria

COUNCIL AGENDA STAFF REPORT OCTOBER 12, 2015

ITEM FOR COUNCIL CONSIDERATION

Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Local Coastal Program Amendments – Project 09-1522-LCPA/ORD

Consider the California Coastal Commission's suggested modifications to the Local Coastal Program Amendment LCP-4-CPN-15-0018-1 adding chapter 14.41 to the Carpinteria Municipal code (Whitney Site Agricultural Overlay District), adding chapter 14.45 to the Carpinteria Municipal Code (Transportation Corridor Wetland Overlay District), amending Chapter 14.42 of the Carpinteria Municipal Code (Development standards [wetland]), adding Policies OSC-9m, OSC-3e and OSC-15e to the Coastal Land Use Plan, and amending Coastal Land Use Plan Implementation Policy 12 (policy 9-4 of the 1980 CLUP). The modifications amend the LCPA recommended for approval by the City Council in association with conceptual approval of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension on June 22 and the amendments to Chapter 14.45 of the Carpinteria Municipal Code reviewed by the City Council on July 27, 2015.

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

1. Introduce Ordinance No. 703, as read by title only, incorporating and accepting the Coastal Commission suggested modifications to amend the City's Local Coastal Program, thereby creating Chapter 14.41 and 14.45 of the Carpinteria Municipal Code and amending Chapter 14.42 of the Carpinteria Municipal Code, and continue consideration of Ordinance 703, as read by title only, to the City Council's meeting of October 26, 2015 for passage of the Ordinance on second reading.
2. Adopt Resolution No. 5629 accepting the Coastal Commission suggested modifications to amend the City's Local Coastal Program, adding Policies OSC-9m, OSC-3e and OSC-15e to the Coastal Land Use Plan; amending Coastal Land Use Plan Implementation Policy 12 (policy 9-4 of the 1980 CLUP); and taking appropriate actions to effectuate Local Coastal Program Amendment LCP-4-CPN-15-0018-1 as modified by the California Coastal Commission.

PROJECT DESCRIPTION

The California Coastal Commission recently approved with modifications the City's Local Coastal Program Amendment LCP-4-CPN-15-0018-1.

The Coastal Commission's action included three modifications to the City's LCPA. The first is a change in the text of proposed Policy OSC-15e of the Coastal Land Use Plan which would remove a contingency requiring development of a permanent maintenance plan for the Coast

Route Bike Path and Rincon Coastal Trail prior to their opening and instead requiring that the trail projects be completed and opened to the public prior to completion of the associated roadway construction.

The second modification would require the City to revise the certified Land Use Plan Map to reflect the revised sphere of influence boundary, upon approval by the Local Agency Formation Commission (LAFCO) of the request to remove APNs 001-080-033 and 001-180-026 from the City's Sphere of Influence. This action was already anticipated as part of implementing the change to the City Sphere, provided it is approved by LAFCO. The modification explicitly requires that the City act to amend its certified Land Use Map.

The third modification would change the same text in proposed Municipal Code Chapter 14.45 as in Policy OSC-15e and the first modification noted above by removing a contingency requiring development of a permanent maintenance plan for the Coast Route Bike Path and Rincon Coastal Trail prior to their opening. Instead, the suggested modification would result in requiring that the trails be completed and opened to the public prior to completion of the associated roadway project.

The text of each Modification is presented below in the Analysis Section of this report. The Coastal Commission's Resolution of Certification with the staff report is attached as Exhibit 2.

BACKGROUND

The City submitted an application to the California Coastal Commission to amend the Coastal Land Use Plan, Land Use Map and related portions of the Carpinteria Municipal Code (Title 14, Zoning) to accommodate an inter-related series of transportation improvement projects while at the same time ensuring preservation of agriculture and wetland resources (including wetland buffer area) and achieving a substantial and meaningful enhancement of public access to coastal resources and recreation. With regard to enhanced coastal access and recreation benefits, the proposed LCPA included construction of the Rincon Trail (to be constructed and opened prior to completion of the Linden/Casitas/Via Real Extension) and the Santa Claus Lane/Coast Route Bike Path (to be constructed and opened to the public prior to completion of the U.S. 101 South Coast High Occupancy Vehicle (HOV) Lanes).

The LCPA consists of a new zoning overlay district (Whitney Site Agricultural Overlay District) and text amendments to the agriculture portion of the Coastal Land Use Plan, a new zoning overlay district (Transportation Corridor Wetland Overlay District), zoning code text amendments to the wetland definition and text amendments for the wetland protection portions of the Coastal Land Use Plan. As part of the agriculture preservation program, the City would apply to LAFCO to remove two parcels zoned agriculture from the City's Sphere of Influence. Last, the agriculture zoning and land use designation would be removed from the Via Real roadway portion of the Whitney parcel, redesignating this portion of the property Transportation Corridor without any zoning designation similar to other portions of U.S. 101 in Carpinteria.

The Coastal Commission's recent action to approve the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Local Coastal Program Amendments included modifications removing a permanent maintenance plan as a pre-requisite for opening the Rincon Trail and Coast Route (Santa Claus Lane) Bike Path. The modifications also mandate the City's revision to official land use maps, upon approval by LAFCO of the request to remove two agriculture parcels from the City's Sphere of Influence.

Planning Commission Review – The Planning Commission reviewed the proposal in May 2015. The Planning Commission unanimously recommended approval of the LCPA and conceptual approval of the CUP/CDP. The Coastal Commission's suggested modifications are minor in nature and therefore were not returned to the Planning Commission for review since the Coastal Commission's action on October 6th.

City Council Review – The City Council considered the project on June 22, 2015 at which meeting the LCPA was unanimously recommended for approval. On July 27, 2015 the City Council adopted Ordinance No. 703 addressing the proposed changes to Chapter 14, Zoning of the Carpinteria Municipal Code. The City Council also took conceptual action on the CUP/CDP with direction to staff and the applicant to work with the Pacific Village residents and Cameo Road residents to address their concerns about noise from the Interchanges and Via Real Extension¹. The City Council directed the Community Development Director to submit the Local Coastal Program Amendment to the California Coastal Commission for certification. That was done and the application was deemed complete by Commission staff on September 1, 2015.

Coastal Commission Review – The California Coastal Commission (CCC) scheduled and heard the City's LCPA request on October 6, 2015 in Long Beach. By a unanimous vote, the Coastal Commission approved Amendment LCP-4-CPN-15-0018-1 to the City's Local Coastal Program with three modifications (Exhibit 2). The support of the project was influenced by the project's environmentally sustainable design features and commitment to improving coastal access in the region.

The Coastal Commission's action supported the creation of the Whitney Site Agricultural Overlay District and the Transportation Corridor Wetland Overlay District, with only minor modifications to Coastal Land Use Plan text for the proposed new Policy OSC-15e and for proposed Section 14.45.030 of the Municipal Code. Portions of the amendment originally approved by the City Council are shown below as underlined. The Coastal Commission's modifications are shown as ~~line-out~~ for text to be deleted and double underline for text to be inserted.

Modification 1

Land Use Plan Policy OSC-15e shall be modified as follows:

- a. Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) - a Class I bike path from the eastern terminus of Santa Claus Lane to the western terminus of Carpinteria Avenue. Development of this path will close a gap in the coastal bike trail through Santa Barbara County. The Coast Route Bike Path shall be completed and open to the public no later than the completion of the adjacent phase of construction for the South Coast HOV Lanes. The opening of this path to the public will be contingent upon the development of a permanent maintenance plan.
- b. Rincon Coastal Trail (SR 150/Carpinteria Avenue to Rincon County Park) - a Class I bike path/trail from the eastern terminus of Carpinteria Avenue (at State Route 150) to Rincon County Park. Construction of this path will close a gap between Carpinteria Avenue and the new Class I trail along US 101 which has a northern terminus at Bates Road. The Rincon Trail shall be completed and open to the public no later than the completion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real

¹ The CUP/CDP will be reviewed by the City Council on November 9th at which time the issue of soundwalls will be addressed for the subject Pacific Village and Cameo Road areas.

Extension construction. The opening of this bike path/trail to the public will be contingent upon the development of a permanent maintenance plan.

In essence, the Coastal Commission removed the requirement for a permanent maintenance plan as a pre-requisite for opening of either of the path/trail components and clarified that the trails not only needed to be completed, but also open for public use, prior to completing the associated roadway improvement.

Modification 2

The second modification involves Coastal Commission proposed additional language pertaining to the removal of two agricultural parcels from the City of Carpinteria Sphere of Influence:

If and when the Local Agency Formation Commission approves the removal of APN 001- 080-033 and APN 001-180-026 from the City's sphere of influence, the City shall revise the certified Land Use Plan Map to reflect the revised sphere of influence boundary.

The additional language addresses the appropriate procedural steps to formally revise the City's Sphere of Influence if and when LAFCO approval is granted. Thus, the language provides the logical conclusion of the de-annexation process as an intended action explicitly included in the Amendment.

Modification 3

Part 7.a and 7.b of Section 14.45.030 - Development Standards, of Chapter 14.45 - Transportation Corridor Wetland Overlay District, shall be modified as follows:

- a. Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) - a Class I bike path from the eastern terminus of Santa Claus Lane to the western terminus of Carpinteria Avenue. Development of this path will close a gap in the coastal bike trail through Santa Barbara County. The Coast Route Bike Path shall be completed and open to the public no later than the completion of the adjacent phase of construction for the South Coast HOV Lanes. The opening of this path to the public will be contingent upon the development of a permanent maintenance plan.
- b. Rincon Coastal Trail (SR 150/Carpinteria Avenue to Rincon County Park) - a Class I bike path/trail from the eastern terminus of Carpinteria Avenue (at State Route 150) to Rincon County Park. Construction of this path will close a gap between Carpinteria Avenue and the new Class I trail along US 101 which has a northern terminus at Bates Road. The Rincon Trail shall be completed and open to the public no later than the completion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension construction. The opening of this bike path/trail to the public will be contingent upon the development of a permanent maintenance plan.

DISCUSSION

As noted above, Modifications 1 and 3 simply strike a requirement that a permanent maintenance plan be developed before the paths are opened. As a practical matter, provisions for long-term maintenance for each path will be negotiated before contracts are let to construct

each path. The removal of this requirement from the Amendment language would not change responsibility or feasibility of maintenance.

Modification 2 simply identifies the procedural requirements to finalize the process for de-annexing two agricultural parcels if and when LAFCO grants approval; this modification is consistent with the City's prior action and intent with regard to removing these parcels from the City's Sphere of Influence.

The three modifications in total would not involve the potential for physical changes to the environment. No new impacts would result and no changes to the approved findings are needed. Therefore, the suggested modifications are not substantive with regard to the function of the amendments or obligations of any involved parties and staff has recommended that the Council accept the suggested modifications. Caltrans and Santa Barbara County Association of Governments (SBCAG) staff concur with this recommendation.

ENVIRONMENTAL

The California Coastal Commission's suggested modifications to the LCPA are minor in nature such that the original project description and scope effectively remain the same as analyzed in the Final MND approved by the Council on June 22, 2015. As such, the Final MND (June 2015) would continue to adequately address the proposed LCPA.

FINANCIAL CONSIDERATIONS

There is no anticipated financial impact to the City as a result of the acceptance of the Coastal Commission's suggested modifications.

The LCP Amendments include an Agriculture Preservation Program with provisions for conserving the remainder of the Whitney site, a community garden program, gardening education programming and the removal of two agricultural parcels from the City's Sphere of Influence. Caltrans is required to deed the remainder Whitney parcel to the City, accompanied by an agriculture conservation easement, and to provide funding to the City which would address initiation of the community garden and garden education programming. The creation of a participation fee schedule is one of the identified tasks to be funded, in order to ensure long-term maintenance of the programs with little or no cost to the City. Caltrans would also fund the application to LAFCO for removal of the two agriculture parcels from the City's Sphere of Influence.

The LCP Amendments also include as integral components the development of the Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) and Rincon Coastal Trail (from SR 150/Carpinteria Avenue to Rincon County Park). SBCAG is leading efforts to obtain grant funding for the design and construction of these trail projects, and the potential is very good that such grant funding can be secured. The long-term maintenance of these two facilities would need to be provided. Depending on the outcome of negotiations with the County, SBCAG and Caltrans, there could be some level of maintenance obligation for the City.

LEGAL ISSUES

The process for amending Title 14 (Zoning) of the Carpinteria Municipal Code is explained in Sections 65853 and 65854 through 65857 of the Government Code. The process for amending the City's Local Coastal Program is explained in Title 14, Division 5.5 (California Coastal

Commission Regulations) of the California Coastal Act. Pursuant to that authority, the City submitted its proposed amendment to the Coastal Commission as an amendment that requires formal local government adoption after the Coastal Commission approval. The Coastal Commission has certified the coastal plan amendment with modifications. That certification will not become effective until all of the following occur:

- a. The City: (1) acknowledges receipt of the Commission's resolution of certification including any modifications suggested for final certification; (2) accepts and agrees to any such modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. These are the determinations and actions included in Resolution No. 5629 (Attachment 1).
- b. The Executive Director of the Commission: (1) determines in writing that the City's action and notification procedures are legally adequate to satisfy the specific requirements of the CCC's certification order; (2) reports that determination to the Commission and the Commission does not object to the Executive Director's determination; and (3) notice of the certification is filed with the Secretary of Resources Agency. 14 CCR § 13544

Thus, the Council's action to acknowledge receipt of and agree to the modifications in the Commission's Resolution of Certification as referenced in the attached Resolution No. 5629 will conclude the City's process. This LCP text amendment will become effective upon the later of: (a) thirty (30) days following second reading of Ordinance 703 by the City Council or (b) immediately following notice of the certification being filed with the Secretary of the California Natural Resources Agency. Staff recommends that the City Council re-introduce Ordinance 703 incorporating the modifications suggested by the California Coastal Commission and continue consideration of the ordinance to October 26, 2015, at which date the ordinance will receive its second reading and be adopted.

OPTIONS

1. Accept the California Coastal Commission's approval subject to the suggested modifications (staff's recommendation).
2. Send the matter back to the Planning Commission for further discussion of specific issues as identified by the Council.
3. Reject the California Coastal Commission's suggested modifications. This action would require either a new amendment to the City's Local Coastal Program and a new application to the Coastal Commission for processing or abandonment of the LCPA altogether.

PRINCIPAL PARTIES EXPECTED AT MEETING

David Beard, Project Manager/Representative for Caltrans

Lara Bertaina, Environmental Lead for Caltrans

Fred Luna, Project Manager/Representative for SBCAG

Gregg Hart, Representative for SBCAG

ATTACHMENTS

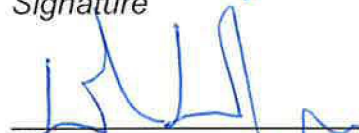
- Attachment 1 Resolution No. 5629 with Exhibits
- Attachment 2 Ordinance No. 703
- Attachment 3 Resolution of Certification dated October 7, 2015

Staff Contact: Jackie Campbell, Community Development Director
(805) 755-4451



Signature

Reviewed by: Dave Durflinger, City Manager



Signature

ATTACHMENT 1

**City Council
Resolution No. 5629**

RESOLUTION NO. 5629

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA ACCEPTING COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE LOCAL COASTAL PROGRAM AMENDMENT LCP-4-CPN-15-0018-1 THUS APPROVING LOCAL COASTAL PROGRAM AMENDMENT PROJECT 09-1522-LCPA TO CREATE THE TRANSPORTATION CORRIDOR WETLAND OVERLAY AND THE WHITNEY SITE AGRICULTURAL OVERLAY DISTRICTS IN THE CITY OF CARPINTERIA ZONING CODE AND ASSOCIATED TEXT AMENDMENTS TO THE COASTAL LAND USE PLAN AND CHANGES TO THE LAND USE AND ZONING MAPS

WHEREAS, the Carpinteria City Council has considered an application for a Local Coastal Program Amendment to change the Zoning Code, Coastal Land Use Plan and Land Use Map to allow for consideration of permits for replacement of the Linden Avenue and Casitas Pass Road US 101 overcrossings, reconfiguration of the northbound on and offramps at Casitas Pass Road, extension of the northbound Linden Avenue onramp and replacement of the southbound Linden Avenue offramp, replacement of the US 101 freeway bridges over Carpinteria Creek and extension of Via Real to Casitas Pass Road and to Linden Avenue (the Project); and

WHEREAS, the City reviewed the environmental impacts of the Project in accord with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"); and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the project and was subject to a 30-day review period from August 29, 2013 to September 27, 2013; and

WHEREAS, the Environmental Review Committee reviewed the Draft MND on September 19, 2013 and recommended approval of the document to the Planning Commission with comments; and

WHEREAS, the Planning Commission conducted a special hearing on May 18, 2015 and received evidence in favor of the Local Coastal Program Amendments and recommended approval of the project to the City Council; and

WHEREAS, in accordance with CEQA, the City Council adopted the Final Negative Declaration on June 22, 2015; and

WHEREAS, the City Council has reviewed the policies of the General Plan/Coastal Plan and the Zoning Code standards that are relevant to the project; and

WHEREAS, the City conducted hearings on June 22, 2015 and July 27, 2015, received evidence in favor of the Local Coastal Program Amendments and recommended approval of the LCPA to the California Coastal Commission; and

WHEREAS, the California Coastal Commission held a hearing on October 6, 2015 and voted unanimously to approve the Local Coastal Program Amendments with suggested modifications as detailed in a resolution of certification;

NOW THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

1. The City Council acknowledges receipt of the Coastal Commission's resolution of certification including modifications suggested for final certification for Local Coastal Program Amendment LCP-4-CPN-15-0018-1, accepts and agrees to such modifications, and agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.
2. The City Council does hereby also resolve that this Resolution No. 5629 shall become effective upon the second reading, as read by title only, of Ordinance No. 703.

PASSED, APPROVED AND ADOPTED this 12th day of October 2015, by the following called vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

Gregg A. Carty, Mayor

ATTEST:

Fidela Garcia, City Clerk

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 12th day of October 2015.

APPROVED AS TO FORM:

Peter N. Brown, on behalf of Brownstein Hyatt Farber Schreck, LLP
acting as City Attorney of the City of Carpinteria

ATTACHMENT 1

**City Council
Resolution No. 5629**

Exhibit A - Findings

October 12, 2015

PROJECT 09-1522-LCPA

Local Coastal Program Amendments Addressing a Transportation Corridor Wetland Overlay District and a Whitney Site Agricultural Overlay District in the Coastal Land Use Plan and the Zoning Code, Redesignating Land from Agriculture to Transportation Corridor and Removing Agriculture Zoning on the Whitney Site

October 12, 2015

FINDINGS PURSUANT TO GOVERNMENT CODE, COASTAL PLAN AND GENERAL PLAN

1.0 Administrative Findings

The City Council hereby incorporates by reference as though set forth in full all Community Development Department staff reports and attachments thereto presented to the City Council and all comments made or received either orally or in writing at the public hearings on this project.

1.1 Procedures

Pursuant to the California Coastal Act, the Administrative Regulations of the California Coastal Commission and the City's Local Coastal Program, it has been found that the process for public review of the subject Local Coastal Program Amendment has been properly conducted as follows:

- a. The City has proposed a Local Coastal Program Amendment, Project 09-1522-LCPA, to create the Transportation Corridor Wetland Overlay and the Whitney Site Agriculture Overlay Districts in the Carpinteria Zoning Code and add text amendments to the Coastal Land Use Plan, modify the Land Use Map for the Whitney Site (APN 001-070-012) and remove the agriculture zoning from the southern portion of the Whitney Site. With the suggested modifications of the LCP Amendments as unanimously approved by the California Coastal Commission on October 6, 2015, the amendments are consistent with the City's Local Coastal Program Land Use Plan, the Interpretive Guidelines of the Coastal Commission and the California Coastal Act.
- b. The project has been reviewed by the City Council at a duly noticed public hearing which included a display ad published in the local newspaper, the Coastal View News.

1.2 California Environmental Quality Act

California Environmental Quality Act (CEQA) findings pursuant to CEQA (California Public Resources Code Sections 21081, 21081.6) and State CEQA Guidelines (California Code of Regulations Sections 15091, 15096, 15097, 15162, 15164):

The City Council certified the Final Mitigated Negative Declaration (MND) dated June 2015 on June 22, 2015. The MND was prepared in accordance with the provisions of the State CEQA Guidelines. The Final MND constitutes adequate CEQA environmental documentation for the project (09-1522-LCPA), and pursuant to CEQA Guidelines section 15162, no additional environmental review is necessary because modifications to the project suggested by the California Coastal Commission and adopted by the City Council are minor and do not raise any of the conditions set forth in CEQA Guidelines section 15162 requiring additional environmental analysis.

The location and custodian of CEQA environmental documentation and file documents which constitute the record of proceedings upon which the project decision is based is the City of Carpinteria Community Development Department, 5775 Carpinteria Avenue, Carpinteria, California.

Mitigation measures applied as conditions of project approval would result in the avoidance or reduction of environmental impacts to insignificant levels. The City Council's approval of the project is conditioned upon the inclusion of these measures. These findings are supported by substantial evidence in the record, including the Certified Final MND dated June 2015 and associated appendix materials. These potential impacts and the relevant mitigation measures are discussed below, along with the appropriate findings under State CEQA Guidelines §15091.

- a. Aesthetics: The MND identified potential visual impacts associated with view blockage for US 101 travelers resulting from the safety mesh for the Coast Route Bike Path, as well as visual effects regarding barrier design compatibility and landscaping for this proposal. The mitigation framework recommended for inclusion in the future CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path includes incorporating a barrier design compatible with the US 101 median for the South Coast HOV Lanes, employing a maximum transparency safety screen element, requirement for formal landscape plan preparation, and mandatory review of the design by the City of Carpinteria Architectural Review Board. All visual and aesthetic impacts would be reduced to insignificance with inclusion of these or similar mitigation measures in the CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path.
- b. Air Quality: The MND identified potential short-term air quality impacts associated with construction of the Coast Bike Route, including fugitive dust and construction equipment exhaust. The mitigation framework recommended for inclusion in the future CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path includes incorporating standard construction restrictions and conditions from the Santa Barbara County Air Pollution Control District pertaining to PM₁₀ control, grading best management practices for dust minimization, and equipment exhaust minimization. All air quality impacts would be reduced to insignificance with inclusion of these or similar mitigation measures in the CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path.
- c. Biological Resources: The MND identified potential impacts to biological resources associated with the Coast Route Bike Path construction, including disruption of nesting birds, removal of rare plants, and encroachment into wetland. The mitigation framework recommended for inclusion in the future CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path includes focused rare plant surveys and avoidance, fencing and protection from run-off of ESHA adjacent to the project alignment, pre-construction nesting bird surveys, restoration plans for encroachment into wetland and buffer, and a detailed construction monitoring plan. All biological resource impacts would be reduced to insignificance with inclusion of these or similar mitigation measures in the CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path.
- d. Cultural Resources: The MND recommended a standard mitigation addressing the potential for discovery of cultural resources during project construction. The potential for cultural resources to exist has been identified as extremely low, this recommended mitigation is a precautionary measure which is applied on a routine basis for construction projects in the region.
- e. Geology/Soils: The MND identified potential short-term erosion impacts associated with construction of the Coast Route Bike Path. The mitigation framework recommended for

inclusion in the future CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path requires avoidance of materials stockpiling to the maximum extent feasible, and avoidance of construction during the rainy season. Short-term geology and soils impacts related to project construction would be reduced to insignificance with inclusion of these or similar mitigation measures in the CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path.

- f. Hydrology: The MND identified potential flooding impacts associated with the Coast Route Bike Path. The mitigation framework recommended for inclusion in the future CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path includes design and construction of the bike path above the 100-year flood elevation identified for the path alignment. Flooding impacts would be reduced to insignificance with inclusion of this or similar mitigation measures in the CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path.
- g. Noise: The MND identified potential short-term noise impacts associated with construction of the Coast Route Bike Path. The mitigation framework recommended for inclusion in the future CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path establishes construction schedule restrictions for avoidance of evening and nighttime nuisance noise, requires proper equipment mufflers, directs placement of staging areas away from vicinity residential properties, requires noise barriers around construction activities in close proximity to residential property, and dictates advance notification to neighbors of impending construction activities. Short-term noise impacts related to project construction would be reduced to insignificance with inclusion of these or similar mitigation measures in the CEQA document for the Santa Claus Lane portion of the Coast Route Bike Path.

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ATTACHMENT 1 - EXHIBIT B
Whitney Site Agriculture Overlay District

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Whitney Site Agriculture Overlay – Zoning Code

October 2015

Chapter 14.41 – WHITNEY SITE (APN 001-070-012) OVERLAY DISTRICT

14.41.010 - Purpose and intent.

The purpose of the Whitney Site overlay district is to provide for specific standards to ensure preservation of the remainder of the Whitney Site for agricultural use through an agricultural easement and to provide for the establishment and maintenance of programs for sustainable agriculture in the Carpinteria Valley. Therefore, this overlay district establishes specific standards related to open field agriculture resource protection and mitigation.

14.41.020 - Applicability.

The provisions of this district shall apply only to the remainder portion of the original 8.95-acre Whitney Site (APN 001-070-012) not dedicated to public roadway purposes, as depicted in Figure 1 and shown on the city's official zoning maps.

14.41.030 - Development standards.

All applicable Local Coastal Program policies and provisions shall apply to the Whitney Site Overlay District unless specifically modified by standards detailed in this section. Development of any portion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension on the Whitney Site shall comply with all of the following requirements:

1. New development shall be sited and designed to avoid impacts to agricultural land. If there is no feasible alternative that can eliminate all impacts, then the alternative development location and design that would result in the fewest or least significant impacts shall be selected. Impacts to agricultural land that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated as outlined in this Section. The portion of the parcel to be converted from agriculture to public roadway facility shall not exceed five acres, encompassing the southern portion of the parcel adjacent to US 101.
2. In order to prevent conversion of the approximately four-acre remainder parcel out of agriculture, ownership of the property shall be transferred to the City of Carpinteria. The remainder parcel shall be restricted to agricultural uses including organic farming, community gardening or agriculture education. Transfer of the property from Caltrans to the City would occur at the conclusion of project construction, and in concert with the transfer of the completed Via Real roadway and right-of-way. An agricultural conservation easement shall be placed on the

property prior to transfer of ownership of the remainder parcel to the City which will prohibit non-agricultural uses on the property in perpetuity. The holder of the agricultural conservation easement shall be a public resources agency or private land trust with agricultural resource preservation experience, acceptable to the City of Carpinteria. Portions of the parcel that lie within the Carpinteria Creek channel, associated environmentally sensitive habitat area (ESHA) or riparian corridor buffer shall be excluded from the agricultural conservation easement to protect environmentally sensitive resources from disturbance associated with agricultural activities.

3. Mitigation shall be provided for the direct loss of agricultural land via implementation of an Agriculture Preservation Program as set forth below. The developer shall contribute funds such that the City of Carpinteria can accomplish the following (at a minimum):

- A. Installation of physical infrastructure for community garden plots at three or more properties in various locations to permit convenient public access. The following properties have been identified to fulfill the above goals; in the event that it is determined to be infeasible to operate a community garden on one or more of the properties detailed in subsection i or iii below, a substitute property(ies) may be enrolled.

- i) Carpinteria Children's Project (formerly Main School campus of the Carpinteria Unified School District). Infrastructure and development may include:

- a. Tilling to prepare planting area
 - b. Grid layout for plots
 - c. Perimeter fencing
 - d. Water source for irrigation
 - e. Small shed for tool/implement storage, not larger than 12' x 12'

- ii) Four-acre Whitney Site remainder parcel. Infrastructure and development may include:

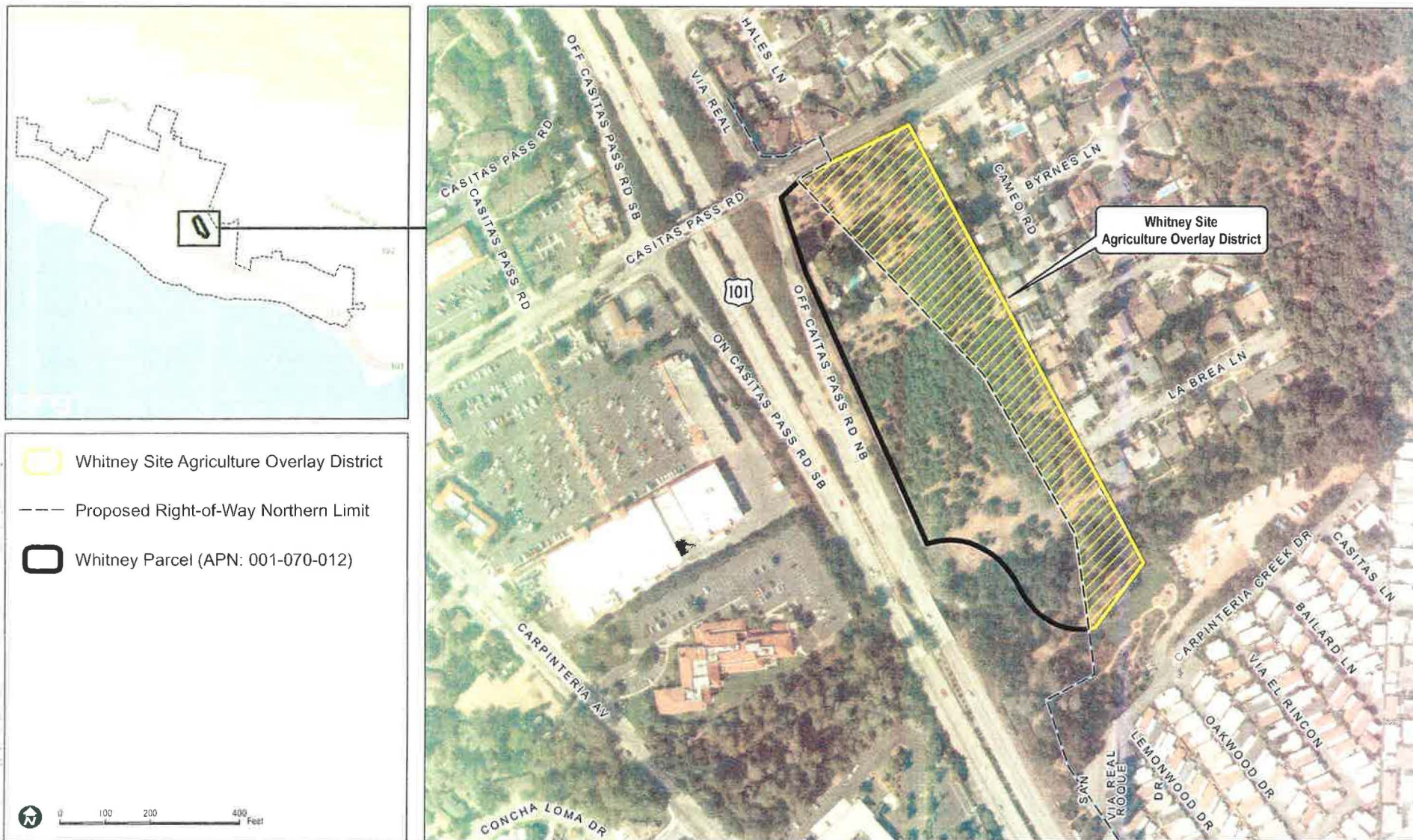
- a. Tilling to prepare planting area within a portion of the site
 - b. Grid layout for plots
 - c. Preservation of a portion of the existing avocado orchard
 - d. Split-rail or similar perimeter fencing on the east, west and south boundaries
 - f. Water source for irrigation
 - g. Small shed for tool/implement storage, not larger than 12' x 12'

- iii) Fifth Street 0.62-acre City-owned parcel between Holly Avenue and Elm Avenue. Infrastructure and development may include:

- a. Tilling to prepare planting area
 - b. Grid layout for plots

- c. Split-rail or similar perimeter fencing
 - d. Water source for irrigation
 - e. Small shed for tool/implement storage, not larger than 12' x 12'
- B. Construction of a solid, grout-filled masonry wall, or an alternative wall of same or better noise attenuating value, approximately six to eight feet in height on the northern boundary of the remainder Whitney Site (abutting APNs 001-252-001 through -010 and APN 001-253-006) shall be completed prior to opening a community garden on the property.
 - C. Development of a uniform agreement or lease template for use of individual garden plots by members of the community.
 - D. Drafting of an agreement(s) between the City and Carpinteria Unified School District (CUSD) for the Carpinteria Children's Project garden to be maintained and operated by the CUSD for children and families participating in onsite programs.
 - E. Funding of one City of Carpinteria half-time staff position, for a period of five years from the date of final approval of the Linden Avenue – Casitas Pass Road and Via Real Extension project, to initiate the community garden system, and to create a fee structure (participation fee or plot lease) to subsidize the continuation of this staff position. In the event funding from the fee structure for community garden participation is not adequate following the five-year subsidy period to sustain a half-time position for administration of the community garden system, the City of Carpinteria will do one or more of the following.
 - i. Either restructure the participation fees or commit to providing funds for the difference between participation revenues and the position costs;
 - ii. Investigate administration of the community garden system by another agricultural education entity such as 4H or Future Farmers of America;
 - iii. Pursue grant funding to perpetuate the program; or
 - iv. Assume administration of the community garden system in perpetuity.
 - F. Provide funding to CUSD for development of an adult education program to be delivered via offering workshops in plant cultivation at the community gardens and cooking with fresh garden produce (at the Carpinteria High School Culinary Kitchen). Once established, participation fees could fund perpetuation of the program.
 - G. Provide funding to CUSD for development of grade-specific curriculum focusing on vegetable cultivation using on-campus gardens at each school facility in Grades 1-8. The lesson plans would increase knowledge and appreciation for fresh produce, supporting interest in both community gardening and the importance of local agriculture resources.
 - H. Program administration and access for residents to at least one property enrolled in the community garden system shall be established within one year from approval of a Coastal Development Permit for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension. The Agriculture Preservation Program shall be substantially implemented within one year following completion of construction of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension.

- I. To further offset the project-related direct loss of five acres of agricultural land within the City of Carpinteria, the City shall apply to the Local Agency Formation Commission (LAFCO) to remove two agricultural parcels which are currently included in the City's Sphere of Influence on Via Real (APN 001-080-033 and APN 001-180-026). The application to LAFCO to remove these parcels from the Sphere of Influence shall be completed within one year from approval of a Coastal Development Permit for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Improvements. Successful removal of the parcels from the Sphere of Influence shall be accomplished prior to completion of construction of the public roadway improvements. If and when the Local Agency Formation Commission approves the removal of APN 001-080-033 and APN 001-080-026 from the City's sphere of influence, the City shall revise the certified Land Use Plan Map to reflect the revised sphere of influence boundary.



AERIAL SOURCE CIRGIS 2012
DESIGN SOURCE CALTRANS 2013

DUDEK

FIGURE 1

Whitney Site Agriculture Overlay District

CITY OF CARPINTERIA LOCAL COASTAL PROGRAM AMENDMENT - MITIGATED NEGATIVE DECLARATION

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ATTACHMENT 1 – EXHIBIT C

Text Amendments – Coastal Land Use Plan (Agriculture)

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CARPINTERIA COASTAL LAND USE PLAN
LINDEN AVENUE AND CASITAS PASS ROAD INTERCHANGES AND VIA REAL EXTENSION
Whitney Site Agriculture Overlay District

October 2015

OSC-9m. Protect agriculture and agriculture education opportunities within the Whitney Site Agriculture Overlay District, pursuant to Chapter 14.41 of the Carpinteria Municipal Code.

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ATTACHMENT 1 - EXHIBIT D

Transportation Corridor Wetland Overlay District

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Transportation Corridor Wetland Overlay – Zoning Code

October 2015

Chapter 14.45 –TRANSPORTATION CORRIDOR WETLAND OVERLAY DISTRICT

14.45.010 - Purpose and intent.

The purpose of the Transportation Corridor Wetland overlay district is to provide for specific standards of development for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, and for the portions located within the City of Carpinteria, the South Coast High Occupancy Vehicle (HOV) Lanes and Santa Claus Lane Bike Path projects. The intent is to ensure a more precise level of planning than ordinarily possible under the local implementation plan. Therefore, this overlay establishes specific standards related to fill or other impacts to wetland or reduction of wetland buffers, mitigation measures, drainage and stormwater management, and coastal access and recreation enhancements.

14.45.020 - Applicability.

The provisions of this district shall apply only to the project area encompassed by the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, South Coast High Occupancy Vehicle (HOV) Lanes, and Santa Claus Lane Bike Path projects, as depicted in Figure 2 and shown on the city's official zoning maps.

14.45.030 - Development standards.

All applicable LCP policies and provisions shall apply to development that is part of the Transportation Corridor Wetland Overlay (TCWO), unless specifically modified by the standards detailed in this section. Two general classes of wetlands have been identified within the TCWO: natural wetlands and created wetlands. Natural wetlands include components of Carpinteria Marsh, wetlands associated with native creeks and wetlands that are fragmented but are of high value. Created wetlands are relatively low functioning wetlands related to freeway and/or railroad infrastructure that have formed in drainage ditches, basins, water quality Best Management Practices (BMPs) features and/or topographic depressions, and were originally constructed out of dry land. The area abutting a wetland is the wetland buffer and provides a transition between development and the wetland resource. For the purpose of these development standards, wetland buffer only includes undeveloped areas between the wetland and the first line of development; thus, the road median is not a wetland buffer. Each wetland class has been assigned specific mitigation criteria to best facilitate the balance and protection of coastal resources in the TCWO.

All development for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, and all development for the portions of the South Coast High Occupancy Vehicle (HOV) Lanes and Santa Claus Lane Bike Path projects located within the City of Carpinteria, shall comply with the following:

1. For the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, the following project components may result in permanent and temporary direct wetland impacts (e.g., fill) and indirect wetland impacts (e.g., development in wetland buffer):
 - Carpinteria Creek bridge foundation components;
 - Slope retaining elements for the southbound US 101, northbound US 101, northbound Casitas Pass offramp and the Via Real extension;
 - Fill and retaining structures for the Via Real extension travel lanes, sidewalks and bike path;
 - Drainage improvements;
 - Soundwalls;
 - Fill and retaining structures for the Carpinteria Creek bike trail; and
 - Structural foundation elements, travel lane, sidewalk and bikeway, shoulder, fill and retaining structures for the northern end of the Linden Avenue overcrossing.
2. For the South Coast HOV Lanes, the following project components may result in permanent and temporary direct wetland impacts (e.g., fill) and indirect wetland impacts (e.g., development in wetland buffer):
 - Drainage improvements and soundwall along the northern shoulder of northbound 101 immediately east (south) of Santa Ynez Avenue;
 - Drainage improvements, soundwall, roadway, shoulder and fill in the immediate vicinity of Santa Monica Road onramp/offramp;
 - Drainage improvements and soundwall along the northern shoulder of northbound 101 in the vicinity of Taranto Circle; and
 - Drainage improvements and soundwall along the southern shoulder of southbound 101 immediately west (north) of Plum Street to just east of the western terminus of Carpinteria Avenue.
3. For the Santa Claus Lane Bike Path, the following project components may result in permanent and temporary direct wetland impacts (e.g., fill) and indirect wetland impacts (e.g., development in wetland buffer) between the existing US 101 southern shoulder and the UPRR railroad alignment which borders the north side of the Carpinteria Salt Marsh:
 - Fill;
 - Retaining structures;
 - Bike path; and
 - Drainage improvements.

4. Fill or other impacts to wetland or reduction of wetland buffers resulting from new development detailed in items 1 - 3 above, may be approved only in conformance with the following:
 - a. New development shall be sited and designed to avoid fill or other impacts to wetland. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to wetland that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully mitigate impacts onsite. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to wetland.
 - b. New development shall be sited and designed to provide a minimum 100-foot setback/buffer strip in a natural condition along the upland limits of wetlands. If there is no feasible alternative that can provide a buffer of 100 feet, then the alternative that would provide the widest buffer shall be selected. Mitigation shall not substitute for implementation of the project alternative that would provide the required wetland buffer.
 - c. Mitigation shall be provided for direct impacts to wetlands (e.g., fill) and indirect impacts to wetlands (e.g., new development in wetland buffers). Mitigation measures shall include, at a minimum, creation or substantial restoration of habitats equal or similar to the impacted habitat type. Adverse direct impacts shall be mitigated at a ratio of 4:1 for natural wetland areas, including salt marsh and wetlands associated with creeks. Adverse direct impacts to riparian habitats shall be mitigated at a ratio of 3:1. Adverse direct impacts to created wetlands (low functioning wetlands associated with freeway infrastructure) shall be mitigated at a ratio of 3:1. Indirect impacts to wetlands, such as development in wetland buffer areas, shall be mitigated by enhancing (e.g., invasive species removal, native screening vegetation, planting appropriate native species, water quality improvement, sound reduction) all portions of the remaining (undeveloped) wetland buffer area within 100 feet of the impacted wetland. Temporary direct and indirect impacts to wetlands and riparian habitat shall be mitigated at a ratio of 1:1.
 - d. Wetland enhancement, restoration or creation plans shall be prepared by a qualified biologist for all areas where mitigation is required by Sections 4.a, b and c, above. Plans shall include details of appropriate wetland enhancement, restoration or creation acreage and location including the following:
 - i. Introduction. Including a purpose statement, existing site resource description and inventory, proposed wetland mitigation site plan and map comparing existing and future site conditions.

- ii. **Mitigation Goals.** A clear statement of the wetland mitigation goals including the desired wetland habitat type(s), major vegetation components, water quality improvements and hydrologic regime, and wildlife support functions.
 - iii. **Planting Plan.** Description of the desired relative abundance of particular wetland plant species in desired habitat type(s). Based on these goals, identify the species to be planted (plant "palette"), provide a rationale for and describe the size and number of container plants and/or the rate and method of seed application, and a site plan with planting location and planting guidelines for prescribed species. Seeds and propagules shall come from local native stock.
 - iv. **Grading Plan.** If wetland enhancement, restoration or creation requires topographic alterations, a formal grading plan shall be included.
 - v. **Best Management Practices (BMPs).** Erosion control, irrigation and weed eradication plans as necessary.
 - vi. **Success Criteria.** Selection and rationale of quantifiable success criteria. There must be an empirical basis for the selection of each success criterion (e.g., peer-reviewed literature, reference site data).
 - vii. **Monitoring.** Monitoring program that includes a detailed description of quantitative sampling design (e.g., sample sizes and sampling techniques such as quadrats, transects, photo plots), statistical procedures proposed for judging if success criteria are achieved, provisions for a five-year monitoring period, annual reporting and contingency measures should the mitigation efforts fail to achieve quantitative success criteria.
 - viii. **Final Report.** A final monitoring report prepared by a qualified biologist that evaluates whether the required wetland enhancement, restoration or creation has achieved the goals and success criteria set forth in the approved mitigation plan.
5. For each project listed in 1 through 3 above, all of the following post-construction coastal water quality standards shall be met:
- a. Early site design planning shall emphasize run-off management and shall prioritize the minimization of run-off by reducing lane and shoulder pavement widths, using permeable pavements and incorporating sub-grade stormwater retention, and shall use structural and operational Source Control BMPs to control pollutant sources, keep pollutants segregated from stormwater and minimize tainted run-off to the extent feasible. Minimization of impermeable surfaces shall be emphasized in freeway design where it is infeasible to infiltrate or treat freeway run-off that flows directly to high quality wetlands.
 - b. Low impact development strategies shall be preferentially used to treat run-off. Low impact development strategies use small scale control measures to infiltrate, evapo-transpire, filter, detain and retain run-off. These practices shall be maximized where they will pre-treat run-off that flows to wetlands. Earthen-(soil) based and/or bioengineered Caltrans-approved National Pollution Discharge Elimination System (NPDES) BMPs shall be allowed to be located and maintained within wetland buffers where there is no feasible alternative location available to locate the BMPs and where they support wetland protection.

- c. To maximize the treatment and infiltration of run-off from the greatest area of freeway surfaces, post-development BMPs shall include, in addition to Caltrans-certified NPDES BMPs, alternative water quality BMPs. Alternative BMPs shall include, but not be limited to, grading to create or modify topographic depressions to maximize the capture, detention or retention of run-off, amending onsite soils to increase infiltration and detain run-off, adding or replacing vegetation in areas that receive freeway run-off with native plants, and constructing bioswales and biostrips that either do not require mowing or only require infrequent mowing or woody vegetation removal. These alternative BMPs shall be considered for use in areas that receive freeway run-off and wherever Caltrans-certified NPDES BMPs cannot be feasibly installed, including placement within wetland buffers where they support wetland protection.
- d. Created wetlands as defined in this chapter shall be enhanced wherever feasible by increasing the depth and areal extent of the wetland, removing invasive exotic vegetation and planting with native wetland plants. Maintenance of these enhanced created wetlands shall be limited to trimming vegetation that impacts the normal operation of the freeway, clearing drain inlets and trash removal, using non-mechanical methodologies (e.g., manual labor and no heavy equipment).
- e. Stormwater run-off shall be infiltrated, retained or detained onsite, in accordance with the site hydrology and geotechnical considerations. Infiltration BMPs shall be designed, at a minimum, to handle run-off from all storms up to and including the 85th percentile, 24-hour storm event onsite, to avoid negative effects of hydromodification. If it is not practical to retain the 85th percentile, 24-hour storm event onsite, the limitations preventing this practice shall be stated and an equal volume of run-off shall be infiltrated elsewhere within the project limits with preference given to sites within the same watershed.
- f. Where treatment control BMPs (or suites of BMPs) are used, they shall be designed to infiltrate and/or treat the amount of run-off produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or no less than 0.26 inches/hour for flow-based BMPs.
- g. Minimum infiltration or treatment volumes for treatment control BMPs shall be calculated based on the impervious surface area added by the project, in addition to the existing untreated freeway surface. Where it is infeasible to treat the volume of run-off from the existing freeway surface in addition to the new freeway surface, low impact development strategies shall be used to the maximum extent feasible to infiltrate, evapo-transpire, filter, detain and retain run-off from the existing freeway surface.
- h. Where site conditions make it infeasible to infiltrate or treat the stipulated minimum volume of run-off onsite, infiltration or treatment offsite within existing right-of-way can be substituted where it can be demonstrated that offsite infiltration or treatment will result in an equal or greater benefit to coastal water quality.
- i. Treatment BMPs shall prioritize the use of soil-based biofilter techniques, such as bioswales, and shall infiltrate, retain, or detain the maximum possible volume of stormwater run-off in accordance with the site hydrology and geotechnical considerations. Biofilters shall not use invasive plant materials; plants shall be collected locally and/or propagated in a certified nursery with oversight by a

- qualified plant ecologist. A biofilter/bioswale design plan, including the native wetland plant palette and the source of plant material, shall be submitted to the City for review and approval.
- j. A post-construction run-off management plan shall be submitted to the City and shall include maps, figures, supporting design calculations, and a narrative explaining the methods and approach proposed to protect or enhance coastal water quality. Maps shall be cross-referenced to grading, drainage and landscaping project plans. The run-off management plan shall include supporting information including but not limited to the infiltration and retention properties of the native or engineered BMP substrate, depth to groundwater, and the hydraulic design and pollutant treatment/removal capability of the proposed BMPs adequate to ensure that water quality will be protected to the maximum extent feasible. The post-construction run-off plan shall be certified by a qualified professional with appropriate credentials, education and training.
 - k. Where site or project conditions constrain any of the minimum requirements or practices in a. through j. above, the qualified professional shall document the nature and extent of the limitations and justify the alternative measures proposed to protect or enhance water quality.
6. To the extent allowed by the "Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements" (document adopted by the Coastal Commission on September 5, 1978 and incorporated herein by reference), repair and maintenance of the projects listed in 1 through 3 above are excluded from permit requirements. However, such exclusions shall not apply where such repair and maintenance would occur within riparian and wetland habitat or will cause direct impacts to wetland or other resources.
7. In order to achieve a regionally important improvement to alternative transportation modes for the purpose of increasing access to coastal resources for all members of the public, two bike path/trail segments shall be constructed, including:
- a. Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) - a Class I bike path from the eastern terminus of Santa Claus Lane to the western terminus of Carpinteria Avenue. Construction of this path will close a gap in the coastal bike trail through Santa Barbara County. The Coast Route Bike Path shall be completed and open to the public no later than the completion of the adjacent phase of construction for the South Coast HOV Lanes.
 - b. Rincon Coastal Trail (SR 150/Carpinteria Avenue to Rincon County Park) - a Class I bike path/trail from the eastern terminus of Carpinteria Avenue (at State Route 150) to Rincon County Park. Construction of this path will close a gap between Carpinteria Avenue and the new Class I bike path along US 101 which has a northern terminus at Bates Road. The Rincon Coastal Trail shall be completed and open to the public no later than the completion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension construction.
8. To enhance educational and recreational opportunities, and to increase awareness of sensitive resources within the coastal environment, the following permanent displays are required:
- a. In conjunction with the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, an educational or interpretive

display shall be installed within Carpinteria Creek Park and/or at the entrance to the proposed Carpinteria Creek / US 101 bike path undercrossing which explains the importance of Carpinteria Creek, its riparian habitat and associated wetland resources.

- b. In conjunction with the Santa Claus Lane Bike Path, an educational or interpretive display shall be installed which explains the importance of the Carpinteria Salt Marsh.
- c. In conjunction with the Rincon Coastal Trail, an educational or interpretive display shall be installed which describes the nearby harbor seal rookery.

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-  Transportation Corridor Wetland Overlay District
-  City of Carpinteria

0 250 500 1,000 Feet

AERIAL SOURCE CIRGIS 2012
DESIGN SOURCE CALTRANS 2013

DUDEK



FIGURE 2

Transportation Corridor Wetland Overlay District

CITY OF CARPINTERIA LOCAL COASTAL PROGRAM AMENDMENT - MITIGATED NEGATIVE DECLARATION

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ATTACHMENT 1 - EXHIBIT E

Text Amendments – Coastal Land Use Plan (Wetland Protection Policy)

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Wetland Buffer Encroachment Text Amendments – Zoning Code

October 2015

14.42.040 - Development standards.

Definitions of terms used in this chapter are contained in Section 3.9 of the Coastal Land Use Plan and are incorporated herein by reference.

Wetland 1. Wetland shall be defined as land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Where environmental factors may prevent the development of hydric soils and/or hydrophytes, the presence of surface water or saturated substrate at some time during the year or the location within, or adjacent to, vegetated wetland or deepwater habitats will define their limits. If a question exists, the limit will be determined by habitat survey made by a City-approved biologist.

The upland limit of a wetland shall be defined as: a) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; b) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; c) in the case of wetlands without hydrophytic vegetation or hydric soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.

A buffer strip, one hundred (100) feet in width, shall be maintained in a natural condition along the upland limits of all wetlands. No structures other than those required to support light recreational, scientific and educational use shall be permitted, where such structures are consistent with all other wetland protection policies and where all possible measures have been taken to prevent adverse impacts.

2. New development adjacent to the required buffer around a wetland shall not result in adverse impacts due to additional sediment, run-off, noise and other disturbances.

3. For the following projects: 1) Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension; 2) South Coast High Occupancy Vehicle (HOV) Lanes; and 3) Santa Claus Lane Bike Path, a reduced wetland buffer may be permitted in accordance with the provisions of Policy OSC-3e and the specific standards described in the Transportation Corridor Wetland Overlay District, in Chapter 14.45 of the Zoning Code.

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ATTACHMENT 1 - EXHIBIT F

Text Amendments – Coastal Land Use Plan (Wetland Protection Policy)

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CARPINTERIA COASTAL LAND USE PLAN
LINDEN AVENUE AND CASITAS PASS ROAD INTERCHANGES AND VIA REAL EXTENSION
IMPROVEMENTS, SOUTH COAST HOV LANES AND
SANTA CLAUS LANE BIKE PATH

Text Amendments – Wetland Protection Policy

October 2015

OSC-3e. For the following projects: 1) Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension; 2) South Coast High Occupancy Vehicle (HOV) Lanes; and 3) Santa Claus Lane Bike Path, new development in wetland or within the required 100-foot wetland buffer may be permitted in accordance with all of the following requirements and all other development policies and provisions of the LCP.

- a. New development shall be sited and designed to avoid fill or other impacts to wetland. If there is no feasible alternative that can eliminate all impacts, then the alternative location and design for each of the four projects that would result in the fewest or least significant impacts shall be selected. Impacts to wetland that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures may be approved when it is not feasible to fully mitigate impacts onsite, or where greater habitat value can be achieved or wider wetland buffer can be provided in an offsite wetland restoration or enhancement project. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to wetland.
- b. New development shall be sited and designed to provide a minimum 100-foot setback/buffer strip in a natural condition along the upland limits of wetland. If there is no feasible alternative that can provide a buffer of 100 feet, then the alternative that would provide the widest buffer shall be selected. Impacts to wetland resulting from a reduced buffer width shall be fully mitigated. Mitigation shall not substitute for implementation of the project alternative that would provide the required wetland buffer.
- c. All new development shall protect post-construction coastal water quality by including the following:
 1. emphasize run-off management in site design;
 2. preferentially use Low Impact Development strategies;
 3. maximize the use of structural and operational Source Control BMPs;
 4. prioritize the use of biologic, soil-based Treatment Control BMPs;
 5. avoid adverse run-off impacts to ESHA and wetland; and
 6. design and manage development to minimize hydromodification, as appropriate.

Implementation Policies

12. Maintain a minimum 100-foot setback/buffer strip in a natural condition along the upland limits of all wetland. No structures other than those required to support light recreational, scientific and educational uses shall be permitted within the setback, where such structures are consistent with all other wetland development policies and where all feasible measures have been taken to prevent adverse impacts. The minimum setback may be adjusted upward to account for site-specific conditions affecting avoidance of adverse impacts.

A minimum wetland buffer of 35 feet from structures, and 25 feet from fencing is allowed for the existing retention basin/drainage pond on the Ellinwood site (APN 004-013-026). The retention basin/drainage pond on this site shall be maintained only in accordance with the specific standards described in the Ellinwood Parcel (APN 004-013- 026) Overlay District, in Chapter 14.43 of the Zoning Code.

For the following projects: 1) Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension; 2) South Coast High Occupancy Vehicle (HOV) Lanes; and 3) Santa Claus Lane Bike Path, a reduced wetland buffer may be permitted in accordance with the provisions of Policy OSC-3e and the specific standards described in the Transportation Corridor Wetland Overlay District, in Chapter 14.41 of the Zoning Code.

OSC-15e. In order to achieve a regionally important improvement to alternative transportation modes for the purpose of increasing access to coastal resources for all members of the public, the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension and South Coast High Occupancy Vehicle (HOV) Lanes projects shall include the construction of the following bike path / trail segments:

- a. Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) - a Class I Bike Path from the eastern terminus of Santa Claus Lane to the western terminus of Carpinteria Avenue. Development of this path will close a gap in the coastal bike trail through Santa Barbara County. The Coast Route Bike Path shall be completed and open to the public no later than the completion of the adjacent phase of construction for the South Coast HOV Lanes.
- b. Rincon Trail (From SR 150/Carpinteria Avenue to Rincon County Park) - a Class I Bike Path/trail from the eastern terminus of Carpinteria Avenue (at State Route 150) to Rincon County Park. Construction of this path will close a coastal trail gap between Carpinteria Avenue and the new Class I trail along US 101 which has a northern terminus at Bates Road. The Rincon Trail shall be completed and open to the public no later than the completion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension construction.

ATTACHMENT 1 - EXHIBIT G

Whitney Parcel Transportation Corridor Land Use Designation

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 Redesignate Land Use to Transportation Corridor "TC" and Remove Zoning

--- Proposed Right-of-Way Northern Limit

 Whitney Parcel (APN: 001-070-012)



AERIAL SOURCE: CIRGIS 2012
DESIGN SOURCE: CALTRANS 2013

DUDEK



Whitney Parcel Transportation Portion Zoning and Land Use Designations

CITY OF CARPINTERIA LOCAL COASTAL PROGRAM AMENDMENT

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ATTACHMENT 1 - EXHIBIT H

Conditions of Approval

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EXHIBIT H: CONDITIONS OF APPROVAL

CITY COUNCIL PROJECT 09-1522-LCPA

LOCAL COASTAL PROGRAM AMENDMENT, PROJECT 09-1522-LCPA, TO CREATE THE TRANSPORTATION CORRIDOR WETLAND OVERLAY AND THE WHITNEY SITE AGRICULTURE OVERLAY DISTRICTS IN THE CITY OF CARPINTERIA ZONING CODE AND ASSOCIATED TEXT AMENDMENTS TO THE COASTAL LAND USE PLAN AND LAND USE MAP AND REDESIGNATE LAND FROM AGRICULTURE TO TRANSPORTATION CORRIDOR AND REMOVE AGRICULTURE ZONING FROM THE WHITNEY SITE

October 12, 2015

The Conditions set forth in this permit affect the title and possession of the real property which is the subject of this permit and shall run with the real property or any portion thereof. All the terms, covenants, conditions and restrictions herein imposed shall be binding upon and inure to the benefit of the owner, his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on the owner by this permit.

1. **Project Description.** The LCP Amendments (09-1522-LCPA) approved by the City Council on October 12, 2015 are limited to the written project description, staff report exhibits and conditions of approval on file at the City of Carpinteria, subject to further City review and approval as detailed below.

As a condition of project approval, the following project elements and variations shall be incorporated into proposed plans and the project description and detailed more specifically subject to approval of the Community Development Director in consultation with the Public Works Director as follows:

2. **Mitigation Measures:** Caltrans / SBCAG shall consider incorporation of the following mitigation measures into the environmental review document(s) for the Santa Claus Lane Bike Path to address potentially significant impacts as identified in the LCPA MND dated June 2015.

- a. Visual and Aesthetics

AES-1 Barrier Design. The traffic barrier between the US 101 southbound shoulder and the Santa Claus Lane Bike Path shall incorporate color and texture compatible with the center median traffic barrier used for the adjacent section of the South Coast HOV Lanes and similar to the barrier used for the Class I Rincon Bikeway between Bates Road and Mussel Shoals.

AES-2 Safety Screen. The safety screen to be placed atop the traffic barrier to protect path users from blown or thrown objects shall provide the greatest transparency possible for US 101 travelers, consistent with the technical

requirements for the safety screen function and similar to the safety screen used for the Class I Rincon Bikeway between Bates Road and Mussel Shoals.

AES-3 Landscape Plan. A landscape plan shall be prepared to address the replacement of plants removed during construction of the Santa Claus Lane Bike Path, where such plants occur outside the limits of wetland.

AES-4 Design Review. The design of the Santa Claus Lane Bike Path shall be reviewed by the City of Carpinteria Architectural Review Board.

b. Air Quality

AQ-1 PM₁₀ Mitigation Measures. Dust generated by construction activities shall be kept to a minimum with a goal of retaining dust onsite. The following dust control measures shall be implemented:

- a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever winds exceed 15 miles per hour. If wind speeds increase to the point when such measures cannot prevent dust from leaving the site, construction activities shall be suspended.
- c. Grading operations shall be suspended when wind speeds exceed 20 mph.
- d. Gravel pads shall be installed at all access points to the project site to prevent tracking of mud onto City roadways.
- e. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to City staff and the APCD and shall be posted in three locations along the proposed project site's perimeter for the duration of grading and construction activities.

AQ-2 Grading and Dust Generation. If the construction site is graded and left undeveloped for over three weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

- Seeding and watering to revegetate graded areas; and/or
- Use of a water truck to moisten exposed dirt areas during grading activity.
- Any other methods deemed appropriate by Community Development.

AQ-3 Equipment Exhaust. During project grading and hauling, construction contracts must specify that construction contractors shall adhere to requirements that reduce emissions of ozone precursors and particulate emissions from diesel exhaust. The following shall apply:

- a. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- b. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- c. Diesel construction equipment meeting the CARB Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- d. Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed.
- e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- f. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- g. The engine size of construction equipment shall be the minimum practical size.
- h. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- i. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

AQ-4 Diesel Fuel Vehicles. Diesel fuel emissions shall be limited. The following limitations on diesel-fueled vehicles in excess of 10,000 pounds shall apply during all construction activities:

- a. Diesel-fueled vehicles in excess of 10,000 pounds shall not idle in one location for more than five minutes at a time.
- b. Diesel-fueled vehicles in excess of 10,000 pounds shall not use diesel-fueled auxiliary power units for more than five minutes to power heater, air conditioner or other ancillary equipment on any such vehicle.
- c. The applicant shall designate one or more locations as deemed appropriate for the posting of a notice(s) to all drivers of diesel-fueled vehicles in excess of 10,000 pounds of these limitations on vehicle idling in all areas of the property that may be frequented by such vehicles. Such signs shall be maintained in their approved location(s) throughout the construction period.

c. Biological Resources

BIO-1 Fencing and Protection from Run-off. Prior to the initiation of site grading, a qualified biologist shall implement the following measures to protect special status plant species that occur outside of the areas proposed for development:

1. Install orange construction fencing around all construction areas to prevent construction equipment and personnel from entering surrounding areas. Fencing may be installed in a phased manner if construction is also phased.
2. Construction activities shall be confined to the designated construction areas.
3. Fencing shall be monitored on a regular basis throughout the construction period to ensure that the integrity of the fence is maintained.
4. To prevent run-off and erosion from construction areas adjacent to special status vegetation communities or plant species populations from impacting these species, best management practices (BMPs) such as silt fences, straw bales, etc., shall be placed to intercept run-off, or ditches or other diversion structures shall be constructed.

BIO-2 Focused Rare Plant Survey and Avoidance. Focused surveys for special status plant species shall be conducted by a qualified botanist at the appropriate season (blooming period) prior to the commencement of grading/construction activities. The surveys shall be conducted no more than one year prior to commencement of construction activities within suitable habitat, and the surveys shall be conducted at a time of year when the plants can be located and identified. Should special status plant species be documented within the project boundary, avoidance measures shall be implemented to minimize impacts to individual plants wherever feasible. These measures shall include minor adjustments to the boundaries/location of haul routes and other trail features. If, due to design constraints, avoidance of all plants is not possible, then further measures described in BIO-3 shall be implemented to salvage seeds and/or transplant individual plants. All seed collection and/or transplantation methods, as well as the location of the receptor site for seeds/plants (assumed to be within preserved open space areas within the County Park), shall be coordinated with CDFG prior to impacting known occurrences of the special status species.

BIO-3 Mitigation and Monitoring Plan. If as a result of implementing mitigation measure BIO-2 above, it is determined that the proposed project will directly impact a special status plant species, a Mitigation and Monitoring Plan for Special Status Plants (Plan) shall be prepared prior to the initiation of construction.

The Plan shall provide for replacement of individual plants to be removed at a minimum 1:1 ratio, within suitable habitat at a site where no future construction-related disturbance will occur. The plan shall specify the

following: (1) the location of the mitigation site in protected/preserved areas; (2) methods for harvesting seeds or salvaging and transplantation of individual plants to be impacted; (3) measures for propagating plants (from seed or cuttings) or transferring living specimens from the salvage site to the introduction site; (4) site preparation procedures for the mitigation site; (5) a schedule and action plan to maintain and monitor the mitigation area; (6) the list of criteria and performance standards by which to measure the success of the mitigation site (below); (7) measures to exclude unauthorized entry into the mitigation areas; and (8) contingency measures such as erosion control, replanting or weeding to implement in the event that mitigation efforts are not successful.

BIO-4 Pre-construction Nesting Bird Surveys. Within 30 days of any vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically mid-February through August in the project region, or as determined by a qualified biologist), the City shall have weekly surveys conducted by a qualified biologist to determine if active nests of special status bird species or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present in the disturbance zone or within 100 feet (300 feet for raptors) of the area to be disturbed. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance is delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. The City or contractor shall provide the biologist with plans detailing the extent of proposed ground disturbance prior to the survey effort.

If active nests are found, clearing and construction within 100 feet of the nest (300 feet for raptors) shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with highly visible construction fencing, and construction personnel shall be instructed on the sensitivity of nest areas. The results of the surveys, including graphics showing the locations of any nests detected, and any avoidance measures recommended, shall be submitted to the City within 14 days of completion of the pre-construction surveys to document compliance with applicable state and federal laws pertaining to the protection of native birds.

BIO-5 County of Santa Barbara LCP Amendments. In order to establish precise development standards, biological restoration performance standards and effective mitigation ratios to address the Santa Claus Lane Bike Path encroachment into wetland and wetland buffer areas within Santa Barbara County, the City of Carpinteria shall work with the County of Santa Barbara on a wetland protection overlay district that provides a functional equivalent to the Carpinteria Transportation Corridor Wetland Overlay District.

BIO-6 Wetland Restoration Plan. Prior to issuance of a grading permit for the portion of the bike path within each jurisdiction, wetland restoration plans in accordance with the specifications provided under the Transportation Corridor Wetland Overlay District (or County equivalent) shall be prepared for review and approval by the governing jurisdiction.

D. Cultural Resources

- In the unlikely event that potentially significant cultural materials are encountered during construction, grading should be temporarily redirected and/or suspended until a qualified archaeologist and local Chumash representative are retained to evaluate the find, including mapping and collecting any diagnostic (time-sensitive) artifacts, consistent with City of Carpinteria standards.

E. Geology and Soils

GEO-1 Materials Stockpiling. The stockpiling of earth materials related to the construction of the Santa Claus Lane Bike Path shall be avoided to the maximum extent feasible. Any necessary stockpiles should be designed and maintained such that the material is stored for the shortest time practical.

GEO-2 Construction to Avoid Rainy Season. To the extent feasible, the Santa Claus Lane Bike Path construction shall not occur during the rainy season (November 1 to April 1) in order to avoid short-term erosion of earth materials. If a portion(s) of the construction must occur during the rainy season, erosion control devices and best management practices shall be established and maintained for the duration of the construction which occurs during the rainy season.

F. Hydrology

HYDRO-1 Flood Control. The Santa Claus Lane Bike Path shall be designed and constructed to minimize damage or failure of the path during flooding events. If technically feasible and deemed appropriate, the elevation of the bike path surface should be constructed above the 100-year flood elevation adjacent to the bike path alignment.

3. ***Mitigation Compliance, Monitoring and Reporting Requirement.*** The applicant for any future transportation improvement project that relies on this LCPA shall submit to the Community Development Director a draft monitoring program for mitigation measures identified in the environmental review document(s) prepared for the transportation improvement project. A Project Environmental Coordinator (PEC) and mitigation monitors responsible for permit compliance monitoring shall be retained and paid for by the applicant. The mitigation monitoring program shall include, but not be limited to:
- a. **Mitigation Measures.** A list of the project's mitigation measures.
 - b. **Implementation of Mitigation.** Timing and party responsible for implementation of each mitigation measure.
 - c. **Mitigation Monitoring.** Timing and party responsible for monitoring of each mitigation measure and a list of mitigation monitors to be retained.

- d. Mitigation Reporting. Procedures, timing and responsible party for reporting to the City on project mitigation compliance and monitoring.

Written authorization to proceed and consent to conditions of approval by the applicant shall be provided to the City prior to commencement of any demolition or construction activity.

I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY
WITH ALL ABOVE STATED CONDITIONS OF THIS PERMIT

Applicant

Date

ATTACHMENT 2

Ordinance No. 703

ORDINANCE NO. 703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING TITLE 14 (ZONING) OF THE CARPINTERIA MUNICIPAL CODE TO CREATE THE TRANSPORTATION CORRIDOR WETLAND OVERLAY AND THE WHITNEY SITE AGRICULTURE OVERLAY DISTRICTS AND TO MODIFY THE ZONING MAP TO REMOVE THE AGRICULTURE ZONING FROM THE SOUTHERN PORTION OF THE WHITNEY SITE

WHEREAS, the Carpinteria City Council has considered an application for a Local Coastal Program Amendment to change the Zoning Code, Coastal Land Use Plan and Land Use Map to allow for consideration of permits for replacement of the Linden Avenue and Casitas Pass Road interchanges, reconfiguration of the northbound on and offramps at Casitas Pass Road, extension of the northbound Linden Avenue onramp and replacement of the southbound Linden Avenue offramp, replacement of the US 101 freeway bridges over Carpinteria Creek and extension of Via Real to Casitas Pass Road and to Linden Avenue (the Project); and

WHEREAS, the City reviewed the environmental impacts of the Project in accord with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"); and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the project and was subject to a 30-day review period from August 29, 2013 to September 27, 2013; and

WHEREAS, the Environmental Review Committee reviewed the Draft MND on September 19, 2013 and recommended approval of the document to the Planning Commission with comments; and

WHEREAS, the Planning Commission conducted a special hearing on May 18, 2015 and received evidence in favor of the Local Coastal Program Amendments and recommended approval of the project to the City Council; and

WHEREAS, on June 22, 2015 the City Council adopted the Final MND, considered comments received during the public review process, and directed the City Manager to submit the LCPA to the California Coastal Commission for certification; and

WHEREAS, the California Coastal Commission determined the City's submittal to be complete on September 1, 2015; and

WHEREAS, the California Coastal Commission considered and recommended by unanimous vote Amendment LCP-4-CPN-15-0018-1 to the City's Local Coastal Program with suggested modifications; and

WHEREAS, the City Council conducted a noticed public hearing and received testimony related to Ordinance No. 703; and

WHEREAS, the City of Carpinteria, pursuant to its police powers has the authority to enact laws and policies which promote the public health, safety and general welfare of its residents; and

WHEREAS, the City Council has determined, consistent with applicable policies of the General Plan/Coastal Plan and the Zoning Code standards, that the modifications suggested by the California Coastal Commission are accepted as they promote the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The City Council finds and determines that the above recitals are incorporated herein and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. AMENDMENT OF TITLE 14 OF THE CARPINTERIA MUNICIPAL CODE

Title 14 of the Carpinteria Municipal Code shall hereby be amended and shall read as follows:

WHITNEY SITE OVERLAY DISTRICT

A new Chapter 14.41, Whitney Site Overlay District, will be inserted in the Code as follows:

Sections:

- 14.41.010 - Purpose and Intent
- 14.41.020 - Applicability
- 14.41.030 – Development Standards

14.41.010 – Purpose and Intent

The purpose of the Whitney Site overlay district is to provide for specific standards to ensure preservation of the remainder of the Whitney Site for agricultural use through an agricultural easement and to provide for the establishment and maintenance of programs for sustainable agriculture in the Carpinteria Valley. Therefore, this overlay district establishes specific standards related to open field agriculture resource protection and mitigation.

14.41.020 - Applicability

The provisions of this district shall apply only to the remainder portion of the original 8.95-acre Whitney Site (APN 001-070-012) not dedicated to public roadway purposes, as depicted in Figure 1 and shown on the city's official zoning maps.

14.41.030 – Development Standards

All applicable Local Coastal Program policies and provisions shall apply to the Whitney Site Overlay District unless specifically modified by standards detailed in this section. Development

of any portion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension on the Whitney Site shall comply with all of the following requirements:

1. New development shall be sited and designed to avoid impacts to agricultural land. If there is no feasible alternative that can eliminate all impacts, then the alternative development location and design that would result in the fewest or least significant impacts shall be selected. Impacts to agricultural land that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated as outlined in this Section. The portion of the parcel to be converted from agriculture to public roadway facility shall not exceed five acres, encompassing the southern portion of the parcel adjacent to US 101.
2. In order to prevent conversion of the approximately four-acre remainder parcel out of agriculture, ownership of the property shall be transferred to the City of Carpinteria. The remainder parcel shall be restricted to agricultural uses including organic farming, community gardening or agriculture education. Transfer of the property from Caltrans to the City would occur at the conclusion of project construction, and in concert with the transfer of the completed Via Real roadway and right-of-way. An agricultural conservation easement shall be placed on the property prior to transfer of ownership of the remainder parcel to the City which will prohibit non-agricultural uses on the property in perpetuity. The holder of the agricultural conservation easement shall be a public resources agency or private land trust with agricultural resource preservation experience, acceptable to the City of Carpinteria. Portions of the parcel that lie within the Carpinteria Creek channel, associated environmentally sensitive habitat area (ESHA) or riparian corridor buffer shall be excluded from the agricultural conservation easement to protect environmentally sensitive resources from disturbance associated with agricultural activities.
3. Mitigation shall be provided for the direct loss of agricultural land via implementation of an Agriculture Preservation Program as set forth below. The developer shall contribute funds such that the City of Carpinteria can accomplish the following (at a minimum):
 - A. Installation of physical infrastructure for community garden plots at three or more properties in various locations to permit convenient public access. The following properties have been identified to fulfill the above goals; in the event that it is determined to be infeasible to operate a community garden on one or more of the properties detailed in subsection i or iii below, a substitute property(ies) may be enrolled.
 - i) Carpinteria Children's Project (formerly Main School campus of the Carpinteria Unified School District). Infrastructure and development may include:
 - a. Tilling to prepare planting area
 - b. Grid layout for plots
 - c. Perimeter fencing
 - d. Water source for irrigation
 - e. Small shed for tool/implement storage, not larger than 12' x 12'

- ii) Four-acre Whitney Site remainder parcel. Infrastructure and development may include:
 - a. Tilling to prepare planting area within a portion of the site
 - b. Grid layout for plots
 - c. Preservation of a portion of the existing avocado orchard
 - d. Split-rail or similar perimeter fencing on the east, west and south boundaries
 - f. Water source for irrigation
 - g. Small shed for tool/implement storage, not larger than 12' x 12'
- iii) Fifth Street 0.62-acre City-owned parcel between Holly Avenue and Elm Avenue. Infrastructure and development may include:
 - a. Tilling to prepare planting area
 - b. Grid layout for plots
 - c. Split-rail or similar perimeter fencing
 - d. Water source for irrigation
 - e. Small shed for tool/implement storage, not larger than 12' x 12'
- B. Construction of a solid, grout-filled, masonry wall, or an alternative wall of same or better noise attenuating value, approximately six to eight feet in height, on the northern boundary of the remainder Whitney Site (abutting APNs 001-252-001 through -010 and APN 001-253-006) shall be completed prior to opening a community garden on the property.
- C. Development of a uniform agreement or lease template for use of individual garden plots by members of the community.
- D. Drafting of an agreement(s) between the City and Carpinteria Unified School District (CUSD) for the Carpinteria Children's Project garden to be maintained and operated by the CUSD for children and families participating in onsite programs.
- E. Funding of one City of Carpinteria half-time staff position, for a period of five years from the date of final approval of the Linden Avenue – Casitas Pass Road and Via Real Extension project, to initiate the community garden system, and to create a fee structure (participation fee or plot lease) to subsidize the continuation of this staff position. In the event funding from the fee structure for community garden participation is not adequate following the five-year subsidy period to sustain a half-time position for administration of the community garden system, the City of Carpinteria will do one or more of the following.
 - i. Either restructure the participation fees or commit to providing funds for the difference between participation revenues and the position costs;
 - ii. Investigate administration of the community garden system by another agricultural education entity such as 4H or Future Farmers of America;
 - iii. Pursue grant funding to perpetuate the program; or

- iv. Assume administration of the community garden system in perpetuity.
- F. Provide funding to CUSD for development of an adult education program to be delivered via offering workshops in plant cultivation at the community gardens and cooking with fresh garden produce (at the Carpinteria High School Culinary Kitchen). Once established, participation fees could fund perpetuation of the program.
- G. Provide funding to CUSD for development of grade-specific curriculum focusing on vegetable cultivation using on-campus gardens at each school facility in Grades 1-8. The lesson plans would increase knowledge and appreciation for fresh produce, supporting interest in both community gardening and the importance of local agriculture resources.
- H. Program administration and access for residents to at least one property enrolled in the community garden system shall be established within one year from approval of a Coastal Development Permit for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension. The Agriculture Preservation Program shall be substantially implemented within one year following completion of construction of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension.
- I. To further offset the project-related direct loss of five acres of agricultural land within the City of Carpinteria, the City shall apply to the Local Agency Formation Commission (LAFCO) to remove two agricultural parcels which are currently included in the City's Sphere of Influence on Via Real (APN 001-080-033 and APN 001-180-026). The application to LAFCO to remove these parcels from the Sphere of Influence shall be completed within one year from approval of a Coastal Development Permit for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Improvements. Successful removal of the parcels from the Sphere of Influence shall be accomplished prior to completion of construction of the public roadway improvements.

TRANSPORTATION CORRIDOR WETLAND OVERLAY DISTRICT

A new Chapter 14.45, Transportation Corridor Wetland Overlay District, will be inserted in the Code as follows:

Sections:

- 14.45.010 - Purpose and Intent
- 14.45.020 - Applicability
- 14.45.030 – Development Standards

14.45.010 – Purpose and Intent

The purpose of the Transportation Corridor Wetland overlay district is to provide for specific standards of development for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, and for the portions located within the City of Carpinteria, the South Coast High

Occupancy Vehicle (HOV) Lanes and Santa Claus Lane Bike Path projects. The intent is to ensure a more precise level of planning than ordinarily possible under the local implementation plan. Therefore, this overlay establishes specific standards related to fill or other impacts to wetland or reduction of wetland buffers, mitigation measures, drainage and stormwater management, and coastal access and recreation enhancements.

14.45.020 - Applicability

The provisions of this district shall apply only to the project area encompassed by the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, South Coast High Occupancy Vehicle (HOV) Lanes, and Santa Claus Lane Bike Path projects, as depicted in Figure 2 and shown on the city's official zoning maps.

14.45.030 – Development Standards

All applicable LCP policies and provisions shall apply to development that is part of the Transportation Corridor Wetland Overlay (TCWO), unless specifically modified by the standards detailed in this section. Two general classes of wetlands have been identified within the TCWO: natural wetlands and created wetlands. Natural wetlands include components of Carpinteria Marsh, wetlands associated with native creeks and wetlands that are fragmented but are of high value. Created wetlands are relatively low functioning wetlands related to freeway and/or railroad infrastructure that have formed in drainage ditches, basins, water quality Best Management Practices (BMPs) features and/or topographic depressions, and were originally constructed out of dry land. The area abutting a wetland is the wetland buffer and provides a transition between development and the wetland resource. For the purpose of these development standards, wetland buffer only includes undeveloped areas between the wetland and the first line of development; thus, the road median is not a wetland buffer. Each wetland class has been assigned specific mitigation criteria to best facilitate the balance and protection of coastal resources in the TCWO.

All development for the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, and all development for the portions of the South Coast High Occupancy Vehicle (HOV) Lanes and Santa Claus Lane Bike Path projects located within the City of Carpinteria, shall comply with the following:

1. For the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, the following project components may result in permanent and temporary direct wetland impacts (e.g., fill) and indirect wetland impacts (e.g., development in wetland buffer):
 - Carpinteria Creek bridge foundation components;
 - Slope retaining elements for the southbound US 101, northbound US 101, northbound Casitas Pass offramp and the Via Real extension;
 - Fill and retaining structures for the Via Real extension travel lanes, sidewalks and bike path;
 - Drainage improvements;

- Soundwalls;
 - Fill and retaining structures for the Carpinteria Creek bike trail; and
 - Structural foundation elements, travel lane, sidewalk and bikeway, shoulder, fill and retaining structures for the northern end of the Linden Avenue overcrossing.
2. For the South Coast HOV Lanes, the following project components may result in permanent and temporary direct wetland impacts (e.g., fill) and indirect wetland impacts (e.g., development in wetland buffer):
- Drainage improvements and soundwall along the northern shoulder of northbound 101 immediately east (south) of Santa Ynez Avenue;
 - Drainage improvements, soundwall, roadway, shoulder and fill in the immediate vicinity of Santa Monica Road onramp/offramp;
 - Drainage improvements and soundwall along the northern shoulder of northbound 101 in the vicinity of Taranto Circle; and
 - Drainage improvements and soundwall along the southern shoulder of southbound 101 immediately west (north) of Plum Street to just east of the western terminus of Carpinteria Avenue.
3. For the Santa Claus Lane Bike Path, the following project components may result in permanent and temporary direct wetland impacts (e.g., fill) and indirect wetland impacts (e.g., development in wetland buffer) between the existing US 101 southern shoulder and the UPRR railroad alignment which borders the north side of the Carpinteria Salt Marsh:
- Fill;
 - Retaining structures;
 - Bike path; and
 - Drainage improvements.
4. Fill or other impacts to wetland or reduction of wetland buffers resulting from new development detailed in items 1 - 3 above, may be approved only in conformance with the following:
- a. New development shall be sited and designed to avoid fill or other impacts to wetland. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to wetland that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully mitigate impacts onsite. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to wetland.

- b. New development shall be sited and designed to provide a minimum 100-foot setback/buffer strip in a natural condition along the upland limits of wetlands. If there is no feasible alternative that can provide a buffer of 100 feet, then the alternative that would provide the widest buffer shall be selected. Mitigation shall not substitute for implementation of the project alternative that would provide the required wetland buffer.
- c. Mitigation shall be provided for direct impacts to wetlands (e.g., fill) and indirect impacts to wetlands (e.g., new development in wetland buffers). Mitigation measures shall include, at a minimum, creation or substantial restoration of habitats equal or similar to the impacted habitat type. Adverse direct impacts shall be mitigated at a ratio of 4:1 for natural wetland areas, including salt marsh and wetlands associated with creeks. Adverse direct impacts to riparian habitats shall be mitigated at a ratio of 3:1. Adverse direct impacts to created wetlands (low functioning wetlands associated with freeway infrastructure) shall be mitigated at a ratio of 3:1. Indirect impacts to wetlands, such as development in wetland buffer areas, shall be mitigated by enhancing (e.g., invasive species removal, native screening vegetation, planting appropriate native species, water quality improvement, sound reduction) all portions of the remaining (undeveloped) wetland buffer area within 100 feet of the impacted wetland. Temporary direct and indirect impacts to wetlands and riparian habitat shall be mitigated at a ratio of 1:1.
- d. Wetland enhancement, restoration or creation plans shall be prepared by a qualified biologist for all areas where mitigation is required by Sections 4.a, b and c, above. Plans shall include details of appropriate wetland enhancement, restoration or creation acreage and location including the following:
 - i. Introduction. Including a purpose statement, existing site resource description and inventory, proposed wetland mitigation site plan and map comparing existing and future site conditions.
 - ii. Mitigation Goals. A clear statement of the wetland mitigation goals including the desired wetland habitat type(s), major vegetation components, water quality improvements and hydrologic regime, and wildlife support functions.
 - iii. Planting Plan. Description of the desired relative abundance of particular wetland plant species in desired habitat type(s). Based on these goals, identify the species to be planted (plant “palette”), provide a rationale for and describe the size and number of container plants and/or the rate and method of seed application, and a site plan with planting location and planting guidelines for prescribed species. Seeds and propagules shall come from local native stock.

- iv. Grading Plan. If wetland enhancement, restoration or creation requires topographic alterations, a formal grading plan shall be included.
 - v. Best Management Practices (BMPs). Erosion control, irrigation and weed eradication plans as necessary.
 - vi. Success Criteria. Selection and rationale of quantifiable success criteria. There must be an empirical basis for the selection of each success criterion (e.g., peer-reviewed literature, reference site data).
 - vii. Monitoring. Monitoring program that includes a detailed description of quantitative sampling design (e.g., sample sizes and sampling techniques such as quadrats, transects, photo plots), statistical procedures proposed for judging if success criteria are achieved, provisions for a five-year monitoring period, annual reporting and contingency measures should the mitigation efforts fail to achieve quantitative success criteria.
 - viii. Final Report. A final monitoring report prepared by a qualified biologist that evaluates whether the required wetland enhancement, restoration or creation has achieved the goals and success criteria set forth in the approved mitigation plan.
5. For each project listed in 1 through 3 above, all of the following post-construction coastal water quality standards shall be met:
- a. Early site design planning shall emphasize run-off management and shall prioritize the minimization of run-off by reducing lane and shoulder pavement widths, using permeable pavements and incorporating sub-grade stormwater retention, and shall use structural and operational Source Control BMPs to control pollutant sources, keep pollutants segregated from stormwater and minimize tainted run-off to the extent feasible. Minimization of impermeable surfaces shall be emphasized in freeway design where it is infeasible to infiltrate or treat freeway run-off that flows directly to high quality wetlands.
 - b. Low impact development strategies shall be preferentially used to treat run-off. Low impact development strategies use small scale control measures to infiltrate, evapo-transpire, filter, detain and retain run-off. These practices shall be maximized where they will pre-treat run-off that flows to wetlands. Earthen- (soil) based and/or bioengineered Caltrans-approved National Pollution Discharge Elimination System (NPDES) BMPs shall be allowed to be located and maintained within wetland buffers where there is no feasible alternative location available to locate the BMPs and where they support wetland protection.
 - c. To maximize the treatment and infiltration of run-off from the greatest area of freeway surfaces, post-development BMPs shall include, in addition to Caltrans-certified NPDES BMPs, alternative water quality BMPs. Alternative BMPs shall include, but not be limited to, grading to create or modify topographic depressions to

maximize the capture, detention or retention of run-off, amending onsite soils to increase infiltration and detain run-off, adding or replacing vegetation in areas that receive freeway run-off with native plants, and constructing bioswales and biostrips that either do not require mowing or only require infrequent mowing or woody vegetation removal. These alternative BMPs shall be considered for use in areas that receive freeway run-off and wherever Caltrans-certified NPDES BMPs cannot be feasibly installed, including placement within wetland buffers where they support wetland protection.

- d. Created wetlands as defined in this chapter shall be enhanced wherever feasible by increasing the depth and areal extent of the wetland, removing invasive exotic vegetation and planting with native wetland plants. Maintenance of these enhanced created wetlands shall be limited to trimming vegetation that impacts the normal operation of the freeway, clearing drain inlets and trash removal, using non-mechanical methodologies (e.g., manual labor and no heavy equipment).
- e. Stormwater run-off shall be infiltrated, retained or detained onsite, in accordance with the site hydrology and geotechnical considerations. Infiltration BMPs shall be designed, at a minimum, to handle run-off from all storms up to and including the 85th percentile, 24-hour storm event onsite, to avoid negative effects of hydromodification. If it is not practical to retain the 85th percentile, 24-hour storm event onsite, the limitations preventing this practice shall be stated and an equal volume of run-off shall be infiltrated elsewhere within the project limits with preference given to sites within the same watershed.
- f. Where treatment control BMPs (or suites of BMPs) are used, they shall be designed to infiltrate and/or treat the amount of run-off produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or no less than 0.26 inches/hour for flow-based BMPs.
- g. Minimum infiltration or treatment volumes for treatment control BMPs shall be calculated based on the impervious surface area added by the project, in addition to the existing untreated freeway surface. Where it is infeasible to treat the volume of run-off from the existing freeway surface in addition to the new freeway surface, low impact development strategies shall be used to the maximum extent feasible to infiltrate, evapo-transpire, filter, detain and retain run-off from the existing freeway surface.
- h. Where site conditions make it infeasible to infiltrate or treat the stipulated minimum volume of run-off onsite, infiltration or treatment offsite within existing right-of-way can be substituted where it can be demonstrated that offsite infiltration or treatment will result in an equal or greater benefit to coastal water quality.

- i. Treatment BMPs shall prioritize the use of soil-based biofilter techniques, such as bioswales, and shall infiltrate, retain, or detain the maximum possible volume of stormwater run-off in accordance with the site hydrology and geotechnical considerations. Biofilters shall not use invasive plant materials; plants shall be collected locally and/or propagated in a certified nursery with oversight by a qualified plant ecologist. A biofilter/bioswale design plan, including the native wetland plant palette and the source of plant material, shall be submitted to the City for review and approval.
 - j. A post-construction run-off management plan shall be submitted to the City and shall include maps, figures, supporting design calculations, and a narrative explaining the methods and approach proposed to protect or enhance coastal water quality. Maps shall be cross-referenced to grading, drainage and landscaping project plans. The run-off management plan shall include supporting information including but not limited to the infiltration and retention properties of the native or engineered BMP substrate, depth to groundwater, and the hydraulic design and pollutant treatment/removal capability of the proposed BMPs adequate to ensure that water quality will be protected to the maximum extent feasible. The post-construction run-off plan shall be certified by a qualified professional with appropriate credentials, education and training.
 - k. Where site or project conditions constrain any of the minimum requirements or practices in a. through j. above, the qualified professional shall document the nature and extent of the limitations and justify the alternative measures proposed to protect or enhance water quality.
6. To the extent allowed by the “Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements” (document adopted by the Coastal Commission on September 5, 1978 and incorporated herein by reference), repair and maintenance of the projects listed in 1 through 3 above are excluded from permit requirements. However, such exclusions shall not apply where such repair and maintenance would occur within riparian and wetland habitat or will cause direct impacts to wetland or other resources.
7. In order to achieve a regionally important improvement to alternative transportation modes for the purpose of increasing access to coastal resources for all members of the public, two bike path/trail segments shall be constructed, including:
- a. Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) - a Class I bike path from the eastern terminus of Santa Claus Lane to the western terminus of Carpinteria Avenue. Construction of this path will close a gap in the coastal bike trail through Santa Barbara County. The Coast Route Bike Path shall be completed and open to the public no later than the completion of the adjacent phase of construction for the

South Coast HOV Lanes. ~~The opening of this path to the public will be contingent on the development of a permanent maintenance plan.~~

- b. Rincon Coastal Trail (SR 150/Carpinteria Avenue to Rincon County Park) - a Class I bike path/trail from the eastern terminus of Carpinteria Avenue (at State Route 150) to Rincon County Park. Construction of this path will close a gap between Carpinteria Avenue and the new Class I bike path along US 101 which has a northern terminus at Bates Road. The Rincon Coastal Trail shall be completed and open to the public no later than the completion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension construction. ~~The opening of this bike path/trail to the public will be contingent on the development of a permanent maintenance plan.~~
8. To enhance educational and recreational opportunities, and to increase awareness of sensitive resources within the coastal environment, the following permanent displays are required:
- a. In conjunction with the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension, an educational or interpretive display shall be installed within Carpinteria Creek Park and/or at the entrance to the proposed Carpinteria Creek / US 101 bike path undercrossing which explains the importance of Carpinteria Creek, its riparian habitat and associated wetland resources.
 - b. In conjunction with the Santa Claus Lane Bike Path, an educational or interpretive display shall be installed which explains the importance of the Carpinteria Salt Marsh.
 - c. In conjunction with the Rincon Coastal Trail, an educational or interpretive display shall be installed which describes the nearby harbor seal rookery.

REDUCED WETLAND BUFFER

Chapter 14.42.040 Development standards will be amended to add the following new language:

14.42.040 - Development standards

3. For the following projects: 1) Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension; 2) South Coast High Occupancy Vehicle (HOV) Lanes; and 3) Santa Claus Lane Bike Path, a reduced wetland buffer may be permitted in accordance with the provisions of Policy OSC-3e and the specific standards described in the Transportation Corridor Wetland Overlay District, in Chapter 14.45 of the Zoning Code.

SECTION 3: AMENDMENT OF CITY'S OFFICIAL ZONING MAPS.

WHITNEY SITE TRANSPORTATION CORRIDOR

The city's official zoning maps are amended to remove any zoning designation from the portion of the original 8.95-acre Whitney Site (APN 001-070-012) dedicated to public roadway purposes, as depicted in Figure 3.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be in full force and effect thirty (30) days following certification as an amendment to the City's Local Coastal Program by the California Coastal Commission, acceptance of such certification by resolution, and second reading by the City Council; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the City Council voting for and against the same in the Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 5: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6: CEQA EXEMPTION.

Pursuant to section 15162 of the California Environmental Quality Act Guidelines, no additional environmental review is necessary for a project when there is a previously adopted EIR or Negative Declaration and there have been no substantial changes to the scope of the project, the project's potential impacts or any project mitigation measures/project alternatives. The City Council adopted a Mitigated Negative Declaration (MND) on June 22, 2015 in conjunction with adoption of the Local Coastal Program Amendment Project No. 09-1522-LCPA, and the City Council has determined that no further environmental review is required in accordance with CEQA Guidelines section 15162.

PASSED, APPROVED, AND ADOPTED this 26th day of October 2015, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

Gregg A. Carty, Mayor of the City of Carpinteria

ATTEST:

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 the 26th day of October 2015.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown, on behalf of
Brownstein Hyatt Farber Schreck, LLP
acting as City Attorney of the City of Carpinteria



Remove Zoning

--- Proposed Right-of-Way Northern Limit



Whitney Parcel (APN: 001-070-012)



0 100 200 400 Feet

AERIAL SOURCE: CIRGIS 2012
DESIGN SOURCE: CALTRANS 2013

DUDEK



FIGURE 3 - Whitney Parcel Transportation Portion Re-zoning (Unzoning)

CITY OF CARPINTERIA LOCAL COASTAL PROGRAM AMENDMENT

ATTACHMENT 3

Resolution of Certification

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



October 7, 2015

Jackie Campbell
Community Development Director
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013-2697

**RE: City of Carpinteria Local Coastal Program Amendment No. LCP-4-CPN-15-0018-1
(Transportation Improvements)**

Dear Ms. Cambell:

On October 6, 2015, the Coastal Commission approved Local Coastal Program Amendment No. LCP-4-CPN-15-0018-1 with suggested modifications. The Commission's resolution of certification is contained in the staff report dated September 24, 2015. The suggested modifications, as approved by the Commission on October 6, 2015, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local

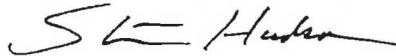
government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Should you have any questions regarding this matter, please contact Jacqueline Phelps in our Ventura office. The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

Charles Lester
Executive Director

A handwritten signature in black ink, appearing to read "Steve Hudson", written in a cursive style.

By: Steve Hudson
Deputy Director

The language proposed by the City of Carpinteria to be inserted into the LCP in this amendment is shown in straight type. Language presently contained within the certified LCP is shown in straight type. Language proposed to be added by the City of Carpinteria in this amendment is shown underlined. Language recommended by Commission staff to be inserted is shown double underlined. Language proposed to be added by the City of Carpinteria, but required to not be added by the Commission is shown in Underline with Double Strikethrough. Other instructional suggested modifications to revise maps or figures are shown in *italics*.

I. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN

1. Suggested Modification Number One

Land Use Plan Policy OSC-15e shall be modified as follows:

...

- a. Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) - a Class I bike path from the eastern terminus of Santa Claus Lane to the western terminus of Carpinteria Avenue. Development of this path will close a gap in the coastal bike trail through Santa Barbara County. The Coast Route Bike Path shall be completed and open to the public no later than the completion of the adjacent phase of construction for the South Coast HOV Lanes. The opening of this path to the public will be contingent upon the development of a permanent maintenance plan.
- b. Rincon Coastal Trail (SR 150/Carpinteria Avenue to Rincon County Park) - a Class I bike path/trail from the eastern terminus of Carpinteria Avenue (at State Route 150) to Rincon County Park. Construction of this path will close a gap between Carpinteria Avenue and the new Class I trail along US 101 which has a northern terminus at Bates Road. The Rincon Trail shall be completed and open to the public no later than the completion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension construction. The opening of this bike path/trail to the public will be contingent upon the development of a permanent maintenance plan.

2. Suggested Modification Number Two

If and when the Local Agency Formation Commission approves the removal of APN 001-080-033 and APN 001-180-026 from the City's sphere of influence, the City shall revise the certified Land Use Plan Map to reflect the revised sphere of influence boundary.

II. SUGGESTED MODIFICATION TO THE IMPLEMENTATION PLAN

3. Suggested Modification Number Three

Part 7a and 7b of Section 14.45.030- Development Standards, of Chapter 14.45- Transportation Corridor Wetland Overlay District shall be modified as follows:

...

- a. Coast Route Bike Path (Santa Claus Lane to Carpinteria Avenue) - a Class I bike path from the eastern terminus of Santa Claus Lane to the western terminus of Carpinteria Avenue. Construction of this path will close a gap in the coastal bike trail through Santa Barbara

County. The Coast Route Bike Path shall be completed and open to the public no later than the completion of the adjacent phase of construction for the South Coast HOV Lanes. The opening of this path to the public will be contingent upon the development of a permanent maintenance plan.

- b. Rincon Coastal Trail (SR 150/Carpinteria Avenue to Rincon County Park) - a Class I bike path/trail from the eastern terminus of Carpinteria Avenue (at State Route 150) to Rincon County Park. Construction of this path will close a gap between Carpinteria Avenue and the new Class I trail along US 101 which has a northern terminus at Bates Road. The Rincon Coastal Trail shall be completed and open to the public no later than the completion of the Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension construction. The opening of this bike path/trail to the public will be contingent upon the development of a permanent maintenance plan.



City of Carpinteria

COUNCIL AGENDA STAFF REPORT October 12, 2015

ITEM FOR COUNCIL CONSIDERATION

An agreement between the Santa Barbara Metropolitan Transit District and the City of Carpinteria for facility support for Carpinteria electric shuttle service on property located at 5775 Carpinteria Avenue.

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

Approve the agreement between the Santa Barbara Metropolitan Transit District and the City of Carpinteria for facility support for Carpinteria electric shuttle service.

Motion: I move to approve and authorize the Mayor to sign the agreement between the Santa Barbara Metropolitan Transit District and the City of Carpinteria for facility support for Carpinteria electric shuttle service.

BACKGROUND

The Santa Barbara Metropolitan Transit District (MTD) and the City of Carpinteria cooperatively established the Seaside Shuttle service in Carpinteria in 2000. This electric shuttle service includes a parking and charging facility located at City Hall, 5775 Carpinteria Avenue.

The agreement between MTD and the City concerning the establishment, maintenance and operation of the shuttle facility at City Hall is out of date and in need of a successor agreement. The proposed agreement (attached) would permit the existing facility at City Hall to continue to be operated by MTD in support of the Seaside Shuttle service.

DISCUSSION

The proposed agreement would, effectively, allow for the continuation of existing Carpinteria electric shuttle service. MTD has determined that in order to efficiently and effectively operate electric shuttle service in Carpinteria, the shuttles and charging stations need to be located in Carpinteria, convenient to the shuttle route.

Through the agreement the City would continue to make space available rent free for covered shuttle parking, charging stations and use of a storage building (See attached site map of the existing facilities). MTD would be responsible for all operations, maintenance and upkeep of the vehicles, equipment and facilities, including reimbursing the City for the cost of electricity.

The Agreement is proposed to renew automatically each fiscal year unless one of the parties elects to terminate the agreement. The City has the right to relocate the facility on the City Hall property if it determines this to be necessary.

FINANCIAL CONSIDERATIONS

This is a revenue neutral agreement. No rent is proposed to be charged for the space allocated in support of the Carpinteria electric shuttle service and the City is not obligated to pay for any related operational or maintenance expenses.

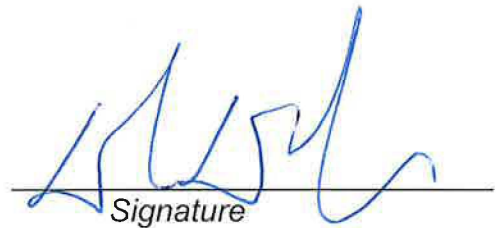
PRINCIPAL PARTIES EXPECTED AT MEETING

Jerry Estrada, General Manager, Santa Barbara Metropolitan Transit District

ATTACHMENTS

Agreement for Facility Support for Carpinteria Electric Shuttle Service

Staff contact: Dave Durflinger, City Manager
(805 684-5405, x400, daved@ci.carpinteria.ca.us)



Signature

AGREEMENT FOR FACILITY SUPPORT FOR CARPINTERIA ELECTRIC SHUTTLE SERVICE

This Agreement is entered into this _____ day of _____, 2015, by and between the CITY OF CARPINTERIA (hereinafter referred to as "City"), and the SANTA BARBARA METROPOLITAN TRANSIT DISTRICT, a public agency located in the County of Santa Barbara, State of California (hereinafter referred to as the "District"), for the support of the Carpinteria Seaside Shuttle transit service within the City.

WHEREAS, the District is established under Part 9, Division 10 of the California Public Utilities Code, codified at Sections 95000-97100, and empowered to provide public transportation service in the South Coast of Santa Barbara County; and,

WHEREAS, a project to implement transit service in the Carpinteria area was adopted as part of the South Coast Transit Priorities (hereinafter referred to as "SCTP") by the Santa Barbara County Association of Governments, on August 19, 1999; and,

WHEREAS, since approximately 2000, the District has operated the Carpinteria Seaside Shuttle; and,

WHEREAS, operation of the Seaside Shuttle is supported by the use of certain existing improvements for the storage and maintenance of vehicles known as the Carpinteria Seaside Shuttle Facility ("Shuttle Facility") and located on the City Hall property at 5775 Carpinteria Avenue ("Property"); and,

WHEREAS, the Seaside Shuttle vehicles are battery-powered, electric drive vehicles; and,

WHEREAS, the District and the City intend to continue to cooperate on the provision of electric shuttle service within the City; and,

WHEREAS, on May 24, 2000, the parties entered into the Memorandum of Understanding for the support and subsidy of the Seaside Shuttle;

WHEREAS, the District and the City desire to enter into a subsequent agreement with certain changes to the terms and conditions relating to the Shuttle Facility.

The District and the City therefore agree as follows:

1. TERM OF AGREEMENT

The initial term of this Agreement ends at midnight June 30, 2016. The term of this agreement (consisting of the initial term and any one-year extensions in accordance with this section 1) will automatically be extended by consecutive one-year terms until terminated by either of the Parties pursuant to the termination provisions set forth in Section 2.4, below.

2. FACILITIES AND UTILITIES

2.1 Shuttle Facility Access

- A. City shall continue to make the Shuttle Facility, including the Parking Shelter, Charging Station, and Storage Room identified on Exhibit "A" to this Agreement, available to District rent-free.
- B. District shall operate the Shuttle Facility and keep it in good repair at District's sole cost and expense.
- C. District shall be solely responsible for providing all personal property and trade fixtures, including vehicle battery chargers, it requires to support shuttle operations ("District Property"). District shall be solely responsible for maintenance of the District Property and Improvements (as defined below). The City shall not be liable for any losses or damages that the District incurs with respect to the District Property or Improvements unless caused by the negligence or willful misconduct of the City. The District shall hold the City harmless for any damage to District Property or Improvements in connection with the operation, storage, or use of the Seaside Shuttle other than damage caused by the negligence or willful misconduct of the City. District shall also be solely responsible for all taxes assessed on the District Property or the Improvements.

- D. District shall be solely responsible for complying with any applicable laws or regulations and obtaining all necessary permits for the operation, maintenance, or replacement of the Shuttle Facility. The District shall not alter in any way the buildings and other permanent structures ("Improvements") constituting the Shuttle Facility without first obtaining City's written consent. If City's consent is obtained, Improvements shall be added at the District's sole cost and expense.
- E. In the event this Agreement is terminated or the City elects to relocate the Shuttle Facility pursuant to Section 2.4 of this Agreement, District shall be solely responsible for removal of the Improvements.

2.2 Provision of Utilities

City shall provide utility services to the Shuttle Facility sufficient to permit District to store, maintain, and recharge the shuttle vehicles ("Utility Costs")

2.3 Reimbursement of Electrical Utility Expenses

As between City and District, City shall initially be responsible for all payments for Utility Costs. District shall reimburse City in full for the Utility Costs. An existing dedicated electrical meter ("Shuttle Meter") is located at the facility. Replacement, upgrading or any necessary changes or costs associated with Shuttle Meter are the responsibility of District. City shall provide regular monthly invoices to District for the full Utility Costs. Any invoice balance remaining unpaid more than thirty (30) days after receipt of the invoice by District shall bear interest at the rate of ten percent (10%) per annum.

2.4 Relocation and Termination

City may elect to relocate the Shuttle Facility, upon one hundred, eighty (180) days written notice to District. Either party may terminate this Agreement at any time and for any or no reason, upon one hundred, twenty (120) days written notice to the other party. The giving of notice under this provision shall have no effect on District's obligation to reimburse City for all Utility Costs incurred prior to the effective date of termination.

3. INSURANCE

3.1 Liability Insurance

- A. On or before the effective date of this Agreement, and thereafter during its term, District shall provide City with original, current certificates of insurance, and renewal certificates of insurance thereafter, executed by a duly authorized representative of each insurer, or by the insurance agent or broker authorized to do so, as evidence of all insurance policies required under this Section. No insurance policy may be canceled, materially revised, or subject to non-renewal without at least thirty (30) calendar days prior written notice being given to City. District shall provide City with renewal certificates of insurance or binders within five (5) business days prior to or after such expiration. Insurance shall be maintained without lapse in coverage during the term of this Agreement. City shall also be given certified copies of District's policies of insurance, upon request. In case of failure to procure or renew the required insurance within five (5) business days following written notice by City, City may at its discretion and in addition to other remedies offered it by this Agreement, procure or renew such insurance at District's expense.
- B. District shall maintain the following insurance ("Required Policies"):
 - a. Commercial general liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 annual aggregate.
 - b. Auto liability insurance with limits of \$1,000,000 combined single limit.
 - c. Worker's Compensation Insurance for all of its employees accessing the Property who are required to be

covered by Worker's Compensation Insurance.

- C. Said Required Policies shall be procured at District's expense from an insurance company or companies that are licensed to do business in California and shall be evidenced satisfactory to the City Manager.
- D. The Required Policies shall provide that the coverage is primary for all purposes and District shall not seek any contribution from any insurance or self-insurance maintained by City.
- E. The Required Policies should name the City as an additional insured.
- F. The Required Policies shall be endorsed to waive subrogation against City, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow District or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. District hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from any subconsultant given access to the Property.

4. INDEMNIFICATION

It is understood and agreed that they City shall not be liable for any injury, loss, or damage that the District, its Officers, Agents, or Employees, or third parties incur resulting from the operations or activities of District, its Officers, Agents or Employees, in connection with the use, maintenance, and operations of the Shuttle Facility. The District agrees to defend, indemnify, and hold harmless the City and its Officers, Agents, and Employees, from and against any and all claims, actions, suits, proceedings, losses, liabilities, penalties, fines, damages, demands, causes of action, costs and expenses for injury, damage, or loss to the District, its Officers, Agents, or Employees, or third parties resulting from the activities or omissions of District, its Officers, Agents, Employees or Subcontractors in connection with its operation, maintenance, or use, or access to the Property.

It is understood and agreed that District, its Officers, Agents and Employees, shall not be liable or responsible for any injury, loss, or damage incurred by third parties resulting from the operations or activities of City, its Officers, Agents or Employees, from and against any and all claims, actions, suits, proceedings, losses, liabilities, penalties, fines, damages, demands, causes of action, costs and expenses for injury, loss, or damage to third parties or third-party property resulting from the activities or omissions of the City, its Officers, Agents, Employees or Subcontractors, in connection with its operation, maintenance, or use, or access to the Property.

In the event of negligence by both City and District, liability shall be determined based on the percentage of comparative fault of each Party.

5. DISPUTES

If any dispute, claim or disagreement shall arise relative to the interpretation or enforcement of this Agreement, the parties shall use commercially reasonable efforts to settle the dispute, claim or disagreement. To this end, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties. If they do not reach such a solution within a period of thirty (30) days, then, upon notice by either party to the other, the dispute, claim or disagreement shall be submitted to final, binding arbitration in Santa Barbara, California, before a sole arbitrator. The arbitration shall be conducted by JAMS (Judicial Arbitration and Mediation Service) pursuant to its Comprehensive Arbitration Rules and Procedures. The arbitrator shall have the authority to assess arbitration costs and expenses against either or both parties. The decision in the arbitration shall be binding on all parties, and judgment on any arbitration award may be entered in any court of competent jurisdiction.

6. FINAL AGREEMENT

This Agreement constitutes the entire Agreement between the Parties and supersedes all prior and contemporaneous agreements, representations and understandings of the parties. This Agreement may be altered, amended or modified only by a supplemental writing executed by the Parties to this Agreement and by no other means. Each party waives any future right to claim, contest, or assert that this Agreement was modified, canceled, superseded, or changed by any oral agreement, course of conduct, waiver, or estoppel.

7. RELATIONSHIP OF PARTIES

Neither Party shall be considered a partner or agent of the other Party, and this Agreement does not create a partnership or principal-agent relationship between the Parties. Neither Party shall have any right, power or authority to create any obligation, expressed or implied, on behalf of the other Party.

8. MODIFICATION; WAIVER

No amendment of this Agreement will be effective unless it is in writing and signed by the parties. No waiver of satisfaction of a condition or nonperformance of an obligation under this Agreement will be effective unless it is in writing and signed by the party granting the waiver, and no such waiver will constitute a waiver of satisfaction of any other condition or nonperformance of any other obligation.

[Remainder of page intentionally blank]

9. NOTICES

Notices or other communications under this agreement must be in writing and signed by the sending party, and the sending party must use one of the following methods of delivery: (1) personal delivery; (2) registered or certified mail, in each case return receipt requested and postage prepaid; and (3) nationally recognized overnight courier, with all fees prepaid. The notice or other communication must be addressed to the receiving party at the one or more addressee listed below for the receiving party or to any other address designated by the receiving party in a notice in accordance with this Section 9.

If to District:

Santa Barbara Metropolitan Transit District
Attn: General Manager
550 Olive Street
Santa Barbara CA 93101

If to City:

City of Carpinteria
Attn: City Manager
5775 Carpinteria Ave.
Carpinteria, CA 93013

A valid notice or other communication under this Agreement is effective when received by the receiving party. A notice or other communication is deemed to have been received as indicated by the date on the signed receipt or, if the receiving party rejects or otherwise refuses to accept it, or if it cannot be delivered because of a change in address for which no notice was given, then upon that rejection, or inability to deliver.

IN WITNESS WHEREOF, CITY AND DISTRICT have executed this AGREEMENT FOR FACILITY SUPPORT FOR CARPINTERIA ELECTRIC SHUTTLE SERVICE on the day and year first hereinabove set forth.

CITY OF CARPINTERIA

By:

MAYOR

Attest:

City Clerk-Clerk

Approved as to form:

City Attorney

SANTA BARBARA METROPOLITAN TRANSIT DISTRICT

By:

GENERAL MANAGER

Carpinteria City Hall Building
5775 Carpinteria Avenue

Carpinteria Seaside Shuttle Facility

Parking Shelter
Charging Station
Storage Room

52.20 TCN
54.59 FF
54.47 TH
52.06 BLD
52.41 PHONE
52.41 TS
52.41 ST
52.41 TC
52.17 FIBER OP
52.17 CATV
51.87
51.81 TCN
51.78
51.82
51.89 SW
51.77 EM
51.89 BSW
51.92 TCN
51.99 BSW
52.21 BSW
52.22 RAMP
52.17 TCN
51.93 AIR COND
51.87 FN
51.47 FN
51.44 SW
51.60
51.65 P5032271
51.65 SCE HIGH VOLTAGE
51.57 EC
51.78 PS
51.72 PS
51.18 BLD
51.13 TCN
51.20 RAMP
52.43 TH
50.97 EM
51.24 BLD
51.14 PS
51.73 SHED
51.08 SHED
51.39 CRB
51.13 CRB CL
50.88 BAY
50.99 PS
50.81 PS
50.66 TCN
50.98 TCN
50.15 Edison
51.15
50.48 BC
50.52 G
50.43 TBC
51.07 CAR WASH
51.07



Dedicated
Electrical Meter
as shown



City of Carpinteria

COUNCIL AGENDA STAFF REPORT OCTOBER 12, 2015

ITEM FOR COUNCIL CONSIDERATION

Selection of a City Representative to the Community Choice Energy Feasibility Study Work Group

STAFF RECOMMENDATION

Action Item X ; Non-Action Item ____

Approve as discussed the nomination of a City representative to the Community Choice Energy Feasibility Study Work Group.

Motion: I move to appoint Councilmember _____ to the Community Choice Energy feasibility study work group.

BACKGROUND

On May 26 and September 14, 2015, the City Council received a report and presentation regarding Community Choice Aggregation (CCA), an effort by which local governments can aggregate electric demand and purchase electrical energy and provide it to the community with potential economic benefits. Related to the CCA report, the City also received an inquiry from the County of Santa Barbara to participate in a regional CCA effort which they have titled Community Choice Energy (CCE). The inquiry from the County included a request for contribution of funds towards a feasibility study and participation in a work group. On September 14, the City Council approved an appropriation of \$7,500 towards the feasibility study and participation in the working group. In order for the City to participate in the working, staff is requesting selection of a City Council representative.

PRINCIPAL PARTIES EXPECTED AT MEETING

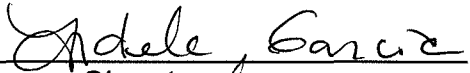
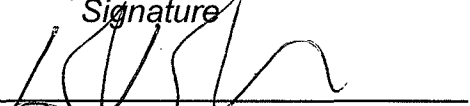
None expected.

ATTACHMENTS

None.

Staff contact: Fidela Garcia, City Clerk
(805) 755-4403
Fidelag97@gmail.com

Reviewed by: Dave Durflinger, City Manager


Signature

Signature