

City of Carpinteria
City Council Regular Meeting Agenda
Monday, February 8, 2016
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**

1. Presentation to Chip Messmore on Recognition of Service.

5:37 p.m. **PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS**

5:38 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.

6:00 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.

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.

6:15 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.

2. Minutes of the regular meeting held January 25, 2016.
3. Expenditures for the period beginning January 20, 2016 and ending January 29, 2016.
4. Resolution No. 5637, authorizing the application for grant funds from the California State Parks Division of Boating and Waterways Beach Restoration and Erosion Control Program for a Shoreline Protection Feasibility Study.
5. Approval of Revisions to the Freeway Maintenance Agreement with the California Department of Transportation associated with Linden Avenue/Casitas Pass Road Interchangers Project.

ADMINISTRATIVE MATTER(S): None

PUBLIC HEARING(S):

6:16 p.m.

6. Introduction (first reading) Of Ordinance No. 708 amending provisions of the City's Local Coastal Program and Zoning Code regarding Short-term Rentals (Home Stays and Vacation Rentals) and amending the City's Zoning Map to establish a Vacation Rental Overlay District. Changes to the Zoning Code include: the addition of Chapter 14.47 titled, "Vacation Rental Overlay District" and Chapter 14.52 titled, "Home Stays"; the amendment of Section 14.04.060 Overlay Districts, adding new overlay districts; the amendment of Chapter 14.08 Definitions, adding terms related to the Short-Term Rental provisions; and the amendment of Chapter 14.12 R-1 Single-Family Residential District, Chapter 14.14 PRD Planned Residential Development District, and Chapter 14.16 PUD Planned Unit Development District, adding new use types, as read by title only.

Recommendation: City Council approve Resolution No. 5644, as read by title only, certifying that Ordinance No. 708 is intended to carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and direct the proposed amendments and additions to the Zoning Code, as part of Ordinance No. 708, be transmitted to the California Coastal Commission; and approve Ordinance No. 708 as read by title only (first reading).

- a. Staff Report
- b. Public Comment
- c. City Council Determination

OTHER BUSINESS:

- 6:55 p.m. 7. 2015 Annual Integrated Pest Management (IPM) Report

Recommendation: Receive and file.

Staff presenter: Matt Roberts, Parks and Recreation Director

- a. Staff Report
- b. Public Comment
- c. City Council Determination

- 7:05 p.m. 8. Ordinance No 709, Amending Chapters 3.04, 3.08, 3.12, 3.20, 3.38, 3.45 and 5.04 of the Carpinteria Municipal Code.

This ordinance would impose a "pay first", litigate later" obligation for litigating tax and assessment disputes, requiring persons challenging such taxes and assessments to make payments to the City prior to commencing any actions in court.

Recommendation: Approve Ordinance 709, as read by title only (first reading).

Staff presenter: Dave Durflinger, City Manager and Hillary H. Steenberge, Brownstein Hyatt Farber Schreck, LLP, Attorney for the City of Carpinteria,

- a. Staff Report
- b. Public Comment
- c. City Council Determination

7:20 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)
3. Ad Hoc Committees
 - a. Public Facility Site Acquisition/Development Committee (Carty & Nomura)
 - b. Transportation Committee (Stein & Shaw)
 - c. Joint City Council / Planning Committee General Plan and Coastal Plan Update Committee (Stein & Clark)
 - d. Housing Assistance Benefit Committee

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)

7:22 p.m.

ADJOURNMENT

The next regular meeting to be held on **Monday, February 22, 2016** 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 755-5405 or the California Relay Service at (866) 735-2929. Notification 2 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, February 3, 2016, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, January 25, 2016**

CALL 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
Peter Brown on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria
Dylan Johnson on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria
Fidela Garcia, City Clerk
John Thornberry, Administrative Services Director
Steve Goggia, Acting Community Development Director
Matt Roberts, Parks and Recreation Director

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS:

1. Presentation by Marisol Marks of Smart and Final on its plans for a Smart and Final Extra! store at 805 Linden Avenue.

Marisol Marks, Smart and Final Director of Communications, presented a PowerPoint presentation and a video clip. She spoke about the culture and the history of Smart & Final. She noted that the Smart and Final Extra! concept is to provide every day food and everyday staples in smaller household sizes as well as club sizes to households, community groups and businesses. She said Smart & Final Extra! features an

expanded deli, meat, organic and natural products sections as well as a full produce section and a bakery. She stated the store would be introduced to Carpinteria in the next few months and that permit applications had been submitted to the City.

Mayor Carty stated he had a lot of concerns about the opening of Smart & Final but that he had heard a lot of good things presented this evening on how the store would be set up and on the products offered. He commented that it's what Carpinteria is looking for. Ms. Marks responded to Mayor Carty's question on store hours and anticipated opening date by replying it would be a couple of months before it opened as they are currently working through the permit process and finalizing the schedule and indicated store hours would be daily from 6:00 am to 10:00 pm.

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: None

CITY MANAGER'S REPORT: None

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT

Michael Baker, United Boys and Girls Club Chief Executive Officer, provided an update on membership numbers for Carpinteria club. He said there are 347 memberships for K-12 and that the club averages 89 children per day. He thanked the council for their continued support and encouraged a visit from the Council and members of the public to see why it is such a great investment.

Brandon Morse, Chair of the University of Santa Barbara Young Americans for Liberty Club spoke in support of medical marijuana.

Jane Benefield for the record stated she was not representing the Planning Commission but instead speaking as a member of the community. She said she agrees with the no dispensary and no cultivation aspects of the Medical Marijuana Ordinance but does not agree with limiting deliveries to primary caregivers. She urged the Council not to limit the delivery by insisting that some non-existent caregiver do the leg work and also said that adding restrictions at a later date is a good idea but questioned why the City Council would prohibit something that currently works fine. She further commented that this scenario would more than likely open the City up to liability as a de facto complete ban on medical marijuana.

Rick Morse, medical marijuana advocate, reference an email he sent to councilmembers with attached photos that showed facial burns and chicken pox and explained the reason he sent those is because he wanted to show that medical marijuana is no longer just a smoking issue. He said there has been much success in its use as topical solution. He is interested in working with the City, once the Ordinance is adopted to see if there could be a better fit. He asked the council to keep an open mind on the issue and that he would be sending the council a PowerPoint on what he

considers the distinguishing differences between a private patient collective and open store front dispensary.

AGENDA MODIFICATIONS: None

CONSENT CALENDAR

Councilmember Clark stated for the record that he would abstain from the approval of the minutes because he was not present at that meeting but that he would be participating in the medical marijuana item as has watched all City Council presentations and read all staff reports.

Motion by Councilmember Stein, seconded by Vice Mayor Shaw, to approve the Consent Calendar including the second reading of Ordinance No. 707, and Ratification of Resolution Nos. 5641 Congratulating Mary Crowley, Carpinterian of the Year, and 5642 Congratulating Juan Alberto Hernandez, Jr. Carpinterian of the Year, and Resolution No. 5643 concerning the Housing-Related Parks grant, all as read by title only.

Upon voice vote, motion carried unanimously with Councilmember Clark abstaining from Item 2, Minutes of the regular meeting held January 11, 2016.

2. Minutes of the regular meeting held January 11, 2016.
3. Expenditures for the period beginning January 1, 2016 and ending January 19, 2016.
4. Second reading of Ordinance No. 707, as read by title only, amending Title 14, Zoning, of the Carpinteria Municipal Code by amending Chapter 14.08, Definitions, and Chapter 14.59, Medical Marijuana Dispensary Regulations, to clarify existing regulations prohibiting medical marijuana dispensaries, cultivation, and delivery, while maintaining exceptions for qualified patients and primary caregivers.
5. Quarterly Review of Investment Results and Certifications Concerning Compliance with Investment Policy and Cash Flow Needs for the next six months.
6. Ratification of Resolution No. 5641, entitled A Resolution of the City Commending and Congratulating Carpinterian of the Year for 2015.
7. Ratification of Resolution No. 5642, entitled A Resolution of the Carpinteria City Council Commending and Congratulating Jr. Carpinterian of the Year for 2015.

8. Adopt Resolution No. 5643 amending Resolution No. 5628 concerning the Housing-Related Parks grant amount and authorizing submittal to the State Department of Housing and Community Development.

ADMINISTRATIVE MATTER(S): None

PUBLIC HEARING(S): None

OTHER BUSINESS:

9. Sending a Letter Requesting San Luis Obispo County Planning Commission Deny the Proposed Phillips 66 Santa Maria Refinery Rail Spur Extension Project

Recommendation: Approve and authorize the Mayor to sign on behalf of the City Council the proposed letter to the San Luis Obispo County Planning Commission.

Councilmember Stein stated for the record that he would be recusing himself as matter of perception as he works for this type of business and exited the Council Chamber at 6:06 p.m.

Steve Goggia, Acting Community Development Director presented the staff report.

There were no Public Comments.

Motion by Councilmember Clark, seconded by Councilmember Nomura to approve and authorize the Mayor to sign on behalf of the City Council the proposed letter to the San Luis Obispo County Planning Commission.

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

Councilmember Stein returned to the Council Chamber at 6:13 p.m. and took his seat at the dais.

10. Consolidated Annual Financial Report for the Fiscal Year Ended June 30, 2015

Recommendation: Receive and file the Report.

John Thornberry, Administrative Services Director presented the staff report.

There were no Public Comments.

The report was received.

11. Formation of an Ad Hoc Committee of the City Council to Work with the City Attorney's Office to Prepare Options for the Provision of Housing Financial Assistance for the City Manager, Which Options will be Brought Back to the Full City Council for Consideration at a Future City Council Meeting

Recommendation: That the City Council form an Ad Hoc Committee of the Council to consider options for an employee housing assistance program for the Carpinteria City Manager.

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

Harry Manuras, member of the community, commented that residents of Carpinteria have been getting by cheap as a city. He said they have been receiving great value from the Council, volunteers, and certainly from the City Manager. He has expressed gratitude and feels it's time to reflect the value the City has been receiving for a long time and urged the council to follow through on the matter.

Motion by Councilmember Shaw, seconded by Councilmember Nomura to approve forming an Ad Hoc Committee of the Council, consisting of Councilmembers Stein and Nomura, to work with the City Attorney's Office to prepare options for the provision of housing financial assistance to the City Manager, which options will be brought to the City Council for consideration at a future City Council meeting.

Upon voice vote, motion carried unanimously.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Vice Mayor Shaw mentioned Santa Barbara Joint Housing Task Group will hold a meeting on Thursday, January 28, 2016, at noon at Casa de las Flores in their new meeting room.

Mayor Carty on behalf of the City Council wished City Manager Dave Durflinger a Happy Birthday.

ADJOURNMENT

The meeting was adjourned at 6:38 p.m. by Mayor Carty.

ATTEST:

Gregg A. Carty, Mayor

Fidela Garcia, CMC, City Clerk



City of Carpinteria

COUNCIL AGENDA STAFF REPORT February 8, 2016

ITEM FOR COUNCIL CONSIDERATION

Expenditures for the period beginning January 20, 2016 and ending January 29, 2016.

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 January 20, 2016 and ending January 29, 2016.

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

2:50 PM
01/29/16

CITY OF CARPINTERIA
Warrant Register
January 20 - 29, 2016

Date	Num	Name	Source Name	Memo	Account	Paid Amount
01/20/16	87343	ABM ELECTRICAL POWER SERVICES, LL...	ABM ELECTRICAL ...	INVOICE #JB_NA-001305	1000101 · Operating Cash 10	
10/31/15	JB_NA-001...		ABM ELECTRICAL ...	PROJ 5617	1000251 · Development Deposits	(1,840.00)
			ABM ELECTRICAL ...	STREET IMPROVEMENTS	2923220 · Street Lighting	(2,640.00)
TOTAL						(4,480.00)
01/20/16	87344	ACCESS CONTROL SECURITY, INC.	ACCESS CONTRO...	INVOICE 0022809	1000101 · Operating Cash 10	
12/31/15	0022809		ACCESS CONTRO...	VETS HALL SECURITY	4848352 · VETS HALL RENTALS	(263.68)
TOTAL						(263.68)
01/20/16	87345	ALAMO SELF STORAGE	ALAMO SELF STO...	OFFSITE STORAGE FEES	1000101 · Operating Cash 10	
01/17/16			ALAMO SELF STO...	OFFSITE STORAGE FEES	1013221 · Miscellaneous Contract...	(335.00)
TOTAL						(335.00)
01/20/16	87346	ALCOHOL, DRUG & MENTAL HEALTH SE...	ALCOHOL, DRUG ...	INVOICE # COC FY2015-16	1000101 · Operating Cash 10	
01/11/16	COOC FY2...		ALCOHOL, DRUG &...	MHAT SERVICES 7/1/15 THROUGH 6/30/16	1021213 · SB County Mental Health	(2,160.00)
TOTAL						(2,160.00)
01/20/16	87347	ARBOR DAY FOUNDATION	ARBOR DAY FOUN...	MEMBESHIP DUES 2016	1000101 · Operating Cash 10	
01/01/16	2016 MEMB...		ARBOR DAY FOUN...	MEMBERSHIP DUES 2016	3332220 · Public Tree Maintenance	(110.00)
TOTAL						(110.00)
01/20/16	87348	CALIFORNIA STATE DISBURSEMENT UNIT	CALIFORNIA STAT...	CASE NUMBER 0850182383-01	1000101 · Operating Cash 10	
01/19/16	PAYROLL 0...		CALIFORNIA STAT...	PAYROLL WITHHOLDING 01-21-16	1000105 · ICMA Cash	(330.46)
TOTAL						(330.46)
01/20/16	87349	DPM COMPANY	DPM COMPANY	SEASIDE PARK PROJECT	1000101 · Operating Cash 10	
01/19/16	SEASIDE P...		DPM COMPANY	PARK IMPROVEMENTS DIF	3100242 · Park Improvements DIF	(17,024.71)
TOTAL						(17,024.71)
01/20/16	87350	EDD	EDD	ACCT #932-0283-6	1000101 · Operating Cash 10	
01/06/16	L2015778240		EDD	PENALTY INTEREST	1014227 · Payroll Processing Fees	(70.38)
TOTAL						(70.38)
01/20/16	87351	EDD-SDI	EDD-SDI	776-5147-9	1000101 · Operating Cash 10	
01/19/16	PAYROLL 0...		EDD-SDI	PAYROLL 01-21-16	1000223 · SDI Withheld	(920.66)
TOTAL						(920.66)

2:50 PM

01/29/16

CITY OF CARPINTERIA
Warrant Register
 January 20 - 29, 2016

Date	Num	Name	Source Name	Memo	Account	Paid Amount
01/20/16	87352	EDD-SIT	EDD-SIT	932-0283-6	1000101 · Operating Cash 10	
01/19/16	PAYROLL 0...		EDD-SIT	PAYROLL 01-21-16	1000221 · SIT Withheld	(3,905.42)
TOTAL						(3,905.42)
01/20/16	87353	GUZMAN, JOSEPHINE	GUZMAN, JOSEPH...	INVOICE #1005	1000101 · Operating Cash 10	
01/18/16	1005		GUZMAN, JOSEPHI...	01-11-16 CC MTG	1011221 · Contract Services 11	(90.00)
TOTAL						(90.00)
01/20/16	87354	IMPULSE INTERNET SERVICES	IMPULSE INTERNE...	INVOICE #817879	1000101 · Operating Cash 10	
01/13/16	817879		IMPULSE INTERNE...	EMAIL FILTERING	1018222 · Equipment Maintenance	(89.95)
			IMPULSE INTERNE...	TELEPHONE SERVICE	1013301 · Telephone 13	(2,081.53)
TOTAL						(2,171.48)
01/20/16	87355	JONES, CLIFTON*	JONES, CLIFTON*	2016 REGISTRATION REIMBURSEMENT	1000101 · Operating Cash 10	
01/06/16	REG REIMB...		JONES, CLIFTON*	2016 REGISTRATION REIMBURSEMENT	4868308 · Supplies & Materials 68	(93.00)
TOTAL						(93.00)
01/20/16	87356	LESLIE'S POOL SUPPLIES INC	LESLIE'S POOL SU...	3013-98348	1000101 · Operating Cash 10	
12/14/15	3013-98348		LESLIE'S POOL SU...	CITY POOL	4866338 · Chemicals	(207.06)
			LESLIE'S POOL SU...	CITY POOL	4866308 · Supplies & Materials 66	(33.39)
TOTAL						(240.45)
01/20/16	87357	MARTINEZ, ESPERANZA	MARTINEZ, ESPER...	PROGRAM REFUND	1000101 · Operating Cash 10	
01/14/16	PROGRAM ...		MARTINEZ, ESPER...	CAC MONTHLY FEE	4848413 · SWIM TEAM TUITIONS	(46.25)
TOTAL						(46.25)
01/20/16	87358	PEREZ, MARIA GRANADOS	PEREZ, MARIA GR...	VETS HALL REFUND	1000101 · Operating Cash 10	
01/14/16	VETS REF...		PEREZ, MARIA GR...	VETS HALL REFUND	1000231 · Veterans Building Depo...	(300.00)
TOTAL						(300.00)
01/20/16	87359	PRAXAIR	PRAXAIR	INVOICE #54035368	1000101 · Operating Cash 10	
10/20/15	54035368		PRAXAIR	PW SUPPL,IES	2531308 · Supplies & Materials 31	(28.18)
TOTAL						(28.18)
01/20/16	87360	SANTA BARBARA COUNTY, SHERIFF'S D...	SANTA BARBARA ...	16-151	1000101 · Operating Cash 10	
12/18/15	16-151		SANTA BARBARA ...	CONTRACT SERVICES	1021214 · SB County Sheriff	(276,199.42)
			SANTA BARBARA ...	CONTRACT SERVICES	1000150 · COPS Grant Receivable	(8,333.33)

2:50 PM

01/29/16

CITY OF CARPINTERIA
Warrant Register
 January 20 - 29, 2016

Date	Num	Name	Source Name	Memo	Account	Paid Amount
			SANTA BARBARA ...	CONTRACT SERVICES	1121214 · SB County Sheriff 11	(1,303.25)
TOTAL						(285,836.00)
01/20/16	87361	SEUI LOCAL 620	SEUI LOCAL 620	PAYROLL 01-21-16	1000101 · Operating Cash 10	
01/19/16	PAYROLL 0...		SEUI LOCAL 620	PAYROLL 01-21-16	1000229 · SEIU Local 620	(184.90)
TOTAL						(184.90)
01/20/16	87362	SO CA GAS COMPANY	SO CA GAS COMP...	014-914-3239-7	1000101 · Operating Cash 10	
01/11/16	014-914-32...		SO CA GAS COMP...	SEASIDE	4865309 · Misc Operating Expens...	(81.38)
TOTAL						(81.38)
01/20/16	87363	SOUTHERN CALIFORNIA SWIMMING	SOUTHERN CALIF...	CAC SWIM TEAM FEES	1000101 · Operating Cash 10	
01/06/16	CAC SWIM ...		SOUTHERN CALIF...	CAC SWIM TEAM FEES	4868308 · Supplies & Materials 68	(14.00)
TOTAL						(14.00)
01/20/16	87364	STANTEC	STANTEC	INVOICE #995930	1000101 · Operating Cash 10	
12/31/15	995930		STANTEC	ENGINEER SERVICES	2734224 · Traffic Engineering Ret...	(4,836.00)
TOTAL						(4,836.00)
01/20/16	87365	STAPLES ADVANTAGE	STAPLES ADVANT...	VOID: 3281583262	1000101 · Operating Cash 10	
TOTAL						0.00
01/20/16	87366	T. ROWE PRICE	T. ROWE PRICE	PAYROLL CONTRIBUTION - ANTHONY VEGA	1000101 · Operating Cash 10	
01/19/16	PAYROLL 0...		T. ROWE PRICE	PAYROLL 01-21-16 - ANTHONY VEGA	1000105 · ICMA Cash	(50.00)
TOTAL						(50.00)
01/20/16	87367	UNITED WAY OF SANTA BARBARA COUN...	UNITED WAY OF S...	PAYROLL 01-21-16	1000101 · Operating Cash 10	
01/19/16	PAYROLL 0...		UNITED WAY OF S...	PAYROLL 01-21-16	1000224 · United Way Payable	(24.00)
TOTAL						(24.00)
01/20/16	87368	VALENZUELA, LUPE	VALENZUELA, LUPE	VETS HALL REFUND	1000101 · Operating Cash 10	
01/13/16	VETS HALL...		VALENZUELA, LUPE	VETS HALL REFUND	1000231 · Veterans Building Depo...	(300.00)
TOTAL						(300.00)
01/20/16	87369	VANTAGEPOINT TRANSFER AGENTS - 457	VANTAGEPOINT T...	PAYROLL 01-21-16	1000101 · Operating Cash 10	
01/19/16	PAYROLL 0...		VANTAGEPOINT T...	PAYROLL 01-21-16	1000105 · ICMA Cash	(1,075.00)

2:50 PM
01/29/16

CITY OF CARPINTERIA
Warrant Register
January 20 - 29, 2016

Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL						(1,075.00)
01/20/16	87370	WESTERN EXTERMINATOR COMPANY	WESTERN EXTER...	DEC 2015 BILLING	1000101 · Operating Cash 10	
12/31/15	DEC 2015 B...		WESTERN EXTER...	PROJ 4865 MEDICAL CLINIC	1000251 · Development Deposits	(48.50)
TOTAL						(48.50)
01/20/16	87371	WISSING, ALICE	WISSING, ALICE	PC 01-04-16	1000101 · Operating Cash 10	
01/12/16	PC 01-04-16		WISSING, ALICE	PROJ 1785	1000251 · Development Deposits	(160.00)
			WISSING, ALICE	PROJ 1792	1000251 · Development Deposits	(60.00)
			WISSING, ALICE	PROJ 1801	1000251 · Development Deposits	(280.00)
			WISSING, ALICE	MISC PC MINUTES	1041225 · Misc. Planning Contracts	(60.00)
TOTAL						(560.00)
01/20/16	87372	ALL AROUND LANDSCAPE SUPPLY	ALL AROUND LAN...	S1849332.001	1000101 · Operating Cash 10	
12/29/15	S1849332.0...		ALL AROUND LAN...	POOL	4866308 · Supplies & Materials 66	(42.97)
TOTAL						(42.97)
01/20/16	87373	BIG GREEN CLEANING COMPANY	BIG GREEN CLEA...	470023	1000101 · Operating Cash 10	
12/29/15	470023		BIG GREEN CLEAN...	VETS HALL	4865309 · Misc Operating Expens...	(656.00)
TOTAL						(656.00)
01/20/16	87374	FEDEX	FEDEX	5-289-19932	1000101 · Operating Cash 10	
01/15/16	5-289-19932		FEDEX	SHIPPING CHARGES	1030308 · Supplies & Materials 30	(30.09)
TOTAL						(30.09)
01/20/16	87375	RINCON BROADCASTING LLC	RINCON BROADC...	INVOICE #IN-1151211612	1000101 · Operating Cash 10	
12/31/15	IN-1151211...		RINCON BROADCA...	SNOW DAY AD	1044302 · Marketing Materials	(220.00)
TOTAL						(220.00)
01/20/16	87376	STAPLES ADVANTAGE	STAPLES ADVANT...		1000101 · Operating Cash 10	
12/30/15	3288045427		STAPLES ADVANT...	OFFICE SUPPLIES	1013308 · Supplies & Materials 13	(51.07)
12/31/15	3288270119		STAPLES ADVANT...	OFFICE SUPPLIES	1013308 · Supplies & Materials 13	(201.59)
12/31/15	3288270123		STAPLES ADVANT...	OFFICE SUPPLIES	1041308 · Supplies & Materials 41	(90.69)
TOTAL						(343.35)
01/20/16	87377	VERIZON CALIFORNIA	VERIZON CALIFOR...	011711121344992803	1000101 · Operating Cash 10	
01/07/16	0117111213...		VERIZON CALIFOR...	BEACH HOUSE	2862301 · Telephone 62	(193.02)
TOTAL						(193.02)

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Date	Num	Name	Source Name	Memo	Account	Paid Amount
01/20/16	87378	JACK'S BISTRO	JACK'S BISTRO	2016 PLANNING WORKSHOP	1000101 · Operating Cash 10	
01/20/16	2016 PLAN...		JACK'S BISTRO	REFRESHMENTS - PLANNING WORKSHOP 20...	1051310 · Public Relations 51	(130.30)
TOTAL						(130.30)
01/27/16	87379	AFLAC	AFLAC	INVOICE #538720	1000101 · Operating Cash 10	
01/12/16	538720		AFLAC	WELLNESS - DECEMBER	2361194 · Wellness 61	(48.80)
			AFLAC	WELLNESS - DECEMBER	1016194 · Wellness 16	(64.30)
			AFLAC	WELLNESS - DECEMBER	1041194 · Wellness 41	(24.10)
			AFLAC	WELLNESS - DECEMBER	1051194 · Wellness 51	(43.30)
			AFLAC	WELLNESS - DECEMBER	1012194 · Wellness 12	(62.60)
			AFLAC	WELLNESS - DECEMBER	1030194 · Wellness 30	(43.30)
			AFLAC	WELLNESS - DECEMBER	1022194 · Wellness 22	(23.60)
			AFLAC	WELLNESS - DECEMBER	1042194 · Wellness 42	(100.76)
			AFLAC	WELLNESS - DECEMBER	1041194 · Wellness 41	(74.19)
			AFLAC	WELLNESS - DECEMBER	1022194 · Wellness 22	(35.10)
			AFLAC	WELLNESS - DECEMBER	2531194 · Wellness 31	(48.80)
			AFLAC	WELLNESS - DECEMBER	1042194 · Wellness 42	(63.10)
			AFLAC	WELLNESS - DECEMBER	1030194 · Wellness 30	(29.60)
			AFLAC	WELLNESS - DECEMBER	2531194 · Wellness 31	(52.10)
			AFLAC	WELLNESS - DECEMBER	3332194 · Wellness 32	(106.80)
			AFLAC	WELLNESS - DECEMBER	1069194 · Wellness 69	(56.96)
			AFLAC	WELLNESS - DECEMBER	1014194 · Wellness 14	(50.31)
			AFLAC	WELLNESS - DECEMBER	1069194 · Wellness 69	(69.70)
			AFLAC	WELLNESS - DECEMBER	1051194 · Wellness 51	(32.20)
			AFLAC	WELLNESS - DECEMBER	2531194 · Wellness 31	(40.60)
TOTAL						(1,070.22)
01/27/16	87380	ANIMAL MEDICAL CLINIC	ANIMAL MEDICAL ...	INVOICE #173065	1000101 · Operating Cash 10	
01/15/16	173065		ANIMAL MEDICAL ...	ANIMAL SHELTERING	1047213 · Animal Sheltering	(1,688.00)
TOTAL						(1,688.00)
01/27/16	87381	AT & T MOBILITY	AT & T MOBILITY	ACCOUNT 828848611	1000101 · Operating Cash 10	
01/05/16	828848611		AT & T MOBILITY	POOL SUPT	4866308 · Supplies & Materials 66	(99.07)
			AT & T MOBILITY	ASP/AC	4868308 · Supplies & Materials 68	(62.89)
			AT & T MOBILITY	PARK MTC	2862308 · Supplies & Materials 62	(12.91)
			AT & T MOBILITY	BEACH	2862308 · Supplies & Materials 62	(57.89)
TOTAL						(232.76)
01/27/16	87382	ATT	ATT	ACCOUNT 030-602-5152-001	1000101 · Operating Cash 10	
01/12/16	030-602-51...		ATT	CIVIC CENTER	1013301 · Telephone 13	(24.92)
			ATT	PW	2531301 · Telephone 31	(1.11)
			ATT	BEACH	2862301 · Telephone 62	(4.05)
			ATT	POOL	4866301 · Telephone 66	(4.44)
TOTAL						(34.52)

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01/27/16	87383	BIG GREEN CLEANING COMPANY	BIG GREEN CLEA...		1000101 - Operating Cash 10	
01/01/16	470223		BIG GREEN CLEAN...	CITY HALL	1013224 - Interior Maintenance	(900.00)
01/01/16	470227		BIG GREEN CLEAN...	VETS HALL	4865224 - Custodial Services	(811.00)
			BIG GREEN CLEAN...	ASH AVE	2861225 - Marsh Park Maintenance	(388.00)
			BIG GREEN CLEAN...	ROW	3332221 - Miscellaneous Contract...	(776.00)
			BIG GREEN CLEAN...	PARKS	2361221 - Miscellaneous Contracts	(1,555.00)
01/01/16	470221		BIG GREEN CLEAN...	SEASIDE BUILDING	4865309 - Misc Operating Expens...	(185.00)
TOTAL						(4,615.00)
01/27/16	87384	BUENA TOOL COMPANY	BUENA TOOL COM...	C2590	1000101 - Operating Cash 10	
01/14/16	86694		BUENA TOOL COM...	SHOP	3332308 - Supplies & Materials 32	(109.27)
TOTAL						(109.27)
01/27/16	87385	CALIFORNIA STATE PARKS	CALIFORNIA STAT...	2015 Q4 FEES	1000101 - Operating Cash 10	
01/27/16	Q4 2015 FE...		CALIFORNIA STAT...	2015 Q4 FEES	2323103 - STATE DAY USE PAR...	(8,724.00)
TOTAL						(8,724.00)
01/27/16	87386	CalPERS	CalPERS	FEBRUARY 2016 HEALTH	1000101 - Operating Cash 10	
01/14/16	FEB 2016 H...		CalPERS	FEBRUARY 2016 HEALTH	1051194 - Wellness 51	(4,661.12)
			CalPERS	FEBRUARY 2016 HEALTH	1011194 - Wellness 11	(1,877.65)
			CalPERS	FEBRUARY 2016 HEALTH	1012194 - Wellness 12	(2,782.72)
			CalPERS	FEBRUARY 2016 HEALTH	1013194 - Wellness 13	(1,472.98)
			CalPERS	FEBRUARY 2016 HEALTH	1014194 - Wellness 14	(4,860.62)
			CalPERS	FEBRUARY 2016 HEALTH	1016194 - Wellness 16	(666.91)
			CalPERS	FEBRUARY 2016 HEALTH	1030194 - Wellness 30	(5,471.08)
			CalPERS	FEBRUARY 2016 HEALTH	2531194 - Wellness 31	(4,418.94)
			CalPERS	FEBRUARY 2016 HEALTH	1041194 - Wellness 41	(4,397.04)
			CalPERS	FEBRUARY 2016 HEALTH	1042194 - Wellness 42	(1,413.96)
			CalPERS	FEBRUARY 2016 HEALTH	1069194 - Wellness 69	(2,155.50)
			CalPERS	FEBRUARY 2016 HEALTH	1022194 - Wellness 22	(2,606.04)
			CalPERS	FEBRUARY 2016 HEALTH	2361194 - Wellness 61	(1,472.98)
			CalPERS	FEBRUARY 2016 HEALTH	3332194 - Wellness 32	(2,606.04)
			CalPERS	FEBRUARY 2016 HEALTH	1044194 - Wellness 44	(1,472.98)
			CalPERS	PROJ 4860	1000251 - Development Deposits	(320.98)
			CalPERS	JANUARY 2016 HEALTH	1016196 - Health Insurance Surch...	(158.86)
			CalPERS	JANUARY 2016 HEALTH	4868194 - Wellness 68	(1,133.06)
TOTAL						(43,949.46)
01/27/16	87387	CANON FINANCIAL SERVICES, INC	CANON FINANCIA...	INVOICE #15709076	1000101 - Operating Cash 10	
01/22/16	15709076		CANON FINANCIAL...	COPIER SERVICE	1018222 - Equipment Maintenance	(673.30)
TOTAL						(673.30)
01/27/16	87388	CARPINTERIA LOCK & KEY	CARPINTERIA LOC...	INVOICE #2070	1000101 - Operating Cash 10	
01/11/16	2070		CARPINTERIA LOC...	CITY HALL	1013308 - Supplies & Materials 13	(16.20)

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Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL						(16.20)
01/27/16	87389	CENTRAL COAST IMAGING SOLUTIONS	CENTRAL COAST I...		1000101 · Operating Cash 10	
01/14/16	AR32053		CENTRAL COAST I...	COPIER SERVICING	1018222 · Equipment Maintenance	(99.40)
01/14/16	AR32052		CENTRAL COAST I...	COPIER SERVICING	1018222 · Equipment Maintenance	(554.09)
TOTAL						(653.49)
01/27/16	87390	CHEVRON & TEXACO BUSINESS CARD S...	CHEVRON & TEXA...	789-819-058-7	1000101 · Operating Cash 10	
01/22/16	78898190587		CHEVRON & TEXA...	VEHICLE FUEL	1013307 · Vehicle Oper & Mainten...	(79.53)
			CHEVRON & TEXA...	VEHICLE FUEL	2531307 · Vehicle Oper & Mainten...	(211.74)
			CHEVRON & TEXA...	VEHICLE FUEL	3332307 · Vehicle Oper & Mainten...	(357.85)
			CHEVRON & TEXA...	VEHICLE FUEL	2361307 · Vehicle Oper/Maintena...	(43.35)
TOTAL						(692.47)
01/27/16	87391	CITY OF SANTA BARBARA	CITY OF SANTA B...	OCT - DEC 2015	1000101 · Operating Cash 10	
01/22/16	OCT - DEC ...		CITY OF SANTA BA...	OCT - DEC 2016	4200276 · Fees Affordable Housing	(2,750.00)
TOTAL						(2,750.00)
01/27/16	87392	COASTAL VIEW NEWS	COASTAL VIEW N...		1000101 · Operating Cash 10	
01/18/16	47293		COASTAL VIEW NE...	LEGAL NOTICES	1011303 · Printing & Advertising 11	(63.84)
01/21/16	47310		COASTAL VIEW NE...	LEGAL NOTICES	1011303 · Printing & Advertising 11	(206.25)
01/21/16	47321		COASTAL VIEW NE...	LEGAL NOTICES	1011303 · Printing & Advertising 11	(111.86)
01/21/16	47322		COASTAL VIEW NE...	LEGAL NOTICES	1011303 · Printing & Advertising 11	(98.56)
TOTAL						(480.51)
01/27/16	87393	COM3 CONSULTING INC	COM3 CONSULTIN...	INVOICE NO. CAB-1215	1000101 · Operating Cash 10	
01/22/16	CAB-1215		COM3 CONSULTIN...	DIF HWY INTERCHANGE	3100232 · DIF Highway Interchange	(1,155.00)
			COM3 CONSULTIN...	DIF HWY INTERCHANGE	3179616 · FHWA HBR 31	(1,155.00)
TOTAL						(2,310.00)
01/27/16	87394	COUNCIL ON ALCOHOLISM & DRUG ABU...	COUNCIL ON ALC...	123115CALGRIP2-2	1000101 · Operating Cash 10	
01/25/16	123115CAL...		COUNCIL ON ALC...	CALGRIP GRANT	2000261 · Deferred Revenue 20	(29,334.85)
TOTAL						(29,334.85)
01/27/16	87395	DRAKE HAGLAN & ASSOCIATES, INC.	DRAKE HAGLAN &...	INVOICE #12034-40	1000101 · Operating Cash 10	
01/13/16	12034-40	15016	DRAKE HAGLAN & ...	HBR GRANT	2000261 · Deferred Revenue 20	(3,031.91)
		15016	DRAKE HAGLAN & ...	HBR GRANT	2079614 · FHWA HBR 20	(3,031.89)
		15016	DRAKE HAGLAN & ...	DIF PROGRAM HIGHWAY BRIDGES & INTERC...	3100232 · DIF Highway Interchange	(392.81)
		15016	DRAKE HAGLAN & ...	DIF PROGRAM HIGHWAY BRIDGES & INTERC...	3179616 · FHWA HBR 31	(392.81)
TOTAL						(6,849.42)

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01/27/16	87396	HASLER	HASLER	7900-0110-3770-5400	1000101 · Operating Cash 10	
01/12/16	7900-0110-...		HASLER	POSTAGE	1013302 · Postage 13	(1,074.27)
TOTAL						(1,074.27)
01/27/16	87397	LEAGUE OF CA CITIES	LEAGUE OF CA CI...	INVOICE #158532	1000101 · Operating Cash 10	
01/06/16	158532		LEAGUE OF CA CI...	2016 LEAGUE DUES	1051306 · Meetings & Travel 51	(5,841.68)
TOTAL						(5,841.68)
01/27/16	87398	MCCORMIX CORP	MCCORMIX CORP	INVOICE #911253	1000101 · Operating Cash 10	
12/31/15	911253		MCCORMIX CORP	PW VEHICLE FUEL	3332307 · Vehicle Oper & Mainten...	(142.75)
TOTAL						(142.75)
01/27/16	87399	METLIFE - GROUP BENEFITS	METLIFE - GROUP ...	JANUARY 2016 DENTAL	1000101 · Operating Cash 10	
01/15/16	JAN 2016 D...		METLIFE - GROUP ...	JAN 2016 DENTAL	1051194 · Wellness 51	(472.72)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1011194 · Wellness 11	(179.42)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1012194 · Wellness 12	(311.46)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1013194 · Wellness 13	(193.28)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1014194 · Wellness 14	(386.56)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1016194 · Wellness 16	(58.03)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1030194 · Wellness 30	(548.91)
			METLIFE - GROUP ...	JAN 2016 DENTAL	2531194 · Wellness 31	(579.84)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1041194 · Wellness 41	(562.77)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1042194 · Wellness 42	(193.28)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1069194 · Wellness 69	(251.31)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1022194 · Wellness 22	(237.45)
			METLIFE - GROUP ...	JAN 2016 DENTAL	3332194 · Wellness 32	(311.46)
			METLIFE - GROUP ...	JAN 2016 DENTAL	1044194 · Wellness 44	(193.28)
			METLIFE - GROUP ...	JAN 2016 DENTAL	2361194 · Wellness 61	(193.28)
			METLIFE - GROUP ...	JAN 2016 DENTAL	4868194 · Wellness 68	(116.06)
TOTAL						(4,789.11)
01/27/16	87400	ROBERT BROWN ENGINEERS	ROBERT BROWN ...	INVOICE #237-4108	1000101 · Operating Cash 10	
01/21/16	237-4108		ROBERT BROWN ...	PROJ 1769	1000251 · Development Deposits	(5,773.35)
TOTAL						(5,773.35)
01/27/16	87402	SATCOM GLOBAL FZE	SATCOM GLOBAL ...	INVOICE AS01160816	1000101 · Operating Cash 10	
01/01/16	AS01160816		SATCOM GLOBAL ...	IRIDIUM TRADE-UP	1024215 · Disaster Preparedness	(42.75)
TOTAL						(42.75)
01/27/16	87403	TRANSAMERICA EMPLOYEE BENEFITS	TRANSAMERICA E...	GROUP ID#G000026466	1000101 · Operating Cash 10	
01/31/16	FEB 2016 ...		TRANSAMERICA E...	FEB 2016 WELLNESS	1030194 · Wellness 30	(18.75)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1016194 · Wellness 16	(35.70)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1030194 · Wellness 30	(56.75)

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Date	Num	Name	Source Name	Memo	Account	Paid Amount
			TRANSAMERICA E...	FEB 2016 WELLNESS	1041194 · Wellness 41	(36.45)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1051194 · Wellness 51	(33.12)
			TRANSAMERICA E...	FEB 2016 WELLNESS	4868194 · Wellness 68	(35.70)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1011194 · Wellness 11	(18.75)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1030194 · Wellness 30	(40.68)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1012194 · Wellness 12	(33.12)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1022194 · Wellness 22	(35.70)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1042194 · Wellness 42	(99.37)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1041194 · Wellness 41	(87.43)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1041194 · Wellness 41	(33.12)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1022194 · Wellness 22	(72.48)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1012194 · Wellness 12	(18.75)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1042194 · Wellness 42	(67.40)
			TRANSAMERICA E...	FEB 2016 WELLNESS	2531194 · Wellness 31	(109.37)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1030194 · Wellness 30	(35.70)
			TRANSAMERICA E...	FEB 2016 WELLNESS	2531194 · Wellness 31	(67.40)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1011194 · Wellness 11	(35.70)
			TRANSAMERICA E...	FEB 2016 WELLNESS	1022194 · Wellness 22	(18.75)
			TRANSAMERICA E...	FEB 2016 WELLNESS	4868194 · Wellness 68	(18.75)
TOTAL						(1,008.94)
01/27/16	87404	VOLGISTICS INC	VOLGISTICS INC	ORDER-INVOICE #696000207	1000101 · Operating Cash 10	
01/25/16	69600207		VOLGISTICS INC	VOLUNTEER TRACKING	1045308 · Supplies & Materials 45	(360.00)
TOTAL						(360.00)
01/27/16	87404	WEST COAST ARBORIST INC	WEST COAST ARB...	VOID: INVOICE 112032	1000101 · Operating Cash 10	
TOTAL						0.00
01/27/16	87405	ALL AROUND LANDSCAPE SUPPLY	ALL AROUND LAN...		1000101 · Operating Cash 10	
01/04/16	S1850058.0...		ALL AROUND LAN...	POOL SHOWER	4866308 · Supplies & Materials 66	(11.39)
01/07/16	S1850662.0...		ALL AROUND LAN...	ROW	3332308 · Supplies & Materials 32	(39.97)
TOTAL						(51.36)
01/27/16	87406	CALIFORNIA ELECTRIC SUPPLY	CALIFORNIA ELEC...	60-22980	1000101 · Operating Cash 10	
01/14/16	7700-422109		CALIFORNIA ELEC...	PW SHOP	3332308 · Supplies & Materials 32	(56.61)
TOTAL						(56.61)
01/27/16	87407	JOY EQUIPMENT PROTECTION INC	JOY EQUIPMENT P...	INVOICE #64504	1000101 · Operating Cash 10	
01/05/16	64504		JOY EQUIPMENT P...	FIRE EXTINGUISHERS	3332221 · Miscellaneous Contract...	(127.98)
TOTAL						(127.98)
01/27/16	87408	SO CA EDISON	SO CA EDISON		1000101 · Operating Cash 10	
01/21/16	2-25-126-20...		SO CA EDISON	VIOLA	2361313 · Utility - Electric 23	(35.06)
01/21/16	2-27-939-99...		SO CA EDISON	HOCKEY RINK	1013314 · Utility - Natural Gas	(27.74)

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TOTAL						(62.80)
01/27/16	87409	SOUTHWESTERN BAG CO., LP	SOUTHWESTERN ...	INVOICE #403877	1000101 · Operating Cash 10	
01/06/16	403877		SOUTHWESTERN ...	PW SUPPLIES	2531308 · Supplies & Materials 31	(1,443.00)
TOTAL						(1,443.00)
01/27/16	87410	STAPLES ADVANTAGE	STAPLES ADVANT...	3288990761	1000101 · Operating Cash 10	
01/06/16	3288990761		STAPLES ADVANT...	PROJ 4863	1000251 · Development Deposits	(21.58)
TOTAL						(21.58)
01/27/16	87411	VJS BIOLOGICAL CONSULTING	VJS BIOLOGICAL ...	OCT - NOV SERVICES	1000101 · Operating Cash 10	
01/05/16	OCT - NOV ...		VJS BIOLOGICAL C...	PROJ 1734	1000251 · Development Deposits	(345.00)
			VJS BIOLOGICAL C...	PROJ 1407	1000251 · Development Deposits	(37.50)
			VJS BIOLOGICAL C...	PROJ 1167	1000251 · Development Deposits	(75.00)
			VJS BIOLOGICAL C...	BERM	2862221 · Beach Dune Maintenance	(307.50)
			VJS BIOLOGICAL C...	PROJ 1766	1000251 · Development Deposits	(210.00)
TOTAL						(975.00)
01/27/16	87412	WEST COAST ARBORIST INC	WEST COAST ARB...	INVOICE 112032	1000101 · Operating Cash 10	
12/31/15	112032		WEST COAST ARB...	TREE MAINTENANCE	2732220 · Public Tree Maintenanc...	(12,492.00)
TOTAL						(12,492.00)
01/28/16	87413	SIEBEN, ALEC	SIEBEN, ALEC	PAYROLL 06-25-15	1000101 · Operating Cash 10	
01/28/16	PAYROLL 0...		SIEBEN, ALEC	PAYROLL 06-25-15	1000101 · Operating Cash 10	(336.83)
TOTAL						(336.83)

TOTAL \$465,978.66



City of Carpinteria

COUNCIL AGENDA STAFF REPORT February 8, 2016

ITEM FOR COUNCIL CONSIDERATION

Adoption of Resolution No. 5637, authorizing the City Manager to apply for grant funds for the Carpinteria Beach Feasibility Study being prepared by the Army Corps of Engineers.

STAFF RECOMMENDATION

Action Item; ☒ Non-Action Item ☐

MOTION: I move to adopt Resolution No. 5637, as read by title only.

BACKGROUND

On June 23, 2003, the City Council authorized the City Manager to enter into a cost sharing agreement with the Army Corps of Engineers (ACOE) to author the Carpinteria Shoreline Feasibility Study (Study) that is intended to define the best way to address chronic shoreline erosion and storm wave damage issues along the Carpinteria City beach. At that time the Study was expected to cost \$2.1 million with 50% being funded by nonfederal sources. At this time ACOE estimates the cost of the study to be over \$3 million with \$1.5 million coming from non-federal sources.

The California Department of Boating and Waterways has a public beach restoration and erosion protection program to help fund projects that will enhance public beach resources. The City has applied for and has been awarded \$930,500 dollars from this program, to date, for the non-federal grant match.

The Study has collected significant amounts of empirical data, made measurements of existing environmental conditions and made estimates of economic evaluations of what will occur if no action is taken to improve conditions. Under such a scenario, the study predicts that significant loss of the City's recreational beach and severe damage to private and public improvements in the area will occur.



DISCUSSION

For the Study to continue, additional funding from both the federal and nonfederal partners must occur. In order for the City to make an additional funding request from the State for the non-federal portion of the Study cost, a resolution must be adopted by the City Council that designates authority to the City manager to make application for grant funds.

POLICY CONSIDERATIONS

The Study results will define acceptable local solutions to reduce or stabilize shoreline erosion. The pursuit of this goal is consistent with the Safety Element of the City's General Plan.

Objective S-4: Minimize the potential risks and reduce the loss of life, property and the economic and social dislocations resulting from flooding.

Policy S-4f: Programs and regulations should be developed that are appropriate to respond to the need to protect existing and future private property improvements from winter ocean wave action.

Policy 13 states: The City shall support and facilitate the current Army Corps of Engineers (ACOE) feasibility study and otherwise pursue long-term solutions for beach nourishment and establishment of a vegetated dune system at City Beach.

As an interim measure, and with permission from the Coastal Commission and US Army Corps of Engineers, the City may construct a sand berm on the City Beach parallel to the homes fronting on the beach.

FINANCIAL CONSIDERATIONS

The Study plan includes a funding schedule that shows a total study cost of \$3.3 million dollars. The non-federal portion of \$1.65 million dollars has been and will be met with a combination of cash from grant sources and work in kind.

LEGAL

No Legal issues are presented as a part of this report.

OPTIONS

The City could decline to participate further in the Study.

ATTACHMENTS

Resolution No. 5637

Staff contact: Matthew Roberts, Parks and Recreation Director

(805) 684-5405 x449 Mattr@ci.Carpinteria.ca.us

Reviewed by: Dave Durflinger, City Manager


Signature

Signature

RESOLUTION NO. 5637

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AUTHORIZING APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA STATE PARKS DIVISION OF BOATING AND WATERWAYS BEACH RESTORATION AND EROSION CONTROL PROGRAM FOR A SHORELINE PROTECTION FEASIBILITY STUDY.

WHEREAS, the mission of the California State Parks Division of Boating and Waterways' Beach Restoration and Erosion Control Program is to preserve and protect the California coastline by restoring and maintaining natural and recreational resources and minimizing damages by natural or man-made induced beach erosion; and

WHEREAS, the California Legislature may appropriate funds for the Public Beach Restoration Program as part of the 2017-2018 fiscal year budget; and

WHEREAS, the City of Carpinteria has suffered severe beach sand loss in past years, that has resulted in the loss of recreational beach, damages to or destruction of beachfront facilities and increased risk to beach patrons due to the exposure of underlying hard structures; and

WHEREAS, The United States Government has conducted a U.S. Army Corps of Engineers' Reconnaissance Study that determined the Carpinteria City Beach had significant potential for storm damages to public and private resources; and

WHEREAS, the City of Carpinteria has entered into a cost-share agreement with the United States Government to study the feasibility and alternatives to provide increased shoreline protection; and

WHEREAS, the City of Carpinteria has successfully applied for funding from the California Department of Boating and Waterways in previous fiscal years to pay a portion of the City's local share of the U.S. Army Corps of Engineers Feasibility Study.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA HEREBY RESOLVES AS FOLLOWS:

The City Council authorizes the City Manager to make application to the Division of Boating and Waterways for Study funding and to act as the representative of the City of Carpinteria and to negotiate and execute all agreements pertaining to this application.

PASSED, APPROVED AND ADOPTED this 8th day of February, 2016, 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 8th day of February, 2016 .

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 February 8, 2016

ITEM FOR COUNCIL CONSIDERATION

Linden Avenue and Casitas Pass Road Interchanges Project – Approval of Revisions to the Freeway Maintenance Agreement with the California Department of Transportation

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

Approve and authorize the Mayor and City Manager to execute the revised Freeway Maintenance Agreement with the State of California, Department of Transportation for the Linden Avenue and Casitas Pass Road Interchanges Project.

Motion: I move to approve and authorize the Mayor and City Manager to execute the revised Freeway Maintenance Agreement with the State of California, Department of Transportation for the Linden Avenue and Casitas Pass Road Interchanges Project.

BACKGROUND

On November 23, 2015, the City Council approved a Freeway Maintenance Agreement with the State of California, Department of Transportation (Caltrans) for the Linden Ave. and Casitas Pass Rd. Interchanges Project. The State immediately made revisions to the agreement after it was taken to the City Council. The purpose of this staff report is to approve the changes the State has made to the agreement after it was approved by City Council. The City Attorney's Office has reviewed and approved the changes to the agreement (**Attachment A**).

The California Streets and Highways Code requires Caltrans to establish a formal understanding between the City and the State relating to the ownership and operation of planned traffic and circulation features of the freeway. The agreements required between Caltrans and the City of Carpinteria are: (1) a Freeway Agreement and (2) a Freeway Maintenance Agreement. The existing agreements need to be revised and executed due to the upcoming Linden Avenue and Casitas Pass Road Interchanges

Project. In February 2013, the City Council adopted Resolution No. 5441, authorizing the execution of a Freeway Agreement with Caltrans.

The Freeway Agreement describes the rights of the State to: perform work within the State rights-of-way and on City rights-of-way near State rights-of-way, to acquire or dispose of additional rights-of-way to best facilitate the operation of State Highways, and to delineate the cost of changes to State or City facilities related to State improvements.

DISCUSSION

In addition to the Freeway Agreement, a Freeway Maintenance Agreement assigns responsibilities for the freeway, local road freeway overcrossings and adjacent local roadways. The Freeway Maintenance Agreement may be updated, as necessary, at the request of Caltrans or the City. The purpose of this update is to reflect the newly constructed facilities associated with the Linden Ave/Casitas Pass IC Project.

The Freeway Maintenance Agreement is summarized below:

1. The proposed Freeway Maintenance Agreement supersedes all previous Freeway Maintenance Agreements.
2. The City will maintain City Facilities constructed by the State on City rights-of-way.
3. The State will maintain State Facilities constructed by the State on State rights-of-way.
4. The City and State will share maintenance responsibilities for certain facilities outlined in the Agreement.
5. The City and State agree to the cost to maintain their respective facilities.
6. The Agreement outlines maintenance responsibilities of the City and State regarding vehicular and pedestrian overcrossings, vehicular and pedestrian undercrossings, walls & columns, landscaping and bicycle paths/trails.

LEGAL

The City Council has approved the Freeway Maintenance Agreement during the November 23, 2015 City Council Meeting. The City Attorney's Office has reviewed the proposed Freeway Maintenance Agreement and the redline revisions provided by Caltrans.

OPTIONS

The City Council could choose not to approve the revisions to the Freeway Maintenance Agreement between the City and California Department of Transportation and/or direct staff to make revisions to the agreement.

PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at the meeting.

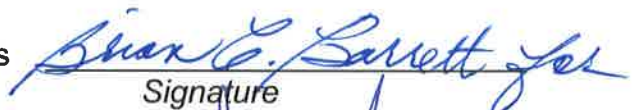
ATTACHMENTS

Attachment A – Redlined FINAL Freeway Maintenance Agreement

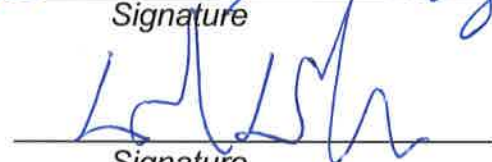
Staff contact: Matt Maechler, P.E.
805-684-5405 x441, MattM@ ci.carpinteria.ca.us


Signature

Reviewed by: Charles W. Ebeling, P.E., T.E.
805-684-5405 x402, CEbeling@ ci.carpinteria.ca.us


Signature

Reviewed by: Dave Durflinger, City Manager


Signature

Attachment A
Redlined Freeway Maintenance Agreement

**05-SB-101-2.2 / 3.3
LINDEN & CASITAS PASS
INTERCHANGES**

**IN SANTA BARBARA COUNTY IN THE
CITY OF CARPINTERIA FROM
CARPINTERIA CREEK BRIDGES TO
LINDEN AVE. O/C**

**August 1, 2013
Tracking # 05-3-0005**

**FREEWAY MAINTENANCE AGREEMENT
WITH
CITY OF CARPINTERIA**

THIS AGREEMENT is made effective this _____ day of _____, 20__, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE" and the CITY of CARPINTERIA; hereinafter referred to as "CITY" and collectively referred to as "PARTIES".

SECTION I

RECITALS

1. WHEREAS, on February 13, 2013 a Freeway Agreement was executed between CITY and STATE, wherein the PARTIES consented to certain adjustments of the local street and road system required for the development of that portion of STATE Highway Route (SR) 101 within the jurisdictional limits of the CITY of Carpinteria as a freeway; and
2. WHEREAS, recent adjustments to said freeway have now been completed, or are nearing completion, and the PARTIES hereto mutually desire to identify the maintenance responsibilities for improvements to separation structures and landscaped areas lying within those modified freeway limits; and
3. The degree or extent of maintenance work to be performed, and the standards therefore, shall be in accordance with the provisions of Section 27 of the Streets and Highways Code and the then current edition of the State Maintenance Manual.
4. WHEREAS, pursuant to Section 1 of the above February 13, 2013 Freeway Agreement, CITY has resumed or will resume control and maintenance over each of the affected relocated or reconstructed CITY streets, except for those portions adopted as a part of the freeway proper.

NOW THEREFORE IT IS AGREED:

SECTION II

AGREEMENT

1. CITY agrees to continue their control and maintenance of each of the affected relocated or reconstructed CITY streets and roads as shown on that plan map attached hereto, marked Exhibit A, and made a part hereof by this reference.
2. STATE agrees to continue control and maintenance of those portions adopted as a part of SR-101 Freeway proper as shown Exhibit A.
3. The PARTIES agree to share the maintenance responsibilities on individual infrastructure items as provided in Exhibit C attached and made a part of this Agreement by reference, as

long as it is not in conflict with the terms of this Agreement. In case of a conflict, the terms of this Agreement shall prevail.

4. If there is mutual agreement on the change in the maintenance duties between PARTIES, the PARTIES can revise Exhibit C by a mutual written execution of Exhibit A and C.
5. When another planned future improvement has been constructed and/or a minor revision has been effected within the limits of the freeway herein described which will affect the PARTIES' division of maintenance responsibility as described herein, STATE will provide a new dated and revised Exhibit A which will thereafter supersede the attached original Exhibit A and become part of this Agreement.
6. CITY and STATE agree to accept their then respective operational and maintenance responsibilities and related associated costs thereof in the event jurisdictional boundaries of the PARTIES should change and Exhibit A is amended to reflect those changes.
7. CITY must obtain the necessary Encroachment Permits from STATE's District 5 Encroachment Permit Office prior to entering STATE right of way to perform CITY maintenance responsibilities. This permit will be issued at no cost to CITY.

8. VEHICULAR AND PEDESTRIAN OVERCROSSINGS ^{*}(see Exhibits A & C)

8.1. STATE will maintain, at STATE expense, the entire structure of any STATE constructed vehicular and pedestrian overcrossings of SR-101 below the deck wearing surface and any wearing surface treatment thereon.

8.2. CITY will maintain, at CITY expense, the deck wearing surface and structural drainage system (and shall perform such work as may be necessary to ensure an impervious and/or otherwise suitable surface) and all portions of the structure above the bridge deck, including, but without limitation, lighting installations, as well as all traffic service facilities (sidewalks, signs, pavement markings, bridge rails, etc.) that may be required for the benefit or control of traffic using that overcrossing.

8.3. As directed by section 92.6 of the Streets and Highways Code, at locations determined by STATE, screening shall be placed on STATE freeway overpasses on which pedestrians are allowed. All screens installed under this program will be maintained by STATE, at STATE expense.

9. VEHICULAR AND PEDESTRIAN UNDERCROSSINGS ^{*}(see Exhibits A & C)

9.1 STATE will maintain the entire structure of all STATE-constructed vehicular and pedestrian undercrossings of STATE freeways except as hereinafter provided.

9.2 CITY will maintain the roadway sections, including the traveled way, shoulders, curbs, sidewalks, wall surfaces (including eliminating graffiti), drainage installations, lighting

installations and traffic service facilities that may be required for the benefit or control of traffic using that undercrossing.

- 9.3 CITY will request STATE's District Encroachment Permit Engineer to issue the necessary Encroachment Permit for any proposed change in minimum vertical clearances between CITY roadway surface and the structure that results from modifications to the roadway (except when said modifications are made by STATE). If the planned modifications will result in a reduction in the minimum clearance within the traveled way, an estimate of the clearance reduction must be provided to STATE's Transportation Permit Engineer prior to starting work. Upon completion of that work, a vertical clearance diagram will be furnished to STATE's Transportation Permit Engineer that shows revised minimum clearances for all affected movements of traffic, both at the edges of the traveled way and at points of minimum clearance within the traveled way.
10. **WALLS AND COLUMNS** – Responsibility for debris removal, cleaning, and painting to keep CITY's side of any wall structure or column free of debris, dirt, and graffiti shall not lie with STATE.
11. **LANDSCAPED AREAS ADJACENT TO CROSSING STRUCTURES** - Responsibility for the maintenance of any plantings or other types of roadside development lying outside of the fenced right of way area reserved for exclusive freeway use shall lie with CITY and not with STATE.
12. **INTERCHANGE OPERATON** - It is STATE's responsibility to provide efficient operation of freeway interchanges, including ramp connections to local streets and roads.
13. **ELECTRICALLY OPERATED TRAFFIC CONTROL DEVICES**
- 13.1 The cost of installation, operation, maintenance, repairs, replacement and energy costs of safety lighting, traffic signals or other necessary electrically operated traffic control devices placed at interchanges of SR-101 Freeway and CITY streets and roads and at ramp connections or SR-101 and CITY facilities shall be shared by the PARTIES as shown in Exhibit "B" which, by this reference, is made a part of this Agreement. ~~(Shared Cost Electrical Agreement can be entered into by the PARTIES as a part of this agreement itself instead of a separate agreement. Or a on a separate "Shared Cost Electrical Agreement" * (see Exhibits B) may be executed in the future allocating these costs between the PARTIES.~~
- 13.2 The said cost shall be paid by STATE and the CITY shall reimburse the STATE their agreed upon share.
- 13.3 ~~The said cost shall be paid by CITY and the STATE shall reimburse the CITY their agreed upon share.~~

13.4 Timing of traffic signals, which shall be coordinated with CITY to the extent that no conflict is created with freeway operations, shall be the sole responsibility of STATE.

14. BICYCLE PATHS - CITY will maintain, at CITY expense, all fences, guard railing, drainage facilities, slope and structural adequacy of any bicycle path located and constructed within STATE's right of way. CITY will maintain, at CITY expense, a safe facility for bicycle travel along the entire length of the path by providing sweeping and debris removal when necessary; and all signing and striping and pavement markings required for the direction and operation of that non-motorized facility.

15. LEGAL RELATIONS AND RESPONSIBILITIES

15.1. Nothing within the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not PARTIES to this Agreement or to affect the legal liability of a PARTY to the Agreement by imposing any standard of care with respect to the operation and maintenance of STATE highways and local facilities different from the standard of care imposed by law.

15.2. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, under or in connection with any work, authority or jurisdiction conferred upon STATE arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless CITY and all of their officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement.

15.3. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction conferred upon CITY and arising under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement.

16. PREVAILING WAGES:

16.1. Labor Code Compliance - If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a) (1) definition of a "public work" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771. CITY must conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of

**LINDEN & CASITAS PASS
INTERCHANGES**

**IN SANTA BARBARA COUNTY IN THE
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LINDEN AVE. O/C**

August 1, 2013
Tracking # 05-3-0005

Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. CITY agrees to include prevailing wage requirements in its contracts for public work. Work performed by CITY's own forces is exempt from the Labor Code's Prevailing Wage requirements.

- 16.2. Requirements in Subcontracts - CITY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in CITY's contracts
17. **INSURANCE** - CITY and its contractors shall maintain in force, during the term of this agreement, a policy of general liability insurance, including coverage of bodily injury liability and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE that shall be delivered to the STATE with a signed copy of this Agreement.
- 17.1. **SELF-INSURED** - CITY is self-insured. CITY agrees to deliver evidence of self-insured coverage providing general liability insurance, coverage of bodily injury liability and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE that shall be delivered to the STATE with a signed copy of this Agreement in a form satisfactory to STATE, along with a signed copy of the Agreement.
- 17.2. **SELF-INSURED using Contractor** - If the work performed under this Agreement is done by CITY's contractor(s), CITY shall require its contractor(s) to maintain in force, during the term of this agreement, a policy of general liability insurance, including coverage of bodily injury liability and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE and shall be delivered to the STATE with a signed copy of this Agreement.
18. **TERMINATION** - This Agreement may be terminated by timely mutual written consent by PARTIES, and CITY's failure to comply with the provisions of this Agreement may be grounds for a Notice of Termination by STATE.
19. **TERM OF AGREEMENT** - This Agreement shall become effective on the date first shown on its face sheet and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the PARTIES or until terminated by STATE for cause.

**LINDEN & CASITAS PASS
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The PARTIES are empowered by Streets and Highways Code Section 114 & 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, PARTIES hereto have set their hands and seals the day and year first above written.

THE CITY OF CARPINTERIA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
GREGG CARTY
Mayor, City of Carpinteria

MALCOLM DOUGHERTY
Director of Transportation

Initiated and Approved

By: _____
DAVE DURFINGER
City Manager, City of Carpinteria

By: _____
SARA VON SCHWIND
Deputy District Director
Maintenance & Operations
District 5

ATTEST:

By: _____
FIDELA GARCIA
CITY Clerk

As to Form and Procedure:

By: _____
PETER BROWN, on behalf of
Brownstein Hyatt Farber Schreck, LLP
Acting as CITY Attorney of the
City of Carpinteria

By: _____
Legal Division Attorney
California Department of Transportation

EXHIBIT "A"

DELEGATION OF MAINTENANCE

(Plan map showing SR 101 Freeway proper and CITY road/facilities)

EXHIBIT "B"

**Basis of Cost Distribution for Operation, Maintenance & Electrical Energy of
ELECTRICAL FACILITIES**

A separate existing "Shared Cost Electrical Agreement" will be modified to include the new lighting & signalization.

EXHIBIT "C"

(Individual maintenance items that are not provided for in the body of the Agreement.)

1. The CASITAS PASS OVERHEAD MEDIAN PLANTER STRUCTURE –

- a) **MEDIAN PLANTER MAINTENANCE** - In addition to all maintenance responsibilities cited in section 11.3 of this Agreement, CITY agrees to maintain, at CITY expense, the Casitas Pass Overhead Median Planter structure, its irrigation and landscaping. CITY agrees to repair at CITY expense any damage to the bridge deck caused directly or indirectly by the installation of the planter structure such as anchorage secured into the deck to stabilize planters or spalling of the deck surface related to planter structure.
- b) **MEDIAN PLANTER REMOVAL** - If this planter structure is removed at some future date, CITY, at CITY expense shall remove the entire planter structure and perform all work as may be necessary to ensure an impervious and/or otherwise suitable surface above and below the bridge deck surface related to the planter structure's presence upon and anchorage to that bridge deck. Changing the striping plan on the deck, relocation of traffic detection loops, traffic signals, etc. as a result of planter structure removal shall require an encroachment permit from the STATE. CITY agrees, at CITY expense, to effect any and all such repairs that will result in an impervious and/or otherwise suitable bridge deck surface and a facility compliant to the current STATE standards (at the time such improvements are constructed) that may be required for the benefit or control of traffic using that overcrossing.

2. RETAINING WALLS "I" & "L" along Linden

Retaining Walls I & L in their entirety shall become the responsibility of the CITY to own and maintain. Access denial fencing shall be adjusted to exclude all of Wall "I" from STATE maintained right of way. (Fence adjustment is delineated by cross hatching in EXHIBIT "A", Sheet FMA-5.



City of Carpinteria

COUNCIL AGENDA STAFF REPORT February 8, 2016

ITEM FOR COUNCIL CONSIDERATION

Introduction (first reading) of Ordinance No. 708 amending provisions of the City's Local Coastal Program and Zoning Code regarding Short-term Rentals (Home Stays and Vacation Rentals) and amending the City's Zoning Map to establish a Vacation Rental Overlay District. Changes to the Zoning Code include: the addition of Chapter 14.47 titled, "Vacation Rental Overlay District" and Chapter 14.52 titled, "Home Stays"; the amendment of Section 14.04.060 Overlay Districts, adding new overlay districts; the amendment of Chapter 14.08 Definitions, adding terms related to the Short-Term Rental provisions; and the amendment of Chapter 14.12 R-1 Single-Family Residential District, Chapter 14.14 PRD Planned Residential Development District, and Chapter 14.16 PUD Planned Unit Development District, adding new use types.

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

Staff recommends that the City Council approve Resolution No. 5644, as read by title only, certifying that Ordinance No. 708 is intended to carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and direct the proposed amendments and additions to the Zoning Code, as part of Ordinance No. 708, be transmitted to the California Coastal Commission; and approve Ordinance No. 708 as read by title only (first reading).

Motion:

1. I move to approve the first reading of Ordinance No. 708, as read by title only; and
2. I move to approve Resolution No. 5644, as read by title only, and direct that the proposed Ordinance No. 708 be transmitted to the California Coastal Commission.

BACKGROUND

Proposed Ordinance No. 708 has been prepared by staff, as directed by the City Council on August 10, 2015. The City Council initiated development of the Ordinance in response to concerns about the impacts of Short-term Rentals on the character of residential neighborhoods and due to the limited availability and cost of affordable and workforce housing in the City.

After evaluating the City of Carpinteria's existing regulations regarding Short-term Rentals, staff determined that new regulations were important to regulate where and how Short-term Rentals operate in the City. Based upon significant research on policies and regulations of Short-term Rentals in several coastal and resort communities, staff crafted the Ordinance to include a physical boundary and quantitative limit for Vacation Rentals and licensing regulations for both Vacation Rentals and Home Stays. The draft Ordinance No. 708 (see Attachment B) has been reviewed by the Planning Commission and is recommended for approval.

Initial Discussion

On August 10, 2015, the City Council initiated a discussion on Short-term Rentals, which include Vacation Rentals and Home Stays. The Council considered a variety of options that could be used to address Short-Term Rentals, the impacts they can cause on residential neighborhoods, and the overall cost and availability of housing in the City. After receiving input from the public, the Council determined that modifications to the Zoning Code should be made to regulate Short-term Rentals.

Specifically, the City Council directed staff to draft regulations that do all of the following:

- Define Vacation Rentals as distinct from other rental types
- Make clear where Vacation Rentals may be allowed
- Limit the number of Vacation Rentals in neighborhoods where they may be allowed
- Establish application/licensing requirements and operating standards for Vacation Rentals
- Define and establish operating standards for Home Stays in all residential districts.

Moratorium

On October 26, 2015, the City Council adopted a moratorium on the issuance of Business Licenses and Certificates of Occupancy for new Short-Term Rentals. On November 23, 2015, the City Council extended the moratorium through October 25, 2016 in order to allow time to develop and adopt the Short-Term Rentals Ordinance. At the time of the adoption of the moratorium, the City identified 218 existing licensed Vacation Rentals in Carpinteria.

Planning Commission

On December 7, 2015, the Planning Commission received an initial report discussing development of regulations for Short-Term Rentals and comments from the public. The Planning Commission communicated their primary concerns related to the regulation and permitting of Vacation Rentals, and provided comments and direction to staff regarding the development of the draft Ordinance. Commissioners indicated concurrence with the City Council determination that Short-Term Rentals have the potential to negatively affect both the availability and affordability of housing, and the character and quality of established residential neighborhoods, especially single-family neighborhoods.

Commissioners also concurred with the City Council determination that Short-Term Rentals serve an important role in the local hospitality and tourism industry by providing an expanded transient lodging base and potential for a greater amount of customer traffic in the City's Downtown and other commercial districts. A balancing of private property rights, economic value and residential neighborhood expectations, was the primary theme of the Planning Commission's discussion.

On January 4, 2016, the Planning Commission received draft Ordinance No. 708 for consideration. The Planning Commission received public comments from five individuals, whose concerns included preservation of residential neighborhood character, particularly in lower density neighborhoods and protection of available affordable rental and workforce housing stock. Public comments suggested that the Ordinance should include a lower quantitative cap on the maximum number of Vacation Rentals and a reduction in the overall size of the Overlay Boundary.

The Planning Commission deliberated about the draft Ordinance. The Commissioners agreed on the need to regulate Short-term Rentals and on the proposed Ordinance and ultimately voted 2 - 1 (Commissioner Benefield no, Commissioner LaFevers abstain, and Commissioner Allen absent) to recommend that the City Council amend the City's Local Coastal Program, specifically consisting of amendments and additions to the City's Zoning Code and Zoning Map as presented in the staff report prepared for the Planning Commission's January 4th hearing. The Planning Commission made no changes to the proposed Ordinance in their motion to recommend the Ordinance to the City Council.

Planning Commissioner Benfield's dissenting vote resulted due to the inclusion of Subarea 3 and 4, in the proposed Vacation Rental Overlay District Map. The Commissioner noted that she believes that Subarea 1 and 2 should be the only areas where Vacation Rentals should be allowed and should not include Subarea 3 and 4. She noted that any Vacation Rentals in Subarea 3 and 4 should be "amortized out". She noted that should the Planning Commission not vote to reduce the size of the Vacation Rental Overlay District as she suggested, she would not support the Ordinance.

The draft Minutes of the January 4, 2016 Planning Commission are included as Attachment D.

Public Notice

The above public meetings have been noticed and posted, per the legal requirements outlined in the Brown Act (Government Code §§ 54950-54960), the Carpinteria Municipal Code § 2.04.060 and the California Code of Regulations §13515(d).

In addition to complying with statutory noticing requirements, 330 additional courtesy notices were sent to the known addresses of licensed Vacation Rentals and owners of Vacation Rentals (as determined in October 2015) for the two Planning Commission hearings to date. Such courtesy notices were mailed on either a post card or a folded paper notice, which included the published notice language which was provided in the legal notice published in the local newspaper. In addition to the published notices, the agendas and staff reports related to these meetings were published on the City's website, as required by Municipal Code section 2.04.060

The following legal notices, courtesy notices and local press were available to help publicize the proposed Short-term Rental Ordinance and discussions which have occurred.

Public and Courtesy Notices

Meeting Name / Date	Notice Type
City Council August 10, 2015 Initiation of changes for Short-term Rentals	• Agenda Posted at City Hall and on City website on August 5, 2015
City Council October 26, 2015 Urgency Ordinance No. 705 Moratorium	• Agenda Posted at City Hall and on City website on October 22, 2015
City Council November 23, 2015 Extension of Moratorium Ordinance No. 705	• Agenda Posted at City Hall and on City website on November 18, 2015 • Legal Notice Coastal View News November 12, 2015
Planning Commission December 7, 2015 Discussion about drafting Short-term Rental Ordinance	• Agenda posted at City Hall and on City Website on December 3, 2015 • ¼ Page Ad published in Coastal View News on November 19, 2015
Planning Commission January 4, 2016 Draft Ordinance No. 708	• Agenda posted at City Hall and on City Website on December 30, 2015 • ¼ Page Ad published in Coastal View News on December 17, 2015
City Council February 8, 2016 Proposed Ordinance No. 708 and Resolution 5644	• Agenda Posted at City Hall and on City website February 4, 2016 • Legal Notice Coastal View News January 21, 2016

Press and Additional Outreach

Publication / Date	Notice Type
Coastal View News "Briefly" Section August 6, 2015	Printed and Website News Article
Santa Barbara Independent Article "Vacation Rental Crackdown" August 13, 2015	Printed and Website News Article
Noozhawk.com Article "Santa Barbara, Carpinteria Discussing Rules, Taxes for Short-term Vacation Rentals" August 6, 2015	Website News Article
Noozhawk.com Article "Carpinteria City Council Considers Short-term Vacation Rental Issue" August 10, 2015	Website News Article
Santa Barbara News Press Article "Carp may tighten rules for short-term rentals" October 26, 2015	Printed and Website News Article
Santa Barbara Independent Article "Carp Stops Permitting Vacation Rentals" October 29, 2015	Printed and Website News Article
330 Courtesy Notice December 2, 2015 for Planning Commission December 7, 2015	Postcard Agenda Notice
Coastal View News Article "Planners divided in vacation rental strategy" December 10, 2015	Cover article
330 Courtesy Notice December 15, 2015 for Planning Commission January 4, 2016	8 ½ x 11 Paper Agenda Notice
Coastal View News Article "Vacation rental regulations come into focus" January 7, 2016	Cover article

DISCUSSION

Staff is proposing adoption of Ordinance No. 708 to create permit regulations for Short-term Rentals, including Vacation Rentals and Home Stays through amendment of the City's Zoning Code and Zoning Map included as Title 14 of the Carpinteria Municipal Code. The intent of the proposed Ordinance is to define and regulate Short-term Rental uses, currently not identified in the Zoning Code. The Ordinance would establish new chapters, 14.47 and 14.52 to regulate Vacation Rentals and Home Stays, respectively, and adopt the Vacation Rental Overlay District. New definitions would be added to Zoning Code Chapter 14.08 for the following terms: Home Stay, Residential Unit, Short-term Rental and Vacation Rental. The new regulations would establish a licensing process and operating standards for Short-term Rentals.

The proposed Ordinance would implement the Council's intent to mitigate impacts Short-term Rentals are having on residential neighborhood character and the availability and affordability of housing.

Definitions

The proposed Ordinance would add definitions for Short-term Rentals, which include Home Stays and Vacation Rentals and would define Residential Unit.

14.08.312 - Home Stay.

"Home Stay" means a type of Short-Term Rental where the owner remains in the residential unit during the entire rental period. A Home Stay does not include the hosting of personal guests, Home Exchanges or Vacation Rentals. Tents, yurts and RVs are not allowed as a part of a Home Stay.

14.08.541 – Residential Unit.

"Residential Unit" means a building or portion thereof designed for or occupied in whole or in part, as a home, residency, or sleeping place, either permanently or temporarily, and containing not more than one kitchen per residential unit, but not including a hotel or boarding house, lodging house or motel. For the purposes of this Code, residential unit includes the term "dwelling unit" and "housing unit". See also Municipal Code 14.08.190 "Dwelling".

14.08.562 – Short-Term Rental.

"Short-Term Rental" means the rental of a residential unit for a period of 30 consecutive calendar days or less, subject to all applicable city land use regulations, permit/licensing requirements, and payment of fees and/or taxes, including Transient Occupancy Tax as defined in Chapter 3.20 of this Code. Short-Term Rentals include both Vacation Rentals and Home Stays. Tents, yurts and RVs are not allowed as a part of a Short-term Rental.

14.08.627 – Vacation Rental.

"Vacation Rental" means a type of Short-Term Rental where the owner of the residential unit does not remain in the residential unit during the rental period. Vacation Rentals typically include the rental of an entire dwelling or premises. For the purposes of this Code, Vacation Rental does not include time share, Home Stays or Home Exchanges. Tents, yurts and RVs are not allowed as a part of a Vacation Rental.

Vacation Rental Overlay District

As a part of its direction concerning the drafting of Short-Term Rental regulations, the City Council asked staff to create a geographical boundary which would limit where Vacation Rentals may be permitted. An overlay district can be applied to the Zoning Map to distinguish specific areas in the City where the use would be allowed. The Council directed that multi-family zoned areas of the Beach Neighborhood and Downtown / Old Town should be considered.

The proposed Vacation Rental Overlay District includes a portion of the properties zoned PRD in the Beach Neighborhood and Downtown / Old Town. The boundary proposed in Figure 1 includes the majority of Vacation Rentals currently permitted in the City. The proposed Vacation Rental Overlay District limits the area allowing Vacation

Rentals to the neighborhoods in closest proximity to various tourist-serving amenities, including beaches, the salt marsh, Amtrak train station, and the downtown commercial district. The boundary also preserves long-term residential occupancy uses by excluding several apartment complexes and condominium projects from the Vacation Rental Overlay District.

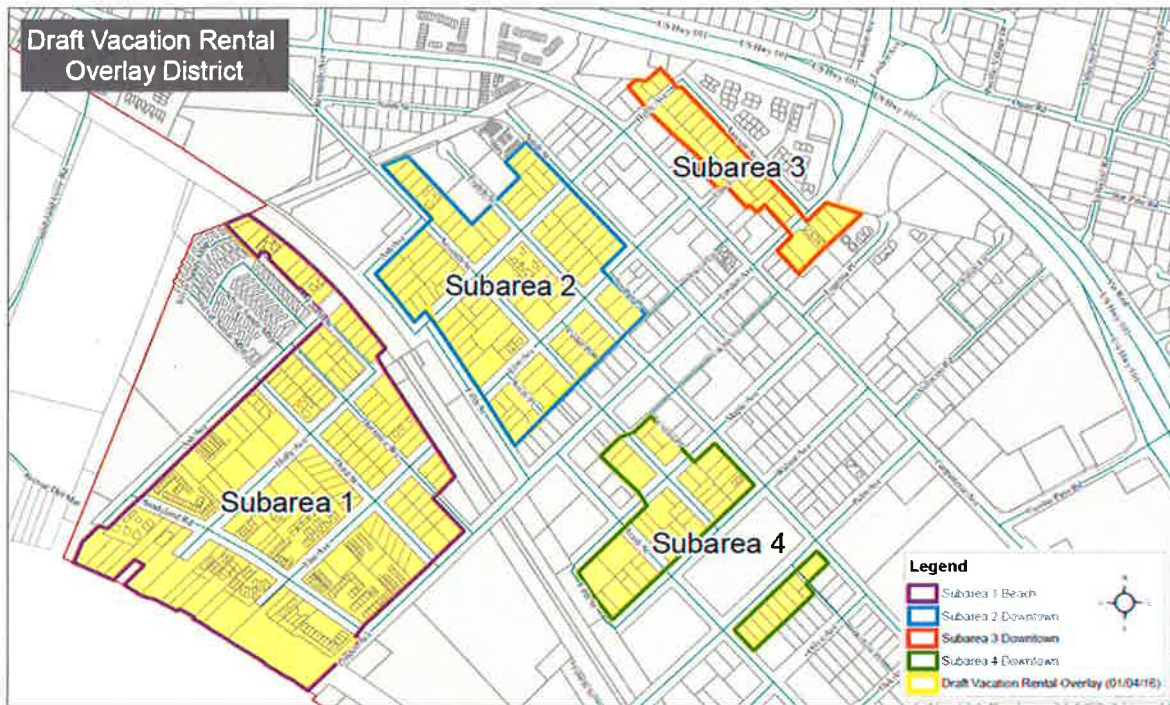


Figure 1 Proposed Vacation Rental Overlay District

The proposed Vacation Rental Overlay District, shown in Figure 1, includes multi-family residential properties zoned PRD and includes a total of 980 residential units. The boundary does not include any commercially-zoned properties, where a significant number of hotels, motels and other transient accommodations currently exist. The boundary would include 208 of the current 218 permitted residentially-zoned Vacation Rentals, as estimated in October 2015. Staff estimates that adoption of the proposed Ordinance No. 708 with the Vacation Rental Overlay District described above would create 10 legal nonconforming Vacation Rentals due to the existing permitted Vacation rentals being located in the District boundary.

The proposed Vacation Rental Overlay District would be added to Zoning Code as Section 14.04.060(1). In addition, with the adoption of the Ordinance, other Overlay Districts would also be added to the Section, that were adopted with earlier actions but inadvertently not included in the Overlay Districts table. These include the Ellinwood Parcel, Transportation Corridor Wetland, and Whitney Site Overlay Districts. The Ellinwood Parcel Overlay District was adopted on November 23, 2009. The

Transportation Corridor Wetland Overlay District and the Whitney Site Overlay District were adopted on October 26, 2015.

14.04.060 - Overlay districts.

1. In addition to the regulations governing the foregoing districts, the following overlay districts and the symbols used to represent them on the official zoning maps are established as follows:

Coastal Appeals Area	CA
Ellinwood Parcel	Ellinwood
Environmentally Sensitive Habitat	ESH
Flood Hazard Area	FH
Residential	R
Specific Plan	S
Transportation Corridor Wetland	TCW
Vacation Rental	VR
Visitor-Serving/ Highway Commercial	V
Whitney Site	Whitney

Home Stay: A Separate and Distinct Short-Term Rental Type

Based on direction from the City Council and comments from the Planning Commission, Home Stays are proposed to be added as a permitted use in the R-1, PUD and PRD Zoning Districts. Home Stays have not been added to the Mobile Home Park Zoning Districts due to the limited parking available in many of the parks. Home Stays are proposed to have their own regulations, separate and distinct from Vacation Rentals. The Home Stay regulations are, generally, less restrictive.

The City Council has recognized that Vacation Rentals and Home Stays have been found by some cities to have different effects on the quality of residential neighborhoods. Distinctions between these uses include the typical occupancy and property owner residency.

A recent survey by City staff of the leading web platforms for Short-Term Rentals suggests that, in Carpinteria, Vacation Rentals (100 found) far outnumber Home Stays (10 found). Although this result does not include all possible Short-term Rentals available at any one time, the sample suggests there is a significant difference in the quantity of these two uses in Carpinteria.

Of the Home Stay units identified, the majority of the advertisements stated a property owner-established occupancy maximum of two guests, while the majority of the Vacation Rentals allowed occupancies of six or fewer guests. It can be presumed that

higher occupancy levels may generate greater impacts on a neighborhood due to the potential, for example, of greater noise levels, higher numbers of vehicles and more numerous vehicle trips. In the Beach and Downtown Neighborhoods, the underlying PRD zoning allows for a higher density (up to 20 units per acre) of residential units than in the inland neighborhoods, which are primarily developed with single-family homes, and range from four to eight units per acre.

Historically, the Beach Neighborhood has been the primary area where Vacation Rentals have been licensed. It can be gathered that residents in the Beach Neighborhood have a higher tolerance for transient uses and visitors than in areas such as single-family neighborhoods where there is little or no history of such transient use. This is also reflected in the City's history of Vacation Rental complaints, a majority of which have come from single-family neighborhoods. The complaints received in the single-family neighborhoods have been directed specifically at unpermitted Vacation Rentals and not at Home Stay uses.

Another important distinction between Vacation Rentals and Home Stays is the requirement that a homeowner reside in the unit while it is rented (as compared to Vacation Rentals where the owner does not reside in the unit while it is rented). Residences used for Home Stays continue to serve as a primary residence and therefore do not negatively impact the availability of permanent housing. Also, neighborhoods benefit from the onsite owner who is more likely to monitor and prevent tenant activities that can create nuisances and draw complaints. A search of Airbnb.com identified several Home Stay advertisements that list house rules and quiet times for their occupants.

Quantitative Limit

In order to further protect the City's housing stock and the quality and character of residential neighborhoods, the City Council directed that a "cap" be set to limit the maximum number of Vacation Rentals that could be permitted at any time within the Vacation Rental Overlay District.

The proposed Ordinance includes a quantitative limit covering all four subareas that would set a maximum number of Vacation Rentals within the Vacation Rental Overlay District. This limit would equate to allowing 25 percent of the total residential units in the Vacation Rental Overlay District (equivalent to approximately four percent of the City's total housing stock) to be Vacation Rentals. The proposed cap would allow for a modest increase of 17 to the total number of currently-licensed Vacation Rentals. This limitation on the total number of Vacation Rentals would help to protect neighborhood character and the availability and affordability of the City's limited housing stock.

The following table identifies the proposed quantitative limit in each Subarea shown in Figure 1. The proposed cap in the neighborhoods was developed to limit the number of Vacation Rentals to an amount similar to the current number of licensed Vacation Rentals in each neighborhood, which have been actively renting and paying Transient Occupancy Taxes in the last two years.

Subarea / Neighborhood	Maximum Number of Vacation Rentals	Existing Licensed Vacation Rentals
Subarea 1 Beach Neighborhood	190	184
Subarea 2 Downtown Neighborhood	20	12
Subarea 3 Downtown Neighborhood	5	2
Subarea 4 Downtown Neighborhood	20	10
Total	235	208

Based on direction from the City Council and comments from the Planning Commission, a quantitative cap has not been proposed for Home Stays. Home Stays are defined as requiring that the owner of the unit must reside in the unit during all overnight rental periods. By definition, Home Stays would be limited to only those properties where the owner of record also lives on site. In 2010, the U.S. Census reported that 64.4% of housing in the City is owner occupied, therefore, 35.6% of the total housing stock would not be eligible to apply for a Home Stay License. Since the primary occupant of a house would remain in the unit while it is rented, it can be presumed that real estate speculation would be less inviting than would be expected with Vacation Rentals where owners are not required to live onsite. As proposed, Home Stays are expected to generate fewer concerns related to loss of affordable and workforce rental housing stock as compared to Vacation Rentals and therefore a quantitative cap is not proposed for Home Stays.

Operating Standards

The City Council directed staff to develop operating standards to ensure that Vacation Rentals and Home Stays do not negatively impact neighborhood character and quality of life. The proposed operating standards are also intended to ensure safe housing options are provided. The Ordinance proposes the following operating standards for Vacation Rentals.

Vacation Rental Operating Standards

- a. The owner or property manager must live or work within thirty (30) miles of the premises and be able to respond to tenant and/or public concerns about the vacation rental at all times during which a residential unit is being rented as such.
- b. All advertisements for the vacation rental shall list the City's vacation rental license number and the current transient occupancy tax rate which applies to the rental of the unit.
- c. The owner shall maintain homeowner's fire, hazard and liability insurance.
- d. The property shall be provided with adequate waste collection facilities at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collection day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.
- e. The residential unit shall not be rented or used for events, e.g., weddings, commercial activities or sales events.
- f. Occupants of the vacation rental shall be prohibited from creating unreasonable noise or disturbances, engaging in disorderly conduct or violating provisions of federal, state or local law.
- g. At all times a unit is in use as a vacation rental, the owner's or property manager's contact information shall be posted on the outside wall near the entrance of the unit, in a format provided by the City.
- h. At all times a unit is in use as a vacation rental, a notice shall be posted on the interior of the front door of the vacation rental, in a form approved by the City, which notes the vacation rental license number, transient occupancy tax rate, property owner or property manager contact information, and any additional information as required by the City as a part of the vacation rental license.
- i. The owner shall maintain an active business license, transient occupancy tax certificate and any other applicable licenses and permits, in addition to the vacation rental license, pursuant to Carpinteria Municipal Code, at all times that the residential unit is used or advertised as a vacation rental. A copy of the business license shall be posted on the interior of the front door of the residential unit.
- j. The maximum occupancy of a vacation rental shall be determined by the City and not exceed two occupants per unit, plus two occupants per bedroom. A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and must meet the requirements of the Carpinteria Municipal Code for

such. The vacation rental license shall specify the maximum number of occupants allowed at the vacation rental.

- k. The owner shall by written agreement, limit the number of vehicles of occupants to the number designated in the vacation rental license issued by the City; the number of vehicles shall be determined by the City at the time of application, taking into consideration the number of available parking spaces on the site.
- l. A home occupation may not be conducted in any residential unit for which a license has been issued to use the residential unit as a vacation rental.
- m. The owner shall ensure that the vacation rental complies with all applicable codes regarding fire, building and safety, and all other relevant federal, state and local laws and ordinances.
- n. Availability of the rental unit to the public shall not be advertised on the premises.
- o. The City Manager shall have the authority to impose additional operating standards, applicable to all vacation rentals, as necessary, to achieve the objectives of this title. A list of all additional standards shall be maintained and on file in the Office of the City Clerk and such offices as the City Manager designates.
- p. Upon reasonable notice, each owner and agent or representative of any owner shall provide access to each vacation rental and any records related to the use and occupancy of the vacation rental to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

Home Stay Operating Standards

The following proposed Home Stay Operating Standards are less restrictive than for Vacation Rentals. As noted previously, Home Stays require that the property owner reside in the unit during the rental period and therefore it is presumed that some of the impacts anticipated with Vacation Rentals would not be expected with Home Stays.

- a. The owner shall reside in the residential unit during all overnight rental periods.
- b. All advertisements for the Home Stay shall list the City's Home Stay license number and the current Transient Occupancy Tax rate which applies to the rental of the unit.
- c. At all times a unit is use as a home stay, a notice shall be posted on the interior of the front door of the Home Stay, in a form approved by the City, which notes the Home Stay license number, Transient Occupancy Tax rate, property owner

contact information, and any additional information as required by the City as a part of the Home Stay license.

- d. The owner shall maintain an active business license, Transient Occupancy Tax certificate and any other applicable licenses and permits, in addition to the Home Stay license, pursuant to Carpinteria Municipal Code, at all times that the residential unit is used or advertised as a Home Stay. A copy of the business license shall be posted on the interior of any bedroom door rented as part of a Home Stay.
- e. The maximum occupancy of a Home Stay shall be determined by the City and shall not exceed two occupants per unit, plus two occupants per bedroom, including the permanent residents. A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and must meet the requirements of the Carpinteria Municipal Code for such. The Home Stay license shall specify the maximum number of occupants allowed at the Home Stay.
- f. The owner shall by written agreement, limit the number of vehicles of occupants to the number designated in the Home Stay license by the City; the number of vehicles shall be determined by the City at the time of application taking into consideration the number of available parking spaces on the site.
- g. Availability of the rental unit to the public shall not be advertised on the premises.
- h. The City Manager shall have the authority to impose additional operating standards, applicable to all Home Stays, as necessary, to achieve the objectives of this title. A list of all additional standards shall be maintained and on file in the Office of the City Clerk and such offices as the City Manager designates.
- i. Upon reasonable notice, each owner and agent or representative of any owner shall provide access to each residential unit used as a Home Stay and any records related to the use and occupancy of the Home Stay to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

Application

Currently, Vacation Rentals are required to obtain a Business License and TOT Certificate prior to operating and advertising for rental of property in the PRD zone districts. The proposed Ordinance would require that a license also be acquired by the property owner prior to operation of a Vacation Rental or Home Stay. Licenses will only be issued to the owner of a Vacation Rental or Home Stay.

The proposed Ordinance outlines an application process for both Vacation Rentals and Home Stays. New applications would be created to include the following submittal requirements for Vacation Rentals and Home Stays.

Vacation Rental Application Requirements

- a. The full true name under which the business will be conducted.
- b. The address and assessor parcel number where the Vacation Rental is to be conducted. Where multiple units are located on the same parcel, each unit's address shall be provided on a separate application.
- c. The owner's full, true name, mailing address, email address and telephone number.
- d. In the case that a separate management company or person shall assume responsibility of the Vacation Rental for the owner, the management company or contact person's name, phone number, mailing address and email address shall be provided in addition to the owner.
- e. A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the owner and/or applicant.
- f. Certificate of insurance evidencing that the residential unit being used as a Vacation Rental is covered by homeowner's fire, hazard and liability insurance.
- g. Vacation Rentals proposed on parcels with no live on-site manager, shall furnish the City with mailing labels of all neighboring owners and occupants addresses within 100 feet (neighboring residents) of the parcel boundaries of the proposed Vacation Rental, in a format provided by the City. Upon issuance of a Vacation Rental license, the City will send a written notice to neighboring residents notifying them that the premises will be used as a Vacation Rental and will provide the name, address, and telephone number of both the owner and the person or property manager responsible for managing the Vacation Rental.
- h. Affidavit stating that residential unit meets all applicable building, health and safety standards. The affidavit shall be on a form provided by the City and shall be signed by the owner of the residential unit.

Home Stay Application Requirements

- a. The full true name under which the business will be conducted.
- b. The address and assessor parcel number where the Home Stay is to be conducted.
- c. The owner's full, true name, mailing address, email address and telephone number.

- d. Affidavit stating that residential unit meets all applicable building, health and safety standards. The affidavit shall be on a form provided by the City and shall be signed by the owner of the residential unit.

Requirements for License Issuance - Vacation Rental

Approval of a Vacation Rental License requires that the City first determine that the owner has demonstrated through the application materials filed that they met the zoning requirements, and that all of the following are true:

- a. The number of licensed Vacation Rentals within the Vacation Rental Overlay District does not exceed the following subarea limits:
 - i. Subarea 1 Beach: One hundred ninety (190) Vacation Rentals;
 - ii. Subarea 2 Downtown: Twenty (20) Vacation Rentals;
 - iii. Subarea 3 Downtown: Five (5) Vacation Rentals; and
 - iv. Subarea 4 Downtown: Twenty (20) Vacation Rentals.
- b. A license for a Vacation Rental use for the residential unit has not been revoked in the prior twenty-four (24) month period;
- c. The premises or residential unit is not currently the subject of an active Compliance Order or Administrative Citation for a violation of the Carpinteria Municipal Code;
- d. An Administrative Citation has not been issued, regarding a violation on the site, in the past twelve (12) months;
- e. The property owner has demonstrated, through an application filed to the City, the ability to meet the requirements outlined in this chapter.

The required findings above identify the cap or maximum number of Licenses which can be issued for Vacation Rentals, as discussed earlier in this report under the Quantitative Limit section. This provision would ensure that adequate rental housing would be preserved and that Vacation Rentals would not result in the loss of a significant amount of market rate residential uses throughout the Vacation Rental Overlay District.

Requirements for License Issuance - Home Stay

Approval of a Home Stay License requires that the City determine that the approval of the License will meet the requirements outlined above in the Application and Operation Standards sections and also that the following are true:

- a. The City has not revoked a license for Home Stay use for that residential unit within the prior twenty-four (24) month period;

- b. The premises or residential unit is not currently the subject of an active Compliance Order or Administrative Citation for violation of the Carpinteria Municipal Code;
- c. An Administrative Citation has not been issued, regarding a violation on the site, in the past twelve (12) months;
- d. The property owner has demonstrated, through an application filed to the City, the ability to meet the requirements outlined in this chapter.

As noted earlier, Home Stays would be required to meet similar requirements for approval of a Vacation Rental License but would not be limited by the numeric limits proposed for Vacation Rentals.

The provisions would also ensure that applicants who have had a license revoked or suspended within the past 24 months would be ineligible to receive a Vacation Rental or Home Stay License. This provision would encourage compliance with the zoning, building and safety requirements outlined in the Ordinance. Provisions (c) and (d) would allow the City the opportunity to resolve any outstanding violations of the Building or Zoning Code and ensure that Short-Term Rentals are well maintained and not detrimental to the surrounding community or neighborhood. Lastly, the provisions of these sections would ensure that Short-Term Rentals in Carpinteria are held to similar standards applicable to other lodging accommodations in the City, like motels, hotels and bed and breakfasts.

Application Fees

Staff estimates that new license fees would be approximately \$350.00 for each Short-Term Rental unit. Each residential unit would be required to apply for and receive its own license, even if they are located on the same parcel and/or under common ownership. The actual fee will be established as part of the Fee Schedule Update expected to be considered by the City Council in March 2016.

Enforcement

The purpose of the proposed Short-Term Rental ordinance includes the clarification and expansion of regulations concerning short-term rental use. Enforcement of Short-Term Rental regulations includes ensuring compliance with limits as well as how the use operates in those areas where it may be permitted. The proposed regulations will support ongoing efforts to enforce the prohibition on Vacation Rentals in single-family zone districts while creating new standards, such as the prohibition on advertising a vacation rental for a location that is prohibited, that will assist in future enforcement efforts. With the adoption of the proposed Ordinance, it is anticipated that increased

enforcement will be initially necessary to implement the new regulations and maintain ongoing compliance. Enforcement efforts will include application of the license operating standards for Short-term Rentals, which may include site inspections of units, tracking of advertisements and responding to neighbor complaints. Enforcement efforts will also include monitoring Short-term Rental websites for unpermitted rentals. It can be expected that ongoing compliance efforts will be essential to the implementation of the proposed Ordinance and ongoing success of the regulations.

Enforcement of the proposed Ordinance, like other code compliance efforts, involves significant staff time and expense. Currently, staff extends significant effort monitoring compliance of Vacation Rentals, specifically when they are unpermitted in the Single Family Zoning Districts. Due to the proposed Overlay District Boundary and quantitative limit, staff anticipates initial challenges identifying unpermitted Vacation Rentals and Home Stays and educating the public about the new regulations. Advertisements of Vacation Rentals and Home Stays often fail to specify a specific address or unit number and can prove difficult to identify the specific address of a rental. Other challenges which may impact enforcement efforts may include responsiveness of property owners to initial warnings and ongoing economic incentives to disobey the proposed regulations. Although enforcement of the proposed regulations may be time consuming, it will be important to establish consistent and deliberate enforcement of the proposed Short-term Rental Ordinance.

The City has several tools which can be used to more easily enforce these Short-Term Rental regulations. For example, the City Council has the ability to use legislative subpoenas to investigate unpermitted Short-term Rentals, as was approved by Council on November 23, 2015. The City Attorney, working on behalf of the Council, may prepare legislative subpoenas for signature by the Mayor to be served on property owners or websites that advertise or operate Short-term Rentals in violation of the City's Zoning Code. The proposed Ordinance also requires licensed Short-term Rentals to list the Short-term Rental License Number and TOT rate, therefore making unpermitted rentals more easily identified. These and other operating standards can be used to more easily track and monitor Short-term Rental compliance.

Penalties

Any person found in violation of the City's Municipal Code may be punished as outlined by Carpinteria Municipal Code Chapters 1.06 and 1.08. Violations can result in one of two actions taken by the City; the most common action is issuance of a Compliance Order which would result in a fine; or through a Misdemeanor or Infraction citation filed against the person that would be punishable by a fine of up to \$1,000.00 and up to six months imprisonment. Compliance Orders are typically used in cases of zoning or land

use violations, as would be the case for new Short-Term Rental regulations. Fines may be assessed in the amount of \$100.00 for the first violation, \$200.00 for the second violation and \$500.00 for each additional violation in the same year. Penalties may be assessed for each day a violation continues without abatement or correction. As a result, ongoing violations can result in significant fines. Administrative Citations may be appealed to a hearing, where at such time a hearing officer can determine if the Administrative Citation is warranted and can award cost recovery for the staff and attorney fees for the effort to achieve abatement of the violation and gathering of fines.

Several jurisdictions have chosen to create penalties greater than those outlined above to discourage violation of their Short-Term Rental regulations. For example, the City of Palm Springs, California starts their Short-Term Rental fines at \$250.00 for the first violation and \$500.00 for subsequent violations, rather than at \$100.00 for the first violation and \$250.00 for subsequent violations as outlined for other nuisance violations in their Municipal Code. The City Council may consider increased financial penalties for violations of the new Short-Term Rental Regulations although staff has not proposed such changes at this time.

Revocation of a License

The proposed Ordinance includes revocation standards which would allow the City Manager or his/her designee to revoke a License to operate a Vacation Rental or Home Stay. The following reasons can be used to revoke a License after notice and hearing:

- a. Fraud, misrepresentation or false statement contained in the application;
- b. Fraud, misrepresentation or false statement made in the course of carrying on a Vacation Rental as regulated by this Chapter;
- c. Any violation of any of the provisions of this Chapter or of any other provision of this Code; or
- d. Any violation of any provision of federal, state or local laws.¹

The proposed Ordinance includes provisions to allow for appeals of decisions to revoke or deny a License. Should the City choose to revoke a License, written notification of the proposed revocation would be provided to the owner to allow for a hearing with the City Manager to show cause as to why the License should not be revoked. Upon conclusion of the hearing, the City Manager shall consider the above findings to determine if the License shall be revoked. Upon revocation or denial of a License by

¹ Sections 14.47.150 and 14.52.130 were modified to remove subsection "e. Upon sale or transfer of the premises or residential unit" to be consistent with Sections 14.47.120 and 14.52.100 "Term of License: Expiration. The intent of the Ordinance is to require that upon the sale or transfer of a property a license for a Vacation Rental or Home Stay shall automatically expire and shall not be transferred with the sale of the property".

the City Manager, the applicant shall have the opportunity to make an appeal to the Planning Commission, as outlined in Municipal Code Section 14.78. The decision of the Planning Commission shall be considered final.

Amortization of Nonconforming Vacation Rentals

Adoption of the proposed Vacation Rental Overlay District would create 10 nonconforming Vacation Rental units. A nonconforming Vacation Rental is a Vacation Rental licensed by the City that is located outside of the Vacation Rental Overlay District and was lawfully established in the PRD Planned Residential Zone District prior to adoption of this ordinance and was made nonconforming by this Ordinance. In order to allow a grace period for property owners to respond to the new regulations, an amortization period is proposed as part of the draft Ordinance. The Ordinance would allow an initial one-year amortization period from the effective date of the new regulations, with up to a total period of two years, provided that an applicant can show the following:

- a. The owner demonstrates, with financial evidence acceptable to the City, that the residential unit has been used regularly and continually as a Vacation Rental in the last twenty-four (24) months;
- b. The owner demonstrates, with financial evidence acceptable to the City, that s/he has successfully transmitted all Transient Occupancy Taxes and Business License fees to the City in the last twenty-four (24) months; and
- c. The property had been continually licensed with the City as a Vacation Rental over the past twenty-four (24) months.

These findings require that the property owner show evidence of maintaining all required approvals from the City and having accurately transmitted Transient Occupancy Tax for the rental for the 24 months prior to the application for the amortization extension. Effectively, any owner or operator of an existing Vacation Rental who can satisfy the above criteria would be able to apply to continue to use the property as a Vacation Rental for a period of a total of two years past the effective date of the new regulations.

An amortization period has not been proposed for Home Stays, as the City has no licensed Home Stays at this time, therefore no new nonconforming Home Stays would be generated through adoption of the proposed Ordinance.

Administrative Procedures and Policies

Adoption of Ordinance No. 708 would create a limit on the maximum number of Vacation Rentals which can be licensed. This quantitative limit creates the potential for the number of property owners interested in obtaining a Vacation Rental license to

exceed the number of Vacation Rental licenses allowed to be issued under the draft Ordinance. Based on the current number of licensed Vacation Rentals, staff proposes implementing a lottery system in order to fairly and equitably manage the Vacation Rental license program. Along with development of a lottery process, staff anticipates the need to identify other procedural policies to implement the Ordinance. Staff intends to develop these policies and procedures in the coming weeks and will present them to the City Council for consideration for approval at a later date.

ALTERNATIVES PRESENTED TO PLANNING COMMISSION

The Planning Commission was provided a variety of alternatives to address concerns raised by their commission and the public. Although the eventual motion to recommend approval of the Ordinance to the City Council did not include any modifications, the Planning Commission discussed the alternatives in their deliberations. The staff report presented to the Planning Commission on January 4, 2015 included a discussion of a few options which could be considered. These alternatives are discussed briefly below.

First Alternative

The first alternative which was outlined related to treating Vacation Rentals and Home Stays as the same use rather than, as recommended in the draft Ordinance, as two distinct use types with different regulations and license standards. Some jurisdictions have determined that Home Stays are similar enough to Vacation Rentals, especially when Vacation Rentals are prohibited, to raise concerns about enforcement on provisions such as owner occupancy. The City of Carpinteria's proposed Ordinance defines Vacation Rentals and Home Stays as two distinct use types and therefore regulates them in different ways. This is an approach being taken by cities that conclude that Home Stays are a distinct use that can be effectively regulated with little oversight and that is compatible with single-family residential neighborhoods.

Second Alternative

The second alternative which was discussed related to a reduction in the maximum number of Vacation Rentals, which can be, licensed in multi-family development types (condominiums and apartments). Such limitations could limit the percentage of a whole development that could be converted to Vacation Rentals. Such a limitation would protect additional long-term housing opportunities throughout the Vacation Rental Overlay District. Should such a limitation be created, the City Council should consider that it might create new nonconforming Vacation Rentals, where existing permitted Vacation Rentals may currently have been permitted in excess of the new limitation. Creating such a limitation could include reconsidering the amortization allowances.

Third Alternative

The third alternative outlined related to providing increased fines and penalties for violations of the Short-term Rental provisions, which would be greater than the City's existing fine and penalties for other Municipal Code violations. This may be appropriate should the City Council determine that a different penalty is necessary in order to serve as a disincentive to breaking the law. Currently, the proposed Ordinance refers to the existing fines and penalties used for all other violations (including nuisance and zoning violations) of the Municipal Code as outlined in Sections 1.06 and 1.08. These, in summary, allow the City Attorney to determine whether to pursue violations as either an infraction or as a misdemeanor. Penalties for infractions are set by state law at \$100.00 for the first, \$200.00 for the second and \$500.00 for the third and continued violations. Penalties for misdemeanors can be set at not more than \$1,000.00. These fines are authorized by Government Code section 36900(b) and Penal Code section 19, respectively, and may be applied each and every day the violation has occurred. When these fines are applied daily, they can amount to significant financial penalties in a very short time. For example, if a continued violation of the ordinance is pursued as an infraction over the course of 20 days, a total penalty of \$9,300 would accrue. Because the draft Ordinance makes advertising of a Short-term Rental in neighborhoods where such a use is not allowed is considered a violation, daily fines can accumulate quickly.

Several years ago, the City applied its standard penalties as a part of a citation issued for a violation of zoning regulations prohibiting Vacation Rental use in a single-family residential zone district. Through court ordered mediation, a fine of approximately \$25,000 was paid to the City. As a result, the property owner ceased conducting the illegal Vacation Rental use, sold the property, and the violation has not recurred at this property.

Should the City Council consider setting a fine for violation of Ordinance No. 708 that exceeds the penalties that are already codified for violations of the proposed Ordinance, specific penalty provisions identifying the fine amount(s) would need to be added to Ordinance No. 708. California Government Code Section 36901 sets a maximum fine amount of \$1,000.00 that can be set by a jurisdiction. Such a modification could discourage violation of the regulations and offset costs incurred through enforcement. There are several options which could be used to set a new fine. The first option could be to increase the initial tiered fine. For example, the City Council could decide to set the fines in the amounts of \$250.00 for the first, \$500.00 for the second and \$750.00 for the third and continued violations. A second option could be to increase the initial tiered fine to an even higher base fine, for example, \$500.00 for the first, \$750.00 for the second and \$1,000.00 for the third and continued violations. A third option could be to

increase the initial fine to the maximum amount allowed, \$1,000, with all subsequent fines being \$1,000.

Fourth Alternative

Finally, the Planning Commission was provided alternatives to the amortization of nonconforming Vacation Rentals. Jurisdictions have approached how they treat nonconforming Vacation Rental uses in many different ways -- from allowing a nonconforming use to remain as legal nonconforming, to requiring the use to cease almost immediately. The City Council could consider a variety of approaches different from that which staff has recommended for the amortization of nonconforming Vacation Rentals. Such a different approach could modify the period of time a Vacation Rental rendered nonconforming by the City's adoption of regulations is allowed to remain operating. For instance, the City Council could reduce the amount of time a nonconforming Vacation Rental could continue from two years to only one year. The City Council could alternatively consider a greater length of time for nonconforming Vacation Rentals to continue operation, for example for up to five years rather than the proposed two. Another strategy could allow nonconforming Vacation Rentals to continue operating until the property ceases to operate as a Vacation Rental or at such time that the property is sold to a new owner. Each of the above amortization scenarios would allow newly created nonconforming Vacation Rentals to continue beyond the adoption of the Ordinance. The City Council could also not include an amortization period as part of the regulations. Such an approach would require any newly created Vacation Rentals to cease all operation upon the effective date of the Ordinance.

ADDITIONAL ALTERNATIVES

In addition to the alternatives presented to the Planning Commission, the Council could consider the following alternatives, which are being proposed pursuant to concerns voiced by members of the public since the Planning Commission's recommendation.

Additional Alternative #1

Various existing licensed Vacation Rental owners have voiced concerns regarding the provision which would prevent the transfer of a Vacation Rental License to a new owner when the property is sold. The purpose of the provision, when combined with the quantitative limit, is to protect the affordability and availability of housing in Carpinteria. This is achieved through the leveling of the market on residential units where a Vacation Rental License would not be guaranteed. Without such a provision, staff anticipates that units which are currently licensed to operate as Vacation Rentals will continue to maintain control of Vacation Rental Licenses. This may effectively create an unchanging class of residential properties which will have a higher value than units that are not

currently licensed with Vacation Rentals. Without a provision to limit transferability of a license, units that have not historically been licensed as Vacation Rentals may have a difficult time obtaining a license in the future and may have a lower perceived value. Staff also believes the restriction has the additional benefit of preventing transfer of dormant licenses, which might be held for the sole purpose of perceived value and may not actually provide transient accommodations. The license restriction may impact the ability to obtain a sales value based on use as a Vacation Rental, as it would be less certain if a Vacation Rental could continue at the site.

The following alternatives could be considered to replace the current requirement preventing transfer of a Vacation Rental License to prospective buyers. The Council could consider omitting sections 14.47.120 of the Ordinance regarding automatic expiration of a license upon sale or transfer of a property. This would allow owners of a Vacation Rental to sell a unit with the guarantee that the future owner could continue to operate the Vacation Rental. If this alternative is pursued, it could be expected that licenses will continue to remain at their existing sites and Vacation Rentals will have a higher value than units without a License.

To prevent current Licensees from holding on to dormant or under-used Vacation Rental Licenses, the Council could consider, in addition or as an alternative to allowing the transfer of Licenses at the time of sale, increasing the minimum requirements to maintain an active License. Such a modification could include a new minimum annual rental period in Sections 14.47.140. For example, the Council could require that a Vacation Rental be rented for a minimum of 15 days per year to be considered active and valid and that for any residence where a minimal rental period is not maintained, the license would automatically expire after two years of continued inactivity. This could help ensure that Licenses are not held dormant for real estate speculation and would provide sufficient transient rental opportunities.

Should the Council support the proposed Ordinance provision preventing transfer of a license upon sale, but desire also to provide a financial buffer to currently Licensed Vacation Rentals, the Council could consider an amortization period- to allow current owners to transfer a License to a buyer.

Should significant changes be proposed to the Ordinance, the City Council shall direct the changes back to the Planning Commission for further review.

Additional Alternative #2

In addition, the City Council may consider alternative requirements to the quantitative cap identified in Section 14.47.090. The proposed maximum number of Vacation Rentals is based on the calculated number of Vacation Rentals, in particular neighborhoods, at the time of the adoption of the proposed Ordinance. In order to

calculate this number, staff reviewed the Business License and Transient Occupancy Certificate databases, in addition to the advertised units prior to the adoption of the moratorium on issuance of Vacation Rental Licenses, to create a master list of the existing Licensed Vacation Rentals. Staff reached out to a number of property managers and received response only from a few regarding their specified units. There have been several instances in which individual units are located in multi-family developments but have been licensed under a single common property manager's Business License and TOT Certificate. Staff believes it can identify those individual units that historically have been involved in vacation rental activity. However, as a policy matter, if you feel it to be appropriate, Council could elect to treat all such units in a residential complex as being available for vacation rentals. This would increase the number of units that would be subject to the quantitative limit. If your Council had concerns about the maximum number of Vacation Rentals in the Beach Neighborhood, the Council could delay analysis of the maximum limit until such data can be clarified. The Council could also consider setting a more flexible cap, based on a percentage of total housing units or based on a different method. A last option would be to consider a higher cap in the beach neighborhood to allow additional units to be licensed in the future. Such increases might increase the Beach Neighborhood cap from 190 units to a number closer 250 units. Should significant changes be made to the maximum number of Vacation Rentals allowed in the Overlay District, the Council could be required to send such changes back to the Planning Commission for further consideration.

The draft ordinance can be amended to include any of the alternatives set forth above—or any other modifications not outlined that the Council feels is appropriate. Should the Council vote to make any substantial modifications not previously considered by the Planning Commission during its hearing, however, the draft ordinance would need to be referred back to the Planning Commission for its recommendation before a first reading takes place.

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act under Guidelines Section 15060(c)(2) [the project is not subject to CEQA as the activity proposed in the project would not result in a direct or reasonably foreseeable indirect physical change in the environment], Section 15060(c)(3) [the activity is not considered a project as defined in Section 15378] and Section 15061(b)(3) [the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA]. See Attachment E for more details.

POLICY CONSISTENCY

Adoption of Ordinance No. 708 can be found consistent with the City's General Plan Local Coastal Plan and interest in protecting the public health, safety and welfare of its residents, specifically in terms of maintaining neighborhood integrity/character, quality of life, and the City's housing stock.

The Planning Commission determined that Ordinance No. 708 is consistent with the City's General Plan Local Coastal Plan Land Use and Housing Elements. The proposed amendments to the Carpinteria Municipal Code and Zoning Map would continue to allow most Vacation Rentals where they have historically operated. The proposed Ordinance would restrict the location of Vacation Rentals to the Beach and Downtown / Old Town Neighborhoods. In effect, the amendments would result in preservation of a significant number of Vacation Rentals near the coast and beaches providing greater access to coastal resources for visitors of Carpinteria without eliminating any additional long-term rental or ownership housing opportunities in all residential zone districts outside of the Vacation Rental Overlay District. Vacation Rentals serve as an important alternative transient lodging option for tourists and visitors to Carpinteria.

The intent of the Vacation Rental Overlay District and new licensing regulations is to strike a balance between ensuring that long-term rental and owner occupied housing is preserved in Carpinteria and preserving and expanding affordable visitor serving accommodations. The proposed boundaries and quantitative cap would limit the location and number of Vacation Rentals within the Beach and Downtown Neighborhoods, while avoiding the traditional single-family residential neighborhoods in other areas of the City. Implementation would protect the small town character of Carpinteria by ensuring that Vacation Rentals are located in the central, more densely populated and commercial/visitor-serving areas of the City. The proposed Ordinance would also preserve the "small beach town character" by ensuring that expectations of residential character are preserved in the City's less dense residential zone districts. Allowance of Home Stays in all residential zone districts would provide alternative forms of transient occupancy, while preserving the permanent residence of owners.

The Planning Commission also considered consistency with the California Coastal Act. The City of Carpinteria is located within the Coastal Zone and is therefore required to meet the intent of the Coastal Act. The City is uniquely located between the coastline and the foothills, and surrounded by a variety of agricultural uses including greenhouses, and tree and ground crops. The City itself has few agricultural sites within its boundary, but serves as a residential site for many of the workers employed in the agricultural industry in the surrounding valley. In September 2014, 1,451 City

residents worked in the agricultural industry². Due to the unique tourist based economy, the City also provides housing to many workers that are employed in the leisure and tourist industry, including hotels, recreation, and food service. In September 2014, 1,262 City residents worked in the leisure and hospitality industry³. Together, 31.4% of the employed residents in Carpinteria work in either the agriculture or hospitality industries.

Housing that is affordable to the workforce for a wide variety of economic groups, including those working and supporting the visitor-serving uses in the vicinity, is currently provided within the City, although the vacancy rate for rental units is near zero. The availability of such housing could be drastically reduced if a large number of long-term housing units were to be converted to Vacation Rentals. This is because the rental rates that can be obtained through Vacation Rentals are expected to be greater than those charged for long-term occupancies. While the provisions of this Ordinance would support continued visitor-serving transient lodging, the Ordinance would also serve to preserve a variety of housing types appropriate for those employees working in tourism, agricultural, and other local industries.

The City of Carpinteria currently provides visitor-serving lodging in hotels, motels, and at the Carpinteria State Beach Campground. There are 607 hotel/motel rooms in Carpinteria. The Carpinteria State Beach Campground provides 210 campground sites; most sites provide occupancy for up to eight campers, while several sites are available to larger groups. It is estimated that the State Beach Campground and Day Use Area serves one million visitors a year and often fills to capacity during the peak summer season. In 2014, the average hotel/motel room rate was approximately \$86⁴. Occupancy rates in Carpinteria hotels/motels in 2014 were at 72%, at year-end⁵.

Although Vacation Rentals and Home Stays offer an overflow lodging option for peak periods, local lodging accommodations remain affordable and available throughout most of the year. Often, Vacation Rentals and Home Stays advertise at rates higher than local hotels due to the amenities provided which include cooking and living spaces, appropriate for larger capacities than typical hotel rooms. In a recent search of VRBO.com, most Vacation Rentals in Carpinteria rent for over \$100.00 per night and often in the range of \$150.00-\$300.00 per night.⁶ In 2014, the City identified that 25% of the Transient Occupancy Tax remitted to the City resulted from Vacation Rentals and 75% resulted from hotels and motels. As a result, the existing pattern of permitted

² September 2014, Labor Market Information Division, State of California *and California Economic Forecast*

³ IBID

⁴ The 2015 Carpinteria Valley Economic Profile, The California Economic Forecast

⁵ IBID

⁶ VRBO.com search of Vacation Rentals for January 2016, in the beach and downtown neighborhoods.

Vacation Rentals currently provides a significant amount of transient lodging opportunities in Carpinteria.

The City of Carpinteria Zoning Code currently provides for expansion of several vacant sites to be used for resort or lodging accommodations in the future. The Resort District, specifically, could be developed with additional lodging accommodations on the southeastern portion of the Carpinteria Bluffs. The Central Business District and Commercial Planned Development District also provide additional opportunities for expanded transient lodging facilities. In the past few years, the City's Community Development Department has met with several developers to entertain applications for new hotels or resorts in these zoning districts.

Therefore, the proposed Ordinance would allow the City to regulate and expand Vacation Rentals and Home Stays while balancing the need to maintain and provide workforce housing affordable to a wide range of employees and which support the priority uses of low cost visitor serving accommodations and agriculture. This balance is important to note, as it already provides a significant number of lodging sites, as suggested in the Coastal Act. Under the proposed Ordinance, Vacation Rentals could make up to 21% of the total transient lodging options in the City.

FINANCIAL CONSIDERATIONS

Staff anticipates immediate fiscal impact from adoption of the proposed Resolution and Ordinance, due to increased staff time required for license review and processing. Staff anticipates adoption of a new license fee and license renewal fee during the March 2016 Fee Study Update. The new license fees would aim to collect recoverable costs through the license fees and would therefore create no direct impact on the City finances.

LEGAL

The City exercises its police powers through the adoption of legislation that protects the public's health, safety, and welfare. Where the City Council determines that the potential negative effects of activities associated with Short-term Rentals can be regulated to minimize such impacts on the community they may adopt regulations for such activities. The proposed Ordinance has been reviewed by the City Attorney.

OPTIONS

1. The Council could approve Resolution No. 5644 and adopt the proposed Ordinance No. 708, per the recommendation of the Planning Commission, and direct staff to submit the Ordinance to the California Coastal Commission.

2. The Council could direct staff to modify the proposed Ordinance pursuant to discussion at the hearing. Significant modifications should be redirected to the Planning Commission for further consideration.

3. The Council could decline to take action on the proposed Ordinance thereby leaving the City's current regulations in place.

PRINCIPAL PARTIES EXPECTED AT MEETING

Interested Residents
Current and Potential Vacation Rental Operators
Potential Home Stay Operators
Property Managers

ATTACHMENTS

Attachment A	Resolution No. 5644
Attachment B	Proposed Ordinance No. 708
Attachment C	Proposed Vacation Rental Overlay District Map
Attachment D	Planning Commission Draft Minutes January 4, 2016
Attachment E	CEQA Notice of Exemption

Report prepared by and staff contact: Shanna R. Farley-Judkins,
Assistant Planner
(805) 755-4405 / shannaf@ci.carpinteria.ca.us


Signature

Reviewed by: Jena Shoaf, Legal Counsel
Brownstein Hyatt Farber Schreck, LLP,
Acting as City Attorney


Signature

Reviewed by: Dave Durflinger, City Manager


Signature

Attachment A

RESOLUTION NO. 5644

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NO. 708 IS INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S COASTAL LAND USE PLAN CONSISTENT WITH THE CALIFORNIA COASTAL ACT AND DIRECTING THAT ORDINANCE NO. 708 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE §30510(A) AND IN ACCORDANCE WITH §13551(B)(2) OF TITLE 14 THE CALIFORNIA CODE OF REGULATIONS. (Project No. 15-1785- LCPA/ORD)

WHEREAS, at duly noticed public hearings on December 7, 2015 and January 5, 2016, the Planning Commission considered project 15-1785-LCPA/ORD and forwarded its recommendation to support the Local Coastal Program Amendment to the City Council; and

WHEREAS, on February 8, 2016, after considering the Planning Commission's recommendation, receiving public comment, due consideration, and discussion among the Council and staff, the City Council adopted this Resolution certifying that the proposed Ordinance No. 708 is intended to carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and directed that Ordinance No. 669 be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code §30510(a) and in accordance with §13551(b)(2) of Title 14 the California Code of Regulations; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq., "CEQA"), the California Code of Regulations, Title 14, §15000 et seq. ("CEQA Guidelines") and the City of Carpinteria's Environmental Review Guidelines as applicable, the City determined that pursuant to §15060(c)(2), 15060(b)(3), and 15061(b)(3) of the California Environmental Quality Act, no additional environmental review is necessary as the Ordinance would not be considered a project and would not have the potential for causing a significant effect on the environment and therefore the project is not subject to CEQA; and

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

WHEREAS, a full and complete copy of the project materials (15-1785-LCPA/ORD) is on file with the City's Community Development Department, located at 5775 Carpinteria Avenue, Carpinteria, California.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA,

CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals are true and accurate.

Section 2. The City's Zoning Map is amended as shown in Attachment C, Ordinance No. 708.

Section 3. Pursuant to Public Resources Code Section 30510(a) and Government Code Sections 65854, 65855 and 65856, the City Council held a public hearing on the proposed amendment to the Local Coastal Program and is transmitting all proposed amendments and additions to the California Coastal Commission for submittal and filing pursuant to California Code of Regulations, Title 14 Section 13551(b)(2).

Section 4. Ordinance No. 708, as shown on Attachment B, has been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act.

PASSED, APPROVED AND ADOPTED this 8th day of February 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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 8th day of February 2016.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

Attachment B

ORDINANCE NO. 708

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING TITLE 14 (ZONING) OF THE CARPINTERIA MUNICIPAL CODE TO CREATE THE VACATION RENTAL OVERLAY DISTRICT AND ADDING AND AMENDING ZONING REGULATIONS PERTAINING TO THE ESTABLISHMENT AND OPERATION OF SHORT-TERM RENTALS.

WHEREAS, due to the growth in the number of residential units being converted to short-term rentals throughout the City of Carpinteria ("City") and concern over identified negative impacts associated with short-term rental use, on August 10, 2015, the City Council initiated an amendment to the Carpinteria Municipal Code pertaining to short-term rental use; and

WHEREAS, the City Council has determined that short-term rentals are having negative impacts on the quality and character of the City's residential neighborhoods and on the availability and affordability of housing; and

WHEREAS, protection of the City's housing stock for long-term residency is important to local workforce housing supporting the hospitality and agricultural industries; and

WHEREAS, the City Council has determined that short-term rentals serve as an important lodging resource in the City, by providing an expandable lodging inventory, contributing to growth in the retail/restaurant business sector of the local economy and associated tax revenues; and

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

WHEREAS, the regulation of short-term rental use is consistent with both State law, which recognizes the vital role local governments play in the supply and affordability of housing, and City Housing Element policies, which, in part, call for maintenance and preservation of the City's residential housing stock; and

WHEREAS, the establishment of an appropriate City regulatory program can best address negative impacts being experienced in the City due to short-term rentals; and

WHEREAS, the establishment of an appropriate City regulatory program preserves opportunities for public access to Carpinteria as a visitor destination; and

WHEREAS, the City has permitted 218 vacation rentals, as of the date of this Ordinance, which operate legally in the Planned Residential Development Zone District. The City estimates that up to 50 vacation rentals and home stays operate illegally, some of which are located in the Single-Family Residential Zone District. The City's Code Compliance Division has sent seven property owners letters regarding compliance concerns for unpermitted vacation rentals in the Single-Family Residential Zone District. Concerns regarding neighborhood compatibility of vacation rentals has been raised in the Single-Family Residential Zone District; and

WHEREAS, the City Council adopted Urgency Ordinances 705 and 706 implementing and extending a moratorium on issuance of licenses for new short-term rentals in order to study, develop and consider regulations for short-term rental uses in the City; and

WHEREAS, on December 7, 2015 and January 4, 2016, the Planning Commission of the City of Carpinteria ("Planning Commission") heard a report from City staff and reviewed draft short-term rental regulations that would establish geographic boundaries and a quantitative cap, limiting the location and maximum number of short-term rentals that may be permitted, and that would establish permitting and operating standards for short-term rentals; and

WHEREAS, after a duly noticed public hearing on January 4, 2016, the Planning Commission recommended approval of Ordinance 708; and

WHEREAS, it has been determined that regulating short-term rental use as included in this ordinance is consistent with the City's General Plan and Local Coastal Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. ADOPTION OF VACATION RENTAL OVERLAY DISTRICT MAP

Pursuant CMC 14.04.070, Exhibit 1, attached to and made a part of this ordinance, delineates the boundaries of the Vacation Rental Overlay District.

SECTION 3. AMENDMENT OF TITLE 14 OF CARPINTERIA MUNICIPAL CODE

Chapter 14.04, of Title 14 of the Carpinteria Municipal Code is hereby amended (in part) to read as follows:

14.04.060 - Overlay districts.

1. In addition to the regulations governing the foregoing districts, the following overlay districts and the symbols used to represent them on the official zoning maps are established as follows:

Coastal Appeals Area	CA
<u>Ellinwood Parcel</u>	<u>Ellinwood</u>
Environmentally Sensitive Habitat	ESH
Flood Hazard Area	FH
Residential	R
Specific Plan	S
<u>Transportation Corridor Wetland</u>	<u>TCW</u>
<u>Vacation Rental</u>	<u>VR</u>
Visitor-Serving/ Highway Commercial	V
<u>Whitney Site</u>	<u>Whitney</u>

2. The regulations of the overlay district shall apply to the land in the same manner as specific district regulations. Overlay regulations shall apply wherever the symbol and the boundaries of the area are shown on the official zoning maps. When a symbol for an overlay district is added to a district symbol, the provisions of the overlay district shall be effective in addition to the applicable district regulations. If any of the provisions of the overlay district conflict with provisions of the specific district regulations, the provisions which are most restrictive shall govern.

Chapter 14.47 Vacation Rental Overlay District, is hereby added to Title 14 of the Carpinteria Municipal Code to read as follows:

CHAPTER 14.47 – Vacation Rental Overlay District

14.47.010	Purpose and Intent
14.47.020	Applicability
14.47.030	License Required
14.47.040	Permitted Uses
14.47.050	Location Criteria
14.47.060	Applicability of Underlying Residential District
14.47.070	Application Requirements
14.47.080	Operating Standards
14.47.090	Grounds for Issuance / Denial of a License
14.47.100	License Form and Periods of Validity
14.47.110	License Issuance and Non-transferability
14.47.120	Terms of License: Expiration
14.47.140	License Renewal
14.47.150	Cessation of Use of a Residential Unit as a Vacation Rental
14.47.160	License Revocation
14.47.170	License Revocation – Hearing Required

14.47.180	Appeal from Denial or Revocation of License
14.47.190	License Application Fee
14.47.200	Amortization of Nonconforming Vacation Rentals
14.47.210	Violations
14.47.220	Penalties
14.47.230	Requirements Not Exclusive
14.47.240	Private Action to Enforce

14.47.010 Purpose and Intent

The purpose of the vacation rental overlay district is to establish vacation rentals as a permitted use in the vacation rental overlay district, to specify that they are only allowed in the vacation rental overlay district, and to provide opportunity for owners of residential units to be used as vacation rentals, as defined by Carpinteria Municipal Code Section 14.08. The intent is to provide adequate transient occupancy uses in areas serving the beach and downtown and to insure that such uses are appropriately integrated with residential and commercial needs of the community. The vacation rental overlay district will allow owners of residential units to obtain a license to operate a vacation rental.

14.47.020 Applicability

The requirements of the vacation rental overlay district, as set forth in this chapter, shall apply to those parcels designated in the vacation rental overlay district, as shown on the adopted zoning map.

14.47.030 License Required

No person shall rent, offer to rent, or advertise for rent a residential unit to another person or group for a vacation rental without a license approved and issued in a manner provided for by this Chapter. Only owners of a residential unit are eligible to apply for and receive a vacation rental license.

14.47.040 Permitted Uses

Uses permitted in the vacation rental overlay district are as follows:

- a. Vacation rentals;
- b. Uses, buildings and accessory structures customarily incidental to the above uses; and
- c. All other uses as defined in the underlying zoning district.

14.47.050 Location Criteria

The provisions of the vacation rental overlay district shall apply to any parcel(s) subject to the vacation rental overlay district, as shown on the City's official zoning maps.

14.47.060 Applicability of Underlying Residential District

All of the standards of the underlying residential district shall also apply to the vacation rental overlay district.

14.47.070 Application Requirements

Prior to renting, offering to rent or advertising the rental of a residential unit for a vacation rental, the property owner shall make an application to the City on a form provided by the City. The application shall be filed by the owner and include the following information:

- a. The full true name under which the business will be conducted.
- b. The address and assessor parcel number where the vacation rental is to be conducted. Where multiple units are located on the same parcel, each unit's address shall be provided on a separate application.
- c. The owner's full, true name, mailing address, email address and telephone number.
- d. In the case that a separate management company or person shall assume responsibility of the vacation rental for the owner, the management company or contact person's name, phone number, mailing address and email address shall be provided in addition to the owner.
- e. A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the owner and/or applicant.
- f. Certificate of insurance evidencing that the residential unit being used as a vacation rental is covered by homeowner's fire, hazard and liability insurance.
- g. Vacation rentals proposed on parcels with no live on-site manager, shall furnish the City with mailing labels of all neighboring owners and occupants addresses within 100 feet (neighboring residents) of the parcel boundaries of the proposed vacation rental, in a format provided by the City. Upon issuance of a vacation rental license, the City will send a written notice to neighboring residents notifying them that the premises will be used as a vacation rental and will provide the name, address, and telephone number of both the owner

and the person or property manager responsible for managing the vacation rental.

- h. An affidavit stating that residential unit meets all applicable building, health and safety standards. The affidavit shall be on a form provided by the City and shall be signed by the owner of the residential unit.

14.47.080 Operating Standards

The following minimum requirements shall apply to the operation of all vacation rentals:

- a. The owner or property manager must live or work within thirty (30) miles of the premises and be able to respond to tenant and/or public concerns about the vacation rental at all times during which a residential unit is being rented as such.
- b. All advertisements for the vacation rental shall list the City's vacation rental license number and the current transient occupancy tax rate which applies to the rental of the unit.
- c. The owner shall maintain homeowner's fire, hazard and liability insurance.
- d. The property shall be provided with adequate waste collection facilities at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collection day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.
- e. The residential unit shall not be rented or used for events, e.g., weddings, commercial activities or sales events.
- f. Occupants of the vacation rental shall be prohibited from creating unreasonable noise or disturbances, engaging in disorderly conduct or violating provisions of federal, state or local law.
- g. At all times a unit is in use as a vacation rental, the owner's or property manager's contact information shall be posted on the outside wall near the entrance of the unit, in a format provided by the City.
- h. At all times a unit is in use as a vacation rental, a notice shall be posted on the interior of the front door of the vacation rental, in a form approved by the City, which notes the vacation rental license number, transient occupancy tax rate, property owner or property manager contact information, and any

additional information as required by the City as a part of the vacation rental license.

- i. The owner shall maintain an active business license, transient occupancy tax certificate and any other applicable licenses and permits, in addition to the vacation rental license, pursuant to Carpinteria Municipal Code, at all times that the residential unit is used or advertised as a vacation rental. A copy of the business license shall be posted on the interior of the front door of the residential unit.
- j. The maximum occupancy of a vacation rental shall be determined by the City and not exceed two occupants per unit, plus two occupants per bedroom. A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and must meet the requirements of the Carpinteria Municipal Code for such. The vacation rental license shall specify the maximum number of occupants allowed at the vacation rental.
- k. The owner shall by written agreement, limit the number of vehicles of occupants to the number designated in the vacation rental license issued by the City; the number of vehicles shall be determined by the City at the time of application, taking into consideration the number of available parking spaces on the site.
- l. A home occupation may not be conducted in any residential unit for which a license has been issued to use the residential unit as a vacation rental.
- m. The owner shall ensure that the vacation rental complies with all applicable codes regarding fire, building and safety, and all other relevant federal, state and local laws and ordinances.
- n. Availability of the rental unit to the public shall not be advertised on the premises.
- o. The City Manager shall have the authority to impose additional operating standards, applicable to all vacation rentals, as necessary, to achieve the objectives of this title. A list of all additional standards shall be maintained and on file in the Office of the City Clerk and such offices as the City Manager designates.
- p. Upon reasonable notice, each owner and agent or representative of any owner shall provide access to each vacation rental and any records related to the use and occupancy of the vacation rental to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

14.47.090 Requirements for License Issuance

The City shall consider the information included in a complete application in order to determine whether the issuance of the license for the vacation rental is consistent with the provisions of this chapter. Upon determination by the City that the following criteria have been met, the City shall approve the license:

- a. The number of licensed vacation rentals within the vacation rental overlay district do not to exceed the following subarea limits:
 - i. Subarea 1 Beach: One hundred ninety (190) vacation rentals;
 - ii. Subarea 2 Downtown: Twenty (20) vacation rentals;
 - iii. Subarea 3 Downtown: Five (5) vacation rentals; and
 - iv. Subarea 4 Downtown: Twenty (20) vacation rentals.
- b. A license for a vacation rental use for the residential unit has not been revoked in the prior twenty-four (24) month period;
- c. The premises or residential unit is not currently the subject of an active compliance order or administrative citation for a violation of the Carpinteria Municipal Code;
- d. An administrative citation has not been issued, regarding a violation on the site, in the past twelve (12) months;
- e. The property owner has demonstrated, through an application filed to the City, the ability to meet the requirements outlined in this chapter.

14.47.100 License Form and Period of Validity

All licenses for vacation rental uses shall be made on forms furnished by the Finance Department and shall be issued for one (1) year. Licenses shall be issued for the period of time beginning on July 1st of each year and concluding on June 30th of the following year. Applications made during the year shall be issued for a prorated period to conclude on June 30th.

14.47.110 License Issuance and Non-transferability

The vacation rental license issued under this chapter shall be issued to the owner of record of the residential unit and no license may be assigned, transferred or loaned to any other person, entity, location or establishment.

14.47.120 Term of License: Expiration

The vacation rental license shall be personal to the applicant/owner and shall automatically expire upon sale or transfer of the premises or residential unit, or if not renewed pursuant to Municipal Code Section 14.47.130. The license may be

revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures outlined in Section 14.47.150, unless otherwise specified by this chapter.

14.47.130 License Renewal

The vacation rental license shall automatically renew upon payment of the business license tax renewal fee and all required transient occupancy tax remittance documents associated with the vacation rental license. Non-renewal prior to the expiration date will result in expiration of the vacation rental license and will require that a new application be made subject to Section 14.47.070 and all other requirements of this code.

14.47.140 Cessation of Use of a Residential Unit as a Vacation Rental

- a. Where the owner of a premises or residential unit used and occupied as a vacation rental pursuant to a vacation rental license approved and issued in the manner provided by this chapter, fails to remit transient occupancy tax for a period of twenty-four (24) consecutive months or greater as determined by the City, vacation rental license shall be deemed to have automatically expired and shall be forfeited.
- b. Where the owner of a premises or residential unit used and occupied as a vacation rental pursuant to a license approved and issued in the manner provided by this chapter intends to cease such use and abandon the vacation rental license for the residential unit, the owner shall promptly cause a notice of cessation to be filed with the City. The vacation rental license for the unit shall expire immediately upon receipt by the City of the notice of cessation.

14.47.150 License Revocation

A vacation rental license issued under the provisions of this chapter may be revoked by the City Manager or his/her designee after notice and hearing, as provided in Section 14.47.180 below, for any of the following reasons:

- a. Fraud, misrepresentation or false statement contained in the application;
- b. Fraud, misrepresentation or false statement made in the course of carrying on a vacation rental as regulated by this chapter;
- c. Any violation of any of the provisions of this chapter or of any other provision of this code; or
- d. Any violation of any provision of federal, state or local laws.

14.47.160 License Revocation - Hearing Required

Before revoking a vacation rental license, the City Manager or his/her designee shall give the owner reasonable notice in writing of the proposed revocation and of the grounds thereunder, and also of the time and place at which the holder of the vacation rental license will be given a reasonable opportunity to show cause why the vacation rental license should not be revoked. The notice may be served personally upon the owner or may be mailed, postage prepaid, to the owner, at the last known address or at any address shown upon the application, at least ten (10) days prior to the date of the hearing. Upon conclusion of the hearing, the City Manager or his/her designee may, for any of the grounds set forth in Section 14.47.170, revoke the license.

14.47.180 Appeal from Denial or Revocation of License

Any person whose application has been denied by the City Manager or his/her designee or any person who has had a vacation rental license revoked by the City Manager or his/her designee shall have the right to an administrative appeal before the City Manager or his/her designee. Any unfavorable decision by the City Manager may be appealed in writing, in a form provided by the City, stating the grounds therefor, within ten days of the decision, to the Planning Commission. The Planning Commission shall hold a hearing thereon within a reasonable time and the decision of the Planning Commission shall be final. Appeals shall be filed as outlined in Carpinteria Municipal Code Section 14.78.

14.47.190 License Application Fee

No application shall be processed and no vacation rental license shall be issued under the provisions of this chapter unless the applicant has paid, unless exempted, the fees as set forth in the schedule of fees established by resolution of the City Council.

14.47.200 Amortization of Nonconforming Vacation Rentals

Notwithstanding any other law or provision of the Carpinteria Municipal Code, nonconforming vacation rentals shall terminate automatically within one (1) year of the effective date of Chapter 14.47 of the Carpinteria Municipal Code. A nonconforming vacation rental is a vacation rental licensed by the City that is located outside of the vacation rental overlay district and was lawfully established in the PRD Planned Residential Zone District prior to the effective date of this Chapter.

The City Manager may allow a nonconforming vacation rental to continue for up to one (1) additional year after the automatic termination noted above at his or her full discretion, provided that all of the following are satisfied:

- a. The owner demonstrates, with financial evidence acceptable to the City, that the residential unit has been used regularly and continually as a vacation rental in the last twenty-four (24) months;
- b. The owner demonstrates, with financial evidence acceptable to the City, that s/he has successfully transmitted all transient occupancy taxes and business license fees to the City in the last twenty-four (24) months; and
- c. The property had been continually licensed with the City as a vacation rental over the past twenty-four (24) months.

14.47.210 Violations

All violations of this chapter may be filed as either a misdemeanor or infraction, as determined by the City Attorney, pursuant to Municipal Code Section 1.08.010.

14.47.220 Penalties

Violations of this chapter shall be punishable as provided under Chapter 1.08 of the Carpinteria Municipal Code.

14.47.230 Requirements Not Exclusive

The requirements of this chapter shall be in addition to any license, permit, or fee required under any other provision of this code. The issuance of any permit pursuant to this chapter shall not relieve any person of the obligation to comply with all other provisions of this code pertaining to the use and occupancy of the vacation rental unit or the property on which it is located.

14.47.240 Private Action to Enforce

Any person who has suffered, or alleges to have suffered, damage to person or property because of a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the party alleged to have violated this chapter. Nothing herein shall be deemed or construed to create any right of action against the city or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities and interests, which are or may be impacted or affected by various aspects of vacation home rentals within the city.

Chapter 14.52 Home Stays, is hereby added to Title 14 of the Carpinteria Municipal Code to read as follows:

CHAPTER 14.52 - Home Stays

- 14.52.010 Purpose and Intent**
- 14.52.020 Applicability**
- 14.52.030 License Required**

14.52.040	Applicability of Underlying Base Zoning District
14.52.050	Application Requirements
14.52.060	Operating Standards
14.52.070	Grounds for Issuance / Denial of a License
14.52.080	License Form and Period of Validity
14.52.090	License Issuance and Non-Transferability
14.52.100	Term of License: Expiration
14.52.110	License Renewal
14.52.120	Cessation of Use of Property as a Home Stay
14.52.130	License Revocation
14.52.140	License Revocation – Hearing Required
14.52.150	Appeal from Denial or Revocation of License
14.52.160	License Application Fee
14.52.170	Violations
14.52.180	Penalties
14.52.190	Requirements Not Exclusive
14.52.200	Private Action to Enforce

14.52.010 Purpose and Intent

The purpose and intent of the home stays chapter is to adopt regulations pursuant to the police powers of the City for the purpose of requiring the owner(s) of a residential unit that is used as a home stay, as defined by Section 14.08 of the Carpinteria Municipal Code, to apply for and secure a home stay license authorizing use of the residential unit as a home stay in the manner provided for by this chapter. The intent of this chapter is to establish home stays as an allowed use in the R-1 Single-Family Residential, Planned Unit Development, and Planned Residential Development Zone Districts.

14.52.020 Applicability

This chapter applies to the licensing of home stays in residential zoning districts as outlined in Sections 14.12, 14.14, and 14.16 of the Carpinteria Municipal Code.

14.52.030 License Required

No person shall rent, offer to rent, or advertise for rent a home stay to another person or group without a license approved and issued in a manner provided for by this chapter. Only owners of a residential unit are eligible to apply for and receive a home stay license.

14.52.040 Applicability of Underlying Residential District

All of the standards of the underlying residential district shall also apply to home stays.

14.52.050 Application Requirements

Prior to renting, offering to rent or advertising the rental of a home stay, the owner shall make an application for a home stay license to the City on a form provided by the City. The application shall be filed by the owner and include the following information:

- a. The full true name under which the business will be conducted.
- b. The address and assessor parcel number where the home stay is to be conducted.
- c. The owner's full, true name, mailing address, email address and telephone number.
- d. An affidavit stating that residential unit meets all applicable building, health and safety standards. The affidavit shall be on a form provided by the City and shall be signed by the owner of the residential unit.

14.52.060 Operating Standards

The following minimum requirements shall apply to the operation of all home stays:

- a. The owner shall reside in the residential unit during all overnight rental periods.
- b. All advertisements for the home stay shall list the City's home stay license number and the current transient occupancy tax rate which applies to the rental of the unit.
- c. At all times a unit is use as a home stay, a notice shall be posted on the interior of the front door of the home stay, in a form approved by the City, which notes the home stay license number, transient occupancy tax rate, property owner contact information, and any additional information as required by the City as a part of the home stay license.
- d. The owner shall maintain an active business license, transient occupancy tax certificate and any other applicable licenses and permits, in addition to the home stay license, pursuant to Carpinteria Municipal Code, at all times that the residential unit is used or advertised as a home stay. A copy of the business license shall be posted on the interior of any bedroom door rented as part of a home stay.

- e. The maximum occupancy of a home stay shall be determined by the City and shall not exceed two occupants per unit, plus two occupants per bedroom, including the permanent residents. A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and must meet the requirements of the Carpinteria Municipal Code for such. The home stay license shall specify the maximum number of occupants allowed at the home stay.
- f. The owner shall by written agreement, limit the number of vehicles of occupants to the number designated in the home stay license by the City; the number of vehicles shall be determined by the City at the time of application taking into consideration the number of available parking spaces on the site.
- g. Availability of the rental unit to the public shall not be advertised on the premises.
- h. The City Manager shall have the authority to impose additional operating standards, applicable to all home stays, as necessary, to achieve the objectives of this title. A list of all additional standards shall be maintained and on file in the Office of the City Clerk and such offices as the City Manager designates.
- i. Upon reasonable notice, each owner and agent or representative of any owner shall provide access to each residential unit used as a home stay and any records related to the use and occupancy of the home stay to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

14.52.070 Requirements for License Issuance

The City shall consider the information included in a complete application in order to determine whether the issuance of a home stay license is consistent with the provisions of this chapter. Upon determination by the City that the following criteria have been met, the City shall approve the license:

- a. The City has not revoked a license for home stay use for that residential unit within the prior twenty-four (24) month period;
- b. The premises or residential unit is not currently the subject of an active compliance order or administrative citation for violation of the Carpinteria Municipal Code;
- c. An administrative citation has not been issued, regarding a violation on the site, in the past twelve (12) months;

- d. The property owner has demonstrated, through an application filed to the City, the ability to meet the requirements outlined in this chapter.

14.52.080 License Form and Period of Validity

All licenses for home stay uses shall be made on forms furnished by the Finance Department and shall be issued for one (1) year. Licenses shall be issued for the period of time beginning on July 1st of each year and concluding on June 30th of the following year. Applications made during the year shall be issued for a prorated period to conclude on July 1st.

14.52.090 License Issuance and Non-transferability

The home stay license issued under this chapter shall be issued to the owner of record of the residential unit and no license may be assigned, transferred or loaned to any other person, entity, location or establishment.

14.52.100 Term of License: Expiration

The home stay license shall be personal to the applicant/owner and shall automatically expire upon sale or transfer of the premises or residential unit or if not renewed pursuant to Municipal Code Section 14.52.110. The license may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures outlined in Section 14.52.130, unless otherwise specified by this chapter.

14.52.110 License Renewal

The home stay license shall automatically renew upon payment of the business license tax renewal fee and all required transient occupancy tax remittance documents associated with the home stay license. Non-renewal prior to the expiration date will result in expiration of the home stay license and will require that a new application be made subject to Section 14.52.050 and all other requirements of this code.

14.52.120 Cessation of Use of a Residential Unit as a Home Stay

- a. Where the owner of a premises or residential unit used and occupied as a home stay pursuant to a home stay license approved and issued in the manner provided by this chapter, fails to remit transient occupancy tax for a period of twenty-four (24) consecutive months or greater, as determined by the City, home stay license shall be deemed to have automatically expired and shall be forfeited.
- b. Where the owner of a premises or residential unit used and occupied as a home stay pursuant to a license approved and issued in the manner provided by this chapter intends to cease such use and abandon the home stay license for the

residential unit, the owner shall promptly cause a notice of cessation to be filed with the City. The home stay license for the unit shall expire immediately upon receipt by the City of the notice of cessation.

14.52.130 License Revocation

A home stay license issued under the provisions of this chapter may be revoked by the City Manager or his/her designee after notice and hearing, as provided in Section 14.52.140 below, for any of the following reasons:

- a. Fraud, misrepresentation or false statement contained in the application;
- b. Fraud, misrepresentation or false statement made in the course of carrying on a home stay rental as regulated by this chapter;
- c. Any violation of any of the provisions of this chapter or of any other provision of this code; or
- d. Any violation of any provision of federal, state or local laws.

14.52.140 License Revocation - Hearing Required

Before revoking a home stay license, the City Manager or his/her designee shall give the owner reasonable notice in writing of the proposed revocation and of the grounds thereunder, and also of the time and place at which the holder of the home stay license will be given a reasonable opportunity to show cause why the home stay license should not be revoked. The notice may be served personally upon the owner or may be mailed, postage prepaid, to the owner, at the last known address or at any address shown upon the application, at least ten (10) days prior to the date of the hearing. Upon conclusion of the hearing, the City Manager or his/her designee may, for any of the grounds set forth in Section 14.52.130, revoke the license.

14.52.150 Appeal from Denial or Revocation of License

Any person whose application has been denied by the City Manager or his/her designee or any person who has had a home stay license revoked by the City Manager or his/her designee shall have the right to an administrative appeal before the City Manager or his/her designee. Any unfavorable decision by the City Manager may be appealed in writing, in a form provided by the City, stating the grounds therefor, within ten days of the decision, to the Planning Commission. The Planning Commission shall hold a hearing thereon within a reasonable time and the decision of the Planning Commission shall be final. Appeals shall be filed as outlined in Carpinteria Municipal Code Section 14.78.

14.52.160 License Application Fee

No application shall be processed and no home stay license shall be issued under the provisions of this chapter unless the applicant has paid, unless exempted, the fees as set forth in the schedule of fees established by resolution of the City Council.

14.52.170 Violations

All violations of this chapter may be filed as either a misdemeanor or infraction, as determined by the City Attorney, pursuant to Municipal Code Section 1.08.010.

14.52.180 Penalties

Violations of this chapter shall be punishable as provided under Chapters 1.06 and 1.08 of the Carpinteria Municipal Code.

14.52.190 Requirements Not Exclusive

The requirements of this chapter shall be in addition to any license, permit, or fee required under any other provision of this code. The issuance of any permit pursuant to this chapter shall not relieve any person of the obligation to comply with all other provisions of this code pertaining to the use and occupancy of the home stay unit or the property on which it is located.

14.52.200 Private Action to Enforce

Any person who has suffered, or alleges to have suffered, damage to person or property because of a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the party alleged to have violated this chapter. Nothing herein shall be deemed or construed to create any right of action against the city or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities and interests, which are or may be impacted or affected by various aspects of vacation home rentals within the city.

Chapter 14.08 Definitions, of Title 14 of the Carpinteria Municipal Code is amended (in part) to include the following:

14.08.312 - Home stay.

"Home stay" means a type of short-term rental where the owner remains in the residential unit during the entire rental period. A home stay does not include the hosting of personal guests, home exchanges or vacation rentals. Tents, yurts and RVs are not allowed as a part of a home stay rental.

14.08.541 – Residential unit.

"Residential unit" means a building or portion thereof designed for or occupied in whole or in part, as a home, residency, or sleeping place, either permanently or temporarily, and containing not more than one kitchen per residential unit, but not including a hotel or boarding house, lodging house or motel. For the purposes of this

Code residential unit includes the term dwelling unit and housing unit. See also Carpinteria Municipal Code 14.08.190 "Dwelling".

14.08.562 – Short-term rental.

"Short-term rental" is defined as the rental of a residential unit for a period of thirty (30) consecutive calendar days or less, subject to all applicable city land use regulations, permit/licensing requirements, and payment of fees and/or taxes, including transient occupancy tax as defined in Chapter 3.20 of this Code. Short-term rentals include both vacation rentals and home stays. Tents, yurts and RVs are not allowed as a part of a short-term rental.

14.08.627 – Vacation rental.

"Vacation rental" means a type of short-term rental where the owner of the residential unit does not remain in the residential unit during the entire rental period. Vacation rentals typically include the rental of an entire dwelling or premises. For the purposes of this Code, a vacation rental does not include time shares, home stays or home exchanges. Tents, yurts and RVs are not allowed as a part of a vacation rental.

Chapter 14.12 R-1 Single-Family Residential District, of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.12.030 - Uses permitted by right.

Uses permitted by right in the R-1 district are as follows:

1. One single-family dwelling per legal parcel;
2. Uses, buildings, and structures customarily incidental to single-family dwellings, for exclusive use of the residents of the site, and not involving the maintenance of a commercial enterprise on the premises;
3. Home occupations subject to the provisions of Section 14.50.030;
4. Golf courses and country clubs operated in connection with the single-family residential development, but not including commercial driving tees, ranges, putting courses, or miniature golf courses;
5. Orchards, truck and flower gardens, and the raising of field crops; provided there is no sale on the property of the products produced;
6. Nurseries and greenhouses used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or stand is maintained in connection therewith, and provided further that the aggregate square feet of floor area or ground area of all such building shall not exceed three hundred (300) square feet;
7. The keeping of animals and poultry as provided in Sections 6.04.390 and 6.04.420;
8. Public parks, playgrounds, and community centers;
9. Child day care use; provided such use does not detrimentally change the residential appearance of the property or neighborhood;
10. Small family care homes, as defined in Chapter 14.08;
11. Home stay, as provided in Chapter 14.52.

Chapter 14.14 PRD Planned Residential Development District, of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.14.030 - Uses permitted subject to development plan approval.

Permitted uses subject to development plan approval are as follows:

1. Single-family, duplex, and multifamily dwelling units, including developments commonly known as townhouses, condominiums, cluster, and community apartment projects;
2. Accessory uses and structures incidental to permitted uses, i.e., laundry and storage rooms, garages, carports and parking lots, bus shelters, and bike racks, but not including retail commercial uses;
3. Child day care use, provided such use does not detrimentally change the residential appearance of the property or the neighborhood;
4. Public parks, playgrounds, and community centers;
5. Home occupations, as provided in Section 14.50.030;
6. Vacation rentals, within the vacation rental overlay district, as provided in Chapter 14.47;
7. Home stays, as provided in Chapter 14.52.

Chapter 14.16 PUD Planned Unit Development District, of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.16.040 - Uses permitted subject to development plan approval.

Permitted uses subject to development plan approval in the PUD district are as follows:

1. Residential units, either attached or detached, including single-family dwellings, rowhouses, townhouses, apartments, condominiums, modular homes, and mobile homes on a permanent foundation; provided, that the units are clustered to the maximum extent feasible; for modular/mobile home PUD's, see Chapter 14.17;
2. Recreational facilities, including but not limited to, tennis courts, swimming pools, playgrounds, and parks for the private use of the prospective residents, provided such facilities are not operated for remuneration;
3. Commercial recreational facilities that are compatible with the residential units;
4. Community center facilities, i.e., day care center, laundromat, meeting rooms, for use by residents of the development;
5. Visitor-serving commercial facilities, i.e., a motel or restaurant; provided, that the planning commission may reduce the residential density otherwise permitted to accommodate facilities that provide overnight lodging, based on a determination that the increased density caused by the overnight lodging

facility would have an adverse effect on prospective residents or on the surrounding environment; examples include an adverse effect on an environmentally sensitive habitat, major views to the ocean or foothills, and public access to the shoreline;

6. Convenience establishments of a commercial and service nature such as a neighborhood store designed and built as an integral part of the development and providing facilities primarily designed to serve the needs of prospective residents may be permitted, subject to the finding that such commercial use would not be materially detrimental to existing commercial development in the downtown area;
7. Open space uses such as parks, viewing areas, hiking, biking, and equestrian trails;
8. Uses, buildings and structures incidental, accessory and subordinate to permitted uses, subject to the provisions of this zoning district;
9. Home stays, as provided in Chapter 14.52.

SECTION 5. 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; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in The Coastal View, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 6. CEQA Exemption

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 5060(c)(3) (the activity is not considered a project as defined in Section 15378), and 15061(b)(3) (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA).

SECTION 7. 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 8. Publication

The City Clerk shall certify as to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

PASSED, APPROVED AND ADOPTED this 8th day of February 2016, by the following called vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBER(S):
ABSENT: COUNCILMEMBER(S):

ATTEST:

Mayor, City of Carpinteria

City Clerk, City of Carpinteria

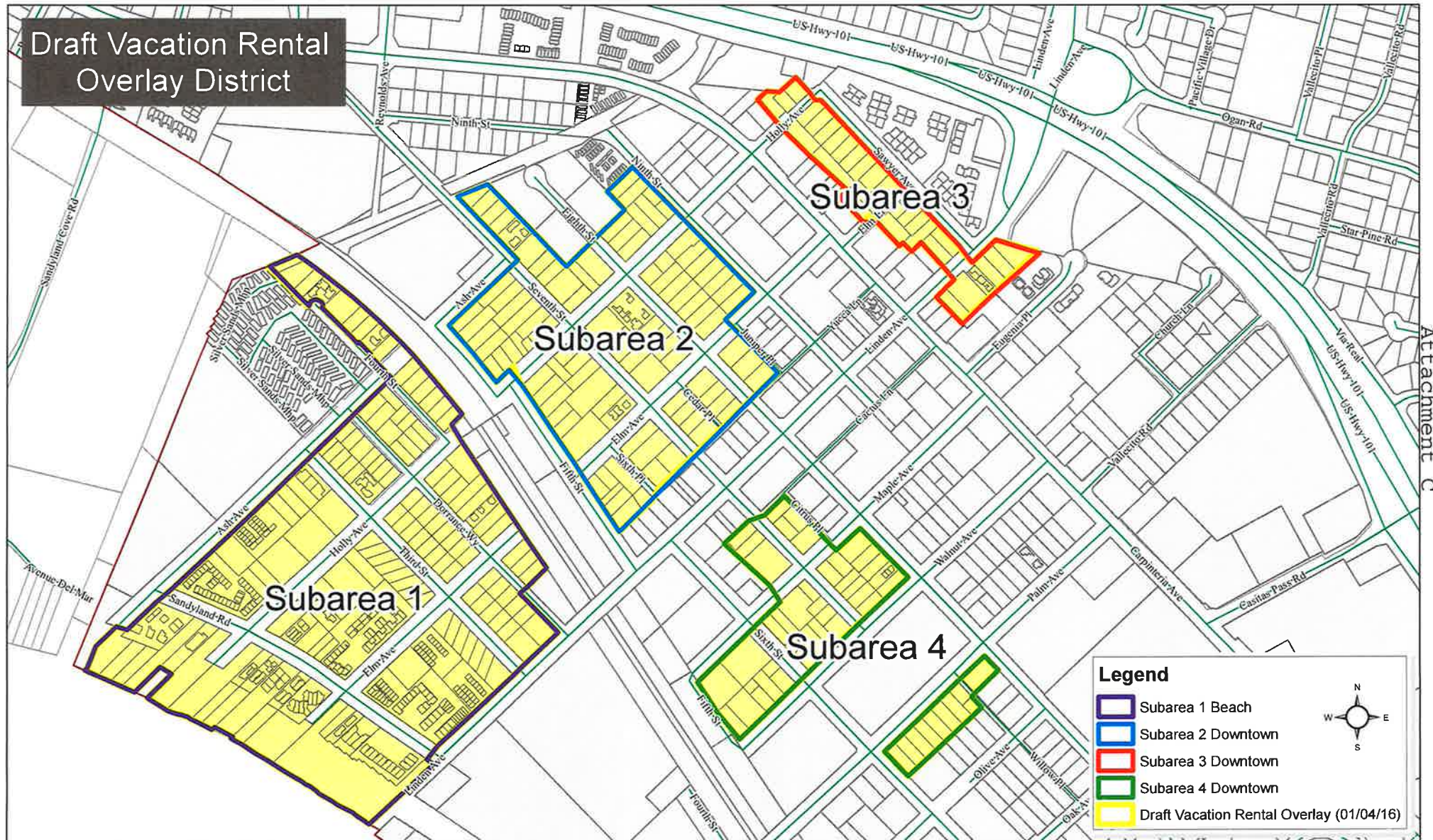
I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 8th day of February 2016.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

Draft Vacation Rental Overlay District



MINUTES, PLANNING COMMISSION
CITY OF CARPINTERIA
CARPINTERIA, CALIFORNIA

January 4, 2016
Regular Meeting
Council Chamber
5:30 P.M.

CALL TO ORDER and ROLL CALL Chair Moyer called the meeting to order at 5:33 p.m. Commissioners Present: Jane L. Benefield John Callender, Vice-Chair Glenn La Fevers John Moyer, Chair Commissioners Absent: David Allen Others Present: Steve Goggia, Acting Community Development Director Shanna R. Farley-Judkins, Assistant Planner Jenna Shoaf, City Attorney's Office Dylan Johnson, City Attorney's Office Approximately 25 interested persons	CALL TO ORDER & ROLL CALL
PLEDGE OF ALLEGIANCE - Chair Moyer called for the flag salute.	PLEDGE OF ALLEGIANCE
INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS - None	ANNOUNCEMENTS
PUBLIC COMMENT - None	PUBLIC COMMENT
CONSENT CALENDAR a. Minutes of the regular Planning Commission meeting held December 7, 2015. MOTION Upon a motion by Commissioner Benefield, seconded by Commissioner Callender, the Planning Commission voted 3-0 (Benefield, Callender and Moyer in favor; La Fevers abstained) to approve the minutes of the regular Planning Commission meeting held December 7, 2015.	CONSENT CALENDAR
CONTINUED PUBLIC HEARING a. Short-term Rentals Ordinance Planner: Shanna R. Farley-Judkins Project 15-1785-LCPA/ORD	CONTINUED PUBLIC HEARING

Hearing on the request of the City of Carpinteria to consider Case No. 15-1785-LCPA/ORD, proposing to amend the City's Local Coastal Program to reflect changes to the City Municipal Code, Zoning Code and Zoning Map to include regulations regarding Short-term Rentals (Home Stays, Vacation Rentals and Home Exchanges). Changes to the Municipal Code include adoption of Chapter 14.52 titled, "Short-term Vacation Rentals," adoption of Chapter 14.53 titled, "Short-term Home Stay Rentals," adoption of Chapter 14.45 titled, "Short-term Rental Overlay District," addition of new definitions to Chapter 14.08, and addition of new use types to Chapter 14.12 R-1 Single-Family Residential District, 14.14 PRD Planned Residential Development District, 14.16 PUD Planned Unit Development and 14.18 MHP Mobile Home Park Planned Development District; and to approve an Exemption pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The project would impact a number of parcels throughout the City located in residential zone districts.

Assistant Planner Shanna Farley-Judkins presented the staff report. She reviewed the Ordinance's background, provisions, alternatives that could be considered, environmental information, and an analysis of General Plan/Coastal Plan policies. She said staff was recommending approval of the modification and development of an Overlay District, and adoption of Home Stays regulations, as presented in the staff report. Mrs. Farley-Judkins provided additional details in response to commissioners' questions.

PUBLIC HEARING OPENED

Chair Moyer opened the public hearing at 6:35 p.m.

Mike Wondolowski, President of Carpinteria Valley Association (CVA), said a high density of short-term rentals replacing single-family homes in a residential area and a conversion of residential to hospitality results in an overall loss of units. Regarding the term "economic sector" in reference to retail businesses in the commercial district, he explained how the economy is more complex than that and cited the example of less tax revenue being generated due to reduced residential property values from short-term rentals in R-1 neighborhoods. He said the economic sector is much larger than the retail business sector and recommended staff use appropriate terminology.

Mr. Wondolowski said the goal should not be, "How do we accommodate what is there now?" but "How do we do what's right for the community?" He said the cap numbers are not based on sound planning principles but who applied for licenses. He also pointed out that the loss of residential housing impacts neighborhoods differently, with a loss at the beach not as big an impact as a loss in other neighborhoods.

With respect to the Coastal Act's Section 30222 supporting short-term vacation rentals, he stated that short-term rentals are *not* visitor serving commercial recreational facilities and, if they are, don't belong in residential areas whatsoever. He said staff's statement that short-term rentals are enough like residential uses that they are okay is fundamentally inconsistent and asked for clarification of Section 30222.

Gail Marshall expressed concerns about allowing additional vacation rentals in some of the subareas, noting that Subarea 1 seems a likely place for an overlay but 2, 3 and 4 are much more problematic, such as the residential area adjacent to Palm Avenue. She does not favor the gentrification of Carpinteria at the cost of affordable housing for existing residents. The 17 units being lost could as easily be affordable as unaffordable and, regarding RHNA numbers, every unit given up is one we will have to find eventually. Although she does not wish to prohibit vacation rentals, we do not need to increase them, she said.

Vera Bensen expressed support for the ordinance and said it is especially important to protect the residential areas and their owners. She said our whole town can turn into a rental unit if the ordinance does not pass, and we need to preserve our small rural beach town.

Jim Reginato agreed with the first two speakers (Wondolowski and Marshall) and said with the vacancy rate at 0.291%, he does not see how the number of vacation rentals can be increased, and it should be lowered. His wife was contacted four times in the last month by in-town workers looking for long-term rentals, and the people cannot find housing. He said long-term rentals are more in the spirit of keeping Carpinteria a small beach town than having vacation rentals, and people buy homes with the expectation of not having a commercial enterprise next door.

Denver Compton agreed with the first two speakers (Wondolowski and Marshall) and expressed concern about the proposal to increase vacation rentals, noting that our town is very small, with a very limited stock of housing. He also expressed concern that a 30-day or less rental that was illegal is now going to be a 31-day for \$6,000/month rental, with a nightly rate in case someone checks out early. He asked that we take our time and look carefully, noting it is easy to sidestep regulations.

PUBLIC HEARING CLOSED

Chair Moyer closed the public hearing at 6:49 p.m.

Commissioner Callender said it is his preference that a new usage that

comes along with the Internet be something where we accept that it could have benefits for some people. He said he is in favor of extending the amortization period for legal, non-conforming users, and he would be fine having it into perpetuity as long as conditions are met (he does not necessarily feel strongly about it). Regarding the fees, he would avoid imposing a new burden by adding a high fee on property owners who are taking advantage of this opportunity, and renewal fees should be lower than initial ones. He feels we should stay out of the way of property owners and only impose the necessary amount of friction and drag on this economic activity.

Commissioner Benefield said we are leaning so far into the tourism business that it has created an imbalance and our purpose is to provide that balance. At this time Subareas 1 and 2 are the only areas that should be allowed to have vacation rentals, with the remaining areas amortized out for certainly longer than 2 years but not into perpetuity. There are enough vacation rentals, and with 607 hotels rooms and 210 campsites (8 people per site), we do not have a dearth of places. We must be cognizant primarily of our neighborhoods and residents and not the profit motive. She described the regulations in the staff report as excellent and said fines should be increased and application fees included. Regarding operating standards, they need to be posted and maintained so renters and neighbors can see them. With respect to the home stays, they are a great idea to promote our community and she likes few restrictions on them. She would increase the beach Subarea 1 from 190 to 200 and increase the Downtown Subarea 2 to 30, for a maximum total of 230 for the city.

Commissioner La Fevers explained that he was unable to participate at this time due to his absence at the previous meeting and was present in the event that the item comes up again in the future.

Chair Moyer expressed support for the staff report and its recommendations. In response to a comment made during the public hearing about pushing vacation rentals into the beach area, he pointed out that Subarea 1 has a pretty comfortable ratio of affordable rentals, and he would not want to push more vacation rentals there but prefer to spread them out. He would have left the number of units there the same but understands the necessity for wiggle room. Regarding signage, he is not a fan of it because it commercializes a residential area, and it does not remedy illegal activities in the R-1 zones. The more you restrict, the more illegal activity will go on, and a middle ground has to be met. He spoke about how it is expensive to maintain property and vacation rentals have enhanced units around Carpinteria. He expressed support for recommending the ordinance to the City Council.

Commissioner Benefield made it clear that she would not vote for the ordinance if Subareas 3 and 4 were included; however, she did not want the ordinance held up and wanted it to go to the City Council.

MOTION

Upon a motion by Commission Callender, seconded by Chair Moyer, the Planning Commission voted 2-1 (Callender and Moyer in favor; Benefield opposed, La Fevers abstained) to recommend the City Council adopt Ordinance 708 in its current form without modifications.

Interim Community Development Director Steve Goggia clarified that the ordinance would be forwarded to the City Council with Commissioner Benefield's reasons for opposing as stated.

RECESS

Chair Moyer called for a break at 7:30 p.m. The meeting reconvened at 7:40 p.m.

NEW PUBLIC HEARING

- a. The Gas Company Data Collection Unit**
Planner: Shanna R. Farley-Judkins
Project No. 15-1792-CUP/CDP

Project 15-1792-CUP/CDP Hearing on the request of Veronica Fistes of The Gas Company to consider Project 15-1792-CUP/CDP (application filed September 17, 2015) for a Conditional Use Permit and Coastal Development Permit to allow the installation of one Data Collection Unit on an existing Southern California Edison streetlight pole subject to the provisions of the Conditional Use Permit standards in Municipal Code §14.62 and to approve the Exemption pursuant to §15303 of the California Environmental Quality Act (CEQA) Guidelines. The data collection unit includes a small battery and communications box, two small antennas and a solar cell. The application involves a right-of-way site near APN 004-031-017 (4187 Carpinteria Avenue).

DISCLOSURE OF EX-PARTE COMMUNICATIONS

Commissioner La Fevers excused himself from the hearing because he is employed by Southern California Gas Company.

Assistant Planner Shanna Farley-Judkins presented the staff report, providing a project description, background and environmental information,

and an analyses of Zoning Code requirements and the General Plan/Coastal Plan. She said staff was recommending approval of the project.

PUBLIC HEARING OPENED AND CLOSED

Chair Moyer opened and closed the public hearing at 7:45 p.m., at which time no members of the public came forward.

MOTION

Upon a motion by Commissioner Benefield, seconded by Chair Moyer, the Planning Commission voted 3-0 (Benefield, Callender and La Fevers in favor; none opposed) to approve the CUP to allow the installation of the data collection antenna unit on the street pole on the Carpinteria Avenue right-of-way site near APN 004-031-017.

**b. Medical Marijuana Regulations Ordinance Text Amendment
Planner: Dylan Johnson, Legal Counsel
Project No. 15-1801-ORD**

Hearing to consider an Ordinance amending Title 14, Zoning, of the Carpinteria Municipal Code by amending Chapter 14.08, Definitions, and Chapter 14.59, Medical Marijuana Dispensary Regulations, with regards to cultivation, processing delivery, and dispensing of Medical Marijuana, and to approve an Exemption pursuant to §15060(c)(2), §15060(c)(3) and §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

City Attorney Dylan Johnson presented the staff report.

PUBLIC HEARING OPENED & CLOSED

Chair Moyer opened and closed the public hearing at 7:35 p.m. No members of the public came forward during that time.

Commissioner Callender raised several concerns. He disagreed with staff's interpretation that the proposed ordinance did not constitute a change to the original ordinance. He said it imposes an additional burden on users of marijuana to say that they cannot purchase it from an authorized dispensary located outside city limits and have it delivered by anyone other than their approved primary caregiver or themselves. He said in staff's opinion, it would be easy to obtain, and he disagrees with that.

He said he had a problem that legal counsel and police opinion were

represented in a staff report from the original ordinance, but it contained no input from public health authorities, medical providers and patients' rights advocates. He noted they were also not represented in the report for the proposed amendment, and he asked to see them represented. Among other things, he commented that it was primarily a health issue and that saying that it would be easy to obtain medical marijuana is a difficult call to make without representation from public health authorities, medical providers and patients' rights advocates. It would not be easy for a caregiver to leave an immobile person.

He stated that he could see how an argument could be made that a dispensary could be deemed inconsistent with zoning, but he has a hard time seeing how a delivery from a location outside the city violates a zoning concern or ties in with any aspect of our zoning authority. He has a hard time seeing how he can vote in favor of the ordinance, he said.

Commissioner La Fevers said he had a slightly different perspective, explaining that our community has a strong interest in maintaining local control over this issue and this effort is a reaction to new state laws. Changes are being made to ensure we do not give up control over our program, and once the ordinance is in place it will be open to modifications in the future should unexpected consequences result. He said he would be inclined to support the modification as proposed.

Chair Moyer agreed with La Fevers. He said it is about local control, and if we do not do something the state can potentially take control. Somebody could apply to the state for a permit and the City would not have any control over it. He expressed dissatisfaction with the staff report and said it made judgment calls without any factual evidence about the backside of the dispensary program or the people who use medical marijuana, but he expressed support for the modification as proposed.

Commissioner Benefield agreed with Callender's comments. She said the ordinance takes control of cultivation and dispensaries, which are land use issues, but she is really bothered by the delivery part because it effectively takes away the ability to get marijuana if you need it. She noted it is vehicle trip issue, not a land use issue. She said she would not vote for the ordinance unless the delivery part is removed.

Acting Community Development Director Steve Goggia stated that Commissioner Callender's reading of medical marijuana dispensary is different than how he reads it. He explained that cultivation and delivery are hidden within the term medical marijuana dispensary, with deliveries considered mobile dispensaries. Somebody with a carload of marijuana

driving around and dropping it off from person to person would be prohibited, but a qualified caregiver could pick it up. He said he was not sure they were seeing eye to eye on how current code addresses deliveries.

Commissioner Callender read through the amended definition of medical marijuana dispensary and said his interpretation is that delivery was not prohibited in the original ordinance. He added that he has a hard time believing delivery to a patient by a person outside the city would be considered a mobile dispensary.

City Attorney Dylan Johnson acknowledged that it is confusing because the actual chapter and definitions are being amended. He explained that there could be different ways of interpreting the definition, and Callender's reading is as legitimate as the other.

Commissioner Callender said this represents a change to the ordinance and imposes an additional burden on a medical marijuana patient within the city of Carpinteria, a burden he sees as potentially significant. To approve it as part of a planning authority, he would need to see some kind of harm caused by allowing it (he noted there is a harm to the patients). He said this is a new element of the ordinance and he is at a loss to see justification for it.

City Attorney Dylan Johnson stated there is a concern with enforcement of delivery regulations, and it is easier to ensure a brick and mortar dispensary is complying with verifying i.d.'s of qualified patients and qualified caregivers than a with a host of delivery people within the city. In addition, there is an idea that possibly having vehicles transporting large amounts of medical marijuana could present some kind of target for someone looking to acquire it illegally.

Commissioner Benefield said she did not think those were good reasons, and the ordinance is changed drastically by adding the delivery portion. It is de facto keeping these people from getting medical marijuana, and it is her understanding is that delivery places are the only way you can get the medical marijuana now. The delivery section would have to be removed for the ordinance to gain her approval, she said.

Commissioner La Fevers asked how critical the delivery part of the ordinance was, and whether we would be at risk of no longer having a clear prohibition and subject to state regulations.

City Attorney Dylan Johnson explained that it is a hard question to answer. He suggested an option could be to leave the deliveries piece portion out of

the ordinance now and address it for later if the City Council or Planning Commission so chooses. La Fevers expressed support for Mr. Johnson's option and suggested to fellow commissioners that they move forward in order to gain control. Chair Moyer said he had no problem with the issue of local control but expressed his dissatisfaction with how the ordinance was written. He described it, among other things, as erroneous and lending itself to assuming criminality. He thanked Commissioner Callender for steering them in the right direction. Commissioner Callender said to vote in favor of even an amended version would constitute a vote essentially in favor of the existing ordinance, and he expressed deep concern about the existing ordinance. He spoke about how Carpinteria's fear of the unknown and change got in the way of a more compassionate position towards people who really need help. He said he was not willing to vote in favor, even without the delivery part. MOTION Commissioner Benefield motioned to recommend that the City Council adopt Ordinance Non 707 to amend Chapters 14.08 and 14.59 of Title 14 (Zoning) of the Carpinteria Municipal Code, with the removal of provisions/restrictions on delivery. City Attorney Dylan Johnson asked if the motion would involve removing 14.59.030(c) and Benefield said yes. Commissioner La Fevers seconded the motion and for purposes of discussion asked that a very clear representation of the discussion, not just relying on minutes, be presented as part of the staff report to the City Council. The Planning Commission approved the motion with a 3-1 vote (Benefield, La Fevers and Moyer in favor; Callender opposed).	
OTHER BUSINESS - None	OTHER BUSINESS
MATTERS PRESENTED BY COMMISSIONERS - None	MATTERS PRESENTED
DIRECTOR'S REPORT a. Distributed Information i. City calendar for the month of January 2016 ii. Community Development Project Status Report as of December 30, 2015 iii. Construction Permit Report as of December 30, 2015	DIRECTOR'S REPORT

Acting Community Development Director Steve Goggia reviewed the distributed information. He announced the Planning Commissioners Academy sponsored by the League of California Cities will take place March 2-4th in San Ramon, CA and those interested in attending to notify him. Commissioner Benefield said the City Council's Strategic Work Plan meeting is scheduled for January 23rd. She said the meetings are very helpful and encouraged all to attend.	
ADJOURNMENT - Chair Moyer adjourned the meeting at 8:20 p.m. ATTEST: _____ Chair, Planning Commission _____ Secretary, Planning Commission	ADJOURNMENT

Attachment E

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Santa Barbara

105 East Anapamu Street

Santa Barbara, CA 93101

From: (Public Agency): City of Carpinteria

5775 Carpinteria Avenue

Carpinteria, CA 93013

(Address)

Project Title: Short-Term Rentals Ordinance

Project Applicant: City of Carpinteria

Project Location - Specific:

Citywide Carpinteria

Project Location - City: Carpinteria

Project Location - County: Santa Barbara

Description of Nature, Purpose and Beneficiaries of Project:

The proposed Ordinance would amend the Zoning Code and Zoning Map to define and regulate Short-Term Rentals, including Vacation Rentals and Home Stays.

Name of Public Agency Approving Project: City of Carpinteria

Name of Person or Agency Carrying Out Project: City of Carpinteria

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: 15060(c)(2), 15060(c)(3) and 15061(b)(3)
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project is not subject to CEQA as the activity proposed in the project would not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not considered a project as defined in Section 15378; and the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Lead Agency

Contact Person: Steve Goggia, CDD Director

Area Code/Telephone/Extension: (805) 755-4414

If filed by applicant:

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

Signature: _____ Date: _____ Title: _____

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



City of Carpinteria

COUNCIL AGENDA STAFF REPORT February 8, 2016

ITEM FOR COUNCIL CONSIDERATION

2015 Annual Integrated Pest Management (IPM) Report

STAFF RECOMMENDATION

Action Item;__ Non-Action Item X

Accept the report to be made available for public review and kept on file with the City Clerk.

MOTION: I move to accept the 2015 Annual Integrated Pest Management Program (IPM) Report to be made available for public review and kept on file in the City Clerk's office.

BACKGROUND

On January 9, 2012, the City Council adopted Resolution No. 5355 thereby establishing an Integrated Pest Management Policy for the City of Carpinteria. The policy is intended to reduce the use of pesticides at City owned facilities including parks and streets while still maintaining safety and aesthetics. This effort requires year round management as well as the publication of an annual report that summarizes the City's pesticide use, employment of IPM practices and recommendations for the next year.

This is the 4th annual report to be presented.

The report has been prepared by City Staff, distributed to the IPM committee and is presented to the City Council for review, comments and acceptance.

DISCUSSION

The need for pesticides in 2015 were relatively consistent with the previous year's needs. Drought conditions persisted throughout 2015 and this contributed to less need for weed management in public streets and right of ways.

The downtown street Tipuana Tipu trees were sprayed as they were in 2014 with an insecticidal soap to reduce high aphid populations. The aphids exude a sticky excrement that causes an undesirable buildup on the sidewalks and parked cars below. The insecticidal soap has no residual effect and does not persist in the environment. The treatment was considered effective as reported by the City's Public Works Supervisor.

The population of gophers in the City parks and sport fields continues to be challenging. Drought conditions can cause a concentration of gophers in irrigated fields as the food supply and digging conditions are optimal for gophers.

Pocket gophers live in a burrow system that can cover an area that is 200 to 2,000 square feet. The burrows can be as big as four inches in diameter. Feeding burrows usually are 6 to 12 inches below ground, and the nest and food storage chamber can be as deep as 6 feet. Shallow tunnels frequently collapse causing damage to sport fields. Such collapses can create tripping and irregular field surfaces that are undesirable for play and player safety. Consequently, gopher control is important.

Gopher population densities can be 60 or more per acre in irrigated fields. Gophers reach sexual maturity about 1 year of age and can live up to 3 years. In irrigated sites, gophers can produce up to 3 litters per year. Litters usually average 5 to 6 young. In non-irrigated areas, breeding usually occurs in late winter and early spring, resulting in 1 litter per year. In warm southern California gophers don't hibernate and are active year-round.

Before the adoption of an IPM policy, the City's landscape service provider made annual applications of aluminum phosphide. This is an extremely effective material when used properly in certain environmental conditions. Ideal conditions for effective control include adequate soil moisture, heavy clay soil and access to the entire length of a gopher's tunneling system. This material is more restricted now and its use is costly.

In recent years the City has relied entirely on trapping. Trapping is considered effective but is time consuming. It is considered a great control method for small areas with light populations. When populations of gophers are high in a large field, traps require significant time and effort to give effective control.

To gain control for Viola Fields the number of successful trapping per year will likely need to exceed 200. This is due to the existing population density, the reproduction rate of gophers, and the propensity for them to migrate from drier field areas such as the expansive Nature Preserve to the irrigated turf of Viola Fields. With a concerted effort, about 45 gophers have been trapped at Viola Fields in the last two months of 2015.

For this reason, City Staff is investigating the use of baits as a possible method to regain control of large populations when necessary to complement year round trapping. . Baits are commonly used for gopher control.

Investigation of the most effective and least harmful bait is ongoing and should significant gopher activity reemerge this spring, Staff wants to have identified a preferred alternative control method ready to be used in conjunction with trapping.

For other pest control issues encountered in 2015 such as ants, rats and mice, sufficient control has been attained using green list materials when control was needed. Argentine Ants being one of the most resilient pests often requiring repeated treatments to control.

No changes in pest control protocols or additions to green list materials are being evaluated at this time. However, new data and methods are always being considered when available.

POLICY CONSIDERATIONS

The implementation of the IPM policy will have long term beneficial effects on the overall health of the City. IPM does not prohibit the use of pesticides, rather it requires that the least toxic method be considered before more toxic approaches are implemented. Public exposure to pesticides has always been minimized by following product labels and common sense practices; however, implementation of the IPM program can help to reduce exposure potential and encourage Carpinteria residents to enjoy their public parks and facilities without concern of being exposed to harmful substances

The reduction in the use of pesticides can help in reducing storm water pollution and improve the biological health of our creeks and ocean.

FINANCIAL CONSIDERATIONS

IPM practices have different costs than conventional methods of pest control. In some cases cost can be higher and in others costs can be lower. If practiced over time, IPM tactics should lower costs and simultaneously improve environmental conditions.

LEGAL

No Legal issues are presented as a part of this report.

OPTIONS

No options are presented as a part of this report.

PRINCIPAL PARTIES EXPECTED AT MEETING

IPM Committee Members

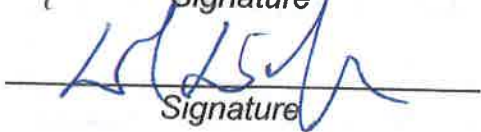
ATTACHMENTS

2015 IPM Annual Report

Staff contact: Matthew Roberts, Parks and Recreation Director

(805) 684-5405 x449 Mattr@ci.Carpinteria.ca.us


Signature


Signature

Reviewed by: Dave Durlinger, City Manager



City of Carpinteria
Integrated Pest Management

Annual Report 2015



5775 Carpinteria Avenue
Carpinteria, CA 93013
(805) 684-5405
www.Carpinteria.ca.us

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2015 IPM Committee Members

Will Carelton — Owner Las Palmalitas Ranch, Carpinteria, Biodynamic avocado and citrus.

Trish Stone-Damon — IPM Committee Chair and Former Director of the Let's Grow! School garden program through SBCC Center for Sustainability.

Paul Medel — City Public Works Supervisor

Korrey Capozza — Healthcare Worker.

Ben Pitterle — Watershed and Marine Program Director, Santa Barbara Channel Keeper

Mary Ann Rajala — Supervising Agricultural Biologist, Santa Barbara County Agricultural Commission.

Matt Roberts — City Parks and Recreation Director

Jay Sullivan — Construction and Project Manager, Santa Barbara City College and former Director of Grounds, Facilities and Transportation at Goleta Union School District.

Corey Welles — Plant Health Coordinator, Ganna Walska Lotusland



Integrated Pest Management

2015 Annual Report

City of Carpinteria

Introduction

In 2015, the City continued to rely on IPM tactics to prevent excessive pest infestation in City landscapes, parks and buildings. The year was very similar to 2014 with respect to climatic conditions and the use of pesticides by the City. Weather conditions continued to be dry preventing excessive weed growth along roadways. In 2015 only green list materials were used throughout the year. The pesticide free zones near all playgrounds in city parks were respected. The most challenging issues were from Argentine ants in buildings and gophers in turf areas. Gopher infestations in irrigated turf areas seem to be increasingly prevalent perhaps due to drought conditions. Trapping efforts have been increased in 2015 at all City sports fields.

Background

The Carpinteria City Council established the Carpinteria City's IPM policy by adopting resolution No.5355 at its regular meeting of January 9, 2012. The policy establishes an IPM committee of up to nine members. The goal of IPM is to mitigate pest damage to City property while protecting human health, the environment and economic viability.

The City policy has ten basic tenants.

1. Establishes the goal of reducing or eliminating the use of toxic pesticides through the use of common sense principals of IPM. Use of IPM tactics such as mulching, hand or mechanical weeding and rodent trapping will be the first line of defense.
2. Establishes the use of IPM methodology for selecting the appropriate pest intervention options.
3. Commits the City to establish pesticide free zones where no pesticides will be used unless an emergency arises. These areas will include park play structures and picnic areas.
4. References the use of IPM tactics from reputable mainstream sources; specifically the University of California at Davis, the California Invasive Plant Council and the California Department of Pesticide regulation.
5. Avoids whenever possible the contamination of buildings, soil, air, and water and protects people, animals and beneficial plants and insects from toxic exposures.
6. Establishes the requirement that all personnel involved in pest management at the City receive training and continuing education on the use of pesticides.
7. Requires cooperation and communication between City departments and City Contractors by setting standard operating procedures for the control of pests.
8. Established an IPM Advisory Committee (IPMAC) with up to nine members that includes representation from the Parks and Recreation Department, The Public Works Department, The Bluffs Advisory committee, and at least two at large community members that can make recommendations to the City Council on implementation and amendment of the IPM policy.
9. Established a public outreach and information program to help others in the community reduce the use of pesticides.
10. Establishes that effective public notification will be implemented when pesticides are used. The utilization of a pesticide Hazard and Exposure reduction (PHAER) Zone system is to be utilized to help accomplish the public notification objective. The PHAER Zone system also includes the creation of a color metric pesticide list potentially used by the City that groups pesticides into three groups with low (green) medium (yellow) and high (red) toxicity.

The IPM policy requires the preparation of an annual report to disclose the pest issues encountered and tactics used to combat the problem including pesticide use, if any, in City facilities. This report will be filed with the City Clerk for public inspection and presented to the City Council.

During 2015 the IPM committee did not meet. Staff made several attempts to convene a meeting, but a quorum could not be established. Meetings were attempted 5 times in the year but a quorum was never able to attend.

The City continued maintenance operations with the use of only green material pesticides in almost all areas. Ant control at the County Medical Clinic was an exception, as there is a low tolerance for ant infestation and the service center is managed by the County of Santa Barbara. The materials used at the clinic are discussed later on in this report.

No pesticides were applied to any other of the city's parks, picnic areas and playgrounds. These areas did not require much in the way of pest abatement and no additional requests to use pesticides were made. However, during the reporting period, Carpinteria continues to suffer the impacts of a severe drought. Lack of rainfall has minimized weed growth in non irrigated areas thereby minimizing weed control needs.

Drought conditions may also concentrate gopher populations in irrigated areas as they seek food sources.

2015 Weed and Invasive Plant Control

In the City's right of ways no herbicides were applied in 2015.

Rain fall has been far below normal this winter and weed control in the right of way has not become a safety issue.

All other weed control efforts by City forces utilized mechanical mowing or mulching to accomplish the desired outcome.

2015 Rodent and Insect Control

APHIDS

As in 2014, some street trees were sprayed with an insecticide M-Pede in 2015.. M-Pede is an organic green list material and is the equivalent to a better known product known as Safer Soap. After inspection by a certified pest control advisor, a recommendation was made to apply an insecticide to reduce an aphid infestation. The aphids exude a sticky residue that was causing unpleasant staining and stickiness on downtown sidewalks.

M-Pede is commonly used in organic pest control. This contact insecticidal soap is derived from potassium salts and is totally biodegradable as well as being considered environmentally safe.

It works as a smothering agent on a wide variety of insects. Since it works on contact, it must be sprayed directly onto the pest and has no residual effect.

For ant control Eco PCO WPX Insecticide (organic) 1.25lb. Made of all natural, botanical insecticides: Phenethyl propionate, 3% Thyme oil, 5%, Pyrethrins, .05%. It is listed as an organic material. This product was used at City Hall and the Veteran's Building.

Spectracide Terminate Termite Killing Foam 32 oz was used for termite control at the Carpinteria Community Pool bathhouse and to an ocean lifeguard kiosk. Terminate Termite Killing Foam contains low concentrations Lambda cyhalothrin. The low concentration solution is considered a non-restrictive use material. This is an insecticide that belongs to the pyrethroid chemical class of pesticides. It was registered with the EPA in 1988 and is widely available at retail hardware stores.

The Medical Clinic adjacent to the Veteran's Hall arranges their own pest control with ants being their primary concern. The following pesticides were used at the Medical clinic in 2015 for ant control.

Termidor SC (Fipronil 9.1%) **Fipronil** is a broad-use insecticide that belongs to the phenylpyrazole chemical family. This insecticide is often used to treat fleas on dogs and livestock. It is also used for ant control.

Cy-Kick CS (Cyfluthrin 6.0%) Many cyfluthrin products are classified as "General Use Pesticides." This means they are available to the general public and their use does not require special training or protective equipment. Most cyfluthrin products for use in agricultural settings or golf courses are classified as "Restricted Use Pesticides" because cyfluthrin can be toxic to fish and aquatic organisms.



Suspend SC Deltamethrin 4.75%. This material is a member of one of the safest classes of pesticides: synthetic pyrethroids. Pyrethroids are synthetic chemicals that act like natural extracts from the chrysanthemum flower. Permethrin has a low mammalian toxicity and is poorly absorbed by skin.

Dragnet SFR Termiticide (Permethrin) Products containing permethrin may be used in public health mosquito control programs. They may be used on food and feed crops, on ornamental lawns, on livestock and pets, in structures and buildings, and on clothing. Permethrin may also be used in places where food is handled, such as restaurants.

RATS AND MICE

For rats and mice two products were used around the Veteran's Building and City Hall.

TeraD3 Rodenticide Bait (organic) is the first and only rodenticide registered by the EPA for organic production. This material is a multi-feeding rodenticide. It contains Cholecalciferol as its active ingredient. Cholecalciferol is also known as Vitamin D3. High levels of D3 are lethal to rodents. For humans D3 is a dietary supplement that when taken in the correct dose may have health benefits. Cholecalciferol was first registered as a rodenticide in

the United States in 1984. Toxic doses of cholecalciferol lead to too much calcium in the blood, which can affect the central nervous system, muscles, the gastrointestinal tract, cardiovascular system, and the kidneys. The body's ability to maintain proper calcium levels must be overwhelmed before cholecalciferol becomes toxic. Rodents must eat several doses of this rodenticide. This causes a time lag between exposure and signs of toxicity. Although pets have gotten sick from eating cholecalciferol, poisonings of people are very rare.



Contrac Blox (bromadiolone) was also used. A total of 10 ounces of this material was reported used. It is a single-feeding anticoagulant rodenticide. Applications require the use of a bait station to discourage accidental exposure to large animals. Bromadiolone can be highly toxic to most mammals and birds. Wildlife may eat these baits directly or they may eat a poisoned animal. Because it can take several days to die, animals that consume a lethal dose may continue to eat the bait before they die. They also may be more susceptible to capture by predators. Wild mammals, birds and other wildlife that eat poisoned rodents may receive a lethal dose. Accumulation of bromadiolone in the tissues of owls, buzzards, and other raptors in the wild has been well documented.

GOPHERS

Another area of constant effort is in the control of gophers. Gophers can pose a serious threat to turf areas, especially sports fields. Gophers can rarely be eliminated in total.

Gophers use their forepaws and incisor teeth to burrow and tunnel into the earth. Plant eaters by nature, they uproot and feed upon plants. Gophers are considered solitary rodents yet dozens can infest an open field if no control program is in place.

Gopher mounds are often built in a line, indicative of a deeper tunnel system.

Pocket gophers invade parks, yards and gardens, feeding on many garden crops, ornamental plants, vines, shrubs, and trees. A single gopher can inflict considerable damage in a very short time. Gophers gnaw and damage plastic water lines and lawn sprinkler systems. Their tunnels may divert and carry off irrigation water, which leads to soil erosion and inefficient water use. Mounds on lawns interfere with mowing equipment and collapsing tunnels can create tripping and injury hazards. Sports fields suffer extensive damage when gopher infestations occur. It is unclear if plant stress from lack of winter rains has worsened the damage to sports field due to gophers. One theory postulates that irrigated turf areas are attractive to gophers as moist soils have more succulent root systems required for food by gophers. Non irrigated areas surrounding sports fields may be unable to support gopher populations so they migrate to greener pastures.

The California Fish and Wildlife Code classifies pocket gophers as nongame mammals. This means that if a gopher is causing property damage you can control them at any time and in any legal manner.

City staff has invested considerable time in trapping gophers with an emphasis on the El Carro, Viola and Linden Fields. The maintenance service that cares for Monte Vista and Carpinteria Creek Park invested additional time and resources as well. Consequently the estimated cost for gopher control using trapping methods including the cost of traps has exceeded \$7,000.00 for the calendar year. In addition, traps continue to be lost due to theft. Because



trapping techniques require observing active gophers, field damage continues to occur. The addition of a gopher trapping service has been added to the effort at El Carro Park, Viola Fields and the Linden Field. At least 45 gophers have been trapped at Viola Fields alone in the last three months of 2015.

Staff is currently researching the use of a poison bait formulated for gopher control to help regain control of gopher populations. Use of a strychnine treated grain bait or an anticoagulant formulated bait may be proposed in 2016 based upon the recommendations of pest control advisors in order to reduce field damage. Trapping will remain the preferred treatment, but keeping infestation levels to a tolerable level has been difficult using trapping methods.

Many consider the most effective and economical method for eradicating pocket gophers responsible for significant damage inflicted annually on sports fields is by poisoning. Strychnine-treated grain is the most common type of bait used for pocket gopher control. This bait generally contains 0.5% strychnine and is lethal with a single feeding. Baits containing 2.0% zinc phosphide are also available. As with strychnine, these baits are lethal after a single feeding.



Although many devices designed to frighten pocket gophers are commercially available—including vibrating stakes, ultrasonic devices, and wind-powered pinwheels—these rodents don't frighten easily, probably because of their repeated exposure to noise and vibrations from sprinklers, lawnmowers, vehicles, and people moving about. Another ineffective control method is placing chewing gum or laxatives in burrows in hopes of killing gophers

Sustainability and Turf Grass Management

Sports field management

The City owns and maintains two parks that have active sport fields. El Carro Park has a dedicated soccer field and two little league baseball fields that share a common outfield area. This outfield also can be used for soccer play. Similarly, Viola fields has two soccer fields with complimentary softball infields so that either soccer or softball games may be played there.

Prior to the adoption of an IPM policy, the City performed routine cultural care practices that included control of broadleaf weeds with the use of broadleaf herbicide and gophers by trapping and use of some chemical poisons. No broadleaf herbicide or chemical poisons have been applied to any City operated turf area since 2011. Broadleaf weeds include such plants as dandelion and clover.

Broadleaf control

Sometimes broadleaf weeds can be controlled simply by altering the cultural practices to favor the grass plants rather than the weeds. The cultural controls may include raising or lowering the mowing height, changing the frequency of mowing, lengthening or shortening the period between irrigations, increasing the application of fertilizer and aeration of the soil to ameliorate compaction.

Since 2011, the City has continued and increased the use of these cultural controls. Aerations have been conducted twice annually with the application of a top dressing compost each spring. Applications of fertilizers have been made in spring and early fall. Over seeding with winter seed blends in worn or stressed spot areas has been done in the fall. These measures have not resulted in broadleaf control.



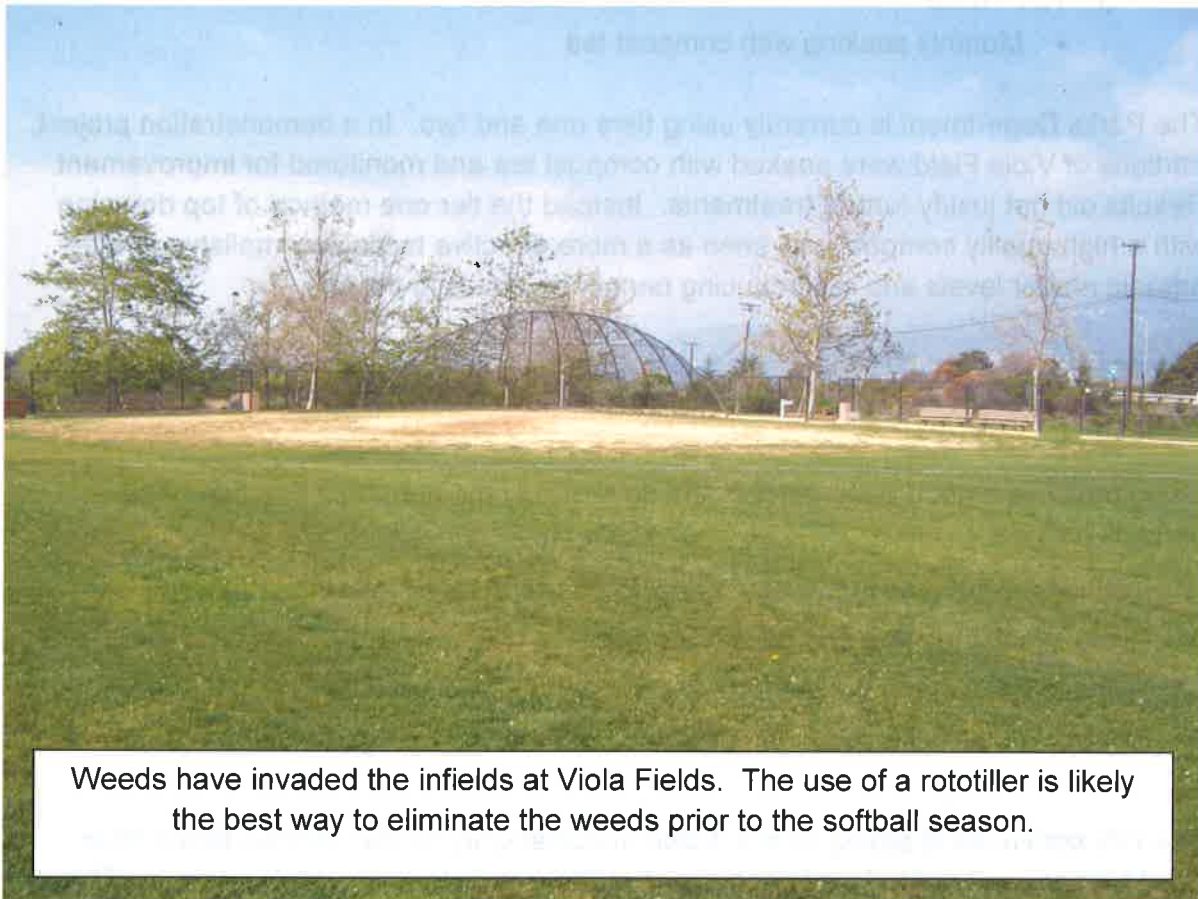
Clover is the primary broadleaf that is highly established at the City's two sport field parks. A dense infestation of broadleaf weeds such as clover will out compete the desired Bermuda grass, but does not stand

up to the rigors of sports play. As the turf weakens, the weeds will readily invade the open areas that remain.

A combination of proper cultural practices plus prudent use of chemical is sometimes necessary to control weeds effectively in turf. At this time, staff is not proposing any herbicide application but continues to be concerned that broadleaf infestation is becoming more prevalent.

Another sports field management issue that is more problematic when less effective herbicides are not available is the encroachment of turf into the softball and baseball infields. Properly maintained ball diamonds are necessary to ensure player safety as well as fairness in the sport. Inconsistent infields and base paths not only cause the ball to bounce erratically, but may also trip up players. Turf that has encroached into the “skinned” area, must be removed.

Mechanical removal is the only alternative way to accomplish the elimination of turf that has encroached as green list herbicides are not effective in these instances. Costs to perform mechanical removal are higher but can be very effective.



Weeds have invaded the infields at Viola Fields. The use of a rototiller is likely the best way to eliminate the weeds prior to the softball season.

The IPM Committee established a progressive three tier turf program which includes the following:

1. Tier One
 - Mulch all clippings back into lawn
 - Aerate twice annually
 - Fertilize using organic granular material
 - Top dress with organic compost annually
2. Tier Two
 - Vertically cut soil and combine and over-seed in winter with grasses designed for winter growth
3. Tier Three
 - Monthly soaking with compost tea

The Parks Department is currently using tiers one and two. In a demonstration project, portions of Viola Field were soaked with compost tea and monitored for improvement. Results did not justify further treatments. Instead the tier one method of top dressing with a high quality compost was seen as a more effective tactic accomplishing better organic matter levels and reintroducing beneficial biotics to the soil.

Mulching

Using mulch is a good park, garden and right of way maintenance practice. The benefits include:

- Reduces weed growth thereby reducing the need for herbicides or mowing.
- Holds in soil moisture and conserves water.
- Helps to keep the root zone temperatures at a beneficial level.
- Organic mulch such as wood chips adds nutrition to your garden as it breaks down.

The City continues to stockpile wood chip mulch at Carpinteria City Hall that is then used for park and right of way uses and is made available to the public for free. The wood chip mulch is generated from City street and park tree maintenance work. The general guidelines for the free pick up and use is that the material is for private residential use and not for professional landscapers. Truckloads of wood chip mulch have been utilized in several city parks such as Tar Pits Park, Heath Ranch Park and El Carro Park.

Conclusions.

1. Use of manual methods to remove rodents and weeds continues to be the first line of defense. With weeds and invasive plants, the lack of rain has helped tremendously to keep the need for herbicides minimal. When rains return, the challenge will be greater. The opportunity to become familiar with green list herbicides with their use in 2013 yielded poor results, but as little weed growth has occurred due to the lack of rain, the situation has been manageable. The El Niño during 2016 is predicted to bring rains to the area that could promote weed growth and challenge herbicide free weed management tactics.
2. With gophers, the challenge has been in keeping up with the population that can invade from all adjacent properties. Staff time has been diverted to contain heavy populations and the cost is higher than anticipated. Outsourcing some of the trapping has already taken place to increase the number and frequency of trappings. The use of rodenticide to get an upper hand while continuing trapping to save staff time and money is being evaluated for 2016.
3. The infestation of weeds in the turf areas is continuing. The sports fields that must endure high levels of use may be more difficult to manage as broadleaf weeds can out compete the grass but is less durable in high use. Cultural care practices to reduce weed infestation have been implemented but with marginal results so far.
4. Baseball infields will require additional work to prepare them for the season due to weed encroachment. Prior to the IPM policy, the infestation was controlled by use of an herbicide. Now more costly mechanical means will be used.
5. The drought continues to suppress weed growth in the city parks and street right of ways that helps to reduce the need for herbicide applications.
6. Should sufficient rainfall not occur, the ability to provide water to the City turf areas could be jeopardized by very limited water supplies.

2015 Facility Use of Pesticides

Date	Company	Product	EPA #	Amount	Method	Target Species	Location
1/5/2015	Western Exterminator	Termidor SC	7969-210	1 QT	Barrier	Argentine Ants	Clinic
1/25/2015	Santa Barbara Pest	Contrac Blox (bromadiolone)	12455-79	4 OZ	Bait	Rodents	City Hall
1/25/2015	Santa Barbara Pest	Terad3 Blox	12455-106	4 Blocks	Bait	Rodents	City Hall
2/2/2015	Western Exterminator	Cy-Kick CS	499-304	0.200 GAL	Barrier	Argentine Ants	Clinic
2/20/2015	Santa Barbara Pest	Terad3 Blox	12455-106	9 Blocks	Bait	Rodents	City Hall
2/20/2015	Santa Barbara Pest	Terad3 Blox	12455-106	9 Blocks	Bait	Rodents	Vet Hall
3/2/2015	Western Exterminator	Cy-Kick CS	499-304	1 OZ	Barrier	Argentine Ants	Clinic
4/6/2015	Western Exterminator	Termidor SC	7969-210	0.250 GAL	Barrier	Argentine Ants	Clinic
4/28/2015	Santa Barbara Pest	EcoPCO WPX (Plant Oils)	67425-25-655	9 Scoops	Band Spray	Ants	Vet Hall
4/28/2015	Santa Barbara Pest	Essentria G Granuales (plant oils)	Exempt	1 bag	Band Spray	Ants	Vet Hall
4/28/2015	Santa Barbara Pest	Mpede (refined soap)	53219-6	1 Pt	Band Spray	Tree Insects	Vet Hall
4/28/2015	Santa Barbara Pest	Terad3 Blox	12455-106	6 Blocks	Bait	Rodents	Vet Hall
4/28/2015	Santa Barbara Pest	Terad3 Blox	12455-106	10 Blocks	Bait	Rodents	City Hall
5/4/2015	Western Exterminator	Termidor SC	7969-210	0.250 GAL	Barrier	Argentine Ants	Clinic
5/21/2015	Santa Barbara Pest	Terad3 Blox	12455-106	3 Blocks	Bait	Rodents	City Hall
6/2/2015	Western Exterminator	Cy-Kick CS	499-304	1 OZ	Barrier	Argentine Ants	Clinic
6/22/2015	Santa Barbara Pest	Terad3 Blox	12455-106	2 Blocks	Bait	Rodents	Vet Hall
6/22/2015	Santa Barbara Pest	Terad3 Blox	12455-106	4 Blocks	Bait	Rodents	City Hall
6/24/2015	Santa Barbara Pest	Mpede (refined soap)	53219-6	10.5 qts	Band Spray	Tree Insects	City Streets
7/6/2015	Western Exterminator	Dragnet SFR Termiticide	279-3062	0.200 GAL	Barrier	Argentine Ants	Clinic
7/28/2015	Santa Barbara Pest	Terad3 Blox	12455-106	6 Blocks	Bait	Rodents	City Hall
7/28/2015	Santa Barbara Pest	EcoPCO WPX (Plant Oils)	67425-25-655	9 Scoops	Band Spray	Ants	Vet Hall
7/28/2015	Santa Barbara Pest	Terad3 Blox	12455-106	8 Blocks	Bait	Rodents	Vet Hall
8/3/2015	Western Exterminator	Cy-Kick CS	499-304	0.200 GAL	Barrier	Argentine Ants	Clinic
8/5/2015	Santa Barbara Pest	EcoPCO WPX (Plant Oils)	67425-25-655	9 Scoops	Band Spray	Ants	City Hall
8/5/2015	Santa Barbara Pest	Terro PCO Liquid (boric acid)	149-8-64405	1 Tube	Crack/Crevice	Ants	City Hall
8/31/2015	Santa Barbara Pest	Contrac Blox (bromadiolone)	12455-79	4 Oz	Bait	Rodents	City Hall
8/31/2015	Santa Barbara Pest	Contrac Blox (bromadiolone)	12455-79	6 Oz	Bait	Rodents	Vet Hall
9/8/2015	Western Exterminator	Suspend SC	432-763	0.250 GAL	Barrier	Argentine Ants	Clinic
9/8/2015	Santa Barbara Pest	Mpede (refined soap)	53219-6	3 Pts	Band Spray	Tree Insects	Camino Trillado
9/29/2015	Santa Barbara Pest	Terad3 Blox	12455-106	3 Blocks	Bait	Rodents	Vet Hall

2015 Facility Use of Pesticides

Date	Company	Product	EPA #	Amount	Method	Target Species	Location
9/29/2015	Santa Barbara Pest	Terad3 Blox	12455-106	6 Blocks	Bait	Rodents	City Hall
10/5/2015	Western Exterminator	Advion Insect Ganule	100-1483	4 OZ	Broadcast	Argentine Ants	Clinic
10/27/2015	Santa Barbara Pest	EcoPCO WPX (Plant Oils)	67425-25-655	9 Scoops	Band Spray	Ants	Vet Hall
10/27/2015	Santa Barbara Pest	Terad3 Blox	12455-106	6 Blocks	Bait	Rodents	Vet Hall
10/27/2015	Santa Barbara Pest	Contrac Blox (bromadiolone)	12455-79	2 Oz	Bait	Rodents	City Hall
10/28/156	Santa Barbara Pest	Mpede (refined soap)	53219-6	3 Pts	Band Spray	Tree Insects	5195 Eighth St
11/2/2015	Western Exterminator	Cy-Kick CS	499-304	0.200 GAL	Barrier	Argentine Ants	Clinic
11/5/2015	Western Exterminator	Optigard Ant Gel	100-1260	5 Grams	Bait	Ants	Clinic
11/18/2015	Santa Barbara Pest	Terad3 Blox	12455-106	6 Oz	Bait	Rodents	City Hall
11/18/2015	Santa Barbara Pest	Terad3 Blox	12455-106	4 Oz	Bait	Rodents	Vet Hall
11/18/2015	Santa Barbara Pest	Snap Traps	Exempt	3 Traps	Trap	Rodents	Vet Hall
11/20/2015	Western Exterminator	Maxforce FC Magnum Roach Bait C	432-1460	5 Grams	Bait	Cockroaches	Clinic
12/7/2015	Western Exterminator	Cy-Kick CS	499-304	0.200 GAL	Barrier	Argentine Ants	Clinic
12/9/2015	Santa Barbara Pest	Terad3 Blox	12455-106	6 Oz	Bait	Rodents	City Hall
12/9/2015	Santa Barbara Pest	Terad3 Blox	12455-106	6 Oz	Bait	Rodents	Vet Hall



City of Carpinteria

COUNCIL AGENDA STAFF REPORT February 8, 2015

ITEM FOR COUNCIL CONSIDERATION

Ordinance No. 709, Amending Chapters 3.04, 3.08, 3.12, 3.20, 3.28, 3.45, and 5.04 of the Carpinteria Municipal Code

This ordinance would impose a “pay first, litigate later” obligation for litigating tax and assessment disputes, requiring persons challenging such taxes and assessments to make payments to the City prior to commencing any actions in court.

STAFF RECOMMENDATION

Action Item X Non-Action Item

Approve Ordinance No. 709, as read by title only (first reading)

Motion: I move to approve and adopt Ordinance No. 709, as read by title only.

BACKGROUND

The City of Carpinteria Municipal Code establishes various local taxes and assessments that are collected through various means, e.g., A Transient Occupancy Tax (hotel bed tax) is paid by lodging guests directly to the lodging operator, whom is required to remit the tax to the City. Taxes and assessments are sometimes disputed through the City’s appeal process and/or challenged in court. Many local jurisdictions include provisions within their municipal codes that ensure that the tax or assessment due is paid prior to an appeal or litigation. The benefit of this requirement is that it ensures the City receives tax or assessment revenues necessary to support critical local government services.

The purpose of this agenda matter is to allow the City Council to amend the Municipal Code in order to establish regulations that make clear that anyone electing to challenge a City tax or assessment must first pay the amount due.

DISCUSSION

A taxpayer ordinarily must pay a tax before commencing a court action to challenge the collection of the tax. This rule, commonly known as “pay first, litigate later,” is well

established and is based on a public policy reflected in the state constitution, several statutes, and numerous court opinions. Specifically, section 32 of article XIII of the California Constitution provides:

"No legal or equitable process shall issue in any proceeding in any court against this State or any officer thereof to prevent or enjoin the collection of any tax. After payment of a tax claimed to be illegal, an action may be maintained to recover the tax paid, with interest, in such manner as may be provided by the Legislature."

The purpose of the "pay first, litigate later" rule is to ensure that funds necessary for essential public services are not unnecessarily withheld during litigation and to allow local governments to predict future tax revenues. The fear that persistent interference with the collection of public revenues will destroy the effectiveness of government has been expressed in many judicial opinions.

There is no constitutional provision that expressly applies the "pay first, litigate later" doctrine to local government taxes and assessments. While some California courts have concluded that the "pay first, litigate later" doctrine applies to local governments as a matter of public policy, some plaintiffs have successfully challenged local taxes and assessments claiming that the doctrine does not apply to local governments unless local governments explicitly incorporate the doctrine into their municipal codes.

The City of Carpinteria's municipal code does not contain any express requirements to pay taxes and assessments before pursuing litigation. It is therefore advisable for the City to revise its municipal code to clarify that those who disagree with a tax or assessment must pay the deficiency in full prior to challenging the tax in court. Adoption of the proposed ordinance will protect the City against delay that could preclude payment of taxes and assessments legitimately due and owing to the City for several years.

FINANCIAL CONSIDERATIONS

There are no adverse financial impacts in adopting this ordinance. Instead, adoption of this ordinance will protect the City from the costly fiscal impacts of having to defend against tax and fee refund litigation before the taxes and assessments that are the subject of the litigation are paid.

LEGAL

The City Attorney recommends minor changes to certain municipal code sections to protect the City from challenges that could impair the continued functioning of local law enforcement, public safety, and other local governmental services for which the City of Carpinteria residents rely on a daily basis. The absence of such revisions could

potentially damage the City's ability to provide essential services through the withholding of tax payments, no matter how unfounded a claim might be.

OPTIONS

- A. Approve the ordinance imposing a "pay first, litigate later" obligation.
- B. Direct modification to the proposed ordinance.
- C. Decline to approve the Ordinance.

ATTACHMENTS

- A. Ordinance No. 709

Project Contact: Dave Durflinger, 805 755-4400, daved@ci.carpinteria.ca.us

Prepared By: Hillary H. Steenberge, Brownstein Hyatt Farber Schreck, LLP, Attorney
for the City of Carpinteria


Signature

Reviewed by: Dave Durflinger, City Manager


Signature

ORDINANCE NO. 709

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING CHAPTERS 3.04, 3.08, 3.12, 3.20, 3.28, 3.45, AND 5.04 OF THE MUNICIPAL CODE

WHEREAS, Article XIII, Section 32 of the California Constitution requires taxpayers to pay first before seeking judicial review of a tax to allow revenue collection to continue during litigation, to ensure that funds necessary for essential public services are not unnecessarily withheld, and to allow local governments to predict future tax revenues; and

WHEREAS, recent court decisions have created a question as to whether the “pay first, litigate later” doctrine is applicable to local government taxes and assessments in the absence of an explicit “pay first, litigate later” code provision; and

WHEREAS, the proposed ordinance updates the municipal code and adds explicit “pay first, litigate later” provisions to certain sections of the municipal code; and

WHEREAS, adoption of this ordinance will protect the City from the costly financial impacts of having to defend against tax and assessment refund litigation before the taxes and assessments that are the subject of the litigation are paid.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA
DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Amendment of the Carpinteria Municipal Code

The Carpinteria Municipal Code is hereby amended to add the following new sections, which shall read as follows:

3.04.050- Payment Prior to Litigation

Payment of all taxes, assessments, and interest shall be required as a condition precedent to seeking judicial review of the validity or application of any such taxes, assessments, or interest imposed by the City pursuant to this Title 3.

3.08.190- Payment Prior to Litigation

Payment of all taxes, assessments, and interest shall be required as a condition precedent to seeking judicial review of the validity or application of any such taxes, assessments, or interest imposed by the City pursuant to this Chapter 3.08.

3.12.130- Payment Prior to Litigation

Payment of all taxes, assessments, and interest shall be required as a condition precedent to seeking judicial review of the validity or application of any such taxes, assessments, or interest imposed by the City pursuant to this Chapter 3.12.

3.20.190- Payment Prior to Litigation

Payment of all taxes, assessments, and interest shall be required as a condition precedent to seeking judicial review of the validity or application of any such taxes, assessments, or interest imposed by the City pursuant to this Chapter 3.20.

3.28.060- Payment Prior to Litigation

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the City or an officer thereof to prevent or enjoin the collection of taxes, fees or fines sought to be collected pursuant to any provision or resolution ordinance of the City for the payment of all taxes, fees or fines. Payment of all taxes, assessments, and interest shall be required as a condition precedent to seeking judicial review of the validity or application of any such taxes, assessments, or interest imposed by the City pursuant to this Title 3.

3.45.040- Payment Prior to Litigation

Payment of all taxes, assessments, and interest shall be required as a condition precedent to seeking judicial review of the validity or application of any such taxes, assessments, or interest imposed by the City pursuant to this Chapter 3.45.

5.04.610 - Payment Prior to Litigation

Payment of all taxes, assessments, and interest shall be required as a condition precedent to seeking judicial review of the validity or application of any such taxes, assessments, or interest imposed by the City pursuant to this Chapter 5.04.

All other provisions of Chapters 3.04, 3.08, 3.12, 3.20, 3.28, 3.45, and 5.04 shall remain unchanged and in full force and effect.

Section 2. Effective Date

This Ordinance shall be in full force and effect 30 days following its enactment in accordance with California law; and before the expiration of 15 days following passage, this ordinance shall be published once with the names of the members 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 3. 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 provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 4. CEQA Exemption

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly) and 15061(b)(3) (it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2016, by the following called vote:

AYES: Councilmembers:

NOES: Councilmember(s):

ABSENT: Councilmember(s):

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 on the ____ day of _____ 2016.

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