

City of Carpinteria
City Council Special Meeting Agenda
Monday, August 16, 2021
Council Chamber, 5775 Carpinteria Avenue

5:30 p.m. Special Meeting
In-Person and Virtual Participation Options

IN RESPONSE TO THE GOVERNOR'S ISSUANCE OF EXECUTIVE ORDER N-07-21, WHICH FORMALLY RESCINDED CALIFORNIA'S STAY-AT-HOME ORDER ISSUED LAST IN MARCH 2020, AND EXECUTIVE ORDER N-08-21, AND SANTA BARBARA COUNTY HEALTH OFFICER ORDER, THE CITY OF CARPINTERIA HAS MADE THE DECISION TO PROVIDE BOTH IN-PERSON AND VIRTUAL ATTENDANCE AND PARTICIPATION OPTIONS AVAILABLE FOR THIS MEETING.

To minimize the potential spread of the COVID-19 virus, the City of Carpinteria is requiring all individuals to wear face coverings while inside City Council Chambers, regardless of vaccination status.

Attendance/Viewing Options:

- Attend the in-person meeting in City Council Chambers at City Hall (5775 Carpinteria Ave.)
- View the meeting live through the City's website (<https://carpinteria.ca.us/city-hall/agendas-meetings>) on your computer, tablet or smartphone.
- View the meeting on Government Access Television Channel 21 (broadcast live and rebroadcast on the Wednesday and the Saturday following the meeting at 8:00 p.m. and 5:00 p.m., respectively).
- Call 669-900-9128 (and enter Webinar ID 830 4731 9055) to listen to the meeting on your phone.
- Join the City's Zoom webinar from your computer, tablet, or smartphone by [CLICKING HERE](#). Alternatively, you can join the Zoom webinar by logging on to www.zoom.us, downloading the application, selecting "Join Webinar", and entering Webinar ID 830 4731 9055.

Public Comments

- Provide a live public comment during the in-person meeting in City Council Chambers at City Hall (5775 Carpinteria Ave.). Please note the City has the discretion to limit the speaker's time for any meeting or agenda matter. Typically, the practice has been 3 minutes per speaker on each item.
- Coordinate with the City Clerk to provide a live public comment (as either a general public comment or on a specific agenda item) by phone by sending an

email to PublicComment@ci.carpinteria.ca.us by **12:00 P.M. on the day of the meeting** and including the following information in your email: (1) the meeting date and agenda item (number and title) on which you wish to speak, (2) your full name, (3) your call back number and area code. During public comment on the agenda item specified in your email, City staff will make every effort to contact you via your provided telephone number so that you can provide public comment telephonically. Please note the City has the discretion to limit the speaker's time for any meeting or agenda matter. Typically, the practice has been 3 minutes per speaker on each item.

- Provide a live comment through the City's Zoom webinar platform (through the link provided above). To make public comments through this platform please use the "raise your hand" feature to notify staff that you would like to make a public comment during designated public comment times. Once it is your turn to provide a public comment, staff will unmute your microphone and you will be given a designated amount of time to provide your comment (typically, the practice has been up to 3 minutes per speaker on each item). At the end of your comment, staff will once again mute your microphone.
- Submit a written comment (as either a general public comment or on a specific agenda item) to be distributed to Council Members by **12:00 P.M. on the day of the meeting** by either submitting your comment via (1) email to PublicComment@ci.carpinteria.ca.us, or (2) the **eComment** link on the City's agenda website (<https://carpinteria.ca.us/city-hall/agendas-meetings>). Please reference the agenda item to which your comment pertains. Note that written comments will not be read into the record during the meeting.

Please note that the City will make every effort to make the meeting accessible virtually; however, if one of the above virtual attendance/viewing or public comment options is unavailable due to technological issues, you are invited to take advantage of one of the other participation options outlined above (including attending and providing public comment in-person in the City Council Chambers). Additional options may be made available at the meeting.

Additionally, as the situation with COVID-19 continues to evolve, the City will provide updates on any changes to this policy as soon as possible. The public is referred to the City's website at www.carpinteria.ca.us for the latest COVID-19 policies and information. The City of Carpinteria thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

Also, please note that Spanish interpretation will be available at the in-person meeting (but will not be available through the City's Zoom webinar).

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CITY COUNCIL BUSINESS

The City Council will meet to discuss the following subject matter:

Preparation of a report to the City Council pursuant to California Elections Code Section 9212 analyzing the impacts and effects of the proposed "Initiative Measure to Change and/or Readopt the City of Carpinteria's General Plan Designation and Zoning Designation for Two Parcels of City-Owned Property (APN 004-105-011 and APN 004-105-026) Located Adjacent to the Railroad Tracks to the West of Linden Avenue and to Amend the Definition of the Open Space/Recreation (OSR) Land Use Category of the General Plan Land Use Element" ("Initiative").

Recommendation: Adopt Resolution No. 6070 (Attachment A) directing staff to prepare an Elections Code Section 9212 Report, with additional direction regarding its content and the required date of completion, and allocating money for the preparation thereof, as determined necessary and appropriate.

Staff Presenter: Dave Durlinger, City Manager

- a. Staff presentation
- b. Developer presentation
- c. Public Comment
- d. Deliberation

PUBLIC COMMENT WILL BE HEARD CONCERNING ONLY THE AGENDIZED ITEM FOR THIS SPECIAL MEETING

ADJOURNMENT

The next regular meeting of the City Council will be held September 13, 2021 at 5:30 p.m.

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 755-4403 or the California Relay Service at (866) 735-2929. Notification two business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

Materials related to an agenda item submitted to the City Council after distribution of the agenda packet are available for public review at the City Clerk's Office.

This agenda was posted on Wednesday, August 11, 2021, in the City Clerk's Office, on the City Hall Public Notices Window, and on the Internet.



City of Carpinteria

COUNCIL AGENDA STAFF REPORT August 16, 2021

ITEM FOR COUNCIL CONSIDERATION

Preparation of a report to the City Council pursuant to California Elections Code Section 9212 analyzing the impacts and effects of the proposed "Initiative Measure to Change and/or Readopt the City of Carpinteria's General Plan Designation and Zoning Designation for Two Parcels of City-Owned Property (APN 004-105-011 and APN 004-105-026) Located Adjacent to the Railroad Tracks to the West of Linden Avenue and to Amend the Definition of the Open Space/Recreation (OSR) Land Use Category of the General Plan Land Use Element" ("Initiative").

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

Adopt Resolution No. 6070 (Attachment A) directing staff to prepare an Elections Code Section 9212 Report, with additional direction regarding its content and the required date of completion, and allocating money for the preparation thereof, as determined necessary and appropriate.

Sample Motion: I move to (1) adopt Resolution No. 6070, directing staff to prepare an Elections Code Section 9212 Report, on the all items listed in Elections Code Section 9217(a)(1)-(7), and (2) to allocate funds as determined necessary and appropriate.

BACKGROUND

On June 4, 2021, Initiative proponents filed with the City a Notice of Intent to Circulate an Initiative Petition and a request that the City Attorney prepare a ballot title and summary. On June 18, 2021, the City Attorney Office provided proponents with an impartial title and summary of the proposed measure. Said preparation is not an endorsement by the City. Rather, the City Attorney Office title and summary are intended to be an unbiased and neutral description that is to be used on the official ballot and other election materials, such as the petition that is currently being circulated for signatures. The City Attorney Office's title is provided above, under "Item for Council Consideration."

The City Attorney Office's summary of the Initiative is as follows:

This initiative, if adopted by a majority of the City of Carpinteria's electorate, would change and/or readopt the General Plan land use designation and zoning designation for two parcels owned by the City of Carpinteria: a parcel located at 499 Linden Avenue (APN 004-105-011) and an unimproved parcel located immediately south of the railroad tracks, west of Linden Avenue, and east of Holly Avenue (APN 004-105-026). In addition, this initiative would amend the General Plan Land Use Element's definition of the Open Space/Recreation (OSR) land use category to (1) state that existing parking is allowed, and (2) if a property is within a residential overlay zone, allow residential uses.

APN 004-105-011

The approximately 1.15 acre parcel at 499 Linden Avenue is developed with City-owned public Parking Lot No. 3, located southwest of the intersection of Linden Avenue and 5th Street, and is currently a part of the Commercial Planned Development (CPD) zoning district and General Commercial (GC) land use category. The Commercial Planned Development (CPD) and General Commercial (GC) designation uses include office, retail, wholesale and service establishments. The initiative measure seeks to change the zoning and General Plan designations for this parcel, making it a part of the Recreation (REC) zoning district and Open Space/Recreation (OSR) General Plan land use category. The Recreation District (REC) and Open Space/Recreation (OSR) designations allow recreational uses, facilities, and structures in support of recreational activities.

APN 004-105-026

The approximately 1.27 acre undeveloped City-owned parcel located on the other side of the railroad tracks, to the south of the 499 Linden Avenue lot, is in the Recreation (REC) zoning district and Open Space/Recreation (OSR) land use category. The initiative seeks to readopt and maintain these designations for this parcel.

The initiative also would amend the General Plan Land Use Element's definition of the Open Space/Recreation (OSR) land use category. Specifically, the initiative would change the definition to (1) state that existing parking is allowed within the Open Space/Recreation (OSR) land use category, and (2) allow residential uses on Open Space/Recreation (OSR) designated properties, if those properties are located within a City of Carpinteria residential overlay zone district.

If the initiative is adopted by a simple majority of the voters of the City, its provisions may only be repealed or amended by a vote of the people.

The Initiative also is included as Attachment A to this Staff Report. The Initiative proponents have called the petition, "The Save Our Downtown and Beach Parking Lot Initiative," a reference to the Surfliner Inn Project that proposes developing an inn on the current Parking Lot No. 3 site along with a new parking lot and walking trails on the adjacent vacant lot. In addition to the Surfliner Inn project, the City's other long term

plan for the two parcels that are the subject of the Initiative petition include the installation of an underground railroad crossing.

Once the proponents have completed collecting signatures, if sufficient valid signatures are gathered during the period of time prescribed by State law, the Initiative would be placed on a ballot for consideration by voters if the City Council does not itself approve the measure, as described further below.

DISCUSSION

Elections Code Section 9212(a) authorizes the City Council to refer the Initiative measure to a city agency or agencies for a report regarding the Initiative's impact and effects ("Report") during circulation of the Initiative or before the City Council either adopts the Initiative or orders an election. Elections Code Section 9212 sets broad parameters for what the report may address, and provides that the report may examine the following items:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code¹ and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code².
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.

¹ Gov. Code Section 65008 ("Invalidity of discriminatory acts; Residential developments or emergency shelters; Preferential treatment; Applicability; Legislative finding") generally prohibits a public entity's unlawful denial of the enjoyment of residence, landownership, tenancy, or any other land use based on individual characteristics (such as age or familial status), financing, or occupancy by low-income persons, and further, bars enactment or administration of ordinances that prohibit or discriminate against residential / housing developments and emergency shelters for specified reasons.

² Gov. Code Chapters 4.2 and 4.3, respectively, relate to housing development approvals, density bonuses and other incentives.

- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the legislative body requests to be in the report.

Once the petition with all signatures is submitted to the City, the City Clerk—working in concert with County Elections—will have thirty (30) business days to examine the petition and to determine if sufficient valid signatures have been collected to enable the petition to move forward. At the next regular meeting of the City Council, the City Clerk will certify the results of the examination. If the petition qualifies, the City Council must either adopt the petition without alteration at this meeting or within ten (10) days thereafter; or order an election. The City Council may rely on the Report in making its determination to adopt the ordinance or submit it to vote. The Report will also serve to educate the public on the effects of the Initiative.

Based on Staff's preliminary review of the Initiative, Staff recommends further consideration of the effects on the Initiative on all seven items listed in Election Code Section 9212.

The Report must be presented to the City Council at a date set by the Council, but no later than thirty (30) days after the City Clerk certifies the sufficiency of the petition. The attached Resolution allows presentation of the Report to the Council any time within the parameters set by state law.

Depending on the number of the issues selected for report by the Council, staff seeks Council direction on the Report before the petition is determined to be sufficient in order to provide adequate lead time to analyze the issues that the City Council identifies for inclusion in the Report. Although staff may be able to rely on recent studies and reports, there may be other issues that require additional analysis beyond the existing documentation. Should the Council direct preparation of a Report, the City Council should specify and prioritize the issues to be analyzed and included in the Report.

LEGAL ISSUES

Legal considerations associated with this matter are presented in the discussion above.

FINANCIAL CONSIDERATIONS

The cost of report preparation will be influenced largely by the breadth and complexity of the topics that the City Council wants included. Preparation of the report is expected to include staff time, which will impact other work priorities, and possibly the use of consultants, which will result in hard costs. Based on the City Council's direction, staff will determine whether it is appropriate to rely on consultants to assist with preparation

of the Report and return to the City Council to approve an allocation of funds, as determined necessary and appropriate.

ATTACHMENTS

Attachment A: Resolution No. 6070
Attachment B: Initiative

Staff contact: Mack Carlson
Legal Counsel

LM for Mack Carlson

Reviewed by: Dave Durflinger, City Manager
(805) 755-4400, DaveD@ci.carpinteria.ca.us

LM for Dave Durflinger

ATTACHMENT A

PROPOSED RESOLUTION NO. 6070

RESOLUTION NO. 6070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA DIRECTING CITY STAFF TO PREPARE A REPORT ON THE EFFECTS OF THE PROPOSED INITIATIVE ENTITLED, "AN INITIATIVE MEASURE TO CHANGE AND/OR READOPT THE CITY OF CARPINTERIA'S GENERAL PLAN DESIGNATION AND ZONING DESIGNATION FOR TWO PARCELS OF CITY-OWNED PROPERTY (APN 004-105-011 AND APN 004-105-026) LOCATED ADJACENT TO THE RAILROAD TRACKS TO THE WEST OF LINDEN AVENUE AND TO AMEND THE DEFINITION OF THE OPEN SPACE/RECREATION (OSR) LAND USE CATEGORY OF THE GENERAL PLAN LAND USE ELEMENT" AND TO APPROPRIATE FUNDS FOR THE PREPARATION OF THE REPORT

WHEREAS, on June 4, 2021, City Clerk for the City of Carpinteria ("City") received a Notice of Intent to circulate an initiative petition ("Initiative") and a request for the City Attorney to prepare the official ballot title and summary; and,

WHEREAS, the City Attorney thereafter prepared the official title and summary for the Initiative and provided it to the Initiative proponents; and,

WHEREAS, Elections Code section 9212 authorizes the City Council to direct City staff to prepare a report on the impacts of the Initiative ("Report"), including seven specified types of impacts as well as on "any other matter" that the City Council requests to be included in the Report; and,

WHEREAS, the City Council has determined that such a Report would provide valuable information about the Initiative to the Council and to all interested residents of the City; and,

WHEREAS, the preparation of a Report is not a project under the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") in that this is administrative action which does not involve a direct or reasonably foreseeable indirect impact on the physical environment.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The City Council hereby finds and determines that the foregoing recitals are true and correct and are incorporated herein in full by this reference.
2. The City Council directs City staff to:
 - a. Prepare a Report on the effects of the Initiative pursuant to Elections Code section 9212, addressing each of the impacts specified in subsection (a)(1)-(7), to the extent applicable, as well as any other items identified by

the City Council at its special meeting on August 16, 2021; and,

- b. Retain, at the direction of the City Manager, any consultants that the City Manager determines are necessary or appropriate to complete the Report; and,
- c. Present the Report to the City Council no later than the latest date authorized by Elections Code section 9212(b).

PASSED, APPROVED, AND ADOPTED on the 16th day of August, 2021, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

Mayor, City of Carpinteria

ATTEST:

Acting City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was adopted at a special meeting of the City Council of the City of Carpinteria held on August 16, 2021.

Acting City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

ATTACHMENT B
INITIATIVE

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The people of the City of Carpinteria do ordain as follows:

Section 1. Title.

This initiative measure ("Initiative") shall be known as the **"Save Our Downtown and Beach Parking Lot Initiative."**

Section 2. Findings and Purpose.

A. Findings. The people of the City of Carpinteria find and declare the following:

1. The approximately 1.15-acre property located at 499 Linden Avenue (APN 004-105-011), labeled as Parcel A, Downtown and Beach Parking Lot, on Exhibits A, B & C, currently consists of City Parking Lot #3 or Downtown and Beach Parking Lot. The City of Carpinteria's General Plan classifies this property as General Commercial. The property is adjacent to the Carpinteria Community Garden Park.
2. This property is owned by the City of Carpinteria. On May 18, 1989 the City accepted this property from Southern Pacific (SPTC Holding, Inc.) for public purposes, as shown on Exhibit D to this Initiative.
3. The approximately 1.27-acre property located at 399 Linden Avenue on the south side of the railroad tracks (APN 004-105-026), labeled as Parcel B, Coastal Open Space Corridor, on Exhibits A, B & C, currently consists of Open Space. The General Plan designates these properties as Open Space/Recreation. The property was acquired by the City in 2013.
4. The General Plan contains policies to protect, preserve and enhance local natural resources, to provide adequate parking for the public and for public coastal access, to avoid placing development where exposed to hazards of transportation corridors, and for ensuring that zoning and development is consistent with zoning and development on adjacent and nearby parcels.
5. The purpose of the General Plan land use designation is to establish the type and intensity of land uses on properties consistent with their designation in the General Plan Land Use Element and Land Use Map. The zoning designations for each property must be consistent with the General Plan designation.
6. The voters seek to preserve the Downtown and Beach Parking Lot for its current use as a public parking lot, and to preserve the Coastal Open Space Corridor in its current open space/habitat corridor status, and thereby wish to propose this Initiative, which will re-designate and re-zone these properties, by Initiative, so that their zoning is fixed and cannot be changed absent a vote of the people.

B. Purpose. The purpose of this Initiative is to amend the General Plan designation and zoning of the Downtown and Beach Parking Lot and Coastal Open Space Corridor in

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

order to maintain the current use of those sites. The General Plan designations and zoning for these sites will create a consistency of designations and zoning across these nearby sites, also including the Carpinteria Community Garden Park. The Downtown and Beach Parking Lot will remain zoned for public parking use and purposes, but not for other commercial uses, with allowance for limited residential-only use consistent with the Residential overlay zone as required by California Government Code section 66330, subdivision (b)(1)(A).

Section 3. City of Carpinteria General Plan Amendments

A. The voters hereby amend the General Plan Diagram (excerpt shown in Exhibit B) of the City of Carpinteria to:

1. Change the General Plan designation of the Downtown and Beach Parking Lot property from General Commercial (GC), to Open Space Recreation (OSR).
2. Re-adopt, by this Initiative, the Open Space Recreation (OSR) designation on the Coastal Open Space Corridor property, as shown on Exhibit B.

B. The voters hereby amend the text of Land Use Map descriptions as follows (additions shown in underline, non-underlined text is not being amended and is shown for context only):

1. Open Space/Recreation (OSR) The OSR land use category is intended to provide recreational areas (passive or active), including existing parking, City parks, beaches, golf courses and related uses. It also identifies open space areas. The OSR land use category may also provide for residential uses, only if the property is included in the Residential overlay zone.

Section 4. Zoning Amendments

The voters hereby amend the Zoning Map (excerpt shown in Exhibit C) of the City of Carpinteria, to:

1. Change the zoning on the Downtown and Beach Parking Lot property, as shown on Exhibit C, from CPD to REC/R.
2. Re-adopt, by this Initiative, the zoning on the Coastal Open Space Corridor property, as shown on Exhibit C, as REC.

Section 5. Effect of Initiative on General Plan Land Use Classification and Zoning on Subject Properties Only

This Initiative adopts General Plan designations and zoning designations only for the Downtown and Beach Parking Lot and Coastal Open Space Corridor properties, which are specifically identified in this Initiative. The Initiative does not adopt, alter, or change any other land use classifications or zoning on any other real property in the City of Carpinteria.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Section 6. Implementation

- A. This Initiative is considered adopted and effective upon the earliest date legally possible after either the City Council adopts the Initiative as law upon its qualification or, if it is placed on the ballot, the elections official certifies the vote on the Initiative by the voters of the City of Carpinteria. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.
- B. Upon the effective date of this Initiative, the General Plan amendments of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions of Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration.
- C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent, and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.
- D. Upon the effective date of this Initiative, the provisions of Section 4 (Zoning Amendments) of this Initiative are hereby inserted into the Carpinteria Municipal Code. The City may reorganize, renumber, and/or reformat the provisions of Section 4 of this Initiative, provided that the full text is inserted into the Municipal Code without alteration.

Section 7. Effect of Other Measures on the Same Ballot

It is the voters' intent to comprehensively establish the potential future uses and development of the specific properties that are subject to the Initiative, including preservation of Coastal Open Space Corridor in its current open space state and the preservation of the Downtown and Beach Parking Lot for continued parking uses. To ensure that this intent is not frustrated, and in the event this Initiative is not adopted by the City Council as law, this Initiative shall be presented to the voters as an alternative to, and with the express intent that it will compete with, any and all

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voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of the subject properties in any manner whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only that measure that receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters but superseded by law in whole or in part by any other Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

Section 8. Interpretation and Severability

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Carpinteria indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. The Proponents of this Initiative, and any committee formed to support this Initiative, shall have standing to enforce and defend the provisions of this Initiative in any judicial forum, as necessary.

D. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

Section 9. Amendment

The provisions of this Initiative can be amended or repealed only by a majority of voters of the City of Carpinteria voting in an election held in accordance with state law.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Section 10. Inconsistent Provisions Repealed

Any provisions of the City of Carpinteria Municipal Code, or any other ordinances of the City inconsistent with this Initiative, to the extent of such inconsistencies and no further, are hereby repealed. This Initiative expresses the voters' intent to eliminate any possible inconsistency between existing code provisions and the amended General Plan designations and zoning designations.

Section 11. Exhibits

The following Exhibits A-D are provided for reference for the voters and incorporated by reference herein. The maps are intended to provide context and information regarding the location and current General Plan designations and zoning designations of the Downtown and Beach Parking Lot and the Coastal Open Space Corridor, as well as the designations of surrounding properties. The inclusion of the maps does not amend the General Plan or zoning designations of any property other than those specifically amended in this Initiative.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Exhibit A Identification of Affected Properties

Obtained from Santa Barbara County Geographic Information System.

Santa Barbara County Land Use and Zoning Map



Parcel Label	APN	Referenced in Initiative By Name
A	004-105-011	Downtown and Beach Parking Lot
B	004-105-026	Coastal Open Space Corridor

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Exhibit B General Plan Designations



Land Use Map

Parcel Label	Current Designation	Designation Adopted by Initiative
A	GC	OSR
B	OSR	OSR

Land Use Map

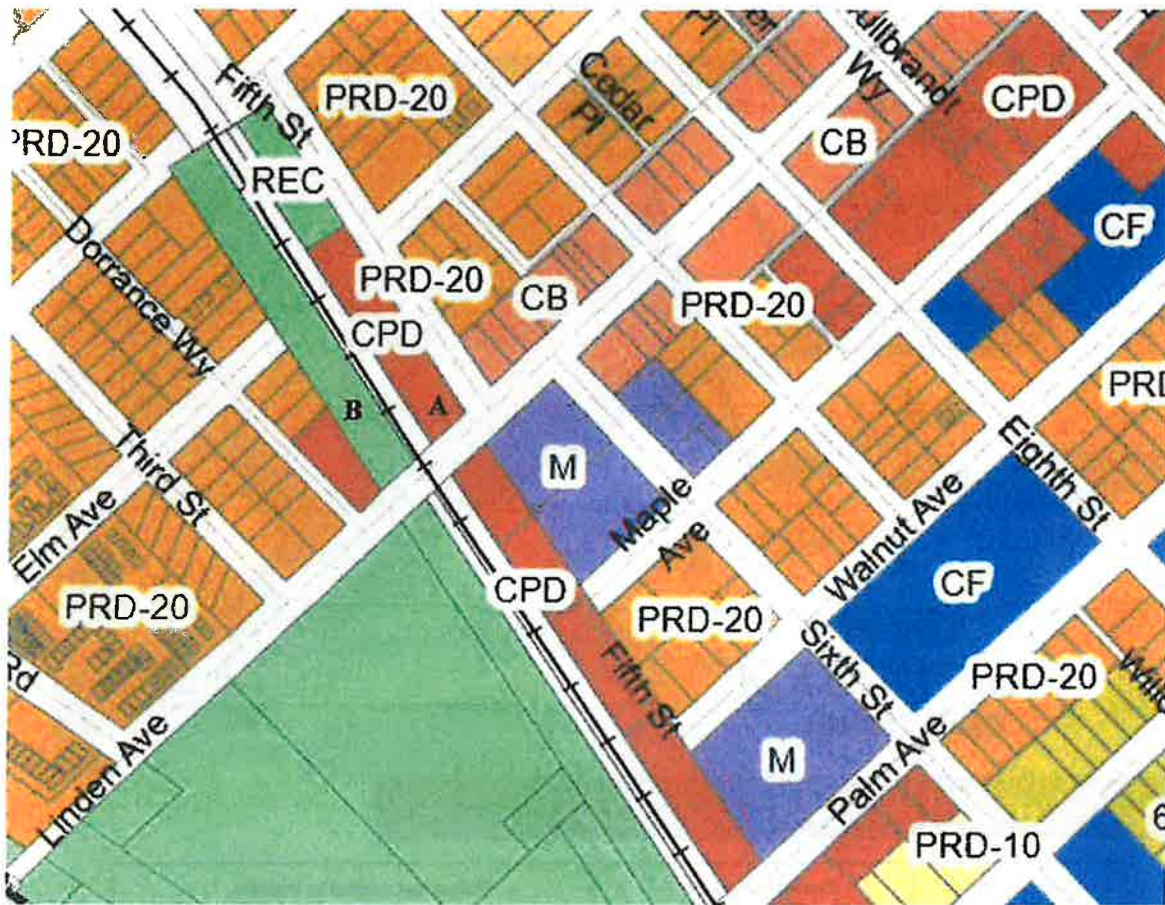
AG Agriculture	GC General Commercial
LR Low Density Residential-County	VC Visitor-serving Commercial
RR Rural Residential	GI General Industrial
LDR Low Density Residential	CDI Coastal Dependant Industrial
MDR Medium Density Residential	RDI Research Development Industrial
TC Transportation Corridor	OSR Open Space/Recreation
City Limits	PUD Planned Unit Development
Sphere of Influence	PF Public Facility

GP Reference to the State

NOTE: The Urban/Rural Boundary is the same as the City Limits except where noted

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Exhibit C
Zoning Designations



Parcel Label	Current Designation	Designation Adopted by Initiative
A	CPD	REC/R
B	REC	REC

ZONING DISTRICTS

Residential

- PRD-13 Planned Residential Development District - Maximum Density 13 Units/Acre
- 8-R-1 Single Family Residential District - Minimum Lot Size 8,000 square feet
- PRD-10 Planned Residential Development District - Maximum Density 10 Units/Acre
- PUD Planned Unit Development District
- 7-R-1 Single Family Residential District - Minimum Lot Size 7,000 square feet
- PRD-20 Planned Residential Development District - Maximum Density 20 Units/Acre
- 6-R-1 Single Family Residential District - Minimum Lot Size 6,000 square feet
- 4-R-1 Single Family Residential District - Minimum Lot Size 4,000 square feet
- 20-R-1 Single Family Residential District - Minimum Lot Size 20,000 square feet
- PRD-4 Planned Residential Development District - Maximum Density 4 Units/Acre
- PRD-18 Planned Residential Development District - Maximum Density 18 Units/Acre
- PUD-4.6 Planned Unit Development District - Maximum Density 4.6 Units/Acre
- PUD-5 Planned Unit Development District - Maximum Density 5 Units/Acre
- PRD-15 Planned Residential Development District - Maximum Density 15 Units/Acre
- MHP Mobile Home Park Planned Development District
- CITY BOUNDARY

Industrial

- M General Industrial District
- M-CD Coastal Industrial District
- M-RP Industrial/ Research Park District

Commercial

- CPD Commercial Planned Development District
- CB Central Business District
- CPD/R Commercial Planned Development District/ Residential Overlay
- RES Resort District

Other

- UT Public Utility District
- A-10 Agricultural - Minimum 10-Acre Parcel
- REC Recreation District
- A-5 Agricultural - Minimum 5-Acre Parcel
- CF Community Facility District

Schools

- Elementary School
- High School
- Middle School

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Exhibit D

Corporation Grant Deed and Certificate of Acceptance for Downtown and Beach Parking Lot

RECORDING REQUESTED BY

TICOR TITLE INS.
#200795-KAT

AND WHEN RECORDED MAIL TO

ALAN R. COATES, JR.
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

MAIL TAX STATEMENTS TO

same as above

89-034263

Recorded
Official Records
County of
Santa Barbara
Kenneth A. Pettit
Recorder
8:00am 25-May-89

Rec Fee .00
Total .00

ML 3

NO TAX DUE

NO FEE

APN # 3-010-04

CORPORATION GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SPTC HOLDING, INC., a corporation organized under the laws of the State of Delaware, does hereby GRANT to CITY OF CARPINTERIA, a Municipal corporation, the real property in the City of Carpinteria, County of Santa Barbara, State of California, described as

Parcel One of Parcel Map No. 25,143, in the City of Carpinteria, County of Santa Barbara, State of California as per Parcel Map filed in Book 43 Pages 62 and 63 of Parcel Maps, in the Office of the County Recorder of said County.

Grantor hereby excepts from the property hereby conveyed and reserves unto itself, its successors and assigns, all minerals and mineral rights, interests, and royalties, including without limiting the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under said property; however, Grantor or its successors and assigns shall not have the right for any purpose whatsoever to enter upon, into or through the surface of said property in connection therewith.

This Grant is made subject to all covenants, conditions, restrictions, exceptions, easements, rights of way, rights of access, agreements, reservations, encumbrances, liens and other matters as

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

- 2 -

the same may be of record; any matter which would be disclosed by survey, investigation or inquiry; and any tax, assessment or other governmental lien against said property.

Dated: MAY 18, 1989

SPTC HOLDING, INC.,
a Delaware corporation

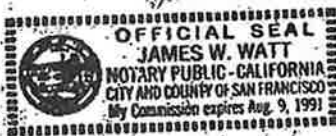
By: [Signature]
Title: Vice President - Real Estate

By: [Signature]
Title: Secretary

STATE OF CALIFORNIA
City and County of San Francisco

On this 18th day of May in the year One Thousand Nine Hundred and Eighty Nine
before me, JAMES W. WATT, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared

(Notary Public Seal)



Corporation

My Commission Expires August 9, 1991

S.D. Steel
personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Vice President, and
T. F. O'Donnell II personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Secretary of the Corporation that executed the within instrument and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal.

James W. Watt
Notary Public in and for the City and County of San Francisco, State of California.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

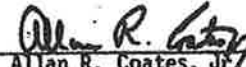
CERTIFICATE OF ACCEPTANCE
Government Code Section 27281

This is to Certify, that the City of Carpinteria, grantee herein, hereby accepts for public purposes the real property, or interest therein, conveyed by the within deed and consents to the recordation thereof.

In Witness Whereof, I have hereunto set my hand this 18th day of May, 1989.

CITY OF CARPINTERIA

By:


Allan R. Coates, Jr.
City Manager/Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss

On May 18, 1989, before me, Deputy City Clerk for the CITY OF CARPINTERIA, personally appeared Allan R. Coates, Jr., known to me to be the City Manager of the CITY OF CARPINTERIA, and known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same on behalf of the CITY OF CARPINTERIA.


Jayne A. Diaz
Deputy City Clerk

