City of Carpinteria
City Council Regular Meeting Agenda
Monday, October 25, 2021
Council Chamber, 5775 Carpinteria Avenue

5:30 p.m. Regular 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IN RESPONSE TO THE GOVERNOR'S ISSUANCE OF EXECUTIVE ORDER N-07-21, WHICH FORMALLY RESCINDED CALIFORNIA'S STAY-AT-HOME ORDER ISSUED LAST IN MARCH 2020, EXECUTIVE ORDER N-08-21, AND SANTA BARBARA COUNTY HEALTH OFFICER ORDER 2021-10.3,
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 County of Santa Barbara 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.) Please note that, per Health Officer Order 2021-10.3, the County of Santa Barbara requires all individuals to wear face coverings while indoors, regardless of vaccination status.
- 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 889 0390 2262) 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 Meeting", and entering Webinar ID 889 0390 2262.

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. Regardless of vaccination status, individuals providing in-person public comment are required to wear face coverings while inside the City Council Chambers, including while providing public comment. If you fall under the exemption criteria for wearing a face covering indoors per Heath Officer Order 2021-10.3, the City strongly recommends you provide public comment through one of the alternative means provided below.

- 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

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS

This may include updates on law enforcement activity within the City from a Sheriff's Office representative.

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.

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.

CONSENT CALENDAR:

1. Approve the minutes of the regular City Council meeting of October 11, 2021.

2. Receive and file the Expenditures for the period beginning October 2, 2021 and ending October 15, 2021

3. Receive and file the Contracts Executed by the City Manager on behalf of the City for the Period of September 22, 2021, through October 12, 2021.

4. Receive and file the Monthly City Treasurer's Report on Compliance with Statement of Safekeeping and Investment of Public Funds.

5. Receive and file the report of the of the Quarterly Review of Pension Stabilization Trust.

ADMINISTRATIVE MATTERS:

6. Fiscal Year 2020-21 Year-End Capital Improvement Program Budget Rollover of Unused Funds into Fiscal Year 2021-22 Capital Improvement Program Budget and Budget Appropriation for Capital Improvement Program Update.

   Recommendation: (1) Authorize the rollover of unused funds from Fiscal Year 2020-21 Capital Improvement Program Budget into Fiscal Year 2021-22 Capital Improvement Program Budget. (2) Approve an appropriation of $20,000 from the General Fund Available Fund Balance to General Fund Expense Account No. 101-401-5201 for the Capital Improvement Program Update.

   Staff Presenter: John L. Ilasin, Public Works Director

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

7. Annual Review and Adoption of the City's Investment Policy.

   Recommendation: Adopt Resolution No. 6076, receiving and filing the annual City Investment Policy.

   Staff Presenter: Licette Maldonado, Administrative Services Director

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

PUBLIC HEARING: NONE

OTHER BUSINESS:

8. Proposed correspondence from the City to the Housing Authority of the County of Santa Barbara Board of Commissioners objecting to its residential development concept for 173 apartment units on an approximately 7-acre site located at 1101 and 1103 Bailard Avenue.

   Recommendation: Approve the letter to be sent to the Housing Authority of the County of Santa Barbara (HASBARCO) Board of Commissioners (and copying same to the Santa Barbara County Board of Supervisors) objecting to its residential development concept for 173 apartments on an approximately 7-acre site located at 1101 and 1103 Bailard Avenue.

   Staff Presenter: Steve Goggia, Community Development Director

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

9. A status report and request for City Council policy input on proposed amendments to the Carpinteria Municipal Code, Title 14, Chapter 14.72 to implement recent State of California (State) enactment of housing laws to promote development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

   Recommendation: (1) Receive and consider this report and the recommendations of the Planning Commission on proposed amendments to the Carpinteria Municipal Code, Title 14, Chapter 14.72 to implement State enactment of housing laws. (2) Provide direction to staff on specific criteria, i.e., any or a combination of Options 1 through 5, as described in this report, for the proposed ADU-JADU administrative draft ordinance.

   Staff Presenter: Steve Goggia, Community Development Director

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

LEGISLATIVE UPDATE: The City Council will discuss local, state and/or federal legislation under consideration and decide whether to direct staff to place a matter(s) on a future City Council agenda for consideration.

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) (Clark/Alt. Carty)
   b. California Joint Powers Insurance Authority (CJPIA) (Clark/Alt. Carty)
   c. Channel Counties Division, League of California Cities (Nomura/Alt. Lee)
   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 Affordable Housing Task Group (Carty & Alarcon)
   g. Santa Barbara County Elected Leaders Forum to Address Homelessness (Clark/Alt. Alarcon)
   h. Home for Good of Santa Barbara County (Clark/Alt. Alarcon)
   i. South Coast Youth Safety Partnership (Lee & Alarcon)
   J. Central Coast Community Energy (3CE) (Nomura/Alt. Goleta)
   k. Multijurisdictional Solid Waste Task Group (Lee/Alt. Alarcon)

2. Joint and Standing Committees

   a. City Council/Economic Vitality Committee (Carty & Lee)
   b. City Council/Public Safety Committee (Clark & Nomura)
   c. City Council/School Board Committee (Lee & Alarcon)
   d. City Council/Utilities Committee (Lee & Nomura)
   e. City Council/First District Supervisor Committee (Lee & Carty)
   f. City Council Finance/Budget Committee (Carty & Clark)
   g. Transportation Committee (Lee & Clark)
   h. Development Review Committee (Joint Committee membership from City Council, Planning Commission and Architectural Review Board) (CC: Clark & Nomura/Alt. Carty) (PC: Benefield and Callender) (ARB: Reginato and Stein)

i. General Plan and Coastal Plan Update Committee (Joint Committee membership from City Council and Planning Commission) (Clark & Lee) (PC: Allen/Callender)
j. Public Facility Site Acquisition/Development Committee (Carty & Nomura)

3. Ad Hoc Committees

a. Library Committee (Lee & Alarcon/Alt. Carty)
b. District Elections Committee (Alarcon & Clark)
c. COVID-19 Communications Committee (Clark & Nomura)
d. COVID-19 Recovery Committee (Carty & Lee)
e. Racial Equity and Social Justice Program Planning Committee (Nomura & Alarcon)
f. Harbor Seal Advisory Committee (Clark & Lee)

4. City Representatives on other Committees

a. Community Media Access Center (Gary Dobbins)
b. Santa Barbara Mosquito and Vector Management District (Joe Franken)
c. Santa Barbara Metropolitan Transit District (Chuck McQuary)
d. County Library Advisory Committee (Gail Marshall)

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

ADJOURNMENT

The next regular meeting of the City Council will be held November 8, 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, October 20, 2021, in the City Clerk's Office, on the City Hall Public Notices Window, and on the Internet.

City of Carpinteria
City Council Minutes
Regular Meeting
Monday, October 11, 2021

In-Person and Virtual

Acting City Clerk Brian C. Barrett noted for the record that in response to the Governor's Executive Orders N-07-21 and N-08-21, the City of Carpinteria has made the decision to provide both in-person and virtual attendance and participation options available to the public for this meeting and additionally noted the protocols by which the public could participate and should one of the virtual attendance/viewing or public comment options be unavailable due to technological issues, the public is invited to take advantage of one of the other participation options available.

CALL TO ORDER

Mayor Nomura called the meeting to order at 5:30 pm.

ROLL CALL

Councilmembers present:	Councilmember Natalia Alarcon Councilmember Gregg A. Carty Councilmember Roy Lee Vice Mayor Al Clark Mayor Wade T. Nomura
Staff members present:	Dave Durflinger, City Manager Jena Shoaf Acos, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria Brian C. Barrett, Acting City Clerk John L. Ilasin, Public Works Director Matt Roberts, Parks, Recreation & Public Facilities Director

PLEDGE OF ALLEGIANCE

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS

Lieutenant Butch Arnoldi with the Santa Barbara County Sheriff's Department provided an update on crime in the City.

CITY MANAGER'S REPORT

City Manager Durflinger reported on the following:

- Independent auditors will come to audit prior fiscal year City finances.
- The American Recovery Plan Act fund rules will give detailed information about qualified expenses.
- Work has started on updating the City's Long Range Financial Plan.
- Workshop for the Dune & Shoreline Management Plan to be held Thursday October 21st at 5:30 pm at City Hall.
- Initiation of an Ordinance regarding Accessory Dwelling Units presented at October 25th City Council meeting.
- The Downtown "T" Trick or Treating event will not be held due to COVID-19.

PRESENTATIONS BY CITIZENS / PUBLIC COMMENT

Speakers via Zoom: Lisa Guravitz and Jane Benefield

AGENDA MODIFICATIONS:

CONSENT CALENDAR:

Motion by Councilmember Lee, seconded by Councilmember Alarcon, to approve the Consent Calendar Item Nos. 1 through 3. The roll call vote was as follows:

AYES:	Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura
NOES:	None
ABSENT:	None
ABSTAIN:	None

The motion carried unanimously.

1. Approve the minutes of the regular City Council meeting of September 27, 2021.

2. Receive and file the Expenditures for the period beginning September 18, 2021 and ending October 1, 2021.

3. Adoption of the attached Resolution No. 6075, authorizing a change of signature on City bank accounts.

ADMINISTRATIVE MATTERS:

4. Authorize the City Manager to execute Amendment No. 1 to the Agreement with LIN Consulting, Inc. for adding Project No. 15125 – Carpinteria High School Crosswalk Safety Improvements Project.

Recommendation: (1) Authorize the City Manager to execute Amendment No. 1 to the Agreement with LIN Consulting, Inc. for adding Project No. 15125 – Carpinteria High School Crosswalk Safety Improvements Project in an amount not-to-exceed $129,880 thereby extending the term to June 30, 2022 and increasing the maximum Agreement amount to $199,316.10 and (2) Approve a budget appropriation of $97,000 from the Measure A Fund Available Fund Balance to Capital Improvements Project Fund Expense Account No. 301-403-5780 for Project No. TR-21-003 and the associated transfer.
(This motion requires a roll call vote.)

Staff Presenter: John L. Ilasin, Public Works Director

There was no public comment.

Motion by Councilmember Lee, seconded by Councilmember Alarcon, to (1) authorize the City Manager to execute Amendment No. 1 to the Agreement with LIN Consulting, Inc. for adding Project No. 15125 – Carpinteria High School Crosswalk Safety Improvements Project in an amount not-to-exceed $129,880 thereby extending the term to June 30, 2022, and increasing the maximum Agreement amount to $199,316.10 and (2) approve a budget appropriation of $97,000 from the Available Measure A Fund Balance to Capital Improvements Project Fund Expense Account No. 301-403-5780 for Project No. TR-21-003 and the associated transfer. The roll call vote was as follows:

AYES:	Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura
NOES:	None
ABSENT:	None
ABSTAIN:	None

The motion carried unanimously.

5. Purchase of Backhoe Loader Equipment.

Recommendation: Authorize the City Manager to purchase a backhoe loader equipment from Quinn Company in an amount not to exceed $124,500.
(This motion requires a roll call vote.)

Staff Presenter: John L. Ilasin, Public Works Director

There was no public comment.

Motion by Councilmember Alarcon, seconded by Vice Mayor Clark, to authorize the City Manager to arrange for the purchase of a backhoe loader from Quinn Company in an amount not to exceed $124,500. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura
NOES: None
ABSENT: None
ABSTAIN: None

The motion carried unanimously.

PUBLIC HEARING: NONE

OTHER BUSINESS:

6. Presentation on the Emergency Housing Voucher Program in Santa Barbara County and response to a related funding request.

   Recommendation: Receive the status report and direct staff to include the requested supportive services funding as a part of City budgeting for use of American Recovery Plan Act revenue in an amount equal to the City's pro rata share of the expense (currently estimated at $60,000).

Staff Presenters: Dave Durflinger, City Manager and Kimberlee Albers with County of Santa Barbara

There was no public comment.

Motion by Councilmember Lee, seconded by Vice Mayor Clark, to receive the Presentation and direct staff to include in the City's American Recovery Plan Act budgeting an amount consistent with the City's pro rata share of Emergency Housing Voucher Program supportive services costs. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura
NOES: None
ABSENT: None
ABSTAIN: None

The motion carried unanimously.

7. Report on off-leash dog park pilot program at El Carro Park.

   Recommendation: (1) Receive and file the report and (2) Continue the pilot program for one (1) more year.

Staff Presenter: Matt Roberts, Parks, Recreation & Public Facilities Director

Emails distributed: George E. Lehtinen, Neil and Carolyn Friedman, Katie and Dylan Tompkins, Karen Sketch, Andrew Mirkin, Doreen and Stephan Maulhardt, Ashley Watkins, Lisa Price, Erin Milne, Troy Castorino, Elizabeth Mandl, Jackie Morris, Marianne Bloom, Bob Fudurich, Timothy Lindemann, Shelby Donald, Catherine Fudurich, Henry Bongiovi, Christina Fudurich

Speakers in-person: Jacquelyn Geary, Evelyn Calkins, Siera Ford, George Lehtinen, Roberta Lehtinen, Jason Rodriguez, Christine Mallard, Kevin Twohy, Van Flesher, Lorraine McIntire, Verlie Bentz, Patricia Mickelson, Devon Tursick, and Ryan Mann

Motion by Councilmember Lee, seconded by Councilmember Carty, to (1) receive and file the report on off-leash dog park pilot program at El Carro Park; and (2) continue the Pilot Program for another year to November 1, 2022 and to amend the sign program to define a 30 foot buffer for the western most area of the park, and to implement an enhanced communication program with dog owners about park rules, and to include the southern part of El Carro Park to be a part of the Pilot Program and direct staff to research other parks for such a Pilot Program.

Councilmember Carty suggested Councilmember Lee amend his motion to mention other locations instead of other parks for the Pilot Program.

Councilmember Lee amended the motion and Councilmember Carty seconded the amended motion to (1) receive and file the report on off-leash dog park pilot program at El Carro Park; and (2) continue the Pilot Program for another year to November 1, 2022 and to amend the sign program to define a 30 foot buffer for the western most area of the park, and to implement an enhanced communication program with dog owners about park rules, and to include the southern part of El Carro Park to be a part of the Pilot Program and direct staff to research other locations for such a Pilot Program.

Vice Mayor Clark recommended including a larger buffer from Seacoast Village or relocate the dog park to somewhere else in El Carro Park to have the least impact on sensitive receptors. Mayor Nomura agreed and suggested a 60 foot buffer and leave it open for alternative locations or areas within El Carro Park.

Councilmember Lee further amended the motion and Councilmember Carty seconded the further amended motion to (1) receive and file the report on off-leash dog park pilot program at El Carro Park; and (2) continue the Pilot Program for another year to November 1, 2022 and to amend the sign program to define a 60 foot buffer for the western most area of the park and leave it open for alternative locations or areas within El Carro Park, and to implement an enhanced communication program with dog owners about park rules, and to include the southern part of El Carro Park to be a part of the Pilot Program and direct staff to research other locations for such a Pilot Program. The roll call vote on the further amended motion was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice

Mayor Clark, and Mayor Nomura
NOES: None
ABSENT: None
ABSTAIN: None

The motion carried unanimously.

8. Consideration of a status report for the property located at 399 Linden Avenue (APN: 004-105-026, 028) (Property).

Recommendation: Receive and file this status report.

Staff Presenter: Matt Roberts, Parks, Recreation & Public Facilities Director

Emails distributed: Kristin Larson with Tellus Law Group

Speakers in-person: Marla Daily

Motion by Vice Mayor Clark, seconded by Councilmember Carty, to receive and file this status report. The roll call vote was as follows:

AYES: Councilmember Alarcon, Councilmember Carty, Councilmember Lee, Vice Mayor Clark, and Mayor Nomura
NOES: None
ABSENT: None
ABSTAIN: None

The motion carried unanimously.

LEGISLATIVE UPDATE:

City Manager Durflinger identified the usual attachment from the League and Action Center.

TEMPORARY ADJOURNMENT FOR THE PURPOSE OF HOLDING THE MONTHLY MEETING OF THE CARPINTERIA LIBRARY BOARD OF TRUSTEES

Mayor Nomura temporarily adjourned the meeting at 8:19 pm.

RECONVENE THE REGULAR MEETING OF THE CITY COUNCIL

Mayor Nomura reconvened the meeting at 8:26 pm.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

There were no committee reports.

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

All Councilmembers are expected to be in attendance at the next regular City Council meeting of October 25th.

ADJOURNMENT

Mayor Nomura adjourned the meeting at 8:26 p.m.

____
Wade T. Nomura, Mayor

ATTEST:

____
Brian C. Barrett, Acting City Clerk

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
October 25, 2021

ITEM FOR COUNCIL CONSIDERATION

Expenditures for the period beginning October 2, 2021 and ending October 15, 2021.

STAFF RECOMMENDATION

Action Item ___; Non-Action Item _X_

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 October 2, 2021 and ending October 15, 2021.

Staff contact: Alexiss Martinez, Accounting Tech.
(805) 755-4422, AlexissM@ci.carpinteria.ca.us

Signature

Staff contact: Licette Maldonado, Admin Services Dir.
(805) 755-4448, LicetteM@ci.carpinteria.ca.us

Signature

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

Signature

Warrant Register

City of Carpinteria

Date Range: 10/02/2021 - 10/15/2021

Payable #	Vendor Name / Payable Type	Post Date	Payment Date / Payable Description	Payment Type	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
	JAYNE DIAZ		10/07/2021	EFT	579.56	671
INV0002898	Invoice	10/01/2021	MEDICAL REIMBURSEMENT			
	LARRY DRIGGERS		10/07/2021	EFT	579.56	672
INV0002899	Invoice	10/01/2021	MEDICAL REIMBURSEMENT			
	MARY ANN COLSON		10/07/2021	EFT	579.56	673
INV0002897	Invoice	10/01/2021	MEDICAL REIMBURSEMENT			
	ALICE WISSING		10/07/2021	Regular	320.00	100113
09/25/21	Invoice	10/07/2021	MINUTES FOR PLANNING COMMISSION MEETING ON 9/07/21			
	BOB MURRAY & ASSOCIATES		10/07/2021	Regular	19,014.76	100114
9105	Invoice	10/07/2021	AUG21 RECRUITMENT SERVICES FOR ACM			
9154	Invoice	10/07/2021	SEP21 RECRUITMENT SERVICES FOR ACM			
	CANON FINANCIAL SERVICES, INC		10/07/2021	Regular	650.02	100115
27422219	Invoice	10/07/2021	SEP21 CHARGES FOR CANON 5760 & CANON B & W 6275			
	COLBY COLLIER		10/07/2021	Regular	433.48	100116
INV0002802	Invoice	09/09/2021	TRAVEL FOR LG CERT CLASS REIMBURSEMENT			
	COX BUSINESS		10/07/2021	Regular	317.28	100117
OCT21 001 3011 028030701	Invoice	10/07/2021	OCT 21-POOL & GARDEN INTERNET & PHONE			
	DALE REDFIELD		10/07/2021	Regular	288.75	100118
10/01/2021	Invoice	10/07/2021	LIBRARY CONSULTANT SERVICES 09/16/21 TO 09/30/21			
	DLT SOLUTIONS, INC.		10/07/2021	Regular	1,395.90	100119
4998590	Invoice	10/07/2021	FY21-22 ANNUAL SUBSCRIPTION FOR SOFTWARE USAGE			
	FIRST NATIONAL BANK OF OMAHA		10/07/2021	Regular	2,205.30	100120
OCT21 0983	Invoice	10/07/2021	CREDIT CARD PAYMENT-OU			
SEP21 3696	Invoice	10/07/2021	CREDIT CARD PAYMENT-LM			
	FRONTIER COMMUNICATIONS		10/07/2021	Regular	148.33	100121
OCT21 209-188-2500-061589-5	Invoice	10/07/2021	PHONE & INTERNET SERVICES FOR LG TOWER			
	GRACENOTE		10/07/2021	Regular	71.31	100122
9747072889	Invoice	10/07/2021	OCT21 LISTINGS DISTRIBUTION SERVICES-GATV			
	IMPULSE ADVANCE COMMUNICATIONS		10/07/2021	Regular	1,600.73	100123
74235	Invoice	10/07/2021	OCTOBER 2021 PHONE SERVICES STATEMENT			
	JOBS AVAILABLE INC		10/07/2021	Regular	780.00	100124
2119003	Invoice	10/07/2021	DISPLAY ADS FOR CITY LIBRARIAN, CLERK, ENGINEER			
	MUNICIPAL CODE CORPORATION		10/07/2021	Regular	662.84	100125
00363569	Invoice	10/07/2021	SUPPLEMENT PAGES, BLANK PAGES, IMAGES, ORDLINK			
	SANSUM CLINIC		10/07/2021	Regular	55.00	100126
52608	Invoice	10/07/2021	PRE-HEALTH SCREENING FOR G.L.			
	SANTA BARBARA COUNTY, SHERIFF'S DEPT		10/07/2021	Regular	625,387.00	100127
1288	Invoice	10/07/2021	JUL21 CONTRACTED LAW ENFORCEMENT SERVICES			
1288-C	Credit Memo	06/30/2021	CREDIT FOR LAW ENFORCEMENT SERVICES			
1297	Invoice	10/07/2021	AUG21 CONTRACTED LAW ENFORCEMENT SERVICES			
	SANTA BARBARA PEST CONTROL		10/07/2021	Regular	90.00	100128

Vendor Number / Payable #	Vendor Name / Payable Type	Post Date	Payment Date / Payable Description	Payment Type	Payment Amount	Number
139219	Invoice	10/07/2021	SEP21 PEST CONTROL AT POOL			

	SO CA EDISON		10/07/2021	Regular	1,895.94	100129
SEP21 700201069122	Invoice	10/07/2021	ELECTRICITY-101 ASH AVE			
SEP21 700230547624	Invoice	10/07/2021	ELECTRICITY-5103 CARPINTERIA AVE			
SEP21 700255596559	Invoice	10/07/2021	ELECTRICITY-100 LINDEN			
SEP21 700264659490	Invoice	10/07/2021	ELECTRICITY-1115 LINDEN B PED			
SEP21 700274833982	Invoice	10/07/2021	ELECTRICITY-901 CACTUS LN EV EV			
SEP21 700477662295	Invoice	10/07/2021	ELECTRICITY-901 CACTUS LN LGHT			
SEP21 700525378417	Invoice	10/07/2021	ELECTRICITY-931 WALNUT AVE & 4851 5TH ST			
SEP21 700604790697	Invoice	10/07/2021	ELECTRICITY-CAPP AV/CSTS PAS 609			
	STAPLES ADVANTAGE		10/07/2021	Regular	770.03	100130
3487803385	Invoice	10/07/2021	PAPER CLIPS, BINDERCLIPS, POST ITS			
3487803386	Invoice	10/07/2021	COLOR TONER, BLACK TONER			
3488140959	Invoice	10/07/2021	COLOR TONER, KEY TAGS, BOXES FOR FILES			
	TORO ENTERPRISES, INC.		10/07/2021	Regular	7,545.07	100131
INV0002907	Invoice	10/07/2021	RETENTION PAYMENT FOR PED CROSSING SAFETY IMPROV			
	TVSB		10/07/2021	Regular	550.00	100132
149248404K794524L	Invoice	10/07/2021	SEP21 PRODUCTION SERVICES FOR REDISTRICTING MTG			
	VSS INTERNATIONAL INC		10/07/2021	Regular	14,130.85	100133
INV0002906	Invoice	10/07/2021	RETENTION PAYMENT FOR 2021 PAVEMENT MAINTENANCE			
	VULCAN MATERIALS COMPANY		10/07/2021	Regular	2,267.90	100134
73067889	Invoice	10/07/2021	ASPHALT MIX FOR STREET REPAIRS			
73077287	Invoice	10/07/2021	ASPHALT MIX FOR STREET REPAIRS			
	WESTAIRE HEATING & CONDITIONING, INC.		10/07/2021	Regular	280.00	100135
17926	Invoice	10/07/2021	UNIT CHECK FOR CITY HALL H-VAC REPAIR			
17927	Invoice	10/07/2021	CITY HALL H-VAC REPAIRS			
	ADELE GOGGIA		10/07/2021	Regular	1,200.00	100136
INV0002864	Invoice	10/07/2021	Pay Period #20			
	SEIU LOCAL 620		10/07/2021	Regular	234.53	100137
INV0002875	Invoice	10/07/2021	Employee Union Dues Contribution			
	UNITED WAY OF SANTA BARBARA COUNTY		10/07/2021	Regular	24.00	100138
INV0002877	Invoice	10/07/2021	Employee United Way Contribution			
	VANTAGEPOINT TRANSFER AGENTS - 457		10/07/2021	Regular	5,210.10	100139
INV0002865	Invoice	10/07/2021	ICMA Employee Contributions			
INV0002866	Invoice	10/07/2021	ICMA Employee Contributions			
INV0002867	Invoice	10/07/2021	Deferred Compensation Contribution			
	ADVANTAGE TELECOM		10/14/2021	Regular	73.34	100140
128818	Invoice	10/14/2021	OCT21 EMERGENCY PHONE LINE SERVICES			
	ANIMAL MEDICAL CLINIC		10/14/2021	Regular	591.38	100141
296857	Invoice	10/14/2021	SEP21 EMERGENCY OUT OF CONTRACT VET SERVICES			
298471	Invoice	10/14/2021	SEP21 DOG LICENSING ISSUANCE			
	BIG GREEN CLEANING COMPANY		10/14/2021	Regular	15.00	100142
586968	Invoice	10/14/2021	BATTERIES FOR CITY HALL			
	CARPINTERIA VALLEY HISTORICAL SOCIETY		10/14/2021	Regular	150.00	100143
0111	Invoice	10/14/2021	ANNUAL CORPORATE MEMBERSHIP FY 21-22			
	CARPINTERIA VALLEY WATER DISTRICT		10/14/2021	Regular	18,973.86	100144
CARP CITY SEP21 SERVICE	Invoice	10/14/2021	WATER SERVICE AT MULTIPLE LOCATIONS			
	COASTAL VIEW NEWS		10/14/2021	Regular	254.00	100145

Vendor Number Payable #	Vendor Name Payable Type	Post Date	Payment Date Payable Description	Payment Type	Payment Amount	Number
57484	Invoice	10/14/2021	REDISTRICTING ADVERTISING-09/16/21			
	COX BUSINESS		10/14/2021	Regular	420.35	100146
OCT21 001 3011 022093901	Invoice	10/14/2021	OCT21-CITY HALL TV & INTERNET SERVICES			
OCT21 001 3011 028450702	Invoice	10/14/2021	OCT21-VETS HALL INTERNET SERVICE			
	DATA TICKET INC		10/14/2021	Regular	90.00	100147
128934	Invoice	10/14/2021	AUGUST 2021-ONLINE ACCESS TO CITATION PROCESSING			

	DIAMOND A EQUIPMENT		10/14/2021	Regular	192.60	100148
P34724	Invoice	10/14/2021	PARTS FOR BEACH TRACTOR REPAIRS			
P34835	Invoice	10/14/2021	PARTS FOR BEACH TRACTOR REPAIRS			
	FIRST NATIONAL BANK OF OMAHA		10/14/2021	Regular	2,235.60	100149
OCT21 5544	Invoice	10/14/2021	CREDIT CARD PAYMENT-DD			
OCT21 6160	Invoice	10/14/2021	CREDIT CARD PAYMENT-JI			
	HELPING HAND HEALTH EDUCATION		10/14/2021	Regular	88.00	100150
116	Invoice	10/14/2021	CPR CERTIFICATION FOR LIFEGUARD EMPLOYEES			
	HINDERLITER DE LLAMAS		10/14/2021	Regular	300.00	100151
SIN011768	Invoice	10/14/2021	CONTRACT SERVICES-TRANSACTIONS TAX Q1 2021			
	LAWSON PRODUCTS INC		10/14/2021	Regular	326.20	100152
9308813574	Invoice	10/14/2021	HEX NUTS, & WASHER SUPPLIES FOR PW & PARKS			
	MNS ENGINEERS INC		10/14/2021	Regular	7,350.00	100153
78644	Invoice	10/14/2021	AUG21 PROJ OVERSIGHT SERVICES FOR HWY 101 PHASE 4			
	OPTONY INC.		10/14/2021	Regular	4,500.00	100154
213932	Invoice	10/14/2021	JUL-SEP21 PROJECT SERV. FOR CITY HALL SOLAR ENERGY			
	ROCKWELL PRINTING		10/14/2021	Regular	76.11	100155
38558	Invoice	10/14/2021	COMMUNITY DEVELOPMENT DEPT STAMPS			
	ROY HARTHORN		10/14/2021	Regular	11,372.52	100156
1468	Invoice	10/14/2021	AUG21 & SEP21 PLAN CHECK SERVICES			
	SANTA BARBARA TROPHY/ENGRAVING		10/14/2021	Regular	110.99	100157
11848	Invoice	10/14/2021	NAMES BADGES FOR COUNCIL, DEPT HEADS & STAFF			
	SO CA EDISON		10/14/2021	Regular	8,205.75	100158
OCT21 700474689651	Invoice	10/14/2021	ELECTRICITY-4683 9TH ST			
SEP21 700405192484	Invoice	10/14/2021	ELECTRICITY MULTIPLE LOCATIONS			
SEP21 700405192484 (2)	Invoice	10/14/2021	ELECTRICITY-MULTIPLE LOCATIONS			
	SO CAL GAS		10/14/2021	Regular	1,742.18	100159
AUG21 014 914 3239 7	Invoice	10/14/2021	NATURAL GAS-5103 CARPINTERIA AVE (FRIENDS OF LIBR)			
SEP21 006 514 2700 7	Invoice	10/14/2021	NATURAL GAS-5305 CARPINTERIA AVE APT B (POOL)			
SEP21 016 913 9500 6	Invoice	10/14/2021	NATURAL GAS-5775 CARPINTERIA AVE (CITY HALL)			
SEP21 140 914 3084 4	Invoice	10/14/2021	NATURAL GAS-941 WALNUT AVE (VETS HALL)			
	SOLID WASTE SOLUTIONS INC		10/14/2021	Regular	1,028.50	100160
183	Invoice	10/14/2021	ANNUAL REPORT PREP & CALRECYCLE GRANT REPORT			
	STAPLES ADVANTAGE		10/14/2021	Regular	180.81	100161
3488140958	Invoice	10/14/2021	G2 PENS. POST-ITS, STAPLES			
3488365864	Credit Memo	10/14/2021	REFUND STAPLES, G2 PENS, POST-ITS			
3489539658	Invoice	10/14/2021	SCIENTIFIC CALCULATOR, TONER CART			
	THE STORAGE PLACE		10/14/2021	Regular	370.00	100162
57347	Invoice	10/14/2021	UNIT 0905 RENT 10/23/21 - 11/22/21			
	TKM ENGINEERING		10/14/2021	Regular	5,735.00	100163
1012	Invoice	10/14/2021	SEP21 RESEARCH & REPORTING FOR TRAFFIC SAFETY COM.			

Vendor Number / Payable #	Vendor Name / Payable Type	Post Date	Payment Date / Payable Description	Payment Type	Payment Amount	Number
	UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA		10/14/2021	Regular	279.63	100164
920210155	Invoice	10/14/2021	OCT21 NEW TICKET CHARGES & DATABASE MAINTENANCE			
DSB20204740	Invoice	10/14/2021	OCT21 CA STATE FEE FOR REGULATORY COSTS			
	VERONICA PEREZ		10/14/2021	Regular	300.00	100165
INV0002913	Invoice	10/14/2021	VETS HALL RENTAL-REFUND OF CLEANING DEPOSIT			
	VULCAN MATERIALS COMPANY		10/14/2021	Regular	384.80	100166
73079180	Invoice	10/14/2021	ASPHALT FOR STREET REPAIRS			
	WENDY ROBINS		10/14/2021	Regular	108.62	100167
INV0002915	Invoice	10/14/2021	SUPPLIES FOR COMMUNITY GARDEN			
	WEX BANK (76)		10/14/2021	Regular	592.70	100168

74732020	Invoice	10/14/2021	SEP21 FUEL FOR CITY VEHICLES			
	WILLIAM C. STATLER		10/14/2021	Regular	1,917.67	100169
NO. 1	Invoice	10/14/2021	SEP21 LONG TERM FINANCIAL PLAN SERVICES			
	WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTION		10/14/2021	Regular	905.00	100170
S58582764	Invoice	10/14/2021	LOCAL HAZARD MITIGATION PLAN THROUGH 08/27/21			
	ZWORLD GIS		10/14/2021	Regular	2,500.00	100171
2021-0389	Invoice	10/14/2021	MAPPING/GIS SERVICES			
	CARPINTERIA CHILDREN'S PROJECT		10/14/2021	Regular	22,500.00	100172
INV0002916	Invoice	10/14/2021	FY21-22 COMMUNITY SERVICES SUPPORT GRANT			
	FIRST NATIONAL BANK OF OMAHA		10/14/2021	Regular	8,009.71	100173
OCT21 0503	Invoice	10/14/2021	CREDIT CARD PAYMENT-MR			
OCT21 9003	Invoice	10/14/2021	CREDIT CARD PAYMENT-LH			
	MENTAL WELLNESS CENTER		10/14/2021	Regular	1,500.00	100174
INV0002917	Invoice	10/14/2021	FY21-22 CONTRIBUTIONS TO HOPENET OF CARPINTERIA			

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
October 25, 2021

ITEM FOR COUNCIL CONSIDERATION

Contracts Executed by the City Manager on behalf of the City for the Period of September 22, 2021, through October 12, 2021.

STAFF RECOMMENDATION

Action Item ___; Non-Action Item _X_

Receive and file Report of Contracts Executed by the City Manager for the Period of September 22, 2021, through October 12, 2021.

DISCUSSION

The City Manager is delegated authority by the Carpinteria Municipal Code (CMC), §2.08.150B, to execute contracts on behalf of the City in the amount of $30,000 or less. Pursuant to CMC §2.08.150C, a list of all contracts executed by the City Manager is provided for City Council information and appended to this Staff Report as Attachment A. Attachment A lists all contracts entered into on behalf of the City for goods, construction and services for the Period of September 22, 2021, through October 12, 2021.

FINANCIAL CONSIDERATIONS

All contracts entered into are within the appropriated budgeted amounts.

ATTACHMENTS

A. Report of Contracts Executed by the City Manager

Staff contact:
Brian C. Barrett, Acting City Clerk
(805) 755-4446, brianb@ci.carpinteria.ca.us

Brian C. Barrett
Signature

Reviewed by: Dave Durflinger, City Manager

Signature

ATTACHMENT A

Report of Contracts Executed by the City Manager
Period of September 22, 2021, through October 12, 2021.

VENDOR	PURPOSE	AMOUNT
TKM Engineering	Consulting City Traffic Engineer Staff Augmentation Services	30,000.00
Precision Concrete Cutting	Survey & Repair of Sidewalk Trip Hazards - Maintenance Zone 1	29,925.00
Interwest Consulting Group, Inc.	Termination of Administrative Agreement A2020-030	N/A
Interwest Consulting Group, Inc.	Termination of Administrative Agreement A2021-025	N/A
Program Supplement Agreement No. N006 Rev. 3 to Administering Agency-State Agreement for Federal-Aid Projects No. 05-5397R	Carpinteria Avenue Bridge Replacement Project	N/A

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
October 25, 2021

ITEM FOR COUNCIL CONSIDERATION

Monthly City Treasurer's Report on Compliance with Statement of Safekeeping and Investment of Public Funds.

STAFF RECOMMENDATION

Action Item ___ Non-Action Item __x__

Receive and file the report

Sample Motion: None required

BACKGROUND / DISCUSSION

The City Council is the City of Carpinteria trustees and authorized to make investment decisions concerning public funds that are subject to the prudent investment standard. The Prudent Investor Standard of the California Government Code Section 53600.3 states, "when investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, a trustee shall act with care, skill, prudence and diligence under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated need of the City, that a prudent person in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City." The standard or prudence to be used by investment officials shall be applied in the context of managing the overall portfolio.

Trustees are those persons authorized to make investment decisions on behalf of a local agency. Trustees or City Investment officials, acting in accordance with investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk changes or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

The purpose of this agenda matter is to provide the City Council with the required monthly Treasurer's Report.

POLICY CONSISTENCY

The City is in compliance with the adopted Statement of Safekeeping and Investment of Public Funds.

FINANCIAL CONSIDERATIONS

Cash Statement: At September 30, 2021, the City held cash and cash investments as shown in the table below.

Table I

CASH ACTIVITY FOR THE MONTH:	
Cash and Investment Beginning of the Month	$ 15,651,622.71
Cash Receipts	1,748,752.95
Cash Disbursements	(1,746,557.17)
Cash and Investment End of the Month	$ 15,653,818.49

Investments:

Changes in the market value of treasury securities are inversely proportional to changes in interest rates demanded in the open market, i.e., when rates rise market values fall, when rates fall market values rise. The sensitivity of a portfolio's market value to these changes in market rates is a function of its days to maturity and its coupon rate. Securities with longer maturities and/or lower coupon rates are more sensitive to changes in market interest rates. As a security matures, changes in its value become less sensitive to market rate changes.

At September 30th the portfolio's average days to maturity was 1.27 years, the average coupon rate was 2.23%, the average yield to maturity was 0.18%, the par value was $4,305,000 and Market Value was $4,424,628.

The City does not intend to sell nor does it have any foreseeable need to sell any securities. The intention of the City's investment policy is to hold all securities to maturity; and securities so held are redeemed at par value resulting in no net market gain or loss.

Attached for City Council review is the Treasurer's Report that details a listing of all the investments and cash activity during the month.

The City of Carpinteria will be able to meet all expenditure obligations that might reasonably be anticipated for the next six-month period April 1, 2022.

LEGAL

This report has been prepared in compliance with California Government Code Sections 53600 and 53646.

PRINCIPAL PARTIES EXPECTED AT MEETING

Unknown

ATTACHMENTS

City of Carpinteria Treasurer's Report

Staff contact: Licette Maldonado,
Administrative Services Director
(805) 755-4448, licettem@ci.carpinterial.ca.us

Signature

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

Signature

City Treasurer's Report

CITY OF CARPINTERIA TREASURER'S REPORT
For the Month Ended September 2021

CASH ACTIVITY FOR THE MONTH:

Cash and Investment Beginning of the Month	$	15,651,622.71
Cash Receipts		1,748,752.95
Cash Disbursements		(1,746,557.17)
Cash and Investment End of the Month	$	15,653,818.49

CASH AND INVESTMENT PORTFOLIO:

Type of Investment/Coupon/CUSIP #	Institution/Issuer	Yield to Maturity	Maturity Date	# Days to Maturity	Par Value	Market Value (1)	Book Value (2)
Demand Deposit - General Checking	Montecito Bank	N/A	N/A	N/A	822,423.27	822,423.27	822,423.27
Demand Deposit - Premier Public Money Market	Montecito Bank	0.62%	10/1/2021	1	4,037,381.07	4,037,381.07	4,037,381.07
Demand Deposit - Section 125 Checking	Montecito Bank	N/A	N/A	N/A	9,916.44	9,916.44	9,916.44
Demand Deposit - Payroll Checking	Montecito Bank	N/A	N/A	N/A	3,108.98	3,108.98	3,108.98
Demand Deposit - Money Market	Charles Schwab	0.01%	10/1/2021	1	100,071.97	100,071.97	100,071.97
Local Agency Investment Fund	State of California	0.62%	10/1/2021	1	6,388,148.76	6,388,148.76	6,388,148.76
Treasury Note, 1.25%, (912828T67)	U.S. Government	0.15%	10/31/2021	31	94,000.00	94,073.43	93,759.60
Treasury Note, 1.75%, (912828U65)	U.S. Government	0.14%	11/30/2021	61	95,000.00	95,252.34	94,954.72
Treasury Note, 2.0%, (912828U81)	U.S. Government	0.14%	12/31/2021	92	107,000.00	107,518.28	106,711.89
Treasury Note, 1.875%, (912828V72)	U.S. Government	0.15%	1/31/2022	123	130,000.00	130,771.88	129,304.11
Treasury Note, 1.875%, (912828W55)	U.S. Government	0.15%	2/28/2022	151	138,000.00	139,035.00	137,594.13
Treasury Note, 1.875%, (912828W89)	U.S. Government	0.15%	3/31/2022	182	132,000.00	133,175.62	131,530.54
Treasury Note, 1.875%, (912828X47)	U.S. Government	0.16%	4/30/2022	212	167,000.00	168,748.27	166,999.92
Treasury Note, 1.75%, (912828XR6)	U.S. Government	0.16%	5/31/2022	243	179,000.00	180,985.77	178,310.26
Treasury Note, 1.75%, (912828XW5)	U.S. Government	0.16%	6/30/2022	273	177,000.00	179,212.50	176,343.17
Treasury Note, 1.875%, (9128282P4)	U.S. Government	0.16%	7/31/2022	304	177,000.00	179,627.33	176,924.33
Treasury Note, 1.625%, (9128282S8)	U.S. Government	0.16%	8/31/2022	335	168,000.00	170,336.24	167,062.69
Treasury Note, 1.875%, (9128282W9)	U.S. Government	0.16%	9/30/2022	365	165,000.00	167,913.27	164,718.17
Treasury Note, 2.0%, (9128283C2)	U.S. Government	0.16%	10/31/2022	396	179,000.00	182,663.90	178,509.11
Treasury Note, 2.0%, (912828M80)	U.S. Government	0.17%	11/30/2022	426	175,000.00	178,828.13	174,454.00
Treasury Note, 2.125%, (912828N30)	U.S. Government	0.17%	12/31/2022	457	161,000.00	164,974.69	160,091.79
Treasury Note, 2.375%, (9128283U2)	U.S. Government	0.17%	1/31/2023	488	169,000.00	173,990.77	168,003.85
Treasury Note, 2.625%, (9128284A5)	U.S. Government	0.17%	2/28/2023	516	171,000.00	176,904.84	171,184.09
Treasury Note, 2.5%, (9128284D9)	U.S. Government	0.17%	3/31/2023	547	171,000.00	176,904.84	170,243.30
Treasury Note, 2.625%, (9128284U1)	U.S. Government	0.19%	6/30/2023	638	100,000.00	104,171.87	99,563.57
Treasury Note, 2.75%, (912828Y61)	U.S. Government	0.19%	7/31/2023	669	400,000.00	418,250.00	398,795.22
Treasury Note, 2.75%, (9128284X5)	U.S. Government	0.20%	8/31/2023	700	400,000.00	418,937.48	399,721.60
Treasury Note, 2.875%, (9128285D8)	U.S. Government	0.20%	9/30/2023	730	250,000.00	262,851.55	249,335.00
Treasury Note, 2.5%, (9128285Z9)	U.S. Government	0.22%	1/31/2024	853	200,000.00	209,937.50	199,388.94
Treasury Note, 2.375%, (9128286G0)	U.S. Government	0.23%	2/29/2024	882	200,000.00	209,562.50	199,264.00
					15,666,050.49	**15,785,678.49**	**15,653,818.49**

CITY OF CARPINTERIA TREASURER'S REPORT
For the Month Ended September 2021

REPORT ON COMPLIANCE WITH STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS
The City is in compliance with the adopted Statement of Safekeeping and Investment of Public Funds.

REPORT OF ABILITY TO MEET REQUIRED EXPENDITURES FOR THE NEXT SIX MONTHS
Based upon currently budgeted revenues and expenditures, the City currently has sufficient liquid financial resources to meet anticipated expenditures during the period 10/01/21 through 4/01/22.

WEIGHTED AVERAGE MATURITY OF PORTFOLIO
As of September 30, 2021 the weighted average days to maturity of the City's investment portfolio is 1.27 years.

FOOTNOTES TO REPORT/DEFINITION OF TERMS:
(1) The market value of U.S. Government Securities was provided by the custodial agent, Charles Schwab.
For the Local Agency Investment Fund the market value represents the contract value.

For all other investments, the market value is equal to book value.

(2) Book value of demand deposits equals the bank balance minus outstanding checks plus deposits-in-transit.

Par Value: Equals face value of security (value of the security when it reaches maturity).

Market Value: The last price for which a security was bought or sold. In this case, the value as of the last day of the month of this report.

Book Value: The amount at which the security is carried in the City's accounting records (adjusted at year-end for GASB 40 reporting purposes).

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
OCTOBER 25, 2021

ITEM FOR COUNCIL CONSIDERATION

Quarterly Review of Pension Stabilization Trust.

STAFF RECOMMENDATION

Action Item ___ Non-Action Item __x__

Receive and file the report

Sample Motion: None required

BACKGROUNG/DISCUSSION

The purpose of the Pension Stabilization Trust is to accumulate, hold, and distribute pension plan assets for the exclusive benefit of retiree pensions within the meaning of IRS Code Section 115. Plan assets are irrevocable and may not be used for any purpose other than the purpose of the Trust. Withdrawal of plan assets is not permitted except to transfer to another trust or to reimburse the City for pension costs paid.

The City's primary objective in establishing the Pension Trust is to control long term costs and volatility on the annual operating budget. The trust provides more flexibility for the City to both level out contributions and mitigate year-to-year contribution volatility.

Plan contributions transfer assets to the Trust, and accordingly, plan assets are not carried on the City's books and are not subject to the City's investments policy. Discretionary Trustee Benefit Trust Company (BTC), with the advice of Morgan Stanley Wealth Management Consulting Group, actively manage plan assets consistent with the Investment Policy Statement. The City's individual trust account is part of a larger Multiple Employer Trust administered by Keenan Financial Services and BTC, referred to as the California Public Entity Pension Stabilization Trust. BTC also provides the City with monthly, quarterly (attached), and annual statements-of-activity of the City's account. The Pension Stabilization Trust utilizes a Board of Authority that provides management and oversight of the Trust with participation by one individual per public agency. The fees are asset-based, paid monthly, deducted directly from the Trust account, and total 30 bps[1] annually. This is competitive with other comparable plans.

POLICY CONSISTENCY

This matter concerns actions aimed at improving the City's long-term financial position and is consistent with the City's fiduciary responsibilities and goal to deliver services that meet community needs in an efficient and effective manner.

The purpose of this quarterly review is to report the portfolio summary of the City of Carpinteria Pension Stabilization Trust account.

FINANCIAL CONSIDERATIONS

Portfolio Summary:

At September 30, 2021, the City held investments as shown in the table below.

Table 1

		Year to Date (YTD)	
Beginning Value		**$1,387,017.95**	
	Net Contributions	0.00	
	Interest	0.00	
	Dividends	20,917.69	
	Change in Market Value	28,080.84	
	Management Fees	(3,178.38)	
Ending Value		**$1,432,838.10**	
Market Value			**Asset Allocation**
	Fixed Income	956,031.49	66.7%
	Equities	416,795.49	29.1%
	Alternatives	60,011.13	4.2%
Total Account		**$1,432,838.10**	**100.0%**
YTD: 12/31/2020 - 9/30/2021			

Investments:

At September 30th the portfolio's estimated market value was $1,432,838.10 quarter to date (net of fees) of -0.40%, year to date (net of fees) of 3.30%, last 12 months (net of

[1] Basis points pertain to interest rates. One basis point is equal to one one-hundredth of one percentage point (0.01%). Therefore, 100 basis points would be equivalent to 1%.

fees) 10.69%, and inception to date (net of fees) of 7.9%. Attached for City Council review is the statement from Benefit Trust as of September 30, 2021.

An initial deposit of $1 million dollars was invested June 30, 2018. A second deposit of $52,900 was made September 18, 2018 and the third budgeted deposit of $76,850 was made on January 15, 2020. The first disbursement from the Trust is scheduled to be in fiscal year 2021.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The establishment of the Pension Stabilization Trust Fund is being developed consistent with Section 115 of the Internal Revenue Code. Establishment of the Irrevocable Pension Stabilization Trust Fund mitigates financial risk associated with expected increases in the CalPERS pension rates over the next decade.

ATTACHMENTS

A. September 30, 2021 Performance Report

Staff contact: Licette Maldonado,
Administrative Services Director
(805) 755-4448, licettem@ci.carpinterial.ca.us

Signature

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

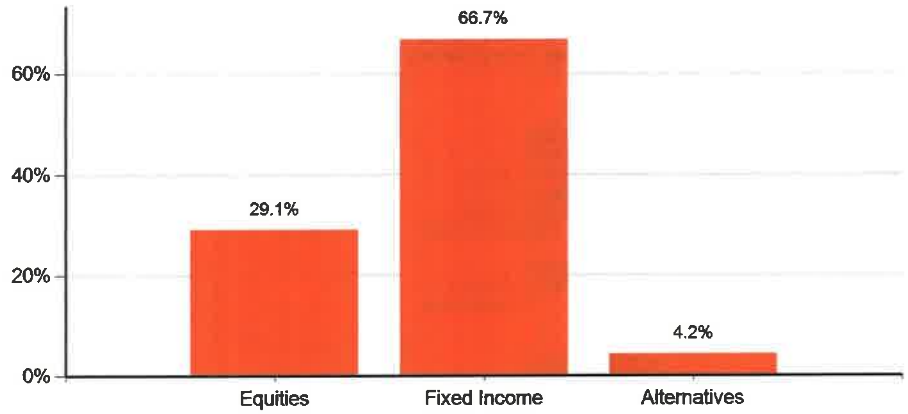
Signature

ATTACHMENT A
CITY OF CARPINTERIA CA-MUNI-PST
BENEFIT TRUST ACCOUNT

Portfolio Summary

Net of Fees | US Dollar
9/30/2021

Asset Allocation



Portfolio Summary

		Year to Date
Beginning Value	$	1,387,017.95
Net Contributions		-
Interest		-
Dividends		20,917.69
Change in Market Value		28,080.84
Management Fees		(3,178.38)
Ending Value	$	1,432,838.10

YTD: 12/31/2020 - 9/30/2021

Performance

	Market Value	Current Yield	Month to Date	Quarter to Date	Year to Date	Last 12 Months	Last 3 Years	Inception* to Date
Fixed Income	956,031.49	2.9	-1.02	-0.07	-1.19	1.65	6.25	5.75
Equities	416,795.49	0.5	-4.25	-1.11	11.46	30.68	14.61	14.78
Alternatives	60,011.12	2.1	-5.50	1.09	21.14	33.56	8.09	7.70
Total Account	**1,432,838.10**	**2.2**	**-2.17**	**-0.33**	**3.54**	**11.02**	**8.47**	**8.23**
Total Account (Net of Fees)		**2.2**	**-2.20**	**-0.40**	**3.30**	**10.69**	**8.14**	**7.90**
S&P 500 TR			*-4.65*	*0.59*	*15.93*	*30.01*	*15.99*	*17.32*
MSCI EAFE			*-2.90*	*-0.45*	*8.45*	*25.85*	*7.66*	*7.49*
MSCI ACWI Ex US Net			*-3.20*	*-2.99*	*5.89*	*23.91*	*8.03*	*7.62*
Barclays Aggregate			*-0.87*	*0.05*	*-1.56*	*-0.90*	*5.36*	*4.94*
Barclays Global Agg Bd Unhedged			*-1.78*	*-0.89*	*-4.06*	*-0.91*	*4.23*	*3.60*
50% MSCI ACWI/ 50% Barclays Agg			*-2.50*	*-0.48*	*4.68*	*12.66*	*9.37*	*9.33*

* Inception date: 6/30/2018

Performance for periods greater than one year are annualized.

PORTFOLIO APPRAISAL

CITY OF CARPINTERIA CA–MUNI-PST
BENEFIT TRUST ACCOUNT 7440

September 30, 2021

Quantity	Security	Security Symbol	Unit Cost	Total Cost	Price	Market Value	Pct. Assets	Cur. Yield
FIXED INC MUTUAL FUNDS								
TAXABLE BOND FUND								
15,991.676	BLACKROCK TOTAL RETURN FD BD FD BLKRK CL	MPHQ.X	11.55	184,777.86	11.96	191,260.44	13.3	2.3
9,598.435	GUGGENHEIM FDS TR INVT GD BD INSTL	GIUS.X	18.67	179,233.67	20.03	192,256.65	13.4	2.7
3,506.046	GUGGENHEIM FDS TR MACRO OPPTY R6	GIOS.X	26.40	92,542.99	27.22	95,434.57	6.7	4.5
13,164.386	PRUDENTIAL TOTAL RETURN BD FD	PTRQ.X	14.31	188,443.58	14.59	192,068.39	13.4	2.9
13,806.092	PRUDNTIAL GBL TOTL RTRN FD INC PGIM GBL TTL R6	PGTQ.X	7.03	97,066.84	6.81	94,019.49	6.6	3.9
15,876.304	WESTERN ASSET FDS INC	WAPS.X	11.60	184,223.45	12.03	190,991.94	13.3	2.5
				926,288.40		956,031.49	66.7	2.9
				926,288.40		956,031.49	66.7	2.9
DOMESTIC EQUITY MUTUAL FUNDS								
LARGE CAP FUND								
1,050.686	ALGER FUNDS CAP APP FOCS Y	ALGY.X	38.48	40,430.99	62.61	65,783.45	4.6	0.0
1,480.944	COLUMBIA FDS SER TR I	COFY.X	27.52	40,760.31	35.77	52,973.37	3.7	0.8
651.787	LEGG MASON PARTNERS EQUITY TR CLR BRID SL IS	LCSS.X	40.86	26,632.01	55.86	36,408.82	2.5	0.0
				107,823.31		155,165.64	10.8	0.3
MID CAP FUND								
1,017.402	ALGER FDS MD CP FOCUS Z	AFOZ.X	14.51	14,761.55	21.66	22,036.93	1.5	0.0
SMALL CAP FUNDS								
1,139.623	ALGER FDS SMALL CP FOCUS Z	AGOZ.X	20.50	23,366.26	32.45	36,980.77	2.6	0.0
283.526	UNDISCOVERED MANAGERS FDS BEHAVR VAL R6	UBVF.X	59.64	16,909.48	80.66	22,869.21	1.6	0.8
				40,275.74		59,849.97	4.2	0.3
				162,860.60		237,052.54	16.5	0.3
INTERNATIONAL MUTUAL FUNDS								
INTERNATIONAL EMERGING MARKET FUND								
154.581	AMERICAN FUNDS NEW WORLD F-2	NFFF.X	66.59	10,293.94	91.95	14,213.72	1.0	0.3
INTERNATIONAL FUND								
462.311	AMERICAN FUNDS NEW PERSPECTIVE F2	ANWF.X	46.60	21,543.35	66.62	30,799.16	2.1	0.3

"#carp-pst."

PORTFOLIO APPRAISAL

CITY OF CARPINTERIA CA–MUNI-PST
BENEFIT TRUST ACCOUNT 7440
September 30, 2021

Quantity	Security	Security Symbol	Unit Cost	Total Cost	Price	Market Value	Pct. Assets	Cur. Yield
1,571.696	GOLDMAN SACHS TR II GQG PARTNRS R6	GSIY.X	15.20	23,886.46	19.61	30,820.96	2.2	0.2
859.639	HARTFORD INTERNATIONAL VALUE Y	HILY.X	16.64	14,300.34	16.90	14,527.90	1.0	1.7
756.708	JOHN HANCOCK FDS III INTL GROWTH R6	JIGT.X	29.28	22,152.76	39.57	29,942.94	2.1	0.3
480.052	OAKMARK INTERNATIONAL INVESTOR	OANI.X	24.28	11,656.36	28.19	13,532.67	0.9	0.5
643.068	PRUDENTIAL WORLD FD INC JENNISON GBL Q	PRJQ.X	30.94	19,898.04	49.29	31,696.82	2.2	0.0
616.166	THORNBURG INVESTMENT INCOME BUILDER	TIBO.X	21.28	13,110.50	23.06	14,208.79	1.0	5.1
				126,547.80		165,529.23	11.6	0.8
				136,841.74		179,742.95	12.5	0.7
ALTERNATIVE INVESTMENT FUNDS								
ALTERNATIVE FUND								
2,278.576	COHEN & STEERS RLTY INCM NEW SHS CL Z	CSZI.X	16.06	36,588.33	19.79	45,093.02	3.1	2.3
574.436	PRUDENTIAL GLOBAL REAL ESTATE	PGRQ.X	23.40	13,442.15	25.97	14,918.10	1.0	1.5
				50,030.48		60,011.12	4.2	2.1
				50,030.48		60,011.12	4.2	2.1
TOTAL PORTFOLIO				**1,276,021.22**		**1,432,838.10**	**100.0**	**2.2**

"#carp-pst."

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
October 25, 2021

ITEM FOR COUNCIL CONSIDERATION

Fiscal Year 2020-21 Year-End Capital Improvement Program Budget Rollover of Unused Funds into Fiscal Year 2021-22 Capital Improvement Program Budget and Budget Appropriation for Capital Improvement Program Update.

STAFF RECOMMENDATION

Action Item _X_ ; Non-Action Item ___

1. Authorize the rollover of unused funds from Fiscal Year 2020-21 Capital Improvement Program Budget into Fiscal Year 2021-22 Capital Improvement Program Budget.

2. Approve an appropriation of $20,000 from the General Fund Available Fund Balance to General Fund Expense Account No. 101-401-5201 for the procurement of consulting services to prepare Capital Improvement Program Update.

Sample Motion: I move to authorize:

1. Authorize the rollover of unused funds from Fiscal Year 2020-21 Capital Improvement Program Budget into Fiscal Year 2021-22 Capital Improvement Program Budget.

2. Approve an appropriation of $20,000 from the General Fund Available Fund Balance to General Fund Expense Account No. 101-401-5201 for the procurement of consulting services to prepare Capital Improvement Program Update.

(This motion requires a roll call vote.)

BACKGROUND

On June 14, 2021, the City Council adopted the current Fiscal Year 2021-22 Budget, which includes estimated revenues and expenses for the Capital Improvement Program

(CIP). The CIP consists of capital projects greater than $10,000 in value and is funded primarily by special funds such as Measure A, Development Impact Fees, and grant funding. The passage by Carpinteria voters of a local sales tax, Measure X (the revenues of which began being received by the City in April of 2018), has also allowed for a greater amount of discretionary revenue to be dedicated to capital projects annually. The CIP budget represents a continuation of the City's recent aggressive effort to address capital improvement needs and deferred maintenance.

Needs addressed by the CIP include improvements for bicycles and pedestrians, highway interchanges and bridges along the freeway corridor and at Carpinteria Creek, parking facilities, parks, the library and City Hall, storm water pollution, local street maintenance and traffic control. Capital projects are typically long-term investments with project expenditures occurring over multiple fiscal years.

The CIP is a five-year plan that is reviewed and, if necessary, updated annually by the City Council. The City Council last comprehensively reviewed and updated the CIP in 2017. Initiating the process to update the City's CIP includes procuring consulting services to assist staff.

The purpose of this agenda matter is for the City Council to (a) authorize the rollover of unused funds allocated for the Fiscal Year 2020-21 CIP to the Fiscal Year 2021-22 CIP, and (b) approve an appropriation of $20,000 from the General Fund Available Fund Balance for consultant services costs associated with the update of Capital Improvement Program.

DISCUSSION

Rollover

Table 1 below shows the unused capital project amounts included in the FY 2020-21 budget being proposed for rollover appropriation in the current FY 2021-22 budget.

TABLE 1 - Summary of Fiscal Year 2020-21 CIP Budget Rollover by Project			
Project #	**Project Name**	**Fiscal Year 2020-21 Budget Rollover**	**Funding Source**
PK-20-002	Bluffs II Trail	$15,000	Park Maintenance Fund
PK-20-005	Dune & Shoreline Management Plan	$133,900	State Grants
PK-20-005	Dune & Shoreline Management Plan	$17,300	Tideland Trust Fund
PW-21-001	City Hall Campus Improvements Phase II	$600	Measure X Fund
ST-19-001	Linden Avenue/Casitas Pass Road Interchanges	$5,700	State Grants
ST-21-001	2021 Pavement Rehabilitation	$287,500	Measure A Fund
ST-21-001	2021 Pavement Rehabilitation	$123,900	Measure X Fund

TR-19-002	Carpinteria Avenue Bridge Replacement	$15,400	Federal Grants
TR-19-002	Carpinteria Avenue Bridge Replacement	$2,000	Highway & Bridge DIF
TR-21-001	Linden Avenue Improvements	$1,900	County Grants
TR-21-003	Carpinteria High School/Rincon High School Crosswalk Safety Improvements	$6,100	Measure A Fund
WM-21-001	East Via Real Stormwater	$5,600	Federal Grant
WM-21-001	East Via Real Stormwater	$1,800	Storm DIF
	TOTAL	$616,700	

Budget Appropriation for Five-Year CIP Update

The City Council last adopted the Five-Year CIP in 2017 (City Council Resolution No. 5741), and the next scheduled update is due for 2022. A comprehensively updated CIP will provide the basis for planning and budgeting of capital projects as well as the nexus for assessing development impact fees. Staff is seeking authorization for a $20,000 budget appropriation from the General Fund Available Fund balance for the Five-Year CIP update.

POLICY CONSISTENCY

The CIP is consistent with many goals, objectives and policies included in the General Plan/Local Coastal Plan. The rollover of CIP funds is consistent with the City's current financial policies.

FINANCIAL CONSIDERATIONS

Attachment A discusses the proposed budget amendments to the Fiscal Year 2020-21 CIP Budget Sheets for the above projects as consideration for rollover into Fiscal Year 2021-22. Staff is not requesting for any additional budget appropriations for capital improvement projects at this time. However, staff is requesting for a $20,000 budget appropriation from the General Fund Available Fund Balance to General Fund Expense Account No. 101-401-5201 for the upcoming update to the Capital Improvement Program. The projected General Fund Available Fund Balance is $1,164,261.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The City has established a Development Impact Mitigation Fees (DIF) program (Carpinteria Municipal Code Chapter 15.80) to ensure that new development contributes incrementally to offset the costs of necessary public improvements. The capital project cost estimates set forth in the CIP provide the basis for setting fees in the City's DIF program. For this reason, maintaining an up-to-date CIP is foundational to a valid DIF program.

OPTIONS

1. Approve the Budget amendment actions described. (Staff recommendation)

2. Direct changes to the recommended actions.

3. The City Council Could choose not to consider the recommendation and provide further direction to staff.

PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at the meeting.

ATTACHMENTS

Attachment A: CIP Budget Sheets

Staff contact:
Brian C. Barrett, Acting City Clerk
(805) 755-4446; brianb@ci.carpinteria.ca.us

Signature

Reviewed by:
John L. Ilasin, Public Works Director
(805) 880-3402; johni@ci.carpinteria.ca.us

Signature

Reviewed by:
Licette Maldonado, Administrative Services Director
(805) 755-4448; licettem@ci.carpinteria.ca.us

Signature

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

Signature

Attachment A

CIP Budget Sheets

CITY OF CARPINTERIA

REQUEST FOR ROLLOVER BUDGET AMENDMENT

FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	Bluffs Two Trail	PK-20-002
Fund/Department/Division/Revenue		
Contact Name & Extension	Matt Roberts, Parks, Recreation & Facilities Director	x449

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 15,000	$ 15,000
301-999-4903	From Park Maintenance204	FY 2020-21 Project Budget Rollover		(15,000)	(15,000)
204-999-5911	To Capital Improvement301	FY 2020-21 Project Budget Rollover		15,000	15,000
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Department Head Review and Approval

CITY OF CARPINTERIA
REQUEST FOR ROLLOVER BUDGET AMENDMENT
FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	Dune & Shoreline Management Plan	PK-20-005
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 151,200	$ 151,200
301-502-4360	State Grants	FY 2020-21 Project Budget Rollover		(133,900)	(133,900)
301-999-4907	From Tidelands Trust Fund 207	FY 2020-21 Project Budget Rollover		(17,300)	(17,300)
207-999-5911	To Capital Improvement 301	FY 2020-21 Project Budget Rollover		17,300	17,300
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Department Head Review and Approval

CITY OF CARPINTERIA

REQUEST FOR ROLLOVER BUDGET AMENDMENT

FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	City Hall Campus Improvements Phase II	PW-21-001
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 600	$ 600
301-999-4918	From Measure X 104	FY 2020-21 Project Budget Rollover		(600)	(600)
104-999-5911	To Capital Improvement 301	FY 2020-21 Project Budget Rollover		600	600
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Department Head Review and Approval

CITY OF CARPINTERIA

REQUEST FOR ROLLOVER BUDGET AMENDMENT

FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	Linden Avenue/Casitas Pass Road Interchanges	ST-19-001
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 5,700	$ 5,700
301-502-4360	State Grants	FY 2020-21 Project Budget Rollover		(5,700)	(5,700)
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Department Head Review and Approval

CITY OF CARPINTERIA

REQUEST FOR ROLLOVER BUDGET AMENDMENT

FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	2021 Pavement Rehabilitation	ST-21-001
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 411,400	$ 411,400
301-999-4906	From Measure A Fund 215	FY 2020-21 Project Budget Rollover		(287,500)	(287,500)
215-999-5911	To Capital Improvement 301	FY 2020-21 Project Budget Rollover		287,500	287,500
301-999-4918	From Measure X 104	FY 2020-21 Project Budget Rollover		(123,900)	(123,900)
104-999-5911	To Capital Improvement 301	FY 2020-21 Project Budget Rollover		123,900	123,900
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Department Head Review and Approval

CITY OF CARPINTERIA
REQUEST FOR ROLLOVER BUDGET AMENDMENT
FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	Carpinteria Avenue Bridge Replacement	TR-19-002
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 17,400	$ 17,400
301-403-4370	Federal Grants	FY 2020-21 Project Budget Rollover		(15,400)	(15,400)
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Department Head Review and Approval

CITY OF CARPINTERIA

REQUEST FOR ROLLOVER BUDGET AMENDMENT

FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	Linden Avenue Improvements	TR-21-001
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Improvements	FY 2020-21 Project Budget Rollover		$ 1,900	$ 1,900
301-403-4380	County Grants	FY 2020-21 Project Budget Rollover		(1,900)	(1,900)
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Department Head Review and Approval

CITY OF CARPINTERIA
REQUEST FOR ROLLOVER BUDGET AMENDMENT
FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	Carpinteria High School/Rincon High School Crosswalk Safety Impvmts.	TR-21-003
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 6,100	$ 6,100
301-999-4906	From Measure A Fund 215	FY 2020-21 Project Budget Rollover		(6,100)	(6,100)
215-999-5911	To Capital Improvement 301	FY 2020-21 Project Budget Rollover		6,100	6,100
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Department Head Review and Approval

CITY OF CARPINTERIA

REQUEST FOR ROLLOVER BUDGET AMENDMENT

FOR FISCAL YEAR: 2021-22

	Name	Number
PROJECT	East Via Real Stormwater	WM-21-001
Fund/Department/Division/Revenue		
Contact Name & Extension	John L. Ilasin, Public Works Director	x402

REMINDER: Use this form to make a midyear request for an adjustment to an account **with a project number**. Do not combine revenue and expenditures on the same form. Also, do not combine different funds on the same form.

Account Number	Account Name	Justification/Explanation of Increase/Decrease	Current Budget Amount	Amount of Increase (Decrease)	New Budget Amount
301-403-5780	Major Capital Projects	FY 2020-21 Project Budget Rollover		$ 7,400	$ 7,400
301-403-4370	Federal Grants	FY 2020-21 Project Budget Rollover		(5,600)	(5,600)
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Department Head Review and Approval

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
October 25, 2021

ITEM FOR COUNCIL CONSIDERATION

Annual Review of the City's Investment Policy

STAFF RECOMMENDATION

Action Item __x___ Non-Action Item ___

Adopt Resolution No. 6076, receiving and filing the annual City Investment Policy.

Sample Motion: I move adoption of Resolution No. 6076, as read by title only.

BACKGROUND

California Government Code (CGC) Sections 53601 and 53646 mandates cities and other local agencies to adopt a written investment policy. This policy and any changes must be considered at least annually by the Council at a public meeting. In addition, the government code calls for the following:

- The monthly report shall include an accounting of all receipts, disbursements and fund balances.

- The quarterly report shall include an itemized listing of portfolio investments by type, date of maturity, yield to maturity, issuer, par value, dollar amount invested, and book value.

- The quarterly report will include a statement of compliance of the portfolio with the City's investment policy or an explanation as to why the portfolio is not in compliance per California Government Code Section 53646(b)(2).

- The quarterly report shall include a statement of compliance that the investment portfolio has the ability to meet the City's expenditure requirements for the next six months, or provide and explanation as to why sufficient money shall, or may, not be available, per California Government Code Section 53646(b)(3).

The City Council are the City of Carpinteria trustee and authorized to make investment decisions on behalf of the City investing public funds subject to the prudent investment standard. The Prudent Investor Standard of the California Government Code Section 53600.3 states, "when investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, a trustee shall act with care, skill, prudence and diligence under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated need of the City, that a prudent person in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City." The standard or prudence to be used by investment officials shall be applied in the context of managing the overall portfolio.

Trustees are those persons authorized to make investment decisions on behalf of a local agency. Trustees or City Investment officials, acting in accordance with investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk changes or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

California Government Code Section 53600.6 defines the primary objectives of a trustee investing public money. The primary objectives, in priority order, of the City's investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City will diversify its investment funds among a variety of securities with independent returns.

2. Liquidity: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might reasonably be anticipated.

3. Return on Investments: The City's investment portfolio shall have the objective of attaining a comparative performance measurement or an acceptable rate of return throughout the budgetary and economic cycles. These measurements should be commensurate with the City's investment risk constraints identified in the Investment Policy and the cash flow characteristics of the portfolio.

POLICY CONSISTENCY

The City's investment policy was last reviewed and adopted per Resolution No. 6012 on October 26, 2020. The City's annual policy review is consistent with its interest in maintaining compliance with state law and implementing best practices for public sector financial management.

FINANCIAL CONSIDERATIONS

Cash Statement: At September 30, 2021, the City held cash investments as shown in the table below.

Table I

CASH AND INVESTMENT PORTFOLIO:

Type of Investment/Coupon/CUSIP #	Institution/Issuer	Par Value	Market Value (1)	Book Value (2)
Demand Deposit - General Checking	Montecito Bank	822,423.27	822,423.27	822,423.27
Demand Deposit - Premier Public Money Market	Montecito Bank	4,037,381.07	4,037,381.07	4,037,381.07
Demand Deposit - Section 125 Checking	Montecito Bank	9,916.44	9,916.44	9,916.44
Demand Deposit - Payroll Checking	Montecito Bank	3,108.98	3,108.98	3,108.98
Demand Deposit - Money Market	Charles Schwab	100,071.97	100,071.97	100,071.97
Local Agency Investment Fund	State of California	6,388,148.76	6,388,148.76	6,388,148.76
Security Investments - U.S. Treasury	Charles Schwab	4,305,000.00	4,424,628.00	4,292,768.00
		15,666,050.49	**15,785,678.49**	**15,653,818.49**

FOOTNOTES TO REPORT/DEFINITION OF TERMS:

(1) For all other investments, the market value is equal to book value.

(2) Book value of demand deposits equals the bank balance minus outstanding checks plus deposits-in-transit.

Par Value: Equals face value of security (value of the security when it reaches maturity).

Market Value: The last price for which a security was bought or sold. In this case, the value as of the last day of the month of this report.

Book Value: The amount at which the security is carried in the City's accounting records (adjusted at year-end for GASB 40 reporting

The table above shows how much is in each of the accounts of the City for the quarter ending September 30, 2021.

The Local Agency Investment Fund (LAIF) is a large ($24.5 billion), well diversified, professionally managed fund overseen by the State Treasurers' Office in compliance with all Federal and State laws. The City has 24-hour access to all of its deposits via electronic funds transfer. Interest is earned from day of deposit to day of withdrawal and is paid quarterly. There are about 2,373 State and local agency depositors in the fund.

It has long been the practice of the City of Carpinteria to invest excess funds in LAIF and in FDIC insured, interest bearing checking accounts. CGC section 53646 (e) allows the submission of LAIF's quarterly report in lieu of the quarterly information otherwise required. This provision minimizes staff time in preparing this quarterly information.

In addition to investments in LAIF, the City purchases Notes through a Charles Schwab account. At September 30th the portfolio's average days to maturity was 1.27 years, the average coupon rate was 2.23%, the average yield to maturity was 0.18% and the par value was $4,305,000 and Market Value was $4,424,628.

The City Investment Policy includes the "prudent investor" standard prioritizing three criteria in managing the City's portfolio of investments; namely, safety, liquidity and yield. The number one priority, safety, is achieved by making investments only in those investment vehicles permitted by the government code.

LEGAL

All quarterly reports required by law have been made in a timely manner and the investment policy includes the "prudent investor" standard also required by law.

PRINCIPAL PARTIES EXPECTED AT MEETING

Unknown

ATTACHMENTS

A. Resolution 6076

Staff contact: Licette Maldonado,
Administrative Services Director
(805) 755-4448, licettem@ci.carpinteria.ca.us

Signature

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

Signature

Attachment A

Resolution No. 6076

RESOLUTION NO. 6076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ACKNOWLEDGING ITS REVIEW, RECEIPT AND FILING

WHEREAS, the investment policies and practices of the City are based on state law and prudent money management. All funds will be invested in accordance with the City's Investment Policy, and California Government Code Sections (CGC) 53601 and 53646; and

WHEREAS, the Administrative Services Director of the City of Carpinteria shall annually submit for review the investment policy, and any changes thereto, shall be considered by the legislative body at a public meeting; (CGC 53646(a)); and

WHEREAS, the Annual Statement of Investment Policy was last reviewed and adopted per Resolution No. 6012 on October 26, 2020; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The investment policy, attached hereto as Exhibit 1, has been reviewed and received for filing.

PASSED, APPROVED AND ADOPTED on October 25, 2021 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

____

Mayor, City of Carpinteria

ATTEST:

____

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council of the City of Carpinteria held on October 25, 2021.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

Exhibit 1

City Investment Policy

CITY INVESTMENT POLICY

PURPOSE

It is the purpose of the investment policy of the City of Carpinteria (City) to invest funds in a manner which will provide the highest investment return possible consistent with maximum security while meeting daily cash flow demands and conforming to all other statutes governing the investment of City funds.

The investment policies and practices of the City are based on state law and prudent money management. All funds will be invested in accordance with the City's Investment Policy, and California Government Code Sections 53601 and 53646.

POLICY

The City shall invest public funds in such a manner as to comply with the state and local law; ensure prudent money management; provide for daily cash flow requirements; and meet the objectives of the Policy, in priority order of Safety, Liquidity and Return on Investment.

SCOPE

This investment policy applies to all investment activities and financial assets of the City. The funds covered by this policy are accounted for and incorporated in the City's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Project Funds
- Fiduciary Funds

PRUDENCE

The City Council is the City of Carpinteria trustees and authorized to make investment decisions on behalf of the City investing public funds subject to the prudent investment standard. The Prudent Investor Standard of the California Government Code Section

ETHICS AND CONFLICTS OF INTEREST

Investment officials shall refrain from personal business activity that could conflict with the proper execution and management of the policy and the investment program, or which could impair their ability to make impartial investment decisions. The investment officials are governed by the Political Reform Act of 1974 regarding disclosure of material financial interests.

AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

In accordance with Government Code Section 53601.5, investments shall either be purchased (1) directly from the issuer, (2) from an institution licensed by the State of California as a Broker-Dealer, as defined in Corporations Code Section 25004, provided that the institution is a primary or regional dealer qualified under federal Securities and Exchange Commission Rule 15c3-1 (uniform net capital rule), (3) from a member of a federally regulated securities exchange, (4) from a national or state-chartered bank, from a savings association or federal association, as defined by Financial Code Section 5102, or (5) from a brokerage firm designated as a primary government dealer by the Federal Reserve bank. In addition, investments shall only be purchased from entities or deposits made in qualified public depositories, as established by State law, with a physical presence in California and at least five years' experience providing similar services to other California municipalities. All financial institutions and broker/dealers who desire to conduct investment transactions with the public agency must supply the Treasurer with the following: audited financial statements and proof of FINRA Registration and Licensing.

AUTHORIZED AND SUITABLE INVESTMENTS

The City Treasurer may invest City funds in the following instruments as specified in the California Government Code, Sections 53600 et seq., and as further limited in this policy. The City is empowered by statue to invest in the following types of securities:

- Federal Deposit Insurance Corporations (FDIC) Insured Accounts. Funds required for immediate cash flow needs shall be deposited in an interest-bearing FDIC insured checking account at a bank in Carpinteria. Dollar Maximum: None; Maximum Maturity: N/A

- Local Agency Investment Fund (LAIF), of the State of California. Investments in accordance with the laws and regulations governing those funds. Dollar Maximum: $65 million (State Statue limit); Maximum Maturity: N/A

- Obligations of the U.S. Government, its agencies and instrumentalities, including U.S. Treasury notes, bonds, bills, or certificate indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest, federal agencies, mortgage-backed securities with a fixed coupon issued by an agency of the U.S. Government, government-sponsored enterprise obligations (GSE), participation, or other instruments. Dollar Maximum: None; Maximum Maturity: 5 years

COLLATERALIZATION

Collateralization will be required on certificates of deposit. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 110% of market value for Certificates of Deposits. Collateral will always be held by an independent third party with who the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. The right of collateral substitution is granted.

SAFEKEEPING AND CUSTODY

All security transactions entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third-party custodian designated by the City Treasurer and evidenced by safekeeping receipts.

DIVERSIFICATION

The City shall diversify its investments to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions or maturities. Nevertheless, the asset allocation in the portfolio should be flexible depending upon the outlook for the economy, the securities markets, and the City's anticipated cash flow needs.

MAXIMUM MATURITIES

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than 5 years from the date of purchase. Reserve fund may be invested in securities exceeding 5 years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of the funds.

INTERNAL CONTROLS

The City Treasurer shall establish and maintain a system of appropriate internal controls to ensure compliance with policies and procedures. The controls should be designed to prevent losses of public funds arising from fraud, error, or imprudent actions by employees and officers of the City.

PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic commensurate with the investment risk constraints and the cash flow needs. The City's investment strategy is passive (buy-and-hold). Given this strategy, the City Treasurer shall determine whether market yields are being achieved by comparing the total return of the portfolio to the monthly LAIF rate and the two-year U.S. Treasury Note as useful benchmarks to measure whether or not the City's portfolio net yields are matching or surpassing the market yields. The benchmarks and investment performance will be reviewed by the Budget/Finance Standing Committee as market

GLOSSARY

Agencies: Federal agency securities and/or Government-sponsored enterprises.

Benchmark: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

Broker: A broker brings buyers and sellers together for commission.

Buy and Hold Strategy: Investments in which management has the positive intent and ability to hold each issue until maturity.

Certificate of Deposit: Large denomination ($100,000 or more) interest bearing time deposits, paying the holder a fixed amount of interest at maturity. Funds cannot be withdrawn before maturity without giving advance notice and without a penalty.

City Treasurer: The Administrative Services Director serves as the City Treasurer, as appointed by the City Council.

Collateralization: To secure a debt in part or in full by pledger of collateral, asset pledged as security to ensure payment or performance of an obligation. Also refers to securities pledged by a bank to secure deposits of public monies.

Comprehensive Annual Financial Report (CAFR): The official annual report of the City. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and detailed statistical section.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Duration: A measure of the sensitivity of the price (the value of principal) of a fixed-income investment to a change in interest rates. Duration is expressed as a number of years. Rising interest rates means falling bond prices, while declining interest rates mean rising bond prices.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to $250,000 per entity.

Interest Rates: The annual yield earned on an investment, expressed as a percentage.

53600.3 states, "when investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, a trustee shall act with care, skill, prudence and diligence under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated need of the City, that a prudent person in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City." The standard or prudence to be used by investment officials shall be applied in the context of managing the overall portfolio.

Trustees are those persons authorized to make investment decisions on behalf of a local agency. Trustees or City Investment officials, acting in accordance with investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk changes or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

OBJECTIVES

California Government Code Section 53600.6 defines the primary objectives of a trustee investing public money. The primary objectives, in priority order, of the City's investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City will diversify its investment funds among a variety of securities with independent returns.

2. Liquidity: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might reasonably be anticipated.

3. Return on Investments: The City's investment portfolio shall have the objective of attaining a comparative performance measurement or an acceptable rate of return throughout the budgetary and economic cycles. These measurements should be commensurate with the City's investment risk constraints identified in the Investment Policy and the cash flow characteristics of the portfolio.

DELEGATION OF AUTHORITY

Authority to manage the City's investment program is derived from the California Government Code Sections 53600 through 53609. Management responsibility for the investment program is hereby delegated to the City Manager or the Administrative Services Director (City Treasurer) as directed by the City Council. Under the authority granted by the City Council, no person may engage in an investment transaction covered by the terms of this policy unless directed by the City Treasurer.

- Investments not specifically authorized herein are disallowed. Additionally, California Government Code Section 53601.6 disallows the following: inverse floaters, range notes, or interest-only strips that are derived from a pool of mortgages. Futures, options, all leveraged purchases, reverse repurchases, and speculations on interest rates are specifically not allowed by this policy.

REVIEW OF INVESTMENT PORTFOLIO

The securities held by the City must be in compliance with Section Authorized and Suitable Investments at the time of purchase. Because some securities may not comply with Section Authorized and Suitable Investments subsequent to the date of purchase, the City Treasurer or designee, shall at least annually review the portfolio to identify those securities that do not comply. The City Treasurer shall establish procedures to report to the City Council and Budget/Finance Standing Committee, major and critical incidences of noncompliance identified through the review of the portfolio.

INVESTMENT POOLS / MUTUAL FUNDS

A thorough investigation of the pool/fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed which will answer the following general questions:

- A description of eligible investments securities, and a written statement of investment policy and objectives.

- A description of interest calculations and how it is distributed, and how gains and losses are treated.

- A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced, and the program audited.

- A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.

- A schedule for receiving statements and portfolio listings.

- A description of how the pool/fund maintains reserves, retains earnings or how income after expense is distributed to participants.

- A fee schedule, and when and how it is assessed.

- The eligibility of the pool/fund to invest in bond proceeds and a description of its practices.

conditions warrant or when the benchmarks are not met for a consecutive one-year period.

REPORTING

In accordance with California Government Code section 53607, the investment report shall be submitted to the City Council on a monthly basis by the City Treasurer. The City Treasurer shall review and render monthly and quarterly investment reports and include the following:

- The monthly report shall include an accounting of all receipts, disbursements and fund balances.

- The quarterly report shall include an itemized listing of portfolio investments by type, date of maturity, yield to maturity, issuer, par value, dollar amount invested, and book value.

- The quarterly report will include a statement of compliance of the portfolio with the City's investment policy or an explanation as to why the portfolio is not in compliance per California Government Code Section 53646(b)(2).

- The quarterly report shall include a statement of compliance that the investment portfolio has the ability to meet the City's expenditure requirements for the next six months, or provide and explanation as to why sufficient money shall, or may, not be available, per California Government Code Section 53646(b)(3).

INVESTMENT POLICY ADOPTION

The City's investment policy shall be adopted by resolution annually by the City Council. The policy shall be reviewed annually by the City Council and any modifications to the investment policy must be approved by the City Council.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value.

Local Agency Investment Fund (LAIF): A voluntary investment program offering participating agencies the opportunity to participate in a major portfolio which daily invests hundreds of millions of dollars, using the investment expertise of the State Treasurer's Office investment staff at no additional cost to the taxpayer. Investments in LAIF, considered a short-term investment, is readily available for cash withdrawal daily.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Par Value: The principal amount of a note or bond which must be paid at maturity. Par, also referred to as the "face amount" of a security, is the principal value stated on the face of the security. A par bond sold at a price of 100 percent of its principal amount.

Portfolio: Collection of securities held by an investor.

Principal: The face value of par value of a debt instrument, or the amount of capital invested in a given security.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Treasury Notes: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of two to ten years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on investment, expressed as a percentage. (a) INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security. (b) NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
October 25, 2015

ITEM FOR COUNCIL CONSIDERATION

Proposed correspondence from the City to the Housing Authority of the County of Santa Barbara Board of Commissioners objecting to its residential development concept for 173 apartment units on an approximately 7-acre site located at 1101 and 1103 Bailard Avenue.

STAFF RECOMMENDATION

Action Item _X_ ; Non-Action Item ___

Approve the letter to be sent to the Housing Authority of the County of Santa Barbara (HASBARCO) Board of Commissioners (and copying same to the Santa Barbara County Board of Supervisors) objecting to its residential development concept for 173 apartments on an approximately 7-acre site located at 1101 and 1103 Bailard Avenue.

Sample Motion:

I move to approve the letter (Attachment A to the staff report) and authorize its transmittal to HASBARCO and copying same to the Santa Barbara County Board of Supervisors.

BACKGROUND

At its regular meeting of April 8, 2019, the City Council received a Notice Regarding Disposition of Real Property from the Carpinteria Unified School District concerning an approximately 7-acre site at 1101 and 1103 Bailard Avenue (APN Nos. 001-080-045 001-080-046), which is located at the northerly terminus of Bailard Avenue, directly adjacent to and west of Monte Vista Park. Although adjacent to the City's northern boundary, these parcels are located in unincorporated Santa Barbara County. During this meeting, the City Council received a report from staff, which included information that HASBARCO had initiated discussions with the School District about acquiring the property for development of a multi-family residential development. The City Council directed staff to engage with all parties involved in evaluating residential use for the site.

In August of 2020, HASBARCO submitted a pre-application request to County Planning & Development for a preliminary review of the proposal. The response letter form the County dated February 8, 2021 is included as Attachment B. Letters concerning key issues from the City to HASBARCO and the reply are included in Attachment C.

Subsequently, at its regular meeting of April 12, 2021, the City Council received a report on the residential development concept prepared by HASBARCO and its private development partner and authorized staff to initiate discussions with HASBARCO and the County concerning a Memorandum of Understanding (MOU).

As a part of its authorization to proceed with MOU negotiations, the Council provided comments on the desired scope of the MOU and identified the Council's concerns with both the process and development concept, while also acknowledging that additional areas of mutual interest between the parties that may arise during discussions could also be addressed in the MOU. The broad areas of concern were described as the County review process, annexation timing, policy consistency, Regional Housing Needs Allocation credit, City services and infrastructure impacts, park space, and parking.

Most recently, at its regular meeting of September 27, 2021, in response to a report describing the lack of progress on the MOU negotiations, the Council directed staff to suspend indefinitely further MOU discussions and return to the City Council with an agenda matter for consideration of options to object to the project concept, including but not limited to sending a letter, as well as opportunities for members of the public to provide comments on the project concept.

The purpose of this agenda matter is to provide Council with a draft letter to consider and to provide information regarding additional actions the Council could take.

DISCUSSION

Objection Letter.

The Draft Objection Letter is included as Attachment A to this report. The areas of concern included in the letter address the project annexation and timing, project density, protection of agricultural lands, EDRN and the Urban/Rural Boundary impacts, park space impacts, and impacts to City services and infrastructure.

Additional ways for Public Involvement.

While a formal application has not been submitted to the County, John Polanskey with HASBARCO has indicated they plan to submit an application sometime around the end of October or early November 2021. Members of the public wishing to make comment about the project may communicate directly with HASBARCO and/or with the Santa Barbara County Board of Supervisors, in particular, First District Supervisor Das Williams, who represents the City of Carpinteria and surrounding area of the County.

Das Williams' contact information is:
Phone: (805) 568-2186
E-mail: dwilliams@countyofsb.org
Website: https://www.countyofsb.org/bos/williams.sbc

Mr. John Polanskey of HASBARCO contact information is:
Phone: (805) 736-3423 x4003
E-mail: johnpolanskey@HASBARCO.ORG

Members of the public may also contact the County Planning & Development Department at (805) 568-2090 to request hearing notices and updates for public meetings on the project. The project can also be monitored as it progresses through the review process through the following website: http://countyofsb.org/plndev/projects/projects.sbc.

HASBARCO's Board of Commissioners is comprised of seven persons who are local business and community leaders who represent the interests of each community throughout the County. Current Board Members are Christian Alonso, Lisa Knox-Burns, Robert Doyle, John Lizarraga, Henry Mercado and James Pearson. One Resident Commissioner vacancy currently exists. HASBARCO can be reached by phone at (805) 736-3423, or through their website: https://www.hasbarco.org/.

Should the project proceed through the formal review process, staff will provide updates on the progression of the application and the review bodies responsible for the decisions. Also, should the project proceed through the formal review process, the City and members of the public would have multiple opportunities to provide written and/or verbal testimony regarding the proposed project.

POLICY CONSISTENCY

Although located in the unincorporated County, the subject Bailard parcel is contiguous with the City's incorporated limits and is addressed in the City's General Plan/ Local Coastal Land Use Plan. As indicated in the City's General Plan/ Local Coastal Land Use Plan, the City has an interest in working with the County of Santa Barbara to cooperatively plan for land use and development in its proposed Sphere of Interest and Planning Area of Interest.

The subject parcel is designated Public Facility in the City's General Plan/ Local Coastal Land Use Plan. The following are examples of policies applicable to the site and that can be found to support areas of concern identified by the City.

Objective LU-3: Preserve the small beach town character of the built environment of Carpinteria, encouraging compatible revitalization and avoiding sprawl development at the city's edge.

LU-3a. New development shall occur contiguous to existing developed areas of the city. Higher density in certain residential neighborhoods and for residential uses in commercial districts shall be provided as a means to concentrate development in the urban core consistent with zoning designations, particularly where redevelopment of existing structures is proposed.

LU-3c. Work cooperatively with the County to strive to achieve a jobs/housing balance in the Carpinteria Valley.

LU-3h. Develop land uses that encourage the thoughtful layout of transportation networks, minimize the impacts of vehicles in the community, and encourage alternative means of transportation.

LU-3i. Ensure the provision of adequate services and resources, including parking, public transit and recreational facilities, to serve proposed development.

LU-3n. Setbacks shall be created between agricultural and urban uses. The responsibility of providing the buffer shall rest with the property intensifying its use. The buffer shall be adequate to prevent impacts to adjacent agricultural production. Such impacts include increased limitations on the use of chemicals and fertilizers and increased conflicts between the urban use and the adjacent agricultural operation.

LU-3o. Approval of any coastal development permit on a parcel which is designated Public Facilities and is located adjacent to the City's Urban/Rural limit line ("development'; shall be contingent upon the City's determination that the development is compatible with any agricultural operations on adjacent property. As a precondition to making such a determination, an operation management plan for the parcel for which development is proposed shall be prepared in coordination with the owners and operators of agricultural operations within 500 feet of the parcel for which development is proposed, and must be approved by the City. The operation management plan may be approved only upon the City making all of the following findings: (a) the agricultural operation is able to continue without being restricted or constrained by the existence of the development in a manner that would impact the viability of the agricultural operations, (b) all use of the parcel subject to development can be conducted in a manner that protects the public's health, safety and general welfare with regard to the agricultural operation, (c) upon establishment of the use(s) proposed through the development, the conduct of agricultural operations existing on parcels within 500 feet of the subject site as of July 1, 2002, and as reflected in the records of the County of Santa Barbara Agricultural Commissioner's Office, will not result in mandatory restrictions on the application of chemical herbicides, insecticides and fertilizers, that exceed those restrictions in place on July 1, 2002, and (d) the owner of the property for which development is proposed has acknowledged that the property may be subject to inconvenience, discomfort, or adverse effects arising from adjacent agricultural operations such as dust, smoke, noise, odors, fumes, insects, and application of chemical herbicides, insecticides and fertilizers. Further, the owner, operator and any successors and assigns of agricultural operations within 500 feet of the parcel for which development is proposed shall be held harmless by the owner of the property for which development is proposed provided the agricultural operation is performed in conformity with the operation of the management plan.

Objective OSC-9: Encourage and promote open-field agriculture as an independent, viable industry to meet the needs of present and future populations and to preserve the Carpinteria Valley's rural, open space character.

OSC-9a. Maintain a "greenbelt" of open-field agricultural land (without greenhouses) surrounding the city to clearly define the urban growth boundary.

OSC-9d. Encourage conservation of agricultural production areas.

OSC-9e. Avoid the conversion of agricultural land to nonagricultural land uses except where conversion meets the criteria established by Sections 30241, 30241.5, and 30242 of the Coastal Act.

OSC-9f. Encourage Santa Barbara County to maintain agricultural field uses of agricultural land within the Carpinteria Planning Area, and to require urban uses to locate within the city.

Objective OSC-13: Preserve Carpinteria's visual resources.

OSC-13a. Preserve broad, unobstructed views from the nearest public street to the ocean, including but not limited to Linden Avenue, Bailard Avenue, Carpinteria Avenue, and U.S. Highway 101. In addition, design and site new development on or adjacent to bluffs, beaches, streams, or the Salt Marsh to prevent adverse impacts on these visual resources. New development shall be subject to height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas...

OSC-13i. Design all new development to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Preserve all natural landforms, natural drainage systems, and native vegetation. Require all areas on the site not suited to development, as evidenced by competent soils, geology and hydrology investigation and reports remain as open space.

Objective OSC-14. Provide for adequate park and recreation facilities to meet the needs of the community and visitors.

FINANCIAL CONSIDERATIONS

Should the Project be developed as currently conceived, there could be negative financial impacts to the City that cannot be quantified at this time. For example, a development that creates, but does not mitigate, traffic impacts on a street intersection in the City could result in costs to the City for intersection improvements.

Good planning mandates urbanized development occur in a manner that takes into consideration financial (as well as other) impacts to local public facilities and services, and is included within the incorporated area of the city providing local governments services. More broadly, how the subject Bailard site is developed will have revenue and expense implications for the City, the extent of which cannot be known at this time.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

Because the proposed project is located outside of the City's boundaries, the City does not have permitting jurisdiction over the project. However, should a development application be filed with the County, the City will have the several opportunities to provide comments regarding its concerns with the proposed project to the County Planning Commission, Board of Supervisors, and to the California Coastal Commission. These opportunities to comment outlined above are in addition to submission of the proposed objection letter, included in this report as Attachment A.

OPTIONS

1. Approve the letter to be sent to HASBARCO's Board of Commissioners and copied to the County Board of Supervisors (staff recommendation)
2. Approve the letter to be sent with suggested modifications.
3. Receive the report and decline to send the letter.

PRINCIPAL PARTIES EXPECTED AT MEETING

John Polanskey, HACSB
Bob Havlicek, HACSB
Ron Wu, FPA Multifamily
Tim Kihrn, TK Consulting, Inc.
Brent Little, TK Consulting, Inc.

ATTACHMENTS

A. Draft letter dated October 25, 2021
B. Project Concept Response from County Planning & Development, dated February 8, 2021
C. Prior City Correspondence

Staff contact: Steve Goggia, CDD Director
(805) 755-4414, steveg@ci.carpinteria.ca.us

Signature

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

Signature

Attachment A

Draft letter dated October 25, 2021

October 25, 2021

Housing Authority of the County of Santa Barbara
Honorable Chair and Board of Commissioners
815 West Ocean Avenue
Lompoc, CA 93436

Re: Letter of objection and request for abandonment of the Bailard housing project concept.

Dear Board of Commissioners:

The City of Carpinteria City Council is writing to state its objection to a 173-unit multi-family housing project concept being considered for property at 1101 and 1103 Bailard Avenue (Project Concept), and to respectfully request your Board of Commissioners act to abandon it.

In April of 2019, the Carpinteria City Council expressed support for the City exploring, in cooperation with the Housing Authority of the County of Santa Barbara (Housing Authority), the possibility of developing multi-family residential housing at the Bailard site. The Bailard site, offered for sale by Carpinteria Unified School District, is located at the north end of Bailard Avenue, directly adjacent the City of Carpinteria's incorporated limits.

The City has a strong history of supporting new and protecting existing residential development that is affordable by design and/or includes units with affordability restrictions. Such housing is critical to meeting the housing needs of Carpinterians of all income levels. However, after multiple meetings with Housing Authority staff and its private development partner where City concerns were shared, and despite good faith efforts by all involved, we have concluded that the City can no longer lend its support to exploring multi-family housing at the Bailard site based on the Project Concept.

The City understands and respects the financial challenges of bringing apartment projects with income restricted units to fruition in our region and believes that constraints of the Bailard site will simply not permit these inherent challenges to be met while also complying with critical land use policy and regulatory requirements.

The following are the most critical issues the City has previously communicated about the Project Concept.

Annexation Process and Timing

In early 2019, the City made clear its expectation that the Bailard site be pre-zoned and annexed to the City in order for the project development application to be processed for permitting by the City. This expectation is based on good planning principles reflected that call for urban development to be a part of the incorporated areas of the city where local government services derive, and the City of Carpinteria certified General Plan / Local Coastal Land Use Plan, which anticipates annexation of the Bailard site and includes numerous policies that describe how the Bailard site should be developed. The Housing Authority, however, determined that it would delay any consideration of annexation to the City in order to seek the necessary legislation and development permit approvals through the County's process. The City understands that this tactical decision was made based on Housing Authority making a financial calculation of the number of apartment units and maximum entitlement cost required to support the purchase price for the property. This decision established an unstable footing upon which all subsequent discussion would occur and we believe has not allowed the Housing Authority's serious consideration of the important issues raised by the City.

Density

Wise planning practices call for higher residential densities to occur adjacent to the urban core. City and County land use policies and the California Coastal Act support these practices. The Project Concept, however, contradicts this fundamental principle by proposing the highest density at the edge of the City and next to agricultural lands. A project of the proposed density and scale fits best in, or close to, the City's urban core along pedestrian, bicycle and public transit routes and within walking distance to grocery shopping and other necessities and conveniences of daily living.

To bring the Project Concept to fruition, the County and Coastal Commission would need to redesignate and rezone the Bailard site to allow for much higher density development and adjust the designated Urban/Rural Boundary. The Bailard site is currently designated as rural residential, allowing one residence for every 3 acres. The City envisioned exploring an increase in density to accommodate a modest sized multi-family project. The Project Concept, however, would require a density of 25 residences per acre; higher than any density allowed in the City.

Our position that high density urban development is not appropriate for rural or agricultural areas along the City's edges is further supported by the following adopted policies found in both the County's and City's respective certified Local Coastal Plans (LCPs):

> **City Policy LU-3a:** *New development shall occur contiguous to existing developed areas of the city. Higher density in certain residential neighborhoods and for residential uses in commercial districts shall be provided as a means to concentrate development in the urban core consistent with zoning designations, particularly where redevelopment of existing structures is proposed.*
>
> ***County Coastal Land Use Policy 4-4:*** *In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.*
>
> **California Coastal Act §30250.** *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within,*

contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The City believes the density included in the Project Concept is far too high for the Bailard site and precludes the County of Santa Barbara from making a finding of consistency with the cited policies concerning the appropriate location of higher density development and the relationship of urban development to rural and agricultural areas.

Protection of Agricultural Lands

Numerous County and City Policies address Agricultural Buffers and the need to protect agricultural lands/operations from urban residential Development (County Article II Section 35-144O- Agricultural Buffers, Appendix H: Agricultural Buffer Implementation Guidelines and Santa Barbara County Right to Farm Ordinance).

Agriculture remains an important element of the Carpinteria Valley's identity, and the desire to protect and preserve the Valley's agricultural heritage going forward is critical. The zoning of the two parcels that make up the Site, among others, was intentionally changed from DR-2 to 3-E-1 in the 1980s to provide a transition/buffer area between agriculture on prime soils to the north and urban development to the south. The lots are identified in the County Local Coastal Plan as follows: "North of U. S. 101 and Bailard Avenue a residential wedge currently zoned DR-2 (permitting half-acre minimum lots) would be changed in the land use plan to three-acre minimum lots. This residential area abuts the agricultural heart of the Valley and should be treated more as a transitional zone between urban and agricultural land uses."

The Project Concept would result in paving over land identified as Farmland of Statewide Importance and Prime Farmland and that is presently used for organic farming. The conversion of productive agricultural lands designated as Prime Farmland and Farmland of Statewide Importance is potentially inconsistent with adopted City and County LCP policies, including but not limited to:

City Policy OSC-9e: *Avoid the conversion of agricultural land to nonagricultural land uses except where conversion meets the criteria established by Sections 30241, 30241.5, and 30242 of the Coastal Act.*

County Comprehensive Plan Agricultural Element Policy and California Coastal Act §30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses.*
- *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely*

limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

- *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- *By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

EDRN and Urban/Rural Boundary

The Bailard site is located within an Existing Developed Rural Neighborhood (EDRN), in the Rural Area as identified in County Comprehensive Plan maps, and outside the Urban/Rural Boundary as established by the California Coastal Commission and the City's certified Local Coastal Land Use Plan. The Project Concept would require removal from the EDRN and modification of the Urban/Rural Boundary. A Rural Neighborhood is defined as a neighborhood area that has developed historically with lots smaller than those found in the surrounding rural lands. The purpose of the EDRN boundary is to keep pockets of rural residential development from expanding onto adjacent agricultural lands. Within the rural neighborhood boundary, only infill development at densities specified on the County land use plan maps is permitted.

Approval of the Project Concept would require the adjustment of the Urban/Rural Boundary and EDRN Boundary. Removal of the Bailard site from the EDRN would isolate the adjacent parcel to the west (001-080-009) from the remainder of the EDRN, resulting in an EDRN consisting of a single parcel.

The City does not believe that the legislative actions necessitated by the Project Concept could meet the necessary standards to be found consistent with policies concerning the Urban/Rural Boundary and EDRN.

Park Space

The Bailard site is directly adjacent to Monte Vista Park, a heavily used neighborhood park. The Project Concept would create new Park use demands warranting consideration of expanding the size of Monte Vista Park pursuant to the following policy:

> ***City Implementation Policy OSC 61:*** *Support development of new or expanded park and recreation facilities as demand/need dictates. When latent demand for parks and recreation facilities is identified, adequate parkland and facilities shall be identified and pursued.*

The City understands that the Project Concept would not include expansion of the adjacent Monte Vista Park sufficient to offset project impacts. The City believes this would result in a degraded Park experience for all users.

City Services and Infrastructure

Development of the Bailard site would require municipal services from the City and impact City infrastructure, including but not limited to, vehicle, bicycle and pedestrian roads/paths, traffic control, storm water treatment, and recreation services and amenities. As indicated previously, this supports annexation of the Bailard site to the City under any scenario where it is developed for urban use. Processing development approvals through the County where project impacts occur in the City may preclude effective and appropriate mitigation of the impacts of the development on City services and infrastructure and degrade those services and infrastructure for existing residents.

The following list provides an example of applicable City objectives and policies:

> ***Objective PF-5:*** *To provide a high quality and broad range of public services, facilities and utilities to meet the needs of all present and future residents of the Carpinteria Planning Area.*
>
> ***PF-5c.*** *The City will ensure that new development will not adversely impact services and facilities provided to existing development.*
>
> ***Objective PF-6:*** *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*
>
> ***PF-6b.*** *Development projects shall not result in a quantifiable reduction in the level of public services provided to existing development, nor shall new development increase the cost of public services provided to existing development.*
>
> ***PF-6c.*** *Development projects within Carpinteria shall be required to: 1. construct and/or pay for the new on-site capital improvements that are required to support the project; 2. ensure that all new off-site capital improvements that are required by the project are available prior to certificate of occupancy; 3. be phased so as to ensure that the capital facilities that will be used by the new development are available prior to certificates of occupancy; 4. ensure that, in the event that public services or off-site capital facilities are impacted prior to development, the level of service provided to existing development will not be further impacted by the new development; and 5. provide for the provision of public services, and shall not increase the cost of public services provided to existing development.*

Planning for and facilitating the development of more multi-family housing will be critical in order to meet the housing needs of the Carpinteria Valley. Balancing the need for this development type with other priorities for use of land and resource protection will not be easy. While we urge the Housing Authority, for the above stated reasons, to abandon the Project Concept, we also recommit to working collaboratively to identify appropriate locations for affordable apartment projects in Carpinteria.

Thank you in advance for your consideration of this request.

Sincerely,

Councilmember Natalia Alarcon

Councilmember Gregg A. Carty

Councilmember Roy Lee

Vice Mayor Al Clark

Mayor Wade T. Nomura

Cc: County Board of Supervisors

Attachment B

Project Concept Response from County Planning & Development, dated February 8, 2021

County of Santa Barbara
Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Steve Mason, Assistant Director

February 8, 2021

Mr. Tony Tomasello
RRM Design Group
10 E Figueroa Street, Suite 200
Santa Barbara, CA 93101

RE: Bailard Housing Project, Case No. 20PRE-00000-00004
1101-1103 Bailard Ave, Carpinteria, CA 93013
APN 001-080-045, 001-080-046

Dear Mr. Tomasello:

Thank you for the August 28, 2020 Pre-Application submittal regarding a proposed 173-unit housing development at 1101-1103 Bailard Ave. The following information includes a summary of our review, as well as recommendations based on information obtained from the Article II Coastal Zoning Ordinance (Article II) and the Comprehensive Plan.

I. PROJECT SITE INFORMATION

Site Information	
Comprehensive Plan Designation	RES-0.33, Residential, rural
Zoning District, Ordinance	3-E-1 (Single Family Residential), Article II
Site Size	6.97 acres
Present Use & Development	Agriculture and multiple single family dwellings and accessory structures.
Surrounding Uses/Zoning	North: Orchards, AG-I-10 South: City of Carpinteria, PRD zone, condos East: City of Carpinteria- Monte Vista Park, County- Orchards, 3-E-1 zone West: Single family residence- 3-E-1, Agriculture-orchard and greenhouse, AG-I-10
Access	The southeast corner of the site, Bailard Ave or Padanus Street
Public Services	Water Supply: Carpinteria Valley Water Sewage: septic Fire: Carpinteria Summerland Fire District Police: County of Santa Barbara Sheriff's Department

123 E. Anapamu Street, Santa Barbara, CA 93101 • Phone: (805) 568-2000 • FAX: (805) 568-2030
624 W. Foster Road, Santa Maria, CA 93455 • Phone: (805) 934-6250 • FAX: (805) 934-6258
www.sbcountyplanning.org

II. PROJECT DESCRIPTION

The applicant requests a General Plan Amendment, Rezone, and Lot Line Adjustment to construct a 173-unit mixed income housing development, of which 132 market-rate units and 41 affordable units are currently proposed. The units will vary in size and include studios and, one-, two- and three-bedroom units. 307 parking spaces are proposed. Proposed common facilities include a pool and spa, a 5,000 square foot community center, walking paths, tot lot, orchard area, BBQ area, dog park area, and open courtyard.

Access would be provided from Bailard Avenue. The site is currently served by the Carpinteria Water District and the Carpinteria-Summerland Fire Protection District. The project will need LAFCO approval for annexation by the Carpinteria Sanitary District and the County Service Area CS-11 for street lighting. The property is a 6.97 acre parcel currently zoned 3-E-1 and shown as Assessor's Parcel Number APN 001-080-045 and 001-080-046, located at 1101 & 1103 Bailard Avenue in the Carpinteria area, First Supervisorial District.

When submitting a formal application, please indicate the amount of grading proposed, and whether any trees or vegetation would be removed as part of this project.

III. PERMIT PATHWAY

The proposed project is subject to policies and development standards of Article II Section 35-180 (Amendments to a Certified Local Coastal Program), Section 35-74 (DR Zone) and Section 35-174 (Development Plan), and Chapter 21 Land Division (Article III- Lot Line Adjustments), which require the below permits:

1. **Local Coastal Plan Amendment and Rezone Required (Section 35-180).** Please be advised that the proposed project requires a Local Coastal Plan Amendment (LCPA) to rezone the parcels from 3-E-1 to DR-20 in allow construction of the proposed project, and to move the urban/rural boundary to allow an urban land use on a parcel that was designated rural. In order to recommend approval of the LCPA to the Planning Commission and Board of Supervisors, staff will need to make the following findings (Section 35.180):

    a. The request is in the interests of the general community welfare.
    b. The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.
    c. The request is consistent with good zoning and planning practices.

2. **Development Plan.** Please be advised that the proposed project requires a Development Plan permit to accompany the rezone of the parcels to DR-20. In addition, all development (besides single family dwellings) in the DR zone requires a Development Plan. In order to recommend approval, the following findings will need to be made (Section 35-174.7):

    a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.
    b. That adverse impacts are mitigated to the maximum extent feasible.

c. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
d. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
e. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
f. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.
g. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.
h. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

An application for a rezoning to the DR zone shall include a Development Plan (DVP) as part of the application. Pursuant to Article II Section 35-74.2, the DVP must be submitted at the same time unless the Planning Commission expressly waives the requirement.

3. **Lot Line Adjustment Chapter 21 Land Division (Article III- Lot Line Adjustments).** The proposed project requires a lot line adjustment to adjust the two existing parcels. The following findings are required to be made for a lot line adjustment (Section 21-93):

   a. The lot line adjustment is in conformity with the county general plan and purposes and policies of Chapter 35 of this code, the zoning ordinance of the county.
   b. No parcel involved in the lot line adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the lot line adjustment.
   c. Except as provided herein, all parcels resulting from the lot line adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A lot line adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with subsection A or B listed below:
      (1) The lot line adjustment satisfies all of the following requirements:
         (i) Four or fewer existing parcels are involved in the adjustment; and
         (ii) The lot line adjustment shall not result in increased subdivision potential for any affected parcel; and
         (iii) The lot line adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. For the purposes of this subsection only, a parcel shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that:
            1) the parcel is not a building site, or
            2) the parcel is designated for a nonresidential purpose including, but not limited to, well sites, reservoirs and roads.

      (2) The parcels involved in the adjustment are within the boundaries of an official map for the Naples Townsite adopted by the county pursuant to Government Code Section 66499.50 et seq. and the subject of an approved development agreement that sets forth

the standards of approval to be applied to lot line adjustments of existing adjacent parcels within the boundaries of the Naples Townsite official map. This exception provision shall expire five years after its effective date (October 12, 2005) unless otherwise extended.

d. The lot line adjustment will not increase any violation of parcel width setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.
e. The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this article or the lot line adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the respective county ordinances: article II (section 35-161 and 35-162), article III (section 35-306 and 35-307), and article IV (section 35-476 and 35-477).
f. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

4. **Coastal Development Permit.** The proposed project requires a Coastal Development Permit to be processed concurrently with a Development Plan (Section35-174.5). A Coastal Development Permit will accompany the DVP and action on the CDP will be taken at the same time as the DVP. In order to recommend approval, the follow findings are required to be made (Section 35-169.5):

In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

1. The proposed development conforms:
   a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;
   b. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).
2. The proposed development is located on a legally created lot.
3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).
4. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
5. The proposed development will be compatible with the established physical scale of the area.
6. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

Additional findings required for tree removal. In compliance with Section 35-140.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit for tree removal the decision-maker shall first make one of the following findings:

1. The trees are dead.
2. The trees prevent the construction of a project for which a Coastal Development Permit has been issued and project redesign is not feasible.
3. The trees are diseased and pose a danger to healthy trees in the immediate vicinity, providing a certificate attesting to such fact is filed with the Planning and Development Department by a licensed tree surgeon.
4. The trees are so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property

5. **South Board of Architectural Review (SBAR).** The proposed project requires Design Review and must receive final approval from SBAR prior to permit issuance pursuant to Section 35-174.4.

6. **Decision-Maker Jurisdiction.** Local Coastal Plan Amendments require the County Planning Commission to make a recommendation to the Board of Supervisors. Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Therefore, any approval by the County of such a proposed amendment to the Local Coastal Program shall be submitted to the Coastal Commission as soon as practicable after final approval by the Board of Supervisors in accordance with Section 30512 and Section 30513 of the Coastal Act of 1976.

   The Development Plan and Local Coastal Plan Amendment will require an initial Planning Commission hearing to review the proposed project and provide recommendations to the Board of Supervisors. Staff will then present the Planning Commission's recommendation at a public hearing to the Board of Supervisors. In order to approve the project, the Board of Supervisors must be able to make the findings for approval of a Development Plan Permit and Local Coastal Plan Amendment. The Board of Supervisors is the final decision maker for the project at a local level.

7. **Zoning Clearance.** A Zoning Clearance will be required to effectuate the DVP pursuant to Section 35-179.7, assuming the Board of Supervisors approves the project.

IV. ENVIRONMENTAL REVIEW

The proposed project is required to be reviewed for potential environmental impacts pursuant to California Environmental Quality Act (CEQA). The level of CEQA review is dependent on the final scope and scale of the project. Staff's preliminary feedback is that this project may require an EIR. Additional documents will be required to determine the scope of environmental review. Anticipated studies may include, but are not limited to:

- a traffic study with VMT analysis;
- a Phase I archaeological survey;

- a noise study; and
- a bio impacts/habitat assessment.

V. DEVELOPMENT REVIEW

1. **Annexation of the site into the Carpinteria Sanitary District, and the CSA-11.** Annexation to the Carpinteria Sanitary District is required to make the finding that adequate services are available to serve the project. We advise you to work with Santa Barbara County Local Agency Formation Commission (SB LAFCO) as soon as possible regarding their requirements. For example, SB LAFCO has policies related to the extension of public services into inner-rural and rural areas.

   SB LAFCO Policies can be found at http://www.sblafco.org/policies_standards.sbc. The SB LAFCO Policies are derived from policies in the Cortese–Knox–Hertzberg (CKH) Local Government Reorganization Act of 2000. Please note that there are also State policies in the CKH that may conflict with aspects of the proposed project. A guide to the CKH is available here at https://calafco.org/sites/default/files/documents/CKH%20Guide%20Update%202020_1.pdf.

2. **EDRN and Urban/Rural Boundary.** The project parcels are currently located within an Existing Developed Rural Neighborhood (EDRN) and in the Rural Area as identified in Comprehensive Plan maps. The project request will require removal from the EDRN and moving of the urban boundary line to include the project parcels. A Rural Neighborhood is defined as a neighborhood area that has developed historically with lots smaller than those found in the surrounding rural lands. The purpose of the EDRN boundary is to keep pockets of rural residential development from expanding onto adjacent agricultural lands. Within the rural neighborhood boundary, infilling of parcels at densities specified on the land use plan maps is permitted.

   Approval of the project will require the adjustment of the Urban/Rural Boundary and EDRN Boundary, and the project parcels must be removed from the EDRN. The adjustment of these boundary lines must be included in the LCPA request, since they are part of the Comprehensive Plan.

   Removal of the two project parcels from the EDRN will isolate the adjacent parcel to the west (001-080-009) from the remainder of the EDRN, and will create a separate EDRN consisting of a single parcel. P&D staff is available to discuss this topic and recommends the applicant study ways to resolve the issue prior to submittal of an application.

3. **Development standards for the Design Residential (DR) Zone.** The project shall comply with the following standards, which are contained in Article II Section 35-74. Additionally, such facilities shall also comply with all the requirements established by other sections of Article II that are not in conflict with the requirements contained in Article II Chapter 35-74 (DR-Design Residential).

   Section 35-74.8 Setbacks for Buildings and Structures.
   1. Front: 20 feet from the right-of-way line and 50 feet from the centerline of any public street, and 45 feet from the centerline of any private street.
   2. Side and Rear: One-half the height of the building or structure.

Section 35-74.9 Distance Between Buildings.
The minimum distance between buildings designed or used for human habitation and any other building on the same building site shall be five feet. *(Amended by Ord. 3839, 03/20/1990)*

Section 35-74.10 Building Coverage.
Not to exceed 30 percent of the net area of the property shall be covered by buildings containing dwelling units.

Section 35-74.11 Height Limit.
No building or structure shall exceed a height of 35 feet.

Section. 35-74.12 Parking.
In addition to the requirements of DIVISIONS 6 - PARKING REGULATIONS, the following regulations shall apply:

1. **Parking Area Setbacks.** Uncovered parking areas shall be located no closer than 15 feet to the street right-of-way line nor closer than five feet to any property line.
2. **Design.**
    a. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
    b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings, solid fences or walls. (Amended by Ord. 4067, 08/18/1992)

Section 35-74.13 Open Space and Landscaping.

1. Not less than 40 percent of the net area of the property shall be devoted to common and/or public open space.
2. Any driveway or uncovered parking area shall be separated from property lines by a landscaped strip not less than five feet in width.
3. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be held by a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisor may prescribe. Said reasonable terms and conditions may include restricting the rights to develop such property to those uses described in the approved Final Development Plan for the project area. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas. *(Amended by Ord. 4557, 12/07/2004)*

Please be aware of setback requirements based on how the parcels are configured after the lot line adjustment.

4. **Article II Definition of Open Space.** Review the following definition of open space when designing the project to comply with the development standards listed above:

Common open space shall include but not be limited to recreational areas and facilities for the use of the prospective residents or guests of a development such as tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. (Water bodies may be included but shall not be credited for more than five percent of the total required common open space.). Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.

5. **Agricultural Buffers.** Agricultural Buffers shall be established from the agriculturally zoned parcels to the north and west of the project. Please review Article II Section 35-144O- Agricultural Buffers and Appendix H: Agricultural Buffer Implementation Guidelines to comply with these requirements. The following findings are required for approval:

   1. The design and configuration of the agricultural buffer minimizes, to the maximum extent feasible, conflicts between the adjacent agricultural and non-agricultural uses which are the subject of the permit application.
   2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

6. **Geologic Policies.** Per Coastal Land Use Policy 3-10, Major structures, i.e., residential, commercial, and industrial, shall be sited a minimum of 50 feet from a potentially active, historically active, or active fault. Greater setbacks may be required if local geologic conditions warrant. Historic records indicate that the Rincon Creek fault is located nearby; please indicate on plans if applicable.

7. **Density Bonus for Affordable Housing Projects**. Please submit a State Density Bonus application in consultation with Sections 35-144C and 35-144D of Article II. The provision of affordable units in the proposed project under SDBL can result in the request for incentives/concession and waivers. P&D recommends that you consult with the provisions of the law to determine what concessions/incentives or waivers you would request in your application.

8. **Coastal Housing Policies.** The application is required to include information on existing housing onsite to comply with Coastal Land Use Policy 5-3:

   Demolition of existing low and moderate income housing of four or more units shall not be permitted unless:
   a. demolition is necessary for health and safety reasons; or
   b. the units are beyond reasonable repair (i.e., the costs of rehabilitation exceed 50 percent of the value of the unit in its present deteriorated condition); or
   c. demolition of such units will provide new housing opportunities because the land use plan designation and zoning would permit an increase in the number of housing units on the same parcel.

   In the event that there are four or more units on the subject parcels providing housing to low or moderate income households, this policy will apply. When submitting an application, identify the existing housing onsite. Where such demolition is permitted under a or b, all affordable units shall be replaced on a one-for-two basis. Where permitted under c, replacement shall be on a one-for-one basis. Replacement of affordable units shall be within the same planning area. Such affordable replacement units may be rental or sale units, subject to controls to assure continued affordability.

Additionally, the applicant may need to make relocation payments to existing tenants if displacement occurs. The applicant should coordinate with HCD early in the process and throughout the project as needed to understand any requirements regarding relocation, affordable units etc.

9. **Subdivision/Development Review Committee.** This project is subject to review by the Subdivision/Development Review Committee. The subdivision/development review committee has the following powers, duties, and authorities:

    1. To consider and make recommendations on subdivision maps (both tentative and final), parcel maps, lot line adjustments, conditional certificates of compliance, and modifications to recorded maps and lot line adjustments;
    2. To consider and make recommendations on development plans, specific plans, and conditional use permits pursuant to the provisions of Chapter 35 of the Santa Barbara County Code; and
    3. To consider and coordinate recommendations of County departments on all matters which may be assigned to the subdivision/development review committee by the director of planning and development, the zoning administrator, the planning commission, or the board of supervisors.

10. **Development Impact Mitigation Fees.** Your project, if approved, is subject to the payment of development impact mitigation fees. The total amount of these fees is estimated during the processing of this application. ***Note:*** The amount of the required fee is based on fee schedules in effect when paid.

11. **Parking.** Please note the following landscape/screening of parking area requirements:

    Section 35-115. Landscape/Screening of Parking Areas.

    Parking area includes the parking spaces and the maneuvering space necessary for use of such spaces.

    1. Where non-residential parking areas abut residentially zoned or developed property a wall or solid fence of not less than five feet in height shall be erected and maintained between the parking area and the adjoining residentially zoned or developed property. (Amended by Ord. 4067, 08/18/1992)
    2. Where trees already exist on the property, the design of the parking area should make the best use of this growth and shade.
    3. Screening shall be provided along each property line consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Such fences or walls abutting streets shall be

ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the Planning and Development Department if adjacent property already has provided a solid wall not less than four feet high. (Amended by Ord. 3842, 03/20/1990)

4. When the total uncovered parking area on the property (including adjoining parcels over which the property has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this section, as part of a landscape plan:
   i. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for such trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
   ii. All kinds of parking lanes shall have landscaped islands.
   iii. Prior to the issuance of a Coastal Development Permit, performance securities, in amounts to be determined by the Planning and Development Department, to guarantee the installation of plantings, walls, and fences in accordance with the approved plan, and adequate maintenance of the planting for the designated time period shall be filed with the County. The performance security for installation will be released at the end of the designated time period provided the planting has been adequately maintained.

Pursuant to Article II Section 35-107.2, "for all development (other than single-family residential) which is subject to the requirements of a development plan, the Planning Commission shall determine if there is a need to provide for bicycle parking. If such a need exists, the Planning Commission shall then determine the required number of parking spaces, bike racks, and locking devices that shall be provided."

As designed, the proposed project includes 98 more parking spaces than required. P&D suggests that the number of parking spaces be reduced to balance site development and potentially integrate non-automobile circulation alternatives. In accordance with Coastal Act Policy 30252 (see below), non-automobile circulation is encouraged throughout the development. For example, P&D suggests providing a pedestrian connection with the adjacent park.

In addition, per the Development Plan (Section 35-174.3) the following is required with the submittal (amongst other information relating to circulation): A statement of intent with respect to the establishment of utilities, services, and facilities including water, sewage disposal, fire protection, police protection, schools, transportation, i.e., proximity to public transit or provision of bike lanes, etc.

VI. CONSISTENCY ANALYSIS

The project site is located in the County's mapped Rural area with a land use designation of 3-E-1. The Comprehensive Plan contains goals, policies, and development standards that apply to your proposal. Staff identified specific policies and required findings that must be considered before submitting a formal application. Please consider the below project when designing the project. Our analysis and recommendations are preliminary and subject to revision upon submittal of a formal application.

- **Coastal Land Use Policy 4-4:** In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

- **Coastal Land Use Policy 5-5:** In large residential developments of 20 units or more, housing opportunities representative of all socioeconomic sectors of the community shall be preferred. Such developments would include a range of apartment sizes (studios, one, two, three, and four bedroom units) and a mix of housing types (apartments, condominiums, and single family detached) to provide for balanced housing opportunities, where feasible.

- **Coastal Land Use Policy 9-35:** Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

- **Comprehensive Plan Agricultural Element Policy 30241.** The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:
    - By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses.
    - By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
    - By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
    - By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
    - By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
    - By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

The zoning of these two parcels, among others, was intentionally changed from DR-2 to 3-E-1 in the 1980s to provide a transition/buffer area between agricultural on prime soils to the north and urban development to the south. The lots are identified in the Local Coastal Plan: "North of U. S. 101 and Bailard Avenue a residential wedge currently zoned DR-2 (permitting half-acre minimum lots) would be changed in the land use plan to three-acre minimum lots. This residential area abuts the agricultural heart of the Valley and should be treated more as a transitional zone between urban and agricultural land uses." The project will be required to demonstrate how it will minimize impacts/conflict with existing agricultural operations, consistent with Comprehensive Plan Agricultural Element Policy 30241. This will include compliance with Article II Section 35-144O-Agricultural Buffers and Appendix H: Agricultural Buffer Implementation Guidelines and the Santa Barbara County Right to Farm Ordinance.

The designation of prime versus farmland of statewide importance is provided by the State of California, and is largely based on soil characteristics.

- **Coastal Act Policy 30252.** The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service; (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads; (3) providing non-automobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high-intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

- **Coastal Act Section 30253.(4),** new development shall "minimize energy consumption and vehicle miles traveled."

  The project should incorporate multi-modal transportation methods. VMT will be analyzed in the EIR and should be minimized by designing the project to make non-vehicular transportation attractive. The County is beginning work on an Active Transportation Plan, with an anticipated completion date of summer 2023. Depending on the timing of application submittal and processing, the policies contained within that plan may apply. The applicant could consider incorporation of other permitted uses in the DR zone (e.g., childcare facility) to help accomplish this goal.

VII. SUMMARY

I hope that this pre-application information will assist you with your proposal. If you would like to discuss this information, contact me by phone or email to set up a follow-up meeting. Please keep in mind that the analysis is based on preliminary information received, and may be subject to change depending on the timing of the application, additional information that becomes available, or changes to policies and regulations that may be in effect at that time.

Sincerely,

Ciara Ristig
Planner
Planning & Development
Development Review

123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2077
cristig@countyofsb.org
http://www.countyofsb.org/plndev/home.sbc

Attachment C

December 12, 2020 letter from Dave Durflinger

to John Polanskey

January 21, 2021 letter from John Polanskey

To Dave Durflinger

CITY of CARPINTERIA, CALIFORNIA

December 12, 2020

John Polanskey
815 W. Ocean Ave.
Lompoc, CA 93436
(transmitted via email to johnpolanskey@hasbarco.org)

Re: CUSD Property

Dear John,

I appreciate our recent conversations about the proposed HASBARCO Bailard housing project ("Project") and the opportunity to share my thoughts about moving forward with the Project, as currently conceived. This letter is in response to Mona's request that the City of Carpinteria ("City") provide written feedback about our concerns with the Project, as currently proposed, and what types of revisions would make it more palatable to the City. I hope that this information will result in a "reset" on both the process and the Project in order to allow for greater collaboration between City and County regarding development of the CUSD Bailard school site ("CUSD Property").

First, I would like to reiterate that the City Council back in April of 2019 expressed support for exploring multi-family residential at this site and I believe that support remains. The City has a strong history of supporting new--and protecting existing--residential development that is affordable by design and/or includes units with affordability restrictions. For example, the City has worked successfully with Peoples Self Help Housing Corporation ("PSHHC") on two collaborations that eliminated dangerous, substandard housing and built much needed, high quality, affordable rental housing within the City. Both the Dahlia Court and Casas de Las Flores projects involved early and productive collaboration between PSHHC and the City. The resulting projects were built consistent with all City zoning regulations, including density and building height. I believe these collaborations can be models for City and HASBARCO with regard to the CUSD Property.

I continue to believe the City will be supportive of a rental housing project at the CUSD Property, with the caveat the following issues are meaningfully addressed in any proposed development. I am also strongly in favor of sitting down to discuss a Memorandum of Understanding between the County and City, which could be used to set parameters for a collaborative and win-win process (and ultimately project) for our respective agencies and the community.

The following are the issues we've raised to date and would like to have follow-up conversations about:

1. Process and Timing. In early 2019, I made clear the City's expectation that the Project be prezoned, annexed and processed for permitting in the City. It's my understanding that the County has made a decision to establish multi-family zoning and process permits through the County's process based on a financial calculation that includes a determination of the number of units required and estimates of the cost for gaining entitlements. Other than being asked to provide information about its fees, the City was not engaged in the process of determining financial viability. If we had been, I believe that we may have been able to find an alternative to

the Project and process identified by HASBARCO to date. I would like to see a reset of the process to date and for the County to engage with the City on a collaborative basis in determining the necessary and desirable project and process for this important use/development.

2. RHNA Calculations. I have also asked for an opportunity to discuss how credit for the units built at this site could be allocated between City and County. It's my understanding that there is at least one example in the state where this was done. Because this Project clearly will help address housing demand needs in both City and County, it seems to me appropriate to talk about the process and details of this potential with regard to the Regional Housing Needs Assessment numbers.

3. City Services and Infrastructure. The location of the Project is such that residents, inherently, will be served by the City and use City infrastructure for access, recreation, etc. This is not only a reason why the Project should be annexed into the City but, should the Project be processed by the County, raises significant issues about how to effectively and appropriate mitigate the Project's development impacts on City infrastructure. I believe it is appropriate for the County and City together to plan for both how to address direct project impacts, e.g., impacts on Monte Vista Park and street intersections as well as contributions toward infrastructure needs via payment of Development Impact Fees.

4. Park Space. The Project site is directly adjacent Monte Vista Park, an intensely used neighborhood park. Early on, I expressed my belief that Project impacts would warrant consideration of expanding the size of the Monte Vista Park through dedication of a portion of the CUSD Property. I have since learned that my comments were interpreted to mean that I thought improvements to the existing park area would be sufficient. I still think an expansion of public park space needs to be considered as a part of the project design and development. I'm requesting early collaboration with our Parks and Planning staff on this issue.

5. Parking. I understand that at least one meeting was held where representatives of the Homeowners Association of one of the neighboring developments expressed concern with the potential for Project impacts on the already impacted public street parking in the area. I appreciated learning about options to improve street parking in the area being considered by the development team. I think that early engagement with our Public Works and Planning staff on this issue may yield some creative solutions beneficial to both the project and neighbors.

Once again, I appreciate the discussions we've had to date but think that real collaboration will require both a few steps back as well as an MOU or other agreement between the City and County to define both parties' roles and expectations. Doing this, I believe, will also afford us an opportunity to evaluate project and process alternatives that can balance both County and City needs.

Thank you for the opportunity to provide these comments and I look forward to a follow-up conversation regarding next steps.

Yours,

FOR

Dave Durflinger,
City Manager

Cc: Mayor and City Councilmembers
Steve Goggia, Community Development
John Ilasin, Public Works
Matt Roberts, Parks, Recreation & Public Facilities

hacsb
Housing Authority of the County of Santa Barbara

P.O. Box 397 • Lompoc, CA 93438-0397
815 West Ocean Avenue • Lompoc, CA 93436-6526
(805) 736-3423 • FAX (805) 735-7672 • TDD (800) 545-1833 Ext. 594

January 21, 2021

Dear Dave,

Thank you for providing your thoughts and concerns. We appreciate the City's willingness to collaborate on this project's development. Our shared goal is to provide the Carpinteria Valley with much-needed rental housing that is designated as affordable by covenant or is designed to meet the needs of your local workforce. I appreciate our dialogue, beginning in 2019, to discuss providing housing, particularly affordable housing, at this site.

In the spirit of collaboration, we appreciated your willingness to participate in the joint meeting that was held on 11/19/20 with our development team, the County CEO and the First District Supervisor. During that meeting, Supervisor Williams and County CEO Miyasato joined our development team in a commitment to collaborate with the City of Carpinteria. While we cannot speak for the County, our understanding is that they are agreeable to discussing a Memorandum of Understanding.

In your letter dated December 12, 2020, several points were raised as issues for further discussion. We appreciate your candor and, to help facilitate discussion, we are providing our initial feedback on these issues. The responses below correlate to your list:

1. Process and Timing. During our discussions that began in 2019, you did express the City's strong desire to annex and process the entitlements for this project. You also mentioned that the City might be open to a development agreement, but that it would not include specificity on the number of housing units or other important aspects of the development. You may recall, there were several key factors we needed to consider in order to determine whether to process the application through the County or the City. Key factors included the significant difference in entitlement costs between the County and the City, available zoning in the County versus the City, entitlement processing delays resulting from annexing into the City before development as opposed to after the project is completed and the difference in planning staff capacity and timing of entitlement processing offered by the County versus the City. We discussed these and other factors that went into our decision to process through the County during a conversation you and I had on 9/8/20 and on a subsequent conversation you and your staff had with our development team on 9/23/20. Clearly, these factors are well beyond a simple financial calculation. That said, we welcome the City's input and collaboration throughout the entitlement process.

2. RHNA Calculations. As you recall, the concept of RHNA sharing was discussed during our joint meeting with the County on 11/19/20. Based on earlier conversations you and I had, I had already introduced this concept to the County. During our joint meeting, both the County CEO and First District Supervisor expressed that they're open to discussing this concept with the City. We will help to confirm if RHNA sharing is permissible and determine the process to accomplish such a goal. The rental housing we propose is clearly intended to help address housing demand needs in both the City and County, including the need expressed by your local businesses for housing for their employees.

3. City Services and Infrastructure. As part of the entitlement planning effort, we anticipate the drafting of an Environmental Impact Report, which will study the project's impacts. We also understand the need to mitigate material impacts. The project's location and proximity to the freeway will likely reduce transportation-related impacts to the City. We previously provided a report prepared by Associated Transportation Engineers that indicated no material level of service changes due to the project. Nonetheless, we are committed to studying and discussing any potential impacts.

4. Park Space. I had indeed interpreted your comments during our early meetings to mean improvements to the existing park area and not expanding the size of Monte Vista Park through dedication of a portion of the CUSD property. We are not prepared to make any park dedication from our project area. As part of our development plan, we have incorporated significant onsite amenities. These include a pool, club house, dog park, gardens, BBQ facilities, play areas and green space. It is our experience that our residents will predominantly use these facilities in lieu of the park. However, we also recognize that there might be some use and we are willing to participate in meaningful improvements to the existing park. Accordingly, we have engaged RRM to produce concept drawings based on our discussions and that of other City staff. We anticipate presenting these to the City in the coming weeks.

   It is our preference to extend the Bailard Avenue right-of-way and access our main entrance near the mid-point of our property (as has been illustrated in site plans previously provided). We believe an enhanced park entrance with monumentation and other improvements will complement both the park and our development. We may also be able to create additional parking opportunities for our neighbors and park-goers. In the event we are not able to mutually agree on a collaborative entry, we have other alternative design options that are not as desirable for all parties.

5. Parking. As currently designed, our project complies with both City and County parking requirements. The management of the affordable housing portion of the development, including parking, will be the conducted by the Housing Authority of the County of Santa Barbara. The management of the remaining portion of the development, including parking, will be performed by a wholly-owned affiliate of our partners, FPA Multifamily, to ensure residents are not exceeding their allowed parking privileges. Because of the excess amount of parking on our site, it may be possible for our project to assist in improving the current parking challenges. Additionally, an expansion of the Bailard right-of-way would also provide additional parking area for the community.

We understand that this is a complex development involving multiple agencies and a varying number of constituencies. It is our goal to collaborate with all stakeholders and merge their criteria as best as possible to develop a successful project. Helping to address the severe shortage of rental housing, both affordable and workforce, in the Carpinteria Valley is a goal we all share. Our commitment to housing as many people experiencing homelessness in the City as possible remains from our very first meeting. Your local businesses will benefit from additional rental housing opportunities for their employees and our residents are likely to patronize local businesses.

We look forward to continuing our dialog and providing our concept plans shortly. We hope this will provide an illustration of our desire to work with the City. In the meantime, if there are any questions please feel free to reach out to me or any member of our team.

Sincerely,

John Polanskey
Director of Housing Development
Housing Authority of the County of Santa Barbara

CC: Supervisor Das Williams
County CEO, Mona Miyasato
Bob Havlicek, HACSB
Ron Wu, FPA Multifamily
Tim Kihm, TK Consulting, Inc.
Brent Little, TK Consulting, Inc.

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
October 25, 2021

ITEM FOR COUNCIL CONSIDERATION

A status report and request for City Council policy input on proposed amendments to the Carpinteria Municipal Code, Title 14, Chapter 14.72 to implement recent State of California (State) enactment of housing laws to promote development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

STAFF RECOMMENDATION

Action Item X ; Non-Action Item ___

1. Receive and consider this report and the recommendations of the Planning Commission on proposed amendments to the Carpinteria Municipal Code, Title 14, Chapter 14.72 to implement State enactment of housing laws.

2. Provide direction to staff on specific criteria, i.e., any or a combination of Options 1 through 5, as described in this report, for the proposed ADU-JADU administrative draft ordinance.

Sample Motion: I move to:

1. Receive this report and the recommendations of the Planning Commission on proposed amendments to the Carpinteria Municipal Code, Title 14, Chapter 14.72 to implement State enactment of housing laws.

2. Provide direction to staff pursuant to the hearing discussion, including public testimony on the proposed ADU-JADU program, including:

   [Insert specific direction here (e.g., exclusion areas, discretionary review, objective development standards, etc.). See also Attachment F, City Council Motion - Checklist of Decisions.]

BACKGROUND

In 2017, the California Legislature passed a suite of three bills (Assembly Bill (AB) 2229, Senate Bill (SB) 1069 and AB 2406), which generally sought to encourage the development of ADUs and JADUs by streamlining the approval process and limiting local agencies' authority to regulate ADUs and JADUs. These bills and subsequent ADU/JADU legislation, however, stated that the State's ADU laws did not supersede the Coastal Act and thus the City elected not to update its certified Local Coastal Program (LCP) at that time. (Gov. Code § 65852.2(j).)

Following the City's decision in March 2017, the California Coastal Commission (CCC) issued a memo on November 20, 2017 providing guidance on implementation of State ADU and JADU law within the Coastal Zone. Specifically, the CCC stated that local agencies should "harmonize the new ADU requirements with LCP and Coastal Act policies." (J. Ainsworth, CCC, Nov. 2017). The memo also clarified that Government Code Section 65852.2 should not be interpreted as allowing coastal jurisdictions to disregard state ADU legislation in the Coastal Zone. However, State ADU and JADU law "still preserves a meaningful level of local control by authorizing local governments to craft policies that address local realities." (*Id.*) The CCC also encouraged local governments to develop ADU and JADU standards "in a manner that protects wetlands, sensitive habitat, public access, scenic views of the coast, productive agricultural soils, and the safety of new ADUs and their occupants." In response to this memo, the City planned to incorporate State ADU and JADU law into its ongoing, comprehensive General Plan/Local Coastal Plan and LCP update. (*Id.*)

Recognizing the need to develop City ADU and JADU regulations in order to promote development of more affordable housing units as well as market rate units to increase the City's housing supply in response to State Housing Element laws and an anticipated increase the related Regional Housing Needs Allocation for the City, the City Council directed staff to proceed with incorporating State ADU and JADU law into its LCP. On September 23, 2019, the City adopted Resolution No. 5915 to initiate the Accessory Dwelling Unit zone code amendment work program item. The program requires an amendment to the Carpinteria Municipal Code (CMC), Title 14 – Zoning, Chapter 14.72 – Secondary Dwelling Units. Chapter 14.72 would be replaced in its entirety with the Accessory Dwelling Unit – Junior Accessory Dwelling Units program.

The State Legislature continues to identify the production of ADUs and JADUs as an important element to increase housing production and has adopted legislation to promote new ADUs and JADUs. On January 1, 2020 and 2021, new State laws that apply to ADU and JADU regulations went into effect (AB 68, AB 881, and SB 13, codified in Gov. Code § Section 65852.2). Consistent with CCC guidance, local agencies within the Coastal Zone must implement these State ADU and JADUs laws that include but are not limited to: ministerial (non-discretionary) permit review through use of objective development standards; reduction or elimination of development fees;

reduced application review timelines; limitations on zoning regulations (e.g., minimum lot size, maximum unit square footage, parking standards, setbacks, etc.); and expansion of ADU and JADU unit count, construction, and/or conversion opportunities for both single family and multi-family residential zones.

Program Status and Approach to Adopt the ADU-JADU Program.

The proposed ADU-JADU program requires compliance with both state housing laws and the California Coastal Act, given that the City is located entirely within the Coastal Zone. While many public planning agencies outside of the Coastal Zone are implementing State ADU laws by updating their housing programs or defaulting to the State's requirements, cities and counties within or partially within the Coastal Zone must also ensure compliance with state and locally certified coastal policies. Related to recent passage of State laws governing ADUs and JADUs, the CCC issued a memo dated, April 21, 2020, to further guide cities and counties with land within the Coastal Zone.

> *"The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be 'located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it' or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources."* (J. Ainsworth, CCC, April 2020)

Staff has completed an initial administrative draft ordinance for the ADU-JADU program. After a series of internal reviews and revisions, staff scheduled a status report before the Planning Commission on October 4, 2021, to allow their consideration of program options. The Planning Commission took public testimony, deliberated on the options, and provided recommendations for your Council's consideration (Attachment E – Draft Planning Commission Minutes of October 4, 2021). Additional discussion regarding the Planning Commission's recommendations to your Council are discussed in "PLANNING COMMISSION RECOMMENDATIONS", on page 17 of this report.

Presently, the City Council and public have an opportunity to provide input on main program components described herein, prior to commencement of HCD and CCC review of the administrative draft. As part of program review by interested parties and agencies, the CCC requests that the City submit the administrative draft program for their review and input related to program consistency with the Coastal Act. The City also intends to concurrently provide the administrative draft program to HCD, for their review and input prior to public review. Concurrent review by both State agencies is expected to provide an opportunity for the City to better understand any compliance issues with state laws, and resolve any conflicting direction related to coastal resource protection and coastal hazard concerns with state housing mandates.

After review by, and coordination with both CCC and HCD, the City would make responsive revisions to the proposed program and release for public review and comment through public meetings. Staff would then consider public comments and as a result revise the draft program with any amendments that could improve the program's effectiveness. The program would then be scheduled before the Planning Commission for recommendations to the City Council. After the City Council receives the report and renders a decision on the proposed amendments, the City must submit the adopted ADU-JADU ordinance to HCD for review and acceptance within 60 days of program adoption. (Gov. Code § 65852.2(h)(1).) The City would coordinate review between both state agencies, but plans to submit the ordinance to the CCC for certification, pending the outcome of HCD review.

Accessory Dwelling Unit Program Prototype Unit Designs.

On April 26, 2021, the City Council approved and allocated $43,024 of general funds, and contracted with RRM Design Group to design two (2) ADU prototypes. The intent of the City is that the prototypes may be used by prospective ADU-JADU applicants to further streamline the ADU-JADU process and increase housing production. The prototypes will accompany the ADU-JADU program through the program's public workshop and hearing process.

DISCUSSION

ADU-JADU Zone Code Program Components.

Consistent with State ADU and JADU law, the proposed amendments to Title 14 - Zoning, Chapter 14.72, would replace the current Second Dwelling Unit program with a new Accessory Dwelling Unit and Junior Accessory Dwelling Unit program[1]. The amendment would streamline the permit process and reduce the development standards applicable to ADUs and JADUs. Related code amendments to Chapter 14.08 - DEFINITIONS and applicable chapters involving zone district processes governing ADU and JADU development would be included.

[1] An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:
• Detached: The unit is separated from the primary structure.
• Attached: The unit is attached to the primary structure.
• Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
• Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.
(HCD ADU Handbook, Dec. 2020)

The program components would address necessary planning regulations to comply with State ADU and JADU law, and provide distinct sets of zoning requirements for the two main categories of ADUs: Special (State-exempt) ADUs and ADUs subject to local development standards.

1. Special (State-exempt ADUs). State ADU law provides four categories of ADUs that are exempt from local development standards and must be ministerially permitted on residential or mixed-use zoned lots, subject to the provisions of Government Code Section 65852.2(e)(1). ADUs in this category and all JADUs would not be subject to certain local zoning and development standards, but must meet building code, health and safety, and a limited set of state standard requirements. ADUs created under subdivision (e) are not required to provide replacement or additional parking. The Special (State-exempt) categories include:

   A. Up to one ADU and one JADU permitted per lot within existing or proposed space of a single-family dwelling, or a JADU within the walls of a single-family dwelling, or an ADU within an existing accessory structure that meets specified requirements for public safety;
   B. One detached new construction ADU with not less than 4-foot side and rear yard setbacks, and may be combined on the same lot with a JADU. Such units may not exceed 800 square feet in floor area and 16 feet in height;
   C. Multiple ADUs within portions of multifamily structure that are not presently used as livable space. Local agencies must allow at least one ADU per lot, or up to 25 percent of the existing multifamily units within a structure; and
   D. Up to 2 detached ADUs on a lot that has a multifamily structure. Such ADUs are subject to a 16-foot height limit and a maximum side and rear yard setbacks standard of 4 feet.

2. ADUs Subject to Local Development Standards.

   State ADU law allows the City to apply local development standards when (1) those standards are adopted by local ordinance, and (2) such units do not conform to the requirements of Gov. Code Section 65852.2(e), as described above. (Gov. Code § 65852.2(a)–(d).) Such units may occur in zone districts where residential and multifamily units are allowed, and may be subject to zoning regulations of the base zone district, that are objective and consistent with State law.

   Table 1 below provides a comparison of major regulations for the current City Second Dwelling Units program, the State ADU program, which permits implementation of objective local development standards, and the new state-exempt ADU and JADU programs. Please refer to the HCD Accessory Dwelling Unit Handbook (Attachment A, December 2021) for detailed explanations of State regulations, including the governing laws (Gov. Code §§ 65852.2, 65852.22).

Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program (*CMC Chapter 14.72*)	State ADU Program (Subject to Local Development Standards) (*Gov. Code § 65852.2*)	**Special (State Exempt) ADU Standards**[1]	**Special (State Exempt) JADU Standards**
Zone Districts	R-1, PRD	Eligible in any residential or mixed-use zone[2]		
Type of ADUs	1 attached or detached unit with sleeping & kitchen facilities	May be combined with a JADU; attached or detached; 1 ADU per lot where one or multiple detached single family dwellings exist or are proposed *Gov. Code § 65852.2(e)(1)(A)*	May be combined with a JADU; attached or detached *Gov. Code § 65852.2(e)(1)(A) & (B)* Multiple ADUs for portions of existing multi-family structures that are not used as livable space (up to 25% of existing multi-family units on a lot) *Gov. Code § 65852.2(e)(1)(C)* May allow 2 detached ADUs per lot that has a multi-family dwelling *Gov. Code § 65852.2(e)(1)(D)*	May be combined with an ADU *Gov. Code § 65852.2(e)(1)(A) & (B)* Must be attached to the primary dwelling or attached garage Must have separate efficiency kitchen facilities Must have a separate entrance (allowing 150 square feet of expansion to meet this requirement) *Gov. Code § 65852.2(e)(1)(A)* Must record a Declaration of Restrictions *Gov. Code § 65852.22(a)(3)*
Minimum Lot Size	8,000 square feet	No minimum lot size requirement *Gov.Code § 65852.2(a)(1)(B)(i)*		
Maximum Floor Area	Maximum 700 square feet and no more than 30% of living area of primary dwelling	At least 850 square feet for studios and 1 bedroom; 1,000 square feet for more than one bedroom[3] *Gov.Code § 65852.2(c)*	ADU conversion: N/A; existing structure *Gov. Code § 65852.2 (e)(1)(A)(i)* New ADU: 800 square feet *Gov.Code § 65852.2 (e)(1)(B)(i)*	500 square feet *Gov.Code § 65852.22(h)(1)*
Minimum Floor Area	Efficiency Unit 150 square feet *Health and Safety Code § 17958.1*	No less than 220 square feet + 100 square feet/occupant and no more than 2 occupants. *Gov. Code § 65852.2(c)(2)(A)*		
Floor Area Ratio (FAR)	Included in FAR calculation of underlying zone district	May include an FAR standard (e.g., base zone district) but cannot preclude creation of a statewide exempt ADU *Gov. Code § 65852.2(a)(1)(B)(i) and (c)(2)(C)*	May not preclude development of a state exempt unit *Gov. Code § 65852.2(e)*	May not preclude development of a state exempt unit *Gov. Code § 65852.2(e)*
Building Coverage	Within maximum of the underlying zone district	May include a building coverage standard (e.g., base zone district) but cannot preclude creation of a statewide exempt ADU *Gov. Code § 65852.2(a)(1)(B)(i) and (c)(2)(C)*	May not preclude development of a state exempt unit *Gov. Code § 65852.2(e)*	May not preclude development of a state exempt unit *Gov. Code § 65852.2(e)*
Height	Single story; up to 18 feet	ADU conversions: N/A; existing structural height New construction: Up to 16 feet *Gov. Code § 65852.2(e)(1)(B)(ii)*	ADU conversion: N/A; existing structural height New ADU: Up to 16 feet *Gov. Code § 65852.2(e)(1)(B)(ii)*	N/A; existing or proposed primary dwelling height *Gov. Code § 65852.22(a)(4) and (h)(1)*
Setbacks	Underlying zone district setbacks apply; no units between the street and primary dwelling	ADU conversions: No setbacks New ADUs: 4 feet side and rear yard setbacks No setbacks for existing structures demolished and rebuilt with same dimensions *Gov. Code § 65852.2 (a)(1)(D)(vii)*	Attached ADU: Side and rear yard setbacks deemed necessary for fire and safety purposes *Gov. Code § 65852.2(e)(1)(A)(iii)* Detached ADU: Minimum 4-foot side and rear yard setbacks *Gov. Code § 65852.2(e)(1)(B)*	Side and rear yard setbacks deemed necessary for fire and safety purposes *Gov. Code § 65852.2(e)(1)(A)(iii)*
Architectural Review	Required ARB *CMC 2.36.080*	Permitted; must be sufficiently objective to allow ministerial review *Gov. Code § 65852.2(a)(1)(B)(I)*	Permitted; must be sufficiently objective to allow ministerial review *Gov. Code § 65852.2(a)(1)(B)(I)*	Exempt *Gov. Code § 65852.2(a)(1)(B)(I)*

[1] Provides a comparison of ADUs, including ADUs permitted in zones allowing multi-family use.
[2] Limits on ADUs may only be based on water and sewer service adequacy, impacts on traffic flow and public safety, and consistency with Coastal Act coastal resource and public access policies. Gov. Code § 65852.2(e); (Pub. Res. Code § 30250.)
[3] Local agencies may adopt less stringent for the creation of ADUs, including greater maximum square footage allowances (Gov. Code § 65852.2(g)).

Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program *(CMC Chapter 14.72)*	State ADU Program (Subject to Local Development Standards) *(Gov. Code § 65852.2)*	Special (State Exempt) ADU Standards[1]	Special (State Exempt) JADU Standards
Parking	1 space /bedroom Must be in a garage	1 parking space/unit or bedroom, whichever is less; no guest parking requirement; tandem parking is allowed; demolished or converted garages, carports, or covered parking does not require replacement *Gov Code § 65852.2(a)(D)(xi)* Parking exemptions shall apply if an ADU meets 1 of the following conditions: (1) Is located within 0.5 mile walking distance to public transit (2) Is within an architecturally or historic district (3) Is part of a primary dwelling or accessory structure (4) On-street parking permits are required but not offered to the ADU occupant (5) Is within one block for a car share vehicle location *Gov. Code § 65852.2(d)(1-5) and (j)(10)*	No parking spaces required and no replacement parking to satisfy parking requirements for the primary dwelling *Gov. Code § 65852.2(a)(1)(xi)*	No new spaces for JADU *Gov. Code § 65852.22(b)(1)*
Rental Restrictions	Owner shall reside on the parcel	Minimum 31 day rental requirement; no onsite owner occupancy requirement on units permitted before Jan. 1, 2025 *Gov Code § 65852.2(a)(1)(6)(A)*	Minimum 31 day rental requirement; no onsite owner occupancy requirement on units permitted before Jan. 1, 2025 *Gov Code § 65852.2(a)(1)(6)(A)*	Minimum 31 day rental requirement; owner occupancy of either the primary residence or the JADU *Gov. Code §§ 65852.2(a)(1)(6)(A), 65852.22(a)(2)*
Dev. Impact Fees	Required, although reduced *CMC Ch 15.80*	Exempt for ADUs less than 750 square feet; ADUs greater than 750 square feet may be waived or charged a proportional fee (ADU/ primary dwelling SF) *Gov. Code § 65852.2(e)(1)(C)*	Exempt for ADUs less than 750 square feet; ADUs greater than 750 square feet may be waived or charged a proportional fee (ADU/ primary dwelling SF) *Gov. Code § 65852.2(e)(1)(C)*	Exempt (Maximum floor area allowed, 500 square feet, is below the 750 square foot threshold *Gov. Code § 65852.2(e)(1)(C)*
Public Utilities	Must be served by CSD	Local agency, sewer district, special district, water corporations may provide service. Water and sewer service adequacy is required *Gov. Code § 65852.2(a)(1)(A) & (f)* Local agency, special district, or water corporation may require a new or separate utility connection between the ADU and utility and a proportionate share of a fee based on service duty factors. *Gov. Code § 65852.2(f)(5)*	Local agency, sewer district, special district, water corporations may provide service. Water and sewer service adequacy is required *Gov. Code § 65852.2(a)(1)(A) & (f)* No separate utility connection or connection fee may be required for an ADU proposed within the proposed or existing space of a primary dwelling or accessory structure, unless the ADU is developed concurrently with a new primary dwelling *Gov. Code § 65852.2(f)(4)*	The JADU is not considered a separate or new dwelling and shall not be subject to connection fees. *Gov. Code § 65852.22(e)*
Non-Conforming	Code conforming primary dwelling requirement	No requirement to correct nonconforming zoning conditions *Gov. Code § 65852.2(e)(2)*	No requirement to correct nonconforming zoning conditions *Gov. Code § 65852.2(e)(2)*	No requirement to correct nonconforming zoning conditions *Gov. Code § 65852.2(e)(2)*
Permit Requirement • *Outside Coastal Appeals Zone* • *In Coastal Appeals Zone*	• Administrative CDP no appeal • Administrative CDP appealable to the CCC • 60 day timeframe; delays allowed under certain circumstances *Gov. Code § 65852.2(a)(3)*	• Administrative CDP no appeal • Administrative CDP appealable to the CCC • 60 day timeframe; delays allowed under certain circumstances *Gov. Code 65852.2(a)(3)*	• Administrative CDP no appeal • Administrative CDP appealable to the CCC • 60 day timeframe; delays allowed under certain circumstances *Gov. Code § 65852.2(a)(3)*	• Exempt[4] (Building permit issuance) • 60 day timeframe; delays allowed under certain circumstances *Gov. Code § 65852.22(c)*

[4] Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP (Cal. Code Regs., tit. 14, § 13250(b)(6)).

Consistency with State Housing Laws and the California Coastal Act.

The proposed ADU and JADU program proposes to implement recently passed State housing laws that address acceleration of ADU and JADU housing production. The City's program is currently under preparation but the administrative draft document currently proposes eligibility of ADUs and JADUs in zone districts that permit residential and mixed-use zoning. The regulations would also include objective development standards, that if successfully incorporated into project design, would allow ministerial application review. Such review can expedite project application review given discretionary planning analysis and design review, and California Environmental Quality Act (CEQA) investigations would not be required. The proposed program also contemplates a permit process for ADUs that do not or cannot conform to the proposed objective development standards; such units are currently proposed to be subject to discretionary review.

While the program's focus is to provide a more streamlined and efficient review path for development of ADUs and JADUs, given that the City is located entirely within the California Coastal Zone, this program must also ensure that proposed regulations are consistent with the California Coastal Act coastal resource policies, as required under Public Resources Code (PRC) Section 30200 *et seq*. (Attachment B, J. Ainsworth, 2020). These coastal resource policies are also reflected in the City's adopted Coastal Land Use Plan (2003). Such policies include but are not limited to: public access, recreation, marine environment, land resources, development, and industrial development. Where actions may result in conflict between coastal resource policies, those that are most protective of significant coastal resources shall be prioritized (Pub. Res. Code § 30007.5). Further, PRC Section 30200(b) states,

> *"Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of the chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts."*

During formulation of the draft ADU and JADU zoning code regulations, staff will refer to State housing laws as well as both HCD and CCC guidance documents. State laws allow local agencies to identify areas where ADUs and JADUs may be permitted within its jurisdiction. Such areas may be based on the adequacy of water and sewer services and ADUs on traffic flow and public safety. (Gov. Code § 66852.2(a)(1)(A).) Further, given this relationship between State housing laws and the Coastal Act, the proposed program must ensure that its adoption would not conflict with coastal resource protection policies, supported by findings. Therefore, if warranted, the City is authorized to exclude areas from ADU or JADU eligibility and/or ministerial permit review, where such exclusion ensures protection of public health, safety, general welfare, and consistency with specified planning laws.

Coastal Resource Policy Analysis.

As part of initial planning research for the preparation of the administrative draft program, staff contacted other public agencies with jurisdiction in the Coastal Zone that are in the process of updating ADU Ordinances including: the City of Santa Cruz, City of Solana Beach, City of Goleta, and City of Santa Barbara. Additional ADU programs were evaluated regarding coastal resource policy consistency approaches, including use of prohibition or exclusion areas to address planning and environmental concerns, heightened review for resource-sensitive areas, and an approval finding of project consistency with coastal resource policies.

Most of the ADU and JADU programs within the coastal zone do not provide exclusion areas; rather they provide a development standard that requires consistency with Coastal Act resource policies. The City of Solana Beach, located in the northern portion of San Diego County, is a coastal city that includes exclusion areas in their adopted ADU and JADU ordinance. The City of Solana Beach regulations prohibit ADUs and JADUs on lots that contain ESHA; bluff tops; or are in a Hillside Overlay Zone, Very High Fire Hazard Area, or Wildland Urban Interface; or that would require more than 50 cubic yards of grading. HCD completed review of the City of Solana Beach's ADU ordinance and provided no comments (J. Lim, July 2021).

As part of ongoing policy consistency evaluation for the ADU-JADU program, staff reviewed the City of Carpinteria's current permit procedures and considered relevant technical investigations recently conducted by the City. This will allow for areas that have identified coastal resources to be taken into consideration as a part of the development of the draft program. Staff also review and evaluated policies of the City's General Plan/Local Coastal Land Use Plan and Title 14 – Zoning code, staff evaluated the *Final Sea Level Rise Vulnerability Assessment and Adaptation Plan* (SLRVAAP) (City of Carpinteria, 2019), the City's Interim Sea Level Rise Guidance (Attachment D, City of Carpinteria, 2020), and various environmental and planning analyses performed in the City.

The SLRVAAP and Interim SLR Guidance document represents the City's response to the CCC's release of guidance documents encouraging local governments to amend certified LCPs in light of the evolving sea level rise science behind sea level rise. In August 2015, the CCC adopted its Sea Level Rise Policy Guidance: *Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits*. The guidance was updated in 2018 to reflect the current best available science, provided by the California Ocean Protection Council. The focused changes consider recent scientific studies and statewide guidance that reflect updated understanding of sea level rise projections in California. The guidance document serves to inform public agencies of coastal hazard risks and their effects upon vulnerable resources and services. This information is useful when considering existing and proposed development opportunities in areas subject to coastal hazards.

Based upon review of the SLRVAAP, including mapped coastal hazards associated with sea level rise modeling and projections, staff identified potential coastal resource policy concerns associated with public safety and coastal hazards, coastal access, recreation, land resources, and environmentally sensitive habitat areas. Additional policy issues may be raised as part of CCC and HCD staff review as well as public comment. Initial policy concerns identified by City staff are briefly summarized below (please also refer to SLRVAAP figures, Attachment C):

Coastal Hazards: The SLRVAAP required preparation of the City's sea level rise model, citywide mapping of related coastal hazards by City-selected sectors, and identification of projected risks based on estimated sea level rise (2-, 5-, and 10-foot rise) and time horizons by year (existing, 2030, 2060, and 2100).[2] Sectors include both coastal resources; public services, facilities, and infrastructure; and both public and private properties. An adaptation plan was then developed to address potential coastal hazard risks, define measures to reduce such risks, identify tipping points and triggers (to activate an adaptation program), and establish a monitoring plan.

Land Use/Resources:

Objective LU-1: Establish the basis for orderly, well planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public.

Policy LU-1a: The policies of the Coastal Act are incorporated by reference as the guiding policies of the land use plan (Public Resources Code Sections 30210 through 30263).

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

The SLRVAAP identifies that currently, 90 percent of vulnerable parcels are residential and most are located in the Beach Neighborhood. The Beach Neighborhood subarea is bounded by the Union Pacific Railroad corridor to the north, Linden Avenue and the Carpinteria State Beach Park to the east, Carpinteria City Beach to the south, and the Carpinteria Salt Marsh to the west. The study estimates that increased coastal flooding will extend further north in the Beach Neighborhood, with 1 foot of sea level rise. The study also estimates that up to 105 residential units could be at risk with 2 feet of sea level rise due to coastal flooding, coastal erosion, and tidal flooding. With 5 feet of sea level rise, the study projects that Concha Loma and Carpinteria Bluffs would experience substantial erosion in addition to continued, high tidal flooding in the Beach Neighborhood (Attachment C).

[2] The probability of projected sea level rise occurring in the respective time horizons is < 0.5% in 2030, ~2% in 2060, and ~2% in 2100 (California Ocean Protection Council, 2018).

Policy Concern: Allowing ADUs and JADUs in the Beach Neighborhood District may increase public safety risks associated with sea level rise under the SLRVAAP. Additionally, given that the State law would reduce and/or exempt off-street parking requirements, the Beach Neighborhood District may experience increased on-street parking by residents, in an area that already experiences high-use of multiple coastal access points and related parking areas, as well as on-street public parking close to these coastal access points. A potential increase in on-street parking attributable to ADU and JADU development, near high-use coastal access points that are vulnerable to sea level rise, may result in adverse effects upon coastal access.

Coastal Access - Roads and Parking:

Objective OSC-14: Provide for adequate park and recreation facilities to meet the needs of the community and visitors.

Policy OSC-14k: In those areas where it is established that the public acquired a right of access through use, custom or legislative authorization, new development shall not interfere with or diminish such access. This policy shall be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access.

The SLRVAAP identifies four parking lots and approximately 0.1 mile of roads (in the area of the City and State beaches) currently at risk, with a 1 percent annual storm (i.e., a 100-year storm). The lots include coastal access parking at the southern terminus of Ash, Holly, Elm, and Linden Avenues, which would be subject to further damage over time. In addition, with 2 feet of sea level rise, a major parking lot at Carpinteria State Beach would be at risk, and 1.1 miles of roads become at risk along lower Linden and Elm Avenues. With 5 feet of sea level rise, three additional Carpinteria State Beach parking lots (including both of the day-use lots south of the Concha Loma Neighborhood), approximately 4.8 miles of public roads providing on-street parking in the Beach Neighborhood, Carpinteria State Beach, portions of Carpinteria Avenue and 7th Street, and the westernmost southbound segment of U.S. Highway 101 are at risk of coastal hazards (coastal flooding, tidal inundation, and coastal erosion, Attachment C).

Policy Concern: The Beach Neighborhood and parts of the Concha Loma Neighborhood already experience high-use of coastal access parking areas, including on-street public parking close to designated coastal access points. In the Beach Neighborhood District, high-use parking and access points currently experience coastal flooding with a 1 percent annual storm (i.e., a 100-year storm) and are projected to be at an increased risk of loss with projected rises in sea level. In the longer term (5 feet of sea level rise/~Year 2100), the Concha Loma Neighborhood may experience additional coastal access on-street parking use, should the two State parking lots seaward of the neighborhood be damaged or lost.

The addition of ADU-JADU residents in these two districts with existing high coastal access use, along with projected loss of beach access parking, including on-street public parking, may result in adverse effects upon coastal access.

Coastal Access - Trails:

Objective OSC-15c: Maintain the existing trail system and provide additional recreation and access opportunity by expanding the trail system.

The SLRVAAP identifies that currently, all vertical coastal access points and all lateral coastal trails are vulnerable to coastal erosion and coastal flooding; more than half of these resources are vulnerable to tidal flooding. In the longer term, with 5 feet of sea level rise, all bluff top coastal trails and those within Carpinteria Salt Marsh Park are vulnerable to coastal hazards (Attachment C).

Policy Concern: As discussed in the preceding analyses, the Beach Neighborhood District and portions of the Concha Loma Neighborhood may experience increased on-street parking by residents of ADUs and JADUs proximate to coastal access points and trails, given State law provides for a reduction and/or exemption of off-street parking requirements. ADU and JADU development, which would be expected to result in increased on-street parking use by residents, could result in adverse effects upon coastal public access.

Environmentally Sensitive Habitat Areas:

Objective OSC-1: Protect, preserve and enhance local natural resources and habitats.

Policy OSC-1a. Protect Environmentally Sensitive Habitat Area(s) (ESHA) from development and maintain them as natural open space or passive recreational areas.

Policy OSC-1b. Prohibit activities, including development, that could damage or destroy ESHA.

The SLRVAAP identifies Environmentally Sensitive Habitat Areas (ESHA) that could be directly impacted by sea level rise and related coastal hazards, with coastal flooding and cliff erosion potentially affecting more ESHA (Attachment C).

Policy Concern: While much of mapped ESHA is located in the Recreation District, which would not permit ADUs and JADUs, localized ESHA including wetlands and drainages, may be located in zone districts that could allow ADUs and JADUs. Intensification of uses on certain constrained sites may result in adverse effects upon ESHA resources.

Program Options to address Compliance with State Housing Laws and the California Coastal Act.

Given the potential coastal resource policy concerns described above, several possible ADU and JADU program options exist that, to varying degrees, may effectively comply with both State housing laws and the Coastal Act. The analysis below describes, in part, potential concerns of both HCD and CCC; however, please note that formal public review and comment from stakeholders, including the Carpinteria Valley Water District, Carpinteria Sanitary District, and Carpinteria-Summerland Fire Protection District have not occurred, given public review on the proposed program has not commenced, and such review could result in additional comment to be considered in the preparation of the draft program.

While the options below are not exhaustive, they illustrate concepts that the City Council may wish to further consider and/or refine. Each option and whether or not staff believes it can comply with State laws are described below.

Option 1. Allow City-wide ADU and JADU Applications with No Exclusion Areas.

Option 1 would allow ADUs and JADUs to be eligible in all zone districts that permit residential and mixed uses without any exclusion or prohibition areas. Under this option, ADUs would be reviewed in accordance with Coastal Development Permit requirements that rely upon objective development standards and processed consistent with Table 1. An ADU permit in the non-appealable portion of the Coastal Zone would require approval of an administrative, non-appealable CDP. If a project is located in the CCC appeals jurisdiction, the CDP would be appealable to the CCC. Further, if either an ADU or a Special ADU conforms to the respective set of objective development standards, approval shall be granted. A JADU that conforms to the standards would require a building permit, but would be exempted from the CDP requirement.

Under this scenario, more ADU and/or JADU applications may be filed for City review; however, the requirement to be consistent with coastal resource policies remains. Therefore, ADU and JADU units in areas identified with coastal resource concerns may nonetheless be denied. Without defined exclusion areas in the ordinance, **Option 1** may increase applicant expectations of permit approval, which could be frustrated should the project location or proposed design conflict with state requirements and applicable resource policies.

Option 2. Exclusion of ADUs and JADUs within Certain Neighborhood Districts or Geographic Areas based on Coastal Act and Sensitive Resource Policies and Supporting Technical Studies.

Option 2 would prohibit ADUs and JADUs within certain areas based on documented information, including the SLRVAAP. State laws allow local agencies to identify areas where ADUs and JADUs may be permitted within its jurisdiction. Such areas may be based on the adequacy of water and sewer services and ADUs on traffic flow and public safety. (Gov. Code § 66852.2(a)(1)(A).) Further, the proposed program must ensure that its adoption would not conflict with coastal resource protection policies, supported by findings.

The expected project life of development (existing or proposed) helps to determine the amount of sea level rise to which the project could be exposed. An estimated range of structural life is 75 to 100 years for residential or commercial structures and 100 years, and 100 years or more for critical infrastructure (CCC, Sea Level Rise and Policy Guidance, 2018). As noted, the SLRVAAP identifies coastal hazard risks to coastal resources in the Beach Neighborhood District and portions of the Concha Loma District. Additionally, both areas experience high-use of coastal access parking areas, including on-street public parking close to designated coastal access points. To address coastal resource policy concerns, this option would create either district-wide or partial district exclusion areas.

Under **Option 2**, HCD may have concerns with the extent of geographic area excluded from ADU and JADU eligibility, given portions of both neighborhood districts are not projected to be at risk from coastal hazard conditions attributed to sea level rise and do not clearly meet other criteria provided by Gov. Code 66582.2(a)(1)(A) to exclude the area from development. While CCC may find that this option provides protection of coastal resources, the agency may not find that the extent of exclusion is necessary for compliance with the Coastal Act.

Alternatively, other exclusion areas could be defined including only a sub-portion of the Beach Neighborhood District (e.g., all or a portion of zones defined in the Interim Sea Level Rise Guidance document, Attachment D) or exclusion of longer-term coastal hazard risks, such as hazards in proximity to the Concha Loma Neighborhood or along western Carpinteria Avenue. It should be noted, however, that mapped long-term vulnerabilities may be considered as a basis to exclude all or a portion of these areas; long-term sea level rise and coastal hazards projections are less certain given the dynamic nature of sea level rise projections and our understanding of its effects.

Option 3. Apply Discretionary Review in lieu of Exclusion Areas, in Certain Areas Based on Coastal Act and Sensitive Resource Policies and Supporting Technical Studies.

The distinction with **Option 3** as compared to **Option 2**, is that an ADU and/or JADU applicant would have an opportunity to apply for a permit, understanding discretionary review would be required, but would not be prohibited outright from requesting ADU and/or JADU permit approval. **Option 3** would provide a discretionary permit review alternative, rather than a geographic-based exclusion option where coastal resource policy concerns exist, similar to the process identified in the Interim Sea Level Rise Guidance document. A purpose of the Interim Sea Level Rise Guidance document is to notify applicants of information requests (e.g., wave action studies, site specific coastal vulnerability study, recorded disclaimers) and the potential special conditions the City may impose on new development affected by sea level rise. For those areas identified with coastal risks, the City could apply these guidelines, which would allow for discretionary level review and a recorded disclaimer.

Additionally, or alternatively, under **Option 3**, the program ordinance could provide a discretionary review option for ADU and/or JADU applications that proposed to develop on a site, but cannot meet the requirements of the objective development standards, including consistency with coastal resource policies. Areas in the Beach Neighborhood District and portions of Concha Loma Neighborhood District, that presently experience high demand for coastal access, as earlier described, could be designed to require on-site parking for ADU and JADU units, as well as on-site parking replacement for existing onsite uses, which would be displaced with ADU and/or JADU development, with the goal to maintain consistency with coastal land use and access policies. Other design options that an applicant may propose, which do not comply with objective development standards, may be submitted as part of discretionary review.

Under **Option 3**, the program ordinance would include a provision that allows for discretionary Director-level review and/or review by the Architectural Review Board, and application of project conditions to ensure that proposed ADU development is consistent with the Coastal Act (Attachment D, Interim Sea Level Rise Guidance) and/or to provide a permit path for projects that cannot comply with the proposed objective development standards. HCD may view this **Option 3** as more flexible than **Option 2** given the opportunity for more applicants to apply for ADUs and/or JADUs; however, HCD may have concerns with inclusion of an ADU/JADU discretionary review process. Since the State's housing laws provide for exclusion of areas, the City may justify discretionary review in specific circumstances, which would provide more permitting flexibility and options than **Option 2**. While not as definitive as **Option 2's** exclusion areas, the CCC may find that discretionary review to address coastal resource policy concerns may be a feasible method to ensure project consistency with applicable Coastal Act policies.

Option 4. Exclusion of ADUs within Sensitive Coastal Resource or Other Sensitive Resource Areas.

Option 4 would preclude ADUs on lots that contain protected resources (e.g., ESHA). For example, the City of Solana Beach prohibits ADUs and JADUs on lots that contain ESHA; bluff tops; or are in their Hillside Overlay Zone, Very High Fire Hazard Area, or Wildland Urban Interface; or that would require more than 50 cubic yards of grading. HCD completed review of the City of Solana Beach's ADU ordinance and provided no comments (J. Lim, July 2021).

Similar to **Option 3**, **Option 4** may be viewed by HCD as more flexible than **Option 2**, as it would exclude less geographic area from ADU and/or JADU application eligibility. However, **Option 4** would not provide an opportunity for discretionary review as noted in **Option 3.** As noted above however, the City of Solana Beach was able to retain exclusion areas in the ADU and JADU ordinance for focused sensitive coastal resources, after HCD review. The CCC may find that **Option 3** provides proactive protection of sensitive coastal resources in a balanced method, which would not exclude larger areas of neighborhood districts, and similar to **Option 3**, may view this as a feasible method to ensure project consistency with applicable Coastal Act policies.

<u>**Option 5.** A Hybrid ADU and JADU Program Option.</u>

Option 5 would not rely entirely upon the program's objective development standards as **Option 1**; it would implement a combination of processing requirements the options. For example, based on findings, the program could exclude ADUs in all or a portion of the Beach Neighborhood District and Concha Loma District that are vulnerable to coastal hazards, similar to **Option 2.**

Option 5 could also provide for discretionary review for other areas in the Beach Neighborhood District and Concha Loma District, as well as other geographic locations in the City's eligible zone districts, where they are less vulnerable to coastal hazard risks, but may be inconsistent with coastal resource protection policies. As described in **Option 3**, discretionary review and special conditions may be applied to an ADU and/or JADU projects that could result in adverse effects on public coastal access sites.

In addition to exclusion areas described in **Option 2**, **Option 5** could also exclude ADUs on lots with sensitive resources, as proposed in **Option 4.** Another hybrid approach may limit exclusion to existing coastal hazards contained in the SLRVAAP as provided in **Option 2**, but allow discretionary review and special conditions (e.g., interim sea level rise zone requirements, on-site parking, etc.) on sites that pose coastal resource policy concerns other than sea level rise risks, as provided in **Option 3**.

Finally, **Option 5** may provide exclusion areas or discretionary review for ADUs, in a combined form of **Options 2, 3, and 4,** but could allow JADUs citywide, similar to **Option 1**. By definition, JADUs must be within the walls of an existing or proposed primary dwelling, or its attached garage. Conversion of an existing legally established room(s) to create a JADU within an existing residence, without removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.) and without change to the size or the intensity of use of the structure, may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610).

JADUs created within existing primary dwelling structures that comply with Gov. Code § 65852.2(e) and 65852.22 typically will fall into the exemption or streamlined processing categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. For JADUs located in the coastal hazard areas, the Interim Sea Level Rise Guidance may require waivers for certain JADUs in coastal hazard areas; staff will further investigate the appropriateness to waive coastal hazard studies that would otherwise be required for a significant remodel.

Option 5 describes a few possible combinations of ADU-JADU program components that serve to promote ADU and JADU production while addressing consistency with Coastal Act policies. The City Council may direct that staff incorporate alternate ADU and JADU program options. Additionally, review of the administrative draft ADU and JADU program by both HCD and the CCC, may further inform a hybrid option, which addresses compliance of State housing laws and the Coastal Act.

PLANNING COMMISSION RECOMMENDATIONS

On October 4, 2021, the Planning Commission received the staff report regarding the ADU-JADU program status and received public testimony, with four commissioners present. After deliberation, the Planning Commission provided direction on some key program components as noted below (Attachment E):

1. The Planning Commission agreed that limited use of an exclusion area should be incorporated into the program, and on consensus found that the Interim Sea Level Rise Guidance document's Zone 1 (Attachment D, page 2), which includes oceanfront development south of Sandyland Road, should be excluded from program eligibility. Their discussion incorporated findings of the Final SLRVAAP, which found this zone to have existing risks from coastal hazards, as well as significant projected risks upon coastal resources, which include both land use and coastal access resources.

2. The Planning Commission did not reach consensus on inclusion of the Interim Sea Level Rise Guidance document's Zone 2, with two commissioners favoring inclusion of Zone 2 and two commissioners not favoring its inclusion. The commissioners that did not favor inclusion of Zone 2 indicated a preference to apply the existing Interim Sea Level Rise Guidance document requirements for development that occurs in this zone. The commissioners did not indicate an interest in expanding exclusion areas to other portions of the City.

3. On consensus, the Planning Commission agreed that applying discretionary review for proposed ADUs and JADUs that cannot comply with objective development standards, may be a favorable option rather than strict denial of a ministerial permit for a project's inability to comply with such standards. The Planning Commission discussed the merits of a simple process to optimize

production of ADUs and JADUs, and found an opportunity to permit additional units through a limited discretionary process.

4. Some commissioners expressed the need for any discretionary review to stay simple and/or flexible. For example, the commissioners discussed involved possible use of Design Review, either as recommending input only, from the Architectural Review Board, or as a finding of compatible design of the ADU unit (detached or attached) with the primary residential unit. Three of the commissioners did not favor a requirement that architectural style of an ADU must match the style of its primary residence. One commissioner supported inclusion of a "compatible design" criteria, as an objective development standard, when such a unit is visible from public viewing locations.

5. The Planning Commission discussed the merits of including the State requirements for the smallest allowable maximum square footages for ADUs that are not State exempt. State law requires the maximum square footage of a studio or 1 bedroom ADU, be no smaller than 850 square feet and ADUs with more than 1 bedroom be no smaller than 1,000 square feet. The commissioners generally supported these values as maximum square footage standards.

6. The Planning Commission acknowledged the State maximum square footage requirements for State exempt ADUs and JADUs. State law currently requires that State exempt JADUs are no greater than 500 square feet and State-exempt ADUs are no greater than 800 square feet.

FINANCIAL CONSIDERATIONS

The City's ADU-JADU program is largely funded by grants from HCD. HCD awarded the City with a Regional Early Action Planning (REAP) grant in the amount $115,881 to develop the Accessory Dwelling Unit Program. The City received a Notice to Proceed on March 1, 2021. On August 4, 2021, a Local Early Action Planning (LEAP) Grant of $65,000 was awarded to the City by HCD, to further supplement ADU-JADU program coordination with agencies, conduct necessary legal review, perform post-adoption public outreach, and conduct staff training.

Accessory Dwelling Unit Prototypes effort are not a part of current grant awards and required a General Fund allocation, through Measure X, which was approved by your Council in June of this year. RRM Design Group has been contracted to prepare the Accessory Dwelling Unit Prototypes at a cost of $43,024.

Regulations of ADU-JADU development has the potential, over time, to affect property values. Successful program regulations would, in part, guide new investment via ADU – JADU development in a manner that supports or enhances property values. Statewide, the implementation of ADU- JADU programs is intended to result in housing development that is more affordable to people working locally and, therefore, if successful in this way the program would be expected to support various sectors of the Carpinteria economy.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The City Attorney has collaborated closely with staff on this program and has reviewed this status report.

OPTIONS

The City Council may provide direction to staff on the proposed ADU-JADU program, including direction on specific criteria for inclusion in the administrative draft ordinance. Such policy direction may, for example, include:

1. Development of an ADU-JADU program that does not provide exclusion of ADU-JADUs in certain geographic or resource areas based on identified sensitive resources, hazards to public health and safety, and/or limited public services. Rely upon the permit review process, which is proposed to include either a Coastal Development Permit (non-appealable or appealable) or an exemption, to evaluate ADU-JADU applications;

2. Draft exclusions to the ADU-JADU program to prohibit ADUs and JADUs in certain neighborhood districts or geographic areas based on identified sensitive resources, hazards to public health and safety, and/or limited public services, supported by findings, which may include but are not limited to technical coastal hazard investigations contained in the Final Sea Level Rise Vulnerability Assessment and Adaptation Project Report (March 2019) and Coastal Act resource policies;

3. Application of discretionary review in lieu of ADU-JADU program exclusion areas, in certain neighborhood districts or geographic areas, based upon technical coastal hazard investigations contained in the Final Sea Level Rise Vulnerability Assessment and Adaptation Project Report (March 2019), Coastal Act resource policies, or other relevant policy documents;

4. Provision of other exclusions and/or heightened application review for certain areas, such as parcels containing a designated Environmentally Sensitive Habitat Area (ESHA), or parcels in close proximity to coastal access points, with supported findings; or

5. Provision of a hybrid of components, contained within, or similar to Options 1 through 4.

PRINCIPAL PARTIES EXPECTED AT THE MEETING

Interested parties in the City ADU law.

ATTACHMENTS

Attachment A: California Department of Housing and Development, Accessory Dwelling Unit Handbook, Dec 2020)

Attachment B: Coastal Commission ADU Memo April 2020

Attachment C: Sea Level Rise Vulnerability Assessment and Adaptation Plan (Cited: Figure 1-1 Land Use Parcels and Structures, Figure 1-2 Roads and Parking, Figure 1-5 Coastal Trails and Access, Figure 1-11 Environmentally Sensitive Habitat Area

Attachment D: Interim Sea Level Rise Guidance

Attachment E: Draft Planning Commission Minutes, October 4, 2021

Attachment F: City Council Motion: Checklist of Decisions

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Steve Goggia for
Signature

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Signature

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Signature

Attachment A

California Department of Housing and Development

Accessory Dwelling Unit Handbook

December 2020

Proposed Accessory Dwelling Unit (ADU) and

Junior Accessory Dwelling Unit (JADU) Program

October 25, 2021

California Department of Housing and Community Development

Accessory Dwelling Unit Handbook

Where foundations begin

Updated December 2020

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Understanding Accessory Dwelling Units (ADUs) and Their Importance

California's housing production is not keeping pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

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Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are Accessory Dwelling Units (ADUs - also referred to as second units, in-law units, casitas, or granny flats) and Junior Accessory Dwelling Units (JADUs).

What is an ADU?

An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. To address our state's needs, homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners who can receive extra monthly rent income.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care, thus helping extended families stay together while maintaining privacy. The space can be used for a variety of reasons, including adult children who can pay off debt and save up for living on their own.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees and relaxing zoning requirements. A 2019 study from the Terner Center on Housing Innovation noted that one unit of affordable housing in the Bay Area costs about $450,000. ADUs and JADUs can often be built at a fraction of that price and homeowners may use their existing lot to create additional housing, without being required to provide additional infrastructure. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to Accessory Dwelling Unit Laws

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2021, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. The following is a summary of recent legislation that amended ADU law: AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019). Please see Attachment 1 for the complete statutory changes for AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019).

AB 3182 (Ting)

Chapter 198, Statutes of 2020 (Assembly Bill 3182) builds upon recent changes to ADU law (Gov. Code, § 65852.2 and Civil Code Sections 4740 and 4741) to further address barriers to the development and use of ADUs and JADUs.

This recent legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days.
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met.
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, *and* without regard to the date of the governing documents.

- Provides for not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units.

AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Gov. Code § 65852.2, 65852.22) and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).
- Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 65852.2, subd. (a)(6)).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 65852.2, subds. (c)(2)(B) & (C)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of offstreet parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).
- Clarifies that "public transit" includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Gov. Code § 65852.2, subd. (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (f)(3)).
- Defines an "accessory structure" to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2, subd. (j)(2)).
- Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy Regional Housing Needs Allocation (RHNA) housing needs (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subds. (a)(3), (b), and (e)).

- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code § 65852.22, subd. (a)(4); former Gov. Code § 65852.22, subd. (a)(5)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).

AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code, § 65852.26).
- AB 670 provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civ, Code, § 4751).
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code, § 65583; Health & Safety Code, § 50504.5).

Frequently Asked Questions: Accessory Dwelling Units[1]

1. Legislative Intent

a. Should a local ordinance encourage the development of accessory dwelling units?

Yes. Pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities and others. Therefore, ADUs are an essential component of California's housing supply.

ADU law and recent changes intend to address barriers, streamline approval,

Government Code 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

[1] Note: Unless otherwise noted, the Government Code section referenced is 65852.2.

and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code, Section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

In addition, ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies. (Gov. Code, § 65852.2, subd. (g)).

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs allowed jurisdiction wide?**

No. ADUs proposed pursuant to subdivision (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns. (Gov. Code, § 65852.2, subd. (e))

Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

- **Can a local government apply design and development standards?**

Yes. A local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards shall be sufficiently objective to allow ministerial review of an ADU. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

ADUs created under subdivision (e) of Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

What does objective mean?

"objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Gov Code § 65913.4, subd. (a)(5)

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with ADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

- **Can ADUs exceed general plan and zoning densities?**

  Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning that does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

- **Are ADUs permitted ministerially?**

  Yes. ADUs must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways such as privacy, compatibility with neighboring properties or promoting harmony and balance in the community; subjective standards shall not be imposed for ADU development. Further, ADUs must not be subject to a hearing or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code, § 65852.2, subd. (a)(3).)

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

  Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure or a new construction detached ADU subject to certain development standards.

- **Can I build an ADU in a historic district, or if the primary residence is subject to historic preservation?**

  Yes. ADUs are allowed within a historic district, and on lots where the primary residence is subject to historic preservation. State ADU law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinance and submit these standards along with their ordinance to HCD. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) & (a)(5).)

B) Size Requirements

- **Is there a minimum lot size requirement?**

No. While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility.

> What is a statewide exemption ADU?
>
> A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with 4 feet side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code section 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used for a maximum unit size?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached or detached ADUs but only if it does not restrict an ADU's size to less than the standard of at least 850 square feet (or at least 1000 square feet for ADUs with more than one bedroom). Local agencies must not, by ordinance, establish any other minimum or maximum unit sizes, including based on a percentage of the primary dwelling, that precludes a statewide exemption ADU. Local agencies utilizing percentages of the primary dwelling as maximum unit sizes could consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

Yes. Maximum unit sizes, by ordinance, can exceed 1,200 square feet for ADUs. ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs (Gov. Code, § 65852.2, subd. (g)).

Larger unit sizes can be appropriate in a rural context or jurisdictions with larger lot sizes and is an important approach to creating a full spectrum of ADU housing choices.

C) Parking Requirements

- **Can parking requirements exceed one space per unit or bedroom?**

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.

What is Tandem Parking?

Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subds. (a)(1)(D)(x)(I) and (j)(11).)

Local agencies may choose to eliminate or reduce parking requirements for ADUs such as requiring zero or half a parking space per each ADU.

- **Is flexibility for siting parking required?**

Yes. Local agencies should consider flexibility when siting parking for ADUs. Offstreet parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those offstreet parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(D)(xi).)

- **Can ADUs be exempt from parking?**

Yes. A local agency shall not impose ADU parking standards for any of the following, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10).

(1) Accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) Accessory dwelling unit is located within an architecturally and historically significant historic district.
(3) Accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

Note: For the purposes of state ADU law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways and other forms of transportation that charge set fares, run on fixed routes and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the coastal zone.

D) Setbacks

- **Can setbacks be required for ADUs?**

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. Setbacks may include front, corner, street, and alley setbacks. Additional setback requirements may be required in the coastal zone if required by a local coastal program. Setbacks may also account for utility easements or recorded setbacks. However, setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

- **Is there a limit on the height of an ADU or number of stories?**

Not in state ADU law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)

F) Bedrooms

- **Is there a limit on the number of bedrooms?**

State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

> What is "Proportionately"?
>
> "Proportionately" is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

- **Can local agencies, special districts or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A).)

H) Conversion of Existing Space in Single Family, Accessory and Multifamily Structures and Other Statewide Permissible ADUs (Subdivision (e))

- **Are local agencies required to comply with subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of ADU law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

b. **One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or a JADU within the walls of the single family residence, or an ADU within an existing accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety.**
c. **One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.**
d. **Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.**
e. **Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.**

The above four categories are not required to be combined. For example, local governments are not required to allow (a) and (b) together or (c) and (d) together. However, local agencies may elect to allow these ADU types together.

Local agencies shall allow at least one ADU to be created within the non-livable space within multifamily dwelling structures, or up to 25 percent of the existing multifamily dwelling units within a structure and may also allow not more than two ADUs on the lot detached from the multifamily dwelling structure. New detached units are subject to height limits of 16 feet and shall not be required to have side and rear setbacks of more than four feet.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. These types of ADUs are also eligible for a 150 square foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide replacement or additional parking. Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days, and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner-occupancy.

- **Can I convert my accessory structure into an ADU?**

Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. These conversions of accessory structures are not subject to any additional development standard, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits on when the structure was created, and the structure must meet standards for health and safety. Finally, local governments may also consider the conversion of illegal existing space and could consider alternative building standards to facilitate the conversion of existing illegal space to minimum life and safety standards.

- **Can an ADU converting existing space be expanded?**

Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. In addition, an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per state ADU law, or a local agency's adopted ordinance.

As a JADU is limited to being created within the walls of a primary residence, this expansion of up to 150 square feet does not pertain to JADUs.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per state law. For example, an applicant shall not be required to improve sidewalks, carry out street improvements, or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)

J) Renter and Owner-occupancy

- **Are rental terms required?**

Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subds. (a)(6) & (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to state ADU law removed the owner-occupancy allowance for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024. Local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.2, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Are fire sprinklers required for ADUs?**

No. Installation of fire sprinklers may not be required in an ADU if sprinklers are not required for the primary residence. For example, a residence built decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. Therefore, an ADU created on this lot cannot be required to install fire sprinklers. However, if the same primary dwelling recently undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after that remodel must likewise install fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the "primary residence" for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

L) Solar Panel Requirements

- **Are solar panels required for new construction ADUs?**

Yes, newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.

Please refer to the CEC on this matter. For more information, see the CEC's website www.energy.ca.gov. You may email your questions to: title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD's website at https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml.

3. Junior Accessory Dwelling Units (JADUs) – Government Code Section 65852.22

- **Are two JADUs allowed on a lot?**

  No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

  JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs allowed in detached accessory structures?**

  No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. The maximum size for a JADU is 500 square feet. (Gov. Code, § 65852.22, subds. (a)(1), (a)(4), and (h)(1).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

  No. Only ADUs are allowed to add up to 150 square feet "beyond the physical dimensions of the existing accessory structure" to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

  This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

  Yes. There are owner-occupancy requirements for JADUs. The owner must reside in either the remaining portion of the primary residence, or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes and ADUs

- **Are manufactured homes considered to be an ADU?**

  Yes. An ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home (Health & Saf. Code, § 18007).

Health and Safety Code section 18007, subdivision (a): **"Manufactured home,"** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. ADUs and the Housing Element

- **Do ADUs and JADUs count toward a local agency's Regional Housing Needs Allocation?**

  Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the Regional Housing Need Allocation (RHNA) and Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition, and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey, can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other applications.

- **Is analysis required to count ADUs toward the RHNA in the housing element?**

  Yes. To calculate ADUs in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

  Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.)

6. Homeowners Association

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?**

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.

7. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

Yes. After adoption of the ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with state ADU law. If the local agency's ordinance does not comply, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond, and the local agency shall consider HCD's findings to amend the ordinance to become compliant. If a local agency does not make changes and implements an ordinance that is not compliant with state law, HCD may refer the matter to the Attorney General.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify ADU law.

8. Other

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

No. Ordinances existing prior to the new 2020 laws are only null and void to the extent that existing ADU ordinances conflict with state law. Subdivision (a)(4) of Government Code Section 65852.2 states an ordinance that fails to meet the requirements of subdivision (a) shall be null and void and shall apply the state standards (see Attachment 3) until a compliant ordinance is adopted. However, ordinances that substantially comply with ADU law may continue to enforce the existing ordinance to the extent it complies with state law. For example, local governments may continue the compliant provisions of an ordinance and apply the state standards where pertinent until the ordinance is amended or replaced to fully comply with ADU law. At the same time, ordinances that are fundamentally incapable of being enforced because key provisions are invalid -- meaning there is not a reasonable way to sever conflicting provisions and apply the remainder of an ordinance in a way that is consistent with state law -- would be fully null and void and must follow all state standards until a compliant ordinance is adopted.

- **Do local agencies have to adopt an ADU ordinance?**

  No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose to not adopt an ADU ordinance, any proposed ADU development would be only subject to standards set in state ADU law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with state ADU law. (See Attachment 4 for a state standards checklist.)

- **Is a local government required to send an ADU ordinance to the California Department of Housing and Community Development (HCD)?**

  Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, the Department may review and submit written findings to the local agency as to whether the ordinance complies with this section. (Gov. Code, § 65852.2, subd. (h)(1).)

  Local governments may also submit a draft ADU ordinance for preliminary review by HCD. This provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with the new state ADU law.

- **Are charter cities and counties subject to the new ADU laws?**

  Yes. ADU law applies to a local agency which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

  Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared ADU law as *"...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution"* and concluded that ADU law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the Coastal Zone?**

  Yes. ADU laws apply to jurisdictions in the Coastal Zone, but do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (l)).

  Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the California Coastal Commission 2020 Memo and reach out to the locality's local Coastal Commission district office.

- **What is considered a multifamily dwelling?**

  For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of state ADU law.

Resources

Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
Combined changes from (AB 3182 Accessory Dwelling Units)
and (AB 881, AB 68 and SB 13 Accessory Dwelling Units)
(Changes noted in strikeout, underline/italics)

Effective January 1, 2021, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.
(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.
(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.
(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
(i) 850 square feet.
(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.
(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:
(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
(5) When there is a car share vehicle located within one block of the accessory dwelling unit.
(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:
(A) One accessory dwelling unit ~~or~~ *and* one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
(ii) The space has exterior access from the proposed or existing single-family dwelling.
(iii) The side and rear setbacks are sufficient for fire and safety.
(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.
(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
(i) A total floor area limitation of not more than 800 square feet.
(ii) A height limitation of 16 feet.
(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.
(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.
(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:
(i) Amend the ordinance to comply with this section.
(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.
(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.
(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.
(j) As used in this section, the following terms mean:
(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
(A) An efficiency unit.
(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
(5) "Local agency" means a city, county, or city and county, whether general law or chartered.
(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
(1) The accessory dwelling unit was built before January 1, 2020.
(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.
(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted in underline/italic):

65852.2.
(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:
(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:
(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
(viii) Local building code requirements that apply to detached dwellings, as appropriate.
(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.
(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
(6) *(A)* This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed

accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that~~ *imposed except that, subject to subparagraph (B),* a local agency may require *an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or* that the property be used for rentals of terms longer than 30 days.
(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.
(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.
(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.
(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.
(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
(i) 850 square feet.
(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.
(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:
(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
(5) When there is a car share vehicle located within one block of the accessory dwelling unit.
(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:
(A) One accessory dwelling unit ~~or~~ *and* one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not

more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
(ii) The space has exterior access from the proposed or existing single-family dwelling.
(iii) The side and rear setbacks are sufficient for fire and safety.
(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.
(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
(i) A total floor area limitation of not more than 800 square feet.
(ii) A height limitation of 16 feet.
(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).
~~(4)~~ *(5)* A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
~~(5)~~ *(6)* A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
~~(6)~~ *(7)* Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home.~~ *dwelling.*
(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the

Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.
(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:
(i) Amend the ordinance to comply with this section.
(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.
(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.
(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.
(j) As used in this section, the following terms mean:
(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
(A) An efficiency unit.
(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
(5) "Local agency" means a city, county, or city and county, whether general law or chartered.
(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit

applications for accessory dwelling units.
(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
(1) The accessory dwelling unit was built before January 1, 2020.
(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed.~~ *become operative on January 1, 2025.*

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in strikeout, underline/italics) (AB 3182 (Ting)):

4740.
(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to ~~his or her~~ *their* separate interest.
~~(b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.~~
~~(c)~~ *(b)* For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:
(1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.
(2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.
~~(d)~~ *(c)* Prior to renting or leasing ~~his or her~~ *their* separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative.
~~(e)~~ *(d)* Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.
~~(f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.~~

Effective January 1, 2021 of the *Section 4741 is added to the Civil Code, to read (AB 3182 (Ting)):*

4741.
(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.
(b) A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased.
(c) This section does not prohibit a common interest development from adopting and enforcing a provision in a

governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.
(d) For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.
(e) For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.
(f) A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.
(g) A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars ($1,000).
(h) In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code ~~is~~ was amended to read (AB 68 (Ting)):
65852.22.
(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:
(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.
(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.
(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
(A) A cooking facility with appliances.
(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.
(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.
(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.
(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.
(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.
(h) For purposes of this section, the following terms have the following meanings:
(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 ~~is~~ was added to the Health and Safety Code, immediately following Section 17980.11, to read (SB 13 (Wieckowski)):
17980.12.
(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:
(A) The accessory dwelling unit was built before January 1, 2020.
(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.
(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.
(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).
(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.
(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
AB 587 Accessory Dwelling Units

Effective January 1, 2020 Section 65852.26 ~~is~~ was added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units

Effective January 1, 2020, Section 4751 ~~is~~ was added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6
AB 671 Accessory Dwelling Units

Effective January 1, 2020, Section 65583(c)(7) of the Government Code ~~is~~ was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 ~~is~~ was added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

Attachment 2: State Standards Checklist

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains a proposed, or existing, dwelling.	65852.2(a)(1)(D)(ii)
	The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing dwelling and located on the same lot as the proposed or existing primary dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing primary dwelling but shall be allowed to be at least 800/850/1000 square feet.	65852.2(a)(1)(D)(iv), (c)(2)(B) & C)
	Total area of floor area for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.	65852.2(a)(1)(D)(vii)
	Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)(I

Attachment 3: Bibliography

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

SECONDARY UNITS AND URBAN INFILL: A Literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed "accessory dwelling units" that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

Regulating ADUs in California: Local Approaches & Outcomes (44 pp.)

By Deidra Pfeiffer
Terner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Terner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2) a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes (8 p.)

By David Garcia (2017)
Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.
In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver (29 pp.)

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

Accessory Dwelling Units as Low-Income Housing: California's Faustian Bargain (37 pp.)

By Darrel Ramsey-Musolf (2018)
University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

Attachment B

Coastal Commission ADU Memo April 2020

Proposed Accessory Dwelling Unit (ADU) and

Junior Accessory Dwelling Unit (JADU) Program

October 25, 2021

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR

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To: Planning Directors of Coastal Cities and Counties

From: John Ainsworth, Executive Director

Re: Implementation of New ADU Laws

Date: April 21, 2020

The Coastal Commission has previously circulated two memos to help local governments understand how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). As of January 1, 2020, AB 68, AB 587, AB 670, AB 881, and SB 13 each changed requirements on how local governments can and cannot regulate ADUs and JADUs, with the goal of increasing statewide availability of smaller, more affordable housing units. This memo is meant to describe the changes that went into effect on January 1, 2020, and to provide guidance on how to harmonize these new requirements with Local Coastal Program ("LCP") and Coastal Act policies.

Coastal Commission Authority Over Housing in the Coastal Zone

The Coastal Act does not exempt local governments from complying with state and federal law "with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted." (Pub. Res. Code § 30007.) The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be "located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it" or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources.

This memorandum is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is generally responsible for Coastal Act review of ADUs in areas that are not subject to fully certified LCPs. Local governments that have questions about specific circumstances not addressed in this memorandum should contact the appropriate district office of the Commission.

Overview of New Legislation[1]

The new legislation effective January 1, 2020 updates existing Government Code Sections 65852.2 and 65852.22 concerning local government procedures for review and approval of ADUs and JADUs. As before, local governments have the discretion to adopt an ADU ordinance that is consistent with state requirements. (Gov. Code § 65852.2(a).) AB 881 (Bloom) made numerous significant changes to Government Code section 65852.2. In their ADU ordinances, local governments may still include specific requirements addressing issues such as design guidelines and protection of historic structures. However, per the recent state law changes, a local ordinance may not require a minimum lot size, owner occupancy of an ADU, fire sprinklers if such sprinklers are not required in the primary dwelling, or replacement offstreet parking for carports or garages demolished to construct ADUs. In addition, a local government may not establish a maximum size for an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. (Gov. Code § 65852.2(c)(2)(B).) Section 65852.2(a) lists additional mandates for local governments that choose to adopt an ADU ordinance, all of which set the "maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling." (Gov. Code § 65852.2(a)(6).)

Some local governments have already adopted ADU ordinances. Existing or new ADU ordinances that do *not* meet the requirements of the new legislation are null and void, and will be substituted with the provisions of Section 65852.2(a) until the local government comes into compliance with a new ordinance. (Gov. Code § 65852.2(a)(4).) However, as described below, existing ADU provisions contained in certified LCPs are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. One major change to Section 65852.2 is that the California Department of Housing and Community Development ("HCD") now has an oversight and approval role to ensure that local ADU ordinances are consistent with state law, similar to the Commission's review of LCPs. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h).)

If a local government does *not* adopt an ADU ordinance, state requirements will apply directly. (Gov. Code § 65852.2(b)–(e).) Section 65852.2 subdivisions (b) and (c) require that local agencies shall ministerially approve or disapprove applications for permits to create ADUs. Subdivision (e) requires ministerial approval, whether or not a local government has adopted an ADU ordinance, of applications for building permits of the following types of ADUs and JADUs in residential or mixed use zones:

- One ADU or JADU per lot *within* a proposed or existing single-family dwelling or existing space of a single-family dwelling or accessory structure, including an expansion of up to 150 square feet beyond the existing dimensions of an existing accessory structure; with exterior access from the proposed or existing single-family

[1] This Guidance Memo only provides a partial overview of new legislation related to ADUs. The Coastal Commission does not interpret or implement these new laws.

dwelling; side and rear setbacks sufficient for fire and safety; and, if a JADU, applicant must comply with requirements of Section 65852.22; (§ 65852.2(e)(1)(A)(i)-(iv))

- One detached, new construction ADU, which may be combined with a JADU, so long as the ADU does not exceed four-foot side and rear yard setbacks for the single family residential lot; (§ 65852.2(e)(1)(B))
- Multiple ADUs within the portions of existing multifamily dwelling structures that are not currently used as dwelling spaces; (§ 65852.2(e)(1)(C))
- No more than two detached ADUs on a lot that has an existing multifamily dwelling, subject to a 16-foot height limitation and four-foot rear yard and side setbacks. (§ 65852.2(e)(1)(D))

ADUs and JADUs created pursuant to Subdivision (e) must be rented for terms greater than 30 days. (Gov. Code § 65852.2(e)(4).)

What Should Local Governments in the Coastal Zone Do?

1) Update Local Coastal Programs (LCPs)

Local governments are required to comply with both these new requirements for ADUs/JADUs and the Coastal Act. Currently certified provisions of LCPs are not, however, superseded by Government Code section 65852.2, and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. Where LCP policies directly conflict with the new provisions or require refinement to be consistent with the new laws, those LCPs should be updated to be consistent with the new ADU provisions to the greatest extent feasible, while still complying with Coastal Act requirements.

As noted above, Section 65852.2 expressly allows local governments to adopt local ordinances that include criteria and standards to address a wide variety of concerns, including potential impacts to coastal resources. For example, a local government may address reductions in parking requirements that would have a direct impact on public access. As a result, we encourage local governments to identify the coastal resource context applicable in a local jurisdiction and ensure that any proposed ADU-related LCP amendment appropriately addresses protection of coastal resources consistent with the Coastal Act at the same time that it facilitates ADUs/JADUs consistent with the new ADU provisions. For example, LCPs should ensure that new ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas, wetlands, or in areas where the ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over their lifetime. Our staff is available to assist in the efforts to amend LCPs.

Please note that LCP amendments that involve purely procedural changes, that do not propose changes in land use, and/or that would have no impacts on coastal resources may be eligible for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); Cal. Code Regs., tit. 14, § 13554.) The Commission will process ADU-specific LCP amendments as minor or de minimis amendments whenever possible.

2) Follow This Basic Guide When Reviewing ADU or JADU Applications

a. Check Prior CDP History for the Site.

Determine whether a CDP was previously issued for development of the lot and whether that CDP limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP limits the applicant's ability to apply for an ADU or JADU.

b. Determine Whether the Proposed ADU or JADU Qualifies as Development.

Any person "wishing to perform or undertake any development in the coastal zone" shall obtain a CDP. (Pub. Res. Code § 30600.) Development as defined in the Coastal Act includes not only "the placement or erection of any solid material or structure" on land, but also "change in the density or intensity of use of land[.]" (Pub. Res. Code § 30106.) Government Code section 65852.2 states that an ADU that conforms to subdivision (a) "shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot." (Gov. Code § 65852.2(a)(8).)

Conversion of an existing legally established room(s) to create a JADU or ADU within an existing residence, without removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610), see also below. JADUs created within existing primary dwelling structures that comply with Government Code Sections 65852.2(e) and 65852.22 typically will fall into one of these categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. However, the conversion of detached structures associated with a primary residence to an ADU or JADU may involve a change in the size or intensity of use that would qualify as development under the Coastal Act and require a coastal development permit, unless determined to be exempt or appropriate for waiver.

c. If the Proposed ADU Qualifies as Development, Determine Whether It Is Exempt.

Improvements such as additions to existing single-family dwellings are generally exempt from Coastal Act permitting requirements except when they involve a risk of adverse environmental effects as specified in the Commission's regulations. (Pub. Res. Code § 30610(a); Cal. Code Regs., tit. 14, § 13250.) Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP. (Cal. Code Regs., tit. 14, § 13250(b)(6).)

Typically, the construction or conversion of an ADU/JADU contained within or directly attached to an existing single-family residence would qualify as an exempt improvement to a single-family residence. (Cal. Code Regs., tit. 14, § 13250(a)(1).) Guest houses and "self-contained residential units," i.e. detached residential units, do not qualify as part of a single-family residential structure, and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250(a)(2).)

d. If the Proposed ADU is Not Exempt from CDP Requirements, Determine Whether a CDP Waiver Is Appropriate.

If the LCP includes a waiver provision, and the proposed ADU or JADU meets the criteria for a CDP waiver the local government may waive the permit requirement for the proposed ADU or JADU. The Commission generally has allowed a waiver for proposed *detached* ADUs if the executive director determines that the proposed ADU is de minimis development, involving no potential for any adverse effects on coastal resources and is consistent with Chapter 3 policies. (*See* Pub. Res. Code § 30624.7.)

Some LCPs do not allow for waivers, but may allow similar expedited approval procedures. Those other expedited approval procedures may apply. If an LCP does not include provisions regarding CDP waivers or other similar expedited approvals, the local government may submit an LCP amendment to authorize those procedures.

e. If a Waiver Would Not Be Appropriate, Review CDP Application for Consistency with Certified LCP Requirements.

If a proposed ADU constitutes development, is not exempt, and is not subject to a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government then must provide the required public notice for any CDP applications for ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law if feasible. Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the ADU qualifies as appealable development, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

Information on AB 68, AB 587, AB 670, and SB 13

JADUs – AB 68 (Ting)

JADUs are units of 500 square feet or less, contained entirely within a single-family residence or existing accessory structure. (Gov. Code §§ 65852.2(e)(1)(A)(i) and 65852.22(h)(1).) AB 68 (Ting) made several changes to Government Code section 65852.22, most notably regarding the creation of JADUs pursuant to a local government ordinance. Where a local government has adopted a JADU ordinance, "[t]he ordinance may require a permit to be obtained for the creation of a [JADU]." (Gov. Code § 65852.22(a).) If a local government adopts a JADU ordinance, a maximum of one JADU shall be allowed on a lot zoned for single-family residences, whether they be proposed or existing single-family residences. (Gov. Code § 65852.22(a)(1).) (This formerly only applied to *existing* single-family residences. Now, proposals for a new single-family residence can include a JADU.) Efficiency kitchens are no longer required to have sinks, but still must include a cooking facility with a food preparation counter and storage cabinets of reasonable size relative to the space. (Gov. Code § 65852.22(a)(6).) Applications for permits pursuant to Section 65852.22 shall be considered ministerially, within 60 days, if there is an existing single-family residence on the lot. (Gov. Code § 65852.22(c).) (Formerly, complete applications were to be acted upon within 120 days.)

If a local government has *not* adopted a JADU ordinance pursuant to Section 65852.22, the local government is required to ministerially approve building permit applications for JADUs within a residential or mixed-use zone pursuant to Section 65852.2(e)(1)(A). (Gov. Code § 65852.22(g).) That section is detailed in bullet points on pages two-three of this memorandum and refers to specific ADU and JADU approval scenarios.

Sale or Conveyance of ADUs Separately from Primary Residence – AB 587 (Friedman)

AB 587 (Friedman) added Section 65852.26 to the Government Code to allow a local government to, by ordinance, allow the conveyance or sale of an ADU separately from a primary residence if several specific conditions all apply. (Gov. Code § 65852.26.) This section only applies to a property built or developed by a qualified nonprofit corporation, which holds enforceable deed restrictions related to affordability and resale to qualified low-income buyers, and holds the property pursuant to a recorded tenancy in common agreement. Please review Government Code Section 65852.26 if such conditions apply.

Covenants and Deed Restrictions Null and Void – AB 670 (Friedman)

AB 670 added Section 4751 to the California Civil Code, making void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code.

Delayed Enforcement of Notice to Correct a Violation – SB 13 (Wieckowski)

SB 13 (Wieckowski) Section 3 added Section 17980.12 to the Health and Safety Code. The owner of an ADU who receives a notice to correct a violation can request a delay in enforcement, if the ADU was built before January 1, 2020, or if the ADU was built after January 1, 2020, but the jurisdiction did not have a compliant ordinance at the time the request to fix the violation was made. (Health & Saf. Code § 17980.12.) The owner can request a delay of five (5) years on the basis that correcting the violation is not necessary to protect health and safety. (Health & Saf. Code § 17980.12(a)(2).)

Attachment C

Sea Level Rise Vulnerability Assessment and Adaptation Plan

Figure 1-1 Land Use Parcels and Structures

Figure 1-2 Roads and Parking

Figure 1-5 Coastal Trails and Access

Figure 1-11 Environmentally Sensitive Habitat Area

Proposed Accessory Dwelling Unit (ADU) and

Junior Accessory Dwelling Unit (JADU) Program

October 25, 2021

1. Sector Profiles

In order to address sea level rise and associated coastal hazards, the City of Carpinteria (City) and its consultant team prepared the 2019 Sea Level Rise Vulnerability Assessment and Adaptation Project (Report). The purpose of this Report is to provide technical analysis using climatic modeling and geospatial analyses to support the City's efforts to incorporate policy responses to a range of coastal and climate change hazards into the City's planning and regulatory processes in the Coastal Zone. This information will assist the City in making decisions regarding land use policies and development standards from a long-range planning level to the individual project level. These sector profiles summarize the findings of the vulnerability analyses to support decision-making. Each of the following sectors contain a vulnerability map and summary of findings:

- Land Use Parcels and Structures
- Roads and Parking
- Public Transportation
- Camping and Visitor Accommodations
- Coastal Trails and Access
- Hazardous Materials Sites, and Oil and Gas Wells
- Stormwater Infrastructure
- Wastewater Infrastructure
- Water Supply Infrastructure
- Community Facilities and Critical Services
- Environmentally Sensitive Habitat Area

Within each sector profile, an overview provides a summary of the key findings for each sector. Existing and future vulnerabilities highlight potential risks from tidal inundation, coastal erosion, and coastal flooding. For each projected sea level rise elevations, results are summarized based on what becomes vulnerable. If nothing is reported with additional sea level rise over that timeframe, no additional vulnerabilities are identified.

The approximately 5 feet of sea level rise by 2100 scenario identifies both what becomes vulnerable between approximately 2 and approximately 5 feet of sea level rise, as well as the cumulative totals for all planning horizons. Please note that under the worst-case H++, approximately 5 feet of sea level rise could occur as early as 2070.

A range of potential adaptation strategies to address potential vulnerabilities are identified within the sector.

Potential next steps include examples of policy direction, monitoring needs, and potential adaptation projects. Section 7, *Adaptation Overview,* and Section 8, *Specific Adaptation and Resiliency Strategies* further identify and recommend potential adaptation strategies based on vulnerable assets, community priorities, and stakeholder input, within the framework of the California Coastal Act, California Coastal Commission (CCC) 2018 *Sea Level Rise Policy Guidance – Final Science Update.*

LAND USE PARCELS AND STRUCTURES

Overview

Land uses are categorized by: (1) residential, (2) commercial and mixed use, (3) industrial, and (4) open space and recreation. To identify land uses vulnerable to SLR and coastal hazards, this study evaluated the following:

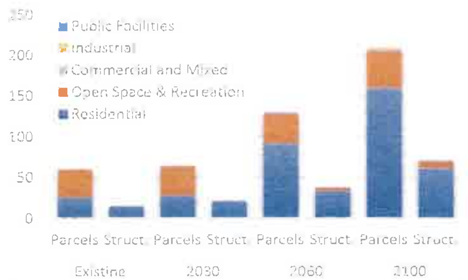
Number of Parcels/Acreages/Number of Structures at Risk with 5' of SLR

Residential	Commercial & Mixed Use	Industrial	Open Space & Recreational
769/44.8 acres/579	20/5.85 acres/16	10/5.02 acres/11	59/105.82 acres/11

- **Property damage from coastal flooding and erosion**
- **Property values exposed to tidal flooding**

Currently, residential parcels comprise approximately 90% of all parcels vulnerable to coastal hazards. Most of these vulnerable parcels are in the Beach Neighborhood. **With 1' of SLR**, coastal flooding extends further inland into the Beach Neighborhood. **With 2' of SLR**, beach/dune erosion could damage parcels/homes in the Beach Neighborhood south of Sandyland Road due to flooding and minor periodic tidal inundation. **With 5' of SLR**, the Concha Loma Neighborhood and Carpinteria Bluffs would see substantial erosion; much of the Beach Neighborhood could be damaged/inundated by high monthly tides. Although not the focus of this study, fluvial (creek) flooding creates substantial existing and future vulnerabilities to many land uses (see Appendix C).

Coastal Erosion



Currently, beach/dune erosion could damage 15 residential structures and State and City lifeguard towers are at risk. With 5' of SLR, 132 residential parcels may be eroded, with homes damaged/ destroyed and restrooms on Ash Ave. and State Beach become vulnerable. No commercial or industrial structures are at risk.

Cliff erosion currently exposes 18 open space parcels (39.2 acres) along the Carpinteria Bluffs to damage. With 5' of SLR, erosion accelerates and 44 open space parcels may be at risk, including Bluff 0, and 28 residential parcels and the UPRR and 21 structures with in the Concha Loma Neighborhood and up to 3 structures in bluffs industrial area.

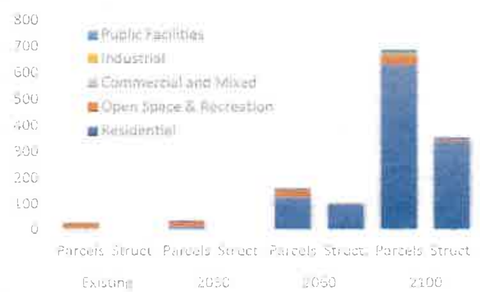
ECONOMICS: Without adaptation, coastal erosion damage to all land uses escalate from an existing $3.7 million to $35.9 million with 1' of SLR, $114.8 million with 2' of SLR, and $285.5 million with 5' of SLR; damage primarily impacts Beach Neighborhood residential multi-unit properties in the, Concha Loma homes, Bluff industrial buildings Carpinteria Bluffs open space and UPRR.

Coastal Flooding

Currently, 20 structures (19 residential and 1 industrial) are vulnerable. This increases to 156 structures with 1' of SLR, mainly in the Beach Neighborhood. With 2' of SLR, 265 total structures become vulnerable extending north of the railroad and inland of the Salt Marsh. With 5' of SLR, 553 total structures could be exposed to flooding; homes north of the State Park and the Salt Marsh may be at risk. 11 additional commercial buildings and 9 industrial structures become vulnerable in a large wave event with 5' of SLR, particularly along Carpinteria Avenue.

ECONOMICS: Currently $8.5 million of property is vulnerable to coastal flooding from a 1% wave event, rising to $28.0 million with 1' of SLR, $53.8 million with 2' of SLR, and $128.8 million with 5' of SLR, the majority of which is multi-unit residences in the Beach Neighborhood, with flooding extending inland to and beyond the UPRR.

Tidal Inundation



Currently, monthly tidal inundation does not impact structures. By 2' of SLR, risk increases to 105 residential structures. With 5' of SLR, monthly tidal inundation is projected to affect 510 residential, 13 commercial, and 11 industrial structures; monthly high tides inundate Beach Neighborhood to UPRR.

ECONOMICS: Estimates for tidal inundation impacts are for property value at risk. Actual damages will likely be smaller (e.g., frequent clean up and repair). Currently, $800,000 (mainly open space) is exposed, though exposure rises quickly to $42.1 million in 2030, $111.5 million with 2' of SLR, and $496.7 million with 5' of SLR.

Adaptation Strategies

Range of Strategies:

Protect – Develop a regular beach nourishment program with both sand and cobbles. Transition the winter storm berm program to a permenant "living shoreline" dune system to protect against coastal erosion. Examine potential of offshore structures and sand retention structures to dissipate wave energy and/or widen the natural beaches.

Accommodate – Amend City building code and zoning ordinance to improve foundation requirements or to enable elevation and/or relocation to occur over time. Update setback requirements to account for acceleration of erosion.

Manage – Develop a repetitive loss program to allow for public acquisition of properties. Establish a coastal adaptation overlay zone that would encourage the siting of new development or redevelopment away from coastal hazards.

Trade-offs: Managed retreat strategies may result in loss of development and subsequent impacts to City's tax base/ revenues. Hard armoring may protect some structures, but could also threaten the beach, coastal recreation and access, natural processes and habitats over time. Green protection strategies (e.g., sediment nourishment, dunes) may benefit beach recreation and protect homes but require routine maintenance, regular secure funding, and may be less effective with 5' of SLR without other actions.

Potential Next Steps

Policy:

- Allow increases to base floor elevation or movable foundation standards for new development.
- Develop real estate disclosure requirements to inform homebuyers of the risk of living adjacent to the coast.
- Potentially require abandonment or relocation of derelict or threatened structures.
- Establish an assessment district or seek regular state/ federal funding for shoreline management (e.g., beach nourishment).

Projects:

- Support regional beach nourishment and develop a long-term dune and shoreline management plan.

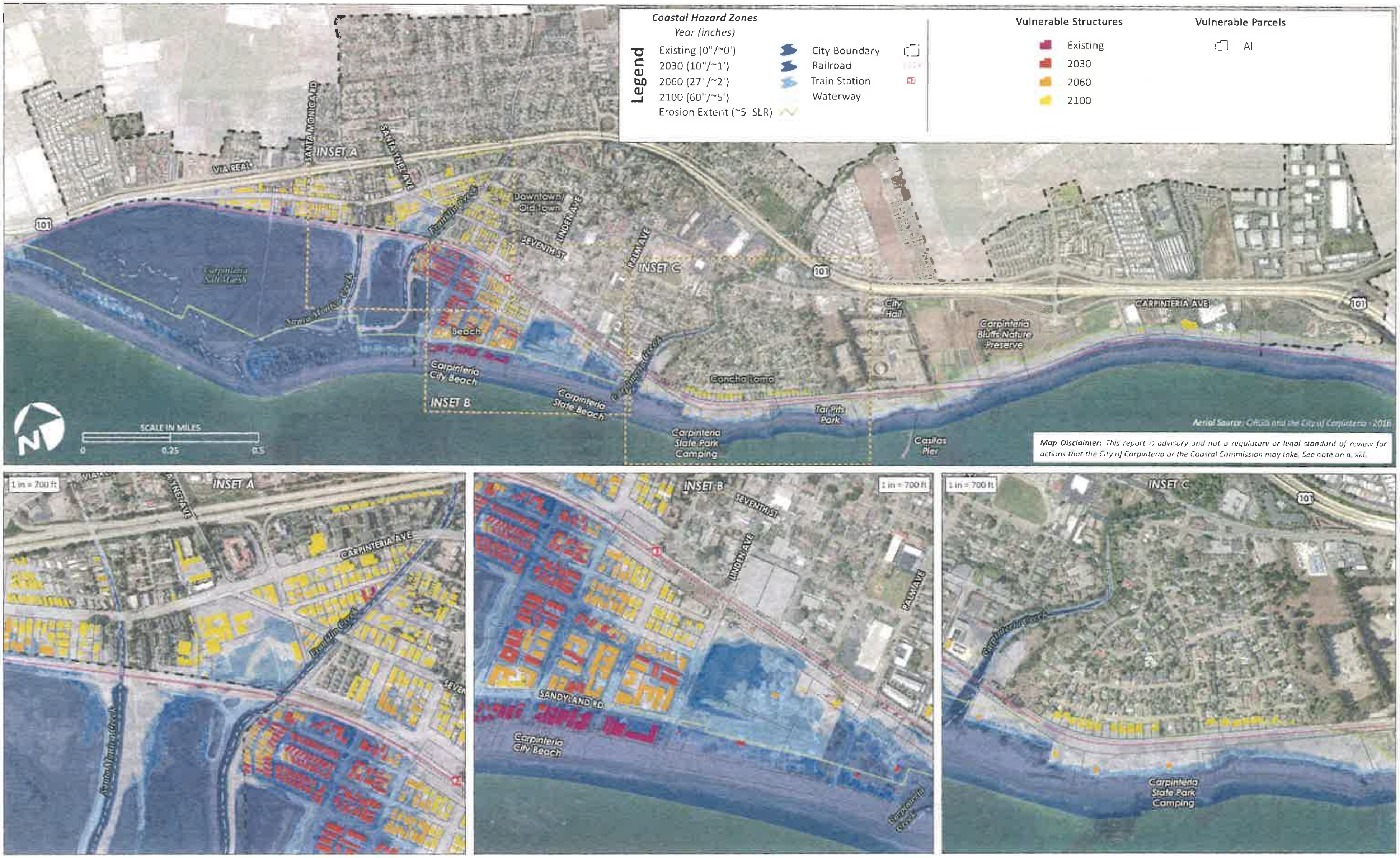
Monitoring:

- Monitor frequency, duration, and depth of flood impacts.

Tipping Point:

- With 2' of SLR, substantial damages are projected.

Figure 1-1. Land Use Parcels and Structures



ROADS AND PARKING

Overview

To identify roads and parking facilities potentially vulnerable to climate change and SLR hazards, this study evaluated:

- **50.3 Miles of Roads** • **16 Parking Areas**

U.S. 101 in Carpinteria could be affected by coastal flooding with 5' of SLR.

Currently, coastal erosion and tidal inundation do not substantially impact roads or parking. Street end parking in the Beach Neighborhood and State Park lots are currently exposed to coastal flooding. **With 1' of SLR,** additional roads and street end parking in the Beach Neighborhood and Carpinteria State Beach becomes at risk from coastal flooding, which may include damage or loss of roadways. **With 2' of SLR,** coastal flooding impacts escalate and affect an additional 2.0 miles of roads and coastal erosion may impact 7 parking lots. **With 5' of SLR,** road impacts from all coastal hazards increase substantially. Coastal flooding could pose a risk to a total 4.8 miles of roads and 11 parking lots in the Beach Neighborhood, Carpinteria State Beach and Downtown north (inland) of the railroad, including the train station parking lot (City Parking Lot #3). A total of 8 parking areas could become routinely inundated during monthly high tides, and 9 lots could be exposed to erosion in the Beach Neighborhood and Carpinteria State Beach.

Tipping Point: With 2' of SLR, tidal inundation impacts to roads and erosion impacts to parking lots escalate.

Existing Vulnerabilities

Tidal Inundation	Coastal Erosion	Coastal Flooding
• Roads – <0.1-mile	• Roads – <0.1-mile	• Roads – 0.1-mile
• Parking Lots – 0	• Parking Lots – 0	• Parking Lots – 7

Roads: Roadways in the immediate vicinity of the City Beach and State Beach are the most vulnerable to coastal hazards.

Parking: Public coastal access parking lots at the ends of Ash, Holly, Elm, and Linden Avenues in the Beach Neighborhood, and Carpinteria State Beach parking lots are currently at risk from coastal flooding during a 1% annual chance storm.

ECONOMICS: Damage to parking facilities may affect beach visitation and consumer spending.

Future Vulnerabilities

10.2 inches (~1 foot) by ~2030

Tidal Inundation (total)	Coastal Erosion (total)	Coastal Flooding (total)
• Roads – <0.1-mile	• Roads – <0.1-mile	• Roads – 1.1 miles
• Parking Lots – 0	• Parking Lots – 1	• Parking Lots – 8

Roads: 1.1 miles of roads become vulnerable to hazards along lower Linden and Elm Avenues.

Parking: 1 additional parking lot at the end of Linden Avenue in the Beach Neighborhood becomes at risk to coastal erosion, and 1 additional parking lot at Carpinteria State Beach becomes vulnerable to coastal flooding.

ECONOMICS: Damage to parking facilities may affect beach visitation, consumer spending and require recurring expensive clean up and repair.

27.2 inches (~2 feet) by ~2060

Tidal Inundation (total)	Coastal Erosion (total)	Coastal Flooding (total)
• Roads – 0.8-mile	• Roads – 0.1-mile	• Roads – 2.0 miles
• Parking Lots – 1	• Parking Lots – 7	• Parking Lots – 8

Roads: Coastal hazards expand to impact Ash, Holly, Elm, and Linden Avenues further into the Beach Neighborhood.

Parking: Additional parking facilities that were previously exposed to only coastal flooding become exposed to coastal erosion and tidal inundation.

ECONOMICS: Potential road damage from coastal erosion (325 feet) is estimated at $90,000; recurring impacts to roads and parking areas would require expensive clean up and repair costs that could impact City and State Park budgets.

60.2 inches (~5 feet) by ~2100

Tidal Inundation (total)	Coastal Erosion (total)	Coastal Flooding (total)
• Roads – 3.0 miles	• Roads – 0.7-mile	• Roads – 4.8 miles
• Parking Lots – 8	• Parking Lots – 9	• Parking Lots – 11

Roads: Impacts from all coastal hazards increase substantially, affecting additional roadways including all of the Beach Neighborhood, Carpinteria State Beach, north of the railroad, U.S. Highway 101, and inland of the Salt Marsh along portions of Carpinteria Ave and 7th Street near Franklin Creek.

Parking: Coastal hazard impacts could extend to onstreet parking in the Beach Neighborhood, facilities in Carpinteria State Beach, the train station parking lot (City Parking Lot #3), and curbside parking along Holly Avenue.

ECONOMICS: Potential road replacement costs are estimated at $1,050,000 (3,733 feet) from coastal erosion. Disruption to U.S. Highway 101 could have significant economic consequences. Damage to parking may affect beach visitation and spending; recurring impacts to roads and parking areas expensive clean up and repair could impact City and State Park budgets.

Adaptation Strategies

Range of Strategies:

Protect – Implement regular beach nourishment program with both cobbles and sand. Expand the winter storm berm program to create a "living shoreline" dune system to protect against coastal erosion. Consider a combination of dune system with sand retention where needed to maintain a sandy beach buffer that protects essential roads or parking.

Accommodate – Elevate roads and parking lots above future projected coastal flood levels through construction of raised causeways, or by incrementally elevating road and parking area surfaces by 2-3 inches during routine repaving. Install storm drain pumps to dewater the most vulnerable road segments and parking areas.

Manage – Relocate or remove roads and parking lots from the hazardous areas along the shoreline.

Trade-offs:

Management strategies may impact traffic and coastal access, depending on the location of realigned roads. Increasing road and parking elevation may flood adjacent properties or exacerbate storm water flooding. Green protection measures such as beach or dune nourishment require recurring maintenance expenses, with more frequent maintenance requirements for higher levels of SLR. Gray techniques using revetments would provide protection, but could impact beach and dune habitats, natural processes and coastal access.

Potential Next Steps

Policy:

- Coordinate with Caltrans to ensure that regional connections such as U.S. Highway 101 remain intact.
- Coordinate with State Parks on shoreline management, beach nourishment, and coastal access parking.
- Coordinate with the County, coastal cities, BEACON, and local state legislators to create a sustainable funding mechanism for beach nourishment.

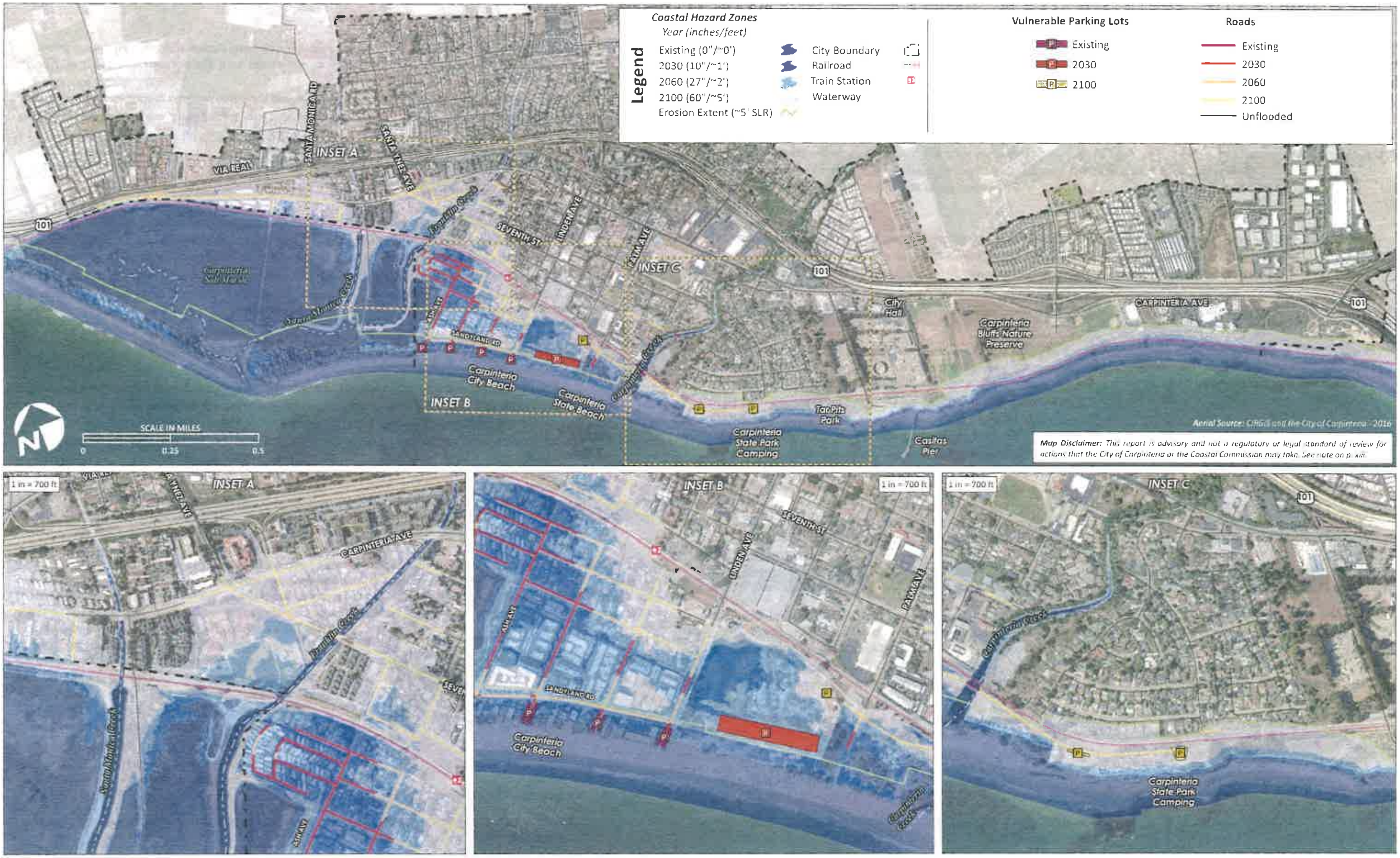
Projects:

- Redesign, realign, or relocate critical roads and parking.
- Amend the City's Capital Improvement Plan to require roadway elevation during street resurfacing.
- Perform regular beach nourishment and dune restoration.

Monitoring:

- Update the Local Hazard Mitigation Plan (LHMP) to identify preferred adaptation strategies to reduce impacts to roads and parking facilities.
- Monitor depth, extent, and frequency of road and parking facility flooding along areas with identified vulnerability.

Figure 1-2. Roads and Parking



COASTAL ACCESS AND TRAILS

Overview

To identify coastal access ways and trails potentially vulnerable to climate change and SLR hazards, this study evaluated the following:

- **13 Vertical Coastal Access Points**
- **2.5 Miles of Lateral Coastal Access**
- **5.2 Miles of Trails (Salt Marsh & Bluffs)**

Ash Avenue Vertical Coastal Access and Carpinteria Salt Marsh Trail (*Photo: California Coastal Records Project*).

Vertical Coastal Access and bluff top trail near seal haulout (*Photo: California Coastal Records*

Currently, all the vertical coastal access points and all lateral coastal trails are vulnerable to coastal erosion and coastal flooding, and more than half of them are vulnerable to tidal inundation. **With 5' of SLR,** all vertical access trails, lateral coastal access along beach and all bluff top coastal trails and those within Carpinteria Salt Marsh Park are vulnerable to coastal erosion, coastal flooding, and tidal inundation.

__Tipping Point:__ With 2' of SLR, coastal erosion and flooding regularly impacts beaches, and dunes and cliff erosion impact lateral and vertical access trails.

Existing Vulnerabilities

__Tidal Inundation__
- Vertical Coastal Access Points – >6
- Lateral Coastal Access – 2.5 miles
- Trails – <0.1-mile

__Coastal Erosion__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 1.2 miles

__Coastal Flooding__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 1.3 miles

Vertical Coastal Access: At least half of the vertical access points west of Carpineria Creek are susceptible to tidal inundation during monthly extreme tides or large coastal storm waves, and all access points are currently at risk from coastal erosion and and coastal flooding; vertical access points east of Carpinteria Creek (e.g., Tar Pits Park, Carpinteria Bluffs) are vulnerable to cliff erosion.

Lateral Coastal Access: All 2.5 miles (100%) of lateral access along City beaches are vulnerable to coastal flooding and erosion from a 100-year wave event, but generally recover post-storm.

Trails: 0.4-mile (100%) of the Carpinteria Salt Marsh Trail is susceptible to coastal flooding.

ECONOMICS: Carpinteria's beaches generate 1.5 million beach-day visits per year, with 600,000 going to the City Beach and 910,000 attending the State Beach. Beach visitors spend $48 million per year, generating $445,000 in sales tax revenue for the City and $2.3 million in ToT revenue from hotels and short term rentals. This study did not estimate costs associated with loss in recreational value or replacement of trails.

Future Vulnerabilities

10.2 inches (~1 foot) by 2030

__Tidal Inundation (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – <0.1-mile

__Coastal Erosion (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 1.9 miles

__Coastal Flooding (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 2.2 miles

Vertical Coastal Access: All vertical access points are susceptible to tidal inundation and continue to be vulnerable to coastal erosion and coastal flooding.

Lateral Coastal Access: Lateral beach access along all 2.5 miles of City beaches becomes more vulnerable to to tidal inundation, coastal erosion, and coastal flooding.

Trails: Coastal erosion may impact an additional 0.7-mile (15%) of the bluff top trail through the Carpinteria Bluffs.

27.2 inches (~2 feet) by 2060

__Tidal Inundation (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 0.1-mile

__Coastal Erosion (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 2.7 miles

__Coastal Flooding (total)__
- Vertical Coastal Access Points – 13 additional
- Lateral Coastal Access – 2.5 miles
- Trails – 3.4 miles

Vertical Coastal Access: All vertical access points continue to be vulnerable to coastal/cliff erosion and/or coastal flooding. At the State Beach, coastal hazards could extend further inland from the vertical access points.

Lateral Coastal Access: All lateral access is susceptible to tidal inundation, coastal erosion, and coastal flooding.

Trails: Coastal cliff erosion may impact an additional 0.8-mile (17%) of the bluff top trail that transverses the Carpinteria Bluffs, Carpinteria State Beach, Tar Pits Park, and Carpinteria Salt Marsh Park.

60.2 inches (~5 feet) by 2100

__Tidal Inundation (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 1.4 miles

__Coastal Erosion (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 4.6 miles

__Coastal Flooding (total)__
- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 5.4 miles

Vertical Coastal Access: All vertical access points continue to be vulnerable to coastal erosion and coastal flooding. At the State Beach, coastal hazards could extend further inland from the vertical access points.

Lateral Coastal Access: Depending on degree of shoreline retreat, beach may transition to intertidal and subtitidal, severely limiting lateral beach access.

Trails: Coastal erosion may impact an additional 1.9 miles or 40% a total of 4.6 miles of the bluff top trail and interweaving trails of the various parks along the City's almost 3.0-mile long shoreline extent.

Adaptation Strategies

__Range of Strategies:__

Protect – Consider green protection measures such as augmentation of sand dunes and cobble beach nourishment. Consider gray protection devices such as sand retention structures or offshore breakwaters.

Accommodate – Elevate the grade of trails to accommodate future coastal flood levels.

Manage – Remove or relocate trails and coastal access ways away from areas vulnerable to coastal hazards.

__Trade-offs:__ Green protection measures may benefit lateral access by maintaining sandy and intertidal beaches for recreational uses, but require regular maintenance, particularly with higher levels of SLR. Gray protection measures would effectively protect coastal access and trails but could lead to loss of beaches and public access over time. Measures such as sand retention or offshore breakwaters may better maintain access and beaches over time as compared to revetments.

Potential Next Steps

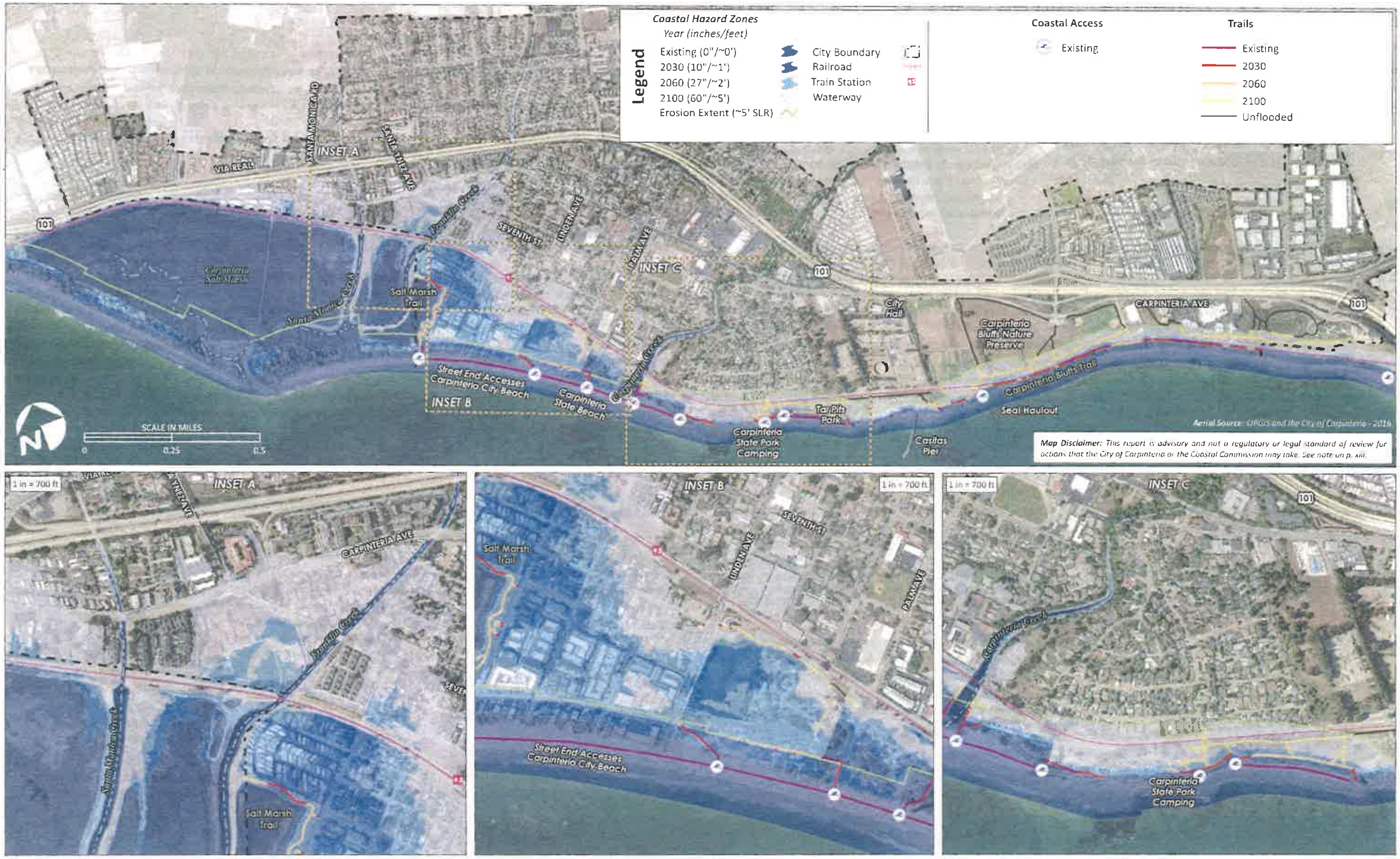
__Policy:__
- Coordinate with State Parks and regional partners on shoreline management to maintain beach access.
- Coordinate with the County, other coastal cities (e.g., BEACON), and local legislators to create sustainable funding mechanism for beach nourishment and other measures.
- Develop a long-range plan for the California Coastal Trail.

__Projects:__
- Relocate portions of trails exposed to erosion.
- Perform regular beach nourishment/ dune restoration.

__Monitoring:__
- Monitor depth, extent, and frequency of flooding within the State Beach.

__Data Needs:__
- Designated alignment of the California Coastal Trail.
- Complete trail network in the City.

Figure 1-5. Coastal Trails and Access



Environmentally Sensitive Habitat Area (ESHA)

Overview

Within the City, ESHA includes native habitats on the Carpinteria Bluffs (e.g., coastal bluff scrub), wetlands of the Carpinteria Salt marsh and Carpinteria Creek, beaches, dunes, reefs, a harbor seal rokery and monarch butterfly roosts. Coastal hazards and SLR could directly impact substantial acreage of existing ESHA in the City. Coastal flooding and cliff erosion could impact the greatest acreage of ESHA; SLR may cause transitions in wetland habitats. Impacts of climate change extend beyond sea level rise and would affect temperature, precipitation, droughts, and wildfire risk; for more information see Section 6.8, *Environmentally Sensitive Habitat Area*.

ESHA Directly Influenced by Coastal Hazards and Sea Level Rise

Hazard	Dune Erosion	Cliff Erosion	Tidal Inundation	Coastal Flooding
	Combined Acreage of ESHA Habitats			
Existing Vulnerabities	19.3	15.6	10.1	46.5
2030	1.9	3.8	1.6	7.3
2060	2.3	9.1	3.1	12.9
2100	3.0	27.1	14.6	30.2
Cumulative Total	**26.5**	**55.6**	**29.4**	**96.9**

Note: The variability in the onshore acreages relates to where the different coastal hazard zones (arbitrarily drawn offshore) and the ESHA mapping overlap; boundaries of offshore ESHA (e.g., kelp beds, subtidal reefs are not well defined).

Reporting acreages of vulnerable ESHA may misrepresent habitat vulnerability. Quantitatively predicting future habitats is challenging as there is a complex interplay of variables. As coastal hazards and SLR progress, habitats may disappear from current location (e.g., dune erosion) if strategies are implemented to protect landward resources or migrate landward if there is adapatation (e.g., managed retreat). Likely impacts to the seven types of ESHA in the City due to SLR and coastal hazards are qualitatively analyzed and summarized below.

Carpinteria Bluffs

The Carpinteria Bluffs and adjacent shoreline host many sensitive animal species, including the white-tailed kite and the harbor seal. ESHA may include the Central Coast riparian scrub, coastal sage scrub, and coastal bluff scrub. Nearshore ESHA below the Carpinteria Bluffs, consisting of rocky intertidal habitat interspersed with sandy beach, may be more frequently submerged by SLR, with accelerated bluff erosion and increased depth and duration of coastal flooding. Coastal bluff scrub habiats and bluff face wetland seeps would be directly impacted by accelerated bluff erosion associated with SLR, although such habitats may re-establish after bluff failures and retreat with eroding bluffs, depending on available space to do so. Bluff top habitats including coastal sage scrub, nonnative grassland, eucalyptus groves, Central Coast riparian scrub in Carpinteria Bluffs II, and ephermal wetlands and associated endangered vernal pool fairy shrimp in Carpinteria Bluffs III would all be threatened, with up to 360-460 feet of bluff erosion with 5' of SLR by 2100, potentially eliminating large areas of these habitats.

Wetlands within Carpinteria Salt Marsh

High salt marsh and transitional ESHA are most vulnerable to SLR. With 1' of SLR, vegetated high marsh habitat would begin to be more frequently inundated, converting to mudflat habitat with 5' of SLR by 2100. This could lead to conversion of most low, mid, and high marsh vegetated habitats to subtidal habitats. Because the marsh is confined by the railroad, U.S. Highway 101, and urban development, potential for landward retreat of these habitats is limited. Sediment input from Franklin and Santa Monica Creeks at the east end of the marsh and from beaches at the marsh mouth could increase marsh surface elevations and permit some habitat adaptation in these areas. A transition of this vegetated high marsh ESHA to mudflat or subtital habitat could affect 14 of the 16 plant species of special concern found in the salt marsh as well as species such as the endangered Belding's savannah sparrow and others which are dependent upon vegetated marsh ESHA.

Beaches, Dunes, Tidelands, and Subtidal Reefs

Carpinteria beaches, some of which may be considered ESHA, are projected to narrow as SLR increases, even in places where sand dunes (e.g. at the State Beach) back the beach. With between 1' and 2' of SLR, dune erosion would accelerate and about 60% of the dry sand beaches could erode or become more frequently submerged, transitioning to intertidal or subtidal beach. With 5' of SLR by 2100, beaches and dunes would be severely eroded and frequently inundated impacting ESHA, unless the shoreline retreats substantially landward; such retreat would require relocation of State Park campgrounds and parking lots. Loss of beach upper intertidal zone would reduce the connectivity required by species to migrate inland to survive high waves and storm conditions. Depending on shoreline landward retreat, rocky intertidal habitats may become increasingly subtidal, potentially transition to subtidal reefs.

Harbor Seal Rookery and Haulouts

The harbor seal rookery and haulout area could be more frequently inundated by tides and wave action. If coastal bluff erosion is allowed to continue unabated, the seal haulout may migrate landward with the beach; however, if the rate of SLR exceeds the rate of bluff erosion, then the beach and the haulout will be inundated for more of the tide cycle, potentially reducing or eliminating beach used for haul out.

Creek and Riparian Habitats

Carpinteria Creek is the most significant creek ESHA in the City as it is a perennial stream, supports a major rirparian woodland serves as designated Critical Habitat for southern steelhead trout, and its lagoon is a sensitive wetland that harbors an endangered fish species, the tidewater goby. Assuming adequate sediment supply from upcoast Santa Barbara Harbor continues, and maintains a beach in front, then the seasonal lagoon opening and closing should be maintained, if the beach is allowed to migrates landward. The Creeks' riparian habitats including tall canopy, midstory, and understory -- that serve a wide variety of wildlife including birds may transition to estuarine habitats with increased seawater intrusion under SlR. With 5' of SLR, riparian habitats south of 8th Street would be impacted by regular tidal inundation up Carpinteria Creek, which would reduce riparian vegetation. The extent of riparian habitat transition to estuarian and associated adjacent upland scrub habitat would likely correspond with extents of tidal inundation, which increases with SLR.

Native Plant Communities

Native plant communities that may be considered ESHA include: coastal sage scrub, oaks, chaparral, native oak woodland, riparian vegetation, and rare plant species. Coastal hazards and SLR would impact these communities in different ways, depending on their location. For example, plant communities such as coastal sage scrub and chaparral that exist on the Carpinteria Bluffs would be increasingly vulnerable to cliff erosion as SLR increases. The vulnerability of riparian vegetation would increase as coastal flooding and tidal inundation extends further into the reaches of creeks, altering suitability of riparian habitat as SLR increases, which could result in additional estuarine or marsh habitat in these areas.

Monarch Butterfly Habitat

The Monarch butterfly roosts within the riparian corridor of Carpinteria Creek are the most susceptible to coastal flooding hazards, and a large flood event could uproot trees and disturb habitat. The Monarch butterfly roosts in the Venoco buffer parcels along the Carpinteria Bluffs may eventually become vulnerable to coastal cliff erosion as SLR increases.

Adaptation Strategies

Range of Strategies:

Protect – Expand flood plains, augment sand dunes, and perform regular beach nourishment with sand and/or cobbles to sustain beach and dune systems, maintain seal haul out area, and reduce erosion and loss of terrestial habitats. Consider fixing the landward ocean boundary through the use of shoreline protective devices and/or increased floodwalls.

Accommodate – Use excess sediment to elevate vulnerable portions of Carpinteria Salt Marsh and protect Carpinteria Lagoon.

Manage – Coordinate with State Parks to allow beach, dune, and bluff ecosystems to migrate landward where possible or when unavoidable. As the Carpinteria Salt Marsh is largely surrounded by the UPRR, flood control levees, and concrete lined channels, consider allowing salt marsh habitat to migrate landward toward the City's Salt Marsh Park and Aliso School. Additionally, floodplain setbacks along creek corridors could be expanded. Incorporate phased upgrading of existing walkways to raised boardwalks in order to support ESHA while maintaining use and public access.

Trade-offs: Green protection measures through floodplain setbacks, beach and dune nourishment may require frequent maintenance with higher levels of SLR, but may benefit habitats by maintaining floodplains and beach width. Gray protection using shoreline protection or floodwalls could reduce terrestrial blufftop and wetland habitat vulnerabilities but could negatively impact riparian, beach, and dune habitats and natural processes by resulting in a loss of beaches over time.

Potential Next Steps

Policy:

- For ESHA policy development affecting Carpinteria Creek, maintain hydrologic connectivity upstream and coordinate with the County, other agencies and landowners to enourage replacement/expansion of riparian woodlands in areas not impacted by SLR.
- Coordinate with the County, coastal cities, BEACON and local legislators to create sustainable funding mechanism for potential beach nourishment programs.

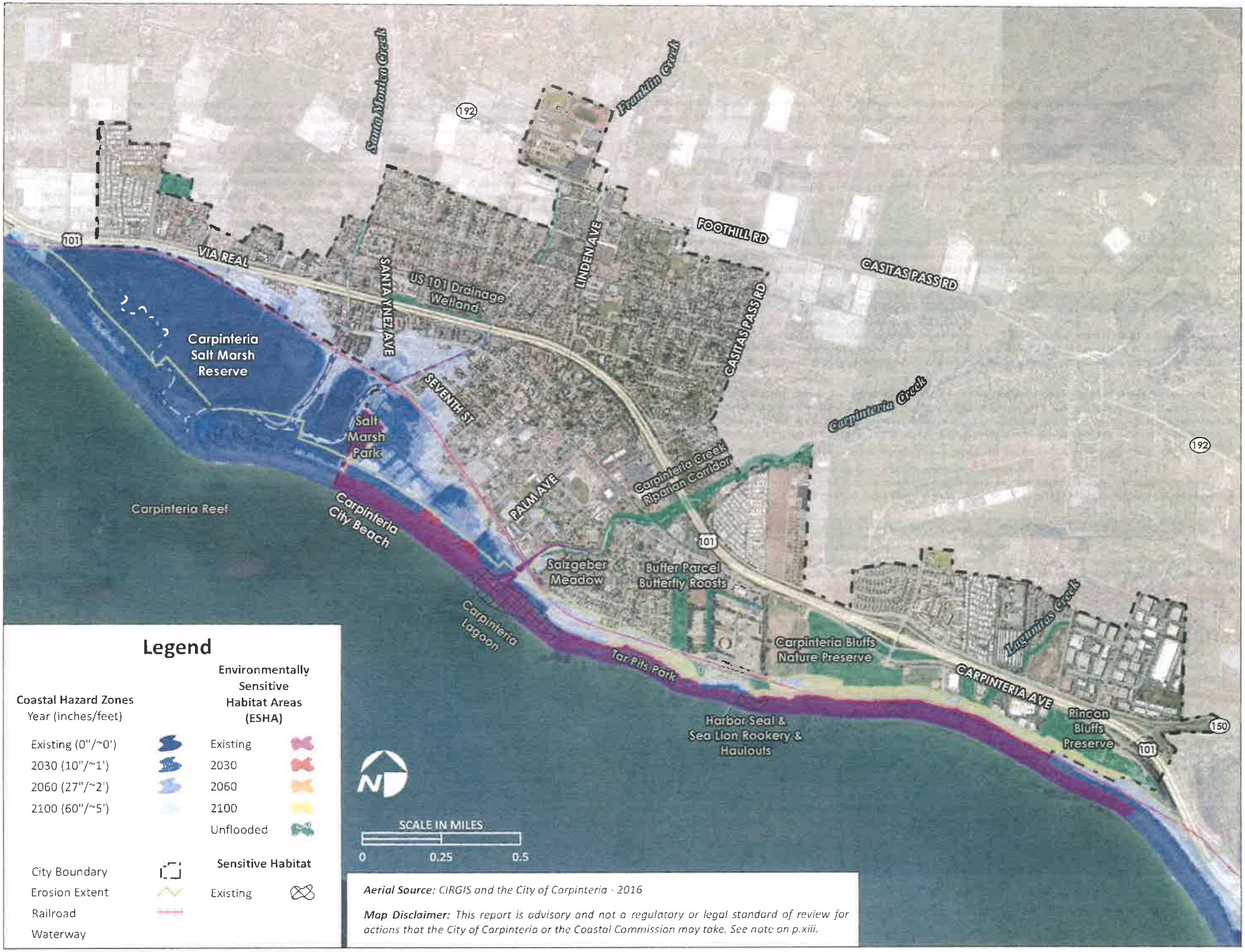
Projects:

- Improve habitat mapping in the City and vicinity.
- Restore and maintain terrestrial habits impacted by SLR (e.g., coastal bluff scrub).
- Allow more sediment from local watersheds to enter the Carpinteria Salt Marsh and littoral cell in order to provide additional material for evolutions of ecosystems.
- Support development and implementation of regional programs for beach nourishment and dune creation/ restoration.

Monitoring:

- Monitor indicators reflective of SLR (e.g., long-term trends in water levels, marsh accretion rates).
- Evaluate and identify meaningful tipping points to ensure appropriate timing and implementation of adaptation strategies.

Figure 1-11. Environmentally Sensitive Habitat Areas (ESHA)



Attachment D

Interim Sea Level Rise Guidance

Proposed Accessory Dwelling Unit (ADU) and

Junior Accessory Dwelling Unit (JADU) Program

October 25, 2021

CITY OF CARPINTERIA
INTERIM SEA LEVEL RISE GUIDANCE
APPLICANT CHECKLIST FOR NEW DEVELOPMENT
IN AREAS POTENTIALLY AFFECTED BY SEA LEVEL RISE

INTRODUCTION

In reviewing an applicant's proposed project, the City of Carpinteria's (City) must consider a proposed project's consistency with the City's certified Coastal Land Use Plan/General Plan (CLUP/GP). The City's current CLUP/GP references the broader policies of the California Coastal Act (Coastal Act) by incorporation which allows the City to consider sea level rise impacts in the interim while the City's CLUP/GP is formally amended to include specific policies and development standards. The purpose of this Interim Guidance document is to notify applicants of the information requests and the potential special conditions the City anticipates imposing on Coastal Development Permit applications for new development and redevelopment that may be affected by sea level rise within the City's jurisdiction.

DECISION PROCESS

The City will review applications to analyze (1) whether the proposed project site will be impacted by sea level rise within the life of the project, relying on the best available science, and (2) the estimated extent of the impact caused by sea level rise. The City will use these analyses to determine whether any special conditions will be placed on the Coastal Development Permit (CDP), if approved. The remaining sections of this guidance provide applicants with an overview of the potential information requests, and possible special conditions, the City may require in order to inform its review and approval of a CDP. The information requests and special conditions the applicant should be aware of are determined by answering the following questions:

a. ***Is my project considered "redevelopment"?***
b. ***Where is my project located?***

IS MY PROJECT CONSIDERED REDEVELOPMENT?

The following information requests and special conditions are only applicable to proposed projects that fall within the definition of "development" or "redevelopment" as specified in City City's General Plan, Zoning Code, and Public Resources Code section 30610. For the purposes of this Interim Guidance, the City interprets the terms "redevelopment" and to "redevelop" as:

All new construction or reconstruction, additions and remodels that have a valuation exceeding fifty percent (50%) of the valuation of the existing structure; or replacement of fifty percent (50%) or more of an existing structure.

Applicants are expected to provide staff with sufficient information to make a determination as to whether a project qualifies as redevelopment. Information that may be required to make a redevelopment determination include, but are not limited to, a real estate appraisal demonstrating current market value of improvements; detailed contractor's estimate for proposed scope of work; preliminary structural plans demonstrating the extent of anticipated structural alternations (e.g., foundation, load bearing walls, roof/flooring and frame work, etc.).

WHERE IS MY PROJECT LOCATED?

Conditions and information requests to be considered are determined by the geographic location of the applicant's proposed project site and potential exposure to sea level rise, as defined by the following Zones:

Zone 1	**Properties located on the ocean side of Sandyland Road between Linden Avenue and Ash Avenue**
Zone 2	**Properties located in the Beach Neighborhood excluding the northeast corner of the neighborhood, defined as those properties east of Holly Avenue *and* north of Third Street**

Once the applicant has determined in which Zone the proposed project is located, the applicant should be prepared to expect the following information requests during the permit review process and/or special conditions of approval to be placed on the permit approval:

Zone 1	• Information Request o Wave action study o Site specific coastal hazards study • Conditions o Recorded disclaimers regarding (1) assumption of the risk, and/or (2) waiver of future claims against the City

Zone 2	• Information Request
	  ○ Site specific coastal hazards study
	• Conditions
	  ○ Recorded disclaimers regarding (1) assumption of the risk, and/or (2) waiver of future claims against the City

DESCRIPTIONS

I. Information Requests

- Wave Action Study. The City's current Safety Objective 4 (S-4) calls for minimizing "the potential risks and reduc[ing] the loss of life, property and the economic and social dislocations resulting from flooding." Implementation Policy 14 associated with this objective calls for wave run-up studies under certain circumstances. The City recognizes that every project is unique and may not present the same vulnerability to flooding hazards. The City will consider the 100-year storm event, like the 100-year flood event, as a design standard for development. Accordingly, the City will require these studies when the project is located within Zone 1.

- Coastal Hazards Study. Coastal Hazards Studies determine at what level and by what year the project site may be susceptible to sea level rise. The City and California Coastal Commission staff would likely rely on the USGS Coastal Storm Modeling System (CoSMoS) and guidance from the Commission's Sea Level Rise policy document, the 2018 Ocean Protection Council (OPC)'s Sea-Level Rise document, and appropriate tide gauges to analyze the project site's vulnerability to coastal hazards. Applicants should be aware that projects within areas susceptible to early sea level rise may be required by the Coastal Commission to address the life of their projects under the **Medium-High Risk Aversion** scenario or the **Extreme Risk Aversion (H++)** based on a set of sea level rise predictions during an appeal process. In anticipation of this requirement, applicants should prepare a Coastal Hazards Study to avoid a potential appeal to the Coastal Commission. For direction on the preparation of a Coastal Hazards Study, the City recommends reviewing the County of Santa Barbara's *Technical Guidelines for Preparation of a Coastal Hazard Report* that are pending certification by the Coastal Commission. A copy of which is attached to this guidance.

  If possible, adaptation options should be identified and analyzed as a part of the applicant's project, leading to one or more alternatives for the project site that will minimize risks from sea level rise hazards and avoid or minimize impacts to coastal resources. This is because the City may require future or incremental removal of structures if property owners are faced with certain hazard triggers, for example when the shoreline comes within a certain distance of the foundation of the project, or the OPC predictions indicate sea level rise may encroach on a project sooner than initially anticipated. Triggers identified would be based on estimated lead times needed to catalyst planning for future adaptation measures. These potential hazard triggers are typically incorporated into an adopted LCP, however, at least one court has approved removal conditions in the absence of an LCP policy requiring such removal, as long as the triggers are not overly broad. (See *Lindstrom v. California Coastal Commission* (2019) 40 Cal.App.5th 73.) This would also be consistent with the Coastal Act's purpose of minimizing coastal hazard risks and resource impacts when making redevelopment decisions. The potential condition would encourage and/or require, as applicable, at-risk structures to be brought into conformance with current standards as necessary.

II. Disclosures & Waivers

- Assumption of the Risk. For projects that qualify as "redevelopment" located in Zones 1 and 2, The City shall require applicants to assume the risk of damage caused by future sea level rise, and to waive any claims for damages for such hazards. Examples of waivers include:

    - "*By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to coastal flooding, which may worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to waive unconditionally any claim of damage or liability against the City, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the City, its officers, agents, and employees with respect to the City's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (vi) that the structure and/or site require future adaptation or may need to be removed or relocated and the site restored if it becomes unsafe.*"

    - Disclosures & Waiver of Future Development. For projects that qualify as "redevelopment" located in Zones 1 and 2, the City shall require sellers of real estate to disclose permit conditions related to coastal hazards, or property defects or vulnerabilities, including information about known current and potential future vulnerabilities to sea level rise, to prospective buyers prior to closing escrow. As a corollary, the Coastal Commission, on appeal, may require additional disclosures that inform future property owners that under certain circumstances they are unable to seek future CDPs for bluff or shoreline protective device(s), or other development, in the event their structure is damaged by sea level rise or storm events. An example of such disclosures, which would be tailored for individual projects based on potential hazards, includes:

- *"By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. [X] including, but not limited to, the residence and foundation in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235."*

APPLICABLE AUTHORITY

All CDPs issued by the City must be consistent with its certified CLUP/GP as well as with the policies of the California Coastal Act. There are several policies within the City's current CLUP/GP which guide the City's evaluation and issuance of CDPs. These include, but are not limited to, the following:

- Objective LU-1: Establish the basis for orderly, well planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public.

- Policy LU-1a: The policies of the Coastal Act are incorporated by reference as the guiding policies of the land use plan (Public Resources Code Sections 30210 through 30263). As applicable, the City may rely on:

    - *Section 30250 Location; existing developed area*
    - *Section 30253 Minimization of adverse impacts*

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

    - *S-4-Implementation Policy 13*: 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.

- *S-4-Implementation Policy 14*: All new construction or reconstruction, additions and remodels that have a valuation exceeding 50 percent of the valuation of the existing structure, shall be constructed so as to be protected from wave action. A wave action study shall be prepared and submitted to the city as a part of the project application that determines the necessary construction design and technique to protect the structure and prevent impacts to adjacent property. Shoreline protective devices, such as seawalls and revetments, shall be prohibited. Coastal development permits for new construction, including reconstruction where more than 50 percent of the exterior walls are removed, shall be conditioned to not allow a future seawall to protect the development.

The Coastal Commission has taken the policy position that local governments are able to rely on the broader flood hazards policies of the Coastal Act as authority to analyze sea level rise impacts on new development without needing amendments to local coastal programs. (Pub. Res. Code, § 30253.) More specifically, while the Commission's jurisdiction on appeal is "limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in [the Coastal Act]." (Pub. Res. Code, § 30603(b)(1)), the Commission's jurisdiction on appeal does include imposing reasonable terms and conditions on the permit "to ensure that such development or action will be in accordance with the provisions of this division." (Pub. Res. Code, § 30607.) Accordingly, applicants should be aware that the Coastal Commission has utilized the broader policies of the Coastal Act to impose special conditions for appealed projects, even if not within the authority allowed in the local government's certified LCP.

Appendix 1

County of Santa Barbara's Technical Guidelines for Preparation of a Coastal Hazard Report

APPENDIX I: TECHNICAL GUIDELINES FOR PREPARATION OF A COASTAL HAZARD REPORT

The following standards and guidelines are intended to clarify and assist with the preparation of a Coastal Hazard Report for beachfront and bluff-top development. This appendix also includes the methodology for calculating a site-specific bluff edge setback and preparing a wave run-up study. All of these standards and guidelines may not be applicable or necessary for an individual project on a specific site, based upon the initial analysis performed by a qualified professional. The qualified professional must provide sufficient evidence to show that individual standards or guidelines do not apply to a specific site or proposed development.

1. Sea Level Rise Projection Information.

   The Medium Sea Level Rise Coastal Hazard Screening Map (Appendix J to the Coastal Land Use Plan) shows areas of the county coastline that are potentially subject to increased threats from sea level rise and coastal hazards, where further site-specific study is needed to assess potential adverse impacts. The Screening Map shows the "medium" sea level rise scenario possible by the years 2030, 2060, and 2100, based on projections described in the County's 2017 "Sea Level Rise and Coastal Hazards Vulnerability Assessment." Table I-1 below shows the medium sea level rise scenario, as well as the low and high scenarios. All three scenarios can be visually examined using the Coastal Resilience Mapping Portal available online through the Planning and Development Department website.

Table I-1. Sea Level Rise Projections for Santa Barbara County (inches)

Time Period	Low Sea Level Rise Scenario	Medium Sea Level Rise Scenario	High Sea Level Rise Scenario
By 2030	0.04	3.5	10.2
By 2060	2.8	11.8	27.2
By 2100	10.6	30.7	60.2

Source: Santa Barbara County Sea Level Rise and Coastal Hazards Vulnerability Assessment, July 2017.

2. Methodology for Calculating a Bluff Edge Setback:

   (a) Identify bluff edge consistent with the Article II definition of "bluff edge."

   (b) Determine a slope stability setback. Evaluate the stability of the bluff. If the slope exhibits a factor of safety of less than 1.5 for the static condition or 1.1 for the pseudostatic condition, then a "slope stability buffer" shall be established landward of the bluff edge. The slope stability buffer is the line landward of the bluff edge where the minimum factor of safety (1.5 static and 1.1 pseudostatic) can be met. When determining the slope stability buffer, the minimum factor of safety shall be achieved without the use of new or existing slope or shoreline protection devices.

   (c) Determine the bluff erosion setback. A site-specific evaluation of the long-term bluff retreat rate at the site shall be conducted that considers not only historical bluff retreat data, but also acceleration of bluff retreat projected to occur under continued and accelerated sea level rise and any known site-specific conditions. The geologic evaluation must include the total scope of development (e.g., proposed grading, buildings, structures, landscaping, and associated irrigation). Such an evaluation shall be used to determine the distance from the bluff edge (or from the slope stability buffer line if applicable) that the bluff might reasonably be expected to erode over the anticipated life of the structure (refer to Coastal Land Use Plan Policy 3-10), factoring in sea level rise using the current best available science, and without the use of new or existing slope or shoreline protection devices. Analysis of the effect of sea level rise on erosion rate shall use the best available science and include an examination of the "medium" amount of the sea level rise expected over the anticipated life of the development. Historic erosion rates can be determined by examination of historic records, surveys, aerial photographs, studies, or other evidence showing the location of the bluff edge through time. A minimum of 50 years' worth of historic data is generally used to evaluate historic erosion rates, but a greater time period may be warranted if the shoreline has changed dramatically due to natural forces or development.

(d) Determine the bluff edge setback by adding the slope stability and bluff erosion setback distances. Development shall be setback from the bluff edge the distance needed to: ensure slope stability (the slope stability setback); ensure the development is not endangered by erosion (the bluff erosion setback); and avoid the need for protective devices during the life of the structure.

3. Standards and Guidelines for Preparation of a Coastal Hazard Report for Bluff-top Properties:

A site-specific Coastal Hazard Report shall be required that is prepared by a qualified California licensed engineer with expertise in coastal processes. At a minimum, the Coastal Hazard shall examine the "medium" scenario of projected sea level rise over the expected life of the structure using the current best available science. The conditions that shall be considered in the hazard evaluation are: a seasonally eroded beach combined with erosion over the life of the structure, excluding the effects of any existing shoreline protective device; high tide conditions, combined with projections for sea level rise for the life of the structure; and storm waves from a 100-year event. The study shall provide maps and profiles that identify these conditions, as well as recommendations and alternatives to avoid, and if avoidance is not feasible, minimize, identified coastal hazards over the expected life of the structure. The study shall identify unavoidable coastal resource impacts and appropriate mitigation measures. Studies shall include an assessment of the availability of and potential risks to services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, and other utilities over the life of the development, considering sea level rise.

Coastal Hazard Reports shall include analysis of the physical impacts from coastal hazards and sea level rise that might constrain the project site and/or adversely impact the proposed development. Reports should address and demonstrate the site hazards and effects of the proposed development on coastal resources, including discussion, maps, profiles and/or other relevant information that describe the following:

(a.) Current conditions at the site, including the current:
- tidal range, referenced to an identified vertical datum
- intertidal zone
- inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events
- beach erosion rates, both long-term and seasonal variability
- bluff erosion rates, both long-term and episodic

(b) Projected future conditions at the site, accounting for sea level rise over the anticipated life of the development, including the future:
- Shoreline, dune, or bluff edge, accounting for long-term erosion and assuming an increase in erosion from sea level rise
- intertidal zone
- inland extent of flooding and wave run-up associated with both storm and non-storm conditions

(c) Safety of the proposed structure to current and projected future coastal hazards, including:
- Identification of a building envelope on the site that avoids hazards
- Identification of options to minimize hazards if no building envelope exists that would allow avoidance of hazards

- Analysis of the adequacy of the proposed building/foundation design to ensure stability of the development relative to expected wave run-up, flooding and groundwater inundation for the anticipated life of the development in both storm and non-storm conditions
- Description of any proposed future sea level rise adaptation measures, such as incremental removal or relocation when threatened by coastal hazards

(e) Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts and the elevation and inland extent of current and future flooding and wave runup.

(f) For blufftop development, the report shall include a detailed analysis of erosion risks, including the following:

- To examine risks from erosion, the predicted bluff edge, shoreline position, or dune profile shall be evaluated considering not only historical retreat, but also acceleration of retreat due to continued and accelerated sea level rise and other climatic impacts. Future long-term erosion rates should be based upon the best available information, using resources such as the highest historic retreat rates, sea level rise model flood projections, or shoreline/bluff/dune change models that take rising sea levels into account. Additionally, proposals for blufftop development shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) and 1.1 (pseudostatic, k=0.15 or determined through a quantitative slope stability analysis by a geotechnical engineer), whereby safety and stability must be demonstrated for the predicted position of the bluff and bluff edge following bluff recession over the identified project life, without the need for caissons or other protective devices. The analysis should consider adverse impacts both with and without any existing shoreline protective devices.

The "medium" sea level rise scenario shall be examined to understand potential adverse impacts that may occur throughout the anticipated life of the development. At a minimum, flood risk over the anticipated life of the development should be examined. Additionally, the analysis should consider the frequency of future flooding impacts (e.g., daily impacts versus flooding from extreme storms only) and describe the extent to which the proposed development would be able to avoid, minimize, and/or withstand impacts from such occurrences of flooding. Studies should describe adaptation strategies that reduce hazard risks and neither create nor add to adverse impacts on existing coastal resources and that could be incorporated into the development.

4. Standards and Guidelines for Preparation of a Coastal Hazard Report for Beachfront Properties:

A site-specific Coastal Hazard shall be required that is prepared by a qualified California licensed engineer with expertise in coastal processes. At a minimum, the Coastal Hazard shall examine the projected sea level rise under the "medium" scenario, over the expected life of the structure, using the current best available science. The conditions that shall be considered in the hazard evaluation are: a seasonally eroded beach combined with erosion over the life of the structure, excluding the effects of any existing shoreline protective device; high tide conditions, combined with projections for sea level rise for the life of the structure; and storm waves from a 100-year event. The study shall provide maps and profiles that identify these conditions as well as recommendations and alternatives to avoid, and if avoidance is not feasible, minimize, identified coastal hazards over the expected life of the structure. The study shall identify unavoidable coastal resource impacts and appropriate mitigation measures. Studies shall include an assessment of the availability of and potential risks to services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, and other utilities over the life of the development, considering sea level rise.

Coastal Hazard Reports shall include analysis of the physical impacts from coastal hazards and sea level rise that might constrain the project site and/or adversely impact the proposed development. Studies should address and demonstrate the site hazards and effects of the proposed development on coastal resources, including discussion, maps, profiles and/or other relevant information that describe the following:

(a) Current conditions at the site, including the current:
- tidal range, referenced to an identified vertical datum
- intertidal zone
- inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events
- beach erosion rates, both long-term and seasonal variability
- bluff erosion rates, both long-term and episodic

(b) Projected future conditions at the site, accounting for sea level rise over the anticipated life of the development, including the future:
- shoreline, dune, or bluff edge, accounting for long-term erosion and assuming an increase in erosion from sea level rise
- intertidal zone
- inland extent of flooding and wave run-up associated with both storm and non-storm conditions

(c) Safety of the proposed structure to current and projected future coastal hazards, including:
- Identification of a building envelope on the site that avoids hazards
- Identification of options to minimize hazards if no building envelope exists that would allow avoidance of hazards
- Analysis of the adequacy of the proposed building/foundation design to ensure stability of the development relative to expected wave run-up, flooding and groundwater inundation for the anticipated life of the development in both storm and non-storm conditions
- Description of any proposed future sea level rise adaptation measures, such as incremental removal or relocation when threatened by coastal hazards

(d) Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts and the elevation and inland extent of current and future flooding and wave runup.

(e) For development on a beach, dune, low bluff, or other shoreline property subject to coastal flooding, inundation or erosion, the report shall include a detailed wave uprush and impact report and analysis, including the following:
- The analysis shall consider current flood hazards as well as flood hazards associated with sea level rise over the anticipated life of the development. To examine risks and adverse impacts from flooding, including daily tidal inundation, wave impacts, runup, and overtopping, the site should be examined under conditions of a beach subject to long-term erosion and seasonally eroded shoreline combined with a large storm event (1% probability of occurrence). Flood risks should take into account daily and annual high tide conditions, backwater flooding, water level rise due to El Niño and other atmospheric forcing, groundwater inundation, storm surge, sea level rise appropriate for the time period, and waves associated with a large storm event (such as the 100 year storm or greater). The analysis should consider impacts both with and without any existing shoreline protective devices.

At a minimum, the "medium" scenario of projected sea level rise shall be examined to understand the potential adverse impacts that may occur throughout the anticipated life of the development. Additionally, the analysis should consider the frequency of future flooding impacts (e.g., daily impacts versus flooding from extreme storms only) and describe the extent to which the proposed development would be able to avoid, minimize, and/or withstand impacts from such occurrences of flooding. Studies should describe adaptation strategies that reduce hazard risks and neither create nor add to impacts on existing coastal resources and that could be incorporated into the development.

Attachment E

Draft Planning Commission Minutes, October 4, 2021

Proposed Accessory Dwelling Unit (ADU) and

Junior Accessory Dwelling Unit (JADU) Program

October 25, 2021

DRAFT

CALL TO ORDER and ROLL CALL The meeting was called to order at 5:30 p.m. by Chair Benefield. **Commissioners Present:** Jane L. Benefield, Chair Glenn La Fevers, Vice-Chair John Moyer David Allen **Commissioners Absent:** John Callender **Others Present:** Steve Goggia, Community Development Director Rita Bright, Principal Planner Mack Carlson, Legal Counsel, Brownstein Hyatt Farber Schreck	CALL TO ORDER & ROLL CALL
PLEDGE OF ALLEGIANCE – Chair Benefield led the flag salute.	PLEDGE
INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS - None	ANNOUNCEMENTS
PUBLIC COMMENT Susan Skenderian asked the Planning Commission to consider project reviews of clerestory windows; while they afford privacy, they can cast light down on the houses next to them at night. She compared them to a satellite.	PUBLIC COMMENT
CONSENT CALENDAR 1) Minutes of the regular Planning Commission meeting held September 7, 2021 MOTION Upon a motion by Commissioner La Fevers, seconded by Commissioner Moyer, the Planning Commission voted 4-0 to approve the minutes of the regular Planning Commission meeting held September 7, 2021, as presented (Moyer, La Fevers, Allen and Benefield voted yes).	CONSENT CALENDAR
NEW PUBLIC HEARING 2) Project: Accessory Dwelling Unit Status Report and Recommendations Applicant: City of Carpinteria Hearing on the request of the City of Carpinteria for the Planning Commission to receive a status report on the Accessory Dwelling Unit Program, and to provide recommendations to the City Council regarding program components, as determined appropriate. Principal Planner Rita Bright presented the staff report. She began with background information on housing laws enacted to promote development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in response to California's housing shortage. She said the current Second Dwelling Unit Program would be replaced with an ADU/JADU program, and related processes; the Zoning Code will need to be modified. She explained, among other things, state laws, exemptions of ADU/JADU programs from CEQA review, minimum lot size, parking requirements and in limited cases on-site owner residency requirements. The state permit process timeline will be shortened from around 120 to 60 days. She said we have contracted with a firm to develop two plan sets for	NEW PUBLIC HEARING

projects that may be commonly submitted by applicants: one for a garage conversion and the other for a 750 sq. ft. ADU. Community Development Director Steve Goggia explained "off the shelf" plans will be available online or at the counter. Minor adjustments can be made, and plans submitted without a designer, architect or engineer involved. It will result in cost savings for applicants and more ADUs in production.

Ms. Bright provided details about the ordinance process, noting staff is looking to obtain feedback from the Planning Commission, City Council, other agencies and the public before a draft is submitted for review to the Department of Housing and Community Development (HCD) and California Coastal Commission (CCC). After revisions, it will be re-opened to public comment, amended for effectiveness and re-submitted to the Planning Commission who will review it and make a recommendation to the City Council. The City Council can choose to submit it to HCD and CCC for final review and certification.

She gave an analysis of how the program will need to comply with state housing laws and the California Coastal Act, noting some areas of the city may more easily be able to build units, while certain parts, such as the Beach Neighborhood, Concha Loma and the bluffs have special considerations such as parking constraints, erosion and sea level rise. She explained the draft ordinance includes objective development standards that need to be met. She proceeded to review five options the Planning Commission can further consider, refine or recommend to the City Council:

1. Allow city-wide ADU and JADU Applications with no exclusion areas.
2. Exclusion of ADUs and JADUs within certain neighborhood districts or geographic areas based on Coastal Act and sensitive resource policies and supporting technical studies.
3. Apply discretionary review in lieu of exclusion areas, in certain areas based on Coastal Act and sensitive resource policies and supporting technical studies.
4. Exclusion of ADUs within sensitive coastal resource or other sensitive resource areas.
5. A hybrid ADU and JADU program option.

Community Development Director Steve Goggia explained to the commissioners that their comments will be part of the record, passed to the City Council and included in the administrative report shared with agencies.

Commissioner La Fevers asked about the distinction between having no exclusion areas (option 1) versus specific exclusion zones or more complex mixes. He asked if the premise is that regardless of complex zones, every area would still be subject to being consistent with coastal development policies, with someone deciding whether it is consistent even if objective design criteria are met.

Ms. Bright explained that a Coastal Development Permit would still be required to comply with the Coastal Act even if it's administrative. She said that with exclusions to these areas, the City may address coastal policy issues; however, she said she is not sure how CCC will address consistency.

Legal Counsel Mack Carlson clarified if the ordinance establishes minimum standard ADU design criteria citywide, regardless if the ADU is subject to discretionary review, you would still be evaluating based on standard criteria in the zoning code. A chapter will lay out development standards for these types of units.

Commissioner Moyer asked if trailers were part of the mix, and Ms. Bright stated mobile homes are considered eligible ADU units.

Commissioner Allen pointed out that design objectives for colors and materials matching the main house wouldn't apply to a mobile home. Ms. Bright explained we need to look at what's reasonable but, if an ADU is attached, consistency is warranted. She added compatibility may be more important if the ADU is visible to the public. She said mobile homes are more challenging and would need to be evaluated on a case-by-case basis.

Commissioner Moyer noted you can designate an existing auxiliary as an ADU and questioned whether objective design criteria can be implemented for an existing building. Ms. Bright said there are state laws must be abided by, but as an example, with an above-garage ADU, privacy standards and height requirements are objectives that can be considered.

Chair Benefield pointed out that sea level rise requires higher discretionary review and there is a 60-day limit for the application process. She questioned if there would be automatic approval if the 60 days expire. Ms. Bright said the city could build in a waiver of more time for discretionary reviews, but for other areas State law requires 60 days.

PUBLIC HEARING OPENED
Chair Benefield opened the public hearing.

Susan Skenderian, 5583 Calle Arena, said she was excited about the program but had a sinking feeling when Concha Loma was considered for exclusion. Regarding erosion, she said squirrels create more of a problem than any housing. She said parking was never a problem until there was a rush to use the beach during the pandemic, and she has always thought an electric bus that brings people there would be good. She is hoping her neighborhood won't be excluded.

Ms. Bright summarized the following comments received through Granicus and one phone call:

- Richard Little said he was told Carpinteria did not need to follow the state guidelines. He said he hopes the City moves forward with reasonable guidance.
- Lee Jacobs asked that we make the program a priority. He suggested we fast-track a program applying to most projects, with a different approach for the more complicated ones.
- Drew Simons expressed concern about the legal authority to exclude neighborhoods and said discretionary review should not be applied.
- Jim Taylor pointed out since the rights to cross the UPRR in Concha Loma are in question maybe it should it be excluded. He said the City should increase housing opportunities and questioned whether on-site parking for certain areas is appropriate.

Luis Martinez said 4-5 years ago he was asking about ADU permitting. He stressed we cannot wait 3-6 months or a year and should do the program ASAP. He said Santa Barbara and Goleta are streamlining the process and moving faster than we are.

PUBLIC HEARING CLOSED
Chair Benefield closed the public hearing.

BREAK
Chair Benefield called for a 3-minute break before Commission discussion.

Commissioner Moyer said he would accept the state law as is, noting anything over 800 square feet will be reviewed by us. He expressed concern about parking but doesn't think it's an issue in Concha Loma. He said the ADU ordinance has been a mess for Santa Barbara's planning staff and has created long waits. He encouraged keeping the ordinance streamlined and said the more discretionary elements we place in it, the more time it will take City staff. He noted the public is not happy with the Bailard Avenue project, and we need to step up to prevent those kinds of projects coming before us. He said ADU ordinance is to the scale of a beach town community like Carpinteria, while 3-story complexes are a different scale.

Commissioner Allen said with state-exempt ADUs where review is more limited, we should cap at the required maximums (4 ft. setbacks, 850 square feet, etc.) and be careful to apply as many objective design standards as we can (colors, materials, height). For other ADUs that allow more latitude with ministerial permits, we should cap with standards and require as much parking as we can. If we can allow for some discretionary review, then it should be full discretionary review. He noted the Beach Neighborhood has multi-family dwellings where State law could allow ADUs/JADUs are allowed by right. He cautioned when someone comes in for review to consider what can be built by right (use of the basement and attic, and parking can be converted).

Discussion took place about the zones and vulnerable structures in the Beach Neighborhood. Commissioner Allen said we can reasonably tie where we are going to incur expenses and exclude that area from the ordinance. He said it's harder to justify excluding Concha Loma but agreed parking worsened during Covid. He expressed concern how the ordinance applies to existing residential zones. He also said with Chevron decommissioned, we are going to have major coastal access issues and suggested we plan and integrate it into zoning maps.

Ms. Bright clarified state law requires ADUs for residential and mixed use, but the City is unique in that you can permit residential uses in industrial/commercial zones. She said our ADU program as drafted follows that approach.

Regarding Allen's comment about the Chevron property, Community Development Director Steve Goggia said planning for it may be premature. He said what we are proposing will be a mix of recreation and PUDs, and it will be kept in mind when doing this.

Commissioner Allen said it would be good to have data for the maximum number of ADUs that could be generated in various neighborhoods.

Commissioner La Fevers stated how we were concerned the floodgates would open when the original ADU program went into effect, but we didn't see that. He believes that program was overly restrictive which is why we are seeing this outcome. He suggested we increase our focus in facilitating the development and implementation of ADUs, noting they truly address the needs of family and community who are limited to rentals. He supports focusing on facilitating straightforward ministerial approval of units. He likes Option 1's simple approach with pre-defined standards that apply to the majority of the City with as much certainty as possible. If we can accomplish that for the majority of the community, he is less concerned with how we deal with the more complex locations.

Regarding objective standards, La Fevers encourages keeping them simple with the possible exception that materials, finish and color match the existing structure. In some cases, there may be less costly options that owners want to implement in their backyard, such as a pre-fab unit.

Carpinteria has a lot of variation, which he finds a good thing. He thought that an ADU does not need to lock in matching a structure. He also suggested implementing a process by which more flexibility can be authorized, whether the standard process or a modified one. If someone wants 1000 vs. 800 square feet, they should get it; full discretionary review may be unnecessary. About objective design standards, he said they should be simple.

With respect to exclusion zones, La Fevers said they should be very limited if we have them. We shouldn't have them for every Environmentally Sensitive Habitat Area (ESHA), Concha Loma, the bluffs and beach neighborhood. He thinks Zone 1 and 2 is pushing it, but Zone 1 has clear rationale based on indisputable current evidence. Regarding the hybrid option, we should build in flexibility, or we are going to be telling people no. The concept of ADUs shouldn't create public safety or coastal resource issues and should be planned into our program.

Chair Benefield said she agrees with Commissioner La Fevers about keeping things simple and clear on the first go around. She added if we don't get the housing we need, we might want to indicate to HCD that we need to include other areas, such as the excluded ones. She also agrees with Allen on Zones 1 and 2. With respect to ESHAs, she can let go because most are in zones that don't allow housing anyway. She asked for strict standards regarding square footage and setbacks, as well as the minimum we can get away with in size, because she doesn't think big ADUs are the goal. Regarding Concha Loma, she said many older people live there who can live in an ADU and rent out their houses and change economic standards, which she is all for. It should be quick and dirty and clear. She noted discretionary policies will include the ARB, and she doesn't like that idea and neither might HCD.

Ms. Bright expressed concern that robust discretionary review could backfire with HCD; however, she said HCD might prefer discretionary review for the subset of ADUs that cannot meet objective standards.

Chair Benefield said there would have to be limitations if we offered discretionary review but indicated she was negotiable. She expressed concern about Senate Bill 9 that was recently enacted.

Legal Counsel Mack Carlson provided details about SB-9. He said it was signed two weeks ago by the governor and will take effect in 2022. It provides two different paths: the path of seeking 2 housing units on an individual residential lot (known as the duplex bill), and the lot split where you can apply for 2 units. He said all new legislation affecting ADUs will be included in the ordinance and an update will take place on all new housing laws before the end of the year.

Unable to hear Ms. Bright due to technical problems at 2:04 of video

It was suggested the Planning Commission provide feedback if consensus had been reached on any of the issues.

Commissioner Allen said discretionary review is not allowed unless minimum objective standards are exceeded, and he wants caps at the minimums. He expressed concern it could be difficult within the state program to come up with latitude regarding color matching within an objective standard without discretionary review.

Regarding the minimum 31-day rental requirement, Allen said the whole point is to provide housing not vacation rentals. He noted we have a problem with vacation rentals and referenced a Seventh Street project that

was presented as workforce housing, yet turned into vacation rentals, including the attic. He said Staff is stretched but we need enforcement mechanisms to ensure the ADUs are workforce housing. <u>Consensus to Exclude Zone 1</u> All agreed to exclude Zone 1. Chair Benefield and Commissioner Allen wanted to exclude Zone 2 but Commissioners La Fevers and Moyer were not in agreement. Benefield commented on Zone 2's tiny lot sizes. <u>Consensus Not to Expand Minimum Standards for Ministerial Permits</u> Commissioner La Fevers said affordability and easy to build and install should be the focus. Commissioners Moyer and Benefield agreed to keep things simple, with Benefield in support of allowing some creativity. <u>Consensus Not to Allow ADUs as Vacation Rentals</u> There was agreement vacation rentals are not the goal. Ms. Bright said their hands might be tied with extending beyond the 31-day limit and she would research it, noting there are state limits they must follow. Community Development Director Steve Goggia brought to their attention that there are short-term rentals of 3 months where Transient Occupancy Tax is not collected and units remain vacant for weeks at a time. The meeting concluded with Ms. Bright recapping the Planning Commission's direction. Among other things, she said there was agreement on exclusion zones and capping standards for ministerial permits. Exclusions will not be necessary for ESHAs. Existing reports and investigations will be used to substantiate excluding Beach Neighborhood's Zone 1, with Zone 2 remaining a split between commissioners. An option will be included to revisit the ordinance in 2-3 years as more information becomes available regarding sea level rise. Chair Benefield suggested including goals and a track record of how we are doing.	
OTHER BUSINESS - None	OTHER BUSINESS
MATTERS PRESENTED BY COMMISSIONERS Commissioner Allen asked for a report regarding the Venoco clean-up, including where the pipeline is located, whether there will be above ground activity and how long it will take.	MATTERS PRESENTED
DIRECTOR'S REPORT 3) Action Minutes of the Architectural Review Board meeting of August 12, 2021 4) City calendar for the month of October 5) Planning Activity Report as of September 27, 2021 6) Building Permit Report as of September 27, 2021 Community Development Director Steve Goggia reviewed the distributed information.	DIRECTOR'S REPORT
ATTENDANCE OF PLANNING COMMISSIONERS FOR THE NEXT MEETING OF November 1, 2021 – Chair Benefield said she was not sure she could attend.	ATTENDANCE FOR NEXT MEETING
ADJOURNMENT - Chair Benefield adjourned the meeting at 8:00 p.m.	ADJOURNMENT

Secretary, Planning Commission **ATTEST:** Chair, Planning Commission	

Attachment F

City Council Motion: Checklist of Decisions

Proposed Accessory Dwelling Unit (ADU) and

Junior Accessory Dwelling Unit (JADU) Program

October 25, 2021

ATTACHMENT F

City Council Motion - Checklist of Decisions
October 25, 2025

	YES	NO	Comments:
Use of Exclusion/Prohibition Areas?			
Beach Neighborhood?			
Interim SLR Zone 1?			
Interim SLR Zone 2?			
Concha Loma?			
ESHAs?			
Other?			
Require On-site Parking?			
Beach Neighborhood?			
Interim SLR Zone 1?			
Interim SLR Zone 2?			
Concha Loma?			
Within 0.5 miles from City Designated Coastal Access Points?			
Within 0.25 miles from City Designated Coastal Access Points?			
If Yes:			
As Discretionary Review?			
As an Objective Development Standard?			
Other?			
Require Discretionary Review?			
As an option to Exclusion/Prohibition Areas?			

If Yes:			
Beach Neighborhood?			
Interim SLR Zone 1?			
Interim SLR Zone 2?			
Concha Loma?			
ESHAs?			
Other?			
When Objective Development Standards Cannot be Met?			
Rely on Objective Development Standards Only?			

Dave Durflinger

From:	Channel_division <channel_division-bounces@lists.cacities.org> on behalf of David Mullinax <dmullinax@calcities.org>
Sent:	Thursday, October 14, 2021 11:01 AM
Subject:	[Channel_division] Overview/Summary of Governor Actions for Legislative Session
Attachments:	ATT00001.txt

Channel Counties Members:

The 2021 Legislative Session concluded the early evening of September 10 and October 10 was the last day for Governor Gavin Newsom to act on the hundreds of bills sent to his Desk during the final weeks of the Session

There were just over eight hundred bills that reached Governor Newsom's Desk this year, including almost 700 bills acted upon during the final month.

This year, there were 836 bills that reached the Governor's Desk out of 2,421 bills introduced (Senate – 828; Assembly – 1,593). So, 34.5% of the bills *introduced* made it to the Governor's Desk. 32% of the bills introduced got signed into law, while 2.7% of the bills introduced got vetoed.

The following is an overview of Governor Newsom's final stats for 2021 bill actions:

Total bills acted on: 836

SIGNED BILLS: 770

- 92.1% of the bills were signed
- 66% of the signed bills were ABs
- 75% of the ABs signed were authored by Democrats
- 11.5% of the ABs signed were authored by Republicans
- 13.5% of the ABs signed were committee bills or the Independent legislator
- 34% of the signed bills were SBs
- 76% of the SBs signed were authored by Democrats

- 8.5% of the Bs signed were authored by Republicans
- 15.5% of the SBs signed were committee bills

VETOED BILLS: 66

- 7.9% of the bills were vetoed
- 68% of the vetoed bills were ABs
- 91% of the ABs vetoed were authored by Democrats
- 4% of the ABs vetoed were authored by Republicans
- 5% of the ABs vetoed were committee bills or the Independent legislator
- 32% of the vetoed bills were SBs
- 86% of the SBs vetoed were authored by Democrats
- 14% of the SBs vetoed were authored by Republicans

Summary of Governor Newsom's Prior Bill Actions

During Governor Newsom's second year in office, when 9 weeks of Session were lost and the total number of introduced bills to be considered were reduced by 76%, just over 425 bills were sent to him, and he vetoed 13% of them.

In terms of the bills that Governor Newsom *signed* in 2020, 68.5% of the signed bills were Assembly Bills and, of those 255 ABs, 79.6% were authored by Democrats and 5.5% were authored by Republicans (the remaining ones were committee bills). 31.5% of the signed bills were Senate Bills and, of those 117 SBs, 69% were authored by Democrats and 12% were authored by Republicans (the remaining ones were committee bills).

In terms of the bills that Governor Newsom *vetoed* in 2020, 64% of the vetoed bills were Assembly Bills and, of those 36 ABs, 89% were authored by Democrats and 11% were authored by Republicans. 36% of the vetoed bills were Senate Bills and, of those 20 SBs, 95% were authored by Democrats and 5% were authored by Republicans.

In Governor Newsom's first year in office, he signed 1,016 bills (83.5% of the bills sent to him) and vetoed 201 bills (16.5% of the bills sent to him). That year, 65% of the signed bills were ABs and 79% of the ABs signed were authored by Democrats and 77% of the SBs signed were authored by Democrats. Of the vetoed bills that year, 74% of those were ABs and 84% of the ABs vetoed were authored by Democrats and 94% of the SBs vetoed were authored by Democrats.

Historical Look at How Many Bills Get to the Governor's Desk

- During Governor Wilson's 8 years in office, between 1,050 – 1,700 bills were sent to him annually, and he vetoed between 8% – 24% of them.

- During Governor Davis' 5 years in office, between 950 – 1,450 bills were sent to him annually, and he vetoed between 6% – 25% of them.
- During Governor Schwarzenegger's 7 years in office, between 900 – 1,250 bills were sent to him annually, and he vetoed between 22% – 35% of them.
- During Governor Brown's (second) 8 years in office, between 850 – 1,200 bills were sent to him annually, and he vetoed between 10% – 15% of them.

David Mullinax
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October treats for cities as Governor takes final action on 2021 bills

Oct 13, 2021

The Governor took action on several high-profile broadband, Brown Act, public safety, and recycling bills in the days leading up to his sign/veto deadline.

With a few strokes of his pen, Gov. Gavin Newsom closed out California's 2021 political year over the weekend. This year's legislative session was much less chaotic than the last, which ended with a crying baby, a cursing legislator, and bills that died as the clock ran out — a fitting end for 2020. Lawmakers were more focused this year, introducing a whopping 2,421 bills, far more than in 2019 or 2020. Of the 836 bills that reached the Governor's desk, 92% were signed. He vetoed just 66 bills, a relatively paltry percentage when compared to his first two years.

Here are some of the key bills that met a grisly, October end since Cal Cities' September 29 update — and those that sailed safely into the Secretary of State's office to be chaptered into law.

Key broadband bills compliment largest ever public broadband infrastructure investment

The pandemic shined a spotlight on the state's lack of high-quality, equitably distributed, and affordable broadband in rural, urban, and suburban communities — something Cal Cities has advocated on for many years. This year, the state made significant progress on closing the digital divide by passing a landmark $6 billion broadband infrastructure package,, as well as AB 14 (Aguiar-Curry) and SB 4 (Gonzalez). The two Cal Cities-supported measures prioritize the broadband needs of California's unserved and underserved communities and make important, separate tweaks to the California Advanced Services Fund surcharge program.

The bills' passage was accompanied by a welcomed veto of SB 556 (Dodd), which would have forced local governments to make space on public infrastructure available to telecommunications providers. The Governor's veto message largely mirrored Cal Cities' arguments, with the Gov. Newsom noting that provisions of the bill "conflict with and complicate some of the FCC requirements." He also stated, "part of our achievements laid out in the broadband budget bill… enables and encourages local governments to take an active role in last mile deployment and, in doing so, drive competition and increase access."

Brown Act bill gets last-minute ax

After nearly two years of successfully operating in a virtual environment — facilitated in part by two executive orders and the recently passed AB 361 (Rivas, Robert) — Brown Act modernization was top of mind for many lawmakers and city officials. As one of his last actions, the Governor vetoed AB 339 (Lee), a Cal Cities-opposed bill that forced telephonic or internet-based call-in options for city councils in jurisdictions with a population above 250,000 people.

The Governor shared many of Cal Cities concerns, noting that the bill would "set a precedent of tying public access requirements to the population of jurisdiction," "limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings," and "puts the health and safety of the public and employees at risk." Cal Cities continues to look at ways to revise and modernize the Brown Act to increase public access while protecting public health and safety.

Pandemic regulatory relief maintains local control

In a move to support California's post-pandemic recovery, the Governor signed several pieces of legislation that build upon some of the state's more successful pandemic-era rules: SB 314 (Wiener), AB

61 (Gabriel), and SB 389 (Dodd). All three Cal-Cities supported measures create some sort of regulatory flexibility or relief to qualified businesses serving alcoholic beverages in nontraditional spaces due to indoor dining restrictions. Cal Cities secured key amendments preserving local authority in SB 314 and AB 61.

Online sales tax study vetoed

During the pandemic, consumers flocked to online shopping as a safe alternative to brick-and-mortar stores, changing the flow of sales tax revenues across the state. SB 792 (Glazer), which would have better informed the public about online transactions and the flow of goods, seemed poised to go into law, thanks to a last-minute push from Cal Cities members and others. However, the Governor returned the bill to the Senate without his signature, noting that it creates a "burdensome and costly new reporting requirement for many retailers that is unrelated to their tax obligations." Cities will have to continue relying on current analysis, which is constrained to modeling with transaction and use tax (district tax) data from about half of California's 482 cities.

Recycling programs receive key modifications

The last two weeks resulted in some important, crucial tweaks to California's recycling programs and infrastructure. The Governor augmented the organic waste recycling funding found in a last-minute trailer bill by signing SB 619 (Laird). The bill gives local governments a pathway to compliance with SB 1383 (Lara, 2016) organic waste diversion regulations.

The Cal Cities-supported AB 1311 (Wood) expands the number of beverage container redemption opportunities under the California Beverage Container Recycling and Litter Reduction Act, which will help create new opportunities for consumers to redeem their California Redemption Value and preserve the program's core functions.

SB 343 (Allen) clarifies which materials are suitable for recycling. Due to decades of greenwashing, many consumers wrongly assume that all materials with the word "recyclable" or the "chasing arrows" symbol are recyclable. These designations will be now reserved for materials that are truly recyclable and routinely sold to manufacturers to make new products. These changes will reduce contamination, lower waste volume, and improve recycling rates. SB 343 passed thanks to a coalition of nonprofits and local government partners and despite intense opposition from the American Chemistry Council, the Plastics Industry Association, and others.

High-profile police reform bills signed

The Governor waited until after the recall to take action on most bills, including a slew of peace officer certification and decertification bills. Cal Cities remained highly engaged on these issues throughout the year, negotiating changes that removed some of the more contentious elements for cities.

For example, Cal Cities removed its opposition to SB 16 (Skinner) after key amendments were made. As previously drafted, the bill would have made every incident involving unreasonable or excessive force and any sustained finding that an officer failed to intervene in such cases subject to disclosure. The bill now only mandates the disclosure of substantiated claims. Cal Cities also supported AB 89 (Jones-Sawyer) after amendments were made to address concerns about its impact on recruitment and a lack of access to higher education in some communities. The bill takes a nuanced, collaborative, and thoughtful approach to the law enforcement certification process. Both measures were signed by the Governor.

Cal Cities secured substantial amendments to SB 2 (Bradford), a decertification bill that addressed concerns related to liability under the Tom Bane Civil Rights Act. However, the bill missed the mark in several key areas, including the composition of the new Peace Officer Standards and Training Commission advisory board and the federally held doctrine of qualified immunity, which it undercuts. Despite strong opposition from Cal Cities and public safety organizations, the Governor signed SB 2 into law.

He also signed AB 48 (Gonzalez, Lorena), a measure opposed by Cal Cities that severely limits the tools at an officer's disposal to protect public safety. Although the bill's author made amendments to address the outright prohibition of chemical agents, its restrictions remained overly broad for public safety officers.

One of the last bills the Governor acted on was AB 603 (McCarty), which he vetoed. The measure would have required cities to post details about money spent on law enforcement-related settlements and judgments online. Cal Cities argued that the bill would both undermine trust — as most defendants settle with the plaintiff out of economic necessity — and impose a significant, non-reimbursable cost statewide. The Governor partially agreed with Cal Cities, noting that the information is already available and could “have potentially significant General Fund costs associated with [it].”

What now?

These bills are just a few of the new laws that will impact cities going forward into 2022. Cal Cities will hold a webinar on priority bills that were signed by the Governor later this year. Officials unable to attend should look out for Cal Cities’ 2021 Legislative Year in Review, which will be published in the January 2022 issue of *Western City* magazine. Next year will undoubtedly be another interesting year, with affordable housing, climate change, and COVID-19 still top-of-mind for lawmakers and the Governor, along the 2022 election. Whatever the new year brings, Cal Cities will continue to fight on behalf cities to ensure that their voices and needs are heard in the Capitol.

Membership Survey: Help drive Cal Cities' 2022 action agenda

Oct 6, 2021

Cal Cities advocacy efforts depend on member input to be successful. Tell us about the issues facing your city through our Legislative Priorities Membership Survey, which will help shape the 2022 Action Agenda.

The League of California Cities is seeking feedback on the biggest issues facing cities in the next three years through its Legislative Priorities Membership Survey. Members have until October 15 to submit their comments and concerns through a short, online survey. The results will help determine the 2022 Action Agenda, consisting of our top legislative priorities, which will be adopted by the Cal Cities Board of Directors in December. Legislative priority-setting is a central element of the December board meeting, as the priorities established set the course for the organization for the coming year.
The survey has become an important source of information for Cal Cities, and the feedback received plays a crucial role in developing member-informed legislative priorities.

In order to represent the diversity of California's cities, local officials from all member cities are encouraged to participate. The survey takes just a few minutes to complete and provides an opportunity to help influence and inform the Cal Cities Action Agenda.

Cal Cities' effectiveness as the leading voice of California cities is possible because we focus on the common interests of our members, which makes your feedback vital.

The survey will close on **Friday, October 15**. For more information about the survey, please email membership@calcities.org.

LEAGUE OF CALIFORNIA CITIES

CalPERS Update: How We Got Here and What's Next

October 14, 2021 1:00 PM — 2:30 PM

Register

For many cities, pension costs are the second-largest budget line item after salaries. CalPERS is currently considering a possible adjustment to the discount rate, which will impact city budgets. This webinar will educate city officials in preparation for the important decisions being made by the CalPERS Board of Administration and bring them up to speed on what is taking place at CalPERS.

CalPERS Chief Executive Officer Marcie Frost, with CalPERS Board Member, League of California Cities Board Member, and Palm Springs City Council Member Lisa Middleton, will give a historical perspective about how we got here and what big issues and decisions are facing the CalPERS system.

Join this webinar to learn about where we were in 2000, the Public Employees' Pension Reform Act, the performance of the investment fund, the recently triggered Funding Risk Mitigation Policy, the ongoing Asset Liability Management Review (conducted every four years by the board), possibilities for further adjusting the discount rate, potential increases for PEPRA member contributions, and a look at the impacts on future employer rates.

Moderator:
Leyne Milstein – Assistant City Manager, City of Sacramento

Presenters:
Marcie Frost – CalPERS Chief Executive Officer
Lisa Middleton – Mayor Pro Tem, City of Palm Springs, CalPERS Board of Administration

This webinar is complimentary to Cal Cities Members and League Partners. Non-member cities and all others will be charged $100. Register by October 13.

For questions about how to register for the webinar, please contact Megan Dunn at mdunn@calcities.org. For all other questions, please contact Christina George at cgeorge@calcities.org.