City of Carpinteria
City Council Regular Meeting Agenda
Monday, December 9, 2024
Council Chamber, 5775 Carpinteria Avenue, Carpinteria, CA 93013

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

Attendance/Viewing Options:

- Attend the in-person meeting in City Council Chambers at City Hall (5775 Carpinteria Ave.).
- View the meeting live through the City's website (https://carpinteriaca.gov/city-hall/agendas-meetings/).
- 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.
- Join the City's Zoom webinar 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.
- Spanish interpretation will be available at the in-person meeting and through the City's Zoom webinar.

Public Comments

- Provide a live public comment in City Council Chambers at City Hall (5775 Carpinteria Ave.).
- 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. 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@carpinteriaca.gov, or (2) the **eComment** link on the City's agenda website available at https://carpinteriaca.gov/city-hall/agendas-meetings/. Please reference the agenda item to which your comment pertains. Although written comments become part of the record, they will not be read aloud at 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.

Levine Act Warning

Applicants and their agents before the City Council are subject to the campaign disclosure provisions detailed in Government Code Section 84308. No City Council Member may accept, solicit, or direct a contribution of more than $250 from any party or agent for 12 months following the date a final decision is rendered by the City. This prohibition commences when an application has been filed, or the proceeding is otherwise initiated. A party to a City proceeding—which includes both applicants and agents—shall disclose on the record of the proceeding any contribution of more than $250 made to any Council Member by the applicant or agent, during the preceding 12 months. No party to a City proceeding, or agent, shall make a contribution to a Council Member during the proceeding and for 12 months following the date a final decision is rendered by the City. Prior to rendering a decision on a City proceeding, any Council Member who received contribution of more than $250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any Council Member receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, the Council Member shall be permitted to participate in the proceeding. If you believe that these provisions apply to you or a Council Member, please inform the City Clerk at the earliest possible opportunity. Failure to do so may affect the City's ability to process your application.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COUNCILMEMBER(S) REQUEST FOR REMOTE PARTICIPATION UNDER AB 2449: The City Council may consider Councilmember(s) request to participate in the meeting remotely under the regulations of AB 2449 by making the necessary findings and voting on whether the Councilmember(s) may participate remotely.

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.

CERTIFICATION OF THE NOVEMBER 5, 2024 ELECTION RESULTS

1. Adopt Resolution No. 6348, Reciting the Facts of the Consolidated General Municipal Election held on November 5, 2024, Declaring the Results, and Performing Such Other Matters as Provided by Law.

COMMENTS FROM COUNCILMEMBERS FOLLOWED BY COMMENTS FROM OUTGOING COUNCILMEMBER

INSTALLATION OF INCOMING COUNCILMEMBERS

a. City Clerk to administer the oath of office to new Councilmember Julia Mayer and returning Councilmembers Natalia Alarcon and Wade T. Nomura.
b. Seating of the new City Council.
c. Comments from incoming Councilmember Julia Mayer.

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS:

2. Adopt Resolution No. 6349 Commending and Thanking Councilmember Roy Lee for His Dedicated Service as Councilmember from 2018 to 2024.

ELECTION OF MAYOR AND VICE MAYOR

a. Nominations will be received for the position of Mayor.
b. Motion to Close Nominations and selection of Mayor.
c. Nominations will be received for the position of Vice Mayor.
d. Motion to Close Nominations and selection of Vice Mayor.

COMMENTS FROM OUTGOING MAYOR AND INCOMING MAYOR

RECESS FOR REFRESHMENTS IN COUNCIL FOYER

RECONVENE THE REGULAR MEETING OF THE CITY COUNCIL

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

RECONVENE THE REGULAR MEETING OF THE CITY COUNCIL

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 or as otherwise specified below.

a. City Employee Updates
b. Updates on Capital Improvement Projects
c. Updates on Development Applications
d. Other City/Community Updates

PLANNING COMMISSION ACTIONS:

The City Council may vote to appeal a decision of the Planning Commission to itself by majority vote (CMC 14.78.040(2)).

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

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 Mayor may establish reasonable regulations for public comment based on the time available and/or the number of persons waiting to speak. Typically, the Council's practice has been to limit each speaker to three minutes. The audio-visual system in the Council Chamber is not available for speaker use during the general Public Comment period.

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.

CONSENT CALENDAR: 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 please do so during the public comment period provided at the beginning of this item.

3. Approve the minutes of the regular meeting held November 25, 2024.

4. Receive and file the Expenditures for the period beginning November 18, 2024 and ending November 29, 2024.

5. Adopt Ordinance No. 787 (second reading), amending Chapter 15.80 (Development Impact Mitigation Fees) of Title 15 (Buildings and Construction) and Chapter 16.24 (Parks and Recreation Facilities Dedication and Fees) of Title 16 (Subdivisions) in the Carpinteria Municipal Code. (Requires a roll call vote.)

6. Adopt Ordinance No. 788 (second reading), adding Chapter 14.19 – RMU Residential/Mixed Use, to Title 14 – Zoning of the Carpinteria Municipal Code to Implement Program 1 of the 2023-2031 Housing Element (Project No. 24-2279-ORD/LCPA) and determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

7. Adopt Ordinance No. 789 (second reading), adding Chapter 14.51 – Objective Design Standards, to Title 14 – Zoning of the Carpinteria Municipal Code to Implement Program 1 of the 2023-2031 Housing Element (Project No. 24-2279-ORD/LCPA) and determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

8. Adopt Ordinance No. 790 (second reading), amending the City Zoning Map to rezone certain properties in the City to Implement Program One of the 2023-2031 Housing Element (Project No. 24-2279-ORD/LCPA) and determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

9. Adopt Ordinance No. 791 (second reading), amending the City Zoning Map to rezone certain properties in the City to Implement Program One of the 2023-2031 Housing Element (Project No. 24-2279-ORD/LCPA) and determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

10. Adopt Resolution No. 6350, certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's Local Coastal Program consistent with the California Coastal Act; directing that Ordinance Nos. 788, 789, 790, and 791 be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code Section 30510 and in accordance with Section 13551 of Title 14 of the California Code of Regulations; and directing that Ordinance Nos. 788, 789, 790, and 791 be transmitted to the California Department of Housing and Community Development for Housing Element Certification pursuant to Government Code Section 65585 (Project No. 24-2279-LCPA/ORD).

11. Accept Parcel Map 25,201, and associated documents including project-specific Covenants, Conditions and Restrictions (CC&Rs), and an Informational Notice

document, for the Zins SFD Demolition and Condominium Triplex Project (21-2083-DP/TPM/CDP) located at 4905 Eighth Street.

ADMINISTRATIVE MATTERS: NONE

PUBLIC HEARING:

12. Annual Report of the Development Impact Fee Program and Updating the Capital Improvement Plan. (Continued from November 25, 2024 Regular Council Meeting)

    Recommendation: Adopt Resolution No. 6347, approving and accepting the Annual Report of the Development Impact Fee Program and updating the Capital Improvement Plan.

    Staff Presenter: Stephon Downes, Management Analyst II

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

CONSIDERATION OF ANY ITEMS REMOVED FROM CONSENT CALENDAR AND/OR OTHER AGENDA ITEMS REQUESTED TO BE ADVANCED

MATTERS CONTINUED FROM PREVIOUS MEETINGS: NONE

OTHER BUSINESS:

13. Selection of City Council Representatives to Other Government Agencies, Regional Committees, City Council Joint and Standing Committees, and City Ad Hoc Committees.

    Recommendation: Assign City Council representatives to Other Government Agencies, Regional Committees, City Council Joint and Standing Committees, and City Ad Hoc Committees, as set forth in the staff report and the below sample motion.

    Staff Presenter: Brian C. Barrett, City Clerk

    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. Appointees to Other Government Agencies

    a. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) (Solórzano/Alt. Clark)
    b. California Joint Powers Insurance Authority (CJPIA) (Clark/Alt. Alarcon)
    c. Santa Barbara County Association of Governments (SBCAG)(Clark/Alt. Nomura)
    d. Santa Barbara County Air Pollution Control District (APCD)(Clark/Alt. Nomura)
    e. Central Coast Community Energy (3CE) (Goleta/Alt. Nomura)
    f. Santa Barbara Mosquito and Vector Management District (Joe Franken)
    g. Santa Barbara Metropolitan Transit District (Solórzano)

2. Regional Committees

    a. Channel Counties Division, League of California Cities (Nomura/Alt. Alarcon)
    b. Santa Barbara Joint Affordable Housing Task Group (Alarcon & Solórzano)
    c. Santa Barbara County Elected Leaders Forum to Address Homelessness (Clark/Alt. Alarcon)
    d. South Coast Youth Safety Partnership (Solórzano/Alt. Lee)
    e. Multijurisdictional Solid Waste Task Group (Lee/Alt. Alarcon)

3. Joint and Standing Committees

    a. City Council/Economic Vitality Committee (Alarcon & Lee)
    b. City Council/Public Safety Committee (Clark & Nomura)
    c. City Council/School Board Committee (Lee and Alarcon)
    d. City Council/Utilities Committee (Lee & Nomura)
    e. City Council/First District Supervisor Committee (Lee & Solórzano)
    f. City Council Finance/Budget Committee (Alarcon & 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) (PC: To Be Selected by Planning Commission) (ARB: Stein & O'Connor)
    i. General Plan and Coastal Plan Update Committee (Joint Committee membership from City Council and Planning Commission) (Lee & Clark) (PC: Benefield and Salant)

j. Public Facility Site Acquisition/Development Committee (Clark & Nomura)
k. Sustainability Committee (Nomura & Solórzano)

4. Ad Hoc Committees

a. Civic/Youth Engagement Committee (Lee & Nomura)
b. Harbor Seal Advisory Committee (Solórzano & Alarcon)

5. Appointed Representatives to Area Boards & Committees

a. Community Media Access Center (Gary Dobbins)
b. County Library Advisory Committee (Gail Marshall)

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

CLOSED SESSION

14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to 54956.9(d)(2): One potential case.

PUBLIC COMMENT ON CLOSED SESSION

TEMPORARY ADJOURNMENT TO CLOSED SESSION

RECONVENE IN OPEN SESSION

CLOSED SESSION REPORT

ADJOURNMENT

The City Council meeting of December 23, 2024 has been cancelled and the next regular City Council meeting will be held January 13, 2025 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 (805) 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, located at 5775 Carpinteria Avenue, Carpinteria, CA 93013 or by going to the City's website at https://carpinteriaca.gov/city-hall/agendas-meetings/.

This agenda was posted on Thursday, December 5, 2024, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

Certification of the November 5, 2024 Election Results

STAFF RECOMMENDATION

Adopt Resolution No. 6348, Reciting the Facts of the Consolidated General Municipal Election held on November 5, 2024, Declaring the Results, and Performing Such Other Matters as Provided by Law.

Sample Motion: I move to adopt Resolution No. 6348, as read by title only.

BACKGROUND

On April 11, 2022, the Council adopted Ordinance Nos. 752 and 753, (1) establishing district-based elections for Councilmembers and adopting the Council district map, and (2) establishing the sequence of elections for Councilmember Districts, respectively. Beginning November 2022 and every four years thereafter, the voters in Council District Nos. 1, 3, and 5 shall elect members of the City Council by District for four (4) year terms. At the November 5, 2024 General Municipal Election and every four years thereafter, the voters in Council District Nos. 2 and 4 shall elect members of the City Council by District to four (4) year terms.

In March 2024, City Council District No. 3 Councilmember Roy Lee was elected to the Santa Barbara County Board of Supervisors and will take office in January 2025. On May 7, 2024, Councilmember Lee submitted his resignation to the City Clerk, requesting to serve in the position until the swearing-in of his replacement in December 2024. On May 13, 2024, the City Council directed staff to fill Councilmember Lee's District No. 3 seat by special election, which was consolidated with the General Municipal and Presidential Elections that occurred on November 5, 2024.

On May 28, 2024, the City Council adopted a resolution calling the General Municipal Election to be held for the election of Councilmembers for District Nos. 2, 3, and 4 on November 5, 2024, and consolidating it with the Presidential General Election. As a separate item at that meeting, the Council also adopted resolutions ordering and

consolidating the submission of a measure to the voters to increase the rate of the City's Transient Occupancy Tax (Measure B2024).

DISCUSSION

On December 3, 2024, the Santa Barbara County Clerk/Registrar of Voters completed the canvass and certified the election results. The Certification is included as Exhibit A to Resolution No. 6348 (Attachment A), reciting the facts of the General Municipal Election held on November 5, 2024 and indicating the number of ballots cast for each person running for Carpinteria City Council District Nos. 2, 3, and 4, as well as the number of ballots cast for and against Measure B2024.

The results of the election are as follows:

- Natalia Alarcon is elected to City Council District No. 2 (four-year term);
- Julia Mayer is elected to City Council District No. 3 (two-year term);
- Wade Nomura is elected to City Council District No. 4 (four-year term);
- Measure B2024 (Ordinance No. 780) was approved by a majority of the voters, and shall take effect ten days after the City Council certifies the election results (See Attachment B for Ordinance No. 780).

POLICY CONSISTENCY

The City Council actions relating to municipal elections are consistent with the City's policies and procedures as well as State law for general law cities.

FINANCIAL CONSIDERATIONS

There is no fiscal impact as there are sufficient funds budgeted in the Fiscal Year 2024-25 Adopted Budget for the cost of consolidation with the General Election.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The City Council is required to declare the results of the election by adoption of a resolution in accordance with Sections 10262, 10263, and 10264 of the Elections Code. Adoption of Resolution No. 6348 will formalize the election of Natalia Alarcon to City Council District No. 2 (four-year term), Julia Mayer to City Council District No. 3 (two-year term), and Wade Nomura to City Council District No. 4 (four-year term) as well as the voters' adoption of Measure B2024.

The Elections Code requires the governing boards of all general law cities who consolidate the election to certify the election results no later than the next regularly scheduled City Council meeting after receiving the election results from the County, or at a special meeting held for that purpose.

OPTIONS

The City Council's role at this stage of the election process does not allow for any alternative to certifying the election results. The Council must certify the election results, which can be accomplished by adoption of Resolution No. 6348.

PRINCIPAL PARTIES EXPECTED AT MEETING

Principal parties expected at the meeting include new Councilmember-Elect Julia Mayer and returning Councilmembers-Elect Natalia Alarcon and Wade Nomura.

ATTACHMENTS

A. Resolution No. 6348
B. Measure B2024 – Ordinance No. 780

Staff contact: Brian C. Barrett, City Clerk
(805) 755-4403; brianb@carpinteriaca.gov

Signature

Reviewed by:
Ryan Kintz, Assistant City Manager
(805) 755-4400; ryank@carpinteriaca.gov

Signature

Reviewed by: Michael Ramirez, City Manager
(805) 755-4450, ryank@carpinteriaca.gov

Signature

ATTACHMENT A

Resolution No. 6348

RESOLUTION NO. 6348

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, RECITING THE FACTS OF THE CONSOLIDATED GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024, DECLARING THE RESULTS, AND PERFORMING SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Carpinteria, California, on Tuesday, November 5, 2024, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution No. 6317, adopted May 28, 2024, the Santa Barbara County Clerk, Recorder and Assessor & Registrar of Voters canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The above recitals are true and correct, and incorporated herein by reference.

SECTION 2. That the whole number of votes (ballots) cast in the City was 6,680.

SECTION 3. That the names of persons voted for at the election for Members of the City Council for City Council District Nos. 2, 3, and 4 are as follows:

<u>City Council District No. 2 (four-year term)</u>
Adriana González-Smith
Natalia Alarcon

<u>City Council District No. 3 (two-year term)</u>
Julia Mayer

City Council District No. 4 (four-year term)
Wade Nomura

The number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure were as listed in Exhibit A, attached.

SECTION 4. That the measure voted upon at the election was as follows: Measure B2024, City of Carpinteria Essential Services, Public Safety Measure.

> Shall the measure protecting essential services including maintaining safe/clean public areas; repairing streets; addressing homelessness; emergency/disaster preparedness; maintaining sheriff's deputies; preserving library, senior, and youth programs; protecting beaches from pollution; other general government purposes; increasing Carpinteria's transient occupancy tax, paid only by hotel/motel/short-term rental guests, from 12% to 15%, generating $750,000 annually until ended by voters, requiring spending disclosures, all funds spent locally, be adopted?

The number of votes given at each precinct and the number of votes given in the City both for and against the named ballot measure are listed in Exhibit A, attached.

SECTION 5. The City Council does declare and determine that: Natalia Alarcon was elected as Member of City Council for City Council District No. 2 for the full term of four years; Julia Mayer was elected as Member of City Council for City Council District No. 3 for the half term of two years; and, Wade Nomura was elected as Member of City Council for City Council District No. 4 for the full term of four years.

The City Council does further declare and determine that the following ballot measure received more than the simple majority of affirmative votes necessary for passage, as follows: Measure B2024 received 75.55% affirmative votes.

SECTION 6. The City Clerk shall enter on the records of the City Council of the City of Carpinteria, a statement of the results of the election, showing: (1) The whole number of votes (ballots) cast in the City; (2) The names of the persons voted for; (3) The office each person was voted for; (4) The measure voted upon; (5) The number of votes given at each precinct to each person, and for and against the measure; (6) The total number of votes given to each person, and for and against Measure B2024.

SECTION 7. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

_____
Brian C. Barrett, CMC, CPMC
City Clerk, Elections Official
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 December 9, 2024.

_____
Brian C. Barrett, CMC, CPMC
City Clerk, Elections Official
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 A to Resolution No. 6348
2024 Certified Election Results

CERTIFICATION OF COUNTY CLERK/REGISTRAR OF VOTERS OF THE RESULTS OF THE CANVASS OF THE NOVEMBER 5, 2024, GENERAL ELECTION

STATE OF CALIFORNIA

COUNTY OF Santa Barbara } ss.

I, Joseph E. Holland, County Clerk/Registrar of Voters of County of Santa Barbara, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 5, 2024, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 3rd day of Decemeber, 2024, at the County of Santa Barbara

Joseph E. Holland

County Clerk/Registrar of Voters
County of Santa Barbara
State of California

Election Summary Report
Santa Barbara County Elections
November 5, 2024 Presidential General Election
City of Carpinteria Certified Results

Elector Group	Counting Group	Cards Cast	Voters Cast	Registered Voters	Turnout
Total	Poll	624	624		7.48%
	Mail	6,056	6,056		72.57%
	Total	6,680	6,680	8,345	80.05%

Precincts Reported: 12 of 12 (100.00%)

Voters Cast: 6,680 of 8,345 (80.05%)

Cards Cast: 6,680

City of Carpinteria Member City Council Dist 2 (Vote for 1)

Precincts Reported: 4 of 4 (100.00%)

	Poll	Mail	Total	
Times Cast	149	1,242	1,391 / 1,683	82.65%

Candidate	Poll	Mail	Total	
NATALIA ALARCON	65	658	723	57.56%
ADRIANA GONZÁLEZ-SMITH	58	465	523	41.64%
Write-in	1	9	10	0.80%

		Poll	Mail	Total	
Unqualified Write-In	WRITE-IN	1	9	10	0.80%
Unresolved Write-In		0	0	0	

City of Carpinteria Member City Council Dist 3 - Short Term (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

	Poll	Mail	Total	
Times Cast	132	1,400	1,532 / 1,895	80.84%

Candidate	Poll	Mail	Total	
JULIA MAYER	85	1,021	1,106	96.43%
Write-in	3	38	41	3.57%

		Poll	Mail	Total	
Unqualified Write-In	WRITE-IN	3	38	41	3.57%
Unresolved Write-In		0	0	0	

City of Carpinteria Member City Council Dist 4 (Vote for 1)

Precincts Reported: 2 of 2 (100.00%)

	Poll	Mail	Total	
Times Cast	106	1,268	1,374 / 1,717	80.02%

Candidate	Poll	Mail	Total	
WADE NOMURA	86	1,028	1,114	97.98%
Write-in	2	21	23	2.02%

		Poll	Mail	Total	
Unqualified Write-In	WRITE-IN	2	21	23	2.02%
Unresolved Write-In		0	0	0	

Measure B2024 City of Carpinteria - City Transient Occupancy Tax Increase Measure (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

	Poll	Mail	Total	
Times Cast	624	6,056	6,680 / 8,345	80.05%

Candidate	Poll	Mail	Total	
YES	406	4,267	4,673	75.55%
NO	154	1,358	1,512	24.45%

		Poll	Mail	Total	
Unresolved Write-In		0	0	0	

ATTACHMENT B

Ordinance No. 780

ORDINANCE NO. 780

AN ORDINANCE OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING SECTION 3.20.030 OF THE CARPINTERIA MUNICIPAL CODE TO INCREASE THE UNIFORM TRANSIENT OCCUPANCY TAX ON RENT CHARGED TO HOTEL GUESTS FROM TWELVE PERCENT (12%) TO FIFTEEN PERCENT (15%) EFFECTIVE JANUARY 1, 2025

WHEREAS, pursuant to California Revenue and Taxation Code Section 7280, the City of Carpinteria ("City") levies an transient occupancy tax on short-term hotel stays in the City, as regulated under Chapter 3.20 ("Uniform Transient Occupancy Tax") of Title 3 ("Revenue and Finance") of the Carpinteria Municipal Code ("CMC");

WHEREAS, on May 28, 2024, through the adoption of Resolution No. 6320 by a two-thirds (2/3) majority vote of all members of the City Council as required by Government Code Section 53724(b), the City Council resolved to submit this Ordinance to the qualified voters of the City at the November 5, 2024 General Municipal Election;

WHEREAS, this Ordinance imposes an additional three percent (3%) tax to the existing twelve percent (12%) transient occupancy tax ("TOT"), thereby increasing the TOT to fifteen percent (15%); and,

WHEREAS, this Ordinance is anticipated to raise an additional $750,000 in revenue annually, for deposit to the City's general fund and used for any general governmental purpose within the City.

NOW THEREFORE, THE PEOPLE OF THE CITY OF CARPINTERIA DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. All the foregoing recitals are true and correct and are each relied upon independently by the People for its adoption of this Ordinance.

SECTION 2. Text Amendment. Subject to the approval of a majority of the qualified voters of the City of Carpinteria at the November 5, 2024 General Municipal Election, Section 3.20.030 of Chapter 3.20 of Title 3 of the CMC is hereby amended to read as follows, with additions noted in ***bold italics*** and deletions noted in ~~strikeout~~:

"3.20.030 - Tax imposed—Rate—Debt to city.

For privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ~~twelve~~ ***fifteen*** percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or the city."

SECTION 3. General Tax**.** The TOT assessed by this Ordinance shall be collected and administered in the manner set forth in Chapter 3.20 of the CMC. Said tax is a general tax as defined in Subsection (a) of Section 1 of Article XIIIC of the California Constitution, the proceeds of which shall be deposited in the City's general fund to be used for any lawful general purposes of the City, including but not limited to, maintaining safe/clean public areas; repairing streets; addressing homelessness; emergency/disaster preparedness; maintaining sheriff's deputies; preserving library, senior, and youth programs; and protecting beaches from pollution.

SECTION 4. Approval by the City Council. Pursuant to California Government Section 53724 and Revenue and Taxation Code Section 7280, this Ordinance was duly approved for placement on the ballot by a minimum two-thirds (2/3) majority of all members of the City Council on May 28, 2024.

SECTION 5. Approval by Voters and Effective Date. Pursuant to California Constitution Article XIIIC Section 2(b) and California Elections Code Section 9217, this Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Carpinteria voting at the General Municipal Election to be held on November 5, 2024. It shall be deemed adopted when the City Council has certified the results of that election by resolution and shall take effect ten (10) days thereafter.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People of the City of Carpinteria hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 7. Execution. The Mayor and the City Clerk are hereby authorized to sign and attest to the adoption of this Ordinance upon certification by the City Council of the results of the election approving this Ordinance.

I hereby certify that the foregoing Ordinance was duly adopted by a majority of the qualified electors of the City of Carpinteria casting votes on the question in the General Municipal Election held on November 5, 2024, by the following electoral results:

VOTES IN FAVOR: 4,673

VOTES AGAINST: 1,512

_____
Mayor of the City of Carpinteria

ATTEST:

_____
Brian C. Barrett, CMC, CPMC
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

RESOLUTION NO. 6349

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA COMMENDING AND THANKING ROY LEE FOR HIS DEDICATED SERVICE AS COUNCILMEMBER FROM 2018 TO 2024

WHEREAS, *Roy Lee was elected at-large to the Carpinteria City Council on November 6, 2018 and sworn into office on December 10, 2018; and*

WHEREAS, *during his six years on the City Council, Mr. Lee's proudest achievements while serving on the Council were the Carpinteria Skate Park, the Carpinteria Community Library, and senior services programming; and*

WHEREAS, *Mr. Lee has been a strong supporter of local business as the owner of Uncle Chen restaurant in Carpinteria; and*

WHEREAS, *Councilmember Lee successfully ran for a second term, this time serving as City Councilmember for District No. 3; and*

WHEREAS, *Mr. Lee has assisted in leading the effort on the Ad Hoc Senior Services Planning Committee to research and provide recommendations to the Council on creating a senior/community center and determining programming to provide a variety of services to the local senior community; and*

WHEREAS, *during his tenure, Mr. Lee represented the City on numerous Boards and Committees including the Utilities Committee, First District Supervisor Committee, Transportation Committee, General Plan Update Committee, Housing Assistance Benefit Committee, Law Enforcement Services Agreement Committee, Marijuana Ad Hoc Committee, Channel Counties Division of the League of California Cities, South Coast Youth Safety Partnership, Economic Vitality Committee, School Board Committee, Library Committee, COVID-19 Recovery Committee, Multijurisdictional Solid Waste Task Group, Boards, Commissions and Committees Interview Committee, Senior Services Planning Committee, and Civic/Youth Engagement Committee; and*

WHEREAS, *Mr. Lee ran for District 1 County Supervisor for the County of Santa Barbara and won the election on March 5, 2024; and*

WHEREAS, *Mr. Lee submitted his resignation from the Carpinteria City Council on May 7, 2024 effective upon the swearing-in of his replacement on December 9, 2024.*

NOW, THEREFORE BE IT RESOLVED *as follows:*

SECTION 1. *The above recitals are true and accurately describe examples of the significant contributions Roy Lee has made to the Carpinteria community during his tenure on the City Council.*

SECTION 2. *The City Council commends and thanks Roy Lee for his six years of service to the Carpinteria community as a member of the City Council and wishes him all the best in his endeavors as District 1 County Supervisor.*

PASSED, APPROVED AND ADOPTED *on this 9th day of December, 2024.*

ATTEST:

_____
Al Clark, Mayor
City of Carpinteria

_____
Brian C. Barrett, CMC, CPMC
City Clerk

CARPINTERIA LIBRARY BOARD OF TRUSTEES
5775 Carpinteria Avenue
Carpinteria, CA 93013

REGULAR MEETING AGENDA
MONDAY, DECEMBER 9, 2024
5:30 P.M.

---

1. Call to order and roll call.

2. Confirmation of legal noticing and procedural requirements of meeting.

3. Public Comment – This is the time for public comments on matters not otherwise on the agenda but within the subject matter of the Carpinteria Library Board of Trustees.

4. Approval of minutes of the regular meeting held November 12, 2024.

5. December 2024 Community Library Report.

   Recommendation: Receive and file the report.

6. New Business & Discussion.

7. Adjournment.

The Carpinteria Library Board of Trustees agenda and any associated staff reports will be available on Thursday, December 5, 2024 on the City's Website: https://carpinteriaca.gov/city-hall/agendas-meetings/. The Carpinteria Library Board of Trustees agenda and staff reports are part of the City Council agenda for its regular meeting of December 9, 2024. Please see "TEMPORARY ADJOURNMENT FOR THE PURPOSE OF HOLDING THE MONTHLY MEETING OF THE CARPINTERIA LIBRARY BOARD OF TRUSTEES." Details and procedures on how to provide public comment and participate in the meeting through telephonic means are available on the posted City Council agenda at https://carpinteriaca.gov/city-hall/agendas-meetings/.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Brian Barrett, City Clerk at brianb@carpinteriaca.gov or (805) 755-4403. Notification two business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting. This agenda was posted on Thursday, December 5, 2024, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

CARPINTERIA LIBRARY BOARD OF TRUSTEES
5775 Carpinteria Avenue
Carpinteria, CA 93013

REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 12, 2024

---

1. Call to order and roll call.

President Clark called the meeting to order at 5:31 pm.

Boardmembers present:	Boardmember Roy Lee Boardmember Wade T. Nomura (arrived at 5:42 pm) Boardmember Mónica J. Solórzano Vice President Natalia Alarcon President Al Clark
Staff members present:	Michael Ramirez, Chief Executive Officer Jena Shoaf Acos, Legal Counsel Eric Castro, Community Engagement Library Specialist Brian C. Barrett, Secretary

2. Confirmation of legal noticing and procedural requirements of meeting.

Secretary Barrett acknowledged that all legal noticing and procedural requirements have been met.

3. Public Comment

There was no public comment.

4. Approval of minutes of the regular meeting held October 14, 2024.

There was no public comment.

Motion by Boardmember Lee, seconded by Boardmember Solórzano, to approve the minutes of the regular meeting held October 14, 2024. Upon voice vote, the motion carried unanimously with Boardmember Nomura absent.

5. November 2024 Community Library Report.

Recommendation: Receive and file the report.

Community Engagement Library Specialist Castro presented the staff report and PowerPoint presentation.

There was no public comment.

Motion by Boardmember Solórzano, seconded by Boardmember Nomura, to receive and file the report. Upon voice vote, the motion carried unanimously.

6. New Business & Discussion.

There was no new business nor discussion.

7. Adjournment.

President Clark adjourned the meeting at 5:51 pm.

_____
Brian C. Barrett, CMC, CPMC, Secretary

City of Carpinteria

LIBRARY BOARD OF TRUSTEES AGENDA STAFF REPORT
December 9, 2024

ITEM FOR LIBRARY BOARD OF TRUSTEES CONSIDERATION

December 2024 Community Library Report

STAFF RECOMMENDATION

Receive and file the report.

Sample Motion: I move to receive and file the Carpinteria Community Library report.

BACKGROUND

The Carpinteria Community Library, established by Ordinance No. 747 on June 14, 2021, and added to the Municipal Code, Chapter 2.38, also established a Library Board of Trustees (section 2.38.030) to meet at least once a month.

The purpose of this agenda item is to provide Council an update on the Library's programs, outreach efforts, operations, and staff changes, if any.

DISCUSSION

Program Updates:

Know Your Rights Forum: In response to input from library patrons and a request from City Council, the Carpinteria Community Library will host a "Know Your Rights" forum for immigrants residing in the Library service area. Scheduled for Wednesday, December 18, at 5:30pm at the Veteran's Memorial Building auditorium, the event will feature immigration attorneys, local subject matter experts, and the Library's Community Engagement Librarian. There will be food offered and childcare provided. We intend this free event will be offered in Spanish with simultaneous English translation. The Know Your Rights Forum is in partnership with the Carpinteria Children's Project.

Google Apps Class: Building on the Basic Computer Class offered in partnership with Partners in Education, the Library has launched a Monday evening Google Apps class in

Spanish. This program continues to attract 12-14 participants weekly, supporting digital literacy in the community.

English and Math Tutoring**:** Two volunteers have begun providing English language tutoring to middle school students who need to achieve fluency quickly. These volunteers are also offering math tutoring for students requiring additional academic support.

Events**:** The third annual Frosty Fest, an all-ages winter-themed event, was held with support from AgeWell program coordinator Jena Jenkins. Upcoming December programming includes "Silent Night", a book club for those who want to read with others, but want to read to themselves. Participants will bring their own book and the Library will provide hot cocoa and tea. An Early Music Candlelight concert will be performed by local musicians from the Early music Ensemble.

California Freedom to Read Act Compliance: Following the passage of the California Freedom to Read Act in September, 2024, the Library is reviewing its Collection Development Policy to ensure compliance.

This bill requires every public library jurisdiction that directly receives any state funding to establish, adopt, and maintain a written and publicly accessible collection development policy for its libraries by January 1, 2026. Written to protect public libraries from book challenges and public library librarians from termination or retaliation for refusing to remove library materials before it has been reviewed in accordance with the approved process.

To help libraries be compliant with the California Freedom to Read Act, the State Library will review collection development policies following the outlined process and checklist:

Review the collection development policy from a library in accordance with the checklist and verify the following statements are true:

- The library posted their collection development policy on their public website.
- The policy establishes a process for community members to share their concerns regarding library materials and to request that library materials be reconsidered for inclusion in the library's collection.
- The policy guides the selection and deselection of materials.
- The policy contains the following statements:
    - The "collection meets the broad and diverse interests of the community and respects both the library's autonomy and their specific community needs."
    - The "public library serves as a center for voluntary inquiry and the dissemination of information and ideas."
    - "Library materials should be provided for the interest, information, and enlightenment of all people, and should present diverse points of view in the collection as a whole."
    - The "right of the public to receive access to a range of social, political, aesthetic, moral, and other ideas and experiences" is acknowledged.

Although Carpinteria Community Library recently updated the Collection Development policy, it must be reviewed and mapped to correlate existing language with the above language or the above language must be included.

Public Health Collaboration: In partnership with the County Public Health Clinic, the Library distributed free COVID-19 test kits in November, providing two tests per household while supplies lasted.

Statistics: The Public Library Survey for FY24 has been completed, revealing notable statistics, including impressive website traffic and volunteer contributions. Over the fiscal year, the Library operated for 2,418 hours and welcomed 63,391 visitors. Volunteers generously contributed more than 1,000 hours to support library operations and programs. A total of 106,668 items, both digital and physical, were circulated, while in-person programs attracted a combined attendance of 7,800 participants. Additionally, the Library's website recorded 168,648 virtual visits, highlighting the community's strong engagement with its online resources.

Staff and Operations Updates: The Library held the second-quarter staff training session on November 21, 2024. Staff was trained on Homework Help by a company representative, planned for 2025, and spent time updating operational efficiencies.

The Library hosted a Santa Barbara Middle School intern during the week prior to Thanksgiving, with the purpose of introducing them to all the different things that happen and get done at a public library.

Applications for the Literacy Coordinator position are under review, and interviews will be scheduled shortly.

The City of Carpinteria has invested in Emergency Operations training with the County EOC. The Parks, Recreation and Community Services Department, of which the Library is a part, will be providing logistics support in the event of a City or County-wide emergency requiring emergency operation center activation.

Carpinteria Community library has the RFID reader wand on loan from Black Gold. It is used to discover items on the shelf that belong to other libraries, and otherwise discover discrepancies with the collection. The plan is to complete the process of reviewing the entire collection in December.

Gail Marshall is stepping down from her City appointed position as the Carpinteria Representative to the Santa Barbara County Library Advisory Committee. Gail has offered expertise and professional guidance during an instrumental period as Carpinteria navigated the initial years of managing a city library. Library staff have so much gratitude for her experience and valuable counsel during her tenure.

POLICY CONSISTENCY

The Library programs and resources are consistent with the actions of the City Council concerning the establishment of a municipal library.

FINANCIAL CONSIDERATIONS

All resources and activities are budgeted in the FY2024-2025 Library budget.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

As determined necessary and appropriate, staff consults with the City Attorney's Office and risk managers of its insurance entity, the California Joint Powers Insurance Authority, in order to ensure compliance with legal requirements and best practices.

OPTIONS

1. Receive and file.
2. Direct staff as appropriate.

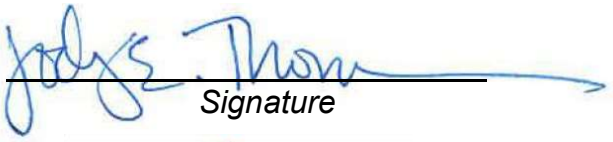
PRINCIPAL PARTIES EXPECTED AT MEETING

None

ATTACHMENTS

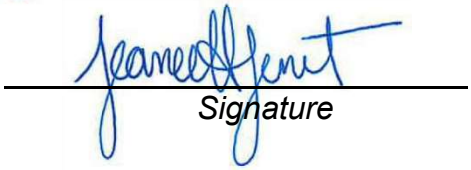
None

Staff contact:
Jody Thomas, City Librarian
(805) 684-4314, jodyt@carpinteriaca.gov



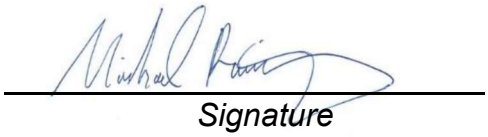
Signature

Staff contact: Jeanette Gant, Director of Parks, Recreation and Community Services
(805) 755-4449, jeanetteg@carpinteriaca.gov



Signature

Staff contact: Michael Ramirez, City Manager
(805) 755-4450, michaelr@carpinteriaca.gov



Signature

Memorandum

Date: **December 05, 2024**

To: Michael Ramirez, City Manager

From: **Chief Rich Brittingham**

Subject: City of Carpinteria – November 2024 Monthly Report

cc: Ryan Kintz, Assistant to the City Manager

City of Carpinteria
Chief's Recap

Friday 11-1-24

Friday, 11/01/24, 12:02 pm
459 R PC (Residential Burglary)
The Reporting Party (RP) called in to report that her parent's condo had been broken into. Upon arrival at the scene, the RP showed the deputy the sliding glass door in one of the bedrooms to the rear of the residence that had been shattered. Numerous drawers and cabinets had been opened, however, according to the RP, there was nothing missing. Since the RP's parents no longer lived at the residence, it was only utilized occasionally for vacation purposes. The last time anyone was at the residence was mid-October. The suspect(s) were not identified.

Monday, 11/04/24, 9:10 am
11364HS (Possession of Drug Paraphernalia), 11377 HS (Possession of Methamphetamine)
Deputies contacted multiple subjects at a local motel in Carpinteria. One subject

was on Pre-trial probation and deputies conducted a probation search of the hotel room. During the search deputies located a plastic bindle containing a white crystalline substance, presumably methamphetamine and a methamphetamine glass pipe with a usable amount of methamphetamine, in violation of 11377(a) HS and 11364(a) HS.

Tuesday, 11/12/24, 1:39 pm
11364 HS (Possession Drug Paraphernalia), 11377 HS (Possession Methamphetamine)
Deputies responded to Foothill Road and Linden to investigate a report of trespassing. Deputies detained the suspect and performed a pat-down and located a methamphetamine pipe and one 40mm round of ammunition when he consented to a search. Deputies arrested the suspect and obtained permission to search the vehicle, where deputies located a usable amount of methamphetamine. The suspect was arrested for violation of 11377(a) HS- Possession of methamphetamine, 11364(a) HS - Possession of drug paraphernalia.

Monday, 11/18/24, 10:16 pm
487PC (Grand Theft)
An unknown suspect cut off and stole a catalytic converter from the victim's white Toyota Tacoma. The victim valued the damage to be approximately $2,000. The unknown suspect(s) is in violation of 487 PC, grand theft.

Community Outreach

- K-9 Deputy Carovano attended the Veteran's Story Telling Hour at the Veteran's Hall on November 7th.
- K-9 Deputy Van Hemert, and Deputies Cole and Schoenneman visited Kinderkirk Preschool and conducted a "Show and Tell" with the kids and teachers. Deputies explained their duties and answered a lot of questions. K-9 Kaz was also introduced to the class. The kids were able to see the inside of the patrol vehicle, operate the emergency lights, and received SBSO stickers and bracelets.

Upcoming Events to look for:

- Deputy Pereyra is working on an elder scam presentation that will be given in January 2025, in both English and Spanish
- Deputy Goodwin is working on an E-bike safety and bicycle safety presentation for Carpinteria High school, also should take place in January 2025

Criminal Investigations Bureau
City of Carpinteria Investigations

Case Overview (November Stats)

Number of new cases forwarded to investigations:34

Number of cases suspended: 0

Number of cases assigned: 0

Number of cases closed by arrest: 0

Number of cases closed by other: 29

Number submitted for complaint: 1

Number of current active cases: 17

Chief's Message

Please remember to call 911 (non-emergency number if it is not critical) immediately for a law enforcement response when crimes are committed, especially when the suspect displays violent behavior.

Non-Emergency Dispatch Number: 805-683-2724

- Burglaries and thefts continue throughout the Carpinteria and surrounding areas. Please remember to take precaution and lock your doors, keep items out of sight, and utilize proper lighting (motion lights around the house, parking in well-lit areas, etc.).

- Prop 36 passed recently which will reinstate potential harsher penalties for some theft and drug crimes. It allows for felony charges for possession of certain drugs and for theft under $950, if the suspect has two prior drug or theft convictions. Original prop 36- early 2000's (focused on drug rehabilitation, not incarceration). Prop 47- 2014 (Focused on thefts, raising felony charges to over $950 instead of $450).

Respectfully,

Chief Rich Brittingham

Rich Brittingham, Lieutenant
Santa Barbara County Sheriff's Office
South County Operations Division-Coastal
City of Carpinteria-Chief of Police Services
805-568-3388 Office
805-566-2166 Fax

Commander's Recap
Coastal Patrol Bureau

October 27, 2024 – November 2, 2024

Sunday 10-27-24

1501 23152VC 4545 Carpinteria Ave Pereyra

Deputies responded to the above address for a report of a crash. The reporting party stated the driver of the other car, [redacted] was removing alcohol bottles from his vehicle. When contacted, [redacted] eyes were glossy, and his eye lids were droopy. In addition, I could smell a strong odor of alcohol emitting from his breath. [redacted] displayed both mental and physical impairment throughout the sobriety tests.

During an evidentiary/inventory search of his vehicles deputies located suspected cocaine, empty pills, multiple micro scoops, an unknow liquid, pills, and cash, violation of 11350(a)HS- Possession of Cocaine, 11351(a)HS- Sales of cocaine. [redacted] was booked into the Santa Barbara Main Jail for the DUI and the above-mentioned violations.

Monday 10-28-24

0925 242 PC 5000 block Carpinteria Ave Flores

Deputies responded to a physical altercation between a male & female. The female sustained minor injuries to the back of her head and back & desired prosecution. [redacted] was arrested and transported to Santa Barbara County Jail (SBCJ) for the violation of 242 PC-Battery.

Wednesday 10-30-24

0926 459.5 PC 850 Linden Ave Flores

[redacted] walked into the Smart and Final store and stole a monster coffee drink and made no attempts to pay for it. The total cost of the item stolen was $3.04. [redacted] was arrested & transported to SBCJ.

Thursday 10-31-24

160 PC 459, 69, 148 3500 block Via Real Goodwin

Deputies responded for a possible trespasser inside the residence. Deputies were able to set a perimeter and establish visuals on the suspect, later identified as [redacted], through the rear glass doors. Deputies gave commands utilizing the Car PA system, but [redacted] was non-compliant, refusing to walk out of the residence. Deputies formed a contact team at the rear patio and gave additional commands, [redacted] refused, and deputies forced entry. Once deputies entered through the rear patio door, [redacted] ran and locked himself into the bathroom. Deputies gave additional commands to [redacted] who continued to be non-compliant, and deputies forced entry into the bathroom effecting the arrest. While escorting Irlmeier to the patrol car, he tensed up and wrapped his leg around the deputy causing injury to the deputy. [redacted] was arrested for felony 459PC and 148(A)(1) PC & transported to SBCJ.

Friday 11-1-24

1202 459R 5455 Eighth St Schoenneman

Reporting Party (RP) called in to report that her parent's condo had been broken into. Upon arrival at the scene, RP showed me a sliding glass door in one of the bedrooms to the rear of the residence that had been shattered. Numerous drawers and cabinets had been opened, however, according to the RP, there was nothing missing. The suspect(s) were unknown.

1314 20002 Linden roundabout Schoenneman

RP called in to report that he was the victim of a hit and run that had occurred at the Linden Roundabout at approximately 1050 hours. The RP stated he was about to get on the 101 NB at the roundabout, when a silver Volkswagen sideswiped his vehicle and continued onto the 101 NB without stopping. The RP returned home and called law enforcement to file a report approximately two hours later.

1335 PC 532(a) 1015 Mark Ave Cole

[redacted] had [redacted] pick up 19 Pallets of Honey, which were believed to have been delivered to an [redacted] location. [redacted] discovered the bill of lading that was provided to them was fraudulent, and [redacted] had not ordered the pallets of honey. Also, the address listed on the bill of lading was not one of [redacted] addresses. Follow up handled by patrol.

1424 PC 459 3700 block Santa Claus LN Cole

RP called to report their vehicle had been broken into, and three suitcases were stolen out of their vehicle with an estimated loss of $2,000 dollars.

Saturday 11-2-24

1210 Incident report 6000 block Jacaranda Wy Schoenneman

A freshman at Carpinteria High School, was contacted by a fraudulent email offering Carp Unified School District students an employment opportunity to be a personal assistant for school district employees. The position was part time and would pay $300 weekly. The student applied for the position and provided her home address and email to the above-mentioned email address. Nothing further has happened, and she did not provide bank account details to the scammer. It should be noted, the student trusted the email address because the name was one of her former teachers at Carpinteria Middle School. The school district as well as the principal at Carp High are aware of the situation.

1810 005 6180 Via Real Mendez / Oliver

Deputies responded on two occasions for landlord/tenant disturbances. First at 1810 hours, and second at 1905 hours. It was discovered that the landlord's son changed the locks at the residence, to deny the tenant access to the residence, even though he was advised he could not do so. After the second call for service, the male half advised he would stay somewhere else for the night to avoid further incidents and LE responses.

2130 10851VC 4041 Via Real Oliver

Deputies responded for a report of a stolen vehicle. The Deputies learned the victim's son went joy riding with his friend the evening prior and returned in the morning. The friend kept the keys but left the vehicle at the residence.

Commander's Recap
Coastal Patrol Bureau

November 3, 2024 – November 9, 2024

Monday 11-4-24

0908 11364HS/11377HS 5550 Carpinteria Avenue Flores

Deputies contacted, [redacted] and [redacted] at motel six. [redacted] is on Pre-trial probation and deputies conducted a probation search of the hotel room. During the search deputies located a plastic bindle containing a white crystalline substance presumably methamphetamine and a methamphetamine glass pipe with a usable amount of presumably methamphetamine, in violation of 11377(a) HS and 11364(a) HS. Both were arrested & transported to Santa Barbara County Jail (SBCJ).

Tuesday 11-5-24

1158 CVC 23152(a/b) Cramer Cir./Via Real Shugart

Deputies responded to Kim's Market to investigate the report of a drunk driver. While enroute, Deputy observed a vehicle that matched the description of the vehicle. Deputy pulled behind the vehicle and observed multiple vehicle code violations. Deputy conducted a traffic stop and attempted to perform Standardized Field Sobriety Tests (SFST's), but the driver, [redacted], was unable to perform them. The [redacted] submitted to a breath test (.427g/210L) and a blood test before being booked in the Santa Barbara County Jail for violation of CVC 43152(a) - Driving while under the influence of alcohol and CVC 23152(b) - Driving while under the influence of alcohol with more than a BAC of 0.08%.

1300 240 PC / 065 Carp Bike Path Pereyra

Deputies responded to a call for service when a transient male flagged down a local fire official stating he was just beaten with a golf club. Deputies arrived and contacted 5 subjects, all local transients. Further investigation led to the arrest of [redacted] for assault as he attempted to strike three others with a golf club. [redacted] was arrested via citizen's arrest. During this contact another male transient was contacted. [redacted] was identified as having 2 local arrest warrants for $20k each and an extraditable no bail from out of state. All parties were arrested without incident.

1411 PC647(f)/240/148(a)(1)/602 Carpinteria Library Shugart

Deputies responded to the Carpinteria Library to investigate the report of a subject disturbing the peace. Upon arrival, deputies were informed the subject had threatened the reporting party (RP) and attempted to spit on him. Deputies contacted [redacted], who was uncooperative and appeared to be under the influence of alcohol. Deputies arrested [redacted] for violation of PC 647(f) - Public intoxication of alcohol, PC 240 - Assault, PC 148(a)(1) - Obstructing/delaying a peace officer, and PC 602 - Trespassing.

1719 602.1 Carl's Jr Skall

Carl's Jr supervisor called to report that a transient, [redacted], was once again on the property, disturbing customers, and refusing to leave. [redacted] had been the subject of multiple recent calls for service regarding similar activity, and [redacted] and his boss wanted to make a citizen's arrest. [redacted] was located nearby and was arrested for trespassing, and booked at SBCJ.

Wednesday 11-6-24

1555 242 5775 Carp Ave Schoenneman

A twelve-year-old walked into the lobby of Carp City Hall to report he had been battered by an unknown woman at the skate park. He stated he was skateboarding and knocked over a small child at the park. Following this, the unknown woman grabbed him, leaving marks on his left arm. The unknown woman was later identified and stated after the boy knocked over her granddaughter, she tried to talk with him, and he ran away. When he came back, she grabbed him tell him to be more careful. The boy yelled and stated he was being assaulted and ran to city hall. The boy was evaluated by EMS and released at the scene and driven home. Case to be forwarded to DA for review.

Thursday 11-7-24

1134 VC 20001 SandyLand/LindenAve Schoenneman

Deputies were dispatched to a reported 20001 VC that had occurred at the above-mentioned location during the early morning hours while it was still dark. Upon contacting the victim, he stated he was walking eastbound in the crosswalk at Sandland and Linden Av when he was struck by a vehicle, knocking him to the ground and causing him to lose consciousness. The victim awoke later to someone dragging him out of the street. A passerby called 911 on his behalf. The victim was transported to the hospital

Saturday 11-9-24

1006 Hrs Theft-Narc 850 Linden Squad D

An RP observed a subject cut the lock to an e-bike in front of Smart and Final. Based on the RP's description, the vehicle associated with the theft was located entering the Carp State Park. Three suspects were contacted in the vehicle, and a subject on an e-bike fled the area toward Linden. During the investigation, it was learned the four suspects traveled to Santa Barbara County to commit thefts. The suspects had two catalytic converters in the vehicle, along with reciprocating saws and other burglary tools. In their vehicle, a license plate, registered in Ventura, was located. While waiting for booking at SBCJ, Ventura Police Department (PD) responded to the RO's address and learned their vehicle had been stolen within the last week. One of the suspects was interviewed and she admitted to stealing the vehicle in Ventura this past weekend, but only drove it a short distance before abandoning it. Based on her descriptions of the area, with the assistance of Ventura PD and Ventura SO, the victim's vehicle was located in the Oxnard area. The victim's stolen property was found in the vehicle associated with today's investigation. In addition, it is believed some of these subjects are associated with a crew stealing catalytic converters two nights ago in Goleta. In that incident, the suspects were confronted and they shot paintballs at the victims. A paintball gun, with orange paint, was also found in the vehicle associated with the incident. [redacted] (42yrs old from San Bernadino), [redacted] (31 yrs old from Ranch Cucamonga) and [redacted] (34 yrs old form Los Angeles) were all arrested on Felony & Misdemeanor charges & outstanding warrants.

Commander's Recap
Coastal Patrol Bureau

November 10, 2024 – November 16, 2024

Sunday 11-10-24

2314 21310PC/530(c)(1)(3) PC 1090 Casitas Pass Road Shugart

Deputies observed three subjects in possession of open containers of alcohol. The subjects consented to searches. [redacted] was in possession of 10 pieces of personal identifying information for multiple people. Deputies also located a dirk/dagger approximately seven inches in length. [redacted] was arrested for violation of 21310 PC, 530©(1)(3), and CMC 9.10.030.

1710 166(c)(1), 1203.2 1400 block Trenora St Skall

Deputies were called for a subject that was heavily intoxicated and yelling. Upon arrival, Deputies learned that the subject was in violation of a restraining order. The subject was arrested for the violation of the Restraining Order (RO), and booked at Santa Barbara County Jail (SBCJ). Probation also placed a detainer on the subject.

2314 261.5(c) PC 4160 Via Real James

A 27-year-old male was arrested after having sexual intercourse with a 17-year-old female that he met at the rodeo and later took to the Sandyland Reef Motel. The juvenile's parents tracked her location and confronted the couple at the motel and called law enforcement. The male was arrested & booked into jail without further incident.

Monday 11-11-24

0948 HS11364/11377/11350 Coast Village/ HWY 101 Shugart

[redacted] was detained for violation of CVC 22520.5 - Panhandling within 500 feet of a freeway offramp. A records check of [redacted] revealed he had two outstanding warrants for his arrest. [redacted] was arrested. During a search of [redacted], deputies located suspected methamphetamine, Fentanyl, and four "tooter" straws. [redacted] was transported to SBJ, where he was booked for his two outstanding warrants, H&S 11377(a) - Possession of a controlled substance, H&S 11350(a) - Possession of a controlled substance, and H&S 11364(a) - Possession of drug paraphernalia.

1521 PC 487 4975 Sandyland Rd Goodwin

Reporting Party called to report the theft of his locked bike. It appears someone cut the lock & stole the bike.

Tuesday 11-12-24

1339 HS11364/HS11377 4994 Foothill Road Shugart

Deputies responded to investigate the report of a trespassing. Deputies located and detained the suspect, [redacted]. During a consent search, deputies located a methamphetamine pipe and one 40mm round of ammunition. Deputies arrested [redacted] and asked to search his vehicle. [redacted] consented and deputies located a usable amount of methamphetamine. [redacted] was arrested for violation of H&S 11377(a) - Possession of methamphetamine, H&S 11364(a) - Possession of drug paraphernalia.

1353 11550HS Carpinteria Bluffs Pereyra

[redacted] was living within 10 feet of the railroad tracks, inside the bushes. When contacted, [redacted] admitted smoking methamphetamine out of a light bulb. [redacted] displayed signs of being under the influence of a controlled substance. His urine tested positive for methamphetamine, benzodiazepines,

cocaine, oxycodone, tramadol, Ethyl glucuronide, buprenorphine, morphine, and fentanyl. He was arrested and transported to the SBCJ. While at the jail Rodriguez identified himself as [redacted] to medical staff, custody staff, and the deputy. After fingerprinting [redacted], it was discovered that [redacted] and [redacted] are the same subject. Additional charges were added.

2243 207(a) PC, 245(a)(1) PC, 246.3 101/ Olive mill Carovano

An RV was stopped for a vehicle code violation. As deputies approached it was determined to be an ongoing domestic issue occurring inside. After both parties were separated it was determined the victim was forced at knife point to drive the RV. The suspect threatened to harm the victim if she did not drive him back to Orange County. The suspect put his arm around the victim's neck and forced her to drive above 50 mph down the 154 and if she slowed, he lunged at her with two knives. The suspect then armed himself with loaded pistol and at one point began shooting out the window. The victim feared for her life and the life of her 18-month-old sleeping inside the RV. She feared if she stopped or slowed, he would kill her. A Glock pistol was found in the RV along with a spent 9mm casing. The male was arrested and booked into SBCJ with a bail increase of 1 million dollars. An Emergency Protective Order (EPO) was granted, and the victim and child were taken to a safe location (39) until arrangements were made.

Wednesday 11-13-24

0650 019/030 Lillingston Canyon Rd Sanabria

Deputies responded to the area of Lillingston Canyon Rd and Cate Mesa Rd for a report of possible burned dead body inside of a vehicle. Deputies arrived on scene, and determined there was a deceased subject with apparent burn wounds throughout his body near an unoccupied vehicle. Deputies closed off the area and sheriff detectives, coroner detectives, forensics detectives, and arson investigators responded and took over the investigation. Investigation being handled by detectives.

2300 NARC Memorial Park Oliver

Deputies were on patrol when they observed an individual in Memorial Park after dark. Upon contact, deputies determined the suspect, [redacted], was under the influence of a controlled substance and was in possession of methamphetamine. [redacted] was transported and booked into jail.

Thursday 11-14-24

1459 626.10(a)(1) PC 4810 Foothill Rd Schoenneman

Staff at Carpinteria High School received an anonymous tip from a student that another student was carrying a knife on school grounds. While the student was in PE, staff recovered the knife from his backpack. The knife was found in the front right pocket of his pants that were rolled up and stored in his backpack. When questioned by school staff, the student said he had forgot about it and had brought it to school by accident. The student never brandished the knife or made any threats.

1743 273.6 PC 1115 Casitas Pass Oliver

Deputies responded to the McDonalds parking lot for a report of a domestic disturbance. The RP mentioned she was shoved by her child's father during a child custody exchange.

2310 hrs 459 PC 200 block Penny Ln. Watkins

Deputies responded for a burglary investigation. According to the victims they left their home at approximately 1715 hours and returned at approximately 2100 hours. During that time, unknown suspects scaled up a wall to a second-floor balcony and forced entry through a pair of French doors by smashing a glass pane and opening the door. The suspects entered the master bedroom and ransacked the master closet. The suspects stole an undetermined amount of jewelry.

Friday 11-15-24

1008 065 5700 Via Real Cole

I contacted [redacted] on the Carp Creek Bike Path. [redacted] had two outstanding warrants out of Santa Barbara County. [redacted] was transported to SBJ and booked without further incident.

1354 Abandoned Boat Santa Claus Beach Schoenneman

The Coast Guard called in to report an abandoned sailboat washed up on Santa Claus Beach. Deputies responded and located the vessel on the beach near the 3500 Block of Padaro Ln, lying on its side and flooded. The proper hazard and removal paperwork was posted on the vessel. In addition, the owner of the vessel was advised to contact the Carpinteria Sheriff's Substation Lieutenant for further information on the claim/removal process.

Commander's Recap

Coastal Patrol Bureau

November 17, 2024 – November 23, 2024

Sunday 11-17-24

2216 487 PC 5900 block Hickory St Skall

An anonymous Reporting Party (RP) reported a theft of a catalytic converter had just occurred. Unable to tell at this time if the theft occurred, a business card was left on the vehicle.

2241 11377 HS Casa del Sol Skall

[redacted] was Under the Influence (UI) and reportedly occupying the on-site bathroom for an extended period of time. During a consent search, a bindle of meth was located in a breath mint tin in her vehicle's center console. [redacted] was arrested & booked at Santa Barbara County Jail (SBCJ).

Monday 11-18-24

2216 487PC 5900 block Hickory St. Flores

An unknown subject cut off and stole a catalytic converter from the RP's vehicle. The RP valued the damage to replace at approximately $2,000. The unknown suspect(s) is in violation of 487 PC, grand theft. Offense report taken.

Tuesday 11-19-24

5049 065 Island Brew Carovano

Dayshift requested a 11-51 of Island Brew for the report of a black SUV parking in front of the business and using a power outlet without permission. The Island Brew staff reported the vehicle has been parking on the patio and blocking their door for the past several nights. A black Toyota 4Runner was found parked on the patio using the power outlet. The occupant [redacted] was found sleeping in the vehicle. He stated he did not have permission for parking on the patio nor had permission to use the power outlet. [redacted] was found to have an outstanding misdemeanor warrant for his arrest. He was arrested and his vehicle was towed. The RP was unable to be reached.

Wednesday 11-20-24

1309 NARC HWY 101 S. Bates Offramp Blanco/Sgt Hernandez

A traffic stop was conducted for illegal window tint and improper lighting equipment. The driver, [redacted], consented to a search of his person which revealed several counterfeit social security and U.S residency cards which he admitted to using for employment purposes. An inventory/probable cause search of the vehicle revealed several methamphetamine pipes and suspected methamphetamine. [redacted] was arrested and booked at SBCJ.

Thursday 11-21-24

0922 476 5400 Carp Ave (Chase Bank) Schoenneman

RP stated her brother gave her some checks to cash for him. The RP received a letter from the bank stating that the checks were fraudulent so she called to report. Follow up to be conducted by patrol.

Friday 11-22-24

0027 NARC 4290 Via Real Dominguez

A vehicle was contacted for suspicion of violation of 4463 VC. The driver, [redacted], and passenger, [redacted], were both found in possession of used methamphetamine pipes. [redacted] was also found in possession of a fake Permanent Resident Card. [redacted] was arrested for 11364(a) HS and 4463 VC & [redacted] was arrested for 11364(a) HS and 114 PC. Both were booked at SBCJ.

Saturday 11-23-24

1612 DUI/273.5 Holly Ave/Ninth St Blanco/Goodwin

A traffic stop was conducted on a vehicle for moving and equipment violations. Upon contact with the driver, ([redacted]), they displayed signs of being under the influence of alcohol. Throughout the DUI investigation, [redacted] began making domestic allegations by her boyfriend. [redacted] was arrested, transported to GVCH, and booked at SBCJ for 23152(a) VC and 23152(b) VC. Deputy Goodwin will conduct further investigation regarding the alleged domestic violence.

1811 647(f), 273(a)(b) Seventh / Holly Skall

Intoxicated [redacted] was pushing his 4- & 5-year-old daughters in an open stroller, on a cold rainy evening. They had been out at the salt marsh earlier in the day, and stopped off at Island Brew, where [redacted] had a couple 20oz IPA's prior to walking to his mom's house. A passerby observed that [redacted] was intoxicated and behaving abnormally, called 9-1-1 and tried to follow [redacted], but he ran off pushing the stroller. [redacted] was located at Eighth/Holly, and the children were found to be dressed in only pajamas and were soaking wet. [redacted] mother came to our location to collect the children, and [redacted] was arrested and booked at SBCJ.

Commander's Recap

Coastal Patrol Bureau

November 24, 2024 – November 30, 2024

Sunday 11-24-24

2211 647(f) McDonalds Skall

An intoxicated male, [redacted], was contacted getting out of his vehicle at McDonald's. His passengers, felt unsafe with how much [redacted] had been drinking and how recklessly he had driven between Santa Barbara and Carpinteria. [redacted] refused to let anyone else drive, so a passenger asked to stop to use the bathroom and called to report [redacted]. [redacted] was uncooperative and denied having anything to drink, and denied driving. [redacted] was arrested and booked at Santa Barbara County Jail (SBCJ).

Tuesday 11-26-24

2003 005/488PC 4160 Via Real Pereyra

The two Reporting Parties (RPs) stayed at the Sandyland Reef Inn from November 13, 2024, to November 15, 2024. On November 15, 2024, they abandoned their room with their belongings inside. At about 1700 hours, they booked three additional nights at the Sandyland Reef Inn, at which point, they were no longer allowed on the property and their belonginess were withheld. Their belongings were returned; however, they were missing property. The property withheld totaled about $1,500 to $2,000 and is yet to be identified. Follow up will be conducted to identify if a crime occurred, pending RP contact.

0031 Narc 5585 Carp Ave (Casa Del Sol) Hernandez

Vehicle observed with an open door and it did not appear to be occupied. On approach, a male/owner was observed in the passenger seat. During the contact he admitted to being in possession of a meth pipe.

0100 148 PC Carp Creek Bike Path Hernandez

Contact was attempted on a male subject on a bike without proper lighting equipment. The subject fled from the 900 block of Concha Loma and ended upon the Carp Creek Bike Path. Once a unit followed him onto the bike path, he abandoned his bike, which was booked into SBSO property, and fled on foot into the creek. The subject was later identified as [redacted] who has an outstanding warrant for his arrest.

Wednesday 11-27-24

1906 019 5585 Carp Ave(Casa De Sol) Cole

Deputies responded to a report of a naked woman in the parking lot with a car on fire. Upon arrival, deputies were led to a room, where passerby stated they saw a woman force entry through the window. After making announcements, deputies made contact with the subject, who was naked inside the room, hiding in the bathroom. Due to there being no intent to commit a crime after the forced entry and the car fire being accidental, it was determined she was a trespasser. The owner of the property did not want prosecution for the trespassing. CARES arrived on the scene and wrote a 5150 hold for the woman and she was transported to Santa Barbara Cottage Hospital.

2254 10851 5900 block Birch St Blanco

Victim called to report his vehicle was stolen between the hours of 1830 and 2254. The vehicle was entered into the system.

0004 NARC HWY 101 SB/150 Offramp Blanco

A traffic enforcement stop was conducted on a vehicle for an equipment violation, which revealed the driver, [redacted], had a suspended license for DUI. An inventory/probable cause search of the vehicle revealed suspected fentanyl and paraphernalia. [redacted] was cited and released for 11350(a) HS, 11364(a) HS, and 14601.2(a) VC.

0006 Traff Hwy 101 SB / Hwy 150 Hernandez

Two vehicles were seen at a high rate of speed, once close enough to conduct a bumper pace, it was determined both were traveling at 115 MPH. A traffic stop was initiated and both vehicles yielded. The driver of first vehicle was cited for speed and MIP. The second driver was cited for speed and driving while unlicensed.

0242 Narc Hwy 101 / Santa Monica Hernandez

Traffic stop was initiated for expired registration and the driver consented to a search of the vehicle. Prior to conducting a pat search of the passenger, [redacted], he admitted to being in possession of meth and a meth pipe. [redacted] was cited. The female passenger, [redacted], provided her sister's true identifying information in an attempt to avoid detection of her Ventura County warrant. [redacted] true name was found in her wallet, with a bindle of meth. The warrant was confirmed and was found to only be bookable in Ventura County. She was arrested and booked for a narcotic violation and identity theft.

Thursday 11-28-24

0040 Narc Violation Hwy 150/Via Real Hernandez

Subject parked on the side of the road was contacted and during the conversation, he admitted to being in possession of folded dollar bill containing meth. During a search of the vehicle, the meth was found.

Friday 11-29-24

1102 081 5550 Carpinteria Av 24-13301 Squad A

Deputies responded to Motel 6 for a subject who reportedly had a "lot of injuries". Upon arriving, we contacted a male subject who was sitting on the bed bleeding from self-inflicted knife wounds on his stomach. Shortly after we arrived on scene, Medics arrived on scene and began treating his wounds. Due to the nature of the call, and the injuries, he was not interviewed about how or why, he used a knife to harm himself. It is believed he suffers from a mental health condition.

MEMORANDUM

Council Meeting Date: **December 9, 2024**

To: Honorable Mayor and City Council

From: Michael Ramirez, City Manager

Subject: **City Manager's Report**

CITY EMPLOYEE UPDATES

Recruitments

Below is a partial list of open recruitments and their current status. Additional information on City job openings is available online at https://carpinteriaca.gov/city-hall/human-resources/.

- Chief Building Inspector / Plans Examiner – Full-time
  - Deadline to apply extended to December 15, 2024.
- Maintenance Worker
  - Deadline to Apply: January 5, 2024.
- Management Assistant – Full-time
  - Pending Selection.
- Parks & Facilities Attendant – Part-time
  - Pending Background.
- Program Manager – Parks, Recreation, and Community Services
  - Pending Final Interviews - December 11, 2024.
- Program Manager – General Government
  - Deadline to apply: December 22, 2024.
- Literacy Coordinator – Part-time
  - Pending Screening of Applicants.

UPDATES ON CAPITAL IMPROVEMENT PROJECTS

None.

UPDATES ON DEVELOPMENT APPLICATIONS

Surfliner Inn Scheduled for ARB Review on December 12, 2024

The proposed Surfliner Inn project located on a portion of the City Parking Lot #3 property at Linden Avenue and Fifth Street (499 Linden Avenue) is scheduled to be reviewed by the Architectural Review Board (ARB) on December 12, 2024. The ARB will be responsible for reviewing the project for consistency with applicable City design policies and providing a recommendation to the Planning Commission.

In preparation for the ARB meeting, story poles have been erected onsite to demonstrate the approximate size, bulk and scale of the proposed Inn project, and will remain in place through the week of January 6th. During the time the story poles are up, a portion of the City Parking Lot #3 will be unavailable for public use. The west end of the parking lot, along with the sidewalks along Linden Avenue and Fifth Street, and the Amtrak platform will, however, remain open and available for the public's use throughout this time.

The ARB meeting agenda and staff report has been posted to the City website at: https://carpinteriaca.gov/city-hall/agendas-meetings/

Surfliner Inn – Developer Information

The City Council received a public comment at the October 28, 2024 Council meeting regarding the proposed Surfliner Inn Project ("Project"). Specifically, the commenter noted that the Coastal View newspaper had reported that The Theimer Group, LLC had "exited the Project" and questioned whether the "remaining partners" had been "vetted" (presumably for their qualifications/experience as a developer) by the City.

The City initially selected The Theimer Group as the developer entity in 2018 through a request for proposal process. The City considered The Theimer Group and its principals' qualifications and experience as part of that process. In 2019, while the parties were still operating under the Exclusive Negotiating Agreement ("ENA"), The Theimer Group changed its name to "499 Linden Managers LLC" ("499 Linden"), with the City's review and approval. The ownership/principals of the entity did not change as part of the name change. These actions are consistent with the provisions of the ENA. The City thereafter signed the Lease Disposition and Development Agreement ("LDDA") with 499 Linden in 2021. The City again considered 499 Linden's qualifications and experience prior to signing the LDDA.

Since the LDDA was signed, Jack and Jeff Theimer – two of the principals originally involved with The Theimer Group and 499 Linden – have exited the project. However, the developer entity itself has not changed. 499 Linden is still the developer under the LDDA. In addition, Whitt Hollis and Andrew Norris have been two of the key principals of the developer since the inception of the Project and remain in that position. They both have significant real estate and development experience. The LLDA places an ongoing duty on 499 Linden to remain experienced and qualified to construct the Project and staff has been engaged on this issue.

OTHER CITY/COMMUNITY UPDATES

Strategic Plan Community Workshops

Last week, the City of Carpinteria hosted two community workshops to gather input on the strategic plan for Fiscal Years 2025-27. On Wednesday, December 5, the City held the first community workshop in English, obtaining feedback from 29 attendees. On Thursday, December 6, the City conducted the same workshop in Spanish, engaging 22 participants and capturing additional perspectives.

There's still time to get involved! The City will host a virtual workshop on Wednesday, December 11, available in both English and Spanish. You can also share your thoughts by completing the online survey, offered in both English and in Spanish.

For more details and to participate, visit www.CarpinteriaCA.gov/StrategicPlan.

Lime Creek Christmas – A Holiday Event

The City's AgeWell program invites the community to attend *Lime Creek Christmas*, a special holiday event featuring acclaimed film, television, and stage actor Anthony Zerbe. The event will take place on Thursday, December 21, at 2:00 PM at the Veterans Memorial Building. Anthony Zerbe will present excerpts from *Lime Creek*, a poignant novel by Joe Henry that captures the spirit of a Wyoming ranch at Christmastime. This heartfelt performance will be enhanced by live musical accompaniment from singer-guitarist Chris Zerbe, creating a festive and nostalgic holiday experience. All are encouraged to join in this unique celebration of storytelling, music, and holiday cheer.

Facility Closures

City Hall will be closed to the public from Tuesday, December 24, through Wednesday, January 1, in observance of the holiday season. Regular operations will resume on Thursday, January 2.

The Community Pool will be tentatively closed for annual winter maintenance from Saturday, December 21, through Wednesday, January 8. These dates are tentative and subject to change.

The Community Library will observe holiday closures from Monday, December 23, through Wednesday, December 25, and again from Monday, December 30, through Wednesday, January 1.

AgeWell programs will not operate on Wednesday, December 25, or from Monday, December 30, through Wednesday, January 1. Additionally, there will be no free Lunch Program on Thursday, December 26, or Friday, December 27. However, on Thursday, December 26, AgeWell will host a leftover potluck at 12:00 p.m. in Veterans Memorial Hall. The potluck is free and open to all, whether or not attendees bring leftovers to share.

These closures allow for necessary maintenance, observance of holidays, and program adjustments while continuing to serve the community where possible.

Antifreeze Battery Oil Paint (ABOP) Collection

The last collection day of the 2024 calendar year is Saturday, December 14, between 9:00 a.m. and 1:00 p.m. at Carpinteria City Hall, Corporation Yard, 5775 Carpinteria Ave. Accepted items include antifreeze; paint; used motor oil; batteries; oil filters; mercury thermostats; fluorescent lightbulb tubes (limit 6); small household electronics (limit 3); and cooking fats, oils, and grease.

Solid Waste Collection Holiday Schedule

Christmas and New Year's Day holidays will delay regular Thursday collection by one day. Trash will be collected on Friday, December 27, 2024, and Friday, January 3, 2025, respectively. These collection dates should provide additional collection including disposal of holiday trees (non-artificial) including flocked trees.
To prepare a non-artificial tree for disposal at collection:

1. Remove all ornaments, hooks, lights, tinsel, nails, and stands.
2. Cut into 4-feet sections and place in Organics/Yard Waste Cart on scheduled collection day.
3. If no Organics/Yard Waste Cart, place whole tree on curbside.

Extra trash may also be set alongside Waste Cart and/or Recycle Cart on collection day. Any boxes must be flattened for collection.

Diversity, Equity, and Inclusion (DEI)

The DEI Committee meeting originally scheduled for December 3, 2024, has been postponed to a future date, yet to be determined. This postponement is due to the rescheduling of a CEQA training session, which was delayed as a result of the Mountain Fire in Ventura County. Several City staff members serving on the DEI Committee participated in the rescheduled training.

Carpinteria Public Works Director/City Engineer

Public Works Director/City Engineer John L. Ilasin is stepping into an exciting new role as a part-time officer in the U.S. Army Reserve. In October 2024, John was commissioned as a Major in the U.S. Army Civil Affairs and Psychological Operations Command. He will serve as a Military Government Specialist, focusing on public works and utilities. This role exemplifies John's dedication not only to the Carpinteria community but also to the broader service of our nation. The City is happy to congratulate John on this achievement and commend his continued commitment to public service at both local and national levels.

MEMORANDUM

Date: **December 3, 2024**

To: **City Council**

From: **Nick Bobroff, Community Development Director**

Subject: **December 2, 2024 Planning Commission Action**

On Monday, December 2nd, the Planning Commission considered the following hearing requests with Commissioners Allen, Benefield, La Fevers, Moyer, and Salant in attendance:

1) **Via Real Hotel Time Extension**
   Planner: Brian Banks
   Applicant: Kevin Kohan, agent, for RAM Hotels
   Project 16-1822-DP/CDP/TEX
   Address: 4110 Via Real

   Hearing on the request of RAM Hotels to consider Project 16-1822-DP/CDP/TEX (request filed October 28, 2024) for approval of a 12-month time extension to the previously-approved Development Plan and Coastal Development Permit to allow the removal of an existing 5,678 square foot former church building and all associated improvements, and the construction of a two-story, 72-guestroom, 44,191 square foot hotel and associated improvements under the provisions of the Carpinteria Municipal Code (CMC) §14.20 – Commercial Planned Development District and §14.49 – Residential Overlay District; and to determine that no further environmental review is required pursuant to §15162 of the California Environmental Quality Act (CEQA) Guidelines. The application involves APN 004-017-022, addressed as 4110 Via Real.

The Planning Commission voted 5-0 to approve the one-year time extension to the previously-approved Development Plan and Coastal Development Permit as presented.

2) **Dish Wireless Telecommunications Facility**
   Planner: Brian Banks
   Project 24-2292-CUP/CDP
   Address: 6267 Carpinteria Avenue
   Applicant: Harold Thomas Jr, MD7 Architecture, for Dish Wireless, LLC

   Hearing at the request of Dish Wireless, LLC to consider Project 24-2292-CUP/CDP (application filed April 11, 2024) for a Conditional Use Permit and Coastal Development Permit to allow installation of a new wireless telecommunications facility on an existing multi-story office building including the installation of three (3)

8-foot wireless telecommunication antennas, six radios and associated rooftop equipment, and architectural screening materials to visually shield the antennas under the provisions of the Carpinteria Municipal Code (CMC) §14.56 – Wireless Communications and §14.62 – Conditional Use Permit; and to accept a categorical exemption pursuant to §15301 and §15303 of the California Environmental Quality Act (CEQA) Guidelines. The application involves APN 001-190-056, addressed as 6267 Carpinteria Avenue.

The Planning Commission voted 5-0 to approve the Conditional Use Permit and Coastal Development Permit as presented.

3) **The Palms Restaurant Renovation**
Planner: Brian Banks
Project 24-2303-DP/CDP
Address: 701 Linden Avenue
Applicant: Laurel Perez, agent for 701 Linden LLC

Hearing at the request of 701 Linden LLC to consider Project 24-2303-DP/CDP (application filed July 15, 2024) for a Development Plan and Coastal Development Permit to allow an interior and exterior renovation of the existing restaurant ("The Palms") and conversion of a portion of the roof to a partially covered patio and bar area resulting in a restaurant and market/café/retail area on the ground floor, a banquet/event space on the second floor, and a covered bar and uncovered dining area on the roof under the provisions of the Carpinteria Municipal Code (CMC) §14.22 – Central Business District and §14.44 – Visitor-Serving Overlay; and to grant Modifications to: 1.) allow a covered patio dining area within the required front setback; and 2.) to allow the rooftop bar structure to exceed the 30-foot height limit by 1 foot-eight inches; and to accept a categorical Exemption pursuant to §15301, 15302, 15303, 15305 and 15332 of the California Environmental Quality Act (CEQA) Guidelines.

The Planning Commission voted 5-0 to approve the Development Plan and Coastal Development Permit as presented.

City of Carpinteria
City Council Minutes
Regular Meeting
Monday, November 25, 2024
Council Chamber, 5775 Carpinteria Avenue, Carpinteria, CA 93013

In-Person and Virtual

CALL TO ORDER

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

ROLL CALL

Councilmembers present:	Councilmember Roy Lee Councilmember Mónica J. Solórzano Councilmember Wade T. Nomura Vice Mayor Natalia Alarcon
Councilmembers absent:	Mayor Al Clark
Staff members present:	Michael Ramirez, City Manager Mack Carlson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria Ryan Kintz, Assistant City Manager Brian C. Barrett, City Clerk Jeanette Gant, Parks, Recreation & Community Services Director Claire Hobika, Recreation Leader Nick Bobroff, Community Development Director John L. Ilasin, Public Works Director Mindy Fogg, Principal Planner Megan Musolf, Assistant Planner

PLEDGE OF ALLEGIANCE

Vice Mayor Alarcon led those present in the salute to the flag.

COUNCILMEMBER(S) REQUEST FOR REMOTE PARTICIPATION UNDER AB 2449:

There were no Councilmember requests for remote participation under AB 2449.

AGENDA MODIFICATIONS: NONE

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS:

1. Presentation in honor of members of the Boys & Girls Club who have achieved Gold Card status.

There was no public comment.

Michael Baker, CEO of Boys & Girls Club of Santa Barbara County provided introductory remarks. Vice Mayor Alarcon announced the names of the children who achieved Gold Card Status and Diana Ornelas, Boys & Girls Carpinteria Club Director presented the certificates to each child.

2. Proclamation Honoring Robitaille's Fine Candies for Its 36-Years Serving the Carpinteria Community. *(Requires approval prior to presentation of proclamation.)*

There was no public comment.

Motion by Councilmember Nomura, seconded by Councilmember Lee, to approve the Proclamation Honoring Robitaille's Fine Candies for Its 36-Years Serving the Carpinteria Community. Upon voice vote, the motion carried unanimously with Mayor Clark absent.

Vice Mayor Alarcon and the Council presented the proclamation to John and Tami Robitaille who provided remarks.

3. Proclamation Honoring The Palms Restaurant for Its Service to the Carpinteria Community. *(Requires approval prior to presentation of proclamation.)*

There was no public comment.

Motion by Councilmember Nomura, seconded by Councilmember Solórzano, to approve the Proclamation Honoring the Palms Restaurant for Its Service to the Carpinteria Community. Upon voice vote, the motion carried unanimously with Mayor Clark absent.

Vice Mayor Alarcon and the Council presented the proclamation to Bill and Todd Bennett who provided remarks.

4. Proclamation Honoring the 60th Anniversary of the Carpinteria Valley Association. *(Requires approval prior to presentation of proclamation.)*

There was no public comment.

Motion by Councilmember Nomura, seconded by Councilmember Solórzano, to approve the Proclamation Honoring the 60th Anniversary of the Carpinteria Valley Association. Upon voice vote, the motion carried unanimously with Mayor Clark absent.

Vice Mayor Alarcon and the Council presented the proclamation to Carpinteria Valley Association members. Mike Wondolowski, representing the Carpinteria Valley Association provided remarks.

5. Introduction of new employee Claire Hobika, Recreation Leader.

Parks, Recreation & Community Services Director Gant introduced Claire Hobika, Recreation Leader who provided remarks.

CITY MANAGER'S REPORT

a. City Employee Updates

City Manager Ramirez reported on open City recruitments.

b. Updates on Capital Improvement Projects

None.

c. Updates on Development Applications

Community Development Director Bobroff noted that the Palms Restaurant Renovation is scheduled for Planning Commission review on December 2, 2024, the Surfliner Inn Project is scheduled for the Architectural Review Board on December 12, 2024 and story poles will be erected onsite to demonstrate the size, bulk and scale of the proposed Surfliner Inn Project.

d. Other City/Community Updates

City Manager Ramriez said the construction of the winter berm was in progress.

Parks, Recreation & Community Services Director Gant noted holiday closures for City Hall, the Community Pool, the Carpinteria Community Library, and AgeWell programs and described upcoming events.

City Manager Ramirez explained that while not included in tonight's City Manager's Report, the website for the City's upcoming Strategic Plan (www.carpinteriaca.gov/strategicplan) is up and the City is looking to hear from residents on priorities. He mentioned the strategic plan workshops (in-person and virtual) will be held in early December and will culminate with the Council holding an all-day retreat on January 18th.

There was no public comment.

Motion by Councilmember Nomura, seconded by Councilmember Solórzano, to receive and file the report. Upon voice vote, the motion carried unanimously with Mayor Clark absent.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Speakers in-person: Rick Olmstead, Susan Mailheau, Rogelio Delgado, and Alan Koch

Emails distributed: Lisa Piltz

CONSENT CALENDAR:

There was no public comment.

Motion by Councilmember Lee, seconded by Councilmember Nomura, to approve the Consent Calendar Item Nos. 6 through 10. The roll call vote on the motion was as follows:

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

The motion carried.

6. Approve the minutes of the special meeting held November 8, 2024 and the regular meeting held November 12, 2024.

7. Receive and file the Expenditures for the period beginning November 4, 2024 and ending November 15, 2024.

8. Receive and file the Report of Contracts Executed by the City Manager for the Period of October 8, 2024 through November 4, 2024.

9. Receive and file the Monthly City Treasurer's Report on Compliance with Statement of Safekeeping and Investment of Public Funds for October 2024.

10. Award a Construction Contract to Mark Crane's Tree, Inc. in the Total Base Bid amount of $120,000 for the Carpinteria Avenue Bridge Replacement Project – Clearing and Grubbing. *(Requires a roll call vote.)*

ADMINISTRATIVE MATTERS: NONE

PUBLIC HEARING:

11. Continuation of Public Hearing for Annual Report of the Development Impact Fee Program and Updating the Capital Improvement Plan.

    Recommendation: Open the public hearing, receive public comment, keep public hearing open, and continue the public hearing to approve and accept the Annual Report of the Development Impact Fee Program and update the Capital Improvement Plan to the December 9, 2024 Council meeting.

Public Works Director Ilasin presented the staff report.

Vice Mayor Alarcon opened the public hearing at 6:28 pm and there was no public comment. Vice Mayor Alarcon left the public hearing open.

Motion by Councilmember Solórzano, seconded by Councilmember Nomura, to continue the public hearing to approve and accept the Annual Report of the Development Impact Fee Program and update the Capital Improvement Plan to the December 9, 2024 Council meeting. Upon voice vote, the motion carried unanimously with Mayor Clark absent.

12. Ordinance No. 787, an Ordinance of the City Council of the City of Carpinteria, California, Amending Chapter 15.80 (Development Impact Mitigation Fees) of Title 15 (Buildings and Construction) and Chapter 16.24 (Parks and Recreation Facilities Dedication and Fees) of Title 16 (Subdivisions) in the Carpinteria Municipal Code.

    Recommendation: Approve Ordinance No. 787, as read by title only (first reading). *(Requires reading of ordinance title and a roll call vote.)*

Public Works Director Ilasin presented the staff report.

Vice Mayor Alarcon opened the public hearing at 6:39 pm and being there was no public comment, closed the public hearing at 6:39 pm.

Motion by Councilmember Solórzano, seconded by Councilmember Nomura, to approve Ordinance No. 787, waive further reading, introduce as read by title only, and continue for adoption to December 9, 2024.

City Clerk Barrett read aloud the title of Ordinance No. 787 into the record.

The roll call vote on the motion was as follows:

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

The motion carried.

13. Public Hearing at the request of the City of Carpinteria to: (1) Introduce and conduct first reading of Ordinance Nos. 788, 789, 790, and 791, (Attachments A through D) making changes to Carpinteria Municipal Code, Title 14 – Zoning, by adding Chapter 14.19 – RMU Residential/Mixed Use, adding Chapter 14.51 – Objective Design Standards, and amending the City's zoning map to rezone specified sites from Industrial/Research Park ("M-RP") and Commercial Planned Development ("CPD") to Residential/Mixed Use ("RMU"); and (2) Determine that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

    Recommendation: (1) Approve, on first reading, Ordinances 788, 789, 790, and 791, as read by titles only; and (2) Determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA. *(Requires reading of ordinance titles and a roll call vote.)*

Legal Counsel Carlson introduced the item and Principal Planner Fogg presented the staff report and PowerPoint presentation.

Vice Mayor Alarcon opened the public hearing at 7:07 pm.

Speakers in-person: Victor Schaff, Laurel Perez, Ashley DeVan, Robert Schwalse, Donald Bensen, Bryan Gindoff, Craig Meister, Linda Lisiecki, and Gwen Huenergardt

Emails distributed: Amrita Salm

Vice Mayor Alarcon closed the public hearing at 7:38 pm.

The Council decided to vote on each Ordinance separately.

Motion by Councilmember Solórzano, seconded by Councilmember Lee, to adopt Ordinance No. 788 adding Chapter 14.19 to the CMC to include a new Residential/Mixed-Use (RMU) Zone.

City Clerk Barrett read aloud the title of Ordinance No. 788 into the record.

The roll call vote on the motion was as follows:

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

The motion carried.

Motion by Councilmember Solórzano, seconded by Councilmember Lee, to adopt Ordinance No. 789 adding Chapter 14.51 of the CMC to include new Objective Design Standards and find that the addendum to the certified Program EIR satisfies the environmental review requirements of CEQA.

City Clerk Barrett read aloud the title of Ordinance No. 789 into the record.

The roll call vote on the motion was as follows:

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

The motion carried.

Councilmember Solórzano recused herself from consideration of Ordinance No. 791 due to her residence being within 500 feet of a couple of the proposed rezone sites and left the Council Chambers at 8:02 pm.

Motion by Councilmember Lee, seconded by Councilmember Nomura, to adopt Ordinance No. 791 amending the official Zoning Maps and LCP to rezone the select parcels (Sites 15 & 18) to RMU and find that the addendum to the certified Program EIR satisfies the environmental review requirements of CEQA.

City Clerk Barrett read aloud the title of Ordinance No. 791 into the record.

The roll call vote on the motion was as follows:

AYES: Councilmember Lee, Councilmember Nomura, and Vice Mayor Alarcon
NOES: None
ABSENT: Councilmember Solórzano (recused) and Mayor Clark
ABSTAIN: None

The motion carried.

Councilmember Solórzano returned to the dais at 8:06 pm.

Vice Mayor Alarcon recessed to a break at 8:17 pm and reconvened the meeting at 8:24 pm.

Motion by Councilmember Solórzano, seconded by Councilmember Lee, to adopt Ordinance No. 790 amending the official Zoning Maps and LCP to rezone the select parcels to RMU and include the following change (Remove Site #5) and find that the addendum to the certified Program EIR satisfies the environmental review requirements of CEQA and direct staff to return in early 2025 with proposed rezones of Sites # 5 and 21 to RMU.

City Clerk Barrett read aloud the title of Ordinance No. 790 into the record.

The roll call vote on the motion was as follows:

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

The motion carried.

CONSIDERATION OF ANY ITEMS REMOVED FROM CONSENT CALENDAR AND/OR OTHER AGENDA ITEMS REQUESTED TO BE ADVANCED: NONE

MATTERS CONTINUED FROM PREVIOUS MEETINGS: NONE

OTHER BUSINESS:

14. Response to the 2024 Santa Barbara County Civil Grand Jury Report on "Homeless Encampments in Santa Barbara County, Becoming Part of the Community Again".

    Recommendation: (A) Review and approve staff's recommended responses to the Santa Barbara County Civil Grand Jury Report – "Homeless Encampments in Santa Barbara County, Becoming Part of the Community Again"; and (B) Authorize the City Manager to sign and transmit the City's Response to the Presiding Judge, Honorable Pauline Maxwell of the Superior Court, a copy to the current impaneled Grand Jury, and to file a copy with the City Clerk's Office.

Assistant City Manager Kintz presented the staff report.

There was no public comment.

Motion by Councilmember Solórzano, seconded by Councilmember Nomura, to review and approve staff's recommended responses to the Santa Barbara County Civil Grand Jury Report regarding "Homeless Encampments in Santa Barbara County, Becoming Part of the Community Again," and authorize the City Manager to sign and transmit the City's response to the Presiding Judge, Honorable Pauline Maxwell of the Superior Court, provide a copy to the current impaneled Grand Jury, and file a copy with the City Clerk's Office. Upon voice vote, the motion carried unanimously with Mayor Clark absent.

LEGISLATIVE UPDATE: NONE

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Solórzano reported on the following:

- BEACON will hold a rescheduled meeting on December 19th at 9:30 am.
- South Coast Youth Safety Partnership will have a Carpinteria Engagement Team meeting on December 9th at 9 am at the Carpinteria Children's Project.
- Ad Hoc Harbor Seal Advisory Committee met this week and made edits to the final data collection and survey reports and will meet next month to finalize those documents for transmission to the City Council.

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

All Councilmembers present are expected to be in attendance at the December 9th regular meeting.

ADJOURNMENT

Vice Mayor Alarcon adjourned the meeting at 8:35 pm.

_____
Natalia Alarcon, Vice Mayor

ATTEST:

_____
Brian C. Barrett, CMC, CPMC
City Clerk

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

Expenditures for the period beginning November 18, 2024 and ending November 29, 2024.

STAFF RECOMMENDATION

Receive and file Warrant Register for the period of November 18, 2024, through November 29, 2024, pursuant to Carpinteria Municipal Code 2.08.150(F).

DISCUSSION

As part of each regular City Council agenda, a list of all checks (Attachment A) disbursed 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.

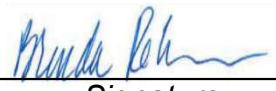
FINANCIAL CONSIDERATIONS

The warrant register is designed to communicate the City's fiscal activity since the prior reporting period and ensure expenditures are within the approved budget.

ATTACHMENTS

Attachment A: Warrant Register for the period beginning November 18, 2024, and ending November 29, 2024.

Staff contact: Brenda Robinson, Accounting Specialist
(805) 755-4442, BrendaR@carpinteriaca.gov

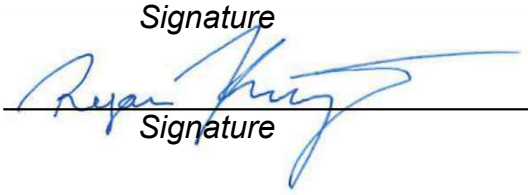


Signature

Staff contact: Licette Maldonado, Admin Services Dir.
(805) 755-4448, LicetteM@carpinteriaca.gov

Signature

Reviewed by: Ryan Kintz, Assistant City Manager
(805) 755-4400, ryank@carpinteriaca.gov



Signature

Reviewed by: Michael Ramirez, City Manager
(805) 755-4450, michaelr@carpinteriaca.gov

Signature

ATTACHMENT A

Warrant Register

Carpinteria, CA

Date Range: 11/18/2024 - 11/29/2024

Vendor Number / Payable #	Vendor Name / Payable Type	Payable Description	Payment Date	Payment Amount	Number
Bank Code: AP Bank-AP Bank					
Payment Type: Regular					
	AFLAC		11/21/2024	179.85	104737
017224	Invoice	NOVEMBER 2024 EMPLOYEE PREMIUMS			
	AMAZON CAPITAL SERVICES INC		11/21/2024	187.89	104738
1CNJ-Q4GV-CVDY	Invoice	BOAT HOUSE SUPPLIES			
1GGJ-C3F1-1KYR	Invoice	WOODEN ROOM DIVIDER FOR SENIOR PROGRAM			
1K1J-JWVR-3FQX	Invoice	TEST WATER TEMPERATURE FOR SENIOR PROGRAM			
	AT&T MOBILITY		11/21/2024	693.97	104739
287303896883X11102024	Invoice	NOV24 CITY HALL CELL PHONES			
	BACKGROUNDS ONLINE		11/21/2024	231.50	104740
572056	Invoice	OCT24 PROFESSIONAL SERVICES			
	BIG GREEN CLEANING COMPANY		11/21/2024	12,703.00	104741
659217	Invoice	NOV24 CONTRACTED CLEANING SERVICES			
	BROWNSTEIN HYATT FARBER SCHRECK		11/21/2024	49,471.00	104742
1008337	Invoice	PROFESSIONAL LEGAL SERVICES THROUGH 9/30/24			
1008338	Invoice	PROFESSIONAL LEGAL SERVICES THROUGH 9/30/24			
1008339	Invoice	PROFESSIONAL LEGAL SERVICES THROUGH 9/30/24			
1008340	Invoice	PROFESSIONAL LEGAL SERVICES THROUGH 9/30/24			
1008341	Invoice	PROFESSIONAL LEGAL SERVICES THROUGH 9/30/24			
1008342	Invoice	PROFESSIONAL LEGAL SERVICES THROUGH 9/30/24			
1008343	Invoice	PROFESSIONAL LEGAL SERVICES THROUGH 9/30/24			
	CARPINTERIA VALLEY LUMBER CO		11/21/2024	33.76	104743
550180	Invoice	INSULATION FOAM, TILE GLUE FOR LIBRARY			
	CFS FAMILY		11/21/2024	100.00	104744
INV0006506	Invoice	REFUND EVENT DEPOSIT 11/6/24 JOG-A-THON			
	CLASSIC CAR WASH		11/21/2024	660.00	104745
INV0364	Invoice	10/312024 FLEET CARWASH SERVICES			
INV0365	Invoice	11/7/2024 FLEET CARWASH SERVICES			
	COAST AUTO PARTS INC		11/21/2024	203.78	104746
784601	Invoice	BATTERY, COOLANT FOR UNIT 323 11/6/24			
	COASTAL VIEW NEWS		11/21/2024	1,591.00	104747
61753	Invoice	NOTICE INVITING BIDS AD 10/27/24			
61759	Invoice	NOTICE OF PUBLIC HEARING AD 10/31/24			
61769	Invoice	CITY HOUSING ELEMENT AD 10/31/24			
61785	Invoice	ABOP AD 11/7/24			
61794	Invoice	NOTICE OF PUBLIC HEARING AD 11/7/24			
	COTTON SHIRES AND ASSOCIATES INC		11/21/2024	31,504.80	104748
1124098	Invoice	OCT24 2022 PAVEMENT REHAB PROJECT			
	EASY LIFT TRANSPORTATION		11/21/2024	1,000.00	104749
7558	Invoice	NOV24 COMMUNITY TRANSPORTATION SERVICES			
	EVERYWHERE RIGHT NOW		11/21/2024	1,558.00	104750
4117	Invoice	OCT24 WEBSITE PROGRAMMING			
	FRONTIER COMMUNICATIONS		11/21/2024	699.46	104751
NOV24 805-684-7613-042205-5	Invoice	NOV24 PHONE & INTERNET FOR LG TOWER & BOATHOUSE			
NOV24 805-984-4314-063022-5	Invoice	NOV24 PHONE & INTERNET SERVICES FOR LIBRARY			
	GUARDIAN		11/21/2024	9,538.30	104752
NOV24 PRMIUMS	Invoice	NOV24 PREMIUMS			

	INFOARMOR INC		11/21/2024	81.75	104753
6456Nov24	Invoice	NOV24 IDENTITY THEFT EMPLOYEE PREMIUMS			
	JAYNE DIAZ		11/21/2024	712.14	104754
INV0006507	Invoice	DEC24 MEDICAL REIMBURSEMENT			
	LARRY DRIGGERS		11/21/2024	712.14	104755
INV0006508	Invoice	DEC24 MEDICAL REIMBURSEMENT			
	MARY ANN COLSON		11/21/2024	712.14	104756
INV0006509	Invoice	DEC24 MEDICAL REIMBURSEMENT			
	MISSION UNIFORM SERVICE		11/21/2024	476.86	104757
522683619	Invoice	TOWEL & MAT REPLACEMENT VETS HALL 11/4/24			
522683620	Invoice	TOWEL & MAT REPLACEMENT LIBRARY 11/4/24			
522683622	Invoice	TOWEL & MAT REPLACEMENT POOL 11/4/24			
522683623	Invoice	MAT REPLACEMENT, UNIFORM CLEANING 11/4/24			
522683624	Invoice	TOWEL & MAT REPLACEMENT CITY HALL 11/4/24			
522727572	Invoice	MAT REPLACEMENT, UNIFORM CLEANING 11/11/24			
522727573	Invoice	TOWEL & MAT REPLACEMENT CITY HALL 11/11/24			
	MRS ENVIRONMENTAL INC		11/21/2024	4,800.00	104758
600-2024-10	Invoice	OCT24 OIL & GAS ON CALL ENVIRONMENTAL SERVICES			
	PROFESSIONAL WASH CENTER		11/21/2024	27.00	104759
9329	Invoice	WASH & FOLD AVOCADO BANNERS			
	QUADIENT FINANCE USA INC		11/21/2024	800.00	104760
NOV24 7900 0440 8110 0954	Invoice	POSTAGE FOR CITY HALL 11/13/24			
	ROCKWELL PRINTING		11/21/2024	592.14	104761
45489	Invoice	NO PARKING SIGNS			
	SANTA BARBARA COUNTY CLERK OF THE BOARD		11/21/2024	50.00	104762
INV0006510	Invoice	CEQA NOTICE OF EXEMPTION FILING FEE SAFETY ELEMENT			
	SHOWSCAPES		11/21/2024	22,575.00	104763
388338340	Invoice	NOV24 MONTHLY CHEMICAL CHARGE COMPLEX			
INV0006526	Invoice	SHOWSCAPES FY24-25			
	STAPLES ADVANTAGE		11/21/2024	365.55	104764
6016602441	Invoice	TONER FOR POOL, DESK CALENDAR L. MALDONADO			
	TKM ENGINEERING		11/21/2024	615.00	104765
1325	Invoice	OCT24 PARKING REVIEW LINDEN-THOMAS			
	TORO ENTERPRISES INC		11/21/2024	272,632.73	104766
18215R	Invoice	SEP24 VIA REAL STORMWATER PROJECT			
	VILLAGE POOL SUPPLY		11/21/2024	374.10	104767
49926	Invoice	ACID FOR POOL 11/6/24			
	ANTHONY VEGA		11/27/2024	141.99	104768
INV0006529	Invoice	REIMBURSE 2024 IRRIGATION SHOW EXPENSES			
	ERIC CASTRO		11/27/2024	529.30	104769
INV0006544	Invoice	REIMBURSE 2024 CA LIBRARY ASSOC CONFERENCE EXPENSE			
	JAVIER GUTIERREZ		11/27/2024	331.14	104770
INV0006531	Invoice	REIMBURSE CALPERS 2024 EDUCATIONAL FORUM			
	JODY THOMAS		11/27/2024	244.52	104771
INV0006543	Invoice	REIMBURSE 2024 RURAL LIBRARY CONFERENCE			
	NOAH ALVARA		11/27/2024	351.24	104772
INV0006530	Invoice	REIMBURSE CALPERS 2024 EDUCATIONAL FORUM			
	ROBERT HOWARD		11/27/2024	156.58	104773
INV0006536	Invoice	REIMBURSE TRIP TO POMONA FOR SWEEPER REPAIR			
	RUBEN L ESTRADA		11/27/2024	87.00	104774
INV0006537	Invoice	REIMBURSE 2024 IRRIGATION SHOW EXPENSES			
	SANTA BARBARA COUNTY SHERIFFS DEPT		11/27/2024	516,750.00	104775

2364	Invoice	NOV24 CONTRACTED LAW ENFORCEMENT SERVICE			
	SO CA EDISON		11/27/2024	753.97	104776
NOV24 700163777874	Invoice	NOV24 ELECTRICITY-6145 CARPINTERIA AVE			
NOV24 700827247063	Invoice	NOV24 ELECTRICITY-5781 CARPINTERIA AVE PED PED			
	THE CENTRE FOR ORGANIZATION EFFECTIVENESS		11/27/2024	3,498.00	104777
TCFOE4775	Invoice	2024 MANAGEMENT ACADEMY O. URIBE-MUTAL			
TCFOE4881	Invoice	2024 SUPERVISORS ACADEMY S. DOWNES			
	WEX BANK (CHEVRON)		11/27/2024	1,110.63	104778
101024173	Invoice	NOV24 FUEL FOR CITY VEHICLES			
	LICETTE MALDONADO		11/27/2024	494.62	104779
INV0006535	Invoice	REIMBURSE 2024 CSMFO WEEKEND TRAINING			
	MISSIONSQUARE		11/27/2024	9,399.09	104780
INV0006538	Invoice	MISSIONSQUARE Employee Contributions			
INV0006539	Invoice	Deferred Compensation Contribution-Part Time Emp			
INV0006540	Invoice	MissionSquareEmployee Contributions			
INV0006541	Invoice	MISSIONSQUARE Employee Contributions			
	SEIU LOCAL 620		11/27/2024	235.32	104781
INV0006542	Invoice	Employee Union Dues Contribution			
	CalPERS		11/21/2024	15,287.54	DFT0003372
10/26/24-11/8/24 CLASSIC	Invoice	CLASSIC RETIREMENT CONTRIBUTIONS 10/26/24-11/8/24			
	CalPERS		11/21/2024	13,834.59	DFT0003373
10/26/24-11/8/24 PEPRA	Invoice	PEPRA RETIREMENT CONTRIBUTIONS 10/26/24-11/8/24			
	CalPERS		11/21/2024	1,262.91	DFT0003374
10/26/24-11/8/24 CLASSIC RETRO	Invoice	CLASSIC CONTRIBUTIONS 10/26/24-11/8/24 RETROS			
	CalPERS		11/21/2024	170.47	DFT0003375
10/26/24-11/8/24 PEPRA RETRO	Invoice	PEPRA CONTRIBUTIONS 10/26/24-11/8/24 T. SMITH			
	EDD-SDI		11/27/2024	2,055.97	DFT0003381
PR24 11/27/24	Invoice	PR24 11/27/24 SDI TAX DEPOSIT			
	EDD-SIT		11/27/2024	7,622.46	DFT0003382
PR24 11/27/24	Invoice	PR24 11/27/24 PIT TAX DEPOSIT			
	INTERNAL REVENUE SERVICE		11/27/2024	23,203.24	DFT0003383
PR24 11/27/24	Invoice	PR24 11/27/24 FEDERAL TAX DEPOSIT			
	CalPERS		11/27/2024	13,772.18	DFT0003384
11/09/24-11/22/24 PEPRA	Invoice	PEPRA RETIREMENT CONTRIBUTIONS 11/09/24-11/22/24			
	CalPERS		11/27/2024	14,840.71	DFT0003385
11/09/24-11/22/24 CLASSIC	Invoice	CLASSIC RETIREMENT CONTRIBUTIONS 11/09/24-11/22/24			

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

Second Reading of Ordinance No. 787, an Ordinance of the City Council of the City of Carpinteria, California, Amending Chapter 15.80 (Development Impact Mitigation Fees) of Title 15 (Buildings and Construction) and Chapter 16.24 (Parks and Recreation Facilities Dedication and Fees) of Title 16 (Subdivisions) in the Carpinteria Municipal Code.

STAFF RECOMMENDATION

Adopt Ordinance No. 787 (second reading).

Sample Motion: I move to adopt Ordinance No. 787. *(Requires a roll call vote.)*

BACKGROUND

The Mitigation Fee Act, as amended, (also known as Assembly Bill 1600) allows for local agencies to collect fees from developers and apply the revenue to public improvement projects that are needed to serve new development projects. In order to mitigate the impacts on public improvements and facilities due to new development or redevelopment, the City established a Development Impact Fee (DIF) Program through adoption of City Council Ordinance No. 500, codified in Carpinteria Municipal Code Chapter 15.80. The City's DIF Program was established pursuant to the authority granted to cities through the Mitigation Fee Act. Public improvement projects, also known as capital projects, are described in the City's 2022 Capital Improvement Plan (CIP) as adopted by City Council Resolution No. 6153. The public improvements projects of the 2022 CIP are entirely or partially necessary due to impacts on public improvements and facilities created by new development projects. The amount of each DIF is based on a nexus study which determines the "fair share" of each public improvement project cost that is attributable to new development projects.

On December 11, 2023, the City Council adopted Resolution No. 6278, approving the 2023 Development Impact Fee Study Update; Resolution No. 6279, establishing the Development Impact Fee Program; and Resolution No. 6280, approving and setting the amount of Quimby fees.

The purpose of this agenda matter is for the City Council to consider and approve Ordinance No. 787, amending Chapter 15.80 of Title 15 and Chapter 16.24 of Title 16 in the Carpinteria Municipal Code.

DISCUSSION

Ordinance No. 787, as shown as Attachment A, proposes to specifically amend Sections 15.80.050 (Automatic annual adjustment),15.80.160 (Review), and 16.24.080 (Standards and formula for fees in lieu of land dedication and adjustment thereof) as follows in strikethrough and bold text, respectively:

15.80.050 - Automatic annual adjustment.

~~A. Each fee imposed pursuant to sections 15.80.030B and 15.80.030D of this chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 1994, by the percentage change in the median price of a single family house in Santa Barbara County, South Coast as determined by the City, calculated from Sales Report data provided by the Santa Barbara County Assessor's Office for the twelve (12) month time period ending March 31 prior to the July 1 adjustment date. "Santa Barbara County, South Coast" shall be defined as those areas included within the boundaries of the following eleven (11) United States Postal Service ZIP codes: 93117, 93lll, 93110, 93109, 93105, 93106,93101, 93103, 93108, 93067 and 93013.~~

~~B~~**A**. Each fee imposed pursuant to sections 15.80.030~~A, 15.80.030C, and 15.80.030E~~ of this chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, ~~1994~~ **2025**, by a percentage equal to the ~~change in the California Department of Transportation Price Index for Selected Highway Construction Items~~ **Construction Cost Index published by Engineering News Record for the preceding** twelve (12) ~~month time period ending March 31 prior to the July 1 adjustment date~~ **months**.

~~C~~**B**. These automatic adjustments shall not apply to fees which are based on variable factors which result in automatic adjustments or those which specifically indicate otherwise.

15.80.160 - Review

A. Except for the first year this chapter is in effect, no later than one hundred eighty days following the end of each fiscal year the city manager shall prepare a report for the council identifying the balance of fees in the various funds established pursuant to Section15.80.070, the facilities constructed, and the facilities to be constructed. In preparing the reports, the city manager shall adjust the estimated costs of the public improvements ~~by a percentage equal to the change in the California Department of~~

~~Transportation Price Index for Selected Highway Construction Items for the twelve-month time period ending March 31 prior to the July 1 adjustment date~~ **in accordance with Section 15.80.050**.

B. At a noticed public hearing, the council shall review estimated costs of the capital improvements described in the reports, and the continued need for these improvements. The council may revise the development impact fees to include additional projects not previously foreseen as being needed; and such revisions shall comply with Government Code Section 66001.

C. The report prepared by the city manager and its review by the council, as well as any findings thereon, shall be subject to the provisions of California Government Code Section 66006, to the extent applicable (the sections being controlling in the event of any applicable conflict).

D. The cost of the public improvements established pursuant to this chapter may be more specifically set and revised periodically by resolution of the council, with the ordinance codified in this chapter being considered as enabling and directive in this regard.

16.24.080 - Standards and formula for fees in lieu of land dedication and adjustment thereof.

A. When a parkland fee is to be paid in lieu of land dedication, the subdivider shall pay fees as set forth in the schedule of fees established by council resolution.

B. The council shall from time to time, through resolution, determine the current fees in lieu of land dedication. Such fee shall be equal to value of the dedication that would otherwise be required by Section 16.24.060, which amount is the median fair market value per acre of land suitable for park and recreational purpose found in the city.

C. Each fee imposed by this chapter shall be adjusted automatically on July 1st of each fiscal year ~~by a percentage equal to the change in the median price of a single family house in Santa Barbara County, South Coast as determined by the city, calculated from sales report data provided by the Santa Barbara County Assessor's Office for the twelve-month time period ending March 31 prior to the July 1 adjustment date. "Santa Barbara County, South Coast" shall be defined as those areas included within the boundaries of the following eleven United States Postal Service ZIP codes: 93117, 93111, 93110, 93109, 93105, 93106, 93101, 93103, 93108, 93067 and 93013.D.The fees charged for parkland acquisition pursuant to this chapter may be more specifically set and revised periodically by resolution of the council, with the ordinance codified in this chapter being considered as enabling and directive in this regard~~ **in accordance with Section 15.80.050**.

Changing Cost Index for Inflationary Adjustments

Ordinance No. 500[1] initially established the automatic annual adjustment based on the cost index as published by Engineering News Record (ENR). Ordinance No. 627[2], amended Chapter 15.80 by changing said automatic annual adjustment basis to the California Department of Transportation Highway Construction Cost Index (Caltrans Cost Index). At the time of Ordinance No. 627, then staff apparently determined the Caltrans Cost Index was "a more accurate tool to update the cost of constructing public improvements since it reflects construction costs on a statewide rather than national basis." Today's staff does not know how this reasoning was determined, but it is common construction-industry practice to use a 20-city average cost index, especially of that as published by ENR. Similar to the Consumer Price Index for a hypothetical market basket of goods, the ENR cost index is also a measure of the average change over time in the prices paid for a hypothetical construction package of goods in the construction industry as follows:

- ✓ Labor component- common and skilled
- ✓ Materials component- 25 hundredweight (100 pounds) of fabricated standard structural steel at the 20-city average price, 1.128 tons of bulk portland cement priced locally, and 1,088 board feet of 2x4 lumber priced locally

The term, "20-city," as used by ENR means the following twenty (20) major U.S. cities in alphabetical order:

Atlanta
Baltimore
Birmingham
Boston
Chicago
Cincinnati
Cleveland
Dallas
Denver
Detroit
Kansas City
Los Angeles
Minneapolis
New Orleans
New York
Philadelphia
Pittsburgh
St. Louis

[1] Adopted by City Council on February 14, 1994.

[2] Adopted by City Council on January 28, 2008.

San Francisco
Seattle

ENR positions price reporters to cover said cities in checking for prices locally. The prices are quoted from the same suppliers each month. ENR then computes its latest cost indexes from these prices and local union wage rates.

The use of a local cost index, such as the Caltrans Cost Index albeit as a state cost index, is more susceptible to price spikes. That is, a local cost index is susceptible to substantial increase and decrease which, in turn, affects the collection amounts of development impact fees, especially for the following DIF categories:

- General Government Facilities
- Highways and Bridges
- Storm Drain Facilities
- Traffic Control Facilities
- Streets and Thoroughfares
- Park and Recreation Facilities
- Aquatic Facilities
- Parking Facilities

The Caltrans Cost Index is published by Caltrans and was/is intended for the exclusive use of Caltrans in cost estimation purposes for state transportation facilities.

With the Caltrans Cost Index, staff noticed some past, automatic annual adjustments of development impact fees lower than that was initially determined by the nexus study of 2017[3], which was prior to the recently adopted nexus study of 2023 (i.e. 2023 Development Impact Fee Study Update). For example, the following table shows a comparison of the Highways and Bridges DIF that used the Caltrans Cost Index from 2017 to 2022 for the land use category of Single Family:

Highways and Bridges Development Impact Fee

Land Use	2017[a]	2018[b]	2019[c]	2020[d]	2021[e]	2022[f]
Single Family	$7,674.00	$7,244.26	$6,932.75	$7,777.86	$6,984.51	$7,249.93

Notes:
a. Resolution No. 5750 adopted by the City Council on September 25, 2017.
b. Resolution No. 5849 adopted by the City Council on December 10, 2018.
c. Resolution No. 5930 adopted by the City Council on December 9, 2019.
d. Resolution No. 6011 adopted by the City Council on October 26, 2020.
e. Resolution No. 6077 adopted by the City Council on November 22, 2021.
f. Resolution No. 6177 adopted by the City Council on November 28, 2022.

Whereas, the ENR cost index provides a smoother and historically upward cost trend and would be more consistent with the City's actual annual increases in costs. For example, the following table shows a comparison of the ENR cost index of Construction Cost Index (CCI) within the relatively same time frame from November 2017 to November 2022:

[3] Resolution No. 5749 adopted by the City Council on September 25, 2017.

ENR Cost Index

ENR Cost Index	Nov 2017	Nov 2018	Nov 2019	Nov 2020	Nov 2021	Nov 2022
CCI[1]	10870	11184	11381	11579	12467	13174.98

Notes:
1. CCI is typically applicable for where labor costs are a high proportion of total costs.

As shown in the example, the ENR cost index increased year to year.

The CCI can be used for infrastructure (e.g. the DIF categories of Highways and Bridges, Storm Drain Facilities, Traffic Control Facilities, Streets and Thoroughfares, and Parking Facilities), buildings (e.g. the DIF categories of General Government Facilities), and parks (e.g. the DIF categories of Park and Recreation Facilities and Aquatic Facilities). Further, the automatic annual adjustment of the Fire Protection Mitigation Fees is based on the ENR cost index. Therefore, staff recommends for the City Council to consider and approve Ordinance No. 787 for the aforementioned amendments to Chapter 15.80 and Chapter 16.24 to reestablish or revert to the automatic annual adjustment based on the ENR cost index for the reasons above.

Harmonizing Inflationary Increase Methodologies

In 2009, Ordinance No. 640[4] revised the inflationary adjustment provisions applicable to development impact fees, as established pursuant to sections 15.80.030B and 15.80.030D, and Quimby fees, as established pursuant to Section 16.24.020, from the Caltrans Cost Index to the current formula based on the percentage change in the median price of a single-family home in Santa Barbara County. The Open Space DIF and Quimby fees are determined based upon the costs for acquiring real estate. At the time, staff believed the "costs of acquiring real estate are more appropriately adjusted annually by an index calculated to track changes in local real estate values." However, differing inflationary increase standards can increase administrative burden and opportunity for error. Additionally, Senate Bill 330 (SB 330) requires any inflationary adjustments to development impact fees be based on an independently published cost index following submission of a preliminary application for certain housing projects[5]. Updating sections 15.80.050A and 16.24.080C to utilize the applicable ENR cost index for inflationary adjustments would increase transparency and predictability and reduce the possibility of errors in charging development impact fees to SB 330 projects. Therefore, staff recommends for harmonizing the inflationary increase methodology across development impact fees and Quimby fees.

POLICY CONSISTENCY

Adoption of Ordinance No. 787 is exempt from the provisions of the California Environmental Quality Act pursuant to 14 Cal. Code of Regulations § 15273.

FINANCIAL CONSIDERATIONS

[4] Adopted by City Council on October 12, 2009.

[5] California Government Code § 65589.5(o)(2)(A)

There is no cost in approving Ordinance No. 787.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The recommendation is consistent with the Mitigation Fee Act. If the revisions to the Carpinteria Municipal Code are adopted as proposed, Resolutions No. 6278 and 6280 setting the DIF and Quimby fee rates could be readopted to clarify the revised Chapters 15.80 and 16.24 apply to inflationary increases of development impact fees and Quimby fees.

OPTIONS

1. Adopt Ordinance No. 787 (second reading). (Staff recommendation)
2. The City Council could choose to not approve the recommendation and direct staff as determined appropriate.

PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at the meeting.

ATTACHMENTS

Attachment A: Ordinance No. 787

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Signature

Reviewed by:
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Signature

Reviewed by:
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Signature

ATTACHMENT A

Ordinance No. 787

ORDINANCE NO. 787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING CHAPTER 15.80 (DEVELOPMENT IMPACT MITIGATION FEES) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) AND CHAPTER 16.24 (PARKS AND RECREATION FACILITIES DEDICATION AND FEES) OF TITLE 16 (SUBDIVISIONS) IN THE CARPINTERIA MUNICIPAL CODE

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

WHEREAS, the imposition of development impact fees and implementation of a capital improvements plan are preferred methods to promote and protect the public health, safety, and welfare by ensuring that new development bears a proportionate share of the cost of public facilities and service improvements necessary to accommodate such development; and

WHEREAS, on February 14, 1994, the City Council adopted Ordinance No. 500 establishing Chapter 15.80 (Development Impact Mitigation Fees) of the Carpinteria Municipal Code; and

WHEREAS, on January 28, 2008, the City Council adopted Ordinance No. 627 changing Sections 15.80.050 (Automatic annual adjustment) and 15.80.160 (Review); and

WHEREAS, the Construction Cost Index as published by Engineering News Record reflects a more accurate, reliable, and consistent cost index than the California Department of Transportation Highway Construction Cost Index; and

WHEREAS, on October 12, 2009, the City Council adopted Ordinance No. 640 changing Sections 15.80.050 (Automatic annual adjustment) and 16.24.080 (Standards and formula for fees in lieu of land dedication and adjustment thereof) to base inflationary increases on the change in the median price of a single family home in Santa Barbara County; and

WHEREAS, basing inflationary increases on an independently published cost index increases transparency and predictability; and

WHEREAS, Government Code section 65589.5(o)(2)(A) requires inflationary adjustments after submission of a preliminary application for Senate Bill 330 projects to be based on an independently published cost index; and

WHEREAS, basing inflationary adjustments on the same index for all development impact fees and Quimby fees may increase administrative efficiency and reduce opportunity for billing errors.

THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

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

SECTION 2. AMENDMENT TO CHAPTER 15.80 (DEVELOPMENT IMPACT MITIGATION FEES) OF TITLE 15 (BUILDING AND CONSTRUCTION) AND CHAPTER 16.24 (PARKS AND RECREATION FACILITIES DEDICATION AND FEES) OF TITLE 16 (SUBDIVISIONS) IN THE CARPINTERIA MUNICIPAL CODE

Sections 15.80.050 (Automatic annual adjustment) and 15.80.160 (Review) are amended as follows:

15.80.050 - Automatic annual adjustment.

A. Each fee imposed pursuant to sections 15.80.030of this chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 2025, by a percentage equal to the Construction Cost Index as published by Engineering News Record for the preceding twelve (12) months.

B. These automatic adjustments shall not apply to fees which are based on variable factors which result in automatic adjustments or those which specifically indicate otherwise.

15.80.160 - Review

A. Except for the first year this chapter is in effect, no later than one hundred eighty days following the end of each fiscal year the city manager shall prepare a report for the council identifying the balance of fees in the various funds established pursuant to Section15.80.070, the facilities constructed, and the facilities to be constructed. In preparing the reports, the city manager shall adjust the estimated costs of the public improvements in accordance with Section 15.80.050.

B. At a noticed public hearing, the council shall review estimated costs of the capital improvements described in the reports, and the continued need for these improvements. The council may revise the development impact fees to include additional projects not previously foreseen as being needed; and such revisions shall comply with Government Code Section 66001.

C. The report prepared by the city manager and its review by the council, as well as any findings thereon, shall be subject to the provisions of California Government Code Section 66006, to the extent applicable (the sections being controlling in the event of any applicable conflict).

Section 16.24.080 (Parks and recreation facilities dedication and fees) is amended as follows:

16.24.080 - Standards and formula for fees in lieu of land dedication and adjustment thereof.

A. When a parkland fee is to be paid in lieu of land dedication, the subdivider shall pay fees as set forth in the schedule of fees established by council resolution.

B. The council shall from time to time, through resolution, determine the current fees in lieu of land dedication. Such fee shall be equal to value of the dedication that would otherwise be required by Section 16.24.060, which amount is the median fair market value per acre of land suitable for park and recreational purpose found in the city.

C. Each fee imposed by this chapter shall be adjusted automatically on July 1st of each fiscal year in accordance with Section 15.80.050.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the Ordinance; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 4. SEVERABILITY

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

SECTION 5. CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15060(c)(3) (this activity is not a "project" as defined in Section 15378) and 15060(c)(2) (this activity will not result in a direct or reasonably foreseeable change in the environment).

SECTION 6. LIMITED EFFECT

Except as explicitly provided herein, all other provisions of Carpinteria Municipal Code Chapter 15.80 (Development Impact Mitigation Fees) of Title 15 (Buildings and Construction) and Chapter 16.24 (Parks and Recreation Facilities Dedication and Fees) of Title 16 (Subdivisions) shall remain unchanged and in full force and effect.

PASSED, APPROVED AND ADOPTED on December 9, 2024, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

1. Conduct second readings of Ordinance Nos. 788, 789, 790, and 791, (Attachments A through D) making changes to Carpinteria Municipal Code, Title 14- Zoning, by adding Chapter 14.19- RMU Residential/Mixed Use, adding Chapter 14.51- Objective Design Standards, and amending the City's zoning map to rezone specified sites from Industrial/Research Park ("M-RP") and Commercial Planned Development ("CPD") to Residential/Mixed Use ("RMU");

2. Adopt Resolution No. 6350, certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's certified Local Coastal Program consistent with the California Coastal Act, and direct that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission; and that the adopted Ordinances be transmitted to the California Department of Housing and Community Development for certification consistent with Housing Element law; and

3. Determine that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

STAFF RECOMMENDATION

Staff recommends City Council take the following actions:

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only; and

2. Adopt Resolution No. 6350; and

3. Determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or

subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

Sample motion: I move to adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only, adopt Resolution No. 6350, as read by title only, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

BACKGROUND

Housing Element Overview

The Housing Element is a required component of the City's General Plan that identifies and plans for existing and projected housing needs within the eight-year planning cycle. Under State law (Gov. Code § 65580 et seq.), all cities are required to plan for housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels. The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined.

For Santa Barbara County jurisdictions, the 6th Cycle RHNA process was completed in 2021. Based on the RHNA, the City of Carpinteria ("City") must plan to accommodate a total of 901 additional housing units of varying income levels during this eight-year cycle (2023-2031). On January 22, 2024, the City Council adopted the current Housing Element[1], which outlines how the RHNA allocation can be achieved during this cycle through a variety of methods (e.g., pending project applications, underutilized sites, accessory dwelling units, and rezoning of candidate opportunity sites).

Housing Element Certification

The State Legislature has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and certify their substantial compliance with State law. A finding of Housing Element substantial compliance by HCD is referred to as "certification" of the Housing Element.

If a local government's Housing Element is not certified, or if it is de-certified during the cycle for non-compliance with State law, the jurisdiction faces the possibility of litigation, which could result in the loss of land use discretion, ineligibility for housing grants, and other penalties. For example, some local agencies have received project applications

[1] https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

submitted under the "Builder's Remedy" provisions of the Housing Accountability Act (Gov. Code § 65589.5), which may allow developers to avoid compliance with the local agencies' general plan and zoning requirements in certain circumstances.

City of Carpinteria Compliance with State Housing Element Law

To date, the City's 6th Cycle 2023-2031 Housing Element Update has not been certified by HCD. Although the City submitted a substantially compliant Housing Element to HCD on January 23, 2024, the State was not able to certify it due to the exceedance of statutory deadlines.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), since the City did not adopt a compliant Housing Element by the statutory deadline, it was required to implement Program 1 (Adequate Sites to Accommodate Regional Housing Needs) within one year from the statutory deadline of February 15, 2023. Therefore, as further explained in HCD's letter[2] dated March 21, 2024, the Housing Element cannot be certified until the City completes the necessary rezones to accommodate the RHNA shortfall under Program 1.

City Council First Reading of Zoning Amendments

On November 25, 2024[3], the City Council took the first step in implementing Program 1 by conducting the first reading of Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D). This staff report and the Attachments thereto reflect the pertinent changes made by the City Council at that hearing and a summary of the Council's actions is provided in the discussion, below.

DISCUSSION

Housing Element Program 1 – Adequate Sites to Accommodate Regional Housing Needs

Required Zoning Amendments to Accommodate the RHNA

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households (286 very-low income and 132 low-income households, respectively), 135 units for moderate-income households, and 348 units for above-moderate-income households.[4] As shown in the land inventory

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/09/sbb-carpinteria-adopted-out-032124.pdf
[3] Available here (Item 13): https://carpinteria.granicus.com/player/clip/1544?view_id=2&redirect=true
[4] HCD sets the income limits for the various affordable housing categories annually based on federal and state law. The income limits for 2024 are available here: https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf.

analysis in Appendix B, the City can already accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units (Table 1).

Table 1. Land Inventory Summary (taken from Table B-1 of the Housing Element)

	Income Category				Total
	Very Low	Low	Mod	Above	
RHNA 2023-2031	286	132	135	348	901
Completed, Approved & Pending Projects (Table B-3)	-	3	-	259[5]	262
Net Remaining RHNA	415		135	89	639
Vacant Sites (Table B-4)	-		10	5	15
Underutilized R Overlay Sites (Table B-5)	56		47	-	103
Other Underutilized Sites (Table B-6)	-		153	153	306
ADUs	67		7	38	112
Surplus (Shortfall)	(292)		82	107	(103)

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, implementation of Program 1 requires the rezoning of enough area to accommodate 292 lower-income units plus a reasonable buffer. HCD expects a minimum buffer of 15 percent. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

As further described in Program 1, City staff envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density, residential-only development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed both a higher density and a lower density development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now requires the complete change of zoning districts on sufficient property to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) requires that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for lower-income units.

[5] This total includes the estimated units for the Lagunitas Mixed-Used pending project, Candidate Opportunity Site #5, which is recommended to be rezoned (see description below). As explained further below, the rezoning of Candidate Opportunity Site #5 would provide the property owner with additional flexibility should the currently pending Lagunitas Mixed-Use project not proceed.

- Number of Units: Government Code Section 65583.2(h) and Program 1 requires that rezone sites permit at least 16 units per site.

- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2(i), "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.

- Development Standards: As part of the zoning amendments, the City must also ensure that the densities can be achieved and that standards do not pose unreasonable constraints on the cost and supply of housing. Moreover, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that ministerial and streamlined permitting can be accomplished.

- Predominantly Residential/Mixed-Use Development: Government Code Section 65583.2(h) and Program 1 also require that either: (1) at least 50 percent of the lower income housing need be accommodated on residential-only sites; or (2) all the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project. As discussed further below, staff's and Planning Commission's recommendation implements option (2).

Identified Candidate Opportunity Sites

In the recently adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this report) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[6], and in the site profiles Figure B-4[7]).

An additional site, known as Site #5, located at 6380 Via Real, was identified as a "pending project" in the final Housing Element because an application was in process for the Lagunitas Mixed-Use Project on the subject property. However, the applicants for that project have stalled on processing their current application.[8] Therefore, Site #5 is available for consideration in the proposed Sites to be rezoned. A list of all 20 Candidate Opportunity Sites is provided in Table 2 below.

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[6] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf

[7] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

[8] The applicant, however, may resume processing of their current application based on the zoning currently in effect for the site in accordance with State law.

Table 2 – List of 20 Candidate Opportunity Sites (Site #17 was removed[9])

Site #	Location	Current General Plan Land Use Category	GPA Required
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy Ln; Mark Ave; Rose Ln	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Phased Approach to Rezones

If the City still had ample time to implement Program 1, staff would recommend a wholistic approach to analyzing all 20 of the sites listed in Table 2. However, since it is in the City's best interest to have a certified Housing Element as quickly as possible, staff outlined a two-phased approach to the City Council at a public hearing[10] on May 28, 2024 (Item 12). The Zoning Amendments approved by City Council on November 25th and reflected in Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D) are the first phase. The remaining Candidate Opportunity sites will be included for consideration in the City of Carpinteria General Plan Update that is currently in process. In particular, the three Candidate Opportunity Sites that would require a General Plan Amendment ("GPA"), as noted in Table 2 above, must be deferred to the second phase to be considered with the comprehensive General Plan Update.

Maps depicting Phase 1 Candidate Opportunity Sites, as approved by City Council on November 25th, are provided in Figures 1, 2 and 3 in Attachment F. For reference, the existing zoning map of the City is provided in Figure 4 of Attachment F.

[9] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.
[10] Available here: https://carpinteria.granicus.com/player/clip/1449?view_id=2&redirect=true

Proposed Project – Housing Element Zoning Amendments

The proposed Project for the City Council's consideration has three main components: (A) a new Residential / Mixed Use Zoning District, (B) a new set of Objective Design Standards that would apply to any developments in the new Residential / Mixed Use Zoning District, and (C) the rezoning of select Candidate Opportunity Sites to Residential / Mixed Use.

A. Proposed Residential / Mixed Use Zoning District

Attachment A is proposed Ordinance No. 788 for a new Residential / Mixed Use ("RMU") zone district that would enable the City to achieve the Housing Element Program 1 goals. The RMU zone would be applied to select properties in the General Commercial ("GC") or the Research & Development Industrial ("RDI") land use categories described in the City's General Plan/Coastal Land Use Plan ("GP/CLUP"). Under the new RMU zone district, future development or re-development of the selected sites would be required to include multi-family housing and may be residential-only or mixed-use. Permitted uses would include:

- Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;
- Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);
- For sites in the GC Land Use Category: the option to have commercial uses, except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which must include a commercial use on the ground floor fronting the avenue;
- For sites in the RDI Land Use Category: the option to have offices and/or research, development, and laboratory uses.

The RMU zone would allow for ministerial (use by right) permitting if at least 20 percent of the residential units proposed are designated for lower-income households (see Table 3 below). Any commercial or office component of a mixed-use development that provides the minimum 20 percent lower-income units could also be permitted ministerially if the proposed uses are consistent with those listed under "development plan approval" in the Commercial Planned Development District (in GC) or the Industrial/Research Park District (in RDI).

Table 3. Review Types in the Proposed RMU Zone District

Ministerial Review	Streamlined Review
• For mixed-use and residential-only projects restricting at least 20% of units to lower-income residents (people with incomes 80% or below the Area Median Income) • No public hearings required • Staff may not exercise discretion in project review—i.e., review limited to conformance with Objective Design Standards and other objective regulations in zone district • Permit is not appealable (except to Coastal Commission in the appeals jurisdiction) • Project receives an administrative Coastal Development Permit ("CDP")	• For mixed-use and residential-only projects with less than 20% of units restricted to lower-income residents • Will go to Architectural Review Board and Planning Commission hearings but can only be "measured against" Objective Design Standards and other objective regulations in zone district • Project is appealable • Project receives Development Plan ("DP") and CDP approval

Development projects in the RMU zone would be required to adhere to the Objective Design Standards (described under "B" below and shown in Attachment B) in order to facilitate streamlined or ministerial permitting. In addition, the proposed RMU Zone includes its own set of unique development standards which establish allowed density, setbacks, building coverage, building height, etc. as summarized in Table 4 below.

Table 4. Proposed Development Standards in the RMU Zone District.

Density	20 (minimum) to 25 (maximum) dwelling units/acre. Applies to both residential-only and mixed-use developments.
Setbacks	5 feet minimum from all property lines. *Exception for sites fronting Via Real*: 15 ft min. front setback, 5 ft min. other sides.
Distance between buildings	10 ft minimum.
Building coverage	75% maximum
Height	35 ft. maximum
Parking	Lower-income dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: 1.5 parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit. All other dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: two parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit.
Common or public open space	20% minimum. A maximum of 50% of the required open space may be provided on rooftops or upper-story decks.
Fence height	In the front setback, may not exceed 4 ft.
Mixed-use requirement	For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. Sites with frontage on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design

	Element Subarea 2a boundary) shall be limited to mixed-use (commercial and residential) development.

B. Proposed Objective Design Standards

Attachment B is proposed Ordinance No. 789 setting forth new Objective Design Standards ("ODS") that would apply to development projects in the RMU zone. The proposed Standards were updated after receiving input from the Architectural Review Board (ARB) at a public hearing[11] on October 17, 2024 (Agenda Item 2). A copy of the Minutes from the October 17th ARB meeting is included as Attachment G.

The ODS are organized into sections by design topic. Importantly, language in the section "Building Form, Massing, and Articulation" describes the general shape a building must take, including variation on building facades and rooflines, floor height, and step backs, and reduced massing for upper floors. The section "Site Design" describes how different areas and elements of a development (e.g. siting of commercial in mixed-use developments, driveways, pedestrian pathways, loading areas, etc.) connect to or are buffered from one another. The remaining sections address additional components like placement of building entrances, landscaping, bicycle parking, and allowed exterior materials.

Notable changes that were made based on input from the public and the ARB members include:

- Changed the required roofline variation to occur every 30 feet rather than every 50 feet;
- Increased the required number of 5-gallon plants per 1,000 square feet from 10 to 20;
- Remove BBQ grills from allowed amenities in common/public open spaces; and
- Allow garages to accommodate tandem parking.

The ARB also requested that staff find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure. Staff is working on a tree list to use in the implementation of the ODS. The changes recommended by the ARB members are incorporated into Ordinance 789 in Attachment B.

C. First Phase Rezones

Although there are 20 Candidate Opportunity Sites for potential rezoning under Program 1, not all of the sites need to be rezoned in order to accommodate the RHNA shortfall of 292 lower-income units. As noted above under the description of Program 1, the land area to be rezoned must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

[11] Available here: https://carpinteria.granicus.com/player/clip/1527?view_id=2&redirect=true

On November 25, 2024, the City Council selected eight sites for the first phase of rezones. The eight selected sites are summarized in Table 5 below, included in Ordinance Nos. 790 and 791 (Attachments C and D), and depicted in Figures 1, 2 and 3 in Attachment F.

Table 5. First Phase of Rezones

Priority	Site #	Location	Acres	Lower Income Units*	Moderate Income Units*
High	Site 10	5320 Carpinteria Ave	1.08	21	0
High	Site 11	5437 Carpinteria Ave	1.98	25	0
High	Site 15	4602 et al Carpinteria Ave	2.45	40	8
High	Site 18	Holly and Carpinteria Ave	1.47	22	6
Medium	Site 12	1145 et al Eugenia Place	4.66	92	0
Medium	Site 13	1101 & 1135 Eugenia Place	0.80	16	0
Medium	Site 14	1065 et al Eugenia Place	1.88	19	16
Neutral	Site 7	1001 Mark, Cindy, and Via Real	5.51	110	0
		Total	**19.83**	**345**	**30**

*Assumes 20 dwelling units per acre

These eight sites were selected, not only because they would provide enough capacity to meet the RHNA, but also because they meet certain siting criteria making them optimal for medium-density residential developments with lower-income units. The following are common characteristics of all eight sites:

- Already developed and allow residential, commercial or light industrial uses
- Negligible environmental constraints
- Close proximity to transit
- Close proximity to amenities (grocery stores, schools, recreation, employment)

Sites 10, 11, 15, and 18 are labeled as “High” priority because they take access from Carpinteria Avenue and are generally close to the City’s Downtown “T” District. Sites 12-14 are labeled as “Medium” priority because although they are proximal to the downtown area, they are set back from Carpinteria Avenue and are comprised of multiple smaller parcels with different owners.

Unfortunately, the “High” and “Medium” priority sites only add up to 14.99 acres. The primary goal for this phase is to rezone at least 16.8 acres that would potentially yield capacity for 336 lower income units (shortfall plus 15 percent buffer). Thus, Site 7 is also included because it is a relatively small site (5.51 acres) that fronts on a main arterial street, Via Real, adjacent to a pending residential project (see Figures 1-3 in Attachment F).

D. Potential Interim-Phase Rezones

At the November 25th City Council hearing for the first reading of the proposed zoning amendments, there was considerable discussion regarding two additional Candidate Opportunity Sites – Site No. 5 and Site No. 21 (see Table 6 below).

Staff and the Planning Commission recommended including Site 5 as an extra property for rezone in the first phase. Site 5 was categorized as a "pending project" in the final adopted Housing Element. It had originally been included on the candidate site list in the land inventory, but was subsequently removed when an application for the Lagunitas Mixed-Use Project was formally submitted to the City. For reference, that proposal was conceptually reviewed by a joint meeting of the City Council, Planning Commission, and Architectural Review Board on June 18, 2024 (Item 1). More recently, however, this application appears to have stalled and the property is pending new ownership. In the absence of an active project application, the property may be considered as a potential rezone site for the new RMU zone district. Based on the early evaluations and site profiles, Site 5 met most of the criteria (developable land, proximity to transit, proximity to amenities, single ownership, etc.) to be considered a suitable site for rezoning to higher-density residential. The early inclusion of Site 21 as a rezone Site could help the City stay ahead of any "no net loss" implications[12] until the second phase of rezones is considered as part of the General Plan Update. However, members of the public raised concerns at the November 25th hearing regarding future development of Site 5 under the proposed RMU zoning.

Site No. 21 consists of two properties on the Carpinteria Bluffs adjacent to Viola Fields. Although staff and the Planning Commission did not recommend Site No. 21 to be part of the first phase of rezones, it was included in the draft CEQA Addendum (Attachment E) and made available for the City Council's consideration to include in Phase 1. After receiving public input in favor of including Site 21 in the first phase of rezones, the City Council considered it during deliberations.

Based on the discussions, it was clear that the Councilmembers would not reach a majority vote to include Site No. 5 and/or Site No. 21. Instead, they passed a motion to defer consideration of these sites and directing staff to bring these two Sites back for further consideration in early 2025.

Table 6. Sites To Be Reconsidered in Early 2025

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 5	6380 Via Real	8.63	169	0	Staff and Planning Commission recommend including as additional buffer to assist with the Housing Element certification.
Site 21	6155 Carpinteria Ave	6.31	126	0	Bluffs location with environmental constraints, but has property owner interest for multi-family housing with affordable units.

[12] No Net Loss Law (Gov. Code § 65863) requires that the City maintain sufficient sites to accommodate any unmet RHNA throughout the eight-year planning period. If one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall. The proposed 15 percent buffer further helps the City comply with No Net Loss Law.

E. Sites Not Recommended for Phase 1 Rezones

The remaining 10 Candidate Opportunity Sites, as shown in Table 7 below, will be deferred to future consideration as part of the General Plan Update. This will allow more time for property owner input, site analysis, and public outreach. Sites 1, 2, and 19, in particular, must be deferred to the future General Plan Update process since a change to RMU zoning would need to be preceded by a change to these sites' current Land Use Designation to avoid vertical inconsistency between zoning and land use designations. Such changes to the City's Land Use Map would require a GPA.

Table 7. Sites Recommended for Phase 2 (to be considered at a later date)

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 3	1000-1010 Bega Way	9.68	175	0	Good location/site but currently manufacturing uses with no property owner interest.
Site 4	6250 Via Real	8.47	166	0	Good location/site but currently Extra Space Storage with no property owner interest.
Site 6	Cindy Ln, Mark Ave, and Rose Ln	10.58	210	0	Set back from Via Real with multiple RDI uses.
Site 8	Mark Ave, Cindy Ln, and Via Real	10.02	199	0	Good location/site that is partially underutilized.
Site 9	Cindy Lane	4.49	89	0	Vacant site that may have environmental constraints.
Site 16	4621, 4631, 4643 Carpinteria Ave	0.67	0	9	Planning Commission removed from Phase1 based on property owner input. This site would only count as "moderate" income units.
Site 20	592, 586, 510 Palm Ave	0.77	0	11	Good location/site but would not count toward low-income RHNA shortfall.
Site 1	Via Real	15.81	316	0	GPA Required
Site 2	5800 Via Real	16.74	242	0	GPA Required
Site 19	5201 6th & 546 Walnut	3.29	65	0	GPA Required

Rezoning some or all of the remaining Candidate Opportunity Sites during Phase 2 might become necessary to avoid future de-certification of the City's Housing Element. For example, if one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall.[13] If some of the remaining Candidate Opportunity Sites are not rezoned in Phase 2, they could still be considered later (e.g., next housing cycle), or could be proposed for privately-initiated rezoning by an applicant without having to start the CEQA and stakeholder outreach process from the beginning.

[13] If these sites are rezoned, but not developed, the sites would count toward the City's zoning capacity in the next Housing Element cycle. If the sites are developed during this planning period, they would count toward the City meeting its RHNA obligations.

Planning Commission Recommendation

The proposed Housing Element Zoning Amendments were considered by the Planning Commission at its November 4, 2024 meeting[14] (Item 2). At the hearing, specific input was requested by staff on two items:

1. What the name of the new zone district for residential and mixed use should be.
2. Whether Site 5 should be included in the Phase 1 rezones.

The Planning Commission recommended that the new zone be titled Residential / Mixed Use (RMU); and also recommended that Site 5 *should* be included in Phase 1. After hearing public testimony, the Planning Commission also recommended that Site 16 be removed from the Phase 1 rezones. As shown in Table 6 above, Site 16 was estimated to only have moderate-income units and, therefore, was not necessary to address the current RHNA shortfall. Accordingly, Site 16 has been removed from the recommended Sites list (Table 5), to reflect the Commission's recommendation.

With those specific recommendations, the Planning Commission voted unanimously (5-0) to recommend that the City Council adopt the proposed zoning amendments and find that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

City Council First Reading

At the November 25, 2024 public hearing, City Council conducted the first reading of Ordinance Nos. 788, 789, 790, and 791. The following actions were taken:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and approved the Ordinance 4-0-0-1 (Clark absent) as amended;
- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and
- Direct staff to return in early 2025 with proposed rezones of Sites 5 and 21 to RMU: Approved 4-0-0-1 (Clark absent)

ENVIRONMENTAL

The proposed zoning amendments are logical follow-on discretionary actions to the City's existing GP/CLUP, which was approved in 2003 with the certification of a Program EIR. CEQA Guidelines Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred. The draft Addendum provided in Attachment E (along with the link to the previously certified Program EIR) outlines the minor clarifications and

[14] Available here: https://carpinteria.granicus.com/player/clip/1535?view_id=2&redirect=true

information to be added, and explains why such changes do not result in the identification of new or substantially more severe significant impacts. The draft Addendum evaluates the new RMU Zone District and Objective Design Standards. It further evaluates all 17 Candidate Opportunity Sites for rezoning that would not require a GPA.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

Therefore, as described in more detail in the Addendum in Attachment E, the changes resulting from the proposed zoning amendments do not constitute substantial changes to the GP/CLUP, would not involve substantial changes in the magnitude of impacts identified in the previously certified Program EIR, and would not result in new significant impacts. Accordingly, an addendum is the appropriate CEQA document for the Project.

POLICY CONSISTENCY

The Coastal Act and Carpinteria's Local Coastal Program (LCP)

The City of Carpinteria is located entirely within the California Coastal Zone. As such, the proposed zoning amendments constitute a change to the City's certified Local Coastal Program ("LCP"), and thus require compliance with City's GP/CLUP and the Coastal Act. Where actions may result in conflict with coastal resource policies, those that are most protective of significant coastal resources shall be prioritized (Pub. Res. Code, § 30007.5). Since the recommended Phase 1 rezone sites are located in commercial and light industrial areas near the downtown and the City's office park district, they are unlikely to be found at odds with State or local coastal resource protection policies.

Consistency with the 2023-2031 Housing Element

As described in this staff report, the proposed Project is intended to implement Program 1 of the adopted 2023-2031 Housing Element. If approved by the City Council, the Project would be submitted to the HCD for review, approval, and final Housing Element certification.

Consistency with the City's General Plan/Coastal Land Use Plan (GP/CLUP)

The proposed Project would be consistent with all applicable GP/CLUP policies. An in-depth policy consistency analysis is provided in Attachment H.

Next Steps

Following the City Council's adoption (first and second reading) of the zoning amendments, the amendments would then be sent concurrently to the California Coastal Commission and HCD for their respective reviews and certifications. If changes are required by one or both agencies prior to certification, such changes would be returned to the Planning Commission and/or City Council, depending upon their significance, for consideration and (revised) approval prior to resubmittal for final certification.

Effectuation of Ordinances Nos. 788, 789, 790, and 791 would occur immediately upon the date certified by the Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations. Resolution No. 6350 (Attachment I) directs City staff to transmit the Ordinances to the Coastal Commission and HCD.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

As noted above, Program 1 (Adequate Sites to Accommodate Regional Housing Needs) must be completed in order to receive Housing Element certification from HCD. If a compliant Housing Element is not certified: (1) the City may also have limited access to State funding, and (2) developers and advocates may have grounds to sue the City for not being compliant with State law.

Two of the Candidate Opportunity Sites are proposed for rezoning in a separate City Council action due to the segmentation requirements of the Political Reform Act, which apply because of a potential conflict of interest with respect to a Councilmember's real property interests. Accordingly, discussion and consideration of the two sites, which are Sites 15 and 18, are proposed to be conducted separately. A separate ordinance has been prepared for the rezoning of Sites 15 and 18 (see Ordinance 791 in Attachment D).

The City Attorney's Office assisted in the preparation of this Staff Report and will be available to answer questions at the meeting.

FINANCIAL CONSIDERATIONS

Staff time necessary to complete the ordinance development and adoption work is paid for from the City's General Fund and Measure X Program, and has been budgeted for in the current FY2024-25 adopted Budget as part of the Community Development Department's Advance Planning program work.

OPTIONS

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second reading), approve Resolution 6350, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a

supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA. (*Staff recommendation*)

2. Direct staff to modify the Ordinances. Significant modifications should be redirected to the Planning Commission for further consideration.

3. Reject Ordinance Nos. 788, 789, 790, and 791 (second reading) and Resolution 6350.

ATTACHMENTS

Attachment A Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use (RMU) Zoning District.

Attachment B Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

Attachment C Ordinance 790, amending the City's official Zoning Maps to rezone select parcels (Sites 7, 10, 11, 12, 13, and 14) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment D Ordinance 791, amending the City's official Zoning Maps to rezone select parcels (Sites 15 and 18) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment E 2003 GP/CLUP EIR and Draft CEQA Addendum thereto.

Attachment F Figures 1 through 4 as follows:
1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

Attachment G October 17, 2024 ARB Meeting Minutes (re: proposed ODS)

Attachment H: Consistency Analysis with the City's GP/CLUP

Attachment I: Resolution 6350 directing that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission and the California Department of Housing and Community Development for certification.

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Attachment A.

Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE, TO TITLE 14 - ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Program 1- Adequate Sites to Accommodate Regional Housing Needs, completing the necessary rezones to address the City's housing capacity shortfall pursuant to the Regional Housing Needs Assessment ("RHNA"); and

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

determined that a new zone district would be necessary to accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code §65583.2) and Program 1; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790, and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including naming the new zone district proposed by this Ordinance "Residential/Mixed Use" ("RMU"), and to determine that the provided Addendum is the appropriate review document for this Ordinance pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.19 to Title 14.

Chapter 14.19 – RMU Residential/Mixed Use, is added to Title 14 – Zoning of the Carpinteria Municipal code and shall read as follows:

CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE

14.19.010 – Purpose and Intent.

The purpose of the RMU district is to provide areas of the City for higher density residential-only and mixed-use (commercial and residential) development, particularly as infill development, to increase the availability of workforce housing while maintaining commercial opportunities in the City's downtown. The intent of this district is to:

A. Help the City provide adequate sites to satisfy its Regional Housing Needs Allocation;
B. Provide opportunities for lower-income, special-needs, and workforce housing;
C. Cultivate pedestrian- and alternative transportation-friendly neighborhoods where residences are nearby to business, service, and employment locations; and
D. Encourage infill development in the City's downtown that preserves and enhances the City's "beach town" character.

14.19.020 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the RMU district, in accordance with Chapter 14.72 (Accessory dwelling units and junior accessory dwelling units):

A. Accessory dwelling units and junior accessory dwelling units shall be permitted in the RMU district.
B. Accessory dwelling units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
C. Accessory dwelling units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (Appeals).
D. Junior accessory dwelling units shall be subject to issuance of a building permit.

14.19.030 – Processing.

A. Uses identified in Section 14.19.040 shall be allowed as a use by right subject to the issuance of an administrative coastal development permit. For the purposes of this section, "use by right" means the City's review shall not require a development plan, conditional use permit, environmental review under the California Environmental Quality Act, or other discretionary review or approval in accordance with Government Code Section 65583.2(i) and Government Code Section 65589.5(f) for multifamily residential housing. Any subdivision of a site

shall be subject to all laws, including, but not limited to, Title 16 – Subdivisions, implementing the Subdivision Map Act. The City shall process an administrative coastal development permit for a use by right as follows:

1. The Planning Director shall approve or deny administrative coastal development permits.
2. No public hearing shall be required.
3. Public notice shall be required in accordance with Chapter 14.76.
4. Pursuant to Section 30603 of the Coastal Act, within California Coastal Commission's coastal appeals area, the Planning Director's decision to approve an administrative coastal development permit in the RMU zone district may be appealed to the Coastal Commission within ten working days. Proposed development in the RMU zone district that is located outside of the coastal zone appealable area is not appealable to the Coastal Commission.
5. An applicant may request non-binding conceptual review by the Architectural Review Board to improve project design.

B. For all uses conditionally permitted pursuant to Section 14.19.060, a conditional use permit shall be submitted, processed, and approved as provided in Chapter 14.62.
C. For all other permitted uses pursuant to Section 14.19.050, prior to the issuance of a coastal development permit, a development plan shall be submitted, processed, and approved as provided in Chapter 14.68, with the exception that Architectural Review Board and Planning Commission review shall be limited to analysis of the project's compliance with Chapter 14.51, Objective Design Standards, and the regulations of this Chapter.
D. Once a final decision of approval, conditional approval (if applicable), or denial is issued by the Planning Director or Planning Commission, as applicable, the notice of final action shall be provided within five working days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing.

14.19.040 – Uses permitted by right.

A. The following uses shall be allowed as a use by right in the RMU district:
    1. Mixed-use commercial and multifamily residential developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted residential units for lower-income households;
    2. Multifamily residential-only developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted units for lower-income households;
    3. Public parks, playgrounds, and open space areas provided as part of a mixed-use or multifamily residential development;
    4. Low barrier navigation centers, as defined in Government Code Section 65660 and subject to the provisions of Government Code Section 65662;

5. Supportive housing developments, as defined by Health and Safety Code Section 50675.2 and subject to the provisions of Government Code Section 65651;
6. Transitional housing developments, as defined by Health and Safety Code Section 50675.2;
7. Home occupations, as provided in Section 14.50.030;
8. Accessory uses and structures incidental to permitted residential uses, including laundry and storage rooms; garages, carports, and parking lots; bus stop shelters; multifamily residence mailboxes; and bike racks;
9. Accessory uses and structures incidental to commercial portions of mixed-use developments, including storage rooms, garbage enclosures, and loading zones; and
10. Personal use cannabis cultivation, as provided in Chapter 14.59.

B. For the purpose of this Chapter, "lower-income" means a household that earns 80 percent or below of the area median income applicable to Santa Barbara County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.
C. For the purpose of this Section, permitted commercial uses for commercial portions of mixed-use developments shall be as follows:
    1. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.030.
    2. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.030.

14.19.050 – Uses permitted subject to development plan approval.

Mixed-use commercial and multifamily residential developments that do not meet the affordability requirements of Section 14.19.040(A)(1) and multifamily residential-only developments that do not meet the affordability requirement to Section 14.19.040(A)(2) shall require approval of a development plan in accordance with Section 14.19.030(C). Uses subject to development plan approval shall comply with the provisions of Sections 14.19.070 through 14.19.100 and all applicable provisions of the Title 14 of the City's Code.

14.19.060 – Uses permitted subject to conditional use permit.

A. Permitted uses subject to a conditional use permit in the RMU district shall be as follows:
    1. As provided in Chapter 14.62;
    2. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.040; or
    3. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.040.
B. Such conditional uses shall not prevent the development from meeting the standards in Sections 14.19.070 through 14.19.100, inclusive.

C. Projects proposing such conditional uses shall also incorporate multifamily residential use. In addition to the findings in Section 14.62.040(8), the following finding must also be made:
    1. The proposed use will not be detrimental to the health, safety, and general welfare of the residential use also proposed by the project.

14.19.070 – Objective design standards.

Projects shall be designed pursuant to the design standards in Chapter 14.51.

14.19.080 – Density.

The number of dwelling units per gross acre shall be a minimum of 20 and maximum of 25, unless otherwise allowed by applicable State housing law or Title 14 of the City's Code.

14.19.090 – Development standards.

The following development standards shall apply:

A. Affordability. Projects qualifying for an administrative coastal development permit pursuant to Section 14.19.030 shall record a restrictive covenant that ensures the continued affordability of all acutely low-, extremely low-, very low-, low-, and moderate-income rental units for 55 years and all acutely low-, extremely low-, very low-, low-, and moderate-income for-sale units for 45 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
B. Setbacks. All structures shall be located pursuant to the following setbacks:
    1. No less than five feet from the property line or 25 feet from the street centerline, whichever is greater.
    2. For sites with frontage on Via Real, no less than 15 feet from the property line abutting Via Real, and 5 feet from all other property lines.
C. Distance between buildings. The distance between two adjacent buildings shall be no less than 10 feet.
D. Building coverage. Not more than 75 percent of the net area of the property shall be covered with any portion of a building.
E. Building height. No building or structure shall exceed a height of 35 feet.
F. Parking. Unless modified by State law, minimum parking requirements shall be as follows:
    1. Visitor, guest, and employee parking: one space per five units.
    2. Parking for units affordable to lower-income households:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom or larger units: 1.5 parking spaces per unit.
        c. Four-bedroom or larger units: 2.5 parking spaces per unit.
    3. Parking for all other units:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom units or larger: two parking spaces per unit.

c. Four-bedroom or larger units: 2.5 parking spaces per unit.

4. Parking for commercial uses shall be as provided in Section 14.54.040.

G. Open space. At least 20 percent of the net area of the property shall be used for common and/or public open space. A maximum of 50 percent of the required open space may be provided on rooftops or decks above ground level.

H. Fences, walls, and plantings. Fences, walls, and plantings providing a solid screen (i.e., at least 90 percent opacity when viewed from the public right of way) that are located in a front yard setback shall not exceed a height of four feet.

I. For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. For the purposes of this section, a leasing or property management office for a residential development on the same site shall be considered a commercial use.

14.19.100 – Development standards— specific sites.

The following development standards shall apply to specified sites, in addition to the development standards in Section 14.19.090:

A. Sites with frontage on Linden Avenue or Carpinteria Avenue within Community Design Element Subarea 2a shall be limited to mixed-use (commercial and residential) development.

B. For sites with frontage on Linden Avenue or Carpinteria Avenue, 50 percent of the residential units shall be a mix of studios and one-bedroom units.

14.19.110 – Noticing requirements.

Noticing shall be conducted pursuant to Chapter 14.76, with the exception that no public hearing shall occur or be noticed for projects qualifying as a use by right pursuant to Section 14.19.040.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act (“CEQA”) Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report (“EIR”) for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara..

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment B.

Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS, TO TITLE 14 – ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the City of Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, projects seeking approval under the allowances of the Housing Accountability Act (Gov. Code §65589.5) and Senate Bill 423 (Gov. Code §65913.4) are required to comply with objective, quantifiable, written development standards, conditions, and policies provided that those objective standards, conditions, and policies do not render the project infeasible; and

WHEREAS, in response to the increased streamlining of planning and design review for housing projects by State law, jurisdictions throughout the State have implemented Objective Design Standards ("ODS") for projects which are required by State law to undergo ministerial planning review; and

WHEREAS, to ensure that housing projects in the City seeking streamlined or ministerial review pursuant to State law implement quality architectural and site design that remains compatible with the existing scale and character of Carpinteria, the ODS proposed by this Ordinance are included as part of the City's implementation of Housing Element Program 1; and

WHEREAS, at the October 17, 2024 meeting of the Architectural Review Board, City staff presented the Board with proposed ODS, which would apply to specified residential and mixed-use projects, and invited feedback from the Board and members of the public, and after deliberation the Board recommended that the proposed ODS be brought to the Planning Commission with comments attached; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 12, 2024, the California Coastal Commission Executive Director issued a Memorandum on Streamlined Ministerial Approval Process in the Coastal Zone (Government Code Section 65913.4) ("SB 423 Memo"), which, among other things, recommends that local agencies develop objective design standards for projects proposed under Senate Bill 423 (Gov. Code, § 65913.4), and this Ordinance proposes objective design standards consistent with said SB 423 Memo; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 – Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.51 to Title 14.

Chapter 14.51 – Objective Design Standards, is added to Title 14 – Zoning of the Carpinteria Municipal Code and shall read as follows:

CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS.

14.51.010 – Purpose and Intent.

The purpose of this chapter is to provide objective design standards for certain mixed-use and multifamily residential developments in the City of Carpinteria in order to provide ministerial and/or streamlined review of such projects. The intent of this Chapter is to maintain the City's unique small-town character and vibrant neighborhoods while encouraging and incentivizing residential and mixed-use developments that:

A. Provide housing opportunities for residents of all income levels, including family and workforce housing;
B. Revitalize neighborhoods and provide opportunities for infill development;
C. Cultivate pedestrian and alternative transportation-friendly spaces; and
D. Are sensitive to and compatible with existing development with respect to massing, setbacks, and rooflines.

14.51.020 – Applicability.

A. The provisions of this Chapter shall apply to:
    1. Any residential or mixed-use development in the Residential/Mixed Use (RMU) 20/25 Zone District;
    2. Any residential development subject to a streamlined, ministerial approval process pursuant to California Government Code Sections 65913.4, 65852.24, and 65912.100-140; and
    3. Any development that constitutes a "housing development project" under California Government Code Section 65589.5 (Housing Accountability Act) that is inconsistent with the City's general plan land use designation and

zoning ordinance, or meets the criteria in Government Code Section 65589.5, subdivision (h)(11).

B. In the case of conflict between this Chapter and other regulations of Title 14 – Zoning, the objective standards established by this Chapter shall prevail.

14.51.030 – Processing.

A. Permit processing shall be as provided for in the underlying base zone district.
B. Any project that seeks an exception, waiver, or modification to the provisions of this Chapter, excluding waivers or modifications granted pursuant to State Density Bonus Law (Gov. Code, § 65915 et seq.) as implemented by chapter 14.77, shall require the filing and approval of a Development Plan Modification as provided for in Section 14.50.120 of this title.

14.51.040 – Building form, massing, and articulation.

A. *Building Form and Vertical Hierarchy*. Buildings that are higher than two stories shall be designed to differentiate between a defined base (first floor); a middle or body (e.g., second or third floor); and a top, cornice, or parapet cap (architectural features). Two-story buildings shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following:
   1. Color, texture, or material changes;
   2. Variations, projections, or reveals in the wall plane;
   3. Variations in fenestration design or pattern; or
   4. Decorative architectural features, such as cornices and columns.
B. *Story height*. The ground story shall have a maximum story height of ten (10) feet for residential use and 12 feet for commercial use. The height of upper stories shall not exceed nine feet.
C. *Wall plane variation*. Building facades visible from the primary right-of-way shall not extend more than 30 feet in length without either a two-foot variation in depth in the wall plane or one of the following projected or recessed architectural elements: porches, stoops, porticos, balconies, bay windows, overhangs, terraces, and/or trellises.
D. *Street Façade*. If buildings on adjacent properties establish a contiguous street façade along the primary right-of-way frontage, such as the 900 block of Linden Avenue, new buildings shall be located to maintain the contiguous street-facing wall, with allowances for variation in façade and entrances which are projected or recessed.
E. *Corner lots*. Buildings located on corner lots shall include one or more of the following features on both street-facing facades, located within 25 feet of the corner of the building closest to the intersection:
   1. An entrance to a ground-floor use or a primary building entrance;
   2. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade; or

3. A change in height of at least 18 inches from the height of the abutting façade.

F. *Roofline variation*. Rooflines shall provide one of the following prominent changes a minimum length of every 30 feet:
   1. Variation in roof form, such as hip, mansard, gable, shed, or flat with parapet;
   2. Variation in architectural elements, such as parapets and cornices; or
   3. Variation of roof height of 18 inches minimum (as measured from the highest point of each roof line).

G. *Upper floor massing.* Upper floors shall be reduced in bulk and massing: upper floors shall each have up to a total maximum floor area of 80 percent of the total net floor area of the ground floor. For lots with 5,000 square feet or less, upper floors shall have a total maximum floor area of up to 70 percent of the total net floor area of the ground floor.

H. *Contextual Upper Story Stepback*.
   1. Where a building's façade is within 20 feet of a street side property line, at least 30 percent of the façade of the upper floor(s) shall be stepped back from the ground floor façade at least 2 feet.
   2. Where a building on an abutting lot across a side lot line is single-story, any proposed building located within 15 feet of the side lot line shall step back at least 30 percent of the upper floor(s)' façade from the ground floor façade at least 2 feet.

I. *Common open space.* Common open spaces for multifamily residential developments shall comply with the minimums required by the base Zone District in which they are located.
   1. *Rooftop open space*. Open spaces located on a building rooftop shall be a minimum of 15 feet away from any property line abutting a residential use.

J. *All-sided architecture*. Fenestration, materials, and common details shall be carried over on all sides of the building visible from public rights-of-way.

K. *Limits on garages*. To minimize the dominance of garage doors along street frontages, a garage facing and visible from a public street shall not occupy more than 50 percent of the width of a building façade facing that street, except that it may be 12 feet wide in any circumstance. Mixed-use developments shall not have any street-facing garage doors along the primary right-of-way. Garage doors shall be recessed a minimum of four inches from the surrounding wall plane.
   1. Where the width of a garage exceeds 30% of the linear front or side elevations, the garage shall be recessed a minimum of 3 feet from the front wall of the building, or provide a trellis extending in front of the face of the garage.
   2. Garage doors shall feature at least one of the following treatments:
      a. Garage door windows;
      b. Paneled garage door surface;
      c. Two different colors; or
      d. Accent material.

14.51.050 – Site design.

A. *Siting of commercial uses*. Commercial components of a mixed-use development shall always be located closest to the primary right-of-way. Where a combination of commercial and residential uses is provided within the same building, commercial uses shall be located on the ground floor and closest to the primary right-of-way.
B. *Front-facing open space*. For developments fronting Linden Avenue or Carpinteria Avenue, any ground-floor courtyard, open space, or building setback from the street-facing property line shall be used for landscaping, outdoor dining/seating, public plazas, and/or building entries.
C. *Vehicular circulation and access*.
    1. Vehicular site access to parking areas shall be provided via side streets or alleys, when present.
    2. A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage. For corner lots, one vehicular access point is permitted per lot where all street frontages are less than 100 linear feet, and two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.
    3. For developments fronting Linden Avenue or Carpinteria Avenue, parking areas shall not be located within any front or street side setback, or between any building and the primary right-of-way.
D. *Loading and service areas*. New commercial uses requiring the receipt or distribution of material or merchandise by vehicles or trucks shall provide one (1) off-street loading space for 5,000 to 20,000 square feet of commercial area, and two (2) off-street loading spaces for commercial area greater than 20,000 square feet. Additional loading spaces shall be provided pursuant to Section 14.54.090.
    1. Required loading and service areas shall not be located between a building and the primary right-of-way.
    2. Loading and service areas shall not be located in drive aisles so as to not disrupt or block the flow of on-site and off-site vehicular traffic. Striping and signage shall be as provided in Chapter 10.04.
    3. Loading and service areas shall be located in parking areas and alleys, when present.
    4. Loading and service areas shall be screened from view from public rights-of-way with walls, solid fencing, and/or landscape privacy screening pursuant to Section 14.51.110.
E. *Pedestrian circulation and access*. Pedestrian walkways shall be a minimum width of four feet and shall be designed as follows:
    1. Pedestrian walkways shall connect public sidewalk right-of-way to areas throughout the site, such as building entrances, unit entrances, vehicle parking areas, bicycle parking areas, common open space areas, waste and recycling enclosures, and any transit stops directly adjacent to the site. Such walkways shall also connect buildings and amenities within the development to one another.

2. Where through lots are located more 300 feet from a street intersection, as measured from the closest point of the lot, pedestrian walkways shall be designed to provide public access connecting the two streets.
3. Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials, such as concrete, permeable paving, decomposed granite, stone, or brick.

F. *Private open space screening*. When a private open space (e.g. patio or balcony) is located within 20 feet of another residence or another private open space, the private open space shall be enclosed with a wall or fence that is a minimum of four feet in height.

G. *Usable open spaces*. Required common or public open spaces shall be a minimum of ten feet by ten feet. At least one of the common or public open spaces shall incorporate at least one of the following elements:
1. Picnic tables;
2. Permanently installed benches or seating;
3. Sport court or field, playground, or other children's play area;
4. Community garden;
5. Swimming pool; or
6. Pet park with a minimum of one trash receptacle.

H. *Paving*. For lots not fronting Linden Avenue or Carpinteria Avenue, the maximum amount of impervious surface area in the front setback is 30 percent.

14.51.060 – Utilitarian elements.

A. *Bicycle parking*. All developments shall provide bicycle parking spaces. Short-term bicycle parking is intended to serve shoppers, customers, couriers, guests, and other visitors to a site who generally stay for less than 2 hours. Long-term bicycle parking is intended to serve residents and commuters who generally stay at a site for long periods of time (e.g., overnight or for a work shift).
1. *Required number of spaces*.
   a. Short-term bicycle parking. One space per five residential units, plus one space per 250 square feet of commercial space; or four spaces, whichever is greater.
   b. Long-term bicycle parking. One space per two residential units, plus one space per 1,000 square feet of commercial space.
2. *Location and required elements*.
   a. Multifamily residential uses – Long-term bicycle parking. Long-term bicycle parking shall be located in an enclosed bicycle locker, a covered storage area or room, or a rack or stand in a room with key access limited to residents.
   b. Commercial uses – Long-term bicycle parking. Long-term bicycle parking shall be provided by a rack or stand within 100 feet of an entrance to the building it serves, or in an enclosed bicycle locker, covered storage area, or room.

c. Short-term bicycle parking. Short-term bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of an entrance to the building it serves.

3. *Size and accessibility*. Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between a bicycle parking space and walls, poles, landscaping, street furniture, pedestrian walkways, and parking areas.

B. *Pedestrian-oriented commercial setback areas*. Front setback areas between a commercial use and the primary right-of-way shall be landscaped and shall contain at least one amenity per 50 linear feet, such as benches or other seating, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).

C. *Lighting*. Outdoor light fixtures, including pole lights, wall-mounted lights, and bollards, shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
1. *Light intensity*. The maximum light intensity shall not exceed a maintained value of ten foot-candles, when measured at finished grade.
2. *Light temperature*. Lights shall be light-emitting diode (LED) lights with a color temperature no higher than 3000 Kelvins.

D. *Vents and Exhaust.* All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from view from any public right-of-way.

E. *Screening of mechanical equipment.* The following screening standards apply to specified types of mechanical equipment:
1. *Ground-mounted equipment*. Ground-mounted equipment that faces a public viewing area must be screened to a height of 6 inches above the equipment, unless such screening conflicts with utility access. Acceptable screening devices consist of walls, fences, or berms. Screening materials for walls or fences shall be selected from an exterior finish, siding, fencing, or wall material utilized elsewhere on the primary building of the development it serves.
2. *Wall-mounted equipment*. Wall-mounted equipment (e.g., electrical meters, cable connection boxes, electrical distribution cabinets, etc.) shall provide screening that incorporates the exterior wall or accent colors of the building, unless such screening conflicts with accessibility and visibility requirements for health and safety. For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device.
3. *Rooftop equipment*. Where rooftop equipment is located within 10 feet of a roof edge, a parapet shall be provided that is a minimum of six inches taller than all roof-top equipment. Rooftop equipment located within or adjacent to rooftop open space shall be screened to a height of 6 inches above the equipment in the manner provided by subsection (1) above.

F. *Trash, recycling, and other waste containers*. Enclosures for recycling, green waste, and any other waste containers required by law shall be located within a

building, incorporated into the exterior building design, or located within a detached enclosure designed and placed as follows:

1. The enclosure shall be located to the rear or side of the building(s) and located outside of view from a public right-of-way, and
2. The enclosure shall incorporate the materials and colors of the primary building design.

14.51.070 – Building and dwelling unit entrances.

A. *Separate entrances*. Building entrances and lobbies for residential units shall be separate from non-residential entrances.
B. *Street-facing commercial entrances*. Commercial components of mixed-use development along the primary right-of-way shall have main entrances facing the primary right-of-way and directly accessible from the sidewalk by a pedestrian walkway. Such entrances shall provide weather protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.
C. *Downtown street-facing entrance*. Buildings fronting Linden Avenue or Carpinteria Avenue shall provide an entrance directly from the public sidewalk or right-of-way a minimum of every 40 feet. Each shall have one or more of the following:
    1. Entrance flanked by columns, decorative fixtures, or other similar elements;
    2. Entrance recessed within a large arch or cased decorative opening;
    3. Entrance covered by a large portico projecting at least 6 feet from the surrounding wall plane; or
    4. Entrance covered by an awning.
D. *Downtown enhanced paving*. Building entrances fronting Linden Avenue or Carpinteria Avenue shall provide paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete that contrasts in color and texture from the adjacent walkway or right-of-way paving.
E. *Exterior entrances to residential units*.
    1. All individual exterior unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.
    2. Entrance types such as a stoop, porch, patio, or courtyard may serve more than one residential unit.
    3. Individual exterior unit entrances shall be illuminated, or face toward a common area or public street.
    4. Each residential unit located within 20 feet of a primary right-of-way with an exterior entrance shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.
    5. The entrance to residential units located on the ground floor may be raised up to a maximum finished floor height of 42 inches above the abutting sidewalk height, unless otherwise required for safety or sea level rise reasons.

14.51.080 – Windows.

A. *General Treatment*. Windows shall provide one of the following:
   1. Window trim or windowsill a minimum of one-half inch in depth; or
   2. Window recess a minimum of three inches in depth from the surrounding wall plane.
B. *Windows Facing a Public Street*. Windows facing a public street shall feature one or more enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.
C. *Privacy*. Where buildings are located within 15 feet of one another, residential window design on the building facades adjacent to one another shall avoid unfiltered/direct views into building interiors and shall be designed with one or more of the following:
   1. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units;
   2. Non-transparent or obscured glazing, such as frosted/patterned glass, glass block, or non-operable opaque windows. One-way mirror glass or film is not permitted;
   3. Permanent architectural screens or affixed louvers at windows; or
   4. Clerestory windows a minimum height of 5 feet from the ground.

14.51.090 – Materials and colors.

A. *Wall material*. The primary exterior wall siding material shall be selected from stucco, plaster, wood, composite wood, stone, stone veneer, brick, brick veneer, or vinyl. The use of exposed plywood or glass curtain walls is prohibited.
B. *Material transition*. Changes in materials or colors shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as a column or pier.
C. *Window Consistency*. Window frame materials and color shall be used on all elevations.
D. *Fences, walls, and hedges*. Fences and walls shall be constructed from materials such as wood, vinyl, wrought iron, brick, and stone. Chain link and barbed wire fencing is prohibited. Both sides of all fences and walls shall feature the same color and treatment.
E. *Vents and exhaust*. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

14.51.100 – General building design and architecture.

A. *Architectural Consistency*. Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.
B. *Roofs*.

1. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment. The interior side of parapet walls shall not be visible from a common open space or public right-of-way.
2. Roofs with overhanging eaves shall have an underside of stained wood, painted wood, or stucco. Exposed plastic is prohibited.
3. Corbels and brackets shall be constructed of stone, wood, or stucco. Exposed plastic is prohibited.

C. *Downtown ground floor transparency*. New mixed-use commercial building facades facing Linden Avenue or Carpinteria Avenue shall include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Windows and doors associated with a commercial use shall not use an opaque, frosted, or glazed material.
   1. The bottom of any product display window shall not be more than three and a half feet from the elevation of the sidewalk.
   2. Transparent or translucent glazing is required on the ground floor facade. Opaque, dark tinted glass, and mirror treatments that obstruct interior views at the street level are not permitted.

D. *Decorative window treatments*. Windows facing Linden Avenue or Carpinteria Avenue shall feature one or more of the following enhanced or decorative window treatments:
   1. Decorative architectural brackets, trim, exterior shutters, or awnings;
   2. Planter boxes or hanging planters;
   3. Balconies;
   4. Decorative accent material (such as wood or tile) as wainscot; or
   5. Bay windows.

E. *Decks and balconies*. Decks and balconies shall be constructed such that at least 75 percent of the area between the finished floor and the railing is an opaque material. All decks and balconies on a building shall use consistent colors, materials, and form.

F. *Vehicle Light Intrusion*. Vehicle headlights shall be obstructed from direct alignment with habitable interior first-story spaces with a minimum three-foot-high fence, wall, or other solid architectural feature.

G. *Carports*. Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design. Solar panels shall be permitted on carports in accordance with building code.

H. *Tandem parking*. Garages may be designed to accommodate tandem parking.

14.51.110 – Landscaping.

Landscaping shall be designed for all outdoor areas that are not specifically designated for buildings, walkways, driveways and parking, or open space. For further requirements, see the provisions of the base zoning district.

A. *Groundcover*. Groundcover shall be sized and located to cover at least 75 percent of all landscape areas that are not planted with shrubs or trees at the time building occupancy is granted.

1. While groundcovers and shrubs are establishing, a minimum layer of 3-inch bark mulch or decorative gravel shall be placed within all landscape areas to provide 100 percent coverage of such landscape areas.

B. *Plant selection*. Landscaping shall utilize non-invasive Mediterranean, local California native, and other WELO-compliant drought-tolerant species. Landscaping shall comply with the provisions of Chapter 15.90 – Water Efficient Landscaping, as applicable. Artificial or synthetic plants are prohibited.
C. *Number of Plants*. A minimum of one 15-gallon tree or equivalent box size and 20 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.
D. *Landscape privacy buffer*. A landscape buffer of a minimum width of five feet shall be located between all ground-level private open spaces, and pedestrian walkways or common/public open spaces. Plants shall be selected to enhance security (e.g. thorny plants) and shall be demonstrated to grow to a minimum height of four feet.
    1. *Exception*. Plantings providing a solid screen that are located in a front yard setback or facing the primary right-of-way shall not exceed a height of four feet.
E. *Pedestrian walkways.* Pedestrian walkways shall be flanked on at least one side with landscaping, and include a mix of groundcover, shrubs, and trees. Trees shall be selected and spaced to shade at least 25 percent of the overall walkway length at full maturity.
F. *Solar Access*. Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.

14.51.120 – Community Development Director substantial conformance determination.

The Community Development Director may make a determination that a substitution for, or minor deviation from, an objective standard specified in this section substantially supports the intent of the standard. Only the standards in the following sections are subject to a substantial conformance deviation:

A. Section 14.51.040 – subsections A, C, E, F, and K;
B. Section 14.51.050 – subsections B and G;
C. Section 14.51.060 – subsection E;
D. Section 14.51.070 – subsection C;
E. Section 14.51.080 – subsections B and C; and
F. Section 14.51.100 – subsection D.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted

this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment C.

Ordinance 790, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 790

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element Law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to remove Site 5 (APN 001-190-097) from the Ordinance and approve this Ordinance as amended on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 - Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

Candidate Site#	Assessor's Parcel No.	Existing Zone Designation	New Zone Designation
7	001-190-023 001-190-091 001-190-093 001-190-092	Industrial/Research Park (M-RP)	Residential/Mixed Use (RMU) 20/25
10	001-070-058	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
11	003-280-005 003-280-017	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
12	003-162-009 003-162-011 003-162-012	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
13	003-870-006 003-870-007 003-870-005 003-870-009 003-870-010 003-870-003 003-870-002 003-870-001 003-870-004	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
14	003-860-001 003-860-005 003-860-003 003-860-004 003-860-002 003-860-006 004-041-011 004-041-012 004-041-015 003-860-007 003-860-008	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, "provisions") thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

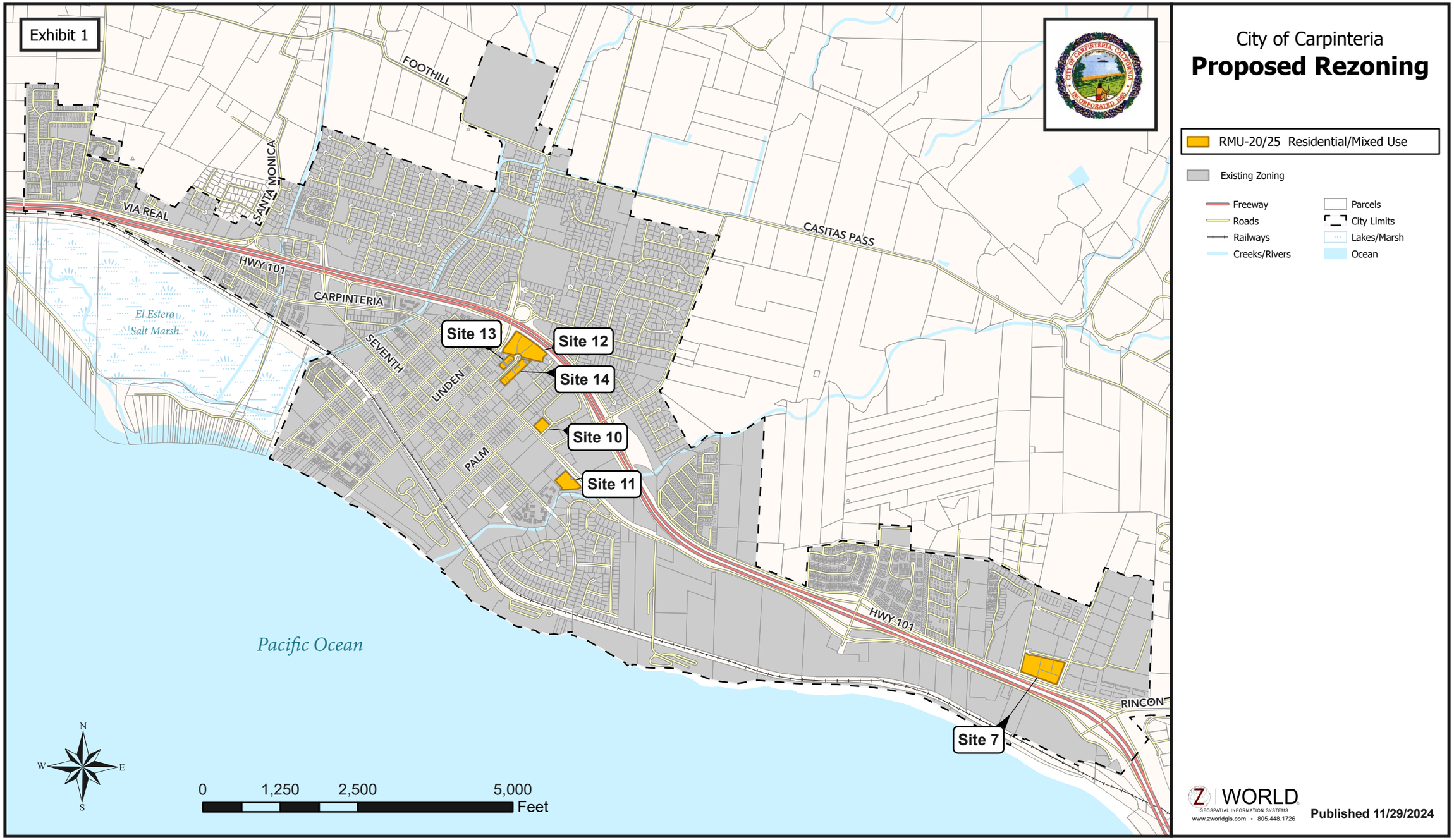
Exhibit 1
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Site 13
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Attachment D.

Ordinance 791, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 791

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 790), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum to the 2003 GP/CLUP PEIR, was introduced on a first reading, and the Council moved to approve this Ordinance on a 3-0-1-1 (Solorzano recused, Clark absent) vote; and

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

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

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

SECTION 3. Severability.

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

SECTION 4. CEQA Review.

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

SECTION 5. Effective Date.

This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section

13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

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City of Carpinteria

Proposed Rezoning

RMU-20/25 Residential/Mixed Use

Existing Zoning

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

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Published 11/29/2024

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Attachment E.

2003 GP/CLUP EIR and Draft CEQA Addendum thereto

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

The Previously Certified Program Environmental Impact Report (PEIR) for the City of Carpinteria's 2003 General Plan/Coastal Land Use Plan (GP/CLUP) was combined with the City's GP/CLUP.

Analysis pursuant to the California Environmental Quality Act (CEQA) occurs throughout the document with a full summary in Appendix A.

The full document is available at this link:
https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

CEQA ADDENDUM

City of Carpinteria
2023-2031 Housing Element Update Rezone Amendments
Project 24-2279-ORD/LCPA
Environmental Impact Report SCH 1997121111

November 25, 2024

I. Summary of this Addendum

This addendum to the Program Environmental Impact Report ("PEIR")[1] for the City of Carpinteria's ("City") General Plan/Coastal Land Use Plan ("GP/CLUP") ("Addendum") assesses the potential environmental impact(s) associated with implementation of Program 1 of the City of Carpinteria 2023-2031 Housing Element, as required by the California Environmental Quality Act ("CEQA") (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City, as the lead agency under CEQA, must consider the potential environmental impacts of the proposed Project, which includes:

- Adding a new Residential/Mixed Use ("RMU") Zoning District to the Carpinteria Municipal Code;
- Adding new Objective Design Standards to the Carpinteria Municipal Code; and
- Amending the City's Zoning Map to rezone certain parcels of land to RMU.

The goal of the proposed Project is to accommodate and encourage residential development in accordance with Program 1 of the City's adopted 2023-2031 Housing Element. This Addendum is being prepared pursuant to Sections 15162-15164 of the CEQA Guidelines, and is an informational document intended to be used in the planning and decision-making process.

The fundamental conclusion of this Addendum is that the proposed Project would not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the PEIR for the City's GP/CLUP, which was certified in 2003 with State Clearing House ("SCH") number 1997121111. Additionally, the Project would not involve any substantial changes to the components of, or circumstances surrounding, the City's GP/CLUP that would require major revisions to the PEIR. Thus, a subsequent or supplemental EIR need not be prepared in accordance with California Public Resources Code Section 21166.

[1] The previously certified PEIR was combined with the City's GP/CLUP, available at this link: https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

Housing Element Program 1

On January 22, 2024, the City of Carpinteria City Council ("City Council") adopted the current Housing Element[2], which outlines how the City's Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. While the Housing Element is adopted and in effect, it cannot be officially certified by the California Department of Housing and Community Development ("HCD") until the City implements Program 1 – Adequate Sites to Accommodate Regional Housing Needs.

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households, 35 units for moderate-income households, and 348 units for above-moderate-income households. Using the land inventory analysis in Appendix B, the City can currently accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units.

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, the City is required to implement Program 1 which involves rezoning sufficient land to accommodate 292 lower-income units plus a reasonable buffer[3].

As described in Program 1, City staff initially envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density residential development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed for both a higher density and a lower density residential development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now instead requires a zoning change on sufficient sites to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) and Program 1 require that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for the

[2] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/.
[3] HCD expects at least a buffer of 15 percent for a total of 336 units. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 would be approximately 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

lower-income units. Therefore, the zoning amendments must include this minimum density.

- Number of Units: Government Code Section 65583.2(h) and Program 1 require that the residential rezones include at least 16 units per site.
- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2, "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.
- Development Standards: As part of the rezoning program, the City must also ensure that allowable densities can be achieved and that development standards do not pose unreasonable constraints on the cost and supply of housing. Thus, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that streamlined permitting can be accomplished.
- Predominantly Residential Mixed Use Development: Government Code Section 65583.2(h) and Program 1 also require that one of the following standards is satisfied: (1) At least 50 percent of the lower income housing need to be accommodated on residential-only sites; or (2) All the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project.

In the adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this Addendum) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[4], and in the site profiles Figure B-4[5]).

In addition, Site #5 (located at 6380 Via Real and commonly referred to as "Lagunitas") was originally identified as a Candidate Opportunity Site considered for rezoning but was changed to a "pending project" in the final adopted Housing Element when an application for development was submitted. However, the applicants for the proposed development have stalled on processing their current application. Therefore, City staff and Planning Commission recommend that Site #5 also be included in the list of Candidate Opportunity Sites (Table1 below). If Site #5 is rezoned, it would provide the landowner with the opportunity to move forward with a project under the proposed RMU zone.

[4] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf.
[5] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf.

Table 1 – Summary of All 20 Candidate Opportunity Sites *(Site #17 was removed[6])*

Site #	Location	Current General Plan Land Use Category	GPA Required?
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy; Mark; Rose	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Out of the 20 Candidate Opportunity Sites, three would require a General Plan Amendment ("GPA") to modify the corresponding Land Use Designations in order to permit the proposed residential uses. The Final PEIR for the City's GP/CLUP included analysis of potential development under the existing Land Use Designations and did not anticipate such GPAs. Therefore, the three Candidate Opportunity Sites that require GPAs (Site Numbers 1, 2, and 19) are not currently under consideration for rezone amendments and are removed from further analysis in this CEQA Addendum. The Project thus does not require any amendment to the GP/CLUP.

All of the remaining 17 Candidate Opportunity Sites may be rezoned consistent with Program 1 without any changes to the GP/CLUP policies or Land Use Map.

II. Proposed Project Description: Zoning Amendments

Consistent with Program 1 of the Housing Element, the proposed Project analyzed in this CEQA Addendum consists of the following three components:

A. The addition of the RMU Zoning District in Title 14 of the Carpinteria Municipal Code ("CMC");

B. The addition of Objective Design Standards in Title 14 of the CMC;

[6] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.

C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning designations to the new RMU Zone.

All three of these Project components are logical follow-on discretionary actions to the GP/CLUP and are covered by the City's previously certified PEIR. While all three components combine to describe the whole of the Project, a project under CEQA is essentially the action(s) which would result in a physical change to the environment. In this case, the potential direct and indirect environmental effects from the proposed Project would come from the future development or redevelopment of the rezoned Sites.

It is not likely that all 17 Candidate Opportunity Sites (Table 2) will be rezoned as part of the Project. Ultimately, the City Council may choose a subset of these eligible Sites in order to meet the City's immediate RHNA shortfall plus a reasonable buffer. Even though it is unlikely that all 17 Sites will be rezoned, this Addendum's analysis covers all 17 Sites in order to assess whether or not there will be any significant impacts which require additional environmental review if all 17 Sites are rezoned.

Table 2 – Proposed Project: 17 Sites to be Potentially Rezoned to RMU

Site #	Location	Site Size (ac)	Current Zoning	Current GP	Potential Units w/Rezone*	Potential Lower-Income Units	Potential Moderate Income Units	Existing Use
3	1000 Bega Way	9.68	M-RP	RDI	175	175	0	Industrial Research
4	6250 Via Real	8.47	M-RP	RDI	166	166	0	Storage
5	6380 Via Real	8.63	M-RP	RDI	169	169	0	Vacant
6	Cindy Ln; Mark Av; Rose Ln	10.58	M-RP	RDI	210	210	0	Industrial Research
7	Cindy Ln; Via Real	5.51	M-RP	RDI	110	110	0	Industrial Research
8	Mark Av; Cindy Ln	10.02	M-RP	RDI	199	199	0	Industrial Research
9	Cindy Ln	4.49	M-RP	RDI	89	89	0	Vacant
10	5320 Carpinteria Av	1.08	CPD	GC	21	21	0	Commercial
11	5437 Carpinteria Av	1.98	CPD	GC	25	25	0	Apartments and partially vacant
12	Eugenia Pl	4.66	CPD	GC	92	92	0	Commercial
13	Eugenia Pl	0.80	CPD	GC	16	16	0	Commercial Condos
14	Eugenia Pl	1.88	CPD	GC	35	19	16	Commercial Condos & Commercial
15	Carpinteria Av	2.45	CPD	GC	48	40	8	Commercial
16	Carpinteria Av	0.67	CPD	GC	9	0	9	Commercial & Residential
18	Holly Av; Carpinteria Av	1.47	CPD	GC	28	22	6	Commercial & Residential
20	Palm Av	0.77	CPD	GC	11	0	0	Commercial
21	Carpinteria Av	6.31	M-RP	RDI	125	125	11	Industrial & Vacant
Totals		**79.45**	**n/a**	**n/a**	**1,528**	**1,478**	**50**	

* Assumes 20 dwelling units per acre.

As shown in Table 2, each of the Candidate Opportunity Sites covered by this Addendum is currently zoned either Commercial Planned Development ("CPD") or Industrial/Research Park ("M-RP"). The CPD zoning designation aligns with the corresponding General Commercial ("GC") land use designation; the M-RP zoning

designation aligns with the Research and Development Industrial ("RDI") land use designations. Under the new RMU District, future development of the Sites would include the following:

A. Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;

B. Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);

C. For sites in the GC land use category: the option to have commercial uses as part of a mixed-use development (except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which would be required to include a commercial use on the ground floor fronting the avenue);

D. For sites in the RDI land use category: the option to have offices and/or research, development, and laboratory uses, as part of a mixed-use development.

Since the commercial/office uses along with some residential uses are already permissible under the Sites' current zone districts and land use designations, the primary changes for the purpose of CEQA analysis are the net addition of the new residential density and accompanying accessory uses.

III. Analysis – Consistency with GP/CLUP

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's GP/CLUP and accompanying PEIR. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories currently allow for residential uses in their definitions:

> ***General Commercial (GC)***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented. (emphasis added)*
>
> ***Research & Development Industrial (RDI)***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential. (emphasis added)*

More explicitly, the following specific Land Use objectives and policies demonstrate that the rezones are consistent with the GP/CLUP. (See also the full GP/CLUP Consistency Analysis prepared for the project as Attachment H to the November 25, 2024 City Council Staff Report).

- ***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.*

  Discussion: Site Nos. 8 and 9 are located at the City's eastern edge, but still within the Urban Boundary. Site No. 8 is developed with industrial uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site Nos. 5 and 9 are vacant but surrounded by existing residential and/or industrial development on three sides. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned urban uses for the area.

  The remaining 14 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops. With the application of the Objective Design Standards, the future residential and mixed-use development on these sites would be compatible with the existing small beach town character.

- ***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. (emphasis added)*

  Discussion: All 17 Candidate Opportunity Sites are located within existing developed areas of the city. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and the railroad corridor to the south.

  The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the Project would concentrate development in the City's urban core by focusing on locations with existing commercial/industrial land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

- ***Objective LU-6****: Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to*

expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing. (emphasis added)

Discussion: The application of the new RMU Zone to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are to:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

- ***Policy LU-6a****. The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. (emphasis added)*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential on parcels designated for commercial and industrial would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity Sites that were compatible with existing and anticipated uses in the area surrounding the Site were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations.

  This would also help the City to improve and maintain an appropriate jobs-housing balance. As explained in the 2023-2031 RHNA Plan[7], the Santa Barbara County Association of Governments (SBCAG) reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships

[7] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

- ***Policy LU-6b****. The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial land uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and

residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles).

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permitted in the CPD and M-RP Zones. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue maintain a commercial component on the ground floor within the downtown "T" (based on Community Design Element Subarea 2a). In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

IV. CEQA Findings

The PEIR for the City's GP/CLUP was certified in April of 2003. CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR; or
    b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR; or
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

The previously certified PEIR evaluated the potential impacts of the City's adoption of the GP/CLUP, including the buildout of the Land Use Map. As described in the Land Use Element, an additional 972 residential units and approximately 196,000 square feet of commercial and research park space was anticipated at buildout of the GP/CLUP. Based on the City's annual reports on the GP/CLUP since 2003, just over half of the anticipated residential units have been built and/or permitted. As such, there is still growth capacity under the existing Plan and corresponding PEIR.

Since the proposal to rezone commercial and light industrial zones under the GC and RDI Designation areas to the new RMU zone would reduce potential for commercial and research park development while increasing potential residential development, a direct comparison of the 2003 anticipated buildout to the new potential buildout is not possible. However, a general comparison can be done.

For example, mixed-use and residential-only developments are already permissible at densities up to 20 dwelling units per acre in the CPD and M-RP zones (i.e., "existing capacity"). The RMU zone would increase density to allow for up to 25 dwelling units per acre. As shown in Table 3 below, the Project would potentially allow for up to 397 more residential units than the existing zoning/capacity. Thus, an additional 397 units would not exceed planned buildout under the existing GP/CLUP. The certified PEIR contemplated the potential impacts associated with the Project, including the full potential build out that had not occurred. Therefore, the Project does not propose substantial changes to the amount of development within the City that was evaluated in the PEIR for the GP/CLUP.

Table 3. Buildout Comparison

Site #	Location	Site Size (ac)	Maximum Units w/Rezone*	Existing Capacity	Increase from Rezones
3	1000 Bega Way	9.68	242	193	49
4	6250 Via Real	8.47	211	169	42
5	6380 Via Real	8.63	215	172	43
6	Cindy Ln; Mark Ave; Rose Ln	10.58	264	211	53
7	Cindy Ln; Via Real	5.51	137	110	27
8	Mark Ave; Cindy Ln	10.02	250	200	50
9	Cindy Ln	4.49	112	89	23
10	5320 Carpinteria Ave	1.08	27	21	6
11	5437 Carpinteria Ave	1.98	49	39	10
12	Eugenia Pl	4.66	116	93	23
13	Eugenia Pl	0.8	20	16	4
14	Eugenia Pl	1.88	47	37	10
15	Carpinteria Ave	2.45	61	49	12
16	Carpinteria Ave	0.67	16	13	3
18	Holly Ave; Carpinteria Ave	1.47	36	29	7
20	Palm Ave	0.77	19	15	4
21	Carpinteria Ave	6.31	157	126	31
Totals		**79.45**	**1,979**	**1,582**	**397**

The proposed Project would not modify the GP/CLUP or its Land Use Map. The future development of the 17 Candidate Opportunity Sites would be infill development that was already planned for under the existing GP/CLUP and analyzed in the PEIR. Further, the proposed Project would serve to implement many of the Land Use Element policies that specifically anticipated the need for mixed-use and residential infill uses in the GC and RDI land use categories.

With the exception of potential agricultural conversion, the previously certified PEIR found that all potential impacts of the GP/CLUP would be less than significant with adherence to the objectives and policies therein.

The proposed Project would not convert any agricultural resources and would not result in any new significant environmental effects, nor would it change the nature or scope of any previously identified impact areas or their mitigation measures. No open space areas or environmentally sensitive areas are proposed to be developed or indirectly impacted. Applicable mitigation measures are included as part of the City's GP/CLUP and would apply to any future development proposals on the parcels affected by the proposed map revisions. Therefore, this Addendum finds the following:

1. The proposed Project will not require any major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. There are no substantial changes that have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified as complete, showing any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

As identified above, the proposed Project would implement Program 1 of the City's 2023-2031 Housing Element and would involve Zoning Amendments to add a new Residential/Mixed Use (RMU) Zoning District and new Objective Design Standards, and to amend the Zoning Map to rezone up to 17 Candidate Opportunity Sites to RMU. The primary changes from the Project are additional residential density on sites already zoned to permit medium density residential use and mixed use. The proposed Project would not result in any changes to City land use designations or GP/CLUP policies. The changes resulting from the proposed Project do not constitute substantial changes to the GP/CLUP, its circumstances, or include new information of substantial importance. The modifications would not involve substantial changes in the magnitude of impacts identified in the previously certified PEIR and would not create new

potentially significant impacts that would require mitigation. Therefore, none of the circumstances identified in CEQA Guidelines Section 15162(a) are present.

Pursuant to CEQA Guidelines Section 15164, an addendum is the appropriate CEQA document for the Project. There is no substantial evidence in light of the whole public record suggesting that the project would result in significant environmental impacts not otherwise addressed in the previous EIR. Consequently, a subsequent or supplemental EIR is not required.

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Attachment F.

Figures 1 through 4 as follows:

1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

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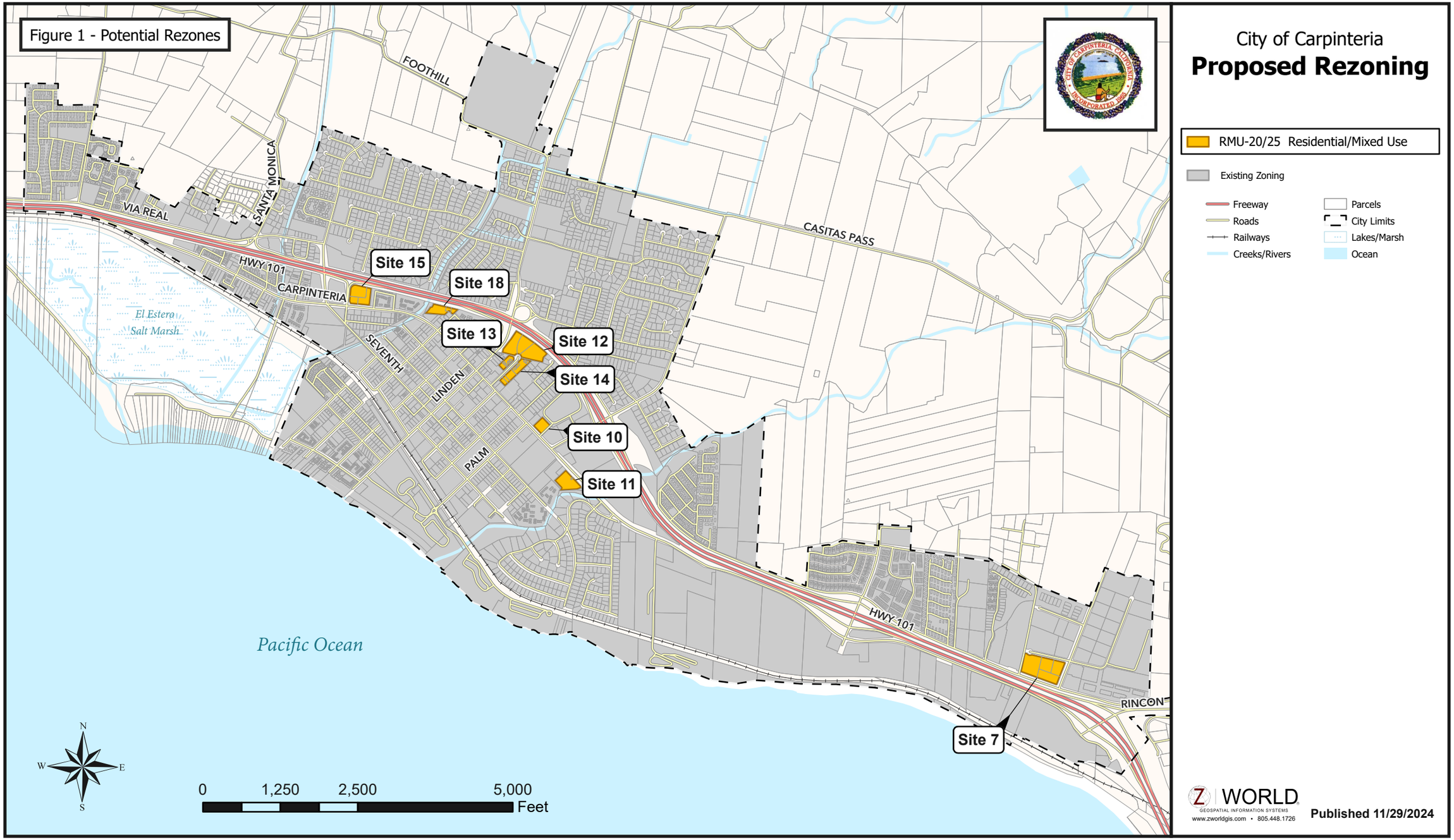
Figure 1 - Potential Rezones
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Pacific Ocean
RINCON
Site 15
Site 18
Site 13
Site 12
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Site 11
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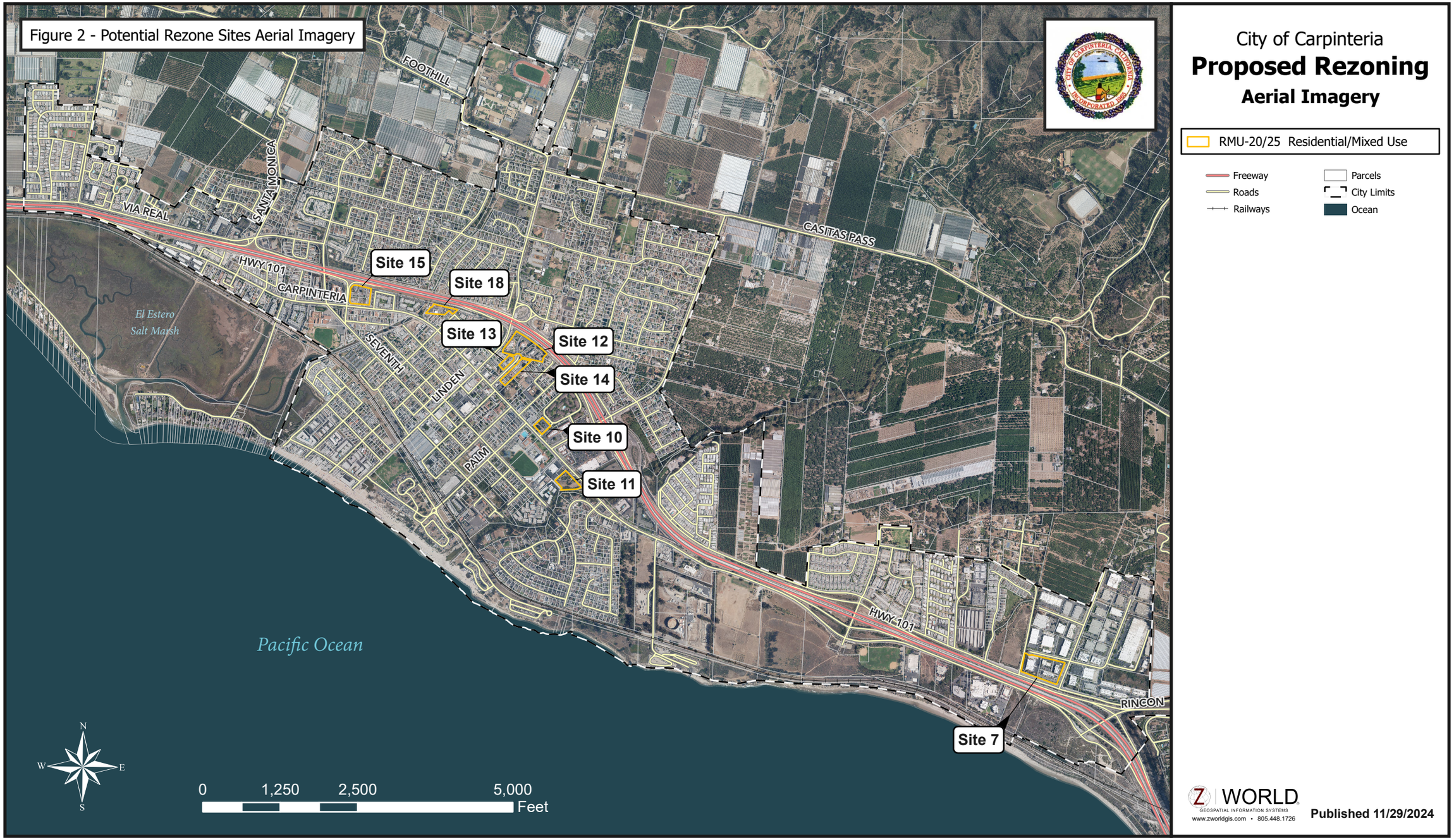
Figure 2 - Potential Rezone Sites Aerial Imagery
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
Site 15
Site 18
Site 13
Site 12
Site 14
Site 10
Site 11
Site 7
SEVENTH
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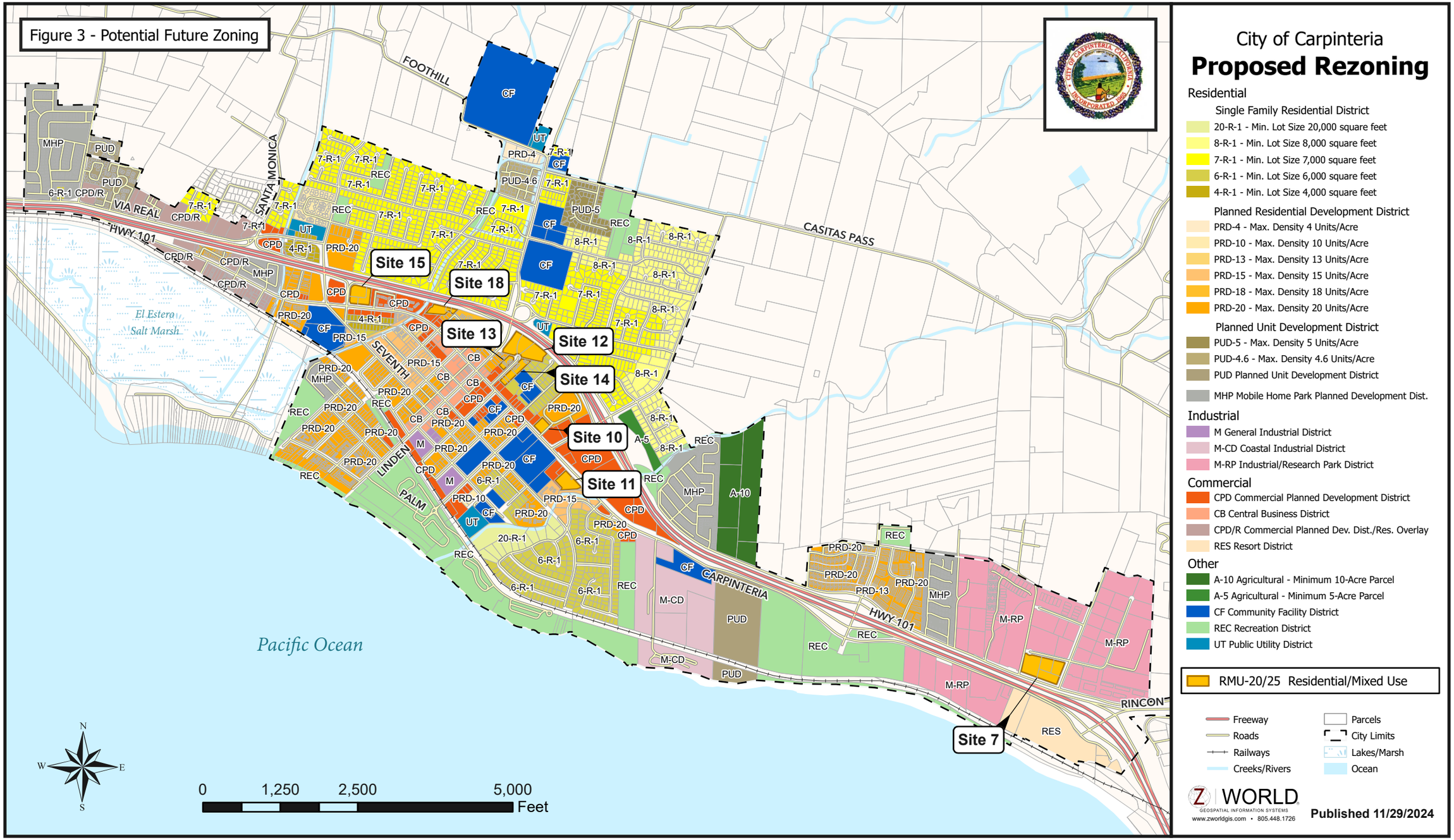
Figure 3 - Potential Future Zoning
City of Carpinteria
Proposed Rezoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
RMU-20/25 Residential/Mixed Use
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
Site 7
Site 10
Site 11
Site 12
Site 13
Site 14
Site 15
Site 18
HWY 101
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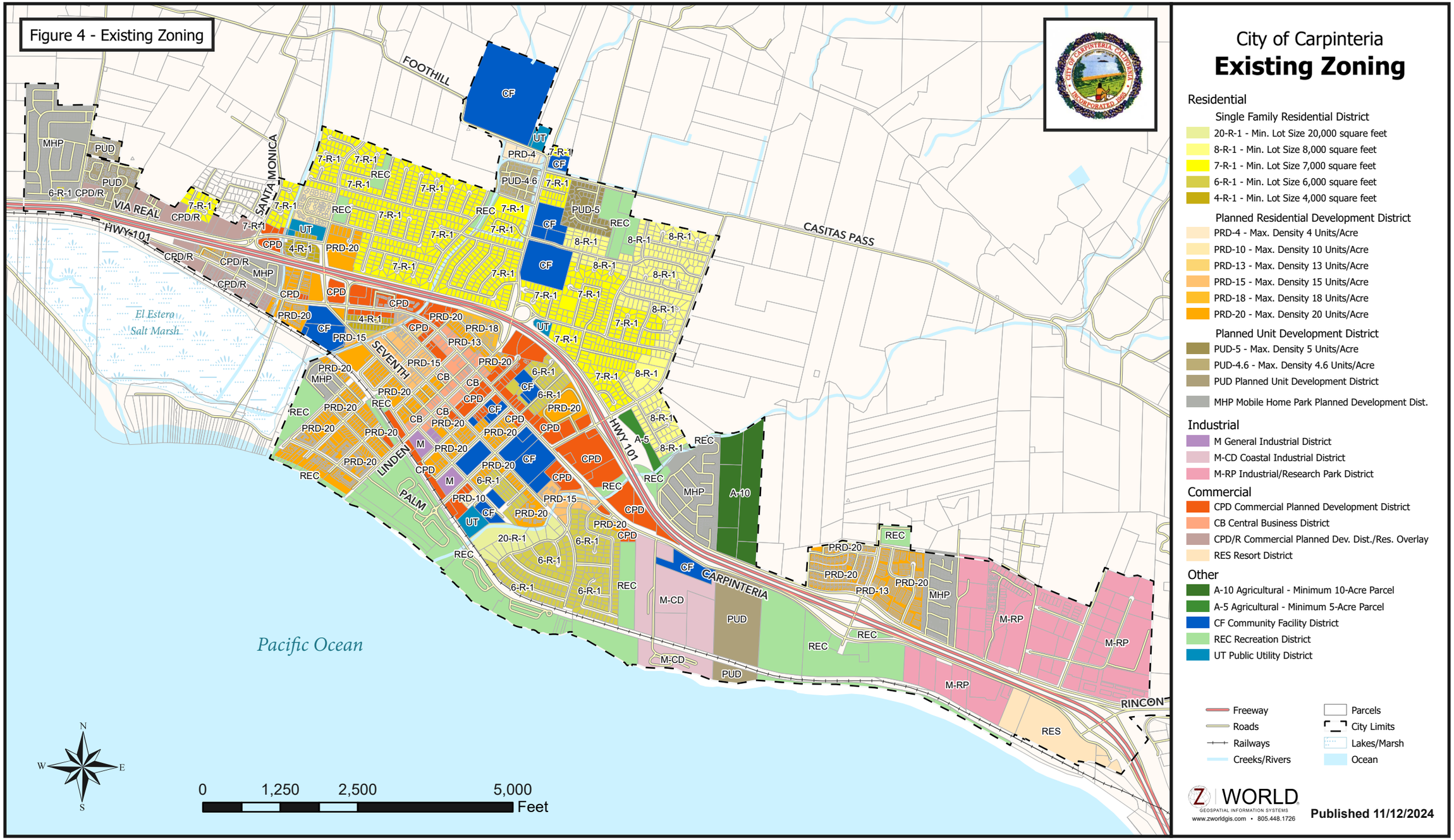
Figure 4 - Existing Zoning
City of Carpinteria
Existing Zoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
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CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
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Attachment G.

October 17, 2024 Architectural Review Board (ARB) Meeting Minutes (re: proposed ODS)

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

CITY OF CARPINTERIA
5775 Carpinteria Avenue
Carpinteria California 93013

ARCHITECTURAL REVIEW BOARD
Meeting Date October 17, 2024

ACTION MINUTES

The meeting was called to order at 5:31 p.m. by Vice Chair Blakemore

ROLL CALL

Boardmembers present: Amy Blakemore, Vice Chair
Richard Johnson
Richard Little
Patrick O'Connor

Boardmembers absent: Chair Brad Stein

OTHERS PRESENT:
Approximately 4 members of the public;
Community Development Director Nick Bobroff;
Principal Planner Brian Banks;
Principal Planner Mindy Fogg;
Senior Planner Syndi Souter; and
Assistant Planner Megan Musolf

PUBLIC COMMENT: None

PROJECT REVIEW

1) Project: Minear-Almgren Fence & Gates, Project 24-2307-FENCE/ARB
Address: 1455 Camellia Circle
Applicant: Brian Brodersen, landscape architect, for Jeffrey Becker, Becker Group, Managing Member of Seaside Apartment Investors, LLC
Planner: Syndi Souter

Request of Holly Minear and Hans Almgren, property owners, to consider Project 24-2307-FENCE/ARB for preliminary review of a proposal for approval of "as-built" redwood fencing and gates, ranging from 3.75-feet to 8-feet in height, that were constructed in the front and side yard setbacks of the property. The property is a 9,147 square-foot parcel zoned Single Family Residential (7-R-1) and shown as APN 003-590-023, addressed as 1455 Camellia Circle.

Ex Parte Communications Disclosure: None

Staff Comments:
Syndi Souter provided a presentation and described the project. Syndi detailed the "as built" fence plans, and described the previously existing fence design and heights as compared to the existing fence the Board is reviewing. Syndi concluded her presentation with an analysis of the proposed (as-built) fence relative to the zoning code requirements and Neighborhood design objectives and policies, and asked for the Board's comments on the following issue areas:

- Design and materials for the fencing and gates;
- Height of fencing and gates; and
- Location of fencing in front yard setback.

Applicant Comments:
Holly Minear and Hans Almgren, property owners, were in attendance and provided brief comments. Holly explained to the Board that it was time to replace the fencing and that the rebuilt fence was very similar to the previously existing fence's height, location and material/design. She further explained that the purpose of the 8-foot portion is to screen the RV stored on the adjacent property from view. Hans related that their 8-foot portion of fence is lower in height that the adjacent neighbor's fences.

Public Comments:
Miles Calkins, a neighbor at 1450 Camellia Circle, spoke in support of approving the existing fence as designed/constructed, and that it is appropriate for the neighborhood.

Boardmember Discussion:
Boardmember O'Connor commented that the fence looks nice and he supports approval of it.

Boardmember Little commented that the fencing material and design is appropriate but is concerned with the height of the portion of fence within the front setback and recommends that the first and second "tiers" be brought down to the 3-foot ordinance standard.

Boardmember Johnson commented that there was precedent set by the previous fence's construction although the previous fence was not permitted. He has no objections to the fence as designed, including the fence material and design.

Vice Chair Blakemore commented that she sees the value in the way the fence is located and designed, but is concerned with the height of the first tier of fence height nearest the street being a safety concern with respect to line-of-site and pedestrian safety. Vice Chair Blakemore suggested that the Board consider a conceptual motion to reduce the first tier of fence (currently 3.70-feet) to 3-feet.

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember O'Connor, to recommend approval to the Director with the condition that the first tier of fencing in the front setback currently a 3.70-feet in height be reduced to 3-feet in height.

VOTE: 4-0

2) Project: Objective Design Standards for Multifamily Residential and Mixed-Use Developments
Address: Citywide
Applicant: City of Carpinteria
Planners: Mindy Fogg and Megan Musolf

Request of by the City of Carpinteria to consider Project 24-2279-ORD/LCPA for review of proposed Objective Design Standards (ODS) that would apply to specified multifamily residential and mixed-use developments in the City. The ODS are proposed as a new chapter in Title 14, Zoning, of the Carpinteria Municipal Code and are part of a larger project to rezone sites in the City to satisfy the City's 2023-2031 Housing Element Program 1, Adequate Sites to Accommodate Regional Housing Needs Allocation.

Ex Parte Communications Disclosure: Boardmember O'Connor commented that he reached out to Long Rang Planning staff with questions about which properties are proposed for the new Mixed Use Zone.

Staff Comments:
Community Development Director Nick Bobroff introduced the City's long-range planning team, comprised of Mindy Fogg, Principal Planner, and Megan Musolf, Assistant Planner. Megan provided a presentation and described the purpose of the Objective Design Standards (ODS) as a component of the larger effort to implement Program One of the City's 2023-2031 Housing Element, and how they would apply to future residential and mixed-use projects within certain zone districts. Megan provided an overview of the topics of the proposed ODS for the ARB's consideration and the related proposed standards of a new Chapter in the Zoning Ordinance (14.51). Megan concluded her presentation with a list of particular Ordinance sections requiring additional input from the Board, and asked for the Board's overall comments on the following elements of the Objective Design Standards:

- Massing and placement of multi-story buildings, particularly regarding required stepbacks and height limits for upper stories;
- Design elements specific to the Downtown T area (Linden and Carpinteria Avenues);
- Architectural styles permitted (or not permitted) by the design standards;
- Privacy considerations for residences within a mixed-use development, particularly regarding window placement on adjacent building facades; and
- Colors and materials, including exterior lighting.

Vice Chair Blakemore opened the discussion to boardmembers for questions. Boardmember O'Connor relayed his understanding of how the ODS would be implemented in the context of the Housing Element and proposed mixed-use zone (MU 20/25), and wondered if the ODS could be an opportunity to readdress how density is calculated for larger housing projects, particularly regarding the exclusion of non-buildable area from the calculation. He also asked if staff had considered consulting the Design Review Committee to review the ODS. Principal Planner Brian Banks noted that this could be discussed following public comment.

Boardmember Little asked if Housing Element candidate site property owners had a say in whether their property is rezoned by the City to MU 20/25. Mindy responded that a rezone could be done without property owner support, but that staff invite all property owners to attend Planning Commission and City Council meetings or submit comments so that their comments are considered in the decision-making process. Boardmember Little also asked if a citywide parking needs study had been completed to inform the required parking ratios in the ODS. Nick responded that no study has been done, but the ODS parking ratios for affordable units matched the parking ratios provided in State density bonus law. Boardmember Johnson commented that many residents do not use their garages for parking vehicles, adding to parking problems.

Applicant Comments: N/A

Public Comments:
Annie Sly addressed the Board with questions regarding if the purpose of the ODS is to protect the City from "Builder's Remedy" projects; if after the City approves the ODS can the State still overrule them; questioned how long the rezone process will take; and if there are any other remaining requirements still left to be completed for the City's Housing Element to be compliant with State housing requirements. Nick Bobroff then began responding to the questions at the request of Vice

Chair Blakemore, explaining that implementing ODS does give the city some "protection" since projects required by State law to be reviewed ministerially would still have to comply with them. The ODS could function as a "backstop" when projects cannot be reviewed by the ARB or Planning Commission. Brian added that well-crafted ODS are key for City staff to complete ministerial review of projects. Nick continued that Housing Element implementation programs do get reviewed by the State's Department of Housing and Community Development (HCD), and HCD could reject the implementation if it is deemed to not sufficiently support housing production, but that many of the types of standards in the ODS have been implemented successfully by other jurisdictions. Mindy noted that staff is currently aiming to have the rezones adopted by City Council by January 2025, and then staff would immediately submit the project to the California Coastal Commission and HCD for review.

Boardmember Discussion:

Chair Stein provided an email to the Board expressing that the proposed Objective Design Standards are very thorough and clear, but he has concerns that raising the height to 35-feet from the current 30-foot height limit, when combined with allowed height exceptions for certain elements such as mechanical enclosures and elevators can result in buildings with a height in excess of 40-feet. Vice Chair Blakemore acknowledged Chair Stein's comments. Mindy clarified that the proposed increase in height limit would be contained in the new MU zone district, not the ODS, although the ODS do propose height limits for each story. Nick added that HCD has informed the City that the current 30-foot height limit is an impediment for three-story buildings, which are necessary to achieve the required housing element densities.

Boardmember Little inquired if the proposed ODS contained any standards that conflicted with the recently approved mixed-use project at 4745 Carpinteria Ave. Megan replied that staff had considered this project in writing the ODS, but the ODS were not modeled after it. Brian elaborated that staff had used the project as an example of appropriate story height in the context of a larger discussion about setting story heights for small residential units. Boardmember Little suggested not listing BBQ grills as an amenity in open space areas. He agreed with the proposed story heights. He said he felt that stepbacks larger than two feet would be better for the proposed "contextual upper story stepbacks," and that screening for upper-story private open spaces should be no higher than four feet. He commented that every 50 feet felt too far for a roofline variation requirement, and recommended it be changed to 30 feet. Boardmember Little asked, in relation to the proposed 15-foot rooftop open space setback, if the current proposal to renovate the Palms building on Linden would satisfy this standard. Staff said it may on some sides, and Nick clarified that the 15-foor setback was intended to prevent rooftop open spaces from looking down into peoples' private yards. Nick suggested language could be added to clarify the setback would be needed when the abutting property is residential, and the Board agreed. Finally, Boardmember Little brought up the idea of allowing tandem parking, and staff responded that they would look into how it could be incorporated in the ODS.

Boardmember O'Connor felt the City should implement neighborhood-specific design standards in the future. He related back to his prior comments regarding density and said he wanted to prevent high-rise buildings on small lots with environmental or other constraints. Nick responded that the State requires a minimum density of 20 units per acre for Housing Element rezone sites, and that density is calculated with gross lot size. Boardmember O'Connor expressed that only the buildable area on a site should be considered in density calculations, and Nick replied that staff, for the ODS and MU 20/25 zone, is working with existing Zone Code rules which utilize gross lot size. Lastly, Boardmember

O'Connor questioned how projects would be handled in the proposed MU 20/25 zone that reuse existing structures. Brian responded that staff expect most projects that would utilize the ODS would likely be full demo/rebuild type projects due to the high cost of retrofitting old buildings for new residential, and Mindy noted that it could be feasible for a few candidate sites to repurpose existing buildings while meeting the ODS.

Boardmember Johnson expressed that he felt the ODS were a sound starting point, although many hours could be spent discussing them. Nick replied that the proposed ODS, if implemented, can be reviewed and changed in the future once projects have begun to actually use them. Boardmember Johnson concurred with Boardmember O'Connor's comments regarding calculation of density, and then expressed concern about the ODS pushing buildings right up to the front property line. Nick responded that no MU 20/25 rezone sites are proposed on Linden Ave where a zero-foot setback exists, and that the MU 20/25 zone proposes 5-to-15-foot front setbacks.

Vice Chair Blakemore commented that the proposed 35-foot height limit in the MU 20/25 zone should be inclusive of elevators and other equipment on top of buildings. She felt there should not be any exceptions to the proposed story height limits for certain roof styles, and that the two-foot upper story stepback was adequate— a larger stepback would not accommodate higher densities. She did not support allowing BBQ grills in common/public open spaces. For landscaping requirements, Vice Chair Blakemore recommended increasing the required number of 5-gallon plants per 1,000 square feet from 10 to 20, and to find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure (she suggested compiling a list of trees to avoid).

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember Johnson, to recommend approval to the Planning Commission with their comments attached.

VOTE: 4-0

OTHER BUSINESS: None

CONSENT CALENDAR:

3) Action Minutes of the Architectural Review Board Meeting of September 26, 2024.

ACTION: Motion by Boardmember Johnson, seconded by Boardmember Little, to approve the minutes as drafted.

VOTE: 3-0 (O'Connor abstained)

MATTERS REFERRED BY THE PLANNING COMMISSION/CITY COUNCIL: None

MATTERS PRESENTED BY BOARDMEMBERS/STAFF: None

ADJOURNMENT

Vice Chair Blakemore adjourned the meeting at 7:00 p.m. to the next scheduled meeting to be held at 5:30 pm on Thursday, November 14, 2024. All Boardmembers present expect to attend.

_____
Chair, Architectural Review Board

ATTEST:

_____
Secretary, Architectural Review Board

Attachment H.

Consistency Analysis with the City's General Plan/Coastal Land Use Plan

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

City of Carpinteria
General Plan/Coastal Land Use Plan (GP/CLUP) Consistency Analysis for the 2023-2031 Housing Element Update Zoning Amendments Project 24-2279-ORD/LCPA

On January 22, 2024, the City Council adopted the 2023-2031 Housing Element[1], which outlines how the Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. Now the City must implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

This analysis provides an evaluation of the proposed Project, which is the implementation of Program 1. It requires amendments to the Carpinteria Municipal Code ("CMC") and Local Coastal Program ("LCP") and consists of the following three main components:

A. The addition of the Residential/Mixed Use ("RMU") Zoning District in Title 14 of the CMC;
B. The addition of Objective Design Standards ("ODS") in Title 14 of the CMC;
C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning districts to the new RMU Zone.

The amendments to the Zoning Map would involve up to 17 Candidate Opportunity Sites, which are listed in Table 1.

Table 1 – Proposed Project: 17 Sites to be Potentially Rezoned to Residential/Mixed Use

Site #	Location	Site Size (ac)	Current Zoning	Current General Plan
3	1000 Bega Way	9.68	M-RP	RDI
4	6250 Via Real	8.47	M-RP	RDI
5	6380 Via Real	8.63	M-RP	RDI
6	Cindy Ln; Mark Ave; Rose Ln	10.58	M-RP	RDI
7	Cindy Ln; Via Real	5.51	M-RP	RDI
8	Mark Ave; Cindy Ln	10.02	M-RP	RDI
9	Cindy Ln	4.49	M-RP	RDI
10	5320 Carpinteria Ave	1.08	CPD	GC
11	5437 Carpinteria Ave	1.98	CPD	GC
12	Eugenia Pl	4.66	CPD	GC
13	Eugenia Pl	0.80	CPD	GC
14	Eugenia Pl	1.88	CPD	GC
15	Carpinteria Ave	2.45	CPD	GC
16	Carpinteria Ave	0.67	CPD	GC
18	Holly Ave; Carpinteria Ave	1.47	CPD	GC
20	Palm Ave	0.77	CPD	GC
21	Carpinteria Ave	6.31	M-RP	RDI

[1] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's 2003 GP/CLUP. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories allow for residential uses in their definitions:

> ***General Commercial ("GC")***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented.*
>
> ***Research & Development Industrial ("RDI")***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential.*

I. Project Consistency with the Land Use Element

The following analysis focuses on how the proposed Project is consistent with applicable Land Use Element objectives and policies.

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.*

Discussion: This objective was taken into consideration during the 2023-2031 Housing Element Update process. Candidate Opportunity Sites chosen for potential rezoning were screened to ensure that their locations make sense for siting future housing in the City while ensuring there would be minimal impacts to coastal resources, coastal access, and recreational opportunities. Site profiles for Candidate Opportunity Sites are provided in Figure B-4 of Appendix B[2] of the Housing Element. All Sites were selected based on substantial evidence that they could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise. Moreover, the 17 Sites (Table 1 above) under consideration for the proposed Project are located in commercial and light-industrial/research park

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

areas of the City and would support compatible housing and/or mixed-use development in context with other existing and planned development patterns.

Policy LU-1a: *The policies of the Coastal Act (Public Resources Code Section 30210 through 30263) are hereby incorporated by reference (and shall be effective as if included in full herein) as the guiding policies of the land use plan.*

Discussion: The proposed Project would comply with the provisions of the Coastal Act and with the City's Local Coastal Plan ("LCP"). Appendix B of the Housing Element describes the City's Candidate Opportunity Sites and includes an initial evaluation of those sites with respect to Coastal Act and the City's certified LCP's protections for coastal resources. The candidate sites were selected based on substantial evidence that these sites could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise.

Policy LU-1d: *Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space/recreation or agriculture (as shown on Figure LU-1) are compatible with these public resources and will not be detrimental to the resource.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), no Sites are located next to agriculture and only Site #21 is located adjacent to designated open space/recreation. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would not be detrimental to the adjacent recreational area since the uses are compatible, the properties involved are easily accessible for vehicles and pedestrians, and future development would not create any hazards or nuisances that would disrupt the ongoing use of the ball fields.

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*.

Discussion: The overall Project would be consistent with this objective. The intent of the standards in the RMU Zone and ODS is to ensure that future housing growth occurs in a manner that is compatible with the existing small beach town character.

Site Nos. 8 and 9 are located at the City's eastern edge. Site No. 8 is developed with industrial/office park uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site No. 9 is vacant but surrounded by industrial development to the north, south, and west. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned uses for the area.

The remaining 15 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops, and is either served by all needed utilities or has direct access to existing utilities. With the application of the ODS, the future residential and mixed-use development would be compatible with the existing small beach town character.

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.*

Discussion: The proposed Project would be consistent with this policy. It would incentivize new residential development adjacent to existing development in commercial and light industrial/research park designations to allow for redevelopment and infill in the urban core, near existing services and jobs.

All 17 Candidate Opportunity Sites are located adjacent to existing developed areas of the City. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and railroad corridor to the south.

The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the rezones would concentrate development in the City's urban core by focusing on locations with existing commercial/research park land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

Therefore, the new RMU zone district requiring residential densities of 20-25 dwelling units per acre on up to 17 select Candidate Opportunity Sites (Table 1) that are located in GC and RDI designated areas would appropriately concentrate higher-densities in the urban core and prompt redevelopment of existing structures.

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

Discussion: The proposed Project is the implementation of a key program from the adopted 2023-2031 Housing Element. Both the City's and the County's Housing Elements this cycle were prepared through a cooperative assessment with the Santa Barbara County Association of Governments ("SBCAG"). See more detailed discussion under Policy LU-6a below.

Policy 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.*

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

Discussion: Consistent with these Policies, identified Candidate Opportunity Sites were selected, in part, based on their proximity and access to important services, including but not limited to transportation infrastructure and recreational areas. All of the sites under consideration are located directly on, or within short walking distance (i.e., less than ¼ mile) of the City's main bus route.

Policy LU-3j. *Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the Land Use categories.*

Policy LU-3l. *Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in an area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development.*

Policy LU-3m. *Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district.*

Discussion: The proposed RMU zone district has been designed to be vertically consistent with the types and intensities of development contemplated for the GC and RDI land use categories, including provisions for accommodating multifamily residential and mixed-use infill opportunities in these land use categories, and also complying with the requirements of Housing Element law as it pertains to rezones required to meet the City's RHNA.

Policy LU-5a. *The City shall continue to give priority to agriculture, coastal-dependent industry and visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over residential, general industrial, or general commercial development.*

Discussion: Consistent with this Policy, none of the Candidate Opportunity Sites currently under consideration are designated for agriculture, coastal-dependent industry, or visitor-serving commercial use.

Objective LU-6: *Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing.*

Discussion: The application of the new RMU Zone and ODS to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

Consistent with this Objective, the proposed RMU Zone would establish a new zoning district that aligns with the GC and RDI land use categories intended to promote infill residential and mixed-use development at densities that would encourage the production of workforce housing and incentivize the inclusion of below-market rate housing units in such projects. Compared to other zone districts within the City that allow for multifamily residential uses, the proposed RMU Zone would allow for slightly more relaxed development standards (e.g., height, setbacks, parking) in an effort to accommodate targeted densities.

Policy LU-6a. *The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site.*

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on parcels designated for commercial and industrial uses would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity

Sites that were compatible with existing and anticipated uses in the areas surrounding the Sites were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations in a manner that can be found consistent with this Policy directive.

This would also help the City to improve and maintain an appropriate local/regional jobs-housing balance. As explained in the 2023-2031 RHNA Plan[3], SBCAG reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing, and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs-housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs-housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs-housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

Policy LU-6b. *The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone*

[3] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles), and could help contribute towards meeting the City's workforce and affordable housing needs.

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permissible in the GC and RDI land use categories and their corresponding zone districts. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue within the Downtown "T" (based on Community Design Element Subarea 2a) be required to be developed in a mixed-use fashion that maintains a commercial component on the ground floor. Outside of the Downtown "T," sites rezoned to the RMU district would have the option of being developed in a mixed-use arrangement or residential-only. In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

Policy LU-6c. *Parcels designated coastal-dependent industrial or visitor-serving commercial shall not be considered for mixed-use or residential use, with the exception that second-story mixed-use or residential use shall be allowed on visitor-serving commercial parcels in the Downtown Core District.*

Discussion: Consistent with this Policy, none of the identified Candidate Opportunity Sites are designated for coastal-dependent industrial or visitor-serving commercial use. Proposed rezone sites were instead selected from existing sites designated for GC and

RDI land uses that currently allow for mixed-use and residential uses in certain circumstances.

II. Project Consistency with the Community Design Element

The following analysis focuses on how the draft ODS in particular are consistent with applicable Community Design objectives and policies.

Citywide Community Design Objectives

Objective CD-1: *The size, scale and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern.*

Objective CD-2: *Architectural designs based on historic regional building types should be encouraged to preserve and enhance the unique character of the city.*

Objective CD-3: *The design of the community should be consistent with the desire to protect views of the mountains and the sea (California Coastal Act of 1976 §30251).*

Discussion: The ODS propose standards which address the relationship between the project site, adjacent sites, and the new development. Section 14.51.040- Building Form, Massing, and Articulation proposes contextual standards that reflect structures surrounding a proposed project, such as a requirement to maintain an existing contiguous street façade (like on parts of Carpinteria and Linden Avenues); upper story step backs when a project is within 20 feet of a side property line or when adjacent to a single-story building; and reduced upper-story massing (80% of the ground story, or 70% for lots of 5,000 square feet or less). Section 14.51.050 – Site Design proposes standards that ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

The requirements for building massing and variation do not confine buildings to a certain architectural style, allowing for the continued charming variety of architectural styles seen in the City, while at the same time requiring elements that prevent boxy, generic structures. For example, façades must incorporate variations in wall depth or elements like a porch or stoop to create animated spaces. Proposed restrictions on story heights prevent structures from being taller than necessary and roofline variation requirements create breaks in massing at the top of buildings, allowing for views to remain incorporated in projects.

Key Physical Community Design Characteristics

Objective CD-5: *The streets of neighborhood interiors should be designed to be the "living rooms" of the neighborhood, where children and adults can safely play or walk. The design and details of streets, frontages and buildings should support this objective.*

Policy CD-5a. *Main entrances to homes should be oriented to the street. Entry elements such as porches, stoops, patios and forecourts are encouraged. Such entry elements should be selected for their compatibility with the adjacent houses and the general neighborhood pattern.*

Policy CD-5b. *Garages should not dominate views from any public street.*

Policy CD-5c. *Low walls, low fences and hedges should be encouraged along the frontages to define the edge of the private yard area, where appropriate.*

Policy CD-5d. *Houses within a neighborhood may vary in materials and style, but strong contrasts in scale, color and roof forms should generally be avoided.*

Discussion: Many of the proposed standards address street frontages and the relationship between public and private spaces. Section 14.51.070 proposes requirements for the placement and design of building entrances, a key component of how the public interacts with building façades. The proposed ODS include elements that make public entrances inviting and interesting, and in mixed-use settings require separate entrances to residential and commercial spaces. Entrances would be required to provide a weather-sheltering element and/or decorative features, and street-facing entrances would need to incorporate enhanced paving to differentiate from the public right-of-way. Additional proposed requirements include maximum four-foot-tall fences, walls, or plantings around private open spaces within 20 feet of other residences, a limit on garages to occupy no more than 50% of a façade, and pedestrian walkways that connect public rights-of-way to key elements within a development (such as entrances, bicycle parking, and other amenities). Together, these various ODS would create inviting, interesting façades and entryways that would make neighborhood streets feel safe and vibrant.

Policy CD-6a. *Neighborhood-serving commercial or apartment buildings should be oriented to the street that bounds or enters the neighborhood. Front doors should face the street, with primary access directly from the public sidewalk. The buildings should be compatible in scale with nearby residential buildings.*

Policy CD-6b. *Parking lots should be beside or behind the buildings, not in front. On-street customer parking for small neighborhood-serving shops, restaurants, offices and service businesses is encouraged. Such on-street parking should be managed as short-*

term convenience parking, and should not conflict with parking for coastal access or for nearby residences.

Discussion: The proposed ODS would require commercial uses to locate main entrances toward the primary street. Parking and loading areas would not be permitted between any building and the primary right-of-way. The number of required parking spaces is determined by the zone district and is not included in the proposed ODS.

Objective CD-7: *Enhance and maintain the Linden Avenue downtown core, the Carpinteria Avenue commercial core, the Eugenia professional office area, the Casitas Village, Shepard's Place Shopping Center, and the Cindy Lane-Mark Avenue industrial park districts.*

Policy CD-7a. *Retail and commercial uses should generally have large transparent "storefront" windows for display of merchandise to pedestrians. Blank sections of walls on street frontages are strongly discouraged.*

Policy CD-7c. *Loading and trash facilities should be located where they are screened from view. The use of alley and service roads is encouraged for these facilities.*

Policy CD-7d. *Courtyard housing types, with multiple small units fronting onto a common courtyard or garden, are encouraged as an alternative to apartment "blocks" or more massive buildings within mixed-use districts.*

Discussion: The proposed ODS would be applicable to any sites rezoned to the proposed RMU zone district, as well as specified projects which could receive ministerial or streamlined review under the California Government Code. New mixed-use and/or residential developments could "enhance" these areas by providing new housing and job opportunities and public amenities. Commercial frontages on Linden and Carpinteria Avenues would have to incorporate transparent windows and doors for at least 50% of the wall area between three and seven feet high, and wall plane variation requirements proposed in Section 14.51.040 would additionally prevent "blank sections" of frontages. Mechanical equipment, waste receptacles, and loading areas for commercial uses would require screening from public view through landscaping or enclosures, and loading zones would be prohibited along the primary street façade. Developments would be prevented from forming apartment "blocks" with unbroken facades through a combination of the zone district's development standards (e.g., building coverage, open space requirements) and the ODS (e.g., minimum dimensions for open space, contextual upper-story setbacks, wall plane variation requirements).

Objective CD-8: *To encourage and facilitate pedestrian and bicycle pathways.*

Policy CD-8a. *All streets should be designed with safe and pleasant pedestrian ways at their edge. Pedestrian ways shall be spatially separated from vehicular traffic by elements such as trees, other plantings, streetlights, and/or parked cars.*

Policy CD-8b. *To provide convenient pedestrian routes, the existing network of automobile lanes, trails and pedestrian ways in the Downtown District and adjacent neighborhoods should be preserved, reinforced and extended into other neighborhoods. This pedestrian network should be in addition to, not in lieu of, pedestrian ways on the streets.*

Discussion: The proposed ODS provide several standards related to pedestrian access and circulation on a site. Walkways would be a required minimum of four feet wide and would need to connect the public sidewalk to areas all throughout the site. For sites located more than 300 feet from an intersection, a public access walkway would be required through the lot to connect blocks to one another. Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). While the ODS do not address bicycle infrastructure in the public right-of-way, the ODS do propose requirements for bicycle parking for both commercial and residential uses, enhancing the bike-friendliness of the City.

Objective CD-10: *Areas with attractive frontage designs should be maintained. New development should be carefully planned with frontage areas, which maintain and enhance the quality of Carpinteria's streetscape.*

Policy CD-10a. *Minor variations in front yard building alignments within a block are encouraged. Relatively steady setback patterns clearly define the public space of the street and reinforce small town character.*

Policy CD-10b. *Frontages where residential uses abut a major thoroughfare should include buffering elements such as yards, forecourts, courtyards, and tree rows. Sound walls are the most primitive form of buffer and should be used only where other methods are impractical. If sound walls are used they should be attractive and well landscaped.*

Policy CD-10c. *Commercial and mixed-use frontages should generally have wide sidewalks adequate to encourage customers and residents to walk, shop and linger in the public right-of-way. Commercial buildings should have large windows and entries on the street at the ground level. Residential ground floor uses should be set up or back from the street enough to afford privacy within the dwelling.*

Policy CD-10e. *Frontages with existing uses such as the parking, loading or storage of vehicles should be screened with walls and plantings that are consistent with the neighborhood character. These elements should be in scale with pedestrians.*

Discussion: Attractive building frontages are a key focus of the proposed ODS. Section 14.51.040 would address frontages on a larger scale, requiring wall plane variation, vertical breaks in color, material, or texture, roofline variation, and reduced upper story massing to prevent "looming" multi-story façades. Where an established façade setback pattern exists (such as along Linden Ave and parts of Carpinteria Ave), new developments would be required to maintain that pattern to fit in with the building character. Other sections propose standards to enliven and beautify frontages in smaller ways, such as requiring that front setbacks of commercial mixed-use spaces be public/pedestrian-oriented (e.g. providing seating, public art, etc.); that front entrances along the downtown "T" provide enhanced paving and decorative/weather protective elements; and that garages be recessed from the main wall plane and provide decorative treatments, like trellises or windows to soften their appearance.

A downtown ground floor transparency requirement is proposed, which would mandate that new mixed-use commercial facades facing Linden or Carpinteria Avenues include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Commercial components of mixed-use developments would be required to always be located closest to the primary street, and on the ground floor when commercial and residential is proposed in the same building, thereby siting the residential units away from the primary street. A five-foot landscaping privacy buffer would be required between all private open spaces (e.g. patios) and public spaces. As mentioned previously, loading areas and mechanical equipment would be required to provide screening through fences, landscaping, or other means to blend in with the surrounding character. For sites fronting Linden or Carpinteria Avenues, off-street parking would not be permitted in the front or side setback. Taken together, all of these standards would enhance neighborhood character and avoid blank, uninviting facades at the pedestrian, building, and block level.

Objective CD-11: *Existing public spaces should be maintained, and new public spaces should be incorporated into neighborhoods and districts as an important aspect of their design.*

Policy CD-11a. *Open space, in the form of parks and greens should be an integral part of each neighborhood plan, not configured as residual space unusable by the residents.*

Policy CD-11c. *All public spaces and facilities should reflect quality design.*

Policy CD-11f. *Landscape design guidelines should emphasize the use of native drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape. All landscaping shall utilize only non-invasive type plants.*

Discussion: The amount of required common and/or public open space is set by the zone district, but the ODS propose standards to enhance these spaces for the benefit of a development's residents and the public. As mentioned above, the ODS propose that

common/public open spaces be a minimum of 10 x 10 feet (preventing situations such as a long, narrow strip of residual land between buildings being counted as "open space") and provide at least one amenity to make the space useful— elements such as picnic tables, seating areas, play areas, and community gardens are proposed. Along Linden and Carpinteria Avenues, the ODS would require that any ground-floor courtyard, open space, or building setback from the street-facing property line be used for outdoor dining, public plazas, or entries, allowing for smaller public spaces to nestle along high foot traffic streets. Section 14.51.110 would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

Community Design Subareas

Subarea 2. The Downtown and Old Town

Objective CDS2-2: *Preserve and enhance the downtown's historic status as the center of commercial activity by encouraging a range of uses that serve both residents and visitors.*

Objective CDS2-3: *Preserve and enhance the downtown's historic status as the center of civic activity by encouraging the construction and expansion of cultural and governmental facilities in the downtown.*

Policy CDS2-a. *Ensure that new intensified land uses within the Downtown remain consistent with the city's "small beach town" image.*

Policy CDS2-b. *To enhance the pedestrian character of the downtown's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would contribute to the downtown's status as the center of commercial and civic activity by requiring building designs that blend residential and mixed-use into the existing vibrant cityscape. Mixed-use developments would require commercial frontages to be public and visitor-oriented—architecturally detailed street-facing entrances and pedestrian amenities in front setbacks—while residential-only developments would require adequate privacy for residents while maintaining openness and "curb appeal"—windows with improvements like shutters or awnings; a maximum height of four feet for fences, walls, or hedges facing a public street to prevent the street from being walled off; and no expansive, blank garage doors facing the street. New downtown development accommodating both commercial and residential uses has the

potential to create a pedestrian-centric neighborhood with people in close proximity to work, home, cultural and leisure amenities, and shopping areas.

Subarea 2a. The Downtown Core District

Objective CDS2A-2: *Preserve and enhance the downtown's historic status as the center of commercial activity of the city by encouraging a range of uses that serve both residents and visitors.*

Discussion: Consistent with this Objective, proposed rezones within the Downtown Core are limited to sites along the periphery of the Downtown "T" that are not designated for visitor-serving commercial use, but where mixed-use or multifamily residential uses would be appropriate and can help to preserve and enhance commercial activity throughout the downtown. The proposed ODS ensure that new development of these sites is pursued in a manner that preserves the character of the community.

Policy CDS2A-a. *Encourage and carefully regulate the development of two- and three-story mixed-use building along Linden and Carpinteria Avenues, to define a vital, lively, and valuable center for the city while prioritizing visitor-serving commercial uses.*

Policy CDS2A-b. *Ensure that intensified land uses within the subarea support a lively place to visit, live, work and shop, and that the scale and character of the District remain consistent with the city's "small beach town" image.*

Policy CDS2A-c. *Encourage the gradual but systematic transformation of Carpinteria Avenue from a highway commercial strip to an integrated downtown street similar in character to Linden Avenue.*

Policy CDS2A-d. *Enhance the pedestrian character of the District's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would carefully regulate development of mixed-use projects in this key downtown "T" area. The "intensity" of land uses would be more precisely regulated by the new RMU zone district. But the proposed ODS would require reduced upper story massing, upper story setbacks, and roofline variation, which can lessen the perceived intensity of a development from the street or sidewalk. Required architectural details on windows, entryways, and roofs without a strict architectural style imposed overall would invite interesting variety and add to Carpinteria's eclectic "small beach town" feel. The ODS propose to site parking and loading areas away from Carpinteria and Linden Avenues, preventing pedestrian-hostile frontages dominated by asphalt.

Subarea 4. The Northeast

Objective CDS4-1: *Strengthen the visual and physical connections between the subarea, the downtown and other neighborhoods and districts in the city.*

Objective CDS4-2: *To take advantage of the subarea's unique mixture of workplaces and affordable housing to develop a vital living and working center for the city.*

Objective CDS4-3: *Enhance existing residential neighborhoods and ensure that new development improves the neighborhood scale and character.*

Discussion: The ODS propose design requirements that would appropriately blend residential and commercial uses in a mixed-use development supported by the Northeast neighborhood objectives. Currently, the Northeast as viewed from Via Real lacks significant draw and pedestrian-oriented infrastructure, and the industrial/commercial uses are entirely separated from residential uses. The ODS would require new development to amplify pedestrian infrastructure and design frontages that engage residents and passers-by, as indicated by analysis above, while still maintaining the business-oriented nature of the easternmost portion. The Northeast may currently be considered to lack the "small beach town character" that other areas of the City have, and the ODS would create a more cohesive sense of design in Carpinteria that prioritizes people instead of cars, and integrates residences with surrounding commercial areas.

Subarea 6. The Bluffs

Objective CDS6-1: *Maintain the Carpinteria Bluffs Access, Recreation & Open Space Master Program as the coordinated plan for the Carpinteria Bluffs area that will allow development of uses identified in the Land Use Plan herein, so as to complement one another and preserve and enhance the site's coastal environment. The plan should be maintained so as to include information adequate to define the environmental resources and hazards within the Carpinteria Bluffs, and to delineate precise and appropriate policies for their management.*

Objective CDS6-2: *Ensure that development is controlled to avoid impacts to significant viewsheds, vistas, and view corridors.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), only Site #21 is located in the Bluffs subarea. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would be

required to comply with the RMU development standards and ODS, as well as policies for coastal resource protection.

III. Project Consistency with the Circulation Element

The following analysis focuses on how the proposed Project is consistent with applicable Circulation Element objectives and policies.

Objective C-3: *Provide a balanced transportation network with consistent designations and standards for roadways that will provide for the safe and efficient movement of goods and people through the community.*

Policy C-3k. *Segregate by design, enforcement and traffic pattern, routes of significant industrial and residential conflict.*

Discussion: The proposed Project would allow for future development of mixed-use and multifamily residential projects adjacent to commercial and light industrial/research park uses. However, careful consideration was given to selecting Candidate Opportunity Sites where the combination of residential uses with commercial/industrial uses would not result in direct land use conflicts, including those related to traffic patterns. The 17 Candidate Opportunity Sites are located on or very near arterial streets that have existing capacity for local vehicle trips and also have direct access to existing public transit. An additional benefit related to the locations of the 17 Sites is that multifamily development in these locations is expected to reduce overall vehicle miles traveled by placing more workforce housing near jobs.

Objective C-7: *Build demand for alternative transportation use by increasing ease, effectiveness, and social acceptability, and through foresighted planning.*

Policy C-7b. *Develop safe and direct pedestrian accessibility between residential areas, schools, parks, and shopping areas in both new and existing urban areas.*

Policy C-8l. *As a requirement of new development, significant attention must be paid to bicycle-friendly infrastructure and the maintenance of nearby old infrastructure.*

Discussion: The Project would increase demand for alternative transportation by placing housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. The ODS component of the proposed Project specifically addresses pedestrian access and circulation, as well as requiring adequate bicycle parking.

IV. Project Consistency with the Open Space, Recreation & Conservation Element

The following analysis focuses on how the proposed Project is consistent with applicable Open Space, Recreation & Conservation Element objectives and policies.

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.*

Discussion: The majority of the properties included in the Candidate Opportunity Sites list do not have any environmentally sensitive habitats, nor are they located in proximity to such resources. Four sites, Site 5, Site 11, Site 18, and Site 21, are located immediately adjacent to City creeks (Carpinteria Creek, Franklin Creek, and Lagunitas Creek). Existing creek protection policies implemented through the City's Creeks Preservation Program would apply to redevelopment of these sites under the proposed RMU zoning designation. Likewise, Site 21 is known to contain limited quantities of sensitive sage and bluff scrub habitat, which would be subject to the City's ESHA protection policies. Assumed densities and development potential for these sites factored in applicable resource protection policies (e.g., setback requirements, etc.), while still allowing for reasonable redevelopment scenarios.

Objective OSC-11*: Carpinteria will conduct its planning and administrative activities so as to maintain the best possible air quality.*

Policy OSC-11b. *Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).*

Policy OSC-11d. *Encourage the improvement of air quality in the Carpinteria Valley by implementing measures in the South Coast Air Quality Attainment Plan. For air quality enhancement, measures will include but not be limited to, measures to reduce dependence on the automobile and encourage the use of alternative modes of transportation such as buses, bicycles and walking.*

Discussion: The Project would minimize emissions from vehicles by placing residents near jobs and services. It would increase demand for alternative transportation by locating housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. All of the Candidate Opportunity Sites are located directly on the City's main transit line or within short (< ¼ mi.) walking distance of the route.

Policy 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 all of the following measures*

a. *Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas.*

b. *In addition to the bluff setback required for safety, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall not be greater in height than adjacent structures and shall not encroach seaward beyond a plane created by extending a straight line ("stringline") between the nearest building corners of the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest corners closest to the beach from the existing balconies, porches or similar appurtenances on either side of the proposed development. If the stringline is grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible.*

c. *Special landscaping requirements to mitigate visual impacts.*

Policy OSC-13b. *Require new development or redevelopment in the downtown section of Carpinteria to conform with the scale and character of the existing community and consistent with the city's theme of a small beach-oriented community.*

Policy OSC-13f. *Where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses.*

Policy OSC-13g. *Require new development to protect scenic resources by utilizing natural landforms and native vegetation for screening structures, access roads, building foundations, and cut and fill slopes in project design which otherwise complies with visual resources protection policies.*

Discussion: The proposed Project must allow for ministerial and streamlined permitting of medium-density multifamily housing per State law. As written, the draft RMU Zone, coupled with the draft ODS, would allow for such development on select rezone sites in the City while protecting important visual resources and broad unobstructed views. The RMU Zone standards would limit building and structure heights to 35 feet, require setbacks and distance between buildings, restrict building site coverage, and limit fence/wall heights.

The ODS propose many standards which address the relationship between the project site, adjacent sites, and the new development. They would prevent development from forming apartment "blocks" with unbroken facades via minimum dimensions for open space, contextual upper-story setbacks, and wall plane variation requirements. Attractive building frontages are a key focus of the proposed ODS, which include standards to enliven and beautify frontages. Proposed "Site Design" standards would ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). Section 14.51.110 of the ODS would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

V. Project Consistency with the Safety Element

The following analysis focuses on how the proposed Project is consistent with applicable Safety Element objectives and policies.

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

Policy S-4a. *All new development proposed in the 100-year floodplain must adhere to the County of Santa Barbara Floodplain Management Ordinance, Chapter 15-A of the County Code.*

Discussion: Some of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located within, or partially within 100-year flood zones. The flood zone maps are currently undergoing review and modification with the Federal Emergency Management Agency (FEMA). In any case, future development within the selected rezone sites would have to be evaluated for potential flooding and adhere to the City's and County's standards for development in areas prone to inundation.

With the exception of Site No. 21, none of the other Candidate Opportunity Sites for rezoning were identified in the City's Sea Level Rise Vulnerability Assessment and Adaptation Project ("SLRVAAP") as being vulnerable to sea level rise impacts resulting from one to five feet of sea level rise. The potential for impacts to Site No. 21 are associated with coastal bluff face retreat in the event of five feet of sea level rise. However, the City's existing bluff setback requirements and ESHA buffer requirements would offer adequate distancing from the bluff edge to mitigate sea level rise impacts over the expected economic life of any future development on the site.

Objective S-5: *Minimize the potential risks and reduce the loss of life, property and economic and social dislocation resulting from urban and wildland fires.*

Policy S-5a. *All new structures must adhere to the Carpinteria-Summerland Fire Protection District Ordinance and the Santa Barbara County Fire Department Ordinances, where applicable.*

Policy S-5b. *All new structures, whether within or outside the urban limit zone, must adhere to the city Fire Sprinkler Ordinance.*

Discussion: None of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located in high-fire severity zones. In any case, future development within the selected rezone sites would have to comply with all applicable fire safety standards.

VI. Project Consistency with the Noise Element

The following analysis focuses on how the proposed Project is consistent with applicable Noise Element objectives and policies.

Objective N-1: *The City will minimize noise impacts of Highway 101 traffic on residential and other sensitive land uses.*

Policy N-1a. *The City will plan noise-compatible land uses or design developments with noise attenuation features near Highway 101.*

Objective N-3: *The City will minimize the adverse effects of traffic generated noise from City streets on residential and other sensitive land uses.*

Policy N-3a. *The City will encourage site planning and traffic control measures that minimize the effects of traffic noise.*

Discussion: The proposed Project would create an RMU zone district and rezone select parcels to RMU such that streamlined and ministerial permitting of medium-density housing can occur within the City. Some of the potential rezone sites are located near Highway 101 and busy arterial streets. The California Building Code Section 1206.4 states:

> Interior noise levels from exterior sources must not exceed 45 decibels (dB) in any habitable room. The noise metric shall be either the day-night average sound level (Ldn) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan.

Based on these requirements of the Building Code, even ministerial projects must be designed and constructed in a manner that will attenuate excessive exterior noise levels.

VII. Project Consistency with the Public Facilities and Services Element

The following analysis focuses on how the proposed Project is consistent with applicable Public Facilities and Services Element objectives and policies.

Objective PF-6: *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*

Policy PF-6a. *The ultimate responsibility to ensure that the facilities (including systemwide improvements) needed to support the project are available at the time that they are needed shall be that of the sponsor of development projects.*

Policy 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.*

Policy 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.*

Policy PF-6d. *In cases where the City and/or special district requires capital facilities needed by development to be oversized, extended, or otherwise built over and above the minimum necessary to serve the development and the cost of such improvements is greater than the project's fair share of those facilities, at the city's discretion, a reimbursement agreement may be established with the developer to allow him to recoup the cost of providing capital facilities beyond the need directly created by his project from subsequent new development.*

Discussion: Although future development in the RMU Zone would be streamlined, it would not be exempt from these policies requiring that adequate services and utilities are available to the development project. Any future development or redevelopment accommodated under the new RMU zoning would be required to pay for its incremental increased demands on infrastructure and services through the City's Development Impact Fee program.

Additionally, as analyzed in the GP/CLUP, the Carpinteria Valley Water District, Carpinteria Sanitary District, and Carpinteria Summerland Fire Department have capacity to serve the full buildout of the planned growth. The proposed Project would not exceed the anticipated buildout of the GP/CLUP.

VIII. Project Consistency with the Housing Element

Finally, the project would be consistent with the adopted 2023-2031 Housing Element because the purpose of the project is to implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

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Attachment I.

Resolution 6350 Transmitting Ordinance Nos. 788, 789, 790, and 791 to the California Coastal Commission and the California Department of Housing and Community Development

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

RESOLUTION NO. 6350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 ARE INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S LOCAL COASTAL PROGRAM CONSISTENT WITH THE CALIFORNIA COASTAL ACT; DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE SECTION 30510 AND IN ACCORDANCE WITH SECTION 13551 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS; AND DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR HOUSING ELEMENT CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 65585.

PROJECT 24-2279-LCPA/ORD

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff held numerous meetings with HCD staff and California Coastal Commission staff regarding revisions to the Housing Element that would be protective of coastal resources and comply with Housing Element Law, made the necessary revisions to the Housing Element, and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted its 2023-2031 Housing Element to the HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Housing Element Program 1, completing necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, pursuant to Government Code Section 65860(a), the City's Zoning Ordinance (Title 14 of the Carpinteria Municipal Code) and Local Coastal Program must be amended to align with the required amendments to the Housing Element of the City's General Plan, including, but not limited to, Program 1; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or new Environmental Impact Report for the City to attain Housing Element certification from HCD; and

WHEREAS, on May 28, 2024, the City Council directed staff to proceed with phased implementation of Program 1 where in phase 1 the City would rezone sufficient sites to meet its RHNA shortfall that would not require a GP/CLUP amendment or new Environmental Impact Report, and in phase 2 the City would consider additional rezones for sites identified in Program 1 as part of its ongoing GP/CLUP amendment process; and

WHEREAS, in an effort to expeditiously implement Program 1 in a manner concurrent with recent case law,[1] City staff developed a new Residential/Mixed Use Zone District (Ordinance No. 788), Objective Design Standards ("ODS") which would apply to specified residential and mixed-use projects (Ordinance No. 789), and a

[1] *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, which determined that a jurisdiction may not rely on a residential zoning overlay to satisfy State Housing Element law if the overlay allows for both a higher density and a lower density development option.

phased rezone of recommended sites in the City to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791); and

WHEREAS, City staff prepared the Residential/Mixed Use Zone District (Ordinance No. 788) and ODS (Ordinance No. 789) to contain the development standards described in Program 1 of the City's Housing Element and in accordance Housing Element Law, including, but not limited to, Government Code Section 65583.2, subdivisions (c), (h), and (i); and

WHEREAS, based on the factors and evidence described in the Housing Element and evidence in the record, the recommended sites in the City to rezone to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791) are suitable to accommodate the City's lower income RHNA shortfall during the Housing Element planning period; and

WHEREAS, City staff have prepared a California Coastal Act and GP/CLUP consistency analysis for Ordinance Nos. 788, 789, 790, and 791, which based on substantial evidence concluded that adoption of these ordinances is consistent with the California Coastal Act as implemented by the City's GP/CLUP; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for the zoning amendments, for the purpose of implementing Program 1, and at this public hearing, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the amendments with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, following a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were introduced on a first reading, and, after considering all the evidence in the record, the Council moved to approve the Ordinances as follows:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and Approved the Ordinance 4-0-0-1 (Clark absent) as amended;

- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and

WHEREAS, in addition to introducing upon first reading, Ordinance Nos. 788, 789, 790, and 791—which are sufficient to accommodate the City's lower income RHNA shortfall—the City Council requested that the Council consider rezoning of additional sites (Housing Element Inventory Sites 5 and 21) to the Residential/Mixed Use District through a separate action in early 2025; and

WHEREAS, on December 9, 2024, at a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were heard on a second reading, and the Council adopted the Ordinances; and

WHEREAS, Ordinance Nos. 788, 789, 790, and 791 shall take effect immediately upon the date certified by the California Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and

WHEREAS, on December 9, 2024, after consideration of the Planning Commission's recommendation, receipt of public comment, due consideration of all evidence in the record, and discussion among the Council members and staff, the City Council adopted this Resolution certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's GP/CLUP consistent with the California Coastal Act, and directed that these Ordinances be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code Section 30510 and in accordance with Section 13551 of Title 14 the California Code of Regulations; and be submitted to HCD so that the City may achieve Housing Element certification pursuant to Government Code Section 65585; and

WHEREAS, on October 17, 2024, a notice appeared in a newspaper of general circulation in the City informing the public of Project 24-2279-LCPA/ORD, the Ordinances proposed, and the availability and location of review drafts and other associated documents, and on October 23, 2024 the City mailed notices to the parties described in California Code of Regulations ("CCR"), Title 14, Section 13515(a), pursuant to CCR Title 14, Section 13515(c); and

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

WHEREAS, a full and complete copy of the project materials (Project No. 24-2279-LCPA/ORD) is on file with the City's Community Development Department,

located at 5775 Carpinteria Avenue, Carpinteria, California, and is available to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals, incorporated herein by reference, are true and accurate and are based on substantial evidence in the record.

Section 2. Pursuant to Public Resources Code Section 30510 and Government Code Sections 65854, 65855, 65856, and 65860, the City Council held a public hearing on the proposed amendments to the Local Coastal Program and Zoning Code (Title 14 of the Carpinteria Municipal Code) and is transmitting all proposed amendments and additions to the California Coastal Commission for submittal and filing pursuant to Section 13551 of Title 14 of the California Code of Regulations, as well as to the California Department of Housing and Community Development in order to achieve Housing Element certification pursuant to Government Code Section 65585.

Section 3. Ordinance Nos. 788, 789, 790, and 791 have been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and are consistent with the City's adopted Housing Element and State Housing Element Law.

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
Mayor, City of Carpinteria

ATTEST:

_____
City Clerk, City of Carpinteria

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

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

1. Conduct second readings of Ordinance Nos. 788, 789, 790, and 791, (Attachments A through D) making changes to Carpinteria Municipal Code, Title 14- Zoning, by adding Chapter 14.19- RMU Residential/Mixed Use, adding Chapter 14.51- Objective Design Standards, and amending the City's zoning map to rezone specified sites from Industrial/Research Park ("M-RP") and Commercial Planned Development ("CPD") to Residential/Mixed Use ("RMU");

2. Adopt Resolution No. 6350, certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's certified Local Coastal Program consistent with the California Coastal Act, and direct that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission; and that the adopted Ordinances be transmitted to the California Department of Housing and Community Development for certification consistent with Housing Element law; and

3. Determine that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

STAFF RECOMMENDATION

Staff recommends City Council take the following actions:

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only; and

2. Adopt Resolution No. 6350; and

3. Determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or

subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

Sample motion: I move to adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only, adopt Resolution No. 6350, as read by title only, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

BACKGROUND

Housing Element Overview

The Housing Element is a required component of the City's General Plan that identifies and plans for existing and projected housing needs within the eight-year planning cycle. Under State law (Gov. Code § 65580 et seq.), all cities are required to plan for housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels. The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined.

For Santa Barbara County jurisdictions, the 6th Cycle RHNA process was completed in 2021. Based on the RHNA, the City of Carpinteria ("City") must plan to accommodate a total of 901 additional housing units of varying income levels during this eight-year cycle (2023-2031). On January 22, 2024, the City Council adopted the current Housing Element[1], which outlines how the RHNA allocation can be achieved during this cycle through a variety of methods (e.g., pending project applications, underutilized sites, accessory dwelling units, and rezoning of candidate opportunity sites).

Housing Element Certification

The State Legislature has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and certify their substantial compliance with State law. A finding of Housing Element substantial compliance by HCD is referred to as "certification" of the Housing Element.

If a local government's Housing Element is not certified, or if it is de-certified during the cycle for non-compliance with State law, the jurisdiction faces the possibility of litigation, which could result in the loss of land use discretion, ineligibility for housing grants, and other penalties. For example, some local agencies have received project applications

[1] https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

submitted under the "Builder's Remedy" provisions of the Housing Accountability Act (Gov. Code § 65589.5), which may allow developers to avoid compliance with the local agencies' general plan and zoning requirements in certain circumstances.

City of Carpinteria Compliance with State Housing Element Law

To date, the City's 6th Cycle 2023-2031 Housing Element Update has not been certified by HCD. Although the City submitted a substantially compliant Housing Element to HCD on January 23, 2024, the State was not able to certify it due to the exceedance of statutory deadlines.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), since the City did not adopt a compliant Housing Element by the statutory deadline, it was required to implement Program 1 (Adequate Sites to Accommodate Regional Housing Needs) within one year from the statutory deadline of February 15, 2023. Therefore, as further explained in HCD's letter[2] dated March 21, 2024, the Housing Element cannot be certified until the City completes the necessary rezones to accommodate the RHNA shortfall under Program 1.

City Council First Reading of Zoning Amendments

On November 25, 2024[3], the City Council took the first step in implementing Program 1 by conducting the first reading of Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D). This staff report and the Attachments thereto reflect the pertinent changes made by the City Council at that hearing and a summary of the Council's actions is provided in the discussion, below.

DISCUSSION

Housing Element Program 1 – Adequate Sites to Accommodate Regional Housing Needs

Required Zoning Amendments to Accommodate the RHNA

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households (286 very-low income and 132 low-income households, respectively), 135 units for moderate-income households, and 348 units for above-moderate-income households.[4] As shown in the land inventory

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/09/sbb-carpinteria-adopted-out-032124.pdf
[3] Available here (Item 13): https://carpinteria.granicus.com/player/clip/1544?view_id=2&redirect=true
[4] HCD sets the income limits for the various affordable housing categories annually based on federal and state law. The income limits for 2024 are available here: https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf.

analysis in Appendix B, the City can already accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units (Table 1).

Table 1. Land Inventory Summary (taken from Table B-1 of the Housing Element)

	Income Category				Total
	Very Low	Low	Mod	Above	
RHNA 2023-2031	286	132	135	348	901
Completed, Approved & Pending Projects (Table B-3)	-	3	-	259[5]	262
Net Remaining RHNA	415		135	89	639
Vacant Sites (Table B-4)	-		10	5	15
Underutilized R Overlay Sites (Table B-5)	56		47	-	103
Other Underutilized Sites (Table B-6)	-		153	153	306
ADUs	67		7	38	112
Surplus (Shortfall)	(292)		82	107	(103)

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, implementation of Program 1 requires the rezoning of enough area to accommodate 292 lower-income units plus a reasonable buffer. HCD expects a minimum buffer of 15 percent. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

As further described in Program 1, City staff envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density, residential-only development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed both a higher density and a lower density development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now requires the complete change of zoning districts on sufficient property to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) requires that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for lower-income units.

[5] This total includes the estimated units for the Lagunitas Mixed-Used pending project, Candidate Opportunity Site #5, which is recommended to be rezoned (see description below). As explained further below, the rezoning of Candidate Opportunity Site #5 would provide the property owner with additional flexibility should the currently pending Lagunitas Mixed-Use project not proceed.

- Number of Units: Government Code Section 65583.2(h) and Program 1 requires that rezone sites permit at least 16 units per site.

- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2(i), "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.

- Development Standards: As part of the zoning amendments, the City must also ensure that the densities can be achieved and that standards do not pose unreasonable constraints on the cost and supply of housing. Moreover, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that ministerial and streamlined permitting can be accomplished.

- Predominantly Residential/Mixed-Use Development: Government Code Section 65583.2(h) and Program 1 also require that either: (1) at least 50 percent of the lower income housing need be accommodated on residential-only sites; or (2) all the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project. As discussed further below, staff's and Planning Commission's recommendation implements option (2).

Identified Candidate Opportunity Sites

In the recently adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this report) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[6], and in the site profiles Figure B-4[7]).

An additional site, known as Site #5, located at 6380 Via Real, was identified as a "pending project" in the final Housing Element because an application was in process for the Lagunitas Mixed-Use Project on the subject property. However, the applicants for that project have stalled on processing their current application.[8] Therefore, Site #5 is available for consideration in the proposed Sites to be rezoned. A list of all 20 Candidate Opportunity Sites is provided in Table 2 below.

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[6] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf

[7] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

[8] The applicant, however, may resume processing of their current application based on the zoning currently in effect for the site in accordance with State law.

Table 2 – List of 20 Candidate Opportunity Sites (Site #17 was removed[9])

Site #	Location	Current General Plan Land Use Category	GPA Required
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy Ln; Mark Ave; Rose Ln	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Phased Approach to Rezones

If the City still had ample time to implement Program 1, staff would recommend a wholistic approach to analyzing all 20 of the sites listed in Table 2. However, since it is in the City's best interest to have a certified Housing Element as quickly as possible, staff outlined a two-phased approach to the City Council at a public hearing[10] on May 28, 2024 (Item 12). The Zoning Amendments approved by City Council on November 25th and reflected in Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D) are the first phase. The remaining Candidate Opportunity sites will be included for consideration in the City of Carpinteria General Plan Update that is currently in process. In particular, the three Candidate Opportunity Sites that would require a General Plan Amendment ("GPA"), as noted in Table 2 above, must be deferred to the second phase to be considered with the comprehensive General Plan Update.

Maps depicting Phase 1 Candidate Opportunity Sites, as approved by City Council on November 25th, are provided in Figures 1, 2 and 3 in Attachment F. For reference, the existing zoning map of the City is provided in Figure 4 of Attachment F.

[9] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.
[10] Available here: https://carpinteria.granicus.com/player/clip/1449?view_id=2&redirect=true

Proposed Project – Housing Element Zoning Amendments

The proposed Project for the City Council's consideration has three main components: (A) a new Residential / Mixed Use Zoning District, (B) a new set of Objective Design Standards that would apply to any developments in the new Residential / Mixed Use Zoning District, and (C) the rezoning of select Candidate Opportunity Sites to Residential / Mixed Use.

A. Proposed Residential / Mixed Use Zoning District

Attachment A is proposed Ordinance No. 788 for a new Residential / Mixed Use ("RMU") zone district that would enable the City to achieve the Housing Element Program 1 goals. The RMU zone would be applied to select properties in the General Commercial ("GC") or the Research & Development Industrial ("RDI") land use categories described in the City's General Plan/Coastal Land Use Plan ("GP/CLUP"). Under the new RMU zone district, future development or re-development of the selected sites would be required to include multi-family housing and may be residential-only or mixed-use. Permitted uses would include:

- Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;
- Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);
- For sites in the GC Land Use Category: the option to have commercial uses, except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which must include a commercial use on the ground floor fronting the avenue;
- For sites in the RDI Land Use Category: the option to have offices and/or research, development, and laboratory uses.

The RMU zone would allow for ministerial (use by right) permitting if at least 20 percent of the residential units proposed are designated for lower-income households (see Table 3 below). Any commercial or office component of a mixed-use development that provides the minimum 20 percent lower-income units could also be permitted ministerially if the proposed uses are consistent with those listed under "development plan approval" in the Commercial Planned Development District (in GC) or the Industrial/Research Park District (in RDI).

Table 3. Review Types in the Proposed RMU Zone District

Ministerial Review	Streamlined Review
• For mixed-use and residential-only projects restricting at least 20% of units to lower-income residents (people with incomes 80% or below the Area Median Income) • No public hearings required • Staff may not exercise discretion in project review—i.e., review limited to conformance with Objective Design Standards and other objective regulations in zone district • Permit is not appealable (except to Coastal Commission in the appeals jurisdiction) • Project receives an administrative Coastal Development Permit ("CDP")	• For mixed-use and residential-only projects with less than 20% of units restricted to lower-income residents • Will go to Architectural Review Board and Planning Commission hearings but can only be "measured against" Objective Design Standards and other objective regulations in zone district • Project is appealable • Project receives Development Plan ("DP") and CDP approval

Development projects in the RMU zone would be required to adhere to the Objective Design Standards (described under "B" below and shown in Attachment B) in order to facilitate streamlined or ministerial permitting. In addition, the proposed RMU Zone includes its own set of unique development standards which establish allowed density, setbacks, building coverage, building height, etc. as summarized in Table 4 below.

Table 4. Proposed Development Standards in the RMU Zone District.

Density	20 (minimum) to 25 (maximum) dwelling units/acre. Applies to both residential-only and mixed-use developments.
Setbacks	5 feet minimum from all property lines. *Exception for sites fronting Via Real*: 15 ft min. front setback, 5 ft min. other sides.
Distance between buildings	10 ft minimum.
Building coverage	75% maximum
Height	35 ft. maximum
Parking	Lower-income dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: 1.5 parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit. All other dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: two parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit.
Common or public open space	20% minimum. A maximum of 50% of the required open space may be provided on rooftops or upper-story decks.
Fence height	In the front setback, may not exceed 4 ft.
Mixed-use requirement	For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. Sites with frontage on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design

	Element Subarea 2a boundary) shall be limited to mixed-use (commercial and residential) development.

B. Proposed Objective Design Standards

Attachment B is proposed Ordinance No. 789 setting forth new Objective Design Standards ("ODS") that would apply to development projects in the RMU zone. The proposed Standards were updated after receiving input from the Architectural Review Board (ARB) at a public hearing[11] on October 17, 2024 (Agenda Item 2). A copy of the Minutes from the October 17th ARB meeting is included as Attachment G.

The ODS are organized into sections by design topic. Importantly, language in the section "Building Form, Massing, and Articulation" describes the general shape a building must take, including variation on building facades and rooflines, floor height, and step backs, and reduced massing for upper floors. The section "Site Design" describes how different areas and elements of a development (e.g. siting of commercial in mixed-use developments, driveways, pedestrian pathways, loading areas, etc.) connect to or are buffered from one another. The remaining sections address additional components like placement of building entrances, landscaping, bicycle parking, and allowed exterior materials.

Notable changes that were made based on input from the public and the ARB members include:

- Changed the required roofline variation to occur every 30 feet rather than every 50 feet;
- Increased the required number of 5-gallon plants per 1,000 square feet from 10 to 20;
- Remove BBQ grills from allowed amenities in common/public open spaces; and
- Allow garages to accommodate tandem parking.

The ARB also requested that staff find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure. Staff is working on a tree list to use in the implementation of the ODS. The changes recommended by the ARB members are incorporated into Ordinance 789 in Attachment B.

C. First Phase Rezones

Although there are 20 Candidate Opportunity Sites for potential rezoning under Program 1, not all of the sites need to be rezoned in order to accommodate the RHNA shortfall of 292 lower-income units. As noted above under the description of Program 1, the land area to be rezoned must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

[11] Available here: https://carpinteria.granicus.com/player/clip/1527?view_id=2&redirect=true

On November 25, 2024, the City Council selected eight sites for the first phase of rezones. The eight selected sites are summarized in Table 5 below, included in Ordinance Nos. 790 and 791 (Attachments C and D), and depicted in Figures 1, 2 and 3 in Attachment F.

Table 5. First Phase of Rezones

Priority	Site #	Location	Acres	Lower Income Units*	Moderate Income Units*
High	Site 10	5320 Carpinteria Ave	1.08	21	0
High	Site 11	5437 Carpinteria Ave	1.98	25	0
High	Site 15	4602 et al Carpinteria Ave	2.45	40	8
High	Site 18	Holly and Carpinteria Ave	1.47	22	6
Medium	Site 12	1145 et al Eugenia Place	4.66	92	0
Medium	Site 13	1101 & 1135 Eugenia Place	0.80	16	0
Medium	Site 14	1065 et al Eugenia Place	1.88	19	16
Neutral	Site 7	1001 Mark, Cindy, and Via Real	5.51	110	0
		Total	**19.83**	**345**	**30**

*Assumes 20 dwelling units per acre

These eight sites were selected, not only because they would provide enough capacity to meet the RHNA, but also because they meet certain siting criteria making them optimal for medium-density residential developments with lower-income units. The following are common characteristics of all eight sites:

- Already developed and allow residential, commercial or light industrial uses
- Negligible environmental constraints
- Close proximity to transit
- Close proximity to amenities (grocery stores, schools, recreation, employment)

Sites 10, 11, 15, and 18 are labeled as “High” priority because they take access from Carpinteria Avenue and are generally close to the City’s Downtown “T” District. Sites 12-14 are labeled as “Medium” priority because although they are proximal to the downtown area, they are set back from Carpinteria Avenue and are comprised of multiple smaller parcels with different owners.

Unfortunately, the “High” and “Medium” priority sites only add up to 14.99 acres. The primary goal for this phase is to rezone at least 16.8 acres that would potentially yield capacity for 336 lower income units (shortfall plus 15 percent buffer). Thus, Site 7 is also included because it is a relatively small site (5.51 acres) that fronts on a main arterial street, Via Real, adjacent to a pending residential project (see Figures 1-3 in Attachment F).

D. Potential Interim-Phase Rezones

At the November 25th City Council hearing for the first reading of the proposed zoning amendments, there was considerable discussion regarding two additional Candidate Opportunity Sites – Site No. 5 and Site No. 21 (see Table 6 below).

Staff and the Planning Commission recommended including Site 5 as an extra property for rezone in the first phase. Site 5 was categorized as a "pending project" in the final adopted Housing Element. It had originally been included on the candidate site list in the land inventory, but was subsequently removed when an application for the Lagunitas Mixed-Use Project was formally submitted to the City. For reference, that proposal was conceptually reviewed by a joint meeting of the City Council, Planning Commission, and Architectural Review Board on June 18, 2024 (Item 1). More recently, however, this application appears to have stalled and the property is pending new ownership. In the absence of an active project application, the property may be considered as a potential rezone site for the new RMU zone district. Based on the early evaluations and site profiles, Site 5 met most of the criteria (developable land, proximity to transit, proximity to amenities, single ownership, etc.) to be considered a suitable site for rezoning to higher-density residential. The early inclusion of Site 21 as a rezone Site could help the City stay ahead of any "no net loss" implications[12] until the second phase of rezones is considered as part of the General Plan Update. However, members of the public raised concerns at the November 25th hearing regarding future development of Site 5 under the proposed RMU zoning.

Site No. 21 consists of two properties on the Carpinteria Bluffs adjacent to Viola Fields. Although staff and the Planning Commission did not recommend Site No. 21 to be part of the first phase of rezones, it was included in the draft CEQA Addendum (Attachment E) and made available for the City Council's consideration to include in Phase 1. After receiving public input in favor of including Site 21 in the first phase of rezones, the City Council considered it during deliberations.

Based on the discussions, it was clear that the Councilmembers would not reach a majority vote to include Site No. 5 and/or Site No. 21. Instead, they passed a motion to defer consideration of these sites and directing staff to bring these two Sites back for further consideration in early 2025.

Table 6. Sites To Be Reconsidered in Early 2025

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 5	6380 Via Real	8.63	169	0	Staff and Planning Commission recommend including as additional buffer to assist with the Housing Element certification.
Site 21	6155 Carpinteria Ave	6.31	126	0	Bluffs location with environmental constraints, but has property owner interest for multi-family housing with affordable units.

[12] No Net Loss Law (Gov. Code § 65863) requires that the City maintain sufficient sites to accommodate any unmet RHNA throughout the eight-year planning period. If one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall. The proposed 15 percent buffer further helps the City comply with No Net Loss Law.

E. Sites Not Recommended for Phase 1 Rezones

The remaining 10 Candidate Opportunity Sites, as shown in Table 7 below, will be deferred to future consideration as part of the General Plan Update. This will allow more time for property owner input, site analysis, and public outreach. Sites 1, 2, and 19, in particular, must be deferred to the future General Plan Update process since a change to RMU zoning would need to be preceded by a change to these sites' current Land Use Designation to avoid vertical inconsistency between zoning and land use designations. Such changes to the City's Land Use Map would require a GPA.

Table 7. Sites Recommended for Phase 2 (to be considered at a later date)

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 3	1000-1010 Bega Way	9.68	175	0	Good location/site but currently manufacturing uses with no property owner interest.
Site 4	6250 Via Real	8.47	166	0	Good location/site but currently Extra Space Storage with no property owner interest.
Site 6	Cindy Ln, Mark Ave, and Rose Ln	10.58	210	0	Set back from Via Real with multiple RDI uses.
Site 8	Mark Ave, Cindy Ln, and Via Real	10.02	199	0	Good location/site that is partially underutilized.
Site 9	Cindy Lane	4.49	89	0	Vacant site that may have environmental constraints.
Site 16	4621, 4631, 4643 Carpinteria Ave	0.67	0	9	Planning Commission removed from Phase1 based on property owner input. This site would only count as "moderate" income units.
Site 20	592, 586, 510 Palm Ave	0.77	0	11	Good location/site but would not count toward low-income RHNA shortfall.
Site 1	Via Real	15.81	316	0	GPA Required
Site 2	5800 Via Real	16.74	242	0	GPA Required
Site 19	5201 6th & 546 Walnut	3.29	65	0	GPA Required

Rezoning some or all of the remaining Candidate Opportunity Sites during Phase 2 might become necessary to avoid future de-certification of the City's Housing Element. For example, if one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall.[13] If some of the remaining Candidate Opportunity Sites are not rezoned in Phase 2, they could still be considered later (e.g., next housing cycle), or could be proposed for privately-initiated rezoning by an applicant without having to start the CEQA and stakeholder outreach process from the beginning.

[13] If these sites are rezoned, but not developed, the sites would count toward the City's zoning capacity in the next Housing Element cycle. If the sites are developed during this planning period, they would count toward the City meeting its RHNA obligations.

Planning Commission Recommendation

The proposed Housing Element Zoning Amendments were considered by the Planning Commission at its November 4, 2024 meeting[14] (Item 2). At the hearing, specific input was requested by staff on two items:

1. What the name of the new zone district for residential and mixed use should be.
2. Whether Site 5 should be included in the Phase 1 rezones.

The Planning Commission recommended that the new zone be titled Residential / Mixed Use (RMU); and also recommended that Site 5 *should* be included in Phase 1. After hearing public testimony, the Planning Commission also recommended that Site 16 be removed from the Phase 1 rezones. As shown in Table 6 above, Site 16 was estimated to only have moderate-income units and, therefore, was not necessary to address the current RHNA shortfall. Accordingly, Site 16 has been removed from the recommended Sites list (Table 5), to reflect the Commission's recommendation.

With those specific recommendations, the Planning Commission voted unanimously (5-0) to recommend that the City Council adopt the proposed zoning amendments and find that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

City Council First Reading

At the November 25, 2024 public hearing, City Council conducted the first reading of Ordinance Nos. 788, 789, 790, and 791. The following actions were taken:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and approved the Ordinance 4-0-0-1 (Clark absent) as amended;
- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and
- Direct staff to return in early 2025 with proposed rezones of Sites 5 and 21 to RMU: Approved 4-0-0-1 (Clark absent)

ENVIRONMENTAL

The proposed zoning amendments are logical follow-on discretionary actions to the City's existing GP/CLUP, which was approved in 2003 with the certification of a Program EIR. CEQA Guidelines Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred. The draft Addendum provided in Attachment E (along with the link to the previously certified Program EIR) outlines the minor clarifications and

[14] Available here: https://carpinteria.granicus.com/player/clip/1535?view_id=2&redirect=true

information to be added, and explains why such changes do not result in the identification of new or substantially more severe significant impacts. The draft Addendum evaluates the new RMU Zone District and Objective Design Standards. It further evaluates all 17 Candidate Opportunity Sites for rezoning that would not require a GPA.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

Therefore, as described in more detail in the Addendum in Attachment E, the changes resulting from the proposed zoning amendments do not constitute substantial changes to the GP/CLUP, would not involve substantial changes in the magnitude of impacts identified in the previously certified Program EIR, and would not result in new significant impacts. Accordingly, an addendum is the appropriate CEQA document for the Project.

POLICY CONSISTENCY

The Coastal Act and Carpinteria's Local Coastal Program (LCP)

The City of Carpinteria is located entirely within the California Coastal Zone. As such, the proposed zoning amendments constitute a change to the City's certified Local Coastal Program ("LCP"), and thus require compliance with City's GP/CLUP and the Coastal Act. Where actions may result in conflict with coastal resource policies, those that are most protective of significant coastal resources shall be prioritized (Pub. Res. Code, § 30007.5). Since the recommended Phase 1 rezone sites are located in commercial and light industrial areas near the downtown and the City's office park district, they are unlikely to be found at odds with State or local coastal resource protection policies.

Consistency with the 2023-2031 Housing Element

As described in this staff report, the proposed Project is intended to implement Program 1 of the adopted 2023-2031 Housing Element. If approved by the City Council, the Project would be submitted to the HCD for review, approval, and final Housing Element certification.

Consistency with the City's General Plan/Coastal Land Use Plan (GP/CLUP)

The proposed Project would be consistent with all applicable GP/CLUP policies. An in-depth policy consistency analysis is provided in Attachment H.

Next Steps

Following the City Council's adoption (first and second reading) of the zoning amendments, the amendments would then be sent concurrently to the California Coastal Commission and HCD for their respective reviews and certifications. If changes are required by one or both agencies prior to certification, such changes would be returned to the Planning Commission and/or City Council, depending upon their significance, for consideration and (revised) approval prior to resubmittal for final certification.

Effectuation of Ordinances Nos. 788, 789, 790, and 791 would occur immediately upon the date certified by the Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations. Resolution No. 6350 (Attachment I) directs City staff to transmit the Ordinances to the Coastal Commission and HCD.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

As noted above, Program 1 (Adequate Sites to Accommodate Regional Housing Needs) must be completed in order to receive Housing Element certification from HCD. If a compliant Housing Element is not certified: (1) the City may also have limited access to State funding, and (2) developers and advocates may have grounds to sue the City for not being compliant with State law.

Two of the Candidate Opportunity Sites are proposed for rezoning in a separate City Council action due to the segmentation requirements of the Political Reform Act, which apply because of a potential conflict of interest with respect to a Councilmember's real property interests. Accordingly, discussion and consideration of the two sites, which are Sites 15 and 18, are proposed to be conducted separately. A separate ordinance has been prepared for the rezoning of Sites 15 and 18 (see Ordinance 791 in Attachment D).

The City Attorney's Office assisted in the preparation of this Staff Report and will be available to answer questions at the meeting.

FINANCIAL CONSIDERATIONS

Staff time necessary to complete the ordinance development and adoption work is paid for from the City's General Fund and Measure X Program, and has been budgeted for in the current FY2024-25 adopted Budget as part of the Community Development Department's Advance Planning program work.

OPTIONS

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second reading), approve Resolution 6350, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a

supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA. (*Staff recommendation*)

2. Direct staff to modify the Ordinances. Significant modifications should be redirected to the Planning Commission for further consideration.

3. Reject Ordinance Nos. 788, 789, 790, and 791 (second reading) and Resolution 6350.

ATTACHMENTS

Attachment A Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use (RMU) Zoning District.

Attachment B Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

Attachment C Ordinance 790, amending the City's official Zoning Maps to rezone select parcels (Sites 7, 10, 11, 12, 13, and 14) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment D Ordinance 791, amending the City's official Zoning Maps to rezone select parcels (Sites 15 and 18) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment E 2003 GP/CLUP EIR and Draft CEQA Addendum thereto.

Attachment F Figures 1 through 4 as follows:
1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

Attachment G October 17, 2024 ARB Meeting Minutes (re: proposed ODS)

Attachment H: Consistency Analysis with the City's GP/CLUP

Attachment I: Resolution 6350 directing that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission and the California Department of Housing and Community Development for certification.

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Signature

Attachment A.

Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE, TO TITLE 14 - ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Program 1- Adequate Sites to Accommodate Regional Housing Needs, completing the necessary rezones to address the City's housing capacity shortfall pursuant to the Regional Housing Needs Assessment ("RHNA"); and

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

determined that a new zone district would be necessary to accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code §65583.2) and Program 1; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790, and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including naming the new zone district proposed by this Ordinance "Residential/Mixed Use" ("RMU"), and to determine that the provided Addendum is the appropriate review document for this Ordinance pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.19 to Title 14.

Chapter 14.19 – RMU Residential/Mixed Use, is added to Title 14 – Zoning of the Carpinteria Municipal code and shall read as follows:

CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE

14.19.010 – Purpose and Intent.

The purpose of the RMU district is to provide areas of the City for higher density residential-only and mixed-use (commercial and residential) development, particularly as infill development, to increase the availability of workforce housing while maintaining commercial opportunities in the City's downtown. The intent of this district is to:

A. Help the City provide adequate sites to satisfy its Regional Housing Needs Allocation;
B. Provide opportunities for lower-income, special-needs, and workforce housing;
C. Cultivate pedestrian- and alternative transportation-friendly neighborhoods where residences are nearby to business, service, and employment locations; and
D. Encourage infill development in the City's downtown that preserves and enhances the City's "beach town" character.

14.19.020 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the RMU district, in accordance with Chapter 14.72 (Accessory dwelling units and junior accessory dwelling units):

A. Accessory dwelling units and junior accessory dwelling units shall be permitted in the RMU district.
B. Accessory dwelling units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
C. Accessory dwelling units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (Appeals).
D. Junior accessory dwelling units shall be subject to issuance of a building permit.

14.19.030 – Processing.

A. Uses identified in Section 14.19.040 shall be allowed as a use by right subject to the issuance of an administrative coastal development permit. For the purposes of this section, "use by right" means the City's review shall not require a development plan, conditional use permit, environmental review under the California Environmental Quality Act, or other discretionary review or approval in accordance with Government Code Section 65583.2(i) and Government Code Section 65589.5(f) for multifamily residential housing. Any subdivision of a site

shall be subject to all laws, including, but not limited to, Title 16 – Subdivisions, implementing the Subdivision Map Act. The City shall process an administrative coastal development permit for a use by right as follows:

1. The Planning Director shall approve or deny administrative coastal development permits.
2. No public hearing shall be required.
3. Public notice shall be required in accordance with Chapter 14.76.
4. Pursuant to Section 30603 of the Coastal Act, within California Coastal Commission's coastal appeals area, the Planning Director's decision to approve an administrative coastal development permit in the RMU zone district may be appealed to the Coastal Commission within ten working days. Proposed development in the RMU zone district that is located outside of the coastal zone appealable area is not appealable to the Coastal Commission.
5. An applicant may request non-binding conceptual review by the Architectural Review Board to improve project design.

B. For all uses conditionally permitted pursuant to Section 14.19.060, a conditional use permit shall be submitted, processed, and approved as provided in Chapter 14.62.
C. For all other permitted uses pursuant to Section 14.19.050, prior to the issuance of a coastal development permit, a development plan shall be submitted, processed, and approved as provided in Chapter 14.68, with the exception that Architectural Review Board and Planning Commission review shall be limited to analysis of the project's compliance with Chapter 14.51, Objective Design Standards, and the regulations of this Chapter.
D. Once a final decision of approval, conditional approval (if applicable), or denial is issued by the Planning Director or Planning Commission, as applicable, the notice of final action shall be provided within five working days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing.

14.19.040 – Uses permitted by right.

A. The following uses shall be allowed as a use by right in the RMU district:
    1. Mixed-use commercial and multifamily residential developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted residential units for lower-income households;
    2. Multifamily residential-only developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted units for lower-income households;
    3. Public parks, playgrounds, and open space areas provided as part of a mixed-use or multifamily residential development;
    4. Low barrier navigation centers, as defined in Government Code Section 65660 and subject to the provisions of Government Code Section 65662;

5. Supportive housing developments, as defined by Health and Safety Code Section 50675.2 and subject to the provisions of Government Code Section 65651;
6. Transitional housing developments, as defined by Health and Safety Code Section 50675.2;
7. Home occupations, as provided in Section 14.50.030;
8. Accessory uses and structures incidental to permitted residential uses, including laundry and storage rooms; garages, carports, and parking lots; bus stop shelters; multifamily residence mailboxes; and bike racks;
9. Accessory uses and structures incidental to commercial portions of mixed-use developments, including storage rooms, garbage enclosures, and loading zones; and
10. Personal use cannabis cultivation, as provided in Chapter 14.59.

B. For the purpose of this Chapter, "lower-income" means a household that earns 80 percent or below of the area median income applicable to Santa Barbara County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.
C. For the purpose of this Section, permitted commercial uses for commercial portions of mixed-use developments shall be as follows:
    1. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.030.
    2. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.030.

14.19.050 – Uses permitted subject to development plan approval.

Mixed-use commercial and multifamily residential developments that do not meet the affordability requirements of Section 14.19.040(A)(1) and multifamily residential-only developments that do not meet the affordability requirement to Section 14.19.040(A)(2) shall require approval of a development plan in accordance with Section 14.19.030(C). Uses subject to development plan approval shall comply with the provisions of Sections 14.19.070 through 14.19.100 and all applicable provisions of the Title 14 of the City's Code.

14.19.060 – Uses permitted subject to conditional use permit.

A. Permitted uses subject to a conditional use permit in the RMU district shall be as follows:
    1. As provided in Chapter 14.62;
    2. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.040; or
    3. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.040.
B. Such conditional uses shall not prevent the development from meeting the standards in Sections 14.19.070 through 14.19.100, inclusive.

C. Projects proposing such conditional uses shall also incorporate multifamily residential use. In addition to the findings in Section 14.62.040(8), the following finding must also be made:
    1. The proposed use will not be detrimental to the health, safety, and general welfare of the residential use also proposed by the project.

14.19.070 – Objective design standards.

Projects shall be designed pursuant to the design standards in Chapter 14.51.

14.19.080 – Density.

The number of dwelling units per gross acre shall be a minimum of 20 and maximum of 25, unless otherwise allowed by applicable State housing law or Title 14 of the City's Code.

14.19.090 – Development standards.

The following development standards shall apply:

A. Affordability. Projects qualifying for an administrative coastal development permit pursuant to Section 14.19.030 shall record a restrictive covenant that ensures the continued affordability of all acutely low-, extremely low-, very low-, low-, and moderate-income rental units for 55 years and all acutely low-, extremely low-, very low-, low-, and moderate-income for-sale units for 45 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
B. Setbacks. All structures shall be located pursuant to the following setbacks:
    1. No less than five feet from the property line or 25 feet from the street centerline, whichever is greater.
    2. For sites with frontage on Via Real, no less than 15 feet from the property line abutting Via Real, and 5 feet from all other property lines.
C. Distance between buildings. The distance between two adjacent buildings shall be no less than 10 feet.
D. Building coverage. Not more than 75 percent of the net area of the property shall be covered with any portion of a building.
E. Building height. No building or structure shall exceed a height of 35 feet.
F. Parking. Unless modified by State law, minimum parking requirements shall be as follows:
    1. Visitor, guest, and employee parking: one space per five units.
    2. Parking for units affordable to lower-income households:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom or larger units: 1.5 parking spaces per unit.
        c. Four-bedroom or larger units: 2.5 parking spaces per unit.
    3. Parking for all other units:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom units or larger: two parking spaces per unit.

c. Four-bedroom or larger units: 2.5 parking spaces per unit.

4. Parking for commercial uses shall be as provided in Section 14.54.040.

G. Open space. At least 20 percent of the net area of the property shall be used for common and/or public open space. A maximum of 50 percent of the required open space may be provided on rooftops or decks above ground level.

H. Fences, walls, and plantings. Fences, walls, and plantings providing a solid screen (i.e., at least 90 percent opacity when viewed from the public right of way) that are located in a front yard setback shall not exceed a height of four feet.

I. For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. For the purposes of this section, a leasing or property management office for a residential development on the same site shall be considered a commercial use.

14.19.100 – Development standards— specific sites.

The following development standards shall apply to specified sites, in addition to the development standards in Section 14.19.090:

A. Sites with frontage on Linden Avenue or Carpinteria Avenue within Community Design Element Subarea 2a shall be limited to mixed-use (commercial and residential) development.

B. For sites with frontage on Linden Avenue or Carpinteria Avenue, 50 percent of the residential units shall be a mix of studios and one-bedroom units.

14.19.110 – Noticing requirements.

Noticing shall be conducted pursuant to Chapter 14.76, with the exception that no public hearing shall occur or be noticed for projects qualifying as a use by right pursuant to Section 14.19.040.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act (“CEQA”) Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report (“EIR”) for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara..

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment B.

Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS, TO TITLE 14 – ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the City of Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, projects seeking approval under the allowances of the Housing Accountability Act (Gov. Code §65589.5) and Senate Bill 423 (Gov. Code §65913.4) are required to comply with objective, quantifiable, written development standards, conditions, and policies provided that those objective standards, conditions, and policies do not render the project infeasible; and

WHEREAS, in response to the increased streamlining of planning and design review for housing projects by State law, jurisdictions throughout the State have implemented Objective Design Standards ("ODS") for projects which are required by State law to undergo ministerial planning review; and

WHEREAS, to ensure that housing projects in the City seeking streamlined or ministerial review pursuant to State law implement quality architectural and site design that remains compatible with the existing scale and character of Carpinteria, the ODS proposed by this Ordinance are included as part of the City's implementation of Housing Element Program 1; and

WHEREAS, at the October 17, 2024 meeting of the Architectural Review Board, City staff presented the Board with proposed ODS, which would apply to specified residential and mixed-use projects, and invited feedback from the Board and members of the public, and after deliberation the Board recommended that the proposed ODS be brought to the Planning Commission with comments attached; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 12, 2024, the California Coastal Commission Executive Director issued a Memorandum on Streamlined Ministerial Approval Process in the Coastal Zone (Government Code Section 65913.4) ("SB 423 Memo"), which, among other things, recommends that local agencies develop objective design standards for projects proposed under Senate Bill 423 (Gov. Code, § 65913.4), and this Ordinance proposes objective design standards consistent with said SB 423 Memo; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 – Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.51 to Title 14.

Chapter 14.51 – Objective Design Standards, is added to Title 14 – Zoning of the Carpinteria Municipal Code and shall read as follows:

CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS.

14.51.010 – Purpose and Intent.

The purpose of this chapter is to provide objective design standards for certain mixed-use and multifamily residential developments in the City of Carpinteria in order to provide ministerial and/or streamlined review of such projects. The intent of this Chapter is to maintain the City's unique small-town character and vibrant neighborhoods while encouraging and incentivizing residential and mixed-use developments that:

A. Provide housing opportunities for residents of all income levels, including family and workforce housing;
B. Revitalize neighborhoods and provide opportunities for infill development;
C. Cultivate pedestrian and alternative transportation-friendly spaces; and
D. Are sensitive to and compatible with existing development with respect to massing, setbacks, and rooflines.

14.51.020 – Applicability.

A. The provisions of this Chapter shall apply to:
    1. Any residential or mixed-use development in the Residential/Mixed Use (RMU) 20/25 Zone District;
    2. Any residential development subject to a streamlined, ministerial approval process pursuant to California Government Code Sections 65913.4, 65852.24, and 65912.100-140; and
    3. Any development that constitutes a "housing development project" under California Government Code Section 65589.5 (Housing Accountability Act) that is inconsistent with the City's general plan land use designation and

zoning ordinance, or meets the criteria in Government Code Section 65589.5, subdivision (h)(11).

B. In the case of conflict between this Chapter and other regulations of Title 14 – Zoning, the objective standards established by this Chapter shall prevail.

14.51.030 – Processing.

A. Permit processing shall be as provided for in the underlying base zone district.
B. Any project that seeks an exception, waiver, or modification to the provisions of this Chapter, excluding waivers or modifications granted pursuant to State Density Bonus Law (Gov. Code, § 65915 et seq.) as implemented by chapter 14.77, shall require the filing and approval of a Development Plan Modification as provided for in Section 14.50.120 of this title.

14.51.040 – Building form, massing, and articulation.

A. *Building Form and Vertical Hierarchy*. Buildings that are higher than two stories shall be designed to differentiate between a defined base (first floor); a middle or body (e.g., second or third floor); and a top, cornice, or parapet cap (architectural features). Two-story buildings shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following:
   1. Color, texture, or material changes;
   2. Variations, projections, or reveals in the wall plane;
   3. Variations in fenestration design or pattern; or
   4. Decorative architectural features, such as cornices and columns.
B. *Story height*. The ground story shall have a maximum story height of ten (10) feet for residential use and 12 feet for commercial use. The height of upper stories shall not exceed nine feet.
C. *Wall plane variation*. Building facades visible from the primary right-of-way shall not extend more than 30 feet in length without either a two-foot variation in depth in the wall plane or one of the following projected or recessed architectural elements: porches, stoops, porticos, balconies, bay windows, overhangs, terraces, and/or trellises.
D. *Street Façade*. If buildings on adjacent properties establish a contiguous street façade along the primary right-of-way frontage, such as the 900 block of Linden Avenue, new buildings shall be located to maintain the contiguous street-facing wall, with allowances for variation in façade and entrances which are projected or recessed.
E. *Corner lots*. Buildings located on corner lots shall include one or more of the following features on both street-facing facades, located within 25 feet of the corner of the building closest to the intersection:
   1. An entrance to a ground-floor use or a primary building entrance;
   2. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade; or

3. A change in height of at least 18 inches from the height of the abutting façade.

F. *Roofline variation*. Rooflines shall provide one of the following prominent changes a minimum length of every 30 feet:
   1. Variation in roof form, such as hip, mansard, gable, shed, or flat with parapet;
   2. Variation in architectural elements, such as parapets and cornices; or
   3. Variation of roof height of 18 inches minimum (as measured from the highest point of each roof line).

G. *Upper floor massing.* Upper floors shall be reduced in bulk and massing: upper floors shall each have up to a total maximum floor area of 80 percent of the total net floor area of the ground floor. For lots with 5,000 square feet or less, upper floors shall have a total maximum floor area of up to 70 percent of the total net floor area of the ground floor.

H. *Contextual Upper Story Stepback*.
   1. Where a building's façade is within 20 feet of a street side property line, at least 30 percent of the façade of the upper floor(s) shall be stepped back from the ground floor façade at least 2 feet.
   2. Where a building on an abutting lot across a side lot line is single-story, any proposed building located within 15 feet of the side lot line shall step back at least 30 percent of the upper floor(s)' façade from the ground floor façade at least 2 feet.

I. *Common open space.* Common open spaces for multifamily residential developments shall comply with the minimums required by the base Zone District in which they are located.
   1. *Rooftop open space*. Open spaces located on a building rooftop shall be a minimum of 15 feet away from any property line abutting a residential use.

J. *All-sided architecture*. Fenestration, materials, and common details shall be carried over on all sides of the building visible from public rights-of-way.

K. *Limits on garages*. To minimize the dominance of garage doors along street frontages, a garage facing and visible from a public street shall not occupy more than 50 percent of the width of a building façade facing that street, except that it may be 12 feet wide in any circumstance. Mixed-use developments shall not have any street-facing garage doors along the primary right-of-way. Garage doors shall be recessed a minimum of four inches from the surrounding wall plane.
   1. Where the width of a garage exceeds 30% of the linear front or side elevations, the garage shall be recessed a minimum of 3 feet from the front wall of the building, or provide a trellis extending in front of the face of the garage.
   2. Garage doors shall feature at least one of the following treatments:
      a. Garage door windows;
      b. Paneled garage door surface;
      c. Two different colors; or
      d. Accent material.

14.51.050 – Site design.

A. *Siting of commercial uses*. Commercial components of a mixed-use development shall always be located closest to the primary right-of-way. Where a combination of commercial and residential uses is provided within the same building, commercial uses shall be located on the ground floor and closest to the primary right-of-way.
B. *Front-facing open space*. For developments fronting Linden Avenue or Carpinteria Avenue, any ground-floor courtyard, open space, or building setback from the street-facing property line shall be used for landscaping, outdoor dining/seating, public plazas, and/or building entries.
C. *Vehicular circulation and access*.
    1. Vehicular site access to parking areas shall be provided via side streets or alleys, when present.
    2. A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage. For corner lots, one vehicular access point is permitted per lot where all street frontages are less than 100 linear feet, and two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.
    3. For developments fronting Linden Avenue or Carpinteria Avenue, parking areas shall not be located within any front or street side setback, or between any building and the primary right-of-way.
D. *Loading and service areas*. New commercial uses requiring the receipt or distribution of material or merchandise by vehicles or trucks shall provide one (1) off-street loading space for 5,000 to 20,000 square feet of commercial area, and two (2) off-street loading spaces for commercial area greater than 20,000 square feet. Additional loading spaces shall be provided pursuant to Section 14.54.090.
    1. Required loading and service areas shall not be located between a building and the primary right-of-way.
    2. Loading and service areas shall not be located in drive aisles so as to not disrupt or block the flow of on-site and off-site vehicular traffic. Striping and signage shall be as provided in Chapter 10.04.
    3. Loading and service areas shall be located in parking areas and alleys, when present.
    4. Loading and service areas shall be screened from view from public rights-of-way with walls, solid fencing, and/or landscape privacy screening pursuant to Section 14.51.110.
E. *Pedestrian circulation and access*. Pedestrian walkways shall be a minimum width of four feet and shall be designed as follows:
    1. Pedestrian walkways shall connect public sidewalk right-of-way to areas throughout the site, such as building entrances, unit entrances, vehicle parking areas, bicycle parking areas, common open space areas, waste and recycling enclosures, and any transit stops directly adjacent to the site. Such walkways shall also connect buildings and amenities within the development to one another.

2. Where through lots are located more 300 feet from a street intersection, as measured from the closest point of the lot, pedestrian walkways shall be designed to provide public access connecting the two streets.
3. Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials, such as concrete, permeable paving, decomposed granite, stone, or brick.

F. *Private open space screening*. When a private open space (e.g. patio or balcony) is located within 20 feet of another residence or another private open space, the private open space shall be enclosed with a wall or fence that is a minimum of four feet in height.

G. *Usable open spaces*. Required common or public open spaces shall be a minimum of ten feet by ten feet. At least one of the common or public open spaces shall incorporate at least one of the following elements:
1. Picnic tables;
2. Permanently installed benches or seating;
3. Sport court or field, playground, or other children's play area;
4. Community garden;
5. Swimming pool; or
6. Pet park with a minimum of one trash receptacle.

H. *Paving*. For lots not fronting Linden Avenue or Carpinteria Avenue, the maximum amount of impervious surface area in the front setback is 30 percent.

14.51.060 – Utilitarian elements.

A. *Bicycle parking*. All developments shall provide bicycle parking spaces. Short-term bicycle parking is intended to serve shoppers, customers, couriers, guests, and other visitors to a site who generally stay for less than 2 hours. Long-term bicycle parking is intended to serve residents and commuters who generally stay at a site for long periods of time (e.g., overnight or for a work shift).
1. *Required number of spaces*.
   a. Short-term bicycle parking. One space per five residential units, plus one space per 250 square feet of commercial space; or four spaces, whichever is greater.
   b. Long-term bicycle parking. One space per two residential units, plus one space per 1,000 square feet of commercial space.
2. *Location and required elements*.
   a. Multifamily residential uses – Long-term bicycle parking. Long-term bicycle parking shall be located in an enclosed bicycle locker, a covered storage area or room, or a rack or stand in a room with key access limited to residents.
   b. Commercial uses – Long-term bicycle parking. Long-term bicycle parking shall be provided by a rack or stand within 100 feet of an entrance to the building it serves, or in an enclosed bicycle locker, covered storage area, or room.

c. Short-term bicycle parking. Short-term bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of an entrance to the building it serves.

3. *Size and accessibility*. Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between a bicycle parking space and walls, poles, landscaping, street furniture, pedestrian walkways, and parking areas.

B. *Pedestrian-oriented commercial setback areas*. Front setback areas between a commercial use and the primary right-of-way shall be landscaped and shall contain at least one amenity per 50 linear feet, such as benches or other seating, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).

C. *Lighting*. Outdoor light fixtures, including pole lights, wall-mounted lights, and bollards, shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
1. *Light intensity*. The maximum light intensity shall not exceed a maintained value of ten foot-candles, when measured at finished grade.
2. *Light temperature*. Lights shall be light-emitting diode (LED) lights with a color temperature no higher than 3000 Kelvins.

D. *Vents and Exhaust.* All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from view from any public right-of-way.

E. *Screening of mechanical equipment.* The following screening standards apply to specified types of mechanical equipment:
1. *Ground-mounted equipment*. Ground-mounted equipment that faces a public viewing area must be screened to a height of 6 inches above the equipment, unless such screening conflicts with utility access. Acceptable screening devices consist of walls, fences, or berms. Screening materials for walls or fences shall be selected from an exterior finish, siding, fencing, or wall material utilized elsewhere on the primary building of the development it serves.
2. *Wall-mounted equipment*. Wall-mounted equipment (e.g., electrical meters, cable connection boxes, electrical distribution cabinets, etc.) shall provide screening that incorporates the exterior wall or accent colors of the building, unless such screening conflicts with accessibility and visibility requirements for health and safety. For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device.
3. *Rooftop equipment*. Where rooftop equipment is located within 10 feet of a roof edge, a parapet shall be provided that is a minimum of six inches taller than all roof-top equipment. Rooftop equipment located within or adjacent to rooftop open space shall be screened to a height of 6 inches above the equipment in the manner provided by subsection (1) above.

F. *Trash, recycling, and other waste containers*. Enclosures for recycling, green waste, and any other waste containers required by law shall be located within a

building, incorporated into the exterior building design, or located within a detached enclosure designed and placed as follows:

1. The enclosure shall be located to the rear or side of the building(s) and located outside of view from a public right-of-way, and
2. The enclosure shall incorporate the materials and colors of the primary building design.

14.51.070 – Building and dwelling unit entrances.

A. *Separate entrances*. Building entrances and lobbies for residential units shall be separate from non-residential entrances.
B. *Street-facing commercial entrances*. Commercial components of mixed-use development along the primary right-of-way shall have main entrances facing the primary right-of-way and directly accessible from the sidewalk by a pedestrian walkway. Such entrances shall provide weather protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.
C. *Downtown street-facing entrance*. Buildings fronting Linden Avenue or Carpinteria Avenue shall provide an entrance directly from the public sidewalk or right-of-way a minimum of every 40 feet. Each shall have one or more of the following:
    1. Entrance flanked by columns, decorative fixtures, or other similar elements;
    2. Entrance recessed within a large arch or cased decorative opening;
    3. Entrance covered by a large portico projecting at least 6 feet from the surrounding wall plane; or
    4. Entrance covered by an awning.
D. *Downtown enhanced paving*. Building entrances fronting Linden Avenue or Carpinteria Avenue shall provide paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete that contrasts in color and texture from the adjacent walkway or right-of-way paving.
E. *Exterior entrances to residential units*.
    1. All individual exterior unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.
    2. Entrance types such as a stoop, porch, patio, or courtyard may serve more than one residential unit.
    3. Individual exterior unit entrances shall be illuminated, or face toward a common area or public street.
    4. Each residential unit located within 20 feet of a primary right-of-way with an exterior entrance shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.
    5. The entrance to residential units located on the ground floor may be raised up to a maximum finished floor height of 42 inches above the abutting sidewalk height, unless otherwise required for safety or sea level rise reasons.

14.51.080 – Windows.

A. *General Treatment*. Windows shall provide one of the following:
   1. Window trim or windowsill a minimum of one-half inch in depth; or
   2. Window recess a minimum of three inches in depth from the surrounding wall plane.
B. *Windows Facing a Public Street*. Windows facing a public street shall feature one or more enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.
C. *Privacy*. Where buildings are located within 15 feet of one another, residential window design on the building facades adjacent to one another shall avoid unfiltered/direct views into building interiors and shall be designed with one or more of the following:
   1. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units;
   2. Non-transparent or obscured glazing, such as frosted/patterned glass, glass block, or non-operable opaque windows. One-way mirror glass or film is not permitted;
   3. Permanent architectural screens or affixed louvers at windows; or
   4. Clerestory windows a minimum height of 5 feet from the ground.

14.51.090 – Materials and colors.

A. *Wall material*. The primary exterior wall siding material shall be selected from stucco, plaster, wood, composite wood, stone, stone veneer, brick, brick veneer, or vinyl. The use of exposed plywood or glass curtain walls is prohibited.
B. *Material transition*. Changes in materials or colors shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as a column or pier.
C. *Window Consistency*. Window frame materials and color shall be used on all elevations.
D. *Fences, walls, and hedges*. Fences and walls shall be constructed from materials such as wood, vinyl, wrought iron, brick, and stone. Chain link and barbed wire fencing is prohibited. Both sides of all fences and walls shall feature the same color and treatment.
E. *Vents and exhaust*. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

14.51.100 – General building design and architecture.

A. *Architectural Consistency*. Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.
B. *Roofs*.

1. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment. The interior side of parapet walls shall not be visible from a common open space or public right-of-way.
2. Roofs with overhanging eaves shall have an underside of stained wood, painted wood, or stucco. Exposed plastic is prohibited.
3. Corbels and brackets shall be constructed of stone, wood, or stucco. Exposed plastic is prohibited.

C. *Downtown ground floor transparency*. New mixed-use commercial building facades facing Linden Avenue or Carpinteria Avenue shall include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Windows and doors associated with a commercial use shall not use an opaque, frosted, or glazed material.
   1. The bottom of any product display window shall not be more than three and a half feet from the elevation of the sidewalk.
   2. Transparent or translucent glazing is required on the ground floor facade. Opaque, dark tinted glass, and mirror treatments that obstruct interior views at the street level are not permitted.

D. *Decorative window treatments*. Windows facing Linden Avenue or Carpinteria Avenue shall feature one or more of the following enhanced or decorative window treatments:
   1. Decorative architectural brackets, trim, exterior shutters, or awnings;
   2. Planter boxes or hanging planters;
   3. Balconies;
   4. Decorative accent material (such as wood or tile) as wainscot; or
   5. Bay windows.

E. *Decks and balconies*. Decks and balconies shall be constructed such that at least 75 percent of the area between the finished floor and the railing is an opaque material. All decks and balconies on a building shall use consistent colors, materials, and form.

F. *Vehicle Light Intrusion*. Vehicle headlights shall be obstructed from direct alignment with habitable interior first-story spaces with a minimum three-foot-high fence, wall, or other solid architectural feature.

G. *Carports*. Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design. Solar panels shall be permitted on carports in accordance with building code.

H. *Tandem parking*. Garages may be designed to accommodate tandem parking.

14.51.110 – Landscaping.

Landscaping shall be designed for all outdoor areas that are not specifically designated for buildings, walkways, driveways and parking, or open space. For further requirements, see the provisions of the base zoning district.

A. *Groundcover*. Groundcover shall be sized and located to cover at least 75 percent of all landscape areas that are not planted with shrubs or trees at the time building occupancy is granted.

1. While groundcovers and shrubs are establishing, a minimum layer of 3-inch bark mulch or decorative gravel shall be placed within all landscape areas to provide 100 percent coverage of such landscape areas.

B. *Plant selection*. Landscaping shall utilize non-invasive Mediterranean, local California native, and other WELO-compliant drought-tolerant species. Landscaping shall comply with the provisions of Chapter 15.90 – Water Efficient Landscaping, as applicable. Artificial or synthetic plants are prohibited.
C. *Number of Plants*. A minimum of one 15-gallon tree or equivalent box size and 20 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.
D. *Landscape privacy buffer*. A landscape buffer of a minimum width of five feet shall be located between all ground-level private open spaces, and pedestrian walkways or common/public open spaces. Plants shall be selected to enhance security (e.g. thorny plants) and shall be demonstrated to grow to a minimum height of four feet.
    1. *Exception*. Plantings providing a solid screen that are located in a front yard setback or facing the primary right-of-way shall not exceed a height of four feet.
E. *Pedestrian walkways.* Pedestrian walkways shall be flanked on at least one side with landscaping, and include a mix of groundcover, shrubs, and trees. Trees shall be selected and spaced to shade at least 25 percent of the overall walkway length at full maturity.
F. *Solar Access*. Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.

14.51.120 – Community Development Director substantial conformance determination.

The Community Development Director may make a determination that a substitution for, or minor deviation from, an objective standard specified in this section substantially supports the intent of the standard. Only the standards in the following sections are subject to a substantial conformance deviation:

A. Section 14.51.040 – subsections A, C, E, F, and K;
B. Section 14.51.050 – subsections B and G;
C. Section 14.51.060 – subsection E;
D. Section 14.51.070 – subsection C;
E. Section 14.51.080 – subsections B and C; and
F. Section 14.51.100 – subsection D.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted

this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment C.

Ordinance 790, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 790

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element Law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to remove Site 5 (APN 001-190-097) from the Ordinance and approve this Ordinance as amended on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 - Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

Candidate Site#	Assessor's Parcel No.	Existing Zone Designation	New Zone Designation
7	001-190-023 001-190-091 001-190-093 001-190-092	Industrial/Research Park (M-RP)	Residential/Mixed Use (RMU) 20/25
10	001-070-058	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
11	003-280-005 003-280-017	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
12	003-162-009 003-162-011 003-162-012	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
13	003-870-006 003-870-007 003-870-005 003-870-009 003-870-010 003-870-003 003-870-002 003-870-001 003-870-004	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
14	003-860-001 003-860-005 003-860-003 003-860-004 003-860-002 003-860-006 004-041-011 004-041-012 004-041-015 003-860-007 003-860-008	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, "provisions") thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

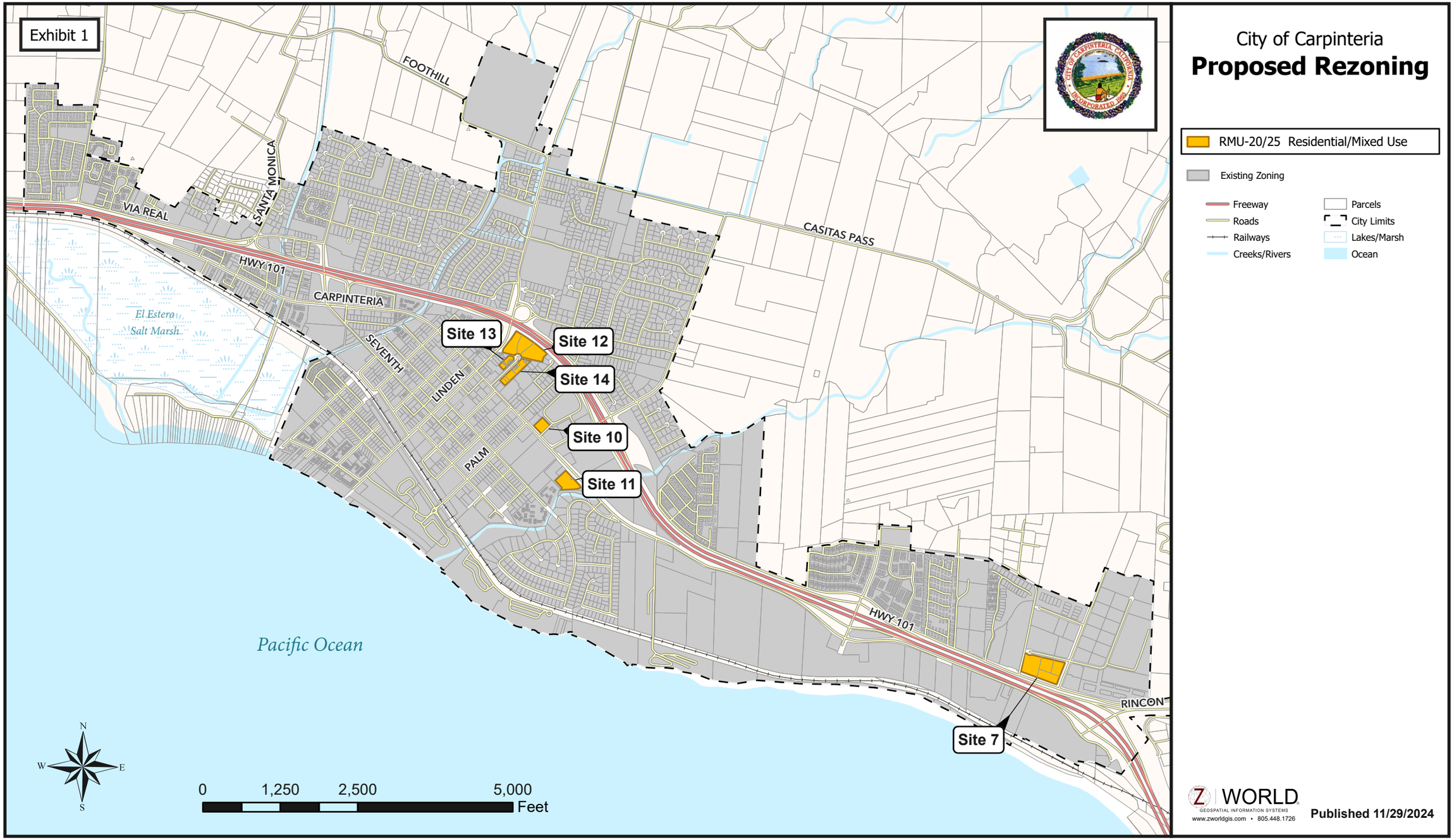
Exhibit 1
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
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Attachment D.

Ordinance 791, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 791

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 790), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum to the 2003 GP/CLUP PEIR, was introduced on a first reading, and the Council moved to approve this Ordinance on a 3-0-1-1 (Solorzano recused, Clark absent) vote; and

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

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

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

SECTION 3. Severability.

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

SECTION 4. CEQA Review.

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

SECTION 5. Effective Date.

This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section

13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

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City of Carpinteria

Proposed Rezoning

RMU-20/25 Residential/Mixed Use

Existing Zoning

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

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Published 11/29/2024

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Attachment E.

2003 GP/CLUP EIR and Draft CEQA Addendum thereto

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

The Previously Certified Program Environmental Impact Report (PEIR) for the City of Carpinteria's 2003 General Plan/Coastal Land Use Plan (GP/CLUP) was combined with the City's GP/CLUP.

Analysis pursuant to the California Environmental Quality Act (CEQA) occurs throughout the document with a full summary in Appendix A.

The full document is available at this link:
https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

CEQA ADDENDUM

City of Carpinteria
2023-2031 Housing Element Update Rezone Amendments
Project 24-2279-ORD/LCPA
Environmental Impact Report SCH 1997121111

November 25, 2024

I. Summary of this Addendum

This addendum to the Program Environmental Impact Report ("PEIR")[1] for the City of Carpinteria's ("City") General Plan/Coastal Land Use Plan ("GP/CLUP") ("Addendum") assesses the potential environmental impact(s) associated with implementation of Program 1 of the City of Carpinteria 2023-2031 Housing Element, as required by the California Environmental Quality Act ("CEQA") (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City, as the lead agency under CEQA, must consider the potential environmental impacts of the proposed Project, which includes:

- Adding a new Residential/Mixed Use ("RMU") Zoning District to the Carpinteria Municipal Code;
- Adding new Objective Design Standards to the Carpinteria Municipal Code; and
- Amending the City's Zoning Map to rezone certain parcels of land to RMU.

The goal of the proposed Project is to accommodate and encourage residential development in accordance with Program 1 of the City's adopted 2023-2031 Housing Element. This Addendum is being prepared pursuant to Sections 15162-15164 of the CEQA Guidelines, and is an informational document intended to be used in the planning and decision-making process.

The fundamental conclusion of this Addendum is that the proposed Project would not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the PEIR for the City's GP/CLUP, which was certified in 2003 with State Clearing House ("SCH") number 1997121111. Additionally, the Project would not involve any substantial changes to the components of, or circumstances surrounding, the City's GP/CLUP that would require major revisions to the PEIR. Thus, a subsequent or supplemental EIR need not be prepared in accordance with California Public Resources Code Section 21166.

[1] The previously certified PEIR was combined with the City's GP/CLUP, available at this link: https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

Housing Element Program 1

On January 22, 2024, the City of Carpinteria City Council ("City Council") adopted the current Housing Element[2], which outlines how the City's Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. While the Housing Element is adopted and in effect, it cannot be officially certified by the California Department of Housing and Community Development ("HCD") until the City implements Program 1 – Adequate Sites to Accommodate Regional Housing Needs.

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households, 35 units for moderate-income households, and 348 units for above-moderate-income households. Using the land inventory analysis in Appendix B, the City can currently accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units.

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, the City is required to implement Program 1 which involves rezoning sufficient land to accommodate 292 lower-income units plus a reasonable buffer[3].

As described in Program 1, City staff initially envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density residential development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed for both a higher density and a lower density residential development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now instead requires a zoning change on sufficient sites to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) and Program 1 require that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for the

[2] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/.
[3] HCD expects at least a buffer of 15 percent for a total of 336 units. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 would be approximately 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

lower-income units. Therefore, the zoning amendments must include this minimum density.

- Number of Units: Government Code Section 65583.2(h) and Program 1 require that the residential rezones include at least 16 units per site.
- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2, "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.
- Development Standards: As part of the rezoning program, the City must also ensure that allowable densities can be achieved and that development standards do not pose unreasonable constraints on the cost and supply of housing. Thus, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that streamlined permitting can be accomplished.
- Predominantly Residential Mixed Use Development: Government Code Section 65583.2(h) and Program 1 also require that one of the following standards is satisfied: (1) At least 50 percent of the lower income housing need to be accommodated on residential-only sites; or (2) All the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project.

In the adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this Addendum) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[4], and in the site profiles Figure B-4[5]).

In addition, Site #5 (located at 6380 Via Real and commonly referred to as "Lagunitas") was originally identified as a Candidate Opportunity Site considered for rezoning but was changed to a "pending project" in the final adopted Housing Element when an application for development was submitted. However, the applicants for the proposed development have stalled on processing their current application. Therefore, City staff and Planning Commission recommend that Site #5 also be included in the list of Candidate Opportunity Sites (Table1 below). If Site #5 is rezoned, it would provide the landowner with the opportunity to move forward with a project under the proposed RMU zone.

[4] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf.
[5] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf.

Table 1 – Summary of All 20 Candidate Opportunity Sites *(Site #17 was removed[6])*

Site #	Location	Current General Plan Land Use Category	GPA Required?
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy; Mark; Rose	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Out of the 20 Candidate Opportunity Sites, three would require a General Plan Amendment ("GPA") to modify the corresponding Land Use Designations in order to permit the proposed residential uses. The Final PEIR for the City's GP/CLUP included analysis of potential development under the existing Land Use Designations and did not anticipate such GPAs. Therefore, the three Candidate Opportunity Sites that require GPAs (Site Numbers 1, 2, and 19) are not currently under consideration for rezone amendments and are removed from further analysis in this CEQA Addendum. The Project thus does not require any amendment to the GP/CLUP.

All of the remaining 17 Candidate Opportunity Sites may be rezoned consistent with Program 1 without any changes to the GP/CLUP policies or Land Use Map.

II. Proposed Project Description: Zoning Amendments

Consistent with Program 1 of the Housing Element, the proposed Project analyzed in this CEQA Addendum consists of the following three components:

A. The addition of the RMU Zoning District in Title 14 of the Carpinteria Municipal Code ("CMC");

B. The addition of Objective Design Standards in Title 14 of the CMC;

[6] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.

C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning designations to the new RMU Zone.

All three of these Project components are logical follow-on discretionary actions to the GP/CLUP and are covered by the City's previously certified PEIR. While all three components combine to describe the whole of the Project, a project under CEQA is essentially the action(s) which would result in a physical change to the environment. In this case, the potential direct and indirect environmental effects from the proposed Project would come from the future development or redevelopment of the rezoned Sites.

It is not likely that all 17 Candidate Opportunity Sites (Table 2) will be rezoned as part of the Project. Ultimately, the City Council may choose a subset of these eligible Sites in order to meet the City's immediate RHNA shortfall plus a reasonable buffer. Even though it is unlikely that all 17 Sites will be rezoned, this Addendum's analysis covers all 17 Sites in order to assess whether or not there will be any significant impacts which require additional environmental review if all 17 Sites are rezoned.

Table 2 – Proposed Project: 17 Sites to be Potentially Rezoned to RMU

Site #	Location	Site Size (ac)	Current Zoning	Current GP	Potential Units w/Rezone*	Potential Lower-Income Units	Potential Moderate Income Units	Existing Use
3	1000 Bega Way	9.68	M-RP	RDI	175	175	0	Industrial Research
4	6250 Via Real	8.47	M-RP	RDI	166	166	0	Storage
5	6380 Via Real	8.63	M-RP	RDI	169	169	0	Vacant
6	Cindy Ln; Mark Av; Rose Ln	10.58	M-RP	RDI	210	210	0	Industrial Research
7	Cindy Ln; Via Real	5.51	M-RP	RDI	110	110	0	Industrial Research
8	Mark Av; Cindy Ln	10.02	M-RP	RDI	199	199	0	Industrial Research
9	Cindy Ln	4.49	M-RP	RDI	89	89	0	Vacant
10	5320 Carpinteria Av	1.08	CPD	GC	21	21	0	Commercial
11	5437 Carpinteria Av	1.98	CPD	GC	25	25	0	Apartments and partially vacant
12	Eugenia Pl	4.66	CPD	GC	92	92	0	Commercial
13	Eugenia Pl	0.80	CPD	GC	16	16	0	Commercial Condos
14	Eugenia Pl	1.88	CPD	GC	35	19	16	Commercial Condos & Commercial
15	Carpinteria Av	2.45	CPD	GC	48	40	8	Commercial
16	Carpinteria Av	0.67	CPD	GC	9	0	9	Commercial & Residential
18	Holly Av; Carpinteria Av	1.47	CPD	GC	28	22	6	Commercial & Residential
20	Palm Av	0.77	CPD	GC	11	0	0	Commercial
21	Carpinteria Av	6.31	M-RP	RDI	125	125	11	Industrial & Vacant
Totals		**79.45**	**n/a**	**n/a**	**1,528**	**1,478**	**50**	

* Assumes 20 dwelling units per acre.

As shown in Table 2, each of the Candidate Opportunity Sites covered by this Addendum is currently zoned either Commercial Planned Development ("CPD") or Industrial/Research Park ("M-RP"). The CPD zoning designation aligns with the corresponding General Commercial ("GC") land use designation; the M-RP zoning

designation aligns with the Research and Development Industrial ("RDI") land use designations. Under the new RMU District, future development of the Sites would include the following:

A. Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;

B. Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);

C. For sites in the GC land use category: the option to have commercial uses as part of a mixed-use development (except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which would be required to include a commercial use on the ground floor fronting the avenue);

D. For sites in the RDI land use category: the option to have offices and/or research, development, and laboratory uses, as part of a mixed-use development.

Since the commercial/office uses along with some residential uses are already permissible under the Sites' current zone districts and land use designations, the primary changes for the purpose of CEQA analysis are the net addition of the new residential density and accompanying accessory uses.

III. Analysis – Consistency with GP/CLUP

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's GP/CLUP and accompanying PEIR. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories currently allow for residential uses in their definitions:

> ***General Commercial (GC)***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented. (emphasis added)*
>
> ***Research & Development Industrial (RDI)***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential. (emphasis added)*

More explicitly, the following specific Land Use objectives and policies demonstrate that the rezones are consistent with the GP/CLUP. (See also the full GP/CLUP Consistency Analysis prepared for the project as Attachment H to the November 25, 2024 City Council Staff Report).

- ***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.*

  Discussion: Site Nos. 8 and 9 are located at the City's eastern edge, but still within the Urban Boundary. Site No. 8 is developed with industrial uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site Nos. 5 and 9 are vacant but surrounded by existing residential and/or industrial development on three sides. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned urban uses for the area.

  The remaining 14 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops. With the application of the Objective Design Standards, the future residential and mixed-use development on these sites would be compatible with the existing small beach town character.

- ***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. (emphasis added)*

  Discussion: All 17 Candidate Opportunity Sites are located within existing developed areas of the city. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and the railroad corridor to the south.

  The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the Project would concentrate development in the City's urban core by focusing on locations with existing commercial/industrial land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

- ***Objective LU-6****: Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to*

expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing. (emphasis added)

Discussion: The application of the new RMU Zone to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are to:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

- ***Policy LU-6a****. The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. (emphasis added)*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential on parcels designated for commercial and industrial would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity Sites that were compatible with existing and anticipated uses in the area surrounding the Site were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations.

  This would also help the City to improve and maintain an appropriate jobs-housing balance. As explained in the 2023-2031 RHNA Plan[7], the Santa Barbara County Association of Governments (SBCAG) reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships

[7] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

- ***Policy LU-6b****. The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial land uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and

residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles).

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permitted in the CPD and M-RP Zones. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue maintain a commercial component on the ground floor within the downtown "T" (based on Community Design Element Subarea 2a). In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

IV. CEQA Findings

The PEIR for the City's GP/CLUP was certified in April of 2003. CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR; or
    b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR; or
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

The previously certified PEIR evaluated the potential impacts of the City's adoption of the GP/CLUP, including the buildout of the Land Use Map. As described in the Land Use Element, an additional 972 residential units and approximately 196,000 square feet of commercial and research park space was anticipated at buildout of the GP/CLUP. Based on the City's annual reports on the GP/CLUP since 2003, just over half of the anticipated residential units have been built and/or permitted. As such, there is still growth capacity under the existing Plan and corresponding PEIR.

Since the proposal to rezone commercial and light industrial zones under the GC and RDI Designation areas to the new RMU zone would reduce potential for commercial and research park development while increasing potential residential development, a direct comparison of the 2003 anticipated buildout to the new potential buildout is not possible. However, a general comparison can be done.

For example, mixed-use and residential-only developments are already permissible at densities up to 20 dwelling units per acre in the CPD and M-RP zones (i.e., "existing capacity"). The RMU zone would increase density to allow for up to 25 dwelling units per acre. As shown in Table 3 below, the Project would potentially allow for up to 397 more residential units than the existing zoning/capacity. Thus, an additional 397 units would not exceed planned buildout under the existing GP/CLUP. The certified PEIR contemplated the potential impacts associated with the Project, including the full potential build out that had not occurred. Therefore, the Project does not propose substantial changes to the amount of development within the City that was evaluated in the PEIR for the GP/CLUP.

Table 3. Buildout Comparison

Site #	Location	Site Size (ac)	Maximum Units w/Rezone*	Existing Capacity	Increase from Rezones
3	1000 Bega Way	9.68	242	193	49
4	6250 Via Real	8.47	211	169	42
5	6380 Via Real	8.63	215	172	43
6	Cindy Ln; Mark Ave; Rose Ln	10.58	264	211	53
7	Cindy Ln; Via Real	5.51	137	110	27
8	Mark Ave; Cindy Ln	10.02	250	200	50
9	Cindy Ln	4.49	112	89	23
10	5320 Carpinteria Ave	1.08	27	21	6
11	5437 Carpinteria Ave	1.98	49	39	10
12	Eugenia Pl	4.66	116	93	23
13	Eugenia Pl	0.8	20	16	4
14	Eugenia Pl	1.88	47	37	10
15	Carpinteria Ave	2.45	61	49	12
16	Carpinteria Ave	0.67	16	13	3
18	Holly Ave; Carpinteria Ave	1.47	36	29	7
20	Palm Ave	0.77	19	15	4
21	Carpinteria Ave	6.31	157	126	31
Totals		**79.45**	**1,979**	**1,582**	**397**

The proposed Project would not modify the GP/CLUP or its Land Use Map. The future development of the 17 Candidate Opportunity Sites would be infill development that was already planned for under the existing GP/CLUP and analyzed in the PEIR. Further, the proposed Project would serve to implement many of the Land Use Element policies that specifically anticipated the need for mixed-use and residential infill uses in the GC and RDI land use categories.

With the exception of potential agricultural conversion, the previously certified PEIR found that all potential impacts of the GP/CLUP would be less than significant with adherence to the objectives and policies therein.

The proposed Project would not convert any agricultural resources and would not result in any new significant environmental effects, nor would it change the nature or scope of any previously identified impact areas or their mitigation measures. No open space areas or environmentally sensitive areas are proposed to be developed or indirectly impacted. Applicable mitigation measures are included as part of the City's GP/CLUP and would apply to any future development proposals on the parcels affected by the proposed map revisions. Therefore, this Addendum finds the following:

1. The proposed Project will not require any major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. There are no substantial changes that have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified as complete, showing any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

As identified above, the proposed Project would implement Program 1 of the City's 2023-2031 Housing Element and would involve Zoning Amendments to add a new Residential/Mixed Use (RMU) Zoning District and new Objective Design Standards, and to amend the Zoning Map to rezone up to 17 Candidate Opportunity Sites to RMU. The primary changes from the Project are additional residential density on sites already zoned to permit medium density residential use and mixed use. The proposed Project would not result in any changes to City land use designations or GP/CLUP policies. The changes resulting from the proposed Project do not constitute substantial changes to the GP/CLUP, its circumstances, or include new information of substantial importance. The modifications would not involve substantial changes in the magnitude of impacts identified in the previously certified PEIR and would not create new

potentially significant impacts that would require mitigation. Therefore, none of the circumstances identified in CEQA Guidelines Section 15162(a) are present.

Pursuant to CEQA Guidelines Section 15164, an addendum is the appropriate CEQA document for the Project. There is no substantial evidence in light of the whole public record suggesting that the project would result in significant environmental impacts not otherwise addressed in the previous EIR. Consequently, a subsequent or supplemental EIR is not required.

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Attachment F.

Figures 1 through 4 as follows:

1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

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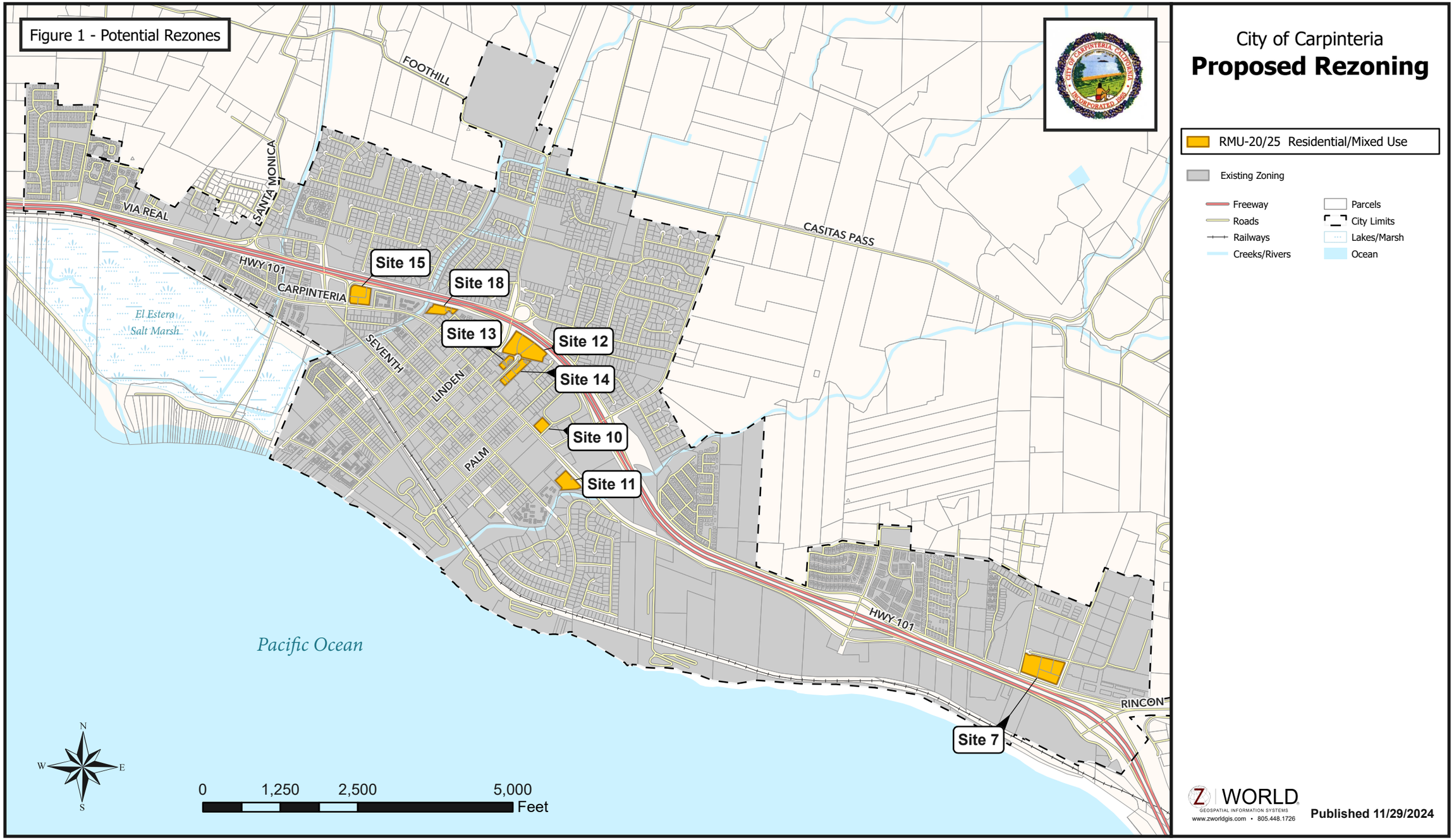
Figure 1 - Potential Rezones
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Pacific Ocean
RINCON
Site 15
Site 18
Site 13
Site 12
Site 14
Site 10
Site 11
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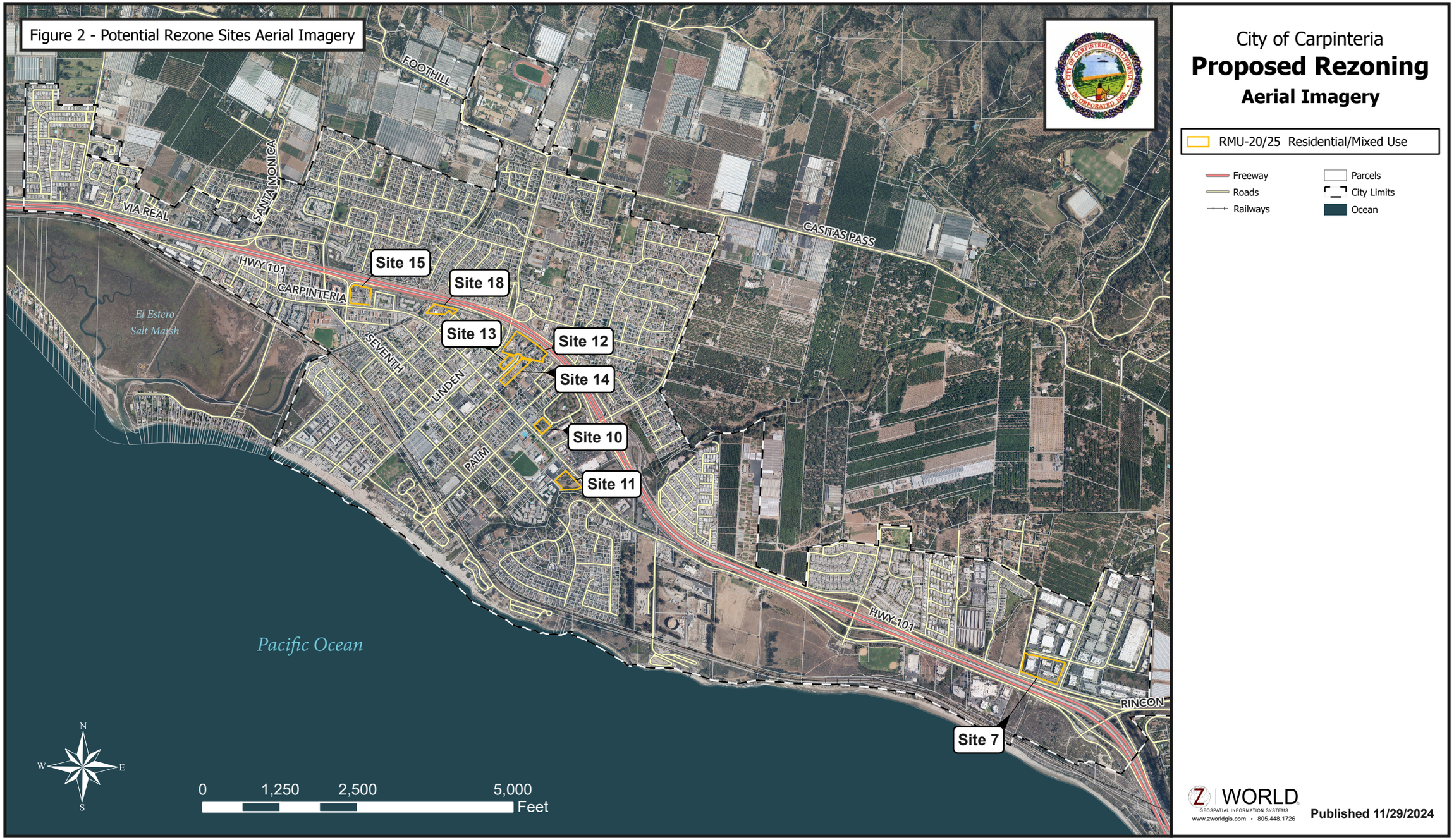
Figure 2 - Potential Rezone Sites Aerial Imagery
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
Site 15
Site 18
Site 13
Site 12
Site 14
Site 10
Site 11
Site 7
SEVENTH
LINDEN
PALM
El Estero
Salt Marsh
Pacific Ocean
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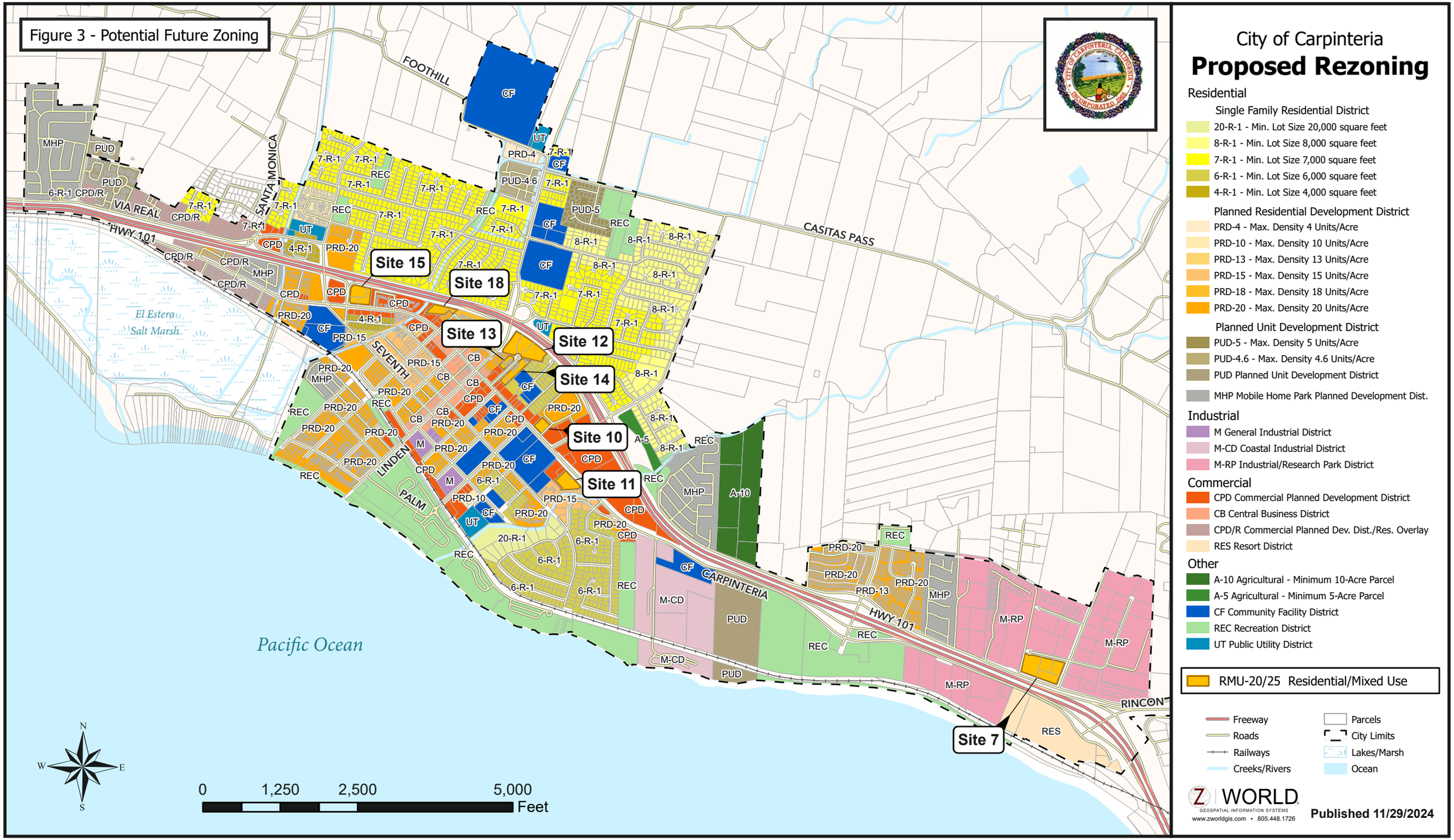
Figure 3 - Potential Future Zoning
City of Carpinteria
Proposed Rezoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
RMU-20/25 Residential/Mixed Use
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
Site 7
Site 10
Site 11
Site 12
Site 13
Site 14
Site 15
Site 18
HWY 101
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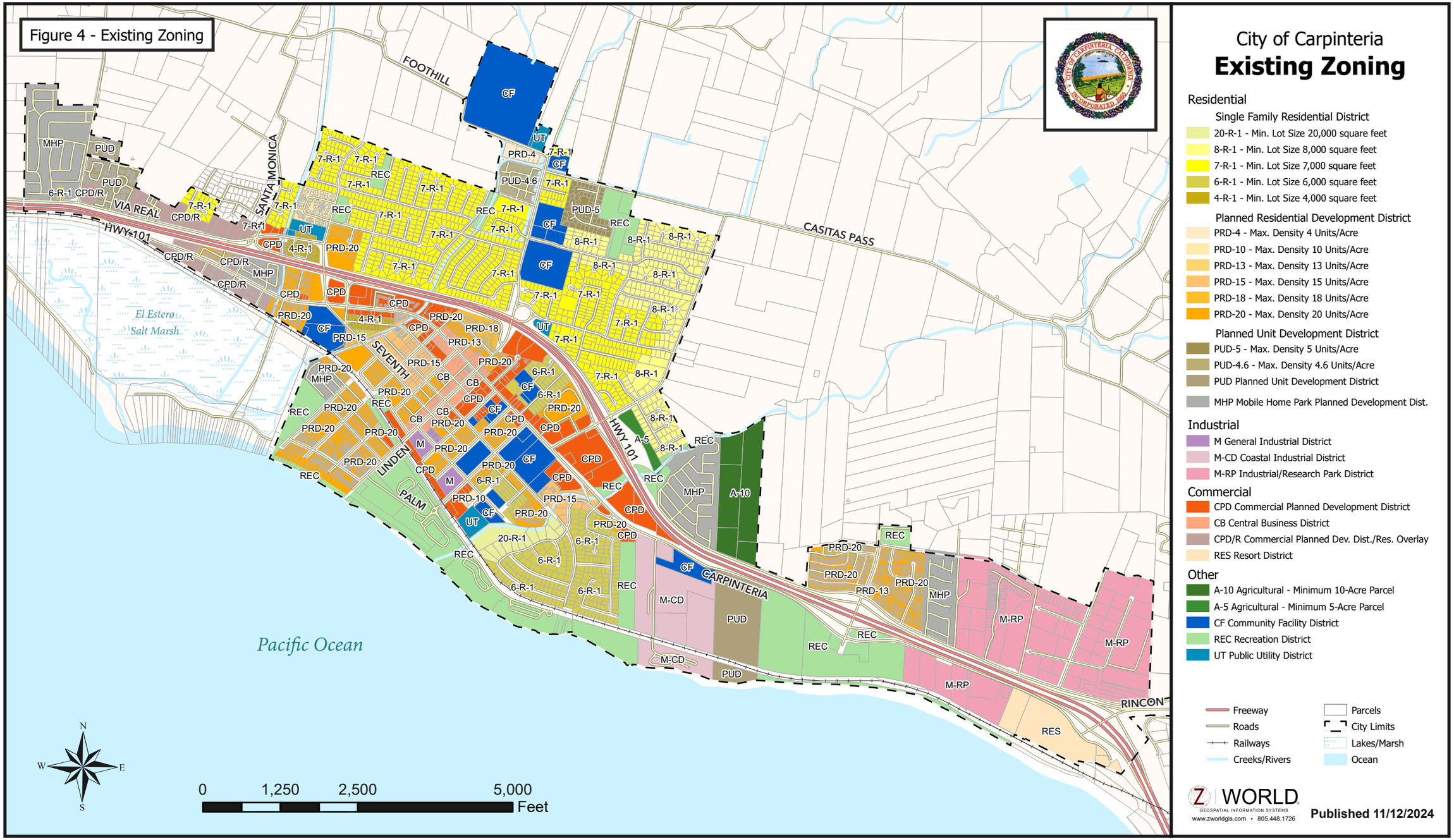
Figure 4 - Existing Zoning
City of Carpinteria
Existing Zoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
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Attachment G.

October 17, 2024 Architectural Review Board (ARB) Meeting Minutes (re: proposed ODS)

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

CITY OF CARPINTERIA
5775 Carpinteria Avenue
Carpinteria California 93013

ARCHITECTURAL REVIEW BOARD
Meeting Date October 17, 2024

ACTION MINUTES

The meeting was called to order at 5:31 p.m. by Vice Chair Blakemore

ROLL CALL

Boardmembers present: Amy Blakemore, Vice Chair
Richard Johnson
Richard Little
Patrick O'Connor

Boardmembers absent: Chair Brad Stein

OTHERS PRESENT:
Approximately 4 members of the public;
Community Development Director Nick Bobroff;
Principal Planner Brian Banks;
Principal Planner Mindy Fogg;
Senior Planner Syndi Souter; and
Assistant Planner Megan Musolf

PUBLIC COMMENT: None

PROJECT REVIEW

1) Project: Minear-Almgren Fence & Gates, Project 24-2307-FENCE/ARB
Address: 1455 Camellia Circle
Applicant: Brian Brodersen, landscape architect, for Jeffrey Becker, Becker Group, Managing Member of Seaside Apartment Investors, LLC
Planner: Syndi Souter

Request of Holly Minear and Hans Almgren, property owners, to consider Project 24-2307-FENCE/ARB for preliminary review of a proposal for approval of "as-built" redwood fencing and gates, ranging from 3.75-feet to 8-feet in height, that were constructed in the front and side yard setbacks of the property. The property is a 9,147 square-foot parcel zoned Single Family Residential (7-R-1) and shown as APN 003-590-023, addressed as 1455 Camellia Circle.

Ex Parte Communications Disclosure: None

Staff Comments:
Syndi Souter provided a presentation and described the project. Syndi detailed the "as built" fence plans, and described the previously existing fence design and heights as compared to the existing fence the Board is reviewing. Syndi concluded her presentation with an analysis of the proposed (as-built) fence relative to the zoning code requirements and Neighborhood design objectives and policies, and asked for the Board's comments on the following issue areas:

- Design and materials for the fencing and gates;
- Height of fencing and gates; and
- Location of fencing in front yard setback.

Applicant Comments:
Holly Minear and Hans Almgren, property owners, were in attendance and provided brief comments. Holly explained to the Board that it was time to replace the fencing and that the rebuilt fence was very similar to the previously existing fence's height, location and material/design. She further explained that the purpose of the 8-foot portion is to screen the RV stored on the adjacent property from view. Hans related that their 8-foot portion of fence is lower in height that the adjacent neighbor's fences.

Public Comments:
Miles Calkins, a neighbor at 1450 Camellia Circle, spoke in support of approving the existing fence as designed/constructed, and that it is appropriate for the neighborhood.

Boardmember Discussion:
Boardmember O'Connor commented that the fence looks nice and he supports approval of it.

Boardmember Little commented that the fencing material and design is appropriate but is concerned with the height of the portion of fence within the front setback and recommends that the first and second "tiers" be brought down to the 3-foot ordinance standard.

Boardmember Johnson commented that there was precedent set by the previous fence's construction although the previous fence was not permitted. He has no objections to the fence as designed, including the fence material and design.

Vice Chair Blakemore commented that she sees the value in the way the fence is located and designed, but is concerned with the height of the first tier of fence height nearest the street being a safety concern with respect to line-of-site and pedestrian safety. Vice Chair Blakemore suggested that the Board consider a conceptual motion to reduce the first tier of fence (currently 3.70-feet) to 3-feet.

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember O'Connor, to recommend approval to the Director with the condition that the first tier of fencing in the front setback currently a 3.70-feet in height be reduced to 3-feet in height.

VOTE: 4-0

2) Project: Objective Design Standards for Multifamily Residential and Mixed-Use Developments
Address: Citywide
Applicant: City of Carpinteria
Planners: Mindy Fogg and Megan Musolf

Request of by the City of Carpinteria to consider Project 24-2279-ORD/LCPA for review of proposed Objective Design Standards (ODS) that would apply to specified multifamily residential and mixed-use developments in the City. The ODS are proposed as a new chapter in Title 14, Zoning, of the Carpinteria Municipal Code and are part of a larger project to rezone sites in the City to satisfy the City's 2023-2031 Housing Element Program 1, Adequate Sites to Accommodate Regional Housing Needs Allocation.

Ex Parte Communications Disclosure: Boardmember O'Connor commented that he reached out to Long Rang Planning staff with questions about which properties are proposed for the new Mixed Use Zone.

Staff Comments:
Community Development Director Nick Bobroff introduced the City's long-range planning team, comprised of Mindy Fogg, Principal Planner, and Megan Musolf, Assistant Planner. Megan provided a presentation and described the purpose of the Objective Design Standards (ODS) as a component of the larger effort to implement Program One of the City's 2023-2031 Housing Element, and how they would apply to future residential and mixed-use projects within certain zone districts. Megan provided an overview of the topics of the proposed ODS for the ARB's consideration and the related proposed standards of a new Chapter in the Zoning Ordinance (14.51). Megan concluded her presentation with a list of particular Ordinance sections requiring additional input from the Board, and asked for the Board's overall comments on the following elements of the Objective Design Standards:

- Massing and placement of multi-story buildings, particularly regarding required stepbacks and height limits for upper stories;
- Design elements specific to the Downtown T area (Linden and Carpinteria Avenues);
- Architectural styles permitted (or not permitted) by the design standards;
- Privacy considerations for residences within a mixed-use development, particularly regarding window placement on adjacent building facades; and
- Colors and materials, including exterior lighting.

Vice Chair Blakemore opened the discussion to boardmembers for questions. Boardmember O'Connor relayed his understanding of how the ODS would be implemented in the context of the Housing Element and proposed mixed-use zone (MU 20/25), and wondered if the ODS could be an opportunity to readdress how density is calculated for larger housing projects, particularly regarding the exclusion of non-buildable area from the calculation. He also asked if staff had considered consulting the Design Review Committee to review the ODS. Principal Planner Brian Banks noted that this could be discussed following public comment.

Boardmember Little asked if Housing Element candidate site property owners had a say in whether their property is rezoned by the City to MU 20/25. Mindy responded that a rezone could be done without property owner support, but that staff invite all property owners to attend Planning Commission and City Council meetings or submit comments so that their comments are considered in the decision-making process. Boardmember Little also asked if a citywide parking needs study had been completed to inform the required parking ratios in the ODS. Nick responded that no study has been done, but the ODS parking ratios for affordable units matched the parking ratios provided in State density bonus law. Boardmember Johnson commented that many residents do not use their garages for parking vehicles, adding to parking problems.

Applicant Comments: N/A

Public Comments:
Annie Sly addressed the Board with questions regarding if the purpose of the ODS is to protect the City from "Builder's Remedy" projects; if after the City approves the ODS can the State still overrule them; questioned how long the rezone process will take; and if there are any other remaining requirements still left to be completed for the City's Housing Element to be compliant with State housing requirements. Nick Bobroff then began responding to the questions at the request of Vice

Chair Blakemore, explaining that implementing ODS does give the city some "protection" since projects required by State law to be reviewed ministerially would still have to comply with them. The ODS could function as a "backstop" when projects cannot be reviewed by the ARB or Planning Commission. Brian added that well-crafted ODS are key for City staff to complete ministerial review of projects. Nick continued that Housing Element implementation programs do get reviewed by the State's Department of Housing and Community Development (HCD), and HCD could reject the implementation if it is deemed to not sufficiently support housing production, but that many of the types of standards in the ODS have been implemented successfully by other jurisdictions. Mindy noted that staff is currently aiming to have the rezones adopted by City Council by January 2025, and then staff would immediately submit the project to the California Coastal Commission and HCD for review.

Boardmember Discussion:

Chair Stein provided an email to the Board expressing that the proposed Objective Design Standards are very thorough and clear, but he has concerns that raising the height to 35-feet from the current 30-foot height limit, when combined with allowed height exceptions for certain elements such as mechanical enclosures and elevators can result in buildings with a height in excess of 40-feet. Vice Chair Blakemore acknowledged Chair Stein's comments. Mindy clarified that the proposed increase in height limit would be contained in the new MU zone district, not the ODS, although the ODS do propose height limits for each story. Nick added that HCD has informed the City that the current 30-foot height limit is an impediment for three-story buildings, which are necessary to achieve the required housing element densities.

Boardmember Little inquired if the proposed ODS contained any standards that conflicted with the recently approved mixed-use project at 4745 Carpinteria Ave. Megan replied that staff had considered this project in writing the ODS, but the ODS were not modeled after it. Brian elaborated that staff had used the project as an example of appropriate story height in the context of a larger discussion about setting story heights for small residential units. Boardmember Little suggested not listing BBQ grills as an amenity in open space areas. He agreed with the proposed story heights. He said he felt that stepbacks larger than two feet would be better for the proposed "contextual upper story stepbacks," and that screening for upper-story private open spaces should be no higher than four feet. He commented that every 50 feet felt too far for a roofline variation requirement, and recommended it be changed to 30 feet. Boardmember Little asked, in relation to the proposed 15-foot rooftop open space setback, if the current proposal to renovate the Palms building on Linden would satisfy this standard. Staff said it may on some sides, and Nick clarified that the 15-foor setback was intended to prevent rooftop open spaces from looking down into peoples' private yards. Nick suggested language could be added to clarify the setback would be needed when the abutting property is residential, and the Board agreed. Finally, Boardmember Little brought up the idea of allowing tandem parking, and staff responded that they would look into how it could be incorporated in the ODS.

Boardmember O'Connor felt the City should implement neighborhood-specific design standards in the future. He related back to his prior comments regarding density and said he wanted to prevent high-rise buildings on small lots with environmental or other constraints. Nick responded that the State requires a minimum density of 20 units per acre for Housing Element rezone sites, and that density is calculated with gross lot size. Boardmember O'Connor expressed that only the buildable area on a site should be considered in density calculations, and Nick replied that staff, for the ODS and MU 20/25 zone, is working with existing Zone Code rules which utilize gross lot size. Lastly, Boardmember

O'Connor questioned how projects would be handled in the proposed MU 20/25 zone that reuse existing structures. Brian responded that staff expect most projects that would utilize the ODS would likely be full demo/rebuild type projects due to the high cost of retrofitting old buildings for new residential, and Mindy noted that it could be feasible for a few candidate sites to repurpose existing buildings while meeting the ODS.

Boardmember Johnson expressed that he felt the ODS were a sound starting point, although many hours could be spent discussing them. Nick replied that the proposed ODS, if implemented, can be reviewed and changed in the future once projects have begun to actually use them. Boardmember Johnson concurred with Boardmember O'Connor's comments regarding calculation of density, and then expressed concern about the ODS pushing buildings right up to the front property line. Nick responded that no MU 20/25 rezone sites are proposed on Linden Ave where a zero-foot setback exists, and that the MU 20/25 zone proposes 5-to-15-foot front setbacks.

Vice Chair Blakemore commented that the proposed 35-foot height limit in the MU 20/25 zone should be inclusive of elevators and other equipment on top of buildings. She felt there should not be any exceptions to the proposed story height limits for certain roof styles, and that the two-foot upper story stepback was adequate— a larger stepback would not accommodate higher densities. She did not support allowing BBQ grills in common/public open spaces. For landscaping requirements, Vice Chair Blakemore recommended increasing the required number of 5-gallon plants per 1,000 square feet from 10 to 20, and to find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure (she suggested compiling a list of trees to avoid).

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember Johnson, to recommend approval to the Planning Commission with their comments attached.

VOTE: 4-0

OTHER BUSINESS: None

CONSENT CALENDAR:

3) Action Minutes of the Architectural Review Board Meeting of September 26, 2024.

ACTION: Motion by Boardmember Johnson, seconded by Boardmember Little, to approve the minutes as drafted.

VOTE: 3-0 (O'Connor abstained)

MATTERS REFERRED BY THE PLANNING COMMISSION/CITY COUNCIL: None

MATTERS PRESENTED BY BOARDMEMBERS/STAFF: None

ADJOURNMENT

Vice Chair Blakemore adjourned the meeting at 7:00 p.m. to the next scheduled meeting to be held at 5:30 pm on Thursday, November 14, 2024. All Boardmembers present expect to attend.

_____
Chair, Architectural Review Board

ATTEST:

_____
Secretary, Architectural Review Board

Attachment H.

Consistency Analysis with the City's General Plan/Coastal Land Use Plan

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

City of Carpinteria
General Plan/Coastal Land Use Plan (GP/CLUP) Consistency Analysis for the 2023-2031 Housing Element Update Zoning Amendments Project 24-2279-ORD/LCPA

On January 22, 2024, the City Council adopted the 2023-2031 Housing Element[1], which outlines how the Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. Now the City must implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

This analysis provides an evaluation of the proposed Project, which is the implementation of Program 1. It requires amendments to the Carpinteria Municipal Code ("CMC") and Local Coastal Program ("LCP") and consists of the following three main components:

A. The addition of the Residential/Mixed Use ("RMU") Zoning District in Title 14 of the CMC;
B. The addition of Objective Design Standards ("ODS") in Title 14 of the CMC;
C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning districts to the new RMU Zone.

The amendments to the Zoning Map would involve up to 17 Candidate Opportunity Sites, which are listed in Table 1.

Table 1 – Proposed Project: 17 Sites to be Potentially Rezoned to Residential/Mixed Use

Site #	Location	Site Size (ac)	Current Zoning	Current General Plan
3	1000 Bega Way	9.68	M-RP	RDI
4	6250 Via Real	8.47	M-RP	RDI
5	6380 Via Real	8.63	M-RP	RDI
6	Cindy Ln; Mark Ave; Rose Ln	10.58	M-RP	RDI
7	Cindy Ln; Via Real	5.51	M-RP	RDI
8	Mark Ave; Cindy Ln	10.02	M-RP	RDI
9	Cindy Ln	4.49	M-RP	RDI
10	5320 Carpinteria Ave	1.08	CPD	GC
11	5437 Carpinteria Ave	1.98	CPD	GC
12	Eugenia Pl	4.66	CPD	GC
13	Eugenia Pl	0.80	CPD	GC
14	Eugenia Pl	1.88	CPD	GC
15	Carpinteria Ave	2.45	CPD	GC
16	Carpinteria Ave	0.67	CPD	GC
18	Holly Ave; Carpinteria Ave	1.47	CPD	GC
20	Palm Ave	0.77	CPD	GC
21	Carpinteria Ave	6.31	M-RP	RDI

[1] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's 2003 GP/CLUP. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories allow for residential uses in their definitions:

> ***General Commercial ("GC")***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented.*
>
> ***Research & Development Industrial ("RDI")***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential.*

I. Project Consistency with the Land Use Element

The following analysis focuses on how the proposed Project is consistent with applicable Land Use Element objectives and policies.

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.*

Discussion: This objective was taken into consideration during the 2023-2031 Housing Element Update process. Candidate Opportunity Sites chosen for potential rezoning were screened to ensure that their locations make sense for siting future housing in the City while ensuring there would be minimal impacts to coastal resources, coastal access, and recreational opportunities. Site profiles for Candidate Opportunity Sites are provided in Figure B-4 of Appendix B[2] of the Housing Element. All Sites were selected based on substantial evidence that they could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise. Moreover, the 17 Sites (Table 1 above) under consideration for the proposed Project are located in commercial and light-industrial/research park

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

areas of the City and would support compatible housing and/or mixed-use development in context with other existing and planned development patterns.

Policy LU-1a: *The policies of the Coastal Act (Public Resources Code Section 30210 through 30263) are hereby incorporated by reference (and shall be effective as if included in full herein) as the guiding policies of the land use plan.*

Discussion: The proposed Project would comply with the provisions of the Coastal Act and with the City's Local Coastal Plan ("LCP"). Appendix B of the Housing Element describes the City's Candidate Opportunity Sites and includes an initial evaluation of those sites with respect to Coastal Act and the City's certified LCP's protections for coastal resources. The candidate sites were selected based on substantial evidence that these sites could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise.

Policy LU-1d: *Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space/recreation or agriculture (as shown on Figure LU-1) are compatible with these public resources and will not be detrimental to the resource.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), no Sites are located next to agriculture and only Site #21 is located adjacent to designated open space/recreation. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would not be detrimental to the adjacent recreational area since the uses are compatible, the properties involved are easily accessible for vehicles and pedestrians, and future development would not create any hazards or nuisances that would disrupt the ongoing use of the ball fields.

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*.

Discussion: The overall Project would be consistent with this objective. The intent of the standards in the RMU Zone and ODS is to ensure that future housing growth occurs in a manner that is compatible with the existing small beach town character.

Site Nos. 8 and 9 are located at the City's eastern edge. Site No. 8 is developed with industrial/office park uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site No. 9 is vacant but surrounded by industrial development to the north, south, and west. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned uses for the area.

The remaining 15 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops, and is either served by all needed utilities or has direct access to existing utilities. With the application of the ODS, the future residential and mixed-use development would be compatible with the existing small beach town character.

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.*

Discussion: The proposed Project would be consistent with this policy. It would incentivize new residential development adjacent to existing development in commercial and light industrial/research park designations to allow for redevelopment and infill in the urban core, near existing services and jobs.

All 17 Candidate Opportunity Sites are located adjacent to existing developed areas of the City. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and railroad corridor to the south.

The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the rezones would concentrate development in the City's urban core by focusing on locations with existing commercial/research park land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

Therefore, the new RMU zone district requiring residential densities of 20-25 dwelling units per acre on up to 17 select Candidate Opportunity Sites (Table 1) that are located in GC and RDI designated areas would appropriately concentrate higher-densities in the urban core and prompt redevelopment of existing structures.

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

Discussion: The proposed Project is the implementation of a key program from the adopted 2023-2031 Housing Element. Both the City's and the County's Housing Elements this cycle were prepared through a cooperative assessment with the Santa Barbara County Association of Governments ("SBCAG"). See more detailed discussion under Policy LU-6a below.

Policy 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.*

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

Discussion: Consistent with these Policies, identified Candidate Opportunity Sites were selected, in part, based on their proximity and access to important services, including but not limited to transportation infrastructure and recreational areas. All of the sites under consideration are located directly on, or within short walking distance (i.e., less than ¼ mile) of the City's main bus route.

Policy LU-3j. *Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the Land Use categories.*

Policy LU-3l. *Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in an area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development.*

Policy LU-3m. *Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district.*

Discussion: The proposed RMU zone district has been designed to be vertically consistent with the types and intensities of development contemplated for the GC and RDI land use categories, including provisions for accommodating multifamily residential and mixed-use infill opportunities in these land use categories, and also complying with the requirements of Housing Element law as it pertains to rezones required to meet the City's RHNA.

Policy LU-5a. *The City shall continue to give priority to agriculture, coastal-dependent industry and visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over residential, general industrial, or general commercial development.*

Discussion: Consistent with this Policy, none of the Candidate Opportunity Sites currently under consideration are designated for agriculture, coastal-dependent industry, or visitor-serving commercial use.

Objective LU-6: *Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing.*

Discussion: The application of the new RMU Zone and ODS to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

Consistent with this Objective, the proposed RMU Zone would establish a new zoning district that aligns with the GC and RDI land use categories intended to promote infill residential and mixed-use development at densities that would encourage the production of workforce housing and incentivize the inclusion of below-market rate housing units in such projects. Compared to other zone districts within the City that allow for multifamily residential uses, the proposed RMU Zone would allow for slightly more relaxed development standards (e.g., height, setbacks, parking) in an effort to accommodate targeted densities.

Policy LU-6a. *The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site.*

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on parcels designated for commercial and industrial uses would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity

Sites that were compatible with existing and anticipated uses in the areas surrounding the Sites were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations in a manner that can be found consistent with this Policy directive.

This would also help the City to improve and maintain an appropriate local/regional jobs-housing balance. As explained in the 2023-2031 RHNA Plan[3], SBCAG reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing, and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs-housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs-housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs-housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

Policy LU-6b. *The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone*

[3] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles), and could help contribute towards meeting the City's workforce and affordable housing needs.

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permissible in the GC and RDI land use categories and their corresponding zone districts. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue within the Downtown "T" (based on Community Design Element Subarea 2a) be required to be developed in a mixed-use fashion that maintains a commercial component on the ground floor. Outside of the Downtown "T," sites rezoned to the RMU district would have the option of being developed in a mixed-use arrangement or residential-only. In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

Policy LU-6c. *Parcels designated coastal-dependent industrial or visitor-serving commercial shall not be considered for mixed-use or residential use, with the exception that second-story mixed-use or residential use shall be allowed on visitor-serving commercial parcels in the Downtown Core District.*

Discussion: Consistent with this Policy, none of the identified Candidate Opportunity Sites are designated for coastal-dependent industrial or visitor-serving commercial use. Proposed rezone sites were instead selected from existing sites designated for GC and

RDI land uses that currently allow for mixed-use and residential uses in certain circumstances.

II. Project Consistency with the Community Design Element

The following analysis focuses on how the draft ODS in particular are consistent with applicable Community Design objectives and policies.

Citywide Community Design Objectives

Objective CD-1: *The size, scale and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern.*

Objective CD-2: *Architectural designs based on historic regional building types should be encouraged to preserve and enhance the unique character of the city.*

Objective CD-3: *The design of the community should be consistent with the desire to protect views of the mountains and the sea (California Coastal Act of 1976 §30251).*

Discussion: The ODS propose standards which address the relationship between the project site, adjacent sites, and the new development. Section 14.51.040- Building Form, Massing, and Articulation proposes contextual standards that reflect structures surrounding a proposed project, such as a requirement to maintain an existing contiguous street façade (like on parts of Carpinteria and Linden Avenues); upper story step backs when a project is within 20 feet of a side property line or when adjacent to a single-story building; and reduced upper-story massing (80% of the ground story, or 70% for lots of 5,000 square feet or less). Section 14.51.050 – Site Design proposes standards that ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

The requirements for building massing and variation do not confine buildings to a certain architectural style, allowing for the continued charming variety of architectural styles seen in the City, while at the same time requiring elements that prevent boxy, generic structures. For example, façades must incorporate variations in wall depth or elements like a porch or stoop to create animated spaces. Proposed restrictions on story heights prevent structures from being taller than necessary and roofline variation requirements create breaks in massing at the top of buildings, allowing for views to remain incorporated in projects.

Key Physical Community Design Characteristics

Objective CD-5: *The streets of neighborhood interiors should be designed to be the "living rooms" of the neighborhood, where children and adults can safely play or walk. The design and details of streets, frontages and buildings should support this objective.*

Policy CD-5a. *Main entrances to homes should be oriented to the street. Entry elements such as porches, stoops, patios and forecourts are encouraged. Such entry elements should be selected for their compatibility with the adjacent houses and the general neighborhood pattern.*

Policy CD-5b. *Garages should not dominate views from any public street.*

Policy CD-5c. *Low walls, low fences and hedges should be encouraged along the frontages to define the edge of the private yard area, where appropriate.*

Policy CD-5d. *Houses within a neighborhood may vary in materials and style, but strong contrasts in scale, color and roof forms should generally be avoided.*

Discussion: Many of the proposed standards address street frontages and the relationship between public and private spaces. Section 14.51.070 proposes requirements for the placement and design of building entrances, a key component of how the public interacts with building façades. The proposed ODS include elements that make public entrances inviting and interesting, and in mixed-use settings require separate entrances to residential and commercial spaces. Entrances would be required to provide a weather-sheltering element and/or decorative features, and street-facing entrances would need to incorporate enhanced paving to differentiate from the public right-of-way. Additional proposed requirements include maximum four-foot-tall fences, walls, or plantings around private open spaces within 20 feet of other residences, a limit on garages to occupy no more than 50% of a façade, and pedestrian walkways that connect public rights-of-way to key elements within a development (such as entrances, bicycle parking, and other amenities). Together, these various ODS would create inviting, interesting façades and entryways that would make neighborhood streets feel safe and vibrant.

Policy CD-6a. *Neighborhood-serving commercial or apartment buildings should be oriented to the street that bounds or enters the neighborhood. Front doors should face the street, with primary access directly from the public sidewalk. The buildings should be compatible in scale with nearby residential buildings.*

Policy CD-6b. *Parking lots should be beside or behind the buildings, not in front. On-street customer parking for small neighborhood-serving shops, restaurants, offices and service businesses is encouraged. Such on-street parking should be managed as short-*

term convenience parking, and should not conflict with parking for coastal access or for nearby residences.

Discussion: The proposed ODS would require commercial uses to locate main entrances toward the primary street. Parking and loading areas would not be permitted between any building and the primary right-of-way. The number of required parking spaces is determined by the zone district and is not included in the proposed ODS.

Objective CD-7: *Enhance and maintain the Linden Avenue downtown core, the Carpinteria Avenue commercial core, the Eugenia professional office area, the Casitas Village, Shepard's Place Shopping Center, and the Cindy Lane-Mark Avenue industrial park districts.*

Policy CD-7a. *Retail and commercial uses should generally have large transparent "storefront" windows for display of merchandise to pedestrians. Blank sections of walls on street frontages are strongly discouraged.*

Policy CD-7c. *Loading and trash facilities should be located where they are screened from view. The use of alley and service roads is encouraged for these facilities.*

Policy CD-7d. *Courtyard housing types, with multiple small units fronting onto a common courtyard or garden, are encouraged as an alternative to apartment "blocks" or more massive buildings within mixed-use districts.*

Discussion: The proposed ODS would be applicable to any sites rezoned to the proposed RMU zone district, as well as specified projects which could receive ministerial or streamlined review under the California Government Code. New mixed-use and/or residential developments could "enhance" these areas by providing new housing and job opportunities and public amenities. Commercial frontages on Linden and Carpinteria Avenues would have to incorporate transparent windows and doors for at least 50% of the wall area between three and seven feet high, and wall plane variation requirements proposed in Section 14.51.040 would additionally prevent "blank sections" of frontages. Mechanical equipment, waste receptacles, and loading areas for commercial uses would require screening from public view through landscaping or enclosures, and loading zones would be prohibited along the primary street façade. Developments would be prevented from forming apartment "blocks" with unbroken facades through a combination of the zone district's development standards (e.g., building coverage, open space requirements) and the ODS (e.g., minimum dimensions for open space, contextual upper-story setbacks, wall plane variation requirements).

Objective CD-8: *To encourage and facilitate pedestrian and bicycle pathways.*

Policy CD-8a. *All streets should be designed with safe and pleasant pedestrian ways at their edge. Pedestrian ways shall be spatially separated from vehicular traffic by elements such as trees, other plantings, streetlights, and/or parked cars.*

Policy CD-8b. *To provide convenient pedestrian routes, the existing network of automobile lanes, trails and pedestrian ways in the Downtown District and adjacent neighborhoods should be preserved, reinforced and extended into other neighborhoods. This pedestrian network should be in addition to, not in lieu of, pedestrian ways on the streets.*

Discussion: The proposed ODS provide several standards related to pedestrian access and circulation on a site. Walkways would be a required minimum of four feet wide and would need to connect the public sidewalk to areas all throughout the site. For sites located more than 300 feet from an intersection, a public access walkway would be required through the lot to connect blocks to one another. Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). While the ODS do not address bicycle infrastructure in the public right-of-way, the ODS do propose requirements for bicycle parking for both commercial and residential uses, enhancing the bike-friendliness of the City.

Objective CD-10: *Areas with attractive frontage designs should be maintained. New development should be carefully planned with frontage areas, which maintain and enhance the quality of Carpinteria's streetscape.*

Policy CD-10a. *Minor variations in front yard building alignments within a block are encouraged. Relatively steady setback patterns clearly define the public space of the street and reinforce small town character.*

Policy CD-10b. *Frontages where residential uses abut a major thoroughfare should include buffering elements such as yards, forecourts, courtyards, and tree rows. Sound walls are the most primitive form of buffer and should be used only where other methods are impractical. If sound walls are used they should be attractive and well landscaped.*

Policy CD-10c. *Commercial and mixed-use frontages should generally have wide sidewalks adequate to encourage customers and residents to walk, shop and linger in the public right-of-way. Commercial buildings should have large windows and entries on the street at the ground level. Residential ground floor uses should be set up or back from the street enough to afford privacy within the dwelling.*

Policy CD-10e. *Frontages with existing uses such as the parking, loading or storage of vehicles should be screened with walls and plantings that are consistent with the neighborhood character. These elements should be in scale with pedestrians.*

Discussion: Attractive building frontages are a key focus of the proposed ODS. Section 14.51.040 would address frontages on a larger scale, requiring wall plane variation, vertical breaks in color, material, or texture, roofline variation, and reduced upper story massing to prevent "looming" multi-story façades. Where an established façade setback pattern exists (such as along Linden Ave and parts of Carpinteria Ave), new developments would be required to maintain that pattern to fit in with the building character. Other sections propose standards to enliven and beautify frontages in smaller ways, such as requiring that front setbacks of commercial mixed-use spaces be public/pedestrian-oriented (e.g. providing seating, public art, etc.); that front entrances along the downtown "T" provide enhanced paving and decorative/weather protective elements; and that garages be recessed from the main wall plane and provide decorative treatments, like trellises or windows to soften their appearance.

A downtown ground floor transparency requirement is proposed, which would mandate that new mixed-use commercial facades facing Linden or Carpinteria Avenues include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Commercial components of mixed-use developments would be required to always be located closest to the primary street, and on the ground floor when commercial and residential is proposed in the same building, thereby siting the residential units away from the primary street. A five-foot landscaping privacy buffer would be required between all private open spaces (e.g. patios) and public spaces. As mentioned previously, loading areas and mechanical equipment would be required to provide screening through fences, landscaping, or other means to blend in with the surrounding character. For sites fronting Linden or Carpinteria Avenues, off-street parking would not be permitted in the front or side setback. Taken together, all of these standards would enhance neighborhood character and avoid blank, uninviting facades at the pedestrian, building, and block level.

Objective CD-11: *Existing public spaces should be maintained, and new public spaces should be incorporated into neighborhoods and districts as an important aspect of their design.*

Policy CD-11a. *Open space, in the form of parks and greens should be an integral part of each neighborhood plan, not configured as residual space unusable by the residents.*

Policy CD-11c. *All public spaces and facilities should reflect quality design.*

Policy CD-11f. *Landscape design guidelines should emphasize the use of native drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape. All landscaping shall utilize only non-invasive type plants.*

Discussion: The amount of required common and/or public open space is set by the zone district, but the ODS propose standards to enhance these spaces for the benefit of a development's residents and the public. As mentioned above, the ODS propose that

common/public open spaces be a minimum of 10 x 10 feet (preventing situations such as a long, narrow strip of residual land between buildings being counted as "open space") and provide at least one amenity to make the space useful— elements such as picnic tables, seating areas, play areas, and community gardens are proposed. Along Linden and Carpinteria Avenues, the ODS would require that any ground-floor courtyard, open space, or building setback from the street-facing property line be used for outdoor dining, public plazas, or entries, allowing for smaller public spaces to nestle along high foot traffic streets. Section 14.51.110 would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

Community Design Subareas

Subarea 2. The Downtown and Old Town

Objective CDS2-2: *Preserve and enhance the downtown's historic status as the center of commercial activity by encouraging a range of uses that serve both residents and visitors.*

Objective CDS2-3: *Preserve and enhance the downtown's historic status as the center of civic activity by encouraging the construction and expansion of cultural and governmental facilities in the downtown.*

Policy CDS2-a. *Ensure that new intensified land uses within the Downtown remain consistent with the city's "small beach town" image.*

Policy CDS2-b. *To enhance the pedestrian character of the downtown's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would contribute to the downtown's status as the center of commercial and civic activity by requiring building designs that blend residential and mixed-use into the existing vibrant cityscape. Mixed-use developments would require commercial frontages to be public and visitor-oriented—architecturally detailed street-facing entrances and pedestrian amenities in front setbacks—while residential-only developments would require adequate privacy for residents while maintaining openness and "curb appeal"—windows with improvements like shutters or awnings; a maximum height of four feet for fences, walls, or hedges facing a public street to prevent the street from being walled off; and no expansive, blank garage doors facing the street. New downtown development accommodating both commercial and residential uses has the

potential to create a pedestrian-centric neighborhood with people in close proximity to work, home, cultural and leisure amenities, and shopping areas.

Subarea 2a. The Downtown Core District

Objective CDS2A-2: *Preserve and enhance the downtown's historic status as the center of commercial activity of the city by encouraging a range of uses that serve both residents and visitors.*

Discussion: Consistent with this Objective, proposed rezones within the Downtown Core are limited to sites along the periphery of the Downtown "T" that are not designated for visitor-serving commercial use, but where mixed-use or multifamily residential uses would be appropriate and can help to preserve and enhance commercial activity throughout the downtown. The proposed ODS ensure that new development of these sites is pursued in a manner that preserves the character of the community.

Policy CDS2A-a. *Encourage and carefully regulate the development of two- and three-story mixed-use building along Linden and Carpinteria Avenues, to define a vital, lively, and valuable center for the city while prioritizing visitor-serving commercial uses.*

Policy CDS2A-b. *Ensure that intensified land uses within the subarea support a lively place to visit, live, work and shop, and that the scale and character of the District remain consistent with the city's "small beach town" image.*

Policy CDS2A-c. *Encourage the gradual but systematic transformation of Carpinteria Avenue from a highway commercial strip to an integrated downtown street similar in character to Linden Avenue.*

Policy CDS2A-d. *Enhance the pedestrian character of the District's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would carefully regulate development of mixed-use projects in this key downtown "T" area. The "intensity" of land uses would be more precisely regulated by the new RMU zone district. But the proposed ODS would require reduced upper story massing, upper story setbacks, and roofline variation, which can lessen the perceived intensity of a development from the street or sidewalk. Required architectural details on windows, entryways, and roofs without a strict architectural style imposed overall would invite interesting variety and add to Carpinteria's eclectic "small beach town" feel. The ODS propose to site parking and loading areas away from Carpinteria and Linden Avenues, preventing pedestrian-hostile frontages dominated by asphalt.

Subarea 4. The Northeast

Objective CDS4-1: *Strengthen the visual and physical connections between the subarea, the downtown and other neighborhoods and districts in the city.*

Objective CDS4-2: *To take advantage of the subarea's unique mixture of workplaces and affordable housing to develop a vital living and working center for the city.*

Objective CDS4-3: *Enhance existing residential neighborhoods and ensure that new development improves the neighborhood scale and character.*

Discussion: The ODS propose design requirements that would appropriately blend residential and commercial uses in a mixed-use development supported by the Northeast neighborhood objectives. Currently, the Northeast as viewed from Via Real lacks significant draw and pedestrian-oriented infrastructure, and the industrial/commercial uses are entirely separated from residential uses. The ODS would require new development to amplify pedestrian infrastructure and design frontages that engage residents and passers-by, as indicated by analysis above, while still maintaining the business-oriented nature of the easternmost portion. The Northeast may currently be considered to lack the "small beach town character" that other areas of the City have, and the ODS would create a more cohesive sense of design in Carpinteria that prioritizes people instead of cars, and integrates residences with surrounding commercial areas.

Subarea 6. The Bluffs

Objective CDS6-1: *Maintain the Carpinteria Bluffs Access, Recreation & Open Space Master Program as the coordinated plan for the Carpinteria Bluffs area that will allow development of uses identified in the Land Use Plan herein, so as to complement one another and preserve and enhance the site's coastal environment. The plan should be maintained so as to include information adequate to define the environmental resources and hazards within the Carpinteria Bluffs, and to delineate precise and appropriate policies for their management.*

Objective CDS6-2: *Ensure that development is controlled to avoid impacts to significant viewsheds, vistas, and view corridors.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), only Site #21 is located in the Bluffs subarea. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would be

required to comply with the RMU development standards and ODS, as well as policies for coastal resource protection.

III. Project Consistency with the Circulation Element

The following analysis focuses on how the proposed Project is consistent with applicable Circulation Element objectives and policies.

Objective C-3: *Provide a balanced transportation network with consistent designations and standards for roadways that will provide for the safe and efficient movement of goods and people through the community.*

Policy C-3k. *Segregate by design, enforcement and traffic pattern, routes of significant industrial and residential conflict.*

Discussion: The proposed Project would allow for future development of mixed-use and multifamily residential projects adjacent to commercial and light industrial/research park uses. However, careful consideration was given to selecting Candidate Opportunity Sites where the combination of residential uses with commercial/industrial uses would not result in direct land use conflicts, including those related to traffic patterns. The 17 Candidate Opportunity Sites are located on or very near arterial streets that have existing capacity for local vehicle trips and also have direct access to existing public transit. An additional benefit related to the locations of the 17 Sites is that multifamily development in these locations is expected to reduce overall vehicle miles traveled by placing more workforce housing near jobs.

Objective C-7: *Build demand for alternative transportation use by increasing ease, effectiveness, and social acceptability, and through foresighted planning.*

Policy C-7b. *Develop safe and direct pedestrian accessibility between residential areas, schools, parks, and shopping areas in both new and existing urban areas.*

Policy C-8l. *As a requirement of new development, significant attention must be paid to bicycle-friendly infrastructure and the maintenance of nearby old infrastructure.*

Discussion: The Project would increase demand for alternative transportation by placing housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. The ODS component of the proposed Project specifically addresses pedestrian access and circulation, as well as requiring adequate bicycle parking.

IV. Project Consistency with the Open Space, Recreation & Conservation Element

The following analysis focuses on how the proposed Project is consistent with applicable Open Space, Recreation & Conservation Element objectives and policies.

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.*

Discussion: The majority of the properties included in the Candidate Opportunity Sites list do not have any environmentally sensitive habitats, nor are they located in proximity to such resources. Four sites, Site 5, Site 11, Site 18, and Site 21, are located immediately adjacent to City creeks (Carpinteria Creek, Franklin Creek, and Lagunitas Creek). Existing creek protection policies implemented through the City's Creeks Preservation Program would apply to redevelopment of these sites under the proposed RMU zoning designation. Likewise, Site 21 is known to contain limited quantities of sensitive sage and bluff scrub habitat, which would be subject to the City's ESHA protection policies. Assumed densities and development potential for these sites factored in applicable resource protection policies (e.g., setback requirements, etc.), while still allowing for reasonable redevelopment scenarios.

Objective OSC-11*: Carpinteria will conduct its planning and administrative activities so as to maintain the best possible air quality.*

Policy OSC-11b. *Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).*

Policy OSC-11d. *Encourage the improvement of air quality in the Carpinteria Valley by implementing measures in the South Coast Air Quality Attainment Plan. For air quality enhancement, measures will include but not be limited to, measures to reduce dependence on the automobile and encourage the use of alternative modes of transportation such as buses, bicycles and walking.*

Discussion: The Project would minimize emissions from vehicles by placing residents near jobs and services. It would increase demand for alternative transportation by locating housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. All of the Candidate Opportunity Sites are located directly on the City's main transit line or within short (< ¼ mi.) walking distance of the route.

Policy 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 all of the following measures*

a. *Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas.*

b. *In addition to the bluff setback required for safety, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall not be greater in height than adjacent structures and shall not encroach seaward beyond a plane created by extending a straight line ("stringline") between the nearest building corners of the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest corners closest to the beach from the existing balconies, porches or similar appurtenances on either side of the proposed development. If the stringline is grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible.*

c. *Special landscaping requirements to mitigate visual impacts.*

Policy OSC-13b. *Require new development or redevelopment in the downtown section of Carpinteria to conform with the scale and character of the existing community and consistent with the city's theme of a small beach-oriented community.*

Policy OSC-13f. *Where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses.*

Policy OSC-13g. *Require new development to protect scenic resources by utilizing natural landforms and native vegetation for screening structures, access roads, building foundations, and cut and fill slopes in project design which otherwise complies with visual resources protection policies.*

Discussion: The proposed Project must allow for ministerial and streamlined permitting of medium-density multifamily housing per State law. As written, the draft RMU Zone, coupled with the draft ODS, would allow for such development on select rezone sites in the City while protecting important visual resources and broad unobstructed views. The RMU Zone standards would limit building and structure heights to 35 feet, require setbacks and distance between buildings, restrict building site coverage, and limit fence/wall heights.

The ODS propose many standards which address the relationship between the project site, adjacent sites, and the new development. They would prevent development from forming apartment "blocks" with unbroken facades via minimum dimensions for open space, contextual upper-story setbacks, and wall plane variation requirements. Attractive building frontages are a key focus of the proposed ODS, which include standards to enliven and beautify frontages. Proposed "Site Design" standards would ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). Section 14.51.110 of the ODS would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

V. Project Consistency with the Safety Element

The following analysis focuses on how the proposed Project is consistent with applicable Safety Element objectives and policies.

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

Policy S-4a. *All new development proposed in the 100-year floodplain must adhere to the County of Santa Barbara Floodplain Management Ordinance, Chapter 15-A of the County Code.*

Discussion: Some of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located within, or partially within 100-year flood zones. The flood zone maps are currently undergoing review and modification with the Federal Emergency Management Agency (FEMA). In any case, future development within the selected rezone sites would have to be evaluated for potential flooding and adhere to the City's and County's standards for development in areas prone to inundation.

With the exception of Site No. 21, none of the other Candidate Opportunity Sites for rezoning were identified in the City's Sea Level Rise Vulnerability Assessment and Adaptation Project ("SLRVAAP") as being vulnerable to sea level rise impacts resulting from one to five feet of sea level rise. The potential for impacts to Site No. 21 are associated with coastal bluff face retreat in the event of five feet of sea level rise. However, the City's existing bluff setback requirements and ESHA buffer requirements would offer adequate distancing from the bluff edge to mitigate sea level rise impacts over the expected economic life of any future development on the site.

Objective S-5: *Minimize the potential risks and reduce the loss of life, property and economic and social dislocation resulting from urban and wildland fires.*

Policy S-5a. *All new structures must adhere to the Carpinteria-Summerland Fire Protection District Ordinance and the Santa Barbara County Fire Department Ordinances, where applicable.*

Policy S-5b. *All new structures, whether within or outside the urban limit zone, must adhere to the city Fire Sprinkler Ordinance.*

Discussion: None of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located in high-fire severity zones. In any case, future development within the selected rezone sites would have to comply with all applicable fire safety standards.

VI. Project Consistency with the Noise Element

The following analysis focuses on how the proposed Project is consistent with applicable Noise Element objectives and policies.

Objective N-1: *The City will minimize noise impacts of Highway 101 traffic on residential and other sensitive land uses.*

Policy N-1a. *The City will plan noise-compatible land uses or design developments with noise attenuation features near Highway 101.*

Objective N-3: *The City will minimize the adverse effects of traffic generated noise from City streets on residential and other sensitive land uses.*

Policy N-3a. *The City will encourage site planning and traffic control measures that minimize the effects of traffic noise.*

Discussion: The proposed Project would create an RMU zone district and rezone select parcels to RMU such that streamlined and ministerial permitting of medium-density housing can occur within the City. Some of the potential rezone sites are located near Highway 101 and busy arterial streets. The California Building Code Section 1206.4 states:

> Interior noise levels from exterior sources must not exceed 45 decibels (dB) in any habitable room. The noise metric shall be either the day-night average sound level (Ldn) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan.

Based on these requirements of the Building Code, even ministerial projects must be designed and constructed in a manner that will attenuate excessive exterior noise levels.

VII. Project Consistency with the Public Facilities and Services Element

The following analysis focuses on how the proposed Project is consistent with applicable Public Facilities and Services Element objectives and policies.

Objective PF-6: *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*

Policy PF-6a. *The ultimate responsibility to ensure that the facilities (including systemwide improvements) needed to support the project are available at the time that they are needed shall be that of the sponsor of development projects.*

Policy 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.*

Policy 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.*

Policy PF-6d. *In cases where the City and/or special district requires capital facilities needed by development to be oversized, extended, or otherwise built over and above the minimum necessary to serve the development and the cost of such improvements is greater than the project's fair share of those facilities, at the city's discretion, a reimbursement agreement may be established with the developer to allow him to recoup the cost of providing capital facilities beyond the need directly created by his project from subsequent new development.*

Discussion: Although future development in the RMU Zone would be streamlined, it would not be exempt from these policies requiring that adequate services and utilities are available to the development project. Any future development or redevelopment accommodated under the new RMU zoning would be required to pay for its incremental increased demands on infrastructure and services through the City's Development Impact Fee program.

Additionally, as analyzed in the GP/CLUP, the Carpinteria Valley Water District, Carpinteria Sanitary District, and Carpinteria Summerland Fire Department have capacity to serve the full buildout of the planned growth. The proposed Project would not exceed the anticipated buildout of the GP/CLUP.

VIII. Project Consistency with the Housing Element

Finally, the project would be consistent with the adopted 2023-2031 Housing Element because the purpose of the project is to implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

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Attachment I.

Resolution 6350 Transmitting Ordinance Nos. 788, 789, 790, and 791 to the California Coastal Commission and the California Department of Housing and Community Development

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

RESOLUTION NO. 6350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 ARE INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S LOCAL COASTAL PROGRAM CONSISTENT WITH THE CALIFORNIA COASTAL ACT; DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE SECTION 30510 AND IN ACCORDANCE WITH SECTION 13551 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS; AND DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR HOUSING ELEMENT CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 65585.

PROJECT 24-2279-LCPA/ORD

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff held numerous meetings with HCD staff and California Coastal Commission staff regarding revisions to the Housing Element that would be protective of coastal resources and comply with Housing Element Law, made the necessary revisions to the Housing Element, and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted its 2023-2031 Housing Element to the HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Housing Element Program 1, completing necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, pursuant to Government Code Section 65860(a), the City's Zoning Ordinance (Title 14 of the Carpinteria Municipal Code) and Local Coastal Program must be amended to align with the required amendments to the Housing Element of the City's General Plan, including, but not limited to, Program 1; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or new Environmental Impact Report for the City to attain Housing Element certification from HCD; and

WHEREAS, on May 28, 2024, the City Council directed staff to proceed with phased implementation of Program 1 where in phase 1 the City would rezone sufficient sites to meet its RHNA shortfall that would not require a GP/CLUP amendment or new Environmental Impact Report, and in phase 2 the City would consider additional rezones for sites identified in Program 1 as part of its ongoing GP/CLUP amendment process; and

WHEREAS, in an effort to expeditiously implement Program 1 in a manner concurrent with recent case law,[1] City staff developed a new Residential/Mixed Use Zone District (Ordinance No. 788), Objective Design Standards ("ODS") which would apply to specified residential and mixed-use projects (Ordinance No. 789), and a

[1] *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, which determined that a jurisdiction may not rely on a residential zoning overlay to satisfy State Housing Element law if the overlay allows for both a higher density and a lower density development option.

phased rezone of recommended sites in the City to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791); and

WHEREAS, City staff prepared the Residential/Mixed Use Zone District (Ordinance No. 788) and ODS (Ordinance No. 789) to contain the development standards described in Program 1 of the City's Housing Element and in accordance Housing Element Law, including, but not limited to, Government Code Section 65583.2, subdivisions (c), (h), and (i); and

WHEREAS, based on the factors and evidence described in the Housing Element and evidence in the record, the recommended sites in the City to rezone to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791) are suitable to accommodate the City's lower income RHNA shortfall during the Housing Element planning period; and

WHEREAS, City staff have prepared a California Coastal Act and GP/CLUP consistency analysis for Ordinance Nos. 788, 789, 790, and 791, which based on substantial evidence concluded that adoption of these ordinances is consistent with the California Coastal Act as implemented by the City's GP/CLUP; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for the zoning amendments, for the purpose of implementing Program 1, and at this public hearing, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the amendments with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, following a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were introduced on a first reading, and, after considering all the evidence in the record, the Council moved to approve the Ordinances as follows:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and Approved the Ordinance 4-0-0-1 (Clark absent) as amended;

- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and

WHEREAS, in addition to introducing upon first reading, Ordinance Nos. 788, 789, 790, and 791—which are sufficient to accommodate the City's lower income RHNA shortfall—the City Council requested that the Council consider rezoning of additional sites (Housing Element Inventory Sites 5 and 21) to the Residential/Mixed Use District through a separate action in early 2025; and

WHEREAS, on December 9, 2024, at a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were heard on a second reading, and the Council adopted the Ordinances; and

WHEREAS, Ordinance Nos. 788, 789, 790, and 791 shall take effect immediately upon the date certified by the California Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and

WHEREAS, on December 9, 2024, after consideration of the Planning Commission's recommendation, receipt of public comment, due consideration of all evidence in the record, and discussion among the Council members and staff, the City Council adopted this Resolution certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's GP/CLUP consistent with the California Coastal Act, and directed that these Ordinances be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code Section 30510 and in accordance with Section 13551 of Title 14 the California Code of Regulations; and be submitted to HCD so that the City may achieve Housing Element certification pursuant to Government Code Section 65585; and

WHEREAS, on October 17, 2024, a notice appeared in a newspaper of general circulation in the City informing the public of Project 24-2279-LCPA/ORD, the Ordinances proposed, and the availability and location of review drafts and other associated documents, and on October 23, 2024 the City mailed notices to the parties described in California Code of Regulations ("CCR"), Title 14, Section 13515(a), pursuant to CCR Title 14, Section 13515(c); and

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

WHEREAS, a full and complete copy of the project materials (Project No. 24-2279-LCPA/ORD) is on file with the City's Community Development Department,

located at 5775 Carpinteria Avenue, Carpinteria, California, and is available to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals, incorporated herein by reference, are true and accurate and are based on substantial evidence in the record.

Section 2. Pursuant to Public Resources Code Section 30510 and Government Code Sections 65854, 65855, 65856, and 65860, the City Council held a public hearing on the proposed amendments to the Local Coastal Program and Zoning Code (Title 14 of the Carpinteria Municipal Code) and is transmitting all proposed amendments and additions to the California Coastal Commission for submittal and filing pursuant to Section 13551 of Title 14 of the California Code of Regulations, as well as to the California Department of Housing and Community Development in order to achieve Housing Element certification pursuant to Government Code Section 65585.

Section 3. Ordinance Nos. 788, 789, 790, and 791 have been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and are consistent with the City's adopted Housing Element and State Housing Element Law.

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
Mayor, City of Carpinteria

ATTEST:

_____
City Clerk, City of Carpinteria

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

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

1. Conduct second readings of Ordinance Nos. 788, 789, 790, and 791, (Attachments A through D) making changes to Carpinteria Municipal Code, Title 14- Zoning, by adding Chapter 14.19- RMU Residential/Mixed Use, adding Chapter 14.51- Objective Design Standards, and amending the City's zoning map to rezone specified sites from Industrial/Research Park ("M-RP") and Commercial Planned Development ("CPD") to Residential/Mixed Use ("RMU");

2. Adopt Resolution No. 6350, certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's certified Local Coastal Program consistent with the California Coastal Act, and direct that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission; and that the adopted Ordinances be transmitted to the California Department of Housing and Community Development for certification consistent with Housing Element law; and

3. Determine that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

STAFF RECOMMENDATION

Staff recommends City Council take the following actions:

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only; and

2. Adopt Resolution No. 6350; and

3. Determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or

subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

Sample motion: I move to adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only, adopt Resolution No. 6350, as read by title only, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

BACKGROUND

Housing Element Overview

The Housing Element is a required component of the City's General Plan that identifies and plans for existing and projected housing needs within the eight-year planning cycle. Under State law (Gov. Code § 65580 et seq.), all cities are required to plan for housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels. The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined.

For Santa Barbara County jurisdictions, the 6th Cycle RHNA process was completed in 2021. Based on the RHNA, the City of Carpinteria ("City") must plan to accommodate a total of 901 additional housing units of varying income levels during this eight-year cycle (2023-2031). On January 22, 2024, the City Council adopted the current Housing Element[1], which outlines how the RHNA allocation can be achieved during this cycle through a variety of methods (e.g., pending project applications, underutilized sites, accessory dwelling units, and rezoning of candidate opportunity sites).

Housing Element Certification

The State Legislature has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and certify their substantial compliance with State law. A finding of Housing Element substantial compliance by HCD is referred to as "certification" of the Housing Element.

If a local government's Housing Element is not certified, or if it is de-certified during the cycle for non-compliance with State law, the jurisdiction faces the possibility of litigation, which could result in the loss of land use discretion, ineligibility for housing grants, and other penalties. For example, some local agencies have received project applications

[1] https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

submitted under the "Builder's Remedy" provisions of the Housing Accountability Act (Gov. Code § 65589.5), which may allow developers to avoid compliance with the local agencies' general plan and zoning requirements in certain circumstances.

City of Carpinteria Compliance with State Housing Element Law

To date, the City's 6th Cycle 2023-2031 Housing Element Update has not been certified by HCD. Although the City submitted a substantially compliant Housing Element to HCD on January 23, 2024, the State was not able to certify it due to the exceedance of statutory deadlines.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), since the City did not adopt a compliant Housing Element by the statutory deadline, it was required to implement Program 1 (Adequate Sites to Accommodate Regional Housing Needs) within one year from the statutory deadline of February 15, 2023. Therefore, as further explained in HCD's letter[2] dated March 21, 2024, the Housing Element cannot be certified until the City completes the necessary rezones to accommodate the RHNA shortfall under Program 1.

City Council First Reading of Zoning Amendments

On November 25, 2024[3], the City Council took the first step in implementing Program 1 by conducting the first reading of Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D). This staff report and the Attachments thereto reflect the pertinent changes made by the City Council at that hearing and a summary of the Council's actions is provided in the discussion, below.

DISCUSSION

Housing Element Program 1 – Adequate Sites to Accommodate Regional Housing Needs

Required Zoning Amendments to Accommodate the RHNA

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households (286 very-low income and 132 low-income households, respectively), 135 units for moderate-income households, and 348 units for above-moderate-income households.[4] As shown in the land inventory

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/09/sbb-carpinteria-adopted-out-032124.pdf
[3] Available here (Item 13): https://carpinteria.granicus.com/player/clip/1544?view_id=2&redirect=true
[4] HCD sets the income limits for the various affordable housing categories annually based on federal and state law. The income limits for 2024 are available here: https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf.

analysis in Appendix B, the City can already accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units (Table 1).

Table 1. Land Inventory Summary (taken from Table B-1 of the Housing Element)

	Income Category				Total
	Very Low	Low	Mod	Above	
RHNA 2023-2031	286	132	135	348	901
Completed, Approved & Pending Projects (Table B-3)	-	3	-	259[5]	262
Net Remaining RHNA	415		135	89	639
Vacant Sites (Table B-4)	-		10	5	15
Underutilized R Overlay Sites (Table B-5)	56		47	-	103
Other Underutilized Sites (Table B-6)	-		153	153	306
ADUs	67		7	38	112
Surplus (Shortfall)	(292)		82	107	(103)

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, implementation of Program 1 requires the rezoning of enough area to accommodate 292 lower-income units plus a reasonable buffer. HCD expects a minimum buffer of 15 percent. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

As further described in Program 1, City staff envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density, residential-only development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed both a higher density and a lower density development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now requires the complete change of zoning districts on sufficient property to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) requires that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for lower-income units.

[5] This total includes the estimated units for the Lagunitas Mixed-Used pending project, Candidate Opportunity Site #5, which is recommended to be rezoned (see description below). As explained further below, the rezoning of Candidate Opportunity Site #5 would provide the property owner with additional flexibility should the currently pending Lagunitas Mixed-Use project not proceed.

- Number of Units: Government Code Section 65583.2(h) and Program 1 requires that rezone sites permit at least 16 units per site.

- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2(i), "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.

- Development Standards: As part of the zoning amendments, the City must also ensure that the densities can be achieved and that standards do not pose unreasonable constraints on the cost and supply of housing. Moreover, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that ministerial and streamlined permitting can be accomplished.

- Predominantly Residential/Mixed-Use Development: Government Code Section 65583.2(h) and Program 1 also require that either: (1) at least 50 percent of the lower income housing need be accommodated on residential-only sites; or (2) all the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project. As discussed further below, staff's and Planning Commission's recommendation implements option (2).

Identified Candidate Opportunity Sites

In the recently adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this report) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[6], and in the site profiles Figure B-4[7]).

An additional site, known as Site #5, located at 6380 Via Real, was identified as a "pending project" in the final Housing Element because an application was in process for the Lagunitas Mixed-Use Project on the subject property. However, the applicants for that project have stalled on processing their current application.[8] Therefore, Site #5 is available for consideration in the proposed Sites to be rezoned. A list of all 20 Candidate Opportunity Sites is provided in Table 2 below.

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[6] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf

[7] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

[8] The applicant, however, may resume processing of their current application based on the zoning currently in effect for the site in accordance with State law.

Table 2 – List of 20 Candidate Opportunity Sites (Site #17 was removed[9])

Site #	Location	Current General Plan Land Use Category	GPA Required
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy Ln; Mark Ave; Rose Ln	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Phased Approach to Rezones

If the City still had ample time to implement Program 1, staff would recommend a wholistic approach to analyzing all 20 of the sites listed in Table 2. However, since it is in the City's best interest to have a certified Housing Element as quickly as possible, staff outlined a two-phased approach to the City Council at a public hearing[10] on May 28, 2024 (Item 12). The Zoning Amendments approved by City Council on November 25th and reflected in Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D) are the first phase. The remaining Candidate Opportunity sites will be included for consideration in the City of Carpinteria General Plan Update that is currently in process. In particular, the three Candidate Opportunity Sites that would require a General Plan Amendment ("GPA"), as noted in Table 2 above, must be deferred to the second phase to be considered with the comprehensive General Plan Update.

Maps depicting Phase 1 Candidate Opportunity Sites, as approved by City Council on November 25th, are provided in Figures 1, 2 and 3 in Attachment F. For reference, the existing zoning map of the City is provided in Figure 4 of Attachment F.

[9] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.
[10] Available here: https://carpinteria.granicus.com/player/clip/1449?view_id=2&redirect=true

Proposed Project – Housing Element Zoning Amendments

The proposed Project for the City Council's consideration has three main components: (A) a new Residential / Mixed Use Zoning District, (B) a new set of Objective Design Standards that would apply to any developments in the new Residential / Mixed Use Zoning District, and (C) the rezoning of select Candidate Opportunity Sites to Residential / Mixed Use.

A. Proposed Residential / Mixed Use Zoning District

Attachment A is proposed Ordinance No. 788 for a new Residential / Mixed Use ("RMU") zone district that would enable the City to achieve the Housing Element Program 1 goals. The RMU zone would be applied to select properties in the General Commercial ("GC") or the Research & Development Industrial ("RDI") land use categories described in the City's General Plan/Coastal Land Use Plan ("GP/CLUP"). Under the new RMU zone district, future development or re-development of the selected sites would be required to include multi-family housing and may be residential-only or mixed-use. Permitted uses would include:

- Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;
- Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);
- For sites in the GC Land Use Category: the option to have commercial uses, except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which must include a commercial use on the ground floor fronting the avenue;
- For sites in the RDI Land Use Category: the option to have offices and/or research, development, and laboratory uses.

The RMU zone would allow for ministerial (use by right) permitting if at least 20 percent of the residential units proposed are designated for lower-income households (see Table 3 below). Any commercial or office component of a mixed-use development that provides the minimum 20 percent lower-income units could also be permitted ministerially if the proposed uses are consistent with those listed under "development plan approval" in the Commercial Planned Development District (in GC) or the Industrial/Research Park District (in RDI).

Table 3. Review Types in the Proposed RMU Zone District

Ministerial Review	Streamlined Review
• For mixed-use and residential-only projects restricting at least 20% of units to lower-income residents (people with incomes 80% or below the Area Median Income) • No public hearings required • Staff may not exercise discretion in project review—i.e., review limited to conformance with Objective Design Standards and other objective regulations in zone district • Permit is not appealable (except to Coastal Commission in the appeals jurisdiction) • Project receives an administrative Coastal Development Permit ("CDP")	• For mixed-use and residential-only projects with less than 20% of units restricted to lower-income residents • Will go to Architectural Review Board and Planning Commission hearings but can only be "measured against" Objective Design Standards and other objective regulations in zone district • Project is appealable • Project receives Development Plan ("DP") and CDP approval

Development projects in the RMU zone would be required to adhere to the Objective Design Standards (described under "B" below and shown in Attachment B) in order to facilitate streamlined or ministerial permitting. In addition, the proposed RMU Zone includes its own set of unique development standards which establish allowed density, setbacks, building coverage, building height, etc. as summarized in Table 4 below.

Table 4. Proposed Development Standards in the RMU Zone District.

Density	20 (minimum) to 25 (maximum) dwelling units/acre. Applies to both residential-only and mixed-use developments.
Setbacks	5 feet minimum from all property lines. *Exception for sites fronting Via Real*: 15 ft min. front setback, 5 ft min. other sides.
Distance between buildings	10 ft minimum.
Building coverage	75% maximum
Height	35 ft. maximum
Parking	Lower-income dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: 1.5 parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit. All other dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: two parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit.
Common or public open space	20% minimum. A maximum of 50% of the required open space may be provided on rooftops or upper-story decks.
Fence height	In the front setback, may not exceed 4 ft.
Mixed-use requirement	For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. Sites with frontage on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design

	Element Subarea 2a boundary) shall be limited to mixed-use (commercial and residential) development.

B. Proposed Objective Design Standards

Attachment B is proposed Ordinance No. 789 setting forth new Objective Design Standards ("ODS") that would apply to development projects in the RMU zone. The proposed Standards were updated after receiving input from the Architectural Review Board (ARB) at a public hearing[11] on October 17, 2024 (Agenda Item 2). A copy of the Minutes from the October 17th ARB meeting is included as Attachment G.

The ODS are organized into sections by design topic. Importantly, language in the section "Building Form, Massing, and Articulation" describes the general shape a building must take, including variation on building facades and rooflines, floor height, and step backs, and reduced massing for upper floors. The section "Site Design" describes how different areas and elements of a development (e.g. siting of commercial in mixed-use developments, driveways, pedestrian pathways, loading areas, etc.) connect to or are buffered from one another. The remaining sections address additional components like placement of building entrances, landscaping, bicycle parking, and allowed exterior materials.

Notable changes that were made based on input from the public and the ARB members include:

- Changed the required roofline variation to occur every 30 feet rather than every 50 feet;
- Increased the required number of 5-gallon plants per 1,000 square feet from 10 to 20;
- Remove BBQ grills from allowed amenities in common/public open spaces; and
- Allow garages to accommodate tandem parking.

The ARB also requested that staff find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure. Staff is working on a tree list to use in the implementation of the ODS. The changes recommended by the ARB members are incorporated into Ordinance 789 in Attachment B.

C. First Phase Rezones

Although there are 20 Candidate Opportunity Sites for potential rezoning under Program 1, not all of the sites need to be rezoned in order to accommodate the RHNA shortfall of 292 lower-income units. As noted above under the description of Program 1, the land area to be rezoned must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

[11] Available here: https://carpinteria.granicus.com/player/clip/1527?view_id=2&redirect=true

On November 25, 2024, the City Council selected eight sites for the first phase of rezones. The eight selected sites are summarized in Table 5 below, included in Ordinance Nos. 790 and 791 (Attachments C and D), and depicted in Figures 1, 2 and 3 in Attachment F.

Table 5. First Phase of Rezones

Priority	Site #	Location	Acres	Lower Income Units*	Moderate Income Units*
High	Site 10	5320 Carpinteria Ave	1.08	21	0
High	Site 11	5437 Carpinteria Ave	1.98	25	0
High	Site 15	4602 et al Carpinteria Ave	2.45	40	8
High	Site 18	Holly and Carpinteria Ave	1.47	22	6
Medium	Site 12	1145 et al Eugenia Place	4.66	92	0
Medium	Site 13	1101 & 1135 Eugenia Place	0.80	16	0
Medium	Site 14	1065 et al Eugenia Place	1.88	19	16
Neutral	Site 7	1001 Mark, Cindy, and Via Real	5.51	110	0
		Total	**19.83**	**345**	**30**

*Assumes 20 dwelling units per acre

These eight sites were selected, not only because they would provide enough capacity to meet the RHNA, but also because they meet certain siting criteria making them optimal for medium-density residential developments with lower-income units. The following are common characteristics of all eight sites:

- Already developed and allow residential, commercial or light industrial uses
- Negligible environmental constraints
- Close proximity to transit
- Close proximity to amenities (grocery stores, schools, recreation, employment)

Sites 10, 11, 15, and 18 are labeled as “High” priority because they take access from Carpinteria Avenue and are generally close to the City’s Downtown “T” District. Sites 12-14 are labeled as “Medium” priority because although they are proximal to the downtown area, they are set back from Carpinteria Avenue and are comprised of multiple smaller parcels with different owners.

Unfortunately, the “High” and “Medium” priority sites only add up to 14.99 acres. The primary goal for this phase is to rezone at least 16.8 acres that would potentially yield capacity for 336 lower income units (shortfall plus 15 percent buffer). Thus, Site 7 is also included because it is a relatively small site (5.51 acres) that fronts on a main arterial street, Via Real, adjacent to a pending residential project (see Figures 1-3 in Attachment F).

D. Potential Interim-Phase Rezones

At the November 25th City Council hearing for the first reading of the proposed zoning amendments, there was considerable discussion regarding two additional Candidate Opportunity Sites – Site No. 5 and Site No. 21 (see Table 6 below).

Staff and the Planning Commission recommended including Site 5 as an extra property for rezone in the first phase. Site 5 was categorized as a "pending project" in the final adopted Housing Element. It had originally been included on the candidate site list in the land inventory, but was subsequently removed when an application for the Lagunitas Mixed-Use Project was formally submitted to the City. For reference, that proposal was conceptually reviewed by a joint meeting of the City Council, Planning Commission, and Architectural Review Board on June 18, 2024 (Item 1). More recently, however, this application appears to have stalled and the property is pending new ownership. In the absence of an active project application, the property may be considered as a potential rezone site for the new RMU zone district. Based on the early evaluations and site profiles, Site 5 met most of the criteria (developable land, proximity to transit, proximity to amenities, single ownership, etc.) to be considered a suitable site for rezoning to higher-density residential. The early inclusion of Site 21 as a rezone Site could help the City stay ahead of any "no net loss" implications[12] until the second phase of rezones is considered as part of the General Plan Update. However, members of the public raised concerns at the November 25th hearing regarding future development of Site 5 under the proposed RMU zoning.

Site No. 21 consists of two properties on the Carpinteria Bluffs adjacent to Viola Fields. Although staff and the Planning Commission did not recommend Site No. 21 to be part of the first phase of rezones, it was included in the draft CEQA Addendum (Attachment E) and made available for the City Council's consideration to include in Phase 1. After receiving public input in favor of including Site 21 in the first phase of rezones, the City Council considered it during deliberations.

Based on the discussions, it was clear that the Councilmembers would not reach a majority vote to include Site No. 5 and/or Site No. 21. Instead, they passed a motion to defer consideration of these sites and directing staff to bring these two Sites back for further consideration in early 2025.

Table 6. Sites To Be Reconsidered in Early 2025

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 5	6380 Via Real	8.63	169	0	Staff and Planning Commission recommend including as additional buffer to assist with the Housing Element certification.
Site 21	6155 Carpinteria Ave	6.31	126	0	Bluffs location with environmental constraints, but has property owner interest for multi-family housing with affordable units.

[12] No Net Loss Law (Gov. Code § 65863) requires that the City maintain sufficient sites to accommodate any unmet RHNA throughout the eight-year planning period. If one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall. The proposed 15 percent buffer further helps the City comply with No Net Loss Law.

E. Sites Not Recommended for Phase 1 Rezones

The remaining 10 Candidate Opportunity Sites, as shown in Table 7 below, will be deferred to future consideration as part of the General Plan Update. This will allow more time for property owner input, site analysis, and public outreach. Sites 1, 2, and 19, in particular, must be deferred to the future General Plan Update process since a change to RMU zoning would need to be preceded by a change to these sites' current Land Use Designation to avoid vertical inconsistency between zoning and land use designations. Such changes to the City's Land Use Map would require a GPA.

Table 7. Sites Recommended for Phase 2 (to be considered at a later date)

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 3	1000-1010 Bega Way	9.68	175	0	Good location/site but currently manufacturing uses with no property owner interest.
Site 4	6250 Via Real	8.47	166	0	Good location/site but currently Extra Space Storage with no property owner interest.
Site 6	Cindy Ln, Mark Ave, and Rose Ln	10.58	210	0	Set back from Via Real with multiple RDI uses.
Site 8	Mark Ave, Cindy Ln, and Via Real	10.02	199	0	Good location/site that is partially underutilized.
Site 9	Cindy Lane	4.49	89	0	Vacant site that may have environmental constraints.
Site 16	4621, 4631, 4643 Carpinteria Ave	0.67	0	9	Planning Commission removed from Phase1 based on property owner input. This site would only count as "moderate" income units.
Site 20	592, 586, 510 Palm Ave	0.77	0	11	Good location/site but would not count toward low-income RHNA shortfall.
Site 1	Via Real	15.81	316	0	GPA Required
Site 2	5800 Via Real	16.74	242	0	GPA Required
Site 19	5201 6th & 546 Walnut	3.29	65	0	GPA Required

Rezoning some or all of the remaining Candidate Opportunity Sites during Phase 2 might become necessary to avoid future de-certification of the City's Housing Element. For example, if one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall.[13] If some of the remaining Candidate Opportunity Sites are not rezoned in Phase 2, they could still be considered later (e.g., next housing cycle), or could be proposed for privately-initiated rezoning by an applicant without having to start the CEQA and stakeholder outreach process from the beginning.

[13] If these sites are rezoned, but not developed, the sites would count toward the City's zoning capacity in the next Housing Element cycle. If the sites are developed during this planning period, they would count toward the City meeting its RHNA obligations.

Planning Commission Recommendation

The proposed Housing Element Zoning Amendments were considered by the Planning Commission at its November 4, 2024 meeting[14] (Item 2). At the hearing, specific input was requested by staff on two items:

1. What the name of the new zone district for residential and mixed use should be.
2. Whether Site 5 should be included in the Phase 1 rezones.

The Planning Commission recommended that the new zone be titled Residential / Mixed Use (RMU); and also recommended that Site 5 *should* be included in Phase 1. After hearing public testimony, the Planning Commission also recommended that Site 16 be removed from the Phase 1 rezones. As shown in Table 6 above, Site 16 was estimated to only have moderate-income units and, therefore, was not necessary to address the current RHNA shortfall. Accordingly, Site 16 has been removed from the recommended Sites list (Table 5), to reflect the Commission's recommendation.

With those specific recommendations, the Planning Commission voted unanimously (5-0) to recommend that the City Council adopt the proposed zoning amendments and find that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

City Council First Reading

At the November 25, 2024 public hearing, City Council conducted the first reading of Ordinance Nos. 788, 789, 790, and 791. The following actions were taken:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and approved the Ordinance 4-0-0-1 (Clark absent) as amended;
- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and
- Direct staff to return in early 2025 with proposed rezones of Sites 5 and 21 to RMU: Approved 4-0-0-1 (Clark absent)

ENVIRONMENTAL

The proposed zoning amendments are logical follow-on discretionary actions to the City's existing GP/CLUP, which was approved in 2003 with the certification of a Program EIR. CEQA Guidelines Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred. The draft Addendum provided in Attachment E (along with the link to the previously certified Program EIR) outlines the minor clarifications and

[14] Available here: https://carpinteria.granicus.com/player/clip/1535?view_id=2&redirect=true

information to be added, and explains why such changes do not result in the identification of new or substantially more severe significant impacts. The draft Addendum evaluates the new RMU Zone District and Objective Design Standards. It further evaluates all 17 Candidate Opportunity Sites for rezoning that would not require a GPA.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

Therefore, as described in more detail in the Addendum in Attachment E, the changes resulting from the proposed zoning amendments do not constitute substantial changes to the GP/CLUP, would not involve substantial changes in the magnitude of impacts identified in the previously certified Program EIR, and would not result in new significant impacts. Accordingly, an addendum is the appropriate CEQA document for the Project.

POLICY CONSISTENCY

The Coastal Act and Carpinteria's Local Coastal Program (LCP)

The City of Carpinteria is located entirely within the California Coastal Zone. As such, the proposed zoning amendments constitute a change to the City's certified Local Coastal Program ("LCP"), and thus require compliance with City's GP/CLUP and the Coastal Act. Where actions may result in conflict with coastal resource policies, those that are most protective of significant coastal resources shall be prioritized (Pub. Res. Code, § 30007.5). Since the recommended Phase 1 rezone sites are located in commercial and light industrial areas near the downtown and the City's office park district, they are unlikely to be found at odds with State or local coastal resource protection policies.

Consistency with the 2023-2031 Housing Element

As described in this staff report, the proposed Project is intended to implement Program 1 of the adopted 2023-2031 Housing Element. If approved by the City Council, the Project would be submitted to the HCD for review, approval, and final Housing Element certification.

Consistency with the City's General Plan/Coastal Land Use Plan (GP/CLUP)

The proposed Project would be consistent with all applicable GP/CLUP policies. An in-depth policy consistency analysis is provided in Attachment H.

Next Steps

Following the City Council's adoption (first and second reading) of the zoning amendments, the amendments would then be sent concurrently to the California Coastal Commission and HCD for their respective reviews and certifications. If changes are required by one or both agencies prior to certification, such changes would be returned to the Planning Commission and/or City Council, depending upon their significance, for consideration and (revised) approval prior to resubmittal for final certification.

Effectuation of Ordinances Nos. 788, 789, 790, and 791 would occur immediately upon the date certified by the Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations. Resolution No. 6350 (Attachment I) directs City staff to transmit the Ordinances to the Coastal Commission and HCD.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

As noted above, Program 1 (Adequate Sites to Accommodate Regional Housing Needs) must be completed in order to receive Housing Element certification from HCD. If a compliant Housing Element is not certified: (1) the City may also have limited access to State funding, and (2) developers and advocates may have grounds to sue the City for not being compliant with State law.

Two of the Candidate Opportunity Sites are proposed for rezoning in a separate City Council action due to the segmentation requirements of the Political Reform Act, which apply because of a potential conflict of interest with respect to a Councilmember's real property interests. Accordingly, discussion and consideration of the two sites, which are Sites 15 and 18, are proposed to be conducted separately. A separate ordinance has been prepared for the rezoning of Sites 15 and 18 (see Ordinance 791 in Attachment D).

The City Attorney's Office assisted in the preparation of this Staff Report and will be available to answer questions at the meeting.

FINANCIAL CONSIDERATIONS

Staff time necessary to complete the ordinance development and adoption work is paid for from the City's General Fund and Measure X Program, and has been budgeted for in the current FY2024-25 adopted Budget as part of the Community Development Department's Advance Planning program work.

OPTIONS

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second reading), approve Resolution 6350, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a

supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA. (*Staff recommendation*)

2. Direct staff to modify the Ordinances. Significant modifications should be redirected to the Planning Commission for further consideration.

3. Reject Ordinance Nos. 788, 789, 790, and 791 (second reading) and Resolution 6350.

ATTACHMENTS

Attachment A Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use (RMU) Zoning District.

Attachment B Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

Attachment C Ordinance 790, amending the City's official Zoning Maps to rezone select parcels (Sites 7, 10, 11, 12, 13, and 14) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment D Ordinance 791, amending the City's official Zoning Maps to rezone select parcels (Sites 15 and 18) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment E 2003 GP/CLUP EIR and Draft CEQA Addendum thereto.

Attachment F Figures 1 through 4 as follows:
1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

Attachment G October 17, 2024 ARB Meeting Minutes (re: proposed ODS)

Attachment H: Consistency Analysis with the City's GP/CLUP

Attachment I: Resolution 6350 directing that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission and the California Department of Housing and Community Development for certification.

Staff Contact: Mindy Fogg, Principal Planner
Community Development Department
(805) 755-4408 / mindyf@carpinteriaca.gov

Signature

Reviewed by: Nick Bobroff, Director
Community Development Department
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Signature

Reviewed by: Michael Ramirez, City Manager
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Signature

Attachment A.

Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE, TO TITLE 14 - ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Program 1- Adequate Sites to Accommodate Regional Housing Needs, completing the necessary rezones to address the City's housing capacity shortfall pursuant to the Regional Housing Needs Assessment ("RHNA"); and

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

determined that a new zone district would be necessary to accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code §65583.2) and Program 1; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790, and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including naming the new zone district proposed by this Ordinance "Residential/Mixed Use" ("RMU"), and to determine that the provided Addendum is the appropriate review document for this Ordinance pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.19 to Title 14.

Chapter 14.19 – RMU Residential/Mixed Use, is added to Title 14 – Zoning of the Carpinteria Municipal code and shall read as follows:

CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE

14.19.010 – Purpose and Intent.

The purpose of the RMU district is to provide areas of the City for higher density residential-only and mixed-use (commercial and residential) development, particularly as infill development, to increase the availability of workforce housing while maintaining commercial opportunities in the City's downtown. The intent of this district is to:

A. Help the City provide adequate sites to satisfy its Regional Housing Needs Allocation;
B. Provide opportunities for lower-income, special-needs, and workforce housing;
C. Cultivate pedestrian- and alternative transportation-friendly neighborhoods where residences are nearby to business, service, and employment locations; and
D. Encourage infill development in the City's downtown that preserves and enhances the City's "beach town" character.

14.19.020 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the RMU district, in accordance with Chapter 14.72 (Accessory dwelling units and junior accessory dwelling units):

A. Accessory dwelling units and junior accessory dwelling units shall be permitted in the RMU district.
B. Accessory dwelling units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
C. Accessory dwelling units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (Appeals).
D. Junior accessory dwelling units shall be subject to issuance of a building permit.

14.19.030 – Processing.

A. Uses identified in Section 14.19.040 shall be allowed as a use by right subject to the issuance of an administrative coastal development permit. For the purposes of this section, "use by right" means the City's review shall not require a development plan, conditional use permit, environmental review under the California Environmental Quality Act, or other discretionary review or approval in accordance with Government Code Section 65583.2(i) and Government Code Section 65589.5(f) for multifamily residential housing. Any subdivision of a site

shall be subject to all laws, including, but not limited to, Title 16 – Subdivisions, implementing the Subdivision Map Act. The City shall process an administrative coastal development permit for a use by right as follows:

1. The Planning Director shall approve or deny administrative coastal development permits.
2. No public hearing shall be required.
3. Public notice shall be required in accordance with Chapter 14.76.
4. Pursuant to Section 30603 of the Coastal Act, within California Coastal Commission's coastal appeals area, the Planning Director's decision to approve an administrative coastal development permit in the RMU zone district may be appealed to the Coastal Commission within ten working days. Proposed development in the RMU zone district that is located outside of the coastal zone appealable area is not appealable to the Coastal Commission.
5. An applicant may request non-binding conceptual review by the Architectural Review Board to improve project design.

B. For all uses conditionally permitted pursuant to Section 14.19.060, a conditional use permit shall be submitted, processed, and approved as provided in Chapter 14.62.
C. For all other permitted uses pursuant to Section 14.19.050, prior to the issuance of a coastal development permit, a development plan shall be submitted, processed, and approved as provided in Chapter 14.68, with the exception that Architectural Review Board and Planning Commission review shall be limited to analysis of the project's compliance with Chapter 14.51, Objective Design Standards, and the regulations of this Chapter.
D. Once a final decision of approval, conditional approval (if applicable), or denial is issued by the Planning Director or Planning Commission, as applicable, the notice of final action shall be provided within five working days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing.

14.19.040 – Uses permitted by right.

A. The following uses shall be allowed as a use by right in the RMU district:
    1. Mixed-use commercial and multifamily residential developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted residential units for lower-income households;
    2. Multifamily residential-only developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted units for lower-income households;
    3. Public parks, playgrounds, and open space areas provided as part of a mixed-use or multifamily residential development;
    4. Low barrier navigation centers, as defined in Government Code Section 65660 and subject to the provisions of Government Code Section 65662;

5. Supportive housing developments, as defined by Health and Safety Code Section 50675.2 and subject to the provisions of Government Code Section 65651;
6. Transitional housing developments, as defined by Health and Safety Code Section 50675.2;
7. Home occupations, as provided in Section 14.50.030;
8. Accessory uses and structures incidental to permitted residential uses, including laundry and storage rooms; garages, carports, and parking lots; bus stop shelters; multifamily residence mailboxes; and bike racks;
9. Accessory uses and structures incidental to commercial portions of mixed-use developments, including storage rooms, garbage enclosures, and loading zones; and
10. Personal use cannabis cultivation, as provided in Chapter 14.59.

B. For the purpose of this Chapter, "lower-income" means a household that earns 80 percent or below of the area median income applicable to Santa Barbara County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.
C. For the purpose of this Section, permitted commercial uses for commercial portions of mixed-use developments shall be as follows:
    1. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.030.
    2. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.030.

14.19.050 – Uses permitted subject to development plan approval.

Mixed-use commercial and multifamily residential developments that do not meet the affordability requirements of Section 14.19.040(A)(1) and multifamily residential-only developments that do not meet the affordability requirement to Section 14.19.040(A)(2) shall require approval of a development plan in accordance with Section 14.19.030(C). Uses subject to development plan approval shall comply with the provisions of Sections 14.19.070 through 14.19.100 and all applicable provisions of the Title 14 of the City's Code.

14.19.060 – Uses permitted subject to conditional use permit.

A. Permitted uses subject to a conditional use permit in the RMU district shall be as follows:
    1. As provided in Chapter 14.62;
    2. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.040; or
    3. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.040.
B. Such conditional uses shall not prevent the development from meeting the standards in Sections 14.19.070 through 14.19.100, inclusive.

C. Projects proposing such conditional uses shall also incorporate multifamily residential use. In addition to the findings in Section 14.62.040(8), the following finding must also be made:
    1. The proposed use will not be detrimental to the health, safety, and general welfare of the residential use also proposed by the project.

14.19.070 – Objective design standards.

Projects shall be designed pursuant to the design standards in Chapter 14.51.

14.19.080 – Density.

The number of dwelling units per gross acre shall be a minimum of 20 and maximum of 25, unless otherwise allowed by applicable State housing law or Title 14 of the City's Code.

14.19.090 – Development standards.

The following development standards shall apply:

A. Affordability. Projects qualifying for an administrative coastal development permit pursuant to Section 14.19.030 shall record a restrictive covenant that ensures the continued affordability of all acutely low-, extremely low-, very low-, low-, and moderate-income rental units for 55 years and all acutely low-, extremely low-, very low-, low-, and moderate-income for-sale units for 45 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
B. Setbacks. All structures shall be located pursuant to the following setbacks:
    1. No less than five feet from the property line or 25 feet from the street centerline, whichever is greater.
    2. For sites with frontage on Via Real, no less than 15 feet from the property line abutting Via Real, and 5 feet from all other property lines.
C. Distance between buildings. The distance between two adjacent buildings shall be no less than 10 feet.
D. Building coverage. Not more than 75 percent of the net area of the property shall be covered with any portion of a building.
E. Building height. No building or structure shall exceed a height of 35 feet.
F. Parking. Unless modified by State law, minimum parking requirements shall be as follows:
    1. Visitor, guest, and employee parking: one space per five units.
    2. Parking for units affordable to lower-income households:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom or larger units: 1.5 parking spaces per unit.
        c. Four-bedroom or larger units: 2.5 parking spaces per unit.
    3. Parking for all other units:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom units or larger: two parking spaces per unit.

c. Four-bedroom or larger units: 2.5 parking spaces per unit.

4. Parking for commercial uses shall be as provided in Section 14.54.040.

G. Open space. At least 20 percent of the net area of the property shall be used for common and/or public open space. A maximum of 50 percent of the required open space may be provided on rooftops or decks above ground level.

H. Fences, walls, and plantings. Fences, walls, and plantings providing a solid screen (i.e., at least 90 percent opacity when viewed from the public right of way) that are located in a front yard setback shall not exceed a height of four feet.

I. For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. For the purposes of this section, a leasing or property management office for a residential development on the same site shall be considered a commercial use.

14.19.100 – Development standards— specific sites.

The following development standards shall apply to specified sites, in addition to the development standards in Section 14.19.090:

A. Sites with frontage on Linden Avenue or Carpinteria Avenue within Community Design Element Subarea 2a shall be limited to mixed-use (commercial and residential) development.

B. For sites with frontage on Linden Avenue or Carpinteria Avenue, 50 percent of the residential units shall be a mix of studios and one-bedroom units.

14.19.110 – Noticing requirements.

Noticing shall be conducted pursuant to Chapter 14.76, with the exception that no public hearing shall occur or be noticed for projects qualifying as a use by right pursuant to Section 14.19.040.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act (“CEQA”) Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report (“EIR”) for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara..

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment B.

Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS, TO TITLE 14 – ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the City of Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, projects seeking approval under the allowances of the Housing Accountability Act (Gov. Code §65589.5) and Senate Bill 423 (Gov. Code §65913.4) are required to comply with objective, quantifiable, written development standards, conditions, and policies provided that those objective standards, conditions, and policies do not render the project infeasible; and

WHEREAS, in response to the increased streamlining of planning and design review for housing projects by State law, jurisdictions throughout the State have implemented Objective Design Standards ("ODS") for projects which are required by State law to undergo ministerial planning review; and

WHEREAS, to ensure that housing projects in the City seeking streamlined or ministerial review pursuant to State law implement quality architectural and site design that remains compatible with the existing scale and character of Carpinteria, the ODS proposed by this Ordinance are included as part of the City's implementation of Housing Element Program 1; and

WHEREAS, at the October 17, 2024 meeting of the Architectural Review Board, City staff presented the Board with proposed ODS, which would apply to specified residential and mixed-use projects, and invited feedback from the Board and members of the public, and after deliberation the Board recommended that the proposed ODS be brought to the Planning Commission with comments attached; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 12, 2024, the California Coastal Commission Executive Director issued a Memorandum on Streamlined Ministerial Approval Process in the Coastal Zone (Government Code Section 65913.4) ("SB 423 Memo"), which, among other things, recommends that local agencies develop objective design standards for projects proposed under Senate Bill 423 (Gov. Code, § 65913.4), and this Ordinance proposes objective design standards consistent with said SB 423 Memo; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 – Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.51 to Title 14.

Chapter 14.51 – Objective Design Standards, is added to Title 14 – Zoning of the Carpinteria Municipal Code and shall read as follows:

CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS.

14.51.010 – Purpose and Intent.

The purpose of this chapter is to provide objective design standards for certain mixed-use and multifamily residential developments in the City of Carpinteria in order to provide ministerial and/or streamlined review of such projects. The intent of this Chapter is to maintain the City's unique small-town character and vibrant neighborhoods while encouraging and incentivizing residential and mixed-use developments that:

A. Provide housing opportunities for residents of all income levels, including family and workforce housing;
B. Revitalize neighborhoods and provide opportunities for infill development;
C. Cultivate pedestrian and alternative transportation-friendly spaces; and
D. Are sensitive to and compatible with existing development with respect to massing, setbacks, and rooflines.

14.51.020 – Applicability.

A. The provisions of this Chapter shall apply to:
    1. Any residential or mixed-use development in the Residential/Mixed Use (RMU) 20/25 Zone District;
    2. Any residential development subject to a streamlined, ministerial approval process pursuant to California Government Code Sections 65913.4, 65852.24, and 65912.100-140; and
    3. Any development that constitutes a "housing development project" under California Government Code Section 65589.5 (Housing Accountability Act) that is inconsistent with the City's general plan land use designation and

zoning ordinance, or meets the criteria in Government Code Section 65589.5, subdivision (h)(11).

B. In the case of conflict between this Chapter and other regulations of Title 14 – Zoning, the objective standards established by this Chapter shall prevail.

14.51.030 – Processing.

A. Permit processing shall be as provided for in the underlying base zone district.
B. Any project that seeks an exception, waiver, or modification to the provisions of this Chapter, excluding waivers or modifications granted pursuant to State Density Bonus Law (Gov. Code, § 65915 et seq.) as implemented by chapter 14.77, shall require the filing and approval of a Development Plan Modification as provided for in Section 14.50.120 of this title.

14.51.040 – Building form, massing, and articulation.

A. *Building Form and Vertical Hierarchy*. Buildings that are higher than two stories shall be designed to differentiate between a defined base (first floor); a middle or body (e.g., second or third floor); and a top, cornice, or parapet cap (architectural features). Two-story buildings shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following:
   1. Color, texture, or material changes;
   2. Variations, projections, or reveals in the wall plane;
   3. Variations in fenestration design or pattern; or
   4. Decorative architectural features, such as cornices and columns.
B. *Story height*. The ground story shall have a maximum story height of ten (10) feet for residential use and 12 feet for commercial use. The height of upper stories shall not exceed nine feet.
C. *Wall plane variation*. Building facades visible from the primary right-of-way shall not extend more than 30 feet in length without either a two-foot variation in depth in the wall plane or one of the following projected or recessed architectural elements: porches, stoops, porticos, balconies, bay windows, overhangs, terraces, and/or trellises.
D. *Street Façade*. If buildings on adjacent properties establish a contiguous street façade along the primary right-of-way frontage, such as the 900 block of Linden Avenue, new buildings shall be located to maintain the contiguous street-facing wall, with allowances for variation in façade and entrances which are projected or recessed.
E. *Corner lots*. Buildings located on corner lots shall include one or more of the following features on both street-facing facades, located within 25 feet of the corner of the building closest to the intersection:
   1. An entrance to a ground-floor use or a primary building entrance;
   2. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade; or

3. A change in height of at least 18 inches from the height of the abutting façade.

F. *Roofline variation*. Rooflines shall provide one of the following prominent changes a minimum length of every 30 feet:
   1. Variation in roof form, such as hip, mansard, gable, shed, or flat with parapet;
   2. Variation in architectural elements, such as parapets and cornices; or
   3. Variation of roof height of 18 inches minimum (as measured from the highest point of each roof line).

G. *Upper floor massing.* Upper floors shall be reduced in bulk and massing: upper floors shall each have up to a total maximum floor area of 80 percent of the total net floor area of the ground floor. For lots with 5,000 square feet or less, upper floors shall have a total maximum floor area of up to 70 percent of the total net floor area of the ground floor.

H. *Contextual Upper Story Stepback*.
   1. Where a building's façade is within 20 feet of a street side property line, at least 30 percent of the façade of the upper floor(s) shall be stepped back from the ground floor façade at least 2 feet.
   2. Where a building on an abutting lot across a side lot line is single-story, any proposed building located within 15 feet of the side lot line shall step back at least 30 percent of the upper floor(s)' façade from the ground floor façade at least 2 feet.

I. *Common open space.* Common open spaces for multifamily residential developments shall comply with the minimums required by the base Zone District in which they are located.
   1. *Rooftop open space*. Open spaces located on a building rooftop shall be a minimum of 15 feet away from any property line abutting a residential use.

J. *All-sided architecture*. Fenestration, materials, and common details shall be carried over on all sides of the building visible from public rights-of-way.

K. *Limits on garages*. To minimize the dominance of garage doors along street frontages, a garage facing and visible from a public street shall not occupy more than 50 percent of the width of a building façade facing that street, except that it may be 12 feet wide in any circumstance. Mixed-use developments shall not have any street-facing garage doors along the primary right-of-way. Garage doors shall be recessed a minimum of four inches from the surrounding wall plane.
   1. Where the width of a garage exceeds 30% of the linear front or side elevations, the garage shall be recessed a minimum of 3 feet from the front wall of the building, or provide a trellis extending in front of the face of the garage.
   2. Garage doors shall feature at least one of the following treatments:
      a. Garage door windows;
      b. Paneled garage door surface;
      c. Two different colors; or
      d. Accent material.

14.51.050 – Site design.

A. *Siting of commercial uses*. Commercial components of a mixed-use development shall always be located closest to the primary right-of-way. Where a combination of commercial and residential uses is provided within the same building, commercial uses shall be located on the ground floor and closest to the primary right-of-way.
B. *Front-facing open space*. For developments fronting Linden Avenue or Carpinteria Avenue, any ground-floor courtyard, open space, or building setback from the street-facing property line shall be used for landscaping, outdoor dining/seating, public plazas, and/or building entries.
C. *Vehicular circulation and access*.
    1. Vehicular site access to parking areas shall be provided via side streets or alleys, when present.
    2. A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage. For corner lots, one vehicular access point is permitted per lot where all street frontages are less than 100 linear feet, and two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.
    3. For developments fronting Linden Avenue or Carpinteria Avenue, parking areas shall not be located within any front or street side setback, or between any building and the primary right-of-way.
D. *Loading and service areas*. New commercial uses requiring the receipt or distribution of material or merchandise by vehicles or trucks shall provide one (1) off-street loading space for 5,000 to 20,000 square feet of commercial area, and two (2) off-street loading spaces for commercial area greater than 20,000 square feet. Additional loading spaces shall be provided pursuant to Section 14.54.090.
    1. Required loading and service areas shall not be located between a building and the primary right-of-way.
    2. Loading and service areas shall not be located in drive aisles so as to not disrupt or block the flow of on-site and off-site vehicular traffic. Striping and signage shall be as provided in Chapter 10.04.
    3. Loading and service areas shall be located in parking areas and alleys, when present.
    4. Loading and service areas shall be screened from view from public rights-of-way with walls, solid fencing, and/or landscape privacy screening pursuant to Section 14.51.110.
E. *Pedestrian circulation and access*. Pedestrian walkways shall be a minimum width of four feet and shall be designed as follows:
    1. Pedestrian walkways shall connect public sidewalk right-of-way to areas throughout the site, such as building entrances, unit entrances, vehicle parking areas, bicycle parking areas, common open space areas, waste and recycling enclosures, and any transit stops directly adjacent to the site. Such walkways shall also connect buildings and amenities within the development to one another.

2. Where through lots are located more 300 feet from a street intersection, as measured from the closest point of the lot, pedestrian walkways shall be designed to provide public access connecting the two streets.
3. Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials, such as concrete, permeable paving, decomposed granite, stone, or brick.

F. *Private open space screening*. When a private open space (e.g. patio or balcony) is located within 20 feet of another residence or another private open space, the private open space shall be enclosed with a wall or fence that is a minimum of four feet in height.

G. *Usable open spaces*. Required common or public open spaces shall be a minimum of ten feet by ten feet. At least one of the common or public open spaces shall incorporate at least one of the following elements:
1. Picnic tables;
2. Permanently installed benches or seating;
3. Sport court or field, playground, or other children's play area;
4. Community garden;
5. Swimming pool; or
6. Pet park with a minimum of one trash receptacle.

H. *Paving*. For lots not fronting Linden Avenue or Carpinteria Avenue, the maximum amount of impervious surface area in the front setback is 30 percent.

14.51.060 – Utilitarian elements.

A. *Bicycle parking*. All developments shall provide bicycle parking spaces. Short-term bicycle parking is intended to serve shoppers, customers, couriers, guests, and other visitors to a site who generally stay for less than 2 hours. Long-term bicycle parking is intended to serve residents and commuters who generally stay at a site for long periods of time (e.g., overnight or for a work shift).
1. *Required number of spaces*.
   a. Short-term bicycle parking. One space per five residential units, plus one space per 250 square feet of commercial space; or four spaces, whichever is greater.
   b. Long-term bicycle parking. One space per two residential units, plus one space per 1,000 square feet of commercial space.
2. *Location and required elements*.
   a. Multifamily residential uses – Long-term bicycle parking. Long-term bicycle parking shall be located in an enclosed bicycle locker, a covered storage area or room, or a rack or stand in a room with key access limited to residents.
   b. Commercial uses – Long-term bicycle parking. Long-term bicycle parking shall be provided by a rack or stand within 100 feet of an entrance to the building it serves, or in an enclosed bicycle locker, covered storage area, or room.

c. Short-term bicycle parking. Short-term bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of an entrance to the building it serves.

3. *Size and accessibility*. Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between a bicycle parking space and walls, poles, landscaping, street furniture, pedestrian walkways, and parking areas.

B. *Pedestrian-oriented commercial setback areas*. Front setback areas between a commercial use and the primary right-of-way shall be landscaped and shall contain at least one amenity per 50 linear feet, such as benches or other seating, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).

C. *Lighting*. Outdoor light fixtures, including pole lights, wall-mounted lights, and bollards, shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
1. *Light intensity*. The maximum light intensity shall not exceed a maintained value of ten foot-candles, when measured at finished grade.
2. *Light temperature*. Lights shall be light-emitting diode (LED) lights with a color temperature no higher than 3000 Kelvins.

D. *Vents and Exhaust.* All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from view from any public right-of-way.

E. *Screening of mechanical equipment.* The following screening standards apply to specified types of mechanical equipment:
1. *Ground-mounted equipment*. Ground-mounted equipment that faces a public viewing area must be screened to a height of 6 inches above the equipment, unless such screening conflicts with utility access. Acceptable screening devices consist of walls, fences, or berms. Screening materials for walls or fences shall be selected from an exterior finish, siding, fencing, or wall material utilized elsewhere on the primary building of the development it serves.
2. *Wall-mounted equipment*. Wall-mounted equipment (e.g., electrical meters, cable connection boxes, electrical distribution cabinets, etc.) shall provide screening that incorporates the exterior wall or accent colors of the building, unless such screening conflicts with accessibility and visibility requirements for health and safety. For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device.
3. *Rooftop equipment*. Where rooftop equipment is located within 10 feet of a roof edge, a parapet shall be provided that is a minimum of six inches taller than all roof-top equipment. Rooftop equipment located within or adjacent to rooftop open space shall be screened to a height of 6 inches above the equipment in the manner provided by subsection (1) above.

F. *Trash, recycling, and other waste containers*. Enclosures for recycling, green waste, and any other waste containers required by law shall be located within a

building, incorporated into the exterior building design, or located within a detached enclosure designed and placed as follows:

1. The enclosure shall be located to the rear or side of the building(s) and located outside of view from a public right-of-way, and
2. The enclosure shall incorporate the materials and colors of the primary building design.

14.51.070 – Building and dwelling unit entrances.

A. *Separate entrances*. Building entrances and lobbies for residential units shall be separate from non-residential entrances.
B. *Street-facing commercial entrances*. Commercial components of mixed-use development along the primary right-of-way shall have main entrances facing the primary right-of-way and directly accessible from the sidewalk by a pedestrian walkway. Such entrances shall provide weather protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.
C. *Downtown street-facing entrance*. Buildings fronting Linden Avenue or Carpinteria Avenue shall provide an entrance directly from the public sidewalk or right-of-way a minimum of every 40 feet. Each shall have one or more of the following:
    1. Entrance flanked by columns, decorative fixtures, or other similar elements;
    2. Entrance recessed within a large arch or cased decorative opening;
    3. Entrance covered by a large portico projecting at least 6 feet from the surrounding wall plane; or
    4. Entrance covered by an awning.
D. *Downtown enhanced paving*. Building entrances fronting Linden Avenue or Carpinteria Avenue shall provide paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete that contrasts in color and texture from the adjacent walkway or right-of-way paving.
E. *Exterior entrances to residential units*.
    1. All individual exterior unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.
    2. Entrance types such as a stoop, porch, patio, or courtyard may serve more than one residential unit.
    3. Individual exterior unit entrances shall be illuminated, or face toward a common area or public street.
    4. Each residential unit located within 20 feet of a primary right-of-way with an exterior entrance shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.
    5. The entrance to residential units located on the ground floor may be raised up to a maximum finished floor height of 42 inches above the abutting sidewalk height, unless otherwise required for safety or sea level rise reasons.

14.51.080 – Windows.

A. *General Treatment*. Windows shall provide one of the following:
   1. Window trim or windowsill a minimum of one-half inch in depth; or
   2. Window recess a minimum of three inches in depth from the surrounding wall plane.
B. *Windows Facing a Public Street*. Windows facing a public street shall feature one or more enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.
C. *Privacy*. Where buildings are located within 15 feet of one another, residential window design on the building facades adjacent to one another shall avoid unfiltered/direct views into building interiors and shall be designed with one or more of the following:
   1. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units;
   2. Non-transparent or obscured glazing, such as frosted/patterned glass, glass block, or non-operable opaque windows. One-way mirror glass or film is not permitted;
   3. Permanent architectural screens or affixed louvers at windows; or
   4. Clerestory windows a minimum height of 5 feet from the ground.

14.51.090 – Materials and colors.

A. *Wall material*. The primary exterior wall siding material shall be selected from stucco, plaster, wood, composite wood, stone, stone veneer, brick, brick veneer, or vinyl. The use of exposed plywood or glass curtain walls is prohibited.
B. *Material transition*. Changes in materials or colors shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as a column or pier.
C. *Window Consistency*. Window frame materials and color shall be used on all elevations.
D. *Fences, walls, and hedges*. Fences and walls shall be constructed from materials such as wood, vinyl, wrought iron, brick, and stone. Chain link and barbed wire fencing is prohibited. Both sides of all fences and walls shall feature the same color and treatment.
E. *Vents and exhaust*. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

14.51.100 – General building design and architecture.

A. *Architectural Consistency*. Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.
B. *Roofs*.

1. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment. The interior side of parapet walls shall not be visible from a common open space or public right-of-way.
2. Roofs with overhanging eaves shall have an underside of stained wood, painted wood, or stucco. Exposed plastic is prohibited.
3. Corbels and brackets shall be constructed of stone, wood, or stucco. Exposed plastic is prohibited.

C. *Downtown ground floor transparency*. New mixed-use commercial building facades facing Linden Avenue or Carpinteria Avenue shall include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Windows and doors associated with a commercial use shall not use an opaque, frosted, or glazed material.
   1. The bottom of any product display window shall not be more than three and a half feet from the elevation of the sidewalk.
   2. Transparent or translucent glazing is required on the ground floor facade. Opaque, dark tinted glass, and mirror treatments that obstruct interior views at the street level are not permitted.

D. *Decorative window treatments*. Windows facing Linden Avenue or Carpinteria Avenue shall feature one or more of the following enhanced or decorative window treatments:
   1. Decorative architectural brackets, trim, exterior shutters, or awnings;
   2. Planter boxes or hanging planters;
   3. Balconies;
   4. Decorative accent material (such as wood or tile) as wainscot; or
   5. Bay windows.

E. *Decks and balconies*. Decks and balconies shall be constructed such that at least 75 percent of the area between the finished floor and the railing is an opaque material. All decks and balconies on a building shall use consistent colors, materials, and form.

F. *Vehicle Light Intrusion*. Vehicle headlights shall be obstructed from direct alignment with habitable interior first-story spaces with a minimum three-foot-high fence, wall, or other solid architectural feature.

G. *Carports*. Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design. Solar panels shall be permitted on carports in accordance with building code.

H. *Tandem parking*. Garages may be designed to accommodate tandem parking.

14.51.110 – Landscaping.

Landscaping shall be designed for all outdoor areas that are not specifically designated for buildings, walkways, driveways and parking, or open space. For further requirements, see the provisions of the base zoning district.

A. *Groundcover*. Groundcover shall be sized and located to cover at least 75 percent of all landscape areas that are not planted with shrubs or trees at the time building occupancy is granted.

1. While groundcovers and shrubs are establishing, a minimum layer of 3-inch bark mulch or decorative gravel shall be placed within all landscape areas to provide 100 percent coverage of such landscape areas.

B. *Plant selection*. Landscaping shall utilize non-invasive Mediterranean, local California native, and other WELO-compliant drought-tolerant species. Landscaping shall comply with the provisions of Chapter 15.90 – Water Efficient Landscaping, as applicable. Artificial or synthetic plants are prohibited.
C. *Number of Plants*. A minimum of one 15-gallon tree or equivalent box size and 20 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.
D. *Landscape privacy buffer*. A landscape buffer of a minimum width of five feet shall be located between all ground-level private open spaces, and pedestrian walkways or common/public open spaces. Plants shall be selected to enhance security (e.g. thorny plants) and shall be demonstrated to grow to a minimum height of four feet.
    1. *Exception*. Plantings providing a solid screen that are located in a front yard setback or facing the primary right-of-way shall not exceed a height of four feet.
E. *Pedestrian walkways.* Pedestrian walkways shall be flanked on at least one side with landscaping, and include a mix of groundcover, shrubs, and trees. Trees shall be selected and spaced to shade at least 25 percent of the overall walkway length at full maturity.
F. *Solar Access*. Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.

14.51.120 – Community Development Director substantial conformance determination.

The Community Development Director may make a determination that a substitution for, or minor deviation from, an objective standard specified in this section substantially supports the intent of the standard. Only the standards in the following sections are subject to a substantial conformance deviation:

A. Section 14.51.040 – subsections A, C, E, F, and K;
B. Section 14.51.050 – subsections B and G;
C. Section 14.51.060 – subsection E;
D. Section 14.51.070 – subsection C;
E. Section 14.51.080 – subsections B and C; and
F. Section 14.51.100 – subsection D.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted

this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment C.

Ordinance 790, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 790

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element Law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to remove Site 5 (APN 001-190-097) from the Ordinance and approve this Ordinance as amended on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 - Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

Candidate Site#	Assessor's Parcel No.	Existing Zone Designation	New Zone Designation
7	001-190-023 001-190-091 001-190-093 001-190-092	Industrial/Research Park (M-RP)	Residential/Mixed Use (RMU) 20/25
10	001-070-058	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
11	003-280-005 003-280-017	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
12	003-162-009 003-162-011 003-162-012	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
13	003-870-006 003-870-007 003-870-005 003-870-009 003-870-010 003-870-003 003-870-002 003-870-001 003-870-004	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
14	003-860-001 003-860-005 003-860-003 003-860-004 003-860-002 003-860-006 004-041-011 004-041-012 004-041-015 003-860-007 003-860-008	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, "provisions") thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

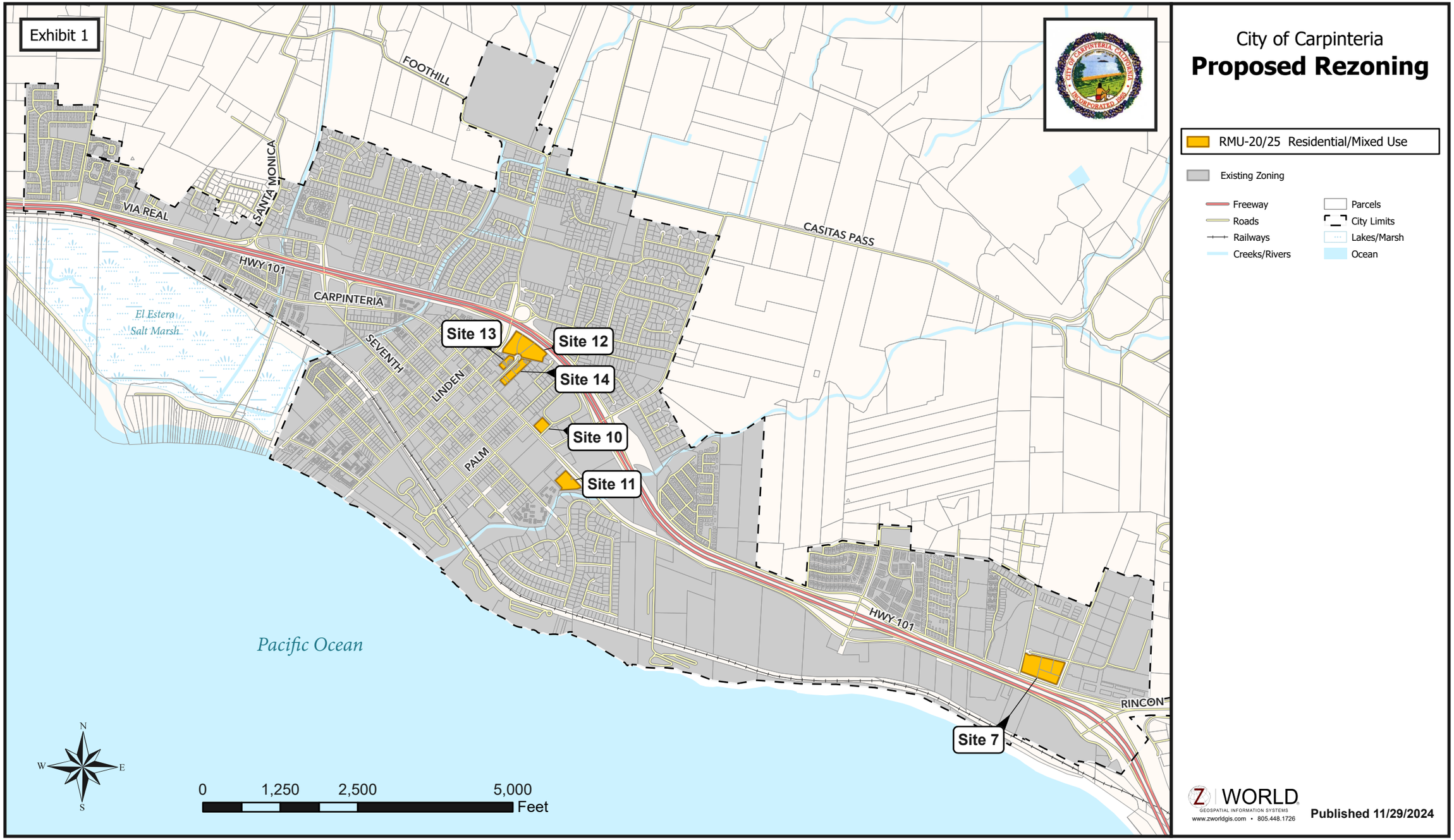
Exhibit 1
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
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Attachment D.

Ordinance 791, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 791

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 790), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum to the 2003 GP/CLUP PEIR, was introduced on a first reading, and the Council moved to approve this Ordinance on a 3-0-1-1 (Solorzano recused, Clark absent) vote; and

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

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

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

SECTION 3. Severability.

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

SECTION 4. CEQA Review.

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

SECTION 5. Effective Date.

This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section

13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

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City of Carpinteria

Proposed Rezoning

RMU-20/25 Residential/Mixed Use

Existing Zoning

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

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Published 11/29/2024

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Attachment E.

2003 GP/CLUP EIR and Draft CEQA Addendum thereto

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

The Previously Certified Program Environmental Impact Report (PEIR) for the City of Carpinteria's 2003 General Plan/Coastal Land Use Plan (GP/CLUP) was combined with the City's GP/CLUP.

Analysis pursuant to the California Environmental Quality Act (CEQA) occurs throughout the document with a full summary in Appendix A.

The full document is available at this link:
https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

CEQA ADDENDUM

City of Carpinteria
2023-2031 Housing Element Update Rezone Amendments
Project 24-2279-ORD/LCPA
Environmental Impact Report SCH 1997121111

November 25, 2024

I. Summary of this Addendum

This addendum to the Program Environmental Impact Report ("PEIR")[1] for the City of Carpinteria's ("City") General Plan/Coastal Land Use Plan ("GP/CLUP") ("Addendum") assesses the potential environmental impact(s) associated with implementation of Program 1 of the City of Carpinteria 2023-2031 Housing Element, as required by the California Environmental Quality Act ("CEQA") (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City, as the lead agency under CEQA, must consider the potential environmental impacts of the proposed Project, which includes:

- Adding a new Residential/Mixed Use ("RMU") Zoning District to the Carpinteria Municipal Code;
- Adding new Objective Design Standards to the Carpinteria Municipal Code; and
- Amending the City's Zoning Map to rezone certain parcels of land to RMU.

The goal of the proposed Project is to accommodate and encourage residential development in accordance with Program 1 of the City's adopted 2023-2031 Housing Element. This Addendum is being prepared pursuant to Sections 15162-15164 of the CEQA Guidelines, and is an informational document intended to be used in the planning and decision-making process.

The fundamental conclusion of this Addendum is that the proposed Project would not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the PEIR for the City's GP/CLUP, which was certified in 2003 with State Clearing House ("SCH") number 1997121111. Additionally, the Project would not involve any substantial changes to the components of, or circumstances surrounding, the City's GP/CLUP that would require major revisions to the PEIR. Thus, a subsequent or supplemental EIR need not be prepared in accordance with California Public Resources Code Section 21166.

[1] The previously certified PEIR was combined with the City's GP/CLUP, available at this link: https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

Housing Element Program 1

On January 22, 2024, the City of Carpinteria City Council ("City Council") adopted the current Housing Element[2], which outlines how the City's Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. While the Housing Element is adopted and in effect, it cannot be officially certified by the California Department of Housing and Community Development ("HCD") until the City implements Program 1 – Adequate Sites to Accommodate Regional Housing Needs.

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households, 35 units for moderate-income households, and 348 units for above-moderate-income households. Using the land inventory analysis in Appendix B, the City can currently accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units.

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, the City is required to implement Program 1 which involves rezoning sufficient land to accommodate 292 lower-income units plus a reasonable buffer[3].

As described in Program 1, City staff initially envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density residential development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed for both a higher density and a lower density residential development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now instead requires a zoning change on sufficient sites to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) and Program 1 require that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for the

[2] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/.
[3] HCD expects at least a buffer of 15 percent for a total of 336 units. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 would be approximately 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

lower-income units. Therefore, the zoning amendments must include this minimum density.

- Number of Units: Government Code Section 65583.2(h) and Program 1 require that the residential rezones include at least 16 units per site.
- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2, "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.
- Development Standards: As part of the rezoning program, the City must also ensure that allowable densities can be achieved and that development standards do not pose unreasonable constraints on the cost and supply of housing. Thus, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that streamlined permitting can be accomplished.
- Predominantly Residential Mixed Use Development: Government Code Section 65583.2(h) and Program 1 also require that one of the following standards is satisfied: (1) At least 50 percent of the lower income housing need to be accommodated on residential-only sites; or (2) All the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project.

In the adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this Addendum) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[4], and in the site profiles Figure B-4[5]).

In addition, Site #5 (located at 6380 Via Real and commonly referred to as "Lagunitas") was originally identified as a Candidate Opportunity Site considered for rezoning but was changed to a "pending project" in the final adopted Housing Element when an application for development was submitted. However, the applicants for the proposed development have stalled on processing their current application. Therefore, City staff and Planning Commission recommend that Site #5 also be included in the list of Candidate Opportunity Sites (Table1 below). If Site #5 is rezoned, it would provide the landowner with the opportunity to move forward with a project under the proposed RMU zone.

[4] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf.
[5] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf.

Table 1 – Summary of All 20 Candidate Opportunity Sites *(Site #17 was removed[6])*

Site #	Location	Current General Plan Land Use Category	GPA Required?
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy; Mark; Rose	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Out of the 20 Candidate Opportunity Sites, three would require a General Plan Amendment ("GPA") to modify the corresponding Land Use Designations in order to permit the proposed residential uses. The Final PEIR for the City's GP/CLUP included analysis of potential development under the existing Land Use Designations and did not anticipate such GPAs. Therefore, the three Candidate Opportunity Sites that require GPAs (Site Numbers 1, 2, and 19) are not currently under consideration for rezone amendments and are removed from further analysis in this CEQA Addendum. The Project thus does not require any amendment to the GP/CLUP.

All of the remaining 17 Candidate Opportunity Sites may be rezoned consistent with Program 1 without any changes to the GP/CLUP policies or Land Use Map.

II. Proposed Project Description: Zoning Amendments

Consistent with Program 1 of the Housing Element, the proposed Project analyzed in this CEQA Addendum consists of the following three components:

A. The addition of the RMU Zoning District in Title 14 of the Carpinteria Municipal Code ("CMC");

B. The addition of Objective Design Standards in Title 14 of the CMC;

[6] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.

C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning designations to the new RMU Zone.

All three of these Project components are logical follow-on discretionary actions to the GP/CLUP and are covered by the City's previously certified PEIR. While all three components combine to describe the whole of the Project, a project under CEQA is essentially the action(s) which would result in a physical change to the environment. In this case, the potential direct and indirect environmental effects from the proposed Project would come from the future development or redevelopment of the rezoned Sites.

It is not likely that all 17 Candidate Opportunity Sites (Table 2) will be rezoned as part of the Project. Ultimately, the City Council may choose a subset of these eligible Sites in order to meet the City's immediate RHNA shortfall plus a reasonable buffer. Even though it is unlikely that all 17 Sites will be rezoned, this Addendum's analysis covers all 17 Sites in order to assess whether or not there will be any significant impacts which require additional environmental review if all 17 Sites are rezoned.

Table 2 – Proposed Project: 17 Sites to be Potentially Rezoned to RMU

Site #	Location	Site Size (ac)	Current Zoning	Current GP	Potential Units w/Rezone*	Potential Lower-Income Units	Potential Moderate Income Units	Existing Use
3	1000 Bega Way	9.68	M-RP	RDI	175	175	0	Industrial Research
4	6250 Via Real	8.47	M-RP	RDI	166	166	0	Storage
5	6380 Via Real	8.63	M-RP	RDI	169	169	0	Vacant
6	Cindy Ln; Mark Av; Rose Ln	10.58	M-RP	RDI	210	210	0	Industrial Research
7	Cindy Ln; Via Real	5.51	M-RP	RDI	110	110	0	Industrial Research
8	Mark Av; Cindy Ln	10.02	M-RP	RDI	199	199	0	Industrial Research
9	Cindy Ln	4.49	M-RP	RDI	89	89	0	Vacant
10	5320 Carpinteria Av	1.08	CPD	GC	21	21	0	Commercial
11	5437 Carpinteria Av	1.98	CPD	GC	25	25	0	Apartments and partially vacant
12	Eugenia Pl	4.66	CPD	GC	92	92	0	Commercial
13	Eugenia Pl	0.80	CPD	GC	16	16	0	Commercial Condos
14	Eugenia Pl	1.88	CPD	GC	35	19	16	Commercial Condos & Commercial
15	Carpinteria Av	2.45	CPD	GC	48	40	8	Commercial
16	Carpinteria Av	0.67	CPD	GC	9	0	9	Commercial & Residential
18	Holly Av; Carpinteria Av	1.47	CPD	GC	28	22	6	Commercial & Residential
20	Palm Av	0.77	CPD	GC	11	0	0	Commercial
21	Carpinteria Av	6.31	M-RP	RDI	125	125	11	Industrial & Vacant
Totals		**79.45**	**n/a**	**n/a**	**1,528**	**1,478**	**50**	

* Assumes 20 dwelling units per acre.

As shown in Table 2, each of the Candidate Opportunity Sites covered by this Addendum is currently zoned either Commercial Planned Development ("CPD") or Industrial/Research Park ("M-RP"). The CPD zoning designation aligns with the corresponding General Commercial ("GC") land use designation; the M-RP zoning

designation aligns with the Research and Development Industrial ("RDI") land use designations. Under the new RMU District, future development of the Sites would include the following:

A. Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;

B. Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);

C. For sites in the GC land use category: the option to have commercial uses as part of a mixed-use development (except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which would be required to include a commercial use on the ground floor fronting the avenue);

D. For sites in the RDI land use category: the option to have offices and/or research, development, and laboratory uses, as part of a mixed-use development.

Since the commercial/office uses along with some residential uses are already permissible under the Sites' current zone districts and land use designations, the primary changes for the purpose of CEQA analysis are the net addition of the new residential density and accompanying accessory uses.

III. Analysis – Consistency with GP/CLUP

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's GP/CLUP and accompanying PEIR. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories currently allow for residential uses in their definitions:

> ***General Commercial (GC)***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented. (emphasis added)*
>
> ***Research & Development Industrial (RDI)***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential. (emphasis added)*

More explicitly, the following specific Land Use objectives and policies demonstrate that the rezones are consistent with the GP/CLUP. (See also the full GP/CLUP Consistency Analysis prepared for the project as Attachment H to the November 25, 2024 City Council Staff Report).

- ***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.*

  Discussion: Site Nos. 8 and 9 are located at the City's eastern edge, but still within the Urban Boundary. Site No. 8 is developed with industrial uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site Nos. 5 and 9 are vacant but surrounded by existing residential and/or industrial development on three sides. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned urban uses for the area.

  The remaining 14 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops. With the application of the Objective Design Standards, the future residential and mixed-use development on these sites would be compatible with the existing small beach town character.

- ***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. (emphasis added)*

  Discussion: All 17 Candidate Opportunity Sites are located within existing developed areas of the city. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and the railroad corridor to the south.

  The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the Project would concentrate development in the City's urban core by focusing on locations with existing commercial/industrial land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

- ***Objective LU-6****: Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to*

expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing. (emphasis added)

Discussion: The application of the new RMU Zone to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are to:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

- ***Policy LU-6a****. The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. (emphasis added)*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential on parcels designated for commercial and industrial would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity Sites that were compatible with existing and anticipated uses in the area surrounding the Site were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations.

  This would also help the City to improve and maintain an appropriate jobs-housing balance. As explained in the 2023-2031 RHNA Plan[7], the Santa Barbara County Association of Governments (SBCAG) reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships

[7] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

- ***Policy LU-6b****. The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial land uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and

residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles).

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permitted in the CPD and M-RP Zones. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue maintain a commercial component on the ground floor within the downtown "T" (based on Community Design Element Subarea 2a). In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

IV. CEQA Findings

The PEIR for the City's GP/CLUP was certified in April of 2003. CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR; or
    b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR; or
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

The previously certified PEIR evaluated the potential impacts of the City's adoption of the GP/CLUP, including the buildout of the Land Use Map. As described in the Land Use Element, an additional 972 residential units and approximately 196,000 square feet of commercial and research park space was anticipated at buildout of the GP/CLUP. Based on the City's annual reports on the GP/CLUP since 2003, just over half of the anticipated residential units have been built and/or permitted. As such, there is still growth capacity under the existing Plan and corresponding PEIR.

Since the proposal to rezone commercial and light industrial zones under the GC and RDI Designation areas to the new RMU zone would reduce potential for commercial and research park development while increasing potential residential development, a direct comparison of the 2003 anticipated buildout to the new potential buildout is not possible. However, a general comparison can be done.

For example, mixed-use and residential-only developments are already permissible at densities up to 20 dwelling units per acre in the CPD and M-RP zones (i.e., "existing capacity"). The RMU zone would increase density to allow for up to 25 dwelling units per acre. As shown in Table 3 below, the Project would potentially allow for up to 397 more residential units than the existing zoning/capacity. Thus, an additional 397 units would not exceed planned buildout under the existing GP/CLUP. The certified PEIR contemplated the potential impacts associated with the Project, including the full potential build out that had not occurred. Therefore, the Project does not propose substantial changes to the amount of development within the City that was evaluated in the PEIR for the GP/CLUP.

Table 3. Buildout Comparison

Site #	Location	Site Size (ac)	Maximum Units w/Rezone*	Existing Capacity	Increase from Rezones
3	1000 Bega Way	9.68	242	193	49
4	6250 Via Real	8.47	211	169	42
5	6380 Via Real	8.63	215	172	43
6	Cindy Ln; Mark Ave; Rose Ln	10.58	264	211	53
7	Cindy Ln; Via Real	5.51	137	110	27
8	Mark Ave; Cindy Ln	10.02	250	200	50
9	Cindy Ln	4.49	112	89	23
10	5320 Carpinteria Ave	1.08	27	21	6
11	5437 Carpinteria Ave	1.98	49	39	10
12	Eugenia Pl	4.66	116	93	23
13	Eugenia Pl	0.8	20	16	4
14	Eugenia Pl	1.88	47	37	10
15	Carpinteria Ave	2.45	61	49	12
16	Carpinteria Ave	0.67	16	13	3
18	Holly Ave; Carpinteria Ave	1.47	36	29	7
20	Palm Ave	0.77	19	15	4
21	Carpinteria Ave	6.31	157	126	31
Totals		**79.45**	**1,979**	**1,582**	**397**

The proposed Project would not modify the GP/CLUP or its Land Use Map. The future development of the 17 Candidate Opportunity Sites would be infill development that was already planned for under the existing GP/CLUP and analyzed in the PEIR. Further, the proposed Project would serve to implement many of the Land Use Element policies that specifically anticipated the need for mixed-use and residential infill uses in the GC and RDI land use categories.

With the exception of potential agricultural conversion, the previously certified PEIR found that all potential impacts of the GP/CLUP would be less than significant with adherence to the objectives and policies therein.

The proposed Project would not convert any agricultural resources and would not result in any new significant environmental effects, nor would it change the nature or scope of any previously identified impact areas or their mitigation measures. No open space areas or environmentally sensitive areas are proposed to be developed or indirectly impacted. Applicable mitigation measures are included as part of the City's GP/CLUP and would apply to any future development proposals on the parcels affected by the proposed map revisions. Therefore, this Addendum finds the following:

1. The proposed Project will not require any major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. There are no substantial changes that have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified as complete, showing any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

As identified above, the proposed Project would implement Program 1 of the City's 2023-2031 Housing Element and would involve Zoning Amendments to add a new Residential/Mixed Use (RMU) Zoning District and new Objective Design Standards, and to amend the Zoning Map to rezone up to 17 Candidate Opportunity Sites to RMU. The primary changes from the Project are additional residential density on sites already zoned to permit medium density residential use and mixed use. The proposed Project would not result in any changes to City land use designations or GP/CLUP policies. The changes resulting from the proposed Project do not constitute substantial changes to the GP/CLUP, its circumstances, or include new information of substantial importance. The modifications would not involve substantial changes in the magnitude of impacts identified in the previously certified PEIR and would not create new

potentially significant impacts that would require mitigation. Therefore, none of the circumstances identified in CEQA Guidelines Section 15162(a) are present.

Pursuant to CEQA Guidelines Section 15164, an addendum is the appropriate CEQA document for the Project. There is no substantial evidence in light of the whole public record suggesting that the project would result in significant environmental impacts not otherwise addressed in the previous EIR. Consequently, a subsequent or supplemental EIR is not required.

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Attachment F.

Figures 1 through 4 as follows:

1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

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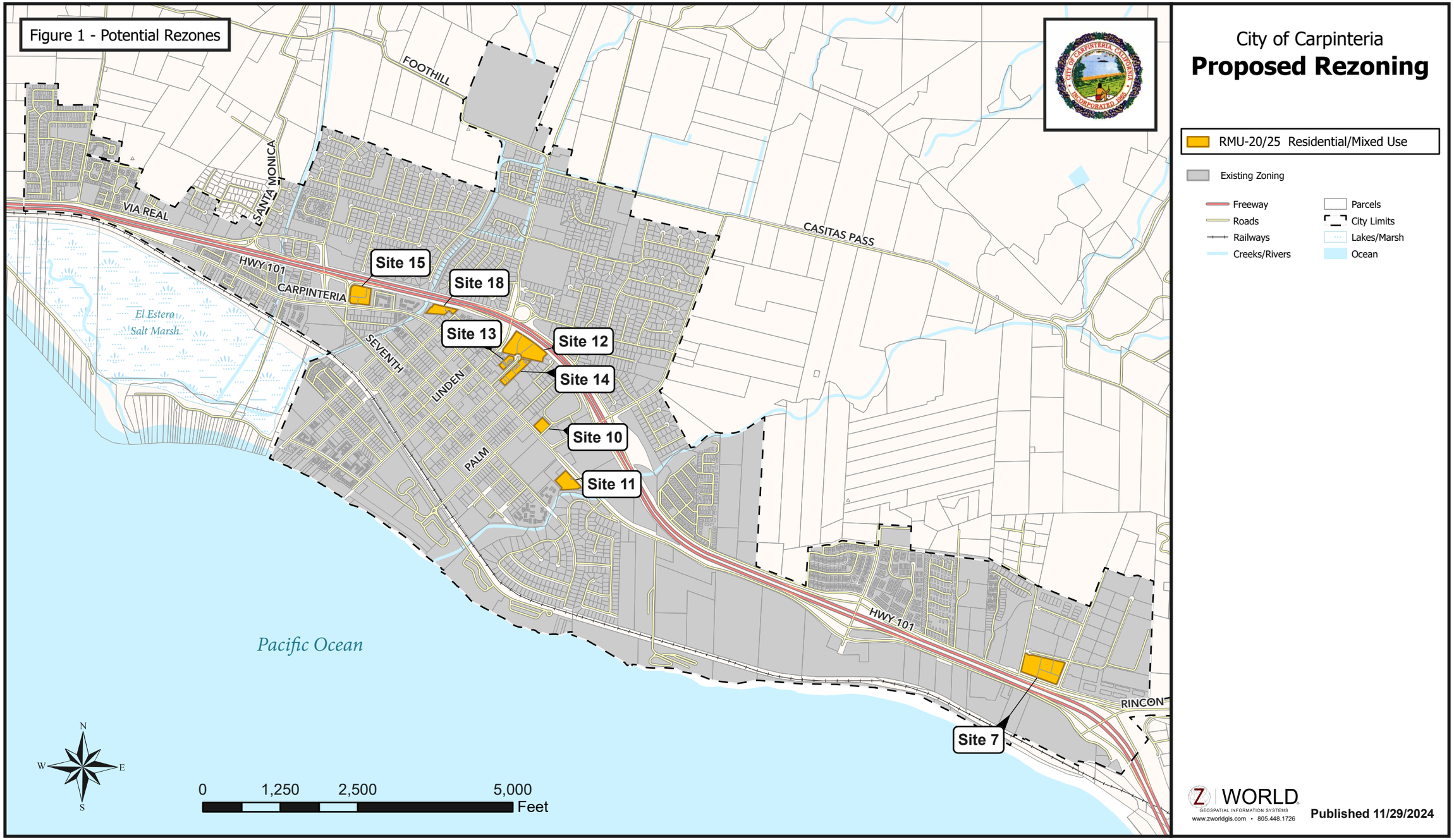
Figure 1 - Potential Rezones
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Pacific Ocean
RINCON
Site 15
Site 18
Site 13
Site 12
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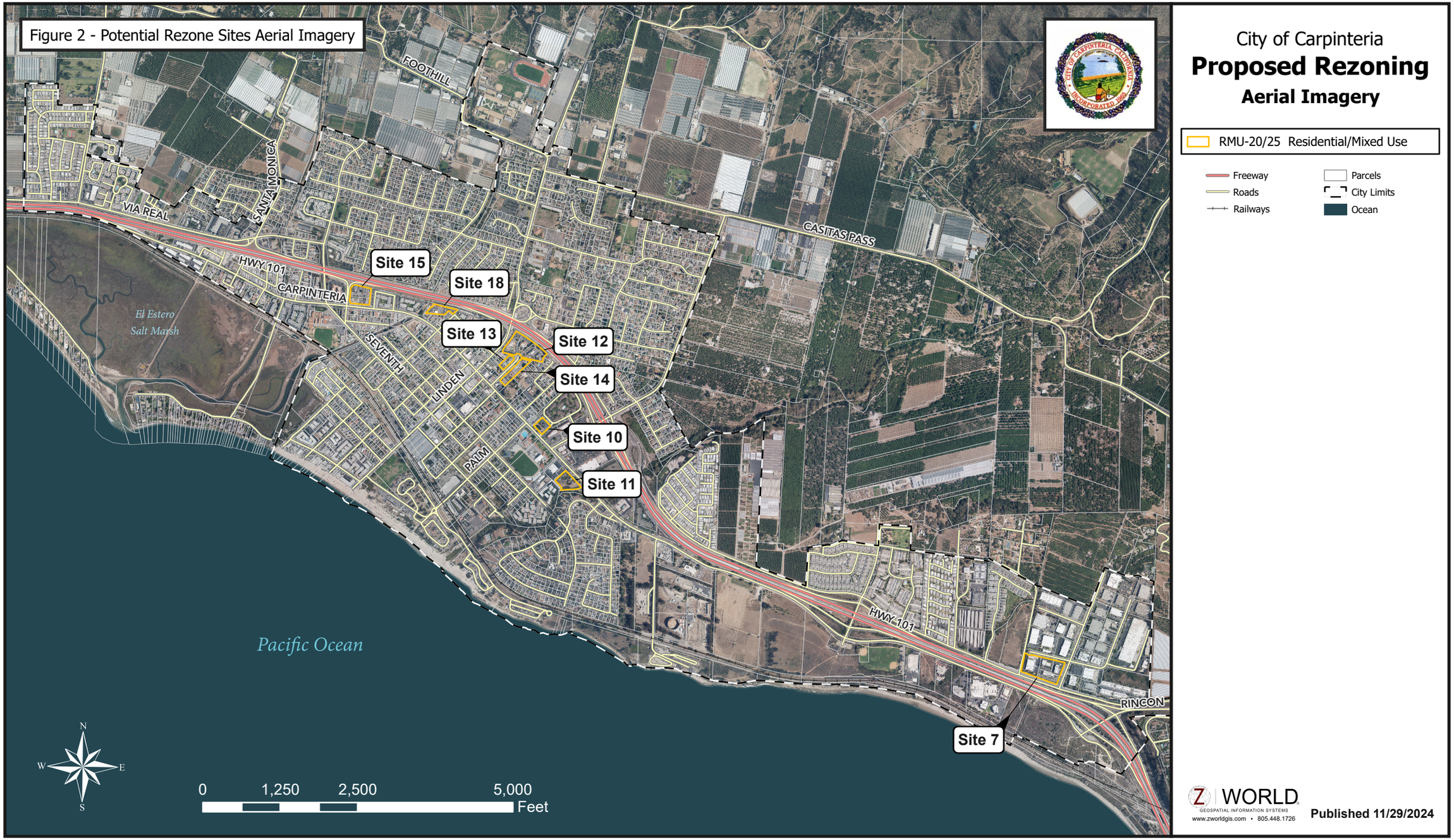
Figure 2 - Potential Rezone Sites Aerial Imagery
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
Site 15
Site 18
Site 13
Site 12
Site 14
Site 10
Site 11
Site 7
SEVENTH
LINDEN
PALM
El Estero
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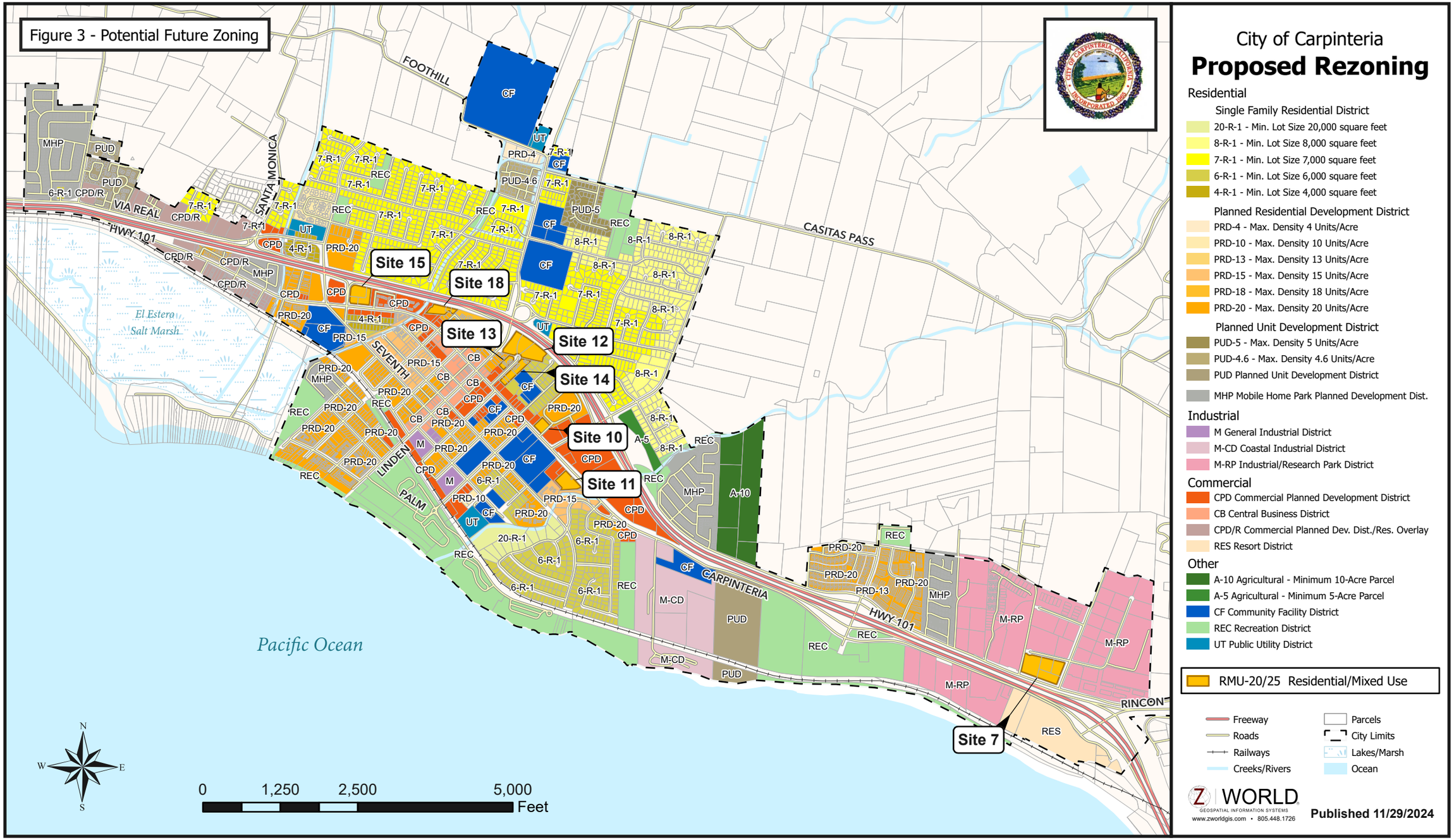
Figure 3 - Potential Future Zoning
City of Carpinteria
Proposed Rezoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
RMU-20/25 Residential/Mixed Use
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
Site 7
Site 10
Site 11
Site 12
Site 13
Site 14
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Site 18
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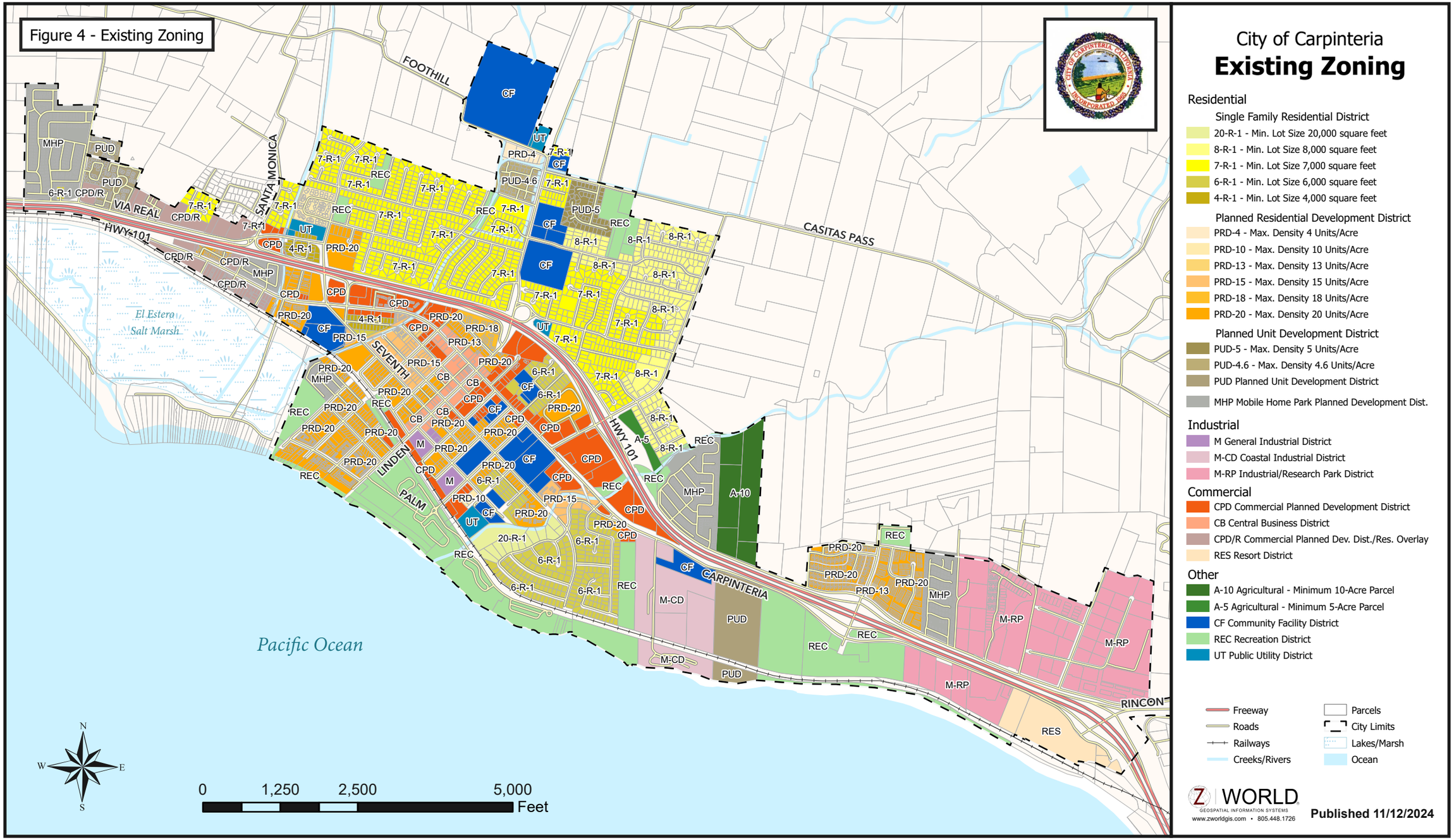
Figure 4 - Existing Zoning
City of Carpinteria
Existing Zoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
Freeway
Roads
Railways
Creeks/Rivers
Parcels
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Attachment G.

October 17, 2024 Architectural Review Board (ARB) Meeting Minutes (re: proposed ODS)

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

CITY OF CARPINTERIA
5775 Carpinteria Avenue
Carpinteria California 93013

ARCHITECTURAL REVIEW BOARD
Meeting Date October 17, 2024

ACTION MINUTES

The meeting was called to order at 5:31 p.m. by Vice Chair Blakemore

ROLL CALL

Boardmembers present: Amy Blakemore, Vice Chair
Richard Johnson
Richard Little
Patrick O'Connor

Boardmembers absent: Chair Brad Stein

OTHERS PRESENT:
Approximately 4 members of the public;
Community Development Director Nick Bobroff;
Principal Planner Brian Banks;
Principal Planner Mindy Fogg;
Senior Planner Syndi Souter; and
Assistant Planner Megan Musolf

PUBLIC COMMENT: None

PROJECT REVIEW

1) Project: Minear-Almgren Fence & Gates, Project 24-2307-FENCE/ARB
Address: 1455 Camellia Circle
Applicant: Brian Brodersen, landscape architect, for Jeffrey Becker, Becker Group, Managing Member of Seaside Apartment Investors, LLC
Planner: Syndi Souter

Request of Holly Minear and Hans Almgren, property owners, to consider Project 24-2307-FENCE/ARB for preliminary review of a proposal for approval of "as-built" redwood fencing and gates, ranging from 3.75-feet to 8-feet in height, that were constructed in the front and side yard setbacks of the property. The property is a 9,147 square-foot parcel zoned Single Family Residential (7-R-1) and shown as APN 003-590-023, addressed as 1455 Camellia Circle.

Ex Parte Communications Disclosure: None

Staff Comments:
Syndi Souter provided a presentation and described the project. Syndi detailed the "as built" fence plans, and described the previously existing fence design and heights as compared to the existing fence the Board is reviewing. Syndi concluded her presentation with an analysis of the proposed (as-built) fence relative to the zoning code requirements and Neighborhood design objectives and policies, and asked for the Board's comments on the following issue areas:

- Design and materials for the fencing and gates;
- Height of fencing and gates; and
- Location of fencing in front yard setback.

Applicant Comments:
Holly Minear and Hans Almgren, property owners, were in attendance and provided brief comments. Holly explained to the Board that it was time to replace the fencing and that the rebuilt fence was very similar to the previously existing fence's height, location and material/design. She further explained that the purpose of the 8-foot portion is to screen the RV stored on the adjacent property from view. Hans related that their 8-foot portion of fence is lower in height that the adjacent neighbor's fences.

Public Comments:
Miles Calkins, a neighbor at 1450 Camellia Circle, spoke in support of approving the existing fence as designed/constructed, and that it is appropriate for the neighborhood.

Boardmember Discussion:
Boardmember O'Connor commented that the fence looks nice and he supports approval of it.

Boardmember Little commented that the fencing material and design is appropriate but is concerned with the height of the portion of fence within the front setback and recommends that the first and second "tiers" be brought down to the 3-foot ordinance standard.

Boardmember Johnson commented that there was precedent set by the previous fence's construction although the previous fence was not permitted. He has no objections to the fence as designed, including the fence material and design.

Vice Chair Blakemore commented that she sees the value in the way the fence is located and designed, but is concerned with the height of the first tier of fence height nearest the street being a safety concern with respect to line-of-site and pedestrian safety. Vice Chair Blakemore suggested that the Board consider a conceptual motion to reduce the first tier of fence (currently 3.70-feet) to 3-feet.

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember O'Connor, to recommend approval to the Director with the condition that the first tier of fencing in the front setback currently a 3.70-feet in height be reduced to 3-feet in height.

VOTE: 4-0

2) Project: Objective Design Standards for Multifamily Residential and Mixed-Use Developments
Address: Citywide
Applicant: City of Carpinteria
Planners: Mindy Fogg and Megan Musolf

Request of by the City of Carpinteria to consider Project 24-2279-ORD/LCPA for review of proposed Objective Design Standards (ODS) that would apply to specified multifamily residential and mixed-use developments in the City. The ODS are proposed as a new chapter in Title 14, Zoning, of the Carpinteria Municipal Code and are part of a larger project to rezone sites in the City to satisfy the City's 2023-2031 Housing Element Program 1, Adequate Sites to Accommodate Regional Housing Needs Allocation.

Ex Parte Communications Disclosure: Boardmember O'Connor commented that he reached out to Long Rang Planning staff with questions about which properties are proposed for the new Mixed Use Zone.

Staff Comments:
Community Development Director Nick Bobroff introduced the City's long-range planning team, comprised of Mindy Fogg, Principal Planner, and Megan Musolf, Assistant Planner. Megan provided a presentation and described the purpose of the Objective Design Standards (ODS) as a component of the larger effort to implement Program One of the City's 2023-2031 Housing Element, and how they would apply to future residential and mixed-use projects within certain zone districts. Megan provided an overview of the topics of the proposed ODS for the ARB's consideration and the related proposed standards of a new Chapter in the Zoning Ordinance (14.51). Megan concluded her presentation with a list of particular Ordinance sections requiring additional input from the Board, and asked for the Board's overall comments on the following elements of the Objective Design Standards:

- Massing and placement of multi-story buildings, particularly regarding required stepbacks and height limits for upper stories;
- Design elements specific to the Downtown T area (Linden and Carpinteria Avenues);
- Architectural styles permitted (or not permitted) by the design standards;
- Privacy considerations for residences within a mixed-use development, particularly regarding window placement on adjacent building facades; and
- Colors and materials, including exterior lighting.

Vice Chair Blakemore opened the discussion to boardmembers for questions. Boardmember O'Connor relayed his understanding of how the ODS would be implemented in the context of the Housing Element and proposed mixed-use zone (MU 20/25), and wondered if the ODS could be an opportunity to readdress how density is calculated for larger housing projects, particularly regarding the exclusion of non-buildable area from the calculation. He also asked if staff had considered consulting the Design Review Committee to review the ODS. Principal Planner Brian Banks noted that this could be discussed following public comment.

Boardmember Little asked if Housing Element candidate site property owners had a say in whether their property is rezoned by the City to MU 20/25. Mindy responded that a rezone could be done without property owner support, but that staff invite all property owners to attend Planning Commission and City Council meetings or submit comments so that their comments are considered in the decision-making process. Boardmember Little also asked if a citywide parking needs study had been completed to inform the required parking ratios in the ODS. Nick responded that no study has been done, but the ODS parking ratios for affordable units matched the parking ratios provided in State density bonus law. Boardmember Johnson commented that many residents do not use their garages for parking vehicles, adding to parking problems.

Applicant Comments: N/A

Public Comments:
Annie Sly addressed the Board with questions regarding if the purpose of the ODS is to protect the City from "Builder's Remedy" projects; if after the City approves the ODS can the State still overrule them; questioned how long the rezone process will take; and if there are any other remaining requirements still left to be completed for the City's Housing Element to be compliant with State housing requirements. Nick Bobroff then began responding to the questions at the request of Vice

Chair Blakemore, explaining that implementing ODS does give the city some "protection" since projects required by State law to be reviewed ministerially would still have to comply with them. The ODS could function as a "backstop" when projects cannot be reviewed by the ARB or Planning Commission. Brian added that well-crafted ODS are key for City staff to complete ministerial review of projects. Nick continued that Housing Element implementation programs do get reviewed by the State's Department of Housing and Community Development (HCD), and HCD could reject the implementation if it is deemed to not sufficiently support housing production, but that many of the types of standards in the ODS have been implemented successfully by other jurisdictions. Mindy noted that staff is currently aiming to have the rezones adopted by City Council by January 2025, and then staff would immediately submit the project to the California Coastal Commission and HCD for review.

Boardmember Discussion:

Chair Stein provided an email to the Board expressing that the proposed Objective Design Standards are very thorough and clear, but he has concerns that raising the height to 35-feet from the current 30-foot height limit, when combined with allowed height exceptions for certain elements such as mechanical enclosures and elevators can result in buildings with a height in excess of 40-feet. Vice Chair Blakemore acknowledged Chair Stein's comments. Mindy clarified that the proposed increase in height limit would be contained in the new MU zone district, not the ODS, although the ODS do propose height limits for each story. Nick added that HCD has informed the City that the current 30-foot height limit is an impediment for three-story buildings, which are necessary to achieve the required housing element densities.

Boardmember Little inquired if the proposed ODS contained any standards that conflicted with the recently approved mixed-use project at 4745 Carpinteria Ave. Megan replied that staff had considered this project in writing the ODS, but the ODS were not modeled after it. Brian elaborated that staff had used the project as an example of appropriate story height in the context of a larger discussion about setting story heights for small residential units. Boardmember Little suggested not listing BBQ grills as an amenity in open space areas. He agreed with the proposed story heights. He said he felt that stepbacks larger than two feet would be better for the proposed "contextual upper story stepbacks," and that screening for upper-story private open spaces should be no higher than four feet. He commented that every 50 feet felt too far for a roofline variation requirement, and recommended it be changed to 30 feet. Boardmember Little asked, in relation to the proposed 15-foot rooftop open space setback, if the current proposal to renovate the Palms building on Linden would satisfy this standard. Staff said it may on some sides, and Nick clarified that the 15-foor setback was intended to prevent rooftop open spaces from looking down into peoples' private yards. Nick suggested language could be added to clarify the setback would be needed when the abutting property is residential, and the Board agreed. Finally, Boardmember Little brought up the idea of allowing tandem parking, and staff responded that they would look into how it could be incorporated in the ODS.

Boardmember O'Connor felt the City should implement neighborhood-specific design standards in the future. He related back to his prior comments regarding density and said he wanted to prevent high-rise buildings on small lots with environmental or other constraints. Nick responded that the State requires a minimum density of 20 units per acre for Housing Element rezone sites, and that density is calculated with gross lot size. Boardmember O'Connor expressed that only the buildable area on a site should be considered in density calculations, and Nick replied that staff, for the ODS and MU 20/25 zone, is working with existing Zone Code rules which utilize gross lot size. Lastly, Boardmember

O'Connor questioned how projects would be handled in the proposed MU 20/25 zone that reuse existing structures. Brian responded that staff expect most projects that would utilize the ODS would likely be full demo/rebuild type projects due to the high cost of retrofitting old buildings for new residential, and Mindy noted that it could be feasible for a few candidate sites to repurpose existing buildings while meeting the ODS.

Boardmember Johnson expressed that he felt the ODS were a sound starting point, although many hours could be spent discussing them. Nick replied that the proposed ODS, if implemented, can be reviewed and changed in the future once projects have begun to actually use them. Boardmember Johnson concurred with Boardmember O'Connor's comments regarding calculation of density, and then expressed concern about the ODS pushing buildings right up to the front property line. Nick responded that no MU 20/25 rezone sites are proposed on Linden Ave where a zero-foot setback exists, and that the MU 20/25 zone proposes 5-to-15-foot front setbacks.

Vice Chair Blakemore commented that the proposed 35-foot height limit in the MU 20/25 zone should be inclusive of elevators and other equipment on top of buildings. She felt there should not be any exceptions to the proposed story height limits for certain roof styles, and that the two-foot upper story stepback was adequate— a larger stepback would not accommodate higher densities. She did not support allowing BBQ grills in common/public open spaces. For landscaping requirements, Vice Chair Blakemore recommended increasing the required number of 5-gallon plants per 1,000 square feet from 10 to 20, and to find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure (she suggested compiling a list of trees to avoid).

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember Johnson, to recommend approval to the Planning Commission with their comments attached.

VOTE: 4-0

OTHER BUSINESS: None

CONSENT CALENDAR:

3) Action Minutes of the Architectural Review Board Meeting of September 26, 2024.

ACTION: Motion by Boardmember Johnson, seconded by Boardmember Little, to approve the minutes as drafted.

VOTE: 3-0 (O'Connor abstained)

MATTERS REFERRED BY THE PLANNING COMMISSION/CITY COUNCIL: None

MATTERS PRESENTED BY BOARDMEMBERS/STAFF: None

ADJOURNMENT

Vice Chair Blakemore adjourned the meeting at 7:00 p.m. to the next scheduled meeting to be held at 5:30 pm on Thursday, November 14, 2024. All Boardmembers present expect to attend.

_____
Chair, Architectural Review Board

ATTEST:

_____
Secretary, Architectural Review Board

Attachment H.

Consistency Analysis with the City's General Plan/Coastal Land Use Plan

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

City of Carpinteria
General Plan/Coastal Land Use Plan (GP/CLUP) Consistency Analysis for the 2023-2031 Housing Element Update Zoning Amendments Project 24-2279-ORD/LCPA

On January 22, 2024, the City Council adopted the 2023-2031 Housing Element[1], which outlines how the Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. Now the City must implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

This analysis provides an evaluation of the proposed Project, which is the implementation of Program 1. It requires amendments to the Carpinteria Municipal Code ("CMC") and Local Coastal Program ("LCP") and consists of the following three main components:

A. The addition of the Residential/Mixed Use ("RMU") Zoning District in Title 14 of the CMC;
B. The addition of Objective Design Standards ("ODS") in Title 14 of the CMC;
C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning districts to the new RMU Zone.

The amendments to the Zoning Map would involve up to 17 Candidate Opportunity Sites, which are listed in Table 1.

Table 1 – Proposed Project: 17 Sites to be Potentially Rezoned to Residential/Mixed Use

Site #	Location	Site Size (ac)	Current Zoning	Current General Plan
3	1000 Bega Way	9.68	M-RP	RDI
4	6250 Via Real	8.47	M-RP	RDI
5	6380 Via Real	8.63	M-RP	RDI
6	Cindy Ln; Mark Ave; Rose Ln	10.58	M-RP	RDI
7	Cindy Ln; Via Real	5.51	M-RP	RDI
8	Mark Ave; Cindy Ln	10.02	M-RP	RDI
9	Cindy Ln	4.49	M-RP	RDI
10	5320 Carpinteria Ave	1.08	CPD	GC
11	5437 Carpinteria Ave	1.98	CPD	GC
12	Eugenia Pl	4.66	CPD	GC
13	Eugenia Pl	0.80	CPD	GC
14	Eugenia Pl	1.88	CPD	GC
15	Carpinteria Ave	2.45	CPD	GC
16	Carpinteria Ave	0.67	CPD	GC
18	Holly Ave; Carpinteria Ave	1.47	CPD	GC
20	Palm Ave	0.77	CPD	GC
21	Carpinteria Ave	6.31	M-RP	RDI

[1] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's 2003 GP/CLUP. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories allow for residential uses in their definitions:

> ***General Commercial ("GC")***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented.*
>
> ***Research & Development Industrial ("RDI")***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential.*

I. Project Consistency with the Land Use Element

The following analysis focuses on how the proposed Project is consistent with applicable Land Use Element objectives and policies.

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.*

Discussion: This objective was taken into consideration during the 2023-2031 Housing Element Update process. Candidate Opportunity Sites chosen for potential rezoning were screened to ensure that their locations make sense for siting future housing in the City while ensuring there would be minimal impacts to coastal resources, coastal access, and recreational opportunities. Site profiles for Candidate Opportunity Sites are provided in Figure B-4 of Appendix B[2] of the Housing Element. All Sites were selected based on substantial evidence that they could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise. Moreover, the 17 Sites (Table 1 above) under consideration for the proposed Project are located in commercial and light-industrial/research park

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

areas of the City and would support compatible housing and/or mixed-use development in context with other existing and planned development patterns.

Policy LU-1a: *The policies of the Coastal Act (Public Resources Code Section 30210 through 30263) are hereby incorporated by reference (and shall be effective as if included in full herein) as the guiding policies of the land use plan.*

Discussion: The proposed Project would comply with the provisions of the Coastal Act and with the City's Local Coastal Plan ("LCP"). Appendix B of the Housing Element describes the City's Candidate Opportunity Sites and includes an initial evaluation of those sites with respect to Coastal Act and the City's certified LCP's protections for coastal resources. The candidate sites were selected based on substantial evidence that these sites could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise.

Policy LU-1d: *Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space/recreation or agriculture (as shown on Figure LU-1) are compatible with these public resources and will not be detrimental to the resource.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), no Sites are located next to agriculture and only Site #21 is located adjacent to designated open space/recreation. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would not be detrimental to the adjacent recreational area since the uses are compatible, the properties involved are easily accessible for vehicles and pedestrians, and future development would not create any hazards or nuisances that would disrupt the ongoing use of the ball fields.

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*.

Discussion: The overall Project would be consistent with this objective. The intent of the standards in the RMU Zone and ODS is to ensure that future housing growth occurs in a manner that is compatible with the existing small beach town character.

Site Nos. 8 and 9 are located at the City's eastern edge. Site No. 8 is developed with industrial/office park uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site No. 9 is vacant but surrounded by industrial development to the north, south, and west. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned uses for the area.

The remaining 15 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops, and is either served by all needed utilities or has direct access to existing utilities. With the application of the ODS, the future residential and mixed-use development would be compatible with the existing small beach town character.

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.*

Discussion: The proposed Project would be consistent with this policy. It would incentivize new residential development adjacent to existing development in commercial and light industrial/research park designations to allow for redevelopment and infill in the urban core, near existing services and jobs.

All 17 Candidate Opportunity Sites are located adjacent to existing developed areas of the City. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and railroad corridor to the south.

The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the rezones would concentrate development in the City's urban core by focusing on locations with existing commercial/research park land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

Therefore, the new RMU zone district requiring residential densities of 20-25 dwelling units per acre on up to 17 select Candidate Opportunity Sites (Table 1) that are located in GC and RDI designated areas would appropriately concentrate higher-densities in the urban core and prompt redevelopment of existing structures.

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

Discussion: The proposed Project is the implementation of a key program from the adopted 2023-2031 Housing Element. Both the City's and the County's Housing Elements this cycle were prepared through a cooperative assessment with the Santa Barbara County Association of Governments ("SBCAG"). See more detailed discussion under Policy LU-6a below.

Policy 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.*

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

Discussion: Consistent with these Policies, identified Candidate Opportunity Sites were selected, in part, based on their proximity and access to important services, including but not limited to transportation infrastructure and recreational areas. All of the sites under consideration are located directly on, or within short walking distance (i.e., less than ¼ mile) of the City's main bus route.

Policy LU-3j. *Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the Land Use categories.*

Policy LU-3l. *Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in an area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development.*

Policy LU-3m. *Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district.*

Discussion: The proposed RMU zone district has been designed to be vertically consistent with the types and intensities of development contemplated for the GC and RDI land use categories, including provisions for accommodating multifamily residential and mixed-use infill opportunities in these land use categories, and also complying with the requirements of Housing Element law as it pertains to rezones required to meet the City's RHNA.

Policy LU-5a. *The City shall continue to give priority to agriculture, coastal-dependent industry and visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over residential, general industrial, or general commercial development.*

Discussion: Consistent with this Policy, none of the Candidate Opportunity Sites currently under consideration are designated for agriculture, coastal-dependent industry, or visitor-serving commercial use.

Objective LU-6: *Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing.*

Discussion: The application of the new RMU Zone and ODS to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

Consistent with this Objective, the proposed RMU Zone would establish a new zoning district that aligns with the GC and RDI land use categories intended to promote infill residential and mixed-use development at densities that would encourage the production of workforce housing and incentivize the inclusion of below-market rate housing units in such projects. Compared to other zone districts within the City that allow for multifamily residential uses, the proposed RMU Zone would allow for slightly more relaxed development standards (e.g., height, setbacks, parking) in an effort to accommodate targeted densities.

Policy LU-6a. *The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site.*

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on parcels designated for commercial and industrial uses would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity

Sites that were compatible with existing and anticipated uses in the areas surrounding the Sites were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations in a manner that can be found consistent with this Policy directive.

This would also help the City to improve and maintain an appropriate local/regional jobs-housing balance. As explained in the 2023-2031 RHNA Plan[3], SBCAG reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing, and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs-housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs-housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs-housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

Policy LU-6b. *The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone*

[3] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles), and could help contribute towards meeting the City's workforce and affordable housing needs.

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permissible in the GC and RDI land use categories and their corresponding zone districts. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue within the Downtown "T" (based on Community Design Element Subarea 2a) be required to be developed in a mixed-use fashion that maintains a commercial component on the ground floor. Outside of the Downtown "T," sites rezoned to the RMU district would have the option of being developed in a mixed-use arrangement or residential-only. In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

Policy LU-6c. *Parcels designated coastal-dependent industrial or visitor-serving commercial shall not be considered for mixed-use or residential use, with the exception that second-story mixed-use or residential use shall be allowed on visitor-serving commercial parcels in the Downtown Core District.*

Discussion: Consistent with this Policy, none of the identified Candidate Opportunity Sites are designated for coastal-dependent industrial or visitor-serving commercial use. Proposed rezone sites were instead selected from existing sites designated for GC and

RDI land uses that currently allow for mixed-use and residential uses in certain circumstances.

II. Project Consistency with the Community Design Element

The following analysis focuses on how the draft ODS in particular are consistent with applicable Community Design objectives and policies.

Citywide Community Design Objectives

Objective CD-1: *The size, scale and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern.*

Objective CD-2: *Architectural designs based on historic regional building types should be encouraged to preserve and enhance the unique character of the city.*

Objective CD-3: *The design of the community should be consistent with the desire to protect views of the mountains and the sea (California Coastal Act of 1976 §30251).*

Discussion: The ODS propose standards which address the relationship between the project site, adjacent sites, and the new development. Section 14.51.040- Building Form, Massing, and Articulation proposes contextual standards that reflect structures surrounding a proposed project, such as a requirement to maintain an existing contiguous street façade (like on parts of Carpinteria and Linden Avenues); upper story step backs when a project is within 20 feet of a side property line or when adjacent to a single-story building; and reduced upper-story massing (80% of the ground story, or 70% for lots of 5,000 square feet or less). Section 14.51.050 – Site Design proposes standards that ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

The requirements for building massing and variation do not confine buildings to a certain architectural style, allowing for the continued charming variety of architectural styles seen in the City, while at the same time requiring elements that prevent boxy, generic structures. For example, façades must incorporate variations in wall depth or elements like a porch or stoop to create animated spaces. Proposed restrictions on story heights prevent structures from being taller than necessary and roofline variation requirements create breaks in massing at the top of buildings, allowing for views to remain incorporated in projects.

Key Physical Community Design Characteristics

Objective CD-5: *The streets of neighborhood interiors should be designed to be the "living rooms" of the neighborhood, where children and adults can safely play or walk. The design and details of streets, frontages and buildings should support this objective.*

Policy CD-5a. *Main entrances to homes should be oriented to the street. Entry elements such as porches, stoops, patios and forecourts are encouraged. Such entry elements should be selected for their compatibility with the adjacent houses and the general neighborhood pattern.*

Policy CD-5b. *Garages should not dominate views from any public street.*

Policy CD-5c. *Low walls, low fences and hedges should be encouraged along the frontages to define the edge of the private yard area, where appropriate.*

Policy CD-5d. *Houses within a neighborhood may vary in materials and style, but strong contrasts in scale, color and roof forms should generally be avoided.*

Discussion: Many of the proposed standards address street frontages and the relationship between public and private spaces. Section 14.51.070 proposes requirements for the placement and design of building entrances, a key component of how the public interacts with building façades. The proposed ODS include elements that make public entrances inviting and interesting, and in mixed-use settings require separate entrances to residential and commercial spaces. Entrances would be required to provide a weather-sheltering element and/or decorative features, and street-facing entrances would need to incorporate enhanced paving to differentiate from the public right-of-way. Additional proposed requirements include maximum four-foot-tall fences, walls, or plantings around private open spaces within 20 feet of other residences, a limit on garages to occupy no more than 50% of a façade, and pedestrian walkways that connect public rights-of-way to key elements within a development (such as entrances, bicycle parking, and other amenities). Together, these various ODS would create inviting, interesting façades and entryways that would make neighborhood streets feel safe and vibrant.

Policy CD-6a. *Neighborhood-serving commercial or apartment buildings should be oriented to the street that bounds or enters the neighborhood. Front doors should face the street, with primary access directly from the public sidewalk. The buildings should be compatible in scale with nearby residential buildings.*

Policy CD-6b. *Parking lots should be beside or behind the buildings, not in front. On-street customer parking for small neighborhood-serving shops, restaurants, offices and service businesses is encouraged. Such on-street parking should be managed as short-*

term convenience parking, and should not conflict with parking for coastal access or for nearby residences.

Discussion: The proposed ODS would require commercial uses to locate main entrances toward the primary street. Parking and loading areas would not be permitted between any building and the primary right-of-way. The number of required parking spaces is determined by the zone district and is not included in the proposed ODS.

Objective CD-7: *Enhance and maintain the Linden Avenue downtown core, the Carpinteria Avenue commercial core, the Eugenia professional office area, the Casitas Village, Shepard's Place Shopping Center, and the Cindy Lane-Mark Avenue industrial park districts.*

Policy CD-7a. *Retail and commercial uses should generally have large transparent "storefront" windows for display of merchandise to pedestrians. Blank sections of walls on street frontages are strongly discouraged.*

Policy CD-7c. *Loading and trash facilities should be located where they are screened from view. The use of alley and service roads is encouraged for these facilities.*

Policy CD-7d. *Courtyard housing types, with multiple small units fronting onto a common courtyard or garden, are encouraged as an alternative to apartment "blocks" or more massive buildings within mixed-use districts.*

Discussion: The proposed ODS would be applicable to any sites rezoned to the proposed RMU zone district, as well as specified projects which could receive ministerial or streamlined review under the California Government Code. New mixed-use and/or residential developments could "enhance" these areas by providing new housing and job opportunities and public amenities. Commercial frontages on Linden and Carpinteria Avenues would have to incorporate transparent windows and doors for at least 50% of the wall area between three and seven feet high, and wall plane variation requirements proposed in Section 14.51.040 would additionally prevent "blank sections" of frontages. Mechanical equipment, waste receptacles, and loading areas for commercial uses would require screening from public view through landscaping or enclosures, and loading zones would be prohibited along the primary street façade. Developments would be prevented from forming apartment "blocks" with unbroken facades through a combination of the zone district's development standards (e.g., building coverage, open space requirements) and the ODS (e.g., minimum dimensions for open space, contextual upper-story setbacks, wall plane variation requirements).

Objective CD-8: *To encourage and facilitate pedestrian and bicycle pathways.*

Policy CD-8a. *All streets should be designed with safe and pleasant pedestrian ways at their edge. Pedestrian ways shall be spatially separated from vehicular traffic by elements such as trees, other plantings, streetlights, and/or parked cars.*

Policy CD-8b. *To provide convenient pedestrian routes, the existing network of automobile lanes, trails and pedestrian ways in the Downtown District and adjacent neighborhoods should be preserved, reinforced and extended into other neighborhoods. This pedestrian network should be in addition to, not in lieu of, pedestrian ways on the streets.*

Discussion: The proposed ODS provide several standards related to pedestrian access and circulation on a site. Walkways would be a required minimum of four feet wide and would need to connect the public sidewalk to areas all throughout the site. For sites located more than 300 feet from an intersection, a public access walkway would be required through the lot to connect blocks to one another. Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). While the ODS do not address bicycle infrastructure in the public right-of-way, the ODS do propose requirements for bicycle parking for both commercial and residential uses, enhancing the bike-friendliness of the City.

Objective CD-10: *Areas with attractive frontage designs should be maintained. New development should be carefully planned with frontage areas, which maintain and enhance the quality of Carpinteria's streetscape.*

Policy CD-10a. *Minor variations in front yard building alignments within a block are encouraged. Relatively steady setback patterns clearly define the public space of the street and reinforce small town character.*

Policy CD-10b. *Frontages where residential uses abut a major thoroughfare should include buffering elements such as yards, forecourts, courtyards, and tree rows. Sound walls are the most primitive form of buffer and should be used only where other methods are impractical. If sound walls are used they should be attractive and well landscaped.*

Policy CD-10c. *Commercial and mixed-use frontages should generally have wide sidewalks adequate to encourage customers and residents to walk, shop and linger in the public right-of-way. Commercial buildings should have large windows and entries on the street at the ground level. Residential ground floor uses should be set up or back from the street enough to afford privacy within the dwelling.*

Policy CD-10e. *Frontages with existing uses such as the parking, loading or storage of vehicles should be screened with walls and plantings that are consistent with the neighborhood character. These elements should be in scale with pedestrians.*

Discussion: Attractive building frontages are a key focus of the proposed ODS. Section 14.51.040 would address frontages on a larger scale, requiring wall plane variation, vertical breaks in color, material, or texture, roofline variation, and reduced upper story massing to prevent "looming" multi-story façades. Where an established façade setback pattern exists (such as along Linden Ave and parts of Carpinteria Ave), new developments would be required to maintain that pattern to fit in with the building character. Other sections propose standards to enliven and beautify frontages in smaller ways, such as requiring that front setbacks of commercial mixed-use spaces be public/pedestrian-oriented (e.g. providing seating, public art, etc.); that front entrances along the downtown "T" provide enhanced paving and decorative/weather protective elements; and that garages be recessed from the main wall plane and provide decorative treatments, like trellises or windows to soften their appearance.

A downtown ground floor transparency requirement is proposed, which would mandate that new mixed-use commercial facades facing Linden or Carpinteria Avenues include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Commercial components of mixed-use developments would be required to always be located closest to the primary street, and on the ground floor when commercial and residential is proposed in the same building, thereby siting the residential units away from the primary street. A five-foot landscaping privacy buffer would be required between all private open spaces (e.g. patios) and public spaces. As mentioned previously, loading areas and mechanical equipment would be required to provide screening through fences, landscaping, or other means to blend in with the surrounding character. For sites fronting Linden or Carpinteria Avenues, off-street parking would not be permitted in the front or side setback. Taken together, all of these standards would enhance neighborhood character and avoid blank, uninviting facades at the pedestrian, building, and block level.

Objective CD-11: *Existing public spaces should be maintained, and new public spaces should be incorporated into neighborhoods and districts as an important aspect of their design.*

Policy CD-11a. *Open space, in the form of parks and greens should be an integral part of each neighborhood plan, not configured as residual space unusable by the residents.*

Policy CD-11c. *All public spaces and facilities should reflect quality design.*

Policy CD-11f. *Landscape design guidelines should emphasize the use of native drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape. All landscaping shall utilize only non-invasive type plants.*

Discussion: The amount of required common and/or public open space is set by the zone district, but the ODS propose standards to enhance these spaces for the benefit of a development's residents and the public. As mentioned above, the ODS propose that

common/public open spaces be a minimum of 10 x 10 feet (preventing situations such as a long, narrow strip of residual land between buildings being counted as "open space") and provide at least one amenity to make the space useful— elements such as picnic tables, seating areas, play areas, and community gardens are proposed. Along Linden and Carpinteria Avenues, the ODS would require that any ground-floor courtyard, open space, or building setback from the street-facing property line be used for outdoor dining, public plazas, or entries, allowing for smaller public spaces to nestle along high foot traffic streets. Section 14.51.110 would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

Community Design Subareas

Subarea 2. The Downtown and Old Town

Objective CDS2-2: *Preserve and enhance the downtown's historic status as the center of commercial activity by encouraging a range of uses that serve both residents and visitors.*

Objective CDS2-3: *Preserve and enhance the downtown's historic status as the center of civic activity by encouraging the construction and expansion of cultural and governmental facilities in the downtown.*

Policy CDS2-a. *Ensure that new intensified land uses within the Downtown remain consistent with the city's "small beach town" image.*

Policy CDS2-b. *To enhance the pedestrian character of the downtown's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would contribute to the downtown's status as the center of commercial and civic activity by requiring building designs that blend residential and mixed-use into the existing vibrant cityscape. Mixed-use developments would require commercial frontages to be public and visitor-oriented—architecturally detailed street-facing entrances and pedestrian amenities in front setbacks—while residential-only developments would require adequate privacy for residents while maintaining openness and "curb appeal"—windows with improvements like shutters or awnings; a maximum height of four feet for fences, walls, or hedges facing a public street to prevent the street from being walled off; and no expansive, blank garage doors facing the street. New downtown development accommodating both commercial and residential uses has the

potential to create a pedestrian-centric neighborhood with people in close proximity to work, home, cultural and leisure amenities, and shopping areas.

Subarea 2a. The Downtown Core District

Objective CDS2A-2: *Preserve and enhance the downtown's historic status as the center of commercial activity of the city by encouraging a range of uses that serve both residents and visitors.*

Discussion: Consistent with this Objective, proposed rezones within the Downtown Core are limited to sites along the periphery of the Downtown "T" that are not designated for visitor-serving commercial use, but where mixed-use or multifamily residential uses would be appropriate and can help to preserve and enhance commercial activity throughout the downtown. The proposed ODS ensure that new development of these sites is pursued in a manner that preserves the character of the community.

Policy CDS2A-a. *Encourage and carefully regulate the development of two- and three-story mixed-use building along Linden and Carpinteria Avenues, to define a vital, lively, and valuable center for the city while prioritizing visitor-serving commercial uses.*

Policy CDS2A-b. *Ensure that intensified land uses within the subarea support a lively place to visit, live, work and shop, and that the scale and character of the District remain consistent with the city's "small beach town" image.*

Policy CDS2A-c. *Encourage the gradual but systematic transformation of Carpinteria Avenue from a highway commercial strip to an integrated downtown street similar in character to Linden Avenue.*

Policy CDS2A-d. *Enhance the pedestrian character of the District's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would carefully regulate development of mixed-use projects in this key downtown "T" area. The "intensity" of land uses would be more precisely regulated by the new RMU zone district. But the proposed ODS would require reduced upper story massing, upper story setbacks, and roofline variation, which can lessen the perceived intensity of a development from the street or sidewalk. Required architectural details on windows, entryways, and roofs without a strict architectural style imposed overall would invite interesting variety and add to Carpinteria's eclectic "small beach town" feel. The ODS propose to site parking and loading areas away from Carpinteria and Linden Avenues, preventing pedestrian-hostile frontages dominated by asphalt.

Subarea 4. The Northeast

Objective CDS4-1: *Strengthen the visual and physical connections between the subarea, the downtown and other neighborhoods and districts in the city.*

Objective CDS4-2: *To take advantage of the subarea's unique mixture of workplaces and affordable housing to develop a vital living and working center for the city.*

Objective CDS4-3: *Enhance existing residential neighborhoods and ensure that new development improves the neighborhood scale and character.*

Discussion: The ODS propose design requirements that would appropriately blend residential and commercial uses in a mixed-use development supported by the Northeast neighborhood objectives. Currently, the Northeast as viewed from Via Real lacks significant draw and pedestrian-oriented infrastructure, and the industrial/commercial uses are entirely separated from residential uses. The ODS would require new development to amplify pedestrian infrastructure and design frontages that engage residents and passers-by, as indicated by analysis above, while still maintaining the business-oriented nature of the easternmost portion. The Northeast may currently be considered to lack the "small beach town character" that other areas of the City have, and the ODS would create a more cohesive sense of design in Carpinteria that prioritizes people instead of cars, and integrates residences with surrounding commercial areas.

Subarea 6. The Bluffs

Objective CDS6-1: *Maintain the Carpinteria Bluffs Access, Recreation & Open Space Master Program as the coordinated plan for the Carpinteria Bluffs area that will allow development of uses identified in the Land Use Plan herein, so as to complement one another and preserve and enhance the site's coastal environment. The plan should be maintained so as to include information adequate to define the environmental resources and hazards within the Carpinteria Bluffs, and to delineate precise and appropriate policies for their management.*

Objective CDS6-2: *Ensure that development is controlled to avoid impacts to significant viewsheds, vistas, and view corridors.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), only Site #21 is located in the Bluffs subarea. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would be

required to comply with the RMU development standards and ODS, as well as policies for coastal resource protection.

III. Project Consistency with the Circulation Element

The following analysis focuses on how the proposed Project is consistent with applicable Circulation Element objectives and policies.

Objective C-3: *Provide a balanced transportation network with consistent designations and standards for roadways that will provide for the safe and efficient movement of goods and people through the community.*

Policy C-3k. *Segregate by design, enforcement and traffic pattern, routes of significant industrial and residential conflict.*

Discussion: The proposed Project would allow for future development of mixed-use and multifamily residential projects adjacent to commercial and light industrial/research park uses. However, careful consideration was given to selecting Candidate Opportunity Sites where the combination of residential uses with commercial/industrial uses would not result in direct land use conflicts, including those related to traffic patterns. The 17 Candidate Opportunity Sites are located on or very near arterial streets that have existing capacity for local vehicle trips and also have direct access to existing public transit. An additional benefit related to the locations of the 17 Sites is that multifamily development in these locations is expected to reduce overall vehicle miles traveled by placing more workforce housing near jobs.

Objective C-7: *Build demand for alternative transportation use by increasing ease, effectiveness, and social acceptability, and through foresighted planning.*

Policy C-7b. *Develop safe and direct pedestrian accessibility between residential areas, schools, parks, and shopping areas in both new and existing urban areas.*

Policy C-8l. *As a requirement of new development, significant attention must be paid to bicycle-friendly infrastructure and the maintenance of nearby old infrastructure.*

Discussion: The Project would increase demand for alternative transportation by placing housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. The ODS component of the proposed Project specifically addresses pedestrian access and circulation, as well as requiring adequate bicycle parking.

IV. Project Consistency with the Open Space, Recreation & Conservation Element

The following analysis focuses on how the proposed Project is consistent with applicable Open Space, Recreation & Conservation Element objectives and policies.

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.*

Discussion: The majority of the properties included in the Candidate Opportunity Sites list do not have any environmentally sensitive habitats, nor are they located in proximity to such resources. Four sites, Site 5, Site 11, Site 18, and Site 21, are located immediately adjacent to City creeks (Carpinteria Creek, Franklin Creek, and Lagunitas Creek). Existing creek protection policies implemented through the City's Creeks Preservation Program would apply to redevelopment of these sites under the proposed RMU zoning designation. Likewise, Site 21 is known to contain limited quantities of sensitive sage and bluff scrub habitat, which would be subject to the City's ESHA protection policies. Assumed densities and development potential for these sites factored in applicable resource protection policies (e.g., setback requirements, etc.), while still allowing for reasonable redevelopment scenarios.

Objective OSC-11*: Carpinteria will conduct its planning and administrative activities so as to maintain the best possible air quality.*

Policy OSC-11b. *Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).*

Policy OSC-11d. *Encourage the improvement of air quality in the Carpinteria Valley by implementing measures in the South Coast Air Quality Attainment Plan. For air quality enhancement, measures will include but not be limited to, measures to reduce dependence on the automobile and encourage the use of alternative modes of transportation such as buses, bicycles and walking.*

Discussion: The Project would minimize emissions from vehicles by placing residents near jobs and services. It would increase demand for alternative transportation by locating housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. All of the Candidate Opportunity Sites are located directly on the City's main transit line or within short (< ¼ mi.) walking distance of the route.

Policy 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 all of the following measures*

a. *Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas.*

b. *In addition to the bluff setback required for safety, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall not be greater in height than adjacent structures and shall not encroach seaward beyond a plane created by extending a straight line ("stringline") between the nearest building corners of the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest corners closest to the beach from the existing balconies, porches or similar appurtenances on either side of the proposed development. If the stringline is grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible.*

c. *Special landscaping requirements to mitigate visual impacts.*

Policy OSC-13b. *Require new development or redevelopment in the downtown section of Carpinteria to conform with the scale and character of the existing community and consistent with the city's theme of a small beach-oriented community.*

Policy OSC-13f. *Where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses.*

Policy OSC-13g. *Require new development to protect scenic resources by utilizing natural landforms and native vegetation for screening structures, access roads, building foundations, and cut and fill slopes in project design which otherwise complies with visual resources protection policies.*

Discussion: The proposed Project must allow for ministerial and streamlined permitting of medium-density multifamily housing per State law. As written, the draft RMU Zone, coupled with the draft ODS, would allow for such development on select rezone sites in the City while protecting important visual resources and broad unobstructed views. The RMU Zone standards would limit building and structure heights to 35 feet, require setbacks and distance between buildings, restrict building site coverage, and limit fence/wall heights.

The ODS propose many standards which address the relationship between the project site, adjacent sites, and the new development. They would prevent development from forming apartment "blocks" with unbroken facades via minimum dimensions for open space, contextual upper-story setbacks, and wall plane variation requirements. Attractive building frontages are a key focus of the proposed ODS, which include standards to enliven and beautify frontages. Proposed "Site Design" standards would ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). Section 14.51.110 of the ODS would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

V. Project Consistency with the Safety Element

The following analysis focuses on how the proposed Project is consistent with applicable Safety Element objectives and policies.

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

Policy S-4a. *All new development proposed in the 100-year floodplain must adhere to the County of Santa Barbara Floodplain Management Ordinance, Chapter 15-A of the County Code.*

Discussion: Some of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located within, or partially within 100-year flood zones. The flood zone maps are currently undergoing review and modification with the Federal Emergency Management Agency (FEMA). In any case, future development within the selected rezone sites would have to be evaluated for potential flooding and adhere to the City's and County's standards for development in areas prone to inundation.

With the exception of Site No. 21, none of the other Candidate Opportunity Sites for rezoning were identified in the City's Sea Level Rise Vulnerability Assessment and Adaptation Project ("SLRVAAP") as being vulnerable to sea level rise impacts resulting from one to five feet of sea level rise. The potential for impacts to Site No. 21 are associated with coastal bluff face retreat in the event of five feet of sea level rise. However, the City's existing bluff setback requirements and ESHA buffer requirements would offer adequate distancing from the bluff edge to mitigate sea level rise impacts over the expected economic life of any future development on the site.

Objective S-5: *Minimize the potential risks and reduce the loss of life, property and economic and social dislocation resulting from urban and wildland fires.*

Policy S-5a. *All new structures must adhere to the Carpinteria-Summerland Fire Protection District Ordinance and the Santa Barbara County Fire Department Ordinances, where applicable.*

Policy S-5b. *All new structures, whether within or outside the urban limit zone, must adhere to the city Fire Sprinkler Ordinance.*

Discussion: None of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located in high-fire severity zones. In any case, future development within the selected rezone sites would have to comply with all applicable fire safety standards.

VI. Project Consistency with the Noise Element

The following analysis focuses on how the proposed Project is consistent with applicable Noise Element objectives and policies.

Objective N-1: *The City will minimize noise impacts of Highway 101 traffic on residential and other sensitive land uses.*

Policy N-1a. *The City will plan noise-compatible land uses or design developments with noise attenuation features near Highway 101.*

Objective N-3: *The City will minimize the adverse effects of traffic generated noise from City streets on residential and other sensitive land uses.*

Policy N-3a. *The City will encourage site planning and traffic control measures that minimize the effects of traffic noise.*

Discussion: The proposed Project would create an RMU zone district and rezone select parcels to RMU such that streamlined and ministerial permitting of medium-density housing can occur within the City. Some of the potential rezone sites are located near Highway 101 and busy arterial streets. The California Building Code Section 1206.4 states:

> Interior noise levels from exterior sources must not exceed 45 decibels (dB) in any habitable room. The noise metric shall be either the day-night average sound level (Ldn) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan.

Based on these requirements of the Building Code, even ministerial projects must be designed and constructed in a manner that will attenuate excessive exterior noise levels.

VII. Project Consistency with the Public Facilities and Services Element

The following analysis focuses on how the proposed Project is consistent with applicable Public Facilities and Services Element objectives and policies.

Objective PF-6: *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*

Policy PF-6a. *The ultimate responsibility to ensure that the facilities (including systemwide improvements) needed to support the project are available at the time that they are needed shall be that of the sponsor of development projects.*

Policy 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.*

Policy 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.*

Policy PF-6d. *In cases where the City and/or special district requires capital facilities needed by development to be oversized, extended, or otherwise built over and above the minimum necessary to serve the development and the cost of such improvements is greater than the project's fair share of those facilities, at the city's discretion, a reimbursement agreement may be established with the developer to allow him to recoup the cost of providing capital facilities beyond the need directly created by his project from subsequent new development.*

Discussion: Although future development in the RMU Zone would be streamlined, it would not be exempt from these policies requiring that adequate services and utilities are available to the development project. Any future development or redevelopment accommodated under the new RMU zoning would be required to pay for its incremental increased demands on infrastructure and services through the City's Development Impact Fee program.

Additionally, as analyzed in the GP/CLUP, the Carpinteria Valley Water District, Carpinteria Sanitary District, and Carpinteria Summerland Fire Department have capacity to serve the full buildout of the planned growth. The proposed Project would not exceed the anticipated buildout of the GP/CLUP.

VIII. Project Consistency with the Housing Element

Finally, the project would be consistent with the adopted 2023-2031 Housing Element because the purpose of the project is to implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

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Attachment I.

Resolution 6350 Transmitting Ordinance Nos. 788, 789, 790, and 791 to the California Coastal Commission and the California Department of Housing and Community Development

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

RESOLUTION NO. 6350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 ARE INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S LOCAL COASTAL PROGRAM CONSISTENT WITH THE CALIFORNIA COASTAL ACT; DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE SECTION 30510 AND IN ACCORDANCE WITH SECTION 13551 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS; AND DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR HOUSING ELEMENT CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 65585.

PROJECT 24-2279-LCPA/ORD

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff held numerous meetings with HCD staff and California Coastal Commission staff regarding revisions to the Housing Element that would be protective of coastal resources and comply with Housing Element Law, made the necessary revisions to the Housing Element, and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted its 2023-2031 Housing Element to the HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Housing Element Program 1, completing necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, pursuant to Government Code Section 65860(a), the City's Zoning Ordinance (Title 14 of the Carpinteria Municipal Code) and Local Coastal Program must be amended to align with the required amendments to the Housing Element of the City's General Plan, including, but not limited to, Program 1; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or new Environmental Impact Report for the City to attain Housing Element certification from HCD; and

WHEREAS, on May 28, 2024, the City Council directed staff to proceed with phased implementation of Program 1 where in phase 1 the City would rezone sufficient sites to meet its RHNA shortfall that would not require a GP/CLUP amendment or new Environmental Impact Report, and in phase 2 the City would consider additional rezones for sites identified in Program 1 as part of its ongoing GP/CLUP amendment process; and

WHEREAS, in an effort to expeditiously implement Program 1 in a manner concurrent with recent case law,[1] City staff developed a new Residential/Mixed Use Zone District (Ordinance No. 788), Objective Design Standards ("ODS") which would apply to specified residential and mixed-use projects (Ordinance No. 789), and a

[1] *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, which determined that a jurisdiction may not rely on a residential zoning overlay to satisfy State Housing Element law if the overlay allows for both a higher density and a lower density development option.

phased rezone of recommended sites in the City to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791); and

WHEREAS, City staff prepared the Residential/Mixed Use Zone District (Ordinance No. 788) and ODS (Ordinance No. 789) to contain the development standards described in Program 1 of the City's Housing Element and in accordance Housing Element Law, including, but not limited to, Government Code Section 65583.2, subdivisions (c), (h), and (i); and

WHEREAS, based on the factors and evidence described in the Housing Element and evidence in the record, the recommended sites in the City to rezone to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791) are suitable to accommodate the City's lower income RHNA shortfall during the Housing Element planning period; and

WHEREAS, City staff have prepared a California Coastal Act and GP/CLUP consistency analysis for Ordinance Nos. 788, 789, 790, and 791, which based on substantial evidence concluded that adoption of these ordinances is consistent with the California Coastal Act as implemented by the City's GP/CLUP; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for the zoning amendments, for the purpose of implementing Program 1, and at this public hearing, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the amendments with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, following a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were introduced on a first reading, and, after considering all the evidence in the record, the Council moved to approve the Ordinances as follows:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and Approved the Ordinance 4-0-0-1 (Clark absent) as amended;

- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and

WHEREAS, in addition to introducing upon first reading, Ordinance Nos. 788, 789, 790, and 791—which are sufficient to accommodate the City's lower income RHNA shortfall—the City Council requested that the Council consider rezoning of additional sites (Housing Element Inventory Sites 5 and 21) to the Residential/Mixed Use District through a separate action in early 2025; and

WHEREAS, on December 9, 2024, at a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were heard on a second reading, and the Council adopted the Ordinances; and

WHEREAS, Ordinance Nos. 788, 789, 790, and 791 shall take effect immediately upon the date certified by the California Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and

WHEREAS, on December 9, 2024, after consideration of the Planning Commission's recommendation, receipt of public comment, due consideration of all evidence in the record, and discussion among the Council members and staff, the City Council adopted this Resolution certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's GP/CLUP consistent with the California Coastal Act, and directed that these Ordinances be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code Section 30510 and in accordance with Section 13551 of Title 14 the California Code of Regulations; and be submitted to HCD so that the City may achieve Housing Element certification pursuant to Government Code Section 65585; and

WHEREAS, on October 17, 2024, a notice appeared in a newspaper of general circulation in the City informing the public of Project 24-2279-LCPA/ORD, the Ordinances proposed, and the availability and location of review drafts and other associated documents, and on October 23, 2024 the City mailed notices to the parties described in California Code of Regulations ("CCR"), Title 14, Section 13515(a), pursuant to CCR Title 14, Section 13515(c); and

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

WHEREAS, a full and complete copy of the project materials (Project No. 24-2279-LCPA/ORD) is on file with the City's Community Development Department,

located at 5775 Carpinteria Avenue, Carpinteria, California, and is available to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals, incorporated herein by reference, are true and accurate and are based on substantial evidence in the record.

Section 2. Pursuant to Public Resources Code Section 30510 and Government Code Sections 65854, 65855, 65856, and 65860, the City Council held a public hearing on the proposed amendments to the Local Coastal Program and Zoning Code (Title 14 of the Carpinteria Municipal Code) and is transmitting all proposed amendments and additions to the California Coastal Commission for submittal and filing pursuant to Section 13551 of Title 14 of the California Code of Regulations, as well as to the California Department of Housing and Community Development in order to achieve Housing Element certification pursuant to Government Code Section 65585.

Section 3. Ordinance Nos. 788, 789, 790, and 791 have been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and are consistent with the City's adopted Housing Element and State Housing Element Law.

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
Mayor, City of Carpinteria

ATTEST:

_____
City Clerk, City of Carpinteria

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

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

1. Conduct second readings of Ordinance Nos. 788, 789, 790, and 791, (Attachments A through D) making changes to Carpinteria Municipal Code, Title 14- Zoning, by adding Chapter 14.19- RMU Residential/Mixed Use, adding Chapter 14.51- Objective Design Standards, and amending the City's zoning map to rezone specified sites from Industrial/Research Park ("M-RP") and Commercial Planned Development ("CPD") to Residential/Mixed Use ("RMU");

2. Adopt Resolution No. 6350, certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's certified Local Coastal Program consistent with the California Coastal Act, and direct that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission; and that the adopted Ordinances be transmitted to the California Department of Housing and Community Development for certification consistent with Housing Element law; and

3. Determine that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

STAFF RECOMMENDATION

Staff recommends City Council take the following actions:

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only; and

2. Adopt Resolution No. 6350; and

3. Determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or

subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

Sample motion: I move to adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only, adopt Resolution No. 6350, as read by title only, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

BACKGROUND

Housing Element Overview

The Housing Element is a required component of the City's General Plan that identifies and plans for existing and projected housing needs within the eight-year planning cycle. Under State law (Gov. Code § 65580 et seq.), all cities are required to plan for housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels. The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined.

For Santa Barbara County jurisdictions, the 6th Cycle RHNA process was completed in 2021. Based on the RHNA, the City of Carpinteria ("City") must plan to accommodate a total of 901 additional housing units of varying income levels during this eight-year cycle (2023-2031). On January 22, 2024, the City Council adopted the current Housing Element[1], which outlines how the RHNA allocation can be achieved during this cycle through a variety of methods (e.g., pending project applications, underutilized sites, accessory dwelling units, and rezoning of candidate opportunity sites).

Housing Element Certification

The State Legislature has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and certify their substantial compliance with State law. A finding of Housing Element substantial compliance by HCD is referred to as "certification" of the Housing Element.

If a local government's Housing Element is not certified, or if it is de-certified during the cycle for non-compliance with State law, the jurisdiction faces the possibility of litigation, which could result in the loss of land use discretion, ineligibility for housing grants, and other penalties. For example, some local agencies have received project applications

[1] https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

submitted under the "Builder's Remedy" provisions of the Housing Accountability Act (Gov. Code § 65589.5), which may allow developers to avoid compliance with the local agencies' general plan and zoning requirements in certain circumstances.

City of Carpinteria Compliance with State Housing Element Law

To date, the City's 6th Cycle 2023-2031 Housing Element Update has not been certified by HCD. Although the City submitted a substantially compliant Housing Element to HCD on January 23, 2024, the State was not able to certify it due to the exceedance of statutory deadlines.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), since the City did not adopt a compliant Housing Element by the statutory deadline, it was required to implement Program 1 (Adequate Sites to Accommodate Regional Housing Needs) within one year from the statutory deadline of February 15, 2023. Therefore, as further explained in HCD's letter[2] dated March 21, 2024, the Housing Element cannot be certified until the City completes the necessary rezones to accommodate the RHNA shortfall under Program 1.

City Council First Reading of Zoning Amendments

On November 25, 2024[3], the City Council took the first step in implementing Program 1 by conducting the first reading of Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D). This staff report and the Attachments thereto reflect the pertinent changes made by the City Council at that hearing and a summary of the Council's actions is provided in the discussion, below.

DISCUSSION

Housing Element Program 1 – Adequate Sites to Accommodate Regional Housing Needs

Required Zoning Amendments to Accommodate the RHNA

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households (286 very-low income and 132 low-income households, respectively), 135 units for moderate-income households, and 348 units for above-moderate-income households.[4] As shown in the land inventory

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/09/sbb-carpinteria-adopted-out-032124.pdf
[3] Available here (Item 13): https://carpinteria.granicus.com/player/clip/1544?view_id=2&redirect=true
[4] HCD sets the income limits for the various affordable housing categories annually based on federal and state law. The income limits for 2024 are available here: https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf.

analysis in Appendix B, the City can already accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units (Table 1).

Table 1. Land Inventory Summary (taken from Table B-1 of the Housing Element)

	Income Category				Total
	Very Low	Low	Mod	Above	
RHNA 2023-2031	286	132	135	348	901
Completed, Approved & Pending Projects (Table B-3)	-	3	-	259[5]	262
Net Remaining RHNA	415		135	89	639
Vacant Sites (Table B-4)	-		10	5	15
Underutilized R Overlay Sites (Table B-5)	56		47	-	103
Other Underutilized Sites (Table B-6)	-		153	153	306
ADUs	67		7	38	112
Surplus (Shortfall)	(292)		82	107	(103)

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, implementation of Program 1 requires the rezoning of enough area to accommodate 292 lower-income units plus a reasonable buffer. HCD expects a minimum buffer of 15 percent. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

As further described in Program 1, City staff envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density, residential-only development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed both a higher density and a lower density development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now requires the complete change of zoning districts on sufficient property to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) requires that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for lower-income units.

[5] This total includes the estimated units for the Lagunitas Mixed-Used pending project, Candidate Opportunity Site #5, which is recommended to be rezoned (see description below). As explained further below, the rezoning of Candidate Opportunity Site #5 would provide the property owner with additional flexibility should the currently pending Lagunitas Mixed-Use project not proceed.

- Number of Units: Government Code Section 65583.2(h) and Program 1 requires that rezone sites permit at least 16 units per site.

- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2(i), "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.

- Development Standards: As part of the zoning amendments, the City must also ensure that the densities can be achieved and that standards do not pose unreasonable constraints on the cost and supply of housing. Moreover, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that ministerial and streamlined permitting can be accomplished.

- Predominantly Residential/Mixed-Use Development: Government Code Section 65583.2(h) and Program 1 also require that either: (1) at least 50 percent of the lower income housing need be accommodated on residential-only sites; or (2) all the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project. As discussed further below, staff's and Planning Commission's recommendation implements option (2).

Identified Candidate Opportunity Sites

In the recently adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this report) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[6], and in the site profiles Figure B-4[7]).

An additional site, known as Site #5, located at 6380 Via Real, was identified as a "pending project" in the final Housing Element because an application was in process for the Lagunitas Mixed-Use Project on the subject property. However, the applicants for that project have stalled on processing their current application.[8] Therefore, Site #5 is available for consideration in the proposed Sites to be rezoned. A list of all 20 Candidate Opportunity Sites is provided in Table 2 below.

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[6] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf

[7] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

[8] The applicant, however, may resume processing of their current application based on the zoning currently in effect for the site in accordance with State law.

Table 2 – List of 20 Candidate Opportunity Sites (Site #17 was removed[9])

Site #	Location	Current General Plan Land Use Category	GPA Required
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy Ln; Mark Ave; Rose Ln	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Phased Approach to Rezones

If the City still had ample time to implement Program 1, staff would recommend a wholistic approach to analyzing all 20 of the sites listed in Table 2. However, since it is in the City's best interest to have a certified Housing Element as quickly as possible, staff outlined a two-phased approach to the City Council at a public hearing[10] on May 28, 2024 (Item 12). The Zoning Amendments approved by City Council on November 25th and reflected in Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D) are the first phase. The remaining Candidate Opportunity sites will be included for consideration in the City of Carpinteria General Plan Update that is currently in process. In particular, the three Candidate Opportunity Sites that would require a General Plan Amendment ("GPA"), as noted in Table 2 above, must be deferred to the second phase to be considered with the comprehensive General Plan Update.

Maps depicting Phase 1 Candidate Opportunity Sites, as approved by City Council on November 25th, are provided in Figures 1, 2 and 3 in Attachment F. For reference, the existing zoning map of the City is provided in Figure 4 of Attachment F.

[9] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.
[10] Available here: https://carpinteria.granicus.com/player/clip/1449?view_id=2&redirect=true

Proposed Project – Housing Element Zoning Amendments

The proposed Project for the City Council's consideration has three main components: (A) a new Residential / Mixed Use Zoning District, (B) a new set of Objective Design Standards that would apply to any developments in the new Residential / Mixed Use Zoning District, and (C) the rezoning of select Candidate Opportunity Sites to Residential / Mixed Use.

A. Proposed Residential / Mixed Use Zoning District

Attachment A is proposed Ordinance No. 788 for a new Residential / Mixed Use ("RMU") zone district that would enable the City to achieve the Housing Element Program 1 goals. The RMU zone would be applied to select properties in the General Commercial ("GC") or the Research & Development Industrial ("RDI") land use categories described in the City's General Plan/Coastal Land Use Plan ("GP/CLUP"). Under the new RMU zone district, future development or re-development of the selected sites would be required to include multi-family housing and may be residential-only or mixed-use. Permitted uses would include:

- Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;
- Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);
- For sites in the GC Land Use Category: the option to have commercial uses, except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which must include a commercial use on the ground floor fronting the avenue;
- For sites in the RDI Land Use Category: the option to have offices and/or research, development, and laboratory uses.

The RMU zone would allow for ministerial (use by right) permitting if at least 20 percent of the residential units proposed are designated for lower-income households (see Table 3 below). Any commercial or office component of a mixed-use development that provides the minimum 20 percent lower-income units could also be permitted ministerially if the proposed uses are consistent with those listed under "development plan approval" in the Commercial Planned Development District (in GC) or the Industrial/Research Park District (in RDI).

Table 3. Review Types in the Proposed RMU Zone District

Ministerial Review	Streamlined Review
• For mixed-use and residential-only projects restricting at least 20% of units to lower-income residents (people with incomes 80% or below the Area Median Income) • No public hearings required • Staff may not exercise discretion in project review—i.e., review limited to conformance with Objective Design Standards and other objective regulations in zone district • Permit is not appealable (except to Coastal Commission in the appeals jurisdiction) • Project receives an administrative Coastal Development Permit ("CDP")	• For mixed-use and residential-only projects with less than 20% of units restricted to lower-income residents • Will go to Architectural Review Board and Planning Commission hearings but can only be "measured against" Objective Design Standards and other objective regulations in zone district • Project is appealable • Project receives Development Plan ("DP") and CDP approval

Development projects in the RMU zone would be required to adhere to the Objective Design Standards (described under "B" below and shown in Attachment B) in order to facilitate streamlined or ministerial permitting. In addition, the proposed RMU Zone includes its own set of unique development standards which establish allowed density, setbacks, building coverage, building height, etc. as summarized in Table 4 below.

Table 4. Proposed Development Standards in the RMU Zone District.

Density	20 (minimum) to 25 (maximum) dwelling units/acre. Applies to both residential-only and mixed-use developments.
Setbacks	5 feet minimum from all property lines. *Exception for sites fronting Via Real*: 15 ft min. front setback, 5 ft min. other sides.
Distance between buildings	10 ft minimum.
Building coverage	75% maximum
Height	35 ft. maximum
Parking	Lower-income dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: 1.5 parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit. All other dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: two parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit.
Common or public open space	20% minimum. A maximum of 50% of the required open space may be provided on rooftops or upper-story decks.
Fence height	In the front setback, may not exceed 4 ft.
Mixed-use requirement	For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. Sites with frontage on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design

	Element Subarea 2a boundary) shall be limited to mixed-use (commercial and residential) development.

B. Proposed Objective Design Standards

Attachment B is proposed Ordinance No. 789 setting forth new Objective Design Standards ("ODS") that would apply to development projects in the RMU zone. The proposed Standards were updated after receiving input from the Architectural Review Board (ARB) at a public hearing[11] on October 17, 2024 (Agenda Item 2). A copy of the Minutes from the October 17th ARB meeting is included as Attachment G.

The ODS are organized into sections by design topic. Importantly, language in the section "Building Form, Massing, and Articulation" describes the general shape a building must take, including variation on building facades and rooflines, floor height, and step backs, and reduced massing for upper floors. The section "Site Design" describes how different areas and elements of a development (e.g. siting of commercial in mixed-use developments, driveways, pedestrian pathways, loading areas, etc.) connect to or are buffered from one another. The remaining sections address additional components like placement of building entrances, landscaping, bicycle parking, and allowed exterior materials.

Notable changes that were made based on input from the public and the ARB members include:

- Changed the required roofline variation to occur every 30 feet rather than every 50 feet;
- Increased the required number of 5-gallon plants per 1,000 square feet from 10 to 20;
- Remove BBQ grills from allowed amenities in common/public open spaces; and
- Allow garages to accommodate tandem parking.

The ARB also requested that staff find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure. Staff is working on a tree list to use in the implementation of the ODS. The changes recommended by the ARB members are incorporated into Ordinance 789 in Attachment B.

C. First Phase Rezones

Although there are 20 Candidate Opportunity Sites for potential rezoning under Program 1, not all of the sites need to be rezoned in order to accommodate the RHNA shortfall of 292 lower-income units. As noted above under the description of Program 1, the land area to be rezoned must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

[11] Available here: https://carpinteria.granicus.com/player/clip/1527?view_id=2&redirect=true

On November 25, 2024, the City Council selected eight sites for the first phase of rezones. The eight selected sites are summarized in Table 5 below, included in Ordinance Nos. 790 and 791 (Attachments C and D), and depicted in Figures 1, 2 and 3 in Attachment F.

Table 5. First Phase of Rezones

Priority	Site #	Location	Acres	Lower Income Units*	Moderate Income Units*
High	Site 10	5320 Carpinteria Ave	1.08	21	0
High	Site 11	5437 Carpinteria Ave	1.98	25	0
High	Site 15	4602 et al Carpinteria Ave	2.45	40	8
High	Site 18	Holly and Carpinteria Ave	1.47	22	6
Medium	Site 12	1145 et al Eugenia Place	4.66	92	0
Medium	Site 13	1101 & 1135 Eugenia Place	0.80	16	0
Medium	Site 14	1065 et al Eugenia Place	1.88	19	16
Neutral	Site 7	1001 Mark, Cindy, and Via Real	5.51	110	0
		Total	**19.83**	**345**	**30**

*Assumes 20 dwelling units per acre

These eight sites were selected, not only because they would provide enough capacity to meet the RHNA, but also because they meet certain siting criteria making them optimal for medium-density residential developments with lower-income units. The following are common characteristics of all eight sites:

- Already developed and allow residential, commercial or light industrial uses
- Negligible environmental constraints
- Close proximity to transit
- Close proximity to amenities (grocery stores, schools, recreation, employment)

Sites 10, 11, 15, and 18 are labeled as “High” priority because they take access from Carpinteria Avenue and are generally close to the City’s Downtown “T” District. Sites 12-14 are labeled as “Medium” priority because although they are proximal to the downtown area, they are set back from Carpinteria Avenue and are comprised of multiple smaller parcels with different owners.

Unfortunately, the “High” and “Medium” priority sites only add up to 14.99 acres. The primary goal for this phase is to rezone at least 16.8 acres that would potentially yield capacity for 336 lower income units (shortfall plus 15 percent buffer). Thus, Site 7 is also included because it is a relatively small site (5.51 acres) that fronts on a main arterial street, Via Real, adjacent to a pending residential project (see Figures 1-3 in Attachment F).

D. Potential Interim-Phase Rezones

At the November 25th City Council hearing for the first reading of the proposed zoning amendments, there was considerable discussion regarding two additional Candidate Opportunity Sites – Site No. 5 and Site No. 21 (see Table 6 below).

Staff and the Planning Commission recommended including Site 5 as an extra property for rezone in the first phase. Site 5 was categorized as a "pending project" in the final adopted Housing Element. It had originally been included on the candidate site list in the land inventory, but was subsequently removed when an application for the Lagunitas Mixed-Use Project was formally submitted to the City. For reference, that proposal was conceptually reviewed by a joint meeting of the City Council, Planning Commission, and Architectural Review Board on June 18, 2024 (Item 1). More recently, however, this application appears to have stalled and the property is pending new ownership. In the absence of an active project application, the property may be considered as a potential rezone site for the new RMU zone district. Based on the early evaluations and site profiles, Site 5 met most of the criteria (developable land, proximity to transit, proximity to amenities, single ownership, etc.) to be considered a suitable site for rezoning to higher-density residential. The early inclusion of Site 21 as a rezone Site could help the City stay ahead of any "no net loss" implications[12] until the second phase of rezones is considered as part of the General Plan Update. However, members of the public raised concerns at the November 25th hearing regarding future development of Site 5 under the proposed RMU zoning.

Site No. 21 consists of two properties on the Carpinteria Bluffs adjacent to Viola Fields. Although staff and the Planning Commission did not recommend Site No. 21 to be part of the first phase of rezones, it was included in the draft CEQA Addendum (Attachment E) and made available for the City Council's consideration to include in Phase 1. After receiving public input in favor of including Site 21 in the first phase of rezones, the City Council considered it during deliberations.

Based on the discussions, it was clear that the Councilmembers would not reach a majority vote to include Site No. 5 and/or Site No. 21. Instead, they passed a motion to defer consideration of these sites and directing staff to bring these two Sites back for further consideration in early 2025.

Table 6. Sites To Be Reconsidered in Early 2025

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 5	6380 Via Real	8.63	169	0	Staff and Planning Commission recommend including as additional buffer to assist with the Housing Element certification.
Site 21	6155 Carpinteria Ave	6.31	126	0	Bluffs location with environmental constraints, but has property owner interest for multi-family housing with affordable units.

[12] No Net Loss Law (Gov. Code § 65863) requires that the City maintain sufficient sites to accommodate any unmet RHNA throughout the eight-year planning period. If one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall. The proposed 15 percent buffer further helps the City comply with No Net Loss Law.

E. Sites Not Recommended for Phase 1 Rezones

The remaining 10 Candidate Opportunity Sites, as shown in Table 7 below, will be deferred to future consideration as part of the General Plan Update. This will allow more time for property owner input, site analysis, and public outreach. Sites 1, 2, and 19, in particular, must be deferred to the future General Plan Update process since a change to RMU zoning would need to be preceded by a change to these sites' current Land Use Designation to avoid vertical inconsistency between zoning and land use designations. Such changes to the City's Land Use Map would require a GPA.

Table 7. Sites Recommended for Phase 2 (to be considered at a later date)

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 3	1000-1010 Bega Way	9.68	175	0	Good location/site but currently manufacturing uses with no property owner interest.
Site 4	6250 Via Real	8.47	166	0	Good location/site but currently Extra Space Storage with no property owner interest.
Site 6	Cindy Ln, Mark Ave, and Rose Ln	10.58	210	0	Set back from Via Real with multiple RDI uses.
Site 8	Mark Ave, Cindy Ln, and Via Real	10.02	199	0	Good location/site that is partially underutilized.
Site 9	Cindy Lane	4.49	89	0	Vacant site that may have environmental constraints.
Site 16	4621, 4631, 4643 Carpinteria Ave	0.67	0	9	Planning Commission removed from Phase1 based on property owner input. This site would only count as "moderate" income units.
Site 20	592, 586, 510 Palm Ave	0.77	0	11	Good location/site but would not count toward low-income RHNA shortfall.
Site 1	Via Real	15.81	316	0	GPA Required
Site 2	5800 Via Real	16.74	242	0	GPA Required
Site 19	5201 6th & 546 Walnut	3.29	65	0	GPA Required

Rezoning some or all of the remaining Candidate Opportunity Sites during Phase 2 might become necessary to avoid future de-certification of the City's Housing Element. For example, if one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall.[13] If some of the remaining Candidate Opportunity Sites are not rezoned in Phase 2, they could still be considered later (e.g., next housing cycle), or could be proposed for privately-initiated rezoning by an applicant without having to start the CEQA and stakeholder outreach process from the beginning.

[13] If these sites are rezoned, but not developed, the sites would count toward the City's zoning capacity in the next Housing Element cycle. If the sites are developed during this planning period, they would count toward the City meeting its RHNA obligations.

Planning Commission Recommendation

The proposed Housing Element Zoning Amendments were considered by the Planning Commission at its November 4, 2024 meeting[14] (Item 2). At the hearing, specific input was requested by staff on two items:

1. What the name of the new zone district for residential and mixed use should be.
2. Whether Site 5 should be included in the Phase 1 rezones.

The Planning Commission recommended that the new zone be titled Residential / Mixed Use (RMU); and also recommended that Site 5 *should* be included in Phase 1. After hearing public testimony, the Planning Commission also recommended that Site 16 be removed from the Phase 1 rezones. As shown in Table 6 above, Site 16 was estimated to only have moderate-income units and, therefore, was not necessary to address the current RHNA shortfall. Accordingly, Site 16 has been removed from the recommended Sites list (Table 5), to reflect the Commission's recommendation.

With those specific recommendations, the Planning Commission voted unanimously (5-0) to recommend that the City Council adopt the proposed zoning amendments and find that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

City Council First Reading

At the November 25, 2024 public hearing, City Council conducted the first reading of Ordinance Nos. 788, 789, 790, and 791. The following actions were taken:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and approved the Ordinance 4-0-0-1 (Clark absent) as amended;
- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and
- Direct staff to return in early 2025 with proposed rezones of Sites 5 and 21 to RMU: Approved 4-0-0-1 (Clark absent)

ENVIRONMENTAL

The proposed zoning amendments are logical follow-on discretionary actions to the City's existing GP/CLUP, which was approved in 2003 with the certification of a Program EIR. CEQA Guidelines Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred. The draft Addendum provided in Attachment E (along with the link to the previously certified Program EIR) outlines the minor clarifications and

[14] Available here: https://carpinteria.granicus.com/player/clip/1535?view_id=2&redirect=true

information to be added, and explains why such changes do not result in the identification of new or substantially more severe significant impacts. The draft Addendum evaluates the new RMU Zone District and Objective Design Standards. It further evaluates all 17 Candidate Opportunity Sites for rezoning that would not require a GPA.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

Therefore, as described in more detail in the Addendum in Attachment E, the changes resulting from the proposed zoning amendments do not constitute substantial changes to the GP/CLUP, would not involve substantial changes in the magnitude of impacts identified in the previously certified Program EIR, and would not result in new significant impacts. Accordingly, an addendum is the appropriate CEQA document for the Project.

POLICY CONSISTENCY

The Coastal Act and Carpinteria's Local Coastal Program (LCP)

The City of Carpinteria is located entirely within the California Coastal Zone. As such, the proposed zoning amendments constitute a change to the City's certified Local Coastal Program ("LCP"), and thus require compliance with City's GP/CLUP and the Coastal Act. Where actions may result in conflict with coastal resource policies, those that are most protective of significant coastal resources shall be prioritized (Pub. Res. Code, § 30007.5). Since the recommended Phase 1 rezone sites are located in commercial and light industrial areas near the downtown and the City's office park district, they are unlikely to be found at odds with State or local coastal resource protection policies.

Consistency with the 2023-2031 Housing Element

As described in this staff report, the proposed Project is intended to implement Program 1 of the adopted 2023-2031 Housing Element. If approved by the City Council, the Project would be submitted to the HCD for review, approval, and final Housing Element certification.

Consistency with the City's General Plan/Coastal Land Use Plan (GP/CLUP)

The proposed Project would be consistent with all applicable GP/CLUP policies. An in-depth policy consistency analysis is provided in Attachment H.

Next Steps

Following the City Council's adoption (first and second reading) of the zoning amendments, the amendments would then be sent concurrently to the California Coastal Commission and HCD for their respective reviews and certifications. If changes are required by one or both agencies prior to certification, such changes would be returned to the Planning Commission and/or City Council, depending upon their significance, for consideration and (revised) approval prior to resubmittal for final certification.

Effectuation of Ordinances Nos. 788, 789, 790, and 791 would occur immediately upon the date certified by the Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations. Resolution No. 6350 (Attachment I) directs City staff to transmit the Ordinances to the Coastal Commission and HCD.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

As noted above, Program 1 (Adequate Sites to Accommodate Regional Housing Needs) must be completed in order to receive Housing Element certification from HCD. If a compliant Housing Element is not certified: (1) the City may also have limited access to State funding, and (2) developers and advocates may have grounds to sue the City for not being compliant with State law.

Two of the Candidate Opportunity Sites are proposed for rezoning in a separate City Council action due to the segmentation requirements of the Political Reform Act, which apply because of a potential conflict of interest with respect to a Councilmember's real property interests. Accordingly, discussion and consideration of the two sites, which are Sites 15 and 18, are proposed to be conducted separately. A separate ordinance has been prepared for the rezoning of Sites 15 and 18 (see Ordinance 791 in Attachment D).

The City Attorney's Office assisted in the preparation of this Staff Report and will be available to answer questions at the meeting.

FINANCIAL CONSIDERATIONS

Staff time necessary to complete the ordinance development and adoption work is paid for from the City's General Fund and Measure X Program, and has been budgeted for in the current FY2024-25 adopted Budget as part of the Community Development Department's Advance Planning program work.

OPTIONS

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second reading), approve Resolution 6350, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a

supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA. (*Staff recommendation*)

2. Direct staff to modify the Ordinances. Significant modifications should be redirected to the Planning Commission for further consideration.

3. Reject Ordinance Nos. 788, 789, 790, and 791 (second reading) and Resolution 6350.

ATTACHMENTS

Attachment A Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use (RMU) Zoning District.

Attachment B Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

Attachment C Ordinance 790, amending the City's official Zoning Maps to rezone select parcels (Sites 7, 10, 11, 12, 13, and 14) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment D Ordinance 791, amending the City's official Zoning Maps to rezone select parcels (Sites 15 and 18) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment E 2003 GP/CLUP EIR and Draft CEQA Addendum thereto.

Attachment F Figures 1 through 4 as follows:
1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

Attachment G October 17, 2024 ARB Meeting Minutes (re: proposed ODS)

Attachment H: Consistency Analysis with the City's GP/CLUP

Attachment I: Resolution 6350 directing that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission and the California Department of Housing and Community Development for certification.

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Signature

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Signature

Reviewed by: Michael Ramirez, City Manager
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Signature

Attachment A.

Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE, TO TITLE 14 - ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Program 1- Adequate Sites to Accommodate Regional Housing Needs, completing the necessary rezones to address the City's housing capacity shortfall pursuant to the Regional Housing Needs Assessment ("RHNA"); and

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

determined that a new zone district would be necessary to accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code §65583.2) and Program 1; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790, and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including naming the new zone district proposed by this Ordinance "Residential/Mixed Use" ("RMU"), and to determine that the provided Addendum is the appropriate review document for this Ordinance pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.19 to Title 14.

Chapter 14.19 – RMU Residential/Mixed Use, is added to Title 14 – Zoning of the Carpinteria Municipal code and shall read as follows:

CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE

14.19.010 – Purpose and Intent.

The purpose of the RMU district is to provide areas of the City for higher density residential-only and mixed-use (commercial and residential) development, particularly as infill development, to increase the availability of workforce housing while maintaining commercial opportunities in the City's downtown. The intent of this district is to:

A. Help the City provide adequate sites to satisfy its Regional Housing Needs Allocation;
B. Provide opportunities for lower-income, special-needs, and workforce housing;
C. Cultivate pedestrian- and alternative transportation-friendly neighborhoods where residences are nearby to business, service, and employment locations; and
D. Encourage infill development in the City's downtown that preserves and enhances the City's "beach town" character.

14.19.020 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the RMU district, in accordance with Chapter 14.72 (Accessory dwelling units and junior accessory dwelling units):

A. Accessory dwelling units and junior accessory dwelling units shall be permitted in the RMU district.
B. Accessory dwelling units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
C. Accessory dwelling units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (Appeals).
D. Junior accessory dwelling units shall be subject to issuance of a building permit.

14.19.030 – Processing.

A. Uses identified in Section 14.19.040 shall be allowed as a use by right subject to the issuance of an administrative coastal development permit. For the purposes of this section, "use by right" means the City's review shall not require a development plan, conditional use permit, environmental review under the California Environmental Quality Act, or other discretionary review or approval in accordance with Government Code Section 65583.2(i) and Government Code Section 65589.5(f) for multifamily residential housing. Any subdivision of a site

shall be subject to all laws, including, but not limited to, Title 16 – Subdivisions, implementing the Subdivision Map Act. The City shall process an administrative coastal development permit for a use by right as follows:

1. The Planning Director shall approve or deny administrative coastal development permits.
2. No public hearing shall be required.
3. Public notice shall be required in accordance with Chapter 14.76.
4. Pursuant to Section 30603 of the Coastal Act, within California Coastal Commission's coastal appeals area, the Planning Director's decision to approve an administrative coastal development permit in the RMU zone district may be appealed to the Coastal Commission within ten working days. Proposed development in the RMU zone district that is located outside of the coastal zone appealable area is not appealable to the Coastal Commission.
5. An applicant may request non-binding conceptual review by the Architectural Review Board to improve project design.

B. For all uses conditionally permitted pursuant to Section 14.19.060, a conditional use permit shall be submitted, processed, and approved as provided in Chapter 14.62.
C. For all other permitted uses pursuant to Section 14.19.050, prior to the issuance of a coastal development permit, a development plan shall be submitted, processed, and approved as provided in Chapter 14.68, with the exception that Architectural Review Board and Planning Commission review shall be limited to analysis of the project's compliance with Chapter 14.51, Objective Design Standards, and the regulations of this Chapter.
D. Once a final decision of approval, conditional approval (if applicable), or denial is issued by the Planning Director or Planning Commission, as applicable, the notice of final action shall be provided within five working days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing.

14.19.040 – Uses permitted by right.

A. The following uses shall be allowed as a use by right in the RMU district:
    1. Mixed-use commercial and multifamily residential developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted residential units for lower-income households;
    2. Multifamily residential-only developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted units for lower-income households;
    3. Public parks, playgrounds, and open space areas provided as part of a mixed-use or multifamily residential development;
    4. Low barrier navigation centers, as defined in Government Code Section 65660 and subject to the provisions of Government Code Section 65662;

5. Supportive housing developments, as defined by Health and Safety Code Section 50675.2 and subject to the provisions of Government Code Section 65651;
6. Transitional housing developments, as defined by Health and Safety Code Section 50675.2;
7. Home occupations, as provided in Section 14.50.030;
8. Accessory uses and structures incidental to permitted residential uses, including laundry and storage rooms; garages, carports, and parking lots; bus stop shelters; multifamily residence mailboxes; and bike racks;
9. Accessory uses and structures incidental to commercial portions of mixed-use developments, including storage rooms, garbage enclosures, and loading zones; and
10. Personal use cannabis cultivation, as provided in Chapter 14.59.

B. For the purpose of this Chapter, "lower-income" means a household that earns 80 percent or below of the area median income applicable to Santa Barbara County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.
C. For the purpose of this Section, permitted commercial uses for commercial portions of mixed-use developments shall be as follows:
    1. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.030.
    2. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.030.

14.19.050 – Uses permitted subject to development plan approval.

Mixed-use commercial and multifamily residential developments that do not meet the affordability requirements of Section 14.19.040(A)(1) and multifamily residential-only developments that do not meet the affordability requirement to Section 14.19.040(A)(2) shall require approval of a development plan in accordance with Section 14.19.030(C). Uses subject to development plan approval shall comply with the provisions of Sections 14.19.070 through 14.19.100 and all applicable provisions of the Title 14 of the City's Code.

14.19.060 – Uses permitted subject to conditional use permit.

A. Permitted uses subject to a conditional use permit in the RMU district shall be as follows:
    1. As provided in Chapter 14.62;
    2. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.040; or
    3. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.040.
B. Such conditional uses shall not prevent the development from meeting the standards in Sections 14.19.070 through 14.19.100, inclusive.

C. Projects proposing such conditional uses shall also incorporate multifamily residential use. In addition to the findings in Section 14.62.040(8), the following finding must also be made:
    1. The proposed use will not be detrimental to the health, safety, and general welfare of the residential use also proposed by the project.

14.19.070 – Objective design standards.

Projects shall be designed pursuant to the design standards in Chapter 14.51.

14.19.080 – Density.

The number of dwelling units per gross acre shall be a minimum of 20 and maximum of 25, unless otherwise allowed by applicable State housing law or Title 14 of the City's Code.

14.19.090 – Development standards.

The following development standards shall apply:

A. Affordability. Projects qualifying for an administrative coastal development permit pursuant to Section 14.19.030 shall record a restrictive covenant that ensures the continued affordability of all acutely low-, extremely low-, very low-, low-, and moderate-income rental units for 55 years and all acutely low-, extremely low-, very low-, low-, and moderate-income for-sale units for 45 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
B. Setbacks. All structures shall be located pursuant to the following setbacks:
    1. No less than five feet from the property line or 25 feet from the street centerline, whichever is greater.
    2. For sites with frontage on Via Real, no less than 15 feet from the property line abutting Via Real, and 5 feet from all other property lines.
C. Distance between buildings. The distance between two adjacent buildings shall be no less than 10 feet.
D. Building coverage. Not more than 75 percent of the net area of the property shall be covered with any portion of a building.
E. Building height. No building or structure shall exceed a height of 35 feet.
F. Parking. Unless modified by State law, minimum parking requirements shall be as follows:
    1. Visitor, guest, and employee parking: one space per five units.
    2. Parking for units affordable to lower-income households:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom or larger units: 1.5 parking spaces per unit.
        c. Four-bedroom or larger units: 2.5 parking spaces per unit.
    3. Parking for all other units:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom units or larger: two parking spaces per unit.

c. Four-bedroom or larger units: 2.5 parking spaces per unit.

4. Parking for commercial uses shall be as provided in Section 14.54.040.

G. Open space. At least 20 percent of the net area of the property shall be used for common and/or public open space. A maximum of 50 percent of the required open space may be provided on rooftops or decks above ground level.

H. Fences, walls, and plantings. Fences, walls, and plantings providing a solid screen (i.e., at least 90 percent opacity when viewed from the public right of way) that are located in a front yard setback shall not exceed a height of four feet.

I. For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. For the purposes of this section, a leasing or property management office for a residential development on the same site shall be considered a commercial use.

14.19.100 – Development standards— specific sites.

The following development standards shall apply to specified sites, in addition to the development standards in Section 14.19.090:

A. Sites with frontage on Linden Avenue or Carpinteria Avenue within Community Design Element Subarea 2a shall be limited to mixed-use (commercial and residential) development.

B. For sites with frontage on Linden Avenue or Carpinteria Avenue, 50 percent of the residential units shall be a mix of studios and one-bedroom units.

14.19.110 – Noticing requirements.

Noticing shall be conducted pursuant to Chapter 14.76, with the exception that no public hearing shall occur or be noticed for projects qualifying as a use by right pursuant to Section 14.19.040.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act (“CEQA”) Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report (“EIR”) for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara..

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment B.

Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS, TO TITLE 14 – ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the City of Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, projects seeking approval under the allowances of the Housing Accountability Act (Gov. Code §65589.5) and Senate Bill 423 (Gov. Code §65913.4) are required to comply with objective, quantifiable, written development standards, conditions, and policies provided that those objective standards, conditions, and policies do not render the project infeasible; and

WHEREAS, in response to the increased streamlining of planning and design review for housing projects by State law, jurisdictions throughout the State have implemented Objective Design Standards ("ODS") for projects which are required by State law to undergo ministerial planning review; and

WHEREAS, to ensure that housing projects in the City seeking streamlined or ministerial review pursuant to State law implement quality architectural and site design that remains compatible with the existing scale and character of Carpinteria, the ODS proposed by this Ordinance are included as part of the City's implementation of Housing Element Program 1; and

WHEREAS, at the October 17, 2024 meeting of the Architectural Review Board, City staff presented the Board with proposed ODS, which would apply to specified residential and mixed-use projects, and invited feedback from the Board and members of the public, and after deliberation the Board recommended that the proposed ODS be brought to the Planning Commission with comments attached; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 12, 2024, the California Coastal Commission Executive Director issued a Memorandum on Streamlined Ministerial Approval Process in the Coastal Zone (Government Code Section 65913.4) ("SB 423 Memo"), which, among other things, recommends that local agencies develop objective design standards for projects proposed under Senate Bill 423 (Gov. Code, § 65913.4), and this Ordinance proposes objective design standards consistent with said SB 423 Memo; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 – Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.51 to Title 14.

Chapter 14.51 – Objective Design Standards, is added to Title 14 – Zoning of the Carpinteria Municipal Code and shall read as follows:

CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS.

14.51.010 – Purpose and Intent.

The purpose of this chapter is to provide objective design standards for certain mixed-use and multifamily residential developments in the City of Carpinteria in order to provide ministerial and/or streamlined review of such projects. The intent of this Chapter is to maintain the City's unique small-town character and vibrant neighborhoods while encouraging and incentivizing residential and mixed-use developments that:

A. Provide housing opportunities for residents of all income levels, including family and workforce housing;
B. Revitalize neighborhoods and provide opportunities for infill development;
C. Cultivate pedestrian and alternative transportation-friendly spaces; and
D. Are sensitive to and compatible with existing development with respect to massing, setbacks, and rooflines.

14.51.020 – Applicability.

A. The provisions of this Chapter shall apply to:
    1. Any residential or mixed-use development in the Residential/Mixed Use (RMU) 20/25 Zone District;
    2. Any residential development subject to a streamlined, ministerial approval process pursuant to California Government Code Sections 65913.4, 65852.24, and 65912.100-140; and
    3. Any development that constitutes a "housing development project" under California Government Code Section 65589.5 (Housing Accountability Act) that is inconsistent with the City's general plan land use designation and

zoning ordinance, or meets the criteria in Government Code Section 65589.5, subdivision (h)(11).

B. In the case of conflict between this Chapter and other regulations of Title 14 – Zoning, the objective standards established by this Chapter shall prevail.

14.51.030 – Processing.

A. Permit processing shall be as provided for in the underlying base zone district.
B. Any project that seeks an exception, waiver, or modification to the provisions of this Chapter, excluding waivers or modifications granted pursuant to State Density Bonus Law (Gov. Code, § 65915 et seq.) as implemented by chapter 14.77, shall require the filing and approval of a Development Plan Modification as provided for in Section 14.50.120 of this title.

14.51.040 – Building form, massing, and articulation.

A. *Building Form and Vertical Hierarchy*. Buildings that are higher than two stories shall be designed to differentiate between a defined base (first floor); a middle or body (e.g., second or third floor); and a top, cornice, or parapet cap (architectural features). Two-story buildings shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following:
   1. Color, texture, or material changes;
   2. Variations, projections, or reveals in the wall plane;
   3. Variations in fenestration design or pattern; or
   4. Decorative architectural features, such as cornices and columns.
B. *Story height*. The ground story shall have a maximum story height of ten (10) feet for residential use and 12 feet for commercial use. The height of upper stories shall not exceed nine feet.
C. *Wall plane variation*. Building facades visible from the primary right-of-way shall not extend more than 30 feet in length without either a two-foot variation in depth in the wall plane or one of the following projected or recessed architectural elements: porches, stoops, porticos, balconies, bay windows, overhangs, terraces, and/or trellises.
D. *Street Façade*. If buildings on adjacent properties establish a contiguous street façade along the primary right-of-way frontage, such as the 900 block of Linden Avenue, new buildings shall be located to maintain the contiguous street-facing wall, with allowances for variation in façade and entrances which are projected or recessed.
E. *Corner lots*. Buildings located on corner lots shall include one or more of the following features on both street-facing facades, located within 25 feet of the corner of the building closest to the intersection:
   1. An entrance to a ground-floor use or a primary building entrance;
   2. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade; or

3. A change in height of at least 18 inches from the height of the abutting façade.

F. *Roofline variation*. Rooflines shall provide one of the following prominent changes a minimum length of every 30 feet:
   1. Variation in roof form, such as hip, mansard, gable, shed, or flat with parapet;
   2. Variation in architectural elements, such as parapets and cornices; or
   3. Variation of roof height of 18 inches minimum (as measured from the highest point of each roof line).

G. *Upper floor massing.* Upper floors shall be reduced in bulk and massing: upper floors shall each have up to a total maximum floor area of 80 percent of the total net floor area of the ground floor. For lots with 5,000 square feet or less, upper floors shall have a total maximum floor area of up to 70 percent of the total net floor area of the ground floor.

H. *Contextual Upper Story Stepback*.
   1. Where a building's façade is within 20 feet of a street side property line, at least 30 percent of the façade of the upper floor(s) shall be stepped back from the ground floor façade at least 2 feet.
   2. Where a building on an abutting lot across a side lot line is single-story, any proposed building located within 15 feet of the side lot line shall step back at least 30 percent of the upper floor(s)' façade from the ground floor façade at least 2 feet.

I. *Common open space.* Common open spaces for multifamily residential developments shall comply with the minimums required by the base Zone District in which they are located.
   1. *Rooftop open space*. Open spaces located on a building rooftop shall be a minimum of 15 feet away from any property line abutting a residential use.

J. *All-sided architecture*. Fenestration, materials, and common details shall be carried over on all sides of the building visible from public rights-of-way.

K. *Limits on garages*. To minimize the dominance of garage doors along street frontages, a garage facing and visible from a public street shall not occupy more than 50 percent of the width of a building façade facing that street, except that it may be 12 feet wide in any circumstance. Mixed-use developments shall not have any street-facing garage doors along the primary right-of-way. Garage doors shall be recessed a minimum of four inches from the surrounding wall plane.
   1. Where the width of a garage exceeds 30% of the linear front or side elevations, the garage shall be recessed a minimum of 3 feet from the front wall of the building, or provide a trellis extending in front of the face of the garage.
   2. Garage doors shall feature at least one of the following treatments:
      a. Garage door windows;
      b. Paneled garage door surface;
      c. Two different colors; or
      d. Accent material.

14.51.050 – Site design.

A. *Siting of commercial uses*. Commercial components of a mixed-use development shall always be located closest to the primary right-of-way. Where a combination of commercial and residential uses is provided within the same building, commercial uses shall be located on the ground floor and closest to the primary right-of-way.
B. *Front-facing open space*. For developments fronting Linden Avenue or Carpinteria Avenue, any ground-floor courtyard, open space, or building setback from the street-facing property line shall be used for landscaping, outdoor dining/seating, public plazas, and/or building entries.
C. *Vehicular circulation and access*.
    1. Vehicular site access to parking areas shall be provided via side streets or alleys, when present.
    2. A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage. For corner lots, one vehicular access point is permitted per lot where all street frontages are less than 100 linear feet, and two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.
    3. For developments fronting Linden Avenue or Carpinteria Avenue, parking areas shall not be located within any front or street side setback, or between any building and the primary right-of-way.
D. *Loading and service areas*. New commercial uses requiring the receipt or distribution of material or merchandise by vehicles or trucks shall provide one (1) off-street loading space for 5,000 to 20,000 square feet of commercial area, and two (2) off-street loading spaces for commercial area greater than 20,000 square feet. Additional loading spaces shall be provided pursuant to Section 14.54.090.
    1. Required loading and service areas shall not be located between a building and the primary right-of-way.
    2. Loading and service areas shall not be located in drive aisles so as to not disrupt or block the flow of on-site and off-site vehicular traffic. Striping and signage shall be as provided in Chapter 10.04.
    3. Loading and service areas shall be located in parking areas and alleys, when present.
    4. Loading and service areas shall be screened from view from public rights-of-way with walls, solid fencing, and/or landscape privacy screening pursuant to Section 14.51.110.
E. *Pedestrian circulation and access*. Pedestrian walkways shall be a minimum width of four feet and shall be designed as follows:
    1. Pedestrian walkways shall connect public sidewalk right-of-way to areas throughout the site, such as building entrances, unit entrances, vehicle parking areas, bicycle parking areas, common open space areas, waste and recycling enclosures, and any transit stops directly adjacent to the site. Such walkways shall also connect buildings and amenities within the development to one another.

2. Where through lots are located more 300 feet from a street intersection, as measured from the closest point of the lot, pedestrian walkways shall be designed to provide public access connecting the two streets.
3. Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials, such as concrete, permeable paving, decomposed granite, stone, or brick.

F. *Private open space screening*. When a private open space (e.g. patio or balcony) is located within 20 feet of another residence or another private open space, the private open space shall be enclosed with a wall or fence that is a minimum of four feet in height.

G. *Usable open spaces*. Required common or public open spaces shall be a minimum of ten feet by ten feet. At least one of the common or public open spaces shall incorporate at least one of the following elements:
1. Picnic tables;
2. Permanently installed benches or seating;
3. Sport court or field, playground, or other children's play area;
4. Community garden;
5. Swimming pool; or
6. Pet park with a minimum of one trash receptacle.

H. *Paving*. For lots not fronting Linden Avenue or Carpinteria Avenue, the maximum amount of impervious surface area in the front setback is 30 percent.

14.51.060 – Utilitarian elements.

A. *Bicycle parking*. All developments shall provide bicycle parking spaces. Short-term bicycle parking is intended to serve shoppers, customers, couriers, guests, and other visitors to a site who generally stay for less than 2 hours. Long-term bicycle parking is intended to serve residents and commuters who generally stay at a site for long periods of time (e.g., overnight or for a work shift).
1. *Required number of spaces*.
   a. Short-term bicycle parking. One space per five residential units, plus one space per 250 square feet of commercial space; or four spaces, whichever is greater.
   b. Long-term bicycle parking. One space per two residential units, plus one space per 1,000 square feet of commercial space.
2. *Location and required elements*.
   a. Multifamily residential uses – Long-term bicycle parking. Long-term bicycle parking shall be located in an enclosed bicycle locker, a covered storage area or room, or a rack or stand in a room with key access limited to residents.
   b. Commercial uses – Long-term bicycle parking. Long-term bicycle parking shall be provided by a rack or stand within 100 feet of an entrance to the building it serves, or in an enclosed bicycle locker, covered storage area, or room.

c. Short-term bicycle parking. Short-term bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of an entrance to the building it serves.

3. *Size and accessibility*. Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between a bicycle parking space and walls, poles, landscaping, street furniture, pedestrian walkways, and parking areas.

B. *Pedestrian-oriented commercial setback areas*. Front setback areas between a commercial use and the primary right-of-way shall be landscaped and shall contain at least one amenity per 50 linear feet, such as benches or other seating, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).

C. *Lighting*. Outdoor light fixtures, including pole lights, wall-mounted lights, and bollards, shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
1. *Light intensity*. The maximum light intensity shall not exceed a maintained value of ten foot-candles, when measured at finished grade.
2. *Light temperature*. Lights shall be light-emitting diode (LED) lights with a color temperature no higher than 3000 Kelvins.

D. *Vents and Exhaust.* All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from view from any public right-of-way.

E. *Screening of mechanical equipment.* The following screening standards apply to specified types of mechanical equipment:
1. *Ground-mounted equipment*. Ground-mounted equipment that faces a public viewing area must be screened to a height of 6 inches above the equipment, unless such screening conflicts with utility access. Acceptable screening devices consist of walls, fences, or berms. Screening materials for walls or fences shall be selected from an exterior finish, siding, fencing, or wall material utilized elsewhere on the primary building of the development it serves.
2. *Wall-mounted equipment*. Wall-mounted equipment (e.g., electrical meters, cable connection boxes, electrical distribution cabinets, etc.) shall provide screening that incorporates the exterior wall or accent colors of the building, unless such screening conflicts with accessibility and visibility requirements for health and safety. For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device.
3. *Rooftop equipment*. Where rooftop equipment is located within 10 feet of a roof edge, a parapet shall be provided that is a minimum of six inches taller than all roof-top equipment. Rooftop equipment located within or adjacent to rooftop open space shall be screened to a height of 6 inches above the equipment in the manner provided by subsection (1) above.

F. *Trash, recycling, and other waste containers*. Enclosures for recycling, green waste, and any other waste containers required by law shall be located within a

building, incorporated into the exterior building design, or located within a detached enclosure designed and placed as follows:

1. The enclosure shall be located to the rear or side of the building(s) and located outside of view from a public right-of-way, and
2. The enclosure shall incorporate the materials and colors of the primary building design.

14.51.070 – Building and dwelling unit entrances.

A. *Separate entrances*. Building entrances and lobbies for residential units shall be separate from non-residential entrances.
B. *Street-facing commercial entrances*. Commercial components of mixed-use development along the primary right-of-way shall have main entrances facing the primary right-of-way and directly accessible from the sidewalk by a pedestrian walkway. Such entrances shall provide weather protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.
C. *Downtown street-facing entrance*. Buildings fronting Linden Avenue or Carpinteria Avenue shall provide an entrance directly from the public sidewalk or right-of-way a minimum of every 40 feet. Each shall have one or more of the following:
    1. Entrance flanked by columns, decorative fixtures, or other similar elements;
    2. Entrance recessed within a large arch or cased decorative opening;
    3. Entrance covered by a large portico projecting at least 6 feet from the surrounding wall plane; or
    4. Entrance covered by an awning.
D. *Downtown enhanced paving*. Building entrances fronting Linden Avenue or Carpinteria Avenue shall provide paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete that contrasts in color and texture from the adjacent walkway or right-of-way paving.
E. *Exterior entrances to residential units*.
    1. All individual exterior unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.
    2. Entrance types such as a stoop, porch, patio, or courtyard may serve more than one residential unit.
    3. Individual exterior unit entrances shall be illuminated, or face toward a common area or public street.
    4. Each residential unit located within 20 feet of a primary right-of-way with an exterior entrance shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.
    5. The entrance to residential units located on the ground floor may be raised up to a maximum finished floor height of 42 inches above the abutting sidewalk height, unless otherwise required for safety or sea level rise reasons.

14.51.080 – Windows.

A. *General Treatment*. Windows shall provide one of the following:
   1. Window trim or windowsill a minimum of one-half inch in depth; or
   2. Window recess a minimum of three inches in depth from the surrounding wall plane.
B. *Windows Facing a Public Street*. Windows facing a public street shall feature one or more enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.
C. *Privacy*. Where buildings are located within 15 feet of one another, residential window design on the building facades adjacent to one another shall avoid unfiltered/direct views into building interiors and shall be designed with one or more of the following:
   1. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units;
   2. Non-transparent or obscured glazing, such as frosted/patterned glass, glass block, or non-operable opaque windows. One-way mirror glass or film is not permitted;
   3. Permanent architectural screens or affixed louvers at windows; or
   4. Clerestory windows a minimum height of 5 feet from the ground.

14.51.090 – Materials and colors.

A. *Wall material*. The primary exterior wall siding material shall be selected from stucco, plaster, wood, composite wood, stone, stone veneer, brick, brick veneer, or vinyl. The use of exposed plywood or glass curtain walls is prohibited.
B. *Material transition*. Changes in materials or colors shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as a column or pier.
C. *Window Consistency*. Window frame materials and color shall be used on all elevations.
D. *Fences, walls, and hedges*. Fences and walls shall be constructed from materials such as wood, vinyl, wrought iron, brick, and stone. Chain link and barbed wire fencing is prohibited. Both sides of all fences and walls shall feature the same color and treatment.
E. *Vents and exhaust*. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

14.51.100 – General building design and architecture.

A. *Architectural Consistency*. Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.
B. *Roofs*.

1. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment. The interior side of parapet walls shall not be visible from a common open space or public right-of-way.
2. Roofs with overhanging eaves shall have an underside of stained wood, painted wood, or stucco. Exposed plastic is prohibited.
3. Corbels and brackets shall be constructed of stone, wood, or stucco. Exposed plastic is prohibited.

C. *Downtown ground floor transparency*. New mixed-use commercial building facades facing Linden Avenue or Carpinteria Avenue shall include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Windows and doors associated with a commercial use shall not use an opaque, frosted, or glazed material.
   1. The bottom of any product display window shall not be more than three and a half feet from the elevation of the sidewalk.
   2. Transparent or translucent glazing is required on the ground floor facade. Opaque, dark tinted glass, and mirror treatments that obstruct interior views at the street level are not permitted.

D. *Decorative window treatments*. Windows facing Linden Avenue or Carpinteria Avenue shall feature one or more of the following enhanced or decorative window treatments:
   1. Decorative architectural brackets, trim, exterior shutters, or awnings;
   2. Planter boxes or hanging planters;
   3. Balconies;
   4. Decorative accent material (such as wood or tile) as wainscot; or
   5. Bay windows.

E. *Decks and balconies*. Decks and balconies shall be constructed such that at least 75 percent of the area between the finished floor and the railing is an opaque material. All decks and balconies on a building shall use consistent colors, materials, and form.

F. *Vehicle Light Intrusion*. Vehicle headlights shall be obstructed from direct alignment with habitable interior first-story spaces with a minimum three-foot-high fence, wall, or other solid architectural feature.

G. *Carports*. Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design. Solar panels shall be permitted on carports in accordance with building code.

H. *Tandem parking*. Garages may be designed to accommodate tandem parking.

14.51.110 – Landscaping.

Landscaping shall be designed for all outdoor areas that are not specifically designated for buildings, walkways, driveways and parking, or open space. For further requirements, see the provisions of the base zoning district.

A. *Groundcover*. Groundcover shall be sized and located to cover at least 75 percent of all landscape areas that are not planted with shrubs or trees at the time building occupancy is granted.

1. While groundcovers and shrubs are establishing, a minimum layer of 3-inch bark mulch or decorative gravel shall be placed within all landscape areas to provide 100 percent coverage of such landscape areas.

B. *Plant selection*. Landscaping shall utilize non-invasive Mediterranean, local California native, and other WELO-compliant drought-tolerant species. Landscaping shall comply with the provisions of Chapter 15.90 – Water Efficient Landscaping, as applicable. Artificial or synthetic plants are prohibited.
C. *Number of Plants*. A minimum of one 15-gallon tree or equivalent box size and 20 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.
D. *Landscape privacy buffer*. A landscape buffer of a minimum width of five feet shall be located between all ground-level private open spaces, and pedestrian walkways or common/public open spaces. Plants shall be selected to enhance security (e.g. thorny plants) and shall be demonstrated to grow to a minimum height of four feet.
    1. *Exception*. Plantings providing a solid screen that are located in a front yard setback or facing the primary right-of-way shall not exceed a height of four feet.
E. *Pedestrian walkways.* Pedestrian walkways shall be flanked on at least one side with landscaping, and include a mix of groundcover, shrubs, and trees. Trees shall be selected and spaced to shade at least 25 percent of the overall walkway length at full maturity.
F. *Solar Access*. Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.

14.51.120 – Community Development Director substantial conformance determination.

The Community Development Director may make a determination that a substitution for, or minor deviation from, an objective standard specified in this section substantially supports the intent of the standard. Only the standards in the following sections are subject to a substantial conformance deviation:

A. Section 14.51.040 – subsections A, C, E, F, and K;
B. Section 14.51.050 – subsections B and G;
C. Section 14.51.060 – subsection E;
D. Section 14.51.070 – subsection C;
E. Section 14.51.080 – subsections B and C; and
F. Section 14.51.100 – subsection D.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted

this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment C.

Ordinance 790, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 790

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element Law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to remove Site 5 (APN 001-190-097) from the Ordinance and approve this Ordinance as amended on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 - Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

Candidate Site#	Assessor's Parcel No.	Existing Zone Designation	New Zone Designation
7	001-190-023 001-190-091 001-190-093 001-190-092	Industrial/Research Park (M-RP)	Residential/Mixed Use (RMU) 20/25
10	001-070-058	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
11	003-280-005 003-280-017	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
12	003-162-009 003-162-011 003-162-012	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
13	003-870-006 003-870-007 003-870-005 003-870-009 003-870-010 003-870-003 003-870-002 003-870-001 003-870-004	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
14	003-860-001 003-860-005 003-860-003 003-860-004 003-860-002 003-860-006 004-041-011 004-041-012 004-041-015 003-860-007 003-860-008	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, "provisions") thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

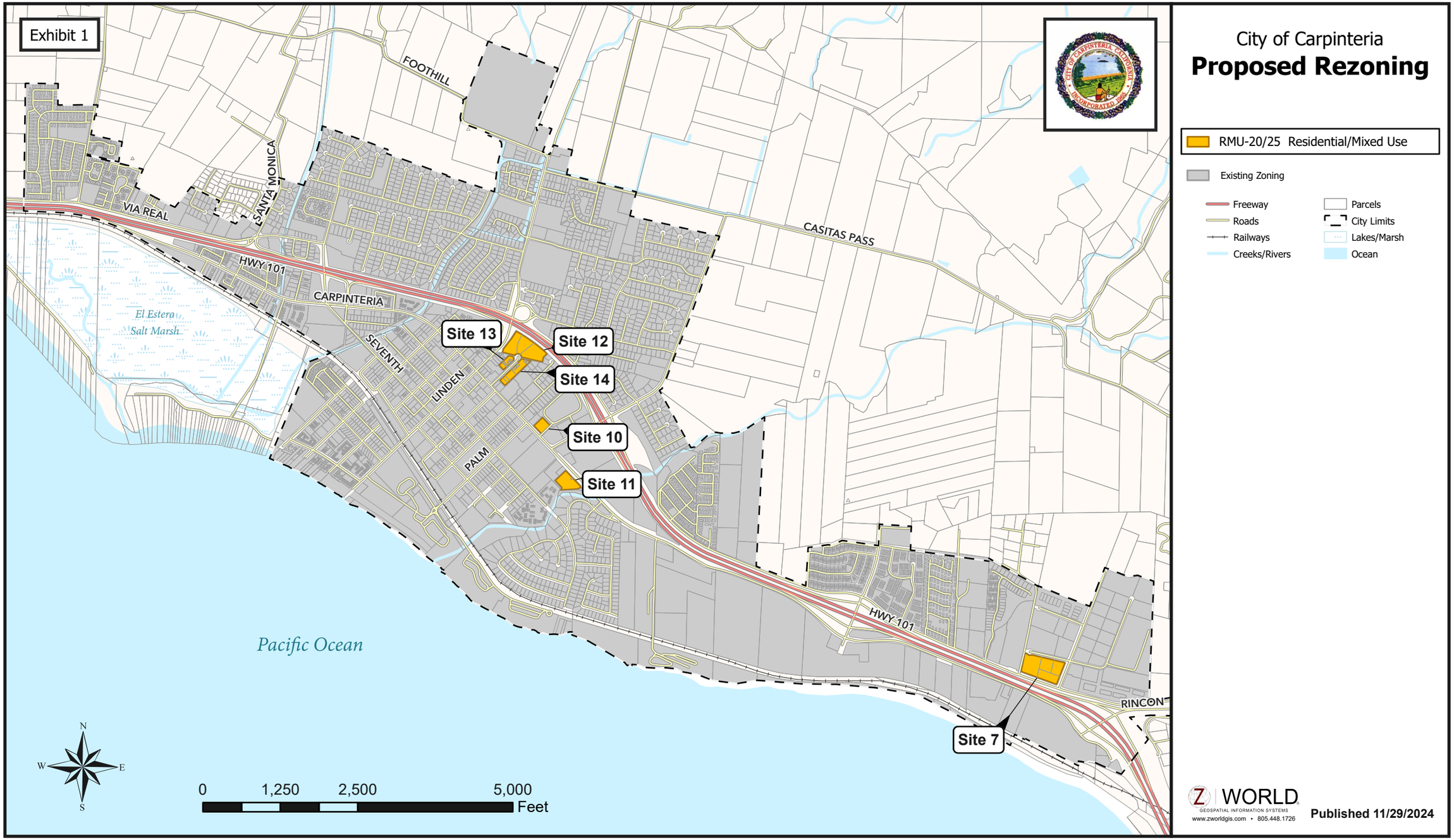
Exhibit 1
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Site 13
Site 12
Site 14
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Site 11
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Attachment D.

Ordinance 791, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 791

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 790), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum to the 2003 GP/CLUP PEIR, was introduced on a first reading, and the Council moved to approve this Ordinance on a 3-0-1-1 (Solorzano recused, Clark absent) vote; and

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

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

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

SECTION 3. Severability.

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

SECTION 4. CEQA Review.

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

SECTION 5. Effective Date.

This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section

13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

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City of Carpinteria

Proposed Rezoning

RMU-20/25 Residential/Mixed Use

Existing Zoning

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

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Published 11/29/2024

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Attachment E.

2003 GP/CLUP EIR and Draft CEQA Addendum thereto

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

The Previously Certified Program Environmental Impact Report (PEIR) for the City of Carpinteria's 2003 General Plan/Coastal Land Use Plan (GP/CLUP) was combined with the City's GP/CLUP.

Analysis pursuant to the California Environmental Quality Act (CEQA) occurs throughout the document with a full summary in Appendix A.

The full document is available at this link:
https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

CEQA ADDENDUM

City of Carpinteria
2023-2031 Housing Element Update Rezone Amendments
Project 24-2279-ORD/LCPA
Environmental Impact Report SCH 1997121111

November 25, 2024

I. Summary of this Addendum

This addendum to the Program Environmental Impact Report ("PEIR")[1] for the City of Carpinteria's ("City") General Plan/Coastal Land Use Plan ("GP/CLUP") ("Addendum") assesses the potential environmental impact(s) associated with implementation of Program 1 of the City of Carpinteria 2023-2031 Housing Element, as required by the California Environmental Quality Act ("CEQA") (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City, as the lead agency under CEQA, must consider the potential environmental impacts of the proposed Project, which includes:

- Adding a new Residential/Mixed Use ("RMU") Zoning District to the Carpinteria Municipal Code;
- Adding new Objective Design Standards to the Carpinteria Municipal Code; and
- Amending the City's Zoning Map to rezone certain parcels of land to RMU.

The goal of the proposed Project is to accommodate and encourage residential development in accordance with Program 1 of the City's adopted 2023-2031 Housing Element. This Addendum is being prepared pursuant to Sections 15162-15164 of the CEQA Guidelines, and is an informational document intended to be used in the planning and decision-making process.

The fundamental conclusion of this Addendum is that the proposed Project would not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the PEIR for the City's GP/CLUP, which was certified in 2003 with State Clearing House ("SCH") number 1997121111. Additionally, the Project would not involve any substantial changes to the components of, or circumstances surrounding, the City's GP/CLUP that would require major revisions to the PEIR. Thus, a subsequent or supplemental EIR need not be prepared in accordance with California Public Resources Code Section 21166.

[1] The previously certified PEIR was combined with the City's GP/CLUP, available at this link: https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

Housing Element Program 1

On January 22, 2024, the City of Carpinteria City Council ("City Council") adopted the current Housing Element[2], which outlines how the City's Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. While the Housing Element is adopted and in effect, it cannot be officially certified by the California Department of Housing and Community Development ("HCD") until the City implements Program 1 – Adequate Sites to Accommodate Regional Housing Needs.

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households, 35 units for moderate-income households, and 348 units for above-moderate-income households. Using the land inventory analysis in Appendix B, the City can currently accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units.

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, the City is required to implement Program 1 which involves rezoning sufficient land to accommodate 292 lower-income units plus a reasonable buffer[3].

As described in Program 1, City staff initially envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density residential development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed for both a higher density and a lower density residential development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now instead requires a zoning change on sufficient sites to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) and Program 1 require that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for the

[2] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/.
[3] HCD expects at least a buffer of 15 percent for a total of 336 units. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 would be approximately 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

lower-income units. Therefore, the zoning amendments must include this minimum density.

- Number of Units: Government Code Section 65583.2(h) and Program 1 require that the residential rezones include at least 16 units per site.
- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2, "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.
- Development Standards: As part of the rezoning program, the City must also ensure that allowable densities can be achieved and that development standards do not pose unreasonable constraints on the cost and supply of housing. Thus, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that streamlined permitting can be accomplished.
- Predominantly Residential Mixed Use Development: Government Code Section 65583.2(h) and Program 1 also require that one of the following standards is satisfied: (1) At least 50 percent of the lower income housing need to be accommodated on residential-only sites; or (2) All the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project.

In the adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this Addendum) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[4], and in the site profiles Figure B-4[5]).

In addition, Site #5 (located at 6380 Via Real and commonly referred to as "Lagunitas") was originally identified as a Candidate Opportunity Site considered for rezoning but was changed to a "pending project" in the final adopted Housing Element when an application for development was submitted. However, the applicants for the proposed development have stalled on processing their current application. Therefore, City staff and Planning Commission recommend that Site #5 also be included in the list of Candidate Opportunity Sites (Table1 below). If Site #5 is rezoned, it would provide the landowner with the opportunity to move forward with a project under the proposed RMU zone.

[4] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf.
[5] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf.

Table 1 – Summary of All 20 Candidate Opportunity Sites *(Site #17 was removed[6])*

Site #	Location	Current General Plan Land Use Category	GPA Required?
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy; Mark; Rose	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Out of the 20 Candidate Opportunity Sites, three would require a General Plan Amendment ("GPA") to modify the corresponding Land Use Designations in order to permit the proposed residential uses. The Final PEIR for the City's GP/CLUP included analysis of potential development under the existing Land Use Designations and did not anticipate such GPAs. Therefore, the three Candidate Opportunity Sites that require GPAs (Site Numbers 1, 2, and 19) are not currently under consideration for rezone amendments and are removed from further analysis in this CEQA Addendum. The Project thus does not require any amendment to the GP/CLUP.

All of the remaining 17 Candidate Opportunity Sites may be rezoned consistent with Program 1 without any changes to the GP/CLUP policies or Land Use Map.

II. Proposed Project Description: Zoning Amendments

Consistent with Program 1 of the Housing Element, the proposed Project analyzed in this CEQA Addendum consists of the following three components:

A. The addition of the RMU Zoning District in Title 14 of the Carpinteria Municipal Code ("CMC");

B. The addition of Objective Design Standards in Title 14 of the CMC;

[6] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.

C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning designations to the new RMU Zone.

All three of these Project components are logical follow-on discretionary actions to the GP/CLUP and are covered by the City's previously certified PEIR. While all three components combine to describe the whole of the Project, a project under CEQA is essentially the action(s) which would result in a physical change to the environment. In this case, the potential direct and indirect environmental effects from the proposed Project would come from the future development or redevelopment of the rezoned Sites.

It is not likely that all 17 Candidate Opportunity Sites (Table 2) will be rezoned as part of the Project. Ultimately, the City Council may choose a subset of these eligible Sites in order to meet the City's immediate RHNA shortfall plus a reasonable buffer. Even though it is unlikely that all 17 Sites will be rezoned, this Addendum's analysis covers all 17 Sites in order to assess whether or not there will be any significant impacts which require additional environmental review if all 17 Sites are rezoned.

Table 2 – Proposed Project: 17 Sites to be Potentially Rezoned to RMU

Site #	Location	Site Size (ac)	Current Zoning	Current GP	Potential Units w/Rezone*	Potential Lower-Income Units	Potential Moderate Income Units	Existing Use
3	1000 Bega Way	9.68	M-RP	RDI	175	175	0	Industrial Research
4	6250 Via Real	8.47	M-RP	RDI	166	166	0	Storage
5	6380 Via Real	8.63	M-RP	RDI	169	169	0	Vacant
6	Cindy Ln; Mark Av; Rose Ln	10.58	M-RP	RDI	210	210	0	Industrial Research
7	Cindy Ln; Via Real	5.51	M-RP	RDI	110	110	0	Industrial Research
8	Mark Av; Cindy Ln	10.02	M-RP	RDI	199	199	0	Industrial Research
9	Cindy Ln	4.49	M-RP	RDI	89	89	0	Vacant
10	5320 Carpinteria Av	1.08	CPD	GC	21	21	0	Commercial
11	5437 Carpinteria Av	1.98	CPD	GC	25	25	0	Apartments and partially vacant
12	Eugenia Pl	4.66	CPD	GC	92	92	0	Commercial
13	Eugenia Pl	0.80	CPD	GC	16	16	0	Commercial Condos
14	Eugenia Pl	1.88	CPD	GC	35	19	16	Commercial Condos & Commercial
15	Carpinteria Av	2.45	CPD	GC	48	40	8	Commercial
16	Carpinteria Av	0.67	CPD	GC	9	0	9	Commercial & Residential
18	Holly Av; Carpinteria Av	1.47	CPD	GC	28	22	6	Commercial & Residential
20	Palm Av	0.77	CPD	GC	11	0	0	Commercial
21	Carpinteria Av	6.31	M-RP	RDI	125	125	11	Industrial & Vacant
Totals		**79.45**	**n/a**	**n/a**	**1,528**	**1,478**	**50**	

* Assumes 20 dwelling units per acre.

As shown in Table 2, each of the Candidate Opportunity Sites covered by this Addendum is currently zoned either Commercial Planned Development ("CPD") or Industrial/Research Park ("M-RP"). The CPD zoning designation aligns with the corresponding General Commercial ("GC") land use designation; the M-RP zoning

designation aligns with the Research and Development Industrial ("RDI") land use designations. Under the new RMU District, future development of the Sites would include the following:

A. Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;

B. Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);

C. For sites in the GC land use category: the option to have commercial uses as part of a mixed-use development (except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which would be required to include a commercial use on the ground floor fronting the avenue);

D. For sites in the RDI land use category: the option to have offices and/or research, development, and laboratory uses, as part of a mixed-use development.

Since the commercial/office uses along with some residential uses are already permissible under the Sites' current zone districts and land use designations, the primary changes for the purpose of CEQA analysis are the net addition of the new residential density and accompanying accessory uses.

III. Analysis – Consistency with GP/CLUP

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's GP/CLUP and accompanying PEIR. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories currently allow for residential uses in their definitions:

> ***General Commercial (GC)***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented. (emphasis added)*
>
> ***Research & Development Industrial (RDI)***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential. (emphasis added)*

More explicitly, the following specific Land Use objectives and policies demonstrate that the rezones are consistent with the GP/CLUP. (See also the full GP/CLUP Consistency Analysis prepared for the project as Attachment H to the November 25, 2024 City Council Staff Report).

- ***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.*

  Discussion: Site Nos. 8 and 9 are located at the City's eastern edge, but still within the Urban Boundary. Site No. 8 is developed with industrial uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site Nos. 5 and 9 are vacant but surrounded by existing residential and/or industrial development on three sides. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned urban uses for the area.

  The remaining 14 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops. With the application of the Objective Design Standards, the future residential and mixed-use development on these sites would be compatible with the existing small beach town character.

- ***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. (emphasis added)*

  Discussion: All 17 Candidate Opportunity Sites are located within existing developed areas of the city. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and the railroad corridor to the south.

  The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the Project would concentrate development in the City's urban core by focusing on locations with existing commercial/industrial land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

- ***Objective LU-6****: Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to*

expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing. (emphasis added)

Discussion: The application of the new RMU Zone to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are to:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

- ***Policy LU-6a****. The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. (emphasis added)*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential on parcels designated for commercial and industrial would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity Sites that were compatible with existing and anticipated uses in the area surrounding the Site were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations.

  This would also help the City to improve and maintain an appropriate jobs-housing balance. As explained in the 2023-2031 RHNA Plan[7], the Santa Barbara County Association of Governments (SBCAG) reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships

[7] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

- ***Policy LU-6b****. The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial land uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and

residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles).

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permitted in the CPD and M-RP Zones. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue maintain a commercial component on the ground floor within the downtown "T" (based on Community Design Element Subarea 2a). In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

IV. CEQA Findings

The PEIR for the City's GP/CLUP was certified in April of 2003. CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR; or
    b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR; or
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

The previously certified PEIR evaluated the potential impacts of the City's adoption of the GP/CLUP, including the buildout of the Land Use Map. As described in the Land Use Element, an additional 972 residential units and approximately 196,000 square feet of commercial and research park space was anticipated at buildout of the GP/CLUP. Based on the City's annual reports on the GP/CLUP since 2003, just over half of the anticipated residential units have been built and/or permitted. As such, there is still growth capacity under the existing Plan and corresponding PEIR.

Since the proposal to rezone commercial and light industrial zones under the GC and RDI Designation areas to the new RMU zone would reduce potential for commercial and research park development while increasing potential residential development, a direct comparison of the 2003 anticipated buildout to the new potential buildout is not possible. However, a general comparison can be done.

For example, mixed-use and residential-only developments are already permissible at densities up to 20 dwelling units per acre in the CPD and M-RP zones (i.e., "existing capacity"). The RMU zone would increase density to allow for up to 25 dwelling units per acre. As shown in Table 3 below, the Project would potentially allow for up to 397 more residential units than the existing zoning/capacity. Thus, an additional 397 units would not exceed planned buildout under the existing GP/CLUP. The certified PEIR contemplated the potential impacts associated with the Project, including the full potential build out that had not occurred. Therefore, the Project does not propose substantial changes to the amount of development within the City that was evaluated in the PEIR for the GP/CLUP.

Table 3. Buildout Comparison

Site #	Location	Site Size (ac)	Maximum Units w/Rezone*	Existing Capacity	Increase from Rezones
3	1000 Bega Way	9.68	242	193	49
4	6250 Via Real	8.47	211	169	42
5	6380 Via Real	8.63	215	172	43
6	Cindy Ln; Mark Ave; Rose Ln	10.58	264	211	53
7	Cindy Ln; Via Real	5.51	137	110	27
8	Mark Ave; Cindy Ln	10.02	250	200	50
9	Cindy Ln	4.49	112	89	23
10	5320 Carpinteria Ave	1.08	27	21	6
11	5437 Carpinteria Ave	1.98	49	39	10
12	Eugenia Pl	4.66	116	93	23
13	Eugenia Pl	0.8	20	16	4
14	Eugenia Pl	1.88	47	37	10
15	Carpinteria Ave	2.45	61	49	12
16	Carpinteria Ave	0.67	16	13	3
18	Holly Ave; Carpinteria Ave	1.47	36	29	7
20	Palm Ave	0.77	19	15	4
21	Carpinteria Ave	6.31	157	126	31
Totals		**79.45**	**1,979**	**1,582**	**397**

The proposed Project would not modify the GP/CLUP or its Land Use Map. The future development of the 17 Candidate Opportunity Sites would be infill development that was already planned for under the existing GP/CLUP and analyzed in the PEIR. Further, the proposed Project would serve to implement many of the Land Use Element policies that specifically anticipated the need for mixed-use and residential infill uses in the GC and RDI land use categories.

With the exception of potential agricultural conversion, the previously certified PEIR found that all potential impacts of the GP/CLUP would be less than significant with adherence to the objectives and policies therein.

The proposed Project would not convert any agricultural resources and would not result in any new significant environmental effects, nor would it change the nature or scope of any previously identified impact areas or their mitigation measures. No open space areas or environmentally sensitive areas are proposed to be developed or indirectly impacted. Applicable mitigation measures are included as part of the City's GP/CLUP and would apply to any future development proposals on the parcels affected by the proposed map revisions. Therefore, this Addendum finds the following:

1. The proposed Project will not require any major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. There are no substantial changes that have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified as complete, showing any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

As identified above, the proposed Project would implement Program 1 of the City's 2023-2031 Housing Element and would involve Zoning Amendments to add a new Residential/Mixed Use (RMU) Zoning District and new Objective Design Standards, and to amend the Zoning Map to rezone up to 17 Candidate Opportunity Sites to RMU. The primary changes from the Project are additional residential density on sites already zoned to permit medium density residential use and mixed use. The proposed Project would not result in any changes to City land use designations or GP/CLUP policies. The changes resulting from the proposed Project do not constitute substantial changes to the GP/CLUP, its circumstances, or include new information of substantial importance. The modifications would not involve substantial changes in the magnitude of impacts identified in the previously certified PEIR and would not create new

potentially significant impacts that would require mitigation. Therefore, none of the circumstances identified in CEQA Guidelines Section 15162(a) are present.

Pursuant to CEQA Guidelines Section 15164, an addendum is the appropriate CEQA document for the Project. There is no substantial evidence in light of the whole public record suggesting that the project would result in significant environmental impacts not otherwise addressed in the previous EIR. Consequently, a subsequent or supplemental EIR is not required.

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Attachment F.

Figures 1 through 4 as follows:

1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

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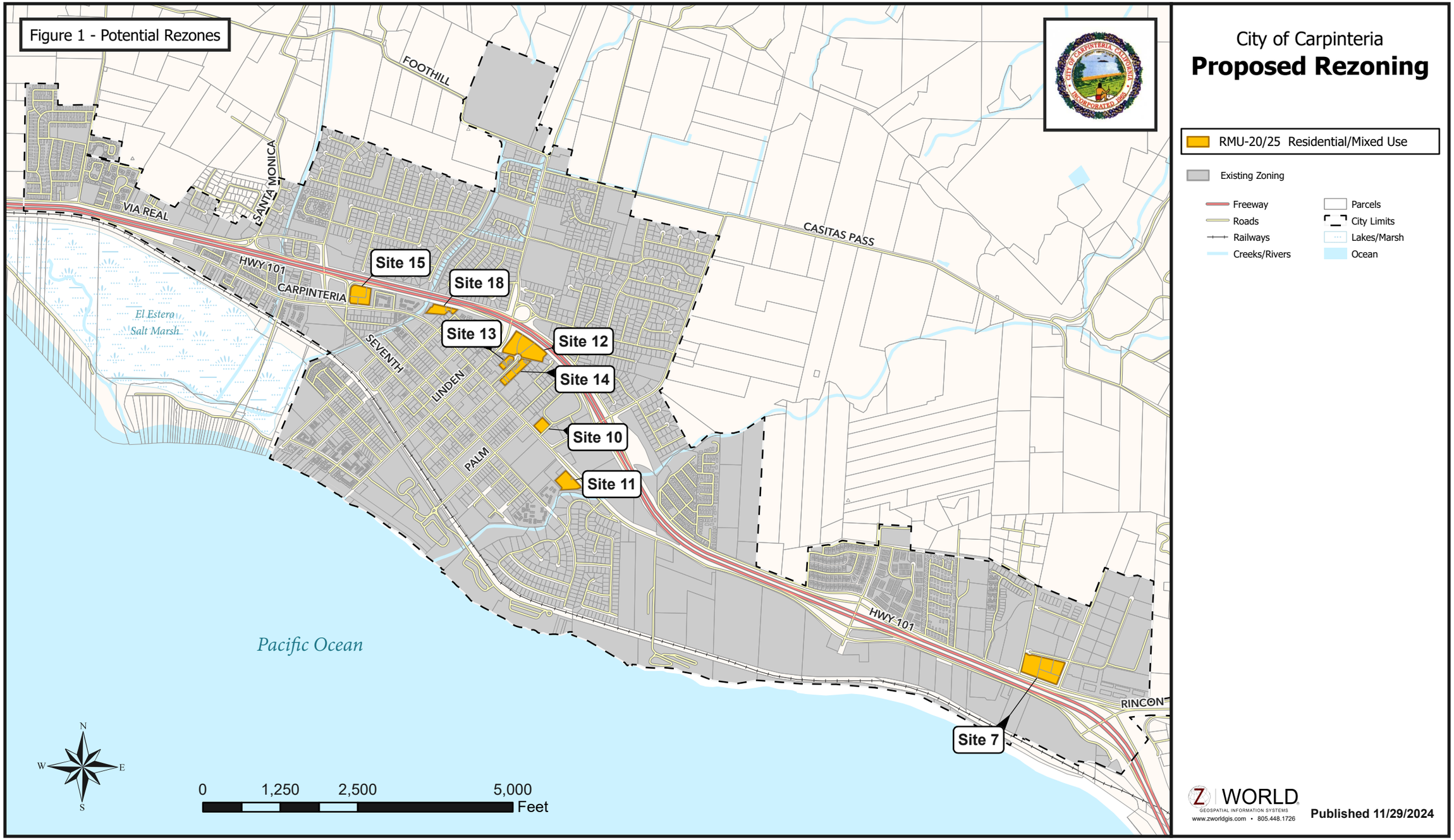
Figure 1 - Potential Rezones
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Pacific Ocean
RINCON
Site 15
Site 18
Site 13
Site 12
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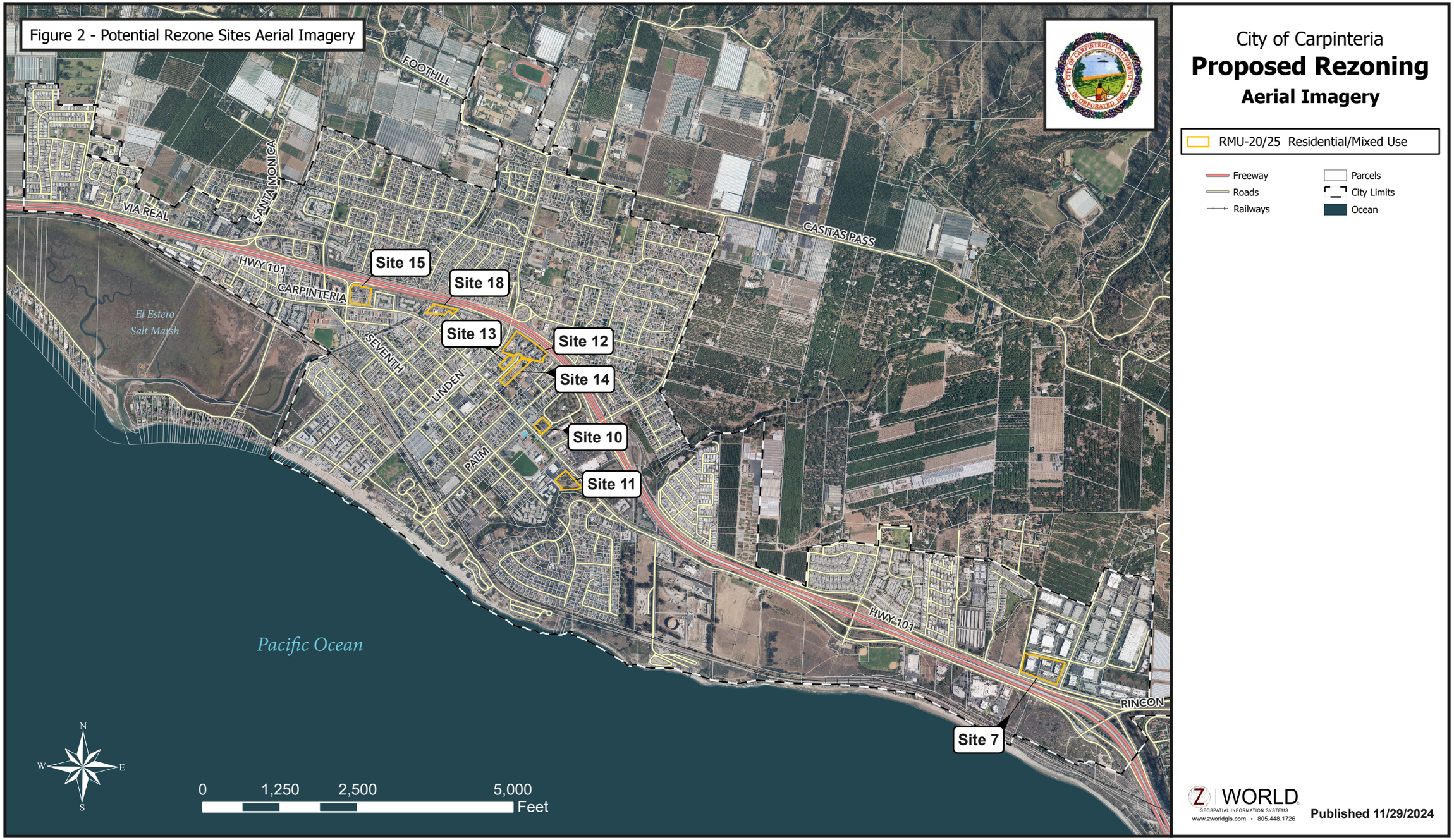
Figure 2 - Potential Rezone Sites Aerial Imagery
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
Site 15
Site 18
Site 13
Site 12
Site 14
Site 10
Site 11
Site 7
SEVENTH
LINDEN
PALM
El Estero
Salt Marsh
Pacific Ocean
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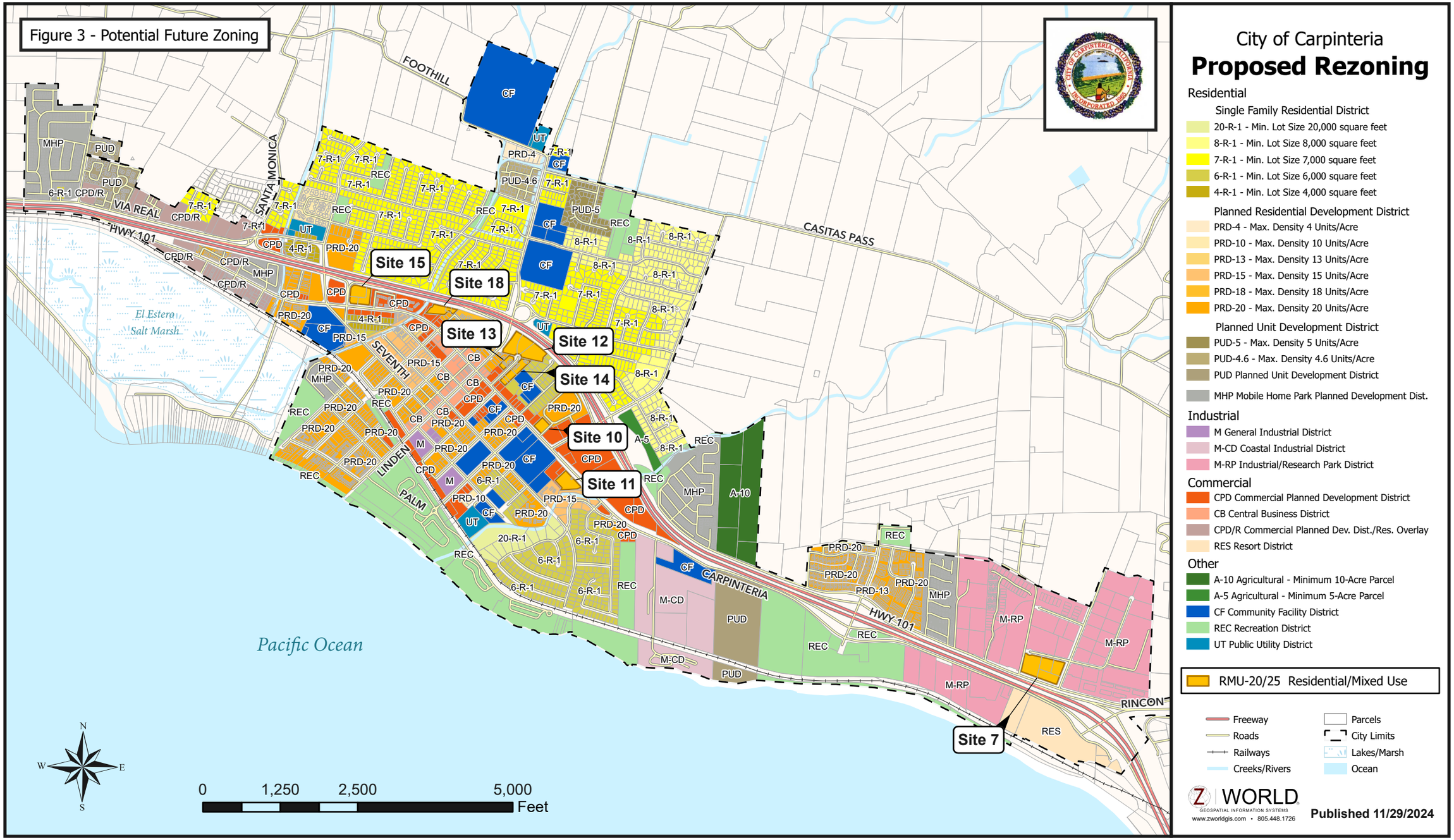
Figure 3 - Potential Future Zoning
City of Carpinteria
Proposed Rezoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
RMU-20/25 Residential/Mixed Use
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
Site 7
Site 10
Site 11
Site 12
Site 13
Site 14
Site 15
Site 18
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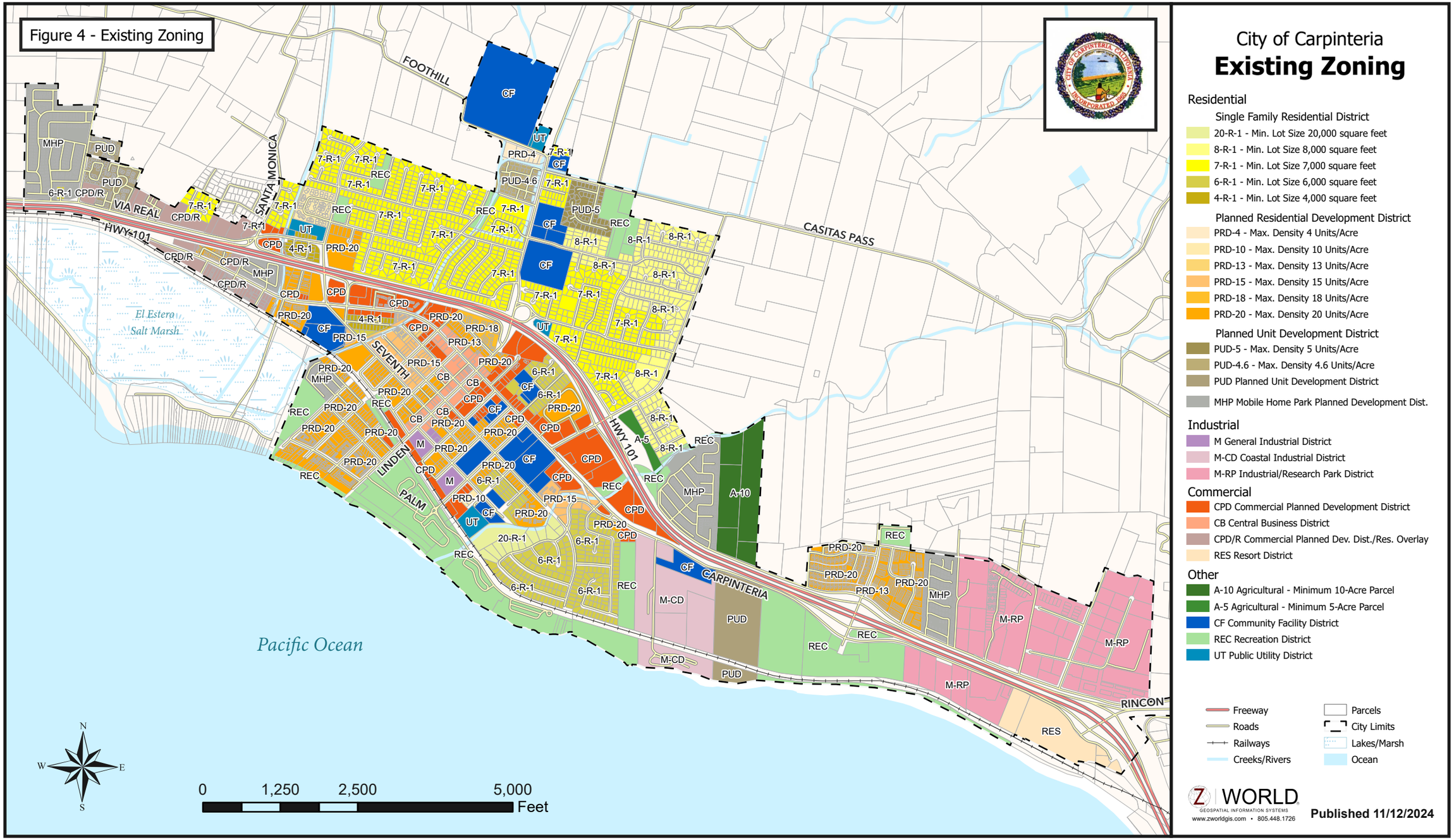
Figure 4 - Existing Zoning
City of Carpinteria
Existing Zoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
Freeway
Roads
Railways
Creeks/Rivers
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Attachment G.

October 17, 2024 Architectural Review Board (ARB) Meeting Minutes (re: proposed ODS)

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

CITY OF CARPINTERIA
5775 Carpinteria Avenue
Carpinteria California 93013

ARCHITECTURAL REVIEW BOARD
Meeting Date October 17, 2024

ACTION MINUTES

The meeting was called to order at 5:31 p.m. by Vice Chair Blakemore

ROLL CALL

Boardmembers present: Amy Blakemore, Vice Chair
Richard Johnson
Richard Little
Patrick O'Connor

Boardmembers absent: Chair Brad Stein

OTHERS PRESENT:
Approximately 4 members of the public;
Community Development Director Nick Bobroff;
Principal Planner Brian Banks;
Principal Planner Mindy Fogg;
Senior Planner Syndi Souter; and
Assistant Planner Megan Musolf

PUBLIC COMMENT: None

PROJECT REVIEW

1) Project: Minear-Almgren Fence & Gates, Project 24-2307-FENCE/ARB
Address: 1455 Camellia Circle
Applicant: Brian Brodersen, landscape architect, for Jeffrey Becker, Becker Group, Managing Member of Seaside Apartment Investors, LLC
Planner: Syndi Souter

Request of Holly Minear and Hans Almgren, property owners, to consider Project 24-2307-FENCE/ARB for preliminary review of a proposal for approval of "as-built" redwood fencing and gates, ranging from 3.75-feet to 8-feet in height, that were constructed in the front and side yard setbacks of the property. The property is a 9,147 square-foot parcel zoned Single Family Residential (7-R-1) and shown as APN 003-590-023, addressed as 1455 Camellia Circle.

Ex Parte Communications Disclosure: None

Staff Comments:
Syndi Souter provided a presentation and described the project. Syndi detailed the "as built" fence plans, and described the previously existing fence design and heights as compared to the existing fence the Board is reviewing. Syndi concluded her presentation with an analysis of the proposed (as-built) fence relative to the zoning code requirements and Neighborhood design objectives and policies, and asked for the Board's comments on the following issue areas:

- Design and materials for the fencing and gates;
- Height of fencing and gates; and
- Location of fencing in front yard setback.

Applicant Comments:
Holly Minear and Hans Almgren, property owners, were in attendance and provided brief comments. Holly explained to the Board that it was time to replace the fencing and that the rebuilt fence was very similar to the previously existing fence's height, location and material/design. She further explained that the purpose of the 8-foot portion is to screen the RV stored on the adjacent property from view. Hans related that their 8-foot portion of fence is lower in height that the adjacent neighbor's fences.

Public Comments:
Miles Calkins, a neighbor at 1450 Camellia Circle, spoke in support of approving the existing fence as designed/constructed, and that it is appropriate for the neighborhood.

Boardmember Discussion:
Boardmember O'Connor commented that the fence looks nice and he supports approval of it.

Boardmember Little commented that the fencing material and design is appropriate but is concerned with the height of the portion of fence within the front setback and recommends that the first and second "tiers" be brought down to the 3-foot ordinance standard.

Boardmember Johnson commented that there was precedent set by the previous fence's construction although the previous fence was not permitted. He has no objections to the fence as designed, including the fence material and design.

Vice Chair Blakemore commented that she sees the value in the way the fence is located and designed, but is concerned with the height of the first tier of fence height nearest the street being a safety concern with respect to line-of-site and pedestrian safety. Vice Chair Blakemore suggested that the Board consider a conceptual motion to reduce the first tier of fence (currently 3.70-feet) to 3-feet.

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember O'Connor, to recommend approval to the Director with the condition that the first tier of fencing in the front setback currently a 3.70-feet in height be reduced to 3-feet in height.

VOTE: 4-0

2) Project: Objective Design Standards for Multifamily Residential and Mixed-Use Developments
Address: Citywide
Applicant: City of Carpinteria
Planners: Mindy Fogg and Megan Musolf

Request of by the City of Carpinteria to consider Project 24-2279-ORD/LCPA for review of proposed Objective Design Standards (ODS) that would apply to specified multifamily residential and mixed-use developments in the City. The ODS are proposed as a new chapter in Title 14, Zoning, of the Carpinteria Municipal Code and are part of a larger project to rezone sites in the City to satisfy the City's 2023-2031 Housing Element Program 1, Adequate Sites to Accommodate Regional Housing Needs Allocation.

Ex Parte Communications Disclosure: Boardmember O'Connor commented that he reached out to Long Rang Planning staff with questions about which properties are proposed for the new Mixed Use Zone.

Staff Comments:
Community Development Director Nick Bobroff introduced the City's long-range planning team, comprised of Mindy Fogg, Principal Planner, and Megan Musolf, Assistant Planner. Megan provided a presentation and described the purpose of the Objective Design Standards (ODS) as a component of the larger effort to implement Program One of the City's 2023-2031 Housing Element, and how they would apply to future residential and mixed-use projects within certain zone districts. Megan provided an overview of the topics of the proposed ODS for the ARB's consideration and the related proposed standards of a new Chapter in the Zoning Ordinance (14.51). Megan concluded her presentation with a list of particular Ordinance sections requiring additional input from the Board, and asked for the Board's overall comments on the following elements of the Objective Design Standards:

- Massing and placement of multi-story buildings, particularly regarding required stepbacks and height limits for upper stories;
- Design elements specific to the Downtown T area (Linden and Carpinteria Avenues);
- Architectural styles permitted (or not permitted) by the design standards;
- Privacy considerations for residences within a mixed-use development, particularly regarding window placement on adjacent building facades; and
- Colors and materials, including exterior lighting.

Vice Chair Blakemore opened the discussion to boardmembers for questions. Boardmember O'Connor relayed his understanding of how the ODS would be implemented in the context of the Housing Element and proposed mixed-use zone (MU 20/25), and wondered if the ODS could be an opportunity to readdress how density is calculated for larger housing projects, particularly regarding the exclusion of non-buildable area from the calculation. He also asked if staff had considered consulting the Design Review Committee to review the ODS. Principal Planner Brian Banks noted that this could be discussed following public comment.

Boardmember Little asked if Housing Element candidate site property owners had a say in whether their property is rezoned by the City to MU 20/25. Mindy responded that a rezone could be done without property owner support, but that staff invite all property owners to attend Planning Commission and City Council meetings or submit comments so that their comments are considered in the decision-making process. Boardmember Little also asked if a citywide parking needs study had been completed to inform the required parking ratios in the ODS. Nick responded that no study has been done, but the ODS parking ratios for affordable units matched the parking ratios provided in State density bonus law. Boardmember Johnson commented that many residents do not use their garages for parking vehicles, adding to parking problems.

Applicant Comments: N/A

Public Comments:
Annie Sly addressed the Board with questions regarding if the purpose of the ODS is to protect the City from "Builder's Remedy" projects; if after the City approves the ODS can the State still overrule them; questioned how long the rezone process will take; and if there are any other remaining requirements still left to be completed for the City's Housing Element to be compliant with State housing requirements. Nick Bobroff then began responding to the questions at the request of Vice

Chair Blakemore, explaining that implementing ODS does give the city some "protection" since projects required by State law to be reviewed ministerially would still have to comply with them. The ODS could function as a "backstop" when projects cannot be reviewed by the ARB or Planning Commission. Brian added that well-crafted ODS are key for City staff to complete ministerial review of projects. Nick continued that Housing Element implementation programs do get reviewed by the State's Department of Housing and Community Development (HCD), and HCD could reject the implementation if it is deemed to not sufficiently support housing production, but that many of the types of standards in the ODS have been implemented successfully by other jurisdictions. Mindy noted that staff is currently aiming to have the rezones adopted by City Council by January 2025, and then staff would immediately submit the project to the California Coastal Commission and HCD for review.

Boardmember Discussion:

Chair Stein provided an email to the Board expressing that the proposed Objective Design Standards are very thorough and clear, but he has concerns that raising the height to 35-feet from the current 30-foot height limit, when combined with allowed height exceptions for certain elements such as mechanical enclosures and elevators can result in buildings with a height in excess of 40-feet. Vice Chair Blakemore acknowledged Chair Stein's comments. Mindy clarified that the proposed increase in height limit would be contained in the new MU zone district, not the ODS, although the ODS do propose height limits for each story. Nick added that HCD has informed the City that the current 30-foot height limit is an impediment for three-story buildings, which are necessary to achieve the required housing element densities.

Boardmember Little inquired if the proposed ODS contained any standards that conflicted with the recently approved mixed-use project at 4745 Carpinteria Ave. Megan replied that staff had considered this project in writing the ODS, but the ODS were not modeled after it. Brian elaborated that staff had used the project as an example of appropriate story height in the context of a larger discussion about setting story heights for small residential units. Boardmember Little suggested not listing BBQ grills as an amenity in open space areas. He agreed with the proposed story heights. He said he felt that stepbacks larger than two feet would be better for the proposed "contextual upper story stepbacks," and that screening for upper-story private open spaces should be no higher than four feet. He commented that every 50 feet felt too far for a roofline variation requirement, and recommended it be changed to 30 feet. Boardmember Little asked, in relation to the proposed 15-foot rooftop open space setback, if the current proposal to renovate the Palms building on Linden would satisfy this standard. Staff said it may on some sides, and Nick clarified that the 15-foor setback was intended to prevent rooftop open spaces from looking down into peoples' private yards. Nick suggested language could be added to clarify the setback would be needed when the abutting property is residential, and the Board agreed. Finally, Boardmember Little brought up the idea of allowing tandem parking, and staff responded that they would look into how it could be incorporated in the ODS.

Boardmember O'Connor felt the City should implement neighborhood-specific design standards in the future. He related back to his prior comments regarding density and said he wanted to prevent high-rise buildings on small lots with environmental or other constraints. Nick responded that the State requires a minimum density of 20 units per acre for Housing Element rezone sites, and that density is calculated with gross lot size. Boardmember O'Connor expressed that only the buildable area on a site should be considered in density calculations, and Nick replied that staff, for the ODS and MU 20/25 zone, is working with existing Zone Code rules which utilize gross lot size. Lastly, Boardmember

O'Connor questioned how projects would be handled in the proposed MU 20/25 zone that reuse existing structures. Brian responded that staff expect most projects that would utilize the ODS would likely be full demo/rebuild type projects due to the high cost of retrofitting old buildings for new residential, and Mindy noted that it could be feasible for a few candidate sites to repurpose existing buildings while meeting the ODS.

Boardmember Johnson expressed that he felt the ODS were a sound starting point, although many hours could be spent discussing them. Nick replied that the proposed ODS, if implemented, can be reviewed and changed in the future once projects have begun to actually use them. Boardmember Johnson concurred with Boardmember O'Connor's comments regarding calculation of density, and then expressed concern about the ODS pushing buildings right up to the front property line. Nick responded that no MU 20/25 rezone sites are proposed on Linden Ave where a zero-foot setback exists, and that the MU 20/25 zone proposes 5-to-15-foot front setbacks.

Vice Chair Blakemore commented that the proposed 35-foot height limit in the MU 20/25 zone should be inclusive of elevators and other equipment on top of buildings. She felt there should not be any exceptions to the proposed story height limits for certain roof styles, and that the two-foot upper story stepback was adequate— a larger stepback would not accommodate higher densities. She did not support allowing BBQ grills in common/public open spaces. For landscaping requirements, Vice Chair Blakemore recommended increasing the required number of 5-gallon plants per 1,000 square feet from 10 to 20, and to find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure (she suggested compiling a list of trees to avoid).

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember Johnson, to recommend approval to the Planning Commission with their comments attached.

VOTE: 4-0

OTHER BUSINESS: None

CONSENT CALENDAR:

3) Action Minutes of the Architectural Review Board Meeting of September 26, 2024.

ACTION: Motion by Boardmember Johnson, seconded by Boardmember Little, to approve the minutes as drafted.

VOTE: 3-0 (O'Connor abstained)

MATTERS REFERRED BY THE PLANNING COMMISSION/CITY COUNCIL: None

MATTERS PRESENTED BY BOARDMEMBERS/STAFF: None

ADJOURNMENT

Vice Chair Blakemore adjourned the meeting at 7:00 p.m. to the next scheduled meeting to be held at 5:30 pm on Thursday, November 14, 2024. All Boardmembers present expect to attend.

_____
Chair, Architectural Review Board

ATTEST:

_____
Secretary, Architectural Review Board

Attachment H.

Consistency Analysis with the City's General Plan/Coastal Land Use Plan

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

City of Carpinteria
General Plan/Coastal Land Use Plan (GP/CLUP) Consistency Analysis for the 2023-2031 Housing Element Update Zoning Amendments Project 24-2279-ORD/LCPA

On January 22, 2024, the City Council adopted the 2023-2031 Housing Element[1], which outlines how the Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. Now the City must implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

This analysis provides an evaluation of the proposed Project, which is the implementation of Program 1. It requires amendments to the Carpinteria Municipal Code ("CMC") and Local Coastal Program ("LCP") and consists of the following three main components:

A. The addition of the Residential/Mixed Use ("RMU") Zoning District in Title 14 of the CMC;
B. The addition of Objective Design Standards ("ODS") in Title 14 of the CMC;
C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning districts to the new RMU Zone.

The amendments to the Zoning Map would involve up to 17 Candidate Opportunity Sites, which are listed in Table 1.

Table 1 – Proposed Project: 17 Sites to be Potentially Rezoned to Residential/Mixed Use

Site #	Location	Site Size (ac)	Current Zoning	Current General Plan
3	1000 Bega Way	9.68	M-RP	RDI
4	6250 Via Real	8.47	M-RP	RDI
5	6380 Via Real	8.63	M-RP	RDI
6	Cindy Ln; Mark Ave; Rose Ln	10.58	M-RP	RDI
7	Cindy Ln; Via Real	5.51	M-RP	RDI
8	Mark Ave; Cindy Ln	10.02	M-RP	RDI
9	Cindy Ln	4.49	M-RP	RDI
10	5320 Carpinteria Ave	1.08	CPD	GC
11	5437 Carpinteria Ave	1.98	CPD	GC
12	Eugenia Pl	4.66	CPD	GC
13	Eugenia Pl	0.80	CPD	GC
14	Eugenia Pl	1.88	CPD	GC
15	Carpinteria Ave	2.45	CPD	GC
16	Carpinteria Ave	0.67	CPD	GC
18	Holly Ave; Carpinteria Ave	1.47	CPD	GC
20	Palm Ave	0.77	CPD	GC
21	Carpinteria Ave	6.31	M-RP	RDI

[1] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's 2003 GP/CLUP. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories allow for residential uses in their definitions:

> ***General Commercial ("GC")***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented.*
>
> ***Research & Development Industrial ("RDI")***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential.*

I. Project Consistency with the Land Use Element

The following analysis focuses on how the proposed Project is consistent with applicable Land Use Element objectives and policies.

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.*

Discussion: This objective was taken into consideration during the 2023-2031 Housing Element Update process. Candidate Opportunity Sites chosen for potential rezoning were screened to ensure that their locations make sense for siting future housing in the City while ensuring there would be minimal impacts to coastal resources, coastal access, and recreational opportunities. Site profiles for Candidate Opportunity Sites are provided in Figure B-4 of Appendix B[2] of the Housing Element. All Sites were selected based on substantial evidence that they could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise. Moreover, the 17 Sites (Table 1 above) under consideration for the proposed Project are located in commercial and light-industrial/research park

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

areas of the City and would support compatible housing and/or mixed-use development in context with other existing and planned development patterns.

Policy LU-1a: *The policies of the Coastal Act (Public Resources Code Section 30210 through 30263) are hereby incorporated by reference (and shall be effective as if included in full herein) as the guiding policies of the land use plan.*

Discussion: The proposed Project would comply with the provisions of the Coastal Act and with the City's Local Coastal Plan ("LCP"). Appendix B of the Housing Element describes the City's Candidate Opportunity Sites and includes an initial evaluation of those sites with respect to Coastal Act and the City's certified LCP's protections for coastal resources. The candidate sites were selected based on substantial evidence that these sites could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise.

Policy LU-1d: *Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space/recreation or agriculture (as shown on Figure LU-1) are compatible with these public resources and will not be detrimental to the resource.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), no Sites are located next to agriculture and only Site #21 is located adjacent to designated open space/recreation. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would not be detrimental to the adjacent recreational area since the uses are compatible, the properties involved are easily accessible for vehicles and pedestrians, and future development would not create any hazards or nuisances that would disrupt the ongoing use of the ball fields.

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*.

Discussion: The overall Project would be consistent with this objective. The intent of the standards in the RMU Zone and ODS is to ensure that future housing growth occurs in a manner that is compatible with the existing small beach town character.

Site Nos. 8 and 9 are located at the City's eastern edge. Site No. 8 is developed with industrial/office park uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site No. 9 is vacant but surrounded by industrial development to the north, south, and west. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned uses for the area.

The remaining 15 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops, and is either served by all needed utilities or has direct access to existing utilities. With the application of the ODS, the future residential and mixed-use development would be compatible with the existing small beach town character.

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.*

Discussion: The proposed Project would be consistent with this policy. It would incentivize new residential development adjacent to existing development in commercial and light industrial/research park designations to allow for redevelopment and infill in the urban core, near existing services and jobs.

All 17 Candidate Opportunity Sites are located adjacent to existing developed areas of the City. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and railroad corridor to the south.

The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the rezones would concentrate development in the City's urban core by focusing on locations with existing commercial/research park land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

Therefore, the new RMU zone district requiring residential densities of 20-25 dwelling units per acre on up to 17 select Candidate Opportunity Sites (Table 1) that are located in GC and RDI designated areas would appropriately concentrate higher-densities in the urban core and prompt redevelopment of existing structures.

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

Discussion: The proposed Project is the implementation of a key program from the adopted 2023-2031 Housing Element. Both the City's and the County's Housing Elements this cycle were prepared through a cooperative assessment with the Santa Barbara County Association of Governments ("SBCAG"). See more detailed discussion under Policy LU-6a below.

Policy 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.*

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

Discussion: Consistent with these Policies, identified Candidate Opportunity Sites were selected, in part, based on their proximity and access to important services, including but not limited to transportation infrastructure and recreational areas. All of the sites under consideration are located directly on, or within short walking distance (i.e., less than ¼ mile) of the City's main bus route.

Policy LU-3j. *Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the Land Use categories.*

Policy LU-3l. *Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in an area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development.*

Policy LU-3m. *Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district.*

Discussion: The proposed RMU zone district has been designed to be vertically consistent with the types and intensities of development contemplated for the GC and RDI land use categories, including provisions for accommodating multifamily residential and mixed-use infill opportunities in these land use categories, and also complying with the requirements of Housing Element law as it pertains to rezones required to meet the City's RHNA.

Policy LU-5a. *The City shall continue to give priority to agriculture, coastal-dependent industry and visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over residential, general industrial, or general commercial development.*

Discussion: Consistent with this Policy, none of the Candidate Opportunity Sites currently under consideration are designated for agriculture, coastal-dependent industry, or visitor-serving commercial use.

Objective LU-6: *Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing.*

Discussion: The application of the new RMU Zone and ODS to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

Consistent with this Objective, the proposed RMU Zone would establish a new zoning district that aligns with the GC and RDI land use categories intended to promote infill residential and mixed-use development at densities that would encourage the production of workforce housing and incentivize the inclusion of below-market rate housing units in such projects. Compared to other zone districts within the City that allow for multifamily residential uses, the proposed RMU Zone would allow for slightly more relaxed development standards (e.g., height, setbacks, parking) in an effort to accommodate targeted densities.

Policy LU-6a. *The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site.*

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on parcels designated for commercial and industrial uses would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity

Sites that were compatible with existing and anticipated uses in the areas surrounding the Sites were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations in a manner that can be found consistent with this Policy directive.

This would also help the City to improve and maintain an appropriate local/regional jobs-housing balance. As explained in the 2023-2031 RHNA Plan[3], SBCAG reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing, and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs-housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs-housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs-housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

Policy LU-6b. *The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone*

[3] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles), and could help contribute towards meeting the City's workforce and affordable housing needs.

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permissible in the GC and RDI land use categories and their corresponding zone districts. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue within the Downtown "T" (based on Community Design Element Subarea 2a) be required to be developed in a mixed-use fashion that maintains a commercial component on the ground floor. Outside of the Downtown "T," sites rezoned to the RMU district would have the option of being developed in a mixed-use arrangement or residential-only. In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

Policy LU-6c. *Parcels designated coastal-dependent industrial or visitor-serving commercial shall not be considered for mixed-use or residential use, with the exception that second-story mixed-use or residential use shall be allowed on visitor-serving commercial parcels in the Downtown Core District.*

Discussion: Consistent with this Policy, none of the identified Candidate Opportunity Sites are designated for coastal-dependent industrial or visitor-serving commercial use. Proposed rezone sites were instead selected from existing sites designated for GC and

RDI land uses that currently allow for mixed-use and residential uses in certain circumstances.

II. Project Consistency with the Community Design Element

The following analysis focuses on how the draft ODS in particular are consistent with applicable Community Design objectives and policies.

Citywide Community Design Objectives

Objective CD-1: *The size, scale and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern.*

Objective CD-2: *Architectural designs based on historic regional building types should be encouraged to preserve and enhance the unique character of the city.*

Objective CD-3: *The design of the community should be consistent with the desire to protect views of the mountains and the sea (California Coastal Act of 1976 §30251).*

Discussion: The ODS propose standards which address the relationship between the project site, adjacent sites, and the new development. Section 14.51.040- Building Form, Massing, and Articulation proposes contextual standards that reflect structures surrounding a proposed project, such as a requirement to maintain an existing contiguous street façade (like on parts of Carpinteria and Linden Avenues); upper story step backs when a project is within 20 feet of a side property line or when adjacent to a single-story building; and reduced upper-story massing (80% of the ground story, or 70% for lots of 5,000 square feet or less). Section 14.51.050 – Site Design proposes standards that ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

The requirements for building massing and variation do not confine buildings to a certain architectural style, allowing for the continued charming variety of architectural styles seen in the City, while at the same time requiring elements that prevent boxy, generic structures. For example, façades must incorporate variations in wall depth or elements like a porch or stoop to create animated spaces. Proposed restrictions on story heights prevent structures from being taller than necessary and roofline variation requirements create breaks in massing at the top of buildings, allowing for views to remain incorporated in projects.

Key Physical Community Design Characteristics

Objective CD-5: *The streets of neighborhood interiors should be designed to be the "living rooms" of the neighborhood, where children and adults can safely play or walk. The design and details of streets, frontages and buildings should support this objective.*

Policy CD-5a. *Main entrances to homes should be oriented to the street. Entry elements such as porches, stoops, patios and forecourts are encouraged. Such entry elements should be selected for their compatibility with the adjacent houses and the general neighborhood pattern.*

Policy CD-5b. *Garages should not dominate views from any public street.*

Policy CD-5c. *Low walls, low fences and hedges should be encouraged along the frontages to define the edge of the private yard area, where appropriate.*

Policy CD-5d. *Houses within a neighborhood may vary in materials and style, but strong contrasts in scale, color and roof forms should generally be avoided.*

Discussion: Many of the proposed standards address street frontages and the relationship between public and private spaces. Section 14.51.070 proposes requirements for the placement and design of building entrances, a key component of how the public interacts with building façades. The proposed ODS include elements that make public entrances inviting and interesting, and in mixed-use settings require separate entrances to residential and commercial spaces. Entrances would be required to provide a weather-sheltering element and/or decorative features, and street-facing entrances would need to incorporate enhanced paving to differentiate from the public right-of-way. Additional proposed requirements include maximum four-foot-tall fences, walls, or plantings around private open spaces within 20 feet of other residences, a limit on garages to occupy no more than 50% of a façade, and pedestrian walkways that connect public rights-of-way to key elements within a development (such as entrances, bicycle parking, and other amenities). Together, these various ODS would create inviting, interesting façades and entryways that would make neighborhood streets feel safe and vibrant.

Policy CD-6a. *Neighborhood-serving commercial or apartment buildings should be oriented to the street that bounds or enters the neighborhood. Front doors should face the street, with primary access directly from the public sidewalk. The buildings should be compatible in scale with nearby residential buildings.*

Policy CD-6b. *Parking lots should be beside or behind the buildings, not in front. On-street customer parking for small neighborhood-serving shops, restaurants, offices and service businesses is encouraged. Such on-street parking should be managed as short-*

term convenience parking, and should not conflict with parking for coastal access or for nearby residences.

Discussion: The proposed ODS would require commercial uses to locate main entrances toward the primary street. Parking and loading areas would not be permitted between any building and the primary right-of-way. The number of required parking spaces is determined by the zone district and is not included in the proposed ODS.

Objective CD-7: *Enhance and maintain the Linden Avenue downtown core, the Carpinteria Avenue commercial core, the Eugenia professional office area, the Casitas Village, Shepard's Place Shopping Center, and the Cindy Lane-Mark Avenue industrial park districts.*

Policy CD-7a. *Retail and commercial uses should generally have large transparent "storefront" windows for display of merchandise to pedestrians. Blank sections of walls on street frontages are strongly discouraged.*

Policy CD-7c. *Loading and trash facilities should be located where they are screened from view. The use of alley and service roads is encouraged for these facilities.*

Policy CD-7d. *Courtyard housing types, with multiple small units fronting onto a common courtyard or garden, are encouraged as an alternative to apartment "blocks" or more massive buildings within mixed-use districts.*

Discussion: The proposed ODS would be applicable to any sites rezoned to the proposed RMU zone district, as well as specified projects which could receive ministerial or streamlined review under the California Government Code. New mixed-use and/or residential developments could "enhance" these areas by providing new housing and job opportunities and public amenities. Commercial frontages on Linden and Carpinteria Avenues would have to incorporate transparent windows and doors for at least 50% of the wall area between three and seven feet high, and wall plane variation requirements proposed in Section 14.51.040 would additionally prevent "blank sections" of frontages. Mechanical equipment, waste receptacles, and loading areas for commercial uses would require screening from public view through landscaping or enclosures, and loading zones would be prohibited along the primary street façade. Developments would be prevented from forming apartment "blocks" with unbroken facades through a combination of the zone district's development standards (e.g., building coverage, open space requirements) and the ODS (e.g., minimum dimensions for open space, contextual upper-story setbacks, wall plane variation requirements).

Objective CD-8: *To encourage and facilitate pedestrian and bicycle pathways.*

Policy CD-8a. *All streets should be designed with safe and pleasant pedestrian ways at their edge. Pedestrian ways shall be spatially separated from vehicular traffic by elements such as trees, other plantings, streetlights, and/or parked cars.*

Policy CD-8b. *To provide convenient pedestrian routes, the existing network of automobile lanes, trails and pedestrian ways in the Downtown District and adjacent neighborhoods should be preserved, reinforced and extended into other neighborhoods. This pedestrian network should be in addition to, not in lieu of, pedestrian ways on the streets.*

Discussion: The proposed ODS provide several standards related to pedestrian access and circulation on a site. Walkways would be a required minimum of four feet wide and would need to connect the public sidewalk to areas all throughout the site. For sites located more than 300 feet from an intersection, a public access walkway would be required through the lot to connect blocks to one another. Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). While the ODS do not address bicycle infrastructure in the public right-of-way, the ODS do propose requirements for bicycle parking for both commercial and residential uses, enhancing the bike-friendliness of the City.

Objective CD-10: *Areas with attractive frontage designs should be maintained. New development should be carefully planned with frontage areas, which maintain and enhance the quality of Carpinteria's streetscape.*

Policy CD-10a. *Minor variations in front yard building alignments within a block are encouraged. Relatively steady setback patterns clearly define the public space of the street and reinforce small town character.*

Policy CD-10b. *Frontages where residential uses abut a major thoroughfare should include buffering elements such as yards, forecourts, courtyards, and tree rows. Sound walls are the most primitive form of buffer and should be used only where other methods are impractical. If sound walls are used they should be attractive and well landscaped.*

Policy CD-10c. *Commercial and mixed-use frontages should generally have wide sidewalks adequate to encourage customers and residents to walk, shop and linger in the public right-of-way. Commercial buildings should have large windows and entries on the street at the ground level. Residential ground floor uses should be set up or back from the street enough to afford privacy within the dwelling.*

Policy CD-10e. *Frontages with existing uses such as the parking, loading or storage of vehicles should be screened with walls and plantings that are consistent with the neighborhood character. These elements should be in scale with pedestrians.*

Discussion: Attractive building frontages are a key focus of the proposed ODS. Section 14.51.040 would address frontages on a larger scale, requiring wall plane variation, vertical breaks in color, material, or texture, roofline variation, and reduced upper story massing to prevent "looming" multi-story façades. Where an established façade setback pattern exists (such as along Linden Ave and parts of Carpinteria Ave), new developments would be required to maintain that pattern to fit in with the building character. Other sections propose standards to enliven and beautify frontages in smaller ways, such as requiring that front setbacks of commercial mixed-use spaces be public/pedestrian-oriented (e.g. providing seating, public art, etc.); that front entrances along the downtown "T" provide enhanced paving and decorative/weather protective elements; and that garages be recessed from the main wall plane and provide decorative treatments, like trellises or windows to soften their appearance.

A downtown ground floor transparency requirement is proposed, which would mandate that new mixed-use commercial facades facing Linden or Carpinteria Avenues include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Commercial components of mixed-use developments would be required to always be located closest to the primary street, and on the ground floor when commercial and residential is proposed in the same building, thereby siting the residential units away from the primary street. A five-foot landscaping privacy buffer would be required between all private open spaces (e.g. patios) and public spaces. As mentioned previously, loading areas and mechanical equipment would be required to provide screening through fences, landscaping, or other means to blend in with the surrounding character. For sites fronting Linden or Carpinteria Avenues, off-street parking would not be permitted in the front or side setback. Taken together, all of these standards would enhance neighborhood character and avoid blank, uninviting facades at the pedestrian, building, and block level.

Objective CD-11: *Existing public spaces should be maintained, and new public spaces should be incorporated into neighborhoods and districts as an important aspect of their design.*

Policy CD-11a. *Open space, in the form of parks and greens should be an integral part of each neighborhood plan, not configured as residual space unusable by the residents.*

Policy CD-11c. *All public spaces and facilities should reflect quality design.*

Policy CD-11f. *Landscape design guidelines should emphasize the use of native drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape. All landscaping shall utilize only non-invasive type plants.*

Discussion: The amount of required common and/or public open space is set by the zone district, but the ODS propose standards to enhance these spaces for the benefit of a development's residents and the public. As mentioned above, the ODS propose that

common/public open spaces be a minimum of 10 x 10 feet (preventing situations such as a long, narrow strip of residual land between buildings being counted as "open space") and provide at least one amenity to make the space useful— elements such as picnic tables, seating areas, play areas, and community gardens are proposed. Along Linden and Carpinteria Avenues, the ODS would require that any ground-floor courtyard, open space, or building setback from the street-facing property line be used for outdoor dining, public plazas, or entries, allowing for smaller public spaces to nestle along high foot traffic streets. Section 14.51.110 would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

Community Design Subareas

Subarea 2. The Downtown and Old Town

Objective CDS2-2: *Preserve and enhance the downtown's historic status as the center of commercial activity by encouraging a range of uses that serve both residents and visitors.*

Objective CDS2-3: *Preserve and enhance the downtown's historic status as the center of civic activity by encouraging the construction and expansion of cultural and governmental facilities in the downtown.*

Policy CDS2-a. *Ensure that new intensified land uses within the Downtown remain consistent with the city's "small beach town" image.*

Policy CDS2-b. *To enhance the pedestrian character of the downtown's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would contribute to the downtown's status as the center of commercial and civic activity by requiring building designs that blend residential and mixed-use into the existing vibrant cityscape. Mixed-use developments would require commercial frontages to be public and visitor-oriented—architecturally detailed street-facing entrances and pedestrian amenities in front setbacks—while residential-only developments would require adequate privacy for residents while maintaining openness and "curb appeal"—windows with improvements like shutters or awnings; a maximum height of four feet for fences, walls, or hedges facing a public street to prevent the street from being walled off; and no expansive, blank garage doors facing the street. New downtown development accommodating both commercial and residential uses has the

potential to create a pedestrian-centric neighborhood with people in close proximity to work, home, cultural and leisure amenities, and shopping areas.

Subarea 2a. The Downtown Core District

Objective CDS2A-2: *Preserve and enhance the downtown's historic status as the center of commercial activity of the city by encouraging a range of uses that serve both residents and visitors.*

Discussion: Consistent with this Objective, proposed rezones within the Downtown Core are limited to sites along the periphery of the Downtown "T" that are not designated for visitor-serving commercial use, but where mixed-use or multifamily residential uses would be appropriate and can help to preserve and enhance commercial activity throughout the downtown. The proposed ODS ensure that new development of these sites is pursued in a manner that preserves the character of the community.

Policy CDS2A-a. *Encourage and carefully regulate the development of two- and three-story mixed-use building along Linden and Carpinteria Avenues, to define a vital, lively, and valuable center for the city while prioritizing visitor-serving commercial uses.*

Policy CDS2A-b. *Ensure that intensified land uses within the subarea support a lively place to visit, live, work and shop, and that the scale and character of the District remain consistent with the city's "small beach town" image.*

Policy CDS2A-c. *Encourage the gradual but systematic transformation of Carpinteria Avenue from a highway commercial strip to an integrated downtown street similar in character to Linden Avenue.*

Policy CDS2A-d. *Enhance the pedestrian character of the District's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would carefully regulate development of mixed-use projects in this key downtown "T" area. The "intensity" of land uses would be more precisely regulated by the new RMU zone district. But the proposed ODS would require reduced upper story massing, upper story setbacks, and roofline variation, which can lessen the perceived intensity of a development from the street or sidewalk. Required architectural details on windows, entryways, and roofs without a strict architectural style imposed overall would invite interesting variety and add to Carpinteria's eclectic "small beach town" feel. The ODS propose to site parking and loading areas away from Carpinteria and Linden Avenues, preventing pedestrian-hostile frontages dominated by asphalt.

Subarea 4. The Northeast

Objective CDS4-1: *Strengthen the visual and physical connections between the subarea, the downtown and other neighborhoods and districts in the city.*

Objective CDS4-2: *To take advantage of the subarea's unique mixture of workplaces and affordable housing to develop a vital living and working center for the city.*

Objective CDS4-3: *Enhance existing residential neighborhoods and ensure that new development improves the neighborhood scale and character.*

Discussion: The ODS propose design requirements that would appropriately blend residential and commercial uses in a mixed-use development supported by the Northeast neighborhood objectives. Currently, the Northeast as viewed from Via Real lacks significant draw and pedestrian-oriented infrastructure, and the industrial/commercial uses are entirely separated from residential uses. The ODS would require new development to amplify pedestrian infrastructure and design frontages that engage residents and passers-by, as indicated by analysis above, while still maintaining the business-oriented nature of the easternmost portion. The Northeast may currently be considered to lack the "small beach town character" that other areas of the City have, and the ODS would create a more cohesive sense of design in Carpinteria that prioritizes people instead of cars, and integrates residences with surrounding commercial areas.

Subarea 6. The Bluffs

Objective CDS6-1: *Maintain the Carpinteria Bluffs Access, Recreation & Open Space Master Program as the coordinated plan for the Carpinteria Bluffs area that will allow development of uses identified in the Land Use Plan herein, so as to complement one another and preserve and enhance the site's coastal environment. The plan should be maintained so as to include information adequate to define the environmental resources and hazards within the Carpinteria Bluffs, and to delineate precise and appropriate policies for their management.*

Objective CDS6-2: *Ensure that development is controlled to avoid impacts to significant viewsheds, vistas, and view corridors.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), only Site #21 is located in the Bluffs subarea. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would be

required to comply with the RMU development standards and ODS, as well as policies for coastal resource protection.

III. Project Consistency with the Circulation Element

The following analysis focuses on how the proposed Project is consistent with applicable Circulation Element objectives and policies.

Objective C-3: *Provide a balanced transportation network with consistent designations and standards for roadways that will provide for the safe and efficient movement of goods and people through the community.*

Policy C-3k. *Segregate by design, enforcement and traffic pattern, routes of significant industrial and residential conflict.*

Discussion: The proposed Project would allow for future development of mixed-use and multifamily residential projects adjacent to commercial and light industrial/research park uses. However, careful consideration was given to selecting Candidate Opportunity Sites where the combination of residential uses with commercial/industrial uses would not result in direct land use conflicts, including those related to traffic patterns. The 17 Candidate Opportunity Sites are located on or very near arterial streets that have existing capacity for local vehicle trips and also have direct access to existing public transit. An additional benefit related to the locations of the 17 Sites is that multifamily development in these locations is expected to reduce overall vehicle miles traveled by placing more workforce housing near jobs.

Objective C-7: *Build demand for alternative transportation use by increasing ease, effectiveness, and social acceptability, and through foresighted planning.*

Policy C-7b. *Develop safe and direct pedestrian accessibility between residential areas, schools, parks, and shopping areas in both new and existing urban areas.*

Policy C-8l. *As a requirement of new development, significant attention must be paid to bicycle-friendly infrastructure and the maintenance of nearby old infrastructure.*

Discussion: The Project would increase demand for alternative transportation by placing housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. The ODS component of the proposed Project specifically addresses pedestrian access and circulation, as well as requiring adequate bicycle parking.

IV. Project Consistency with the Open Space, Recreation & Conservation Element

The following analysis focuses on how the proposed Project is consistent with applicable Open Space, Recreation & Conservation Element objectives and policies.

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.*

Discussion: The majority of the properties included in the Candidate Opportunity Sites list do not have any environmentally sensitive habitats, nor are they located in proximity to such resources. Four sites, Site 5, Site 11, Site 18, and Site 21, are located immediately adjacent to City creeks (Carpinteria Creek, Franklin Creek, and Lagunitas Creek). Existing creek protection policies implemented through the City's Creeks Preservation Program would apply to redevelopment of these sites under the proposed RMU zoning designation. Likewise, Site 21 is known to contain limited quantities of sensitive sage and bluff scrub habitat, which would be subject to the City's ESHA protection policies. Assumed densities and development potential for these sites factored in applicable resource protection policies (e.g., setback requirements, etc.), while still allowing for reasonable redevelopment scenarios.

Objective OSC-11*: Carpinteria will conduct its planning and administrative activities so as to maintain the best possible air quality.*

Policy OSC-11b. *Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).*

Policy OSC-11d. *Encourage the improvement of air quality in the Carpinteria Valley by implementing measures in the South Coast Air Quality Attainment Plan. For air quality enhancement, measures will include but not be limited to, measures to reduce dependence on the automobile and encourage the use of alternative modes of transportation such as buses, bicycles and walking.*

Discussion: The Project would minimize emissions from vehicles by placing residents near jobs and services. It would increase demand for alternative transportation by locating housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. All of the Candidate Opportunity Sites are located directly on the City's main transit line or within short (< ¼ mi.) walking distance of the route.

Policy 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 all of the following measures*

a. *Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas.*

b. *In addition to the bluff setback required for safety, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall not be greater in height than adjacent structures and shall not encroach seaward beyond a plane created by extending a straight line ("stringline") between the nearest building corners of the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest corners closest to the beach from the existing balconies, porches or similar appurtenances on either side of the proposed development. If the stringline is grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible.*

c. *Special landscaping requirements to mitigate visual impacts.*

Policy OSC-13b. *Require new development or redevelopment in the downtown section of Carpinteria to conform with the scale and character of the existing community and consistent with the city's theme of a small beach-oriented community.*

Policy OSC-13f. *Where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses.*

Policy OSC-13g. *Require new development to protect scenic resources by utilizing natural landforms and native vegetation for screening structures, access roads, building foundations, and cut and fill slopes in project design which otherwise complies with visual resources protection policies.*

Discussion: The proposed Project must allow for ministerial and streamlined permitting of medium-density multifamily housing per State law. As written, the draft RMU Zone, coupled with the draft ODS, would allow for such development on select rezone sites in the City while protecting important visual resources and broad unobstructed views. The RMU Zone standards would limit building and structure heights to 35 feet, require setbacks and distance between buildings, restrict building site coverage, and limit fence/wall heights.

The ODS propose many standards which address the relationship between the project site, adjacent sites, and the new development. They would prevent development from forming apartment "blocks" with unbroken facades via minimum dimensions for open space, contextual upper-story setbacks, and wall plane variation requirements. Attractive building frontages are a key focus of the proposed ODS, which include standards to enliven and beautify frontages. Proposed "Site Design" standards would ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). Section 14.51.110 of the ODS would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

V. Project Consistency with the Safety Element

The following analysis focuses on how the proposed Project is consistent with applicable Safety Element objectives and policies.

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

Policy S-4a. *All new development proposed in the 100-year floodplain must adhere to the County of Santa Barbara Floodplain Management Ordinance, Chapter 15-A of the County Code.*

Discussion: Some of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located within, or partially within 100-year flood zones. The flood zone maps are currently undergoing review and modification with the Federal Emergency Management Agency (FEMA). In any case, future development within the selected rezone sites would have to be evaluated for potential flooding and adhere to the City's and County's standards for development in areas prone to inundation.

With the exception of Site No. 21, none of the other Candidate Opportunity Sites for rezoning were identified in the City's Sea Level Rise Vulnerability Assessment and Adaptation Project ("SLRVAAP") as being vulnerable to sea level rise impacts resulting from one to five feet of sea level rise. The potential for impacts to Site No. 21 are associated with coastal bluff face retreat in the event of five feet of sea level rise. However, the City's existing bluff setback requirements and ESHA buffer requirements would offer adequate distancing from the bluff edge to mitigate sea level rise impacts over the expected economic life of any future development on the site.

Objective S-5: *Minimize the potential risks and reduce the loss of life, property and economic and social dislocation resulting from urban and wildland fires.*

Policy S-5a. *All new structures must adhere to the Carpinteria-Summerland Fire Protection District Ordinance and the Santa Barbara County Fire Department Ordinances, where applicable.*

Policy S-5b. *All new structures, whether within or outside the urban limit zone, must adhere to the city Fire Sprinkler Ordinance.*

Discussion: None of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located in high-fire severity zones. In any case, future development within the selected rezone sites would have to comply with all applicable fire safety standards.

VI. Project Consistency with the Noise Element

The following analysis focuses on how the proposed Project is consistent with applicable Noise Element objectives and policies.

Objective N-1: *The City will minimize noise impacts of Highway 101 traffic on residential and other sensitive land uses.*

Policy N-1a. *The City will plan noise-compatible land uses or design developments with noise attenuation features near Highway 101.*

Objective N-3: *The City will minimize the adverse effects of traffic generated noise from City streets on residential and other sensitive land uses.*

Policy N-3a. *The City will encourage site planning and traffic control measures that minimize the effects of traffic noise.*

Discussion: The proposed Project would create an RMU zone district and rezone select parcels to RMU such that streamlined and ministerial permitting of medium-density housing can occur within the City. Some of the potential rezone sites are located near Highway 101 and busy arterial streets. The California Building Code Section 1206.4 states:

> Interior noise levels from exterior sources must not exceed 45 decibels (dB) in any habitable room. The noise metric shall be either the day-night average sound level (Ldn) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan.

Based on these requirements of the Building Code, even ministerial projects must be designed and constructed in a manner that will attenuate excessive exterior noise levels.

VII. Project Consistency with the Public Facilities and Services Element

The following analysis focuses on how the proposed Project is consistent with applicable Public Facilities and Services Element objectives and policies.

Objective PF-6: *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*

Policy PF-6a. *The ultimate responsibility to ensure that the facilities (including systemwide improvements) needed to support the project are available at the time that they are needed shall be that of the sponsor of development projects.*

Policy 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.*

Policy 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.*

Policy PF-6d. *In cases where the City and/or special district requires capital facilities needed by development to be oversized, extended, or otherwise built over and above the minimum necessary to serve the development and the cost of such improvements is greater than the project's fair share of those facilities, at the city's discretion, a reimbursement agreement may be established with the developer to allow him to recoup the cost of providing capital facilities beyond the need directly created by his project from subsequent new development.*

Discussion: Although future development in the RMU Zone would be streamlined, it would not be exempt from these policies requiring that adequate services and utilities are available to the development project. Any future development or redevelopment accommodated under the new RMU zoning would be required to pay for its incremental increased demands on infrastructure and services through the City's Development Impact Fee program.

Additionally, as analyzed in the GP/CLUP, the Carpinteria Valley Water District, Carpinteria Sanitary District, and Carpinteria Summerland Fire Department have capacity to serve the full buildout of the planned growth. The proposed Project would not exceed the anticipated buildout of the GP/CLUP.

VIII. Project Consistency with the Housing Element

Finally, the project would be consistent with the adopted 2023-2031 Housing Element because the purpose of the project is to implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

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Attachment I.

Resolution 6350 Transmitting Ordinance Nos. 788, 789, 790, and 791 to the California Coastal Commission and the California Department of Housing and Community Development

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

RESOLUTION NO. 6350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 ARE INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S LOCAL COASTAL PROGRAM CONSISTENT WITH THE CALIFORNIA COASTAL ACT; DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE SECTION 30510 AND IN ACCORDANCE WITH SECTION 13551 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS; AND DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR HOUSING ELEMENT CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 65585.

PROJECT 24-2279-LCPA/ORD

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff held numerous meetings with HCD staff and California Coastal Commission staff regarding revisions to the Housing Element that would be protective of coastal resources and comply with Housing Element Law, made the necessary revisions to the Housing Element, and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted its 2023-2031 Housing Element to the HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Housing Element Program 1, completing necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, pursuant to Government Code Section 65860(a), the City's Zoning Ordinance (Title 14 of the Carpinteria Municipal Code) and Local Coastal Program must be amended to align with the required amendments to the Housing Element of the City's General Plan, including, but not limited to, Program 1; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or new Environmental Impact Report for the City to attain Housing Element certification from HCD; and

WHEREAS, on May 28, 2024, the City Council directed staff to proceed with phased implementation of Program 1 where in phase 1 the City would rezone sufficient sites to meet its RHNA shortfall that would not require a GP/CLUP amendment or new Environmental Impact Report, and in phase 2 the City would consider additional rezones for sites identified in Program 1 as part of its ongoing GP/CLUP amendment process; and

WHEREAS, in an effort to expeditiously implement Program 1 in a manner concurrent with recent case law,[1] City staff developed a new Residential/Mixed Use Zone District (Ordinance No. 788), Objective Design Standards ("ODS") which would apply to specified residential and mixed-use projects (Ordinance No. 789), and a

[1] *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, which determined that a jurisdiction may not rely on a residential zoning overlay to satisfy State Housing Element law if the overlay allows for both a higher density and a lower density development option.

phased rezone of recommended sites in the City to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791); and

WHEREAS, City staff prepared the Residential/Mixed Use Zone District (Ordinance No. 788) and ODS (Ordinance No. 789) to contain the development standards described in Program 1 of the City's Housing Element and in accordance Housing Element Law, including, but not limited to, Government Code Section 65583.2, subdivisions (c), (h), and (i); and

WHEREAS, based on the factors and evidence described in the Housing Element and evidence in the record, the recommended sites in the City to rezone to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791) are suitable to accommodate the City's lower income RHNA shortfall during the Housing Element planning period; and

WHEREAS, City staff have prepared a California Coastal Act and GP/CLUP consistency analysis for Ordinance Nos. 788, 789, 790, and 791, which based on substantial evidence concluded that adoption of these ordinances is consistent with the California Coastal Act as implemented by the City's GP/CLUP; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for the zoning amendments, for the purpose of implementing Program 1, and at this public hearing, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the amendments with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, following a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were introduced on a first reading, and, after considering all the evidence in the record, the Council moved to approve the Ordinances as follows:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and Approved the Ordinance 4-0-0-1 (Clark absent) as amended;

- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and

WHEREAS, in addition to introducing upon first reading, Ordinance Nos. 788, 789, 790, and 791—which are sufficient to accommodate the City's lower income RHNA shortfall—the City Council requested that the Council consider rezoning of additional sites (Housing Element Inventory Sites 5 and 21) to the Residential/Mixed Use District through a separate action in early 2025; and

WHEREAS, on December 9, 2024, at a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were heard on a second reading, and the Council adopted the Ordinances; and

WHEREAS, Ordinance Nos. 788, 789, 790, and 791 shall take effect immediately upon the date certified by the California Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and

WHEREAS, on December 9, 2024, after consideration of the Planning Commission's recommendation, receipt of public comment, due consideration of all evidence in the record, and discussion among the Council members and staff, the City Council adopted this Resolution certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's GP/CLUP consistent with the California Coastal Act, and directed that these Ordinances be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code Section 30510 and in accordance with Section 13551 of Title 14 the California Code of Regulations; and be submitted to HCD so that the City may achieve Housing Element certification pursuant to Government Code Section 65585; and

WHEREAS, on October 17, 2024, a notice appeared in a newspaper of general circulation in the City informing the public of Project 24-2279-LCPA/ORD, the Ordinances proposed, and the availability and location of review drafts and other associated documents, and on October 23, 2024 the City mailed notices to the parties described in California Code of Regulations ("CCR"), Title 14, Section 13515(a), pursuant to CCR Title 14, Section 13515(c); and

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

WHEREAS, a full and complete copy of the project materials (Project No. 24-2279-LCPA/ORD) is on file with the City's Community Development Department,

located at 5775 Carpinteria Avenue, Carpinteria, California, and is available to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals, incorporated herein by reference, are true and accurate and are based on substantial evidence in the record.

Section 2. Pursuant to Public Resources Code Section 30510 and Government Code Sections 65854, 65855, 65856, and 65860, the City Council held a public hearing on the proposed amendments to the Local Coastal Program and Zoning Code (Title 14 of the Carpinteria Municipal Code) and is transmitting all proposed amendments and additions to the California Coastal Commission for submittal and filing pursuant to Section 13551 of Title 14 of the California Code of Regulations, as well as to the California Department of Housing and Community Development in order to achieve Housing Element certification pursuant to Government Code Section 65585.

Section 3. Ordinance Nos. 788, 789, 790, and 791 have been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and are consistent with the City's adopted Housing Element and State Housing Element Law.

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
Mayor, City of Carpinteria

ATTEST:

_____
City Clerk, City of Carpinteria

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

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

1. Conduct second readings of Ordinance Nos. 788, 789, 790, and 791, (Attachments A through D) making changes to Carpinteria Municipal Code, Title 14- Zoning, by adding Chapter 14.19- RMU Residential/Mixed Use, adding Chapter 14.51- Objective Design Standards, and amending the City's zoning map to rezone specified sites from Industrial/Research Park ("M-RP") and Commercial Planned Development ("CPD") to Residential/Mixed Use ("RMU");

2. Adopt Resolution No. 6350, certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's certified Local Coastal Program consistent with the California Coastal Act, and direct that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission; and that the adopted Ordinances be transmitted to the California Department of Housing and Community Development for certification consistent with Housing Element law; and

3. Determine that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

STAFF RECOMMENDATION

Staff recommends City Council take the following actions:

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only; and

2. Adopt Resolution No. 6350; and

3. Determine that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or

subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

Sample motion: I move to adopt Ordinance Nos. 788, 789, 790, and 791 (second readings), as read by titles only, adopt Resolution No. 6350, as read by title only, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA.

BACKGROUND

Housing Element Overview

The Housing Element is a required component of the City's General Plan that identifies and plans for existing and projected housing needs within the eight-year planning cycle. Under State law (Gov. Code § 65580 et seq.), all cities are required to plan for housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels. The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined.

For Santa Barbara County jurisdictions, the 6th Cycle RHNA process was completed in 2021. Based on the RHNA, the City of Carpinteria ("City") must plan to accommodate a total of 901 additional housing units of varying income levels during this eight-year cycle (2023-2031). On January 22, 2024, the City Council adopted the current Housing Element[1], which outlines how the RHNA allocation can be achieved during this cycle through a variety of methods (e.g., pending project applications, underutilized sites, accessory dwelling units, and rezoning of candidate opportunity sites).

Housing Element Certification

The State Legislature has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and certify their substantial compliance with State law. A finding of Housing Element substantial compliance by HCD is referred to as "certification" of the Housing Element.

If a local government's Housing Element is not certified, or if it is de-certified during the cycle for non-compliance with State law, the jurisdiction faces the possibility of litigation, which could result in the loss of land use discretion, ineligibility for housing grants, and other penalties. For example, some local agencies have received project applications

[1] https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

submitted under the "Builder's Remedy" provisions of the Housing Accountability Act (Gov. Code § 65589.5), which may allow developers to avoid compliance with the local agencies' general plan and zoning requirements in certain circumstances.

City of Carpinteria Compliance with State Housing Element Law

To date, the City's 6th Cycle 2023-2031 Housing Element Update has not been certified by HCD. Although the City submitted a substantially compliant Housing Element to HCD on January 23, 2024, the State was not able to certify it due to the exceedance of statutory deadlines.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), since the City did not adopt a compliant Housing Element by the statutory deadline, it was required to implement Program 1 (Adequate Sites to Accommodate Regional Housing Needs) within one year from the statutory deadline of February 15, 2023. Therefore, as further explained in HCD's letter[2] dated March 21, 2024, the Housing Element cannot be certified until the City completes the necessary rezones to accommodate the RHNA shortfall under Program 1.

City Council First Reading of Zoning Amendments

On November 25, 2024[3], the City Council took the first step in implementing Program 1 by conducting the first reading of Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D). This staff report and the Attachments thereto reflect the pertinent changes made by the City Council at that hearing and a summary of the Council's actions is provided in the discussion, below.

DISCUSSION

Housing Element Program 1 – Adequate Sites to Accommodate Regional Housing Needs

Required Zoning Amendments to Accommodate the RHNA

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households (286 very-low income and 132 low-income households, respectively), 135 units for moderate-income households, and 348 units for above-moderate-income households.[4] As shown in the land inventory

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/09/sbb-carpinteria-adopted-out-032124.pdf
[3] Available here (Item 13): https://carpinteria.granicus.com/player/clip/1544?view_id=2&redirect=true
[4] HCD sets the income limits for the various affordable housing categories annually based on federal and state law. The income limits for 2024 are available here: https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf.

analysis in Appendix B, the City can already accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units (Table 1).

Table 1. Land Inventory Summary (taken from Table B-1 of the Housing Element)

	Income Category				Total
	Very Low	Low	Mod	Above	
RHNA 2023-2031	286	132	135	348	901
Completed, Approved & Pending Projects (Table B-3)	-	3	-	259[5]	262
Net Remaining RHNA	415		135	89	639
Vacant Sites (Table B-4)	-		10	5	15
Underutilized R Overlay Sites (Table B-5)	56		47	-	103
Other Underutilized Sites (Table B-6)	-		153	153	306
ADUs	67		7	38	112
Surplus (Shortfall)	(292)		82	107	(103)

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, implementation of Program 1 requires the rezoning of enough area to accommodate 292 lower-income units plus a reasonable buffer. HCD expects a minimum buffer of 15 percent. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

As further described in Program 1, City staff envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density, residential-only development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed both a higher density and a lower density development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now requires the complete change of zoning districts on sufficient property to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) requires that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for lower-income units.

[5] This total includes the estimated units for the Lagunitas Mixed-Used pending project, Candidate Opportunity Site #5, which is recommended to be rezoned (see description below). As explained further below, the rezoning of Candidate Opportunity Site #5 would provide the property owner with additional flexibility should the currently pending Lagunitas Mixed-Use project not proceed.

- Number of Units: Government Code Section 65583.2(h) and Program 1 requires that rezone sites permit at least 16 units per site.

- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2(i), "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.

- Development Standards: As part of the zoning amendments, the City must also ensure that the densities can be achieved and that standards do not pose unreasonable constraints on the cost and supply of housing. Moreover, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that ministerial and streamlined permitting can be accomplished.

- Predominantly Residential/Mixed-Use Development: Government Code Section 65583.2(h) and Program 1 also require that either: (1) at least 50 percent of the lower income housing need be accommodated on residential-only sites; or (2) all the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project. As discussed further below, staff's and Planning Commission's recommendation implements option (2).

Identified Candidate Opportunity Sites

In the recently adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this report) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[6], and in the site profiles Figure B-4[7]).

An additional site, known as Site #5, located at 6380 Via Real, was identified as a "pending project" in the final Housing Element because an application was in process for the Lagunitas Mixed-Use Project on the subject property. However, the applicants for that project have stalled on processing their current application.[8] Therefore, Site #5 is available for consideration in the proposed Sites to be rezoned. A list of all 20 Candidate Opportunity Sites is provided in Table 2 below.

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[6] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf

[7] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

[8] The applicant, however, may resume processing of their current application based on the zoning currently in effect for the site in accordance with State law.

Table 2 – List of 20 Candidate Opportunity Sites (Site #17 was removed[9])

Site #	Location	Current General Plan Land Use Category	GPA Required
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy Ln; Mark Ave; Rose Ln	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Phased Approach to Rezones

If the City still had ample time to implement Program 1, staff would recommend a wholistic approach to analyzing all 20 of the sites listed in Table 2. However, since it is in the City's best interest to have a certified Housing Element as quickly as possible, staff outlined a two-phased approach to the City Council at a public hearing[10] on May 28, 2024 (Item 12). The Zoning Amendments approved by City Council on November 25th and reflected in Ordinance Nos. 788, 789, 790, and 791 (Attachments A through D) are the first phase. The remaining Candidate Opportunity sites will be included for consideration in the City of Carpinteria General Plan Update that is currently in process. In particular, the three Candidate Opportunity Sites that would require a General Plan Amendment ("GPA"), as noted in Table 2 above, must be deferred to the second phase to be considered with the comprehensive General Plan Update.

Maps depicting Phase 1 Candidate Opportunity Sites, as approved by City Council on November 25th, are provided in Figures 1, 2 and 3 in Attachment F. For reference, the existing zoning map of the City is provided in Figure 4 of Attachment F.

[9] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.
[10] Available here: https://carpinteria.granicus.com/player/clip/1449?view_id=2&redirect=true

Proposed Project – Housing Element Zoning Amendments

The proposed Project for the City Council's consideration has three main components: (A) a new Residential / Mixed Use Zoning District, (B) a new set of Objective Design Standards that would apply to any developments in the new Residential / Mixed Use Zoning District, and (C) the rezoning of select Candidate Opportunity Sites to Residential / Mixed Use.

A. Proposed Residential / Mixed Use Zoning District

Attachment A is proposed Ordinance No. 788 for a new Residential / Mixed Use ("RMU") zone district that would enable the City to achieve the Housing Element Program 1 goals. The RMU zone would be applied to select properties in the General Commercial ("GC") or the Research & Development Industrial ("RDI") land use categories described in the City's General Plan/Coastal Land Use Plan ("GP/CLUP"). Under the new RMU zone district, future development or re-development of the selected sites would be required to include multi-family housing and may be residential-only or mixed-use. Permitted uses would include:

- Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;
- Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);
- For sites in the GC Land Use Category: the option to have commercial uses, except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which must include a commercial use on the ground floor fronting the avenue;
- For sites in the RDI Land Use Category: the option to have offices and/or research, development, and laboratory uses.

The RMU zone would allow for ministerial (use by right) permitting if at least 20 percent of the residential units proposed are designated for lower-income households (see Table 3 below). Any commercial or office component of a mixed-use development that provides the minimum 20 percent lower-income units could also be permitted ministerially if the proposed uses are consistent with those listed under "development plan approval" in the Commercial Planned Development District (in GC) or the Industrial/Research Park District (in RDI).

Table 3. Review Types in the Proposed RMU Zone District

Ministerial Review	Streamlined Review
• For mixed-use and residential-only projects restricting at least 20% of units to lower-income residents (people with incomes 80% or below the Area Median Income) • No public hearings required • Staff may not exercise discretion in project review—i.e., review limited to conformance with Objective Design Standards and other objective regulations in zone district • Permit is not appealable (except to Coastal Commission in the appeals jurisdiction) • Project receives an administrative Coastal Development Permit ("CDP")	• For mixed-use and residential-only projects with less than 20% of units restricted to lower-income residents • Will go to Architectural Review Board and Planning Commission hearings but can only be "measured against" Objective Design Standards and other objective regulations in zone district • Project is appealable • Project receives Development Plan ("DP") and CDP approval

Development projects in the RMU zone would be required to adhere to the Objective Design Standards (described under "B" below and shown in Attachment B) in order to facilitate streamlined or ministerial permitting. In addition, the proposed RMU Zone includes its own set of unique development standards which establish allowed density, setbacks, building coverage, building height, etc. as summarized in Table 4 below.

Table 4. Proposed Development Standards in the RMU Zone District.

Density	20 (minimum) to 25 (maximum) dwelling units/acre. Applies to both residential-only and mixed-use developments.
Setbacks	5 feet minimum from all property lines. *Exception for sites fronting Via Real*: 15 ft min. front setback, 5 ft min. other sides.
Distance between buildings	10 ft minimum.
Building coverage	75% maximum
Height	35 ft. maximum
Parking	Lower-income dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: 1.5 parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit. All other dwelling units: Studio and one-bedroom units: one parking space per unit. Two-bedroom or larger units: two parking spaces per unit. Four-bedroom or larger units: 2.5 parking spaces per unit.
Common or public open space	20% minimum. A maximum of 50% of the required open space may be provided on rooftops or upper-story decks.
Fence height	In the front setback, may not exceed 4 ft.
Mixed-use requirement	For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. Sites with frontage on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design

	Element Subarea 2a boundary) shall be limited to mixed-use (commercial and residential) development.

B. Proposed Objective Design Standards

Attachment B is proposed Ordinance No. 789 setting forth new Objective Design Standards ("ODS") that would apply to development projects in the RMU zone. The proposed Standards were updated after receiving input from the Architectural Review Board (ARB) at a public hearing[11] on October 17, 2024 (Agenda Item 2). A copy of the Minutes from the October 17th ARB meeting is included as Attachment G.

The ODS are organized into sections by design topic. Importantly, language in the section "Building Form, Massing, and Articulation" describes the general shape a building must take, including variation on building facades and rooflines, floor height, and step backs, and reduced massing for upper floors. The section "Site Design" describes how different areas and elements of a development (e.g. siting of commercial in mixed-use developments, driveways, pedestrian pathways, loading areas, etc.) connect to or are buffered from one another. The remaining sections address additional components like placement of building entrances, landscaping, bicycle parking, and allowed exterior materials.

Notable changes that were made based on input from the public and the ARB members include:

- Changed the required roofline variation to occur every 30 feet rather than every 50 feet;
- Increased the required number of 5-gallon plants per 1,000 square feet from 10 to 20;
- Remove BBQ grills from allowed amenities in common/public open spaces; and
- Allow garages to accommodate tandem parking.

The ARB also requested that staff find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure. Staff is working on a tree list to use in the implementation of the ODS. The changes recommended by the ARB members are incorporated into Ordinance 789 in Attachment B.

C. First Phase Rezones

Although there are 20 Candidate Opportunity Sites for potential rezoning under Program 1, not all of the sites need to be rezoned in order to accommodate the RHNA shortfall of 292 lower-income units. As noted above under the description of Program 1, the land area to be rezoned must be equal to, or greater than, 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

[11] Available here: https://carpinteria.granicus.com/player/clip/1527?view_id=2&redirect=true

On November 25, 2024, the City Council selected eight sites for the first phase of rezones. The eight selected sites are summarized in Table 5 below, included in Ordinance Nos. 790 and 791 (Attachments C and D), and depicted in Figures 1, 2 and 3 in Attachment F.

Table 5. First Phase of Rezones

Priority	Site #	Location	Acres	Lower Income Units*	Moderate Income Units*
High	Site 10	5320 Carpinteria Ave	1.08	21	0
High	Site 11	5437 Carpinteria Ave	1.98	25	0
High	Site 15	4602 et al Carpinteria Ave	2.45	40	8
High	Site 18	Holly and Carpinteria Ave	1.47	22	6
Medium	Site 12	1145 et al Eugenia Place	4.66	92	0
Medium	Site 13	1101 & 1135 Eugenia Place	0.80	16	0
Medium	Site 14	1065 et al Eugenia Place	1.88	19	16
Neutral	Site 7	1001 Mark, Cindy, and Via Real	5.51	110	0
		Total	**19.83**	**345**	**30**

*Assumes 20 dwelling units per acre

These eight sites were selected, not only because they would provide enough capacity to meet the RHNA, but also because they meet certain siting criteria making them optimal for medium-density residential developments with lower-income units. The following are common characteristics of all eight sites:

- Already developed and allow residential, commercial or light industrial uses
- Negligible environmental constraints
- Close proximity to transit
- Close proximity to amenities (grocery stores, schools, recreation, employment)

Sites 10, 11, 15, and 18 are labeled as “High” priority because they take access from Carpinteria Avenue and are generally close to the City’s Downtown “T” District. Sites 12-14 are labeled as “Medium” priority because although they are proximal to the downtown area, they are set back from Carpinteria Avenue and are comprised of multiple smaller parcels with different owners.

Unfortunately, the “High” and “Medium” priority sites only add up to 14.99 acres. The primary goal for this phase is to rezone at least 16.8 acres that would potentially yield capacity for 336 lower income units (shortfall plus 15 percent buffer). Thus, Site 7 is also included because it is a relatively small site (5.51 acres) that fronts on a main arterial street, Via Real, adjacent to a pending residential project (see Figures 1-3 in Attachment F).

D. Potential Interim-Phase Rezones

At the November 25th City Council hearing for the first reading of the proposed zoning amendments, there was considerable discussion regarding two additional Candidate Opportunity Sites – Site No. 5 and Site No. 21 (see Table 6 below).

Staff and the Planning Commission recommended including Site 5 as an extra property for rezone in the first phase. Site 5 was categorized as a "pending project" in the final adopted Housing Element. It had originally been included on the candidate site list in the land inventory, but was subsequently removed when an application for the Lagunitas Mixed-Use Project was formally submitted to the City. For reference, that proposal was conceptually reviewed by a joint meeting of the City Council, Planning Commission, and Architectural Review Board on June 18, 2024 (Item 1). More recently, however, this application appears to have stalled and the property is pending new ownership. In the absence of an active project application, the property may be considered as a potential rezone site for the new RMU zone district. Based on the early evaluations and site profiles, Site 5 met most of the criteria (developable land, proximity to transit, proximity to amenities, single ownership, etc.) to be considered a suitable site for rezoning to higher-density residential. The early inclusion of Site 21 as a rezone Site could help the City stay ahead of any "no net loss" implications[12] until the second phase of rezones is considered as part of the General Plan Update. However, members of the public raised concerns at the November 25th hearing regarding future development of Site 5 under the proposed RMU zoning.

Site No. 21 consists of two properties on the Carpinteria Bluffs adjacent to Viola Fields. Although staff and the Planning Commission did not recommend Site No. 21 to be part of the first phase of rezones, it was included in the draft CEQA Addendum (Attachment E) and made available for the City Council's consideration to include in Phase 1. After receiving public input in favor of including Site 21 in the first phase of rezones, the City Council considered it during deliberations.

Based on the discussions, it was clear that the Councilmembers would not reach a majority vote to include Site No. 5 and/or Site No. 21. Instead, they passed a motion to defer consideration of these sites and directing staff to bring these two Sites back for further consideration in early 2025.

Table 6. Sites To Be Reconsidered in Early 2025

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 5	6380 Via Real	8.63	169	0	Staff and Planning Commission recommend including as additional buffer to assist with the Housing Element certification.
Site 21	6155 Carpinteria Ave	6.31	126	0	Bluffs location with environmental constraints, but has property owner interest for multi-family housing with affordable units.

[12] No Net Loss Law (Gov. Code § 65863) requires that the City maintain sufficient sites to accommodate any unmet RHNA throughout the eight-year planning period. If one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall. The proposed 15 percent buffer further helps the City comply with No Net Loss Law.

E. Sites Not Recommended for Phase 1 Rezones

The remaining 10 Candidate Opportunity Sites, as shown in Table 7 below, will be deferred to future consideration as part of the General Plan Update. This will allow more time for property owner input, site analysis, and public outreach. Sites 1, 2, and 19, in particular, must be deferred to the future General Plan Update process since a change to RMU zoning would need to be preceded by a change to these sites' current Land Use Designation to avoid vertical inconsistency between zoning and land use designations. Such changes to the City's Land Use Map would require a GPA.

Table 7. Sites Recommended for Phase 2 (to be considered at a later date)

Site #	Location	Acres	Lower Income Units	Moderate Income Units	Notes
Site 3	1000-1010 Bega Way	9.68	175	0	Good location/site but currently manufacturing uses with no property owner interest.
Site 4	6250 Via Real	8.47	166	0	Good location/site but currently Extra Space Storage with no property owner interest.
Site 6	Cindy Ln, Mark Ave, and Rose Ln	10.58	210	0	Set back from Via Real with multiple RDI uses.
Site 8	Mark Ave, Cindy Ln, and Via Real	10.02	199	0	Good location/site that is partially underutilized.
Site 9	Cindy Lane	4.49	89	0	Vacant site that may have environmental constraints.
Site 16	4621, 4631, 4643 Carpinteria Ave	0.67	0	9	Planning Commission removed from Phase1 based on property owner input. This site would only count as "moderate" income units.
Site 20	592, 586, 510 Palm Ave	0.77	0	11	Good location/site but would not count toward low-income RHNA shortfall.
Site 1	Via Real	15.81	316	0	GPA Required
Site 2	5800 Via Real	16.74	242	0	GPA Required
Site 19	5201 6th & 546 Walnut	3.29	65	0	GPA Required

Rezoning some or all of the remaining Candidate Opportunity Sites during Phase 2 might become necessary to avoid future de-certification of the City's Housing Element. For example, if one of the sites rezoned in Phase 1 is entitled/developed but does not provide the expected number of lower-income units, then the City may need to rezone additional area to demonstrate there are sufficient sites available to cover the remaining RHNA shortfall.[13] If some of the remaining Candidate Opportunity Sites are not rezoned in Phase 2, they could still be considered later (e.g., next housing cycle), or could be proposed for privately-initiated rezoning by an applicant without having to start the CEQA and stakeholder outreach process from the beginning.

[13] If these sites are rezoned, but not developed, the sites would count toward the City's zoning capacity in the next Housing Element cycle. If the sites are developed during this planning period, they would count toward the City meeting its RHNA obligations.

Planning Commission Recommendation

The proposed Housing Element Zoning Amendments were considered by the Planning Commission at its November 4, 2024 meeting[14] (Item 2). At the hearing, specific input was requested by staff on two items:

1. What the name of the new zone district for residential and mixed use should be.
2. Whether Site 5 should be included in the Phase 1 rezones.

The Planning Commission recommended that the new zone be titled Residential / Mixed Use (RMU); and also recommended that Site 5 *should* be included in Phase 1. After hearing public testimony, the Planning Commission also recommended that Site 16 be removed from the Phase 1 rezones. As shown in Table 6 above, Site 16 was estimated to only have moderate-income units and, therefore, was not necessary to address the current RHNA shortfall. Accordingly, Site 16 has been removed from the recommended Sites list (Table 5), to reflect the Commission's recommendation.

With those specific recommendations, the Planning Commission voted unanimously (5-0) to recommend that the City Council adopt the proposed zoning amendments and find that the Addendum to the certified 2003 Program EIR (Attachment E) satisfies the environmental review requirements of CEQA.

City Council First Reading

At the November 25, 2024 public hearing, City Council conducted the first reading of Ordinance Nos. 788, 789, 790, and 791. The following actions were taken:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and approved the Ordinance 4-0-0-1 (Clark absent) as amended;
- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and
- Direct staff to return in early 2025 with proposed rezones of Sites 5 and 21 to RMU: Approved 4-0-0-1 (Clark absent)

ENVIRONMENTAL

The proposed zoning amendments are logical follow-on discretionary actions to the City's existing GP/CLUP, which was approved in 2003 with the certification of a Program EIR. CEQA Guidelines Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred. The draft Addendum provided in Attachment E (along with the link to the previously certified Program EIR) outlines the minor clarifications and

[14] Available here: https://carpinteria.granicus.com/player/clip/1535?view_id=2&redirect=true

information to be added, and explains why such changes do not result in the identification of new or substantially more severe significant impacts. The draft Addendum evaluates the new RMU Zone District and Objective Design Standards. It further evaluates all 17 Candidate Opportunity Sites for rezoning that would not require a GPA.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

Therefore, as described in more detail in the Addendum in Attachment E, the changes resulting from the proposed zoning amendments do not constitute substantial changes to the GP/CLUP, would not involve substantial changes in the magnitude of impacts identified in the previously certified Program EIR, and would not result in new significant impacts. Accordingly, an addendum is the appropriate CEQA document for the Project.

POLICY CONSISTENCY

The Coastal Act and Carpinteria's Local Coastal Program (LCP)

The City of Carpinteria is located entirely within the California Coastal Zone. As such, the proposed zoning amendments constitute a change to the City's certified Local Coastal Program ("LCP"), and thus require compliance with City's GP/CLUP and the Coastal Act. Where actions may result in conflict with coastal resource policies, those that are most protective of significant coastal resources shall be prioritized (Pub. Res. Code, § 30007.5). Since the recommended Phase 1 rezone sites are located in commercial and light industrial areas near the downtown and the City's office park district, they are unlikely to be found at odds with State or local coastal resource protection policies.

Consistency with the 2023-2031 Housing Element

As described in this staff report, the proposed Project is intended to implement Program 1 of the adopted 2023-2031 Housing Element. If approved by the City Council, the Project would be submitted to the HCD for review, approval, and final Housing Element certification.

Consistency with the City's General Plan/Coastal Land Use Plan (GP/CLUP)

The proposed Project would be consistent with all applicable GP/CLUP policies. An in-depth policy consistency analysis is provided in Attachment H.

Next Steps

Following the City Council's adoption (first and second reading) of the zoning amendments, the amendments would then be sent concurrently to the California Coastal Commission and HCD for their respective reviews and certifications. If changes are required by one or both agencies prior to certification, such changes would be returned to the Planning Commission and/or City Council, depending upon their significance, for consideration and (revised) approval prior to resubmittal for final certification.

Effectuation of Ordinances Nos. 788, 789, 790, and 791 would occur immediately upon the date certified by the Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations. Resolution No. 6350 (Attachment I) directs City staff to transmit the Ordinances to the Coastal Commission and HCD.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

As noted above, Program 1 (Adequate Sites to Accommodate Regional Housing Needs) must be completed in order to receive Housing Element certification from HCD. If a compliant Housing Element is not certified: (1) the City may also have limited access to State funding, and (2) developers and advocates may have grounds to sue the City for not being compliant with State law.

Two of the Candidate Opportunity Sites are proposed for rezoning in a separate City Council action due to the segmentation requirements of the Political Reform Act, which apply because of a potential conflict of interest with respect to a Councilmember's real property interests. Accordingly, discussion and consideration of the two sites, which are Sites 15 and 18, are proposed to be conducted separately. A separate ordinance has been prepared for the rezoning of Sites 15 and 18 (see Ordinance 791 in Attachment D).

The City Attorney's Office assisted in the preparation of this Staff Report and will be available to answer questions at the meeting.

FINANCIAL CONSIDERATIONS

Staff time necessary to complete the ordinance development and adoption work is paid for from the City's General Fund and Measure X Program, and has been budgeted for in the current FY2024-25 adopted Budget as part of the Community Development Department's Advance Planning program work.

OPTIONS

1. Adopt Ordinance Nos. 788, 789, 790, and 791 (second reading), approve Resolution 6350, and find that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a

supplemental or subsequent EIR for the subject zoning amendments, and that the Addendum to the certified 2003 Program EIR satisfies the environmental review requirements of CEQA. (*Staff recommendation*)

2. Direct staff to modify the Ordinances. Significant modifications should be redirected to the Planning Commission for further consideration.

3. Reject Ordinance Nos. 788, 789, 790, and 791 (second reading) and Resolution 6350.

ATTACHMENTS

Attachment A Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use (RMU) Zoning District.

Attachment B Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

Attachment C Ordinance 790, amending the City's official Zoning Maps to rezone select parcels (Sites 7, 10, 11, 12, 13, and 14) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment D Ordinance 791, amending the City's official Zoning Maps to rezone select parcels (Sites 15 and 18) to the new Residential / Mixed Use (RMU) Zoning District.

Attachment E 2003 GP/CLUP EIR and Draft CEQA Addendum thereto.

Attachment F Figures 1 through 4 as follows:
1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

Attachment G October 17, 2024 ARB Meeting Minutes (re: proposed ODS)

Attachment H: Consistency Analysis with the City's GP/CLUP

Attachment I: Resolution 6350 directing that the proposed Local Coastal Program Amendment be transmitted to the California Coastal Commission and the California Department of Housing and Community Development for certification.

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Signature

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Reviewed by: Michael Ramirez, City Manager
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Signature

Attachment A.

Ordinance 788, adding Chapter 14.19 of the Carpinteria Municipal Code to include a new Residential / Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE, TO TITLE 14 - ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Program 1- Adequate Sites to Accommodate Regional Housing Needs, completing the necessary rezones to address the City's housing capacity shortfall pursuant to the Regional Housing Needs Assessment ("RHNA"); and

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

determined that a new zone district would be necessary to accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code §65583.2) and Program 1; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790, and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including naming the new zone district proposed by this Ordinance "Residential/Mixed Use" ("RMU"), and to determine that the provided Addendum is the appropriate review document for this Ordinance pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.19 to Title 14.

Chapter 14.19 – RMU Residential/Mixed Use, is added to Title 14 – Zoning of the Carpinteria Municipal code and shall read as follows:

CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE

14.19.010 – Purpose and Intent.

The purpose of the RMU district is to provide areas of the City for higher density residential-only and mixed-use (commercial and residential) development, particularly as infill development, to increase the availability of workforce housing while maintaining commercial opportunities in the City's downtown. The intent of this district is to:

A. Help the City provide adequate sites to satisfy its Regional Housing Needs Allocation;
B. Provide opportunities for lower-income, special-needs, and workforce housing;
C. Cultivate pedestrian- and alternative transportation-friendly neighborhoods where residences are nearby to business, service, and employment locations; and
D. Encourage infill development in the City's downtown that preserves and enhances the City's "beach town" character.

14.19.020 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the RMU district, in accordance with Chapter 14.72 (Accessory dwelling units and junior accessory dwelling units):

A. Accessory dwelling units and junior accessory dwelling units shall be permitted in the RMU district.
B. Accessory dwelling units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
C. Accessory dwelling units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (Appeals).
D. Junior accessory dwelling units shall be subject to issuance of a building permit.

14.19.030 – Processing.

A. Uses identified in Section 14.19.040 shall be allowed as a use by right subject to the issuance of an administrative coastal development permit. For the purposes of this section, "use by right" means the City's review shall not require a development plan, conditional use permit, environmental review under the California Environmental Quality Act, or other discretionary review or approval in accordance with Government Code Section 65583.2(i) and Government Code Section 65589.5(f) for multifamily residential housing. Any subdivision of a site

shall be subject to all laws, including, but not limited to, Title 16 – Subdivisions, implementing the Subdivision Map Act. The City shall process an administrative coastal development permit for a use by right as follows:

1. The Planning Director shall approve or deny administrative coastal development permits.
2. No public hearing shall be required.
3. Public notice shall be required in accordance with Chapter 14.76.
4. Pursuant to Section 30603 of the Coastal Act, within California Coastal Commission's coastal appeals area, the Planning Director's decision to approve an administrative coastal development permit in the RMU zone district may be appealed to the Coastal Commission within ten working days. Proposed development in the RMU zone district that is located outside of the coastal zone appealable area is not appealable to the Coastal Commission.
5. An applicant may request non-binding conceptual review by the Architectural Review Board to improve project design.

B. For all uses conditionally permitted pursuant to Section 14.19.060, a conditional use permit shall be submitted, processed, and approved as provided in Chapter 14.62.
C. For all other permitted uses pursuant to Section 14.19.050, prior to the issuance of a coastal development permit, a development plan shall be submitted, processed, and approved as provided in Chapter 14.68, with the exception that Architectural Review Board and Planning Commission review shall be limited to analysis of the project's compliance with Chapter 14.51, Objective Design Standards, and the regulations of this Chapter.
D. Once a final decision of approval, conditional approval (if applicable), or denial is issued by the Planning Director or Planning Commission, as applicable, the notice of final action shall be provided within five working days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing.

14.19.040 – Uses permitted by right.

A. The following uses shall be allowed as a use by right in the RMU district:
    1. Mixed-use commercial and multifamily residential developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted residential units for lower-income households;
    2. Multifamily residential-only developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted units for lower-income households;
    3. Public parks, playgrounds, and open space areas provided as part of a mixed-use or multifamily residential development;
    4. Low barrier navigation centers, as defined in Government Code Section 65660 and subject to the provisions of Government Code Section 65662;

5. Supportive housing developments, as defined by Health and Safety Code Section 50675.2 and subject to the provisions of Government Code Section 65651;
6. Transitional housing developments, as defined by Health and Safety Code Section 50675.2;
7. Home occupations, as provided in Section 14.50.030;
8. Accessory uses and structures incidental to permitted residential uses, including laundry and storage rooms; garages, carports, and parking lots; bus stop shelters; multifamily residence mailboxes; and bike racks;
9. Accessory uses and structures incidental to commercial portions of mixed-use developments, including storage rooms, garbage enclosures, and loading zones; and
10. Personal use cannabis cultivation, as provided in Chapter 14.59.

B. For the purpose of this Chapter, "lower-income" means a household that earns 80 percent or below of the area median income applicable to Santa Barbara County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.
C. For the purpose of this Section, permitted commercial uses for commercial portions of mixed-use developments shall be as follows:
    1. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.030.
    2. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.030.

14.19.050 – Uses permitted subject to development plan approval.

Mixed-use commercial and multifamily residential developments that do not meet the affordability requirements of Section 14.19.040(A)(1) and multifamily residential-only developments that do not meet the affordability requirement to Section 14.19.040(A)(2) shall require approval of a development plan in accordance with Section 14.19.030(C). Uses subject to development plan approval shall comply with the provisions of Sections 14.19.070 through 14.19.100 and all applicable provisions of the Title 14 of the City's Code.

14.19.060 – Uses permitted subject to conditional use permit.

A. Permitted uses subject to a conditional use permit in the RMU district shall be as follows:
    1. As provided in Chapter 14.62;
    2. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.040; or
    3. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.040.
B. Such conditional uses shall not prevent the development from meeting the standards in Sections 14.19.070 through 14.19.100, inclusive.

C. Projects proposing such conditional uses shall also incorporate multifamily residential use. In addition to the findings in Section 14.62.040(8), the following finding must also be made:
    1. The proposed use will not be detrimental to the health, safety, and general welfare of the residential use also proposed by the project.

14.19.070 – Objective design standards.

Projects shall be designed pursuant to the design standards in Chapter 14.51.

14.19.080 – Density.

The number of dwelling units per gross acre shall be a minimum of 20 and maximum of 25, unless otherwise allowed by applicable State housing law or Title 14 of the City's Code.

14.19.090 – Development standards.

The following development standards shall apply:

A. Affordability. Projects qualifying for an administrative coastal development permit pursuant to Section 14.19.030 shall record a restrictive covenant that ensures the continued affordability of all acutely low-, extremely low-, very low-, low-, and moderate-income rental units for 55 years and all acutely low-, extremely low-, very low-, low-, and moderate-income for-sale units for 45 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
B. Setbacks. All structures shall be located pursuant to the following setbacks:
    1. No less than five feet from the property line or 25 feet from the street centerline, whichever is greater.
    2. For sites with frontage on Via Real, no less than 15 feet from the property line abutting Via Real, and 5 feet from all other property lines.
C. Distance between buildings. The distance between two adjacent buildings shall be no less than 10 feet.
D. Building coverage. Not more than 75 percent of the net area of the property shall be covered with any portion of a building.
E. Building height. No building or structure shall exceed a height of 35 feet.
F. Parking. Unless modified by State law, minimum parking requirements shall be as follows:
    1. Visitor, guest, and employee parking: one space per five units.
    2. Parking for units affordable to lower-income households:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom or larger units: 1.5 parking spaces per unit.
        c. Four-bedroom or larger units: 2.5 parking spaces per unit.
    3. Parking for all other units:
        a. Studio and one-bedroom units: one parking space per unit.
        b. Two-bedroom units or larger: two parking spaces per unit.

c. Four-bedroom or larger units: 2.5 parking spaces per unit.

4. Parking for commercial uses shall be as provided in Section 14.54.040.

G. Open space. At least 20 percent of the net area of the property shall be used for common and/or public open space. A maximum of 50 percent of the required open space may be provided on rooftops or decks above ground level.

H. Fences, walls, and plantings. Fences, walls, and plantings providing a solid screen (i.e., at least 90 percent opacity when viewed from the public right of way) that are located in a front yard setback shall not exceed a height of four feet.

I. For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. For the purposes of this section, a leasing or property management office for a residential development on the same site shall be considered a commercial use.

14.19.100 – Development standards— specific sites.

The following development standards shall apply to specified sites, in addition to the development standards in Section 14.19.090:

A. Sites with frontage on Linden Avenue or Carpinteria Avenue within Community Design Element Subarea 2a shall be limited to mixed-use (commercial and residential) development.

B. For sites with frontage on Linden Avenue or Carpinteria Avenue, 50 percent of the residential units shall be a mix of studios and one-bedroom units.

14.19.110 – Noticing requirements.

Noticing shall be conducted pursuant to Chapter 14.76, with the exception that no public hearing shall occur or be noticed for projects qualifying as a use by right pursuant to Section 14.19.040.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act (“CEQA”) Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report (“EIR”) for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara..

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment B.

Ordinance 789, adding Chapter 14.51 of the Carpinteria Municipal Code to include new Objective Design Standards.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS, TO TITLE 14 – ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the City of Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, projects seeking approval under the allowances of the Housing Accountability Act (Gov. Code §65589.5) and Senate Bill 423 (Gov. Code §65913.4) are required to comply with objective, quantifiable, written development standards, conditions, and policies provided that those objective standards, conditions, and policies do not render the project infeasible; and

WHEREAS, in response to the increased streamlining of planning and design review for housing projects by State law, jurisdictions throughout the State have implemented Objective Design Standards ("ODS") for projects which are required by State law to undergo ministerial planning review; and

WHEREAS, to ensure that housing projects in the City seeking streamlined or ministerial review pursuant to State law implement quality architectural and site design that remains compatible with the existing scale and character of Carpinteria, the ODS proposed by this Ordinance are included as part of the City's implementation of Housing Element Program 1; and

WHEREAS, at the October 17, 2024 meeting of the Architectural Review Board, City staff presented the Board with proposed ODS, which would apply to specified residential and mixed-use projects, and invited feedback from the Board and members of the public, and after deliberation the Board recommended that the proposed ODS be brought to the Planning Commission with comments attached; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 12, 2024, the California Coastal Commission Executive Director issued a Memorandum on Streamlined Ministerial Approval Process in the Coastal Zone (Government Code Section 65913.4) ("SB 423 Memo"), which, among other things, recommends that local agencies develop objective design standards for projects proposed under Senate Bill 423 (Gov. Code, § 65913.4), and this Ordinance proposes objective design standards consistent with said SB 423 Memo; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 – Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Addition of Chapter 14.51 to Title 14.

Chapter 14.51 – Objective Design Standards, is added to Title 14 – Zoning of the Carpinteria Municipal Code and shall read as follows:

CHAPTER 14.51 – OBJECTIVE DESIGN STANDARDS.

14.51.010 – Purpose and Intent.

The purpose of this chapter is to provide objective design standards for certain mixed-use and multifamily residential developments in the City of Carpinteria in order to provide ministerial and/or streamlined review of such projects. The intent of this Chapter is to maintain the City's unique small-town character and vibrant neighborhoods while encouraging and incentivizing residential and mixed-use developments that:

A. Provide housing opportunities for residents of all income levels, including family and workforce housing;
B. Revitalize neighborhoods and provide opportunities for infill development;
C. Cultivate pedestrian and alternative transportation-friendly spaces; and
D. Are sensitive to and compatible with existing development with respect to massing, setbacks, and rooflines.

14.51.020 – Applicability.

A. The provisions of this Chapter shall apply to:
    1. Any residential or mixed-use development in the Residential/Mixed Use (RMU) 20/25 Zone District;
    2. Any residential development subject to a streamlined, ministerial approval process pursuant to California Government Code Sections 65913.4, 65852.24, and 65912.100-140; and
    3. Any development that constitutes a "housing development project" under California Government Code Section 65589.5 (Housing Accountability Act) that is inconsistent with the City's general plan land use designation and

zoning ordinance, or meets the criteria in Government Code Section 65589.5, subdivision (h)(11).

B. In the case of conflict between this Chapter and other regulations of Title 14 – Zoning, the objective standards established by this Chapter shall prevail.

14.51.030 – Processing.

A. Permit processing shall be as provided for in the underlying base zone district.
B. Any project that seeks an exception, waiver, or modification to the provisions of this Chapter, excluding waivers or modifications granted pursuant to State Density Bonus Law (Gov. Code, § 65915 et seq.) as implemented by chapter 14.77, shall require the filing and approval of a Development Plan Modification as provided for in Section 14.50.120 of this title.

14.51.040 – Building form, massing, and articulation.

A. *Building Form and Vertical Hierarchy*. Buildings that are higher than two stories shall be designed to differentiate between a defined base (first floor); a middle or body (e.g., second or third floor); and a top, cornice, or parapet cap (architectural features). Two-story buildings shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following:
   1. Color, texture, or material changes;
   2. Variations, projections, or reveals in the wall plane;
   3. Variations in fenestration design or pattern; or
   4. Decorative architectural features, such as cornices and columns.
B. *Story height*. The ground story shall have a maximum story height of ten (10) feet for residential use and 12 feet for commercial use. The height of upper stories shall not exceed nine feet.
C. *Wall plane variation*. Building facades visible from the primary right-of-way shall not extend more than 30 feet in length without either a two-foot variation in depth in the wall plane or one of the following projected or recessed architectural elements: porches, stoops, porticos, balconies, bay windows, overhangs, terraces, and/or trellises.
D. *Street Façade*. If buildings on adjacent properties establish a contiguous street façade along the primary right-of-way frontage, such as the 900 block of Linden Avenue, new buildings shall be located to maintain the contiguous street-facing wall, with allowances for variation in façade and entrances which are projected or recessed.
E. *Corner lots*. Buildings located on corner lots shall include one or more of the following features on both street-facing facades, located within 25 feet of the corner of the building closest to the intersection:
   1. An entrance to a ground-floor use or a primary building entrance;
   2. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade; or

3. A change in height of at least 18 inches from the height of the abutting façade.

F. *Roofline variation*. Rooflines shall provide one of the following prominent changes a minimum length of every 30 feet:
   1. Variation in roof form, such as hip, mansard, gable, shed, or flat with parapet;
   2. Variation in architectural elements, such as parapets and cornices; or
   3. Variation of roof height of 18 inches minimum (as measured from the highest point of each roof line).

G. *Upper floor massing.* Upper floors shall be reduced in bulk and massing: upper floors shall each have up to a total maximum floor area of 80 percent of the total net floor area of the ground floor. For lots with 5,000 square feet or less, upper floors shall have a total maximum floor area of up to 70 percent of the total net floor area of the ground floor.

H. *Contextual Upper Story Stepback*.
   1. Where a building's façade is within 20 feet of a street side property line, at least 30 percent of the façade of the upper floor(s) shall be stepped back from the ground floor façade at least 2 feet.
   2. Where a building on an abutting lot across a side lot line is single-story, any proposed building located within 15 feet of the side lot line shall step back at least 30 percent of the upper floor(s)' façade from the ground floor façade at least 2 feet.

I. *Common open space.* Common open spaces for multifamily residential developments shall comply with the minimums required by the base Zone District in which they are located.
   1. *Rooftop open space*. Open spaces located on a building rooftop shall be a minimum of 15 feet away from any property line abutting a residential use.

J. *All-sided architecture*. Fenestration, materials, and common details shall be carried over on all sides of the building visible from public rights-of-way.

K. *Limits on garages*. To minimize the dominance of garage doors along street frontages, a garage facing and visible from a public street shall not occupy more than 50 percent of the width of a building façade facing that street, except that it may be 12 feet wide in any circumstance. Mixed-use developments shall not have any street-facing garage doors along the primary right-of-way. Garage doors shall be recessed a minimum of four inches from the surrounding wall plane.
   1. Where the width of a garage exceeds 30% of the linear front or side elevations, the garage shall be recessed a minimum of 3 feet from the front wall of the building, or provide a trellis extending in front of the face of the garage.
   2. Garage doors shall feature at least one of the following treatments:
      a. Garage door windows;
      b. Paneled garage door surface;
      c. Two different colors; or
      d. Accent material.

14.51.050 – Site design.

A. *Siting of commercial uses*. Commercial components of a mixed-use development shall always be located closest to the primary right-of-way. Where a combination of commercial and residential uses is provided within the same building, commercial uses shall be located on the ground floor and closest to the primary right-of-way.
B. *Front-facing open space*. For developments fronting Linden Avenue or Carpinteria Avenue, any ground-floor courtyard, open space, or building setback from the street-facing property line shall be used for landscaping, outdoor dining/seating, public plazas, and/or building entries.
C. *Vehicular circulation and access*.
    1. Vehicular site access to parking areas shall be provided via side streets or alleys, when present.
    2. A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage. For corner lots, one vehicular access point is permitted per lot where all street frontages are less than 100 linear feet, and two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.
    3. For developments fronting Linden Avenue or Carpinteria Avenue, parking areas shall not be located within any front or street side setback, or between any building and the primary right-of-way.
D. *Loading and service areas*. New commercial uses requiring the receipt or distribution of material or merchandise by vehicles or trucks shall provide one (1) off-street loading space for 5,000 to 20,000 square feet of commercial area, and two (2) off-street loading spaces for commercial area greater than 20,000 square feet. Additional loading spaces shall be provided pursuant to Section 14.54.090.
    1. Required loading and service areas shall not be located between a building and the primary right-of-way.
    2. Loading and service areas shall not be located in drive aisles so as to not disrupt or block the flow of on-site and off-site vehicular traffic. Striping and signage shall be as provided in Chapter 10.04.
    3. Loading and service areas shall be located in parking areas and alleys, when present.
    4. Loading and service areas shall be screened from view from public rights-of-way with walls, solid fencing, and/or landscape privacy screening pursuant to Section 14.51.110.
E. *Pedestrian circulation and access*. Pedestrian walkways shall be a minimum width of four feet and shall be designed as follows:
    1. Pedestrian walkways shall connect public sidewalk right-of-way to areas throughout the site, such as building entrances, unit entrances, vehicle parking areas, bicycle parking areas, common open space areas, waste and recycling enclosures, and any transit stops directly adjacent to the site. Such walkways shall also connect buildings and amenities within the development to one another.

2. Where through lots are located more 300 feet from a street intersection, as measured from the closest point of the lot, pedestrian walkways shall be designed to provide public access connecting the two streets.
3. Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials, such as concrete, permeable paving, decomposed granite, stone, or brick.

F. *Private open space screening*. When a private open space (e.g. patio or balcony) is located within 20 feet of another residence or another private open space, the private open space shall be enclosed with a wall or fence that is a minimum of four feet in height.

G. *Usable open spaces*. Required common or public open spaces shall be a minimum of ten feet by ten feet. At least one of the common or public open spaces shall incorporate at least one of the following elements:
1. Picnic tables;
2. Permanently installed benches or seating;
3. Sport court or field, playground, or other children's play area;
4. Community garden;
5. Swimming pool; or
6. Pet park with a minimum of one trash receptacle.

H. *Paving*. For lots not fronting Linden Avenue or Carpinteria Avenue, the maximum amount of impervious surface area in the front setback is 30 percent.

14.51.060 – Utilitarian elements.

A. *Bicycle parking*. All developments shall provide bicycle parking spaces. Short-term bicycle parking is intended to serve shoppers, customers, couriers, guests, and other visitors to a site who generally stay for less than 2 hours. Long-term bicycle parking is intended to serve residents and commuters who generally stay at a site for long periods of time (e.g., overnight or for a work shift).
1. *Required number of spaces*.
   a. Short-term bicycle parking. One space per five residential units, plus one space per 250 square feet of commercial space; or four spaces, whichever is greater.
   b. Long-term bicycle parking. One space per two residential units, plus one space per 1,000 square feet of commercial space.
2. *Location and required elements*.
   a. Multifamily residential uses – Long-term bicycle parking. Long-term bicycle parking shall be located in an enclosed bicycle locker, a covered storage area or room, or a rack or stand in a room with key access limited to residents.
   b. Commercial uses – Long-term bicycle parking. Long-term bicycle parking shall be provided by a rack or stand within 100 feet of an entrance to the building it serves, or in an enclosed bicycle locker, covered storage area, or room.

c. Short-term bicycle parking. Short-term bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of an entrance to the building it serves.

3. *Size and accessibility*. Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between a bicycle parking space and walls, poles, landscaping, street furniture, pedestrian walkways, and parking areas.

B. *Pedestrian-oriented commercial setback areas*. Front setback areas between a commercial use and the primary right-of-way shall be landscaped and shall contain at least one amenity per 50 linear feet, such as benches or other seating, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).

C. *Lighting*. Outdoor light fixtures, including pole lights, wall-mounted lights, and bollards, shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
1. *Light intensity*. The maximum light intensity shall not exceed a maintained value of ten foot-candles, when measured at finished grade.
2. *Light temperature*. Lights shall be light-emitting diode (LED) lights with a color temperature no higher than 3000 Kelvins.

D. *Vents and Exhaust.* All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from view from any public right-of-way.

E. *Screening of mechanical equipment.* The following screening standards apply to specified types of mechanical equipment:
1. *Ground-mounted equipment*. Ground-mounted equipment that faces a public viewing area must be screened to a height of 6 inches above the equipment, unless such screening conflicts with utility access. Acceptable screening devices consist of walls, fences, or berms. Screening materials for walls or fences shall be selected from an exterior finish, siding, fencing, or wall material utilized elsewhere on the primary building of the development it serves.
2. *Wall-mounted equipment*. Wall-mounted equipment (e.g., electrical meters, cable connection boxes, electrical distribution cabinets, etc.) shall provide screening that incorporates the exterior wall or accent colors of the building, unless such screening conflicts with accessibility and visibility requirements for health and safety. For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device.
3. *Rooftop equipment*. Where rooftop equipment is located within 10 feet of a roof edge, a parapet shall be provided that is a minimum of six inches taller than all roof-top equipment. Rooftop equipment located within or adjacent to rooftop open space shall be screened to a height of 6 inches above the equipment in the manner provided by subsection (1) above.

F. *Trash, recycling, and other waste containers*. Enclosures for recycling, green waste, and any other waste containers required by law shall be located within a

building, incorporated into the exterior building design, or located within a detached enclosure designed and placed as follows:

1. The enclosure shall be located to the rear or side of the building(s) and located outside of view from a public right-of-way, and
2. The enclosure shall incorporate the materials and colors of the primary building design.

14.51.070 – Building and dwelling unit entrances.

A. *Separate entrances*. Building entrances and lobbies for residential units shall be separate from non-residential entrances.
B. *Street-facing commercial entrances*. Commercial components of mixed-use development along the primary right-of-way shall have main entrances facing the primary right-of-way and directly accessible from the sidewalk by a pedestrian walkway. Such entrances shall provide weather protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.
C. *Downtown street-facing entrance*. Buildings fronting Linden Avenue or Carpinteria Avenue shall provide an entrance directly from the public sidewalk or right-of-way a minimum of every 40 feet. Each shall have one or more of the following:
    1. Entrance flanked by columns, decorative fixtures, or other similar elements;
    2. Entrance recessed within a large arch or cased decorative opening;
    3. Entrance covered by a large portico projecting at least 6 feet from the surrounding wall plane; or
    4. Entrance covered by an awning.
D. *Downtown enhanced paving*. Building entrances fronting Linden Avenue or Carpinteria Avenue shall provide paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete that contrasts in color and texture from the adjacent walkway or right-of-way paving.
E. *Exterior entrances to residential units*.
    1. All individual exterior unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.
    2. Entrance types such as a stoop, porch, patio, or courtyard may serve more than one residential unit.
    3. Individual exterior unit entrances shall be illuminated, or face toward a common area or public street.
    4. Each residential unit located within 20 feet of a primary right-of-way with an exterior entrance shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.
    5. The entrance to residential units located on the ground floor may be raised up to a maximum finished floor height of 42 inches above the abutting sidewalk height, unless otherwise required for safety or sea level rise reasons.

14.51.080 – Windows.

A. *General Treatment*. Windows shall provide one of the following:
   1. Window trim or windowsill a minimum of one-half inch in depth; or
   2. Window recess a minimum of three inches in depth from the surrounding wall plane.
B. *Windows Facing a Public Street*. Windows facing a public street shall feature one or more enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.
C. *Privacy*. Where buildings are located within 15 feet of one another, residential window design on the building facades adjacent to one another shall avoid unfiltered/direct views into building interiors and shall be designed with one or more of the following:
   1. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units;
   2. Non-transparent or obscured glazing, such as frosted/patterned glass, glass block, or non-operable opaque windows. One-way mirror glass or film is not permitted;
   3. Permanent architectural screens or affixed louvers at windows; or
   4. Clerestory windows a minimum height of 5 feet from the ground.

14.51.090 – Materials and colors.

A. *Wall material*. The primary exterior wall siding material shall be selected from stucco, plaster, wood, composite wood, stone, stone veneer, brick, brick veneer, or vinyl. The use of exposed plywood or glass curtain walls is prohibited.
B. *Material transition*. Changes in materials or colors shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as a column or pier.
C. *Window Consistency*. Window frame materials and color shall be used on all elevations.
D. *Fences, walls, and hedges*. Fences and walls shall be constructed from materials such as wood, vinyl, wrought iron, brick, and stone. Chain link and barbed wire fencing is prohibited. Both sides of all fences and walls shall feature the same color and treatment.
E. *Vents and exhaust*. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

14.51.100 – General building design and architecture.

A. *Architectural Consistency*. Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.
B. *Roofs*.

1. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment. The interior side of parapet walls shall not be visible from a common open space or public right-of-way.
2. Roofs with overhanging eaves shall have an underside of stained wood, painted wood, or stucco. Exposed plastic is prohibited.
3. Corbels and brackets shall be constructed of stone, wood, or stucco. Exposed plastic is prohibited.

C. *Downtown ground floor transparency*. New mixed-use commercial building facades facing Linden Avenue or Carpinteria Avenue shall include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Windows and doors associated with a commercial use shall not use an opaque, frosted, or glazed material.
   1. The bottom of any product display window shall not be more than three and a half feet from the elevation of the sidewalk.
   2. Transparent or translucent glazing is required on the ground floor facade. Opaque, dark tinted glass, and mirror treatments that obstruct interior views at the street level are not permitted.

D. *Decorative window treatments*. Windows facing Linden Avenue or Carpinteria Avenue shall feature one or more of the following enhanced or decorative window treatments:
   1. Decorative architectural brackets, trim, exterior shutters, or awnings;
   2. Planter boxes or hanging planters;
   3. Balconies;
   4. Decorative accent material (such as wood or tile) as wainscot; or
   5. Bay windows.

E. *Decks and balconies*. Decks and balconies shall be constructed such that at least 75 percent of the area between the finished floor and the railing is an opaque material. All decks and balconies on a building shall use consistent colors, materials, and form.

F. *Vehicle Light Intrusion*. Vehicle headlights shall be obstructed from direct alignment with habitable interior first-story spaces with a minimum three-foot-high fence, wall, or other solid architectural feature.

G. *Carports*. Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design. Solar panels shall be permitted on carports in accordance with building code.

H. *Tandem parking*. Garages may be designed to accommodate tandem parking.

14.51.110 – Landscaping.

Landscaping shall be designed for all outdoor areas that are not specifically designated for buildings, walkways, driveways and parking, or open space. For further requirements, see the provisions of the base zoning district.

A. *Groundcover*. Groundcover shall be sized and located to cover at least 75 percent of all landscape areas that are not planted with shrubs or trees at the time building occupancy is granted.

1. While groundcovers and shrubs are establishing, a minimum layer of 3-inch bark mulch or decorative gravel shall be placed within all landscape areas to provide 100 percent coverage of such landscape areas.

B. *Plant selection*. Landscaping shall utilize non-invasive Mediterranean, local California native, and other WELO-compliant drought-tolerant species. Landscaping shall comply with the provisions of Chapter 15.90 – Water Efficient Landscaping, as applicable. Artificial or synthetic plants are prohibited.
C. *Number of Plants*. A minimum of one 15-gallon tree or equivalent box size and 20 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.
D. *Landscape privacy buffer*. A landscape buffer of a minimum width of five feet shall be located between all ground-level private open spaces, and pedestrian walkways or common/public open spaces. Plants shall be selected to enhance security (e.g. thorny plants) and shall be demonstrated to grow to a minimum height of four feet.
    1. *Exception*. Plantings providing a solid screen that are located in a front yard setback or facing the primary right-of-way shall not exceed a height of four feet.
E. *Pedestrian walkways.* Pedestrian walkways shall be flanked on at least one side with landscaping, and include a mix of groundcover, shrubs, and trees. Trees shall be selected and spaced to shade at least 25 percent of the overall walkway length at full maturity.
F. *Solar Access*. Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.

14.51.120 – Community Development Director substantial conformance determination.

The Community Development Director may make a determination that a substitution for, or minor deviation from, an objective standard specified in this section substantially supports the intent of the standard. Only the standards in the following sections are subject to a substantial conformance deviation:

A. Section 14.51.040 – subsections A, C, E, F, and K;
B. Section 14.51.050 – subsections B and G;
C. Section 14.51.060 – subsection E;
D. Section 14.51.070 – subsection C;
E. Section 14.51.080 – subsections B and C; and
F. Section 14.51.100 – subsection D.

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted

this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

Attachment C.

Ordinance 790, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 790

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element Law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to remove Site 5 (APN 001-190-097) from the Ordinance and approve this Ordinance as amended on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 - Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law (Gov. Code, § 65000 et seq.), including, but not limited to, State Housing Element Law; and

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

Candidate Site#	Assessor's Parcel No.	Existing Zone Designation	New Zone Designation
7	001-190-023 001-190-091 001-190-093 001-190-092	Industrial/Research Park (M-RP)	Residential/Mixed Use (RMU) 20/25
10	001-070-058	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
11	003-280-005 003-280-017	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
12	003-162-009 003-162-011 003-162-012	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
13	003-870-006 003-870-007 003-870-005 003-870-009 003-870-010 003-870-003 003-870-002 003-870-001 003-870-004	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25
14	003-860-001 003-860-005 003-860-003 003-860-004 003-860-002 003-860-006 004-041-011 004-041-012 004-041-015 003-860-007 003-860-008	Commercial Planned Development (CPD)	Residential/Mixed Use (RMU) 20/25

SECTION 3. Severability.
This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, "provisions") thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.
The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act ("CEQA") Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report ("EIR") for the Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.
This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

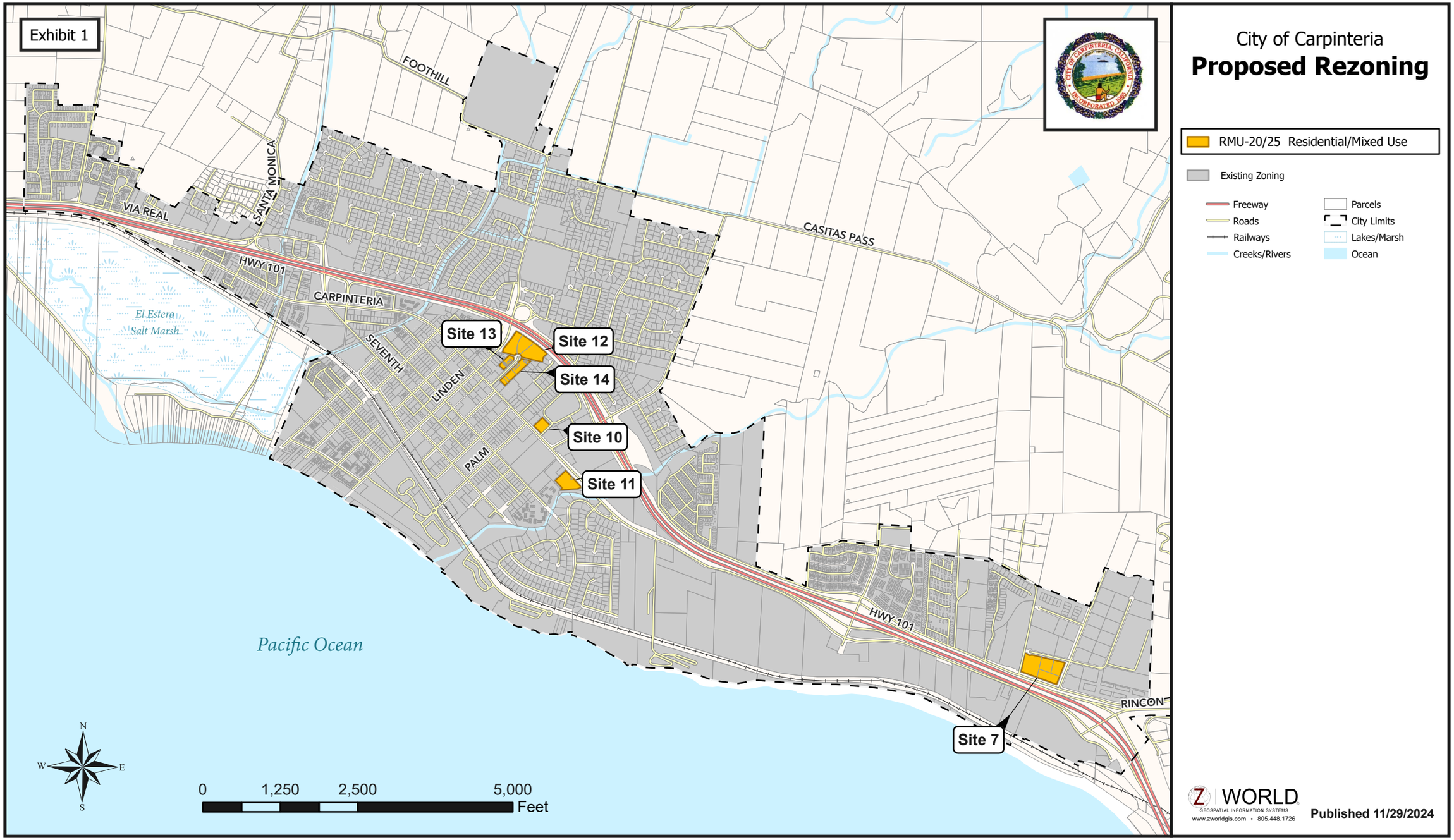
Exhibit 1
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Site 13
Site 12
Site 14
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Site 7
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Published 11/29/2024

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Attachment D.

Ordinance 791, amending the City's official Zoning Maps to rezone select parcels to the new Mixed Use Zoning District.

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

ORDINANCE NO. 791

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

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City completes necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

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

accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or Environmental Impact Report for the City to rezone sufficient sites to accommodate its RHNA and to attain Housing Element certification from HCD; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 788, 789 and 790), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum to the 2003 GP/CLUP PEIR, was introduced on a first reading, and the Council moved to approve this Ordinance on a 3-0-1-1 (Solorzano recused, Clark absent) vote; and

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

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

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

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

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

SECTION 1. Incorporation of Recitals.

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

SECTION 2. Amendment to Zoning Map.

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

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

SECTION 3. Severability.

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

SECTION 4. CEQA Review.

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

SECTION 5. Effective Date.

This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section

13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

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

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

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

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

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

APPROVED AS TO FORM:

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

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City of Carpinteria

Proposed Rezoning

RMU-20/25 Residential/Mixed Use

Existing Zoning

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

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Published 11/29/2024

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Attachment E.

2003 GP/CLUP EIR and Draft CEQA Addendum thereto

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

The Previously Certified Program Environmental Impact Report (PEIR) for the City of Carpinteria's 2003 General Plan/Coastal Land Use Plan (GP/CLUP) was combined with the City's GP/CLUP.

Analysis pursuant to the California Environmental Quality Act (CEQA) occurs throughout the document with a full summary in Appendix A.

The full document is available at this link:
https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

CEQA ADDENDUM

City of Carpinteria
2023-2031 Housing Element Update Rezone Amendments
Project 24-2279-ORD/LCPA
Environmental Impact Report SCH 1997121111

November 25, 2024

I. Summary of this Addendum

This addendum to the Program Environmental Impact Report ("PEIR")[1] for the City of Carpinteria's ("City") General Plan/Coastal Land Use Plan ("GP/CLUP") ("Addendum") assesses the potential environmental impact(s) associated with implementation of Program 1 of the City of Carpinteria 2023-2031 Housing Element, as required by the California Environmental Quality Act ("CEQA") (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City, as the lead agency under CEQA, must consider the potential environmental impacts of the proposed Project, which includes:

- Adding a new Residential/Mixed Use ("RMU") Zoning District to the Carpinteria Municipal Code;
- Adding new Objective Design Standards to the Carpinteria Municipal Code; and
- Amending the City's Zoning Map to rezone certain parcels of land to RMU.

The goal of the proposed Project is to accommodate and encourage residential development in accordance with Program 1 of the City's adopted 2023-2031 Housing Element. This Addendum is being prepared pursuant to Sections 15162-15164 of the CEQA Guidelines, and is an informational document intended to be used in the planning and decision-making process.

The fundamental conclusion of this Addendum is that the proposed Project would not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the PEIR for the City's GP/CLUP, which was certified in 2003 with State Clearing House ("SCH") number 1997121111. Additionally, the Project would not involve any substantial changes to the components of, or circumstances surrounding, the City's GP/CLUP that would require major revisions to the PEIR. Thus, a subsequent or supplemental EIR need not be prepared in accordance with California Public Resources Code Section 21166.

[1] The previously certified PEIR was combined with the City's GP/CLUP, available at this link: https://carpinteriaca.gov/wp-content/uploads/2023/09/cd_General-Plan.pdf

Housing Element Program 1

On January 22, 2024, the City of Carpinteria City Council ("City Council") adopted the current Housing Element[2], which outlines how the City's Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. While the Housing Element is adopted and in effect, it cannot be officially certified by the California Department of Housing and Community Development ("HCD") until the City implements Program 1 – Adequate Sites to Accommodate Regional Housing Needs.

A description of Program 1 (Adequate Sites to Accommodate Regional Housing Needs) is provided beginning on page 6 of the City's adopted Housing Element, with additional detailed information about the City's residential land inventory described in Appendix B of the Element. These documents explain the breakdown by income of the required 901 RHNA units, including 418 units for lower-income households, 35 units for moderate-income households, and 348 units for above-moderate-income households. Using the land inventory analysis in Appendix B, the City can currently accommodate 126 lower-income units and all of the moderate, and above-moderate units based on pending projects, underutilized sites (i.e., existing zoning), and anticipated accessory dwelling units.

Since the City can currently only accommodate 126 out of the 418 required lower-income housing units, there is a resulting RHNA shortfall of 292 potential lower-income units. Therefore, the City is required to implement Program 1 which involves rezoning sufficient land to accommodate 292 lower-income units plus a reasonable buffer[3].

As described in Program 1, City staff initially envisioned using a Residential Overlay District for the proposed rezones such that the underlying zone of the land (e.g., commercial, industrial, etc.) would remain but would have an overlay applied to allow for the option of high-density residential development. However, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay that allowed for both a higher density and a lower density residential development option did not satisfy Housing Element Law. Accordingly, the implementation of Program 1 now instead requires a zoning change on sufficient sites to cover the RHNA shortfall.

Additional aspects of Housing Element Program 1 that must be factored into the zoning amendments include:

- Density Minimums: Government Code Section 65583.2(c)(3) and Program 1 require that the City apply a minimum residential density of at least 20 units per acre to all rezone sites that are used to accommodate the City's RHNA for the

[2] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/.
[3] HCD expects at least a buffer of 15 percent for a total of 336 units. At a proposed density of 20 dwelling units per acre, the land area to be rezoned under Program 1 would be approximately 16.8 acres (14.6 acres to cover the shortfall and 2.2 acres to cover the 15 percent buffer).

lower-income units. Therefore, the zoning amendments must include this minimum density.

- Number of Units: Government Code Section 65583.2(h) and Program 1 require that the residential rezones include at least 16 units per site.
- Ministerial Permitting: Government Code Section 65583.2(h) and Program 1 require that the City permit "use-by-right" owner-occupied and rental multifamily housing projects that provide at least 20 percent of the units as affordable to lower-income households. As defined in Government Code Section 65583.2, "use by right" means that the housing project is not subject to discretionary review or approval, or environmental review under CEQA.
- Development Standards: As part of the rezoning program, the City must also ensure that allowable densities can be achieved and that development standards do not pose unreasonable constraints on the cost and supply of housing. Thus, the development standards applied to the rezone sites must be "objective" (i.e., standards that involve no personal or subjective judgement by a public official) such that streamlined permitting can be accomplished.
- Predominantly Residential Mixed Use Development: Government Code Section 65583.2(h) and Program 1 also require that one of the following standards is satisfied: (1) At least 50 percent of the lower income housing need to be accommodated on residential-only sites; or (2) All the lower income housing needs may be accommodated on mixed-use sites if those sites allow for (a) 100 percent residential use and (b) require that residential use occupy 50 percent or more of the total floor area of the mixed-use project.

In the adopted Housing Element, 19 sites (each site is made up of one or more legal parcels) were identified as "Candidate Opportunity Sites" (also referred to as the "Sites" throughout this Addendum) that may be suitable for rezoning to cover the RHNA shortfall. These Candidate Opportunity Sites are described in Appendix B of the Housing Element (see Table B-6, Figures B-2a and B-2b[4], and in the site profiles Figure B-4[5]).

In addition, Site #5 (located at 6380 Via Real and commonly referred to as "Lagunitas") was originally identified as a Candidate Opportunity Site considered for rezoning but was changed to a "pending project" in the final adopted Housing Element when an application for development was submitted. However, the applicants for the proposed development have stalled on processing their current application. Therefore, City staff and Planning Commission recommend that Site #5 also be included in the list of Candidate Opportunity Sites (Table1 below). If Site #5 is rezoned, it would provide the landowner with the opportunity to move forward with a project under the proposed RMU zone.

[4] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Final-Readopted-Version.pdf.
[5] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf.

Table 1 – Summary of All 20 Candidate Opportunity Sites *(Site #17 was removed[6])*

Site #	Location	Current General Plan Land Use Category	GPA Required?
1	Via Real	Agriculture (AG) & Open Space Recreation (OSR)	Yes
2	5800 Via Real	Agriculture (AG)	Yes
3	1000 Bega Way	Research & Development Industrial (RDI)	No
4	6250 Via Real	Research & Development Industrial (RDI)	No
5	6380 Via Real	Research & Development Industrial (RDI)	No
6	Cindy; Mark; Rose	Research & Development Industrial (RDI)	No
7	Cindy Ln; Via Real	Research & Development Industrial (RDI)	No
8	Mark Ave; Cindy Ln	Research & Development Industrial (RDI)	No
9	Cindy Ln	Research & Development Industrial (RDI)	No
10	5320 Carpinteria Ave	General Commercial (GC)	No
11	5437 Carpinteria Ave	General Commercial (GC)	No
12	Eugenia Pl	General Commercial (GC)	No
13	Eugenia Pl	General Commercial (GC)	No
14	Eugenia Pl	General Commercial (GC)	No
15	Carpinteria Ave	General Commercial (GC)	No
16	Carpinteria Ave	General Commercial (GC)	No
18	Holly Av; Carpinteria Ave	General Commercial (GC)	No
19	6th St; Walnut St	General Industrial (GI) & General Commercial (GC)	Yes
20	Palm Ave	General Commercial (GC)	No
21	Carpinteria Ave	Research & Development Industrial (RDI)	No

Out of the 20 Candidate Opportunity Sites, three would require a General Plan Amendment ("GPA") to modify the corresponding Land Use Designations in order to permit the proposed residential uses. The Final PEIR for the City's GP/CLUP included analysis of potential development under the existing Land Use Designations and did not anticipate such GPAs. Therefore, the three Candidate Opportunity Sites that require GPAs (Site Numbers 1, 2, and 19) are not currently under consideration for rezone amendments and are removed from further analysis in this CEQA Addendum. The Project thus does not require any amendment to the GP/CLUP.

All of the remaining 17 Candidate Opportunity Sites may be rezoned consistent with Program 1 without any changes to the GP/CLUP policies or Land Use Map.

II. Proposed Project Description: Zoning Amendments

Consistent with Program 1 of the Housing Element, the proposed Project analyzed in this CEQA Addendum consists of the following three components:

A. The addition of the RMU Zoning District in Title 14 of the Carpinteria Municipal Code ("CMC");

B. The addition of Objective Design Standards in Title 14 of the CMC;

[6] Site #17 was removed because a development application was processed that made the site a pending project rather than a Candidate Opportunity Site for rezoning.

C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning designations to the new RMU Zone.

All three of these Project components are logical follow-on discretionary actions to the GP/CLUP and are covered by the City's previously certified PEIR. While all three components combine to describe the whole of the Project, a project under CEQA is essentially the action(s) which would result in a physical change to the environment. In this case, the potential direct and indirect environmental effects from the proposed Project would come from the future development or redevelopment of the rezoned Sites.

It is not likely that all 17 Candidate Opportunity Sites (Table 2) will be rezoned as part of the Project. Ultimately, the City Council may choose a subset of these eligible Sites in order to meet the City's immediate RHNA shortfall plus a reasonable buffer. Even though it is unlikely that all 17 Sites will be rezoned, this Addendum's analysis covers all 17 Sites in order to assess whether or not there will be any significant impacts which require additional environmental review if all 17 Sites are rezoned.

Table 2 – Proposed Project: 17 Sites to be Potentially Rezoned to RMU

Site #	Location	Site Size (ac)	Current Zoning	Current GP	Potential Units w/Rezone*	Potential Lower-Income Units	Potential Moderate Income Units	Existing Use
3	1000 Bega Way	9.68	M-RP	RDI	175	175	0	Industrial Research
4	6250 Via Real	8.47	M-RP	RDI	166	166	0	Storage
5	6380 Via Real	8.63	M-RP	RDI	169	169	0	Vacant
6	Cindy Ln; Mark Av; Rose Ln	10.58	M-RP	RDI	210	210	0	Industrial Research
7	Cindy Ln; Via Real	5.51	M-RP	RDI	110	110	0	Industrial Research
8	Mark Av; Cindy Ln	10.02	M-RP	RDI	199	199	0	Industrial Research
9	Cindy Ln	4.49	M-RP	RDI	89	89	0	Vacant
10	5320 Carpinteria Av	1.08	CPD	GC	21	21	0	Commercial
11	5437 Carpinteria Av	1.98	CPD	GC	25	25	0	Apartments and partially vacant
12	Eugenia Pl	4.66	CPD	GC	92	92	0	Commercial
13	Eugenia Pl	0.80	CPD	GC	16	16	0	Commercial Condos
14	Eugenia Pl	1.88	CPD	GC	35	19	16	Commercial Condos & Commercial
15	Carpinteria Av	2.45	CPD	GC	48	40	8	Commercial
16	Carpinteria Av	0.67	CPD	GC	9	0	9	Commercial & Residential
18	Holly Av; Carpinteria Av	1.47	CPD	GC	28	22	6	Commercial & Residential
20	Palm Av	0.77	CPD	GC	11	0	0	Commercial
21	Carpinteria Av	6.31	M-RP	RDI	125	125	11	Industrial & Vacant
Totals		**79.45**	**n/a**	**n/a**	**1,528**	**1,478**	**50**	

* Assumes 20 dwelling units per acre.

As shown in Table 2, each of the Candidate Opportunity Sites covered by this Addendum is currently zoned either Commercial Planned Development ("CPD") or Industrial/Research Park ("M-RP"). The CPD zoning designation aligns with the corresponding General Commercial ("GC") land use designation; the M-RP zoning

designation aligns with the Research and Development Industrial ("RDI") land use designations. Under the new RMU District, future development of the Sites would include the following:

A. Multifamily residential development and mixed uses at a density of 20 (minimum) to 25 (maximum) dwelling units per acre;

B. Parking and accessory uses (e.g., storage, laundry facilities, private open space, public open space, bike racks, etc.);

C. For sites in the GC land use category: the option to have commercial uses as part of a mixed-use development (except for sites fronting on Linden and Carpinteria Avenues within the downtown "T" (based on Community Design Element Subarea 2a) which would be required to include a commercial use on the ground floor fronting the avenue);

D. For sites in the RDI land use category: the option to have offices and/or research, development, and laboratory uses, as part of a mixed-use development.

Since the commercial/office uses along with some residential uses are already permissible under the Sites' current zone districts and land use designations, the primary changes for the purpose of CEQA analysis are the net addition of the new residential density and accompanying accessory uses.

III. Analysis – Consistency with GP/CLUP

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's GP/CLUP and accompanying PEIR. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories currently allow for residential uses in their definitions:

> ***General Commercial (GC)***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented. (emphasis added)*
>
> ***Research & Development Industrial (RDI)***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential. (emphasis added)*

More explicitly, the following specific Land Use objectives and policies demonstrate that the rezones are consistent with the GP/CLUP. (See also the full GP/CLUP Consistency Analysis prepared for the project as Attachment H to the November 25, 2024 City Council Staff Report).

- ***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.*

  Discussion: Site Nos. 8 and 9 are located at the City's eastern edge, but still within the Urban Boundary. Site No. 8 is developed with industrial uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site Nos. 5 and 9 are vacant but surrounded by existing residential and/or industrial development on three sides. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned urban uses for the area.

  The remaining 14 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops. With the application of the Objective Design Standards, the future residential and mixed-use development on these sites would be compatible with the existing small beach town character.

- ***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. (emphasis added)*

  Discussion: All 17 Candidate Opportunity Sites are located within existing developed areas of the city. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and the railroad corridor to the south.

  The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the Project would concentrate development in the City's urban core by focusing on locations with existing commercial/industrial land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

- ***Objective LU-6****: Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to*

expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing. (emphasis added)

Discussion: The application of the new RMU Zone to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are to:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

- ***Policy LU-6a****. The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. (emphasis added)*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential on parcels designated for commercial and industrial would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity Sites that were compatible with existing and anticipated uses in the area surrounding the Site were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations.

  This would also help the City to improve and maintain an appropriate jobs-housing balance. As explained in the 2023-2031 RHNA Plan[7], the Santa Barbara County Association of Governments (SBCAG) reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships

[7] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

- ***Policy LU-6b****. The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.*

  Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial land uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and

residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles).

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permitted in the CPD and M-RP Zones. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue maintain a commercial component on the ground floor within the downtown "T" (based on Community Design Element Subarea 2a). In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

IV. CEQA Findings

The PEIR for the City's GP/CLUP was certified in April of 2003. CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR; or
    b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR; or
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

The previously certified PEIR evaluated the potential impacts of the City's adoption of the GP/CLUP, including the buildout of the Land Use Map. As described in the Land Use Element, an additional 972 residential units and approximately 196,000 square feet of commercial and research park space was anticipated at buildout of the GP/CLUP. Based on the City's annual reports on the GP/CLUP since 2003, just over half of the anticipated residential units have been built and/or permitted. As such, there is still growth capacity under the existing Plan and corresponding PEIR.

Since the proposal to rezone commercial and light industrial zones under the GC and RDI Designation areas to the new RMU zone would reduce potential for commercial and research park development while increasing potential residential development, a direct comparison of the 2003 anticipated buildout to the new potential buildout is not possible. However, a general comparison can be done.

For example, mixed-use and residential-only developments are already permissible at densities up to 20 dwelling units per acre in the CPD and M-RP zones (i.e., "existing capacity"). The RMU zone would increase density to allow for up to 25 dwelling units per acre. As shown in Table 3 below, the Project would potentially allow for up to 397 more residential units than the existing zoning/capacity. Thus, an additional 397 units would not exceed planned buildout under the existing GP/CLUP. The certified PEIR contemplated the potential impacts associated with the Project, including the full potential build out that had not occurred. Therefore, the Project does not propose substantial changes to the amount of development within the City that was evaluated in the PEIR for the GP/CLUP.

Table 3. Buildout Comparison

Site #	Location	Site Size (ac)	Maximum Units w/Rezone*	Existing Capacity	Increase from Rezones
3	1000 Bega Way	9.68	242	193	49
4	6250 Via Real	8.47	211	169	42
5	6380 Via Real	8.63	215	172	43
6	Cindy Ln; Mark Ave; Rose Ln	10.58	264	211	53
7	Cindy Ln; Via Real	5.51	137	110	27
8	Mark Ave; Cindy Ln	10.02	250	200	50
9	Cindy Ln	4.49	112	89	23
10	5320 Carpinteria Ave	1.08	27	21	6
11	5437 Carpinteria Ave	1.98	49	39	10
12	Eugenia Pl	4.66	116	93	23
13	Eugenia Pl	0.8	20	16	4
14	Eugenia Pl	1.88	47	37	10
15	Carpinteria Ave	2.45	61	49	12
16	Carpinteria Ave	0.67	16	13	3
18	Holly Ave; Carpinteria Ave	1.47	36	29	7
20	Palm Ave	0.77	19	15	4
21	Carpinteria Ave	6.31	157	126	31
Totals		**79.45**	**1,979**	**1,582**	**397**

The proposed Project would not modify the GP/CLUP or its Land Use Map. The future development of the 17 Candidate Opportunity Sites would be infill development that was already planned for under the existing GP/CLUP and analyzed in the PEIR. Further, the proposed Project would serve to implement many of the Land Use Element policies that specifically anticipated the need for mixed-use and residential infill uses in the GC and RDI land use categories.

With the exception of potential agricultural conversion, the previously certified PEIR found that all potential impacts of the GP/CLUP would be less than significant with adherence to the objectives and policies therein.

The proposed Project would not convert any agricultural resources and would not result in any new significant environmental effects, nor would it change the nature or scope of any previously identified impact areas or their mitigation measures. No open space areas or environmentally sensitive areas are proposed to be developed or indirectly impacted. Applicable mitigation measures are included as part of the City's GP/CLUP and would apply to any future development proposals on the parcels affected by the proposed map revisions. Therefore, this Addendum finds the following:

1. The proposed Project will not require any major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. There are no substantial changes that have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified as complete, showing any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Further, the City will need to process the rezones as a local coastal program amendment ("LCPA") with the California Coastal Commission ("Coastal Commission"). The Coastal Commission will ultimately approve, modify, or deny the LCPA and conduct environmental review under its Certified Regulatory Program pursuant to California Public Resources Code Section 21080.5, CEQA Guidelines Sections 15250-15253, and Public Resources Code Section 30000 et seq. Therefore, while this Addendum is sufficient in itself, an additional level of environmental review will also be conducted by the Coastal Commission.

As identified above, the proposed Project would implement Program 1 of the City's 2023-2031 Housing Element and would involve Zoning Amendments to add a new Residential/Mixed Use (RMU) Zoning District and new Objective Design Standards, and to amend the Zoning Map to rezone up to 17 Candidate Opportunity Sites to RMU. The primary changes from the Project are additional residential density on sites already zoned to permit medium density residential use and mixed use. The proposed Project would not result in any changes to City land use designations or GP/CLUP policies. The changes resulting from the proposed Project do not constitute substantial changes to the GP/CLUP, its circumstances, or include new information of substantial importance. The modifications would not involve substantial changes in the magnitude of impacts identified in the previously certified PEIR and would not create new

potentially significant impacts that would require mitigation. Therefore, none of the circumstances identified in CEQA Guidelines Section 15162(a) are present.

Pursuant to CEQA Guidelines Section 15164, an addendum is the appropriate CEQA document for the Project. There is no substantial evidence in light of the whole public record suggesting that the project would result in significant environmental impacts not otherwise addressed in the previous EIR. Consequently, a subsequent or supplemental EIR is not required.

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Attachment F.

Figures 1 through 4 as follows:

1. Rezone Sites
2. Rezone Sites, Aerial Imagery
3. Future Zoning
4. Existing Zoning

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

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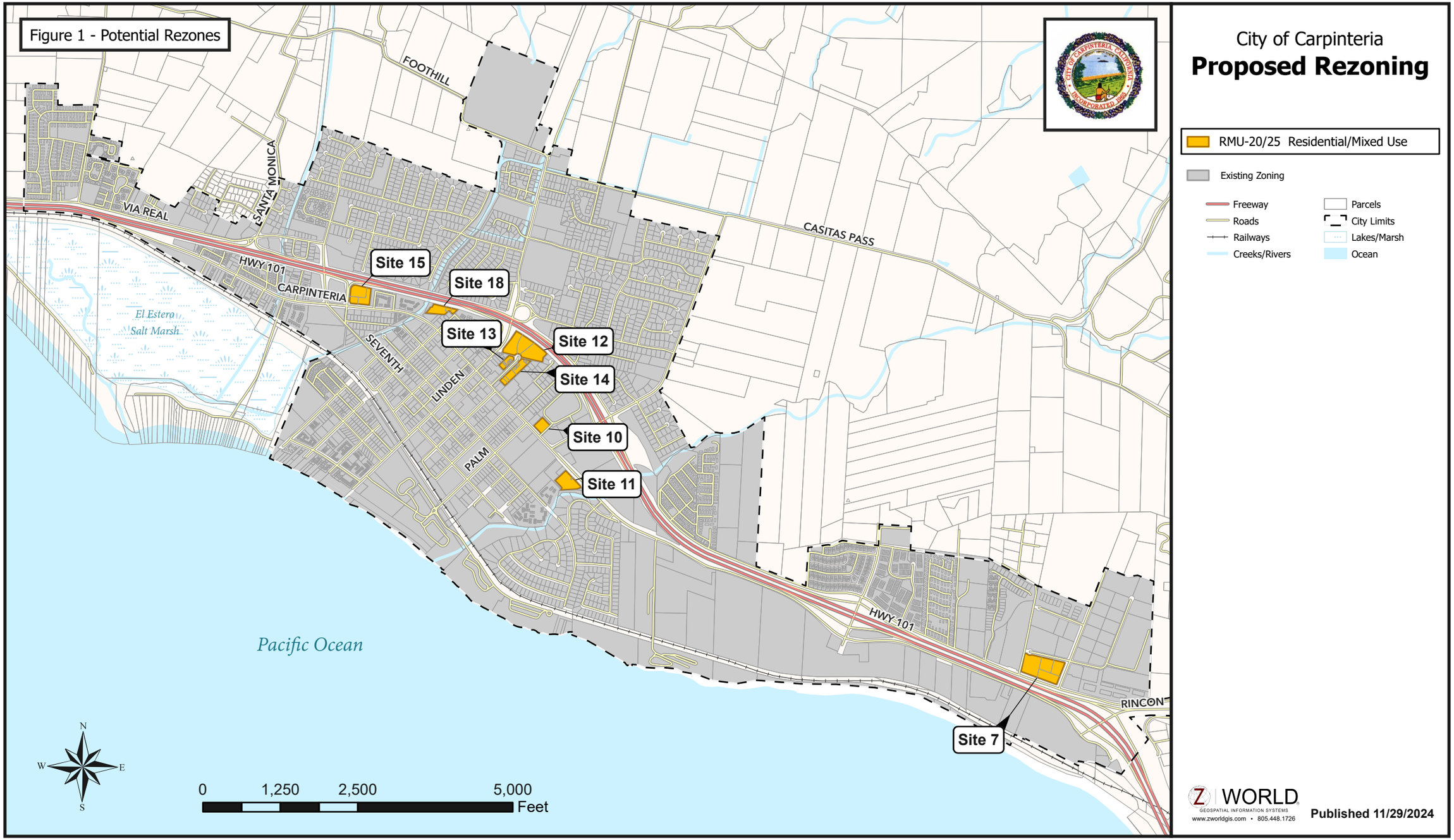
Figure 1 - Potential Rezones
City of Carpinteria
Proposed Rezoning
RMU-20/25 Residential/Mixed Use
Existing Zoning
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
El Estero
Salt Marsh
SEVENTH
LINDEN
PALM
Pacific Ocean
RINCON
Site 15
Site 18
Site 13
Site 12
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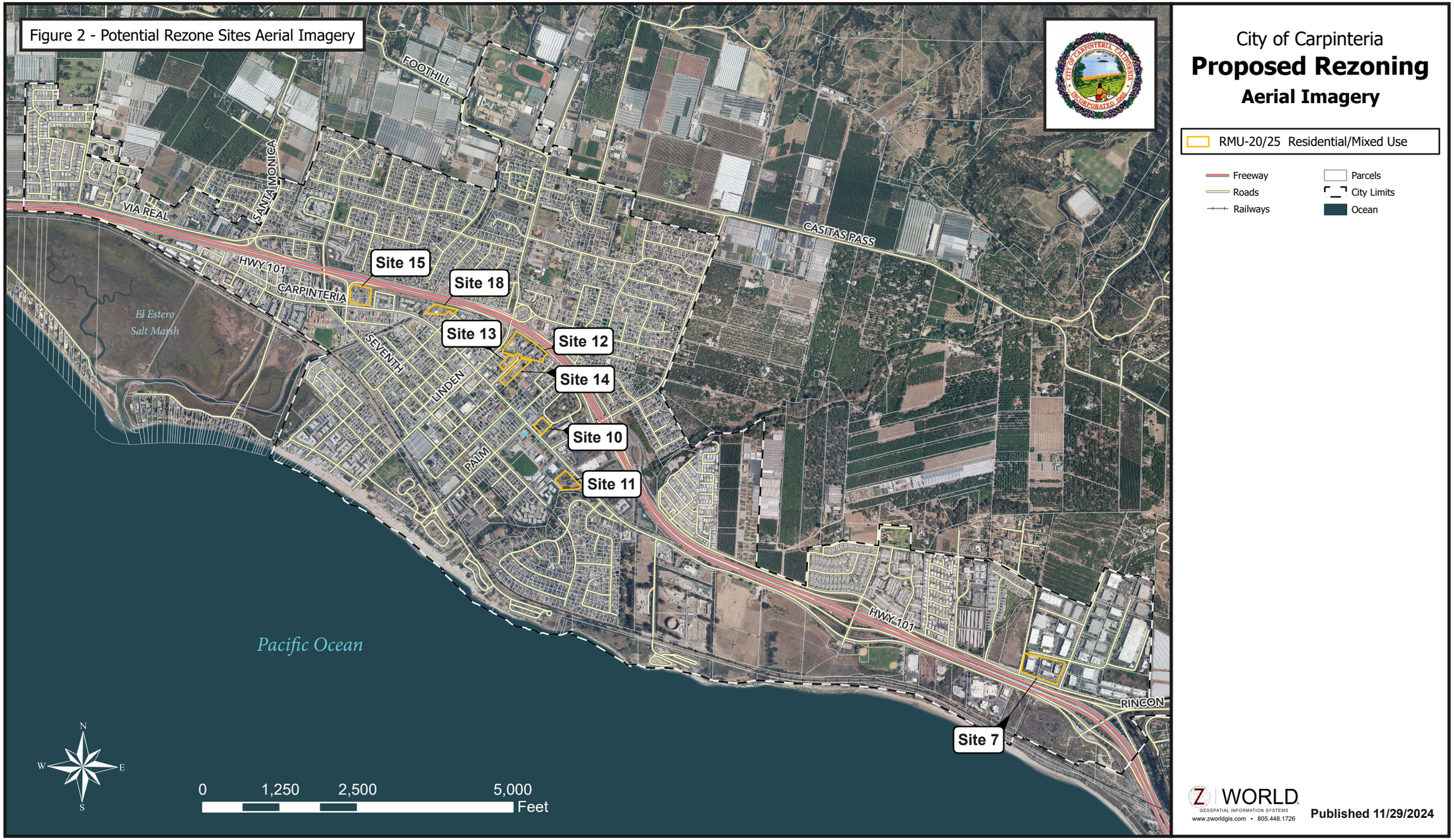
Figure 2 - Potential Rezone Sites Aerial Imagery
FOOTHILL
SANTA MONICA
VIA REAL
HWY 101
CARPINTERIA
CASITAS PASS
Site 15
Site 18
Site 13
Site 12
Site 14
Site 10
Site 11
Site 7
SEVENTH
LINDEN
PALM
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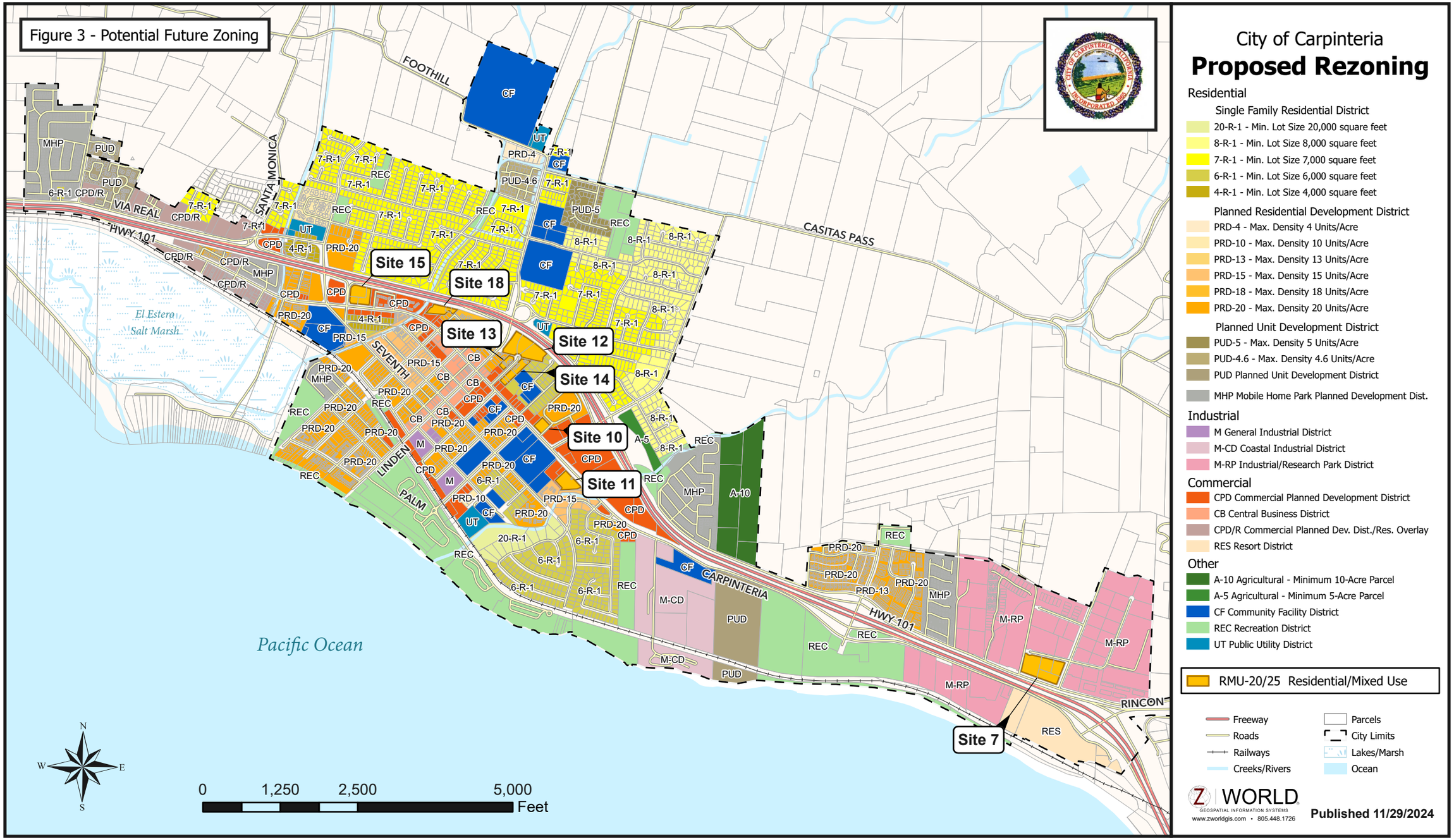
Figure 3 - Potential Future Zoning
City of Carpinteria
Proposed Rezoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
RMU-20/25 Residential/Mixed Use
Freeway
Roads
Railways
Creeks/Rivers
Parcels
City Limits
Lakes/Marsh
Ocean
Site 7
Site 10
Site 11
Site 12
Site 13
Site 14
Site 15
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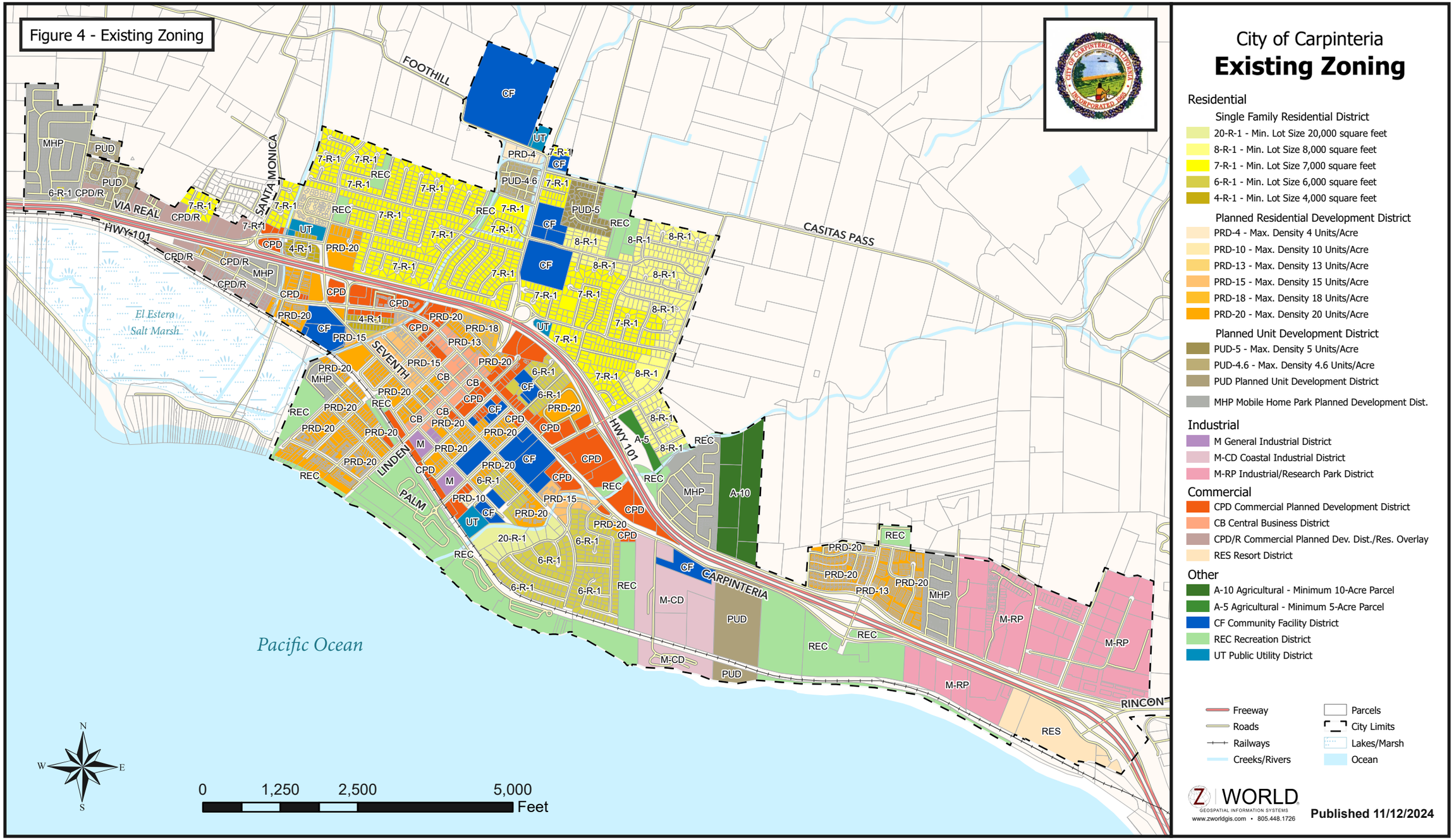
Figure 4 - Existing Zoning
City of Carpinteria
Existing Zoning
Residential
Single Family Residential District
20-R-1 - Min. Lot Size 20,000 square feet
8-R-1 - Min. Lot Size 8,000 square feet
7-R-1 - Min. Lot Size 7,000 square feet
6-R-1 - Min. Lot Size 6,000 square feet
4-R-1 - Min. Lot Size 4,000 square feet
Planned Residential Development District
PRD-4 - Max. Density 4 Units/Acre
PRD-10 - Max. Density 10 Units/Acre
PRD-13 - Max. Density 13 Units/Acre
PRD-15 - Max. Density 15 Units/Acre
PRD-18 - Max. Density 18 Units/Acre
PRD-20 - Max. Density 20 Units/Acre
Planned Unit Development District
PUD-5 - Max. Density 5 Units/Acre
PUD-4.6 - Max. Density 4.6 Units/Acre
PUD Planned Unit Development District
MHP Mobile Home Park Planned Development Dist.
Industrial
M General Industrial District
M-CD Coastal Industrial District
M-RP Industrial/Research Park District
Commercial
CPD Commercial Planned Development District
CB Central Business District
CPD/R Commercial Planned Dev. Dist./Res. Overlay
RES Resort District
Other
A-10 Agricultural - Minimum 10-Acre Parcel
A-5 Agricultural - Minimum 5-Acre Parcel
CF Community Facility District
REC Recreation District
UT Public Utility District
Freeway
Roads
Railways
Creeks/Rivers
Parcels
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Attachment G.

October 17, 2024 Architectural Review Board (ARB) Meeting Minutes (re: proposed ODS)

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

CITY OF CARPINTERIA
5775 Carpinteria Avenue
Carpinteria California 93013

ARCHITECTURAL REVIEW BOARD
Meeting Date October 17, 2024

ACTION MINUTES

The meeting was called to order at 5:31 p.m. by Vice Chair Blakemore

ROLL CALL

Boardmembers present: Amy Blakemore, Vice Chair
Richard Johnson
Richard Little
Patrick O'Connor

Boardmembers absent: Chair Brad Stein

OTHERS PRESENT:
Approximately 4 members of the public;
Community Development Director Nick Bobroff;
Principal Planner Brian Banks;
Principal Planner Mindy Fogg;
Senior Planner Syndi Souter; and
Assistant Planner Megan Musolf

PUBLIC COMMENT: None

PROJECT REVIEW

1) Project: Minear-Almgren Fence & Gates, Project 24-2307-FENCE/ARB
Address: 1455 Camellia Circle
Applicant: Brian Brodersen, landscape architect, for Jeffrey Becker, Becker Group, Managing Member of Seaside Apartment Investors, LLC
Planner: Syndi Souter

Request of Holly Minear and Hans Almgren, property owners, to consider Project 24-2307-FENCE/ARB for preliminary review of a proposal for approval of "as-built" redwood fencing and gates, ranging from 3.75-feet to 8-feet in height, that were constructed in the front and side yard setbacks of the property. The property is a 9,147 square-foot parcel zoned Single Family Residential (7-R-1) and shown as APN 003-590-023, addressed as 1455 Camellia Circle.

Ex Parte Communications Disclosure: None

Staff Comments:
Syndi Souter provided a presentation and described the project. Syndi detailed the "as built" fence plans, and described the previously existing fence design and heights as compared to the existing fence the Board is reviewing. Syndi concluded her presentation with an analysis of the proposed (as-built) fence relative to the zoning code requirements and Neighborhood design objectives and policies, and asked for the Board's comments on the following issue areas:

- Design and materials for the fencing and gates;
- Height of fencing and gates; and
- Location of fencing in front yard setback.

Applicant Comments:
Holly Minear and Hans Almgren, property owners, were in attendance and provided brief comments. Holly explained to the Board that it was time to replace the fencing and that the rebuilt fence was very similar to the previously existing fence's height, location and material/design. She further explained that the purpose of the 8-foot portion is to screen the RV stored on the adjacent property from view. Hans related that their 8-foot portion of fence is lower in height that the adjacent neighbor's fences.

Public Comments:
Miles Calkins, a neighbor at 1450 Camellia Circle, spoke in support of approving the existing fence as designed/constructed, and that it is appropriate for the neighborhood.

Boardmember Discussion:
Boardmember O'Connor commented that the fence looks nice and he supports approval of it.

Boardmember Little commented that the fencing material and design is appropriate but is concerned with the height of the portion of fence within the front setback and recommends that the first and second "tiers" be brought down to the 3-foot ordinance standard.

Boardmember Johnson commented that there was precedent set by the previous fence's construction although the previous fence was not permitted. He has no objections to the fence as designed, including the fence material and design.

Vice Chair Blakemore commented that she sees the value in the way the fence is located and designed, but is concerned with the height of the first tier of fence height nearest the street being a safety concern with respect to line-of-site and pedestrian safety. Vice Chair Blakemore suggested that the Board consider a conceptual motion to reduce the first tier of fence (currently 3.70-feet) to 3-feet.

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember O'Connor, to recommend approval to the Director with the condition that the first tier of fencing in the front setback currently a 3.70-feet in height be reduced to 3-feet in height.

VOTE: 4-0

2) Project: Objective Design Standards for Multifamily Residential and Mixed-Use Developments
Address: Citywide
Applicant: City of Carpinteria
Planners: Mindy Fogg and Megan Musolf

Request of by the City of Carpinteria to consider Project 24-2279-ORD/LCPA for review of proposed Objective Design Standards (ODS) that would apply to specified multifamily residential and mixed-use developments in the City. The ODS are proposed as a new chapter in Title 14, Zoning, of the Carpinteria Municipal Code and are part of a larger project to rezone sites in the City to satisfy the City's 2023-2031 Housing Element Program 1, Adequate Sites to Accommodate Regional Housing Needs Allocation.

Ex Parte Communications Disclosure: Boardmember O'Connor commented that he reached out to Long Rang Planning staff with questions about which properties are proposed for the new Mixed Use Zone.

Staff Comments:
Community Development Director Nick Bobroff introduced the City's long-range planning team, comprised of Mindy Fogg, Principal Planner, and Megan Musolf, Assistant Planner. Megan provided a presentation and described the purpose of the Objective Design Standards (ODS) as a component of the larger effort to implement Program One of the City's 2023-2031 Housing Element, and how they would apply to future residential and mixed-use projects within certain zone districts. Megan provided an overview of the topics of the proposed ODS for the ARB's consideration and the related proposed standards of a new Chapter in the Zoning Ordinance (14.51). Megan concluded her presentation with a list of particular Ordinance sections requiring additional input from the Board, and asked for the Board's overall comments on the following elements of the Objective Design Standards:

- Massing and placement of multi-story buildings, particularly regarding required stepbacks and height limits for upper stories;
- Design elements specific to the Downtown T area (Linden and Carpinteria Avenues);
- Architectural styles permitted (or not permitted) by the design standards;
- Privacy considerations for residences within a mixed-use development, particularly regarding window placement on adjacent building facades; and
- Colors and materials, including exterior lighting.

Vice Chair Blakemore opened the discussion to boardmembers for questions. Boardmember O'Connor relayed his understanding of how the ODS would be implemented in the context of the Housing Element and proposed mixed-use zone (MU 20/25), and wondered if the ODS could be an opportunity to readdress how density is calculated for larger housing projects, particularly regarding the exclusion of non-buildable area from the calculation. He also asked if staff had considered consulting the Design Review Committee to review the ODS. Principal Planner Brian Banks noted that this could be discussed following public comment.

Boardmember Little asked if Housing Element candidate site property owners had a say in whether their property is rezoned by the City to MU 20/25. Mindy responded that a rezone could be done without property owner support, but that staff invite all property owners to attend Planning Commission and City Council meetings or submit comments so that their comments are considered in the decision-making process. Boardmember Little also asked if a citywide parking needs study had been completed to inform the required parking ratios in the ODS. Nick responded that no study has been done, but the ODS parking ratios for affordable units matched the parking ratios provided in State density bonus law. Boardmember Johnson commented that many residents do not use their garages for parking vehicles, adding to parking problems.

Applicant Comments: N/A

Public Comments:
Annie Sly addressed the Board with questions regarding if the purpose of the ODS is to protect the City from "Builder's Remedy" projects; if after the City approves the ODS can the State still overrule them; questioned how long the rezone process will take; and if there are any other remaining requirements still left to be completed for the City's Housing Element to be compliant with State housing requirements. Nick Bobroff then began responding to the questions at the request of Vice

Chair Blakemore, explaining that implementing ODS does give the city some "protection" since projects required by State law to be reviewed ministerially would still have to comply with them. The ODS could function as a "backstop" when projects cannot be reviewed by the ARB or Planning Commission. Brian added that well-crafted ODS are key for City staff to complete ministerial review of projects. Nick continued that Housing Element implementation programs do get reviewed by the State's Department of Housing and Community Development (HCD), and HCD could reject the implementation if it is deemed to not sufficiently support housing production, but that many of the types of standards in the ODS have been implemented successfully by other jurisdictions. Mindy noted that staff is currently aiming to have the rezones adopted by City Council by January 2025, and then staff would immediately submit the project to the California Coastal Commission and HCD for review.

Boardmember Discussion:

Chair Stein provided an email to the Board expressing that the proposed Objective Design Standards are very thorough and clear, but he has concerns that raising the height to 35-feet from the current 30-foot height limit, when combined with allowed height exceptions for certain elements such as mechanical enclosures and elevators can result in buildings with a height in excess of 40-feet. Vice Chair Blakemore acknowledged Chair Stein's comments. Mindy clarified that the proposed increase in height limit would be contained in the new MU zone district, not the ODS, although the ODS do propose height limits for each story. Nick added that HCD has informed the City that the current 30-foot height limit is an impediment for three-story buildings, which are necessary to achieve the required housing element densities.

Boardmember Little inquired if the proposed ODS contained any standards that conflicted with the recently approved mixed-use project at 4745 Carpinteria Ave. Megan replied that staff had considered this project in writing the ODS, but the ODS were not modeled after it. Brian elaborated that staff had used the project as an example of appropriate story height in the context of a larger discussion about setting story heights for small residential units. Boardmember Little suggested not listing BBQ grills as an amenity in open space areas. He agreed with the proposed story heights. He said he felt that stepbacks larger than two feet would be better for the proposed "contextual upper story stepbacks," and that screening for upper-story private open spaces should be no higher than four feet. He commented that every 50 feet felt too far for a roofline variation requirement, and recommended it be changed to 30 feet. Boardmember Little asked, in relation to the proposed 15-foot rooftop open space setback, if the current proposal to renovate the Palms building on Linden would satisfy this standard. Staff said it may on some sides, and Nick clarified that the 15-foor setback was intended to prevent rooftop open spaces from looking down into peoples' private yards. Nick suggested language could be added to clarify the setback would be needed when the abutting property is residential, and the Board agreed. Finally, Boardmember Little brought up the idea of allowing tandem parking, and staff responded that they would look into how it could be incorporated in the ODS.

Boardmember O'Connor felt the City should implement neighborhood-specific design standards in the future. He related back to his prior comments regarding density and said he wanted to prevent high-rise buildings on small lots with environmental or other constraints. Nick responded that the State requires a minimum density of 20 units per acre for Housing Element rezone sites, and that density is calculated with gross lot size. Boardmember O'Connor expressed that only the buildable area on a site should be considered in density calculations, and Nick replied that staff, for the ODS and MU 20/25 zone, is working with existing Zone Code rules which utilize gross lot size. Lastly, Boardmember

O'Connor questioned how projects would be handled in the proposed MU 20/25 zone that reuse existing structures. Brian responded that staff expect most projects that would utilize the ODS would likely be full demo/rebuild type projects due to the high cost of retrofitting old buildings for new residential, and Mindy noted that it could be feasible for a few candidate sites to repurpose existing buildings while meeting the ODS.

Boardmember Johnson expressed that he felt the ODS were a sound starting point, although many hours could be spent discussing them. Nick replied that the proposed ODS, if implemented, can be reviewed and changed in the future once projects have begun to actually use them. Boardmember Johnson concurred with Boardmember O'Connor's comments regarding calculation of density, and then expressed concern about the ODS pushing buildings right up to the front property line. Nick responded that no MU 20/25 rezone sites are proposed on Linden Ave where a zero-foot setback exists, and that the MU 20/25 zone proposes 5-to-15-foot front setbacks.

Vice Chair Blakemore commented that the proposed 35-foot height limit in the MU 20/25 zone should be inclusive of elevators and other equipment on top of buildings. She felt there should not be any exceptions to the proposed story height limits for certain roof styles, and that the two-foot upper story stepback was adequate— a larger stepback would not accommodate higher densities. She did not support allowing BBQ grills in common/public open spaces. For landscaping requirements, Vice Chair Blakemore recommended increasing the required number of 5-gallon plants per 1,000 square feet from 10 to 20, and to find a way to prohibit trees with invasive root systems that would damage sidewalks and other infrastructure (she suggested compiling a list of trees to avoid).

ACTION: Motion by Vice Chair Blakemore, seconded by Boardmember Johnson, to recommend approval to the Planning Commission with their comments attached.

VOTE: 4-0

OTHER BUSINESS: None

CONSENT CALENDAR:

3) Action Minutes of the Architectural Review Board Meeting of September 26, 2024.

ACTION: Motion by Boardmember Johnson, seconded by Boardmember Little, to approve the minutes as drafted.

VOTE: 3-0 (O'Connor abstained)

MATTERS REFERRED BY THE PLANNING COMMISSION/CITY COUNCIL: None

MATTERS PRESENTED BY BOARDMEMBERS/STAFF: None

ADJOURNMENT

Vice Chair Blakemore adjourned the meeting at 7:00 p.m. to the next scheduled meeting to be held at 5:30 pm on Thursday, November 14, 2024. All Boardmembers present expect to attend.

_____
Chair, Architectural Review Board

ATTEST:

_____
Secretary, Architectural Review Board

Attachment H.

Consistency Analysis with the City's General Plan/Coastal Land Use Plan

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

City of Carpinteria
General Plan/Coastal Land Use Plan (GP/CLUP) Consistency Analysis for the 2023-2031 Housing Element Update Zoning Amendments Project 24-2279-ORD/LCPA

On January 22, 2024, the City Council adopted the 2023-2031 Housing Element[1], which outlines how the Regional Housing Needs Allocation ("RHNA") can be achieved during the 2023-2031 cycle through a variety of methods and programs. Now the City must implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

This analysis provides an evaluation of the proposed Project, which is the implementation of Program 1. It requires amendments to the Carpinteria Municipal Code ("CMC") and Local Coastal Program ("LCP") and consists of the following three main components:

A. The addition of the Residential/Mixed Use ("RMU") Zoning District in Title 14 of the CMC;
B. The addition of Objective Design Standards ("ODS") in Title 14 of the CMC;
C. The amendments to the Zoning Map to rezone select Candidate Opportunity Sites from their current zoning districts to the new RMU Zone.

The amendments to the Zoning Map would involve up to 17 Candidate Opportunity Sites, which are listed in Table 1.

Table 1 – Proposed Project: 17 Sites to be Potentially Rezoned to Residential/Mixed Use

Site #	Location	Site Size (ac)	Current Zoning	Current General Plan
3	1000 Bega Way	9.68	M-RP	RDI
4	6250 Via Real	8.47	M-RP	RDI
5	6380 Via Real	8.63	M-RP	RDI
6	Cindy Ln; Mark Ave; Rose Ln	10.58	M-RP	RDI
7	Cindy Ln; Via Real	5.51	M-RP	RDI
8	Mark Ave; Cindy Ln	10.02	M-RP	RDI
9	Cindy Ln	4.49	M-RP	RDI
10	5320 Carpinteria Ave	1.08	CPD	GC
11	5437 Carpinteria Ave	1.98	CPD	GC
12	Eugenia Pl	4.66	CPD	GC
13	Eugenia Pl	0.80	CPD	GC
14	Eugenia Pl	1.88	CPD	GC
15	Carpinteria Ave	2.45	CPD	GC
16	Carpinteria Ave	0.67	CPD	GC
18	Holly Ave; Carpinteria Ave	1.47	CPD	GC
20	Palm Ave	0.77	CPD	GC
21	Carpinteria Ave	6.31	M-RP	RDI

[1] Available here: https://carpinteriaca.gov/city-hall/community-development/planning/housing-element-update/

The proposed Project would facilitate the development of housing (and affordable housing, in particular), but would not exceed the buildout anticipated by the City's 2003 GP/CLUP. Each of the 17 Candidate Opportunity Sites have a Land Use Designation of either General Commercial ("GC") or Research & Development Industrial ("RDI"). Both of these land use categories allow for residential uses in their definitions:

> ***General Commercial ("GC")***
> *The GC land use category is characterized by a mixture of retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented.*
>
> ***Research & Development Industrial ("RDI")***
> *The RDI land use category is characterized by well-designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential.*

I. Project Consistency with the Land Use Element

The following analysis focuses on how the proposed Project is consistent with applicable Land Use Element objectives and policies.

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.*

Discussion: This objective was taken into consideration during the 2023-2031 Housing Element Update process. Candidate Opportunity Sites chosen for potential rezoning were screened to ensure that their locations make sense for siting future housing in the City while ensuring there would be minimal impacts to coastal resources, coastal access, and recreational opportunities. Site profiles for Candidate Opportunity Sites are provided in Figure B-4 of Appendix B[2] of the Housing Element. All Sites were selected based on substantial evidence that they could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise. Moreover, the 17 Sites (Table 1 above) under consideration for the proposed Project are located in commercial and light-industrial/research park

[2] Available here: https://carpinteriaca.gov/wp-content/uploads/2024/01/Appendix-B-Site-Profiles-Final-Readopted-Version_Reduced.pdf

areas of the City and would support compatible housing and/or mixed-use development in context with other existing and planned development patterns.

Policy LU-1a: *The policies of the Coastal Act (Public Resources Code Section 30210 through 30263) are hereby incorporated by reference (and shall be effective as if included in full herein) as the guiding policies of the land use plan.*

Discussion: The proposed Project would comply with the provisions of the Coastal Act and with the City's Local Coastal Plan ("LCP"). Appendix B of the Housing Element describes the City's Candidate Opportunity Sites and includes an initial evaluation of those sites with respect to Coastal Act and the City's certified LCP's protections for coastal resources. The candidate sites were selected based on substantial evidence that these sites could be rezoned to realistically accommodate additional housing within the City without significant impacts to agricultural land, visitor serving commercial uses, environmentally sensitive areas, and hazards associated with flooding and sea level rise.

Policy LU-1d: *Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space/recreation or agriculture (as shown on Figure LU-1) are compatible with these public resources and will not be detrimental to the resource.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), no Sites are located next to agriculture and only Site #21 is located adjacent to designated open space/recreation. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would not be detrimental to the adjacent recreational area since the uses are compatible, the properties involved are easily accessible for vehicles and pedestrians, and future development would not create any hazards or nuisances that would disrupt the ongoing use of the ball fields.

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*.

Discussion: The overall Project would be consistent with this objective. The intent of the standards in the RMU Zone and ODS is to ensure that future housing growth occurs in a manner that is compatible with the existing small beach town character.

Site Nos. 8 and 9 are located at the City's eastern edge. Site No. 8 is developed with industrial/office park uses and is adjacent to similar uses to the north and west, with Highway 101 to the south. Site No. 9 is vacant but surrounded by industrial development to the north, south, and west. Mixed-use or residential development of these two Sites would not be considered sprawl given the existing and planned uses for the area.

The remaining 15 Candidate Opportunity Sites are infill sites that are not located near the City's edge. Each is a reasonable walking distance from neighborhood serving uses (e.g., schools, grocery stores, pharmacies, parks, etc.) and from public transit stops, and is either served by all needed utilities or has direct access to existing utilities. With the application of the ODS, the future residential and mixed-use development would be compatible with the existing small beach town character.

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.*

Discussion: The proposed Project would be consistent with this policy. It would incentivize new residential development adjacent to existing development in commercial and light industrial/research park designations to allow for redevelopment and infill in the urban core, near existing services and jobs.

All 17 Candidate Opportunity Sites are located adjacent to existing developed areas of the City. Site No. 21 has the least amount of surrounding development but supports existing industrial uses on half of its surface area and is adjacent to a public park to the west, Highway 101 to the north, offices to the east, and railroad corridor to the south.

The RMU Zone would require any new development plans to include medium-density multifamily residential uses. Consistent with this policy, the rezones would concentrate development in the City's urban core by focusing on locations with existing commercial/research park land use designations. It would also prompt redevelopment on most of the Sites, particularly where existing buildings (e.g., office spaces) have seen diminished demand in recent years.

Therefore, the new RMU zone district requiring residential densities of 20-25 dwelling units per acre on up to 17 select Candidate Opportunity Sites (Table 1) that are located in GC and RDI designated areas would appropriately concentrate higher-densities in the urban core and prompt redevelopment of existing structures.

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

Discussion: The proposed Project is the implementation of a key program from the adopted 2023-2031 Housing Element. Both the City's and the County's Housing Elements this cycle were prepared through a cooperative assessment with the Santa Barbara County Association of Governments ("SBCAG"). See more detailed discussion under Policy LU-6a below.

Policy 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.*

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

Discussion: Consistent with these Policies, identified Candidate Opportunity Sites were selected, in part, based on their proximity and access to important services, including but not limited to transportation infrastructure and recreational areas. All of the sites under consideration are located directly on, or within short walking distance (i.e., less than ¼ mile) of the City's main bus route.

Policy LU-3j. *Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the Land Use categories.*

Policy LU-3l. *Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in an area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development.*

Policy LU-3m. *Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district.*

Discussion: The proposed RMU zone district has been designed to be vertically consistent with the types and intensities of development contemplated for the GC and RDI land use categories, including provisions for accommodating multifamily residential and mixed-use infill opportunities in these land use categories, and also complying with the requirements of Housing Element law as it pertains to rezones required to meet the City's RHNA.

Policy LU-5a. *The City shall continue to give priority to agriculture, coastal-dependent industry and visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over residential, general industrial, or general commercial development.*

Discussion: Consistent with this Policy, none of the Candidate Opportunity Sites currently under consideration are designated for agriculture, coastal-dependent industry, or visitor-serving commercial use.

Objective LU-6: *Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing.*

Discussion: The application of the new RMU Zone and ODS to Candidate Opportunity Sites would be directly in response to the changing needs identified in the City's 2023-2031 Housing Element, including the local and regional jobs/housing balance and the incentivization of affordable housing development. The goals of the Housing Element's programs are:

1) providing diverse housing sites and opportunities;
2) conserving and improving the existing affordable housing stock;
3) removing governmental and other constraints to housing development; and
4) affirmatively furthering fair housing.

Consistent with this Objective, the proposed RMU Zone would establish a new zoning district that aligns with the GC and RDI land use categories intended to promote infill residential and mixed-use development at densities that would encourage the production of workforce housing and incentivize the inclusion of below-market rate housing units in such projects. Compared to other zone districts within the City that allow for multifamily residential uses, the proposed RMU Zone would allow for slightly more relaxed development standards (e.g., height, setbacks, parking) in an effort to accommodate targeted densities.

Policy LU-6a. *The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site.*

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on parcels designated for commercial and industrial uses would result in affordable housing production. During the Housing Element Update process, only Candidate Opportunity

Sites that were compatible with existing and anticipated uses in the areas surrounding the Sites were selected. Application of the new RMU Zone to such Sites would enable the City to meet its near-term RHNA obligations in a manner that can be found consistent with this Policy directive.

This would also help the City to improve and maintain an appropriate local/regional jobs-housing balance. As explained in the 2023-2031 RHNA Plan[3], SBCAG reviewed the jobs and housing balance of all jurisdictions in Santa Barbara County. The region's growth forecast, which forms the basis for the RHNA, considers areas where there are significant imbalances in jobs and housing, and the likelihood of those imbalances changing in the future by applying existing and future jobs. The RHNA Plan includes consideration of existing and projected relationships between low-wage jobs and lower-income housing. As such, the SBCAG-adopted RHNA methodology includes a jobs-housing fit adjustment factor that seeks to house more low-wage workers near higher housing cost areas and encourage zoning for more affordable housing types. The methodology used in the RHNA Plan was based, in part, on the following objective:

> "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

The RHNA Plan's South-Coast emphasis on an improved jobs-housing balance, income parity, and affirmatively furthering fair housing, strives to improve the jobs-housing fit between low-wage jobs and the housing needs of low wage workers. The proposed rezoning of Candidate Opportunity Sites in Carpinteria to a new RMU zone would be a significant step toward meeting that goal in the South County.

Policy LU-6b. *The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone*

[3] Available here: https://www.sbcag.org/wp-content/uploads/2023/08/final_rhna_plan.pdf

district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.

Discussion: As explained in more detail in the adopted 2023-2031 Housing Element, the City has found that the permitting of mixed-use and residential development on the selected Sites designated for commercial and industrial uses would result in affordable housing production in the community. The 17 Candidate Opportunity Sites were identified because future mixed-use and residential development on the selected properties would be compatible with existing uses surrounding the sites (see Housing Element Appendix B, including Site Profiles), and could help contribute towards meeting the City's workforce and affordable housing needs.

Although a residential overlay district was the preferred method to implement Program 1 in the Housing Element, a recent California court of appeal decision (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193) found that a city's reliance on a zoning overlay did not satisfy Housing Element Law. Thus, a new RMU Zoning District has been created to meet the intent of this policy as well as the goals and programs of the Housing Element. The proposed RMU Zone would still be permissive in nature in that it would continue to allow for the uses that are currently permissible in the GC and RDI land use categories and their corresponding zone districts. However, it would require multifamily housing to be included in any future development with incentives to include affordable units in accordance with State law.

Finally, the authority for determining the locations of the new RMU Zone stays with the City Council. City staff recommends that Sites fronting on Linden Avenue and Carpinteria Avenue within the Downtown "T" (based on Community Design Element Subarea 2a) be required to be developed in a mixed-use fashion that maintains a commercial component on the ground floor. Outside of the Downtown "T," sites rezoned to the RMU district would have the option of being developed in a mixed-use arrangement or residential-only. In any case, the Planning Commission and the City Council will take into consideration whether multifamily residential uses are appropriate for the location prior to rezoning a Candidate Opportunity Site.

Policy LU-6c. *Parcels designated coastal-dependent industrial or visitor-serving commercial shall not be considered for mixed-use or residential use, with the exception that second-story mixed-use or residential use shall be allowed on visitor-serving commercial parcels in the Downtown Core District.*

Discussion: Consistent with this Policy, none of the identified Candidate Opportunity Sites are designated for coastal-dependent industrial or visitor-serving commercial use. Proposed rezone sites were instead selected from existing sites designated for GC and

RDI land uses that currently allow for mixed-use and residential uses in certain circumstances.

II. Project Consistency with the Community Design Element

The following analysis focuses on how the draft ODS in particular are consistent with applicable Community Design objectives and policies.

Citywide Community Design Objectives

Objective CD-1: *The size, scale and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern.*

Objective CD-2: *Architectural designs based on historic regional building types should be encouraged to preserve and enhance the unique character of the city.*

Objective CD-3: *The design of the community should be consistent with the desire to protect views of the mountains and the sea (California Coastal Act of 1976 §30251).*

Discussion: The ODS propose standards which address the relationship between the project site, adjacent sites, and the new development. Section 14.51.040- Building Form, Massing, and Articulation proposes contextual standards that reflect structures surrounding a proposed project, such as a requirement to maintain an existing contiguous street façade (like on parts of Carpinteria and Linden Avenues); upper story step backs when a project is within 20 feet of a side property line or when adjacent to a single-story building; and reduced upper-story massing (80% of the ground story, or 70% for lots of 5,000 square feet or less). Section 14.51.050 – Site Design proposes standards that ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

The requirements for building massing and variation do not confine buildings to a certain architectural style, allowing for the continued charming variety of architectural styles seen in the City, while at the same time requiring elements that prevent boxy, generic structures. For example, façades must incorporate variations in wall depth or elements like a porch or stoop to create animated spaces. Proposed restrictions on story heights prevent structures from being taller than necessary and roofline variation requirements create breaks in massing at the top of buildings, allowing for views to remain incorporated in projects.

Key Physical Community Design Characteristics

Objective CD-5: *The streets of neighborhood interiors should be designed to be the "living rooms" of the neighborhood, where children and adults can safely play or walk. The design and details of streets, frontages and buildings should support this objective.*

Policy CD-5a. *Main entrances to homes should be oriented to the street. Entry elements such as porches, stoops, patios and forecourts are encouraged. Such entry elements should be selected for their compatibility with the adjacent houses and the general neighborhood pattern.*

Policy CD-5b. *Garages should not dominate views from any public street.*

Policy CD-5c. *Low walls, low fences and hedges should be encouraged along the frontages to define the edge of the private yard area, where appropriate.*

Policy CD-5d. *Houses within a neighborhood may vary in materials and style, but strong contrasts in scale, color and roof forms should generally be avoided.*

Discussion: Many of the proposed standards address street frontages and the relationship between public and private spaces. Section 14.51.070 proposes requirements for the placement and design of building entrances, a key component of how the public interacts with building façades. The proposed ODS include elements that make public entrances inviting and interesting, and in mixed-use settings require separate entrances to residential and commercial spaces. Entrances would be required to provide a weather-sheltering element and/or decorative features, and street-facing entrances would need to incorporate enhanced paving to differentiate from the public right-of-way. Additional proposed requirements include maximum four-foot-tall fences, walls, or plantings around private open spaces within 20 feet of other residences, a limit on garages to occupy no more than 50% of a façade, and pedestrian walkways that connect public rights-of-way to key elements within a development (such as entrances, bicycle parking, and other amenities). Together, these various ODS would create inviting, interesting façades and entryways that would make neighborhood streets feel safe and vibrant.

Policy CD-6a. *Neighborhood-serving commercial or apartment buildings should be oriented to the street that bounds or enters the neighborhood. Front doors should face the street, with primary access directly from the public sidewalk. The buildings should be compatible in scale with nearby residential buildings.*

Policy CD-6b. *Parking lots should be beside or behind the buildings, not in front. On-street customer parking for small neighborhood-serving shops, restaurants, offices and service businesses is encouraged. Such on-street parking should be managed as short-*

term convenience parking, and should not conflict with parking for coastal access or for nearby residences.

Discussion: The proposed ODS would require commercial uses to locate main entrances toward the primary street. Parking and loading areas would not be permitted between any building and the primary right-of-way. The number of required parking spaces is determined by the zone district and is not included in the proposed ODS.

Objective CD-7: *Enhance and maintain the Linden Avenue downtown core, the Carpinteria Avenue commercial core, the Eugenia professional office area, the Casitas Village, Shepard's Place Shopping Center, and the Cindy Lane-Mark Avenue industrial park districts.*

Policy CD-7a. *Retail and commercial uses should generally have large transparent "storefront" windows for display of merchandise to pedestrians. Blank sections of walls on street frontages are strongly discouraged.*

Policy CD-7c. *Loading and trash facilities should be located where they are screened from view. The use of alley and service roads is encouraged for these facilities.*

Policy CD-7d. *Courtyard housing types, with multiple small units fronting onto a common courtyard or garden, are encouraged as an alternative to apartment "blocks" or more massive buildings within mixed-use districts.*

Discussion: The proposed ODS would be applicable to any sites rezoned to the proposed RMU zone district, as well as specified projects which could receive ministerial or streamlined review under the California Government Code. New mixed-use and/or residential developments could "enhance" these areas by providing new housing and job opportunities and public amenities. Commercial frontages on Linden and Carpinteria Avenues would have to incorporate transparent windows and doors for at least 50% of the wall area between three and seven feet high, and wall plane variation requirements proposed in Section 14.51.040 would additionally prevent "blank sections" of frontages. Mechanical equipment, waste receptacles, and loading areas for commercial uses would require screening from public view through landscaping or enclosures, and loading zones would be prohibited along the primary street façade. Developments would be prevented from forming apartment "blocks" with unbroken facades through a combination of the zone district's development standards (e.g., building coverage, open space requirements) and the ODS (e.g., minimum dimensions for open space, contextual upper-story setbacks, wall plane variation requirements).

Objective CD-8: *To encourage and facilitate pedestrian and bicycle pathways.*

Policy CD-8a. *All streets should be designed with safe and pleasant pedestrian ways at their edge. Pedestrian ways shall be spatially separated from vehicular traffic by elements such as trees, other plantings, streetlights, and/or parked cars.*

Policy CD-8b. *To provide convenient pedestrian routes, the existing network of automobile lanes, trails and pedestrian ways in the Downtown District and adjacent neighborhoods should be preserved, reinforced and extended into other neighborhoods. This pedestrian network should be in addition to, not in lieu of, pedestrian ways on the streets.*

Discussion: The proposed ODS provide several standards related to pedestrian access and circulation on a site. Walkways would be a required minimum of four feet wide and would need to connect the public sidewalk to areas all throughout the site. For sites located more than 300 feet from an intersection, a public access walkway would be required through the lot to connect blocks to one another. Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). While the ODS do not address bicycle infrastructure in the public right-of-way, the ODS do propose requirements for bicycle parking for both commercial and residential uses, enhancing the bike-friendliness of the City.

Objective CD-10: *Areas with attractive frontage designs should be maintained. New development should be carefully planned with frontage areas, which maintain and enhance the quality of Carpinteria's streetscape.*

Policy CD-10a. *Minor variations in front yard building alignments within a block are encouraged. Relatively steady setback patterns clearly define the public space of the street and reinforce small town character.*

Policy CD-10b. *Frontages where residential uses abut a major thoroughfare should include buffering elements such as yards, forecourts, courtyards, and tree rows. Sound walls are the most primitive form of buffer and should be used only where other methods are impractical. If sound walls are used they should be attractive and well landscaped.*

Policy CD-10c. *Commercial and mixed-use frontages should generally have wide sidewalks adequate to encourage customers and residents to walk, shop and linger in the public right-of-way. Commercial buildings should have large windows and entries on the street at the ground level. Residential ground floor uses should be set up or back from the street enough to afford privacy within the dwelling.*

Policy CD-10e. *Frontages with existing uses such as the parking, loading or storage of vehicles should be screened with walls and plantings that are consistent with the neighborhood character. These elements should be in scale with pedestrians.*

Discussion: Attractive building frontages are a key focus of the proposed ODS. Section 14.51.040 would address frontages on a larger scale, requiring wall plane variation, vertical breaks in color, material, or texture, roofline variation, and reduced upper story massing to prevent "looming" multi-story façades. Where an established façade setback pattern exists (such as along Linden Ave and parts of Carpinteria Ave), new developments would be required to maintain that pattern to fit in with the building character. Other sections propose standards to enliven and beautify frontages in smaller ways, such as requiring that front setbacks of commercial mixed-use spaces be public/pedestrian-oriented (e.g. providing seating, public art, etc.); that front entrances along the downtown "T" provide enhanced paving and decorative/weather protective elements; and that garages be recessed from the main wall plane and provide decorative treatments, like trellises or windows to soften their appearance.

A downtown ground floor transparency requirement is proposed, which would mandate that new mixed-use commercial facades facing Linden or Carpinteria Avenues include windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Commercial components of mixed-use developments would be required to always be located closest to the primary street, and on the ground floor when commercial and residential is proposed in the same building, thereby siting the residential units away from the primary street. A five-foot landscaping privacy buffer would be required between all private open spaces (e.g. patios) and public spaces. As mentioned previously, loading areas and mechanical equipment would be required to provide screening through fences, landscaping, or other means to blend in with the surrounding character. For sites fronting Linden or Carpinteria Avenues, off-street parking would not be permitted in the front or side setback. Taken together, all of these standards would enhance neighborhood character and avoid blank, uninviting facades at the pedestrian, building, and block level.

Objective CD-11: *Existing public spaces should be maintained, and new public spaces should be incorporated into neighborhoods and districts as an important aspect of their design.*

Policy CD-11a. *Open space, in the form of parks and greens should be an integral part of each neighborhood plan, not configured as residual space unusable by the residents.*

Policy CD-11c. *All public spaces and facilities should reflect quality design.*

Policy CD-11f. *Landscape design guidelines should emphasize the use of native drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape. All landscaping shall utilize only non-invasive type plants.*

Discussion: The amount of required common and/or public open space is set by the zone district, but the ODS propose standards to enhance these spaces for the benefit of a development's residents and the public. As mentioned above, the ODS propose that

common/public open spaces be a minimum of 10 x 10 feet (preventing situations such as a long, narrow strip of residual land between buildings being counted as "open space") and provide at least one amenity to make the space useful— elements such as picnic tables, seating areas, play areas, and community gardens are proposed. Along Linden and Carpinteria Avenues, the ODS would require that any ground-floor courtyard, open space, or building setback from the street-facing property line be used for outdoor dining, public plazas, or entries, allowing for smaller public spaces to nestle along high foot traffic streets. Section 14.51.110 would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

Community Design Subareas

Subarea 2. The Downtown and Old Town

Objective CDS2-2: *Preserve and enhance the downtown's historic status as the center of commercial activity by encouraging a range of uses that serve both residents and visitors.*

Objective CDS2-3: *Preserve and enhance the downtown's historic status as the center of civic activity by encouraging the construction and expansion of cultural and governmental facilities in the downtown.*

Policy CDS2-a. *Ensure that new intensified land uses within the Downtown remain consistent with the city's "small beach town" image.*

Policy CDS2-b. *To enhance the pedestrian character of the downtown's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would contribute to the downtown's status as the center of commercial and civic activity by requiring building designs that blend residential and mixed-use into the existing vibrant cityscape. Mixed-use developments would require commercial frontages to be public and visitor-oriented—architecturally detailed street-facing entrances and pedestrian amenities in front setbacks—while residential-only developments would require adequate privacy for residents while maintaining openness and "curb appeal"—windows with improvements like shutters or awnings; a maximum height of four feet for fences, walls, or hedges facing a public street to prevent the street from being walled off; and no expansive, blank garage doors facing the street. New downtown development accommodating both commercial and residential uses has the

potential to create a pedestrian-centric neighborhood with people in close proximity to work, home, cultural and leisure amenities, and shopping areas.

Subarea 2a. The Downtown Core District

Objective CDS2A-2: *Preserve and enhance the downtown's historic status as the center of commercial activity of the city by encouraging a range of uses that serve both residents and visitors.*

Discussion: Consistent with this Objective, proposed rezones within the Downtown Core are limited to sites along the periphery of the Downtown "T" that are not designated for visitor-serving commercial use, but where mixed-use or multifamily residential uses would be appropriate and can help to preserve and enhance commercial activity throughout the downtown. The proposed ODS ensure that new development of these sites is pursued in a manner that preserves the character of the community.

Policy CDS2A-a. *Encourage and carefully regulate the development of two- and three-story mixed-use building along Linden and Carpinteria Avenues, to define a vital, lively, and valuable center for the city while prioritizing visitor-serving commercial uses.*

Policy CDS2A-b. *Ensure that intensified land uses within the subarea support a lively place to visit, live, work and shop, and that the scale and character of the District remain consistent with the city's "small beach town" image.*

Policy CDS2A-c. *Encourage the gradual but systematic transformation of Carpinteria Avenue from a highway commercial strip to an integrated downtown street similar in character to Linden Avenue.*

Policy CDS2A-d. *Enhance the pedestrian character of the District's streets, plazas, paseos, parks and lanes.*

Discussion: The proposed ODS would carefully regulate development of mixed-use projects in this key downtown "T" area. The "intensity" of land uses would be more precisely regulated by the new RMU zone district. But the proposed ODS would require reduced upper story massing, upper story setbacks, and roofline variation, which can lessen the perceived intensity of a development from the street or sidewalk. Required architectural details on windows, entryways, and roofs without a strict architectural style imposed overall would invite interesting variety and add to Carpinteria's eclectic "small beach town" feel. The ODS propose to site parking and loading areas away from Carpinteria and Linden Avenues, preventing pedestrian-hostile frontages dominated by asphalt.

Subarea 4. The Northeast

Objective CDS4-1: *Strengthen the visual and physical connections between the subarea, the downtown and other neighborhoods and districts in the city.*

Objective CDS4-2: *To take advantage of the subarea's unique mixture of workplaces and affordable housing to develop a vital living and working center for the city.*

Objective CDS4-3: *Enhance existing residential neighborhoods and ensure that new development improves the neighborhood scale and character.*

Discussion: The ODS propose design requirements that would appropriately blend residential and commercial uses in a mixed-use development supported by the Northeast neighborhood objectives. Currently, the Northeast as viewed from Via Real lacks significant draw and pedestrian-oriented infrastructure, and the industrial/commercial uses are entirely separated from residential uses. The ODS would require new development to amplify pedestrian infrastructure and design frontages that engage residents and passers-by, as indicated by analysis above, while still maintaining the business-oriented nature of the easternmost portion. The Northeast may currently be considered to lack the "small beach town character" that other areas of the City have, and the ODS would create a more cohesive sense of design in Carpinteria that prioritizes people instead of cars, and integrates residences with surrounding commercial areas.

Subarea 6. The Bluffs

Objective CDS6-1: *Maintain the Carpinteria Bluffs Access, Recreation & Open Space Master Program as the coordinated plan for the Carpinteria Bluffs area that will allow development of uses identified in the Land Use Plan herein, so as to complement one another and preserve and enhance the site's coastal environment. The plan should be maintained so as to include information adequate to define the environmental resources and hazards within the Carpinteria Bluffs, and to delineate precise and appropriate policies for their management.*

Objective CDS6-2: *Ensure that development is controlled to avoid impacts to significant viewsheds, vistas, and view corridors.*

Discussion: Of the 17 Candidate Opportunity Sites under consideration for the proposed Project (Table 1), only Site #21 is located in the Bluffs subarea. Site #21 consists of two properties to the east of Viola Fields, an active ball field. The Site supports both vacant land and existing development with the presence of a warehouse that was built in 1962. Future multifamily residential and/or mixed-use development on Site #21 would be

required to comply with the RMU development standards and ODS, as well as policies for coastal resource protection.

III. Project Consistency with the Circulation Element

The following analysis focuses on how the proposed Project is consistent with applicable Circulation Element objectives and policies.

Objective C-3: *Provide a balanced transportation network with consistent designations and standards for roadways that will provide for the safe and efficient movement of goods and people through the community.*

Policy C-3k. *Segregate by design, enforcement and traffic pattern, routes of significant industrial and residential conflict.*

Discussion: The proposed Project would allow for future development of mixed-use and multifamily residential projects adjacent to commercial and light industrial/research park uses. However, careful consideration was given to selecting Candidate Opportunity Sites where the combination of residential uses with commercial/industrial uses would not result in direct land use conflicts, including those related to traffic patterns. The 17 Candidate Opportunity Sites are located on or very near arterial streets that have existing capacity for local vehicle trips and also have direct access to existing public transit. An additional benefit related to the locations of the 17 Sites is that multifamily development in these locations is expected to reduce overall vehicle miles traveled by placing more workforce housing near jobs.

Objective C-7: *Build demand for alternative transportation use by increasing ease, effectiveness, and social acceptability, and through foresighted planning.*

Policy C-7b. *Develop safe and direct pedestrian accessibility between residential areas, schools, parks, and shopping areas in both new and existing urban areas.*

Policy C-8l. *As a requirement of new development, significant attention must be paid to bicycle-friendly infrastructure and the maintenance of nearby old infrastructure.*

Discussion: The Project would increase demand for alternative transportation by placing housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. The ODS component of the proposed Project specifically addresses pedestrian access and circulation, as well as requiring adequate bicycle parking.

IV. Project Consistency with the Open Space, Recreation & Conservation Element

The following analysis focuses on how the proposed Project is consistent with applicable Open Space, Recreation & Conservation Element objectives and policies.

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.*

Discussion: The majority of the properties included in the Candidate Opportunity Sites list do not have any environmentally sensitive habitats, nor are they located in proximity to such resources. Four sites, Site 5, Site 11, Site 18, and Site 21, are located immediately adjacent to City creeks (Carpinteria Creek, Franklin Creek, and Lagunitas Creek). Existing creek protection policies implemented through the City's Creeks Preservation Program would apply to redevelopment of these sites under the proposed RMU zoning designation. Likewise, Site 21 is known to contain limited quantities of sensitive sage and bluff scrub habitat, which would be subject to the City's ESHA protection policies. Assumed densities and development potential for these sites factored in applicable resource protection policies (e.g., setback requirements, etc.), while still allowing for reasonable redevelopment scenarios.

Objective OSC-11*: Carpinteria will conduct its planning and administrative activities so as to maintain the best possible air quality.*

Policy OSC-11b. *Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).*

Policy OSC-11d. *Encourage the improvement of air quality in the Carpinteria Valley by implementing measures in the South Coast Air Quality Attainment Plan. For air quality enhancement, measures will include but not be limited to, measures to reduce dependence on the automobile and encourage the use of alternative modes of transportation such as buses, bicycles and walking.*

Discussion: The Project would minimize emissions from vehicles by placing residents near jobs and services. It would increase demand for alternative transportation by locating housing in areas that are walkable, bicycle-friendly, near public transit, and close to neighborhood services. All of the Candidate Opportunity Sites are located directly on the City's main transit line or within short (< ¼ mi.) walking distance of the route.

Policy 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 all of the following measures*

a. *Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas.*

b. *In addition to the bluff setback required for safety, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall not be greater in height than adjacent structures and shall not encroach seaward beyond a plane created by extending a straight line ("stringline") between the nearest building corners of the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest corners closest to the beach from the existing balconies, porches or similar appurtenances on either side of the proposed development. If the stringline is grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible.*

c. *Special landscaping requirements to mitigate visual impacts.*

Policy OSC-13b. *Require new development or redevelopment in the downtown section of Carpinteria to conform with the scale and character of the existing community and consistent with the city's theme of a small beach-oriented community.*

Policy OSC-13f. *Where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses.*

Policy OSC-13g. *Require new development to protect scenic resources by utilizing natural landforms and native vegetation for screening structures, access roads, building foundations, and cut and fill slopes in project design which otherwise complies with visual resources protection policies.*

Discussion: The proposed Project must allow for ministerial and streamlined permitting of medium-density multifamily housing per State law. As written, the draft RMU Zone, coupled with the draft ODS, would allow for such development on select rezone sites in the City while protecting important visual resources and broad unobstructed views. The RMU Zone standards would limit building and structure heights to 35 feet, require setbacks and distance between buildings, restrict building site coverage, and limit fence/wall heights.

The ODS propose many standards which address the relationship between the project site, adjacent sites, and the new development. They would prevent development from forming apartment "blocks" with unbroken facades via minimum dimensions for open space, contextual upper-story setbacks, and wall plane variation requirements. Attractive building frontages are a key focus of the proposed ODS, which include standards to enliven and beautify frontages. Proposed "Site Design" standards would ensure building façades remain in character and coherent with the surrounding neighborhood, such as requiring commercial components of mixed-use developments to be located on the ground floor facing the primary street and designating street-facing open spaces on Carpinteria and Linden Avenues to be used for public plazas, dining, or entry spaces.

Landscaping would be required to flank at least one side of each walkway, with trees planted to shade at least 25% of the walkway at maturity, providing buffer from other uses (e.g. parking or street areas). Section 14.51.110 of the ODS would additionally require that all landscaping utilize non-invasive Mediterranean, local California native, and other drought-tolerant species, and would prohibit artificial plants. Proposed minimum plant quantities (one 15-gallon tree or equivalent box size and 20 five-gallon shrubs per 1,000 square feet of landscaped area) would prevent developments from looking barren before landscaping has matured and from having large swaths of hardscape, mulch, woodchips, or similar materials. These proposed requirements aim to create "quality design" for public spaces incorporated in new developments.

V. Project Consistency with the Safety Element

The following analysis focuses on how the proposed Project is consistent with applicable Safety Element objectives and policies.

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

Policy S-4a. *All new development proposed in the 100-year floodplain must adhere to the County of Santa Barbara Floodplain Management Ordinance, Chapter 15-A of the County Code.*

Discussion: Some of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located within, or partially within 100-year flood zones. The flood zone maps are currently undergoing review and modification with the Federal Emergency Management Agency (FEMA). In any case, future development within the selected rezone sites would have to be evaluated for potential flooding and adhere to the City's and County's standards for development in areas prone to inundation.

With the exception of Site No. 21, none of the other Candidate Opportunity Sites for rezoning were identified in the City's Sea Level Rise Vulnerability Assessment and Adaptation Project ("SLRVAAP") as being vulnerable to sea level rise impacts resulting from one to five feet of sea level rise. The potential for impacts to Site No. 21 are associated with coastal bluff face retreat in the event of five feet of sea level rise. However, the City's existing bluff setback requirements and ESHA buffer requirements would offer adequate distancing from the bluff edge to mitigate sea level rise impacts over the expected economic life of any future development on the site.

Objective S-5: *Minimize the potential risks and reduce the loss of life, property and economic and social dislocation resulting from urban and wildland fires.*

Policy S-5a. *All new structures must adhere to the Carpinteria-Summerland Fire Protection District Ordinance and the Santa Barbara County Fire Department Ordinances, where applicable.*

Policy S-5b. *All new structures, whether within or outside the urban limit zone, must adhere to the city Fire Sprinkler Ordinance.*

Discussion: None of the Candidate Opportunity Sites for potential rezoning to the RMU Zone are located in high-fire severity zones. In any case, future development within the selected rezone sites would have to comply with all applicable fire safety standards.

VI. Project Consistency with the Noise Element

The following analysis focuses on how the proposed Project is consistent with applicable Noise Element objectives and policies.

Objective N-1: *The City will minimize noise impacts of Highway 101 traffic on residential and other sensitive land uses.*

Policy N-1a. *The City will plan noise-compatible land uses or design developments with noise attenuation features near Highway 101.*

Objective N-3: *The City will minimize the adverse effects of traffic generated noise from City streets on residential and other sensitive land uses.*

Policy N-3a. *The City will encourage site planning and traffic control measures that minimize the effects of traffic noise.*

Discussion: The proposed Project would create an RMU zone district and rezone select parcels to RMU such that streamlined and ministerial permitting of medium-density housing can occur within the City. Some of the potential rezone sites are located near Highway 101 and busy arterial streets. The California Building Code Section 1206.4 states:

> Interior noise levels from exterior sources must not exceed 45 decibels (dB) in any habitable room. The noise metric shall be either the day-night average sound level (Ldn) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan.

Based on these requirements of the Building Code, even ministerial projects must be designed and constructed in a manner that will attenuate excessive exterior noise levels.

VII. Project Consistency with the Public Facilities and Services Element

The following analysis focuses on how the proposed Project is consistent with applicable Public Facilities and Services Element objectives and policies.

Objective PF-6: *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*

Policy PF-6a. *The ultimate responsibility to ensure that the facilities (including systemwide improvements) needed to support the project are available at the time that they are needed shall be that of the sponsor of development projects.*

Policy 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.*

Policy 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.*

Policy PF-6d. *In cases where the City and/or special district requires capital facilities needed by development to be oversized, extended, or otherwise built over and above the minimum necessary to serve the development and the cost of such improvements is greater than the project's fair share of those facilities, at the city's discretion, a reimbursement agreement may be established with the developer to allow him to recoup the cost of providing capital facilities beyond the need directly created by his project from subsequent new development.*

Discussion: Although future development in the RMU Zone would be streamlined, it would not be exempt from these policies requiring that adequate services and utilities are available to the development project. Any future development or redevelopment accommodated under the new RMU zoning would be required to pay for its incremental increased demands on infrastructure and services through the City's Development Impact Fee program.

Additionally, as analyzed in the GP/CLUP, the Carpinteria Valley Water District, Carpinteria Sanitary District, and Carpinteria Summerland Fire Department have capacity to serve the full buildout of the planned growth. The proposed Project would not exceed the anticipated buildout of the GP/CLUP.

VIII. Project Consistency with the Housing Element

Finally, the project would be consistent with the adopted 2023-2031 Housing Element because the purpose of the project is to implement Program 1 - Adequate Sites to Accommodate Regional Housing Needs.

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Attachment I.

Resolution 6350 Transmitting Ordinance Nos. 788, 789, 790, and 791 to the California Coastal Commission and the California Department of Housing and Community Development

2023-2031 Housing Element Zoning Amendments, Second Reading
December 9, 2024 City Council Meeting

RESOLUTION NO. 6350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 ARE INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S LOCAL COASTAL PROGRAM CONSISTENT WITH THE CALIFORNIA COASTAL ACT; DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE SECTION 30510 AND IN ACCORDANCE WITH SECTION 13551 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS; AND DIRECTING THAT ORDINANCE NUMBERS 788, 789, 790, AND 791 BE TRANSMITTED TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR HOUSING ELEMENT CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 65585.

PROJECT 24-2279-LCPA/ORD

WHEREAS, the City of Carpinteria ("City") is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City's 2023-2031 Housing Element ("Housing Element") on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development ("HCD") for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff held numerous meetings with HCD staff and California Coastal Commission staff regarding revisions to the Housing Element that would be protective of coastal resources and comply with Housing Element Law, made the necessary revisions to the Housing Element, and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted its 2023-2031 Housing Element to the HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Housing Element Program 1, completing necessary rezones to address the shortfall of sites to accommodate the City's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, pursuant to Government Code Section 65860(a), the City's Zoning Ordinance (Title 14 of the Carpinteria Municipal Code) and Local Coastal Program must be amended to align with the required amendments to the Housing Element of the City's General Plan, including, but not limited to, Program 1; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code § 65583.2) and Program 1, and proposing a phased approach to rezoning sites that would not require a General Plan/Coastal Land Use Plan ("GP/CLUP") amendment or new Environmental Impact Report for the City to attain Housing Element certification from HCD; and

WHEREAS, on May 28, 2024, the City Council directed staff to proceed with phased implementation of Program 1 where in phase 1 the City would rezone sufficient sites to meet its RHNA shortfall that would not require a GP/CLUP amendment or new Environmental Impact Report, and in phase 2 the City would consider additional rezones for sites identified in Program 1 as part of its ongoing GP/CLUP amendment process; and

WHEREAS, in an effort to expeditiously implement Program 1 in a manner concurrent with recent case law,[1] City staff developed a new Residential/Mixed Use Zone District (Ordinance No. 788), Objective Design Standards ("ODS") which would apply to specified residential and mixed-use projects (Ordinance No. 789), and a

[1] *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, which determined that a jurisdiction may not rely on a residential zoning overlay to satisfy State Housing Element law if the overlay allows for both a higher density and a lower density development option.

phased rezone of recommended sites in the City to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791); and

WHEREAS, City staff prepared the Residential/Mixed Use Zone District (Ordinance No. 788) and ODS (Ordinance No. 789) to contain the development standards described in Program 1 of the City's Housing Element and in accordance Housing Element Law, including, but not limited to, Government Code Section 65583.2, subdivisions (c), (h), and (i); and

WHEREAS, based on the factors and evidence described in the Housing Element and evidence in the record, the recommended sites in the City to rezone to the Residential/Mixed Use Zone District (Ordinance Nos. 790 and 791) are suitable to accommodate the City's lower income RHNA shortfall during the Housing Element planning period; and

WHEREAS, City staff have prepared a California Coastal Act and GP/CLUP consistency analysis for Ordinance Nos. 788, 789, 790, and 791, which based on substantial evidence concluded that adoption of these ordinances is consistent with the California Coastal Act as implemented by the City's GP/CLUP; and

WHEREAS, City staff have prepared an Addendum to the 2003 GP/CLUP Program Environmental Impact Report ("PEIR") for this zoning amendment, as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for the zoning amendments, for the purpose of implementing Program 1, and at this public hearing, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the amendments with specified changes, including the addition and removal of specified sites from the recommended rezone site list, and to determine that the provided Addendum is the appropriate review document for this project pursuant to CEQA; and

WHEREAS, on November 25, 2024, following a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were introduced on a first reading, and, after considering all the evidence in the record, the Council moved to approve the Ordinances as follows:

- Ordinance No. 788: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 789: Approved 4-0-0-1 (Clark absent);
- Ordinance No. 790: Removed Site 5 (APN 001-190-097) and Approved the Ordinance 4-0-0-1 (Clark absent) as amended;

- Ordinance No. 791: Approved 3-0-1-1 (Solorzano recused, Clark absent); and

WHEREAS, in addition to introducing upon first reading, Ordinance Nos. 788, 789, 790, and 791—which are sufficient to accommodate the City's lower income RHNA shortfall—the City Council requested that the Council consider rezoning of additional sites (Housing Element Inventory Sites 5 and 21) to the Residential/Mixed Use District through a separate action in early 2025; and

WHEREAS, on December 9, 2024, at a duly noticed public hearing of the City Council, Ordinance Nos. 788, 789, 790, and 791 were heard on a second reading, and the Council adopted the Ordinances; and

WHEREAS, Ordinance Nos. 788, 789, 790, and 791 shall take effect immediately upon the date certified by the California Coastal Commission, pursuant to Public Resources Code Section 30514, or following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and

WHEREAS, on December 9, 2024, after consideration of the Planning Commission's recommendation, receipt of public comment, due consideration of all evidence in the record, and discussion among the Council members and staff, the City Council adopted this Resolution certifying that Ordinance Nos. 788, 789, 790, and 791 are intended to carry out the policies of the City's GP/CLUP consistent with the California Coastal Act, and directed that these Ordinances be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code Section 30510 and in accordance with Section 13551 of Title 14 the California Code of Regulations; and be submitted to HCD so that the City may achieve Housing Element certification pursuant to Government Code Section 65585; and

WHEREAS, on October 17, 2024, a notice appeared in a newspaper of general circulation in the City informing the public of Project 24-2279-LCPA/ORD, the Ordinances proposed, and the availability and location of review drafts and other associated documents, and on October 23, 2024 the City mailed notices to the parties described in California Code of Regulations ("CCR"), Title 14, Section 13515(a), pursuant to CCR Title 14, Section 13515(c); and

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

WHEREAS, a full and complete copy of the project materials (Project No. 24-2279-LCPA/ORD) is on file with the City's Community Development Department,

located at 5775 Carpinteria Avenue, Carpinteria, California, and is available to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals, incorporated herein by reference, are true and accurate and are based on substantial evidence in the record.

Section 2. Pursuant to Public Resources Code Section 30510 and Government Code Sections 65854, 65855, 65856, and 65860, the City Council held a public hearing on the proposed amendments to the Local Coastal Program and Zoning Code (Title 14 of the Carpinteria Municipal Code) and is transmitting all proposed amendments and additions to the California Coastal Commission for submittal and filing pursuant to Section 13551 of Title 14 of the California Code of Regulations, as well as to the California Department of Housing and Community Development in order to achieve Housing Element certification pursuant to Government Code Section 65585.

Section 3. Ordinance Nos. 788, 789, 790, and 791 have been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and are consistent with the City's adopted Housing Element and State Housing Element Law.

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
Mayor, City of Carpinteria

ATTEST:

_____
City Clerk, City of Carpinteria

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

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

Acceptance for recordation of Parcel Map 25,201, and associated documents including project-specific Covenants, Conditions and Restrictions (CC&Rs), and an Informational Notice document, for the Zins SFD Demolition and Condominium Triplex Project (21-2083-DP/TPM/CDP) located at 4905 Eighth Street.

STAFF RECOMMENDATION

Staff recommends the Council accept Parcel Map 25,201 and associated documents for recordation.

Sample Motion: I move to accept Tract Map 25,201 and associated documents, and authorize staff to take the necessary steps to submit Tract Map 25,201 and associated documents to the County Recorder of Santa Barbara County for recordation.

BACKGROUND

The Zins SFD Demolition and Condominium Triplex Project includes the demolition of an existing single-family dwelling, the construction of a new two-story triplex with attached garages, and the subdivision of the property for condominium purposes. The project also includes site improvements including construction of a new shared driveway, site landscaping, public improvements in the street right-of-way, and underground utilities.

The proposed project was considered and approved by the Planning Commission at the February 6, 2023 meeting subject to the adopted conditions of approval (Project 21-2083-DP/TPM/CDP; Resolution No. PC-23-003). The Planning Commission's approval became final on February 17, 2023, following the expiration of the requisite 10-calendar day appeal period. The original project approval was granted for a period of three years, giving the applicant until February 17, 2026 to obtain building permits and commence construction.

The purpose of this review is administrative in nature, as State Law requires the Final Map to be accepted by the City Council prior to recordation. City staff, including representatives from Community Development, Public Works, the City Surveyor, and the

City Attorney's office have reviewed and administratively accepted all pertinent documents as having satisfied the respective project conditions.

DISCUSSION

Pursuant to the State Subdivision Map Act and Title 16 (Subdivisions) of the Carpinteria Municipal Code, prior to recordation of the Parcel Map, said Map and any associated required measures or documents must first return to the City Council for formal acceptance and to authorize staff to complete all remaining steps necessary for execution and recordation of the documents. As part of this action, the Council must confirm that all project conditions of approval required to be satisfied prior to recordation of the Parcel Map have been properly and fully executed.

The project Conditions of Approval (Attachment A) require the following map conditions be satisfied prior to recordation:

- **Map Condition 32**: Prior to recordation of the Parcel Map and subject to CDD approval as to form and content, the applicant shall include all of the project conditions required by this project approval on a separate informational sheet to be recorded with the Parcel Map.

- **Map Condition 33**: Prior to recordation of the Parcel Map, the applicant shall pay applicable Quimby Fees.

- **Map Condition 34**: The Parcel Map shall be subject to the Subdivision Ordinance of the City of Carpinteria and to the State Subdivision Map Act. The Map shall be prepared by a qualified California Registered Civil Engineer or Licensed Land Surveyor. Closure calculations shall be submitted along with adequate reference data and a current title report. Two copies of the map and one copy of the calculations shall be submitted for review. Within thirty (30) days after the recordation of the Parcel Map, the applicant shall deliver one set of reproducible mylar copies of the recorded map to the Community Development Department.

- **Map Condition 35**: The Parcel Map shall be substantially in conformance with the Tentative Map as approved. Any substantial changes, as determined by City staff, require the approval of the Planning Commission and the City Council.

- **Map Condition 36**: Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the City Surveyor a set of prints of the Parcel Map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable.

- **Map Condition 37**: The applicant shall pay all engineering fees and all other fees and deposits prior to approval of the Parcel Map by the City Council.

- **Map Condition 38**: Before recordation of the Parcel Map, Developer shall provide the City Engineer with written evidence from the Santa Barbara County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493.

- **Map Condition 39**: Conditions, Covenants and Restrictions (CC&Rs) for the project shall be submitted for review to the City Attorney, Community Development Department and Public Works Department, and approved by the City Council prior to acceptance of the Parcel Map. The CC&Rs shall include provisions for the HOA maintenance of any landscaping, fencing and specialty hardscape within the City's right-of-way and shall provide for the shared maintenance responsibilities by all parcels for common area shared improvements. The CC&Rs shall also include by reference responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project. Further, the City Attorney and the City Council may require additional restrictions within the CC&Rs as found to be appropriate.

The Development Plan and Coastal Development Permit conditions also stipulate that certain requirements be included in the project's CC&Rs, including: maintenance of landscaping for the life of the project; compliance with approved exterior lighting; a requirement that parking spaces within garages be maintained at all times for the parking of vehicles; and a requirement that the uncovered guest space be maintained for the life of the project. Finally, the project conditions of approval state that no permits for construction shall be issued prior to recordation of the Parcel Map.

City staff, including Community Development, Public Works, the City Surveyor, and the City Attorney's office have reviewed and administratively accepted all pertinent documents as having satisfied the respective project conditions. Copies of the proposed final exhibits and associated documents to be signed and recorded following acceptance by the City Council are included in the following attachments:

- Parcel Map No. 25,201 exhibit as Attachment B;
- Project Covenants, Conditions and Restrictions (CC&Rs) as Attachment C; and
- Conditions of Approval Informational Notice as Attachment D;

FINANCIAL CONSIDERATIONS

All staff time and costs associated with the review and recordation of Parcel Map No. 25,201 and associated documents are borne by the applicant. All project accounts are paid and current, and sufficient funds remain on hand to cover anticipated costs associated with final review and recordation.

Parkland acquisition fees, also known as "Quimby Fees," for the project total $23,426.36 and were paid in full on November 6, 2024. The Development Impact Fees associated with the project totaled $37,474.99 and were paid in full on November 19, 2024 in anticipation of the forthcoming building permit.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

Staff has confirmed that all required project conditions of approval that must be satisfied prior to recordation of the Parcel Map have been properly and fully complied with. City staff shall be responsible for ensuring that all of the referenced documents are properly executed and recorded.

OPTIONS

Request revisions to Parcel Map No. 25,201 and/or any of the associated documents, and direct staff to return with the revised documents at a future Council meeting.

PRINCIPAL PARTIES EXPECTED AT MEETING

- Jerry and Lisa Zins, property owners.
- Dylan Chappell, architect.

ATTACHMENTS

Attachment A: Project Conditions of Approval
Attachment B: Parcel Map No. 25,201 exhibit
Attachment C: Project Covenants, Conditions and Restrictions (CC&Rs)
Attachment D: Conditions of Approval Informational Notice

Staff contact: Syndi Souter, Senior Planner
Community Development Department
(805) 755-4405 / syndis@carpinteriaca.gov

for

Signature

Reviewed by: Nick Bobroff, Director
Community Development Department
(805) 755-4407 / nickb@carpinteriaca.gov

Signature

Reviewed by: Michael Ramirez, City Manager
(805) 755-4450 / michaelr@carpinteriaca.gov

Signature

Attachment A

Project Conditions of Approval

Zins SFD Demolition & Condominium Triplex Project
Final Map Clearance - Parcel Map No. 25,201
December 9, 2024 City Council Hearing

PLANNING COMMISSION HEARING
PROJECT 21-2083-DP/TPM/CDP
4905 EIGHTH STREET (APN 003-311-001)
FEBRUARY 6, 2023

ATTACHMENT A, EXHIBIT 3: CONDITIONS OF APPROVAL ZINS SFD DEMOLITION & CONDOMINIUM TRIPLEX

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

PROJECT DESCRIPTION

1. This Development Plan, Tentative Parcel Map, and Coastal Development Permit are based upon and limited to compliance with the project description, the hearing exhibits (Attachment A, Exhibit 2 to the staff report dated February 6, 2023) and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

   The project description is as follows:

   Request for a Development Plan, Tentative Parcel Map, and Coastal Development Permit to allow the demolition of an existing 1,124 square-foot one-story single-family dwelling and the construction of a new two-story 4,717 square-foot condominium triplex with an attached 1,105 square-foot five-car garage, for a total size of 5,822 square-feet. The maximum height of the proposed structure is 24-feet 10-inches above finished grade. The proposed structure would contain: Unit 1.) a 2,303 square-foot two-story four-bedroom unit with a 372 square-foot roof deck, a 266 square-foot covered loggia, and a two-car garage, Unit 2.) a 1,414 square-foot two-story two-bedroom unit with a two-car garage, and Unit 3.) a 702 square-foot second story one-bedroom unit with an 80 square-foot covered balcony and a one-car garage. One uncovered shared guest parking space would be provided. The garages and the uncovered guest space are proposed to be accessed from Cedar Place. The requested Tentative Parcel Map No. 25,201 would allow the property to be subdivided to create three airspace condominium units with individual private areas and a shared common open space area held by an owner's association.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape Plans) must be submitted for review and approval and shall be implemented as approved by the City.

COMMUNITY DEVELOPMENT DPEARPTMENT PROJECT SPECIFIC CONDITIONS

2. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** The selected fixtures for all exterior lighting fixtures shall be depicted on plans to be reviewed and approved by CDD and shall conform to what was presented to and approved by the ARB. **Monitoring:** CDD shall review plans prior to the Building Permit approval. CDD shall site inspect prior to occupancy clearance.

3. The design, scale and character of the project architecture, landscape and signage (as applicable) shall be compatible and blend harmoniously with vicinity development and consistent with the City's "small beach town" character. **Plan Requirement and Timing:** The applicant shall submit plans for the project for final review by the Architectural Review Board prior to approval of any Building Permit for physical development. **Monitoring:** Community Development Department staff (CDD) shall review submitted plans, provide direction to the ARB regarding this condition and site inspect during the construction phase.

4. All materials and colors used in construction and all landscape materials shall be as represented to the City and any deviation will require the express review of the Community Development Department.

5. In compliance with the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird)) as amended by the May 29, 2015 Information Bulletin 2015-03 from the Department of Housing and Community Development and Chapter 15.90 of the City's Municipal Code: Water Efficient Landscaping, a Landscape Documentation Package containing the following elements shall be prepared by a design professional: PROJECT INFORMATION; WATER EFFICIENT LANDSCAPE WORKSHEET; SOIL MANAGEMENT REPORT; LANDSCAPE DESIGN PLAN; IRRIGATION DESIGN PLAN; and GRADING DESIGN PLAN. The preparation of a Certificate of Completion containing the following elements shall also be prepared by a design professional: CERTIFICATION OF INSTALLATION (per the approved plan); FINAL SOILS INFORMATION; IRRIGATION SCHEDULING PARAMETERS; MAINTENANCE SCHEDULES; and IRRIGATION AUDIT REPORT. **Plan Requirements and Timing:** Prior to approval of a Building Permit, the applicant shall submit a Landscape Documentation Package to the CDD for review and approval. The CDD shall send a copy of the Documentation Package the Carpinteria Valley

Water District. The applicant shall enter into an agreement with the City to install required landscaping and irrigation and maintain required landscaping for the life of the project. Subsequent to installation of the approved Grading, Landscape and Irrigation Plans, the applicant shall submit a Certificate of Completion to CDD for review and approval. The Landscape Documentation Package and Certificate of Completion forms are available at the CDD, and are required to be approved by the CDD prior to Occupancy Clearance. **Monitoring:** CDD shall conduct site visits to ensure installation and maintenance of landscape and irrigation.

6. All mechanical equipment including heating and air conditioning units, and trash receptacle areas, shall be completely screened from surrounding properties and shall be either enclosed within a building or parapet, or located in a fenced rear yard area. **Plan Requirements**: The locations of all exterior mechanical equipment shall be depicted on a Roof and/or Mechanical Equipment Plan to be reviewed and approved by CDD with input from the ARB. **Monitoring:** CDD and ARB shall review the Roof and/or Mechanical Equipment Plan for compliance with this measure prior to approval of a Building Permit for the development. Building Inspector shall inspect structures upon completion to ensure that mechanical equipment has been installed consistent with the approved Plan.

7. Final plans shall include the location of all above ground and vaulted appurtenances including, but not limited to, utility vaults, gas meters, fire backflow prevention systems, and check valves. The location of such appurtenances shall be approved by CDD and may be required to be located and/or screened to as to minimize aesthetic impacts.

8. Applicant shall have prepared and submitted to the City a project-specific acoustical analysis demonstrating that the proposed construction techniques meet the California Noise Insulation Standards to ensure an acceptable interior noise level of 45 CNEL, or less, in habitable rooms. **Plan Requirements/Timing:** The acoustical study shall be prepared by a qualified acoustical engineer or similarly qualified individual. The prepared report shall either demonstrate that the proposed construction techniques and materials will meet the required interior noise thresholds, or it not, shall recommend necessary measures to comply with this requirement. The acoustical report shall be submitted to CDD for review and approval prior to final review by the ARB. **Monitoring:** CDD staff shall be responsible for ensuring that the report is submitted and approved prior to scheduling the project for final review by the ARB.

9. The recommendations outlined in the project specific geotechnical investigation shall be followed in the construction of the subject project and the applicants shall be required to have the project engineering geologist onsite to observe all excavations prior to placement of compacted soil, gravel backfill, or rebar and concrete. **Plan Requirements/Timing:** Two copies of the preliminary foundation investigation shall be submitted with the building plans for building permit plan check. Applicable plan sheets (i.e., grading, foundation, etc.) shall be in substantial compliance with the recommendations outlined in the soils report. The project engineering geologist shall

be onsite during excavation, recompaction and foundation preparation work, as applicable. **Monitoring:** Building Inspector shall review and approve building plans and shall site inspect during construction, prior to occupancy clearance.

10. Adequate space shall be made available to allow vehicles to be parked within all provided onsite parking spaces. This requirement shall be written into the project CC&Rs and enforced by the Homeowners' Association.

11. A minimum of 1 uncovered visitor parking space shall be provided and maintained for the life of the project. The required visitor space shall be permanently marked as such, and remain available for guests and visitors of the residents. This requirement shall be written into the project CC&Rs and enforced by the Homeowners' Association.

12. Furniture and other structures placed on the roof-top deck of Unit 1 should not exceed a height of 42-inches, with the exception of one single-pole umbrella.

DEVELOPMENT PLAN CONDITIONS

13. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a CDD-qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the City Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with City Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. **Monitoring:** CDD shall check plans prior to issuance of a Grading or Building Permit and shall spot check in the field.

14. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on weekends or State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating this restriction shall be provided to the applicant and posted onsite. **Timing:** The sign shall be in place prior to the beginning of and throughout all construction activities. Violations may result in suspension of permits. **Monitoring:** Building Inspector shall spot check and respond to complaints.

15. All construction equipment shall be maintained in proper operating condition and fitted with standard noise reduction features (e.g., mufflers). **Timing:** During all construction activities. **Monitoring:** CDD staff shall notify the contractor of this requirement prior to construction and spot check in the field.

16. Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the plans submitted to the Community Development Department for review prior to issuance of a Building Permit. **Monitoring:** CDD staff shall site inspect prior to the commencement and as needed during all grading and construction activities.

17. During construction, washing of concrete trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks or wetlands. The location of the washout area shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to CDD, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to issuance of a Grading or Building Permit. The washout area shall be in place and maintained throughout construction. **Monitoring:** CDD shall check plans prior to issuance of a Grading or Building Permit and staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area.

18. Sixty-five percent (65%) or more of all construction and demolition debris generated shall be diverted from the landfill, as mandated by Carpinteria Municipal Code. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During demolition and grading, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on demolition plans. Applicant shall submit a Waste Management Plan (WMP) prior to demolition and provide Public Works with a completed WMP, including receipts for recycled materials to demonstrate compliance with the City's Construction and Demolition Program's 65% mandatory diversion rates. **Timing:** Materials shall be recycled as necessary throughout demolition and grading activities. **Monitoring:** Public Works shall review and approve a completed WMP prior to issuance of a Building Permit.

19. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by CDD staff. **Plan Requirements and Timing:** Prior to Building Permit issuance, applicant shall designate and provide to CDD the name and phone number of a contact person to monitor trash/waste and organize a clean-up crew. Trash control shall occur throughout all grading and construction activities. **Monitoring:** CDD shall inspect periodically throughout grading and construction activities.

20. Best available erosion and sediment control measures shall be implemented during grading and construction. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags

or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the construction period. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by the City prior to issuance of a Grading or Building Permit. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of construction. **Monitoring:** Public Works shall perform site inspections throughout construction.

21. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site by following the dust control measures listed below. During clearing, grading, earth moving, excavation or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.

    a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind~~s~~ speed exceeds 15 miles per hour. Reclaimed water should be used whenever possible.
    b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
    c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped form the point of origin.
    d. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

    Plan Requirements: All requirements shall be shown on the grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction activities. **Monitoring:** CDD shall ensure measures are on plans. Grading and Building Inspectors shall spot check and ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

22. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in

progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD and the Community Development Department. **Timing:** The dust monitor shall be designated prior to issuance of a Grading or Building Permit. **Monitoring:** CDD shall contact the designated monitor as necessary to ensure compliance with dust control measures.

23. The following Diesel Exhaust Control Measures should be implemented during construction activities:
    a. Diesel construction equipment meeting the California Air Resources Board's current emission standards for off-road heavy-duty diesel engines shall be used.
    b. The engine size of construction equipment shall be the minimum practical size.
    c. The number of construction equipment operation simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
    d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
    e. Construction equipment operating onsite shall be equipped with two-to-four-degree engine timing retard or pre-combustion chamber engines.
    f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
    g. Catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating onsite.
    h. Diesel powered equipment should be replaced by electric equipment whenever feasible.
    i. State law requires that idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

    Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction activities. **Monitoring:** CDD shall ensure measures are on plans. Grading and Building Inspectors shall spot check and ensure compliance onsite.

24. This Development Plan and Coastal Development Permit does not constitute approval for the installation of new and/or repair of existing underground utilities. All modifications to, or installations of new utilities shall be under separate permit(s) from the appropriate utility providers and the Public Works Department for any work within the public right-of-way. Utility provider permission for excavation shall precede issuance of any permits for construction within the public right-of-way.

25. Approval of the Development Plan, Coastal Development Permit and Tentative Parcel Map shall expire three (3) years after approval by the Planning Commission unless

prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension.

26. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Building Permit.

27. No permits for development shall be issued except in conformance with the approved Development Plan, Coastal Development Permit and Tentative Parcel Map. The size, shape, arrangement, use and location of buildings, walkways, parking areas and landscaped areas shall be developed in conformity with the approved Development Plan marked Attachment A, Exhibit 2, dated February 6, 2023. Substantial conformity shall be determined by the Community Development Department Director.

28. On the date a subsequent Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.

29. To allow time for the utility companies to locate and mark their facilities for the contractor, the applicant shall telephone Underground Service Alert (USA) toll free at 1-800-227-2600 a minimum of 48 hours prior to the start of construction. For best response, provide as much notice as possible, up to 10 working days.

30. Existing and proposed easements for all utilities shall be located and described on the engineering plans or the architectural drawings prior to issuance of building permits.

TENTATIVE PARCEL MAP CONDITIONS

31. The Tentative Parcel Map shall expire three (3) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

32. Prior to recordation of the Parcel Map and subject to CDD approval as to form and content, the applicant shall include all of the project conditions required by this project approval in a separate informational Notice document to be recorded with the Parcel Map.

33. Prior to recordation of the Parcel Map, the applicant shall pay applicable Quimby Fees.

34. The Parcel Map shall be subject to the Subdivision Ordinance of the City of Carpinteria and to the State Subdivision Map Act. The Map shall be prepared by a qualified California Registered Civil Engineer or Licensed Land Surveyor. Closure calculations shall be submitted along with adequate reference data and a current title report. Two

copies of the map and one copy of the calculations shall be submitted for review. Within thirty (30) days after the recordation of the Parcel Map, the applicant shall deliver one set of reproducible mylar copies of the recorded map to the Community Development Department.

35. The Parcel Map shall be substantially in conformance with the Tentative Map as approved. Any substantial changes, as determined by City staff, require the approval of the Planning Commission and the City Council.

36. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the City Surveyor a set of prints of the Parcel Map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable. In the event easements are not required, a letter shall be provided from each utility stating the map is acceptable for recording.

37. The applicant shall pay all engineering fees and all other fees and deposits prior to approval of the Parcel Map by the City Council.

38. Before recordation of the Parcel Map, Developer shall provide the City Engineer and CDD with written evidence from the Santa Barbara County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493.

39. Conditions, Covenants and Restrictions (CC&Rs) for the project shall be submitted for review to the City Attorney, Community Development Department and Public Works Department, and approved by the City Council prior to acceptance of the Parcel Map for recordation. The CC&Rs shall include provisions for the HOA maintenance of any landscaping, fencing and specialty hardscape within the City's right-of-way and shall provide for the shared maintenance responsibilities by all parcels for common area shared improvements. The CC&Rs shall also include by reference responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project. Further, the City Attorney and the City Council may require additional restrictions within the CC&Rs as found to be appropriate.

40. The project CC&Rs shall record concurrent with the recordation of the Condominium Map.

41. No permits for development, including grading, shall be issued prior to recordation of the associated Parcel Map (PM 25,201).

CITY RULES & REGULATIONS/LEGAL REQUIREMENTS

42. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Building Permit. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning

Commission. Before any Permits will be issued by the Community Development Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Community Development.

43. All conditions of approval and mitigation measures shall be printed in their entirety on applicable pages of construction or building plans submitted to CDD. The approved set of plans shall be retained at the construction site for review by the Building Inspector during the course of construction.

44. Prior to issuance of a Building Permit, the applicant shall provide a signed copy of the Conditions or Approval on a form acceptable to Community Development. Such form may be obtained from the CDD office.

45. Prior to issuance of a Building Permit, the applicant shall pay all applicable CDD permit processing fees in full. Any outstanding plan check or inspection fees incurred during construction shall be paid in full prior to Occupancy clearance.

46. The applicant shall pay the statutory school fees in effect at the time of issuance of Building Permits to the Carpinteria Unified School District. **Plan Requirements and Timing:** The applicant shall submit final square footage calculations and the required fee payment to the School District prior to issuance of Building Permits. **Monitoring:** CDD shall ensure payment is made prior to issuance of a Building Permit.

47. In accordance with Chapter 15.80 of the Carpinteria Municipal Code, the applicant shall pay Development Impact Fees to the City prior to Building Permit issuance. The amount of the fees will be determined at the time permits are issued.

48. Prior to the issuance of any Building Permits, the applicant shall post a landscape security bond of $500.00 and comply with the following requirements:
    a. All landscaping and irrigation plans shall be prepared by a State licensed landscape architect or similar professional as determined appropriate by CDD.
    b. The landscaping shall be maintained in good condition for the life of the project. After landscaping has become established at three years and found to be in good condition, the security will be released.
    c. Landscaping shall be drought resistant, low water species.
    d. Where feasible, locally adapted native plants shall be required.
    e. Prior to Occupancy Clearance, all landscaping and planting shall be installed; and
    f. Specimen trees shall be appropriate to the site and shall be maintained in good condition so as to attain a full and healthy mature appearance.

49. Any change of use in the proposed buildings or structures shall be subject to environmental analysis and appropriate review by the City including Building Code compliance.

50. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

51. Any and all damage or injury to public property resulting from this development, including without limitation, City streets, shall be corrected or result in being repaired and restored to its original or better condition.

52. All requirements of the City of Carpinteria (including but not limited to public improvements as defined in the City of Carpinteria Municipal Code (CMC), Section 15.16.110) and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met.

53. The standards defined within the City's adopted model Building Codes (UBC; NEC; UMC; UFC; UPC; UHC) relative to the building and occupancy shall apply to this project.

54. Any minor changes may be approved by the City Manager and/or Community Development Director. Any major changes will require the filing of a modification application to be considered by the Planning Commission.

55. No building permits shall be issued for this project prior to meeting all required terms and conditions listed herein. When not specified herein, all conditions shall be satisfied prior to issuance of a building permit or prior to occupancy when allowed by the Community Development Director.

56. If, at any time, the City or Planning Commission determines that there has been, or may be, a violation of the findings or conditions of this Development Plan and Coastal Development Plan, or of the Municipal Code regulations, a public hearing may be held before the Planning Commission to review this permit. At said hearing, the Planning Commission may add additional conditions, or recommend enforcement actions, or revoke the permit entirely, as necessary to ensure compliance with the Municipal Code, and to provide for the health, safety, and general welfare of the City. The applicant shall reimburse the City for all costs associated with gaining compliance with the original conditions of approval.

57. In the event that any Condition of Approval imposing a fee, exaction, dedication or other mitigation measure is challenged by Applicant/Owner/Permittee in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any Condition of Approval is invalidated by a court of

law, the entire project shall be reviewed by the City and substitute Conditions of Approval may be imposed.

58. The owner/applicant ("Owner") hereby agrees to defend, indemnify and hold harmless the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any claim, action or proceeding ("Claims") against the City and the City's Agents to attack, review, set aside, void or annul, in whole or in part, the City's approval of the Development Plan and Coastal Development Permit (the "Project"), or any condition attached thereto, or any proceedings, acts or determinations taken, done or made prior to the approval that were part of the approval process. Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorneys' fees or court costs made in connection with any Claim. Owner further agrees to pay any and all City costs, permits, attorneys' fees, engineering fees, license fees and taxes arising out of or concerning the Project, whether incurred prior to or subsequent to the date of approval and that the City's costs shall be reimbursed prior to this approval becoming valid. These commitments of defense and indemnification are material conditions of the approval of the Project. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorneys' fees, expenses and costs of that independent defense.

59. Written authorization to proceed and consent to conditions of approval by the legal owner of the property shall be provided to the City prior to building permit issuance.

SPECIAL DISTRICT CONDITION LETTERS

60. Compliance with the attached Departmental and District letters is required as follows:
    a. Carpinteria Sanitary District, dated February 5, 2021,
    b. Carpinteria Valley Water District, dated February 10, 2021,
    c. City of Carpinteria Public Works Department, dated February 10, 2021, and
    d. Carpinteria-Summerland Fire Protection District letter, dated March 4, 2021.

Approved by the Planning Commission on February 6, 2023.

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

_____

Applicant/Property Owner Date

CARPINTERIA
Sanitary District

5300 Sixth Street
Carpinteria, CA 93013
Phone (805) 684-7214 ▪ Fax (805) 684-7213

February 5, 2021

Syndi Souter
Community Development Department
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, California 93013

Subject: Project No. 21-2083-DP/CDP/A
4905 Eighth Street (APN: 003-311-001)
Applicant: Jerry and Lisa Zins
Agent: Dylan Chappel

Dear Ms. Souter,

Thank you for the opportunity to provide comments on the subject project. The project applicant proposes to demolish an existing single family residence and construct three new residential apartment units at the subject site. The Carpinteria Sanitary District (District) recommends that the following conditions be incorporated into the review/approval process to address sewer system improvements:

1. All sewer improvements shall conform to approved District construction standards for materials and methods.

2. A sewer construction permit is required for any and all work on the building sewer and lateral sewer that will serve the residential units. The permit shall be procured and applicable fees paid prior to issuance of Building Permits. The applicant shall submit an engineered drawing to the District showing any proposed sewer connections, alterations or additions. During the construction phase, it is the applicant's and contractor's responsibility to notify the District of any sewer improvements or modifications not noted on the approved plans.

3. During construction, all installed sewer pipes and fittings shall be inspected by the District prior to placing trench backfill. Failure to request or obtain an inspection will require complete re-excavation and reconstruction of the work. All sewer improvements shall be pressure tested in accordance with District standard procedures prior to final acceptance.

4. A Development Impact Fee (DIF) shall be paid to the District for each newly constructed "equivalent dwelling unit" (EDU). Currently, the DIF is **$4972.00** per EDU; subsequent increases in DIF's are subject to District Board approvals. One EDU DIF credit will be given for the single family residence that currently exists on the site. For the proposed project, a DIF of **$ 9944.00** shall be paid to the District prior to issuance of required permits.

5. District sewer service charges (SSC's) are collected through the County of Santa Barbara property tax rolls on an annual basis. Prior to obtaining a Certificate of Occupancy, the applicant shall pay District applicable SSC's due for the period between building occupancy and the following June 30th. The current annual SSC is **$703.41** per equivalent dwelling unit.

6. If you have any questions regarding the comments provided by the District, please contact me at (805) 684-7214, ext. 13.

Sincerely,
CARPINTERIA SANITARY DISTRICT

Lance Lawhon
Engineering Technician

C: Jerry and Lisa Zins
Dylan Chappel

Carpinteria Valley Water District

1301 Santa Ynez Avenue • Carpinteria, CA 93013
Phone (805) 684-2816

BOARD OF DIRECTORS

Matthew Roberts
President
Case Van Wingerden
Vice President
Polly Holcombe
Shirley L. Johnson
Kenneth Stendell

GENERAL MANAGER

Robert McDonald, P.E. MPA

February 10, 2021

Syndi Souter – Community Development Department
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

SUBJECT: 4905 8TH STREET, APN NO. 003-311-001, ACCOUNT NO. 03-030704-03, DEMOLITION OF SINGLE-FAMILY DWELLING AND CONSTRUCTION OF 3 NEW APARTMENTS ON THE PROPERTY - INTENT TO SERVE WITH CONDITIONS

To Whom It May Concern,

Please be advised, this parcel is within the jurisdiction of Carpinteria Valley Water District and therefore is entitled to District water service in accordance with District Rules and Regulations. Currently the District is in a Stage I Water Shortage Condition; for more information on Ordinance 19-2, please visit the District website www.cvwd.net. This letter is good for one year from the date of the letter.

The current single-family dwelling is served by one 3/4" meter. From the existing plans, dated December 15, 2020, the District has the following conditions:

- Each unit must have its own water meter. The current capital cost recovery fees and deposits for FY 2021 are found in our Rules and Regulations and are subject to change each July. All fees and deposits must be paid before meter installation.
- Fire sprinkler calculations must be provided to the District to determine proper meter size.
- An independent landscape meter will need to be installed on the property with a reduced-pressure principle backflow device installed as meter protection per District Standard W-115. The device will require annual testing of the device in the District's Cross-Connection Control Program.
- If any fire improvements or an independent fire service is required for the property, the customer is responsible for all fees and deposits for the improvement or service. If a fire service is required, fire calculations must be provided. The District requires DCDAs on fire services per District Standard W-114 and devices require annual testing in the District's Cross-Connection Control Program.
- Revised plans should indicate the location of the three residential meters, one landscape meter, fire service (if required) and respective backflow devices.

Should changes to the plans, including landscaping, irrigation, or water fixtures, occur we require an additional opportunity to review revised plans. If you have any questions, please feel free to contact me at danielle@cvwd.net or 805-684-2816x121.

Sincerely,
Carpinteria Valley Water District

Danielle Rose
Engineering Assistant
Cc: TCM to account
S:\Development\4905 8th St\2021_02_10_Intent_to_Serve.docx

CITY OF CARPINTERIA, CALIFORNIA

Public Works Department
Memorandum

To: Syndi Souter, Associate Planner
Community Development Department

Via: John L. Ilasin, Public Works Director/City Engineer

From: Joshua Patricio, Engineering Technician

Date: February 10, 2021

Subject: 4905 Eighth Street, Project No. 21-2083-DP/CDP/ARB

The Public Works Department has reviewed the project submittal, dated March 12, 2020, and has the following conditions of approval:

GENERAL ENGINEERING CONDITIONS

1. An Engineering Permit for the project will be required from the Public Works Department for proposed on-site grading, excavation and drainage improvements, and all work within the public right-of-way. An inspection deposit and plan check deposit for the Permit will be determined based on the estimated construction cost of the work being performed, as shown on the current fee schedule. Refer to the Engineering Permit Submittal Checklist for submittal requirements.

2. The applicant shall submit one hard copy and one electronic copy of grading, drainage and street improvement plans, and associated calculations and/or reports, prepared by a California Registered Civil Engineer in conformance with City Standards. Plans shall include but may not be limited to street, utility and drainage improvements, and shall be submitted to the Public Works Department for review and approval prior to issuance of a grading/engineering permit.

3. Prior to issuance of Engineering Permits, Engineering Cost Estimates shall be submitted with the Grading and Improvement Plans. One Engineering Estimate for on-site improvements and a separate estimate for public improvements shall be submitted. Each page of the estimates shall be signed and stamped by the applicant's engineer.

4. For projects over $12,000. Prior to issuance of Engineering Permits, faithful performance, and labor and materials bonds (each to be 100% of the Engineer's Estimate for public improvements, 50% for private improvements) shall be filed

with the City to cover all public improvements and any on-site grading, drainage improvements and/or retaining walls. A cash deposit in the amount of 10% of the bond amount shall be submitted with each bond.

5. At the time of acceptance of public improvements, the applicant shall submit a set of "Record Drawings" showing any and all changes made to the design plans during the construction period. The "Record Drawings" shall be the original construction tracings or permanent mylar copies of a quality acceptable to the City Engineer.

6. Securities will be released to the Owner at the expiration of one year after the date of recording a Notice of Completion with the Santa Barbara County Recorder or when all stop notices have been released, whichever last occurs.

RIGHT-OF-WAY IMPROVEMENTS CONDITIONS

7. Improvement plans shall be submitted for public improvements prior to issuance of an Engineering Permit. Any person obtaining a permit to erect, construct, place or replace or relocate a building, structure or dwelling, or to enlarge or make additions thereto in excess of six hundred fifty square feet shall, at his expense, provide for the plans and construction of curbs, gutters, sidewalks, driveway approaches, base paving, barricades, catch basins and drainpipes along all street and alley frontages in accordance with the standard drawings and standard specifications of the City Engineer, in accordance with Chapter 15.16 of the Carpinteria Municipal Code. Improvements, such as paving, curbs and gutters, shall transition into existing public improvements as required by the City Engineer.

8. The curb ramp at the south corner of the Elm Avenue and Eighth Street intersection shall be upgraded to American with Disabilities Act standards and in conformance with the Standard Specifications for Public Works Construction latest edition, supplements, and errata thereto, written and promulgated by Public Works Standards, Inc., and additions and amendments by the City of Carpinteria.

9. The driveway apron at the intersection of Cedar Place and Elm Avenue shall be upgraded to American with Disabilities Act standards and in conformance with the Standard Specifications for Public Works Construction latest edition, supplements, and errata thereto, written and promulgated by Public Works Standards, Inc., and additions and amendments by the City of Carpinteria.

10. Sidewalk shall be placed along Eighth Street to the property line in conformance with the Standard Specifications for Public Works Construction latest edition, supplements, and errata thereto, written and promulgated by Public Works Standards, Inc., and additions and amendments by the City of Carpinteria.

11. Landscaping proposed within the City right-of-way shall be reviewed and approved by the Public Works Department prior to issuance of an Engineering Permit.

12. All improvements in the public right-of-way shall be completed to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy by the Community Development Department.

UTILITY CONDITIONS

13. Prior to occupancy of the project, any existing and proposed utility services shall be placed underground from the closest point of connection or utility pole and completed prior to any paving required for the project. No new utility poles shall be installed.

14. Any existing and proposed easements for utilities shall be located and described on the engineering plans or the architectural drawings prior to issuance of engineering/building permits.

GRADING CONDITIONS

15. Prior to performing any grading, the applicant shall obtain an Engineering Grading Permit for the site Improvement from the Public Works Department (if the amount of grading exceeds three feet in vertical depth at its deepest point, measured from the natural ground slope, and/or 30 cubic yards of material moved in any twelve-month period) and pay the required permit deposits/fees. Plans shall be submitted in accordance with the requirements and Standards of Chapter 8.36 of the Carpinteria Municipal Code.

16. A Soils Report shall be submitted with Improvement Plans and Grading/Drainage Plans for review and approval by the City Engineer. The Soils Report shall be prepared by a California Registered Geologist or Soils Engineer and submitted to the Public Works Department. The Report shall address soils engineering and compaction requirements, R-values, and other soils and geology related issues (including liquefaction) and shall contain recommendations addressing the soil quality for grading, excavation, slope, foundation design and construction retaining wall design, where applicable for the project.

17. The applicant shall submit a statement describing source of material to be used for fill and/or location to which excavation material will be removed, routes for hauling material, starting and completion dates, hours of work and methods of controlling dust.

STORM WATER MANAGEMENT CONDITIONS

1. An Erosion and Sediment Control Plan must be prepared and submitted to obtain the necessary Grading/Engineering Permit from the City Engineer prior to any grading activity.

2. This project is subject to the requirements of the County of Santa Barbara Technical Guide for Low Impact Development.

3. The applicant shall submit a Storm Water Control Plan (SWCP) complying with the Technical Guide that includes the following elements:
    a. identification of potential pollutant sources that may affect the quality of the storm water discharges;
    b. the proposed design and placement of structural and non-structural PCRs to address identified pollutants;
    c. certification by a licensed civil engineer, architect, or landscape architect.

4. The applicant shall submit a completed Maintenance Agreement, including the following elements:
    a. Operations and Maintenance Plan
    b. Legal description of the property
    c. Clear map of property with the location of all storm water control measures noted

    The owner's signature shall be notarized prior to submittal to the City.

SOLID WASTE CONDITIONS

5. Sixty-five percent (65%) or more of all construction and demolition debris generated shall be diverted from the landfill, as mandated by Carpinteria Municipal Code.

6. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt).

7. During demolition and grading, separate bins for recycling of construction materials and brush shall be provided onsite.

8. Plan Requirements: This requirement shall be printed on demolition plans. Applicant shall report any self-hauled materials to the City or contract with an approved waste hauler for disposal of construction and demolition debris.

9. Timing: Materials shall be recycled as necessary throughout demolition and grading activities. All materials shall be recycled prior to occupancy clearance.

10. Monitoring: Public Works shall review and approve self-hauled disposal receipts from transfer stations prior to occupancy clearance.

ENVIRONMENTALLY PREFERABLE PUCHASING POLICY

1. The City has implemented an environmental purchasing policy (City Council Resolution No. 5686), and the applicant should adhere to similar principles.

End of Comments

4905, 8th Street, , Carpinteria, , CA, 93013, , Demo SFD new triplex, yes

Location	34.398148, -119.521137
Status	Planning Completed
Submittal Date:	2021-02-25
Address/Location:	4905 8th Street Carpinteria, CA 93013
APN:	003-011-001
Number of stories:	2
Comments:	Demo SFD new triplex
Submittal Type:	Planning
Applicant:	Dylan Chappell
Address	175 S. Ventura Avenue Ventura, CA 93001
Phone Number:	805-205-4760
Email:	dylan@dylanchappell.com

Planning/Conceptual Design

Date Plan Review Completed:	2021-03-04
Permit Number:	21-2083 CDP/DP/ARB
Planner:	Syndi Souter
Submittal Type:	Demo New Construction
Description:	New Tri-plex
Plans Checked By:	Todd Jenkins
Invoiced	Yes
Items Invoiced:	FPC-P
Invoices Paid	Yes
Invoices Paid:	FPC-P

Project Conditions

All work shall be done per current applicable CFC and CSFPD ordinance and standards.

Access and Identification	All required access ways (public or private) shall be installed and made serviceable prior to the erection of combustible materials. Gated access ways (if provided) shall open in the direction of ingress travel; gates shall be located thirty (30') feet from the edge of road driving surface. Minimum clear width of gate opening shall be at least 2 feet wider than the road served. The location and type of gate shall be approved by the Fire District prior to installation. A Fire District approved key entry system shall be installed in an accessible location. Building address numbers shall be visible from the street. Numbers shall be a minimum 4" high 1" stroke on a contrasting background. Fire Lane Identification shall comply with the current CSFPD Development Standards Application for address changes for the building shall be submitted to CSFPD Fire Prevention Bureau

Water Requirements	A current fire flow form shall be submitted to Carpinteria-Summerland Fire Protection District. Contact the Carpinteria Valley Water District or Montecito Water District to schedule having the test performed. Fire hydrants capable of supplying the required fire flow for fire protection shall be provided for all buildings or portions of buildings which have been or are hereafter constructed within this project.
Fire Protection Systems	All new buildings and structures shall be protected by an approved automatic fire sprinkler system. The installation of an automatic fire sprinkler system throughout the entire building or structure shall be required for any additions or modification to an existing building or structure which is not served by water supplies meeting Fire District Standards and for which an application for a building permit is filed or required to be filed with the County or City. A fire alarm or sprinkler monitoring system shall be installed or modified. Prior to installation plans for the system shall be designed by a qualified person and submitted to this office for approval. Smoke detectors and Carbon Monoxide Alarms must be installed in all residences in accordance with the current National Electric Code Per the provisions of the California Building and Fire Codes. Prior to occupancy all alarm systems that are monitored shall be tested. Prior to occupancy Portable Fire Extinguishers shall be mounted such that the maximum travel distance from any area will meet the standard or be less than 75 feet. System to be designed to 13R if Fire Flow Met
Additional Requirements	Roof access shall be provided in accordance with the provisions of the Carpinteria City Municipal Code Section 8.254.070. Any future changes including further division intensification of use or increase in hazard classification may require additional conditions in order to comply with applicable fire district development standards
Fees	C. Multiple Family Residential Development. A fee of One Thousand Eight Hundred Eighteen Dollars and Eight Cents ($1818.08) per Dwelling Unit will be assessed on all Multiple Family Residential development.

Checks shall be made payable to: Carpinteria-Summerland Fire Protection District (CSFPD) and delivered to Fire District Headquarters at 1140 Eugenia Place, Suite
Money orders and cashiers' checks will be accepted. Credit and debit cards can be used online. The link can be found at Carpfire.org Note: Cash payment will nc

Inspector's Signature:

Signed 2021-03-04 18:23:25 UTC

Attachment B

Parcel Map No. 25,201 Exhibit

Zins SFD Demolition & Condominium Triplex Project
Final Map Clearance - Parcel Map No. 25,201
December 9, 2024 City Council Hearing

PARCEL MAP NO. 25,201

BEING A SUBDIVISION OF LOTS 19 , 20 , AND 21 IN BLOCK 33 OF THE TOWN OF CARPINTERIA , IN THE CITY OF CARPINTERIA , COUNTY OF SANTA BARBARA , STATE OF CALIFORNIA , ACCORDING TO THE OFFICIAL MAP THEREOF RECORDED IN RACK 2 , MAP 4 , IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER OF SAID COUNTY , FOR CONDOMINIUM PURPOSES .

MARCH 2024

SURVEYING SERVICES
P. O. BOX 989 CARPINTERIA , CA. 93014
805 - 765 - 4097

OWNER'S STATEMENT :

We hereby state that we are the owner or have an interest in the land included within the subdivision shown on the annexed map and that we are the only persons whose consent is necessary to pass clear title to said land . We consent to the preparation and recordation of said map and subdivision as shown within the distinctive border lines .

By : Gerald J. Zins Jr.
Trustee of the Jerry and Lisa Zins
Family Trust dated Feb. 7 , 1994

Lisa F. Zins
Trustee of the Jerry and Lisa Zins
Family Trust dated Feb. 7 , 1994

By : _____ _____
Gerald J. Zins Jr. Lisa F. Zins

NOTARY ACKNOWLEDGMENT :

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

On _____ before me _____ personally appeared

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

I certify under the PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct .
WITNESS my hand and official seal .

Signature _____ (seal)
name printed _____
commission expires _____
commission number _____
office located in the County of _____

NOTARY ACKNOWLEDGMENT :

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

On _____ before me _____ personally appeared

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

I certify under the PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct .
WITNESS my hand and official seal .

Signature _____ (seal)
name printed _____
commission expires _____
commission number _____
office located in the County of _____

CONDOMINIUM NOTE :

This subdivision is approved as a Condominium project for three (3) residential units . Whereby the owners of the units of airspace will hold an undivided interest in the common areas that will , in turn , provide the necessary access and utility easements for the units

CLERK OF THE BOARD'S STATEMENT :

I Jacquelyne Alexander , Clerk of the Board of Supervisors of Santa Barbara County do hereby state that pursuant to Government Code Section 66464 (State Subdivision Map Act) that the certificates and deposits required under Government Code Sections 66492 and 66493 (State Subdivision Map Act) on the property within this subdivision have been filed and made .

Jacquelyne Alexander
Clerk of the Board of Supervisors of Santa Barbara County By : _____ Deputy _____ date

NOTE :

This map is subject to certain conditions and information included in a " NOTICE : and

recorded concurrently as Instrument No. _____ of Official Records in the Office of the Santa Barbara County Recorder .

SURVEYOR'S STATEMENT :

This map was prepared by me or under my direction and is based on a field survey in accordance with the requirements of the Subdivision Map Act and local ordinance at the request of Gerald Zins in April 2023 . I hereby state that the monuments are of the character and occupy the positions indicated and they are sufficient to enable this survey to be retraced and that this Parcel Map substantially conforms to the approved or conditionally approved Tentative Map .

_____ _____
Dan Jahns P.L.S No. 4997 Date
License expiration date : 12 / 31 / 2023

CITY SURVEYOR'S STATEMENT :

I hereby state that I have examined this map and that all provisions of the Subdivision Map Act and Local Ordinances have been complied with and that I am satisfied that this map is technically correct , and that the Parcel Map as shown is substantially the same as it appeared on the Tentative Map and any approved alteration thereof.

By: _____ _____
Christopher G. Vandrey, PLS 8783 date
City Surveyor , City of Carpinteria

LICENSED LAND SURVEYOR
CHRISTOPHER G VANDREY
No. 8783
STATE OF CALIFORNIA

CITY CLERK'S STATEMENT :

I hereby state that the City Council of the City of Carpinteria by minute action on the _____ day of _____ 20____ approved this map .

_____ _____
City Clerk – City of Carpinteria date

COMMUNITY DEVELOPMENT DIRECTOR'S STATEMENT :

I hereby state that I have examined this Parcel Map and have determined that it substantially conforms to the Tentative Map as approved by the City Council of the City of Carpinteria on _____ , and to the conditions as imposed thereon.

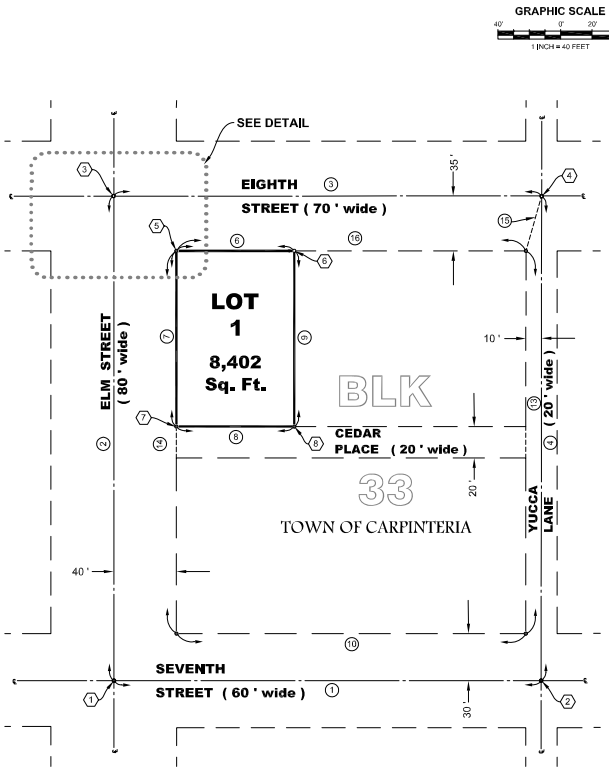
_____ _____
Nick Bobroff date
Community Development Director

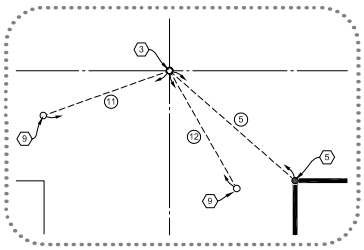
RECORDER'S STATEMENT :

Filed this _____ day of _____ , 20_____ at _____ .M , in Book _____ of Parcel Maps at pages _____ to _____ at the request of Dan Jahns at _____ .

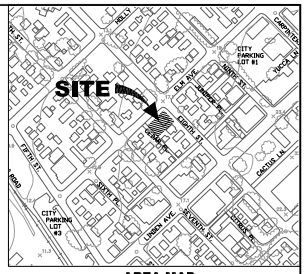
Fee _____

Joseph E. Holland By : _____
Clerk – Recorder – Assessor Deputy
Santa Barbara County





DETAIL
SCALE : 1 " = 20 '



AREA MAP
NO SCALE

LEGEND

✱ 1 = rec. per R / S Bk. 110 pg. 15
✱ 2 = rec. per C.R. 377
✱ 3 = rec. per M.B. 157 p.p. 1 – 2
✱ 4 = rec. per C.R. 1711
✱ 5 = rec. per R.M. Bk. 2 pg. 7 (TOWN OF CARPINTERIA)
meas. = measured
c.f.r. = calculated from record
c.f.m. = calculated from measured – found or set monument at one end of referenced line.
calc. = calculated – bearing and distance on line between two positions without monuments
f.t.c. = from true corner

MONUMENT LEGEND

(1) = fnd. spk. & tag stamped " LS 6392 " , rec. per CR 381
(2) = fnd. alum. cap on surface stamped " LS 6392 " (✱ 2)
(3) = 3 = fnd. old spike (down 0.15 ' below road surface) (✱ 3)
(4) = fnd. spk. & tag stamped " LS 6392 " (✱ 2)
(5) = set 2 " Iron pipe w / alum.cap stamped " LS 4997 - Blk.33 "
(6) = fnd. ½ " Iron pipe w / plastic cap stamped " LS 3146 " , no rec. N. 49 ° 32 ' 21 " W. 0.13 ' f.t.c.
(7) = set ½ " Iron pipe w / plastic cap stamped " LS 4997 "
(8) = fnd. ½ " Iron pipe w / plastic cap stamped " LS 3146 " , no rec. N.45 ° W. 0.07 ' f.t.c.
(9) = fnd. tack & tag stamped " LS 9103 " in top of curb , rec. per CR 6057

DATA LEGEND

(1) = BASIS OF BEARINGS
S. 45 ° 00 ' 40 " E. 272.55 ' meas.
S. 45 ° 00 ' 40 " E. 272.58 ' (✱ 1)
(2) = S. 44 ° 58 ' 24 " W. 308.84 ' meas.
S. 44 ° 57 ' 55 " W. 308.88 ' (✱ 3)
(3) = S. 45 ° 01 ' 10 " E. 272.79 ' meas.
(4) = S. 45 ° 01 ' 04 " W. 308.88 ' meas.
(5) = S. 03 ° 49 ' 45 " E. 53.15 ' (tie line)
(6) = S. 45 ° E. 75.00 ' (✱ 5)
S. 45 ° 01 ' 00 " E. 75.09 ' meas.
(7) = S. 45 ° W. 111.88 ' (✱ 5)
S. 44 ° 58 ' 24 " W. 111.92 ' meas.
(8) = S. 45 ° E. 75.00 ' (✱ 5)
S. 45 ° 00 ' 46 " E. 75.06 ' meas.
(9) = N. 45 ° E. 111.88 ' (✱ 5)
N. 44 ° 59 ' 08 " E. 111.92 ' meas.
(10) = S. 45 ° E. 222.5 ' (✱ 5)
S. 45 ° 00 ' 40 " W. 222.58 ' c.f.m.
(11) = S. 75 ° 26 ' 15 " W. 42.69 ' meas. (tie line)
(12) = S. 15 ° 17 ' 33 " W. 43.20 ' meas. (tie line)
(13) = S. 45 ° W. 243.76 ' (✱ 5)
S. 45 ° 01 ' 04 " W. 243.87 ' c.f.m.
(14) = S. 44 ° 58 ' 24 " W. 243.84 ' calc.
S. 45 ° W. 243.76 ' (✱ 5)
(15) = S. 60 ° 57 ' 27 " W. 36.42 ' c.f.m. (tie line)
(16) = S. 45 ° 01 ' 10 " E. 222.77 ' c.f.m.
S. 45 ° E. 222.50 ' (✱ 5)

PARCEL MAP NO. 25,201

BEING A SUBDIVISION OF LOTS 19 , 20 , AND 21 IN BLOCK 33 OF THE TOWN OF CARPINTERIA , IN THE CITY OF CARPINTERIA , COUNTY OF SANTA BARBARA , STATE OF CALIFORNIA , ACCORDING TO THE OFFICIAL MAP THEREOF RECORDED IN RACK 2 , MAP 4 , IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER OF SAID COUNTY , FOR CONDOMINIUM PURPOSES .

MARCH 2024

SURVEYING SERVICES
P. O. BOX 939 CARPINTERIA , CA. 93014
805 - 765 - 4097

Attachment C

Project Covenants, Conditions and Restrictions (CC&Rs)

Zins SFD Demolition & Condominium Triplex Project
Final Map Clearance - Parcel Map No. 25,201
December 9, 2024 City Council Hearing

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

Gerald J. Zins
400 Camarillo Ranch Rd., Suite 202
Camarillo, CA 93012

DECLARATION OF COVENANTS,

CONDITIONS, RESTRICTIONS AND

RESERVATION OF EASEMENTS

FOR

CARP BEACH CONDOS

(a Condominium Project)

**THIS DECLARATION CONTAINS PROVISIONS TO SUBMIT ALL DISPUTES INVOLVING THE DECLARANT TO BINDING ARBITRATION WITH A WAIVER OF THE CONSTITUTIONAL RIGHT TO A JURY TRIAL. YOU SHOULD CAREFULLY READ THE PROVISIONS OF THE SECTION ENTITLED "SUBMISSION OF ALL DISPUTES INVOLVING DECLARANT, INCLUDING CONSTRUCTION DEFECT DISPUTES, TO ARBITRATION"
AND SHOULD CONSULT LEGAL COUNSEL WITH ANY QUESTIONS.**

[CS Attach No DRE: 01/08/18]
[This Set: 05/20/24]

Prepared by:
Murakami Law Office
371 Van Ness Way, Suite 110
Torrance, CA 90501

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EXECUTION PAGE

SUBORDINATION BY LIENHOLDER

EXHIBIT A - PROPERTY

EXHIBIT B - DESCRIPTION, AND MAINTENANCE OF COMMON AREA AND UNIT

EXHIBIT C - BUDGET SUMMARY AND RESERVES WORKSHEET

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR CARP BEACH CONDOS

This Declaration is made by **GERALD J. ZINS JR., and LISA F. ZINS, Trustees of the Jerry and Lisa Zins Family Trust Dated February 7, 1994** ("Declarant").

R E C I T A L S

A. Declarant is the Owner in fee of the real property ("Property") legally described in attached Exhibit A.

B. Declarant has developed the Property into a residential Condominium Project ("Project") under the provisions of California Civil Code Section 4125.

C. Declarant desires to impose a general plan for the development, maintenance, Improvement, protection use, occupancy and enjoyment of the Project, and to establish, adopt and impose covenants, conditions, restrictions, easements, equitable servitudes, liens and charges upon the Project for the purpose of enforcing, protecting and preserving the value, desirability and attractiveness of the Project.

D. This Declaration, and all Governing Documents for this Property, shall in effect when the first Deed conveying fee title of a Condominium to an Owner is recorded with the to commence the operation of the Condominium Project and the Association.

NOW, THEREFORE, Declarant hereby declares that upon the First Close of Escrow, the Property shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold, and improved, subject to the following declarations, limitations, covenants, conditions, restrictions, liens, charges and easements, all of which are for the purpose of enhancing and protecting the value and attractiveness of the Property, and every part thereof, in accordance with the plan for the Improvement of the Property and division thereof into Condominiums. All of the limitations, covenants, conditions, restrictions, and easements shall constitute equitable servitudes in accordance with Civil Code Section 5975 and shall be binding upon Declarant and its successors and assignees, and all parties having or acquiring any right, title or interest in or to any part of the Property.

ARTICLE I
DEFINITIONS

Article I provides definitions of the terms commonly used in this Declaration. Defined terms are capitalized throughout the Declaration.

All references in this Declaration to documents, code sections, ordinances, and similar references, include references to each of the items as amended or then currently in effect.

The following definitions apply unless otherwise required by the context:

Architectural Guidelines - The rules and standards adopted by the Board pursuant to the Section entitled "Architectural Guidelines" in the Article entitled "*Architectural Control*."

Articles - The Articles of Incorporation of the Association, including any amendments.

Assessments - A charge against the Owners and their Condominiums representing their share of the common expenses. The annual Assessment is a regular assessment as described in California Civil Code Section 5600.

Association - **Carp Beach Condos, Inc.**, a California nonprofit mutual benefit corporation formed to govern the Project, the Members of which shall be the Owners of Condominiums in the Project. The term includes its agents, the Board or any committee, as applicable.

Board or **Board of Directors** - The governing body of the Association.

Bylaws - The Bylaws of the Association which establishes the procedures for operating the Association, including how Member and Board meetings are conducted, the election and duties of the Board of Directors, and voting rights of Members.

City - The city of Carpinteria, California.

Common Area - The Property (including structures, land and Improvements), other than the Units, as described in Civil Code Section 4095, the Condominium Plan and this Declaration. The Common Area includes the portions of the Property described in attached Exhibit B.

Compliance Assessment - An Assessment imposed against an Owner to reimburse the Association for costs incurred because of the Owner's violation of the Governing Documents, or a monetary penalty imposed by the Association as a disciplinary measure for breach of the Governing Documents. Compliance Assessments are a type of Special Assessments.

Condominium - An estate in real property as defined in Sections 783 and 4125 (b) of the California Civil Code consisting of:

(a) A separate interest in space called a "Unit"; and

(b) An undivided interest in the Common Area.

Condominium Plan - The recorded diagrammatic drawings of the Units built or to be built on the Property approved by the City which identifies the Common Area and each Unit pursuant to California Civil Code Section 4285.

Construction Defect - A claim for defects in the design or construction of all or any portion of the Property or its Improvements, regardless of whether such claim is based on common law or statutory law, including California Civil Code Sections 895, et seq.

Declarant - The person or entity identified in the introductory paragraph of this Declaration; also, Declarant's successors to and assignees of special rights, preferences, or privileges provided for in this Declaration or by law, including any Mortgagees acquiring Declarant's interest in the Project by Foreclosure or deed in lieu of Foreclosure. Successor means a natural individual or any legal entity who acquires Declarant or substantially all of Declarant's assets by sale, merger, reverse merger, consolidation, sale of stock or assets, by operation of law or otherwise. Declarant has the right to determine, in its sole discretion, the manner in which it transfers it obligations and rights reserved to it under this Declaration.

Declarant Parties - Declarant, developer, builder, general contractor, subcontractor and design professional who have participated in the development of the Project.

Declaration - This document and any amendments.

Deed - A document transferring title to a Condominium.

Deed of Trust - A three party security instrument conveying title to land as security for the repayment of a loan. Reference to Deed of Trust includes a Mortgage.

Dispute - Any unresolved claim, Dispute or disagreement concerning the Property or the Governing Documents for the Project, arising among Owners, Association, and/or Declarant Parties.

Eligible First Mortgagees - Holders of First Mortgages who have requested the Association to notify them of specified proposals and changes to the Governing Documents and other Association matters.

Exclusive Use Common Area - Portions of the Common Area designated by the Declaration, the Condominium Plan or by law for the exclusive or restricted use of the Owners of particular designated Units.

First Close of Escrow - The date the first Deed is recorded conveying fee title to a Condominium to the first Owner with the intent to operate the Property as a Condominium Project governed by the Association.

First Mortgage or **First Mortgagee** - A Mortgage or Mortgagee that has priority over all other Mortgages or Mortgagees encumbering the same Condominium or any other portion of the Project. A blanket Mortgage recorded prior to the recording of this Declaration is a First Mortgage and the Mortgagee thereof is a First Mortgagee.

Foreclosure - The legal process by which the mortgaged property of a borrower in default under a Mortgage is sold, and the borrower's interest in that property is sold, pursuant to California Civil Code section 2924 et seq., or sale by the court pursuant to California Code of Civil Procedure section 725a et seq., and any other applicable law.

Governing Documents - All documents governing the Property, including this Declaration, the Articles, Bylaws, Condominium Plan, and any Rules and Regulations as defined in Civil Code Section 4150.

Improvements - A structure and its appurtenance including the buildings, any elevators, HVAC equipment, walkways, lighting systems, the structural elements of the building, any type of wall, awning, stairway, satellite dish, antenna, and sign. In addition, Improvement shall also mean the ceilings, doors and windows that enclose a Unit and the floor coverings that are installed in a Unit. The Board may identify additional items that are Improvements.

Institutional Mortgagee - Any bank, savings and loan Association, insurance company, real estate investment trust, retirement fund trust, or other financial institution holding a recorded First Mortgage on any Condominium.

Manager or **Managing Agent** - The party designated by the Board to manage the Project and perform other duties of the Association.

Member - Any person or entity who is an Owner of a Condominium.

Mortgage - A two party security instrument pledging land as security for the performance of an obligation. Reference to Mortgage includes the Deed of Trust.

Mortgagee - The party entitled to performance by a mortgagor. Reference to Mortgagee includes any beneficiary under a Deed of Trust including a Deed of Trust on any portion of the Property, recorded prior to the recording of this Declaration.

Notice and Hearing - A notice of time and an opportunity for a hearing as provided for in the Governing Documents.

Occupant - An Owner, resident, guest, invitee, tenant, lessee, sublessee, or other person residing in a Unit.

Owner - The Person holding a recorded fee simple interest in a Condominium (including the Declarant), or the purchaser of a Condominium under an installment land sales contract. "Owner" does not include any person or entity having an interest in a Condominium merely as security for the performance of an obligation.

Party - The claimants and respondents in a proceeding to resolve a Dispute.

Person - A person, partnership, limited liability company, limited partnership, corporation, Trustee or other legal entity.

Project or **Property** - The real property described in Exhibit A to this Declaration. The Project is a "Condominium Project" as defined in Civil Code Section 4125 and a Common Interest Development under Civil Code Section 4100.

Quorum - The minimum number of Members or Directors that must be present at any Member meeting or Board of Directors meeting, respectively, to legally proceed with the meeting. The Quorum number is set forth in the Bylaws.

Regular Assessments - Assessments used to meet the Association's normal operating expenses and to establish necessary reserves.

Rules and Regulations - The Rules and Regulations adopted by the Board pursuant to Civil Code Section 4340(a) et seq.

Service Lines and Facilities - Electric, telephone, cable television, community antenna television system, satellite television lines, water, gas, security system lines, sanitary sewer lines and drainage facilities, irrigation lines, meters and related facilities, lines, cables, wires or other conduits or devices for utilities and other similar service lines and facilities.

Special Assessments - Assessments levied on an as-needed basis to meet expenses of any extraordinary or capital nature and may include but are not limited to Compliance Assessments.

Total Voting Power - One hundred percent (100%) of the votes by Owners which may potentially be cast.

Unit - The elements of a Condominium that are not owned in common with other Owners as defined in California Civil Code Section 4125 and described in the Condominium Plan. The Unit consists of the airspace bounded by the walls, ceiling, windows, doors, and floors of the space and includes the portions of the Property described in attached Exhibit B.

ARTICLE II

DIVISION, MAINTENANCE AND INSURANCE OF PROPERTY

This Article explains a Condominium, a Unit, Common Area, including Exclusive Common Areas, and designates maintenance and insurance obligations between the Owners and the Association.

2.01 **Condominium**

A Condominium is comprised of the following:

(a) Unit.

Each Unit consists of all elements and areas identified as such on the Condominium Plan.

(b) Common Area.

(1) The Property not constituting the Units is the Common Area.

(2) Each Owner of a Condominium in the Property will receive the following undivided interest in the Common Area in the Property: one/third (1/3).

(c) Exclusive Use Common Area.

(1) Exclusive Use Common Area includes the following: portions of the Common Area designed to serve a particular Unit but located outside the boundaries of the Unit, as set forth in Civil Code Section 4145, if not shown and designated as such on the Condominium Plan.

(2) Use of the Exclusive Use Common Area is subject to reasonable restrictions contained in any Governing Documents.

2.02 **Repair and Maintenance of the Property by Owners**

(a) Owners shall maintain and repair the Unit in a clean, sanitary, attractive and safe condition, including those items stated in Exhibit B, the following, and in compliance with all City conditions of approval for the Project. The Owners, through the Association, shall share maintenance responsibility for Common Area shared improvements (other than Exclusive Use Common Area, which shall be the responsibility of the Owner whose particular Unit is served by such Exclusive Use Common Area).

(1) Any damage to the Common Area, including to walls, floors and ceilings forming the boundaries of a Unit caused by a condition of a component or area which the Owner is responsible for maintaining, even if the prevention of that condition is not due to the negligence or other fault of the Owner. For example, if a washing machine hose or angle stop valve fails for any reason, causing damage to common areas, the Unit Owner shall be solely responsible for the repair of the damage and the cost of the repair even if damage was not caused by the Owner's negligence. All the repairs shall be subject to prior approval of the Board. At the Board's sole discretion, the Association may notify the Owner that the Association intends to perform the repairs and may specially assess the Owner for the cost of the repairs, which

assessment may become a lien against the Unit. The Board shall have the sole and exclusive discretion to submit a claim to the Association's property casualty insurance carrier for any damage which results from the failure of a Unit component. If a claim is tendered to the Association's property insurance carrier for a loss described in this Section, the Owner shall be responsible for the insurance deductible amount. And if the Owner refuses to pay the insurance deductible amount required, the Board shall have the power to assess the Owner for that amount.

(2) If damage to the Common Area or public property is caused by a failure of a Unit component, the Owner shall have the duty and obligation to promptly notify the Association, in writing, of the damage and promptly undertake to mitigate the damage through engaging emergency services firms specializing in such situations and shall provide access to the Owner's Unit upon reasonable request by the Association to investigate the damage to the Common Areas.

(3) If there is damage to a Unit or Common Area caused by a failure of a Common Area component, such as a waterproofing system or a plumbing pipe within a wall, the Owner shall have the duty and obligation to immediately notify the Association, in writing, of the damage and cooperate in providing access to mitigate damage and perform repairs. The failure to timely report a failure resulting in damage or the failure to cooperate in allowing access to investigate or perform repairs, shall entitle the Association to specially assess the non-compliant Owner for such additional costs of repair due to delay or non-cooperation.

(b) Subject to this Declaration and compliance with California Civil Code Section 4760 and other applicable laws, an Owner may make any improvement or alteration within the Unit that does not impair the structural integrity, sound attenuation capacity, waterproofing capacity, fire rating, electrical, plumbing, or mechanical systems, or lessen the lateral or vertical support of any portion of the Property or otherwise negatively impact the insurability of the Property.

2.03 **Repair and Maintenance of the Property by Association**

(a) The Association is responsible for maintaining, repairing, modifying, replacing, and altering Common Area as defined in detail in Exhibit B, Exhibit C Budget Summary and Reserves Worksheet, and in compliance with all City conditions of approval for the Project.

(b) The Association is responsible for (i) maintaining Common Area landscaping, which shall consist of drought resistant, low water species (and, where feasible, locally adapted native plants), in good condition and maintaining specimen trees appropriate to the site in good condition so as to attain a full and healthy mature appearance; and (ii) maintaining, subject to any permits required from utility providers and the City Public Works Department, any landscaping, fencing, and specialty hardscape within the City's right-of-way.

(c) In accordance with Civil Code Section 4340, the Board may adopt an operating rule, which reasonably addresses the responsibilities for maintenance of Common Area items not addressed in the Declaration. The rule adopted by the Board is subject to the right of the Members to reverse the rule adoption, pursuant to Civil Code Section 4365.

(d) The Association shall comply with any water quality management plan ("WQMP") prepared for the Project, including any "best management practices", and any other drainage area management plan prepared for the Project.

2.04 **Inspections by Association**

(a) In compliance with California Civil Code Section 5551, the Association shall cause a visual inspection, by a licensed structural engineer or architect, of certain structural elements defined as load-bearing components and associated waterproofing systems to determine whether the exterior elevated elements are in a generally safe condition and performing in compliance with applicable standards.

(b) A written report from the licensed structural engineer or architect shall be required and include the following information:

(1) The identification of the building components comprising the load-bearing components and associated waterproofing system.

(2) The current physical condition of the load-bearing components and associated waterproofing system, including whether the condition presents an immediate threat to the health and safety of the residents.

(3) The expected future performance and remaining useful life of the load-bearing components and associated waterproofing system.

(4) Recommendations for any necessary repair or replacement of the load-bearing components and associated waterproofing system.

2.05 **Association Insurance**

(a) The Board shall obtain and maintain the following insurance coverages:

(1) Primary master policy of fire and casualty insurance with extended coverage endorsement known as "Single Entity Coverage." The amount of coverage should be one hundred percent (100%) of the then current full replacement cost (without deduction for depreciation or co-insurance) of all insurable improvements on the Common Area (together with all fixtures, building service equipment and common personal property and supplies) and the fixtures within the Unit as originally built. It does not apply to the personal items (such as computers and clothing) of the residents, and does not apply to any enhancements made to the Unit. Owners should carefully review the provisions of the Association policy to determine what items are covered. The Condominium Owner is responsible for covering under a HO6 policy, only the personal property along with any Improvements or betterments made by the Owner, whether or not approved by the Board. The policy shall name as insured the Association, Declarant (as long as Declarant owns a Unit), the Owners and all Mortgagees as their respective interests may appear, and waive the right of subrogation against Owners, if obtainable, and may contain a loss payable endorsement in favor of a Trustee. The policy must contain, if required by FNMA and if obtainable:

(A) Either a Guaranteed Replacement Cost Endorsement or a Replacement Cost Endorsement;

(B) An Agreed Amount Endorsement if the policy of insurance includes a coinsurance clause;

(C) Inflation Guard Endorsement: and

(D) Building Ordinance or Law Endorsement if the enforcement of any building, zoning or land-use law will result in loss or damage, increased cost of repairs or reconstruction or additional demolition and removal costs.

(2) Comprehensive public liability insurance in a reasonably prudent amount that covers the Association, Board, Managing Agent, Declarant (as long as Declarant owns a Unit), Owners, Occupants and any other agents or employees incident to the ownership or use of Common Area against physical injury, death and property damage arising out of a single occurrence. The Board should consider maintaining insurance in the amount specified by Civil Code Sections 5800 and 5805.

(3) If available, an extended coverage endorsement clause known as "Special Form", and a clause that permits a cash settlement to cover the full value of Improvements in case of destruction and a subsequent decision not to rebuild.

(4) Fidelity bond coverage for its directors, officers, and employees in an amount that is equal to or more than the combined amount of the reserves of the Association and total assessments for three (3) months. The fidelity bond shall also include computer fraud and funds transfer fraud. If the Association uses a managing agent or management company, the fidelity bond coverage shall additionally include dishonest acts by that person or entity and its employees. Fidelity bonds must provide for a ten (10) day written notice of modification or termination to any insurance trustee, and to each FNMA servicer who has filed a written request with the carrier for such notice.

(5) Workers' compensation insurance, in compliance with all applicable laws (if there are any employees or any workers hired to work in the Common Areas). If contractors are utilized, the Association should require evidence of Workers Compensation insurance and a certificate of insurance verifying Comprehensive General Liability insurance in a minimum amount of $1,000,000.00, naming the Association as additional insured. The contractor's policy shall have a minimum 30-day notice of cancellation provision.

(6) Director and officer liability insurance ("D&O") in an amount that satisfies Civil Code section 5800(a). In the absence of gross negligence, intentional misconduct, or fraud, the Association shall indemnify Directors and officers from personal liability for claims made as a result of the performance of their duties.

(7) Any other insurance policy the Association deems appropriate.

(b) Association insurance policies shall contain the following provisions, if available:

(1) Statements that the policies are primary and non-contributing;

(2) Statements that an Owner's conduct will not constitute grounds for avoiding liability;

(3) Inflation Guard Endorsement (if obtainable at a reasonable cost);

(4) Standard Mortgagee clause, and name as Mortgagee FNMA or servicer (if applicable).

(c) Each hazard insurance policy must be written by a carrier who meets FNMA requirements for a "Best Rating."

(d) Each Owner appoints the Association or any insurance Trustee designated by the Association to act on behalf of the Owners in connection with all insurance matters arising from any insurance policy maintained by the Association, including without limitation, representing the Owners in any proceeding, negotiation, settlement, or agreement.

(e) Any insurance maintained by the Association shall contain "waiver of subrogation" as to the Association and its officers, directors, and the Owners and occupants of the Condominiums and Mortgagees, and all Owners are deemed to have waived subrogation rights as to the Association and/or other Owners, whether or not their policies so provide.

(f) All insurance policies must require a written thirty (30) day notice of modification or termination of coverage from the insurer to the Association, Declarant, Owners and their Mortgagees, and any interested party who requests such a notice.

(g) The Association is not obligated to provide intra-Unit public liability insurance or any protection against risks customarily covered under "homeowners" or "broad form homeowners" policies. Owners shall individually insure against such risks.

2.06 **Owner Insurance**

(a) Owners may insure their own personal property against loss and obtain any personal liability insurance covering the Unit. The insurance maintained by the Association does not cover the personal property in the Units and does not cover personal liability for damages or injuries occurring in the Units. Any Improvements made by an Owner within the Owner's Unit may be separately insured by the Owner, but the insurance is to be limited to the type and nature of coverage commonly known as "improvements insurance." The Owner shall not obtain such insurance if the Association policy will provide coverage for such Improvements.

(b) It is the Owner's responsibility, if desired, to obtain loss assessment coverage for certain future Special Assessments, earthquake insurance and any other available insurance.

ARTICLE III
OWNERS GENERAL USE RESTRICTIONS

Article III defines the manner in which residential Condominiums may be used.

3.01 **Unit Use**

(a) A Unit may only be used for a single family dwelling.

(b) An Owner may lease a Unit for residential purposes if:

(1) There is a written agreement;

(2) The lease states it is subject to all the provisions of the Governing Documents and that any failure to comply with any provision of this Declaration or the other Governing Documents shall constitute a default under the terms of the lease;

(3) A copy of this Declaration is made available to each tenant or lessee by the Owner;

(4) The Owner gives the Board the names and telephone numbers of all Occupants;

(5) The Owner pays annual license tax to the City as required by Municipal Code Section 5.04.600;

(6) The Owner leases the Unit for a term longer than thirty (30) days. Leases for terms of thirty (30) days or fewer are prohibited. Short term vacation and transient rentals such as but not limited to those arranged through Airbnb, VRBO, or other short term rental services are expressly prohibited;

(7) The Association shall have a right of action directly against any Occupant for any breach of any provision of the Governing Documents.

(c) Subject to Declarant's rights in this Declaration, occupations and businesses that do not interfere with the residential nature of the Property or quiet enjoyment by other Owners may be carried on within a Unit, provided that all applicable laws, ordinances, zoning regulations and rules are satisfied and that there is no external evidence of any such occupation, such as an unreasonable increase in visitors, or an increase in the sound or smell emanating from the Unit.

3.02 **Common Area Use**

(a) Common Area and Exclusive Use Common Area, if any, may only be used for purposes which are compatible with usages customarily associated with common areas located within residential condominium developments in California, and subject to the limitations described in this Declaration and other Governing Documents.

(b) Any Owner may delegate their rights of use and enjoyment of any Common Area facilities to any Occupant. If an Owner has rented or leased the Condominium, such rights shall be automatically delegated to the tenants or lessees for the duration of their tenancy, and the Owner shall forfeit any rights to use and enjoy any such facilities for the duration of the tenancy.

3.03 **Nuisances**

(a) Illegal, offensive, obnoxious actions, or noxious odors are prohibited on the Property.

(b) An Occupant may not cause the level of noise or sound from the Unit to interfere with the quiet enjoyment of an Occupant of a Unit within the Project (e.g., loud music or television, shouting, slamming of doors, etc.)

(c) The Board shall have the right to determine if any unreasonable action, odor, noise or other conduct constitutes a nuisance, and to appropriately deal with the situation.

(d) Owners shall be accountable to the Association and other Owners for the conduct and behavior of Occupants of the Unit.

3.04 **Debris, Trash, Refuse, and Hazardous Materials**

(a) Weeds, rubbish, debris, objects or materials of any kind that are unsanitary, unsightly, or offensive may not be placed or permitted to accumulate in any Unit or the Common Area.

(b) No person shall discharge into the Project's sewer system, storm drain or any toxic or noxious liquids or materials in such concentrations as to be detrimental to or endanger the public health, safety, or welfare of an Occupant or violate any law.

3.05 **Signs**

(a) Subject to Civil Code Sections 712 and 713, and any local ordinance, an Owner may advertise a Condominium for sale or lease with signs with a size, format, and location previously approved by the Board.

(b) Owners are subject to Civil Code Sections 4705 and 4710 in regard to the display of non-commercial flags, banners, signs and posters.

(c) No other sign, poster, display, or advertising device may be displayed anywhere on the Property visible outside a Unit without the prior written consent of the Board.

(d) As long as Declarant owns a Condominium, Declarant may erect and maintain any signs, advertising devices or structures to conduct development, improvement, subdivision, sale or leasing operations on the Property without Board approval, as long as the activities do not unreasonably interfere with any Owner's use of the Property.

3.06 **Parking Regulations**

(a) All applicable provisions of the California Vehicle Code will be enforced on any private streets on the Property in accordance with California Vehicle Code Section 22658.

(b) Authorized Vehicles. The following vehicles are authorized within the Property: motorized land vehicles designed and used primarily for noncommercial passenger transport, such as automobiles, passenger vans designed to accommodate ten (10) or fewer people, two-wheel motorcycles, and pickup trucks having a manufacturer's rating or payload capacity of one (1) ton or less (collectively, "Authorized Vehicles"). Authorized Vehicles may be parked in any portion of the Property intended for parking of motorized vehicles.

(c) Prohibited Vehicles. The following vehicles are prohibited within the Property: recreational vehicles (e.g. motorhomes, travel trailers, camper vans, boats, etc.), commercial-type vehicles (e.g. stakebed trucks, tank trucks, dump trucks, step vans, concrete trucks, etc.), buses or vans designed to accommodate more than ten (10) people, vehicles having more than two (2) axles, trailers, or inoperable vehicles and parts of vehicles or aircrafts (collectively, "Prohibited Vehicles").

(d) Regardless of whether a specific vehicle meets the definition of an Authorized Vehicle or Prohibited Vehicle, the Board shall have the right to reasonably determine if a specific vehicle is permitted to be parked within the Project.

(e) The Board may establish parking Rules and Regulations.

(f) The Association has the right and obligation to enforce all parking restrictions and to remove any violating vehicles in accordance with the California Vehicle Code, or other applicable laws.

(g) No explosives, fireworks, or highly flammable material such as gasoline, kerosene, oil, oil-based paints, solvents, etc. may be stored in any garage.

(h) The Association shall ensure that:

(i) One (1) uncovered guest parking space in the Project is maintained and permanently marked "Guest Parking" and is intended for use by guests of Owners and Occupants in the Project and shall remain available as a guest space for the life of the Project. The guest parking space may not be used on a long-term or routine basis by Owners, Occupants or guests.

(ii) adequate space is made available to allow vehicles to be parked within all provided onsite parking spaces, including the guest parking space and garage parking spaces.

(i) Garage doors may not be left open, except as temporarily necessary or while used for entering or exiting.

(j) All vehicles of an Occupant shall be parked in the garage. Garage space shall not be converted into any use (such as a recreational room or storage room) that would prevent its use as parking for the number of vehicles the space was designed to contain.

3.07 **Pet Regulations**

(a) A reasonable number of domesticated pets may be kept in a Unit, provided they are not kept, bred or raised for commercial purposes and they are kept under reasonable control at all times. In Civil Code Section 4715 "Pet means any domesticated bird, cat, dog, aquatic animal kept within an aquarium, or other animal as agreed to between the association and the homeowner." The Board may establish rules and regulations governing size, weight and number restrictions of animals that may be allowed in the Project.

(b) In addition, small-domesticated pets (e.g., birds, hamsters, fish, turtles) may be kept in a contained environment (cage or aquarium), provided they are not kept, bred or raised for commercial purposes.

(c) No pets shall be permitted that are a nuisance or which create any unreasonable disturbance. If a pet is determined to constitute a nuisance, the Board may carry out enforcement measures, including fines and permanent removal of the animal from the Project.

(d) A pet may only enter the Common Area while on a leash held by a person capable of controlling it. No pet may be tied or left unattended in any Common Area.

(e) Owners and Occupants must prevent their pets from soiling the Common Area, and shall promptly clean up any waste left by their pets.

(f) The Owner of a pet is responsible for any damage to the Common Area caused by the pet. The Owner of a pet shall have sole liability for all damages claimed by any person harmed by such pet, and shall defend, indemnify and hold harmless all Owners, the management company, the Association and the Board of Directors from any and all losses, costs, and liability arising from having any pet on the Property.

(g) Occupants must obtain approval from the Owner before keeping pets in the Unit. The Owner shall be responsible for an Occupant's compliance with any Rules and Regulations regarding animals within the Project. Both the Occupant and Owner of the Unit shall have joint and several liability for any damage, including personal injury and property damage, claimed by any person harmed by such pet.

(h) No domestic dog shall be within the Property that has, when unprovoked:

(1) Bitten a person;

(2) Inflicted injury on or killed a human being;

(3) Been determined, by the Board or local governmental authority, to be potentially dangerous;

(4) On two separate occasions within the prior 36-month period, engaged in any behavior that required a defensive action by any person to prevent bodily injury when the person and the dog are outside the Unit of the Owner or keeper of the dog; or

(5) Killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal outside the Unit of the Owner or keeper of the dog.

3.08 **Antennas, Satellite Dishes, and Other Transmission Devices**

(a) No television, radio, data transmission poles, antennas, satellite dishes, and similar devices, other than those originally installed by the Declarant, shall be constructed, erected or maintained on or within the Project, unless authorized by the Board.

(b) Notwithstanding the foregoing, all restrictions on the foregoing devices, shall be subject to all applicable federal state and local laws, including, but not limited to, the Federal Telecommunications Act of 1996 and California Civil Code Section 4725.

3.09 **Window Covers**

Newspaper, aluminum foil or similar materials may not be used as window coverings.

3.10 **Indemnity by Owner**

Owners shall defend and indemnify and hold the Declarant, Association, the Board, Managing Agent, and other Owners harmless without limitation for any claims arising from the Owner's or Occupant's negligence or willful misconduct for damages caused and any costs incurred.

3.11 **Use/Alteration Affecting Insurance Rates**

(a) Acts that threaten cancellation or an increase of insurance rates for the Property are prohibited without Board approval.

(b) If a particular Owner's use or activity is the cause of increased insurance rates, the responsible Owner is personally liable for the additional insurance premiums for the Association.

3.12 **Sound Attenuation**

Each Owner must ensure that any changes to the Unit ((especially plumbing and flooring) shall not have the effect of increasing the level of noise or sounds that can be heard outside of the Unit above a sound level (impact and airborne sounds) of 55 dB(A).

(a) Floors. All changes to floors separating Units (tile, hardwood, stone, carpet, etc.) must provide State of California Building Code-compliant sound control properties for airborne and impact sound insulation. In addition, the floor/ceiling assemblies must satisfy the higher sound control requirements established for the Project as set forth herein. The impact sound insulation rating of the floor ceiling assemblies after installation must be Field Impact Insulation Class (FIIC) 50 or higher. Airborne sound isolation rating thereof must be Noise Isolation Class (NIC) 52 or higher.

(b) Walls. Walls must provide an airborne sound insulation sufficient to meet a Noise Isolation Class (NIC) rating of 52.

(c) Plumbing. All plumbing must be properly insulated for sound and isolated from studs, joints, and penetrations.

(d) Penetrations. Penetrations or openings for piping, electrical devices, recessed cabinets, bathtubs, soffits or heating, ventilating or exhaust ducts shall be sealed, lined, insulated, or otherwise treated to maintain the required sound insulation ratings.

(e) Required Testing. All alterations to walls and floors must be field tested under the supervision of a person experienced in the field of acoustical testing to determine compliance with the minimum sound control standards set forth herein. Non-compliant systems must be promptly brought into conformance or removed and replaced with approved materials/assemblies.

3.13 **Water and Sewer Systems**

No individual water supply system, water softener system or sewage disposal system is permitted in a Unit unless the system is designed, located, constructed and equipped in accordance with the requirements, standards, and recommendations of the applicable water or sewer district and any governmental health authority having jurisdiction.

3.14 **Declarant's Exemption from Use Restrictions**

(a) Sales of the Condominiums are essential to the successful establishment of the Project. So that all work necessary to complete the Project may proceed the Declarant has the following rights:

(1) To complete the build-out of the entire Project, including any Units, Common Area;
(2) To use the Common Area for sales and marketing of the Condominiums;
(3) To maintain and display signs, pennants and flags on the Project as may be necessary for the sale, lease of the Condominiums.

(b) These rights of Declarant shall terminate upon the sale of Declarant's entire interest in the Project. So long as Declarant, its successors and assigns, owns a Condominium, Declarant, and its successors and assigns, has these rights to complete and market the Condominiums.

3.15 **Balcony and Rooftop Restrictions**

Balconies appurtenant to an Owner's Unit shall not be used for storage purposes and shall be kept free of clutter and debris. Furniture and other structures placed on the rooftop deck of Unit 1 shall not exceed a height of forty-two (42) inches, with the exception of one single-pole umbrella. (Note: the rooftop deck was eliminated from the project plans for Unit 1 prior to building permit issuance.)

3.16 **Balconies Drains**

(a) Owners are responsible for the cleaning and maintenance of any drains to the balconies of their Unit. Improperly maintained drains may cause water blockage and/or potential flooding which can detrimentally affect the Property. Owners may be held liable for failing to clear the debris, leaves, garbage, dirt and other materials that may obstruct or block these drains and the drains in Common Areas.

(b) All repairs or changes to the drains shall be subject to prior approval of the Board. An Owner is obligated to promptly notify the Association if an Owner detects damage to such drains. Should an Owner fail to comply with the provisions herein, the Board is authorized to enter Owner's Unit or Exclusive Use Common Area to inspect and remedy the violation and shall be reimbursed by the Owner for any costs or expenses incurred thereto. Any failure of the Owner to promptly notify the Association or Board to comply with this Section shall be deemed a failure to mitigate damage in the event of a defect as defined in Section 896 of the California Civil Code that could have been avoided through preventive maintenance and may be cause for such claims to be denied.

ARTICLE IV
ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

Article IV defines Owners' Membership and voting rights.

4.01 **Organization**

The Association is a California nonprofit mutual benefit corporation charged with the duties and vested with the powers prescribed by law and set forth in the Governing Documents.

4.02 **Membership**

Every Owner is automatically an Association Member. Each Member shall be obligated promptly, fully and faithfully to comply with the provisions of this Declaration, and the Bylaws of the Association, and any Rules and Regulations from time to time which may be prescribed by its officers or Directors.

4.03 **Membership Classes**

(a) The Association has two (2) classes of voting Membership:

(1) Class A Members - All Owners (other than Declarant), entitled to one (1) vote for each Condominium owned.

(2) Class B Member - Declarant, entitled to three (3) votes for each Condominium owned by Declarant.

(b) Class B Membership irreversibly ceases and converts to Class A Membership three (3) years after the First Close of Escrow of a Condominium in the Project.

4.04 **Voting Rights and Requirements**

(a) Voting rights shall commence for each Condominium within the Project when Assessments against the Condominium have been levied by the Association.

(b) Co-Owners (i.e., where an Owner of a single Unit is comprised of more than one person) shall have the following voting rights:

(1) Each Co-Owner has an indivisible interest in a single Membership.

(2) Each vote on behalf of a Condominium is cast as a single unit, without fraction. If Co-Owners cannot unanimously agree how to cast their vote, they forfeit their right to vote on the matter in question.

(3) If a Co-Owner casts a vote representing a certain Condominium, it will be presumed for all purposes to be a vote with the authority and consent of all other Co-Owners of the Condominium.

(c) Approval by the Owners shall require majority approval of a Quorum unless any provision of the Governing Documents specifies a higher percentage for approval.

(d) No provision which requires the approval of a prescribed majority of the voting power of Members of the Association other than the Declarant for action to be taken by the Association is intended to preclude the Declarant from casting votes attributable to Condominium that Declarant owns.

4.05 **Consent to Electronic Meetings under Corporations Code**

The acquisition of ownership of a Condominium shall be deemed to be irrevocable consent of each Owner of record of the Condominium to have Association meetings of Members be conducted entirely by electronic video screen transmission by the Association without any physical location at which a member could attend in person. The electronic video screen transmission shall provide Members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the Members, including the opportunity to read or hear the proceedings of the meeting concurrently with the proceedings. The Board shall make and maintain a record of the votes and other action taken at such meetings. This consent shall be deemed to fulfill all requirements under Corporations Code Section 7510 (f).

4.06 **Transfer of Membership**

(a) Membership of each Owner shall be appurtenant to the Condominium owned and may only be (and is automatically) transferred upon conveyance of title to a Condominium to the new Owner.

(b) In connection with any transfer or change of Ownership of any Condominium, the Association and each Owner must comply with Civil Code Section 4525.

ARTICLE V
DUTIES AND POWERS OF THE ASSOCIATION

Article V describes in detail the duties and powers of the Association to govern its Members and maintain the Common Areas.

5.01 **Commencement of Duties**

The Association's responsibilities shall commence upon the First Close of Escrow of a Condominium. Notwithstanding the foregoing, if the contractors or subcontractors chosen by Declarant are contractually obligated to perform maintenance on the Common Areas or have warranted any work performed in the Common Areas, the Association shall accept the performance of such warranty or other contractual maintenance obligations.

5.02 **Specific Association Duties and Powers**

The duties and powers of the Association are those set forth in the Governing Documents, together with its general and implied powers as a nonprofit mutual benefit corporation, generally to do all things which are necessary or proper for the peace, health, comfort, safety and general welfare of the Project, including without limitation, the following:

(a) Enforce the applicable provisions of the Governing Documents and other instruments for the Ownership, management and control of the Project;

(b) Contract for goods and services for Common Areas;

(c) Borrow money and to mortgage, pledge, or otherwise hypothecate any of its real or personal property as security for money borrowed or debts incurred;

(d) Have the Board adopt and enforce reasonable Rules and Regulations not inconsistent with the Governing Documents that comply with Civil Code Sections 4340;

(e) Exercise any powers normally exercised by residential homeowner associations under the laws of the State of California; and

(f) Have the authority, through the Board, to enter into a maintenance agreement for the Common Areas with Declarant for temporary suspension of a portion of Regular Assessments.

(g) To the extent not assessed to or paid by the Owners, the Association shall pay all real and personal property taxes and assessments levied upon any portion of the Property. In addition, if the Condominiums in the Project are taxed under a blanket tax bill covering all of the Condominiums, each Owner shall pay his or her proportionate share of any installment due under the blanket tax bill to the Association at least ten (10) days prior to the delinquency date; and the Association shall transmit the taxes to the appropriate tax collection agency on or before the delinquency date.

(1) Blanket taxes shall be allocated among the Owners and their Condominiums based upon the prorated square footage of each Unit. The Association shall, at least forty-five (45) days prior to the delinquency date of any blanket tax installment, deliver to each Owner a copy of the tax bill, along with a written notice setting forth the Owner's obligation to pay his or her proportionate share of the tax installment and the potential additional charges to the Owner for failure to comply.

(2) The Association shall pay the taxes on behalf of any Owner who does not pay his or her proportionate share. The Association shall add to the Annual Assessment of a delinquent Owner the amount of any sum advanced, plus interest at the rate of ten percent (10%) per annum and any amount necessary to reimburse the Association for any penalty or late charge actually assessed in connection with the blanket tax bill, which late charge results from the failure of the delinquent Owner to make timely payment of his or her proportionate share of the taxes.

5.03 **Authority of Board to Alter Boundaries of Condominiums**

If any building or portion thereof containing Condominiums is damaged or destroyed or in need of renovation or rehabilitation and the building is repaired or reconstructed, the Condominium building may be repaired or reconstructed in a manner that alters the boundaries of the Units and/or Common Areas provided all of the following conditions are satisfied:

(a) The alteration has been approved by the Board of Directors, by Members holding a majority of the Total Voting Power of the Association, by the City, and by the holders of any First Mortgages to the extent required herein;

(b) The Board has determined that the alteration is necessary in order to comply with current building code requirements, to meet current building construction standards and procedures, or to improve the conditions and quality of the Condominium building;

(c) The alteration does not materially change the location of any Unit or materially reduce the size of any Unit without the consent of the Owner of such Unit and the holders of any First Mortgages thereon. For purposes of this Declaration, a material reduction in the size of the Unit shall mean any alteration that increases or decreases the square footage of the interior floor space of the Unit by more than five percent (5%) from that which was originally constructed by Declarant;

(d) The Board has determined that any alteration that will relocate or reduce the Common Areas will not unreasonably interfere with the rights of the Owners and occupants to use and enjoy the Common Areas; and

(e) The Condominium Plan is amended to reflect the alteration to the Units or Common Areas.

5.04 **Right of Entry**

(a) The Association has the right to enter any Unit or its Exclusive Use Common Area to determine compliance with the Governing Documents and to perform its duties, including the duties to maintain the Condominium building and to enforce the Governing Documents.

(b) In case of emergency, or by court order, a Unit may be entered immediately.

(c) Absent an emergency or court order, a Unit or its Exclusive Use Common Areas may only be entered at reasonable hours after the Owner has received three (3) days' written notice. The written notice of entry must state explicitly the Declarant/Association's reason for the necessity to enter any Unit or Exclusive Use Common Area.

(d) Entry must be made with as little inconvenience as possible to the Owner/Occupant and without a breach of the peace. If the Association has reason to expect a breach of the peace upon entry, it may take such preventive steps as it deems necessary, including obtaining a court order.

ARTICLE VI
COVENANTS FOR ASSESSMENT

Article VI describes Assessments which Owners pay in order to fund Association functions, including maintenance, insurance, etc.

6.01 **Assessments**

(a) Assessments shall be levied by the Association for improvement and maintenance of the Common Area, administration of the Property, and to promote the recreation, safety, and welfare for the common good of all the Owners.

(b) Each Owner, by acceptance of a Deed to a Condominium, whether or not it shall be so expressed in any deed, covenants and agrees to pay all Assessments to the Association.

(c) Assessments and related interest, collection costs, and reasonable attorneys' fees are the personal obligations of the Owner, but are not the personal obligation of successors in title unless expressly assumed by them. The Condominium remains subject to any Assessment liens of record, except upon Foreclosure of a First Mortgage, as stated in the Article entitled "*Mortgagee Protection*."

(d) Pursuant to Civil Code Section 5600, the Association shall comply with obligations under the Governing Documents regarding levying Regular and Special Assessments.

(e) Pursuant to Civil Code Section 5600(b), the Association may not collect an Assessment or fee that exceeds the amount necessary to defray the costs for which it is levied.

(f) Pursuant to Civil Code Section 5605(a), 5300(b), and 4070, the Association shall comply with all requirements regarding annual increases in Regular Assessments.

(g) Pursuant to Civil Code Section 5605(b), the Board shall comply with all regulations regarding imposing Regular or Special Assessments and complies with all regulations regarding approval of a majority of quorum members as per Civil Code Section 4070 and defined in Section 5605(c).

(h) Pursuant to Civil Code Section 5610, the Board shall comply with all regulations regarding Assessments necessary for emergency situations as defined in Section 5605.

6.02 **Commencement; Due Dates of Assessments**

(a) Regular Assessments against all Condominiums in the Project commence on the first day of the month following the First Close of Escrow within the Project.

(b) Regular Assessments shall be due and payable in any reasonable manner established by the Board.

6.03 **Assessment Rate**

Regular Assessments and Special Assessments shall be levied equally between the Condominiums.

6.04 **Assessment Duties of the Board of Directors**

(a) The Board must levy Regular and Special Assessments in compliance with Civil Code Section 5600, 5605, 5610, 5615, 5620 and 5625.

(b) The Board must establish separate bank accounts for operating monies and reserve monies.

6.05 **Effect of Nonpayment of Assessments: Delinquency and Remedies of the Association**

(a) An Assessment is delinquent ("Delinquent Assessment") if not paid within fifteen (15) days after the due date. A Delinquent Assessment includes:

(1) A late charge imposed by the Board to the maximum amount in accordance with California Civil Code Section 5650(b);

(2) Reasonable collection costs and attorney's fees; and

(3) Interest on all costs and charges at the maximum permissible rate, commencing thirty (30) days after the Assessment is due.

(b) Delinquent Assessments and related costs will be a continuing lien on the relevant Condominium when a "Notice of Delinquent Assessment" is recorded against an Owner's fee interest in a Condominium.

(c) Notwithstanding the foregoing, a Compliance Assessment imposed by the Board as a disciplinary measure for failure of an Owner to comply with the Governing Documents may not become a lien against the Owner's Condominium enforceable by a sale of the Condominium in accordance with the provisions of Sections 2924, 2924(b) and 2924(c) of the Civil Code. However, this does not apply to charges imposed against an Owner consisting of reasonable late payment penalties for Delinquent Assessments and/or charges to reimburse the Association for the loss of interest or for costs reasonably incurred including attorney's fees in its efforts to collect other Delinquent Assessments.

(d) In addition to all other legal rights and remedies, the Association may:

(1) Bring legal action against an Owner who is personally obligated to pay the Assessment and charges (without foreclosing or waiving any lien security);

(2) Judicially foreclose the lien against the Condominium, including the Assessment, interest, collection costs and late charges;

(3) Foreclose the lien by power of sale in accordance with California Civil Code Sections 2924-2924h, or any other lawful manner; or

(4) Bid on the Condominium through authorized agents at the Foreclosure sale, to acquire and thereafter to hold, lease, mortgage or convey.

6.06 **Waiver of Exemptions**

Each Owner waives to the extent permitted by law, the protections of any homestead or exemption laws as applied to any action to enforce the assessments levied by the Association.

ARTICLE VII
ARCHITECTURAL CONTROL

Article VII addresses alterations which Owners may wish to make to their Units. The Board's unanimous approval must be obtained for most such changes.

7.01 **Approval by the Board**

(a) Any exterior alteration or Improvement or change to the exterior of a Unit anywhere on the Property (including any Common Area) must first be approved in writing by the Board.

(b) Complete plans and specifications must be submitted in writing to the Board showing plot layout, materials, sizes, color, design and landscaping, and with the signature of the Owner.

7.02 **Certain Procedures for the Board**

(a) If the Board fails to rule on a proposal within thirty (30) days after complete plans and specifications have been submitted as outlined below, the plans will be considered automatically approved.

(b) Complete plans and specifications must be either:

(1) Personally delivered to a Board Member; or

(2) Mailed postage prepaid, certified mail, return receipt requested to the Board at its current address.

7.03 **No Waiver**

Board approval of a proposal does not limit the Board's right to withhold approval for similar proposals.

7.04 **No Liability**

The Association and Board (including officers, Directors, employees, agents and Members) are not liable in any way for loss, damage or injury connected with the Board's duties, unless there is evidence of willful misconduct or bad faith (in which case only the guilty person(s) are liable).

7.05 **Review Standards**

(a) The Board must approve or reject plans and specifications submitted for proposed construction or alteration based on:

(1) Aesthetic aspects of design, scale, character, placement, landscaping, color, finish, materials, and harmony with existing and neighboring structures; and

(2) Overall benefit or detriment to the Property and the area immediately surrounding the Unit involved.

(3) Conformance with applicable requirements, including this Declaration and conditions of approval for the Project.

(b) The Board is not responsible for approval of plans from the standpoint of structural safety or conformance with building codes.

7.06 **Rules and Regulations**

The Board may adopt, amend and repeal reasonable Rules and Regulations to implement the provisions hereof.

7.07 **Solar Energy Systems**

(a) Except for any Solar Energy Systems originally installed by Declarant, no Solar Energy System may be installed on a Unit unless and until (i) the Owner provides the Association and each of the Owner's neighbors who may be affected by the installation of the Solar Energy System with the notice set forth in California Public Resources Code Section 25982.1, and (ii) the Solar Energy System has been approved in writing in accordance with the design review provisions governed by this Declaration, including guidelines and operating rules adopted by the Board of Directors. Owner seeking approval of a Solar install shall submit to the Association detailed drawings and specification and related scope of work setting forth the location of the installation, the method and manner of attachment to the roof and method of maintaining the roof waterproofing system without increased expense or risk of failure. A Solar Energy System that is proposed to be installed on a Unit must meet all applicable requirements of California Civil Code Section 714(c) and California Public Resources Code Section 25981(d). Each Owner shall be responsible for the maintenance and costs of the Solar Energy System that benefits their Unit.

(b) Solar Requirements for Owners. For purposes of this Section, the work involved in operating, upgrading, removing, re-installing or replacing a Solar Energy System shall be referred to as "Solar Install Work." The work involved in the ongoing maintenance and repair of the Solar Energy System shall be referred to as "Solar Maintenance Work." The Solar Install Work and Solar Maintenance Work are referred to collectively herein as "Solar Work."

(c) Approval of Solar Energy Systems. The installation of a Solar Energy System or upgrade to a Solar Energy System shall require the prior written approval of the Association. Reasonable restrictions on the installation of a Solar Energy System may be adopted and applied, so long as the restrictions do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance as provided under California law. A Solar Energy System shall be appropriately certified and comply with the requirements for such systems as set forth in the Solar Rights Act (California Civil Code Section 714, as may be amended from time to time). The criteria for approval of the installation of a Solar Energy System may implement relevant provisions of the Solar Rights Act and the Solar Shade Control Act (California Public Resources Code Sections 25980 to 25986, as may be amended from time

to time) and the provisions of this Section, but shall not otherwise be any more restrictive or subject to more scrutiny than those for any other improvement.

Any restrictions, design guidelines or Association Rules applied to Solar Energy Systems must comply with the Solar Rights Act and the Solar Shade Control Act. The Association shall have no obligation to determine compliance with the Solar Rights Act or Solar Shade Control Act or to consider the impact of landscape, present or future, on Units adjacent to a Solar Energy System and shall have no liability to any person for not considering any potential landscape impacts or compliance with the Solar Shade Control Act or compliance with the Solar Rights Act.

(d) Solar Contractors. Solar Work shall be performed by an actively licensed, bonded and adequately insured contractor who is trained and certified to perform Solar Work on the type of roof-mounted Solar Energy System subject to the Solar Work ("Solar Contractor") and shall at all times while performing any Solar Work maintain insurance as required below. The Association shall have the right to impose additional requirements on a Solar Contractor in order to assure that any Solar Work will be performed in a safe manner in compliance with all applicable laws. The Association shall be entitled to require proof of adequate broad form completed operations liability insurance coverage without limitation for work on multifamily dwelling such as condominiums or planned developments, including being named an additional insured on the policy as to third party claims.

(e) Liens. Owners shall not suffer or permit to be enforced against the Association, or any part thereof, or any Association member, any mechanics', materialmen's, contractors' or subcontractors' liens, claims or demands arising from the activities of the Owner or his/her agents on the Association. If any such lien, claim or demand occurs, the responsible Owner shall obtain and record the bond provided for in the California Civil Code, or any comparable statute hereafter enacted, in order to effect the removal of such lien, claim, demand or action within ten (10) business days after the filing of such lien, claim or demand; provided that the Owner shall have the right to contest in good faith any such lien, claim, demand or action. The Association reserves the right to post and maintain on the Project such notices as may be necessary to protect Association against liability for all such liens, claims and demands.

(f) Fixture Filings. Any fixture filings made by the Owner's Solar Contractor shall be recorded against the Owner's Unit only and shall not encumber other Units within the Project or any Common Area.

(g) Payment of Claims. In addition to Association's other rights and remedies under this Declaration, should any Owner fail within ten (10) business days of a written request from Association to pay and discharge any lien or claim arising out of the Owner's or Owner's Solar Contractor's use of a Common Area or to have bonded around such liens or claims as provided above in this Agreement, then the Association may, at its option, pay any such lien, claim, demand, injury or damages, or settle or discharge any action or satisfy any judgment, and all associated costs, expenses and other sums incurred by Association shall be paid by the Owner to the Association upon written demand, together with interest at the rate of ten percent (10%) per annum. After notice and a hearing, the Association shall have the authority to assess a reimbursement assessment against the Owner which may be enforced by any remedy available under the Governing Documents, including lien foreclosure of the Owner's Unit.

(h) Insurance. As a condition to performance of the Solar Work, Owners shall provide proof of appropriate limits of broad form liability with completed operations insurance by the Owner and by the Solar Contractor in accordance with the requirements set forth in the Association Rules.

(i) Insurance of the Solar Energy System. All Owners acknowledge that the Association will not maintain any property insurance on any Owner-installed Solar Energy System under the Association's master

property insurance policy. It is the Owner's responsibility to maintain property insurance for the Solar Energy System.

(j) Roof Warranty. Owners shall be personally liable for any repair or replacement costs incurred by the Association to any element of the Common Area or Units, or repair or replacement costs which result from the voiding or otherwise limiting of a common area roof warranty directly or indirectly related to Owner's Solar Install Work. Association may condition approval of the Solar Install Work on confirmation that any applicable roof warranty will not be impaired or voided by the Solar Install or alternatively, that Owner shall assume financial responsibility for repairs or warranty work on the roof area upon which the Solar Install is located.

(k) Performance of the Work. Improper performance of the Solar Work could cause damage to structures, posing a potential safety hazard to other owners and personal property. Owners shall cause the Solar Install Work to be performed in a safe, good and workmanlike manner which will minimize interference with other Owners in the Project and in accordance with industry standards, the manufacturer's plans, specifications and requirements, the Owner's application for architectural approval, this Declaration and applicable laws. No changes in plans and specifications shall be made without the Association's prior written approval. Owners shall obtain and pay for all permits, licenses and City or other inspections made necessary by the Solar Install Work and agree to comply with all applicable City ordinances, building and safety codes and manufacturer's instructions.

(l) Notice to the Association. Owners shall provide at least fifteen (15) days' written notice to the Association prior to starting Solar Install Work.

(m) Owner Responsibility for Damages. Each Owner assumes full financial responsibility for any damage resulting to persons or to the Common Area, Owner's Unit, other Units, roof of the building or property owned by the Association or other persons caused by the Solar Work, including without limitation, damage to the structural integrity, watertight properties, durability, load capacity, roof maintenance expenses or useful life of the roof of the building. Each Owner is liable for any personal injury or damage occurring to the roof, Common Area, or other property owned by the Association arising from the Solar Work. If the Solar Energy System is removed, the Owner shall engage a competent, licensed and insured contractor to restore the affected area of the roof and any other affected locations, if any, to their original condition or alternatively, agree to reimburse the Association for all costs related to restoration of these areas by the Association's contractor.

(n) Indemnification. To the fullest extent permitted under California law, each Owner shall indemnify, protect, defend (including payment of attorney's fees of counsel of indemnitee's choosing) and hold the Association and all other Owners of Units located within the Project, and their respective successors and assigns, and its officers, directors, successors and assigns, the management company for the Association and the Declarant entirely free and harmless from and against any and all claims, costs, expenses, liabilities, actions and damages, including without limitation, attorneys' fees and costs and costs of enforcing this indemnification (collectively, "Claims") arising from or attributable to any acts or omissions of Owner, the Solar Contractor, or any of their respective heirs, personal representatives, successors, assigns, officers, agents, employees, subcontractors, or material suppliers arising out of or based upon Solar Work or the Solar Install Work. This indemnity does not include any Claims to the extent they arise out of the gross negligence or willful misconduct of the Association.

(o) Maintenance. Owners shall be responsible for any Solar Maintenance Work performed by Owner or Owner's contractors as provided herein. Only Solar Contractors that have been approved by the Association shall be permitted access to the roof for the purposes of performing Solar Maintenance

Work. Each Owner is responsible for keeping their Solar Energy System in good working order and condition. Owners shall use an approved service provider to inspect the Owner's Solar Energy System as reasonably necessary, and not less than annually, to ensure their Solar Energy System is functioning properly and not causing damage to any portion of the roof or related Common Area components on the affected building. The Association shall have the right, but not the obligation, to oversee any Solar Maintenance Work to be completed on behalf of an Owner to ensure that the roof of the affected building is not damaged. Owner shall provide to Association an annual maintenance inspection report from Owner's Solar Contractor confirming the condition of the system and roof affected thereby. Each Owner takes full financial responsibility for and releases the Association from any liability for damage to persons or personal property within the Owner's Unit and the other Units in the affected building resulting from any Solar Maintenance Work including, without limitation, water intrusion through, around or under the Solar Energy System.

(p) Failure to Maintain Solar Energy System. If the Association determines that an Owner has failed or neglected to adequately maintain or repair the Solar Energy System, upon seven (7) days' prior written notice by Association to the Owner, Association shall have the right to maintain, repair or remove the Solar Energy System due to an Owner's failure to maintain the Solar Energy System and to charge that Owner for all expenses incurred, which may be added to that Owner's account as a special assessment as provided in this Declaration after notice and a hearing required by California law. If the Association determines that a dangerous condition exists or there is a threat to the safety of community residents caused by the Solar Energy System, the Association may remedy the condition without prior written notice to the Owner and pursue reimbursement as provided above.

(q) Association Roof Work. Each Owner agrees that performance of the Solar Work shall not interfere with the Association's maintenance, repair or replacement of the roof on the affected building ("Roof Work"). If the Association has to perform Roof Work, each Owner shall cooperate with the Association to timely remove any Solar Energy System located in the Roof Work area, at the Owner's expense, as provided below. Except in cases of emergency where reasonable notice will not be provided, the Association shall give Owners at least seven (7) days' prior written notice of its intent to have Roof Work performed, the location of the Solar Energy System that will be affected by the Roof Work, and a deadline by which Owners are required to remove the affected Solar Energy System. If any Owner fails to remove the Solar Energy System by the deadline stated in the Association's notice, then the Association shall have the right to employ a contractor experienced with solar energy systems to remove the Solar Energy System from the areas where the Roof Work will be performed, in which case the Association shall not be responsible for any loss or damage caused to such Solar Energy System during or after such removal, unless the Association commits gross negligence or willful misconduct in connection with such removal. If the Association removes the Owner's Solar Energy System, the Association shall charge the Owner for all expenses incurred for the removal, which may be added to the Owner's account as a special assessment after notice and hearing. After the Association's Roof Work is completed, the Owner may have the Solar Energy System re-installed by an approved Solar Contractor within ten (10) days of receipt of written notice from the Association that such Roof Work is complete. Each Owner shall be responsible for all costs for removal and reinstallation of their respective Solar Energy System in connection with any Roof Work.

(r) Damage and Destruction. In the event of any damage or destruction to the affected building, and as a result, the affected building is not rebuilt or repaired, the Association shall not have any liability or obligations to any Owner with regard to a Solar Energy System. If the affected building is rebuilt, Owners' right to access the roof to reinstall their Solar Energy System shall be suspended until such time as the affected building is complete and the Association authorizes the reinstallation.

(s) Notice to Prospective Buyers. Each Owner shall disclose in writing to prospective buyers the existence of any Solar Energy System and the related responsibilities of the Owner under the Governing Documents. The Association may require Owners to execute a covenant for recordation which expressly acknowledges all conditions and obligations for the Solar Energy System under the Declaration and shall bind successors and assigns of Owners.

(t) Safety. Because the Association has a legitimate safety interest in preventing personal injury or property damage occurring due to improper or unsafe Solar Work, each Owner must follow the safety guidelines. The Solar Work shall be performed in a manner that complies with all applicable codes, safety ordinances, city and state laws and regulations, and manufacturer's instructions.

(u) If an Owner must obtain a permit in compliance with a valid safety law or ordinance, then the Owner shall provide a copy of that permit to the Association before installation. The purpose of this requirement is to ensure that after the Solar Work is performed, the Solar Energy System is safely and securely fastened to the roof, and to minimize the possibility of detachment and resulting personal injury or property damage.

(v) Interruption of Service. Each Owner agrees that the Association shall not be liable for any interruption in service or for interference with the Solar Energy System when the Association maintains, repairs or replaces roof or other portions of the building.

(w) Non-Applicability to Declarant. The provisions of this Section 7.07 shall not apply to Declarant and nothing contained herein shall be deemed to require Association approval of any Solar Install Work performed by or at the request of Declarant in connection with the sale of a Unit to a first purchaser.

ARTICLE VIII
MORTGAGEE PROTECTION

Article VIII provides certain protections to holders of the First Mortgage on any Unit, in order to make it easier for Owners to obtain purchase money loans or refinancing.

8.01 **Subordination of Lien and Foreclosure**

(a) Any lien for Regular or Special Assessments created or claimed in this Declaration:

(1) Is subject and subordinate to the rights of any First Mortgage that encumbers any part of the Property made for value in good faith; and

(2) May not in any way impair or invalidate the obligation or priority of a First Mortgage unless expressly subordinated in writing by the Mortgagee. The signing of any Mortgagee to any subordination by lienholder included in this Declaration shall not constitute said lienholder's subordination to any future Assessment lien.

(3) The provisions of this paragraph (a) do not preclude other mortgage protections provided by California law.

(b) No breach of any provision of Declaration, nor the enforcement of any of its lien provisions, nor the Foreclosure of any lien created by or claimed under this Declaration, shall invalidate, affect or impair the lien of any Mortgage made in good faith and for value; but all of the covenants, conditions and restrictions shall be binding on any Owner whose title is derived through Foreclosure sale, Trustee's sale, or otherwise.

(c) Upon Foreclosure of a First Mortgage, the purchaser:

(1) Will take the Condominium title free of any Assessment lien accrued up to the time of the Foreclosure sale, except that in the event the net sale proceeds exceed what is owed on all encumbrances prior to the Assessment lien, the Association shall be entitled to receive payment on any Assessment lien; and

(2) Is only obligated to pay Assessments or other Association charges accruing after the title to the Condominium is acquired.

(d) Any First Mortgagee who obtains title to a Condominium by a deed in lieu of Foreclosure shall not be liable for more than six (6) months of the Condominium's unpaid Regular Assessments or charges accrued before acquisition of the title to said Condominium by the Mortgagee.

8.02 **Mortgagees Are Not Required to Cure Certain Breaches**

A First Mortgagee who acquires title by Foreclosure or by a deed in lieu of Foreclosure or assignment in lieu of Foreclosure shall not be obligated to cure an existing breach of this Declaration that is non-curable or of a type that is not practical or feasible to cure.

8.03 **Effect of Breach of Declaration**

(a) Breach of this Declaration may not:

(1) Cause any forfeiture or reversion of title; or

(2) Create any right of re-entry other than as provided for in this Declaration.

(b) Breach of this Declaration may be enjoined or abated by court action by the Association, Declarant, or any Owner, and damages may also be awarded provided that:

(1) The violation does not impair or invalidate the Mortgage lien or Deed of Trust made for value in good faith; and

(2) This Declaration binds any Owner whose title is derived through Foreclosure, Trustee's sale or otherwise.

8.04 **Exemption From Right of First Refusal**

(a) Any right of first refusal or option to purchase a Condominium that may be granted to the Association or other party may not impair the rights of a First Mortgagee to do any of the following:

(1) Foreclose or take title to a Condominium, pursuant to the remedies provided in the Mortgage;

(2) Accept a deed (or assignment) in lieu of Foreclosure in the event of default under the Mortgage; or

(3) Sell or lease a Condominium acquired by the Mortgagee.

(b) No right of first refusal or similar restriction may be placed on an Owner's right to sell, transfer, or otherwise convey a Condominium, unless the Mortgagee, if any, grants written consent for the restriction.

8.05 **Restrictions on Certain Changes**

(a) Except as provided by statute in case of condemnation or substantial loss to the Property, at least sixty-seven percent (67%) of Owners and at least fifty-one percent (51%) of the votes of Eligible First Mortgagees (based on one vote per Condominium for each Eligible First Mortgage held) must give written approval before the Association may do any of the following:

(1) Alter the method of determining Assessments or other charges levied against an Owner.

(2) Change, waive or abandon any regulations or enforcement pertaining to the architectural design, the exterior appearance or the maintenance of the Units or the Common Area.

(3) Fail to maintain Fire and Extended Coverage on insurable Common Area as specified in this Declaration.

(4) Amend the Governing Documents concerning any material provision, including but not limited to the following:

(A) Voting rights;

(B) Reductions in reserves for maintenance, repair, or replacement of the Common Area Improvements;

(C) Responsibility for maintenance and repairs;

(D) Reallocation of interests in the Common Area or Exclusive Use Common Area or rights to their use;

(E) Redefinition of any Unit boundary;

(F) Convertibility of Units into Common Area or Common Area into Units;

(G) Expansion or contraction of the Project or the addition, annexation, or withdrawal of property to or from the Project;

(H) Hazard or fidelity insurance requirements;

(I) Imposition of any restrictions on the leasing of Units except as provided herein;

(J) Imposition of any restrictions on a Unit Owner's right to sell or transfer his or her Unit;

(K) Restoration or repair of the Project (after damage or partial condemnation) in a manner other than that specified in this Declaration;

(L) Any provisions that expressly benefit Mortgagees, insurers, or guarantors; or

(M) Any action to terminate the legal status of the Project after substantial destruction or condemnation occurs.

(b) Except as provided by statute in case of condemnation or substantial loss to the Property, at least sixty-seven percent (67%) of the votes of the First Mortgagees (based on one vote per Unit for each Eligible First Mortgage held), in addition to the vote required from Owners, must give written approval before the Association may, by act or omission, do any of the following:

(1) Abandon, partition, subdivide, encumber, sell or transfer any portion of a Unit or Common Area (other than granting easements as specified in this Declaration);

(2) Partition or subdivide any Unit;

(3) Seek to abandon or terminate the legal status of the Property;

(4) Use hazard insurance proceeds for losses to the Property (Unit or Common Area) for other than repair, replacement or reconstruction of the Property;

(5) Change the pro rata interest or obligation of any Unit for the purpose of: (i) levying Assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, or (ii) determining the pro rata share of each Owner in the Common Area, provided that no Owner's undivided interest in the Common Area may be changed without the consent of that Owner;

(6) Change or alter the priority of any liens created by or claimed under this Declaration;

(7) Modify or amend any provisions that are for the express benefit of First Mortgagees, insurers or governmental guarantors of First Mortgages;

(8) Modify or amend any provisions of this Declaration regarding insurance;

(9) Modify or amend any provisions of this Declaration which is a requirement of the FHA, VA, GNMA, FHLMC or FNMA.

(c) An Eligible First Mortgagee's approval will be considered granted if a negative response is not delivered to the Board within sixty (60) days after the Eligible First Mortgagee receives written notice of the proposed action, provided the notice was delivered by certified or registered mail, with a return receipt requested.

(d) Any addition or amendment to the Declaration or Bylaws shall not be considered material if it is for the purpose of correcting technical errors, or for clarification only.

8.06 **Inspection of Association Books and Records**

Any First Mortgagee has the right to examine the books and records of the Association during business hours and after notice to the Association. Any First Mortgagee shall be entitled, upon written request, to have an audited financial statement for the immediately preceding year, free of charge to the party so requesting.

8.07 **Condemnation Awards and Insurance Proceeds**

Condemnation awards or insurance proceeds for losses to or taking of Units or Common Areas shall be distributed to the Owners in proportion to the fair market value of their Unit, provided that if at the time of distribution there is a Mortgage on any individual Unit, the balance of such Mortgage (in order of priority) shall first be paid before the distribution of any awards or proceeds to the Owner whose Unit is mortgaged. Any provision to the contrary in this Declaration, the Bylaws, or other Governing Documents is to such extent void.

8.08 **Loss Payable Endorsement**

All applicable fire, physical loss or extended coverage insurance policies must contain loss payable clauses naming the Mortgagees who encumber the Condominiums.

8.09 **Mortgagee's Right to Attend Meetings**

Any Mortgagee may appear at Association and Board meetings, but is not eligible to vote except as provided in Section 8.05.

8.10 **Payments by Mortgagees**

(a) First Mortgagees may pay the following jointly or severally:

(1) Taxes or other charges in default which may be a charge against any part of the Common Area; and

(2) Overdue premiums on hazard insurance policies, or to secure new hazard insurance coverage on the lapse of a policy for the Common Area.

(b) Upon such payments, the Association:

(1) Owes immediate reimbursement to First Mortgagees making such payments; and

(2) Must, upon Mortgagee's request, execute an agreement that reflects the First Mortgagees' entitlement to such reimbursement.

8.11 **Notices to Mortgagees**

(a) Each Eligible First Mortgagee is entitled to timely written notice of:

(1) Any condemnation or casualty loss that affects a material portion of the Project or the Unit securing its Mortgage;

(2) Any sixty-day delinquency in the payment of Assessments or charges owed by the Owner of any Unit on which it holds the Mortgage or any other breach or default under the Governing Documents by the Owner of any Unit on which it holds the Mortgage;

(3) A lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association; and

(4) Any proposed action that requires the consent of a specified percentage of Eligible First Mortgagees.

(b) To obtain the information above, the Mortgagee, insurer or guarantor must send a written request to the Association, stating both its name and address and the Unit number or address of the Unit for which it has the Mortgage.

8.12 **Loan to Facilitate Resale**

Any First Mortgage given to secure a loan to facilitate the resale of a Unit after acquisition by Foreclosure, or by a deed in lieu of Foreclosure or by an assignment in lieu of Foreclosure, shall be deemed to be a loan made for value in good faith and entitled to all of the rights and protections of First Mortgages under this Declaration.

8.13 **Control if Mortgagee Protections Conflict With Other Provisions**

In the event of any conflict between any of the provisions of this Article and any other provisions of this Declaration or the Governing Documents, whether now or as hereafter amended, the provisions of this Article shall control.

ARTICLE IX
DESTRUCTION OF IMPROVEMENTS

Article IX concerns restoration or other disposition in the case of damage or destruction of Common Areas.

9.01 **Restoration of the Property**

In case of casualty damage to Common Area Improvements, the Association will repair and substantially restore the Common Area Improvements in accordance with the original as-built plans and specifications, modified as may be required by applicable building codes and regulations in force at the time of such repair or reconstruction:

(a) If insurance proceeds cover at least eighty-five percent (85%) of repair costs, the Association will repair the damage and levy a reconstruction Assessment equally against the Owners to make up the balance of repair costs not covered by the insurance (according to the Article "Covenant for Assessments").

(b) If insurance proceeds cover less than eighty-five percent (85%) of repair costs, the Association will repair the damage and levy a reconstruction Assessment equally against the Owners for the balance of the repair costs not covered by the insurance, unless a majority of the Owners (other than Declarant) determine either:

(1) To rebuild in a less expensive manner than substantial replacement, utilizing all available insurance proceeds. The Association will levy a reconstruction Assessment equally against the Owners to raise any rebuilding cost in excess of insurance proceeds; or

(2) Not to rebuild. All net insurance proceeds for the damage (after expenses of clearing debris and making the damaged area aesthetically pleasing) are at the Association's discretion to perform its functions according to the Governing Documents or to distribute equally to the Owners (subject to the rights of Mortgagees of record).

(c) If the estimated cost of repair does not exceed five percent (5%) of the budgeted gross expenses of the Association for that fiscal year, the Board shall cause the repair to occur without the consent of Members irrespective of the available amount of insurance proceeds. The Board is empowered to levy a Special Assessment if necessary as described herein.

(d) If the Owners and Mortgagees determine that restoration costs would be substantial and reconstruction would not be in their best interests, the Owners may proceed as provided in Section 9.03 below.

9.02 **Notice to Owners and Listed Mortgagees**

Immediately upon learning of any material damage or destruction to the Common Area or any Unit, the Board must notify all Owners, and First Mortgagees, insurers or guarantors of any relevant Mortgagees who have filed a written request for Board notice (see "Mortgagee Protection" Article).

9.03 **Sale of Property and Right to Partition**

If the Owners elect not to rebuild, a qualified independent appraiser licensed by the State of California Office of Real Estate Appraisers selected by the Board shall determine the relative fair market values of all Condominiums as of a date immediately prior to any damage or destruction and the proceeds of insurance shall be apportioned among all Owners, and their respective Mortgagees, in proportion to such values.

9.04 **Damage to Dwellings**

(a) The repair or reconstruction of any damaged Units shall commence as soon as reasonably practicable after the occurrence of such damage or destruction and shall be completed as quickly as is reasonably practicable after commencement of reconstruction, subject to delays that are beyond the control of the party responsible for making the repairs.

(b) If an Owner is required to make any repair, or if an Owner desires to rebuild any Improvement or install any fixture or equipment, which will affect or involve any interior bearing wall or other portion of the Common Area, the prior written approval of the Board must be obtained.

(c) Notwithstanding the foregoing, the Owner must immediately take reasonable steps as required to secure any hazardous conditions resulting from the damage or destruction and to screen any unsightly views resulting from the damage or destruction.

ARTICLE X
CONDEMNATION

Article X concerns condemnation of Common Areas by a governmental entity.

10.01 **Representation by the Board in Condemnation Proceedings**

(a) If any portion of a Common Area is to be condemned or sold by eminent domain, the Board (or its delegation) will:

(1) Represent Owners in the proceedings;

(2) Immediately give notice of the condemnation threat to all Mortgagee, insurers and guarantors of First Mortgages who have filed written requests for notices; and

(3) Be entitled to make a voluntary sale to the condemner in lieu of engaging in a condemnation action.

(b) Any award received shall be paid to the Association on behalf of the Owners, including Declarant, if Declarant still owns any Condominium.

(c) If only part of a Common Area is affected, the rules regarding restoration and replacement of the Common Area and Improvements apply as if in the case of destruction.

(d) If any of the net condemnation award is not used to restore the remaining Common Area, the Association will handle the award in accordance with the Article entitled, "*Damage and Destruction to Improvements*."

10.02 **Distribution of Award**

(a) In case of condemnation or sale by eminent domain, the Board must distribute any award according to these provisions (after deducting fees and expenses related to the condemnation proceedings).

(b) Any award must first be distributed to the Owners in proportion to the fair market value of their Condominium, provided that if at the time of distribution there is a Mortgage on any individual Condominium, the balance of such Mortgage (in order of priority) shall first be paid before the distribution of any awards or proceeds to the Owner whose Condominium is mortgaged.

(c) If a condemnation judgment apportions the award among the Owners and Mortgagees, the Board will distribute the remaining amount (after deductions above) according to the terms of the judgment allocation.

(d) If by sale under threat of condemnation (or if the judgment of condemnation fails to apportion the award), the Board will distribute the award based upon relative values of the affected Condominiums as determined by a qualified independent appraiser licensed by the State of California Office of Real Estate Appraisers that is selected by the Board.

ARTICLE XI

COVENANT AGAINST PARTITION AND RESTRCTION ON SEVERABILITY OF CONDOMINIUM COMPONENT INTEREST

Article XI governs partition of the Property.

11.01 **No Partition; Exceptions**

(a) An Owner may not bring an action for partition of the Common Area by sale except as provided in California Civil Code Section 4610.

(b) These provisions do not prevent a judicial partition between co-tenants of a Condominium.

11.02 **No Separate Conveyance of Condominium Components**

(a) An Owner may not sever, sell, convey or encumber a Condominium's component interests, such as the undivided interest in the Common Area from the Unit.

(b) The provisions of this Section terminate when a partition is decreed, either judicial or in accordance with this Article.

ARTICLE XII
EASEMENTS

Article XII addresses easements within the property.

12.01 **Creation of Easements**

The easements reserved in this Declaration are created upon the First Close of Escrow in the Project.

12.02 **Reservation of Easements for Declarant's Construction and Marketing Activities**

(a) So long as Declarant owns any Condominium, it shall have an easement over the Common Areas for:

(1) Constructing, erecting, completing, and maintaining Improvements for the development of the Project;

(2) Sales and promotional activities, including the use of a Unit or Units as models, a sales office and).

(3) The installation, maintenance, and repair of the Service Lines and Facilities.

(b) The easements reserved to Declarant shall not unreasonably interfere with the use and enjoyment by the Owners of the Property.

12.03 **Certain Easements for Association**

(a) The Association has, and may grant, non-exclusive easements and rights of way for ingress, egress, and access to all portions of the Property as reasonably required to perform its maintenance obligations and other duties established in this Declaration.

(b) Further, the Association is granted utility and drainage easements provided to maintain the health, safety, convenience, and enjoyment of the Units and Common Area.

(c) Declarant hereby reserves for the benefit of the Association the right to grant additional easements and rights-of-way over the Property to utility companies and public agencies, as necessary, for the proper development and sale of the Property.

(d) The Association shall have the right and power to grant and convey to any third party, easements, and rights of way in, on, over, or under the Units and the Common Area for the purpose of construction, erection, maintenance, repair, replacement, removal, and inspection of present and future utilities, including, but not limited to, pipelines, sewer, water and gas lines, drain pipes, utility and telephone lines, meters and related facilities, lines, cables, wires, or other conduits or devices for water, gas or cable television, electricity, power, telephone, and other purposes and any other similar public or quasi-public improvements or facilities.

(e) The Association shall have the right and power to grant easements over the Common Area to the extent required by a Solar Energy System provider. The terms and conditions of the easement shall be memorialized in an easement agreement to be recorded and run with the land.

12.04 **Easements for Owners**

(a) Declarant grants non-exclusive easements for enjoyment, ingress, egress, pedestrian walkway, and general recreation purposes over and upon all portions of the Common Area (except Exclusive Use Common Areas) to all Owners, subject to other provisions of the Governing Documents.

(b) Owner rights and duties with respect to Service Lines and Facilities (i.e. drainage facilities, sanitary sewer, water, electricity, gas, telephone, cable television, security system lines, meters, wires, ducts, flues, pumps, boilers, pipes, conduits, data lines, flues, and other similar lines and facilities are as follows:

Easements for Service Lines and Facilities in Units or Common Area is granted in favor of the Owner of a Unit or Association served by said Service Lines and Facilities to the full extent necessary for the use, maintenance and repair by the Owner, Association, or servicing company;

If Service Lines and Facilities are located within a Unit other than the Unit served by those Service Lines and Facilities, the Owner of any Unit served by those Service Lines and Facilities shall have the right of reasonable access for themselves or for utility companies to repair, replace, and generally maintain those Service Lines and Facilities.

12.05 **Drainage Easements**

(a) The Association and each Owner accept the sewer and drainage facilities and pattern for the Units and Common Area established by the final grading of the Property originally undertaken by Declarant (including "cross-unit" drainage from adjacent Units and Common Areas).

(b) The established drainage pattern may not be altered without prior written approval by the Association and/or Architectural Committee.

12.06 **Encroachment**

The existing physical boundaries of Units and its Exclusive Use Common Areas, if any, or of the Common Area, including any possible encroachments, shall be the actual boundaries, rather than any description and/or depiction set forth in this Declaration, the Condominium Plan, or instrument of conveyance.

ARTICLE XIII
AMENDMENT

Article XIII concerns amendments to the Declaration.

13.01 **Amendment**

(a) So long as Declarant owns all or any portion of the Property, and subject to the consent of the City and First Mortgagee, if any, Declarant may unilaterally amend this Declaration without the approval of Owners or the Association (subject to the Article entitled "*Mortgagee Protection*") by recording an instrument of amendment in the relevant County Recorder's Office, except as otherwise specially provided in this Declaration.

(b) After the sale of all Condominiums in the Property, this Declaration may only be amended in the following ways (and subject to City approval and the Article entitled "*Mortgagee Protection*"): with approval by at least seventy-five percent (75%) of the total voting power and upon the recordation of an instrument signed by two (2) Association officers certifying that the amendment was approved by the required number of Owners.

(c) No amendments to any provisions in this Declaration including, but not limited to, the Article entitled "*Enforcement and Dispute Resolution*" or other Governing Documents which specifically benefit or otherwise relate to the Declarant as developer, shall be made without the written consent of the Declarant.

(d) Notwithstanding any other portion of this Section, Declarant, even if it does not own a Condominium, may unilaterally amend this Declaration by recording an instrument in writing, signed by Declarant, without the consent of the Board or Association, if the amendment is made to:
(1) conform this Declaration to the requirements of the VA, FHA, FNMA, FHLMC, or any other governmental entity; (2) supplement or amend this Declaration with provisions which pertain to rights and obligations of Declarant, the Association or Owners arising under the Right to Repair Act at Division 2, Part 2, Title 7 (commencing with Section 895) of the California Civil Code; or (3) to correct errors, clerical mistakes, correct any internal inconsistency or inconsistency with any Governing Document, or for clarification of any provision.

ARTICLE XIV
ENFORCEMENT AND DISPUTE RESOLUTION

Article XIV provides methods for enforcement and for resolving any claims and Disputes between Owners, the Association, and/or Declarant.

14.01 **Enforcement of Governing Documents**

The Association, and any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges under the provisions of the Governing Documents, including injunctive relief and the right to recover damages.

14.02 **Enforcement Between Association and Owner**

Any dispute between the Association and an Owner involving their rights, duties, or liabilities under this title, under the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code), or under the Governing Documents, shall, as may be required, be submitted to the procedures set forth in California Civil Code Sections 5900, *et seq*., and 5925, *et seq.*

This Section shall not be applicable to (a) those governed Disputes between the Association and Owner relating to the imposition or collection of Assessments, or (b) those subject to the Right to Repair Law, or California Civil Code Section 6000, *et seq*. (the "*Calderon Act*").

14.03 **Failure Not a Waiver**

The failure of any Owner, the Board, the Association or its officers or agents to enforce any of the Governing Documents shall not constitute a waiver of the right to enforce the same thereafter. No such failure shall result in or impose any liability upon the Board, or any of its officers or agents. Waiver or attempted waiver of any provision of this Declaration or the Association's other Governing Documents with respect to any Condominium shall not be deemed a waiver thereof as to any other Condominium, nor shall the violation of any provision hereof or thereof in respect to any Condominium affect the applicability or enforceability of any provision of this Declaration in respect of any other Condominium. A waiver of any enforcement right shall be only pursuant to an instrument in writing signed by the party to be charged with such waiver and shall be limited to the particular covenants, condition or restriction contained herein which is expressly set forth as being waived in such writing.

14.04 **Discipline for Breach**

After Notice and Hearing, the Board may do the following:

(a) Suspend Rights. Suspend an Owner's right to use the Common Area (other than the right of ingress and egress to the Owner's Unit): (i) for the period during which any Assessment, including any monetary penalty against such Owner's Unit, remains unpaid and delinquent, and (ii) for a period not to exceed thirty (30) days, or for as long as the violation continues for any other infraction of this Declaration, the Bylaws or the published Rules and Regulations of the Association committed by any Owner, or such Owner's guests, servants, family members, tenants or invitees.

(b) Impose Monetary Penalties. Impose a monetary penalty on any Owner in such amounts as determined by the Board and as more fully described in a schedule of monetary penalties set forth in the Rules and Regulations adopted and amended by the Board, for the failure to comply with and/or for any violation of the Governing Documents committed by such Owner, or such Owner's guests, servants, family members, tenants or invitees. The Board shall distribute to the Members, by personal delivery or first class mail, a copy of the schedule of monetary penalties adopted by the Board. Subject to other provisions herein, the Association and the Board shall have the same rights and remedies, including lien, foreclosure, late charge and interest rights, or seeking judicial enforcement for the enforcement and collection of monetary penalties as they have for the enforcement and collection of Assessments and any monetary penalty provided for herein shall be deemed to be a Special Assessment. Any infraction or violation of an ongoing nature shall subject the violating Owner to a continuing monetary penalty which may be assessed on a daily basis until the infraction or violation in question has been remedied.

(c) Judicial Relief. Seek judicial relief for the failure to comply with and/or for any violation of the Governing Documents committed by such Owner, or such Owner's guests, servants, family members, tenants or invitees. In a situation where injury to persons or property is immediately threatened, the Board may seek judicial relief without first complying with the Notice and Hearing provisions herein.

(d) Limitation on Enforcement Remedies. Except for the remedies provided in this Section, or as a result of a judgment or decree of a court or a decision arising out of arbitration or mediation or a foreclosure or sale under a power of sale based on the failure of an Owner to pay assessments duly levied by the Association as provided hereinafter, the Association does not have the power or authority to cause a forfeiture or abridgement of an Owner's right to the full use and enjoyment of the Owner's Condominium if the Owner does not comply with provisions of the Governing Documents.

14.05 **Notice and Hearing**

(a) General Provisions. The Board shall have the right to establish the Rules and Regulations for providing an Owner a hearing for an alleged violation of this Declaration, the Bylaws or the Association's Rules and Regulations where such Owner may have such Owner's common area privileges suspended and/or have a monetary penalty imposed. Such Rules or Regulations established and maintained by the Board shall be fair and reasonable, as required pursuant to California Corporations Code section 7341, and shall comply with Civil Code section 5855.

(b) Procedures. Notice and a hearing regarding monetary penalties, suspension of privileges, and any other disciplinary measures taken under this Declaration or the Association's other Governing Documents shall be accomplished as follows:

(i) Right to be Heard. The Owner being penalized shall be given an opportunity to be heard, either orally or in writing, at an executive session Board meeting;

(ii) Notice. Notice of the hearing shall be given either by personal delivery or first-class mail to the most recent address of the Owner as shown on the Association's records at least ten (10) days prior to the hearing. The notice shall contain, at a minimum, the date, time and place of the hearing, the nature of the alleged violation, the proposed monetary penalty or sanction, and a statement that the Owner has the right to attend the hearing and to address the Board at the hearing;

(iii) Procedure for Hearing. At the hearing, the Owner so charged shall have the right to be heard by the presentation of oral or written evidence and arguments. If the Owner fails or refuses to attend the hearing, the Board may decide the matter in such Owner's absence;

(iv) Decision of Board. Following the hearing, the Board shall decide whether the Owner shall in fact be penalized or sanctioned or assessed for damages, as applicable;

(v) Notice of Decision. Within fifteen (15) days of the hearing, the Board shall notify the Owner of its decision and the reasons therefore, either by personal delivery or first-class mail to the most recent address of the Owner as shown on the Association's records.

14.06 **Remedies Cumulative**

Each remedy provided for by this Declaration for breach of any of the covenants, conditions, restrictions, reservations, liens or charges contained herein shall be in addition to any other available remedy, whether provided for by law or in equity, and all of such remedies whether provided for by this Declaration or otherwise shall be cumulative and not exclusive. In addition, except for the nonpayment of any Assessments provided for herein, it is hereby expressly stipulated that the remedy at law to recover damages for the breach or violation of this Declaration and/or the Association's other Governing Documents is inadequate and that appropriate relief shall be awarded to enjoin any such breach or violation.

14.07 **Joint and Several Liability**

In the case of joint ownership of a Condominium, the liability of each of the Owners thereof in connection with the liabilities and obligations of Owners set forth in or imposed by this Declaration shall be joint and several.

14.08 **Special Provisions Applicable to Resolution of Construction Defect Disputes; Declarant's Election to "Opt In" to Statutory Pre-Litigation Procedures**

(a) Notice of Procedures for Actions for Construction Defects. The Property is subject to Title 7 of Part 2 of Division 2 of the California Civil Code (commencing with Section 895) (the "Right to Repair Act"). The procedures established by the Right to Repair Act impact the Owners' and Association's legal rights.

(b) Declarant has elected to engage in the non-adversarial pre-litigation procedures set forth in Chapter 4 of the Right to Repair Act (California Civil Code §§ 910 through 938, inclusive). If such non-adversarial pre-litigation procedures fail to resolve a Construction Defect dispute governed by the Right to Repair Act, the dispute shall be resolved in accordance with the binding general arbitration procedures set forth herein.

14.09 **Resolution of Construction Defect Disputes Against Declarant**

(a) If a dispute between the Association and Declarant is not resolved despite the proceedings set forth in Civil Code Section 6000, further litigation shall comply with all of the requirements of Section 6150 of the Civil Code.

(b) Upon resolution of a dispute subject to Civil Code Section 6000, the Association shall disclose to its Members all of the matters specified in Section 6100 of the Civil Code.

(c) Declarant, and its representatives on the Board of the Association shall have no control over the issue to decide whether to initiate a claim under such statutory provisions. Prior to voting to pursue such a claim, the Board shall inform the Members of alternatives to remedy the deficiencies without litigation and of potential adverse consequences of litigation.

14.10 **Submission of All Disputes Involving Declarant, Including Construction Defect Disputes, to Arbitration**

AGREEMENT TO ARBITRATE AND WAIVER OF JURY TRIAL

NOTICE: ANY DISPUTE BETWEEN THE ASSOCIATION OR ANY OWNER OR BOTH AND THE DECLARANT, ARISING OUT OF THE MATTERS INCLUDED IN THIS SECTION ENTITLED "ARBITRATION OF DISPUTES" PROVISION, SHALL BE DECIDED BY NEUTRAL BINDING ARBITRATION IN ACCORDANCE WITH THE FEDERAL ARBITRATION ACT AND THE CALIFORNIA ARBITRATION ACT TO THE EXTENT THE CALIFORNIA ARBITRATION ACT IS NOT INCONSISTENT WITH THE FEDERAL ARBITRATION ACT. THE ASSOCIATION, OWNER, AND DECLARANT, ARE GIVING UP ANY RIGHTS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL AND ARE GIVING UP JUDICIAL RIGHTS TO DISCOVERY AND APPEAL (UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THIS SECTION).

(a) Agreement to Arbitrate. Association, Owner, and Declarant shall resolve any dispute, including, without limitation, a dispute about design, condition, use, physical or bodily injury, or a dispute arising out of development or Construction Defect claims in the design or construction of the Property or Improvements (regardless of whether the claim is based upon common law, statutory law, including any claim covered by Civil Code Section 895 *et seq.*) not resolved through the above-described mediation procedure, through binding arbitration in the county in which the Property is located. This arbitration provision shall be binding on and enforceable by every Owner, the Association, Declarant, and Declarant Parties. Alternatively, Owner/ Association, Declarant, or Declarant Parties may elect to resolve such disputes through a small claims court proceeding, in which case the party filing the small claims action will have waived the right to any relief in excess of the jurisdiction of the small claims court.

(b) Federal Arbitration Act. As many of the materials and products used in the construction on the Property are manufactured in other states, the development and conveyance of the Property evidence a transaction involving interstate commerce. The Federal Arbitration Act (9 U.S.C. §1, et seq.) and the California Arbitration Act shall govern the interpretation and enforcement of this arbitration provision to the extent the California Arbitration Act is not inconsistent with the Federal Arbitration Act. To the extent any state law, ordinance, or regulation is inconsistent with the rules of the arbitration service under which the arbitration is held, the rules of the arbitration service shall govern the arbitration proceeding.

(c) JAMS. The arbitration shall be conducted by the Judicial Arbitration and Mediation Services ("JAMS") in accordance with the JAMS Comprehensive Arbitration Rules & Procedures ("Rules"). If JAMS is not in existence, then the arbitration shall be conducted by ADR Services, Inc.in accordance with its rules ("Rules"). If there is a conflict between the Rules and the provisions of this Section, the provisions of this Section shall apply.

(d) Advancement of Expenses. All fees charged by the arbitrator and the arbitration provider to initiate the arbitration shall be advanced by Declarant. If Declarant is the prevailing party in the arbitration, the arbitrator may direct Owner/Association, as applicable, to reimburse Declarant for up to fifty percent (50%) of the arbitration fees advanced by Declarant within sixty (60) days after the final arbitration award.

(e) Qualifications of Arbitrator. The arbitrator shall be neutral and impartial and shall be either a retired judge or a member or former member of the California State Bar with at least ten (10) years' experience, with substantial experience in the type of matter in dispute, and with a strong emphasis on the laws governing real estate matters, especially those dealing with residential real estate development and construction. The arbitrator shall not have any relationship to the parties to the dispute or any interest in the Property.

(f) Appointment of Arbitrator. The arbitrator to preside over the dispute shall be selected no later than sixty (60) days after a notice of claim is filed, and may be challenged by any party for bias.

(g) Participation by Other Parties. Declarant, Owner, or Association, may, if so chooses, to have all necessary and appropriate parties included as parties to the arbitration to the extent any such party is defending a claim in the arbitration.

(h) Venue. The arbitration shall be conducted in the county where the Property is located unless the parties agree to some other location.

(i) Time of Commencement. The arbitration process shall commence promptly, within the time provided by the arbitration agreement or by the rules of the arbitration provider. If no such date is provided by the arbitration agreement or rules, then the process shall commence on a date agreed upon by the parties or determined by the arbitrator.

(j) Rules of Law. The arbitrator must follow California substantive law, including statutes of limitations and the provisions of Title 7 of Division 2 of Part 2 of the California Civil Code, sections 895 through 945.5, including all future amendments thereto, but may receive hearsay evidence.

(k) Discovery. The parties to the proceeding shall be entitled only to reasonable discovery, of only the following matters: (i) witness lists; (ii) expert witness designations; (iii) expert witness reports; (iv) exhibits; (v) reports of testing or inspections of the property subject to the dispute, including, but not limited to, destructive or invasive testing; (vi) trial briefs. Such parties shall also be entitled to conduct further tests and inspections. Any other discovery provided for in the California Code of Civil Procedure shall be permitted by the arbitrator upon a showing of good cause or based on the mutual agreement of the parties to the proceeding. The arbitrator shall oversee discovery and may enforce all discovery orders in the same manner as any trial court judge.

(l) Motions. The arbitrator shall have the power to hear and dispose of motions, including motions relating to provisional remedies, demurrers, motions to dismiss, motions for judgment on the pleadings, and summary adjudication motions, in the same manner as a trial court judge. In addition, the arbitrator shall also have the power to adjudicate summarily issues of fact or law including the availability of remedies, whether or not the issue adjudicated could dispose of an entire cause of action or defense. Notwithstanding the foregoing, if prior to the selection of the arbitrator, as provided herein, any provisional remedies are sought by the parties to the dispute, such relief, may be sought in the Superior Court of the County in which the Project is located. The arbitrator shall have the authority to rule on all post-hearing motions in the same manner as a trial judge.

(m) Remedies. The arbitrator is authorized to provide all recognized remedies available in law or equity for any cause of action that is the basis of the proceeding or hearing, except that the award of punitive damages shall be prohibited.

(n) Timely Completion and Award. The arbitration process shall be concluded in a prompt and timely manner, including the issuance of any decision or ruling following the proceeding or hearing. The arbitrator's award shall contain findings of fact and conclusions of law to the extent required by law if the case were tried to a judge. The decision of the arbitrator shall stand as the decision of the court, and upon filing of the statement of decision with the clerk of the court, judgment may be entered thereon in the same manner as if the dispute had been tried by the court.

(o) Attorneys' Fees and Costs. Each party shall bear its own attorneys' fees and costs (including expert witness costs) in the arbitration.

(p) Judgment. Upon all of the issues considered by the arbitrator, the arbitrator's award is binding upon the Parties, and upon filing of the award with the clerk of the court, or with the judge where there is no clerk, judgment may be entered thereon.

(q) Participation in Judicial Proceeding. The initiation of or participation by any party in any judicial proceeding concerning this arbitration provision or any matter arbitrable hereunder shall not be deemed a waiver of the right to enforce this arbitration provision; notwithstanding any provision of law to the contrary, shall not be asserted or accepted as a reason to delay, to refuse to participate in, or to refuse to enforce this arbitration provision.

(r) Standing. Declarant and Declarant Parties shall have the right to enforce the provisions of this Article regardless of whether Declarant or Declarant Parties hold any right, title, or interest in and to the Property or any portion thereof.

(s) Severability. If any phrase, clause, sentence, section, article, or other portion of this Article shall become illegal, void, or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, void, or against public policy, the remaining portions of this Article shall not be affected thereby and shall remain in force and effect to the fullest extent permissible by law.

ARTICLE XV
POWER OF ATTORNEY TO DECLARANT

Article XV gives Declarant, as the developer of the Project, the power of attorney to prepare and execute documents which may be necessary by the title insurance company and or any governmental authorities, to complete the development of this Project.

15.01 **Power of Attorney to Declarant**

(a) Each Owner of a Condominium, by accepting a deed to a Condominium, shall be deemed to have agreed to constitute and irrevocably appointed Declarant, for so long as Declarant owns all or any portion of the Property, as such Owner's Attorney-in-Fact, for such Owner and each of such Owner's Mortgagees, optionees, grantees, licensees, trustees, receivers, lessees, tenants, judgment creditors, heirs, legatees, devisees, administrators, executors, legal representatives, successors and assigns, whether voluntary or involuntary, and thereby to have conveyed a power of attorney coupled with an interest to Declarant as his attorney-in-fact in connection with any modification to the development plans for all or any portion of the Property. Each Owner hereby acknowledges and agrees that this irrevocable power of attorney is retained for the benefit of Declarant, and not Owner, and created by Owner's acceptance of a deed to a Condominium and as part of the consideration for the purchase and sale of a Condominium. Based on the foregoing, each Owner further acknowledges and agrees that this irrevocable power of attorney is "coupled with an interest" and, pursuant to Section 2356 of the California Civil Code, may not be terminated by (i) the Owner's revocation of such power of attorney, (ii) Owner's death or (iii) Owner's incapacity to contract. Subject to the limitations and restrictions set forth herein, Declarant shall have the right and power as a duly authorized attorney-in-fact to perform any of the following actions:

(1) To prepare, execute, acknowledge and record any Condominium Plan or amendment to any Condominium Plan for all or any portion of the Property, including without limitation any amendments necessary to cause such Condominium Plan to conform with the Improvements as actually built, which may be required or permitted by any laws, ordinances or rules and regulations of any governing authority having jurisdiction over the Property, or which may be required or permitted by any title insurer, and, in connection therewith, to (1) perform all conditions, undertake any obligations and execute all agreements and documentation required or permitted by any applicable governing authorities and (2) execute, acknowledge and deliver any improvement agreements and bonds, and post deposits securing the performance of any such conditions and obligations;

(2) To prepare, execute, acknowledge and record any map or record of survey affecting the Property required or permitted by the provisions of the California Subdivision Map Act or any other law, ordinances or rules or regulations of any governing authority having jurisdiction over the Property, or which may be required or permitted by any title insurer, and, in connection therewith, to (1) perform all conditions, undertake any obligations and execute all agreements and documentation required or permitted by any applicable governing authorities, (2) appear before any such governing authorities and (3) execute, acknowledge and deliver any improvement agreements and bonds, and post deposits securing the performance of any such conditions and obligations;

(3) To prepare, execute, acknowledge and file for approval any application for zoning or setback changes or lot line adjustments, or Condominium Plan amendments, or variance or conditional use permits or any other permits or reports required or permitted by any law, ordinances or rules and regulations of any governing authority having jurisdiction over the Property, or which may be required or permitted by any title insurer, and, in connection therewith, to (1) perform all conditions, undertake any obligations and execute all agreements and documentation required or permitted by any applicable governing authorities and (2) execute, acknowledge and deliver any improvement agreements and bonds, and post deposits securing the performance of any such conditions and obligations;

(4) To make applications for any property reports or public reports, or amendments thereto, or exemption from the requirements therefore required or permitted by federal and state statutes or rules and regulations relating to the sale, lease, transfer or other disposition of subdivided lands, and, in connection therewith, to (1) perform all conditions, undertake any obligations and execute all agreements and documentation required or permitted by any applicable governing authorities and (2) execute, acknowledge and deliver any improvement agreements and bonds, and post deposits securing the performance of any such conditions and obligations;

(5) To deliver any public reports or property reports, or amendments thereto, obtain receipts and offer and administer rescission rights required by law;

(6) To prepare, execute, acknowledge and file for approval any registration or application for any permit, approval, exemption, ruling or entitlement, which registration or application is required or permitted pursuant to any applicable law or regulation in effect as of the date of the recording of this Declaration, and as hereafter enacted or amended by any applicable governing authority, and, in connection therewith, to (1) perform all conditions, undertake any obligations and execute all agreements and documentation required or permitted by such governing authority and by any such laws and regulations, (2) appear before any such governing authority, (3) execute and deliver any improvement agreements and bonds, and post deposits securing the performance of any such conditions and obligations and (4) do all other things now or thereafter permitted or required by any such governing authority and any such laws and regulations;

(7) To prepare, execute, acknowledge and record any deeds, waivers, releases, reconveyances or other documentation which may be permitted or required to clear title to any constructed or unconstructed Units in the Property; and

(8) To do any and all things necessary or desirable under the circumstances to effect and accomplish development of the Property.

(b) The acceptance or creation of any Mortgage or other encumbrance whether or not voluntary, created in good faith, or given for value, shall be deemed to be accepted or created subject to each of the terms and conditions of the Power of Attorney described in this Section.

ARTICLE XVI

MISCELLANEOUS PROVISIONS

Article XVI covers miscellaneous issues not addressed elsewhere in the Declaration.

16.01 **Term of Declaration**

This Declaration shall be in effect for a term of sixty (60) years from the date of recording. Thereafter, this Declaration shall be automatically extended for successive periods of ten (10) years unless, within six (6) months before the expiration of the term, Owners representing two-thirds (2/3rds) of the Condominiums approve by formal vote, terminating this Declaration, and a document of termination is signed by two Association officers, reciting the vote of Owners to terminate this Declaration, is recorded with the County Recorder.

16.02 **Notices**

Any approval, disapproval, demand, document or other notice ("Notice") which Declarant, the Association, or any Owner may desire to give to another party must be in writing and may be given either by i) personal delivery; ii) by United States mail which shall be deemed to have been delivered seventy-two (72) hours after a copy of the same has been deposited in the mail, first class or registered, postage prepaid, addressed to the person to be notified; or iii) by any other method provided by Civil Code Section 4050, 4045 and 4050.

16.03 **Partial Invalidity**

If any term, condition, provision or other portion of this Declaration is declared invalid or in conflict with any relevant law, the validity of the remainder of this Declaration will remain in full force and effect.

16.04 **Number**

As required by the context of this Declaration, a singular grammatical reference includes the plural application.

16.05 **Attorneys' Fees**

In the event of any controversy or claim respecting this Declaration, or in connection with the enforcement of this Declaration, the prevailing parties shall be entitled, in addition to all expenses, costs, and damages, to reasonable attorneys' fees incurred after the filing of a lawsuit.

16.06 **Disclosures**

Declarant does not in any manner guarantee or warrant that the Property will be soundproof or insulated to any particular degree from noise or sound emanating from within or without the Property, including noise or sound emanating from Units, heating, ventilation air conditioning systems, plumbing, Common Area, garages, etc.

16.07 **Declarant's Rights After Sale of All Condominiums in the Project**

For a period of ten (10) years after the close of escrow for the sale of the last Condominium in the Project, in addition to Declarant's rights as an Owner and a Member, Declarant shall have the following rights:

(a) Right to receive copies of the minutes of the meetings of the Board of Directors and meetings of the Members, upon request and payment of the actual costs to copy and distribute such records; and

(b) Right to inspect all Common Areas of the Property upon three (3) days' notice to the Association and, within its sole discretion, be entitled to cure any defect, whether or not the Association or any Owner has complained of such defect. During said period, the Board shall use its best efforts to obtain the consent of all Owners, upon three (3) days' notice, to inspection of Units by Declarant for the sole purpose of discovering and repairing structural defects. Refusal by an Owner to allow inspection, or failure of the Board to attempt in good faith to obtain Owner consent for inspection of Units, may be deemed a failure to mitigate damage in the event of a defect as defined in Section 896 of the California Civil Code which could have been avoided through preventive maintenance. The purpose of this right of inspection is to allow Declarant to repair defects at an early stage before substantial damage has occurred. Nothing set forth herein shall obligate Declarant to perform any inspection or repair, nor shall this Section be deemed to increase Declarant's legal obligations to Owner/Association.

16.08 **Supremacy of Legislation**

The provisions of this Declaration are automatically supplemented and superseded by any City, state or federal enactment, and judicial interpretations of laws, affecting common interest developments. Any reference to a specific Code section in this Declaration is also a reference to future amendments thereof and to any successor statutes. The terms of this Declaration shall be deemed automatically amended to conform to such future changes in Code sections without necessity for recording any such amendment.

16.09 **No Enhanced Protection Agreement**

In no event shall any of the provisions contained within the Governing Documents, other documentation, representations or warranties provided by Declarant or its agent to Owner be construed, interpreted or understood to be an "enhanced protection agreement" ("EPA") under California Civil Code Section 901 unless Declarant otherwise expressly states that such document, representation, or warranty constitutes an EPA under said section of the Civil Code.

16.10 **Changing the Project Marketing Name**

The Project shall be marketed under the name **Carp Beach Condos**. Declarant may, at Declarant's sole discretion, change the marketing name of the Project.

16.11 **Conflict Between Declaration and Condominium Plan, and other Governing Documents**

If there is any conflict between this Declaration and the Condominium Plan, or other Governing Document, this Declaration shall be controlling.

"**Declarant**"

GERALD J. ZINS JR.AND LISA F. ZINS, TRUSTEES OF THE JERRY AND LISA ZINS FAMILY TRUST DATED FEBRUARY 7, 1994

X_____
by: Gerald J. Zins
its: Trustee

X_____
by: Lisa F. Zins
its: Trustee

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

STATE OF CALIFORNIA)
COUNTY OF) ss.

On _____, 202___, before me, _____, Notary Public, personally appeared:

_____,

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

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

WITNESS my hand and official seal.

_____
(**SEAL**) Notary Public

EXHIBIT A

PROPERTY

Parcel 1 of Parcel Map No. 25,201, in the City of Carpinteria, County of Santa Barbara, State of California, as per Map filed in Book _____, Pages _____ and _____, of Parcel Maps, in the Office of the County Recorder of Santa Barbara.

EXHIBIT B

DESCRIPTION AND MAINTENANCE OF COMMON AREA AND UNIT

The Common Area is the Association's maintenance responsibility and includes:

- Structural and waterproofing components of the building:
  All bearing walls, columns, vertical supports, sub-floors (not including the finished flooring), roofs, foundations, beams, drywall, gypsum board attached to framing on perimeter walls and lightweight concrete or similar over-floor assemblies,
- Partition walls which are bearing walls or are structural aspects
- Balcony railings
- Planter walls
- Central heating, central refrigeration, and central air-conditioning equipment
- Complete screening of mechanical equipment (including heating and air conditioning units) and trash receptacle areas from surrounding properties and enclosure of same within a building or parapet or location of same in a fenced rear yard area.
- Reservoirs, tanks, pumps and other central services, pipes, ducts, flues, chutes, conduits, wires
- Sprinkler systems and other utility installations (except outlets located within the airspace of a Unit)
- Equipment and mechanical devices of system for security or for announcing visitors to a Unit, even when located within the Unit
- Landscaping
- Common Area night lighting, which must be low intensity, low glare design and hooded to direct light down onto the Property and prevent spill-over onto adjacent parcels.
-
- All compressors and control equipment serving the Common Area and more than one Unit as distinguished from those which exclusively serve individual Units.

The Unit is the Owner's maintenance responsibility and includes:

- Interior finished surface of all the walls, ceilings, doors and floors of the space, including but not limited to paint, wall paper, skim coat plaster, paneling, acoustic ceiling material, tile, hardwood, vinyl or any other material which is attached to the unfinished wall, floor or ceiling assembly
- Balconies and patios (the space contained within the interior unfinished surfaces of the perimeter walls, floors, ceilings, windows, window frames; to the extent not part of building waterproofing
- Doors and door frames, garages and garage doors, including side entry doors
- Exclusive Use Common Area appurtenant to the Unit
- Electrical outlets, conduit, and cable outlets which are physically within the boundaries of the Unit
- Plumbing pipes and fixtures to the extent that these items penetrate through the Common Area walls, ceilings and floors into the Condominium airspace
- Plumbing lines, including plumbing pipes which service the bathtub, shower of the Unit, and the shower pan and tub enclosures which are within the Unit
- Utility installations, which project from walls (both partition and bearing walls), ceilings or floors into the airspace of the Unit (that the Owner has exclusive use of, including, circuit breakers, fuse boxes, wall heaters, plumbing fixtures and pipes, angle stops, electrical and lighting fixtures including recessed lighting fixtures and boxes, plumbing pipe and connections to the bathroom fixtures which are accessed from available access panels)
- HVAC ducting and electrical conduit and wiring which are enclosed within or outside any framed wall or floor ceiling diaphragm
- Mechanical equipment, such as air conditioning and heating units and hot water heaters and similar mechanical devices which service only a single Unit (maintenance, repair and replacement of these items are the exclusive responsibility of the Owner of the Unit which the mechanical device serves, regardless of where the device is located)

- Glass in windows and sliding glass doors
- Frames of windows and sliders which are not integrated into the waterproofing system of the Common Area building envelope
- Additions and modifications installed by an Owner
- The Owner's responsibility for maintenance and repair does not include repair or replacement of structural or waterproofing element

EXHIBIT C

BUDGET SUMMARY AND RESERVES WORKSHEET

(PLACEHOLDER FOR CONDOMINIUM MAP RECORDING)

(see attached pages from DRE reviewed Budget)

Attachment D

Conditions of Approval Informational Notice

Zins SFD Demolition & Condominium Triplex Project
Final Map Clearance - Parcel Map No. 25,201
December 9, 2024 City Council Hearing

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO :

Jerry Zins
2210 Cervato Dr.
Camarillo , Ca. 93012 - 8846

APN : 003 – 311 - 001
Parcel Map No. 25,201

NOTICE

Notice is hereby given that the information attached herein is given relative to

Parcel Map No. 25,201 filed _____ in Book _____ , pages _____ to

_____ of Parcel Maps , in the office of the County Recorder of Santa Barbara County , California .

This notice is not intended to affect record title interest . The information is derived from public records or reports , and the preparer of this document does not imply the correctness or sufficiency of these records or reports . Title to the estate or interest in the land shown on Parcel Map No. 25,201 at the date hereof is vested in :

Gerald J. Zins , Jr. and Lisa F. Zins , as Trustees of the Jerry and Lisa Zins Family Trust dated February 7 , 1994 .

The additional information required in connection with said Parcel Map No. 25,201 is attached hereto and incorporated herein by reference .

Document prepared by: _____
Dan Jahns
PLS No. 4997

CITY of CARPINTERIA, CALIFORNIA

February 13, 2023

Dylan Chappell
Chappell Architecture
P.O. Box 8291
Mammoth Lakes, CA 93546

Re: Notification of Planning Commission Action
Zins SFD Demolition & New Condominium Triplex
4905 Eighth Street (APN 003-311-001)

Dear Mr. and Mrs. Zins:

On February 6, 2023, the Planning Commission took action on the following item:

> *Request to approve a Development Plan, Tentative Parcel Map, and Coastal Development Permit to demolish an existing 1,124 square-foot one-story single-family dwelling and construct a new two-story 4,717 square-foot condominium triplex with an attached 1,105 square-foot five-car garage, for a total size of 5,822 square-feet; subdivision of the property for airspace condominium purposes; and to accept a categorical exemption pursuant to §15301, §15303, §15315 and §15332 of the California Environmental Quality Act (CEQA).*

The Planning Commission approved the project with the addition of the following Condition of Approval:

> 12. Furniture and other structures placed on the roof-top deck of Unit 1 should not exceed a height of 42-inches, with the exception of one single-pole umbrella.

This decision to approve the project is appealable to the City Council. The appeal period is ten days commencing on February 7, 2023 and ending on February 16, 2023 at 5:00 p.m. An appeal must be filed in writing and must be accompanied by a filing fee of $1,330.00.

In accordance with Chapter 15.80 of the Carpinteria Municipal Code, the applicant shall pay Development Impact Fees to the City prior to issuance of a Building Permit. The amount of the fees as detailed in the staff report prepared for the Planning Commission hearing is estimated to be $55,228.98 with other fees estimated to be $154,819.14. Fee amounts are updated no less frequently than in July of each year; thus, when final fee calculations are made at the time the fees are paid, the fee amounts may vary from the estimate given at the initial development

approval. The 90-day period during which you may file a protest regarding the imposition of these fees pursuant to Government Code §66020(a) commenced on February 7, 2023.

Conditions of Approval for the project are attached to this letter for your records. **A separate copy of the last page of the Conditions of Approval is also attached. Please sign and return this page to the Community Development Department.** Should you have any questions or need further information regarding this action letter or the project, please contact Syndi Souter at (805) 755-4405 or syndis@carpinteriaca.gov.

Sincerely,

Steve Goggia, Director
Community Development Department

Attachment: Planning Commission Resolution with Attachments

Cc: Jerry and Lisa Zins, 2210 Cervato Drive, Camarillo, CA 93012
Project file, 21-2083-DP/TPM/CDP

PLANNING COMMISSION HEARING
PROJECT 21-2083-DP/TPM/CDP
4905 EIGHTH STREET (APN 003-311-001)
FEBRUARY 6, 2023

ATTACHMENT A, EXHIBIT 3: CONDITIONS OF APPROVAL ZINS SFD DEMOLITION & CONDOMINIUM TRIPLEX

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

PROJECT DESCRIPTION

1. This Development Plan, Tentative Parcel Map, and Coastal Development Permit are based upon and limited to compliance with the project description, the hearing exhibits (Attachment A, Exhibit 2 to the staff report dated February 6, 2023) and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

   The project description is as follows:

   Request for a Development Plan, Tentative Parcel Map, and Coastal Development Permit to allow the demolition of an existing 1,124 square-foot one-story single-family dwelling and the construction of a new two-story 4,717 square-foot condominium triplex with an attached 1,105 square-foot five-car garage, for a total size of 5,822 square-feet. The maximum height of the proposed structure is 24-feet 10-inches above finished grade. The proposed structure would contain: Unit 1.) a 2,303 square-foot two-story four-bedroom unit with a 372 square-foot roof deck, a 266 square-foot covered loggia, and a two-car garage, Unit 2.) a 1,414 square-foot two-story two-bedroom unit with a two-car garage, and Unit 3.) a 702 square-foot second story one-bedroom unit with an 80 square-foot covered balcony and a one-car garage. One uncovered shared guest parking space would be provided. The garages and the uncovered guest space are proposed to be accessed from Cedar Place. The requested Tentative Parcel Map No. 25,201 would allow the property to be subdivided to create three airspace condominium units with individual private areas and a shared common open space area held by an owner's association.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape Plans) must be submitted for review and approval and shall be implemented as approved by the City.

COMMUNITY DEVELOPMENT DPEARPTMENT PROJECT SPECIFIC CONDITIONS

2. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** The selected fixtures for all exterior lighting fixtures shall be depicted on plans to be reviewed and approved by CDD and shall conform to what was presented to and approved by the ARB. **Monitoring:** CDD shall review plans prior to the Building Permit approval. CDD shall site inspect prior to occupancy clearance.

3. The design, scale and character of the project architecture, landscape and signage (as applicable) shall be compatible and blend harmoniously with vicinity development and consistent with the City's "small beach town" character. **Plan Requirement and Timing:** The applicant shall submit plans for the project for final review by the Architectural Review Board prior to approval of any Building Permit for physical development. **Monitoring:** Community Development Department staff (CDD) shall review submitted plans, provide direction to the ARB regarding this condition and site inspect during the construction phase.

4. All materials and colors used in construction and all landscape materials shall be as represented to the City and any deviation will require the express review of the Community Development Department.

5. In compliance with the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird)) as amended by the May 29, 2015 Information Bulletin 2015-03 from the Department of Housing and Community Development and Chapter 15.90 of the City's Municipal Code: Water Efficient Landscaping, a Landscape Documentation Package containing the following elements shall be prepared by a design professional: PROJECT INFORMATION; WATER EFFICIENT LANDSCAPE WORKSHEET; SOIL MANAGEMENT REPORT; LANDSCAPE DESIGN PLAN; IRRIGATION DESIGN PLAN; and GRADING DESIGN PLAN. The preparation of a Certificate of Completion containing the following elements shall also be prepared by a design professional: CERTIFICATION OF INSTALLATION (per the approved plan); FINAL SOILS INFORMATION; IRRIGATION SCHEDULING PARAMETERS; MAINTENANCE SCHEDULES; and IRRIGATION AUDIT REPORT. **Plan Requirements and Timing:** Prior to approval of a Building Permit, the applicant shall submit a Landscape Documentation Package to the CDD for review and approval. The CDD shall send a copy of the Documentation Package the Carpinteria Valley

Water District. The applicant shall enter into an agreement with the City to install required landscaping and irrigation and maintain required landscaping for the life of the project. Subsequent to installation of the approved Grading, Landscape and Irrigation Plans, the applicant shall submit a Certificate of Completion to CDD for review and approval. The Landscape Documentation Package and Certificate of Completion forms are available at the CDD, and are required to be approved by the CDD prior to Occupancy Clearance. **Monitoring:** CDD shall conduct site visits to ensure installation and maintenance of landscape and irrigation.

6. All mechanical equipment including heating and air conditioning units, and trash receptacle areas, shall be completely screened from surrounding properties and shall be either enclosed within a building or parapet, or located in a fenced rear yard area. **Plan Requirements**: The locations of all exterior mechanical equipment shall be depicted on a Roof and/or Mechanical Equipment Plan to be reviewed and approved by CDD with input from the ARB. **Monitoring:** CDD and ARB shall review the Roof and/or Mechanical Equipment Plan for compliance with this measure prior to approval of a Building Permit for the development. Building Inspector shall inspect structures upon completion to ensure that mechanical equipment has been installed consistent with the approved Plan.

7. Final plans shall include the location of all above ground and vaulted appurtenances including, but not limited to, utility vaults, gas meters, fire backflow prevention systems, and check valves. The location of such appurtenances shall be approved by CDD and may be required to be located and/or screened to as to minimize aesthetic impacts.

8. Applicant shall have prepared and submitted to the City a project-specific acoustical analysis demonstrating that the proposed construction techniques meet the California Noise Insulation Standards to ensure an acceptable interior noise level of 45 CNEL, or less, in habitable rooms. **Plan Requirements/Timing:** The acoustical study shall be prepared by a qualified acoustical engineer or similarly qualified individual. The prepared report shall either demonstrate that the proposed construction techniques and materials will meet the required interior noise thresholds, or it not, shall recommend necessary measures to comply with this requirement. The acoustical report shall be submitted to CDD for review and approval prior to final review by the ARB. **Monitoring:** CDD staff shall be responsible for ensuring that the report is submitted and approved prior to scheduling the project for final review by the ARB.

9. The recommendations outlined in the project specific geotechnical investigation shall be followed in the construction of the subject project and the applicants shall be required to have the project engineering geologist onsite to observe all excavations prior to placement of compacted soil, gravel backfill, or rebar and concrete. **Plan Requirements/Timing:** Two copies of the preliminary foundation investigation shall be submitted with the building plans for building permit plan check. Applicable plan sheets (i.e., grading, foundation, etc.) shall be in substantial compliance with the recommendations outlined in the soils report. The project engineering geologist shall

be onsite during excavation, recompaction and foundation preparation work, as applicable. **Monitoring:** Building Inspector shall review and approve building plans and shall site inspect during construction, prior to occupancy clearance.

10. Adequate space shall be made available to allow vehicles to be parked within all provided onsite parking spaces. This requirement shall be written into the project CC&Rs and enforced by the Homeowners' Association.

11. A minimum of 1 uncovered visitor parking space shall be provided and maintained for the life of the project. The required visitor space shall be permanently marked as such, and remain available for guests and visitors of the residents. This requirement shall be written into the project CC&Rs and enforced by the Homeowners' Association.

12. Furniture and other structures placed on the roof-top deck of Unit 1 should not exceed a height of 42-inches, with the exception of one single-pole umbrella.

DEVELOPMENT PLAN CONDITIONS

13. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a CDD-qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the City Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with City Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. **Monitoring:** CDD shall check plans prior to issuance of a Grading or Building Permit and shall spot check in the field.

14. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on weekends or State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating this restriction shall be provided to the applicant and posted onsite. **Timing:** The sign shall be in place prior to the beginning of and throughout all construction activities. Violations may result in suspension of permits. **Monitoring:** Building Inspector shall spot check and respond to complaints.

15. All construction equipment shall be maintained in proper operating condition and fitted with standard noise reduction features (e.g., mufflers). **Timing:** During all construction activities. **Monitoring:** CDD staff shall notify the contractor of this requirement prior to construction and spot check in the field.

16. Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the plans submitted to the Community Development Department for review prior to issuance of a Building Permit. **Monitoring:** CDD staff shall site inspect prior to the commencement and as needed during all grading and construction activities.

17. During construction, washing of concrete trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks or wetlands. The location of the washout area shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to CDD, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to issuance of a Grading or Building Permit. The washout area shall be in place and maintained throughout construction. **Monitoring:** CDD shall check plans prior to issuance of a Grading or Building Permit and staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area.

18. Sixty-five percent (65%) or more of all construction and demolition debris generated shall be diverted from the landfill, as mandated by Carpinteria Municipal Code. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During demolition and grading, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on demolition plans. Applicant shall submit a Waste Management Plan (WMP) prior to demolition and provide Public Works with a completed WMP, including receipts for recycled materials to demonstrate compliance with the City's Construction and Demolition Program's 65% mandatory diversion rates. **Timing:** Materials shall be recycled as necessary throughout demolition and grading activities. **Monitoring:** Public Works shall review and approve a completed WMP prior to issuance of a Building Permit.

19. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by CDD staff. **Plan Requirements and Timing:** Prior to Building Permit issuance, applicant shall designate and provide to CDD the name and phone number of a contact person to monitor trash/waste and organize a clean-up crew. Trash control shall occur throughout all grading and construction activities. **Monitoring:** CDD shall inspect periodically throughout grading and construction activities.

20. Best available erosion and sediment control measures shall be implemented during grading and construction. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags

or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the construction period. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by the City prior to issuance of a Grading or Building Permit. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of construction. **Monitoring:** Public Works shall perform site inspections throughout construction.

21. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site by following the dust control measures listed below. During clearing, grading, earth moving, excavation or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.

    a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the winds speed exceeds 15 miles per hour. Reclaimed water should be used whenever possible.

    b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

    c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped form the point of origin.

    d. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

    Plan Requirements: All requirements shall be shown on the grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction activities. **Monitoring:** CDD shall ensure measures are on plans. Grading and Building Inspectors shall spot check and ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

22. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in

progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD and the Community Development Department. **Timing:** The dust monitor shall be designated prior to issuance of a Grading or Building Permit. **Monitoring:** CDD shall contact the designated monitor as necessary to ensure compliance with dust control measures.

23. The following Diesel Exhaust Control Measures should be implemented during construction activities:
    a. Diesel construction equipment meeting the California Air Resources Board's current emission standards for off-road heavy-duty diesel engines shall be used.
    b. The engine size of construction equipment shall be the minimum practical size.
    c. The number of construction equipment operation simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
    d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
    e. Construction equipment operating onsite shall be equipped with two-to-four-degree engine timing retard or pre-combustion chamber engines.
    f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
    g. Catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating onsite.
    h. Diesel powered equipment should be replaced by electric equipment whenever feasible.
    i. State law requires that idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

    Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction activities. **Monitoring:** CDD shall ensure measures are on plans. Grading and Building Inspectors shall spot check and ensure compliance onsite.

24. This Development Plan and Coastal Development Permit does not constitute approval for the installation of new and/or repair of existing underground utilities. All modifications to, or installations of new utilities shall be under separate permit(s) from the appropriate utility providers and the Public Works Department for any work within the public right-of-way. Utility provider permission for excavation shall precede issuance of any permits for construction within the public right-of-way.

25. Approval of the Development Plan, Coastal Development Permit and Tentative Parcel Map shall expire three (3) years after approval by the Planning Commission unless

prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension.

26. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Building Permit.

27. No permits for development shall be issued except in conformance with the approved Development Plan, Coastal Development Permit and Tentative Parcel Map. The size, shape, arrangement, use and location of buildings, walkways, parking areas and landscaped areas shall be developed in conformity with the approved Development Plan marked Attachment A, Exhibit 2, dated February 6, 2023. Substantial conformity shall be determined by the Community Development Department Director.

28. On the date a subsequent Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.

29. To allow time for the utility companies to locate and mark their facilities for the contractor, the applicant shall telephone Underground Service Alert (USA) toll free at 1-800-227-2600 a minimum of 48 hours prior to the start of construction. For best response, provide as much notice as possible, up to 10 working days.

30. Existing and proposed easements for all utilities shall be located and described on the engineering plans or the architectural drawings prior to issuance of building permits.

TENTATIVE PARCEL MAP CONDITIONS

31. The Tentative Parcel Map shall expire three (3) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

32. Prior to recordation of the Parcel Map and subject to CDD approval as to form and content, the applicant shall include all of the project conditions required by this project approval in a separate informational Notice document to be recorded with the Parcel Map.

33. Prior to recordation of the Parcel Map, the applicant shall pay applicable Quimby Fees.

34. The Parcel Map shall be subject to the Subdivision Ordinance of the City of Carpinteria and to the State Subdivision Map Act. The Map shall be prepared by a qualified California Registered Civil Engineer or Licensed Land Surveyor. Closure calculations shall be submitted along with adequate reference data and a current title report. Two

copies of the map and one copy of the calculations shall be submitted for review. Within thirty (30) days after the recordation of the Parcel Map, the applicant shall deliver one set of reproducible mylar copies of the recorded map to the Community Development Department.

35. The Parcel Map shall be substantially in conformance with the Tentative Map as approved. Any substantial changes, as determined by City staff, require the approval of the Planning Commission and the City Council.

36. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the City Surveyor a set of prints of the Parcel Map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable. In the event easements are not required, a letter shall be provided from each utility stating the map is acceptable for recording.

37. The applicant shall pay all engineering fees and all other fees and deposits prior to approval of the Parcel Map by the City Council.

38. Before recordation of the Parcel Map, Developer shall provide the City Engineer and CDD with written evidence from the Santa Barbara County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493.

39. Conditions, Covenants and Restrictions (CC&Rs) for the project shall be submitted for review to the City Attorney, Community Development Department and Public Works Department, and approved by the City Council prior to acceptance of the Parcel Map for recordation. The CC&Rs shall include provisions for the HOA maintenance of any landscaping, fencing and specialty hardscape within the City's right-of-way and shall provide for the shared maintenance responsibilities by all parcels for common area shared improvements. The CC&Rs shall also include by reference responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project. Further, the City Attorney and the City Council may require additional restrictions within the CC&Rs as found to be appropriate.

40. The project CC&Rs shall record concurrent with the recordation of the Condominium Map.

41. No permits for development, including grading, shall be issued prior to recordation of the associated Parcel Map (PM 25,201).

CITY RULES & REGULATIONS/LEGAL REQUIREMENTS

42. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Building Permit. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning

Commission. Before any Permits will be issued by the Community Development Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Community Development.

43. All conditions of approval and mitigation measures shall be printed in their entirety on applicable pages of construction or building plans submitted to CDD. The approved set of plans shall be retained at the construction site for review by the Building Inspector during the course of construction.

44. Prior to issuance of a Building Permit, the applicant shall provide a signed copy of the Conditions or Approval on a form acceptable to Community Development. Such form may be obtained from the CDD office.

45. Prior to issuance of a Building Permit, the applicant shall pay all applicable CDD permit processing fees in full. Any outstanding plan check or inspection fees incurred during construction shall be paid in full prior to Occupancy clearance.

46. The applicant shall pay the statutory school fees in effect at the time of issuance of Building Permits to the Carpinteria Unified School District. **Plan Requirements and Timing:** The applicant shall submit final square footage calculations and the required fee payment to the School District prior to issuance of Building Permits. **Monitoring:** CDD shall ensure payment is made prior to issuance of a Building Permit.

47. In accordance with Chapter 15.80 of the Carpinteria Municipal Code, the applicant shall pay Development Impact Fees to the City prior to Building Permit issuance. The amount of the fees will be determined at the time permits are issued.

48. Prior to the issuance of any Building Permits, the applicant shall post a landscape security bond of $500.00 and comply with the following requirements:
    a. All landscaping and irrigation plans shall be prepared by a State licensed landscape architect or similar professional as determined appropriate by CDD.
    b. The landscaping shall be maintained in good condition for the life of the project. After landscaping has become established at three years and found to be in good condition, the security will be released.
    c. Landscaping shall be drought resistant, low water species.
    d. Where feasible, locally adapted native plants shall be required.
    e. Prior to Occupancy Clearance, all landscaping and planting shall be installed; and
    f. Specimen trees shall be appropriate to the site and shall be maintained in good condition so as to attain a full and healthy mature appearance.

49. Any change of use in the proposed buildings or structures shall be subject to environmental analysis and appropriate review by the City including Building Code compliance.

50. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

51. Any and all damage or injury to public property resulting from this development, including without limitation, City streets, shall be corrected or result in being repaired and restored to its original or better condition.

52. All requirements of the City of Carpinteria (including but not limited to public improvements as defined in the City of Carpinteria Municipal Code (CMC), Section 15.16.110) and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met.

53. The standards defined within the City's adopted model Building Codes (UBC; NEC; UMC; UFC; UPC; UHC) relative to the building and occupancy shall apply to this project.

54. Any minor changes may be approved by the City Manager and/or Community Development Director. Any major changes will require the filing of a modification application to be considered by the Planning Commission.

55. No building permits shall be issued for this project prior to meeting all required terms and conditions listed herein. When not specified herein, all conditions shall be satisfied prior to issuance of a building permit or prior to occupancy when allowed by the Community Development Director.

56. If, at any time, the City or Planning Commission determines that there has been, or may be, a violation of the findings or conditions of this Development Plan and Coastal Development Plan, or of the Municipal Code regulations, a public hearing may be held before the Planning Commission to review this permit. At said hearing, the Planning Commission may add additional conditions, or recommend enforcement actions, or revoke the permit entirely, as necessary to ensure compliance with the Municipal Code, and to provide for the health, safety, and general welfare of the City. The applicant shall reimburse the City for all costs associated with gaining compliance with the original conditions of approval.

57. In the event that any Condition of Approval imposing a fee, exaction, dedication or other mitigation measure is challenged by Applicant/Owner/Permittee in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any Condition of Approval is invalidated by a court of

law, the entire project shall be reviewed by the City and substitute Conditions of Approval may be imposed.

58. The owner/applicant ("Owner") hereby agrees to defend, indemnify and hold harmless the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any claim, action or proceeding ("Claims") against the City and the City's Agents to attack, review, set aside, void or annul, in whole or in part, the City's approval of the Development Plan and Coastal Development Permit (the "Project"), or any condition attached thereto, or any proceedings, acts or determinations taken, done or made prior to the approval that were part of the approval process. Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorneys' fees or court costs made in connection with any Claim. Owner further agrees to pay any and all City costs, permits, attorneys' fees, engineering fees, license fees and taxes arising out of or concerning the Project, whether incurred prior to or subsequent to the date of approval and that the City's costs shall be reimbursed prior to this approval becoming valid. These commitments of defense and indemnification are material conditions of the approval of the Project. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorneys' fees, expenses and costs of that independent defense.

59. Written authorization to proceed and consent to conditions of approval by the legal owner of the property shall be provided to the City prior to building permit issuance.

SPECIAL DISTRICT CONDITION LETTERS

60. Compliance with the attached Departmental and District letters is required as follows:
    a. Carpinteria Sanitary District, dated February 5, 2021,
    b. Carpinteria Valley Water District, dated February 10, 2021,
    c. City of Carpinteria Public Works Department, dated February 10, 2021, and
    d. Carpinteria-Summerland Fire Protection District letter, dated March 4, 2021.

Approved by the Planning Commission on February 6, 2023.

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

Jerry J. Zins 2/23/23

Applicant/Property Owner Date

CARPINTERIA
Sanitary District

5300 Sixth Street
Carpinteria, CA 93013
Phone (805) 684-7214 • Fax (805) 684-7213

February 5, 2021

Syndi Souter
Community Development Department
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, California 93013

Subject: Project No. 21-2083-DP/CDP/A
4905 Eighth Street (APN: 003-311-001)
Applicant: Jerry and Lisa Zins
Agent: Dylan Chappel

Dear Ms. Souter,

Thank you for the opportunity to provide comments on the subject project. The project applicant proposes to demolish an existing single family residence and construct three new residential apartment units at the subject site. The Carpinteria Sanitary District (District) recommends that the following conditions be incorporated into the review/approval process to address sewer system improvements:

1. All sewer improvements shall conform to approved District construction standards for materials and methods.

2. A sewer construction permit is required for any and all work on the building sewer and lateral sewer that will serve the residential units. The permit shall be procured and applicable fees paid prior to issuance of Building Permits. The applicant shall submit an engineered drawing to the District showing any proposed sewer connections, alterations or additions. During the construction phase, it is the applicant's and contractor's responsibility to notify the District of any sewer improvements or modifications not noted on the approved plans.

3. During construction, all installed sewer pipes and fittings shall be inspected by the District prior to placing trench backfill. Failure to request or obtain an inspection will require complete re-excavation and reconstruction of the work. All sewer improvements shall be pressure tested in accordance with District standard procedures prior to final acceptance.

4. A Development Impact Fee (DIF) shall be paid to the District for each newly constructed "equivalent dwelling unit" (EDU). Currently, the DIF is **$4972.00** per EDU; subsequent increases in DIF's are subject to District Board approvals. One EDU DIF credit will be given for the single family residence that currently exists on the site. For the proposed project, a DIF of **$ 9944.00** shall be paid to the District prior to issuance of required permits.

5. District sewer service charges (SSC's) are collected through the County of Santa Barbara property tax rolls on an annual basis. Prior to obtaining a Certificate of Occupancy, the applicant shall pay District applicable SSC's due for the period between building occupancy and the following June 30th. The current annual SSC is **$703.41** per equivalent dwelling unit.

6. If you have any questions regarding the comments provided by the District, please contact me at (805) 684-7214, ext. 13.

Sincerely,
CARPINTERIA SANITARY DISTRICT

Lance Lawhon
Engineering Technician

C: Jerry and Lisa Zins
Dylan Chappel

Carpinteria Valley Water District

1301 Santa Ynez Avenue • Carpinteria, CA 93013
Phone (805) 684-2816

March 29, 2023

Syndi Souter – Community Development Department
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

SUBJECT: **Request for Intent to Serve Letter re proposed project at 4905 8TH ST (the "Project")**

Dear Applicant,

In response to your request, this letter will serve as confirmation that Carpinteria Valley Water District (the "District") currently has sufficient water supply to serve the Project, subject to qualifications indicated below.

The Project is for the demolition of the existing single-family dwelling and construction of three new apartments.
Permit #: 21-2083-DP/CDP/ARB

While the District currently has sufficient water to supply the Project's proposed use, it is important to note that the District has declared a Stage 3 Drought Emergency (see Ordinance 22-1, *www.cvwd.net*), which remains in effect. As a result, while there are currently meters available to service the Project, the District will continue to monitor its water supply, and may be forced to consider declaring more severe stages of drought or imposing further water restrictions or a moratorium on new and/or expanded connections.

Accordingly, the confirmation conveyed by this letter is subject to the following conditions and caveats:

1. If the intensity of the proposed use increases, this letter is void and you will need to file a new request for an "Intent to Serve" letter. Subsequent issuance of a new Intent to Serve letter is not assured.
2. This letter is only valid for the Subject Project.
3. You must obtain all permits and approvals for the Project as required by local, state and federal law.
4. This "Intent to Serve" letter is conditional upon, and shall not be in force or effect until, the Project receives final approval from the applicable land use agency.
5. Upon the expiration of any land use and or building permits for the Project, this "Intent to Serve" confirmation shall be void and you shall be required to submit a new request for confirmation of

the District's intent to serve the Project, which shall be subject to any drought conditions, restrictions and/or moratoriums then in effect.

6. If new meters are required for the Project, issuance of said meters shall be subject to applicable fees, including, but not limited to, Capital Cost Recovery fees, Construction costs and other related costs, and Water Supply Impact fees.
7. The District reserves the right to participate in or comment on any analysis or review of the Project performed by any agency under the California Environmental Quality Act (CEQA), even if said participation or comment may detrimentally impact the resulting CEQA review or analysis. This letter does not constitute analysis or approval under CEQA.
8. You must renew this letter annually after the date of this letter to keep the District apprised of Project status and developments.
9. This letter has a Project specific Conditions Letter attached that will be considered to be included in the conditions above.

Should you have any questions please do not hesitate to contact the District at 805-684-2816.

Very truly yours,
Carpinteria Valley Water District

Danielle Rose
Engineering Analyst

cc: TCM to account
Brian King, District Engineer

CITY OF CARPINTERIA, CALIFORNIA

Public Works Department
Memorandum

To: Syndi Souter, Associate Planner
Community Development Department

Via: John L. Ilasin, Public Works Director/City Engineer

From: Joshua Patricio, Engineering Technician

Date: February 10, 2021

Subject: 4905 Eighth Street, Project No. 21-2083-DP/CDP/ARB

The Public Works Department has reviewed the project submittal, dated March 12, 2020, and has the following conditions of approval:

GENERAL ENGINEERING CONDITIONS

1. An Engineering Permit for the project will be required from the Public Works Department for proposed on-site grading, excavation and drainage improvements, and all work within the public right-of-way. An inspection deposit and plan check deposit for the Permit will be determined based on the estimated construction cost of the work being performed, as shown on the current fee schedule. Refer to the Engineering Permit Submittal Checklist for submittal requirements.

2. The applicant shall submit one hard copy and one electronic copy of grading, drainage and street improvement plans, and associated calculations and/or reports, prepared by a California Registered Civil Engineer in conformance with City Standards. Plans shall include but may not be limited to street, utility and drainage improvements, and shall be submitted to the Public Works Department for review and approval prior to issuance of a grading/engineering permit.

3. Prior to issuance of Engineering Permits, Engineering Cost Estimates shall be submitted with the Grading and Improvement Plans. One Engineering Estimate for on-site improvements and a separate estimate for public improvements shall be submitted. Each page of the estimates shall be signed and stamped by the applicant's engineer.

4. For projects over $12,000. Prior to issuance of Engineering Permits, faithful performance, and labor and materials bonds (each to be 100% of the Engineer's Estimate for public improvements, 50% for private improvements) shall be filed

with the City to cover all public improvements and any on-site grading, drainage improvements and/or retaining walls. A cash deposit in the amount of 10% of the bond amount shall be submitted with each bond.

5. At the time of acceptance of public improvements, the applicant shall submit a set of "Record Drawings" showing any and all changes made to the design plans during the construction period. The "Record Drawings" shall be the original construction tracings or permanent mylar copies of a quality acceptable to the City Engineer.

6. Securities will be released to the Owner at the expiration of one year after the date of recording a Notice of Completion with the Santa Barbara County Recorder or when all stop notices have been released, whichever last occurs.

RIGHT-OF-WAY IMPROVEMENTS CONDITIONS

7. Improvement plans shall be submitted for public improvements prior to issuance of an Engineering Permit. Any person obtaining a permit to erect, construct, place or replace or relocate a building, structure or dwelling, or to enlarge or make additions thereto in excess of six hundred fifty square feet shall, at his expense, provide for the plans and construction of curbs, gutters, sidewalks, driveway approaches, base paving, barricades, catch basins and drainpipes along all street and alley frontages in accordance with the standard drawings and standard specifications of the City Engineer, in accordance with Chapter 15.16 of the Carpinteria Municipal Code. Improvements, such as paving, curbs and gutters, shall transition into existing public improvements as required by the City Engineer.

8. The curb ramp at the south corner of the Elm Avenue and Eighth Street intersection shall be upgraded to American with Disabilities Act standards and in conformance with the Standard Specifications for Public Works Construction latest edition, supplements, and errata thereto, written and promulgated by Public Works Standards, Inc., and additions and amendments by the City of Carpinteria.

9. The driveway apron at the intersection of Cedar Place and Elm Avenue shall be upgraded to American with Disabilities Act standards and in conformance with the Standard Specifications for Public Works Construction latest edition, supplements, and errata thereto, written and promulgated by Public Works Standards, Inc., and additions and amendments by the City of Carpinteria.

10. Sidewalk shall be placed along Eighth Street to the property line in conformance with the Standard Specifications for Public Works Construction latest edition, supplements, and errata thereto, written and promulgated by Public Works Standards, Inc., and additions and amendments by the City of Carpinteria.

11. Landscaping proposed within the City right-of-way shall be reviewed and approved by the Public Works Department prior to issuance of an Engineering Permit.

12. All improvements in the public right-of-way shall be completed to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy by the Community Development Department.

UTILITY CONDITIONS

13. Prior to occupancy of the project, any existing and proposed utility services shall be placed underground from the closest point of connection or utility pole and completed prior to any paving required for the project. No new utility poles shall be installed.

14. Any existing and proposed easements for utilities shall be located and described on the engineering plans or the architectural drawings prior to issuance of engineering/building permits.

GRADING CONDITIONS

15. Prior to performing any grading, the applicant shall obtain an Engineering Grading Permit for the site Improvement from the Public Works Department (if the amount of grading exceeds three feet in vertical depth at its deepest point, measured from the natural ground slope, and/or 30 cubic yards of material moved in any twelve-month period) and pay the required permit deposits/fees. Plans shall be submitted in accordance with the requirements and Standards of Chapter 8.36 of the Carpinteria Municipal Code.

16. A Soils Report shall be submitted with Improvement Plans and Grading/Drainage Plans for review and approval by the City Engineer. The Soils Report shall be prepared by a California Registered Geologist or Soils Engineer and submitted to the Public Works Department. The Report shall address soils engineering and compaction requirements, R-values, and other soils and geology related issues (including liquefaction) and shall contain recommendations addressing the soil quality for grading, excavation, slope, foundation design and construction retaining wall design, where applicable for the project.

17. The applicant shall submit a statement describing source of material to be used for fill and/or location to which excavation material will be removed, routes for hauling material, starting and completion dates, hours of work and methods of controlling dust.

STORM WATER MANAGEMENT CONDITIONS

1. An Erosion and Sediment Control Plan must be prepared and submitted to obtain the necessary Grading/Engineering Permit from the City Engineer prior to any grading activity.

2. This project is subject to the requirements of the County of Santa Barbara Technical Guide for Low Impact Development.

3. The applicant shall submit a Storm Water Control Plan (SWCP) complying with the Technical Guide that includes the following elements:
    a. identification of potential pollutant sources that may affect the quality of the storm water discharges;
    b. the proposed design and placement of structural and non-structural PCRs to address identified pollutants;
    c. certification by a licensed civil engineer, architect, or landscape architect.

4. The applicant shall submit a completed Maintenance Agreement, including the following elements:
    a. Operations and Maintenance Plan
    b. Legal description of the property
    c. Clear map of property with the location of all storm water control measures noted

    The owner's signature shall be notarized prior to submittal to the City.

SOLID WASTE CONDITIONS

5. Sixty-five percent (65%) or more of all construction and demolition debris generated shall be diverted from the landfill, as mandated by Carpinteria Municipal Code.

6. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt).

7. During demolition and grading, separate bins for recycling of construction materials and brush shall be provided onsite.

8. Plan Requirements: This requirement shall be printed on demolition plans. Applicant shall report any self-hauled materials to the City or contract with an approved waste hauler for disposal of construction and demolition debris.

9. Timing: Materials shall be recycled as necessary throughout demolition and grading activities. All materials shall be recycled prior to occupancy clearance.

10. Monitoring: Public Works shall review and approve self-hauled disposal receipts from transfer stations prior to occupancy clearance.

ENVIRONMENTALLY PREFERABLE PUCHASING POLICY

1. The City has implemented an environmental purchasing policy (City Council Resolution No. 5686), and the applicant should adhere to similar principles.

End of Comments

CARPINTERIA~SUMMERLAND
FIRE PROTECTION DISTRICT

4905, 8th Street, , Carpinteria, , CA, 93013, , Demo SFD new triplex, yes

Location	34.398148, -119.521137
Status	Planning Completed
Submittal Date:	2021-02-25
Address/Location:	4905 8th Street Carpinteria, CA 93013
APN:	003-011-001
Number of stories:	2
Comments:	Demo SFD new triplex
Submittal Type:	Planning
Applicant:	Dylan Chappell
Address	175 S. Ventura Avenue Ventura, CA 93001
Phone Number:	805-205-4760
Email:	dylan@dylanchappell.com

Planning/Conceptual Design

Date Plan Review Completed:	2021-03-04
Permit Number:	21-2083 CDP/DP/ARB
Planner:	Syndi Souter
Submittal Type:	Demo
	New Construction
Description:	New Tri-plex
Plans Checked By:	Todd Jenkins
Invoiced	Yes
Items Invoiced:	FPC-P
Invoices Paid	Yes
Invoices Paid:	FPC-P

Project Conditions

All work shall be done per current applicable CFC and CSFPD ordinance and standards.

Access and Identification	All required access ways (public or private) shall be installed and made serviceable prior to the erection of combustible materials. Gated access ways (if provided) shall open in the direction of ingress travel; gates shall be located thirty (30') feet from the edge of road driving surface. Minimum clear width of gate opening shall be at least 2 feet wider than the road served. The location and type of gate shall be approved by the Fire District prior to installation. A Fire District approved key entry system shall be installed in an accessible location. Building address numbers shall be visible from the street. Numbers shall be a minimum 4" high 1" stroke on a contrasting background. Fire Lane Identification shall comply with the current CSFPD Development Standards Application for address changes for the building shall be submitted to CSFPD Fire Prevention Bureau

CARPINTERIA~SUMMERLAND
FIRE PROTECTION DISTRICT

Water Requirements	A current fire flow form shall be submitted to Carpinteria-Summerland Fire Protection District. Contact the Carpinteria Valley Water District or Montecito Water District to schedule having the test performed. Fire hydrants capable of supplying the required fire flow for fire protection shall be provided for all buildings or portions of buildings which have been or are hereafter constructed within this project.
Fire Protection Systems	All new buildings and structures shall be protected by an approved automatic fire sprinkler system. The installation of an automatic fire sprinkler system throughout the entire building or structure shall be required for any additions or modification to an existing building or structure which is not served by water supplies meeting Fire District Standards and for which an application for a building permit is filed or required to be filed with the County or City. A fire alarm or sprinkler monitoring system shall be installed or modified. Prior to installation plans for the system shall be designed by a qualified person and submitted to this office for approval. Smoke detectors and Carbon Monoxide Alarms must be installed in all residences in accordance with the current National Electric Code Per the provisions of the California Building and Fire Codes. Prior to occupancy all alarm systems that are monitored shall be tested. Prior to occupancy Portable Fire Extinguishers shall be mounted such that the maximum travel distance from any area will meet the standard or be less than 75 feet. System to be designed to 13R if Fire Flow Met
Additional Requirements	Roof access shall be provided in accordance with the provisions of the Carpinteria City Municipal Code Section 8.254.070. Any future changes including further division intensification of use or increase in hazard classification may require additional conditions in order to comply with applicable fire district development standards
Fees	C. Multiple Family Residential Development. A fee of One Thousand Eight Hundred Eighteen Dollars and Eight Cents ($1818.08) per Dwelling Unit will be assessed on all Multiple Family Residential development.

Checks shall be made payable to: Carpinteria-Summerland Fire Protection District (CSFPD) and delivered to Fire District Headquarters at 1140 Eugenia Place, Suite
Money orders and cashiers' checks will be accepted. Credit and debit cards can be used online. The link can be found at Carpfire.org Note: Cash payment will no

Inspector's Signature:

Signed 2021-03-04 18:23:25 UTC

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

Annual Report on the Development Impact Fee Program and Update to the Capital Improvement Plan.

STAFF RECOMMENDATION

Adopt Resolution No. 6347, approving and accepting the Annual Report of the Development Impact Fee Program and updating the Capital Improvement Plan.

Sample Motion: I move to adopt Resolution No. 6347, as read by title only.

BACKGROUND

In order to mitigate the impacts on public improvements and facilities due to new development or redevelopment, the City established a Development Impact Fee (DIF) Program. The City's DIF Program was initially established in 1994 through adoption of City Council Ordinance No. 500, and its regulations reside in Chapter 15.80 of the Carpinteria Municipal Code. The City's DIF Program was established pursuant to the authority granted to cities through the Mitigation Fee Act (Government Code Section 66000 et seq.), also known as Assembly Bill 1600.

Public improvement projects, also known as capital projects, are described in the City's Capital Improvement Plan (CIP) and include projects that are entirely or partially necessary due to impacts on public improvements and facilities created by new development. The amount of each DIF is determined based on a nexus study, which the City regularly updates[1]. The nexus study determines the "fair share" of each public improvement and facility project's cost that is attributable to new development projects.

The Mitigation Fee Act requires local agencies to comply with specific annual reporting and accounting procedures. The City prepares the DIF Program annual report along with any CIP updates, which are presented at a public hearing. As a part of the annual report, the City Council considers and acts on findings necessary to determine compliance with the Mitigation Fee Act.

[1] 2023 Development Impact Fee Study Update. City of Carpinteria. 22 November 2023
https://carpinteria.granicus.com/MetaViewer.php?view_id=2&clip_id=1356&meta_id=86943

The purpose of this agenda matter is for the City Council to consider and adopt Resolution No. 6347, approving and accepting the annual report of the DIF Program and updating the CIP.

DISCUSSION

Annual Reporting of Development Impact Fees

Collection of development impact fees contribute revenue to fund public improvements and facilities of the CIP. The following categories of development impact fees (listed in alphabetical order) are collected through the City's DIF Program:

- Aquatics Facilities
- General Government Facilities
- Highways and Bridges
- Open Space
- Park and Recreation Facilities
- Park Land Acquisition
- Parking Facilities
- Quimby
- Storm Drain Facilities
- Streets and Thoroughfares
- Traffic Control Facilities

Proposed Resolution No. 6347, as shown in Attachment A, if adopted by the Council, is the City's Annual Report on the DIF program. Exhibits to Resolution No. 6347 include the following requisite information:

(A) A brief description of the type of fee in the account or fund. See Exhibit 1 of Resolution No. 6347.

(B) The amount of the fees. See Exhibits 2 and 3 of Resolution No. 6347.

(C) The beginning and ending balance of the account or fund. See Exhibit 5 of Resolution No. 6347.

(D) The amount of the fees collected and the interest earned. See Exhibit 5 of Resolution No. 6347.

(E) An identification of each public improvement by which fees were expended and the amount of the expenditures on each improvement funded with fees including the percentage of the total cost of the public improvement that has been expended to date with the fees. Table 1 below identifies capital projects for which development impact fees were spent during Fiscal Year 2023-24 and in previous fiscal years.

Table 1:

Project Number	Project Name	DIF Category	Estimated Cost	DIF Funds Expended in Previous FYs	DIF Funds Expended in FY 2023-24	Total Amount Expended To Date	% Total Cost Expended To Date
HI-07	Carpinteria Avenue Bridge over Carpinteria Creek	Highways & Bridges	$12,661,390	$411,298.36	$8,853.78	$420,152.14	3.32%
SD-02	East Via Real Storm Drain	Storm Drain Facilities	$1,093,063	$131,512.68	$31,712.99	$163,225.67	14.93%
PR-35	Acquire Easements and Construct Trails at Bluff I and II	Park Land Acquisition	$1,035,434	$95,094.74	$6,890.51	$101,985.25	9.85%
PR-42	La Concha Park	Park & Recreation Facilities	$647,800	$5,707.50	$50.00	$5,757.50	0.89%
TC-01	Carpinteria Avenue & Palm Avenue	Traffic Control Facilities	$251,301	$80,548.83	$42,277.48	$122,826.31	48.88%
PR-34	Carpinteria Creekside Parcel Acquisition	Open Space	$352,388	$88,734.58	$83,137.58	$171,872.16	48.77%
ST-58	2022 Pavement Rehabilitation	Quimby	$2,215,000	$0.00	$111,000.00	$111,000.00	5.01%
				Total:	**$283,922.34**		

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete, per Government Code Section 66001(a)(2). See Exhibit 4 of Resolution No. 6347.

(G) A description of each inter-fund transfer or loan made from the account or fund including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an inter-fund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan. No inter-fund transfers were made.

(H) The amounts of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001. No refunds or allocations were made.

[Government Code Section 66066(b)]

The Mitigation Fee Act also requires that for the fifth year following the first deposit into a DIF account or fund, and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

(A) Identify the purpose for which the fee is to be put;
(B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;

(C) Identify all sources and amounts of funding anticipated to complete financing for incomplete improvements; and
(D) Designate the approximate dates on which the funding referred to in item 3 above is expected to be deposited into the appropriate account or fund.

[Government Code Section 66001(d)]

Since many of the DIF categories start at different years, the five-year findings for all DIF categories are presented every year with the annual reporting. The five-year findings are included in the proposed Resolution No. 6347.

Quimby Fees

Quimby fees are collected for the acquisition of parklands through non-commercial residential projects that include subdivisions. Continued increases in the development of dwelling units and mobile home spaces, combined with the resulting increase in population, created a need for expansion of public parks, playgrounds, and recreation facilities in order to serve the population. Quimby fees are accounted and reported as required by the Quimby Act (Government Code Section 66477 et seq.) and Carpinteria Municipal Code Chapter 16.24 (Park and Recreation Facilities Dedication and Fees). The local agency, to which the land or fees are conveyed or paid, must:

1. Develop a schedule specifying how, when, and where it will use the land or fees or both to develop park and recreational facilities to serve residents of the subdivision; and
2. Commit any fees to approved projects within five years of the date they were collected.

[Government Code Section 66477(a)(6)(A)]

Exhibit 4 of the proposed Resolution No. 6347 shows the property acquisition projects to which Quimby fees would be allocated. All future Quimby fees are committed to the property acquisition projects.

Development impact fees including Quimby fees are adjusted automatically on July 1 of each year in accordance with the procedures established in Carpinteria Municipal Code Sections 15.80.050 and 16.24.080, respectively. Exhibit 2 of the proposed Resolution No. 6347 shows the adjusted development impact fees. Exhibit 3 thereof shows the adjusted Parks and Recreational Facilities development impact fees, which is based on the sales report data provided by the Santa Barbara County Assessor's Office [Carpinteria Municipal Code Sections 15.80.050(A) and 16.24.080(C)].

Capital Improvement Plan

The Annual Report also includes adjustments to the cost estimates in the CIP. The adjustments are made using the price index established in Carpinteria Municipal Code Section 15.80.160, in order to ensure the estimated construction costs reflect actual costs, including inflation. The cost estimates are also shown in Exhibit 4 of the proposed Resolution No. 6347. Each cost estimate is based on a project-specific analysis.

POLICY CONSISTENCY

The City's annual reporting is consistent with the Mitigation Fee Act, as codified by Government Code Sections 66000 et seq. and 66477 et seq. and Carpinteria Municipal Code Chapters 15.80 and 16.24.

FINANCIAL CONSIDERATIONS

As of June 30, 2024, the audited Fiscal Year 2023-24 end balances are shown as follows:

GENERAL GOVERNMENT FACILITIES DIF	$32,918.66
HIGHWAY & BRIDGES DIF	$912,021.30
STORM DRAIN FACILITIES DIF	$270,834.49
TRAFFIC CONTROL FACILITIES DIF	$221,715.82
STREETS & THOROUGHFARES DIF	$112,578.74
PARKING FACILITIES DIF	$138,783.52
PARK LAND ACQUISITION DIF[1]	$44,575.14
PARK & RECREATION FACILITIES DIF	$119,066.26
AQUATIC FACILITIES DIF	$59,159.32
OPEN SPACE DIF	$45,220.53
QUIMBY FEES	$305,370.76
TOTAL	$2,360,401.12

1. Park Land Acquisition DIF is a carry-over from the previous DIF Program and is no longer collected.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The public hearing notice was published in the Coastal View Newspaper on November 14 and 21, 2024, and is consistent with Government Code Sections 65090, 65094, and 66002.

OPTIONS

1. Adopt Resolution No. 6347, approving and accepting the Annual Report of the Development Impact Fee Program and updating the Capital Improvement Plan. (Staff recommendation).
2. Direct staff to amend Resolution No. 6347, as determined appropriate, and adopt Resolution No. 6347 as amended.

PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at the meeting.

ATTACHMENTS

Attachment A: Resolution No. 6347

Staff contact:
Stephon Downes, Management Analyst
(805) 755-4446; stephond@carpinteriaca.gov

Signature

Reviewed by:
John L. Ilasin, Public Works Director
(805) 880-3402; johni@carpinteriaca.gov

Signature

Reviewed by:
Licette Maldonado, Administrative Services Director
(805) 755-4448; licettem@carpinteriaca.gov

Signature

Reviewed by:
Michael Ramirez, City Manager
(805) 755-4400; michaelr@carpinteriaca.gov

Signature

ATTACHMENT A

Resolution No. 6347

RESOLUTION NO. 6347

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA UPDATING THE CITY'S CAPITAL IMPROVEMENT PLAN AND APPROVING AND ACCEPTING THE ANNUAL REPORT ON THE CITY'S DEVELOPMENT IMPACT FEE PROGRAM

WHEREAS, on January 24, 1994, the City Council adopted Ordinance No. 500, which established the City's Development Impact Fee program; and

WHEREAS, by Resolution Nos. 5749 and 5750, adopted September 25, 2017, the City Council adopted the City's 2017 Development Impact Fee Report and established a Development Impact Mitigation Fee Schedule for Development within the City of Carpinteria, respectively; and

WHEREAS, on November 27, 2023, via adoption of Resolution No. 6276, the City Council last approved the updated Capital Improvement Plan and the City's Annual Report on the City's Development Impact Fee Program; and

WHEREAS, Carpinteria Municipal Code Chapter 15.80 provides for an annual review of the Capital Improvement Plan, and Section 15.80.160 provides for an annual review of both the City's Development Impact Fee Program and the balance of funds currently maintained in the City's various Development Impact Fee accounts; and

WHEREAS, Carpinteria Municipal Code Chapter 16.24 provides for the City's collection of Quimby Act fees collected pursuant to Government Code Sections 66477 *et seq*.; and

WHEREAS, the documents that collectively reflect the balance in each Development Impact Fee and Quimby fee account, the fee balance, interest, credits, income, and the amount of expenditure by public facility and the amount of refunds made for the fiscal year ("the Document"), have been available for public review as required by law.

NOW, THEREFORE BE IT RESOLVED as follows:

SECTION 1.

The foregoing recitals are true and correct and incorporated in this Resolution by this reference.

SECTION 2.

The City Council finds that new development in the City will generate additional demands on public facilities throughout the City, and will contribute to the impact upon public facilities.

SECTION 3.

The City Council finds that the use to which the fees will be put is construction of public improvements at estimated costs described in the Capital Improvement Plan, and determines that there is a continued need for these improvements and that there is a reasonable relationship between such need and the type of development projects on which the fee is imposed, as such reasonable relationship is described in more detail in the City's Development Impact Fee Program and the Capital Improvement Plan.

SECTION 4.

The City Council finds that the fees expected to be generated by new development will not exceed the costs for construction of public facilities set forth in the Capital Improvement Plan.

SECTION 5.

The City Council finds that there is a reasonable relationship between the fees' use and the type of development for which the fees are charged, as these reasonable relationships are described in more detail in the City's Development Impact Fees Program and Capital Improvement Plan.

SECTION 6.

The City Council finds the cost estimates set forth in the Capital Improvement Plan (as amended) are reasonable cost estimates for the public facilities contained in the Capital Improvement Plan, and that the fees expected to be generated by new development will not exceed the costs for construction of the public facilities set forth in the Capital Improvements Plan.

SECTION 7.

The City Council approves the amendment to the City's Capital Improvement Plan as shown in Exhibit 4.

SECTION 8.

The City Council approves the annual financial report for Development Impact Fees and Quimby Fee for Fiscal Year 2023-2024.

SECTION 9.

The City Council approves and adopts Exhibits 1-5, inclusive, attached hereto, which include the FY 2024-2025 Development Impact Fees and Quimby fees set forth in Exhibits 2 and 3, and commits the Development Impact Fees and Quimby fees reflected in Exhibit 5 dedicated to the public improvement projects contained in Exhibit 4.

SECTION 10.

As to funds on deposit in the General Government Facilities Fund, the City Council finds as follows:

a) The purpose of the General Government Facilities Fund is to Finance the Construction of General Government Facilities as detailed further in Exhibit 4.

b) A reasonable relationship between the General Government Facilities Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the General Government Facilities DIF is assessed to new development in proportion to such development's impacts on necessary General Government Facilities.

c) The sources and amounts of funding for General Government Facilities, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the General Government Facilities, identified in the City's Capital Improvement Plan, are expected to be deposited into the General Government Facilities Fund are shown in Exhibit 4.

SECTION 11.

As to funds on deposit in the Highways and Bridges Fund, the City Council finds as follows:

a) The purpose of the Highways and Bridges Fund is to finance the construction of highway interchanges and bridges as detailed further in Exhibit 4.

b) A reasonable relationship between the Highways and Bridges Development Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Highways and Bridges DIF is assessed to new development in proportion to such development's impacts on necessary highways interchanges and bridges.

c) The sources and amounts of funding for Highway and Bridges Facilities, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the Highway and Bridges Facilities, identified in the City's Capital Improvement Plan, are expected to be deposited into the Highway and Bridges Fund are shown in Exhibit 4.

SECTION 12.

As to funds on deposit in the Storm Drain Facilities Fund, the City Council finds as follows:

a) The purpose of the Storm Drain Facilities Fund is to finance the construction of storm drains as detailed further in Exhibit 4.

b) A reasonable relationship between the Storm Drain Facilities Fund Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Storm Drain Facilities DIF is assessed to new development in proportion to such development's impacts on essential storm drains.

c) The sources and amounts of funding for Storm Drain facilities, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate date on which the funding to construct the Storm Drain facilities, identified in the City's Capital Improvement Plan, is expected to be deposited into the Storm Drain Facilities Fund is shown in Exhibit 4.

SECTION 13.

As to funds on deposit in the Streets & Thoroughfares Fund, the City Council finds as follows:

a) The purpose of the Streets & Thoroughfares Fund is to finance the construction of Streets & Thoroughfares as detailed further in Exhibit 4.

b) A reasonable relationship between the Streets & Thoroughfares Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Streets & Thoroughfares DIF is assessed to new development in proportion to such development's impacts on necessary Streets & Thoroughfares.

c) The sources and amounts of funding for Streets & Thoroughfares, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the Streets & Thoroughfares, identified in the City's Capital Improvement Plan, are expected to be deposited into the Streets & Thoroughfares Fund as shown in Exhibit 4.

SECTION 14.

As to funds on deposit in the Open Space Fund, the City Council finds as follows:

a) The purpose of the Open Space Fund is to finance the acquisition of Park Open Space acreage as detailed further in Exhibit 4.

b) A reasonable relationship between the Open Space Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Open Space DIF is assessed to new development in proportion to such development's impacts on necessary Park Open Spaces.

c) The sources and amounts of funding for Open Space, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to acquire Open Space, identified in the City's Capital Improvement Plan, are expected to be deposited into the Open Space Fund are as shown in Exhibit 4.

SECTION 15.

As to funds on deposit in the Parking Facilities Fund, the City Council finds as follows:

a) The purpose of the Parking Facilities Fund is to finance the construction of Parking facilities as detailed further in Exhibit 4.

b) A reasonable relationship between the Parking Facilities Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Parking Facilities DIF is assessed to new development in proportion to such development's impacts on necessary Parking facilities.

c) The sources and amounts of funding for Parking facilities, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the Parking facilities, identified in the City's Capital Improvement Plan, are expected to be deposited into the Parking Facilities Fund are as shown in Exhibit 4.

SECTION 16.

As to funds on deposit in the Traffic Control Facilities Fund, the City Council finds as follows:

a) The purpose of the Traffic Control Facilities Fund is to finance the construction of Traffic Control equipment as detailed further in Exhibit 4.

b) A reasonable relationship between the Traffic Control Facilities Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Traffic Control Facilities Fund DIF is assessed to new development in proportion to such development's impacts on necessary Traffic

Control equipment.

c) The sources and amounts of funding for Traffic Control equipment, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the Traffic Control equipment, identified in the City's Capital Improvement Plan, are expected to be deposited into the Traffic Control Facilities Fund are as shown in Exhibit 4.

SECTION 17.

As to funds on deposit in the Park Land Acquisition Fund, the City Council finds as follows:

a) The purpose of the Park Land Acquisition Fund is to finance the acquisition of land for parks as detailed further in Exhibit 4.

b) A reasonable relationship between the Park Land Acquisition Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Park Land Acquisition Fund DIF is assessed to new development in proportion to such development's impacts on necessary Park facilities.

c) The sources and amounts of funding for Parks, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the acquisition of Parks, identified in the City's Capital Improvement Plan, are expected to be deposited into the Park Land Acquisition Fund as shown in Exhibit 4.

SECTION 18.

As to funds on deposit in the Aquatic Facilities Fund, the City Council finds as follows:

a) The purpose of the Aquatic Facilities Fund is to finance the construction of Park Aquatics facilities as detailed further in Exhibit 4.

b) A reasonable relationship between the Aquatic Facilities Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Aquatic Facilities Fund DIF is assessed to new development in proportion to such development's impacts on necessary Park Aquatics facilities.

c) The sources and amounts of funding for Aquatic facilities, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the Aquatic facilities, identified in the City's Capital Improvement Plan, are expected to be deposited into the Aquatic Facilities Fund as shown in Exhibit 4.

SECTION 19.

As to funds on deposit in the Park and Recreation Facilities Fund, the City Council finds as follows:

a) The purpose of the Park and Recreation Facilities Fund is to finance the design and construction for parks as detailed further in Exhibit 4.

b) A reasonable relationship between the Park and Recreation Facilities Development Impact Fee and its purpose exists, in that the City's DIF Report, as updated, demonstrates that the Park and Recreation Facilities Fund DIF is assessed to new development in proportion to such development's impacts on necessary Park and Recreation Facilities.

c) The sources and amounts of funding for Park and Recreation Facilities, identified in the City's Capital Improvement Plan, are identified as shown in Exhibit 4.

d) The approximate dates on which the funding to construct the Park and Recreation Facilities, identified in the City's Capital Improvement Plan, are expected to be deposited into the Park and Recreation Facilities Fund as shown in Exhibit 4.

SECTION 20.

As to funds on deposit in the Quimby Fund, the City Council finds as follows:

a) All the requirements of Government Code section 66477 continue to be satisfied for the City's Park and Recreation Facilities Dedication and Fees Program, codified in Carpinteria Municipal Code Chapter 16.24.

b) The Quimby fees set forth in Exhibit 3 attached hereto are approved, and all fees reflected in Exhibit 5 are committed to the parks and recreation acquisition projects contained on Exhibit 4.

SECTION 21.

The adoption of this Resolution is not a project under the California Environmental Quality Act because it is the creation of a government funding mechanism that does not involve any commitment to any specific project. (CEQA Guidelines Section 15378(b)(4).)

PASSED, APPROVED AND ADOPTED on December 9, 2024, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, City of Carpinteria

ATTEST:

_____
Brian C. Barrett, CMC, CPMC
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 December 9, 2024.

_____
Brian C. Barrett, CMC, CPMC
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

ATTACHMENTS:
Exhibit 1 – Development Impact Fee Fund Descriptions
Exhibit 2 – Development Impact Mitigation Fee Schedule (Exclusive of Parks & Rec Fees)
Exhibit 3 – Development Impact Mitigation Fee Schedule (Parks & Rec Fees)
Exhibit 4 – CIP Summary
Exhibit 5 – Development Impact Fees Accounting (Audited)

EXHIBIT 1 TO RESOLUTION NO. 6347

City of Carpinteria
Development Impact Fee Fund Descriptions
2024-2025

Streets & Thoroughfares Fund: Fees collected for the actual and estimated costs to acquire additional right of ways for new public street improvements and to improve the existing street network to accommodate increased traffic demands associated with future development.

Highways and Bridges Fund: Fees collected for the actual and estimated costs to acquire additional right of ways and construct new and/or improved Highway interchanges and bridges to accommodate increased traffic demands associated with future development.

Traffic Control Facilities Fund: Fees collected for the actual and estimated costs for acquiring and installing new traffic control systems and to improve the existing traffic control systems to accommodate increased traffic demands associated with future development.

General Government Facilities Fund: Fees collected for payment of the costs of acquiring and constructing additional public facilities and equipment, and improving existing public facilities to meet demand of future development.

Storm Drain Facilities Fund: Fees collected for the actual and estimated costs of constructing new drainage facilities and to improve the existing drainage facilities to mitigate the drainage impacts associated with future development.

Park Land Acquisition Fund: Fees collected for the payment of the actual or estimated costs of acquiring land for park and recreational purposes. This fee is collected from residential projects that are not associated with a subdivision.

Park and Recreation Facilities Fund: Fees collected for the payment of the actual or estimated costs of designing and constructing parks and recreational facilities on land acquired for park and recreational purposes. This fee is charged to residential projects that are not associated with a subdivision.

Open Space Fund: Fees collected for the payment of the actual or estimated costs of acquiring additional acreage to be reserved as open space or with minimal park improvements designed to protect the greater number of acres. This fee is collected from commercial or industrial projects.

Aquatic Facilities Fund: Fees collected for the payment of the actual or estimated costs of designing and constructing aquatics facilities. This fee is not collected from commercial or industrial projects.

Parking Facilities Fund: Fees collected to finance parking improvements within the Downtown area that will accommodate new development within the Downtown “T”.

Quimby Fund: Fees collected pursuant to Government Code 66477 (Quimby Act) for the acquisition of parklands. These fees are collected on non-commercial residential projects that are associated with subdivisions.

Exhibit 2 to Resolution No. 6347

CITY OF CARPINTERIA

DEVELOPMENT IMPACT MITIGATION FEE SCHEDULE [1]

2024-2025

(Exclusive of Parks and Recreation Fees)

Last Updated 08/21/24

Land Use	Streets and Thoroughfares *	Highway and Bridges*	Traffic Control Facilities*	General Government Facilities*	Storm Drain Facilities*
Residential			**$ / sq. ft.**		
Residential[2]	0.12	1.64	0.19	0.93	1.73
Nonresidential			**$ / sq. ft.**		
Commercial	0.42	5.98	0.69	0.49	1.10
Industrial	0.13	1.82	0.22	0.27	0.79
Resort/Hotel[3]			**$ / room**		
	159.40	2,277.86	262.79	129.24	-

Land Use	Parking Facilities *
Downtown "T"	**$ / parking space**
Residential	15,862.06
Commercial	15,862.06

Residential
fee by category x # of new units = total fee

Commercial/Industrial
fee by category x gross sq. ft. = total fee

(1) Resolution Nos. 6278 and 6279, approving/adopting the 2023 Development Impact Fee Nexus Study and establishing the Development Impact Mitigation Fee schedule for development within the City of Carpinteria, respectively, adopted and approved by the City Council on December 11, 2023.

(2) Accessory dwelling units should be charged storm drain fee when construction of unit increases impervious surface. No storm drain fee charged if unit created within existing building footprint.

(3) All fees except for the storm drain fee are charged per hotel/resort guest room. Storm drain fee charged at the commercial rate per 1,000 square feet.

*Annually adjusted persuant to Municpal Code § 15.80.050(B)

Exhibit 3 to Resolution No. 6347

CITY OF CARPINTERIA

DEVELOPMENT IMPACT MITIGATION FEE SCHEDULE [1]

2024-2025

(Parks and Recreation Fees)

Last Updated 08/21/24

Land Use	Quimby Fee**	Park and Recreation Facilities Fee*	Aquatic Facilities Fee*	Open Space Fee**
Residential	**$ / sq. ft.**			
Residential	6.52	5.49	0.33	-
Nonresidential	**$ / sq. ft.**			
Commercial[2]	-	-	-	3.47
Industrial	-	-	-	1.90
Resort/Hotel	**$ / room**			
	-	-	-	911.40

(1) Resolution Nos. 6278 and 6279, approving/adopting the 2023 Development Impact Fee Nexus Study and establishing the Development Impact Mitigation Fee schedule for development within the City of Carpinteria, respectively, adopted and approved by the City Council on December 11, 2023.

(2) Residential congregate care facilities are not assumed to create demand for Quimby, Park and Recreation Facilities, and Aquatics Facilities Fees, and are not charged these fees.

* Annually adjusted persuant to Municipal Code §15.80.050(B) ** Annually adjusted persuant to Municipal Code § 15.80.050(A)

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Name	Total Cost	Description	Proposed Fiscal Year
ALTERNATIVE TRANSPORTATION - AT				
AT-02	Calle Ocho Pedestrian Undercrossing	To be determined	The general scope of work includes a new pedestrian undercrossing at the intersection of Calle Ocho and railroad. The objective of this project is to provide for a safe pedestrian crossing.	Beyond 2026/27
AT-03	Carpinteria Bluffs Multi-Use Trail Undercrossing	To be determined	The general scope of work includes a new multi-use trail undercrossing at the intersection of the southwest corner of Carpinteria Bluffs and railroad. The objective of this project is to provide for a safe crossing.	Beyond 2026/27
AT-05	Franklin Creek Trail Improvement	$1,185,131	The general scope of work includes accessible surfacing, safety fencing, and adjacent accessibility connection improvements along east side Franklin Creek Trail between Carpinteria Avenue and Seventh Street. The objective of this project is to provide for a safe route to school.	2022/23
AT-08	Santa Monica Creek Multi-Use Trail Extension	To be determined	The general scope of work includes extension of existing multi-use trail located on east side of Santa Monica Creek from El Carro Lane to State Route 192. The objective of this project is to connect accessibility.	Beyond 2026/27
AT-10	Rincon Multi-Use Trail	$8,850,764	The general scope of work includes a new multi-use trail between Carpinteria Avenue and Rincon County Park. The objective of this project is to close one of the gaps in the California Coastal Trail. The California Department of Transportation is required to complete this project per the Conditional Use Permit/Coastal Development Permit of the Highway 101 Linden Avenue and Casitas Pass Road Interchanges and Via Real Extension Project.	2022/23
AT-11	Third Street Pedestrian Improvements	To be determined	The general scope of work includes pedestrian improvements along west side of Third Street from Linden Avenue to Holly Avenue. The objective of this project is to provide accessibility.	Beyond 2026/27
AT-14	Holly Avenue Multi-Use Trail Undercrossing	To be determined	The general scope of work includes installing a new multi-use trail undercrossing at the intersection of Holly Avenue and railroad. The objective of this project is to provide for a safe crossing.	Beyond 2026/27
AT-15	Pedestrian Path from Salt Marsh Park to Linden Avenue	To be determined	The general scope of work includes a pedestrian path from Salt Marsh Park, Ash Avenue, south side of railroad, to Linden Avenue. The objective of this project is to provide accessibility.	Beyond 2026/27
AT-16	Franklin Creek Pedestrian Bridge	To be determined	The general scope of work includes a new pedestrian bridge over Franklin Creek for Aliso Elementary School. The objective of this project is to provide a safe route to school.	Beyond 2026/27
AT-20	Via Real Bike Lanes- Bailard Avenue to Carpinteria Creek	$281,097	The general scope of work includes a Class II Bikeway (Bike Lane) along south side of Via Real from Bailard Avenue to Carpinteria Creek. The objective of this project is to provide for an alternative transportation facility.	2022/23
AT-21	Creek Trail Lighting	To be determined	The general scope of work include lighting along creek trails. The objective of this project is to improve alternative transporation facility visibility.	Beyond 2026/27
AT-22	Downtown Sidewalk Infill	$150,780	The general scope of work includes infill of sidewalk in the Downtown district. The objective of this project is to connect accessibility.	2024/25
AT-23	Linden Avenue Improvements- Carpinteria Avenue to Linden Avenue Overcrossing	$401,731	The general scope of work includes sidewalk widening, parkways, street trees, curb ramp upgrades in conform with Americans with Disabilities Act (ADA) standards, and Class II Bikeways (Bike Lanes). The objective of this project is to conform with the Bikeways Plan of the Circulation Element of the General Plan and Local Coastal Plan and the SBCAG Regional Active Transportation Plan.	2023/24
	Subtotal	$10,869,503		

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Name		Description	Proposed Fiscal Year
GENERAL FACILITIES - GF				
GF-02	City Hall Campus Improvements	$1,669,350	The general scope of work includes parking lot sustainable pavement resurfacing, drainage, stormwater quality, and circulation. The objective of this project is to provide for a sustainable and circulation-efficient parking lot.	2024/25
GF-03	Emergency Operations Center/Sheriff's Department Substation	To be determined	The general scope of work includes a new Emergency Operations Center/Sheriff's Department substation on the City Hall campus. The objective of this project is to provide for a dedicated Emergency Operations Center/Sheriff's Department substation.	Beyond 2026/27
GF-07	Corporation Yard Maintenance Storage	To be determined	The general scope of work includes a new covered, detached structure with solar panels at the Corporation Yard. The objective of this project is to provide for equipment and materials storage protection.	Beyond 2026/27
GF-10	Transit Facility Improvements	$134,625	The general scope of work includes citywide transit facility improvements (e.g. bus pad, benches, and shelters). The objective of this project is to provide accessibility and/or amenities.	2024/25
GF-11	Corporation Yard Maintenance Building Fire Sprinkler System	$210,015	The general scope of work includes a new fire sprinkler system for Corporation Yard Maintenance Building. The objective of this project is to provide for fire protection.	2024/25
GF-12	City Hall Storage	$538,500	The general scope of work includes a new prefabricated storage building on City Hall campus. The objective of this project is to provide for additional file storage capacity and relocate existing files from storage rental facilities.	2023/24
GF-15	Shuttle Electric Port Relocation	To be determined	The general scope of work includes relocation of the transit shuttle electric charging station from behind City Hall Building to Corporation Yard. The objective of this project is to re-route transit shuttle circulation.	Beyond 2026/27
GF-16	City Hall Solar Energy Generation and Storage	$466,826	The general scope of work includes new solar energy generation (photovoltaic) and solar energy storage (battery) facilities. The objective of this project is to decrease long-term electric energy costs, provide for self-contained electric power, enhance resiliency, and decrease greenhouse gas emissions.	2022/23
GF-17	City Hall Campus Expansion	$2,154,000	The general scope of work includes new parcel acquisition and improvement of adjacent real properties. The objective of this project is to provide for adequate space for public services.	2023/24
GF-18	Carpinteria Library Improvements	$1,503,061	The general scope of work includes building system upgrades. The objective of this project is to upgrade electrical, mechanical, and plumbing systems; and remodeling.	2023/24
	Subtotal	$6,676,377		

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Name		Description	Proposed Fiscal Year
HIGHWAY INTERCHANGES AND BRIDGES - HI				
HI-06	Santa Ynez Avenue Overcrossing Replacement	To be determined	The general scope of work includes removal and replacement of Santa Ynez Avenue Overcrossing at U.S. Highway 101. The objective of this project is to upgrade the overcrossing.	Beyond 2026/27
HI-07	Carpinteria Ave Bridge Replacement- Carpinteria Creek	$14,375,162	The general scope of work includes removal and replacement of Carpinteria Avenue Bridge over Carpinteria Creek. The objective of this project is to upgrade the bridge.	2024/25
HI-10	Pedestrian Bridges Rehabilitation	$149,617	The general scope of work includes rehabilitation of Eighth Street, Foothill Road, Meadow View Lane, El Carro Lane, Ninth Street, Santa Monica Creek Trail, and Via Real pedestrian bridges. The objective of this project is to rehabilitate bridge structural elements and to provide for accessibility upgrades.	2024/25
	Subtotal	$14,524,778		

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Name		Description	Proposed Fiscal Year
PARKING FACILITIES - P				
P-04	Parking Lot #4	$2,907,900	The general scope of work includes a new public parking lot on City parcel APN 004-105-026 between Linden Avenue, Elm Avenue, and railroad. The objective of this project is to provide for additional parking inventory.	2026/27
P-05	Ninth Street Parking Conversion-Yucca Lane to Linden Avenue	To be determined	The general scope of work includes converting Ninth Street from Yucca Lane to Linden Avenue into additional parking for Parking Lot #1. The objective of this project is to provide for additional parking inventory.	Beyond 2026/27
	Subtotal	$2,907,900		

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Name		Description	Proposed Fiscal Year
PARKS AND RECREATION FACILITIES - PR				
PR-02	Memorial Park Improvements	$570,810	The general scope of work includes new public restroom and trail. The objective of this project is to provide amenities.	2025/26
PR-05	Monte Vista Park Playground Equipment Replacement	$269,250	The general scope of work includes removal and replacement of playground equipment at Monte Vista Park. The objective of this project is to upgrade the playground equipment including accesisbility.	2026/27
PR-06	Lifeguard Tower Replacement	$134,625	The general scope of work includes removal and replacement of lifeguard tower at Holly Avenue beach-end. The objective of this project is to upgrade lifeguard tower.	2022/23
PR-09	Linden Avenue Beach-End Beautification	$716,205	The general scope of work includes beautification improvements at the Linden Avenue beach-end. The objective of this project is to provide for a more aesthetically pleasing urban park environment and transition to Carpinteria Beach.	2024/25
PR-14	Tar Pits Park Improvements	To be determined	The general scope of work includes improvements at Tar Pits Park. The objective of this project is restore coastal habitat, repair existing trail, and add more coastal access.	Beyond 2026/27
PR-23	Carpinteria Community Pool Improvements	$560,040	The general scope of work includes a new small pool. The objective of this project is to provide for an additional pool area for smaller non-swimming lap water activities.	2025/26
PR-31	Community Farm	$2,598,793	The general scope of work includes a new community garden, orchard, and privacy fence on the former Whitney Property (APN 001-070-012). The objective of this project is to repurpose the parcel into a community garden and orchard.	2022/23
PR-32	Carpinteria Skate Park	$2,685,769	The general scope of work includes a new skate park on the City Hall campus. The objective of this project is to provide a dedicated park for skating.	2022/23
PR-34	Carpinteria Creekside Parcel Acquisitions	$352,718	The general scope of work includes acquisition of parcels along Carpinteria Creek. The objective of this project is to restore creek habitat and provide for an extension of the creek trail.	2024/25
PR-35	Bluffs Two Trail	$457,784	The general scope of work includes a new trail within a City easement (acquired in December 2018) across 6155 Carpinteria Avenue (APN 001-180-040). The objective of this project is to close a gap in the Carpinteria Coastal Vista Trail.	2022/23
PR-36	Bluffs Three Park	$2,563,163	The general scope of work includes a non-motorized trail, parking lot, restroom, amphitheater, and interpretive signage at Bluffs Three. The objective of this project is to provide for a public park and to close a gap in the Carpinteria Coastal Vista Trail.	2023/24
PR-37	Carpinteria Community Pool Rehabilitation	To be determined	The general scope of work includes rehabilitation of Carpinteria Community Pool. The objective of this project is to rehabilitate the pool finishing and other appurtenances.	Beyond 2026/27
PR-39	Coastal Access Ramp	To be determined	The general scope of work includes a new coastal access ramp at Higgins Spring in Tar Pits Park. The objective of this project is to provide for coastal access.	Beyond 2026/27
PR-40	El Carro Park Parking Lot Reconstruction	To be determined	The general scope of work includes reconstruction of parking lot at El Carro Park. The objective of this project is to provide for a sustainable and circulation-efficient parking lot.	Beyond 2026/27
PR-41	El Carro Park Restroom/Utility Building Replacement	To be determined	The general scope of work includes removal and replacement of restroom/utility building at El Carro Park. The objective of this project is to upgrade the restroom/utility building.	Beyond 2026/27
PR-42	Concha Park	$655,126	The general scope of work includes a pocket playground park adjacent to Historical Marker #535 alongside Carpinteria Avenue. The objective of this project is to provide for a public park near the multi-family dwellings.	2022/23
PR-43	Lagunitas Park	$2,232,244	The general scope of work includes developing 2.5 acres of land for a new public park, including pickle ball courts. The objective of this project is to provide for a new public park to include picnic areas, off-leash dog park, restroom, parking lot.	2024/2025
PR-44	Dune and Shoreline Management Plan	$382,452	The general scope of work includes preparing a Dune and Shoreline Management Plan. The Dune and Shoreline Management Plan would allow for the development of a conceptual design and maintenance program for a living shoreline consisting of a stabilized dune system combined with a cobble and sediment nourishment program with the objective of protecting landward resources and critical infrastructure in the beach neighborhood, areas north of Carpinteria Salt Marsh, and Downtown while minimizing beach erosion.	Beyond 2022/23
	Subtotal	$14,178,980		

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Names		Description	Proposed Fiscal Year
STORM DRAIN FACILITIES - SD				
SD-01	Casitas Pass Road Storm Drain	To be determined	The general scope of work includes a new storm drain in Casitas Pass Road from El Carro Lane to Carpinteria Creek. The objective of this project is to improve stormwater drainage and quality.	Beyond 2026/27
SD-02	East Via Real Stormwater	$1,881,042	The general scope of work includes a new storm drain in east Via Real and Poplar Street. The objective of this project is to improve stormwater drainage and quality.	2022/23
SD-03	Calle Arena Culvert	To be determined	The general scope of work includes a new storm drain from Calle Arena to Carpinteria Creek. The objective of this project is to improve stormwater drainage and quality.	Beyond 2026/27
SD-04	Palm Avenue Storm Drain	To be determined	The general scope of work includes a new storm drain in Palm Avenue from Carpinteria Avenue to Eighth Street. The objective of this project is to improve stormwater drainage and quality.	Beyond 2026/27
SD-05	Walnut Avenue Storm Drain	To be determined	The general scope of work includes a new storm drain in Walnut Avenue from terminus to Carpinteria Creek. The objective of this project is to improve stormwater drainage and quality.	Beyond 2026/27
SD-07	Vallecito Road-Ogan Road Drainage Improvements	To be determined	The general scope of work includes drainage improvements in Vallecito Road and Ogan Road. The objective of this project is to improve stormwater drainage and quality.	Beyond 2026/27
SD-12	Drainage Inlet Retrofits	$107,700	The general scope of work includes retrofits of existing drainage inlets citywide. The objective of this project is to improve stormwater quality.	2024/25
SD-13	Ash Avenue Stormwater Lift Station	To be determined	The general scope of work includes a new stormwater lift station near the intersection of Ash Avenue and Third Street. The objective of this project is to improve stormwater drainage.	Beyond 2026/27
SD-20	Via Real Storm Drain- Santa Ynez Avenue to Cramer Circle	To be determined	The general scope of work includes a new storm drain in Via Real from Santa Ynez Avenue to west Cramer Circle. The objective of this project is to improve stormwater drainage and quality.	Beyond 2026/27
	Subtotal	$1,988,742		

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Names		Description	Proposed Fiscal Year
STREETS AND THOROUGHFARES - ST				
ST-13	West Via Real Widening	To be determined	The general scope of work includes widening of Via Real roadway at frontage of 4160 Via Real for new Class II Bikeway (Bike Lane). The objective of this project is to provide for an alternative transportation facility.	Beyond 2026/27
ST-18	Casitas Pass Road Traffic Calming	To be determined	The general scope of work includes new landscaped medians along Casitas Pass Road and curb bulb-outs at the Cameo Road intersection. The objective of this project is to provide for countermeasures to excess speeding.	Beyond 2026/27
ST- 55	Ninth Street Improvements-Holly Avenue to West End	$1,931,061	The general scope of work includes new curbs, gutters, sidewalks, and roadway end treatment. The objective of this project is to improve stormwater drainage and connect accessibility.	2023/24
ST-58	2022 Pavement Rehabilitation	$2,385,555	The general scope of includes pavement rehabilitation, pedestrian facility upgrades as needed, and drainage improvements. The objective of this project is to rehabilitate pavement using technologies and material recycling techniques and to provide for accessibility upgrades.	2022/23
ST-59	2023 Pavement Rehabilitation	$5,820,647	The general scope of includes pavement rehabilitation, pedestrian facility upgrades as needed, and drainage improvements. The objective of this project is to rehabilitate pavement using technologies and material recycling techniques and to provide for accessibility upgrades.	2023/24
ST-60	2024 Pavement Rehabilitation	$5,662,866	The general scope of includes pavement rehabilitation, pedestrian facility upgrades as needed, and drainage improvements. The objective of this project is to rehabilitate pavement using technologies and material recycling techniques and to provide for accessibility upgrades.	2024/25
ST-61	2025 Pavement Rehabilitation	$5,034,975	The general scope of includes pavement rehabilitation, pedestrian facility upgrades as needed, and drainage improvements. The objective of this project is to rehabilitate pavement using technologies and material recycling techniques and to provide for accessibility upgrades.	2025/26
ST-62	2026 Pavement Rehabilitation	$3,787,162	The general scope of includes pavement rehabilitation, pedestrian facility upgrades as needed, and drainage improvements. The objective of this project is to rehabilitate pavement using technologies and material recycling techniques and to provide for accessibility upgrades.	2026/27
ST-63	2022 Pavement Maintenance	$1,184,700	The general scope of work includes crack treatment, asphalt concrete pavement repairs, and microsurfacing. The objective of this project is to rejuvenate pavement.	2022/23
ST-64	2023 Pavement Maintenance	$1,184,700	The general scope of work includes crack treatment, asphalt concrete pavement repairs, and microsurfacing. The objective of this project is to rejuvenate pavement.	2023/24
ST-65	2024 Pavement Maintenance	$2,783,892	The general scope of work includes crack treatment, asphalt concrete pavement repairs, and microsurfacing. The objective of this project is to rejuvenate pavement.	2024/25
ST-66	2025 Pavement Maintenance	$2,159,023	The general scope of work includes crack treatment, asphalt concrete pavement repairs, and microsurfacing. The objective of this project is to rejuvenate pavement.	2025/26
	Subtotal	$31,934,580		

EXHIBIT 4 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
CAPITAL IMPROVEMENT PROGRAM
FY 2022/23 - FY 2026/27
Summary

Project Code	Project Names		Description	Proposed Fiscal Year
TRAFFIC CONTROL FACILITIES - TC				
TC-01	Carpinteria Avenue and Palm Avenue Intersection Improvements	$446,977	The general scope of work includes a new traffic signal system at the intersection of Carpinteria Avenue and Palm Avenue. he objective of this project is to improve traffic flow and provide for a countermeasure to vehicular and pedestrian conflicts.	2022/23
TC-02	Santa Ynez Avenue and Via Real Intersection Improvements	To be determined	The general scope of work includes a new traffic signal system at the intersection of Santa Ynez Avenue and Via Real. The objective of this project is to improve traffic flow and provide for a countermeasure to vehicular and pedestrian conflicts.	Beyond 2026/27
TC-03	Carpinteria High School Area Crosswalk Safety Improvements	$700,050	The general scope of work includes a new high intensity activated crosswalk system in front of Carpinteria High School and Rincon High School. The objective of this project is to provide for a countermeasure to vehicular and pedestrian conflicts.	2022/23
	Subtotal	$1,147,027		
	TOTAL	$84,227,887		

EXHIBIT 5 TO RESOLUTION NO. 6347
CITY OF CARPINTERIA
DEVELOPMENT IMPACT FEES ACCOUNTING (AUDITED)

CITY OF CARPINTERIA

DEVELOPMENT IMPACT FEES		LEDGER At July 1, 2021	ADJUSTMENTS	CREDITS	INTEREST	DEBITS	LEDGER At June 30, 2022
ACCOUNT	PURPOSE						
301-000-3016	GENERAL GOVERNMENT FACILITIES DIF	$29,147.23	$0.00	$2,271.24	$355.84	$0.00	$31,774.31
301-000-3001	HIGHWAYS & BRIDGES DIF	$854,432.15	$0.00	$17,674.08	$9,897.71	$1,538.53	$880,465.41
301-000-3002	STORM DRAIN FACILITIES DIF	$293,311.40	$0.00	$2,940.24	$3,055.62	$32,483.33	$266,823.93
301-000-3003	TRAFFIC CONTROL FACILITIES DIF	$298,605.04	$0.00	$1,423.60	$3,011.42	$22,250.00	$280,790.06
301-000-3004	STREETS & THOROUGHFARES DIF	$103,999.94	$0.00	$3,460.74	$1,220.81	$0.00	$108,681.49
301-000-3005	PARKING FACILITIES DIF	$132,473.53	$0.00		$1,505.90	$0.00	$133,979.43
301-000-3006	PARK LAND ACQUISITION DIF[1]	$34,764.32	$0.00	$7,786.54	$480.49	$0.00	$43,031.35
301-000-3007	PARK & RECREATION FACILITIES DIF	$182,479.92	$0.00	$0.00	$2,055.98	$69,543.60	$114,992.30
301-000-3008	AQUATIC FACILITIES DIF	$55,980.35	$0.00	$487.48	$640.30	$0.00	$57,108.13
301-000-3009	OPEN SPACE DIF	$38,076.97	$0.00	$5,089.14	$489.04	$0.00	$43,655.15
301-000-3017	QUIMBY FEES	$360,896.69	$0.00		$4,066.92	$103,097.00	$261,866.61
	TOTAL	$2,384,167.54		$41,133.06	$26,780.03	$228,912.46	$2,223,168.17

1. Park Land Acquisition DIF is a carry-over from the previous DIF Program.

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
December 9, 2024

ITEM FOR COUNCIL CONSIDERATION

Selection of City Council Representatives to Other Government Agencies, Regional Committees, City Council Joint and Standing Committees, and City Ad Hoc Committees.

STAFF RECOMMENDATION

Assign City Council representatives to Other Government Agencies, Regional Committees, City Council Joint and Standing Committees, and City Ad Hoc Committees, as set forth in the staff report and the below sample motion.

Sample Motion: I move to assign representatives as follows:

1. I move to assign Councilmember representatives, as discussed in Table 1, to Other Government Agencies.
2. I move to assign Councilmember representatives, as discussed in Table 1, to Regional Committees.
2. I move to assign Councilmember representatives, as discussed in Table 1, to the City's Joint and Standing Committees.
3. I move to assign Councilmember representatives, as discussed in Table 1, to the City's Ad Hoc Committees.

BACKGROUND / DISCUSSION

Every two years following the Municipal Election, the City Council must select from its members representatives to serve on various regional agencies and committees, City joint and standing committees, and City ad hoc committees. A list describing each regional committee, City joint, standing, and ad hoc committees, and area boards and committees is provided in Attachment A to this report.

Table 1, below, identifies the list of Council assignments to be made, which may be acted upon through nominations and a vote of the Council. The current City Councilmember representatives assigned to each committee are provided in the following table as well as the City representatives to the area boards and committees.

TABLE 1		
Committee	**Current Representatives**	**New Representatives**
Appointees to Other Government Agencies		
Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)	Mónica Solórzano (Alternate: Al Clark)	
California Joint Powers Insurance Authority (CJPIA)	Al Clark (Alternate: Natalia Alarcon)	
Santa Barbara County Association of Governments (SBCAG)	Al Clark (Alternate: Wade Nomura)	
Santa Barbara County Air Pollution Control District (APCD)	Al Clark (Alternate: Wade Nomura)	
Central Coast Community Energy (3CE) Policy Board	Primary: Goleta (Alternate: Wade Nomura)	Current membership through 12/31/25; Carpinteria will hold primary membership beginning 01/01/26 and Council will select representative in November 2025
Santa Barbara Metropolitan Transit District	Mónica Solórzano	
Representatives to Regional Agencies/Committees		
Channel Counties Division, League of California Cities	Wade Nomura (Alternate: Natalia Alarcon)	
Santa Barbara Joint Affordable Housing Task Group	Natalia Alarcon Mónica Solórzano	
Santa Barbara County Elected Leaders Forum to Address Homelessness	Al Clark (Alternate: Natalia Alarcon)	
South Coast Youth Safety Partnership	Mónica Solórzano Roy Lee	
Multijurisdictional Solid Waste Task Group	Roy Lee (Alternate: Natalia Alarcon)	
Joint and Standing Committees		
City Council/Economic Vitality Committee	Natalia Alarcon Roy Lee	
City Council/Public Safety Committee	Al Clark Wade Nomura	
City Council/School Board Committee	Roy Lee Natalia Alarcon	
City Council/Utilities Committee	Roy Lee Wade Nomura	
City Council/First District Supervisor Committee	Roy Lee Mónica Solórzano	
City Council Finance/Budget Committee	Natalia Alarcon Al Clark	

Transportation Committee	Roy Lee Al Clark	
Development Review Committee (Joint Committee membership from City Council, Planning Commission and Architectural Review Board)	<u>City Council</u> Al Clark Wade Nomura <u>Planning Commission</u> Not previously assigned <u>Architectural Review Board</u> Brad Stein Patrick O'Connor	Planning Commission will assign two representatives. Architectural Review Board will assign two representatives.
General Plan and Coastal Plan Update Committee (Joint Committee membership from City Council and Planning Commission)	<u>City Council</u> Roy Lee Al Clark <u>Planning Commission</u> Jane Benefield Katherine Salant	Planning Commission will assign two representatives.
Public Facility Site Acquisition/Development Committee	Al Clark Wade Nomura	
Sustainability Committee	Wade Nomura Mónica Solórzano	
<u>Ad Hoc Committees</u>		
Civic/Youth Engagement Committee	Roy Lee Wade Nomura	

The Council's practice has been to make Council representative assignments for Regional Agencies and Committees, City Council Joint, Standing, and City Ad Hoc Committees via nomination and vote of the Council. The Mayor has been informed of which assignments Councilmembers have an interest.

FINANCIAL CONSIDERATIONS

There are no financial considerations presented with this report.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

In California, the Brown Act establishes the requirements and procedures under which public agencies conduct meetings. Under the Brown Act, all "legislative bodies" must comply with Brown Act requirements related to open and public meetings. "Legislative Body" is defined in part as a standing committee of the local agency.

Standing committees are defined as committees which have either a continuing subject matter jurisdiction or have a meeting fixed by ordinance, resolution or formal action of the legislative body. Such standing committee can be made up of less than a quorum of the legislative body. Even if comprised of less than a quorum the standing committee is subject to the Brown Act. Any Committee made up of a majority of the legislative body also conducts meetings pursuant to provisions of the Brown Act.

Committees that are not standing committees are “ad hoc” committees, and do not constitute legislative bodies for the purposes of the Brown Act. According to the League of California Cities guide to the Ralph M. Brown Act, a good working definition of an ad hoc committee is one which serves a limited purpose or task, is not perpetual, and which is dissolved once its specific task is complete.

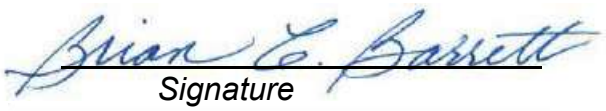
PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at the meeting.

ATTACHMENTS

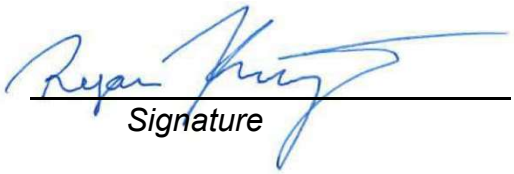
A. Description of Regional Agencies and Committees, City Joint and Standing Committees, and City Ad Hoc Committees

Staff contact: Brian C. Barrett, City Clerk
(805) 755-4403, brianb@carpinteriaca.gov



Signature

Reviewed by:
Ryan Kintz, Assistant City Manager
(805) 755-4400; ryank@carpinteriaca.gov



Signature

Reviewed by:
Michael Ramirez, City Manager
(805) 755-4450; michaelr@carpinteriaca.gov

Signature

ATTACHMENT A

Description of Regional Agencies and Committees, City Joint and Standing Committees, and City Ad Hoc Committees

1. Appointees to Other Government Agencies

a. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)

BEACON is a Joint Powers Authority established in 1992 to address coastal erosion, beach nourishment and clean oceans within the Central California Coast from Point Conception to Point Mugu. The member agencies of BEACON include the Counties of Santa Barbara and Ventura as well as the coastal cities of Santa Barbara, Goleta, Carpinteria, Ventura, Oxnard and Port Hueneme. The BEACON Board is made up of two Supervisors from each county and one Council representative from each member city for a total of 10.

Councilmember Representative: **Solórzano/Alt. Clark**
Meeting frequency: every other month
Meeting Schedule for 2023: January 20, March 17, May 19, July 21, September 15, and November 17
Meeting time: 9 am
Location: City of Carpinteria, City Hall
Term of Office: Serve as long as representative holds public office
Qualifications: Elected Official (Mayor/Councilmember)

b. California Joint Powers Insurance Authority (CJPIA)

To address the high cost of insurance, in the mid-1970s, a group of cities joined together to form the California JPIA for the purpose of providing liability protection for its members. The City currently purchases liability, property, workers compensation and crime insurance through the JPIA. The JPIA assists member cities with risk analysis and education in order to reduce the frequency and severity of claims as well as identifying liability weakness to prevent losses. A Board of Directors, consisting of one elected official is appointed by each Member Agency, governs the California JPIA.

Councilmember Representative: **Clark/Alt. Alarcon**
Meeting frequency: once annually (third Wednesday of July)
Location: La Palma, CA
Term of Office: Serve as long as representative holds public office
Qualifications: Elected Official (Mayor/Councilmember)

c. Santa Barbara County Association of Governments (SBCAG)

SBCAG is a Joint Powers Authority with members including all eight cities and the county of Santa Barbara. SBCAG functions under federal and State law as the Santa Barbara County region's Metropolitan Planning Organization, Regional Transportation Planning Agency, Local Transportation Authority, Airport Land Use Commission, and Affiliate Census Center. In these roles, SBCAG is responsible for providing certain regional planning functions such as regional growth forecast, census information, and regional housing needs assessment, and transportation planning and grant/revenue allocation, including the annual distribution of millions of dollars in local, state, and federal funds for the region's transportation projects and programs and services. SBCAG is the administrator of the Measure A program, a county-wide local sales tax dedicated to road repair, traffic relief, and transportation safety projects and programs in Santa Barbara County. The SBCAG Board consists of the five County Board of Supervisors, and a representative from each of the eight cities in the County for a total Board membership of 13. The City of Carpinteria representative also serves on the South Coast Subregional Planning Committee.

Councilmember Representative: **Clark/Alt. Nomura**
Board Meeting times: 10:00 am
Meeting Schedule: Third Thursday of every month
Location: alternating meeting location between Santa Barbara and Santa Maria.
Term of Office: Serve as long as representative holds public office
Qualifications: Elected Official (Mayor/Councilmember)

South Coast Subregional Committee Meeting times: 1:30 pm
Meeting Frequency: Monthly
Location: SBMTD Conference Room, 550 Olive St., Santa Barbara, CA

d. Santa Barbara County Air Pollution Control District (APCD)

APCD is a local government agency with a mission of working to protect the people and the environment of Santa Barbara County from harmful effects of air pollution. Pursuant state law, APCD has primary responsibility for controlling air pollution from all sources except motor vehicles. Its jurisdiction covers the entire County including the incorporated cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang.

Councilmember Representative: **Clark/Alt. Nomura**
Meeting time: 1pm
Meeting Schedule: January, March, May, June, August, October, and December
Location: Board of Supervisors' Hearing Room, Santa Barbara or Santa Maria
Term of Office: Serve as long as representative holds public office
Qualifications: Elected Official (Mayor/Councilmember)

e. Central Coast Community Energy (CCCE) (Nomura/Alt. Goleta)

The CCCE is a Joint Powers Authority made up of 30 cities and 4 counties in counties between Monterey and Santa Barbara counties. Member agencies are represented on a Policy and Operations Board. The Policy Board, made of elected officials meets quarterly and makes high level policy decisions on behalf of the member agencies. The City of Carpinteria and City of Goleta share seats on both the Policy Board and Operations Board (City administrators). As stated in the Memorandum of Understanding for the shared seats, the Policy Board representative serves for a term of two years and Board seat appointment responsibility alternates between the parties. The party serving as Policy Board representative is responsible for distributing via email to the parties' City Councils and City Managers the agenda, meeting minutes and any supplemental documents and information necessary to keep each party informed of policy, business or other related matters of the board meetings, after each Policy Board meeting as soon as materials are available and is practicable. The Policy Board Director alternate is appointed by the party not holding the Policy Board seat. In 2021/22 Carpinteria holds the Policy Board seat, and Carpinteria serves as the alternate, while Goleta holds the Operations Board seat, with Carpinteria as the alternate. This role will be reversed in December of 2023.

Councilmember Representative: **Goleta /Alt. Nomura (as of Dec. 2023)**
Policy Board 2023 Schedule: February 15, June 21, and September 21
Operations Board 2023 Schedule: January 11, March 8, April 12, May 10, August 9, September 20, October 11, and November 8
Term of Office: Policy Board representative serves 2-year term and Board seat shall alternate between Goleta and Carpinteria every 2 years
Qualifications: Elected Official (Mayor/Councilmember)

f. Santa Barbara Metropolitan Transit District

MTD is an independent public transit district with jurisdiction over the South Coast region of Santa Barbara County. A seven member board of directors governs the MTD. Two members are appointed by the County Board of Supervisors, two are appointed by the Santa Barbara City Council, one is appointed by the Goleta City Council and one is appointed by the Carpinteria City Council. The seventh member, also known as the at-large director, is appointed by the other six members of the board.

Councilmember Representative (was previously a City of Carpinteria Representative – member of public): **Solórzano**
Term of Office: Four years
Qualifications: Resident of District and resided within District at least one year prior to appointment to Board.
Meeting Frequency: 1st & 3rd Tuesday of the month at 8:30 am (no meetings in August/December) at MTD Administrative Offices

2. Representatives to Regional Agencies and Committees

The regional agency and committee meetings described below are all legislative bodies which must comply with Brown Act requirements related to open and public meetings.

a. Channel Counties Division, League of California Cities

The Channel Counties Division is made up of the 25 central coast cities in Ventura, Santa Barbara and San Luis Obispo counties. Quarterly meetings are casual and over dinner. Each city rotates hosting a meeting. Meetings include speakers who provide information on policy matters being discussed in Sacramento and Washington, DC effecting cities and also information on what the League is doing relative to these policy issues.

Councilmember Representative: **Nomura/Alt. Alarcon**
Meeting frequency: quarterly dinner meetings
Location: rotated among the cities

b. Santa Barbara Joint Affordable Housing Task Group

Santa Barbara Joint Affordable Housing Task Group meets quarterly to discuss and explore areas of potential intergovernmental cooperation in addressing housing needs for households of very low, low and moderate incomes. The County of Santa Barbara and Cities of Carpinteria, Goleta, and Santa Barbara are represented in this Task Group.

Councilmember Representative: **Alarcon & Solórzano** (only one representative required)
Past Meeting Schedule: January (Carpinteria City Hall), April (SB), July (Goleta), and October (SB)
Location: locations rotate among the four participating jurisdictions.

c. Santa Barbara County Elected Leaders Forum to Address Homelessness

Participating agencies include the County of Santa Barbara and the Cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang.

Location: virtual
Councilmember Representative: **Clark/Alt. Alarcon**
Meeting Schedule: January, March, May, July, September, and November

d. South Coast Youth Safety Partnership

The mission of the SCYSP is to expand the mobilization and alignment of community resources to improve the safety and quality of life for youth, their families, and the community. SCYSP's vision is to have safe and caring communities that provide opportunities for youth to fulfill their educational, employment, and personal potential. SCYSP believes that gang-related challenges in our community are best addressed locally and collectively. Participating agencies include the County of Santa Barbara and Cities of Santa Barbara, Goleta, and Carpinteria with the host agency being CommUnify. These agencies are also funding partners for this work, which is guided by an MOU.

Councilmember Representative: **Solórzano & Alt. Lee** (Note: Only one representative required and can be either the Mayor or Councilmember.)
Meeting time: Afternoons
Meeting Schedule: Meet quarterly. Past meetings held in January April, July October
Location: rotates among cities

e. Multijurisdictional Solid Waste Task Group

Established in 2011 as a forum to discuss and plan for countywide solid waste management programs and facilities, the Task Group has developed for approval a Countywide Long-term Solid Waste Management Plan (2004), and various model ordinances and programs related to construction waste diversion, commercial recycling, and the analysis of the feasibility of new facilities and technologies for waste management. Membership of the Task Group includes the cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang, and the County of Santa Barbara, as well as the County Special Districts Association. Each member jurisdiction can appoint up to two elected officials with a maximum potential membership of twenty elected officials.

Councilmember Representative: **Lee/Alt. Alarcon**
Meeting frequency: bimonthly
Location: varies

3. Joint and Standing Committees

The City Council has formed and maintains various Standing Committees to meet on certain subject area. Joint and Standing Committees are subject to the Brown Act and have a set meeting schedule (e.g. monthly, quarterly, annually) and there is no termination date. Their scope is much broader. In order to effectively carry out the work, Committees will routinely meet with representatives of other agencies. For example, the City Council Utilities Committee routinely meets with representatives of the Carpinteria Sanitary District and the Carpinteria Valley Water District. Such joint meetings are subject to all applicable open meeting rules of the Brown Act for joint meetings. Although Standing Committees conduct joint meetings with representatives of other agencies, they may, and sometimes do, meet independent of other agencies. When a Standing Committee meets in this way, it is also subject to all applicable open meeting rules of the Brown Act.

a. City Council/Economic Vitality Committee

The City Council/Economic Vitality Committee was formed to work on cooperative projects and programs aimed at improving the business climate in Carpinteria.

Committee Members: **Alarcon & Clark**
Meet as needed at City Hall.
Formed/Last Amended: Committee renamed from City Council / Chamber of Commerce Board of Directors Committee to the City Council/Economic Vitality Committee by Council minute order on December 10, 2018.

b. City Council/Public Safety Committee

The City Council/Public Safety Committee was created to allow for better coordination between the City and public safety agencies. Subject matter jurisdiction of this Committee include law enforcement, fire protection and emergency preparedness/response. Meetings may include representatives of the Sheriff's Office, the Carpinteria-Summerland Fire Protection District and/or the County Office of Emergency Management.

Committee Members: **Clark & Nomura**
Meets as needed at City Hall.
Formed/Last Amended: March 14, 1966 by Council minute order.

c. City Council/School Board Committee

The City Council/School Board Committee was formed to allow for better coordination between the City and the Carpinteria Unified School District on mutual areas of interest.

Committee Members: **Lee & Alarcon**
Meets as needed at City Hall.
Formed/Last Amended: September 10, 1996 by Joint Resolution No. 1

d. City Council/Utilities Committee

The City Council/Utilities Committee was created to encourage coordination and communication between the City and the Carpinteria Valley Water District and Carpinteria Sanitary District on matters of mutual interest.

Committee Members: **Lee & Nomura**
Meets as needed at City Hall.
Formed/Last Amended: Committee renamed from City Council/Water Board Committee to City Council/Utilities Committee by Council minute order on January 14, 2013.

e. City Council/First District Supervisor Committee

The City Council/First District Supervisor Committee was formed to initiate more regular discussions between City and County elected officials concerning matters of mutual interest.

Committee Members: **Lee & Solórzano**
Meets as needed at City Hall.
Formed/Last Amended: January 14, 2013 by Council minute order.

f. City Council Finance/Budget Committee

The City Council Finance/Budget Committee was created to work with the City Manager during the budget development process, to receive regular updates on the City's financial condition and to make reports and recommendations regarding same to the Council as determined appropriate.

Committee Members: **Alarcon & Clark**
Meets the fourth Thursday of the month at City Hall.
Formed/Last Amended: June 24, 2013 by Resolution No. 5472

g. Transportation Committee

The Transportation Committee was formed to review and make recommendations concerning public transit and alternative transportation projects, programs and services.

Committee Members: **Lee & Clark**
Meets as needed at City Hall.
Formed/Last Amended: Originally formed as an ad hoc committee by Council minute order on May 22, 2006; dissolved and reformed as a standing committee via Resolution No. 5928 adopted November 12, 2019.

h. Development Review Committee (Joint Committee membership from City Council, Planning Commission and Architectural Review Board)

Committee created to make recommendations to the Planning Commission and City Council on strategy, tasks, and schedule for creating policies and regulations capable of reducing uncertainty and contradictory outcomes as a part of the City's development review decision-making process. It is envisioned that the Committee's recommendation to the Commission and Council could include new form-based codes and zoning overlays in addition to recommending modifications to the City's Neighborhood Design Guidelines.

Councilmember Representative: **Clark & Nomura**
Planning Commission Representative: **PC to select**
Architectural Review Board Representative: **Stein & O'Connor**
Meets as needed at City Hall.
Formed/Last Amended: April 22, 2019 by Resolution No. 5888.

i. General Plan and Coastal Plan Update Committee (Joint Committee membership from City Council and Planning Commission)

The General Plan and Coastal Plan Update Committee was created to review the Draft General Plan and Coastal Plan Update.

Councilmember Representative: **Lee & Clark**
Planning Commission Representative: **Benefield and Salant**
Meets on third Monday of the month.
Formed/Last Amended: September 28, 2015 by Council minute order.

j. Public Facility Site Acquisition/Development Committee

The Public Facility Site Acquisition/Development Committee was formed to review land acquisition opportunities and major capital project proposals.

Committee Members: **Clark & Nomura**
Meets as needed at City Hall.
Formed/Last Amended: Originally formed as an ad hoc committee by Council minute order on August 14, 2006; Council recategorized as a standing committee by minute order on January 11, 2021

k. Sustainability Committee

Responsible for making recommendations to the Council concerning implementation of the City's Sustainable Community Policy as set for by Resolution No. 5500, and as may be amended from time-to-time.

Committee Members: **Nomura & Solórzano**
Meets quarterly in November, February, May, and August
Formed/Last Amended: October 23, 2023 via Resolution No. 6270

4. Ad Hoc Committees

Ad hoc City Council Committees are created by the City Council for a specific period of time and limited purpose, and they are dissolved once their specific task is complete. The following committees are currently established; however, due to their nature, the list of ad hoc committees will change over time.

a. Civic/Youth Engagement Committee

Created to develop civic/youth engagement program recommendations for consideration by the City Council.

Committee Members: **Lee & Nomura**
Meets as needed at City Hall.
Formed/Last Amended: December 12, 2022 by Resolution No. 6175.