

CITY OF CARPINTERIA PLANNING COMMISSION AGENDA

**David Allen
Jane L. Benefield
John Callender, Vice-Chair
Glenn La Fevers
John Moyer, Chair**



**City Council Chamber
5775 Carpinteria Avenue
Carpinteria, CA 93013
Time: 5:30 p.m.
Agenda Posted: 12/30/15**

JANUARY 4, 2016

THE PLANNING COMMISSION RESERVES THE RIGHT TO CHANGE THE ORDER IN WHICH ITEMS ARE HEARD. APPLICANTS NOT IN ATTENDANCE WHEN THEIR ITEM IS CALLED MAY HAVE THEIR ITEM CONTINUED TO THE NEXT REGULAR MEETING.

Any information presented to the Planning Commission by the public on any agenda item and during Public Comment using electronic media to be displayed on the overhead projector must be arranged with staff for review of materials in advance of the meeting and no later than Friday prior to the Planning Commission meeting.

Any written, printed or electronic material and/or exhibit presented at this meeting becomes the property of the City, and a copy must be provided to City staff.

This meeting will be broadcast live on Government Access Television Channel 21 and rebroadcast on Wednesday after the meeting at 8:00 p.m. and on Saturday at 5:00 p.m.

- 1. CALL TO ORDER and ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS**
- 4. PUBLIC COMMENT**

This time on the agenda provides an opportunity for the public to address the Planning Commission on items within the jurisdiction of the Commission and not listed on other sections of the agenda. Please limit comments to no more than five minutes. Depending on the number of speakers wishing to make comments, the Chair may further limit the time available to each speaker to control the amount of time spent on this part of the agenda. If you wish to speak on a **CONSENT CALENDAR** item, please do so during this part of the meeting.

Please be advised that California law does not allow the Planning Commission to discuss or take action on any issue presented by the public during this portion of the meeting. The Commission may ask a question for clarification, provide a brief response to public comment, refer the matter to staff for review and a later report or direct staff to place an item on a future agenda.

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

5. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine and are normally enacted by one unanimous vote of the Commission. Individual items may be removed and considered separately at the request of a Commissioner. Any item removed from the Consent Calendar will be added to another section of the agenda.

a. Minutes of the regular Planning Commission meeting held December 7, 2015.

6. CONTINUED PUBLIC HEARING

**a. Short-term Rentals Ordinance
Project 15-1785-LCPA/ORD**

Planner: Shanna Farley-Judkins

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

1. Disclosure of Ex Parte Communications
2. Staff Presentation
3. Public Hearing
4. Planning Commission Action

7. NEW PUBLIC HEARING

**a. The Gas Company Data Collection Unit
Project 15-1792-CUP/CDP**

Planner: Shanna Farley-Judkins

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

1. Disclosure of Ex Parte Communications
2. Staff Presentation
3. Public Hearing
4. Planning Commission Action

**b. Medical Marijuana Regulations Ordinance Text Amendment Planner: Steve Goggia
Project 15-1801-ORD**

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

1. Disclosure of Ex Parte Communications
2. Staff Presentation
3. Public Hearing
4. Planning Commission Action

8. OTHER BUSINESS

9. MATTERS PRESENTED BY COMMISSIONERS

10. DIRECTOR'S REPORT

- a. Distributed Information
 - i. City calendar for the month of January 2016
 - ii. Community Development Project Status Report as of December 30, 2015
 - iii. Construction Permit Report as of December 30, 2015

10. ADJOURNMENT

Notes

All actions of the Planning Commission may be appealed to the City Council. Appeals must be filed with the City Clerk within 10 calendar days of the Commission's action. Appeal deadline for items on this agenda: 5:00 p.m., January 14, 2016. The next regular Planning Commission meeting will be held on Monday, February 1, 2016 at 5:30 p.m. in the Council Chamber.

If you challenge any of the Planning Commission's decisions related to the agenda items above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence to the Planning Commission prior to the public hearing.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the Community Development Department by email at lorenae@ci.carpinteria.ca.us or by phone at (805) 755-4410 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.

CALL TO ORDER and ROLL CALL Chair Moyer called the meeting to order at 5:30 p.m. Commissioners Present: Jane L. Benefield John Callender, Vice-Chair John Moyer, Chair Commissioners Absent: David Allen Glenn La Fevers Others Present: Steve Goggia, Acting Community Development Director Nick Bobroff, Associate Planner Shanna L. Farley-Judkins, Assistant Planner Jenna Shoaf, City Attorney’s Office Approximately 18 interested persons	CALL TO ORDER & ROLL CALL
PLEDGE OF ALLEGIANCE - Chair Moyer called for the flag salute.	PLEDGE OF ALLEGIANCE
INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS - None	ANNOUNCEMENTS
PUBLIC COMMENT - None	PUBLIC COMMENT
CONSENT CALENDAR a. Minutes of the regular Planning Commission meeting held November 2, 2015. MOTION Upon a motion by Commissioner Callender, seconded by Chair Moyer, the Planning Commission voted 3-0 (Benefield, Callender, Moyer in favor; Allen and La Fevers absent) to approve the minutes of the regular Planning Commission meeting held November 2, 2015.	CONSENT CALENDAR
PUBLIC HEARING a. Short-term Rentals Ordinance Planner: Shanna Farley-Judkins Project 15-1785-LCPA/ORD Hearing to consider Project 15-1785-LCPA/ORD, proposing to amend the City's Local Coastal Program to reflect changes to the City Municipal Code, Zoning Code and Zoning Map to include regulations regarding Short-term Rentals. Changes to the Municipal Code include adoption of Chapters 14.52 titled, "Short-term Vacation Rentals, 14.53 titled, "Short-term Home Stay Rentals," 14.45 titled, "Short-term Rental Overlay District," addition of new definitions to Chapter 14.08 and addition of new use types to Chapters 14.12: R-1 Single-Family Residential District, 14.14: PRD Planned Residential Development District, 14.16: PUD Planned Unit Development and 14.18: MHP Mobile Home Park Planned Development District; and to approve an Exemption pursuant to §15061 (b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The project would impact a number of parcels throughout the City located in residential zone districts. Assistant Planner Shanna L. Farley-Judkins presented the staff report. She	PUBLIC HEARING

provided a project description and background information, described issues, displayed geographic boundaries for a proposed vacation overlay district, reviewed options with respect to the use of quantitative limits and operating standards, and presented details regarding a Short-Term Rentals program. She said staff was asking for the Planning Commission's direction and feedback.

In response to commissioners' questions, she provided additional details about the Ordinance. Commissioner Benefield asked how the rentals would be addressed in commercial zones, and Mrs. Farley-Judkins explained that they would fall under regulations related to bed & breakfast and hotel uses. With respect to licensing fees, she explained that typically cities charge an annual fee, which we propose.

Commissioner Callender asked for the rationale behind the vacation district overlay boundaries with respect to the zoning designations. Mrs. Farley-Judkins explained that there was a focus on PRDs because they have more people, more activity and more density, unlike the R-1 districts. She added that PUDs typically restrict the use of vacation rentals.

In response to a comment that Silver Sands is owner-owned and its by-laws prevent STRs, Mrs. Farley-Judkins commented that it is typical for associations to prevent STRs in their communities.

Chair Moyer noted that 15 units are being excluded and are under amortization, and he asked how it is not a "taking." He also asked what other litigious situations could be experienced with this process.

City Attorney Jenna Shoaf explained that a taking under California law involves taking all the property value, and not all economic value is being taken here. She said it is advisable to include an amortization provision in regulations because it reduces the risk of litigation. She said some cities have them and some don't.

Commissioner Callender asked how extensive the problem of unpermitted STRs are, and Ms. Shoaf said 15-20 have been documented and it is an area where the legislative subpoena process could be used.

PUBLIC HEARING

Chair Moyer opened the public hearing.

William Reed said he has a vacation rental in town and is one of the 15 to get clobbered. He said the vacation overlay is arbitrary and will create a vacation rental ghetto. He said units should be dispersed instead of concentrated at the beach. He said the City should do a financial impact report on how this will affect businesses and people, because vacationers spend four times as much money as residents due to eating out, buying clothes, etc.

Patricia Clem, a home stay host, explained how she came to utilize Airbnb to supplement her income. She said she enjoys having people from all over the world visit and helps "sell" Carpinteria. She said she applied for a business license but was denied one due to a moratorium. She complained that her neighbors violate Single-Family Residential laws and regulations.

Gail Marshall said the struggle to maintain a small town feel can result from the incremental loss of workforce housing. She lamented the loss of stable community members in favor of a group with no stake in our community.

Jim Reginato agreed with Mrs. Marshall’s comments and said the idea of neighborhood is missing from STRs. He compared STRs to hotels with no desk clerks to handle the complaints and said our neighborhoods are being taken away for commercial enterprises. Regarding the fear of litigation, he noted that Santa Monica, Santa Barbara and Manhattan Beach have completely outlawed STRs in all zone districts except hotel/motel ones. He described how he lives in a single-family home with constant noise, firecrackers, carrying on until 2:00 a.m., and with an STR that advertises it houses 16 people.

Leslie Gascoigne, 729 Olive, agreed with Mrs. Marshall’s and Mr. Reginato’s remarks. She described the overlay boundaries as confusing. She explained that single-family homes back up to multi-family ones in her neighborhood, which is not a good situation. She asked that hotels not be added to her neighborhood.

George Johnson, 729 Olive, did not express support for homes being used as commercial enterprises and said we should stick with the rule that Santa Barbara is using and not allow them. He said the zoning is arbitrary and in his neighborhood it is legal on one side of a fence and illegal in another.

Commissioner Benefield said the overarching issue is private versus public interest, and the only public interest here is making money. She said workforce housing is key to her; housing keeps being eliminated and rents are outrageous. She noted that each city must tailor its vacation housing rules to its needs and, in our town, we are tipping toward moderate use of vacation rentals in designated areas, with a cap on the number of units. She said we should consider Downtown Areas #1 and #2 and the Beach Neighborhood, and if that is not doable, then the Downtown Area #1 and the entire beach area. Benefield also made the following points:

- Regarding limits on STRs, 20% maximum for both areas combined (beach area and Downtown #1)
- The STRs should be substantially regulated.
- Regarding amortization guidelines, 1 or 2 years should be adequate.
- She does not agree that all PRD properties should allow STRs.
- She asked for more rather than less in terms of operating guidelines and procedures.
- She encouraged occupancy limits, parking restrictions and no recreational vehicles.
- The licensing fee is fair and could become less the longer a person is licensed.
- Penalties for the first violation should be higher than \$100.
- She agreed subpoena power is needed
- She would like to know in advance when projects and remodels brought before the Planning Commission are intended as vacation rentals. She noted she has stayed in places that were intended upon design as vacation rentals, and it makes a difference in how they are designed.

Commissioner Callender commented how small beach town charm is brought up at every meeting and means different things to people. He spoke about how disruptive technologies result in benefits and costs, and there are different classes of impacts. Regarding geographic boundaries, he expressed support for the widest one possible and said the current overlay is complicated. He said he could picture saying everything southwest of the Hwy. 101 is vacation overlay, noting it would be simple. He encouraged the City to take a light approach and allow for flexibility going forward.

Chair Moyer said he tends to agree with Commissioner Callender. He suggested allowing for revocable licensing upon a certain number of complaints. He spoke about how Carpinteria's economy has gone from packing houses and big oil to a tourist-orientated economy. He noted some properties can only afford to be renovated because they are STRs, so the system can work to our benefit. He said STRs heighten our economy and expressed support for PRDs with restrictive licensing.

Commissioner Benefield expressed concern about the differences in philosophy. She said she disagrees with waiting until there are problems before trying to solve them, and the purpose of planning is to plan for the future. She said if one attends a workshop or conference by the League of California Cities, it is apparent that every coastal community is suffering the backlash from all the vacation rentals. She suggested we obtain more data than anecdotal statements such as, "Gosh, this helps business" because there is no evidence it does. She also said it is hard to quantify the disruption of neighborhoods with "I like it" and "I don't like it."

PUBLIC HEARING CLOSED

Chair Moyer closed the public hearing.

Mrs. Farley-Judkins asked if the Planning Commission would like staff to prepare a Draft Ordinance or return with more information. After discussion, it was agreed that there was enough information for staff to return to the January meeting with a Draft Ordinance.

Commissioner Benefield asked for real evidence from the business community, and Chair Moyer asked for statistics on complaints received by the Police Department regarding vacation rentals.

MOTION

Upon a motion by Commissioner Benefield, seconded by Commissioner Callender, the Planning Commission voted 3-0 (Benefield, Callender, Moyer in favor; Allen and La Fevers absent) to continue the item to the January 4, 2016 meeting.

RECESS

Chair Moyer called for a recess at 7:15 p.m. The meeting reconvened at 7:25 p.m.

**b. 699 Linden Ave Restaurant Remodel
Planner: Nick Bobroff
Project No. 15-1793-DP/CDP**

Hearing on the request of Kevin Moore, Architect to consider Project 15-1793-DP/CDP (application filed September 18, 2015) for approval of a Development Plan and a Coastal Development Permit (and a setback modification to zone district requirements) to allow a comprehensive remodel of an existing restaurant building under the provisions of the Central Business Zone District; and to approve an Exemption pursuant to §15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines. The application involves APN 003-312-040, addressed as 699 Linden Avenue.

Associate Planner Nick Bobroff presented the staff report. He provided a project description, project setting information, project history, project revisions, and analyses with respect to zoning, setbacks, landscaping requirements, parking, the General Plan/Coastal Plan and special conditions. He said staff was recommending approval as submitted. He

provided additional details about the project in response to commissioners' questions. PUBLIC HEARING OPENED Chair Moyer opened the public hearing. Kevin Moore, project architect, explained that the building is old, built of masonry construction, and dark and uninviting in its current configuration. He said opening the corner of the building involves upgrading the structure, and the best way to do that is with a structural base frame. He said the structure will encroach slightly into the front setback but there is ample room at the corner for it. He said the project will revitalize the corner and benefit the commercial district. PUBLIC HEARING CLOSED Chair Moyer closed the public hearing. Commissioner Benefield said she would approve the project as is with the setback modification. Commissioner Callender also said he would approve and he likes the idea of opening up the corner. He said open-air dining is a nice feature. Regarding the encroachment, he said he is fine making the findings, noting that the energy efficiency improvements are a clear benefit. Chair Moyer described the current restaurant as dark and foreboding. He said the indoor/outdoor seating is conducive to Carpinteria and the sprinkler system is a good improvement. He expressed support. MOTION Upon a motion by Commissioner Benefield, seconded by Commissioner Callender, the Planning Commission voted 3-0 (Benefield, Callender, Moyer in favor; Allen and La Fevers absent) to approve the Development Plan/Coastal Development Plan with modifications as specified. c. Verizon Wireless Telecommunications Facility Planner: Shanna Farley-Judkins Project No. 15-1786-CUP/CDP Hearing on the request of Verizon Wireless to consider Project 15-1786-CUP/CDP, for approval of a Conditional Use Permit and Coastal Development Permit for a Wireless Communication Facility. The request includes the installation of six wireless telecommunication antennas, associated rooftop equipment, and outdoor screening materials; and to approve an Exemption pursuant to §15301 and §15303 of the California Environmental Quality Act (CEQA) Guidelines. The application involves APN 001-180-070, addressed as 6267 Carpinteria Avenue. Associate Planner Shanna Farley-Judkins presented the staff report. She provided a project a description, site layout plan, details showing the northeast antennae and rooftop equipment, background information, information on federal laws, environmental information, a zoning code analysis, and information on height requirements and visual impacts. She asked for approval of the project. The Planning Commission discussed whether it would be good to allow the project to be approved by right in the future and included in the Zoning Code. Ms. Farley-Judkins pointed out that there are instances where holding on to police power to deny a project is wise.	
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PUBLIC HEARING OPENED Chair Moyer opened the public hearing. Jay Higgins from Verizon Wireless spoke about the difficulty of satisfying customer demand in residential areas. He said there will be less and less facilities such as this one in the future. Among other things, he noted that Google will not promote websites if they are not friendly to mobile devices. He encouraged the Planning Commission to approve the project and pointed out a minor change (typo) to Condition 1. PUBLIC HEARING CLOSED Chair Moyer closed the public hearing. MOTION Upon a motion by Commissioner Callender, seconded by Commissioner Benefield, the Planning Commission voted 3-0 (Benefield, Callender, Moyer in favor; Allen and La Fevers absent) to allow installation of a new wireless facility with a modification to Condition 1 to change microwave antennas to panel antennas.	
MATTERS PRESENTED BY COMMISSIONERS Commissioner Benefield suggested that complicated questions be given to staff prior to the meeting to allow them time to prepare.	MATTERS PRESENTED BY COMMISSIONERS
DIRECTOR’S REPORT a. Distributed Information i. Action Minutes of the Architectural Review Board meetings of November 12, 2015 ii. City calendar for the month of December 2015 iii. Community Development Project Status Report as of November 30, 2015 iv. Construction Permit Report as of November 30, 2015 Acting Community Development Director Steve Goggia reviewed the distributed information. He noted that the Sanitary District will hold an open house on Saturday, December 12th from 9:00 a.m. to 12:00 p.m. at 5351 Sixth Street. He added that he included a December City Hall Advance in the materials.	DIRECTOR’S REPORT
ADJOURNMENT - Chair Moyer adjourned the meeting at 8:15 p.m. ATTEST: _____ Secretary, Planning Commission _____ Chair, Planning Commission	ADJOURNMENT

PLANNING COMMISSION
STAFF REPORT

MEETING DATE: January 4, 2016

ITEM FOR CONSIDERATION

SHORT-TERM RENTALS ORDINANCE

Project 15-1785-LCPA/ORD

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

Report prepared by: Shanna R. Farley-Judkins, Assistant Planner
Community Development Department


SIGNATURE

Reviewed by: Steve Goggia, Acting Director
Community Development Department


SIGNATURE

I. RECOMMENDATION

That the Planning Commission recommend the City Council adopt Ordinance No. 708, amending Title 14 (Zoning) of the Carpinteria Municipal Code by establishing a Vacation Rental Overlay District, as delineated in Exhibit 1 of the Ordinance, and adding provisions related to the regulation of Short-Term Rentals.

II. PROPOSED ORDINANCE

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

Zoning Code Text Amendments: The proposed Ordinance would modify several sections of Title 14 (Zoning) of the Carpinteria Municipal Code to create the Vacation Rental Overlay District, and to establish regulations and definitions concerning Vacation Rentals and Home Stays in the various residential zone districts.

Zoning Map Amendment: The Zoning Map amendment would create a new overlay district applying to certain parcels zoned for multi-family residential use located in the Downtown Beach Neighborhood and the Downtown Core / Old Town Neighborhood. The proposed Vacation Rental Overlay District is shown on the Zoning Map, Exhibit 1 to the attached Ordinance No. 708.

Local Coastal Program Amendments: The City's Zoning Code and Zoning Map are part of the City's certified Local Coastal Program (LCP). The above-described modifications would amend the City's LCP. If approved by the City Council, the proposed Ordinance would be submitted to the California Coastal Commission for review and certification before becoming effective.

The attached draft Ordinance No. 708 includes Exhibit 1, delineating the proposed amended Zoning Map, and the proposed changes to Title 14 of the Municipal Code, the City's zoning regulations.

III. BACKGROUND

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

Specifically, the City Council directed staff to draft regulations that: define Vacation Rentals as distinct from other rental types, make clear where Vacation Rentals may be allowed, limit the number of Vacation Rentals in neighborhoods where they may be allowed, establish application/licensing requirements and operating standards for Vacation Rentals, and define and establish operating standards for Home Stays in all residential districts.

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

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

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

The draft Ordinance, discussed in the following sections of this report, has been developed to incorporate both the direction of the City Council and the comments made by Planning Commissioners. Should the Planning Commission find that the draft Ordinance should be revised, such changes could be recommended for City Council consideration or the draft Ordinance could be revised and returned to the Planning Commission for further consideration.

IV. ORDINANCE PROVISIONS

As drafted, the proposed Ordinance would establish different types of Short-Term Rentals, limit the location and number of Vacation Rentals, and generate new regulations to manage a program to license Vacation Rentals and Home Stays. Currently, the City requires that units used for Short-Term Rentals be registered with a Business License and Transient Occupancy Tax (TOT) Certificate. Short-Term Rentals have historically been allowed by the City to operate on properties that are located in the Planned Residential Development Zone District (PRD) but not on properties within any other residential zoning district.

The proposed Ordinance would create the following definitions, regulations and processes.

Definitions

The new regulations clarify the distinction between different types of Short-Term Rentals. Generally speaking, any type of residential use for overnight accommodation that is rented for monetary compensation for 30 consecutive days or less is considered a Short-Term Rental. The following terms would be added to Title 14 Zoning Code Definitions.

Municipal Code 14.08 Definitions

14.08.312 - Home Stay.

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

14.08.541 – Residential Unit.

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

lodging house or motel. For the purposes of this Code, residential unit includes the term “dwelling unit” and “housing unit”. See also Municipal Code 14.08.190 “Dwelling”.

14.08.562 – Short-Term Rental.

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

14.08.627 – Vacation Rental.

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

Vacation Rental Overlay District

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

The proposed Vacation Rental Overlay District includes a portion of the properties zoned PRD in the Beach Neighborhood and Downtown / Old Town. The boundary proposed in Figure 1 includes the majority of Vacation Rentals currently permitted in the City, which would reduce the number of nonconforming Vacation Rentals under the proposed Ordinance. The proposed Vacation Rental Overlay District limits the area allowing Vacation Rentals to the neighborhoods in closest proximity to various tourist-serving amenities, including the City beaches, salt marsh, Amtrak train station, and the Downtown Core. The boundary also preserves long-term residential occupancy uses by excluding several apartment complexes and condominium projects from the Vacation Rental Overlay District.

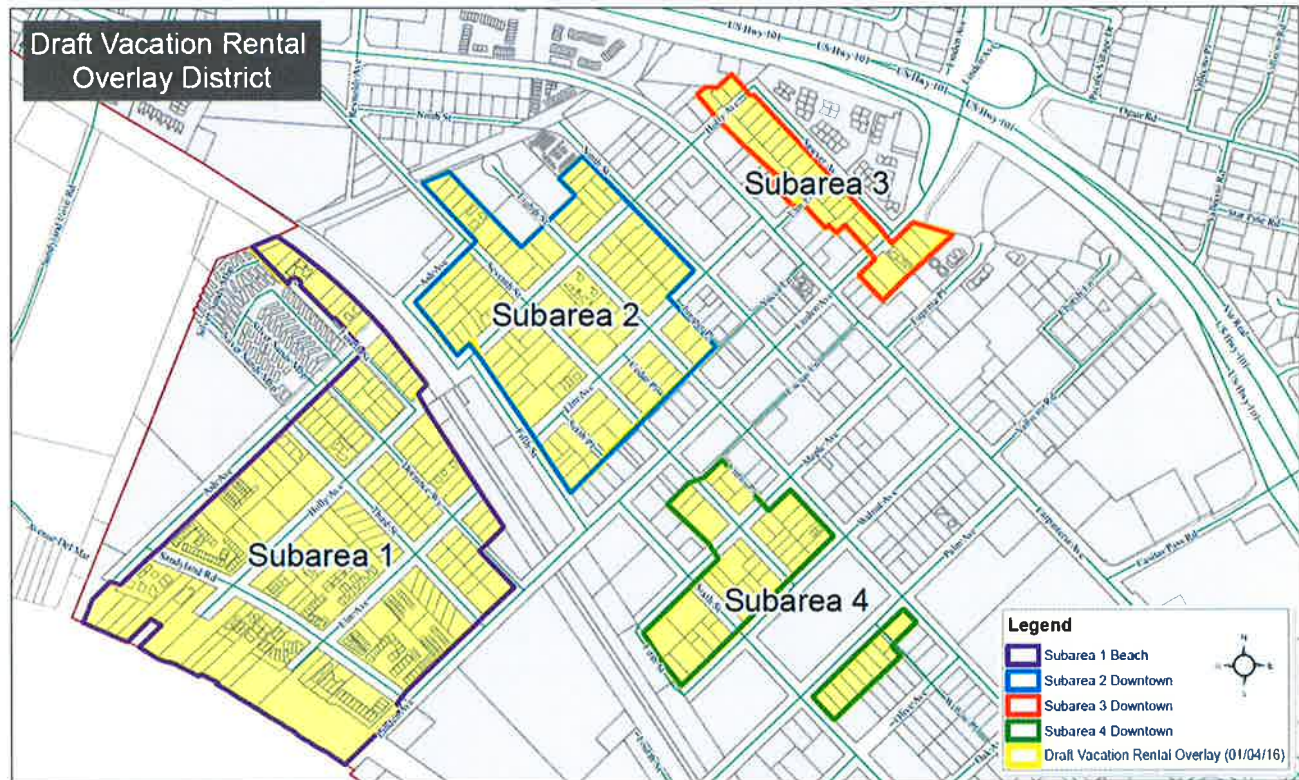


Figure 1 Proposed Vacation Rental Overlay District

The proposed Vacation Rental Overlay District, shown in Figure 1, includes multi-family residential properties zoned PRD and includes a total of 980 residential units. Staff estimates that the boundary would include 208 of the current 218 permitted residentially-zoned Vacation Rentals. The boundary does not include any commercially-zoned properties, where a significant number of hotels, motels and other transient accommodations currently exist. In total, staff estimates that 10 legal nonconforming units would be created through the adoption of the proposed Vacation Rental Overlay District.

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

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

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

A recent survey by City staff of the leading web platforms for Short-Term Rentals suggests that, in Carpinteria, Vacation Rentals (100 found) far outnumber Home Stays (10 found). Although this

result does not include all possible Short-term Rentals available at any one time, the sample suggests there is a significant difference in the quantity of these two uses in Carpinteria.

Of the Home Stay units identified, the majority of the advertisements stated a property owner-established occupancy maximum of two guests, while the majority of the Vacation Rentals allowed occupancies of six or fewer guests. It can be presumed that higher occupancy levels may generate greater impacts on a neighborhood due to the potential, for example, greater noise levels, higher numbers of vehicles and more numerous vehicle trips. In the Beach and Downtown Neighborhoods, the underlying PRD zoning allows for a higher density of residential units, up to 20 units per acre, greater than in the inland neighborhoods which are primarily developed with single-family homes, which range from four to eight units per acre.

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

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

Quantitative Limit

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

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

The proposed Vacation Rental Overlay District Subareas would also serve to protect the quality and character of the respective neighborhoods of which they are a part. The following table identifies the proposed quantitative limit in each Subarea shown in Figure 1. The proposed cap in the neighborhoods was developed to limit the number of Vacation Rentals to an amount similar to the current number of licensed Vacation Rentals in each neighborhood.

Subarea / Neighborhood	Maximum Number of Vacation Rentals	Existing Licensed Vacation Rentals
Subarea 1 Beach Neighborhood	190	188
Subarea 2 Downtown Neighborhood	20	18
Subarea 3 Downtown Neighborhood	5	2
Subarea 4 Downtown Neighborhood	20	10
Total	235	218

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

Operating Standards

The City Council directed staff to develop operating standards to ensure that Vacation Rentals and Home Stays do not negatively impact neighborhood character and quality of life. The Ordinance proposes the following operating standards for Vacation Rentals.

Vacation Rental Operating Standards

- a. The owner's or property manager's contact information shall be posted on the outside wall near the entrance of the unit, in a format provided by the City.
- b. The owner or property manager must live or work within thirty (30) miles of the premises and be able to respond to tenant and/or public concerns about the Vacation Rental at all times during which a residential unit is being rented as such.
- c. All advertisements for the Vacation Rental shall list the City's Vacation Rental license number and the current Transient Occupancy Tax rate which applies to the rental of the unit.

- d. The owner shall maintain homeowner's fire, hazard and liability insurance.
- e. The property shall be provided with adequate waste collection facilities at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collection day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.
- f. The residential unit shall not be rented or used for events, e.g., weddings, commercial activities or sales events, during, or in conjunction with, its use as a Vacation Rental.
- g. Occupants of the Vacation Rental shall be prohibited from creating unreasonable noise or disturbances, engaging in disorderly conduct or violating provisions of federal, state or local law.
- h. A notice shall be posted on the interior of the front door of the Vacation Rental, in a form approved by the City, which notes the Vacation Rental license number, Transient Occupancy Tax rate, property owner or property manager contact information, and any additional information as required by the City as a part of the Vacation Rental license.
- i. The owner shall maintain an active business license, Transient Occupancy Tax certificate and any other applicable licenses and permits, in addition to the Vacation Rental license, pursuant to Carpinteria Municipal Code, at all times that the residential unit is used or advertised as a Vacation Rental. A copy of the business license shall be posted on the interior of the front door of the residential unit.
- j. The maximum occupancy of a Vacation Rental shall be determined by the City and not exceed two occupants per unit, plus two occupants per bedroom. A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and must meet the requirements of the Carpinteria Municipal Code for such. The Vacation Rental license shall specify the maximum number of occupants allowed at the Vacation Rental.
- k. The owner shall by written agreement, limit the number of vehicles of occupants to the number designated in the Vacation Rental license by the City; the number of vehicles shall be determined by the City at the time of application taking into consideration the number of available parking spaces on the site.
- l. A Home Occupation may not be conducted in any residential unit for which a license has been issued to use the residential unit as a Vacation Rental.
- m. The owner shall ensure that the Vacation Rental complies with all applicable codes regarding fire, building and safety, and all other relevant federal, state and local laws and ordinances.
- n. Availability of the rental unit to the public shall not be advertised on the premises.

- o. The City Manager shall have the authority to impose additional operating standards, applicable to all Vacation Rentals, as necessary, to achieve the objectives of this title. A list of all additional standards shall be maintained and on file in the Office of the City Clerk and such offices as the City Manager designates.
- p. Upon reasonable notice, each owner and agent or representative of any owner shall provide access to each Vacation Rental and any records related to the use and occupancy of the Vacation Rental to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

Home Stay Operating Standards

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

- a. The owner shall reside in the residential unit during all overnight rental periods.
- b. All advertisements for the Home Stay shall list the City's Home Stay license number and the current Transient Occupancy Tax rate which applies to the rental of the unit.
- c. A notice shall be posted on the interior of the front door of the Home Stay, in a form approved by the City, which notes the Home Stay license number, Transient Occupancy Tax rate, property owner contact information, and any additional information as required by the City as a part of the Home Stay license.
- d. The owner shall maintain an active business license, Transient Occupancy Tax certificate and any other applicable licenses and permits, in addition to the Home Stay license, pursuant to Carpinteria Municipal Code, at all times that the residential unit is used or advertised as a Home Stay. A copy of the business license shall be posted on the interior of any bedroom door rented as part of a Home Stay.
- e. The maximum occupancy of a Home Stay shall be determined by the City and shall not exceed two occupants per unit, plus two occupants per bedroom, including the permanent residents. A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and must meet the requirements of the Carpinteria Municipal Code for such. The Home Stay license shall specify the maximum number of occupants allowed at the Home Stay.
- f. The owner shall by written agreement, limit the number of vehicles of occupants to the number designated in the Home Stay license by the City; the number of vehicles shall be determined by the City at the time of application taking into consideration the number of available parking spaces on the site.

- g. Availability of the rental unit to the public shall not be advertised on the premises.
- h. The City Manager shall have the authority to impose additional operating standards, applicable to all Home Stays, as necessary, to achieve the objectives of this title. A list of all additional standards shall be maintained and on file in the Office of the City Clerk and such offices as the City Manager designates.
- i. Upon reasonable notice, each owner and agent or representative of any owner shall provide access to each residential unit used as a Home Stay and any records related to the use and occupancy of the Home Stay to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

Application

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

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

Vacation Rental Application Requirements

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

(neighboring residents) of the parcel boundaries of the proposed Vacation Rental, in a format provided by the City. Upon issuance of a Vacation Rental license, the City will send a written notice to neighboring residents notifying them that the premises will be used as a Vacation Rental and will provide the name, address, and telephone number of both the owner and the person or property manager responsible for managing the Vacation Rental.

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

Home Stay Application Requirements

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

Requirements for License Issuance

Vacation Rental

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

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

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

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

Home Stay

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

- a. The City has not revoked a license for Home Stay use for that residential unit within the prior twenty-four (24) month period;
- b. The premises or residential unit is not currently the subject of an active Compliance Order or Administrative Citation for violation of the Carpinteria Municipal Code;
- c. An Administrative Citation has not been issued, regarding a violation on the site, in the past twelve (12) months;
- d. The property owner has demonstrated, through an application filed to the City, the ability to meet the requirements outlined in this chapter.

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

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

Application Fees

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

Penalties

Any person found in violation of the City's Municipal Code may be punished as outlined by Carpinteria Municipal Code Chapters 1.06 and 1.08. Violations can result in one of two actions taken by the City; the most common action is issuance of a Compliance Order which would result in a fine; or through a Misdemeanor or Infraction citation filed against the person that would be punishable by a fine of up to \$1,000.00 and up to six months imprisonment. Compliance Orders are typically used in cases of zoning or land use violations, as would be the case for new Short-Term Rental regulations. Fines may be assessed in the amount of \$100.00 for the first violation, \$200.00 for the second violation and \$500.00 for each additional violation in the same year. Penalties may be assessed for each day a violation continues without abatement or correction. As a result, ongoing violations can result in significant fines. Administrative Citations may be appealed to a hearing, where at such time a hearing officer can determine if the Administrative Citation is warranted and can award cost recovery for the staff and attorney fees for the effort to achieve abatement of the violation and gathering of fines.

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

Revocation of a License

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

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

- d. Any violation of any provision of federal, state or local laws; or
- e. Upon sale or transfer of the premises or residential unit.

The proposed Ordinance includes provisions to allow for appeals of decisions to revoke or deny a License. Should the City choose to revoke a License, written notification of the proposed revocation would be provided to the owner to allow for a hearing with the City Manager to show cause as to why the License should not be revoked. Upon conclusion of the hearing, the City Manager shall consider the above findings to determine if the Licenses shall be revoked. Upon revocation or denial of a License by the City Manager, the applicant shall have the opportunity to make an appeal to the Planning Commission, as outlined in Municipal Code Section 14.78. The decision of the Planning Commission shall be considered final.

Amortization of Nonconforming Vacation Rentals

Adoption of the proposed Vacation Rental Overlay District has the potential to create approximately 15 nonconforming Vacation Rental units. A nonconforming Vacation Rental is a Vacation Rental licensed by the City that is located outside of the Vacation Rental Overlay District and was lawfully established in the PRD Planned Residential Zone District prior to adoption of this ordinance and was made nonconforming by this Ordinance. In order to allow a grace period for property owners to respond to the new regulations, an amortization period is proposed as part of the draft Ordinance. Staff proposes to allow an initial one-year amortization period from the adoption date of the new regulations, with up to a total period of two years, provided that an applicant can show the following:

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

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

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

The draft Ordinance is included as Attachment A.

V. ALTERNATIVES

The discussion above describes the proposed Ordinance, as was developed through direction from the City Council and discussion with the Planning Commission. Various alternative regulations and standards could be considered in lieu of those included in the proposed Ordinance to address the concerns identified for Short-Term Rental uses. The following are examples and although not proposed at this time, are intended to assist the Planning Commission in its deliberations should these alternative approaches be desired.

Vacation Rentals vs. Home Stays

Some cities have determined to subject Home Stays to the same zoning regulations as Vacation Rentals; including prohibitions. This issue was raised at a recent hearing of the City of Santa Barbara City Council (December 8, 2015), where concerns were raised about the ability to enforce provisions that distinguish between Home Stays and Vacation Rentals. The City of Santa Barbara prohibits Vacation Rentals in most residential zones and concerns have been raised that without effective enforcement, an allowance for Home Stay Licensing could serve as a loophole, permitting a use type that ultimately functions as a Vacation Rental contrary to Santa Barbara's prohibition.

The City of Carpinteria's proposed Ordinance defines Vacation Rentals and Home Stays as two distinct use types and therefore regulates them in different ways. This is an approach being taken by cities that conclude that Home Stays are a distinct use that can be effectively regulated with little oversight and that is compatible with single-family residential neighborhoods. Should the Planning Commission believe that this distinction is sufficient and that adequate enforcement exists, no alternative regulation would be necessary.

Alternatively, should the Planning Commission find that Home Stays are too similar to Vacation Rentals to be distinguishable and/or that without an effective enforcement tool, it is not possible for the City to ensure that an owner operates a Home Stay in a manner that is distinguishable from a Vacation Rental, it may recommend to the City Council that no distinction be made in regulation. If the City Council accepts this modification, several text changes would be made to the proposed Ordinance that (a) make clear that Home Stays are also subject to the Vacation Rental provisions, (i.e., the section would be rewritten to apply to Short-Term Rentals, which is defined to include both Vacation Rentals and Home Stays), and (b), the Home Stay chapter would be eliminated. The effect of this change would be to both prohibit Home Stays in all areas of the City except the Overlay District, and to subject Home Stays to the same limits, application requirements and operating regulations as Vacation Rentals.

Multi-Family Limitations

Concerns posed about conversion of affordable and workforce housing to Vacation Rentals could be mitigated with additional quantitative limits. Limitations could be placed on multi-family development types, like apartments and condominiums. For example, a limit to the percentage of residential units in a multi-family residential complex that can be converted to Vacation Rentals could be considered. Such a limitation would protect additional long-term housing opportunities throughout the Vacation Rental Overlay District. Should such a limitation be created, the Planning Commission should consider that it might create new nonconforming Vacation Rentals, where existing permitted Vacation Rentals may currently have been permitted in excess of the new limitation. Creating such a limitation could include reconsidering the amortization allowances.

Fines and Penalties

Some cities have also applied fines and penalties unique to violations of the Short-Term Rental provisions, which are greater than the agency's existing fines and penalties for Municipal Code violations. This may be appropriate in situations where a City determines that a different penalty is necessary in order to serve as a disincentive to breaking the law.

Currently, the proposed Ordinance refers to the existing fines and penalties used for all other violations, including nuisance and zoning violations, of the Municipal Code as outlined in Sections 1.06 and 1.08. These, in summary, allow fines in the amounts of \$100.00 for the first, \$200.00 for the second and \$500.00 for the third and continued violations. These fines are authorized by California Government Code 25132(b) and 36900(b), and may be applied each and every day the violation has occurred. When these fines are applied daily, they can amount to significant financial penalties in a very short time. For example, if as allowed, a fine of \$500 each day begins applying on the third day of a violation and continues for 20 days. A penalty of \$10,300 would have accumulated. Several years ago, the City applied its standard penalties as a part of a citation issued for a violation of zoning regulations prohibiting Vacation Rental use in a single-family residential zone district. Through court ordered mediation, a fine of approximately \$25,000 was paid to the City. The property owner ceased the conducting the illegal Vacation Rental use, sold the property, and the violation has not recurred at this property.

Should the Planning Commission consider a fine in excess of that which is already codified for violations of the proposed Ordinance, the fine would need to be added to the Municipal Code Section 1.06. California Government Code Section 36901 sets a maximum fine amount that can be set by a jurisdiction of \$1,000. Such a modification could discourage violation of the regulations and offset costs incurred through enforcement. Should the Planning Commission recommend an increased penalty, the specific fine(s) amount(s) should be identified. There are several options which could be used to set a new fine. The first option could be to increase the initial tiered fine, for example in the amounts of \$250.00 for the first, \$500.00 for the second and \$750.00 for the third and continued violations. A second option could be to increase the initial tiered fine to a higher base fine, for

example the in the amounts of \$500.00 for the first, \$750.00 for the second and \$1,000.00 for the third and continued violations. A third option could be to increase the initial fine to the maximum amount allowed, \$1,000, with all subsequent fines being \$1,000.

Amortization of Nonconforming Vacation Rentals

Lastly, cities have approached how they treat nonconforming Vacation Rental uses in many different ways -- from allowing a nonconforming use to remain as legal nonconforming, to requiring the use to cease almost immediately. The Planning Commission could consider a different approach than is being recommended for the amortization of nonconforming Vacation Rentals. Such a different approach could modify the period of time a Vacation Rental rendered nonconforming by the City's adoption of regulations is allowed to remain operating. For instance, the Planning Commission could reduce the amount of time a nonconforming Vacation Rental could continue following the adoption of Ordinance 708 from up to two years to only one. The Planning Commission could alternatively consider a greater length of time for nonconforming Vacation Rentals to continue operation, for example up to five years rather than the proposed two. Another strategy could allow nonconforming Vacation Rentals to continue operating until the property ceases to operate as a Vacation Rental or at such time that the property is sold to a new owner. Each of the above amortization scenarios would allow newly created nonconforming Vacation Rentals to continue beyond the adoption of the Ordinance. The Planning Commission could also recommend that the City not include an amortization period, which would require any newly created Vacation Rentals to cease all operation upon the effective date of the Ordinance.

These examples above, along with various other regulations, could be modified to address concerns or impacts generated by Short-Term Rentals. Should the Planning Commission determine that any modifications to the Ordinance should be considered, such alternatives could be recommended to the City Council as part of a revised Ordinance or as part of some future and separate action for further consideration.

VI. ENVIRONMENTAL

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

VII. ANALYSIS

General Plan/Coastal Plan Policies

The proposed amendments to the Carpinteria Municipal Code and Zoning Map are supported by the following General Plan/Coastal Plan Objectives and Policies.

Land Use Element

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

The proposed amendments to the Carpinteria Municipal Code and Zoning Map would continue to allow most Vacation Rentals where they have historically operated. The proposed Ordinance would restrict the location of Vacation Rentals to the Beach and Downtown / Old Town Neighborhoods. In effect, the amendments would result in preservation of a significant number of Vacation Rentals near the coast and beaches providing greater access to coastal resources for visitors of Carpinteria without eliminating any additional long-term rental or ownership housing opportunities in all residential zone districts outside of the Vacation Rental Overlay District. Vacation Rentals serve as an important alternative transient lodging option for tourists and visitors to Carpinteria.

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.*

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

Policy LU-3j: *Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the Land Use categories.*

The proposed Vacation Rental Overlay District would restrict Vacation Rentals to the Medium Density Residential (MDR) Land Use Designation identified on the Land Use Map in the General Plan/Local Coastal Land Use Plan and specifically to properties in the Beach and Downtown Neighborhoods zoned PRD on the Zoning Map. The MDR land use category provides for a wide

range of residential types including detached single-family and attached multi-family homes, apartments and condominiums. Historically, Vacation Rentals have been concentrated in the Beach Neighborhood and Downtown Neighborhood, which has a Land Use Designation of MDR and Zoning Designation of PRD. Therefore, the proposed Vacation Rental Overlay District and new regulations would not significantly alter the residential nature of the area. In addition, new operating and licensing standards are intended to help preserve neighborhood residential character.

Housing Element

Program Category #1, Policy 1- Adequate Sites: *Provide sufficient sites in the General Plan/Coastal Plan and zoning map to meet the housing needs allocated to the City by the Regional Housing Needs Allocation (RHNA) Plan 2007-2014.*

Program Category #1, Policy 2- Housing Types: *In the General Plan/Coastal Plan and implementing Ordinances, provide for a mix of housing types consistent with the City's needs, including single family detached and multiple family housing.*

Program Category #4, Policy 2- Existing Affordable Housing: *Maintenance and Repair: Promote the maintenance and repair of owner-occupied and rental housing to prevent deterioration within the City.*

The Vacation Rental Overlay District boundaries identified for Vacation Rentals would ensure preservation of owner occupied and long-term rental opportunities in all R-1, PUD and MHP Zoning Districts, as well as several condominium complexes and mobile home parks in the PRD Districts. The quantitative cap, set at 235 Vacation Rentals in the Vacation Rental Overlay District, will further protect existing housing stock in the areas where Vacation Rentals are permitted by protecting a minimum of 76%, or 745 residential units, in the Overlay District as long-term rentals or owner occupied units. The Vacation Rental Overlay District and quantitative cap would also protect 5,304 residential units, or 95.8%, of the City's entire housing stock. It is expected that the Ordinance would have a limiting effect on the Vacation Rental market and would therefore reduce the burden on the already impacted long-term rental market, consistent with the intent of the Housing Element policies that aim to protect and maintain a mix of housing types and availability of affordable rental and workforce housing.

Further, the City of Carpinteria's available rental housing is currently at an extreme low of less than .29% vacancy in apartments in 2014¹. The adoption of this Ordinance would provide a buffer to protect against the conversion of a significant number of apartment complexes, mobile home parks and condominium complexes to Vacation Rentals. The City's Housing Element aims to protect the existing workforce housing through policies intended at guarding against loss of housing units, development of a mix of affordable housing types and protection against conversion of multi-family housing to condominiums. Therefore, the proposed Ordinance would provide a mechanism to permit and regulate Short-Term Rentals in a way that balances the need and demand for additional transient

¹ The 2015 Carpinteria Valley Economic Profile, The California Economic Forecast

lodging accommodations in areas near the coast and recreational facilities, with the need and demand for affordable long-term housing opportunities.

Coastal Act

Section 30213: *Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30222: *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The City of Carpinteria is located within the Coastal Zone and is therefore required to meet the intent of the Coastal Act. The City is uniquely located between the coastline and the foothills, and surrounded by a variety of agricultural uses including greenhouses, and tree and ground crops. The City itself has few agricultural sites within its boundary, but serves as a residential site for many of the workers employed in the agricultural industry in the surrounding valley. In September 2014, 1,451 City residents worked in the agricultural industry². Due to the unique tourist based economy, the City also provides housing to many workers that are employed in the leisure and tourist industry, including hotels, recreation, and food service. In September 2014, 1,262 City residents worked in the leisure and hospitality industry³. Together, 31.4% of the employed residents in Carpinteria work in either the agriculture or hospitality industries.

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

The City of Carpinteria currently provides visitor-serving lodging in hotels, motels, and at the Carpinteria State Beach Campground. There are 607 hotel/motel rooms in Carpinteria. The Carpinteria State Beach Campground provides 210 campground sites; most sites provide occupancy for up to eight campers, while several sites are available to larger groups. It is estimated that the State Beach Campground serves two million visitors a year and often fills to capacity during the peak summer season. Lodging in Carpinteria is often comparable, but slightly less expansive, than the

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

³ IBID

neighboring Santa Barbara accommodations. In 2014, the average hotel/motel room rate was \$85.82⁴. Occupancy rates in Carpinteria hotels/motels in 2014 were at 72%, at year-end⁵.

Although Vacation Rentals and Home Stays offer an overflow lodging option for peak periods, local lodging accommodations remain affordable and available throughout most of the year. Often, Vacation Rentals and Home Stays advertise at rates higher than local hotels due to the amenities provided which include cooking and living spaces, appropriate for larger capacities than typical hotel rooms. In a recent search of VRBO.com, most Vacation Rentals in Carpinteria rent for over \$100.00 per night and often in the range of \$150.00-\$300.00 per night⁶. In 2014, the City identified that 25% of the Transient Occupancy Tax remitted to the City resulted from Vacation Rentals and 75% resulted from hotels and motels. As a result, the existing pattern of permitted Vacation Rentals already provides a significant amount of transient lodging opportunities in Carpinteria.

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

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

VIII. ACTION OPTIONS

1. Staff recommends that the Planning Commission recommend the City Council amend Chapters 14.06, 14.08, 14.12, 14.14, and 14.16 and adopt Chapters 14.45, 14.52, and 14.53 of Title 14 (Zoning) of the Carpinteria Municipal Code as related to Short-Term Rentals as presented in Attachment A. This staff report and the subsequent letter reflecting the Planning Commission's action shall constitute the Planning Commission's written recommendation. (staff's recommendation)

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

⁵ IBID

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

2. Modify the proposed Vacation Rental Overlay District boundary and/or text amendments and recommend approval to the City Council as amended.
3. Direct staff to modify the proposed Vacation Rental Overlay District boundary and/or text amendments and return to the next Planning Commission meeting.

IX. ATTACHMENTS

Attachment A Proposed Ordinance 708

Exhibit 1 Proposed Vacation Rental Overlay District Map

Attachment A
Proposed Ordinance No. 708

Short-term Rentals Ordinance
PROJECT 15-1785-LCPA/ORD

Planning Commission Hearing
January 4, 2016

Attachment A

ORDINANCE NO. 708

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. INCORPORATION OF RECITALS

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

SECTION 2. ADOPTION OF VACATION RENTAL OVERLAY DISTRICT MAP

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

SECTION 3. AMENDMENT OF TITLE 14 OF CARPINTERIA MUNICIPAL CODE

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

14.04.060 - Overlay districts.

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

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

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

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

CHAPTER 14.47 – Vacation Rental Overlay District

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

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

14.47.010 Purpose and Intent

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

14.47.020 Applicability

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

14.47.030 License Required

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

14.47.040 Permitted Uses

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

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

14.47.050 Location Criteria

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

14.47.060 Applicability of Underlying Residential District

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

14.47.070 Application Requirements

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

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

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

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

14.47.080 Operating Standards

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

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

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

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

14.47.090 Requirements for License Issuance

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

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

14.47.100 License Form and Period of Validity

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

14.47.110 License Issuance and Non-transferability

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

14.47.120 Term of License: Expiration

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

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

14.47.130 License Renewal

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

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

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

14.47.150 License Revocation

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

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

14.47.160 License Revocation - Hearing Required

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

14.47.180 Appeal from Denial or Revocation of License

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

14.47.190 License Application Fee

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

14.47.200 Amortization of Nonconforming Vacation Rentals

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

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

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

14.47.210 Violations

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

14.47.220 Penalties

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

14.47.230 Requirements Not Exclusive

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

14.47.240 Private Action to Enforce

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

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

CHAPTER 14.52 - Home Stays

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

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

14.52.010 Purpose and Intent

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

14.52.020 Applicability

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

14.52.030 License Required

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

14.52.040 Applicability of Underlying Residential District

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

14.52.050 Application Requirements

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

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

14.52.060 Operating Standards

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

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

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

14.52.070 Requirements for License Issuance

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

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

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

14.52.080 License Form and Period of Validity

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

14.52.090 License Issuance and Non-transferability

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

14.52.100 Term of License: Expiration

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

14.52.110 License Renewal

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

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

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

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

14.52.130 License Revocation

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

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

14.52.140 License Revocation - Hearing Required

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

14.52.150 Appeal from Denial or Revocation of License

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

14.52.160 License Application Fee

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

14.52.170 Violations

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

14.52.180 Penalties

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

14.52.190 Requirements Not Exclusive

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

14.52.200 Private Action to Enforce

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

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

14.08.312 - Home stay.

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

14.08.541 – Residential unit.

"Residential unit" means a building or portion thereof designed for or occupied in whole or in part, as a home, residency, or sleeping place, either permanently or

temporarily, and containing not more than one kitchen per residential unit, but not including a hotel or boarding house, lodging house or motel. For the purposes of this Code residential unit includes the term dwelling unit and housing unit. See also Carpinteria Municipal Code 14.08.190 "Dwelling".

14.08.562 – Short-term rental.

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

14.08.627 – Vacation rental.

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

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

14.12.030 - Uses permitted by right.

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

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

11. Home stay, as provided in Chapter 14.52.

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

14.14.030 - Uses permitted subject to development plan approval.

Permitted uses subject to development plan approval are as follows:

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

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

14.16.040 - Uses permitted subject to development plan approval.

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

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

permitted to accommodate facilities that provide overnight lodging, based on a determination that the increased density caused by the overnight lodging facility would have an adverse effect on prospective residents or on the surrounding environment; examples include an adverse effect on an environmentally sensitive habitat, major views to the ocean or foothills, and public access to the shoreline;

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

SECTION 5. Effective Date

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

SECTION 6. CEQA Exemption

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

SECTION 7. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 8. Publication

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

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

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ATTEST:

Mayor, City of Carpinteria

City Clerk, City of Carpinteria

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

City Clerk, City of Carpinteria

For Peter N. Brown:

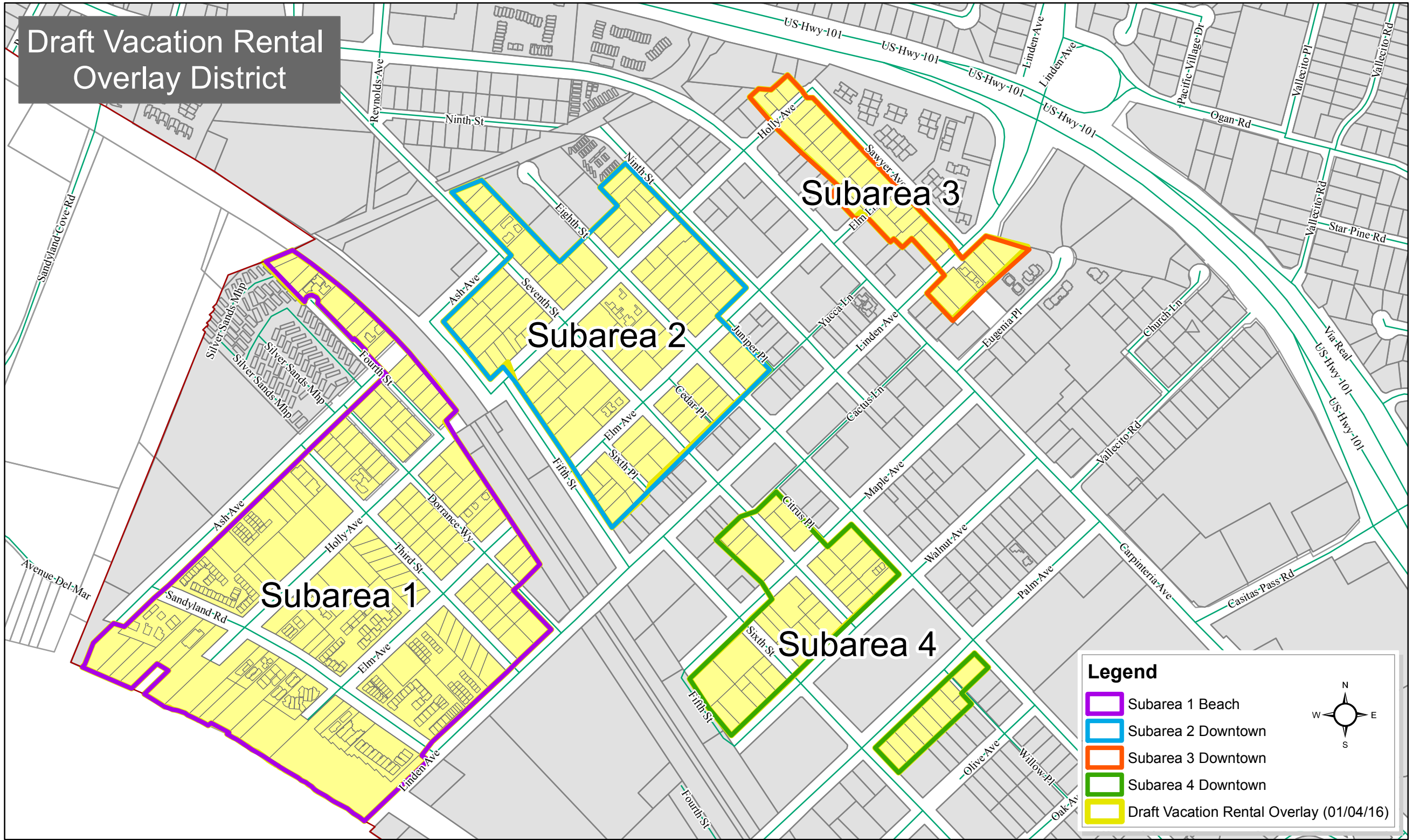
Peter N. Brown, on behalf of
Brownstein Hyatt Farber Schreck, LLP
acting as City Attorney of the City of Carpinteria

Attachment A: Exhibit 1
Proposed Vacation Rental Overlay District Map

Short-term Rentals Ordinance
PROJECT 15-1785-LCPA/ORD

Planning Commission Hearing
January 4, 2016

Draft Vacation Rental Overlay District



PLANNING COMMISSION
STAFF REPORT

MEETING DATE: January 4, 2016

ITEM FOR CONSIDERATION

The Gas Company Advanced Metering Infrastructure Program

Project 15-1792-CUP/CDP

Request for a Conditional Use Permit and Coastal Development Permit to allow the installation of one data collection antenna unit on a street light pole located in the Carpinteria Avenue right-of-way at the western end of the City. The data collection antenna unit would be part of The Gas Company's Advanced Metering Infrastructure Program.

Report prepared by: Shanna R. Farley-Judkins, Assistant Planner
Community Development Department


SIGNATURE

Reviewed by: Steve Goggia, Acting Director
Community Development Department


SIGNATURE

Owner: City of Carpinteria / Southern California Edison

Applicant: Veronica Fistes of The Gas Company

Project Location/APN: Pole # 4041328E City ROW near
APN 004-031-017 (4187 Carpinteria Avenue)

Zoning: Commercial Planned Development (CPD)

General Plan Designation: General Commercial (GC)



I. RECOMMENDATION

Adopt the attached Resolution, thereby approving Project 15-1792-CUP/CDP to allow installation of one data collection antenna unit by The Gas Company on one existing street light pole (#4041328E) owned by Southern California Edison.

II. PROPOSED PROJECT DESCRIPTION

The Gas Company proposes to install one advanced meter Data Collection Unit (DCU) attached to an existing street light pole within the Carpinteria Avenue right-of-way, owned and operated by Southern California Edison. The DCU would be wired to the power within the street light and include a metal equipment cabinet strapped to the top portion of the street light pole. Two antennas would be attached to a horizontal boom placed near the top of the pole. The project would not include any ground level alterations or equipment. Minimal construction impacts would be expected during the brief installation period, including temporary closure of the sidewalk near the pole for approximately one day.

Plans are attached as Exhibit 1, Attachment B.

III. BACKGROUND

The Gas Company has developed a program to enable customers to manage their energy bill through real time data availability. The program is identified as the Advanced Metering Infrastructure (AMI). The Gas Company applied to the Public Utilities Commission in 2008 to develop the statewide platform that includes the installation of user site advanced meters which transmit use data to local data collection devices. The data collection antennas then transmit data to regional data sites to be uploaded to the company's site. Data from gas meters is collected up to four times a day and include hourly meter readings. Construction of the AMI began in 2012, throughout much of The Gas Company's territory. As of end of 2014, 2,877,639 meter modules and 3,022 data collection units have been installed throughout southern California. The AMI plan anticipates reductions in greenhouse gas production, reduced operational costs for the company and consumer level savings.

Data Collection Unit Permitting

In 2014, the Planning Commission approved Project 14-1737-CUP/CDP which authorized the construction of the three DCU locations. These DCUs are located on Carpinteria Avenue near City Hall, on Mark Avenue near the intersection of Via Real and on Meadow View Lane. The Gas Company identified the need for an additional DCU in Carpinteria after employing the first three units in order to have adequate coverage throughout the City.

Site Characteristics

The street light pole is located along an existing sidewalk, adjacent to a commercial business park. The existing street light is finished in a neutral grey/beige tone and has no other attachments at this time. The street light is identified by a corresponding pole tag number referenced in the table below.

Adjacent Parcel Number	Pole Tag #	Pole Owner	Street	Site Point
004-031-017	4041328E	SCE	Carpinteria Avenue	P15096-B

Architectural Review Board (ARB)

Due to the scale and nature of the project, the Community Development Director waived the requirement for review by the Architectural Review Board.

IV. ENVIRONMENTAL

This project is categorically exempt from environmental review pursuant to Section 15303 [new construction of small structures] of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Section 15303 Categorical Exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion from one use to another where only minor modifications are made in the exterior of the structure. The project would be similar to the example outlined in §15303(d) “Water main, sewage, electrical, gas and other utility extensions including street improvements, of reasonable length to serve such construction.” The proposed data collection unit is small and located atop existing street light, therefore this exemption is appropriate. For more detail, see the Notice of Exemption included as Exhibit 2.

V. ANALYSIS

Staff has reviewed the project for compliance with the development standards of Chapter 14, Zoning, of the Carpinteria Municipal Code, and with the policies and objectives of the General Plan/Coastal Land Use Plan.

Zoning Code Requirements

New utility structures, located in the right-of-way, are subject to the requirements of a Conditional Use Permit (Municipal Code §14.62). The granting of a CUP requires the Planning Commission to make specific findings related to the proposed use. An analysis of the project’s consistency with the required findings is included in Exhibit 1, Attachment A. Given the analysis provided therein, all of the required findings can be made to approve the Conditional Use Permit.

General Plan/Coastal Plan

PUBLIC FACILITIES AND SERVICES ELEMENT

PF-5: *To provide a high quality and broad range of public services, facilities and utilities to meet the needs of all present and future residents of the Carpinteria Planning Area.*

PF-5h: *The City will coordinate with the various public agencies providing services and facilities to encourage the joint use of sites, where feasible, and to otherwise improve the economy of operations.*

Consistent with these policies, the City coordinated with The Gas Company and Southern California Edison to achieve a desirable pole location which would reduce impacts to residents of Carpinteria while achieving the scope and service needs of the project.

NOISE ELEMENT

Policy N-5c: *The City will require that construction activities employ techniques that minimize the noise impacts on adjacent uses.*

The City's standard condition relating to construction timing and noise attenuation has been included in the attached Conditions of Approval.

VII. ACTION OPTIONS

1. Approve Project 15-1792-CUP/CDP to allow installation of one data collection unit antenna on existing street light pole #4041328E and adopt the Findings in Exhibit 1, Attachment A and Conditions of Approval as proposed in Exhibit 1, Attachment C. (staff's recommendation)
2. Direct the applicant to prepare project revisions and return to the next Commission meeting.
3. Conceptually deny the project as proposed. Direct staff to return with findings for denial to the Planning Commission's next meeting.

VIII. ATTACHMENTS

Exhibit 1 Resolution PC-16-01
Attachment A – Findings
Attachment B – Plans and Details
Attachment C – Recommended Conditions of Approval

Exhibit 2 CEQA Exemption

Exhibit 1
Resolution PC-16-01

The Gas Company
Data Collection Unit
PROJECT 15-1792-CUP/CDP

Planning Commission Hearing
January 4, 2016

RESOLUTION NO. PC-16-01

**A RESOLUTION OF THE CITY OF CARPINTERIA PLANNING
COMMISSION APPROVING THE CONDITIONAL USE PERMIT AND
COASTAL DEVELOPMENT PERMIT 15-1792-CUP/CDP TO ALLOW
INSTALLATION OF ONE DATA COLLECTION ANTENNA UNIT ON AN
EXISTING STREET LIGHT POLE IN THE RIGHT-OF-WAY ON
CARPINTERIA AVENUE.**

REQUESTED BY THE GAS COMPANY

WHEREAS, the Carpinteria Planning Commission has considered an application for a Conditional Use Permit and Coastal Development Permit filed by The Gas Company on September 17, 2015 to allow the installation of one data collection antenna unit; and

WHEREAS, the application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on October 28, 2015; and

WHEREAS, the Planning Commission has conducted a hearing and received evidence regarding the application for the Conditional Use Permit and Coastal Development Permit; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act under Categorical Exemption Section 15303 [small structures] of the California Environmental Quality Act as the project includes installation of a small self-contained data collection antenna upon an existing street light pole; and

WHEREAS, the Planning Commission has reviewed the policies of the General Plan/Coastal Plan and the Zoning Code standards that are relevant to the project.

**NOW THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS
FOLLOWS:**

1. The Conditional Use Permit and Coastal Development Permit are approved making the Findings outlined in Attachment A.
2. The Conditional Use Permit for the project is consistent with the plans shown in Attachment B and is approved subject to the conditions set forth in Attachment C.

PASSED, APPROVED AND ADOPTED this 4th day of January 2016, by the following called vote:

AYES: Commissioners:

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

John Moyer, Chair

ATTEST:

Steve Goggia, Secretary

I hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the Planning Commission of the City of Carpinteria held the 4th day of January 2016.

Exhibit 1
Attachment A: Findings

The Gas Company
Data Collection Unit
PROJECT 15-1792-CUP/CDP

Planning Commission Hearing
January 4, 2016

ATTACHMENT A: FINDINGS

PLANNING COMMISSION HEARING PROJECT 15-1792-CUP/CDP The Gas Company Advanced Meter Infrastructure Data Collection Antenna Unit

January 4, 2016

FINDINGS PURSUANT TO GOVERNMENT CODE, LOCAL COASTAL PLAN, GENERAL PLAN, AND TITLE 14 OF THE CARPINTERIA MUNICIPAL CODE

1.0 ADMINISTRATIVE FINDINGS

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

1.1 PROCEDURES

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

- a. An application for a Conditional Use Permit and Coastal Development Permit was submitted on September 17, 2015, and deemed complete and accepted by the City as being consistent with the applicable submittal requirements on October 28, 2015. Said application and all related material have been available for public review at City offices since the date of submittal.
- b. The application has been evaluated and found to conform to the applicable zone district and to be consistent with the City's Local Coastal Program Land Use Plan, the Interpretive Guidelines of the California Coastal Commission and the California Coastal Act.
- c. The project has been reviewed by the City's Planning Commission at a duly noticed public hearing which included, but is not limited to, mailed notice to all property owners within 300 feet and all occupants within 100 feet of the subject properties and publication in the local newspaper, The Coastal View News.

1.2 FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 [small structures / utility structures connecting to existing services] of the Guidelines for the Implementation of the California Environmental Quality Act.

1.3 CONDITIONAL USE PERMIT FINDINGS

1. *The site for the proposed use is adequate in size and shape to accommodate the use.*

The proposed site includes one street light pole located in public sidewalk in the City right-of-way. The Data Collection Unit (DCU) would be attached to the existing pole and would be powered by the street light and therefore would require no ground level equipment or alterations to the rights-of-way. The site would be of adequate size and shape to accommodate the small DCU at an approximate height of 26 feet above the sidewalk.

2. *The site for the proposed use is served by streets and highways that are properly designed to carry the type and quantity of traffic generated by the subject use.*

The proposed project would generate minimal construction work in the sidewalk and parkway right-of-way while the DCU is attached to the pole. The Public Works Department will require that a Traffic Control Plan be reviewed and approved prior to commencement of construction. The project would not generate additional traffic once construction is completed, other than routine maintenance and repairs. Therefore, the project is served adequately by local streets and highways and would not impact traffic in the long term.

3. *The granting of the permit will not materially adversely affect such necessary community services such as sewage disposal, fire protection, water supply, and police protection.*

The proposed project consists of installation of a pole-mounted antenna which would require no new utility services or impacts. The antenna would make use of the power provided by the street light electrical system and therefore no foreseen adverse impacts are expected.

4. *The granting of the permit will not be detrimental to the health, safety and general welfare of the neighborhood.*

The project would be located within the right-of-way of Carpinteria Avenue. The pole location stands at least 35 feet from any adjacent structures and would be constructed to standard specifications used by The Gas Company and Southern California Edison. The project therefore is not expected to be detrimental to the

health, safety and or welfare of the surrounding neighborhoods. The antenna would be maintained to match the color of the existing pole and or sky to minimize visual impacts.

5. *The proposed use is consistent with the Coastal Plan, General Plan, and applicable specific plan.*

The proposed project would be installed within the public right-of-way along Carpinteria Avenue. To reduce visual impacts the project has been conditioned to be finished in stainless steel to match the light pole. The General Plan includes policies that support locating utilities and other services outside of open space and recreation areas and areas of natural habitat, where feasible and support co-location with other public facilities. The proposed DCU location is consistent with the General Plan as it will be constructed in the least environmentally damaging way by using existing infrastructure in an urbanized part of the City.

6. *The proposed use will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project includes minimal new construction and would generate no new ground structures to impact the environment or wildlife. Impacts to the environment are not expected. The location is in the existing sidewalk and road right-of-way in an urbanized part of the City. Therefore, this finding can be made.

7. *The proposed development will not conflict with recorded easements acquired by the public-at-large for access through or use of the property within the proposed development or any easements granted to any public agency or required as a condition of approval.*

The proposed project would not impact recorded easements acquired by the public-at-large or any easements granted to public agencies. The DCU would be placed through agreement with Southern California Edison, which owns and operates the pole. As the DCU is installed on an existing pole, there is no potential for impacts to public access. The unit will be placed at a height of approximately 26 feet above the sidewalk so as to not interfere with pedestrians. Therefore, the installation of the Data Collection Unit will not affect the long term use of the public right-of-way consistent with this finding.

8. *Any other conditions which are reasonably necessary to protect the public peace, health, safety, and general welfare.*

The project has been conditioned to ensure the safety and general welfare of the public during both the construction of, and life of, the project through measures that address traffic control and painting the equipment to match the color of the poles.

1.4 COASTAL DEVELOPMENT PERMIT FINDING

Pursuant to the California Coastal Act, the Administrative Regulations of the California Coastal Commission and the City's Local Coastal Program, it has been found that the permit requested may be issued based on the following findings:

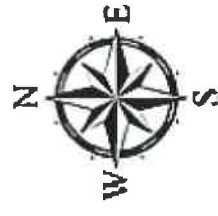
- 1. The proposed development is in conformity with the city's certified Local Coastal Program.*

The project involves the construction and operation of one Data Collection Unit on an existing street light pole located on Carpinteria Avenue. The proposed use is consistent with the stipulations outlined for the land use designations and zoning districts in that public works-type facilities such as utility services or structures are conditionally permitted in all zone districts. The use is also consistent with the applicable policies from the General Plan/Coastal Plan as discussed in the Planning Commission staff report dated January 4, 2016. All environmental impacts have been reduced through the Conditions of Approval of the Conditional Use Permit/Coastal Development Permit to address maintaining public access and reducing visual impacts. A detailed analysis of the project's conformity with the Objectives and Policies of the City's certified Local Coastal Land Use Plan is presented in the staff report prepared for the Planning Commission hearing of January 4, 2016, and herein incorporated by reference.

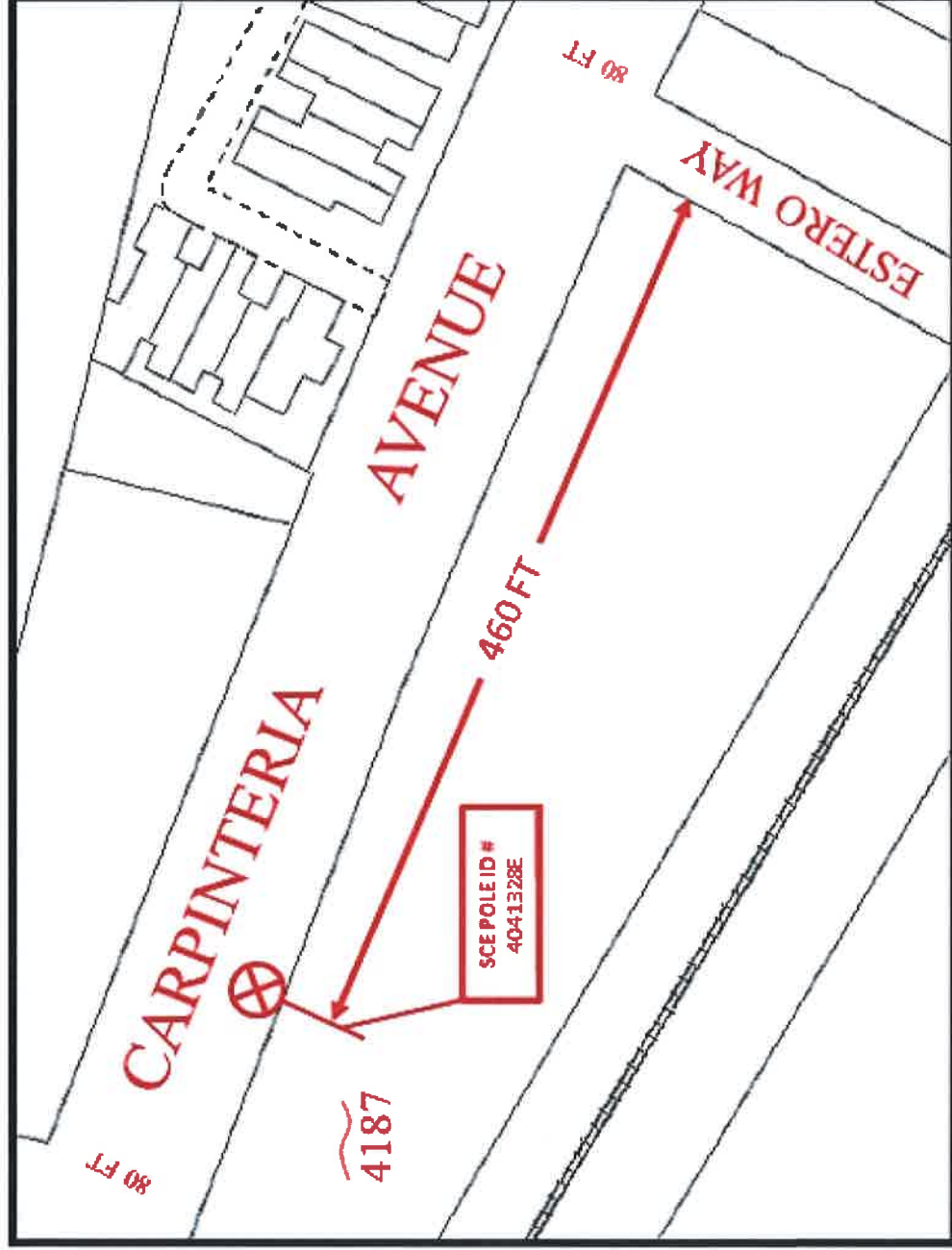
Exhibit 1
Attachment B: Plans and Details

The Gas Company
Data Collection Unit
PROJECT 15-1792-CUP/CDP

Planning Commission Hearing
January 4, 2016



SITE ID: PI5096-B
ON CARPINTERIA AVE: NORTH OF 4187 CARPINTERIA AVE
CARPINTERIA, CA 93013
THOMAS BROS. PAGE-998-B6



SCG TO COLLOCATE ONTO EXISTING SCE POLE ID # 4041328E
460 FEET WEST OF THE WEST CURB FACE OF ESTERO WAY
AND
7 FEET SOUTH OF THE SOUTH CURB FACE OF CARPINTERIA AVE

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REVISIONS	BY	DATE
B 8/4/12	DO	
C 7/2/12	CL	
D 7/10/12	CL	
E 8/20/12	CL	
F 10/22/12	CL	

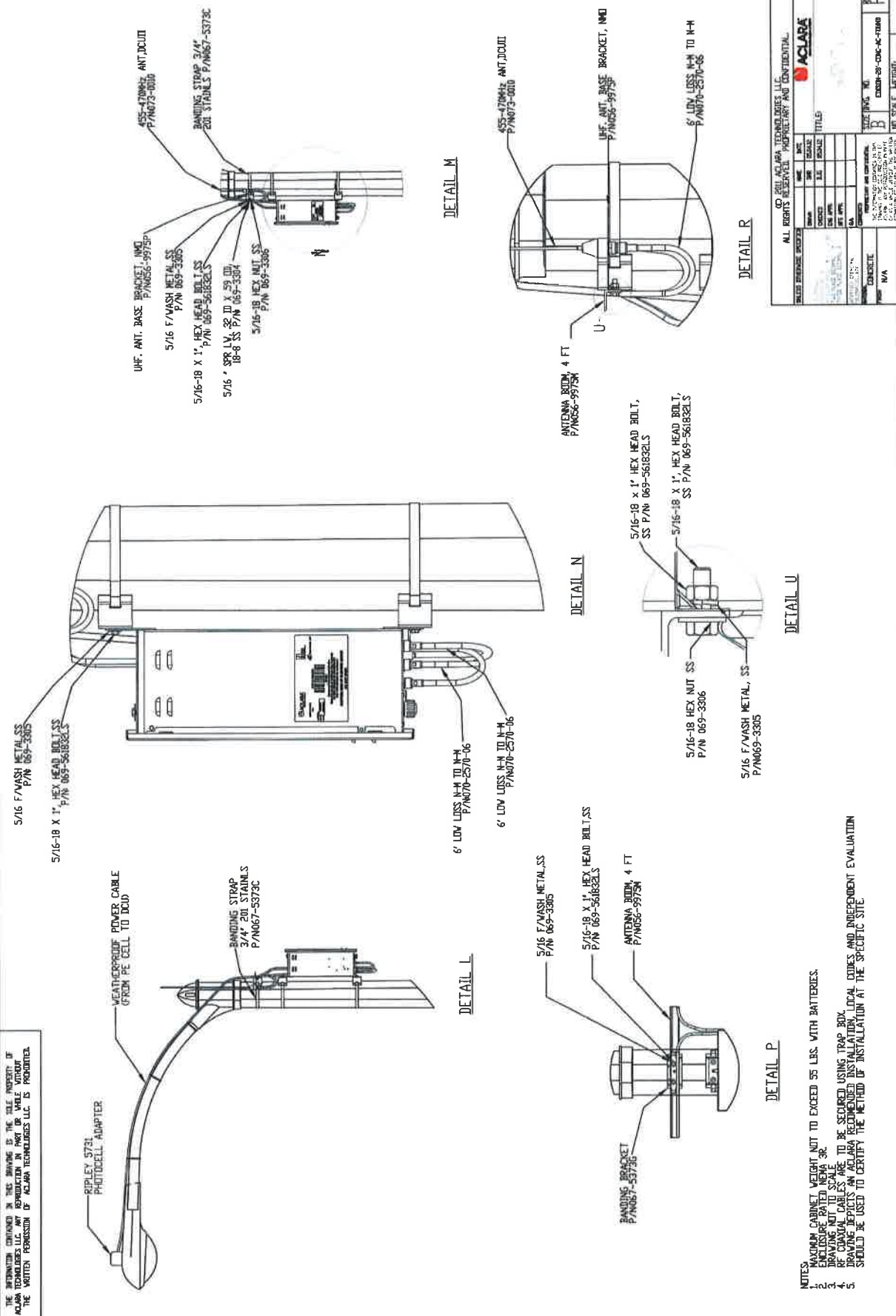
800.451.1111
WWW.ACLAIRTECH.COM
ACLAIR TECHNOLOGIES LLC
10000 N. 10TH AVE. SUITE 100
DENVER, CO 80231



SO. CAL. EDISON
20' AMERON CONCRETE
AS PER ATTACHMENT

DCU BOX DETAILS

DATE	10/22/12
BY	DO
3 of 5	



NOTES:
1. MAXIMUM CABINET WEIGHT NOT TO EXCEED 55 LBS. WITH BATTERIES.
2. EXCLUDED BATTERY WEIGHT.
3. DRAWING KIT TO SCALE.
4. IF CABLES ARE TO BE SECURED USING TRAP BOX, DRAWING REFLECTS AN ACLAIR RECOMMENDED INSTALLATION. LOCAL CODES AND INDEPENDENT EVALUATION SHOULD BE USED TO CERTIFY THE METHOD OF INSTALLATION AT THE SPECIFIC SITE.

ACLAIR TECHNOLOGIES LLC	
ALL RIGHTS RESERVED. CONFIDENTIAL AND PROPRIETARY.	
DATE	10/22/12
BY	DO
3 of 5	

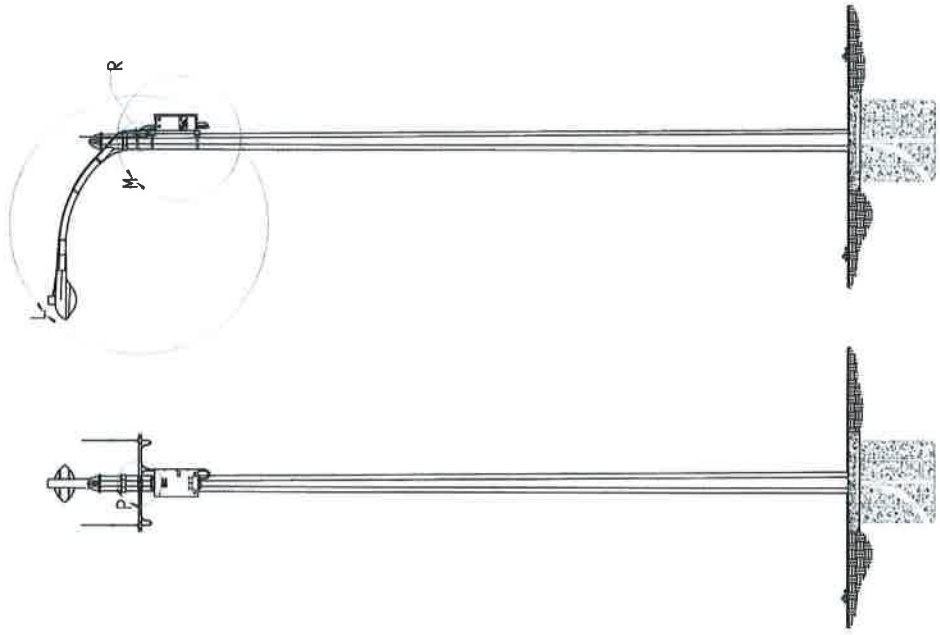
REVISIONS	BY
B 6/14/12	DG
C 7/2/12	CL
D 7/10/12	CL
E 8/20/12	CL
F 10/20/12	CL

MATERIAL LIST

4 of 5

ITEM NO.	PART NUMBER	DESCRIPTION	QTY.
1	1700-CELL-AC-SCC	DCU (DATA COLLECTION UNIT) CABINET	1
2	109-9975D	UHF ANT BASE ASSY	2
3	073-0010	455-470MHz ANTENNAS/LAIRD ANTENNAS	2
4	056-9975M	ANTENNA BDM, 4 FT	1
5	109-10700-02	MTG KIT, METAL/CONCRETE POLE, AC	1
	069-561832LS	5/16-18 X 1", HEX HEAD BOLT, SS	12
	069-3304	5/16" SPR LW, 32 ID X .59 OD, 18-8 SS	12
	069-3305	1/2" F/WASH METAL, SS	12
	069-3306	5/16-18 HEX NUT SS	12
	067-5373D	BANDING CLAMP 3/4" SS 20L, UB256	6
	067-5373G	BANDING BRACKET	3
	067-5373C	BANDING STRAP 3/4"X02" A302 SS	3
	070-2570-06	6' COAX CABLES BETWEEN ANTENNAS & DCU	2
¶6	098-0054	CABLE MGMT. BRACKETS (TRAP BOXES)	AS NEEDED
¶7	TBD	SNAP-IN CLAMP	AS NEEDED
¶8	098-0056	LMT-400 2 HOLE BOOM CLAMP	AS NEEDED
¶9	098-0057	LMT-400 4 HOLE BOOM CLAMP	AS NEEDED
¶10	084-0119	FUSION TAPE	AS NEEDED
¶11	TBD	RIPLEY 5731 PHOTOCELL ADAPTER	1
*CONTRACTOR SUPPLIED MATERIALS			

CONTRACTOR SUPPLIED MATERIALS



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[illegible]

NOTES: MAXIMUM CABINET WEIGHT NOT TO EXCEED 55 LBS. WITH BATTERIES.
ENCLOSURE RATED NEMA 3B.
DRAWING NOT TO SCALE.
IF COAXIAL CABLES ARE TO BE SECURED USING TRAP BIX,
DRAWING DEPICTS AN ACLAIR RECOMMENDED INSTALLATION. LOCAL CODES AND INDEPENDENT EVALUATION
SHOULD BE USED TO CERTIFY THE METHOD OF INSTALLATION AT THE SPECIFIC SITE.

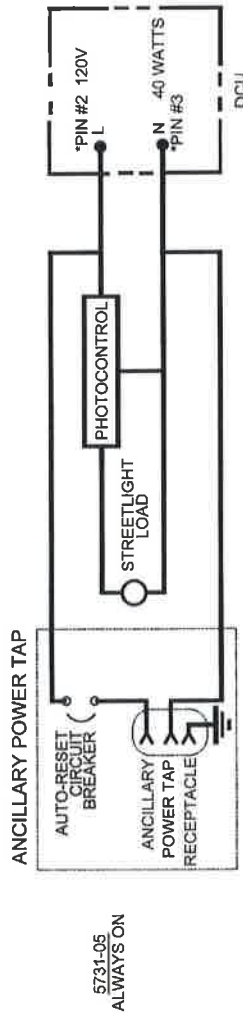
THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF ACLAURA TECHNOLOGIES, LLC. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF ACLAURA TECHNOLOGIES, LLC. IS PROHIBITED.

CONFIGURATION	ALWAYS ON PHOTOCONTROL MAINTAINS NORMAL OPERATION
NOMINAL VOLTAGE 50/60 HZ	120
VOLTAGE RANGE	105 -- 135
BASE	STANDARD 3-PRONG TWIST-LOCK PER ANSI C136.10
HOUSING	3-1/2" DIAMETER POLYPROPYLENE
CORD LENGTH	5 FEET (STANDARD) - OTHER CORD LENGTHS AVAILABLE
CORD CONNECTION *	w/ PIGTAIL, 2-PRONG RECEPTACLE, OR 3-POLE FEMALE MINI-LINK
CIRCUIT BREAKER	10 AMP, AUTO-RESET
LOAD RATING	10 AMP
OPERATING TEMPERATURE	-40C TO +70C (-40F TO +158F)
PHOTOCONTROL	NOT INCLUDED. SOLD SEPARATELY
DIELECTRIC STRENGTH	5000 VOLTS BETWEEN CURRENT CARRYING PARTS & METAL SURFACES
*CORD CONNECTION OPTIONS	OPTION CODE (ADD TO END OF MODEL NUMBER)
PIGTAIL	-1
2-PRONG RECEPTACLE	-2
3-POLE FEMALE MINI-LINK	-3

NOTES:

1. TAP CONDUCTORS SHALL COMPLY WITH NEC ART. 240.21(A)(B) TAP RULE
2. IT IS ASSUMED THAT AMPLE POWER CAPACITY IS AVAILABLE AT THE STREET LIGHT FEEDER FOR THE ADDITIONAL LOAD

RIPLEY 5731-05



*MINI-LINK
CONNECTOR
PIN NUMBER

STREET LIGHT PHOTOCELL TAP

- NOTES:
1. MAXIMUM CABLE WEIGHT MUST NOT EXCEED 55 LBS. WITH BATTERIES.
 2. ENCLOSURE MUST BE USED.
 3. DRAWING NOT TO SCALE.
 4. RF CABLES ARE TO BE SECURED USING TRAP BOX.
 5. DRAWING DEPICTS AN ACLAURA RECOMMENDED INSTALLATION. LOCAL CODES AND INDEPENDENT EVALUATION SHOULD BE USED TO CERTIFY THE METHOD OF INSTALLATION AT THE SPECIFIC SITE.

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ACLAURA TECHNOLOGIES, LLC	
DATE: 10/20/12	TITLE: STREET LIGHT PHOTOCELL TAP
DESIGNED BY: [blank]	SCALE: [blank]
CHECKED BY: [blank]	SCALE: [blank]
DATE: [blank]	DATE: [blank]
BY: [blank]	BY: [blank]
PROJECT: [blank]	PROJECT: [blank]
CONTRACT: [blank]	CONTRACT: [blank]
SIZE: 11x17	SIZE: 11x17
NO. SCALE: [blank]	NO. SCALE: [blank]
WEIGHT: [blank]	WEIGHT: [blank]

REVISED	BY
E 04/12	JD
C 07/12	CL
D 01/12	CL
E 03/12	CL
F 10/012	CL

MR. A. GARY JAY, P.E.
108 HAWTHORNE, CA 90714
TEL: 310-400-1818
FAX: 310-400-1819



S.O. CAL. EDISON
20' AMERON CONDUIT
AC POLE ATTACHMENT

ELECTRICAL DIAGRAM

Exhibit 1
Attachment C: Recommended
Conditions of Approval

The Gas Company
Data Collection Unit
PROJECT 15-1792-CUP/CDP

Planning Commission Hearing
January 4, 2016

ATTACHMENT C

CONDITIONS OF APPROVAL

PLANNING COMMISSION HEARING

PROJECT NO. 15-1792-CUP/CDP

The Gas Company

Data Collection Unit

January 4, 2016

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.

GENERAL CONDITIONS

1. This Conditional Use Permit and Coastal Development Permit approval is restricted to installation of one Data Collection Unit (DCU) to be attached to an existing street light pole located near the following parcel: 004-111-CA1 (Carpinteria Avenue) in the City right-of-way. The DCU would be attached to the top of a Southern California Edison light pole (#4041328E) and would include a small equipment cabinet, two antennas attached to a horizontal boom and related cables. The DCU would be wired to the power provided to the street light. The unit would be strapped and bolted to the top of the pole and would generate no new pole or physical construction on the ground near the pole.
2. 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.
3. 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.
4. 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.

5. 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.
6. Approval of the Conditional Use Permit/Coastal Development Permit shall expire one year after approval, unless prior to the expiration date an Encroachment Permit has been issued or the permittee has diligently worked toward Encroachment Permit issuance. The decision maker with jurisdiction over the project may grant a time extension for good cause.
7. No Encroachment Permits shall be issued for this project prior to meeting all required terms and conditions listed herein.
8. An approval granted by the Planning Commission does not constitute an Encroachment Permit or authorization to begin any construction. An appropriate permit issued by the Public Works Department must be obtained prior to construction.
9. If, at any time, the City or Planning Commission determines that there has been, or may be, a violation of the findings or conditions of this Conditional Use Permit /Coastal Development Permit, or of the Municipal Code regulations, a public hearing may be held before the Planning Commission to review this permit. At said hearing, the Planning Commission may add additional conditions, or recommend enforcement actions, or revoke the permit entirely, as necessary to ensure compliance with the Municipal Code, and to provide for the health, safety and general welfare of the City. The applicant shall reimburse the City for all costs associated with gaining compliance with the original conditions of approval.
10. All materials and colors used in construction shall be as represented to or as specified by the approved plans (15-1792- CUP/CDP) and any deviation will require further review by the Community Development Director. The unit shall be maintained and or refinished in the approved color (stainless steel) for the life of the project.
11. Construction activity for site shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as painting are not subject to these restrictions. **Plan Requirements:** Plans identifying the location and type of work shall be submitted to the Public Works Department to obtain an Encroachment Permit. **Timing:** Signs shall be in place prior to the beginning of and throughout all construction activities. Violations may result in suspension of permits. **Monitoring:** Public Works and Community Development shall spot check and respond to complaints.
12. No vegetation shall be removed and no construction activity shall be undertaken which causes damage to any existing shrubs and trees (i.e., more than 25% of root zone disturbed).

13. All project conditions shall be listed on a sheet included as part of the construction plans submitted for review and approval by the City prior to issuance of a Encroachment Permit. The approved set of plans shall be retained at the construction site for review by the Building or Public Works Inspector during the course of construction.
14. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitations period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
15. The owner/applicant/developer ("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 Gas Company Data Collection Unit Project (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, permit fees, 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.

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 issuance of an Encroachment Permit.

Approved by the Planning Commission on January 4, 2016.

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

Applicant

Date

Exhibit 2
Notice of Exemption

The Gas Company
Data Collection Unit
PROJECT 15-1792-CUP/CDP

Planning Commission Hearing
January 4, 2016

Notice of Exemption

Appendix E

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

County Clerk

County of: Santa Barbara

105 E. Anapamu Street

Santa Barbara, CA 93101

From: (Public Agency): City of Carpinteria

5775 Carpinteria Avenue

Carpinteria, CA 93013

(Address)

Project Title: The Gas Company Data Collection Unit for Advanced Metering Infrastructure

Project Applicant: The Gas Company

Project Location - Specific: ROW near APN 004-031-017 (4187 Carpinteria Avenue) located on Southern California Edison Street light pole #4041328E.

Project Location - City: Carpinteria Project Location - County: Santa Barbara

Description of Nature, Purpose and Beneficiaries of Project:

Installation of one data collection antenna unit (DCU) atop an existing street light pole. The DCUs include a small equipment cabinet, two antennas atop a horizontal boom and associated cables. The project would not include any new ground structures or alterations to surrounding sidewalks or landscaped areas.

Name of Public Agency Approving Project: City of Carpinteria

Name of Person or Agency Carrying Out Project: The Gas Company

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ **Categorical Exemption. State type and section number: Class 3 Section 15303 - Small Structures**
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Section 15303 Categorical Exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. The project would be similar to the example outlined in §15303(d) "Water main, sewage, electrical, gas and other utility extension including street improvements, of reasonable length to serve such construction."

Lead Agency

Contact Person: Shanna R. Farley-Judkins Area Code/Telephone/Extension: (805) 755-4405

If filed by applicant:

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

Signature: _____ Date: _____ Title: _____

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

PLANNING COMMISSION
STAFF REPORT

MEETING DATE: January 4, 2016

ITEM FOR CONSIDERATION

MEDICAL MARIJUANA REGULATIONS

Project 15-1801-ORD

Consideration of an Ordinance to amend provisions of the City's Zoning Code regarding medical marijuana. Changes to the Zoning Code would include amendments to (i) Chapter 14.08 to add definitions for medical marijuana, cultivation, and delivery, and (ii) Chapter 14.59, "Medical Marijuana Dispensaries" to clarify existing prohibitions on medical marijuana dispensaries, cultivation and deliveries, with limited exceptions for qualified patients and primary caregivers.

Report prepared by: Dylan Johnson, Legal Counsel
Brownstein Hyatt Farber Schreck, LLP, Acting as City Attorney


SIGNATURE

Reviewed by: Steve Goggia, Acting Director
Community Development Department


SIGNATURE

I. RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council adopt Ordinance No. 707 to amend Chapters 14.08 and 14.59 of Title 14 (Zoning) of the Carpinteria Municipal Code as presented in Exhibit 1.

II. PROPOSED ORDINANCE

The proposed Ordinance would amend provisions of the Zoning Code related to the regulation of medical marijuana within the City of Carpinteria.

Zoning Code Text Amendments: The Ordinance would modify several sections of the Carpinteria Municipal Code Title 14 Zoning to clarify existing prohibitions on medical marijuana dispensaries, cultivation and deliveries, while providing limited exceptions for qualified patients and primary caregivers.

Local Coastal Program Amendments: Though the City's Zoning Code is part of the City's certified Local Coastal Program (LCP), the California Coastal Commission has determined that the City's existing medical marijuana regulations, adopted by Ordinance No. 623, are not a part of the City's LCP.

Proposed Ordinance No. 707 is provided in Exhibit 1.

III. BACKGROUND

Legal Setting

In 1996, the California voters enacted via initiative the Compassionate Use Act of 1996 (codified at California Health and Safety Code §11362.5) (“Act”). As regards a patient or a patient’s primary caregiver, the Act provides an affirmative defense to those California laws criminalizing the possession and cultivation of marijuana (Health and Safety Code §11362.5(d)). In 2003, the Legislature enacted S.B. 420, the Medical Marijuana Program Act (“MMPA”) (Health and Safety Code §11362.7), which, in addition to establishing an Identification Cards Program for qualified medical marijuana patients, allows cities to adopt and enforce rules and regulations consistent with the Act and the MMPA (H&S Code §11362.83). Together, the Act and the MMPA allow personal use of marijuana by those with a medical necessity, subject to certain restrictions. There is no mention of medical marijuana dispensaries in the Act or the MMPA.

Federal laws also regulate the use of marijuana. The federal Controlled Substances Act categorizes marijuana as a Schedule I drug, which is strictly regulated because of its “high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment.” Recent U.S. Supreme Court rulings made clear that, regardless of California’s exception for medical marijuana, there is no such medical exception under federal law, so it remains illegal under federal law to possess, cultivate, sell or distribute marijuana regardless of its intended use or user (*Gonzales v. Raich*, 545 U.S. 1 (2005); *United States v. Oakland Cannabis Buyers’ Coop.*, 532 U.S. 483 (2001)). Accordingly, even where California cities have authorized the location and operation of medical marijuana dispensaries, the dispensaries have been subject to search, seizure and closure by federal agencies such as the DEA and IRS. However, it is currently Federal policy to decline prosecution of persons and businesses possessing, using, and selling medical marijuana in compliance with state regulatory programs.

A number of courts have held that, notwithstanding the medical marijuana use exception to state laws that generally criminalize marijuana possession, local agencies retain the authority to regulate the dispensing and cultivation of medical marijuana through land use regulations, including the authority to prohibit such activities. See *People v. Peron* (1997) 59 Cal. App.4th 1383; *People v. Fraizer* (2005) 128 Cal.App.4th 807; *City of Riverside v. Inland Empire Patients Health & Wellness Ctr., Inc.* (2013) 56 Cal. 4th 729; *Conejo Wellness Ctr., Inc. v. City of Agoura Hills* (2013) 214 Cal. App. 4th 1534; *Maral v. City of Live Oak* (2013) 221 Cal. App. 4th 975; *Kirby v. County of Fresno*, Case No. F070056, Fifth Appellate Dist. (Dec. 1, 2015).

Adoption of Chapter 14.59

In 2007, our Office concluded that to comply with both federal and California law, the City was prohibited from zoning for, issuing business licenses for, or in any other way authorizing medical marijuana dispensaries. This determination was considered consistent with California law because such prohibition would still allow for personal medical marijuana use and for distribution by certain state licensed health care facilities as provided under the Act and would not criminalize activity that is authorized under the MMPA. This determination was also considered consistent with the federal Controlled Substances Act because it avoids any possible

liability the City could incur by issuing approvals to dispensary operators which conduct criminal activity as defined by federal law. (See 18 USCS §2 [imposing liability for aiding and abetting a federal crime].)

At its January 22, 2007 meeting, the City Council received input from the Santa Barbara County Sheriff's Department, the City Attorney's office and the California Police Chief's Association. The City Council found that the potential negative secondary impacts of medical marijuana dispensaries outweighed the potential positive impacts of locating dispensaries in Carpinteria. The City noted that medical marijuana dispensaries have been known to: 1) increase unpermitted behavior, including marijuana use without medical need, sales to minors and persons without a doctor's recommendation, re-sale of medical marijuana and sales of non-marijuana drugs at dispensaries; 2) heighten criminal activity such as robberies, assaults, burglaries, homicides and attempted homicides; 3) create nuisances including loitering, littering, indoor and outdoor smoking, excessive pedestrian and vehicular traffic, and growing plants causing noxious odors; 4) cause complications with federal law via Drug Enforcement Agency ("DEA") raids and Internal Revenue Service ("IRS") investigations; and 5) impact neighbors through the loss of customers and non-renewal of leases for neighboring businesses. Some of these negative impacts were seen locally in the City and County of Santa Barbara, neighboring jurisdictions that allow the operation of medical marijuana dispensaries.

At its January 22, 2007 meeting, the City Council adopted Ordinance No. 623, which added Chapter 14.59 to the Zoning Code, making it unlawful to establish, operate or maintain a medical marijuana dispensary or facility for the cultivation of medical marijuana in any zoning district in the City. Chapter 14.59 contains limited exceptions for qualified patients and primary caregivers, and excepts several types of medical facilities from the definition of a regulated dispensary.

New Developments in State Law

On October 9, 2015, Governor Brown signed into law the Medical Marijuana Regulation and Safety Act ("MMRSA"), comprised of three bills: AB 243, AB 266, and SB 643. The MMRSA, which goes into effect on January 1, 2016, establishes a comprehensive State licensing and regulatory framework for the cultivation, transportation, distribution, and sale of medical marijuana. Most notably, the law currently provides that unless a city has land use regulations in place that regulate or prohibit the cultivation of medical marijuana by March 1, 2016, the State will become the sole licensing authority for cultivation within the city. The law also provides that if a city does not expressly prohibit the delivery of medical marijuana within its boundaries, delivery will be allowed with a State license. Since no deadline is specified in the MMRSA for enactment of delivery regulations by local jurisdictions, many cities assume that if a city wishes to preserve local authority over this area, a city must prohibit delivery before the State begins to issue licenses. It is unknown when the State will begin to issue licenses, but some predict that it will not occur until 2018. The MMRSA specifically reserves local authority to regulate cultivation and delivery.

The MMRSA also gives local jurisdictions the option of adopting a permit or licensing program for cultivation and delivery. If a city adopts permitting or licensing requirements, someone wishing to cultivate or delivery medical marijuana within the city would be required to obtain both local license or permit and a State license.

Due to the lack of clarity in the MMRSA and a desire to maintain local control over medical marijuana, many cities have decided to adopt a variety of regulations over the past months since the MMRSA was passed. Some cities have decided to impose a blanket prohibition on all dispensaries, cultivation, and delivery; others, while generally prohibiting such activities, have decided to preserve an exception for legitimate medical use of marijuana. Staff is proposing the latter approach, which is consistent with the City's current medical marijuana dispensary regulations.

IV. DRAFT ORDINANCE

Definitions

The proposed Ordinance would add definitions and amend the current definition of a dispensary to clarify what activities would be prohibited within the City.

14.08.441 - Medical marijuana.

"Medical marijuana" means marijuana that is used as for medical purposes in strict accordance with California Health and Safety Code Section 11362.5 et seq. (the "Compassionate Use Act of 1996"), as those provisions now appear or may hereafter be amended or renumbered.

14.08.442 - Medical marijuana cultivation.

"Medical marijuana cultivation" means the planting, growing, harvesting, drying, or processing of marijuana plants, or any part thereof, for use as medical marijuana, and any and all associated business and/or operational activities.

14.08.443 - Medical marijuana delivery.

"Medical marijuana delivery" means the delivery, transfer, or transport of marijuana, marijuana edibles, and/or any marijuana products for use as medical marijuana to or from any location within the jurisdictional limits of the City, and any and all associated business and/or operational activities.

14.08.444 - Medical marijuana dispensary.

"Medical marijuana dispensary" means any for-profit or not-for-profit facility or location, whether permanent or temporary, stationary or mobile, where the owner(s) or operator(s) intends to, allows others to, or does possess, cultivate, make available, sell, distribute, exchange, transmit, give or otherwise provide medical marijuana for the use of any person. Notwithstanding the foregoing, a medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Divisions 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential

care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

Prohibited Activities

The proposed Ordinance would continue the current prohibition on the establishment of medical marijuana dispensaries within the City, would amend the prohibition on cultivation to clarify that the act of cultivation is prohibited in all zones with the exception of marijuana cultivation by a primary caregiver or a qualified patient, and would amend the prohibition on delivery of medical marijuana to clarify that the delivery of medical marijuana is prohibited within the city with the exception of deliveries made by a primary caregiver to a qualified patient. The intent is to prohibit dispensing, cultivation and delivery of medical marijuana for other than legitimate personal medical use. The proposed Ordinance would continue to allow qualified patients and primary caregivers to use and provide medical marijuana in accord with the provisions of the Compassionate Use Act and MMPA.

14.59.030 - Prohibited acts and exceptions.

- A. The establishment, operation, or maintenance, or participation in the establishment, operation or maintenance, of a medical marijuana dispensary is prohibited in all zoning districts in the city.
- B. Medical marijuana cultivation is prohibited in all zoning districts in the city, with the exception of marijuana cultivation by a primary caregiver or a qualified patient when conducted in strict compliance with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.
- C. Medical marijuana delivery is prohibited in all zoning districts in the city, with the exception of medical marijuana deliveries made by a primary caregiver to a qualified patient when conducted in strict compliance with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq..
- D. Nothing in this section shall preclude a qualified patient's primary caregiver from possessing, cultivating, or providing marijuana for the personal medical purposes of the patient, and nothing shall preclude a qualified patient from using, possessing, or cultivating marijuana for the patient's own personal medical purposes, upon the written or oral recommendation or approval of a physician, so long as such use, possession or cultivation strictly complies with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

Public Nuisance

The proposed Ordinance clarifies that a violation of Chapter 14.59 constitutes a public nuisance. In the recent case of *Kirby v. County of Fresno*, Case No. F070056, Fifth Appellate Dist. (Dec. 1, 2015), the Appellate Court held that a local agency is preempted by State law from criminalizing

activities for which State law provides a defense to criminal prosecution, such as possession and cultivation of medical marijuana by a qualified individual. But the court found that a local agency is not preempted from enforcing its land use regulations prohibiting such activities through public nuisance procedures.

Timing

In order to ensure the preservation of full local authority to regulate medical marijuana cultivation, the City's cultivation regulations should be in place by March 1, 2016. An ordinance is not effective until 30 days after a second reading by the City Council. To meet the March 1 deadline, the City Council must give the proposed ordinance a second reading by January 29.

The deadline for adopting regulations concerning medical marijuana deliveries is unclear. For this reason, as well as for the sake of efficiency, staff is recommending the adoption of delivery regulations at the same time as cultivation regulations are adopted.

V. ENVIRONMENTAL

The proposed Ordinance is exempt from CEQA pursuant to State CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (this activity is not a project as defined in section 15378) and 15061(b)(3) (the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment). See Exhibit 2 for more details.

VI. ANALYSIS

Staff has reviewed the General Plan and the Municipal Code and has reaffirmed its prior determination that an ordinance prohibiting medical marijuana uses such as dispensaries, cultivation, and delivery in all zones of the City, with exceptions for use by a primary caregiver and qualified patient, is consistent with the City's policies and goals.

The City exercises its police powers through the adoption of legislation that protects the public's health, safety, morals, comfort and welfare. Where, as here, the potential negative effects of activities associated with medical marijuana on health, safety, and welfare outweigh any potential benefits, prohibition of such uses is appropriate because no area in the city is an acceptable area in which to introduce these types of impacts.

Potential hardship to individuals with a legitimate need for medical marijuana is avoided because access to medical marijuana is available through other means: 1) medical marijuana patients and primary caregivers are allowed to grow marijuana for medicinal use; 2) medical marijuana is available to qualifying persons through health care providers; 3) medical marijuana dispensaries are operating in close proximity to the City of Santa Barbara and the County of Santa Barbara,

which are jurisdictions in which medical marijuana dispensaries are located; and 4) the Ordinance allows personal use where it is done in strict compliance with applicable laws. Accordingly, the proposed Ordinance is consistent with the City's duty to promote the public health, safety, morals, comfort and welfare.

The proposed Ordinance is also consistent with the Zoning Code. The purpose of zoning is to provide a precise and detailed plan for the use of land in the city based on the general plan for the long term vision of the city. The use of land for medical marijuana activities other than valid personal medical use would be inconsistent with the City's small beach town character which emphasizes preservation of coastal resources and visitor serving commercial recreation. The City Council has made this determination with respect to medical marijuana dispensaries. In addition, given the small geographic area of the City itself, it would be difficult if not impossible to locate medical marijuana uses away from sensitive land uses such as schools, churches, parks or beach areas, residential areas, daycare facilities or other similar locations.

VII. ACTION OPTIONS

1. Recommend that the City Council adopt Ordinance No. 707 to amend Chapters 14.08 and 14.59 of Title 14 (Zoning) of the Carpinteria Municipal Code as presented in Exhibit 1 (staff recommendation).
2. Modify the proposed text amendments and recommend approval to the City Council as amended.
3. Direct staff to modify the proposed text amendments and return to the next Commission meeting.

VIII. ATTACHMENTS

Exhibit 1 Proposed Ordinance No. 707

Exhibit 2 CEQA Exemption

Exhibit 1

Proposed Ordinance No. 707

**Medical Marijuana Regulations
Project 15-1801-ORD**

January 4, 2016

ORDINANCE NO. 707

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING TITLE 14 (ZONING) OF THE CARPINTERIA MUNICIPAL CODE TO AMEND ZONING REGULATIONS PERTAINING TO MEDICAL MARIJUANA DISPENSARIES AND TO ESTABLISH ZONING REGULATIONS PROHIBITING CULTIVATION AND DELIVERY OF MEDICAL MARIJUANA

WHEREAS, in 1970, Congress enacted the Controlled Substances Act, codified at 21 U.S.C. section 841, which, makes it illegal to import, manufacture, distribute, possess or use marijuana in the United States; and

WHEREAS, the State of California makes it illegal, pursuant to Health and Safety Code section 11357 *et seq.*, to possess, cultivate, sell or use marijuana in California; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, the "Compassionate Use Act," codified as Health and Safety Code section 11362.5 *et seq.*, which created a limited exception from state criminal liability under Health and Safety Code sections 11357 and 11358 for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, in 2003, the State of California adopted Senate Bill 420, codified at Health and Safety Code section 11362.7 *et seq.*, to clarify the scope of the Compassionate Use Act and to allow cities to adopt and enforce rules and regulations consistent therewith (Health and Safety Code 11362.83); and

WHEREAS, the United States Supreme Court in *United States v. Oakland Cannabis Buyers' Cooperative*, 532 U.S. 483 (2001) and *Gonzales v. Raich*, 125 S. Ct. 2195 (2005) confirmed that the Controlled Substances Act does not contain a "compassionate use" exemption and therefore it is a violation of Federal law to use, possess, or distribute marijuana, even if such use is for medical purposes and in compliance with California law; and

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (MMRSA), which goes into effect on January 1, 2016, and establishes a comprehensive State licensing and regulatory framework for the cultivation, transportation, storage, distribution, and sale of medical marijuana through Assembly Bills 243 and 266 and Senate Bill 643; and

WHEREAS, according to the provisions of the MMRSA, unless local agencies have a land use ordinance in place by March 1, 2016 that regulates or prohibits the cultivation of medical marijuana within their jurisdictions, and/or an ordinance that expressly prohibits delivery of medical marijuana prior to the date that the State begins issuing licenses for delivery, such activities will be permitted and regulated by the State under the MMRSA; and

WHEREAS, in 2007, the City added Chapter 14.59 to the Carpinteria Municipal Code (CMC) to prohibit the establishment of medical marijuana dispensaries in all zones within the City's jurisdictional limits, which also established certain prohibitions on the cultivation and delivery of medical marijuana; and

WHEREAS, in the years since the City added Chapter 14.59, the law concerning regulation of medical marijuana uses has changed such that revisions clarifying Chapter 14.59 are necessary to maintain the City's original intent in adopting the regulations; and

WHEREAS, prohibiting medical marijuana uses within the City as business activities is necessary to protect the health, safety and welfare of the community, and to prevent adverse impacts that such activities may have on nearby properties and residents; and

WHEREAS, the City desires to amend Chapter 14.59 of the CMC to clarify the existing prohibitions on medical marijuana dispensaries, cultivation and delivery in all zones within the City's jurisdictional boundaries and any and all associated services, operational activities and businesses, while providing limited exceptions for use by qualified patients and primary caregivers in strict accord with State law; and

WHEREAS, the location and operation of medical marijuana uses is known to increase incidents of crime-related secondary impacts including marijuana use by and sales to those without medical need, crimes against people and property to obtain marijuana, and nuisances including loitering, littering, smoking, noxious odors and heavy traffic around dispensaries, all of which is inconsistent with surrounding uses and contrary to policies maintaining the individual's and public's peace, health, safety, and welfare; and

WHEREAS, the City Council is concerned that the location and operation of medical marijuana uses within the City has the potential to cause adverse impacts to surrounding development, to risk the public's peace, health, safety and welfare, and to put public officials and employees at risk of violating federal laws by issuing entitlements for illegal activities; and

WHEREAS, at a duly noticed meeting held on January 4, 2016, the Planning Commission considered Ordinance No. 707 and found the proposed amendments to the City's Zoning Code consistent with the City's General Plan/Local Coastal Program and recommended approval of the Ordinance to the City Council; and

WHEREAS, it is in the interest of public health, safety and welfare to establish regulations for medical marijuana dispensaries, cultivation and delivery within the City.

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

SECTION 1. INCORPORATION OF RECITALS

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

SECTION 2. AMENDMENT OF CHAPTERS 14.08 AND 14.59

Chapter 14.08 of the Carpinteria Municipal Code shall hereby be amended to add the following definitions, and provisions of the Chapter shall be renumbered accordingly:

14.08.441 - Medical marijuana.

"Medical marijuana" means marijuana that is used as for medical purposes in strict accordance with California Health and Safety Code Section 11362.5 et seq. (the "Compassionate Use Act of 1996"), as those provisions now appear or may hereafter be amended or renumbered.

14.08.442 - Medical marijuana cultivation.

"Medical marijuana cultivation" means the planting, growing, harvesting, drying, or processing of marijuana plants, or any part thereof, for use as medical marijuana, and any and all associated business and/or operational activities.

14.08.443 - Medical marijuana delivery.

"Medical marijuana delivery" means the delivery, transfer, or transport of marijuana, marijuana edibles, and/or any marijuana products for use as medical marijuana to or from any location within the jurisdictional limits of the City, and any and all associated business and/or operational activities.

Chapter 14.08 of the Carpinteria Municipal Code shall hereby be amended to revise the definition of "medical marijuana dispensaries" as follows (deletions in strikethrough and additions underline):

14.08.444 - Medical marijuana dispensary.

"Medical marijuana dispensary" means any for-profit or not-for-profit facility or location, whether permanent or temporary, stationary or mobile, where the owner(s) or operator(s) intends to, allows others to, or does possess, cultivate, make available, sell, distribute, exchange, transmit, give or otherwise provide medical marijuana for the use of any person ~~more than one qualified patient, person with an identification card, health care provider, primary caregiver, or physician, pursuant to Health and Safety Code Section 11362.5 et seq. (the "Compassionate Use Act of 1996") or any state regulations adopted in furtherance thereof.~~ Notwithstanding the foregoing, a medical marijuana dispensary shall not include the following uses, as long as the location of such uses is

otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Divisions 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

Chapter 14.59 of the Carpinteria Municipal Code shall hereby be amended and shall read as follows (deletions in strikethrough and additions in underline):

Chapter 14.59 - MEDICAL MARIJUANA DISPENSARY REGULATIONS

14.59.010 - Title.

The title of this chapter shall be "Medical Marijuana ~~Dispensary~~ Regulations."

14.59.020 - Purpose and intent.

The purpose and intent of this chapter is to prohibit the cultivation, dispensing, and delivery of medical marijuana dispensaries within the city, with limited exceptions for qualified patients and primary caregivers, and to declare the city's intent that the State of California shall not issue any license, permit, entitlement, or other approval for medical marijuana activities prohibited herein. It is recognized that it is a federal violation under the Controlled Substances Act to import, manufacture, distribute, possess or use marijuana even if for medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with medical marijuana ~~dispensaries~~, which is contrary to the city policies that are intended to promote and maintain the public's health, safety and welfare.

14.59.030 - Prohibited acts and exceptions.

- A. ~~It shall be unlawful to~~ The establishment, operation, or maintenance, or to participation in the establishment, operation or maintenance, of a medical marijuana dispensary is prohibited, as defined in Chapter 14.08, in all zoning districts in the city.
- B. Medical marijuana cultivation ~~It shall be unlawful to establish, operate or maintain, or to participate in the establishment, operation or maintenance of any facility or location, stationary or mobile, used for the purpose of cultivating marijuana with the exception of unless such cultivating of marijuana is~~ marijuana cultivation by a primary caregiver or a qualified patient when conducted in and strictly compliances with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

~~C.~~ Medical marijuana delivery is prohibited in all zoning districts in the city, with the exception of medical marijuana deliveries made by a primary caregiver to a qualified patient when conducted in strict compliance with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq..

~~C.—~~D. Nothing in this section shall preclude a person with an identification card, qualified patient, or a qualified patient's primary caregiver, as defined in Chapter 14.08, from using, possessing or cultivating, or providing marijuana for the personal medical purposes of the patient, and nothing shall preclude a qualified patient from using, possessing, or cultivating marijuana for the patient's own personal medical purposes, upon the written or oral recommendation or approval of a physician, so long as such use, possession or cultivation strictly complies with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

14.59.040 — Public nuisance~~Criminal penalties.~~

Violation of any provision of this chapter is declared to be a public nuisance and contrary to the public interest and may be enforced under Chapters 1.06 and 1.08.

14.59.050 – Construction; preemption.

This chapter does not apply to any activities that the city is preempted by state or federal law from regulating.

14.59.060 – Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 3. EFFECTIVE DATE

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

SECTION 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 proposed Ordinance is exempt from CEQA pursuant to State CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (this activity is not a project as defined in section 15378) and 15061(b)(3) (the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment).

SECTION 6. Publication

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

PASSED, APPROVED, AND ADOPTED this 25th day of January 2016, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor of the City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 25th day of January 2016.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

Exhibit 2

CEQA Exemption

Medical Marijuana Regulations
Project 15-1801-ORD

January 4, 2016

Notice of Exemption

Appendix E

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

County Clerk

County of: Santa Barbara

105 East Anapamu Street

Santa Barbara, CA 93101

From: (Public Agency): City of Carpinteria

5775 Carpinteria Avenue

Carpinteria, CA 93013

(Address)

Project Title: Medical Marijuana Ordinance Amendment

Project Applicant: City of Carpinteria

Project Location - Specific:

Citywide Carpinteria

Project Location - City: Carpinteria

Project Location - County: Santa Barbara

Description of Nature, Purpose and Beneficiaries of Project:

Amend provisions of the City's Zoning Code regarding medical marijuana to add definitions for medical marijuana, cultivation, and delivery, and to prohibit cultivation and delivery of medical marijuana with limited exceptions for qualified patients and primary caregivers.

Name of Public Agency Approving Project: City of Carpinteria

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

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

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

Reasons why project is exempt:

Amending the existing code to prohibit cultivation and delivery of medical marijuana with limited exceptions would not result in a physical change in the environment, and the activity is not a project as defined in section 15378.

Lead Agency

Contact Person: Steve Goggia, CDD Director

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

If filed by applicant:

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

Signature: _____ Date: _____ Title: _____

☐ Signed by Lead Agency ☐ Signed by Applicant

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

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

Date Received for filing at OPR: _____



January 2016



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 New Year's Day (City Hall Closed) 5:30pm 1 st Friday Events – Downtown	2
3	4 5:30pm Planning Commission–CC TV	5 10am Staff Mtg – Blue Rm 2pm PW Staff Mtg – Blue Rm	6 8am Parks/Rec Staff Mtg–Green Cf Rm 11am Time Sheet Training – CC	7 8am Downtown BAB–Green Cf Rm 8:45am Carpinteria First Committee Mtg – Green Conf Rm 11am Time Sheet Training – CC 2pm All CDD Staff Mtg – Green Conf Rm	8 8am – 4pm Calif. Attorney General Hearing – Green Conf Rm	9 9am Carp Beautiful – CC 10am Commun. Awards Banquet Video Taping–Green Cf Rm 10am – 2pm ABOP – PW Yard
10	11 9am Large Projects Coordination Mtg – Blue Rm 3pm Council Closed Session – CC & Blue Rm 5:30pm City Council Mtg – CC TV	12 10am Staff Mtg – Blue Rm 2pm PW Staff Mtg – Blue Rm 2pm Time Sheet Training – CC 2:30pm Planning Staff Mtg – Green Cf Rm 4:30pm School Board Closed Session – CC & Green Conf Rm 5:30pm School District Board – CC TV	13 8am Parks/Rec Staff Mtg–Green Cf Rm 5:30pm Water District Board Mtg – CC TV	14 10am Electrical Safety Training – CC 11am Time Sheet Training – CC <i>Happy Birthday Linda!</i> 5:30pm ARB Mtg – CC	15	16
17	18 Martin Luther King, Jr. Holiday (City Hall Closed)	19 10am Staff Mtg – Blue Rm 2pm PW Staff Mtg – Blue Rm 2:30pm Planning Staff Mtg – Green Cf Rm 5:30pm Fire District Board Mtg – CC TV	20 8am Parks/Rec Staff Mtg – CC 4:30pm Teen Court – CC & Green Rm	21 8:30am Carp First Committee Mtg – Green Conf Rm 10am Watershed Coalition – Green Rm 10:30am IDAG Mtg – Blue Rm 2pm Regional Coordination Committee 2:30pm Code Compliance Mtg– Blue Rm 5:30pm Traffic Safety Committee – CC	22	23 8am – 1pm City Council Strategic Work Plan Mtg – CC 10am – 2pm ABOP – PW Yard
24	25 9am Large Projects Coordination Mtg– Blue Conf Rm Happy Birthday Dave! 3pm Council Closed Session – CC & Blue Rm 5:30pm City Council Mtg – CC TV	26 10am Staff Mtg – Blue Rm 2pm PW Staff Mtg – Blue Rm 2:30pm Planning Staff Mtg – Green Cf Rm 4:30pm School Board Closed Session – CC & Green Conf Rm 5:30pm School District Board Mtg – CC TV	27 8am Parks/Rec Staff Mtg – CC 1pm Community Development Block Grant Committee Mtg – Green Conf Rm 5:30pm Water District Board Mtg – CC TV	28 11am Homeless Population Mtg – BI Rm 11:30am Affordable Housing Task Group Mtg – CC 2:30pm Code Compliance Mtg– Blue Rm	29	30
31						

City of Carpinteria
Planning Activity Summary

December 2015

- | | | | |
|-----------------------------|--------------------|---------------------------|------------------------|
| 1. In 30-day review process | 5. Schedule for PC | 9. Schedule for final ARB | 13. BP issued |
| 2. Incomplete | 6. PC approved | 10. Final ARB Approval | 14. Under construction |
| 3. Schedule for ARB | 7. Schedule for CC | 11. Schedule for CCC | 15. C of O issued |
| 4. Director's Decision | 8. CC Approved | 12. In plan check | |

Last Edited 12/29/15

Project #	Owner / Applicant	Address	Street	Project Description	Activity	Planner	Status	Code Violation
15-1803-FENCE	Bernardo Cruz	1484	La Paloma Dr	New fence over 3' in front yard and over 6' in side/rear yards	Submitted 12/29/15.	Nick	1	
12-1634-CON	Rincon Bluff Resort	6351	Carpinteria Avenue	Conceptual review of 162-room resort with conference rooms, restaurants, spa, pool, etc. on 21.65 acres	BlueRidge Development is putting together a revised concept proposal. Met with applicants and CCC 4/28/14 and 1/15/15. Met onsite with CCC 5/4/15; follow-up in January 2016.	Steve	2	
15-1777-DP/CDP	R.P. Enterprises	6155 and 6175	Carpinteria Avenue	Industrial Research Mixed-use Campus	Submitted 6/24/15. Incomplete 7/22/15. Resubmitted plans 11/10/15. Second incomplete 12/3/15.	Steve	2	
15-1778-CUP/CDP	Vernon	550	Maple Avenue	Blanket CUP for misc. industrial/manufacturing/commercial uses	Submitted 6/29/15. Incomplete 7/28/15. Application on hold per applicant request 9/16/15.	Nick	2	
15-1781-DP/CDP	Cruz	4675	Carpinteria Avenue	(N) Mixed Use bldg. 500 sq ft commercial and two one bedroom apts	Submitted 7/9/15. Incomplete 8/6/15.	Nick	2	
15-1782-DP	Freeman	789	Linden	Construct two-car garage with studio above	Submitted 7/23/15. Incomplete 8/18/15.	Steve	2	
15-1783-SIGN/FENCE	Arbor Trailer Park	4677	Carpinteria Avenue (Ninth Street)	New frontage fences and signage	Submitted 08/05/15. Need survey from PW. Incomplete 08/17/15.	Shanna	2	
15-1799-CDP	6155 Carpinteria Avenue LLC	6155	Carpinteria Avenue	Landscape improvements & new pedestrian pathway	Submitted 11/17/15. Incomplete 12/16/15.	Nick	2	
13-1683-CDP	Schildknecht	4634	Ninth Street	New Single Family Residence	Submitted 10/17/13. Prelim ARB 11/14/13. Continued to future ARB. Inactive.	Shanna	3	
14-1719-CUP/CDP	City of Carpinteria		Carpinteria Ave Bridge	Replace Carpinteria Ave Bridge over Carpinteria Creek	Scoping Hearing 7/22/14. Project overview to PC 9/2/14. Project update to CC 11/10/14. ARB CON 2/12/15. Preparing draft EIR for	Nick	3	
15-1767-CDP	Wood	650	Concha Loma Drive	New Single Family Residence	Submitted 4/28/15. Incomplete 5/27/15. Resubmitted 7/13/15. Complete 8/10/15. CEQA Initial Study underway. To ARB concept review 10/15/15.	Nick	3	
15-1798-DP/PM/CDP	Habitat for Humanity	4949	Sawyer Avenue	Three residential condominiums	Submitted 11/5/15. IDAG Routing 11/10/15. Incomplete 11/17/15. IDAG 11/19/15. Complete 11/25/15. Prelim ARB 1/14/16.	Shanna	3	
15-1800-DP/CDP	Sinclair	607	Walnut Avenue	47 sq ft bathroom addition & new 2nd floor dormers	Submitted 11/30/15. Incomplete 12/10/15. Resubmitted 12/28/15. To Prelim ARB 1/14/16.	Nick	3	

15-177-ARB	Blum	606	Linden Avenue	Exterior Alterations	Submitted 6/8/15. ARB final 07/16/15. Director approved 7/21/15. Awaiting Building Permit submittal.	Shanna	4	
15-1788-CDP	Gobbell	5398	Star Pine Road	Convert (E) accessory building into a second dwelling unit	Submitted 8/19/15. Incomplete 9/4/15. Resubmittal 9/11/15. Complete 9/28/15. Prelim/Final ARB 10/15/15. CDD Director approved 10/29/15.	Nick	4	
15-1791-ARB	Bush	4310	La Quinta Drive	211 sf addition to, and remodel of, (E) 2-story SFD	Submitted 9/10/15. Incomplete 9/23/15. Prelim ARB 10/15/15. CDD Director approved 10/29/15.	Nick	4	
15-1802-CDP	CVWD	5300	Foothill Road	Construct new rollapart building to house (E) well pump and motor	Submitted 12/17/15. Found to be minor revision to previous CUP for well site (09-1503-CUP/CDP). Director Approved 12/23/15.	Nick	4	
04-1175-DP/CDP/LC	Venoco, Inc.	5675	Carpinteria Avenue	Paredon Oil and Gas Extended Reach Drilling	Complete 9/11/14. MRS EIR contract approved 1/26/15. MOU for JRP approved 1/26/15. Venoco request to defer EIR rec'd 1/29/15. Application was to resume before end of 2015.	Steve	5	
05-1210-ZTA/LCPA	City of Carpinteria		Citywide	Zoning Code Update	Kick-off meeting 4/20/05. Joint Study Session 5/16/05. All administrative draft chapters delivered 5/12/06. Final Draft meeting with consultant 9/14/07. Public draft to be released in spring 2016.	Steve	5	
15-1785-LCPA/ORD	City of Carpinteria		Citywide / residential Zones	Short-term Vacation Rental Ordinance	Initiated by CC 08/10/15. Moratorium 10/26/15. Memo to CC 11/12/15. Discussion at PC 12/07/15. Draft Ord to PC 01/04/16.	Shanna	5	
15-1792-CUP/CDP	The Gas Co.		Carpinteria Avenue	New Data Collection Antenna in ROW	Submitted 09/17/15. Routing slip 09/23/15. Incomplete 10/13/15. Complete 10/28/15. To PC 01/04/16.	Shanna	5	
15-1801-ORD	City		Citywide	Zone Code Amendments	To PC 1/4/16. To CC 1/11/16 and 1/25/16	Steve	5	
09-1534-DP/CDP	Carpinteria Valley Arts Council	855	Linden Avenue	Community arts building	Submitted 11/19/09. Incomplete 12/17/09. Resubmitted 4/22/10. Incomplete 5/10/10. Resubmitted 9/29/10. Complete 10/28/10. Prelim ARB 1/27/11. ERC hearing 4/21/11. PC approved 6/6/11. PC granted four-year time extension 6/1/15.	Nick	6	
14-1722-TPM/CDP	Godfrey	1056	Eugenia Place	Subdivide (e) mixed use building into three condominiums	Submitted 6/19/14. Incomplete 7/17/14. Resubmitted 10/20/14. Complete 10/29/14. PC approved 11/3/14. FLAN sent 11/18/14.	Nick	6	

15-1773-CUP/CDP	Wright	4921	Third Street	Convert carport to one car garage	Submitted 6/8/15. Incomplete 6/30/15. Resubmitted 7/6/15. Complete 7/23/15. ARB rec approval 7/16/15. PC approved 9/8/15. FLAN to CCC 9-23-15, appeal period expires 10-7-15.	Nick	6	
15-1786-CUP/CDP	Verizon Wireless	6267	Carpinteria Avenue	Wireless Telecommunications Facility	Submitted 08/14/15. Incomplete 08/31/15. Complete 11/11/15. PC 12/07/15. PC Action letter 12/8/15. Appeal period ends 12/17/15.	Shanna	6	
15-1793-DPR/CDP	Jade Capital LLC	699	Linden Avenue	163 sf addition to, and remodel of (E) restaurant	Submitted 9/18/15. Complete 10/16/15. Prelim ARB approval 10/29/15. PC 12-7-15 approved.	Nick	6	
14-1742/TPM/CDP	D'Urbano	4315	Carpinteria Avenue	Two-way lot split in CPD Zone	Submitted 11/21/14. Complete 12/18/14. PC approved 3/2/15. Final Map under review.	Steve	7	
13-1650-DP/CDP	M3 Multifamily, LLC	4819	Carpinteria Avenue	6,000 square foot commercial building and two 600 square foot apartments	Submitted 1/9/13. Incomplete 2/7/13. Prelim ARB 10/17/13. PC approved 12/2/13. ARB "in-progress" 3/27/14. PC approved 36-month TEX 12/1/14.	Nick	9	
14-1733-DP/CDP/TF	Sanctuary Beach Condominiums (Norman's Tennis Court)	4925	Carpinteria Avenue	Four residential condominiums	Submitted 6/21/14. Incomplete 9/19/14. Complete 12/30/14. ARB Prelim 2/12/15 continued to 4/16/15, then 5/14/15. To PC 8/3/15; continued to 10/5/15 for redesign. ARB revised preliminary 9/17/15. Planning Commission 10/5/15, and Approved 11/2/15.	Steve	9	
15-1751-DPR/CDP	City of Carpinteria	5775	Carpinteria Avenue	City Hall foyer add'n and landscape	Submitted 1/26/15. Complete 2/3/15. ARB Prelim 2/12/15. PC approved 3/2/15. CCC appeal period ended 3/30/15. Project to be phased.	Steve	9	
15-1760-CUP/CDP	City of Carpinteria		East end of Carpinteria Avenue	Rincon Trail	MND to ERC 6/27/12. Submitted 3/11/15. Complete 4/14/15. PC approved 5/4/2015. Needs County P&D application and approval.	Steve	9	
15-1795-DPR/CDP	Montana Ave. Capital Partners	6303-6309	Carpinteria Avenue	Remodel of exterior façade and refurbish landscape	Submitted 9/29/15. ARB Prelim. 10/15/15. Director Approved 10/16/15. NOFA sent to CCC 10/27/15.	Steve	9	
15-1797-CDP/ARB	George, Bob and Amanda	1347	Camino Trillado	Second floor addition and remodel of SFD	Submitted 10/19/15. Complete 10/27/15. Prelim ARB 11/12/15. Director Approval 11/13/15. Appeal period ends 11/23/15. Pending final ARB.	Shanna	9	

15-1768-FENCE	McInerny	1364	Cramer Circle	Fence Permit	Submitted 04/30/15. Incomplete email 05/05/15. Incomplete Letter 06/11/15. Prelim/Final ARB 07/16/15. Applicant advised to reduce height and make open. Revised plans 09/28/15. ARB "matters by staff" review 10/15/15. Director approved. Compliance letter to allow until 12/23/15 to modify to approved plans.	Shanna	10	YES
05-1204-DPCDP	Venoco, Inc.	5663	Carpinteria Avenue	Dump Road Gate and Signs	PC Hearing 1/3/06. Cont'd to 2/6/06. PC Approved. Neighbor appeal to CC. CC conceptually granted appeal; cont'd to 5/8/06. Gate withdrawn by applicant. CC approved sign program 5/8/06. Appealed to CCC.	Steve	11	
09-1522-CUP/CDP/L	Caltrans		Linden-Casitas Interchanges and Via Real Extension	Reconstruct overcrossings and extend Via Real across Carpinteria Creek	Submitted 05/18/15. CC first reading and recommended approval of ORD and LCPA 06/22/15 and 07/27/15. Submitted to CCC 08/21/15. CCC hearing in October in Orange	Steve	11	
14-1711-RZ/GPA/LC	City of Carpinteria	Citywide		Consistency Rezones and Land Use Map Amendments	PC approved 8/4/14. CC approved 1st reading 9/8/14. Submitted to CCC 9/25/14. Incomplete by CCC 10/10/14. Resubmitted 1/26/15. Submittal complete 2/10/15. CCC to schedule for hearing in early 2016.	Nick	11	
14-1712-ORD/LCPA	City of Carpinteria	Citywide		Zoning Code Amendments per Housing Law	PC recommended approval 7/7/14. CC approved first read 7/28/14. Sent to CCC 9/25/14. Incomplete 10/10/14. Resubmitted to CCC 1/26/15. CCC submittal complete 2/10/15. CCC to schedule for hearing in 2016.	Steve	11	
05-2002-DP/CDP	Venoco, Inc.	5663	Carpinteria Avenue	Parking Lot Fence & Signs	ARB Prelim 9/15/05. PC approved 1/3/06. Venoco appealed. CC granted appeal and approved 48" fence on 2/13/06. Appealed to CCC.	Steve	12	
12-1612-DP/CDP/TR	Gonzales	4610	Fourth Street	Demolish SFD - construct four condos	Application submitted 1/13/12. Complete 11/16/12. Preliminary ARB 12/13/12 and 1/17/13. PC approved 3/4/13. Final ARB 6/12/14. TE approved by PC 4/6/15. In Building Permit review. Needs FMC.	Steve	12	
15-1776-ARB	Millhollin	5481	El Carro Lane	Addition to SFD; new two-car garage	Submitted 06/23/15. Complete 07/06/15. Prelim/Final ARB 07/30/15. Director approved 08/12/15. In building review.	Shanna	12	
15-1787-CDP	St. Joseph Church	1500	Linden Avenue	Addition to meeting room (storage closet)	Submitted 08/14/15. Incomplete 08/31/15. Director approved 09/14/15. BP approved 10/15/15.	Shanna	12	

14-1714-ARB	St. George	5408	Shemara Street	Second floor addition and remodel of SFD	Submitted 05/15/14. Incomplete 05/29/14. Prelim ARB 09/11/14. Resubmitted Final ARB 07/30/15. In building plan check 10/1/15. BP Issued 11/3/15.	Shanna	13	
14-1726-CDP/ARB	Dautch	5554	Calle Arena	438 sq. ft. second story addition	Submitted 7/23/14. Complete 8/12/14. Prelim ARB 9/11/14. Cont Prelim 10/16/14. Director approved 10/27/14. Final ARB 1/15/15. In building review 01/27/15. BP Issued on 10/28/15.	Shanna	13	
15-1759-SIGN	St Joseph's Chapel	4691	Seventh Street	New Sign	Submitted 3/26/15. Fee submitted 04/23/15. Sign Approved / ARB waived by Director 4/23/15.	Shanna	13	
15-1765-DPR/CDP	Vernon, Carol	1160/1180	Eugenia Place	Landscape and hardscape improvements, ADA upgrades	Submitted 4/24/15. Prelim/Final ARB 5/14/15. Complete 5/22/15. Director approved 5/28/15. BP submitted 11-6-15. BP issued 12/8/15.	Nick	13	
15-1775-DPR/CDP	Carpinteria Valley Historical Society	956	Maple Avenue	Replace driveway gate; add perimeter fence	Submitted 6/10/15. Incomplete 7/6/15. Resubmitted 7/27/15. Prelim/Final ARB approval 7/30/15 w/ revisions. Revised plans submitted 8/20/15. Director approved 9/2/15. BP approved 10/22/15.	Nick	13	
15-1780 15-1780	Herman	1423	Camino Trillado	157 sq. ft. SFD addition	BP Submitted 7/6/15. Director Approved 07/09/15. BP#11458 issued 7/21/15.	Shanna	13	
04-1172-DP/CDP	Franssen	750	Palm Avenue	Construct one new SFD and create two condominiums	Revised plans submtited 9/15/06. Incomplete 10/9/06. Resubmitted 10/30/06. Prelim ARB 11/30/06. Complete 12/21/06. To PC 1/2/07. Revised Prelim ARB 1/25/07. PC approved 2/5/07. CC approved map clearance 12/10/07. PC approved one year TEX 2/4/08. Grading Permit issued 2/4/09. Final ARB for Unit 2 10/1/09. BP issued, under construction. CofO issued on rear unit.	Nick	14	

07-1407-TM/PM/DP	Resmark - Residential; Investec - Research Park	6380	Via Real	Lagunitas Mixed Use Project: 85,000 sq. ft. office building and 73 residential units	Submitted 11/01/07. Incomplete 11/29/07. Complete 2/29/08. ARB 7/17/08, 2/26/09, 5/14/09, 6/11/09. ERC 8/26/08. CC approved 9/8/08. Appealed to CCC. CCC found NSI 11/13/08. ARB Revised Prelim for landscaping/lighting 12/17/09. PM recorded July 2010. ARB Revised Prelim 2/17/11, 6/16/11; Final Landscape/Lighting 7/14/11. ARB Final for residences 8/25/11. Map Recorded 8/22/11. All residential units complete. Revised ARB Prelim for Office Bldg 8/15/13.	Steve	14	
08-1483-CDP	Salzgeber	447	Concha Loma Drive	Install water well and storage tank for agricultural purposes	Submitted 12/18/08. Incomplete 1/16/09. Resubmitted 3/20/09. Incomplete. Resubmitted 9/1/09. Director approved 5/7/10. Permit issued 10/19/10. Well constructed and sealed 11/10. Awaiting installation of pump and storage tank.	Nick	14	
09-1500-CUP/CDP	Caltrans		US 101 - Mussel Shoals to Carpinteria Creek	Add median HOV lane from eastern City boundary to 1/2 mile east of Casitas Pass Road	Submitted 4/14/09. Complete 5/12/09. Concept ARB 8/13/09. Prelim ARB 11/12/09. PC approved 1/4/10. Final ARB 4/15/10. Project started in March 2012; construction in Carpinteria finished in 2014. Project to be completed by December 2015.	Steve	14	
09-1535-CUP/CDP	Carpinteria Sanitary District	ROW	Carpinteria Avenue	Bluffs Sewer Replacement	Submitted 11/25/09. Incomplete 12/22/09. PC approved 2/1/10. Reviewed easement documents 8/11. Preconstruction meeting 9/22/11. PW Encroachment Permits issued early October. Construction ongoing 2/29/12. Reveg to City parcel 3/12. Bluffs abandonment under construction. Hydroseeded 12/12. Plantings verified by City Biologist 2/27/13. Additional weeding 4/22/13 verified by City Biologist.	Shanna	14	
11-1584-DP/CDP	Dorrance Way Group	4785	Dorrance Way	New SFD	Submitted 4/15/11. Incomplete 5/5/11. Resubmittal 6/21/11. Complete 9/23/11. PC approved 10/3/11. Final ARB 3/28/13. 13. PC approved TEX 9/3/13. ARB revised final 11/14/13. BP issued; under construction 5/27/14.	Nick	14	

11-1585-DP/CDP	Dorrance Way Group	4775	Dorrance Way	New SFD	Submitted 4/15/11. Incomplete 5/5/11. Resubmittal 6/21/11. Complete 9/23/11. PC approved 10/3/11. Final ARB 3/28/13. PC approved TEX 9/3/13. Revised ARB 1/16/14. BP issued; under construction 5/27/14.	Nick	14	
11-1586-DP/CDP	Dorrance Way Group	4765	Dorrance Way	New SFD	Submitted 4/15/11. Incomplete 5/5/11. Resubmitted 6/21/11. Complete 9/23/11. PC approved 10/3/11. Final ARB 3/28/13. PC approved TEX 9/3/13. Revised ARB 1/16/14. BP issued; under construction 5/27/14.	Nick	14	
12-1649-DPR/CDP	Pini	5585	Carpinteria Avenue	Casa del Sol Motel and Apartment Renovation	Submitted 11/2/12. Complete 11/29/12. Preliminary ARB 12/13/12; continued to 1/17/13. PC approved 2/4/13. ARB Final 9/12/13. PC approved TEX 3/3/14. BP issued 1/26/15. Revisions to BP submitted 5/11/15 and issued 5/26/15. Under construction.	Steve	14	
13-1677-ARB	Olson	1477	Santa Ynez Ave	Remodel and addition	Submitted 7/26/13. Prelim/Final ARB 8/15/13. Complete 8/20/13. Director approved 8/21/13. BP issued; under construction. Awaiting final inspection.	Nick	14	
13-1682-CDP/ARB	Van Eyck	1248	La Brea	Addition and Remodel to Existing SFD	Submitted 10/11/13. Complete 10/16/13. ARB 11/14/13. Prelim ARB 12/12/13. Cont Prelim 1/16/14. Final ARB 3/13/14. Director approved 3/14/14. BP approved 5/22/14; under construction.	Shanna	14	
13-1695-CUPR/CDP	Island Brewing Company	5049	Sixth Street	Expansion of brewery and tasting room	Submitted 12/17/13. Complete 1/29/14. PC approved 2/3/14. BP for interior improvements issued 5/6/15. Under construction.	Nick	14	
14-1704-CDP	City of Carpinteria Parks & Recreation Dept	100	Holly Avenue	Replace (E) Lifeguard tower w/ new lifeguard tower and storage building	Submitted 1/30/14. Incomplete 2/28/14. Resubmitted 3/11/14. Complete 3/19/14. Prelim ARB 3/27/14. Director approved 4/29/14. Under construction.	Nick	14	
14-1710-CUP/CDP	Schaff/S&S Seeds	6410	Cindy Lane	New warehouse and distribution facility	Submitted 4/25/14. Complete 5/23/14. PC approved 6/2/14. BP submitted 6/30/14; in plan check. Final ARB 9/11/14. LLA recorded. Interior demolition completed. BP issued 7/15. Revised BP submitted for 1000 Mark Ave 9/25/15. Revised BP issued 10/21/15. Under Construction.	Nick	14	

14-1716-ARB/CDP	Hill	5661	Canalino Drive	Remodel & Addition to (E) SFD	Submitted 5/30/14. Complete 6/24/14. Prelim ARB 7/17/14. Director approved 7/23/14. Final ARB 11/13/14. Submitted for Plan Check 12/11/14. BP issued; under construction.	Nick	14	
14-1729-ARB/CDP	MTI Capital, Inc.	1275	Cramer Circle	New SFD	Submitted 8/13/14. Incomplete 9/8/14. Complete 9/29/14. ARB prelim 11/13/14. Director approved 2/2/15. Final ARB Approval 3/12/15. BP submitted 3/31/15. BP Routing Letter 06/17/15. BP issued 6/25/15. Under construction.	Steve	14	
14-1729-ARB/CDP	MTI Capital, Inc.	1275	Cramer Circle	New SFD	Submitted 8/13/14. Incomplete 9/8/14. Complete 9/29/14. ARB 10/16/14; ARB prelim 11/13/14. Director approved 2/2/15. Final ARB Approval 3/12/15. BP submitted 3/31/15. BP Routing Letter 06/17/15. BP issued 6/25/15. Under construction.	Steve	14	
14-1730-ARB/CDP	MTI Capital, Inc.	1289	Cramer Circle	New SFD	Submitted 8/13/14. Incomplete 9/8/14. Complete 9/29/14. ARB 10/16/14; ARB prelim 11/13/14. Director approved 2/2/15. Final ARB Approval 3/12/15. BP submitted 3/31/15. BP Routing Letter 06/17/15. BP issued 6/25/15. Under construction.	Steve	14	
14-1731-ARB/CDP	Olverd	5157	Ogan Road	New SFD and garage	Submitted 8/13/14. Prelim ARB 10/16/14, cont'd to 11/13/14. Final ARB 12/11/14. Submitted for BP review 12/22/14. Routing to applicant via email and sent on 6/17/15. BP issued 6/15. Under construction.	Shanna	14	
14-1734-CDP	Mimaki	5800	Via Real	Agricultural Grading and Creek Restoration	CO sent 7/9/14. 30-day extension granted. Application submitted 8/21/14. Incomplete 9/19/14. Resubmitted 10/20/14. Temp. erosion control plan submitted 10/26/14. Complete 11/19/14. Public Draft MND 6/12/15. ERC hearing 7/6/15. PC approved 8/3/15. Final Restoration Plan approved 8/31/15. Final Grading Plan approved 10/22/15. Under Construction 10/26/15.	Nick	14	YES
14-1738-ARB	Bornhurst	5566	Retorno Drive	690 sq ft second story addition	Submitted 11/4/14. Complete 11/24/14. Prelim ARB 1/15/15. Director approved 2/2/15. Final ARB 4/16/15. BP submitted 4/23/15. BP issued 8/27/15, under construction.	Nick	14	

14-1740-DP/CDP	Olson, Erik	4879	Dorrance Way	Demo E SFD; Build New SFD	Submitted 11/14/14. Incomplete 12/9/14. Prelim ARB 1/15/15. Complete 1/27/15. PC approved 02/02/15. Final ARB 3/12/15. BP Issued 5/5/15; under construction.	Shanna / Nick	14	
14-1746-ARB	Koch	1151	Church Lane	Remodel (E) SFD, construct 650 sq ft addition	Submitted 12/18/14. Complete 1/15/15. Prelim ARB 1/15/15. Director approved 1/29/15. Final ARB 4/16/15. BP submitted 4/29/15. BP approved & issued. Under construction. Minor revisions approved 8/28/15.	Nick	14	
14-1747-ARB/CDP	Krausgrill	4640	Ninth Street	Demo (E) SFD; construct (N) SFD	Submitted 12/24/14. Incomplete 1/21/15. Resubmitted 1/30/15. Prelim ARB 2/12/15. Complete 2/20/15. Prelim ARB approval 2/12/15. Director Approved 3/18/15. Final ARB 4/16/15. BP submitted 4/29/15. BP issued 7/28/15. Under construction 8/15.	Nick	14	
14-1748-CDP	Lundin	5380	Ogan Road	SFD addition	Submitted 12/23/14. Director approved 01/05/15. NTPO recorded. BP issued; under construction.	Shanna	14	
14-1761	Bonilla	1478	Alva Street	Addition to (E) SFD	Submitted 04/03/15. Director approved 04/07/15. NTPO recorded. BP Issued 5/8/15. Under construction.	Shanna	14	
14-1764	Malone	4961	Foothill Road	Addition to E SFD master bedroom / wetbar	Submitted 04/14/15. Director approved 04/17/15. BP issued 04/27/15; under construction.	Shanna	14	
15-1752-CUP/CDP	Steadfast	5464	Carpinteria Avenue	76-Bed Assisted Living Facility	Submitted 2/4/15. Incomplete 3/3/15. Resubmitted 3/18/15. Prelim ARB 4/16/15. Complete 4/22/15. PC approved 5/4/15. Submitted for building plan check 7/20/15. Final ARB 8/27/15. BP Issued 11/3/15	Steve	14	
15-1789-ARB	Bock	560	Concha Loma Drive	Covert (E) attached garage into living space & covert (E) accessory building into a detached garage	Submitted 8/20/15. Incomplete 9/9/15. Prelim ARB 9/17/15. Director Approved 10/28/15. Final ARB approved 10/29/15. BP issued 11-30-15. Under construction.	Nick	14	
14-1700-CUPM/CDP	Faith Lutheran Church	5110	Ogan Road	Parsonage	Submitted 1/17/14. Complete 2/18/14. Prelim ARB 3/27/14. PC approved 6/5/14. Final ARB 7/17/14. BP issued 9/19/14; under construction. CofO issued 12/1/15.	Steve	15	

15-1766-CUP/CDP	Carpinteria Sanitary District	1212	Casitas Pass Road	Relocate Sewer Line	Submitted 04/28/15. Complete 05/20/15. PC approved 06/01/15. Draft Easement doc submitted 08/31/15 w/ City Attorney. Easement to Parks Department. Requires CC approval. Construction began 09/28/15. Construction completed 11/15. Awaiting final bio billing.	Shanna	15	
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12/01/2015 - 12/30/2015

Issued Date	Permit #	Parcel #	Site Address	Owner Name	Valuation	Project Description
12/1/2015	11580	001-400-067	5429 Granada Way	SCHWASNICK, RICHARD J	5,000	Re-roof with comp shingles.
12/1/2015	11579	004-008-044	4425 La Tierra Lane	EHLERS, ERIC	10,900	Re-roof: Tear off and replace 2400 sq ft of comp shingles
12/2/2015	11581	003-191-005	1059 Vallecito Rd	CARPINTERIA WOMANS CLUB	4,000	Remove existing roof and install comp/metal shingles.
12/7/2015	11583	001-271-008	1477 Noma Street	JIMENEZ FREDERICK/SYLVIA	5,460	Change out furnace in same location.
12/7/2015	11582	003-171-009	5324 Star Pine Road	PITTERLE, BRYN	1,100	Removal of an external doorway to the study, replace with a wall to prevent flooding. Demo waterproof stucco and drywall.
12/8/2015	11585	003-312-010	507 Linden Avenue	CRAWFORD CASEY J TRUSTEE (for) CRAWFORD CASEY J TR 4/26/93	8,000	Framing - repair/replace floor joists as necessary.
12/9/2015	11587	004-010-003	1475 Manzanita Street	VARELA, RAUL JR	6,000	Tear off existing roof and install shingles.
12/9/2015	11586	004-006-043	1531 Meadow Circle	EKOLA, LELAND S JR	18,850	Relocate FAU to the attic, 80 btu and add a new A/C 4 ton unit in the rear yard. Replacing ducts and a new 220 v amp.
12/10/2015	11588	003-600-024	4686 Aragon Drive	CARROLL CATHERINE N TRUSTEE (for) CARROLL NAOMI K TR 11/26/91	4,729	Reroof, remove two existing layers of gravel roof, install one layer of 1/4" deusdeck and a PVC tan roof system. 500 sq. ft.
12/11/2015	11590	001-242-017	1342 La Manida	FOX HELEN E TRUSTEE (for) FOX TR B	15,000	Replace section of drain under concrete
12/11/2015	11589	001-251-003	1268 Casitas Pass Road	WEBBER, RUBY H LIVING TRUST 9/15/05	11,359	Reroof, tearoff existing composition roof and install landmark lifetime composition: 30 Squares
12/14/2015	11602	003-780-049	4413 Catlin Circle, Units A & B	BOWMAN BRADLEY/JO ANN SILVESTRI	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11601	003-780-050	4412 Catlin Circle, Units A & B	BURNETT FAMILY SURVIVOR'S TRUST 8/10/89	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11600	003-780-050	4411 Catlin Circle, Units A & B	BURNETT FAMILY SURVIVOR'S TRUST 8/10/89	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11599	003-780-010	4410 Catlin Circle, Units A & B	WAGNER MALINE ETAL TRUSTEE (for) WAGNER FAM DECEDENTS TR 12/28/97	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11598	003-780-053	4409 Catlin Circle, Units A & B	KEMEZYS, CYNTHIA J 2004 REVOCABLE TRUST	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11597	003-780-008	4408 Catlin Circle, Units A & B	KIRK ROSS P	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11596	003-780-061	4407 Catlin Circle, Units A - D	KLUZAK, JAMES MICHAEL & MARGARET MARY LIVING TRUST 9/25/09	8,040	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11595	003-780-006	4406 Catlin Circle, Units A & B	CORY PATRICIA G TRUSTEE (for) CORY PATRICIA G INTERVIVOS TR 6/20/96	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11594	003-780-004	4404 Catlin Circle, Units A & B	QUACKENBUSH ROBERT H	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11593	003-780-062	4403 Catlin Circle, Units A & B	YOUNG, WILLIAM M REVOCABLE TRUST 12/5/08	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11592	003-780-002	4402 Catlin Circle, Units A & B	LOREN GEORGE A/SHAWNA L	8,000	Tear off existing and re-roof with 60 mil PVC.
12/14/2015	11591	003-780-065	4401 Catlin Circle, Units A & B	TUCKER WILLIAM H/ULLA B	8,000	Tear off existing and re-roof 60 mil PVC.
12/15/2015	11613	003-542-015	1314 Sterling Avenue	SMITH MAURICE SCOTT/SUSAN COOPER	34,000	Install roof mount PV 9.0 kw system. 33 modules, 1 inverter and 33 optimizers.

12/15/2015	11612	003-780-036	4430 Catlin Circle, Units A & B	VALENCIA CONCHA M TRUSTEE (for) VALENCIA CONCHA TR 8/25/99	209,000	Tear off existing and re-roof with 60 mil PVC. This permit includes building permit fees for 22 building permits. 11591-11612
12/15/2015	11611	003-780-034	4428 Catlin Circle, Units A & B	CHAVEZ, NANETTE F	8,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11610	003-780-032	4426 Catlin Circle, Units A & B	PENA, AZALIA	8,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11609	003-780-041	4425 Catlin Circle, Units A & B	CRANDALL, DARRELL & JANET LIVING TRUST	8,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11608	003-780-031	4422 Catlin Circle, Units A - D	KIM, KYUNG JA	16,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11607	003-780-043	4421 Catlin Circle, Units A & B	HICKEY BROS LAND CO	8,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11606	003-780-027	4420 Catlin Circle, Units A - F	TEPPER BRIAN PHILIP/KATHLEEN	24,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11605	003-780-021	4418 Catlin Circle, Units A & B	JAHDDE, LOIS A LIVING TRUST	8,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11604	003-780-045	4417 Catlin Circle, Units A & B	GRAY, SUSAN LORRAINE	8,000	Tear off existing and re-roof with 60 mil PVC.
12/15/2015	11603	003-780-047	4415 Catlin Circle, Units A & B	CONGER FAMILY TRUST 6/25/09	8,000	Tear off existing and re-roof with 60 mil PVC.
12/16/2015	11614	004-008-045	4416 La Tierra	FERGUSON, NOLA HIGNITE 2005 REVOCABLE TRUST 4/6/05	800	1. Replace 3 windows in kitchen and family room (like for like) 2. Replace 2 existing bathroom exhaust fans 3. Replace hallway toilet
12/21/2015	11616	003-141-020	1315 Vallecito Rd	DOYLE ANDREA S	1,575	Remove (e) 100 amp and install a new 100 amp meter jaw and 100 amp main braker, tie all existing house circuits to new 6-12 sub panel. Provide new grounding per NEC 2013.
12/21/2015	11615	004-009-005	4545 El Carro Lane	VAN WINGERDEN, DAVID	10,926	To install a roof mounted PV system @ 2.5kW using solar world 285 watt mono 66" x 40" modules, Enphase m3560 Micro inverters, & Pro Solar

Total Records: 37

12/30/2015