STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
URA, CA 93001
641-0142

Th 7a

February 20, 1997

TO: Commissioners and Interested Parties

FROM: Steven F. Scholl, Deputy Director
Gary Timm, District Manager
James C. Johnson, Coastal Program Analyst

RE: CITY OF CARPINTERIA LOCAL COASTAL PROGRAM: Land Use Plan and Map, and Zoning Map Amendment No. 1-97, Carpinteria Salt Marsh - Ash Avenue Area, Public Hearing and Possible Action at the California Coastal Commission Hearing of Thursday, March 13, 1997.

Background

The City of Carpinteria initially submitted Local Coastal Program (LCP) Amendment 1-97 on November 8, 1996. Additional materials were received on January 15, 1997; the amendment was deemed complete and was filed on January 29, 1997. The City has submitted the amendment per Section 13551 (b) (1), as an amendment that will take effect automatically upon Commission approval. The proposed major amendment would amend the City's Local Coastal Program, addressing the area commonly known as the Carpinteria Salt Marsh, Ash Avenue Area. These changes are proposed to allow the coastal development permit for the Carpinteria Salt Marsh Restoration Plan to proceed.

The City's Local Coastal Program was fully certified in January 1982; the City assumed the authority to issue coastal development permits on January 27, 1982.

Proposal and Staff Recommendation

The amendment proposal would: (1) change the Coastal Plan Land Use Plan text and policies and change the Coastal Plan Map from Planned Unit Development (PUD) to Public Open Space (POS). The Coastal Zoning Map designation is proposed to be changed from Planned Unit Development to Recreation. The Coastal Plan Land Use Plan Component text and policies relative to the development of the Marsh are proposed to be deleted (Section 3.2.5 and Policies 2-18 through 2-25).

Staff is recommending APPROVAL of the Land Use Plan, Map, and Zoning Map amendment AS SUBMITTED. The recommended Motions and Resolutions are provided on pages two (2) and three (3) of this report.

Summary of Public Participation

Section 30503 of the Coastal Act requires public input during the local government's processing of a Local Coastal Program amendment as follows:

> During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City of Carpinteria City Council and Planning Commission held numerous public hearings on August 20, September 3, September 9, 1996 and January 13, 1997 regarding this LCP amendment.

Substantative File Documents

City of Carpinteria Local Coastal Program; Carpinteria Salt Marsh Restoration Plan, Phase I - Ash Avenue Wetland Area, Final Report, Rivertech & Spectra Information, dated July 15, 1991; Coastal Conservancy Project No. CP-3-93; Coastal Development Permit Application Number 4-96-111, Carpinteria Salt Marsh - Ash Avenue Area; Coastal Permit Amendment 4-STB-84-58-A, Sandyland Cove Homeowners Association.

## Exhibits

1. Coastal Zone Location Map
2. Carpinteria Marsh Vicinity Map
3. Proposed New Land Use and Zoning Map
4. Land Use Plan Policies and Text to be Deleted
5. City Resolution 4343 for Local Coastal Program Land Use Plan, Zoning Maps

## I. STAFF RECOMMENDATION

### A. Approval of Land Use Plan (and Map) as Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion I

I move that the Commission certify the Land Use Plan Amendment 1-97 to the City of Carpinteria LCP as submitted.

Staff recommends a YES vote on Motion I and the adoption of the following resolution of certification and related findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby CERTIFIES the Land Use Plan Amendment 1-97 to the City of Carpinteria Local Coastal Program as submitted and finds for the reasons discussed below that the Land Use Plan Amendment meets the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent

necessary to achieve the basic goals specified in Section 30001.5 of the Coastal Act, and that the certification of the amendment meets the requirements of Sections 21080.5(d)(2)(i) of the California Environmental Quality Act, as there are no further feasible mitigation measures or feasible alternatives which could substantially lessen significant adverse impacts to the environment.

B. Approval of Implementation Plan (Zoning Map) As Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion II

I move that the Commission REJECT the Implementation Plan Amendment 1-97 to the City of Carpinteria LCP as submitted.

Staff recommends a NO vote, on Motion II which would result in the adoption of the following resolution of certification and related findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Resolution II

The Commission hereby CERTIFIES Amendment 1-97 to the Implementation Plan of the City of Carpinteria LCP on the grounds that the amendment to the Local Coastal Program Zoning Map conforms to and is adequate to carry out the provisions of the LCP Land Use Plan as certified. There are no feasible alternatives available which would substantially lessen any significant impacts which the approval of the Implementation Plan amendment will have on the environment.

II. RECOMMENDED FINDINGS

A. Findings for Resolution I (Land Use Plan)

The standard of review of LCP Land Use Plan Amendment, pursuant to Section 30512 of the Coastal Act, is that the amendment is in conformity with the policies of Chapter 3 of the California Coastal Act.

1. Proposal and Background

The City proposes to amend the Coastal Plan Land Use Plan text and policies and change the Coastal Plan Map from Planned Unit Development (PUD) to Public Open Space (POS) (Exhibit 3). The Coastal Plan Land Use Plan Component policies relative to the development of the Marsh are proposed to be deleted (Section 3.2.5 and Policies 2-18 through 2-25 in Exhibit 4).

The subject site, located within the City, is about one half of an area proposed for wetland restoration within the Carpinteria Marsh. The remaining half of the restoration plan area is located in the County of Santa Barbara. This restoration plan site, known as the Carpinteria Salt Marsh - Ash Avenue Area, consists of about 15 acres of the 230 acre Carpinteria Salt Marsh which is also known as El Estero. The Carpinteria Marsh is located about 12 miles east of the City of Santa Barbara and 18 miles west of the City of Ventura. (Exhibits 1, 2, and 3) The site subject to this amendment is located along the western boundary of the City of Carpinteria, between that boundary and Ash

Avenue on the east, the end of third street and a mobile home park on the north, and the City beach on the south. The Carpinteria Marsh is presently restricted to a relatively small series of tidal channels and emergent wetland that occurs at the mouths of Franklin and Santa Monica Creeks.

The proposed amendment will facilitate a wetland restoration project to restore this portion of a wetland system that has been significantly altered. The Ash Avenue Wetland was extensively filled during the 1960's and 1970's, converting much of the wetland habitat to upland. The Carpinteria Marsh, including the Ash Avenue Wetland, is one of the nineteen (19) wetlands identified by the Department of Fish and Game in its report entitled, "Acquisition Priorities for Coastal Wetlands of California" referenced in Section 30233 (c) of the Coastal Act. As one of these nineteen (19) wetlands, the Coastal Act limits the uses of Carpinteria Marsh to restoration projects, nature study, and very minor incidental public services.

The City of Carpinteria and the Land Trust for Santa Barbara County have a pending application for a coastal development permit (No. 4-96-111) to restore these 15 acres. This application is scheduled for Commission action after this LCP amendment is acted on by the Commission.

2. Consistency with Coastal Act

a. Environmentally Sensitive Habitat

PRC Section 30230 states that:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

PRC Section 30231 provides that:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act provides, in part, that:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

PRC Section 30240 provides that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The principal issue raised by the proposed amendment is whether the proposed land use designation of Open Space and the deletion of policies allowing development on property with degraded wetlands is consistent with the coastal resource protection policies of the Coastal Act.

The Coastal Act provides for clear policies that allow for the regulation of development activities within or affecting wetlands. Sections 30230 and 30231 require the protection of marine and biological resources. Section 30233 of the Coastal Act identifies eight allowable uses, requires that the proposed project be the least environmentally damaging alternative, and where applicable, requires feasible and appropriate mitigation. Section 30240 requires the protection of environmentally sensitive habitat areas and only uses dependent on those resources will be allowed within those areas.

The City's Coastal Plan includes numerous policies that protect Environmentally Sensitive Habitat Areas (ESHA) from disturbance or development activities. The Land Use Plan includes an ESHA overlay designation to identify and protect significant habitat resources which corresponds to the Coastal Act definition of ESHA. An ESHA is defined as any area where plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem and which could be easily disturbed or degraded by human activities and developments (Section 30107.5). These resources are identified on the Overlay District Maps. Specific policies are included for

each habitat type to be considered when reviewing development proposals. These ESHA maps designate the subject area as wetland ESHA because of the importance of the site's biological productivity and because of the outstanding educational values that should be protected for scientific, research, and educational uses now and in the future.

The Land Use Plan includes three general policies requiring development plans to specifically identify the ESHA and find that all development projects be in conformity with the applicable habitat protection policies of the Land Use Plan. Wetland habitat and areas that border the Carpinteria Marsh are subject to Policies 9-4 and 9-5 as noted below.

Policy 9-4 The upland limit of a wetland shall be defined as land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Where environmental factors may prevent the development of soils and/or vegetation, the presence of surface water or saturated substrate at some time during the year or the location within, or adjacent to, vegetated wetlands or deep water habitats will define their limits. If question exists, the limit will be determined by habitat survey made by a qualified biologist.

A buffer strip, 100 feet in width, shall be maintained in a natural condition along the upland limits of all wetlands. No structures other than those required to support light recreational, scientific and educational uses shall be permitted, where such structures are consistent with all other wetland development policies and where all possible measures have been taken to prevent adverse impacts.

Policy 9-5 New development adjacent to the required buffer around wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, and other disturbances.

The City of Carpinteria proposes to delete text and eight (8) policies, 2-18 through 2-25 that address development adjacent to the Carpinteria Marsh in the subject site area. (Exhibit 4) In addition, the City proposes to change the City Coastal Plan Map designation for the subject area from Planned Unit Development (PUD) to Public Open Space (POS). (Exhibit 3) This amendment addresses parcels bounded by Third Street and the Silver Sands Mobile Home Park on the north, the City limit line on the west, the City Beach or the Pacific Ocean to the south, and Ash Avenue on the east. This area is now commonly known as the Carpinteria Saltmarsh Ash Avenue Area.

The Land Use Plan explicitly recognized the environmental and recreational values of this area. Policy 2-18 directed the City to pursue acquisition of the area in order to restore it to a functioning wetland. The Land Use Plan further provided that if acquisition efforts were not successful by January 1, 1985, development of the area would be allowed, subject to a specific plan that identified the environmental constraints of the site and provided for appropriate development standards.

Since the Commission's certification of the Coastal Plan in 1982, a series of planning studies for potential restoration and enhancement of this area were undertaken. In 1986, the Carpinteria Salt Marsh Ad Hoc Committee was formed

for the purpose of protecting and enhancing the Carpinteria Marsh, including the subject site. This committee, working with the City and other interested agencies, requested and received numerous grants to acquire and restore the subject site. Following the purchase of one of these parcels, the Marsh Park Restoration/Development Steering Committee was formed to prepare the Carpinteria Salt Marsh Restoration Plan, Phase 1 - Ash Avenue Wetland Area. The Restoration Plan was approved in concept by the City of Carpinteria in June 1990. This Plan was prepared to enhance, protect, and restore about 15 acres of degraded and sensitive habitat at the subject site and a portion to the west located in the County of Santa Barbara. In addition, an interpretive center and system of trails were proposed to provide controlled public access to the Carpinteria Marsh.

The Coastal Commission approved Coastal Conservancy Project No. CP-3-93 in November 1993 for the Carpinteria Salt Marsh Restoration Plan/Ash Avenue Wetland Area. The conceptual project proposed to remove fill, enhance tidal circulation, restore native wetland and upland habitat, and construct a visitor center and access trails on about 15 acres located on the subject site and the area within the County of Santa Barbara.

In 1994, the Land Trust for Santa Barbara County was awarded a grant from the Coastal Conservancy to prepare final engineering plans for the restoration of the Ash Avenue parcels as wetland habitat. The Committee continued efforts to obtain additional funding to purchase the remaining parcel. This parcel was acquired as a result of an amendment to a coastal permit to construct additional rock seaward of a rock revetment located seaward of 38 residences along about one half mile of beach (Coastal Permit Amendment Number 4-STB-84-58-A, Sandyland Cove Homeowners Association). This revetment is located south-east of the site which is the subject of this LCP Amendment. Coastal Permit Number 4-STB-84-58 was approved by the State Coastal Commission in January 1985 as an appeal of a coastal permit issued by Santa Barbara County. The Permit Amendment formalized the resolution of long-standing litigation related to the addition to the rock revetment and related impacts to coastal access (Antoine et. al. v. California Coastal Commission). The amendment proposed to settle a State Lands Boundary Line Agreement and donate $ 500,000 to a mitigation fund for the City of Carpinteria to acquire this remaining parcel, the Caldwell beachfront parcel. This parcel was purchased in 1996 for the purpose of providing public beach access, salt marsh habitat protection and for educational purposes.

Therefore, the City of Carpinteria has met the intent of policy 2-18 by acquiring all of these parcels for public use in 1996 and receiving conceptual approval by the Commission for Coastal Conservancy Project Number CP-3-93. With the proposed change in the Land Use Map from Planned Unit Development to Public Open Space, Policies 2-19 through 2-25 are no longer needed to allow a residential land use on the subject site. Considering the Commission's action on the Coastal Conservancy Project No. CP-3-93, the proposed Public Open Space land use designation is consistent with this action. The Conservancy Project conceptually provided for the restoration and enhancement of the area subject to this amendment and was found consistent by the Commission with the resource policies of the Coastal Act.

It is clear from the Commission's review of the Conservancy Project, and the evaluation of the restoration plan, as well as the City's submittal of coastal permit application number 4-96-111, that the wetland and upland habitat at the Ash Avenue Wetlands are intended to be restored. The City proposes to remove

about 24,000 cubic yards of fill, enhance tidal circulation, create a range of salt marsh and upland habitat, create a new tidal channel, construct two culverts and flap gates, restore coastal dune habitat, construct an interpretative center, amphitheater, overlook area, and about 1,600 feet of trails to implement the Carpinteria Salt Marsh Restoration Plan for the Ash Avenue properties (Coastal Permit Application Number 4-96-111).

Therefore, the Commission finds that the proposed land use plan amendment will lead to the restoration of marine resources as encouraged by Section 30230 of the Coastal Act and the guidance provided in the City of Carpinteria LCP. Section 30230 provides that marine resources be enhanced and where feasible restored to sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms adequate for long-term recreational, scientific, and educational purposes. The Restoration Plan, leading to the restoration of a degraded coastal wetland, will increase biological productivity with a larger area of salt marsh habitat affected by tidal action.

The plan amendment will also facilitate the restoration project within the meaning of Section 30233(a)(7) and (c) of the Coastal Act to provide for an allowable use. The amendment will allow for restoring the biological productivity of the wetland and protect ESHA areas while allowing development adjacent to ESHA areas to be compatible as provided by Sections 30231 and 30240 of the Coastal Act. Among the alternative land use designations, Public Open Space, meets the criteria under Section 30233 by providing for limited development through the land use designation that is the least environmentally damaging alternative.

In summary, the Commission finds that the City's proposed changes in the Land Use Plan are consistent with and adequate to carry out Sections 30230, 30231, 30233, and 30240 of the Coastal Act.

B. Findings for Resolution II (Implementation Measures)

The standard of review of an amendment to the certified LCP Zoning Map is whether the map and zoning designation conforms with and is adequate to carry out the provisions of the certified LCP Land Use Plan (PRC Section 30513 (a) and 30514). The Coastal Act provides that the Commission may only reject the proposed zoning ordinance if a majority of the Commissioners present find that it does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan.

1. Proposal

The Proposed Zoning Map amendment would amend the coastal zoning district map from Planned Unit Development (PUD) to Recreation (REC).

The purpose of the REC district is to ensure the preservation, maintenance, and enhancement of recreation areas and open space of either a public or private nature. The intent is to provide for appropriate recreational use of public parks, beaches, and other open space, and standards for development which will protect the natural beauty of these areas.

The land uses allowed as permitted uses under the recreation designation range from public and/or private recreational uses, such as parks and walking trails to public recreational facilities, such as tennis courts and golf courses.

The western portion of the subject site is designated as environmentally sensitive habitat within the Environmentally Sensitive Habitat Area Overlay District (ESH). As noted above, the purpose of the ESH overlay district is to protect and preserve areas, pursuant to Coastal Act Section 30107.5, which defines an ESHA as a plant or animal life or their habitats that are either rare or especially valuable because of their role in the ecosystem and which could be easily disturbed or degraded by human activities and developments. The intent of this district is to ensure that all development in such areas is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas. In addition, policies 9-4 and 9-5 are still applicable to any proposed development. Therefore, only a limited number of land uses on Public Open Space may be permitted in a Recreation zone with an ESH overlay designation. Such permitted uses may include limited intensity public parks and trails that are dependent on ESH resources and in areas adjacent to the ESH such uses must be sited and designed to prevent impacts and be compatible with the resources. As noted above, the Commission has approved a conceptual plan to restore the site in the Coastal Conservancy Project No. CP-3-93 which was based on the Carpinteria Salt Marsh Restoration Plan Phase 1 - Ash Avenue Wetland Area Report. The proposed zoning map amendment for the subject site will carry out the Public Open Space land use designation. For these reasons, the Commission finds that the proposed Zoning Map change from Planned Residential Development to Recreation is consistent with and adequate to carry out the provisions of the certified Local Coastal Program Land Use Plan.

III. CONSISTENCY WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's Local Coastal Program process has been designated as the functional equivalent of CEQA. CEQA requires the consideration of less environmentally damaging alternatives and the consideration of mitigation measures to lessen significant environmental impacts to a level of insignificance.

As discussed in the findings above, the proposed amendment, as submitted, would adequately address the protection of wetland and upland resources located on the subject site, and would therefore have no significant impacts within the meaning of the California Environmental Quality Act.

Thus, the amendment is consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

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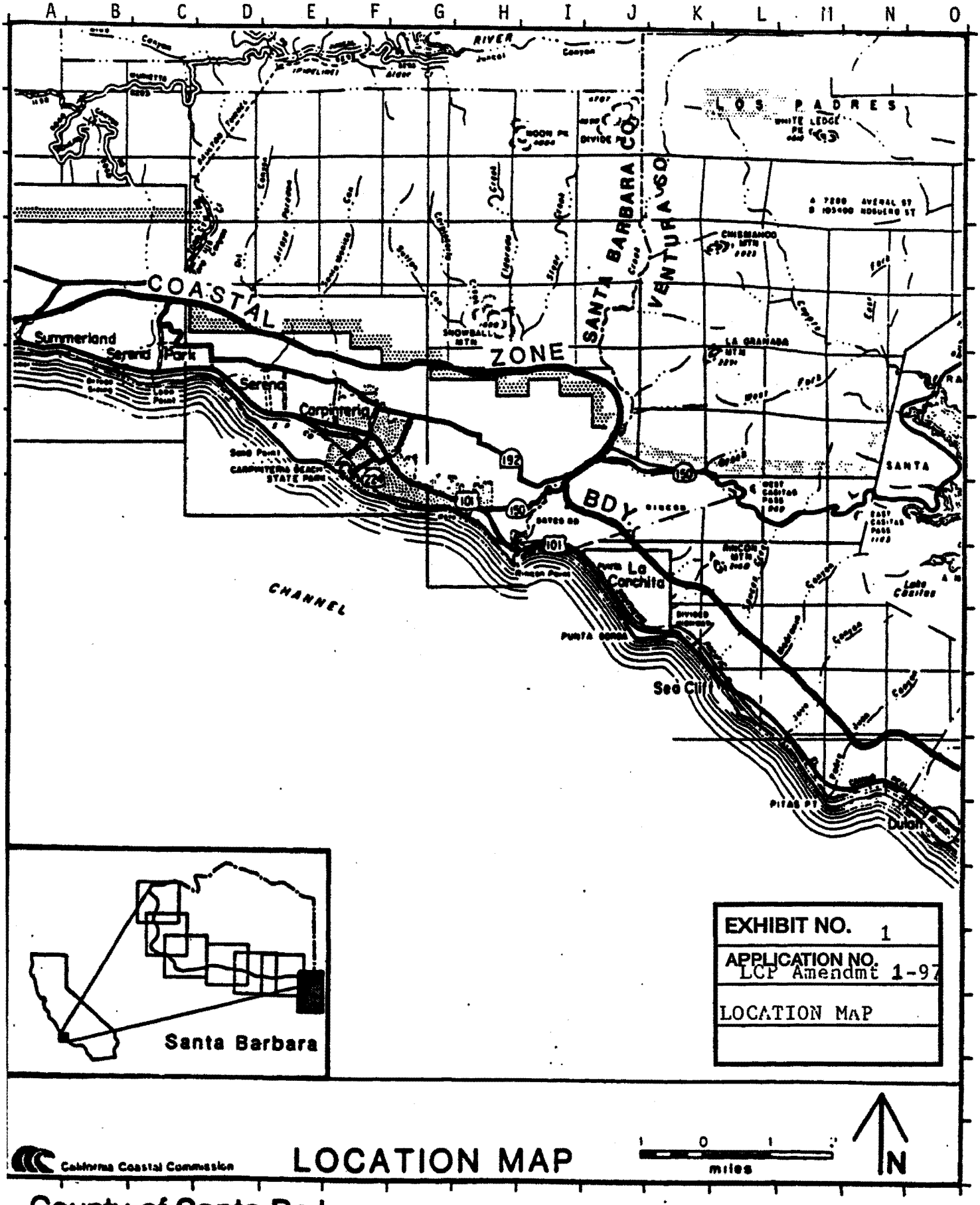



EXHIBIT NO. 1

APPLICATION NO. LCP Amendmt 1-97

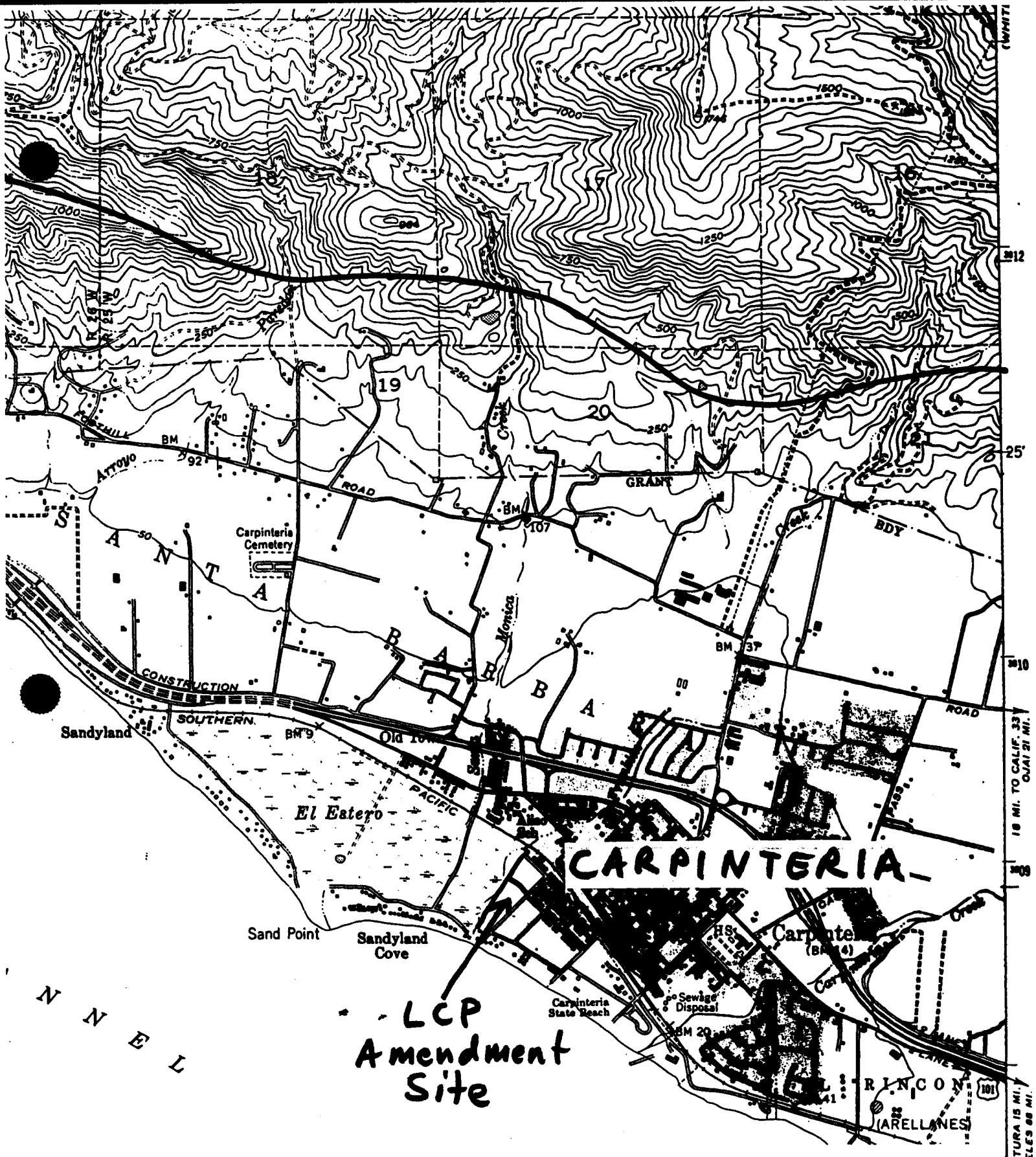
LOCATION MAP

California Coastal Commission

# LOCATION MAP

County of Santa Barbara

Sheet 7 of 7




| EXHIBIT NO. 2 |
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| APPLICATION NO. LCP Amendment 1-97 |
| VICINITY MAP |
| |

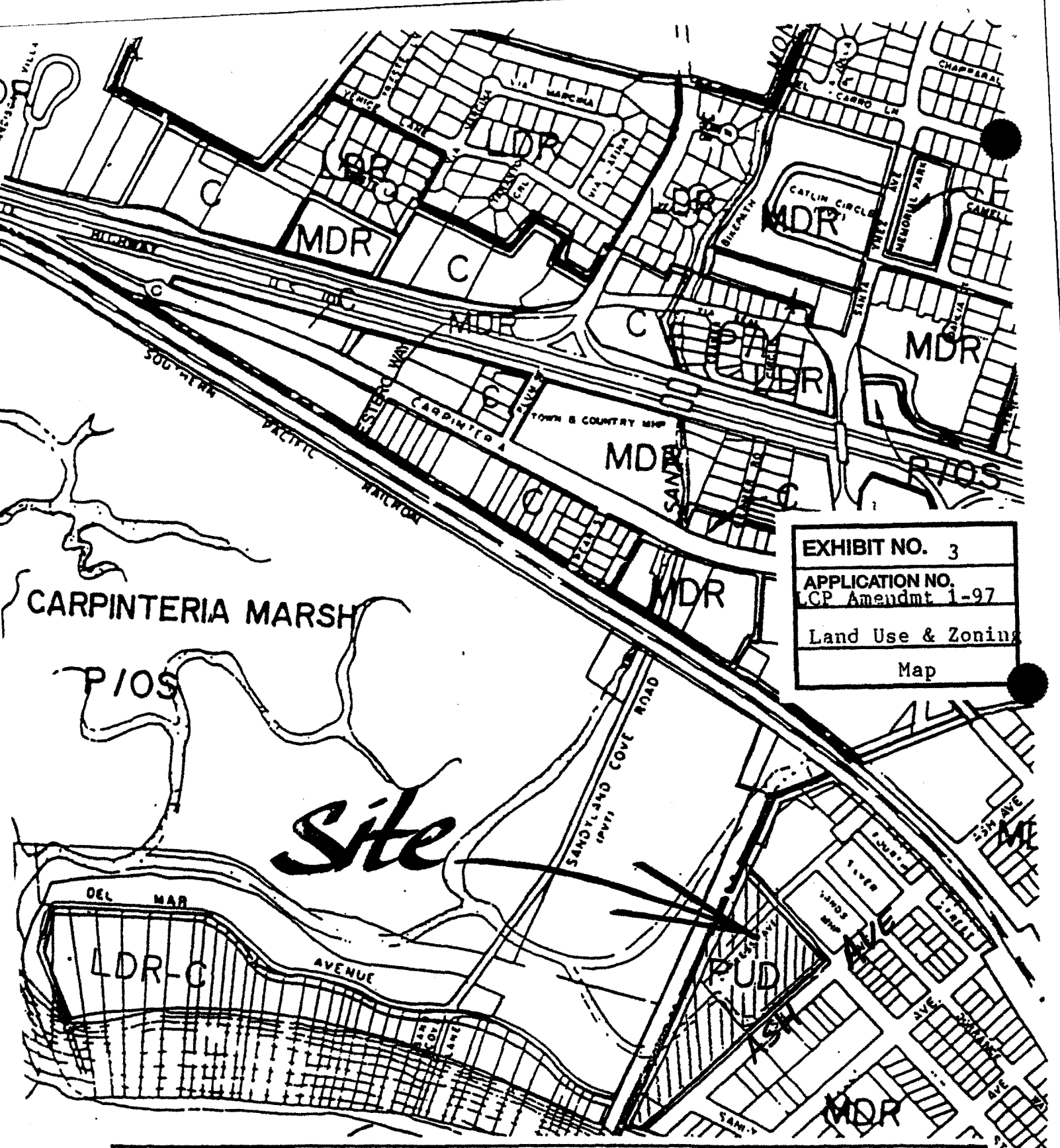


EXHIBIT NO. 3
APPLICATION NO. LCP Amendmt 1-97
Land Use & Zoning Map

| SITE | EXISTING LAND USE | COASTAL PLAN | GENERAL PLAN | ZONING | STAFF RECOMMENDATIONS * Subject to change with hearing selection |
|---|---|---|---|---|---|
| West of Ash Avenue, South of Silver Sands MHP, northerly of City Beach City of Carpinteria APN 3-461-01, 3-462-01, 3-470-01, 3-470-13 Total: 7.65 acres | Degraded marsh | PUD | PUD | PUD | Change Coastal Plan to P/OS<br>Change General Plan to P/OS<br>Change Zoning to REC<br>Proposed Mitigated Negative Declaration |

N

25 FN

OCEAN

Strikeout Version of the Existing LCP

| EXHIBIT NO. 4 |
|---|
| APPLICATION NO. LCP Amendmt 1-97 |
| Land Use Plan Text |
| & Policies -Delete |

page 1 of 2

~~[illegible] requ[illegible] a coastal location in order [illegible] operat[illegible] permitted.~~

DELETED BY LCPA 93-7[illegible]

Policy 2-17: ~~The applicant shall provide a safe, public ac[illegible] County Park from the proposed development, if [illegible] shall improve the hiking/biking trail require[illegible] 2-7(a) as part of the development project.~~

3.2.5 DEVELOPMENT ADJACENT TO CARPINTERIA MARSH

The area bounded by the City's existing western limits, Third Street, and Ash Avenue (APN 3-461-01, 3-462-01, 3-470-01, 13) borders Carpinteria Marsh, a major coastal wetland (see Section 3.9). Development in this area will, therefore, be affected by Habitat Policies 9-1 to 9-5 of the land use plan. While a 100-foot buffer is required around the upland limits of all wetland habitats in the coastal zone (Policy 9-4), the actual location of this buffer for Carpinteria Marsh has not been established. Field work will be necessary to determine the upland limits of the marsh and whether portions of the parcels west of Ash Avenue fall within the required buffer. In any case, new development in the area west of Ash Avenue will need to be sited and designed so that adverse impacts (i.e., water runoff, noise, access by pedestrians, dogs, and cats) on the marsh are prevented (Policy 9-5).

The northerly parcels in this area (APN 3-461-01 and 3-462-01) are no longer subject to flooding, since fill dirt has been deposited in the area, raising the ground elevation. This area could be restored as a fully functioning tidal marsh by removing previously placed fill and allowing tidal inflow (California Department of Fish and Game). However, in their present condition, these parcels could support a more intensive type of development than the parcels to the south (APN 3-470-01, 13), which are still susceptible to flooding during some seasons of the year.

Deleted

The southern tip of this area is contiguous with the beach. Ash Avenue is one of four streets in the southwestern section of the City that terminate at the beach. Limited public parking is provided at these points and along other public streets in the vicinity. Recently, local residents have expressed a need for additional parking and restroom facilities in the beach area (the closest public restrooms are at the State Beach Park).

Because of the area's association with Carpinteria Marsh and, at the same time, its proximity to the beach and potential for recreational support uses, additional conditions for future development and use of this area are needed.

POLICIES

Policy 2-18: The City shall pursue available funding sources (including Coastal Conservancy) to determine the extent to which the area bounded by Ash Avenue, Third Street, and the City's western boundary may reasonably be restored as a fully-functioning tidal marsh and to what extent this area lies within the public trust. Pending the results of these determinations, the City shall pursue funds for public acquisition of the area, if necessary, by no later than

January 1, 1985. If the City is unable to make the above determinations and/or acquire the area by January 1, 1985, Policies 2-19 through 2-25 shall apply.

Policy 2-19: Planning for the area bounded by the City's existing western boundary, Third Street, and Ash Avenue shall be coordinated. A "specific plan" (ref. Sections 65450 and 65451 of the Government Code) shall be prepared and environmental review of the plan shall be conducted prior to preparation of a development plan. Policies 2-19 through 2-25 shall be addressed in the specific plan for the area.

Policy 2-20: Since the ground elevation of the northerly parcels (APN 3-461-01 and 3-462-01) is above flood level, these parcels should be developed for residential use of moderate density, maximum 12 units per acre. Development should be clustered along Ash Avenue and open space should be provided along the City's western boundary to serve as a buffer around the marsh.

Policy 2-21: Because the southern parcels (APN 3-470-01, 13) are subject to flooding at certain times of the year and are located close to the beach, these parcels should be designated for recreational use. The development plan shall include preservation of a passive water-oriented open space on the west with parking and restroom facilities located along Ash Avenue. Deleted

Policy 2-22: As a condition to development, field work conducted by a qualified biologist will be necessary to establish the upland limits of Carpinteria Marsh in the area west of Ash Avenue and determine whether portions of this area fall within the limits of the marsh or the required 100-foot buffer.

Policy 2-23: All development shall be sited and designed in such a way that runoff from impervious surfaces is not channeled either directly or indirectly into Carpinteria Marsh.

Policy 2-24: The existing drainage channel along the west side of Ash Avenue shall be improved.

Policy 2-25: Development shall include landscaping and a 5-foot high fence along the western periphery to prevent human intrusion.

## 3.2.6 GENERAL DEVELOPMENT POLICIES

The following general policies shall apply to all new development in the City:

Policy ~~2-26~~ II-1: All development, including agriculture, adjacent to areas designated on the land use plan maps as habitat areas, adjacent to oceanfronting parks and recreation areas, or contiguous to coastal waters, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to setbacks, buffer zones,

Update P.5

EXHIBIT NO. 5
APPLICATION NO. LCP Amendmt. 1-97
Council Resolution
No. 4343

RESOLUTION NO. 4343



# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA APPROVING A LOCAL COASTAL PLAN AMENDMENT, GENERAL PLAN AMENDMENT, AND REZONING FOR THE AREA COMMONLY KNOWN AS THE CARPINTERIA SALT MARSH, AND AUTHORIZING TRANSMITTAL TO THE CALIFORNIA COASTAL COMMISSION

**Section 1.** The City Council of the City of Carpinteria ("Council") hereby finds, resolves, and determines as follows:

a. In January 1980, the City of Carpinteria ("City") adopted the City of Carpinteria Local Coastal Plan ("Local Coastal Plan").

b. In January 1980, the California Coastal Commission certified the Local Coastal Plan as consistent with the California Coastal Act found at Public Resources Code sections 30000 et seq. ("the Coastal Act").

c. In April 1986, the City Council of the City of Carpinteria, by Resolution No. 1560, adopted a revised General Plan (GP-86).

d. On August 20, 1996 and September 3, 1996, a proposed amendment to the City's Local Coastal Plan, General Plan, and Zone Map for the Carpinteria Salt Marsh area (LCP/General Plan Amendment/Rezoning No. 96-794) was considered by the Planning Commission.

e. At a duly noticed public hearing on September 3, 1996, the Planning Commission considered the Carpinteria Salt Marsh LCP/General Plan Amendment/Rezoning and proposed Negative Declaration. After receiving public comment and due consideration, the Planning Commission recommended that the City Council approve the Carpinteria Salt March LCP/General Plan Amendment/Rezoning, and approved its submittal to the California Coastal Commission.

f. The Council adopted Resolution No. 4324 at its regularly scheduled meeting of September 9, 1996.

g. Resolution No. 4324 was submitted to the California Coastal Commission pursuant to Title 14, Code of Regulations section 13551(b)(2) and was rejected. The City Council now desires to follow the alternate procedures provided in Title 14, Code of Regulations section 13551(b)(1) and rescinds Resolution No. 4324.

h. The City Council held a duly noticed public hearing on January 13, 1997 on the proposed Carpinteria Salt Marsh LCP/General Plan Amendment/Rezoning and Negative Declara-

Exhibit 5
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tion. After receiving public comment and due consideration, the City Council approved the Carpinteria Salt Marsh LCP/General Plan Amendment/Rezoning, and approved its submittal to the California Coastal Commission.

i. The City Council directs that, following approval of the Carpinteria Salt Marsh LCP/ General Plan Amendment/Rezoning (Project No. 96-794), the requirements of Title 14, Code of Regulations sections 13544, 13544.5 or 13547 shall be fulfilled.

**Section 2.** The City Council has reviewed the proposal and determines the following:

a. That the project area of the LCPA/GPA/Rezoning encompasses the area commonly known as Carpinteria Salt Marsh - Ash Avenue Area, for the geographic area more generally described as the area generally bounded by the Silver Sands Mobile Home Park on the north, the City limit line on the west, the City Beach on the Pacific Ocean to the south, and Ash Avenue on the east. Affected Assessor's Parcel Numbers include: APN 3-470-01, 3-461-01, 3-462-01.

b. That the proposed LCPA/GPA/Rezoning encompasses the following map changes:

(i) The Coastal Plan Map designation for the project area is changed from Planned Unit Development (PUD) to Public Open Space (POS).

(ii) The General Plan Map designation for the project area is changed from Planned Unit Development (PUD) to Park/Open Space (P/OS).

(iii) The Zone Map designation for the project area is changed from Planned Unit Development (PUD) to Recreation (REC).

c. The Coastal Plan Land Use Plan Component policies relative to proposed development of the Salt Marsh are deleted (Section 3.2.5 and Policies 2-18 through 2-25).

**Section 3.** The City Council further finds and determines the following:

a. That the Planning Commission reviewed the LCPA in light of the Coastal Act provisions, and all other relevant laws.

b. That the Planning Commission found and recommended to the City Council that the proposed Negative Declaration is adequate for environmental review purposes of the proposal in accordance with the California Environmental Quality Act (CEQA).

c. The City Council certifies that the Local Coastal Program and the proposed amendments are intended to be carried out in a manner fully consistent with the California Coastal Act codified in Public Resources Code section 30510(a) and Title 14, Code of Regulations section 13551(a).

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d. Based on substantial evidence in the record, the Council finds that: (1) the project is consistent with the existing General Plan, (2) there is a reasonable probability the project will be consistent with the proposed General Plan, and (3) there is little or no probability that the project will be detrimental to or interfere with the future adopted general plan.

Section 4. **NOW, THEREFORE, BE IT RESOLVED** that, pursuant to the above findings and based on the submitted documents and other information presented as part of the public hearing process, the City Council of the City of Carpinteria hereby approves the Carpinteria Salt Marsh LCP/General Plan Amendment/Rezoning (Project No. 96-794). The proposed Carpinteria Salt Marsh LCP/General Plan Amendment/Rezoning (Project No. 96-794) shall take effect automatically upon approval by the California Coastal Commission pursuant to Public Resources Code sections 30512, 30513 and 30519.

Section 5. **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Carpinteria hereby finds the Negative Declaration for the Carpinteria Salt Marsh LCP/ General Plan Amendment and Rezoning adequate as the environmental document and reflects the City Council's independent judgment.

Section 6. **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council authorizes the submittal of this Resolution to the California Coastal Commission pursuant to Public Resources Code section 30510 and Title 14, Code of Regulations section 13551(b)(1).

***PASSED, APPROVED AND ADOPTED*** this 13th day of January, 1997, by the following called vote:

**AYES:** **COUNCILMEMBER:** WEINBERG, NIELSEN, LEDBETTER, JORDAN

**NOES:** **COUNCILMEMBER:** NONE

**ABSENT:** **COUNCILMEMBER:** STEIN

Donna Jordan
Mayor, City of Carpinteria

ATTEST:

Jayne Diaz
City Clerk, City of Carpinteria

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*I hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 13th day of January, 1997.*

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney, City of Carpinteria