

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



### RECORD PACKET COPY

**DATE:** March 24, 2005

**TO:** Commissioners and Interested Parties

**FROM:** John Ainsworth, Deputy Director *JA*  
Gary Timm, District Manager  
Lillian Ford, Coastal Program Analyst

**SUBJECT:** City of Carpinteria Local Coastal Program Amendment No. CPN-MAJ-2-04 (Residential Overlay) for Public Hearing and Commission Action at the California Coastal Commission hearing of April 13, 2005 in Santa Barbara.

#### DESCRIPTION OF THE SUBMITTAL

On December 3, 2004, the City of Carpinteria submitted an amendment to its certified Local Coastal Program (LCP). The amendment includes a proposal to amend the Implementation Program/Zoning Ordinance to include a revised residential overlay district implementing the provisions of Policy LU-6b of the certified Land Use Plan (LUP), which allows residential-only use on individual parcels in commercial and industrial zone districts.

On February 10, 2005, the Executive Director determined that the City's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b). The Commission granted a one-year extension for Commission action on March 16, 2005 pursuant to Section 30517 of the Coastal Act.

#### SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **deny** the proposed Implementation Program Amendment as submitted, and **approve** the proposed Implementation Program Amendment with suggested modifications. As submitted, the amendment is inconsistent with provisions in the City's certified Land Use Plan for the protection of visitor serving commercial uses in that it allows non-priority residential use within the visitor serving commercial district to a greater extent than allowed by the LUP. As modified, the amendment is consistent with all policies of the certified LUP. **The motions and resolutions for Commission action are on pages 3 and 4.**

For additional information please contact Lillian Ford at the South Central Coast District Office: 89 South California St., Ste. 200, Ventura, CA 93001 or 805-585-1800.

## B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings on the proposed ordinance on September 9, 2004, October 4, 2004 and October 25, 2004. The hearings were noticed to the public consistent with Sections 13551 and 13552 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

## C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the City resolution for submittal may provide that a Local Coastal Program Amendment will either require formal adoption by the local government after the Commission action to approve, or is an amendment that will take effect automatically upon the Commission's approval. In this case, the City has submitted the amendment as one that requires formal adoption by the City following Commission approval. Pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification and report such adequacy to the Commission.

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## II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PROGRAM AMENDMENT

Following public hearing, staff recommends that the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided prior to each resolution.

### DENIAL OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

**MOTION I:** I move that the Commission reject the Implementation Program Amendment (CPN-MAJ-2-04) for the City of Carpinteria as submitted.

### STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment (CPN-MAJ-2-04) for the City of Carpinteria as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not meet the

(excluding coastal dependent industry), to increase the city's stock of affordable housing through permission of new residential-only developments in areas which allow commercial, industrial, and mixed use developments, and to assist the City in maintaining an appropriate balance between jobs and housing. The R residential overlay district does not apply to existing (as of 1998) visitor serving overnight commercial land uses-visitor-serving commercial (VC) designated parcels, with the exception that second story mixed use or residential use shall be allowed on VC designated parcels in the Downtown Core District.

**Suggested Modification Two (2):**

14.49.20 Applicability.

The requirements of the R overlay district, as set forth in this chapter, shall apply to those parcels designated with the R overlay, as shown on the adopted zoning maps. This section shall not apply to properties designated either coastal-dependent industry (M-CD), Central Business District (CB), and parcels occupied by a visitor serving commercial use, or visitor-serving commercial (VC), with the exception that second story mixed use or residential use shall be allowed on VC designated parcels in the Downtown Core District.

**IV. FINDINGS AND DECLARATIONS FOR THE DENIAL OF THE IMPLEMENTATION PROGRAM AMENDMENT, AND APPROVAL AS SUBMITTED**

The following findings support the Commission's denial of the Implementation Program Amendment as submitted, and approval with suggested modifications. The Commission hereby finds and declares as follows:

**A. AMENDMENT DESCRIPTION AND HISTORY**

The City proposes to amend the Implementation Program / Zoning Ordinance portion of its certified Local Coastal Program to include a revised residential overlay district that allows residential-only use on individual parcels in commercial and industrial zone districts. Commercial and industrial uses continue to be permitted uses in these zones as well. The proposed amendment is described in greater detail below.

The City Council adopted the ordinance that constitutes the proposed amendment, along with the resolution of submittal of the amendment to the Commission, on October 25, 2004 (**Exhibit 1**).

**B. PROPOSED CHANGES TO THE CERTIFIED LOCAL COASTAL PLAN**

The proposed amendment involves changes to the City of Carpinteria's Zoning Ordinance that allow residential-only use in industrial and commercial districts. Specifically, the amendment adds "residential-only use" as a permitted use in Commercial Planned Development (CPD), Industrial/Research Park (M-RP), and General Industry (M) zone districts, and revises Chapter 14.49 [Residential Overlay District (R)] of the Zoning Ordinance in its entirety.

*city with the purpose of permitting residential development on parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.*

Policy LU-IM2 states:

*When residential development is proposed on parcels designated for commercial or industrial use, the residential density shall not exceed the highest residential density permitted in the city's land use categories; i.e., 20 units/acre including any bonus density allowances. The City shall determine the appropriate residential density for a commercial/industrial-designated parcel proposed for residential use on all or a portion of the parcel and shall consider, but not be limited to, the following factors:*

- a. Availability and cost of providing local services and infrastructure; e.g., sewer, water, and schools, and transportation and parking ability.*
- b. Unique site characteristics such as size, shape, topography, and easements*
- c. The existence on site or adjacent to the site of Environmentally Sensitive Habitat area.*
- d. The need for protection or enhancement of other coastal resources; e.g., viewsheds, coastal access, recreation, visitor-serving commercial and other coastal dependent or coastal related uses.*

*When mixed-use development is proposed in a common building, determination of the allowable density shall include, in addition to the criteria above, consideration of the intensity of the commercial/industrial use including characteristics such as parking demand, vehicle trip generation, noise and vibration, that could affect compatibility of the residential use with the commercial/ industrial component. In all cases, commercial or industrial use shall be the primary use of a site designated for mixed use development. A commercial or industrial use of a developed site shall be found by the City to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage.*

The proposed Implementation Program amendment language described in Section B. above is directly drawn from LUP Policies LU-6b and LU-IM2, and therefore is consistent with these policies of the certified LUP. Furthermore, the proposed Implementation Program amendment is adequate to carry out these policies, in that it provides specific development standards, required findings, permitted uses, and purposes and intents sufficient to evaluate development proposals for the subject uses.

However, portions of the proposed amendment are inconsistent with Policies LU-5a and LU-6c of the certified LUP, as well as Section 30222 of the Coastal Act, which is incorporated by reference into the LUP.

In order to be consistent with the certified LUP, the following suggested modifications must be incorporated into the proposed amendment:

[Language as submitted by the City of Carpinteria is shown in straight type. Language recommended by Commission staff to be deleted is shown in line-out. Language proposed by Commission staff to be inserted is shown underlined.]

Suggested Modification One (1):

14.49.10 Purpose and Intent.

The purpose of the R overlay district is to provide the opportunity for residential-only development in zone districts which would otherwise not permit such uses. The intent is to encourage rehabilitation of existing housing stock in certain commercial and industrial areas (excluding coastal dependent industry), to increase the city's stock of affordable housing through permission of new residential-only developments in areas which allow commercial, industrial, and mixed use developments, and to assist the City in maintaining an appropriate balance between jobs and housing. The R residential overlay district does not apply to ~~existing (as of 1998) visitor serving overnight commercial land uses~~ visitor-serving commercial (VC) designated parcels, with the exception that second story mixed use or residential use shall be allowed on VC designated parcels in the Downtown Core District.

Suggested Modification Two (2):

14.49.20 Applicability.

The requirements of the R overlay district, as set forth in this chapter, shall apply to those parcels designated with the R overlay, as shown on the adopted zoning maps. This section shall not apply to properties designated either coastal-dependent industry (M-CD), Central Business District (CB), and ~~parcels occupied by a visitor serving commercial use.~~ or visitor-serving commercial (VC), with the exception that second story mixed use or residential use shall be allowed on VC designated parcels in the Downtown Core District.

Suggested Modifications One and Two replace the proposed language regarding visitor-serving commercial uses with the language provided in LUP Policy LU-6c. Therefore, the Commission finds that the proposed amendment, only as modified, is consistent with and adequate to carry out the certified City of Carpinteria LUP.

## V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally

**ORDINANCE NO. 603**

**AN ORDINANCE OF THE CARPINTERIA CITY COUNCIL  
AMENDING CARPINTERIA MUNICIPAL CODE SECTIONS 14.20.030 (54),  
14.26.030 (6), AND CHAPTER 14.49, IN ITS ENTIRETY, ALL PERTAINING TO  
PROVISIONS FOR RESIDENTIAL-ONLY USE IN THE  
COMMERCIAL/INDUSTRIAL INDUSTRIAL ZONE DISTRICTS VIA A  
RESIDENTIAL OVERLAY**

THE CARPINTERIA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.**

SECTION 14.20.030 OF THE CARPINTERIA MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:

54. Residential-only development consistent with the provisions of Chapter 14.49 (Residential Overlay District).

SECTION 14.26.030 OF THE CARPINTERIA MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:

6. Residential-only development consistent with the provisions of Chapter 14.49 (Residential Overlay District).

CHAPTER 14.49 IS HEREBY AMENDED IN ITS ENTIRETY AND SHALL READ AS FOLLOWS:

**Chapter 14.49**

**RESIDENTIAL OVERLAY DISTRICT (R)**

**Sections:**

- 14.49.010 Purpose and intent.**  
**14.49.020 Applicability.**  
**14.49.030 Processing.**  
**14.49.040 Permitted uses.**  
**14.49.050 Residential Overlay Implementation.**  
**14.49.060 Development Standards.**

**14.49.010 Purpose and intent.**

The purpose of the R overlay district is to provide the opportunity for residential-only development in zone districts which would otherwise not permit such uses. The intent is to encourage rehabilitation of existing housing stock in certain commercial and industrial areas (excluding coastal dependent industry), to increase the city's stock of affordable housing through permission of new residential-only developments in areas which allow

**14.49.040 Permitted uses.**

The R overlay district allows for new residential-only development in the areas so designated on the zoning map. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district.

**14.49.050 Residential Overlay Implementation.**

The city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the residential overlay shall be considered only after mixed-use development has been determined by the City to be inappropriate. Factors to be considered by the city in determining if a mixed-use development is inappropriate are:

1. Viability of existing commercial or industrial use.
2. Intensity and compatibility of existing or potential commercial or industrial development.
3. Relationship with the built environment.
4. Physical constraints such as, but not limited to, lot size, unique land forms and conditions, and proximity to public transportation.

In addition, residential-only development may be considered only if all of the following findings are met:

1. The allowance of residential-only development would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community.
2. Residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing.
3. Residential-only use on parcel(s) is compatible with existing and anticipated uses in the area surrounding the site.
4. Mixed use development of the site is inappropriate.

**14.49.060 Residential Development Standards.**

A residential only project shall be developed pursuant to the standards and regulations of the underlying commercial or industrial zone district and the following standards:

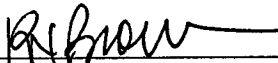
1. Density – Residential density shall not exceed 20 dwelling units per acre including any density bonus allowances. In determining a parcel's allowed density, the City shall consider, but not be limited to, the following factors:
  - a. Availability and cost of providing local services and infrastructure; e.g., sewer, water, schools, transportation, and parking availability.
  - b. Unique site characteristics such as size, shape, topography, and easements.
  - c. The existence on site or adjacent to the site of Environmentally Sensitive Habitat Area.
  - d. The need for protection or enhancement of other coastal resources; e.g., viewsheds, coastal access, recreation, visitor serving commercial and other coastal dependent or coastal related uses.

Ordinance No. 603

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October 25, 2004

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney, City of Carpinteria



f. The proposed amendments approved for submittal to the California Coastal Commission by the City Council as set forth below and as attached hereto and incorporated herein by reference, reflect the recommendations of the Planning Commission and necessary modifications by the City Council.

g. Documents constituting the record of proceedings on the Project are located under the custody of the City Manager, in the City of Carpinteria Community Development Department, 5775 Carpinteria Avenue, Carpinteria, California.

Section 2. **NOW, THEREFORE, BE IT RESOLVED** that pursuant to Public Resources Code Section 30510 and the California Code of Regulations 13551 (b)(2), the City Council held a public hearing on the proposed amendment to the Local Coastal Plan and Municipal Code and is transmitting all proposed amendments to the California Coastal Commission for submittal and filing pursuant to California Code of Regulations, Title 14, Section 13551 (b)(2).

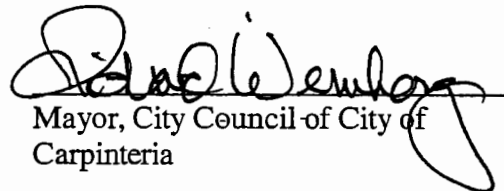
**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of October, 2004 by the following vote:

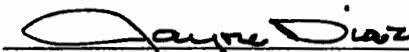
AYES: Councilmembers: Gandrud, Stein, Ledbetter, Jordan, Weinberg

NOES: Councilmembers: None

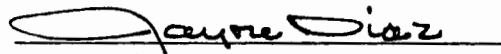
ABSTAIN: Councilmembers: None

ABSENT: Councilmembers: None

  
Mayor, City Council of City of  
Carpinteria

Attest:   
City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly noticed and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 25<sup>th</sup> day of October, 2004.

  
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

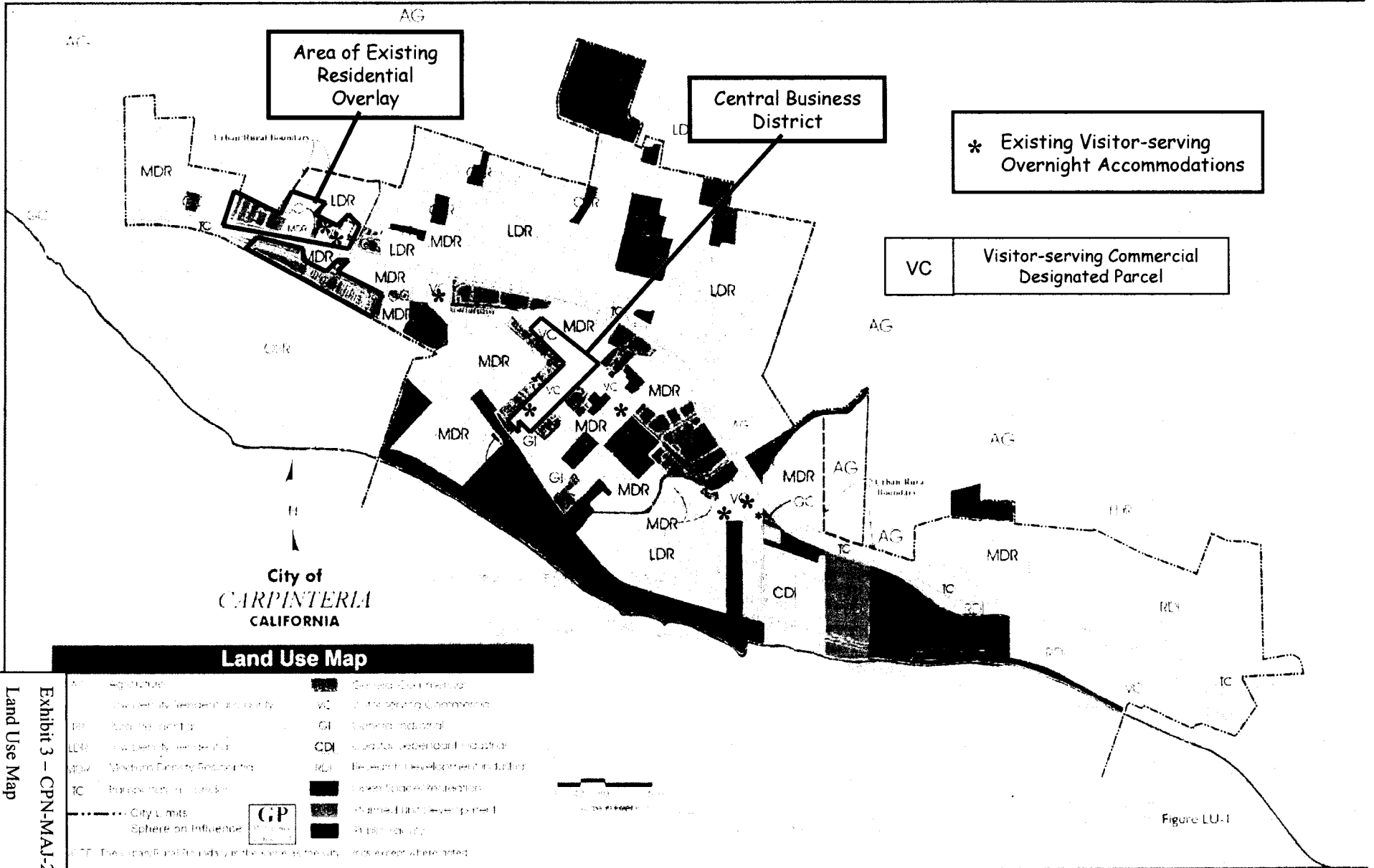


Exhibit 3 - CPN-MAJ-2-04  
Land Use Map