

CALIFORNIA COASTAL COMMISSION

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Hearing Date: 4/13/05

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Carpinteria

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-CPN-05-040

APPLICANT: M. Timm Development Corporation

APPELLANTS: Commissioners Caldwell and Wan; Carpinteria Creek Foundation; and Richard & Sherry Diaz, Thomas L. Richards, Rochelle Terry, D.Q. Leonard, Stephen D. and Laura L. Manriquez, and Bernard W. and Judith C. Jones.

PROJECT LOCATION: 1497 Linden Avenue in the City of Carpinteria, Santa Barbara County.

PROJECT DESCRIPTION: Subdivision of 5.89-acre parcel into 27 single family residential lots, construction of 27 single family residences, approximately 7,200 cu. yds. grading (4,200 cu. yds. cut, 3,000 cu. yds. fill), pedestrian trail, footbridge, and landscaping and trail improvements in adjacent Franklin Creek Park.

SUBSTANTIVE FILE DOCUMENTS: City of Carpinteria Local Coastal Program; City of Carpinteria Coastal Development Permit No. 03-1122-TM-DP/VAR/MOD/CDP/DA, approved February 28, 2005; Mitigated Negative Declaration (MND), Mission Terrace (M. Timm Development), adopted February 14, 2005; Development Agreement By and Between: City of Carpinteria, and Mission Terrace, LLC, a California Limited Liability Corporation and the Simon Family Trust, dated February 28, 2005.

SUMMARY OF STAFF RECOMMENDATION:
SUBSTANTIAL ISSUE EXISTS

Staff recommends that the Commission determine that **substantial issue exists** with respect to the appellants' assertions that the project is not consistent with the creek protection and water quality standards of the certified Local Coastal Program. Should the Commission wish to hear arguments and vote on substantial issue, the **motion and resolution** for substantial issue are found on **page 4**.

I. APPEAL JURISDICTION

The project site is a 5.89-acre parcel located on the west side of Linden Avenue, north of Highway 101, and immediately east of Franklin Creek, in the City of Carpinteria, Santa Barbara County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the City of Carpinteria (adopted November 17, 1983) indicates that the appeal jurisdiction for this area extends 100 feet from each bank of Franklin Creek. Section 30603 of the Coastal Act states, in part, that an action taken by a local government on a coastal development permit (CDP) application may be appealed to the commission if the development approved is within 100 feet of any wetland, estuary, or stream. In this case, the City approved a single CDP for all development proposed on the approximately 700 foot wide parcel, including the westernmost 100 feet that is located within the Commission's appeal jurisdiction on the east side of Franklin Creek. The CDP also approved improvements in Franklin Creek Park within 100 feet of the west side of Franklin Creek.

In this situation, the approval of the local CDP is appealable, but the grounds of appeal are limited to allegations that the "appealable development" (which is the development located within the Commission's appeal jurisdiction) is not consistent with the standards in the certified LCP or the public access policies of the Coastal Act. If those grounds are asserted and the Commission finds that the appeal raises a substantial issue, the Commission will hold a de novo hearing on the appeal. In the de novo hearing, the Commission has jurisdiction to address whether or not the action taken in the local CDP is consistent with the LCP and the public access policies of the Coastal Act. Thus, the Commission's review at the de novo hearing is *not* limited to the appealable development.

A. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain

types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a local County government that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission.

2. Grounds for Appeal

The grounds for appeal of development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code (Section 30603[a][4] of the Coastal Act).

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or its representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

4. De Novo Review Hearing

If a substantial issue is found to exist, the Commission will consider the City's action de novo. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing, or at a later time. The applicable test for the Commission

to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

Commission staff received a Notice of Final Action for a Coastal Development Permit (No. 03-1122-TM-DP/VAR/MOD/CDP/DA) issued by the City for the 27-unit single-family residential subdivision on March 4, 2005. Following receipt of the Notice of Final Action, a 10 working day appeal period was set and notice provided beginning March 5, 2005 and extending to March 18, 2005.

An appeal of the City's action was filed by: (1) Commissioners Caldwell and Wan on March 18, 2005; (2) Richard & Sherry Diaz, Thomas L. Richards, Rochelle Terry, D.Q. Leonard, Stephen D. and Laura L. Manriquez, and Bernard W. and Judith C. Jones March 14, 2005; and (3) the Carpinteria Creek Foundation on March 18, 2005, during the appeal period. Commission staff notified the City, the applicant, and all interested parties that were listed on the appeals. Commission staff requested additional information for the proposed project, including full-scale project plans and a copy of the development agreement, on March 4, 2005. These items were received on March 7, 2005. Commission staff subsequently reviewed the entire administrative record for the permit.

II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-CPN-05-040 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-CPN-05-040 raises a **substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP.

III. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. BACKGROUND

The project site is a 5.89-acre parcel located in the Canalino neighborhood north of Highway 101 and the Downtown Core area of the City of Carpinteria. This neighborhood is characterized by single-family residences and several public facilities including Carpinteria High School, Canalino Elementary School, school district administrative offices and several churches. The subject site is located immediately east of Franklin Creek, and opposite Franklin Creek Park, an approximately 1.1 acre "micropark" that parallels the west side of the creek and includes a grassy area and landscape trees for passive recreation, a playground, and the southern terminus of the Franklin Creek hiking and biking trail. A twelve to fifteen foot wide flood control access easement is located parallel to the creek.

Franklin Creek is contained within a concrete box channel from the base of the Santa Ynez Mountains foothills approximately one mile north of the subject site, to its outlet at Carpinteria Salt Marsh, approximately one mile south. Franklin Creek, within the city limits, does not contain sensitive habitat; however, the quality of water in Franklin Creek impacts the sensitive wetland habitat of Carpinteria Salt Marsh, a designated Environmentally Sensitive Habitat Area (ESHA) in the City of Carpinteria and Santa Barbara County Local Coastal Plans (LCPs).

The subject site currently contains a plant nursery. The parcel is designated for Low-Density Residential use, and is located within the 7-R-1 single family zoning district. The 7-R-1 zoning district allows for a maximum of 4.6 units per acre, with a minimum net lot area of 7,000 sq. ft. which would allow a base buildout of 27 units. The City approved a permit for 27 residential units, with lot size variances for three parcels.

The site is also subject to several provisions of the City's Creeks Preservation Program, which was certified on October 15, 2004 as an amendment to the implementation ordinance of the LCP and which implements creek protection and water quality policies in the updated LUP. These provisions include a minimum development setback of 50 feet from top of creek banks, limited exceptions to the setback for resource-dependent and existing legal non-conforming development, development application requirements, post-construction mitigation, and a comprehensive water quality ordinance consistent with the Phase II Permit requirements administered by the Central Coast Regional Water Quality Control Board (RWQCB). Due to the channelized condition of Franklin Creek, the site is not subject to the Flood Hazard (FH) Overlay District.

B. CITY APPROVAL

On October 8, 2003, the applicant submitted an application to the City of Carpinteria for a Development Plan, Tract Map, Variance, Modification, Coastal Development Permit, and Development Agreement to subdivide an approximately 5.89 acre parcel into 27 single family residential lots. A Mitigated Negative Declaration (MND) was prepared for the project and adopted by the City Council on February 14, 2005. The City Council approved the project via Resolution No. 4928 and Ordinance No. 604 on February 14, 2005. Changes to the conditions of approval were subsequently approved by the City Council on February 28, 2005. The resolution and conditions of approval are attached as **Exhibit 2**.

C. PROJECT DESCRIPTION

The action undertaken by the City in CDP No. 03-1122-TM-DP/VAR/MOD/CDP/DA is the City's approval of a development permit, variance, modification, development agreement, and coastal development permit for subdivision of a 5.89-acre parcel into 27 single family residential lots, construction of 27 single family residences, approximately 7,200 cu. yds. grading (4,000 cu. yds. cut, 3,200 cu. yds. fill), pedestrian trail, footbridge, and landscaping and trail improvements in adjacent Franklin Creek Park. The project is located at 1497 Linden Avenue in the City of Carpinteria.

The approved project includes, at a minimum, the following development within 100 feet of Franklin Creek: a) creation of five lots, as follows (see also **Table 1** below): Lot 14 (11,192 sq. ft.), Lot 15 (8,577 sq. ft.), Lot 16 (7,518 sq. ft.), Lot 17 (8,590 sq. ft.), and Lot 18 (8,692 sq. ft.); b) construction of all or part of five single family residences, as follows: On Lot 14, a 2,816 sq. ft., one-story, 18 ft. high single family residence (approximately 80% of which is located within 100 feet of the creek); on Lot 15, a 2,252 sq. ft., one-story, 18 ft. high single-family residence; on Lot 16, a 2,889 sq. ft., two-story, 25 ft. high single-family residence (approximately 95% of which is located within 100 ft. of the creek); on Lot 17, a 3,210 sq. ft., two story, 23.5 ft. high single-family residence (approximately 90% of which is located within 100 ft. of the creek); and on Lot 18, a 3,183 sq. ft., two-story, 25 ft. high single-family residence (approximately 40% of which is located within 100 ft. of the creek); c) riparian landscaping, flagstone patios and gravel, decomposed granite, or yarrow yard areas for each backyard area, with the exception of Lot 18, which contains unspecified backyard landscaping/hardscape, apart from a small area of riparian vegetation; d) other landscaping and hardscape in side and front yards; e) 40 inch high "wildlife friendly" wood screen fencing along rear and sideyard property lines of Lots 14, 15, 16, and 17; e) a six foot wide, 100 foot long section of an approximately 130 foot long decomposed granite pedestrian trail between Lots 14 and 15 leading to the bridge described below; f) a ten foot wide weathered steel pedestrian bridge over Franklin Creek; g) a six foot wide, approximately 100 foot long decomposed granite pedestrian trial running from the bridge through Franklin Creek Park to Sterling Avenue; h) planting of oak and sycamore trees in Franklin Creek Park; f) drainage system components, including concrete and vegetated drainage swales; and

f) grading (estimated less than 1,000 cu. yds.), primarily fill, for construction of the building pads.

Table 1. Approved development within 100 feet of Franklin Creek

Lot No.	Lot Area (gross sq. ft.)	Plan Size (sq. ft.)	Height (ft.)	No. of Stories	~% of home within 100 feet of creek
14	11,192	2,816	18	one	80
15	8,577	2,252	18	one	100
16	7,518	2,889	25	two	95
17	8,590	3,210	23.5	two	90
18	8,692	3,183	25	two	40

Project plans are attached to this report as **Exhibits 8** through **10**.

D. APPELLANTS' CONTENTIONS

The City's action was appealed to the Commission by: (1) Commissioners Caldwell and Wan; (2) Richard & Sherry Diaz, Thomas L. Richards, Rochelle Terry, D.Q. Leonard, Stephen D. and Laura L. Manriquez, and Bernard W. and Judith C. Jones; and (3) Carpinteria Creek Foundation.

The appeal filed by Commissioners Caldwell and Wan is attached as **Exhibit 3**. The appeal contends that the approved project is inconsistent with the policies of the certified LCP with regard to creek protection and water quality policies of the certified LCP. Specifically, the Commissioners' appeal alleges that the approved project is inconsistent with Policy OSC-6, IP 25 of the certified LUP, and the implementing measures for this policy found in the certified Creeks Preservation Program (CPP), which require a 50-foot setback for all development from the top of bank of creeks. The appeal further contends that the approved project is inconsistent with Implementation Measure 2.10.4 of the CPP, which identifies the subject reach of Franklin Creek as a priority site for dechannelization and restoration. The appeal also maintains that the approved project is inconsistent with the City's Water Quality Ordinance (WQO), which was certified as part of the CPP. The WQO implements several policies in the certified LUP, including Policies OSC-6e, OSC-6f, OSC-6, IP 31; OSC-6, IP 32; OSC-6, IP33, OSC-10c, OSC-10, IP 53, and OSC-10, IP 54. Finally, the appeal contends that the approval is inconsistent with Implementation Measure 2.7.2 of the certified Creeks Preservation Program, which restricts the width of new trails in stream corridors to five feet.

The appeal filed by Richard & Sherry Diaz, Thomas L. Richards, Rochelle Terry, D.Q. Leonard, Stephen D. and Laura L. Manriquez, and Bernard W. and Judith C. Jones is

attached as **Exhibit 4**. The appeal contends that the approved project is inconsistent with the policies of the certified LCP with regard to creek protection, water quality, neighborhood compatibility, and visual resource policies of the certified LCP. Specifically, the appeal alleges that the approved project is inconsistent with Policy OSC-6, IP 25 of the certified LUP, and the implementing measures for this policy found in the certified Creeks Preservation Program (CPP), which allow creek setbacks to be increased to account for site-specific conditions, such as flood hazards. The appeal further contends that the approved project is inconsistent with LUP Policy S-4e, which requires the City to identify and pursue opportunities to eliminate existing concrete creek channels, and Implementation Measure 2.10.4 of the CPP, which identifies the subject reach of Franklin Creek as a priority site for dechannelization and restoration. The appeal also maintains that allowance of patios and backyard uses within the 50 foot creek setback is inconsistent with Policy 2.1 of the CPP, which forbids the City from permitting projects that would result in the significant fragmentation of biological habitat within creek setback areas. In addition, the appeal contends that the approval is inconsistent with Implementation Measure 2.7.2 of the CPP, which restricts the width of new trails to five feet, and with Implementation Measures 2.4.2 and 2.4.5 of the CPP, which require Construction and Post-Construction Mitigation Plans to be reviewed and approved prior to the issuance of the Development Permit.

With regards to neighborhood compatibility, the appeal by Richard and Sherry Diaz, et. al., asserts that development on 18 out of 27 of the approved lots required variances and modifications to the existing Zoning Ordinance, and would consist of large homes on small lots. The appeal thus contends that the approved development is inconsistent with LUP Policy CD-1, which requires the siting and design of buildings to be "compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern." With regard to visual resources, the appeal contends that the two-story homes allowed on Lots 17 and 18 would reduce the aesthetic value of Franklin Creek Park, inconsistent with LUP Policy OSC-6a which requires preservation of creeks and their corridors as open space, and adversely impacts views of the mountains from the park, inconsistent with LUP Policy CD-3 which states "the design of the community should be consistent with the desire to protect views of the mountains and the sea." The appeal concludes by suggesting that a scaled down project with larger creek setbacks would facilitate dechannelization of Franklin Creek, and be more consistent with LCP policies for creek protection, protection of Carpinteria Salt Marsh, and enhancement of existing trails.

The appeal filed by the Carpinteria Creek Committee is attached as **Exhibit 5**. The appeal contends that the approved project is inconsistent with the policies of the certified LCP with regard to creeks protection and water quality policies of the certified LCP. Specifically, the Carpinteria Creek Committee's appeal alleges that the approved project is inconsistent with CPP Implementation Measures 2.10.1, 2.10.4, and 2.10.5 which require the City to evaluate the feasibility of property acquisition along creeks, prioritize restoration of the subject reach of Franklin Creek, and encourage landowners to set aside lands along or in proximity to local creeks for the purpose of habitat restoration. The appeal suggests that a 50-foot setback from the property lines of the

lots adjacent to the creek would enable restoration of a narrow riparian forest along the creek and prevent conflicts with homeowners. The appeal also contends that the approved project is inconsistent with Implementation Measure 2.7.2 of the certified Creeks Preservation Program, which restricts the width of new trails in stream corridors to five feet. Finally, the appeal maintains that the approved project provides no means of complying with requirements of LUP Policy OSC-10, IM49 (incorrectly cited as LUP Policy OSC-6, IM26) for the monitoring of "surface water runoff to identify waterborne pollutants entering the Pacific Ocean."

E. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to whether the portion of the project located within the Commission's appeal jurisdiction conforms to the policies contained in the certified LCP or the public access policies of the Coastal Act.

A substantial issue does exist with respect to the grounds on which the appeal has been filed. The appeals raise significant questions about whether the approved project is inconsistent with policies of the City of Carpinteria Local Coastal Program for the specific reasons discussed below.

1. Creek Protection

Several appellants contend that the project, as approved by the City, does not conform to the policies of the LCP with regard to creek protection. Specifically, the appellants claim that (1) the approved project allows non-resource dependent development within the required creek setback; (2) the setback should be increased to account for site specific factors and LCP policies and regulations regarding restoration of the subject reach of Franklin Creek; (3) the approved trail within the setback is inconsistent with standards in the certified Creeks Protection Program. These claims are discussed in turn below.

Development within Creek Setback

The appellants assert that the approved project is inconsistent with the following policies and regulations of the City of Carpinteria LCP:

City of Carpinteria LUP Policy OSC-6, IP 25, which states:

A setback of 50 feet from top of the upper bank of creeks or existing edge of riparian vegetation (dripline), whichever is further, shall be established and maintained for all development. This setback may be increased to account for site-specific conditions. The following factors shall be used to determine the extent of an increase in setback requirements:

- a. soil type and stability of the stream corridor
- b. how surface water filters into the ground
- c. types and amount of riparian vegetation and how such vegetation contributes to soil stability and habitat value
- d. slopes of the land on either side of the stream
- e. location of the 100 year floodplain boundary, and
- f. consistency with other applicable adopted plans, conditions, regulations and/or policies concerning protection of resources.

Where existing buildings and improvements, conforming as to use but nonconforming as to the minimum creek setback established herein, are damaged or destroyed by fire, flood, earthquake or other natural disaster, such buildings and improvements may be reconstructed to the same or lesser size and in the same general footprint location, provided that reconstruction shall be inaugurated by the submittal of a complete construction application within 24 months of the time of damage and be diligently carried to completion.

CPP Implementation Measure 2.1.2, which repeats LUP Policy OSC-6, IM25 verbatim;

CPP Implementation Measure 2.1.3, which states:

Development within stream corridors is prohibited with the exception of the following:

- Fish and wildlife habitat enhancement projects
- Flood protection where no less environmentally damaging method for protecting existing structures exists and where protection is necessary for public safety. Flood control measures shall incorporate the best mitigation measures feasible, and shall utilize natural creek alteration methods where possible, including, but not limited to, earthen channels and biotechnical stabilization. Flood control projects shall not be permitted prior to the issuance of all necessary State and Federal permits.
- Bridges, public trails, and public park improvements including interpretive signs, kiosks, benches, raised viewing platforms, or similar sized structures immediately adjacent to public trails, where no alternative route or location is feasible and where located to minimize impacts on ESHA. New stream crossings shall be accomplished by bridging wherever possible. Trail and park improvements construction shall be allowed only in accordance with Implementation Measure 2.7.2 of this program.
- Repair and replacement of existing stream crossings where such repair and replacement is the least environmentally damaging alternative.
- Vegetation removal in accordance with the following standards:
- Vegetation removal, including weeding and brush clearance, tree trimming for safety purposes, and removal of dead or dying plant material shall be allowed only if it can be shown that such development shall not adversely impact the adjacent riparian species and meets all other provisions of this Program and the certified LCP. Such activity

shall require approval from the City Biologist or a determination by the City that the proposed activity is consistent with the provisions of this Program and the certified LCP.

- For improvements existing prior to adoption of this Program, a maintenance program shall be submitted by the property owner(s) that describes the scope and nature of maintenance activities. The City shall review the program, make any changes to avoid further disruption of habitat values and shall approve the program. Unless maintenance work is proposed that is outside the scope of the approved program or a State Department of Fish and Game permit is required, no further review by the City shall be required; maintenance activities beyond those stated in the approved maintenance program are prohibited.
- Reconstruction of existing lawfully constructed buildings and improvements within creek setback areas destroyed by fire, flood, earthquake or other natural disaster. Such buildings and improvements may be reconstructed to the same or lesser size and in the same general footprint location, provided that reconstruction shall be inaugurated by the submittal of a complete construction application within 24 months of the time of damage (within 12 months for non-residential structures) and be diligently carried to completion. Reconstruction projects must comply with Chapter 14.82 of the City zoning code.
- Reconstruction of existing lawfully constructed primary residences within creek setback areas, due to normal wear and tear such as structural pest damage or dry rot. Such residences may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted in accordance with the standards for structural additions provided below;
- Structural additions or improvements to existing lawfully constructed primary residences within creek setback areas in conformance with Chapter 14.82 of the City zoning code and the following standards:
 - Second story additions shall be considered the preferred alternative to avoid ground disturbance;
 - Additions shall be located on those portions of the structure located outside or away from the ESHA;
 - In no case shall additions result in the extension of ground floor development into or toward ESHA;
 - Additions shall be allowed only if they: are located a minimum of six feet from any oak or sycamore canopy dripline; do not require removal of oak or sycamore trees; do not require any additional pruning or limbing of oak or sycamore trees beyond what is currently required for the primary residence for life and safety; minimize disturbance to the root zones of oak or sycamore trees to the maximum extent feasible (e.g., through measures such as raised foundations or root bridges); preserve habitat trees for sensitive species as defined by the certified LUP, in accordance with all provisions of the certified LCP and this Program;

- Improvements, such as decomposed granite pathways or alternative patios, may be allowed in existing developed areas within the dripline of oak and sycamore trees if such improvements are permeable, and do not require the compaction of soil in the root zone.
- Additions and improvements shall be allowed only if it can be shown, pursuant to the required site-specific biological study, that such development shall not adversely impact the adjacent riparian species and meets all other provisions of this Program and the certified LCP.

All permitted development shall incorporate the best mitigation measures feasible to minimize impacts to the greatest extent. When development results in the loss of habitat, mitigation shall be provided in accordance with Implementation Measure 2.4.4 of this program.

Creek bank and creek bed alterations shall be allowed only where no practical alternative solution is available.

Development, including any structure, feature, or activity, that would significantly fragment habitat or create significant barriers to the movement of fish and wildlife is prohibited in creek ESHA areas and/or creek setback areas.

Development, including any structure, feature, or activity, proposed to be undertaken within a creek or below the top of bank must be approved by the State Department of Fish and Game prior to City permitting.

One of the appellants also contends that the approved project is inconsistent with Policy 2.1 of the CPP, which states:

The City will not permit projects (whether public or private) that would result in the significant fragmentation of biological habitat within creek ESH areas and/or creek setback areas established by the General Plan/Local Coastal Plan and Zoning Ordinance- ESH Overlay District. Likewise, the City will not permit projects that would create significant barriers to the movement or migration of fish and wildlife through creeks and adjacent habitats (i.e., wildlife corridors will be maintained). Significant fragmentation or barriers are considered to be (any) manmade feature, structure, or activity that would block or greatly reduce the movement of wildlife between recognized natural habitat areas or that would significant(ly) reduce the biological value or diversity of the habitat.

Policy 2.1 is not an enforceable regulation of the CPP, but serves as guidance in clarifying the intent of CPP provisions.

The approved project site is a 5.89 acre parcel immediately east of Franklin Creek, a channelized stream that drains into Carpinteria Salt Marsh, and opposite Franklin Creek Park. The approved project includes subdivision of the parcel into 27 single-family residential lots, five of which are located within 100 feet of Franklin Creek. The five lots

(Lots 14 through 18) contain single-family residences, which are approximately 2,200 to 3,200 feet in size.

As noted above, LUP Policy OSC-6, IP 25 requires a minimum 50-foot setback from top of bank of all creeks. In this case, an existing approximately twelve to fifteen foot wide flood control access easement is located immediately adjacent to the creek. The remainder of the 50-foot setback shown on the approved plans includes the entire backyard of Lots 15 and 16, the majority of the backyards of Lots 14 and 17, and a corner of the backyard of Lot 18 (**Exhibits 9 and 10**). A flagstone patio on Lot 15, gravel, yarrow or decomposed granite yard areas for each lot ranging from approximately 200 to 600 sq. ft. in size, and "critter friendly" wood screen fencing along rear and side yard property lines are also shown within 50 feet of the bank of Franklin Creek. In addition, planting of riparian vegetation and installation of "boulder outcrops for wildlife" are approved within the setback.

LUP Policy OSC-6, IP 25 requires a minimum 50-foot setback from top of bank of creeks for all development. CPP Implementation Measure 2.1.3 clarifies allowable development within stream corridors, which include creeks and their applicable setbacks. CPP Implementation Measure 2.1.3 allows "fish and wildlife enhancement projects," such as the approved planting of riparian vegetation and installation of boulder outcrops. CPP Implementation Measure 2.1.3 also allows flood control measures, such as the 12 to 15 foot wide flood control access road to be located within creek setbacks. CPP Implementation Measure 2.1.3 does not allow construction of patios, fences, and gravel yard areas for new development within creek setbacks. CPP Implementation Measure 2.1.3 further clarifies that development, including any structure, feature, or activity, that would significantly fragment habitat or create significant barriers to the movement of fish and wildlife is prohibited in creek setback areas. Use of the creek setback area as a residential backyard would allow activities that would significantly reduce the value of the setback area as natural habitat and wildlife corridor. Although the special conditions of approval for the project require native riparian species to be maintained in perpetuity within the setback area, the everyday use of the setback area by homeowners cannot be regulated, nor can the placement of structures such as barbecues, lawn furniture, and play equipment or the level of noise and activity be controlled. Backyard activities, such as use of pesticides, herbicides, fertilizers, and other toxic household substances, also cannot be regulated and may have adverse impacts on wildlife and water quality. The project does not provide the required 50-foot setback from top of the bank of Franklin Creek for all development. In addition, the approved configuration and design of Lots 14 through 18 allows development and uses that are inconsistent with the language and intent of OSC-6, IP 25 and CPP Implementation Measure 2.1.3.

Thus the Commission finds that a substantial issue is raised with respect to the appellants' contention that the approved project is inconsistent with the creek setback policies and regulations of the certified LCP.

Adequacy of Creek Setback / Potential for Creek Restoration

The appellants assert that the approved project is inconsistent with the following policies and regulations of the certified LCP:

LUP Policy S-4e, which states:

The City shall establish setback guidelines for land use planning purposes along natural creek, river, or stream floodplains, and identify and pursue opportunities to eliminate existing concrete channels and/or banking from creeks, rivers, or streams.

CPP Implementation Measure 2.10.1, which states:

The City will evaluate the need and feasibility of private property acquisition along the creeks for the purpose (of) implementing habitat preservation and restoration projects. The City shall seek potential public and private funding sources includ(ing) the State and Federal grants, City funds, environmental groups, and concerned local businesses and citizens.

CPP Implementation Measure 2.10.4, which states in relevant part:

The feasibility of habitat restoration along Franklin and Santa Monica Creeks is limited by their highly altered condition, flood control consideration, and tightly encroaching urban and agricultural developments. However, where feasible, proposed development shall restore natural elements to these creeks, including earthen banks, natural creek beds with riffles and pools, and a narrow corridor of riparian vegetation, while still maintaining the interests of the flood control function. Where feasible, proposed development shall include elements that provide wildlife habitat, and increase the value of the creeks as migration corridors for terrestrial and aquatic wildlife. Franklin Creek Park (City-owned) shall serve as a focal point for restoration efforts along Franklin Creek, unless other feasible and environmentally preferable locations are identified.....If funding is available, the City shall conduct a study to explore restoration options for Franklin and Santa Monica Creeks.

CPP Implementation Measure 2.10.5, which states in relevant part:

In addition to City regulations for setback of development from creeks, the City will encourage landowners, businesses, and special interest groups to set aside lands along or in proximity to local creeks for the purposes of habitat preservation and restoration....The City will also explore incentives for private organizations and individuals to voluntarily form conservation easements and pursue restoration projects. The types of incentive programs that will be explored by the City include property tax breaks, official recognition and appreciation from the City in the form of publicly issued awards, and assistance with obtaining funding and resolving technical issues.

The approved project is located immediately east of Franklin Creek, a channelized stream that drains into Carpinteria Salt Marsh, and opposite Franklin Creek Park. As noted above, CPP Implementation Measure 2.10.4 designates Franklin Creek Park as

the "focal point" for restoration efforts along Franklin Creek, including dechannelization measures and planting of riparian vegetation. Implementation Measure 2.10.4 implements, in part, LUP Policy S-4e, which requires the City to identify and pursue opportunities to eliminate existing concrete channels. In addition, CPP Implementation Measures 2.10.1 and 2.10.5 require the City to explore public acquisition, and encourage private preservation, of areas adjacent to creeks.

The approved 50 foot setback, which contains all or part of the backyards of five lots, would significantly restrict opportunities for dechannelization of the reach of Franklin Creek that was identified in CPP Implementation Measure 2.10.4 as a priority site for restoration. Specifically, restoration of this section of the creek would require some recontouring or "laying back" of creek slopes, which would be far less feasible if the adjacent property consisted of several homeowners' backyards, and if the residences themselves were located just 50 feet away from the top of the existing channelized bank. An alternative subdivision layout would allow the 50 foot setback to be contained within a single lot, which could be restricted as open space and made available for restoration activities, consistent with CPP Implementation Measure 2.10.5. Other alternatives raised by some of the appellants include a setback greater than 50 feet to allow for adequate riparian habitat within the context of a dechannelization.

One appellant asserts that the 50-foot setback should be increased to account for the project's location within the 100-year flood plain, citing Figure S-4 of the LUP, which depicts flood plain boundaries. Figure S-4 shows the boundaries of the 100-year flood extending slightly to the east of the Franklin Creek channel. However, the FEMA flood plain map for the City of Carpinteria states that the 100-year flood is contained within the Franklin Creek channel. Figure S-4 of the LUP thus inaccurately depicts the flood plain boundaries, and therefore this assertion does not raise a substantial issue with regards to the approved project's consistency with the certified LCP.

Given the mandates established by the LCP policies and regulations stated above, and the potential obstacles that the approved projects poses to potential restoration of the subject reach of Franklin Creek, the Commission finds that substantial issue is raised with respect to the appellants' contention that the approved project is inconsistent with the relevant creek restoration policies and regulations of the certified LCP.

Trail Width

The appellants assert that the approved project is inconsistent with the following policies and regulations of the certified LCP:

CPP Implementation Measure 2.7.2, which states:

Where new or expanded recreational trails are provided in stream corridors, they will be constructed of alternative surface materials (i.e., not paved), and shall be a maximum of five feet wide. New or expanded public trails and/or park improvements shall be designed and sited to minimize disturbance of sensitive creek resources

including native vegetation, creek beds and banks. When such activities require removal of riparian plant species outside of trail limits, revegetation with local native riparian plants shall be required. Creek crossings will be minimized.

The approved project includes, within 100 feet of Franklin Creek, two approximately 100 foot long sections of a six foot wide, approximately 230 foot long decomposed granite pedestrian trail. The approved trail runs from the end of the subdivision cul-de-sac, along the property line between Lots 14 and 15, and to an approved ten foot wide weathered steel pedestrian bridge over Franklin Creek. The approved trail continues on the other side of the bridge through Franklin Creek Park to Sterling Avenue.

As noted above, CPP Implementation Measure 2.7.2 limits the width of trails in stream corridors to a maximum of five feet. Thus the Commission finds that substantial issue is raised with respect to the appellants' contention that the approved project is inconsistent with this regulation of the certified LCP.

2. Water Quality

Several appellants contend that the project, as approved by the City, does not conform to the policies of the LCP with regard to water quality.

Specifically, one appellant asserts that requirements of CPP Implementation Measure 1.1.1, the Water Quality Ordinance (WQO) are missing from the conditions of approval for the approved project. The WQO is attached as **Exhibit 6**. The WQO implements the following LUP Policies:

Policy OSC-6e:

Natural drainage patterns and runoff rates and volumes shall be preserved to the greatest degree feasible by minimizing changes to natural topography, and minimizing the areas of impervious surfaces created by new development.

Policy OSC-6f:

All development shall be evaluated for potential adverse impacts to water quality and shall consider Site Design, Source Control and Treatment Control BMPs in order to minimize polluted runoff and water quality impacts resulting from the development. In order to maximize the reduction of water quality impacts, BMPs should be incorporated into the project design in the following progression: (1) Site Design BMPs, (2) Source Control BMPs, and (3) Treatment Control BMPs.

Policy OSC-6, IM 31:

Develop a water pollution avoidance education program, to include distribution of literature on how to minimize point and non-point water pollution sources, and development of a curb drain inlet stenciling program to deter dumping of pollutants.

[5-year]

Policy OSC-6, IM 32:

In order to protect watersheds in the City, all construction related activities shall minimize water quality impacts, particularly due to sediments that are eroded from project sites and are conveyed to receiving waters, by implementing the following measures:

- a. *Proposed erosion and sediment prevention and control BMPs, both structural and non-structural, such as:*
 - *Stabilize disturbed areas with vegetation, mulch, geotextiles, or similar method*
 - *Trap sediment on site using fiber rolls, silt fencing, sediment basin, or similar method*
 - *Ensure vehicles on site are parked on areas free from mud; monitor site entrance for mud tracked off-site*
 - *Prevent blowing dust from exposed soils.*
- b. *Proposed BMPs to provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials, such as:*
 - *Control the storage, application and disposal of pesticides, petroleum and other construction and chemical materials*
 - *Site washout areas more than fifty feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies*
 - *Provide sanitary facilities for construction workers*
City of Carpinteria General Plan and Local Coastal Plan Open Space, Recreation & Conservation Element
 - *Provide adequate disposal facilities for solid waste produced during construction and recycle where possible.*

Policy OSC-6, IM 33:

In order to protect watersheds in the City, all development shall minimize water quality impacts, particularly due to storm water discharges from existing, new and redeveloped sites by implementing the following measures:

- a. *Site design BMPs, including but not limited to reducing imperviousness, conserving natural areas, minimizing clearing and grading and maintaining predevelopment rainfall runoff characteristics, shall be considered at the outset of the project.*
- b. *Source control Best Management Practices (BMPs) shall be preferred over treatment control BMPs when considering ways to reduce polluted runoff from development sites. Local site and soil conditions and pollutants of concern shall be considered when selecting appropriate BMPs.*
- c. *Treatment control BMPs, such as bio-swales, vegetated retention/detention basins, constructed wetlands, stormwater*

filters, or other areas designated to control erosion and filter stormwater pollutants prior to reaching creeks and the ocean, shall be implemented where feasible.

d. Structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

e. Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility. The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.

Policy OSC-10c:

Degradation of the water quality of groundwater basins, nearby streams or wetlands, or any other waterbody shall not result from development. Pollutants such as sediments, litter, metals, nutrients, chemicals, fuels or other petroleum hydrocarbons, lubricants, raw sewage, organic matter and other harmful waste shall not be discharged into or alongside any waterbody during or after construction.

Policy OSC-10, IM 53:

Provide storm drain stenciling and signage for new stormdrain construction in order to discourage dumping into drains. Signs shall be provided at creek public access points to similarly discourage creek dumping.

Policy OSC-10, IM 54:

The City shall adopt and implement a Storm Water Management Plan (SWMP) to minimize the water quality impacts of runoff from development in the City. The City's SWMP shall satisfy the requirements established by EPA's Final Phase II National Pollutant Discharge Elimination System (NPDES) regulations, which will be implemented by the Phase II general permit administered by the Central Coast Regional Water Quality Control Board. The City's SWMP shall, at a minimum, include Best Management Practices (BMPs) in the following categories:

- *Public Education and Outreach*
- *Public Participation and Involvement*
- *Illicit Discharge Detection and Elimination*
- *Construction Site Runoff Control*
- *Post-Construction Runoff Control*
- *Pollution Prevention and Good Housekeeping in Municipal Operation.*

Another appellant maintains that the approved project is inconsistent with CPP Implementation Measures 2.4.2 and 2.4.5, which require Construction and Post-Construction Mitigation Plans to be reviewed and approved prior to issuance of the development permit. The Commission notes, however, that while the City has approved the applicant's proposal, it has not yet issued the development permit.

The conditions of approval for the approved project include limited provisions for water quality protection. The conditions require run-off calculations and drainage system design to be based on a twenty-five year storm and Santa Barbara County Engineering Design Standards. They also require plans that incorporate treatment control and some source control Best Management Practices (BMPs) to minimize the potential for pollutants to enter the on-site storm drain system, and maintenance of those BMPs on a regular basis. However, the detailed and extensive provisions of the WQO, which include requirements for submittal of a Water Quality Management Plan (WQMP) with site design, source control, and treatment control BMPs, are absent from the conditions of approval. The WQO implements the primary water quality protection policies of the LUP, which also provide detailed requirements for site design, source control, and treatment control BMPs.

Thus the Commission finds that substantial issue is raised with respect to the appellants' contention that the approved project is inconsistent with the water quality policies and regulations of the certified LCP.

3. Visual Resources

One appellant asserts that the approved project is inconsistent with the following policies of the LUP:

LUP Policy CD-3, which states:

The design of the community should be consistent with the desire to protect views of the mountains and the sea.

LUP Policy OSC-6a, which states:

Support the preservation of creeks and their corridors as open space, and maintain and restore riparian habitat to protect the community's water quality, wildlife diversity, aesthetic values, and recreation opportunities.

The project site is located opposite Franklin Creek Park. The approved project includes construction of four single-family homes, ranging from 18 feet high to 25 feet high, approximately 50 feet from the creek bank, and 100 feet from the park. The approved project includes construction of a fifth, 25 foot high home approximately 75 feet from the creek bank and 125 feet from the park. The approved project also includes planting of large canopy native trees (including California Sycamore), other native trees (including White Alder and Red Alder), and other riparian vegetation on the perimeter of the lots in order to screen the development. Construction of the homes on Lots 17 and 18 will partially block views from the southern portion of the park to sub-ridgetline areas of the mountains located northeast of the site. However, the proposed homes would not result in a substantial adverse impact to views of the mountains as seen from the park. In addition, approved landscaping will screen and reduce the impact of the homes on this view. In addition, the primary view of the mountains from the park, which is located to the north, will remain unaffected (**Exhibit 11**).

In summary, for the reasons discussed above, the Commission finds that the appeal does not raise a substantial issue regarding the visual resource protection policies of the certified LCP.

4. Neighborhood Compatibility

One appellant asserts that the approved project, which authorizes several two-story residences, is inconsistent with LUP Policy CD-1, which states:

The size, scale and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern.

The project site is located in the Canalino neighborhood north of Highway 101 and the Downtown Core area of the City of Carpinteria. This neighborhood is characterized by single-family residences and several public and community facilities including Carpinteria High School, Canalino Elementary School, school administrative offices and churches. The community facilities are a mix of low-lying one-story buildings and more prominent two to three story structures. Adjacent residential development to the south and east includes older subdivisions with primarily one-story single-family residences, although several houses adjacent to the site have been upgraded to two stories. A more recent forty-unit residential subdivision, ("The Meadows"), which contains two story single family homes of similar bulk and size as the approved development, is located one block north of the subject site.

Given the eclectic character of the surrounding neighborhood, the Commission finds that the appeal does not raise a substantial issue with regards to consistency with LCP Policies for neighborhood compatibility.

F. CONCLUSION

The purpose of the substantial issue determination is to review the administrative record and establish whether a substantial question is raised with respect to the appellants' assertions that the project does not conform to the certified LCP and public access policies of the Coastal Act. As described above, the Commission finds that the appellants' contentions do raise substantial issue with regard to the consistency of portions of the approved project located within the Commission's appeal jurisdiction with the creek protection and water quality standards of the Local Coastal Program.

4-CPN-05-039

CITY of CARPINTERIA, CALIFORNIA



NOTICE OF FINAL ACTION

March 2, 2005

THE FOLLOWING PROJECT IS LOCATED WITHIN
THE CITY OF CARPINTERIA'S COASTAL ZONE
AND FINAL ACTION HAS BEEN TAKEN

Members of the City Council

J. Bradley Stein, Mayor
Michael Ledbetter, Vice Mayor
Donna Jordan
Gregory Candrud
Joe Armendariz

Applicant: M. Timm Development, Inc.
Phone: (805) 963-0358
Project Location: 1497 Linden Avenue
APN: 004-011-043, 004-011-044
Application File No.: 03-1122-TM/DP/VAR/MOD/CDP/DA
Filing Date: October 8, 2003
Action Date: February 28, 2005

RECEIVED

MAR 04 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Action: <input type="checkbox"/> Approved	Conditions of Approval: <input checked="" type="checkbox"/> Attached
<input checked="" type="checkbox"/> Approved with conditions	Findings: <input checked="" type="checkbox"/> Attached
<input type="checkbox"/> Denied	

Project Description:

Application for a Development Plan, Tract Map, Variance, Modification, Coastal Development Permit and a Development Agreement for a 27 single-family residential unit development on a 5.89-acre parcel zoned Single-Family Residential (7-R-1). The project also includes a footbridge across the Franklin Creek Channel to connect with Franklin Park, and landscaping improvements in Franklin Park, as well as traffic calming improvements along Linden Avenue.

The subject project is:

- ☐ Not in the Coastal Commission Appeal Jurisdiction.
- ☒ Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission of the conclusion date of the appeal period. Appeals must be in writing to the appropriate Coastal Commission district office.


Allison Cook, Senior Planner

3/2/05
Date

Exhibit 1
Appeal No. A-4-CPN-05-040
Final Local Action Notice

RESOLUTION NO. 4928

**A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL APPROVING
DEVELOPMENT PLAN, TRACT MAP, VARIANCE, MODIFICATION, AND
COASTAL DEVELOPMENT PERMIT NO. 03-1122 DP/TM/VAR/MOD/CDP/DA TO
CONSTRUCT 27 SINGLE FAMILY HOMES ON A 5.89-ACRE SITE AT 1497 LINDEN
AVENUE
(MISSION TERRACE PROJECT).
REQUESTED BY M. TIMM DEVELOPMENT, INC.
(APNs 004-005-009, 004-011-043, 004-011-04)**

WHEREAS, The City of Carpinteria received an application for a Development Plan, Coastal Development Permit, Tract Map, Modification, Variance and Development Agreement filed by M. Timm Development, Inc. on October 8, 2003; and

WHEREAS, said application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on May 27, 2004; and

WHEREAS, subsequent changes were made to the project following application completeness to which staff offered further review and analysis; and

WHEREAS, the Planning Commission conducted an in-progress meeting regarding the project on August 2, 2004 and suggested changes; and

WHEREAS, the Planning Commission and City Council have conducted several public hearings and received oral and written testimony regarding the application for Development Plan, Coastal Development Permit, Tract Map, Modification, Variance and Development Agreement; and

WHEREAS, the Planning Commission conducted a public meeting on October 19, 2004 and November 1, 2004, and the City Council conducted a public meeting on February 14, 2005, regarding the application for Development Plan, Coastal Development Permit, Tract Map, Modification, Variance and Development Agreement, as well as the Mitigated Negative Declaration pursuant to the California Environmental Quality Act; and

WHEREAS, the Environmental Review Committee has determined that a Mitigated Negative Declaration is the appropriate document for the project under the California Environmental Quality Act; and

WHEREAS, the City Council has reviewed the project in light of the relevant policies of the General Plan and Local Coastal Plan, and the Zoning Code standards.

NOW THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

1. The City Council approves the Development Plan, Coastal Development Permit, Tract Map, Modification, and Variance for the project shown in Attachment B, making the findings found in Attachment A, and imposing the conditions of approval set forth in Attachment C.
2. The City Council adopts the Initial Study/Mitigated Negative Declaration, along with the Mitigation Monitoring and Reporting Program, included as Attachment D.
3. This Resolution becomes effective upon the effective date of the Ordinance approving the project Development Agreement.

PASSED, APPROVED AND ADOPTED this 14th day of February, 2005 by the following called vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 14th day of February, 2005.

CITY COUNCIL HEARING
PROJECT NO. 03-1122-DP/TM/VAR/MOD/CDP/DP
1497 Linden Avenue
February 14, 2005

ATTACHMENT A: FINDINGS (Mission Terrace Project)

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

1.0 Administrative Findings

The City Council hereby incorporates by reference as though set forth in full all Community Development Department staff reports and attachments thereto presented to the Architectural Review Board, Planning Commission and City Council 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 Development Plan, Tract Map, Variance, Modification, Coastal Development Permit and Development Agreement was submitted on February 24, 2004, and deemed complete and accepted by the City as being consistent with the applicable submittal requirements on May 27, 2004. 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 Section 66425 of the Subdivision Map Act and Section 16.12.020 of the City Code, the City's Local Coastal Program Land Use Plan, the Interpretive Guidelines of the Coastal Commission and the California Coastal Act.
- c. The project has been reviewed by the City Council at a duly noticed public hearing which included, but is not limited to, mailed notice to all property owners within 300 feet of the subject property and publication in the local newspaper, the Coastal View.

1.2 Mitigated Negative Declaration

In accordance with the California Environmental Quality Act (CEQA), the City has provided public notice of the intent of the City to adopt a Mitigated Negative Declaration (MND) and the City Council has considered the proposed MND before making its recommendation. In relation to the MND, the City Council finds as follows:

- a. On February 14, 2005, the MND was presented to the City Council, and this document, including the Mitigation Monitoring and Reporting Program (MMRP), is hereby incorporated as part of the project;
- b. On the basis of the whole record before the City Council, there is no substantial evidence that the project will have a significant effect on the environment;
- c. The MND constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA, has been completed in compliance with CEQA, and reflects the City Council's independent judgment and analysis;
- d. The MMRP of the MND adequately incorporates the mitigation measures identified in the MND.
- e. The documents and other materials which constitute the record of proceedings are in the custody of the City Clerk, located at City Hall, 5775 Carpinteria Avenue, Carpinteria, California 93012. This information is provided in compliance with Public Resources Code Section 21081.6.

1.3 Local Coastal Development Permit

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

- a. The proposed development is in conformity with the City's certified Local Coastal Program.

The project involves the construction of a residential project in an urban setting, which is not adjacent to or in close proximity to the beach. Based on the City's Coastal Land Use Plan, this type of development has been anticipated. The property is designated for Low Density Residential (LDR) use in the City's Local Coastal Plan and as 7-R-1 on the City's zoning map. The City's Zoning Ordinance is an implementation document of the City's certified Local Coastal Plan. The project is consistent with the zoning for the site, with the exception of the following: (1) reduction in front yard setback for Lots 22, 23, 21, 20, 19, 17, 8, 9, 10, 2, 3, 4, 16, 26, 27; (2) reduction in minimum lot size standard of 7,000 square feet for Lots 3, 8, 9; (3) reduction in minimum width of 65 feet for Lots 3 and 9; (4) flag lot staff for Lot 25 being less than 25 feet; and (5) reduction in flag lot (Lot 25) setback on north. The project could be found consistent with the Zoning Ordinance upon approval of a series of variances and modifications to these standards. The project would be consistent with the City's General Plan/Local Coastal Plan, incorporating the conditions of approval set out in Attachment C of this Resolution, since it is compatible with the land use designation; and it would not result in impacts to marine or other coastal resources; and the design and scale would be compatible with the neighborhood; and natural resources and creekways would be protected.

1.4 Development Plan

The City Council finds as follows:

- a. The proposed development is in conformity with the provisions of the applicable zoning district, coastal plan, and implementation programs, general plan, and specific plan(s) if required.

The proposed project, with the conditions outlined in Attachment C of the Resolution, is consistent with the site's Low Density Residential designation in the General Plan Land Use Element. It is consistent with the relevant General Plan objectives and policies related to Land Use, Community Design, and Open Space Recreation & Conservation. The project would not adversely affect coastal resources, and does not involve any adverse impacts to sensitive habitat, viewsheds or recreation areas. The project would improve habitat along the Franklin Creek Channel through the use of riparian plantings. The project would be consistent with the provisions and standards of the City's Zoning Ordinance, which implements the General Plan/Local Coastal Plan, upon approval of the variances and modifications as listed in Item 1.3.a.

- b. The proposed development is sited and designed to avoid risks to life and property due to geologic, flood, or fire hazards and that the proposed density of development is consistent with these objectives.

The project has been designed to minimize impacts resulting from geologic hazards, since the project would be required to comply with the recommendations outlined in the Geotechnical Engineering Report prepared for the project, to the satisfaction of the City Engineer. The project is not located in a flood or fire hazard area. The proposed density of the project is consistent with these objectives.

- c. The proposed development will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The site is located in an area developed with urban uses, but is adjacent to Franklin Creek Channel, a tributary to the Carpinteria Salt Marsh. There are no known candidate, sensitive or special status species, nor any sensitive habitat communities within or directly adjacent to the property. The proposed project, along with the incorporation of the conditions of approval outlined in Attachment C of the Resolution, would provide habitat restoration along the Franklin Creek Channel, thereby improving the surrounding natural environment.

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

The proposed project does not have the potential to conflict with easements on the property for public or public agency access. All public agency easements are shown on the Tract Map, and the project development would allow for the use of these easements.

- e. The proposed development will not adversely affect necessary community services and values including but not limited to traffic circulation, sewage disposal, fire protection, water supply, and police protection.

The project would be consistent with General Plan Land Use Element Objective LU-1 in that it would establish an orderly, well-planned urban development providing the necessary and adequate community services. The project would create a minor increase in demand for community services, however it does not have the potential to adversely affect necessary community services. Fire protection, water supply, and police protection services are currently provided to the site, and would continue to be provided. The public agencies and utilities have indicated an ability to serve the proposed project. Annexation of the project to the Carpinteria Sanitary District would be required, and the District has indicated an ability to serve the project. The project would not significantly affect off-site area traffic circulation, according to the traffic impact report prepared for the project.

- f. The proposed development will not be detrimental to the peace, health, safety, comfort, convenience, property values, or general welfare of the neighborhood.

The project is consistent with General Plan Objective LU-1 for establishing a well-planned, orderly development, Objectives CD-1 and LU-3 for ensuring a development that is compatible with the surrounding neighborhood, and Objectives CD-3 and OSC-13 regarding protecting visual resources. The project involves the construction of a residential subdivision on a currently under-developed site surrounded by institutional (churches, schools) and residential buildings, and so would be generally compatible with the surrounding development and land uses. While some of the buildings would be taller and larger in scale than the adjacent buildings, the design would still be considered generally consistent with these buildings, as well as the neighborhood as a whole, in terms of size, density, height, design and scale. The building would be consistent with all City development standards with the exceptions listed in Item 1.3.a regarding lot widths, setbacks, flag staff width, and lot size, upon approval of these variances and modifications. The granting of the variances and modifications would not adversely affect peace, health, safety, comfort and convenience, nor property values or the general neighborhood welfare.

1.5 Tract Map

The City Council finds as follows:

- a. The proposed Tract Map is consistent with the City's General Plan and is compatible with the objectives, policies and general land uses and programs specified in such plan.

The proposed project, with the conditions outlined in Attachment C of the Resolution, is consistent with the site's Low Density Residential designation in the General Plan Land Use Element. It is consistent with the relevant General Plan objectives and policies related to Land Use, Community Design, and Open Space Recreation & Conservation. The project would not adversely affect coastal resources, and does not involve any adverse impacts to sensitive habitat, viewsheds or recreation areas. The project would improve habitat along the Franklin Creek Channel through the use of riparian plantings. The project would be consistent with the provisions and standards of the City's Zoning Ordinance, which implements the General Plan/Local Coastal Plan, upon approval of the variances and modifications as listed in Item 1.3.a.

- b. The site is physically suitable for the proposed type and density of development.

The project is consistent with the zoning designation and land use designation of the site, and the project is consistent with the allowed density established for the zone district. The configuration and characteristics of the site are suitable for the proposed type and density of development.

- c. The proposed development will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The site is located in an area developed with urban uses, but is adjacent to Franklin Creek Channel, a tributary to the Carpinteria Salt Marsh. There are no known candidate, sensitive or special status species, nor any sensitive habitat communities within or directly adjacent to the property. The proposed project, along with the incorporation of the conditions of approval outlined in Attachment C of the Resolution, would provide habitat restoration along the Franklin Creek Channel, thereby improving the surrounding natural environment.

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

The proposed project does not have the potential to conflict with easements on the property for public or public agency access. All public agency easements are shown on the Tract Map, and the project development would allow for the use of these easements.

- e. The proposed development will not cause serious public health problems.

The project has been designed to minimize impacts resulting from geologic hazards. In the IS/MND, the project is required to comply with the recommendations of geotechnical engineering report prepared for the project to address any potential geologic concerns relating to the building construction, to the satisfaction of the City Engineer. The project is not located in a flood or fire hazard area. The project would create a minor increase in demand for community services, however it does not have the potential to adversely affect necessary community services. Fire protection, water supply, and police protection

services are currently provided to the site, and would continue to be provided. Sanitary sewer services would be provided to the site upon annexation to the Carpinteria Sanitary District. The public agencies and utilities have indicated an ability to serve the proposed project. The project would not significantly affect area traffic circulation, according to the traffic impact report prepared for the project. No hazardous materials are expected to be located at the project site. The IS/MND includes a mitigation measure outlining the necessary procedures should any hazardous materials be uncovered during construction. Therefore, upon IS/MND adoption, the project will not cause serious public health problems.

1.6 Variance

Pursuant to § 14.70.030 (4) of Title 14 of the Carpinteria Municipal Code, the City Council adopts the following findings for approval of the variance request to allow the following: (1) reduction in the northern setback requirement for the flag lot (Lot 25) from 10 feet to five feet; and (2) reduction in the required width of the flag lot staff (Lot 25) from 20 feet to 16 feet.

- a. There are special circumstances or conditions applicable to the property, which do not apply generally to other properties in the vicinity under identical zoning.

The subject parcel is an unusual configuration, since although it is defined as a flag lot, it does not have the normal characteristics of a flag lot, such as being bordered on all four sides with lots (the eastern edge borders Linden Avenue). The front yard would be the eastern side of the lot, fronting Linden Avenue. The unusual lot configuration makes code compliant development difficult. The proposed setback for the house and flag staff width reduction would be in keeping with the existing development pattern established for the neighborhood.

- b. Strict compliance with ordinance regulations would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This proposal would maintain a setback comparable to other proposed residences in the subdivision and garages. The setback of five feet on the north is acceptable, since the lot borders a church use, with the church building set back at least 20 feet from the property edge. Aside from a five-foot setback on the north, this lot would have a setback of 20 feet on the east, 10 feet on the south, and 42 feet on the west. These setbacks are comparable to those of the other lots in the subdivision, which allow side setbacks of 5-7.5 feet, similar to what is proposed for the northern setback. Because of the special circumstances associated with the development of the property, it has been found that strict compliance with the standards would deprive the property of privileges enjoyed by other properties in the neighborhood.

- c. Granting of the variance will not adversely affect the health, safety and general welfare of the neighborhood or be injurious to property or improvements in said neighborhood.

The reduction in the setback of five feet on one side would provide sufficient space between the proposed home and adjoining uses. The setback of five feet on the north is acceptable, since the lot borders a church use, with the church building set back at least 20 feet from the property edge. Although the width of the flag lot staff, or driveway, is less than that required, it does meet minimum driveway standards and fire access requirements. Therefore, granting of the variance would not adversely affect the health, safety and general welfare of the neighborhood or be injurious to property or improvements in the neighborhood.

- d. Granting of the variance will not be in conflict with the intent and purpose of this chapter or the city's Local Coastal Plan and the General Plan.

The proposed single-family dwelling is part of a proposed subdivision, and is compatible with that subdivision. With the incorporation of the conditions contained in Attachment C of the Resolution, the project would be consistent with the objectives and policies of the General Plan/Local Coastal Plan, as described in Item 1.5.a.

- e. The applicant agrees in writing to comply with any and all reasonable conditions imposed by the City Council in the granting of a variance.

Prior to the issuance of any permits for development, the applicant will be required to sign and agree to all of the attached conditions of approval.

1.7 Modification

The applicant has requested the following modifications from zoning standards: (1) reduction in the front yard setback for Lots 22, 23, 21, 20, 19, 17, 8, 9, 10, 2, 3, 4, 16, 26, 27 from the required 50 feet; (2) reduction in the minimum lot size standard of 7,000 square feet for Lots 3, 8, 9; and (3) reduction in the minimum width of 65 feet for Lots 3 and 9. The City Council approves modifications of requirements of the base zoning district in which the proposed development is located, and determines that such modification is necessary to accommodate an innovative project that will result in at least one of the following public benefits:

- a. Energy efficient heating/cooling.

The project will comply with the Uniform Building Code for the provision of energy efficient heating/cooling systems in the houses. Compliance with the Uniform Building Code is not sufficient to warrant a modification.

- b. Provision of affordable housing units through mix of housing types, innovative design and construction techniques, or other means.

The project would provide three (3) affordable housing units and an in-lieu affordable housing fee of \$46,449, which would be consistent with the inclusionary housing policy of the City's Housing Element. Therefore, the project provides affordable housing through a

mix of housing type, and so provides the necessary public benefits for granting of the modifications.

- c. Provision of a larger amount of open space or landscaping than the minimum requirements of the district.

The project includes an open space buffer along the Franklin Creek channel that is greater than the typical rear yard setback. The project will also incorporate within the setback and in the adjacent park; special landscaping designed to enhance the habitat value of the Franklin Creek Corridor.

1.8. Development Agreement

The subject project approvals also include a Development Agreement adopted by separate ordinance. The Development Agreement incorporates all project approvals by reference including this Resolution No. 4928 in its entirety.

1.9. Provisions of Housing Opportunities to Carpinteria-area residents and Workers and to Critical Public Service Personnel

The City Council finds as follows:

The City of Carpinteria's General Plan/Local Coastal Plan states that, although the ratio of Carpinteria's jobs-to-housing is "balanced," the Carpinteria Valley as a whole has an inadequate amount of housing compared to the number of jobs in the Valley. (General Plan/Local Coastal Plan, p.7). Policy LU-3c of the General Plan/Local Coastal Plan states that the City shall work cooperatively with the County of Santa Barbara to achieve a jobs/housing balance in the Carpinteria Valley.

The City's Housing Element includes a goal that a jobs/housing balance shall be maintained (Program Category No. 1, Goal No. 2), as well as a policy that new housing should set aside a percentage of units for households employed in critical workforce occupations, such as police officers, firefighters, and teachers (Program Category No. 2, Policy No. 9). The latter policy recognizes that critical service workers are better able to perform their job functions when they reside close to their places of employment. The Housing Element states that the number of people who both live and work in Carpinteria declined from 1990 to 2000.

The City Council notes that traffic congestion on U.S. 101 has continued to increase each year, causing increasing disruption for citizens who either live or work in Carpinteria but who are unable to both live and work there. Maintenance of a healthy jobs/housing balance will be assisted if, in the appropriate case, persons who work in Carpinteria are provided a priority right to purchase units in new housing projects. Existing homes will be freed up for potential purchase by Carpinteria workers who live in other communities if, in the appropriate case, Carpinteria residents are given a priority right to purchase units in new housing projects. The City Council

also notes that the need for housing for those employed in critical workforce occupations remains a pressing one.

The Development Agreement provides that, for a specified period of time, both affordable and market-rate units will be exclusively available to persons who either live or work in Carpinteria or the greater Carpinteria Valley. In addition, the Development Agreement provides that, for a specified period of time, employees in critical workforce occupations will have the exclusive right to purchase one (1) of the project's affordable housing units. These provisions will assist the City in implementing the goals and policies of the General Plan/Local Coastal Plan and Housing Element by reducing traffic, maintaining a positive jobs/housing balance by increasing the potential for persons to both live and work in Carpinteria, and ensuring that local critical workforce employees have an opportunity to live close to their workplace.

CITY COUNCIL HEARING
PROJECT NO. 03-1122-TM/DP/VAR/MOD/CDP/DA
1496 Linden Avenue
(Mission Terrace)
February 14, 2005

ATTACHMENT C: CONDITIONS OF APPROVAL

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:

1. This Tract Map, Development Plan, Variance, Modification, Coastal Development Permit, and Development Agreement approval is restricted to APNs 004-011-043 and 004-011-044 located at 1497 Linden Avenue, and is for the development of a single-family residential project consisting of: 27 dwelling units; a private street; a six to eight-foot wide footbridge over Franklin Creek Channel; a five-foot wide pathway through the site crossing over the footbridge; a six to eight-foot wide pathway through Franklin Park to Sterling Avenue; traffic calming and control measures/devices along Linden Avenue; a landscaped buffer on the western site edge of 50 feet from the top of the Franklin Creek Channel; and various other landscaping on site. The project shall be constructed in compliance with the exhibits in Attachment B of the Resolution of Approval (Site Plan dated 12-29-04; Floor Plans and Elevations for Plans 1, 2, 3, 6, 7, 7a, 9a, 9b, 9d, 11, 12, 13, 14; Tentative Tract Map dated 12-21-04; Preliminary Subdivision Improvement Plan dated 2-3-05; Pedestrian Bridge and Access Exhibit dated 12-21-04; Existing and Proposed Conditions – Linden Avenue from Malibu Drive to El Carro Lane (Traffic Calming Plan)– dated February 2005; and Landscape Plans Sheets L1, L2 and L3 – dated 12-28-04) with conditions provided in Attachment C, as listed below. As a part of this approval, a modification of Carpinteria Municipal Code Sections 14.12.050, 14.20.070, 16.16.090 is hereby granted to allow for a reduction in the front yard setbacks for Lots 2, 3, 4, 16, 26, 27, 19, 8, 9, 20, 21, 22, 23, 10, and 17; a reduction in the minimum parcel size for Lots 3, 8 and 9; and a reduction in the minimum net lot width for Lots 3 and 9. As a part of this approval, a variance for Carpinteria Municipal Code Sections 14.20.070 and 16.16.090 is hereby granted to allow for a reduction in the required setback on Lot 25 (flag lot) and reduction in the required width of the staff of the flag lot (Lot 25).

2. The conditions of this approval supercede all conflicting notations, specifications, dimensions, and the like that may be shown on submitted plans.
3. All project conditions and mitigation measures 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 Building Permit/Grading Permit. The approved set of plans shall be retained at the construction site for review by the Building Inspector during the course of construction.
4. 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.
5. 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.
6. The applicant agrees to pay any and all City costs, permits, attorney's fees, engineering fees, license fees and taxes arising out of or concerning the proposed 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. In addition, the applicant agrees to indemnify the City for any and all legal costs in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City in its defense of the project approval.
7. 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.
8. In addition to the conditions within the City Council's Resolution to approve the project, the project shall conform to the provisions of the Development Agreement, dated February 28, 2005. The Development Agreement shall be approved by Ordinance pursuant to Government Code Section 65867.5, and shall be deemed in full force and effect on the effective date. The term of the Development Agreement shall commence upon the effective date and shall extend until the third anniversary of the effective date.
9. When not specified herein or in the Development Agreement, all conditions shall be satisfied prior to the issuance of Building Permits or prior to occupancy when allowed

by the Community Development Director.

COMMUNITY DEVELOPMENT - GENERAL:

10. All buildings, roadways, parking areas, landscaping and other features shall be located substantially as shown on the attached exhibits, and as amended by these conditions.
11. Water conserving fixtures shall be utilized on all faucets, sinks, water closets and other water outlets throughout the project to reduce water demands and as required to be consistent with the Uniform Building Code and CMC 15.32.020 (L), Water Saving Devices.
12. 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.
13. 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.
14. The applicant shall comply with the mitigation measures of the attached environmental document pursuant to the California Environmental Quality Act, which are incorporated herein as conditions of approval.
15. An approval granted by the Planning Commission does not constitute a building permit authorization to begin any construction. An appropriate permit issued by the Building or Division must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
16. Prior to issuance of a Building Permit or Grading Permit, all plans included as Attachment B to the Resolution of Approval shall be provided in an electronic format acceptable to the City, such as a pdf or tif file.
17. This approval shall not be effective for any purposes unless the applicant/developer and the owner of the property involved (if other than the owner) shall file with the office of the Community Development Department prior to issuance of a Building Permit or Grading Permit a recorded affidavit stating that the applicant/developer and the owner are aware of and agree to accept all conditions of approval. Prior to recordation of the map and subject to City approval as to form and content, the applicant shall include all of the conditions of approval required by this project approval on a separate informational sheet to be recorded with the Final Map.
18. Prior to recordation of the map, the applicant shall complete (to the satisfaction of the Community Development Director) a separate informational sheet to be recorded with the map listing all of the mitigation measures, conditions, agreements and specific

plans associated with or required by this project approval. These requirements shall be graphically illustrated where necessary for clarification.

19. Subject to the provisions of the Development Agreement, if, at any time, the City or Planning Commission determines that there has been, or may be, a violation of the findings or conditions of this Development Plan/Tract Map/Modification/Variance/Coastal Development Permit/Development Agreement, or of the Municipal Code regulations, a public hearing may be held before the City Council to review this permit. At said hearing, the City Council 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.
20. If the construction site is graded and left undeveloped for over three weeks, the following methods shall be employed immediately to inhibit dust generation: (1) seeding and watering to revegetate graded areas; (2) spreading of soil binders, and/or (3) any other methods deemed appropriate by the City or County Air Pollution Control Board (APCD).
21. No construction-related debris (mud, dust, paint, lumber, rebar, etc.) shall leave the project site unless transported to an approved disposal site. During the construction period, washing of concrete, paint, and/or equipment shall be allowed only in areas where polluted water and materials can be contained for subsequent removal from the site.
22. Washing of equipment shall not be allowed near sensitive biological resources. The applicant shall designate a "wash-off area" on the construction plans and install such an area prior to the commencement of any construction activities.
23. Any unanticipated damage that occurs to trees or sensitive habitats during construction activities shall be mitigated by either: (1) tree replacement, or bonding for tree replacement; (2) hiring (at applicant expense) a qualified biologist or botanist to assess the damage and recommend mitigation, which mitigation shall be completed by applicant at its sole cost and expense.
24. To allow time for the Gas Company and other utilities to locate and mark their facilities for the contractor, please telephone Underground Service Alert (USA) toll free at 1-800-227-2600 a minimum of forty-eight (48) hours prior to the start of construction. For best response, provide as much notice as possible, up to ten (10) working days.
25. The applicant is required to complete a School District sign-off form, which may include payment of applicable School Mitigation Fees, prior to issuance of Building Permit.

26. In accordance with Chapter 15.80 of the Carpinteria Municipal Code, the applicant shall pay the Development Impact Fee(s) (DIFs) for the entire project prior to the date of final inspection of the first dwelling unit. The amount of the fee shall be that in effect at the time of Building Permit issuance. Current estimates can be obtained from the Community Development Department. All fees and charges paid are subject to protest per Government Code Section 66020.
27. The project is subject to City parks improvement, aquatic facility and parks acquisition fees pursuant to Chapters 15 and 16 of the City's Municipal Code. These fees shall be paid to the City prior to issuance of a Building Permit.
28. The project is within the boundaries of the City of Carpinteria Parks Maintenance District, and a fee, calculated by the City Parks & Recreation Department, shall be levied upon each residential unit on an annual basis.

COMMUNITY DEVELOPMENT - SPECIAL:

29. No signs are approved as part of this project, except as specifically indicated.
30. The hedge shown along the edge of Franklin Park shall be riparian species. The revised landscape plan shall be provided for final ARB review.
31. A qualified native riparian plant specialist shall review all proposed landscape plans in the 50-foot setback to ensure they are consistent with the Creeks Preservation Program, and that the site conditions are appropriate to such species. A brief report prepared by the specialist, with any recommended palette changes, shall be provided to the City prior to scheduling the project for final ARB review of the landscape plans. Any resulting changes to the vegetation shall be shown on the landscape plans brought before the ARB for final review.
32. Lighting on the footbridge shall be low intensity and directed downwards so as to minimize light spillover and glare.
33. The footbridge width shall be the same as that of the pathway proposed in Franklin Park, approximately six to eight feet. This dimension shall be called out on the final plans. The footbridge shall be designed in accordance with the plans approved as part of this project, shall be designed to ADA standards and Building Code standards, and shall be acceptable to the City's Community Development Department, Public Works Director, and City Engineer, as well as the Flood Control District. The footbridge shall be constructed per Section 3.070.03 of the Development Agreement.
34. The developer/owner shall obtain the necessary permits and approvals from the Flood Control District for construction of the pathway west of the footbridge, on Flood Control District property, and provide them to the City prior to issuance of a Grading Permit or Building Permit.

35. The developer/owner shall submit proof of all Flood Control District permits and other necessary District approvals, including that for storm drain improvements, pathways and the footbridge, prior to issuance of a Grading Permit or Building Permit.
36. A maximum three-foot tall post and rail wood or "woodcrete" fence shall be provided along the pathway connecting to the footbridge between Lots 14 and 15 to provide some measure of privacy and delineation of public space. The specific fence design shall be submitted to the ARB for final review. Maintenance of the fence and pathway shall be the responsibility of the proposed homeowners' association, and provided in the CC&Rs.
37. No fence shall be placed in Franklin Park as a part of this project.
38. In accordance with the Carpinteria Creeks Preservation Program, no structures or other development are allowed within the 50-foot setback from the top of the Franklin Creek Channel, including on Lots 14-18, with the exception of the following: (1) Patios of stone pavers are allowed in the 50-foot setback providing that the patios are permeable, allow grass or other vegetation to grow in between the pavers, and that no solid foundation is used. The patios in the 50-foot setback on Lots 14-18 shown on the construction plans submitted for a Building Permit shall conform to the size and shape as those shown on the landscape plans approved as part of this project; (2) The wooden fence proposed in the 50-foot setback from the top of the Franklin Creek Channel shall not exceed 40 inches tall, and the bottom rail shall be at least 14 inches above the ground to encourage passage of wildlife. This 14-inch gap shall be left unobstructed throughout the life of the development. The wooden planks shall be separated by gaps approximately three inches wide, or as approved by the Community Development Department; and (3) All plant species proposed in Franklin Park and in the 50-foot setback from Franklin Creek Channel on the project site shall be regionally native and riparian, as directed by and consistent with the Carpinteria Creeks Preservation Program. Property owners of the individual lots shall maintain in perpetuity the landscape in the 50-foot setback. The trees and major vegetation proposed in this 50-foot setback shall be maintained for the life of the project. Any requests for replacement of, or changes to, species shall be considered by City staff to determine compliance with project conditions and applicable City policies. For Lot 15, this condition means that no building projections such as door landings or roof overhangs shall be located within the 50-foot setback. A covenant imposing the condition specified herein on individual Lots 14, 15, 16, 17, and 18 that is approved as to form by the City Attorney and Community Development Department shall be recorded concurrently with the final map. This condition shall also be included in the CC&Rs for the project.
39. Pursuant to the Carpinteria Creeks Preservation Program, a Construction Mitigation Plan and Post-Construction Mitigation Plan to ensure protective measures are utilized during habitat restoration and revegetation in the 50-foot setback from the top of the Franklin Channel shall be submitted for review and approval to the Community Development Department prior to issuance of a Grading Permit or Building Permit.

40. A hedge along Linden Avenue shall be retained and maintained at approximately five and one-half feet along Lots 1, 25 and 27, with the hedge removed at the vehicle entrance to the site and in the portion of Lots 1 and 27 adjacent to the entrance, and shall be shown on the plans submitted for final ARB review. A covenant imposing the condition specified herein on individual Lots 1, 25 and 27 that is approved as to form by the City Attorney and Community Development Department shall be recorded concurrently with the final map. This condition shall also be included in the CC&Rs for the project.
41. The homes on the following lots shall be one story: 1, 2, 5, 6, 12, 13, 14, 15, 20, 22, 25, and 27. The homes on lots 1, 25, 27, 15, 14, 13, 12, 6, 5, 2 shall remain as single story. No second story additions shall be permitted for such houses. A covenant imposing the condition specified herein on individual lots 1, 25, 27, 15, 14, 13, 12, 6, 5, 2 that is approved as to form by the City Attorney and Community Development Department shall be recorded concurrently with the final map. This condition shall also be included in the CC&Rs for the project.
42. A sign shall be placed near the project entrance on Linden Avenue, indicating available pedestrian access to Franklin Creek Park via the subdivision. The sign design (including, size, materials, colors, wording, style) shall be presented to the Community Development Department for review and approval, and may require ARB review and approval.
43. The developer/owner shall install a six-eight foot wide ADA-compliant decomposed granite path in Franklin Park, from the footbridge to Sterling Avenue, as shown on the plans. The path terminating at Sterling Avenue shall be aligned with the existing cross walk at El Carro Road and Sterling Avenue. The path shall be stabilized with 6-inch x 6-inch concrete headers, per the City's standard trail specification, and a curb cut provided at Sterling Avenue per City standards. The path shall be constructed per Section 3.070.03 of the Development Agreement.
44. The developer/owner shall install all landscaping in Franklin Creek Park, as shown on the project plans. The landscaping shall be installed per Section 3.070.03 of the Development Agreement.
45. The private road shall consist of 16 feet of clear driving width and 8 feet of parking on each side of the road (total 16 feet of parking), along with a 5-foot wide sidewalk on each side of the road, all of which shall be designed and built to City standards.
46. All new residential units shall contain fire sprinkler systems, per the Fire District standards, and shall meet all requirements of the Fire District.
47. The location and specifications of the sewer pump station and sewer lines, as well as any required easements, shall be shown on the plans submitted to the City prior to the issuance of a Grading Permit or Building Permit, and shall be acceptable to the

Carpinteria Sanitary District (CSD), as well as the City's Community Development and Public Works Departments. The Public Works Department shall obtain comment on said plans from the Santa Barbara County Flood Control and Water Conservation District. The pump station shall be below grade, although a standard utility panel may be sited above ground. The station shall not be installed in a street, or within the 50-foot setback from the Franklin Creek Channel, or directly adjacent to the top of bank of the southerly drainage ditch along the property. The developer/owner shall dedicate an easement to the CSD for access to all facilities, and shall dedicate the pump station and appurtenances to the CSD.

48. An easement shall be dedicated to the City in perpetuity, granting a public right of passage on the private street and sidewalk for the purposes of accessing the footbridge. The easement shall be in a form acceptable to the City Attorney and City's Community Development and Public Works Departments, and shall be recorded prior to the issuance of the first Grading Permit or Building Permit.
49. Channel access gates for Flood Control District purposes proposed at the end of the footbridge, in Flood Control District property, shall be constructed by the developer/owner, and shown on the Final Tract Map, Subdivision Improvement Plan, Pedestrian Bridge and Access Exhibit, and Site Plan prior to issuance of a Building Permit or Grading Permit. The design of the gates shall be reviewed by the ARB at final review. Maintenance of the gates shall be the responsibility of the proposed homeowners' association, and identified in the CC&Rs.
50. A metal or wrought iron vehicle access gate acceptable to the Flood Control District, Carpinteria Sanitary District (CSD), and the City shall be provided along Linden Avenue at the entrance to the Flood Control/CSD access road traversing the southern site edge, and shall be shown on the plans submitted prior to issuance of a Grading or Building Permit. Maintenance of the gates shall be the responsibility of the proposed homeowners' association, and identified in the CC&Rs.
51. The vehicular access to the site at Linden Avenue and El Carro Lane shall not be gated.

ARCHITECTURAL REVIEW - GENERAL:

52. Prior to the issuance of any Building Permits, the applicant shall return to the Architectural Review Board for review and approval of final plans to include detailed plot plans, elevations, signs, lighting, landscaping and irrigation. All required plans shall be submitted as a part of a single application.
53. Prior to the issuance of any building permits, the applicant shall post a landscape maintenance bond equaling \$500.00, or \$0.03 per square foot of landscaped area, whichever is greater; the landscaping at Franklin Park shall be maintained in good condition for one (1) year, at which time the bond will be released; the Linden Avenue landscaping, landscaping along the pathway leading to the bridge, and the front yard landscaping including street trees shall be maintained in good condition with a bond

equaling \$500.00 or \$0.03 per square foot of landscaped area, whichever is greater posted by the applicant to ensure the landscaping is maintained in good condition until the homeowner's association is established; where feasible, locally adapted native plants shall be required; prior to occupancy, all landscaping and planting shall be installed; a raised six-inch curb shall protect all landscaped areas located within parking areas; any curb carrying water along its face shall be curb and gutter; specimen trees shall be appropriate to the site and shall be maintained in good condition so as to attain a full and healthy mature appearance; and the removal, topping of or otherwise interference with the specimen tree(s) ability to continue its growth and attain full maturity shall be a violation of these conditions of approval and shall require replacement of the damaged tree.

54. If determined applicable by the City, the project shall comply with the requirements of the City's Water Efficient Landscape Ordinance (Chapter 15.90, Carpinteria Municipal Code).
55. Any mechanical equipment, including roof mounted (i.e., air conditioning fans, blowers, and vent stacks, etc.) shall be visually screened from all views. Screening shall be compatible with the style and color of the main structure and shall be approved by the Architectural Review Board at final review.
56. All materials and colors used in construction and all landscape materials shall be as represented to or as specified by the Architectural Review Board and any deviation will require the express approval of the Board.

ARCHITECTURAL REVIEW - SPECIAL:

57. The landscape plan shall be provided for final ARB review and approval.
58. Restudy the plantings proposed along Linden Avenue, particularly with traffic visibility and safety issues prior to final ARB review.
59. Lighting location and details, including but not limited to footbridge, streetlights, and building lights, shall be provided for ARB final review.
60. Show the design and specific location of the channel access gates for Flood Control District purposes, which should be decorative to match the architecture of the development.
61. Provide further footbridge design details, particularly relating to the transitional ramp, and identify the low lighting along the bridge.
62. The specific materials of the footbridge, weathered steel, shall be identified on the plans submitted for final ARB review.

ENGINEERING - GENERAL:

63. The applicant shall submit grading, drainage and street improvement plans prepared by a California Registered Civil Engineer. Said plans shall include but not be limited to grading, street, utility, and storm drain improvements and shall be submitted to the Community Development Department for review and approval prior to recordation of the Tract or Parcel Map.
64. An engineering cost estimate shall be submitted with the grading and improvement plans. Each page of the cost estimate shall be signed and stamped by the applicant's engineer.
65. Using a rain frequency of a twenty-five year storm, hydrology/hydraulic calculations shall be submitted by the applicant's engineer to the Community Development Department for review, using the Santa Barbara County Engineering Design Standards. Storm drainage run-off shall be conducted to the street in a safe and adequate manner per Santa Barbara County Standards. Easements required for drainage shall be described and shown on the improvement plans and Final Tract or Parcel Map.
66. Prior to issuance of a Building Permit, the applicant shall submit plans and calculations as required to apply for all necessary Engineering permits. Said permits include, but are not limited to, Street Construction, Excavation in the public right-of-way, Grading and/or Encroachment.
67. Prior to recordation of the Final Tract Map, Faithful Performance and Labor and Material bonds (each to be 100 percent of the City Engineer's estimate) shall be filed with the City to cover all public improvements and any on-site grading, drainage and retaining walls. A cash deposit in the amount of ten percent of the bond amount shall be submitted with each bond.
68. All service lateral utilities shall be installed underground.
69. All underground utility (gas, electrical, telephone, cable TV, water, sewer, storm drainage, etc.) service installations and/or enlargements are to be completed prior to any paving required for this project.
70. All utilities shall be provided to all lots in the subdivision (units) prior to occupancy.
71. All utility easements shall be described adequately on submitted plans, and shown on the Final Tract Map.
72. Portions of the project's Linden Avenue frontage shall be improved in accordance with the requirements of the City Engineer and with the standards, specifications and policies of the City of Carpinteria, which shall include: (1) Monolithic 6" curb and 18" or 24" gutter, and 5' wide sidewalk, as applicable, handicapped ramp, and driveway approaches shall be constructed per the Santa Barbara County Standard Details at the

locations shown on the improvement plans; and (2) Prior to commencement of any work in the public right-of-way, a street construction and/or excavation encroachment permit shall be obtained from the City Engineer.

73. Asphalt street areas, curbs, gutters, and sidewalks shall transition into existing public improvements subject to review and approval by the City Engineer.
74. No persons shall occupy any structure until the City Engineer has approved all improvements and, on-site construction has received final approval from the Building Inspector and a Certificate of Occupancy has been obtained from the Community Development Department.
75. All streetlights shall be installed outside of the sidewalk in accordance with City standards and practices approved by the City Engineer.
76. Prior to performing any grading, the developer shall obtain a Grading Permit from the City Engineer, in accordance with Chapter 8.36 of the Carpinteria Municipal Code, and pay the required grading permit deposits/fees.
77. At the time of final acceptance of improvements, the applicant shall submit a set of "Record Drawings" of all public improvements. The "Record Drawings" shall be the original or permanent mylars of a quality acceptable to the City Engineer.
78. Prior to occupancy, a Notice of Completion for all public improvements shall be accepted by the City Council.

ENGINEERING – SPECIAL:

79. The Developer shall provide engineering details of the cross lot drainage between Lots 13 and 14, including overland flow swale, storm drain pipe, and the storm drainage outlets into the southern drainage ditch and Franklin Creek Channel, which shall be addressed as part of the grading plans submitted for review and approval by the City Engineer, prior to issuance of a Grading Permit. Appropriate cross lot drainage easements shall be provided. In addition, a maintenance easement to the proposed homeowners' association shall be shown on the plans (Tract Map, Subdivision Improvement Plan, Site Plan) submitted prior to Building Permit or Grading Permit issuance.
80. The Developer shall provide engineering details of the cross lot drainage for Lots 9 and 10, and Lots 3 and 4. The design shall include a drainage swale or some other mechanism, distinct from the proposed yard turf areas, to clearly delineate the drainage course so that it is not inadvertently covered, and proper drainage inhibited. Details of the drainage in these areas shall be shown on the project plans and reviewed and approved by the City Engineer prior to issuance of a Grading Permit. Easements shall be shown on the grading plans and Final Tract Map for said cross lot drainage.

81. Except as otherwise noted in these Conditions of Approval, all electrical transformers and utility boxes shall be undergrounded within a vault or made flush with the ground, with final location submitted to the Community Development and Public Works Departments for review and approval.
82. Pursuant to the applicant's agreement as contained in the project description, the applicant shall design, engineer and install traffic control and calming devices (including signage, median landscaping and/or decorative paving, as determined by the City) in the area of the project site, on Linden Avenue approximately between Malibu Drive and El Carro Lane, consistent with the drawings of traffic calming measures included as Attachment B to this Resolution of Approval, with the exception of speed humps. Final Engineering plans for such improvements shall be submitted to the Community Development and Public Works Departments for review and approval prior to issuance of a Grading Permit. The measures/devices shall be constructed as set forth in Section 3.07.03 of the Development Agreement. Such traffic calming and control measures/devices shall not result in significant traffic impacts as set forth in the City's CEQA Threshold Guidelines. The applicant shall provide a deposit, or other security, in an amount to be determined by the City, and held by the City for three years for design and construction costs. At the end of this time, if the funds are unused, they shall be refunded to the applicant.
83. Final traffic calming improvement plans for the Linden Avenue segment near the project site shall include signage, landscaping and/or decorative paving, as determined by the City, in the medians and along the curbs.

TRACT MAP:

84. The Tract Map shall be subject to the Subdivision Ordinance of the City of Carpinteria and the Subdivision Map Act and fully comply with all relevant provisions.
85. The Final Map shall be substantially in compliance with the Tract Map as herein approved, and any substantial changes shall require the approval of the City's Planning Commission.
86. Prior to recordation of the Final Map, and in accordance with the Subdivision Ordinance, the developer shall prepare plans and specifications for review and approval by the City Engineer, and shall enter into a Subdivision Improvement Agreement with the City to install improvements. Along with recordation of the Final Map, separate instruments will be recorded describing each of the easements shown on the Tract Map and their purpose, and legal description and sketch of each said instruments shall be approved by the City prior to recordation.
87. Covenants, Conditions and Restrictions (CC&Rs) for the project shall be submitted for review to the Community Development Department and City Attorney and approved by the City Council prior to acceptance of the Final Map. The CC&Rs shall be recorded concurrently with the Final Map. Further, the Community Development

Department, Public Works Department, and City Attorney may require additional restrictions within the CC&Rs as found to be appropriate by City in conformity with the conditions of approval. The CC&Rs shall provide the following: (1) parking requirements, including that no recreational vehicle/ boat/boat trailer parking shall be allowed on the street or on driveways; (2) maintenance of the private street and sidewalk; (3) maintenance of swales and drainage easements for cross lot drainage shall be the responsibility of the proposed homeowners' association; (4) maintenance of the landscaping along the pathway on the subject site leading to the footbridge, and any landscaping proposed as part of a parkway along Linden Avenue and the private street trees shall be the responsibility of the proposed homeowners' association, with the requirement that any requested replacement or changes to said landscaping be made to the Community Development Department for consideration; (5) maintenance of the pathway on the subject site leading to the footbridge in perpetuity and any fence leading from the site to the footbridge, as well as any access gates, shall be the responsibility of the proposed homeowners' association; (6) enforcement of the Creeks Preservation Program in the 50-foot setback shall be the responsibility of the proposed homeowners' association; (7) the owners of Lots 14-18 along the Franklin Creek Channel shall maintain in perpetuity the landscape in the 50-foot setback consistent with the approved plans; and the homeowners' association shall have the right to compel all such maintenance where parties other than the homeowners' association are required to maintain improvements or landscaping; and the City shall have the right to compel enforcement of the CC&Rs as to all obligations contained in these conditions of approval; and the homeowners' association shall regularly inspect the areas within the 50-foot buffer and provide a summary report to the Community Development Department every two years demonstrating compliance with the requirements of the Creeks Preservation Program, the approved plans, and the conditions set forth herein; (8) the vehicular access to the site at Linden Avenue and El Carro Lane shall not be gated; (9) conditions of approval 36-40 specified herein shall be complied with; (10) best management practices to minimize potential for pollutants to enter the storm drain system per Condition of Approval 103 shall be maintained; drain shall be cleaned on a regular basis, at least every six months; and (11) the Construction and Post-Construction Mitigation Plans to ensure protective measures are utilized in revegetation and habitat restoration efforts within the 50-foot buffer from the Franklin Creek Channel top of bank, as described in the Carpinteria Creeks Preservation Program, shall be implemented. The CC&Rs shall itemize those provisions that are required by these conditions of approval and shall provide that no such provisions shall be deleted or amended without prior consent of the City Council.

88. The applicant shall submit two copies of the Final Map to the Community Development Department for review. A California Registered Civil Engineer or Licensed Land Surveyor shall prepare said map. Closure calculations shall be submitted with the Final Map along with adequate reference data and a current title report.
89. The applicant shall pay all engineering fees and all other fees and deposits prior to City Council approval of the Final Map.

90. No Building Permits shall be issued prior to recordation of the Final Map.
91. Within 30 days after the Final Map is filed with the County Recorder, and prior to receiving a Building Permit, the applicant shall deliver one set of reproducible mylars of the recorded map to the Community Development Department.

ENVIRONMENTAL/MITIGATED NEGATIVE DECLARATION:

92. AES-1. The ARB shall review the project with regard to neighborhood compatibility and the appropriateness of the design. The ARB shall consider the height of the proposed buildings in relation to adjacent developed properties. All recommendations of the ARB shall be forwarded to the Planning Commission for consideration, followed by the City Council. Any conditions of approval proposed by the City decision-making body pertaining to neighborhood compatibility, building height and appropriateness of the design, shall be incorporated into the project plans.
93. AES-2. All exterior lighting shall be directed downward and designed so as to minimize the potential for glare and light spillover.
94. AQ-1. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water shall be used whenever possible. (1) During clearing, grading, earth moving or excavation, water trucks or sprinkler systems are to be used in sufficient quantities, after each day's activities cease, to prevent dust from leaving the site and to create a crust. (2) After clearing, grading, earth moving or excavation is completed, the disturbed area must be treated by watering or revegetating; or by spreading the soil binders until the area is paved or otherwise developed so that dust generation will not occur. (3) During construction, water trucks or sprinkler systems are to be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
95. AQ-2. Importation, Exportation and Stockpiling of Fill Material: (1) Soil stockpiled for more than two days, or at the discretion of the Public Works Director, shall be covered, kept moist, or treated with soil binders to prevent dust generation; and (2) Trucks transporting fill material to and from the site shall be tarped from the point of origin.
96. AQ-3. Activation of Increased Dust Control Measures: The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use

clearance for map recordation and land use clearance for finish grading of the structure, as well as to the City Community Development Department prior to issuance of a Grading Permit.

97. BIO-1. Prior to commencing any earth disturbing or other construction activities on the site, a temporary construction fence and silt fence shall be installed along the southern and western property edges to prevent debris, soil and equipment access into the southern drainage and Franklin Creek Channel. These fences shall remain in place through the end of construction. In areas where access to the channel and drainage is necessary to conduct storm water outlet, pathway, footbridge, and other approved improvements, temporary access through the fence shall be allowed, with the fence realigned along the work area. The particular type of fencing and its placement shall be approved by the City prior to issuance of a Grading Permit.
98. CR-1. A qualified archaeologist or Native American monitor shall be present during all earth disturbing activities. In the event that archaeological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A qualified Native American representative shall monitor any mitigation work associated with prehistoric cultural material.
99. CR-2. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission.
100. GEO-1. Project construction and grading shall comply with all recommendations outlined in the Geotechnical Engineering Report (Earth Systems, June 2002), to the satisfaction of the City Engineer. These recommendations shall be reflected in the project construction plans submitted to the City prior to issuance of a Grading Permit.
101. HAZ-1. In the event that potentially hazardous materials are discovered during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected, and the City Public Works Director and the appropriate authorities at the Santa Barbara County Fire Department, Hazardous Materials Unit, are contacted. After the area has been appropriately mitigated and cleared, per Santa Barbara County requirements, work in the area may resume.
102. HAZ-2. An environmental site assessment to determine the potential for hazardous materials related to agricultural use to be located on the site shall be prepared by a professional Registered Environmental Assessor, or other qualified professional, and submitted for review and approval by the City Public Works Department prior to

issuance of a Grading Permit All recommendations of the study shall be incorporated into the project and shown on the construction plans to the satisfaction of the City Engineer, prior to issuance of a Grading Permit.

103. H-1. The applicant shall incorporate into the project design appropriate Best Management Practices (BMPs) to minimize the potential for pollutants to enter the storm drain system onsite during operation of the project. These may include, but not be limited to, storm drain catch basin inserts/biofilters to trap pollutants. Such facilities shall be maintained and cleaned on a regular basis, at least every six months. The construction plans and the BMPs shall be prepared by a registered civil engineer, and reviewed and approved by the Public Works Director prior to the issuance of a Grading Permit. Prior to issuance of a Grading Permit, the City shall ensure that the Covenants, Conditions and Restrictions for the project include a requirement that any BMP mechanisms be maintained and cleaned at least every six months. Additionally, all storm drain inlets shall be marked to clearly indicate that they drain to the ocean.
104. H-2. The overflow swale proposed at the southwestern property edge to provide an overland escape route shall be grass-lined, as opposed to the proposed concrete-lined, to provide for additional filtering of potential pollutants, as determined feasible by the City Engineer. This mechanism shall be shown on the plans submitted to the City for review and approval prior to issuance of a Grading Permit.
105. H-3. Prior to the issuance of a Grading Permit, information regarding the quantity of runoff attributed to the project to enter the southerly drainage and the Franklin Creek Channel shall be submitted for review and approval by the City Public Works Director and the Santa Barbara County Flood Control District, as necessary. The storm drainage system on the site shall be designed to the satisfaction of the City Engineer, and reflected on the construction plans submitted prior to the issuance of a Grading Permit.
106. N-1. Project construction activities shall be limited to weekdays, between the hours of 7:00 a.m. and 5:00 p.m.
107. The Owner/Developer shall comply with the Mitigation Monitoring and Reporting Program (MMRP) requirements, which are included as part of the IS/MND.

CARPINTERIA WATER DISTRICT

108. The proposed onsite water distribution system shall be reviewed and approved by the Carpinteria Valley Water District (CVWD) prior to issuance of any permit. The water line shall loop back to the south end of the project parcel, along the Franklin Creek Channel, or as otherwise directed by the CVWD.

CARPINTERIA/SUMMERLAND FIRE PROTECTION DISTRICT

109. Visible street addresses must be posted at driveways and on buildings.. Numbers shall be a minimum three inches high on a contrasting background.
110. Access to all structures shall conform to the requirements for private roads and driveways set forth in the Santa Barbara County Private Roads and Driveway Standards, Section 8.
111. Per 1997 Uniform Building Code and National Electric Code, smoke detectors must be installed in all residences.
112. Roof access must meet the requirements stated in the Carpinteria Municipal Code.
113. Any future changes, including further division, intensification of use, or increase in hazard classification, may require additional conditions in order to comply with applicable Fire District development standards.
114. Per Carpinteria-Summerland Fire District Ordinance pertaining to fees and service charges, a service charge is assessed on reviews of lot line adjustments, lot splits, and development review.
115. Pursuant to C.S.F.P.D. Ordinance, prior to issuance of a "Certificate of Occupancy", the Fire District mitigation fee must be paid.
116. All required access ways shall be installed and made serviceable prior to the erection of combustible materials.
117. When access ways are gated, a Fire District approved key box or switch shall be installed in an accessible location. Prior to installation, the Fire District shall approve the type and location.
118. Public fire hydrants supplying the required fire flow within the required driving distance from the structures shall be provided. Both the Fire District and the applicable Water District shall approve the type of hydrant and the exact location. The new fire hydrant(s) shall be installed and in-service prior to any construction. While the hydrants as shown meet the minimum requirements, a repositioning adjacent to driveway aprons may be more suitable. The Fire District retains final approval as to exact location prior to installation.
119. A roadway width of 32 feet minimum must provide a clear driving width of 16 feet. Parking allocation and all other construction standards shall be consistent with Santa Barbara County Road Standards, as determined appropriate by the City. The cul-de-sac radius of 40 feet provides the minimum clearance requirement for a fire apparatus turn around when no parking provisions are provided. The District will permit parking in both of the cul-de-sacs, provided that the driveway construction for the first 10 feet of each driveway on the cul-de-sac is in accordance with Santa Barbara County Structural

Standards for private driveways. This requirement shall provide a design that will meet the minimum specifications for standard Hammerhead style-turnarounds.

CARPINTERIA SANITARY DISTRICT

120. The owner of record, or authorized designee, shall obtain all necessary permits, submit fees due for inspection, and provide all required bonds to the Carpinteria Sanitary District (CSD) prior to issuance of the construction permit.
121. The subject property must be annexed to the Carpinteria Sanitary District (CSD) following the Local Agency Formation Commission (LAFCO) and CSD procedures and requirements. All applicable annexation fees shall be submitted with the annexation application.
122. The owner of record, or authorized designee, is required to submit a detailed sewer plan and profile to CSD for review, and the applicable plan check fees. The applicant shall design and construct sewer facilities to meet all CSD design standards and specifications.
123. The applicant is required to submit a detailed sewer improvement plan, prepared by a registered professional engineer, to CSD for review and approval. Applicable plan check fees shall be submitted to CSD with the sewer improvement plans.
124. The applicant shall design and construct sanitary sewer facilities necessary to serve the proposed development, in strict conformance with all CSD design standards and construction specifications. Based on a preliminary review of the site and the proposed improvements, the following infrastructure is anticipated to be required: (1) Gravity sewer mains, with appurtenant manholes, to collect and convey storm wastewater from individual parcels. All sewer laterals shall be owned and maintained by the owner up to and including the wye connection. (2) Duplex sewer lift station with submersible pumps, controls and telemetry, dedicated electrical service, and portable back-up power supply, designed and constructed in accordance with CSD standards. The portable back-up power supply shall consist of a trailer-mounted generator stored at the CSD facility, and transported by CSD staff to the lift station for emergency power on a temporary basis. (3) Sewer force main between the lift station and the District's existing gravity sewer system located in Linden Avenue. If located within the existing flood control access easement on the southern perimeter of the property, surfacing requirements and other improvements may be imposed. (4) Four-inch (4") minimum lateral and building sewers of approved materials shall be installed for each single-family dwelling. The letter "S" shall be etched into the curb over the physical location of the sewer lateral for each parcel.
125. Prior to commencing construction, the contractor shall notify the District Inspector. A minimum of 48-hours advance notice is required. All work shall be inspected, tested, and televised in accordance with CSD standard requirements.

126. All costs and expenses associated with the installation of both public and private sewer facilities are the sole responsibility of the applicant. The applicant shall enter into an agreement with CSD that guarantees the construction of the sewer system and lift station.
127. The applicant shall provide required construction and maintenance bonds for the public sewer facilities.
128. The applicant shall prepare and grant permanent access and utility easements in favor of CSD for all publicly owned pipelines, lift stations, and other related infrastructure.
129. The applicant shall conduct a construction permit from CSD and pay associated fees prior to commencing connection.
130. A Development Impact Fee (DIF) shall be paid for each newly constructed "equivalent dwelling unit" (EDU). The current DIF is \$2,400 per EDU.

SANTA BARBARA COUNTY FLOOD CONTROL & WATER AGENCY

131. Prior to recordation of the Final Map, the applicant shall submit a copy of the Tract Map to the Flood Control District for review and approval, and shall comply with the Flood Control Standard Conditions of Approval.
132. Prior to the District's issuance of land use clearance, the applicant shall submit improvement plans and grading and drainage plans to the District for review and approval. The applicant shall obtain an Encroachment Permit from the District prior to commencing any work within the District right-of-way. A copy of the encroachment permit and any other District required approvals shall be submitted to the City prior to issuance of a Grading Permit or Building Permit.
133. Landscape screening shall be done within the Tract boundary rather than on the Flood Control District (District) parcel.
134. Grading for the proposed overland escape drainage swale off of El Carro Lane shall be done within the Tract boundary rather than on the District parcel.
135. The District access road along the eastern side of the Franklin Creek Channel shall maintain its existing width as much as possible. Any ramping or approach to the pedestrian bridge shall be designed and constructed so as to not preclude continued vehicular use of the Flood Control District easement.
137. All work proposed within the District parcel shall require District approval/signing of the plans and issuance of an Encroachment Permit prior to construction. The encroachment permit will likely require an inspection deposit.

138. The applicant shall pay the current plan check fee deposit at the time the plans and map are submitted for District review and approval.

CONDITIONS OF ACCEPTANCE

Written authorization to proceed and consent to conditions of approval by the legal owner of the property shall be provided to the City prior to building permit issuance.

Approved by the City Council on February 14, 2005

Mayor

Date

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

Applicant

Date

Property Owner

Date

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Meg Caldwell and Commissioner Sara Wan

Mailing Address: California Coastal Commission, 89 S. California Street, Suite 200

City: Ventura

Zip Code: CA

Phone: 93001

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Carpinteria

2. Brief description of development being appealed:

Subdivision of a 5.89 acre site into 27 single family residential lots, construction of 27 single family residences, approximately 7,200 cu. yds. grading, pedestrian trail, footbridge, and landscaping and trail improvements in adjacent Franklin Creek Park.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1497 Linden Avenue, APN 004-005-009, 004-011-043, 004-011-044

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-4-CPN-05-040

DATE FILED:

3/18/05

DISTRICT:

S. Central Coast

Exhibit 3

Appeal No. A-4-CPN-05-040
Commissioner Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: February 28, 2005

7. Local government's file number (if any): 03-1122-TM/DP/VAR/MOD/CDP/DA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

M. Timm Development, Inc.
233 East Carrillo Street, Santa Barbara, CA 93101-2186

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Richard Diaz and fellow appellants, see attachment A

(2) Carpinteria Creek Committee, P.O. Box 1128, Carpinteria, CA 93014

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The City of Carpinteria's approval of this project is inconsistent with provisions for the protection of creeks and water quality in the certified City of Carpinteria LCP. Specifically:

The approval is inconsistent with Policy OSC-6, IM 25 of the certified LUP, which requires a 50 foot development setback from the top of banks of creeks. The subject site is located adjacent to Franklin Creek, a channelized stream that drains into Carpinteria Salt Marsh, and opposite Franklin Creek Park. The 50 foot setback shown on the approved development plans includes the entire backyard of two homes, a substantial portion of the backyard of two other homes, and a corner of the backyard for a fifth home (see attached site plans). The approved development plan also allows patios and fencing to be located within the setback area, inconsistent with Policy OSC-6, IM 25 and the implementing measures for this policy found in the Creeks Preservation Program. Although the special conditions of approval require native riparian species to be maintained in perpetuity within the setback area, the everyday use of the setback area by homeowners (and domestic pets) cannot be regulated, nor can the placement of structures such as barbecues, lawn furniture, and play equipment or the use of pesticides and herbicides be controlled. It is important to note that Policy OSC-6, IM 25 states that the 50 foot setback may be increased in order to be consistent with other applicable adopted plans, conditions, regulations and/or policies concerning protection of resources, such as Implementation Measure 2.10.4 below

The approval is inconsistent with Implementation Measure 2.10.4 of the certified Creeks Preservation Program, which identifies the reach of Franklin Creek that flows through Franklin Creek Park (and past the subject site) as a priority site for dechannelization and restoration. Restoration of this section of Franklin Creek may require recontouring of the adjacent slopes. Recontouring of slopes and other restoration activities would be far less feasible if the adjacent property consisted of several homeowners' backyards. An alternative subdivision layout would allow the 50-foot setback to be contained within a single lot, which could be restricted as open space and made available for restoration activities.

The approval is inconsistent with the City's Water Quality Ordinance (WQO) which was certified as part of the Carpinteria Creeks Preservation Program. The requirements of the WQO are absent from the conditions of approval for the development.

The approval is inconsistent with Implementation Measure 2.7.2 of the certified Creeks Preservation Program, which restricts the width of new trails to five feet. (The proposed trails are six to eight feet wide.)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Sara J. Wan*
Appellant or Agent

Date: 3/18/05

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary Caldwell
Appellant or Agent

Date: 3/18/05

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: See attachment A

Mailing Address: 1473 Sterling Ave

City: Carpinteria

Zip Code: 93013

Phone: (805) 403-4440

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Carpinteria

2. Brief description of development being appealed:

Coastal Development Permit NO. 03-122DP/TM/VAR/MOD/CDP/DA to construct 27 single-family homes on a 5.86- acre site at 1497 Linden Avenue, Carpinteria

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1479 Linden Avenue, APN 004-005-009, 004-011-043, 004-011-044

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

RECEIVED

MAR 14 2005

CALIFORNIA

Exhibit 4

Appeal No. A-4-CPN-05-040
Diaz, et.al. Appeal

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-4877



DATE FILED:

DISTRICT:

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: 3-04-05

7. Local government's file number (if any): NO. 03-122DP/TM/VAR/MOD/CDP/DA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

M.Timm Development, Inc
233 East Carrillo Street, Santa Barbara, Ca 93101-2186

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) See attachment A

(2) Carpinteria Creek Committee

PO BOX 1128
CARPINTERIA, CA 93014

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attach letter dated March 11, 2005 From Richard Diaz.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

(SEE ATTACHMENT A)

Signature of Appellant(s) or Authorized Agent

Date: 3-11-2005

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Date: March 11, 2005
To: California Coastal Commission

From: Richard Diaz
1473 Sterling Avenue
Carpinteria

Subject: Appeal the Coastal Permit Decision of Local Government, Mission Terrace /Timm Development

Background:

Mission Terrace is a new development that consists of 27 single-family residential units ranging from 1718 to 2930 square feet, which 15 of the units are two story. The existing neighborhood is predominantly single story homes averaging about 1700 square feet per home. This development also borders Franklin Creek and Franklin Creek Park.

In response to the coastal development permit NO. 03-122DP/TM/VAR/MOD/CDP/DA to construct 27 single-family homes on a 5.86- acre site at 1497 Linden Avenue Carpinteria. We (see attachment A) would like to file for an appeal of the coastal permit decision of the local government for the following reasons:

Creekway & Riparian Habitat:

1. The 50-foot creek setback adjacent to this development should be increased. The Carpinteria Local Coastal Plan (LCP, OSC Implementation Policies 25 & 26, page 113), also the Creek Preservation Program (CPP, page 3-18, Section 3.3.2., Measure 2.1.2) states; Creek setbacks may be increased to account for site-specific conditions. One of these conditions is item (e.) "Location of the 100 year floodplain boundary". The LCP Flood Hazards (page 156) and Figure S-4 flood area, identify the area adjacent to Franklin creek to be in the 100-year flood boundary.
2. The back yards of lots 14,15,16,17,18 should not be included in the creek setback area. The LCP (page 157, Policy S-4e) reads "The City shall establish setback guidelines for land use planning purposes along natural creeks, rivers, or stream floodplains, and identify and pursue **opportunities to eliminate existing concrete channels and / or banking from creeks, rivers, or streams.**" Adjacent to these lots is Franklin Creek Park which has been identified (CPP, page 3-27, Section 3.3.2, Measure 2.10.4.) as a focal point for restoration efforts along Franklin creek. Lots 15,16,17 have no back yards other then the creek setback. This may have an adverse affect to Franklin creek restoration (LCP, page 113, OSC Implementation Policies 26).
3. In addition, having patios of stone pavers with backyard activities in the 50-ft setback does not conform to CPP (page 3-18, Section 3.3.2, policy 2.1); "The city will not permit projects (whether public or private) that would result in the significant fragmentation of biological habitat within creek ESH area and /or creek setback areas established by the General Plan/Local Coastal Plan and Zoning Ordinance-ESH Overlay District." Patios and backyard activities would significantly reduce the biological value or diversity of the habitat.
4. The Conditions of approval Resolution 4928 (attachment C) Item 33 calls out the footbridge and pathway width to be 6- 8 ft. The CPP (page 3-23, Section 3.3.2, Measure 2.7.2) states, recreational trails in stream corridors shall be a maximum of five feet wide.
5. The Conditions of approval Resolution 4928 (attachment C) Item 39 calls for a Construction Mitigation Plan and a Post Construction Mitigation Plan to be reviewed and approved prior

to the issuance of a Grading Permit or Building Permit. The CPP (page 3-19, Section 3.3.2, Measure 2.4.2), (page 3-22, Section 3.3.2, Measure 2.4.5) states; The Construction and Post Construction Mitigation Plans shall be reviewed and approved prior to the issuance of the Development Permit. Area of concern would be the impacts to water quality (LCP appendix B-10) also, the impacts to the creek corridor with noise, lighting and glare, domestic pets, and erosion (CPP page 3-22, Section 3.3.2, Measure 2.4.5).

Aesthetics and Neighborhood Compatibility:

1. The Conditions of approval Resolution 4928 Paragraph 1.3 Local Coastal Development Permit, calls for a series of variances and modifications to design standards that currently apply to the existing neighborhood. Currently 18 of the 27 lots would be non-conforming to the existing City Zoning Ordinance. With the small lots and large square foot homes this development would not be consistent with the LCP Objectives CD-1 (page-32). "The size, scale and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern."
2. The two-story homes on lot 17 and 18 (adjacent to Franklin Creek and Franklin Creek Park) would have adverse impact to aesthetic value, view, and character of the public park and the creek corridor. The LCP Objective OSC-6a (page 112) reads; "Support the preservation of creeks and their corridors as open space, and maintain and restore riparian habitat to protect the community's water quality, wildlife diversity, aesthetic values, and recreation opportunities." The LCP Objectives CD-3 (page-32) states; "The design of the community should be consistent with the desire to protect views of the mountains and the sea". These two-story structures would box in the Open Space/ Recreation area and will obstruct the view of Rincon Mountain. In addition these two story structures would be a public nuisance.

Conclusion:

The Carpinteria City Council and City Planning Commission reviewed this new development and it was not a unanimous approval. Some Council Members and Commissioners had expressed some of the same concerns we have with this development.

One alternative would be to scale down the project and make the creek setbacks larger. The creek setback area can be restored to a natural riparian habitat with a hiking trail that will connect to Franklin Creek Park via the Walk Bridge. At a later time this section of the creek can be de-channelized and restored to a nature biofilter. This would be a valuable asset to the Carpinteria Salt Marsh (second line of defense). Franklin Creek Park (LCP, Table OSC-2 page 134) is a 1.1 area passive recreation park that was purchased by the eight homes on Sterling Ave and donated to the City of Carpinteria to be preserved as a green belt (or micro-park). This Park can be a focal point / trailhead for the Franklin Creek Trail. This alternative would be consistence with restoring creek corridors (LCP Policies OSC 6a – OSC 6f), (CPP, Measure 2.10.4.), protect the El Estero Marsh (LCP Policies OSC 3a – OSC 3b), and enhance existing trails (LCP Policies OSC 15a – 15c). Franklin Creek is not a storm channel it is a natural creek with water flowing all year long (LCP, page 96, Table OSC-1).

Attachment A

In response to the coastal development permit NO. 03-122DP/TM/VAR/MOD/CDP/DA to construct 27 single-family homes on a 5.86-acre site at 1497 Linden Avenue Carpinteria. We would like to be included in the appeal of the coastal permit decision of the local government.

Name	Date	Address
Richard Diaz Richard Diaz	3-11-05	1473 STARLING AVE CARPINTERIA 93013
Sherry Diaz Sherry Diaz	3-12-05	1473 Starling Ave Carp. Ca. 93013
Thomas L. Richards Thomas L. Richards	3-12-05	4940 Malibu Dr. Carpinteria Ca. 93013
ROCHELLE TERRY Rockelle Terry	3-12-05	4940 MALIBU DR 93013 Carpinteria Ca
D. Q. LEONARD D. Q. Leonard	3-12-05	4870 Malibu Drive Carpinteria CA 93013
STEPHEN D. MANRIQUEZ Stephen Manriquez	3-12-05	4884 MALIBU DR. CARPINTERIA, CA 93013
LAURA L. MANRIQUEZ Laura L. Manriquez	3-12-05	4884 MALIBU DRIVE CARPINTERIA, CA 93013
BERNARD W. JONES Bernard W. Jones	3-12-05	4984 MALIBU DR CARPINTERIA CA 93013
JUDITH C. JONES Judith C. Jones	3-12-05	4984 MALIBU DRIVE CARPINTERIA, CA 93013

Mr. Timm Development
Allison Cook
Carpinteria Creek Committee

Sent appeal
notice
3-16-05 JR

Date: March 16, 2005
To: California Coastal Commission
Lillian Ford, Coastal Program Analyst

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MAR 21 2005

From: Richard Diaz
1473 Sterling Avenue
Carpinteria

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Subject: Appeal the Coastal Permit Decision of Local Government, Mission Terrace /Timm Development

Please attach this information on the Urban Streams Restoration Program to our appeal. We believe it supports the Franklin Creek Park restoration (CPP, page 3-27, Section 3.3.2, Measure 2.10.4.). This same information has been forwarded to the Carpinteria Creek Committee and The City of Carpinteria Parks Department.

Richard Diaz

Richard Diaz

[DWR Home](#)[DPLA Home](#)[Watershed Restoration Home](#)[Urban Streams Home](#)[Application Cycle](#)[Funded Projects](#)[Other Funding Sources](#)[Reference Information](#)[Contacts](#)[FAQ's](#)

Division of Planning and Local
Assistance
Department of Water
Resources



DEPARTMENT OF
WATER RESOURCES
PLANNING AND LOCAL ASSISTANCE

Working Together To:

- Restore Watersheds
- Reduce Property Damages
- Renovate Town Centers

The objectives of the Urban Streams Restoration Program are to assist communities in reducing damages from stream bank and watershed instability and floods while restoring the environmental and aesthetic values of streams, and to encourage stewardship and maintenance of streams by the community.



The Urban Streams Restoration Program Fiscal Year 2004/2005 solicitation package for \$4.575 million in Proposition 40 grant funding is now available on our [Application Cycle](#) page. If you would like information on other State programs administering Proposition 40 funds and project award information, visit The Resources Agency's [Proposition 40 Project Awards Website](#).

If you think you have a stream restoration project that may be eligible for funding under the USRP, please refer to our [pre-application questionnaire](#).

If you would like to discuss the eligibility of your project for the current grant funding cycle, please contact [USRP staff](#).

NOTE: You can review a [draft grant agreement](#) for USRP projects, as referenced on Page 8 of the application package.

[Back to Top of Page](#)

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MAR 21 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Sonoma County

Includes Projects Submitted Through: Nov 04, 2004

Project Count: 1991

Prince Memorial Greenway – A Street To Santa Rosa Avenue

Program: River Parkways: Opportunity Grants

Description: The Prince Memorial Greenway is a 10-acre, 4,000 linear foot park on Santa Rosa Creek in Santa Rosa. This project, which is part of Phase 5, includes removing debris and concrete grouted lining along the trapezoidal creek channel, constructing a retaining wall to expand creek bed, installing storm drains, boulders and gravel along the creek bottom, planting native vegetation along the creek's banks and bottom between "A" Street and Santa Rosa Avenue, installing lighting for pathway and bridge, constructing a pedestrian bridge and a path on the south side of the creek.

Amount:	\$1,000,000.00
Project Types:	Open Space, Habitat, Recreatn Imprvmt
Bond Name:	Proposition 40
Bond Section:	PRC 5096.610(c)
Bond Subsections:	PRC 5096.650(c)(1)
Bond Allocation Description:	River parkways (Res. Ag.)
Informational Website:	
Public Contact Phone:	(916) 653-5656
Project Acreage:	2
Project City:	Santa Rosa
Project County:	Sonoma
Project Zip Code:	95401

Name:	Resources Agency
Address:	1416 9th Street Suite 1311, Sacramento, CA 95814

Entity Name:	City of Santa Rosa
---------------------	--------------------

Proposition 40 Detailed Report of All Awards

Los Angeles County

Includes Projects Submitted Through: Nov 04, 2004

Project Count: 1991

Compton Creek

Program: Environmental Acquisition/Restoration San Gabriel/Lower LA River Conservancy

Description: The goal of the Compton Creek project is to transform the concrete channel that divides the City into a functioning recreational area that enhances the watershed and provides a focal point for residents and the region to embrace with pride. In this process, the City wants to make sure the project is consistent with existing plans and guidelines governing the Los Angeles River, and that it reflects current landscape trends and delivers maximum connectivity to the region.

Amount:	\$100,000.00
Project Types:	Open Space, Habitat, Recreatn Imprvmnt
Bond Name:	Proposition 40
Bond Section:	PRC 5096.610(c)
Bond Subsections:	PRC 5096.650(b)(6)
Bond Allocation Description:	Rivers & Mountains
Informational Website:	www.mmc.ca.gov
Public Contact Phone:	(626) 458-4315
Project Acreage:	0
Project City:	Compton
Project County:	Los Angeles
Project Zip Code:	90220

Name:	Rivers and Mountains Conservancy
Address:	900 South Fremont Ave., Alhambra, CA 91802

Entity Name:	City of Compton
--------------	-----------------

Los Angeles County

Puente Creek Nature Education Center

Program: Environmental Acquisition/Restoration San Gabriel/Lower LA River Conservancy

Description: The City of La Puente proposes acquisition a vacant parcel along Puente Creek on which the Nature Center would be located. Situated between an existing school and the channelized creek, the sheltered education center will provide the local community as well as the students of the surrounding school districts the opportunity to gain knowledge of environmental issues that face our communities. The proposed facility will be an area which schools and other community organizations will be able to access for practical learning opportunities and passive recreation.

Amount:	\$400,000.00
Project Types:	Building Improvement or Development
Bond Name:	Proposition 40
Bond Section:	PRC 5096.610(c)
Bond Subsections:	PRC 5096.650(b)(6)
Bond Allocation Description:	Rivers & Mountains
Informational Website:	www.rmc.ca.gov
Public Contact Phone:	(626) 458-4315
Project Acreage:	0
Project City:	La Puente
Project County:	Los Angeles
Project Zip Code:	91744

Name:	Rivers and Mountains Conservancy
Address:	900 South Fremont Ave., Alhambra, CA 91802
Entity Name:	City of La Puente

Proposition 40 Detailed Report of All Awards

Includes Projects Submitted Through: Nov 04, 2004

Project Count: 1991

Los Angeles County**Zone 1 Ditch Channel Enhancement****Program:** Environmental Acquisition/Restoration San Gabriel/Lower LA River Conservancy

Description: The Zone 1 Ditch channel (Lario Creek) was constructed to divert water from the San Gabriel River through the Whittier Narrows Nature Center area to facilitate groundwater recharge into the Rio Hondo Spreading Grounds. The goal of the Zone 1 Ditch Channel Enhancement Project is to perform stream bank stabilization and restoration while increasing the channel's ability to divert water for groundwater replenishment. Stream bank stabilization and restoration will be accomplished using bioengineering techniques, removing invasive vegetation, and revegetating with native plants. Enhancing and restoring the vegetation will also promote ecological diversity, provide additional wildlife habitat, and increase its educational value. The project area is host to over 250 species of birds. The federally endangered least Bell's vireos (*Vireo bellii pusillus*) and Special Status Species like the double-crested cormorant (*Phalacrocorax auritus*) and Cooper's hawk (*Accipiter cooperii*) are known to frequent the project area.

Vegetation planted to promote bank stabilization will increase the percentage of the local urban forest thereby improving air quality, increasing shade and comfort, and supporting riparian and aquatic habitat. The project will contribute significantly to the recreational opportunities for the communities of South El Monte, Pico Rivera, Whittier, and nearby communities

Amount:	\$125,000.00
Project Types:	Open Space, Habitat, Recreation Imprvmnt Water Quality
Bond Name:	Proposition 40
Bond Section:	PRC 5096.610(c)
Bond Subsections:	PRC 5096.650(b)(6)
Bond Allocation Description:	Rivers & Mountains
Informational Website:	www.rmc.ca.gov
Public Contact Phone:	(626) 458-4315
Project Acreage:	0
Project City:	S. El Monte
Project County:	Los Angeles
Project Zip Code:	91802

Name:	Rivers and Mountains Conservancy
Address:	900 South Fremont Ave., Alhambra, CA 91802
Entity Name:	County of Los Angeles, Dept of Public Works

Los Angeles County

Includes Projects Submitted Through: Nov 04, 2004

Project Count: 1991

South Gate Riparian Habitat Restoration

Program: Environmental Acquisition/Restoration San Gabriel/Lower LA River Conservancy

Description: The South Gate Riparian Habitat Restoration Project site is in the cities of Lynwood and South Gate, near the convergence of the Interstate 105 Freeway, Interstate 710 Freeway, Imperial Highway, and the channelized Los Angeles River. Impacts to the area from these historic development projects have severely degraded the environment and quality of life from this park-poor area. This project will repair some of the damage done to the habitat of the area when the Los Angeles River was channelized by constructing a 12.5 acre functional seasonal wetland, bird habitat, and much needed accessible open park space (Exhibit A). The seasonal riparian wetland will also serve to filter stormwater runoff, improving water quality in the watershed. In addition to the 12.5 acre seasonal riparian habitat creation, this project will utilize interpretive signs scattered along short trails to be constructed on the site. The site will also provide visual enhancement to a local LARIO bike trail and access road.

Amount:	\$500,000.00
Project Types:	Open Space, Habitat, Recreatn Imprvmnt
Bond Name:	Proposition 40
Bond Section:	PRC 5096.610(c)
Bond Subsections:	PRC 5096.650(b)(6)
Bond Allocation Description:	Rivers & Mountains
Informational Website:	www.rmc.ca.gov
Public Contact Phone:	(626) 458-4315
Project Acreage:	12.5
Project City:	South Gate
Project County:	Los Angeles
Project Zip Code:	90280

Name:	Rivers and Mountains Conservancy
Address:	900 South Fremont Ave., Alhambra, CA 91802
Entity Name:	North East Trees

Proposition 40 Detailed Report of All Awards

Includes Projects Submitted Through: Nov 04, 2004

Project Count: 1991

Napa County*** Napa River Acquisitions****Program:** River Parkways: Opportunity Grants

Description: Acquire approximately 45.7 acres of riverfront property along the Napa River. The Oxbow Preserve property includes 12.7 acres of river floodplain and native riparian habitat at a natural bend in the river in downtown Napa. Acquisition of an easement will enhance the public access for the recreational uses planned for the Oxbow property. Also part of this acquisition is the 33-acre Trancas Park property, bounded by the Napa River on the east and the Salvador Channel on the west. Its acquisition will preserve a significant riparian habitat and provide open space and future passive recreational opportunities as a trailhead staging area for the rest of the Napa River Parkway.

Amount:	* \$1,225,288.00
Project Types:	Acquisition (Land or Structures) Open Space, Habitat, Recreatn Imprvmt
Bond Name:	Proposition 40
Bond Section:	PRC 5096.610(c)
Bond Subsections:	PRC 5096.650(c)(1)
Bond Allocation Description:	River parkways (Res. Ag.)
Informational Website:	
Public Contact Phone:	(916) 653-5656
Project Acreage:	46
Project City:	Napa
Project County:	Napa
Project Zip Code:	94558

Name:	Resources Agency
Address:	1416 9th Street Suite 1311, Sacramento, CA 95814
Entity Name:	City of Napa

* This record has multiple locations and is therefore listed with the full 'Amount' more than once.

Riverside County

Murrieta Creek Flood Control, Environmental Restoration & Recreation

Program: River Parkways: Opportunity Grants

Description: Acquisition of right-of-way easements and land as part of a \$90 million project being undertaken by the U. S. Army Corps of Engineers and the cities of Murrieta and Temecula to create a multi-use greenbelt channel, including a 220-acre multi-use detention/sedimentation basin featuring 160 acres of rehabilitated and developed wetlands. The westerly bank will have trails to accommodate equestrians and the easterly bank will have trails to accommodate bicyclists and pedestrians.

Amount:	\$600,000.00
Project Types:	Acquisition (Land or Structures)
Bond Name:	Proposition 40
Bond Section:	PRC 5096.610(c)
Bond Subsections:	PRC 5096.650(c)(1)
Bond Allocation Description:	River parkways (Res. Ag.)
Informational Website:	
Public Contact Phone:	(916) 653-5656
Project Acreage:	220
Project City:	Murrieta
Project County:	Riverside
Project Zip Code:	N/A

Name:	Resources Agency
Address:	1416 9th Street Suite 1311, Sacramento, CA 95814
Entity Name:	Riverside Co Flood Control & Water Cons. District

Proposition 40 Detailed Report of All Awards

Riverside County

Includes Projects Submitted Through: Nov 04, 2004

Project Count: 1991

Murrieta Creek Flood Control, Environmental Restoration & Recreation

Program: River Parkways: Opportunity Grants

Description: Acquisition of right-of-way easements and land as part of a \$90 million project being undertaken by the U. S. Army Corps of Engineers and the cities of Murrieta and Temecula to create a multi-use greenbelt channel, including a 220-acre multi-use detention/sedimentation basin featuring 160 acres of rehabilitated and developed wetlands. The westerly bank will have trails to accommodate equestrians and the easterly bank will have trails to accommodate bicyclists and pedestrians.

Amount:	\$600,000.00	Name:	Resources Agency
Project Types:	Acquisition (Land or Structures)	Address:	1416 9th Street Suite 1311, Sacramento, CA 95814
Bond Name:	Proposition 40		
Bond Section:	PRC 5096.610(c)		
Bond Subsections:	PRC 5096.650(c)(1)	Entity Name:	Riverside Co Flood Control & Water Cons. District
Bond Allocation Description:	River parkways (Res. Ag.)		
Informational Website:			
Public Contact Phone:	(916) 653-5656		
Project Acreage:	220		
Project City:	Murrieta		
Project County:	Riverside		
Project Zip Code:	N/A		

A-4-CPN-05-040

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

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ARNOLD SCHWARZENEGGER, Governor

MAR 18 2005



CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: CARPINTERIA CREEK COMMITTEE

Mailing Address: PO BOX 1128

City: CARPINTERIA CA Zip Code: 93104

Phone: 684-2246

SECTION II. Decision Being Appealed

1. Name of local/port government:

CITY OF CARPINTERIA

2. Brief description of development being appealed:

CDP# 03-1220P/TM/VAR/MO0/CDP/DA 2 27 SFERS on
5.86 acre site located at 1497 Linden Ave., CARPINTERIA

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1479 LINDEN AVE

APNS: 004-005-009, 004-011-043, 004-011-044

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-CPN-05-040

DATE FILED: 3/18/05

DISTRICT: S. Central Coast

Exhibit 5
Appeal No. A-4-CPN-05-040
Carpinteria Creek Committee
Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: 3.4.05

7. Local government's file number (if any): 03-122 DP/TM/VAR/mod/CDP/DA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

M. TINN DEVELOPMENT, INC
233 E. CARRILLO ST., SANTA BARBARA, CA 93101-2186

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Al Clark
Signature of Appellant(s) or Authorized Agent

Date: 3/17/05

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Section IV. Reasons Supporting This Appeal

The City's approval is inconsistent with Creeks Protection Program Implementation Measures (IM) 2.10-1, 2.10-4, and 2.10-5 which, in part, implement Policy # 2-10.

IM 2.10-1 states that:

The City will evaluate the need and feasibility of property acquisition along the creeks for the purpose of implementing habitat preservation and restoration projects."

IM 2.10-4 addresses channelized creeks (Santa Monica and Franklin), in particular, and states that:

...it may be feasible to restore natural elements to these creeks,, including earthen banks, natural creek beds with riffles and pools, and a narrow corridor of riparian vegetation while still maintaining the interest of the flood control function...Franklin Creek Park (City Owned) could serve as a focal point for restoration efforts along Franklin Creek....The City shall consider conducting a study to explore restoration options for Franklin and Santa Monica creeks."

IM 2.10-5 states that the city will encourage landowners and special interest groups to set aside lands along or in proximity to local creeks for the purpose of habitat restoration and preservation.

The Creek Committee has testified to the potential for fully restoring this section of Franklin creek at development proposal hearings but the City has not yet attempted to comply with these implementation measures. The City already owns a park across the creek to the west from the proposed development. This development application was a beautiful opportunity for the City to join both banks to develop a restored riparian park and to realize IM 2-10-4. Yet the City acted only to process the development application, without attempting to comply with Policy 2-10 and the implementation measures.. **Approval of the development permit with structures 50' from the hard-banked top of creek will preclude forever the possibility of ever evaluating the feasibility of habitat restoration and restoration projects at this site without a takings issue and buying back property at a very high cost.**

A restored creek, with concrete channel removed, could meander and incorporate natural flood control measures. There are other similar projects now being undertaken in California. The new stream bed could wind through the existing Franklin Park that could be planted with a riparian forest. On the east bank, a full setback of 50' to the proposed development *property lines* would also help realize a narrow riparian re-forestation on the east side of the creek. This would eliminate the potential problems of the homeowners association having enforcement over the City's Creeks Preservation Program (as is called out for in Condition # 87), which is a potential conflict of interest for the homeowners.

The approval also is in conflict with IM 2.7-2. The proposal calls for a 6' wide pedestrian trail in the setback area but IM 2.7-2 limits the width to 5.' There also appear to be no means for complying with IM 26. the monitoring of "surface water run-off to identify waterborne pollutants entering the Pacific Ocean."

CITY OF CARPINTERIA

WATER QUALITY PROTECTION ORDINANCE

1 PURPOSE AND INTENT

The purpose of this Water Quality Protection Ordinance is to protect and enhance coastal waters within the City of Carpinteria in accordance with the policies of the City's Local Coastal Plan (OSC-1 IM 10, OSC-6e, OSC-6f, OSC-6 IM 31, OSC-6 IM 32, OSC-6 IM 33, OSC-10c, OSC-10 IM53, OSC-10 IM54) Sections 30230, 30231, 30232 and 30240 of the California Coastal Act, and the City's Phase II NPDES permit requirements. To implement the certified Land Use Plan (LUP), application submittal requirements, development standards, and other measures are provided to ensure that permitted development shall be sited and designed to conserve natural drainage features and vegetation, minimize the introduction of pollutants into coastal waters to the maximum extent practicable, limit the discharge of stormwater runoff, and protect the overall quality of coastal waters and resources.

The intent of this Water Quality Protection Ordinance is to address the following principles:

All development shall be evaluated by the Planning Director or his/her designee during the Coastal Development Permit (CDP) review process for potential adverse impacts to water quality and shall be designed to minimize the introduction of pollutants that may result in water quality impacts. Applicants shall incorporate Site Design, Source Control and, where required, Treatment Control Best Management Practices (BMPs) in order to minimize polluted runoff and water quality impacts resulting from the development. Site Design BMPs reduce the need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the amount of Treatment Control BMPs needed for a development. Therefore, BMPs should be incorporated into the project design in the following progression:

- Site Design BMPs
- Source Control BMPs
- Treatment Control BMPs

Projects should be designed to control post-development peak storm water runoff discharge rates so that they do not exceed the estimated pre-development rate, unless there is no potential for the increased peak storm water discharge rate to result in increased downstream erosion. This objective can be accomplished through the creation of a hydrologically functional project design that strives to mimic the existing natural hydrologic regime and by achieving the following goals:

- Maintain and use existing natural drainage courses and vegetation

- Conserve natural resources and areas by clustering development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural, undisturbed condition
- Minimize the amount of directly connected impervious surface and total area of impervious surface
- Incorporate or connect to existing on-site retention and infiltration measures
- Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces to reduce the amount of storm water leaving the site
- Minimize clearing and grading
- Limit clearing and grading of native vegetation at a site to the minimum amount needed to build lots, allow access, and provide fire protection
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants
- Promote natural vegetation by using parking lot islands and other landscaped areas
- Preserve riparian areas and wetlands

Incorporating these goals and principles into the project design will help to minimize the introduction of pollutants to the site and decrease the amount of polluted runoff leaving the site, resulting in the overall objective of water quality protection. Sections 3 and 4 of this Water Quality Protection Ordinance, an element of the Carpinteria Implementation Plan (IP), describe the requirements and process for implementing BMPs into development and provide examples of types of BMPs to incorporate.

2 APPLICABILITY

All properties within the City of Carpinteria are located within the coastal zone as defined in the California Coastal Act and are subject to the policies, standards and provisions contained in the certified LCP that may apply. Where any standard provided in this Water Quality Protection Ordinance conflicts with any other policy or standard contained in the City's General Plan, Zoning Code or other City-adopted plan, resolution or ordinance not included in the certified Carpinteria LCP, and it is not possible for the development to comply with both the Carpinteria LCP and other plans, resolutions or ordinances, the policies, standards or provisions of the LCP shall take precedence.

3 APPLICATION SUBMITTAL REQUIREMENTS

The following information shall be submitted with an application for a Coastal Development Permit for all projects requiring the development and implementation of an Erosion and Sediment Control Plan (Section 3.1), Site Design and Source Control Measures (Section 3.2), or a Water Quality Management Plan (Section 3.3), according to the requirements listed below.

3.1 Construction Phase Requirements: (eg. Erosion and Sediment Control Plan)

An Erosion and Sediment Control Plan shall be required for all development that requires a grading or building permit.

The Erosion and Sediment Control plan shall include a site specific erosion control plan that includes controls on grading (i.e. timing and amounts), best management practices for staging, storage, and disposal of construction and excavated materials, design specifications for sedimentation basins, and landscaping/re-vegetation of graded or disturbed areas. The plans shall also include a site-specific polluted runoff control plan that demonstrates how runoff will be conveyed from impermeable surfaces into permeable areas of the property in a non-erosive manner, and demonstrate how development will treat or infiltrate stormwater prior to conveyance off site during construction.

3.2 Post Construction Phase Requirements: Site Design and Source Control Measures

Site Design and Source Control Measures shall be required for all development and shall detail how stormwater and polluted runoff will be managed or mitigated. These measures shall require the implementation of appropriate Site Design and Source Control BMPs from Section 5 and Appendix A to minimize post-construction polluted runoff and impacts to water quality. The applicant shall also specify any Treatment Control or Structural BMPs that they elect to include in the development to minimize post-construction polluted runoff, and include the operation and maintenance plans for these BMPs.

The following information shall be included in the description of Site Design and Source Control Measures:

- Site design and source control BMPs that will be implemented to minimize post-construction polluted runoff (see Section 4.1)
- Drainage improvements (e.g., locations of infiltration basins)
- Potential flow paths where erosion may occur after construction
- Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements
- Stormwater pollution prevention measures including all construction elements and Best Management Practices (BMPs) to address the following goals in connection with both construction and long-term operation of the site:
 - a. Maximize on-site retention and infiltration measures including directing rooftop runoff to permeable areas rather than driveways
 - b. Maximize, to the extent practicable, the percentage of permeable surfaces and limit directly connected impervious areas in order to allow more percolation of runoff into the ground

3.3 Post Construction Phase Requirements: Water Quality Management Plan

A Water Quality Management Plan (WQMP) shall be required for all development that either fails to adequately address water quality impacts using Site Design and Source Control Measures or is in a category of development identified below. In addition to the Site Design and Source Control Measures required for all development, the WQMP shall include Treatment Control (or Structural) BMPs identified in Appendix A to minimize post-construction polluted runoff and impacts to water quality. The WQMP shall also include the operation and maintenance plans for these BMPs.

3.3.1. Special Categories of Development

A WQMP shall be required for projects that fall into one or more of the following categories of development:

- Hillside residential development
- Housing developments of ten units or more
- Industrial/commercial development
- Restaurants
- Retail gasoline outlets /Automotive service facilities
- Parking lots (5,000 square feet or more of impervious surface area or with 25 or more parking spaces)/ Outdoor storage areas
- Projects that discharge to an ESA or coastal water¹
- Redevelopment projects that result in the creation or addition or replacement of 5,000 square feet or more of impervious surface on an already developed site

3.3.2. Contents of a Water Quality Management Plan

The WQMP shall be certified by a California Registered Civil Engineer and approved by the City's Department of Public Works, City Engineer. The following information shall be included in a WQMP:

- Site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff (see Section 4.1)
- Pre-development peak runoff rate and average volume
- Expected post-development peak runoff rate and average volume from the site with all proposed non-structural and structural BMPs
- Drainage improvements (e.g., locations of diversions/conveyances for upstream runoff)
- Potential flow paths where erosion may occur after construction

¹ Environmentally Sensitive Areas: All development and redevelopment located within or directly adjacent to or discharging directly to an environmentally sensitive area (where discharges from the development or redevelopment will enter receiving waters within the environmentally sensitive area). "Directly adjacent" means situated within 200 feet of the environmentally sensitive area. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands

- Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements
- Measures to treat, infiltrate, and/or filter runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s) and to discharge the runoff in a manner that avoids erosion, gullyng on or downslope of the subject parcel, the need for upgrades to municipal stormdrain systems, discharge of pollutants (e.g., oil, heavy metals, toxics) to coastal waters, or other potentially adverse impacts. Such measures may include, but are not limited to, the use of structures (alone or in combination) such as biofilters and grasses waterways, on-site desilting basins, detention ponds, dry wells, etc.
- Information describing how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The term "treatment" includes physical, biological and chemical processes such as filtration, the use of bio-swales, detention and retention ponds and adsorption media. The actual type of treatment should be linked to the pollutants generated by the development as indicated in Appendix B.
- A long-term plan and schedule for the monitoring and maintenance of all drainage-control devices. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices shall be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

The Public Works Director, the City Engineer, or his/her designee, who reviews drainage plans shall determine if the post-development BMPs require efficacy monitoring and, if so, the applicant shall submit a monitoring program for review and approval by the Public Works Director, the City Engineer, or his/her designee.

3.4 CEQA

Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for storm water mitigation required under the California Environmental Quality Act.

3.5 Water Quality Checklist

A water quality checklist or other type of review tool will be developed by the City and used to supplement the CEQA checklist in the permit review process to assess potential water quality impacts and appropriate mitigation measures.

4 DEVELOPMENT STANDARDS

4.1 BMP Requirements and Implementation

All development shall be evaluated for potential adverse impacts to water quality and the applicant shall incorporate Site Design, Source Control and, where required, Treatment Control BMPs, in order to minimize polluted runoff and water quality impacts resulting from the development. Site Design and Source Control Measures are required for all development, as specified in Section 3.2, and a WQMP requires the implementation of Site Design, Source Control and Treatment Control BMPs, as specified in Section 3.3. In order to maximize the reduction of water quality impacts, BMPs should be incorporated into the project design in the following progression: (1) Site Design BMPs, (2) Source Control BMPs, and (3) Treatment Control BMPs. Examples of these BMPs may be found in Section 5 and Appendix A.

4.1.1. Types of BMPs

Non-structural BMPs are preventative actions that involve management and source controls such as protecting and restoring sensitive areas such as wetlands and riparian corridors, maintaining and/or increasing open space, providing buffers along sensitive water bodies, minimizing impervious surfaces and directly connected impervious areas, and minimizing disturbance of soils and vegetation. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. In many cases combinations of non-structural and structural measures will be required to reduce water quality impacts.

Additional guidance on best management practices is available from the State, the EPA and from other sources such as Bay Area Stormwater Management Agencies Association (BASMAA) "Starting at the Source". Stormwater technologies are constantly being improved, and staff and developers should be responsive to any changes, developments or improvements in control technologies.

4.1.2. BMP Selection Process

In selecting BMPs to incorporate into the project design, the applicant should first identify the pollutants of concern that are anticipated to be generated as a result of the development. Table 1 in Appendix B should be used as a guide in identifying these pollutants of concern. In addition, pollutants generated by the development that exhibit one or more of the following characteristics shall be considered primary pollutants of concern:

- The pollutant is anticipated to be generated by the project and is also listed as a pollutant causing impairment of a receiving water of the project
- Current loadings or historical deposits of the pollutant are impairing the beneficial uses of a receiving water

- Elevated levels of the pollutant are found in water or sediments of a receiving water and/or have the potential to be toxic to or bioaccumulate in organisms therein
- Inputs of the pollutant are at a level high enough to be considered potentially toxic

The City of Carpinteria has two waterbodies designated as impaired according to the 303(d) list adopted by USEPA in July 2003. Carpinteria Creek is listed as impaired for pathogens, and Carpinteria Marsh is listed as impaired for nutrients, organic enrichment/low dissolved oxygen, priority organics and sedimentation/siltation.

Applicants shall use these above designations of impairment and any future designations of impairment, as updated through the 303(d) listing process, to assess primary pollutants of concern for their project, as described above.

Site Design and Source Control BMPs are required based on pollutants commonly associated with the project type, as identified in Table 1. Table 2 in Appendix B should be used as guidance to determine the specific area for each project where Site Design and Source Control BMPs are required to be implemented. BMPs that minimize the identified pollutants of concern may be selected from the examples in Section 5 and Appendix A, targeting primary pollutants of concern first. In the event that the implementation of a BMP listed in Section 5 or Appendix A is determined to be infeasible at any site, the implementation of other BMPs that will achieve the equivalent reduction of pollutants shall be required.

Treatment Control BMPs should be selected using the matrix in Table 3 in Appendix B as guidance to determine the removal efficiency of the BMP for the pollutants of concern for that project. Treatment Control BMPs that maximize pollutant removal for the identified primary pollutants of concern should receive priority for BMP selection, followed by BMPs that maximize pollutant removal for all other pollutants of concern identified for the project. The most effective combination of BMPs for polluted runoff control that results in the most efficient reduction of pollutants shall be implemented. The applicant may select from the list of BMPs in Appendix A. In the event that the implementation of a BMP listed in Appendix A is determined to be infeasible at any site, the implementation of other BMPs that will achieve the equivalent reduction of pollutants shall be required.

4.1.3. Sizing of Treatment Control BMPs

Where post-construction treatment controls are required, the BMPs (or suites of BMPs) shall be designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event² for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

² Considering the long-run records of local storm events in a 24-hour period, the 85th percentile event would be larger than or equal to 85% of the storms. The 85th percentile storm can be determined by reviewing local precipitation data or relying on estimates by other regulatory agencies. For example, the Los Angeles Regional Water Quality Control Board has determined that 0.75 inch is an adequate estimate of the 85th percentile, 24-hour storm event for typical municipal land uses within its jurisdiction.

The term "treatment" includes physical, biological and chemical processes such as filtration, the use of bio-swales, detention and retention ponds and adsorption media. The actual type of treatment should be suited to the pollutants generated by the development as indicated in Appendix B.

4.1.4. BMP Maintenance and Conditions of Transfer

All applicants shall provide binding maintenance requirements for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and conditional use permits. Verification at a minimum shall include:

- The developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either
 - A signed statement from the public entity assuming responsibility for Structural and Treatment Control BMP maintenance and that it meets all local agency design standards; or
 - Written conditions in the sales or lease agreement, which require the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or
 - Written text in project conditions, covenants, and restrictions (CCRs) for residential properties assigning maintenance responsibilities to the Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or
 - Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural and Treatment Control BMPs

4.2 Development on Hillside

Soils shall be stabilized and infiltration practices incorporated during the development of roads, bridges, culverts and outfalls to prevent stream bank or hillside erosion. For all development on or adjacent to hillsides, project plans shall include the following BMPs to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff:

- Convey runoff safely from the tops of slopes and stabilize disturbed slopes
- Utilize existing natural drainage systems to the maximum extent feasible
- Control and minimize excess flow to natural drainage systems to the maximum extent feasible
- Stabilize permanent channel crossings using "soft engineering" practices when possible
- Vegetate slopes with native or drought tolerant vegetation
- Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion

Additional measures to prevent downstream erosion, such as cisterns, infiltration pits and/or contour drainage outlets that disperse water back to sheet flow, shall be implemented for projects discharging onto slopes greater than 10 percent.

New development on hillsides, on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability should incorporate BMPs that do not rely on or increase infiltration.

4.3 Cumulative Impacts

Because of the city's designation under the Phase II NPDES regulations, all discretionary projects (except those that do not result in a physical change to the environment) within the urbanized area whose contributions are cumulatively considerable shall implement one or more best management practices to reduce their contribution to the cumulative impact.

5 DEVELOPMENT-SPECIFIC DESIGN STANDARDS

5.1 Commercial Development

Commercial development shall be designed to control the runoff of pollutants from structures, parking and loading areas. The following measures shall be implemented to minimize the impacts of commercial development on water quality.

Properly Design Loading/Unloading Dock Areas

Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

Properly Design Repair/Maintenance Bays

Oil and grease, solvents, car battery acid, coolant, and gasoline from repair and maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays shall include the following:

- Repair/ maintenance bays shall be indoors or designed in such a way that doesn't allow storm water runoff or contact with storm water runoff.
- Design a repair/maintenance bay drainage system to capture all washwater, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. Obtain an Industrial Waste Discharge Permit if required.

Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. This area shall be:

- Self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and
- Properly connected to a sanitary sewer or other appropriately permitted disposal facility.

Properly Design Parking Areas

Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor vehicles. These pollutants are directly transported to surface waters. To minimize the offsite transport of pollutants, the following design criteria are required:

- Reduce impervious surface land coverage of parking areas.
- Infiltrate runoff before it reaches storm drain system.
- Treat runoff before it reaches storm drain system.

Parking lots may also accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks. To minimize impacts to water quality, the following measures are required:

- Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used (e.g. lots with 25 or more parking spaces, performing arts parking lots, shopping malls, or grocery stores).
- Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

5.2 Restaurants

Restaurants shall be designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system. The following measures shall be implemented to minimize the impacts of restaurants on water quality.

Properly Design Equipment/Accessory Wash Areas

The activity of outdoor equipment/accessory washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for the washing/steam cleaning of equipment and accessories. This area shall be:

- Self-contained, equipped with a grease trap, and properly connected to a sanitary sewer.
- If the wash area is to be located outdoors, it shall be covered, paved, have secondary containment and be connected to the sanitary sewer or other appropriately permitted disposal facility.
- Any outdoor storage of solid or liquid waste (i.e., oil and grease) shall comply with the requirements of Sections 5.4 and 5.5.

5.3 Gasoline Stations, Car Washes and Automotive Repair Facilities

Gasoline stations and automotive repair facilities shall be designed to minimize runoff of oil and grease, solvents, car battery acid, coolant and gasoline to stormwater system. The following measures shall be implemented to minimize the impacts of gasoline stations, and automotive repair facilities on water quality.

Properly Design Fueling Areas

Fueling areas have the potential to contribute oil and grease, solvents, car battery acid, coolant, and gasoline to the storm water conveyance system. Therefore, design plans for fueling areas shall include the following:

- The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions shall be equal to or greater than the area within the grade break. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts shall be routed to prevent drainage across the fueling area. As an alternative, the site shall be served by an oil/water separator or other source or treatment control BMP's that will achieve equivalent mitigation.
- The fuel dispensing area shall be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
- The fuel dispensing area shall have a 2% to 4% slope to prevent ponding, and shall be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.
- At a minimum, the concrete fuel dispensing area shall extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

Properly Design Repair/Maintenance Bays

Oils and grease, solvents, car battery acid, coolant, and gasoline from the repair/maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays shall include the following:

- Repair/maintenance bays shall be indoors or designed in such a way that doesn't allow storm water run-on or contact with storm water runoff.
- Design a repair/maintenance bay drainage system to capture all wash-water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection

of the repair/maintenance bays to the storm drain system is prohibited. Obtain an Industrial Waste Discharge Permit if required.

Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. This area shall be:

- Self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer or other appropriately permitted disposal facility.

Properly Design Loading/Unloading Dock Areas

Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

5.4 Outdoor Material Storage Areas

Outdoor material storage areas refer to storage areas or storage facilities used solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Outdoor material storage areas shall be designed to prevent stormwater contamination from stored materials. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following measures are required:

- Materials with the potential to contaminate storm water shall be: (1) placed in an enclosure such as a cabinet, shed or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes or curbs.
- The storage areas shall be paved and sufficiently impervious to contain leaks and spills.
- The storage area shall have a roof or awning to minimize collection of storm water within the secondary containment area.

5.5 Trash Storage Areas

A trash storage area refers to an area where a trash receptacle or receptacles are located for use as a repository for solid wastes. Loose trash and debris can be easily transported

by the forces of water or wind into nearby storm drain inlets, channels, and/or creeks. Trash storage areas shall be designed to prevent stormwater contamination by loose trash and debris. All trash container areas shall meet the following requirements (individual family residences are exempt from these requirements):

- Trash container areas shall have drainage from adjoining roofs and pavement diverted around the area(s).
- Trash container areas shall be screened or walled to prevent off-site transport of trash.

5.6 Single Family Residential

To mitigate the increased runoff rates from Single Family Residences due to new impervious surfaces, new residential projects and additions, as well as remodel projects that need an Erosion and Sediment Control Plan, shall include design elements that accommodate onsite percolation, retention or collection of storm water runoff such that the peak runoff rate after development either meets the 85th percentile storm event criterion or does not exceed predevelopment runoff levels to the maximum extent practicable. BMPs (including those outlined in the California Storm Water Best Management Practice Handbooks) that may achieve this objective fit into these categories:

- Minimizing Impervious Areas
- Increase Rainfall Infiltration
- Minimize Directly Connected Impervious Areas (DCIAs)

Appendix A

STORM WATER BEST MANAGEMENT PRACTICES

The following are a list of BMPs that may be used to minimize or prevent the introduction of pollutants of concern that may result in significant impacts to receiving waters. Other BMPs approved by the City as being equally or more effective in pollutant reduction than comparable BMPs identified below are acceptable. All BMPs shall comply with local zoning and building codes and other applicable regulations.

Site Design BMPs

Minimizing Impervious Areas

- Reduce sidewalk widths where it is practicable
- Incorporate landscaped buffer areas between sidewalks and streets.
- Design residential streets for the minimum required pavement widths
- Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
- Use open space development that incorporates smaller lot sizes
- Increase building density while decreasing the building footprint
- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together
- Reduce overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in spillover parking areas

Increase Rainfall Infiltration

- Use permeable materials for private sidewalks, driveways, parking lots, and interior roadway surfaces (examples: hybrid lots, parking groves, permeable overflow parking, etc.)
- Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas, and avoid routing rooftop runoff to the roadway or the urban runoff conveyance system

Maximize Rainfall Interception

- Maximizing canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs

Minimize Directly Connected Impervious Areas (DCIAs)

- Draining rooftops into adjacent landscaping prior to discharging to the storm drain
- Draining parking lots into landscape areas co-designed as biofiltration areas
- Draining roads, sidewalks, and impervious trails into adjacent landscaping

Slope and Channel Protection

- Use of existing natural drainage systems to the maximum extent feasible
- Stabilized permanent channel crossings
- Planting native or drought tolerant vegetation on slopes
- Energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels

Maximize Rainfall Interception

- Cisterns
- Foundation planting

Increase Rainfall Infiltration

- Dry wells

Source Control BMPs

- Storm drain system stenciling and signage
- Regular street and parking lot sweeping
- Outdoor material and trash storage area designed to reduce or control rainfall runoff
- Efficient irrigation system

Treatment Control BMPs

Biofilters

- Grass swale
- Grass strip
- Wetland vegetation swale
- Bioretention

Detention Basins

- Extended/dry detention basin with grass lining
- Extended/dry detention basin with impervious lining

Infiltration Basins

- Infiltration basin
- Infiltration trench
- Porous asphalt
- Porous concrete
- Porous modular concrete block

Wet Ponds and Wetlands

- Wet pond (permanent pool)
- Constructed wetland

Drainage Inserts

- Oil/Water separator
- Catch basin insert
- Storm drain inserts
- Catch basin screens

Filtration Systems

- Media filtration
- Sand filtration

Hydrodynamic Separation Systems

- Swirl Concentrator
- Cyclone Separator

Appendix B

BMP IMPLEMENTATION TABLES

Table 1. Anticipated and Potential Pollutants Generated by Land Use Type

Priority Project Categories	General Pollutant Categories								
	Sediments	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Development	X	X			X	X	X	X	X
Attached Residential Development	X	X			X	P ⁽¹⁾	P ⁽²⁾	P	X
Commercial Development >100,000 ft ²	P ⁽¹⁾	P ⁽¹⁾		P ⁽²⁾	X	P ⁽⁵⁾	X	P ⁽³⁾	P ⁽⁵⁾
Automotive service facilities			X	X ⁽⁴⁾⁽⁵⁾	X		X		
Retail Gasoline Outlets			X	X ⁽⁴⁾⁽⁵⁾	X		X		
Restaurants					X	X	X	X	
Hillside development	X	X			X	X	X		X
Parking Lots	P ⁽¹⁾	P ⁽¹⁾	X		X	P ⁽¹⁾	X		P ⁽¹⁾
Streets, Highways & Freeways	X	P ⁽¹⁾	X	X ⁽⁴⁾	X	P ⁽⁵⁾	X		
X = anticipated P = potential (1) A potential pollutant if landscaping exists on-site (2) A potential pollutant if the project includes uncovered parking areas (3) A potential pollutant if land use involves food or animal waste products (4) Including petroleum hydrocarbons (5) Including solvents									

Table 2. Site Design and Source Control BMP Selection Matrix

	Specific Areas for Implementation of Site Design and Source Control BMPs													
Priority Project Categories	Private Roads	Residential Driveways & Guest Parking	Loading/Unloading Dock Areas	Repair/Maintenance Bays	Vehicle Wash Areas	Outdoor Processing Areas	Equipment Wash Areas	Parking Areas	Roadways	Fueling Areas	Hillside Landscaping	Outdoor Material Storage Areas	Trash Storage Areas	Pools and Spas
Detached Residential Development	R	R									R			R
Attached Residential Development	R												R	R
Commercial Development >100,000 ft ²			R	R	R	R						R	R	
Automotive service facilities			R	R	R		R			R		R	R	
Retail Gasoline Outlets			R	R	R		R			R		R	R	
Restaurants			R				R					R	R	
Hillside development	R										R			
Parking Lots								R					R	
Streets, Highways & Freeways									R					
R = Required – minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs														

Table 3. Treatment Control BMP Selection Matrix⁽¹⁾

Pollutant of Concern	Treatment Control BMP Categories						
	Biofilters	Detention Basins	Infiltration Basins ⁽²⁾	Wet Ponds or Wetlands	Drainage Inserts	Filtration	Hydrodynamic Separator Systems ⁽³⁾
Sediment	M	H	H	H	L	H	M
Nutrients	L	M	M	M	L	M	L
Heavy Metals	M	M	M	H	L	H	L
Organic Compounds	U	U	U	U	L	M	L
Trash & Debris	L	H	U	U	M	H	M
Oxygen Demanding Substances	L	M	M	M	L	M	L
Bacteria	U	U	H	U	L	M	L
Oil & Grease	M	M	U	U	L	H	L
Pesticides	U	U	U	U	L	U	L
<p>(1) The City is encouraged to periodically assess the performance characteristics of many of these BMPs to update this table.</p> <p>(2) Including trenches and porous pavement</p> <p>(3) Also known as hydrodynamic devices and baffle boxes</p> <p>L: Low removal efficiency M: Medium removal efficiency H: High removal efficiency U: Unknown removal efficiency</p> <p>Sources: <i>Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters</i> (1993), <i>National Stormwater Best Management Practices Database</i> (2001), and <i>Guide for BMP Selection in Urban Developed Areas</i> (2001).</p>							

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001
(805) 585-1800

**SEARCH RESULTS****CRITERIA: 2 ITEMS MATCH YOUR SEARCH CRITERIA****MARCH 30, 2005**

Location like 3469* (Commission permits only)

APPLICANT	PROJECT LOCATION	PROJECT DESCRIPTION	COMMENTS	OTHER INFO
5-83-104 Calendar/Permit type missing				
	3469 Cross Creek Road, Malibu (Los Angeles County) (APN(s) 4458-023-003)	1,960 sq. ft. barn/storage building, on 16 acres with existing home & garage, next to Malibu Creek		File date: Approved (5/12/1983)
4-96-205-W Waiver - De Minimis				
David Foster (Agent: Barsocchini And Associates, Attn: Mike Barsocchini)	3469 Cross Creek Rd., Malibu (Los Angeles County) (APN(s) 4458-023-003, 4458-023-004)	Construction of a 1960 sq. ft. from existing grade barn with septic system and a 1144 sq. ft., 18 ft. high from existing grade garage/storage building.		File date: 2/28/1997 March, 1997 hearing

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/18/05
49th Day: 5/06/05
180th Day: 9/14/05
Ventura District Staff
Staff Report: 4/01/05
Hearing Date: 4/13/05



STAFF REPORT: APPEAL **SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Carpinteria

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-CPN-05-040

APPLICANT: M. Timm Development Corporation

APPELLANTS: Commissioners Caldwell and Wan; Carpinteria Creek Foundation; and Richard & Sherry Diaz, Thomas L. Richards, Rochelle Terry, D.Q. Leonard, Stephen D. and Laura L. Manriquez, and Bernard W. and Judith C. Jones.

PROJECT LOCATION: 1497 Linden Avenue in the City of Carpinteria, Santa Barbara County.

PROJECT DESCRIPTION: Subdivision of 5.89-acre parcel into 27 single family residential lots, construction of 27 single family residences, approximately 7,200 cu. yds. grading (4,200 cu. yds. cut, 3,000 cu. yds. fill), pedestrian trail, footbridge, and landscaping and trail improvements in adjacent Franklin Creek Park.

SUBSTANTIVE FILE DOCUMENTS: City of Carpinteria Local Coastal Program; City of Carpinteria Coastal Development Permit No. 03-1122-TM-DP/VAR/MOD/CDP/DA, approved February 28, 2005; Mitigated Negative Declaration (MND), Mission Terrace (M. Timm Development), adopted February 14, 2005; Development Agreement By and Between: City of Carpinteria, and Mission Terrace, LLC, a California Limited Liability Corporation and the Simon Family Trust, dated February 28, 2005.

A. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a local County government that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission.

2. Grounds for Appeal

The grounds for appeal of development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code (Section 30603[a][4] of the Coastal Act).

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or its representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-CPN-05-040 raises presents a **substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. BACKGROUND

The project site is a 5.89-acre parcel located in the Canalino neighborhood north of Highway 101 and the Downtown Core area of the Carpinteria. This neighborhood is characterized by single-family residences and several public facilities including Carpinteria High School, Canalino Elementary School, school district administrative offices and several churches. The subject site is located immediately east of Franklin Creek, and opposite Franklin Creek Park, an approximately 1.1 acre "micropark" that parallels the west side of the creek and includes a grassy area and landscape trees for passive recreation, a playground, and the southern terminus of the Franklin Creek hiking and biking trail. A twelve to fifteen foot wide flood control access easement is located parallel to the creek.

Franklin Creek is contained within a concrete box channel from the base of the Santa Ynez Mountains foothills approximately one mile north of the subject site, to its outlet at Carpinteria Salt Marsh, approximately one mile south. Franklin Creek, within the city limits, does not contain sensitive habitat; however, the quality of water in Franklin Creek impacts the sensitive wetland habitat of Carpinteria Salt Marsh, a designated Environmentally Sensitive Habitat Area (ESHA) in the City of Carpinteria and Santa Barbara County Local Coastal Plans (LCPs).

The subject site currently contains a plant nursery. The parcel is designated for Low-Density Residential use, and is located within the 7-R-1 single family zoning district. The 7-R-1 zoning district allows for a maximum of 4.6 units per acre, with a minimum net lot area of 7,000 sq. ft. which would allow a base buildout of 27 units. The City approved a permit for 27 residential units, with lot size variances for three parcels.

The site is also subject to several provisions of the City's Creeks Preservation Program, which was certified on October 15, 2004 and which implements creek protection and water quality policies in the updated LUP. These provisions include a minimum development setback of 50 feet from top of creek banks, limited exceptions to the setback for resource-dependent and existing legal non-conforming development, development application requirements, post-construction mitigation, and a comprehensive water quality ordinance consistent with the Phase II Permit requirements administered by the Central Coast Regional Water Quality Control Board

decomposed granite pedestrian trail running from the bridge through Franklin Creek Park to Sterling Avenue; h) planting of oak and sycamore trees in Franklin Creek Park; f) drainage system components, including concrete and vegetated drainage swales; and f) grading (estimated less than 1,000 cu. yds.), primarily fill, for construction of the building pads.

Table 1. Approved development within 100 feet of Franklin Creek

Lot No.	Lot Area (gross sq. ft.)	Plan Size (sq. ft.)	Height (ft.)	No. of Stories	~% of home within 100 feet of creek
14	11,192	2,816	18	one	80
15	8,577	2,252	18	one	100
16	7,518	2,889	25	two	95
17	8,590	3,210	23.5	two	90
18	8,692	3,183	25	two	40

Project plans are attached to this report as **Exhibit 4**.

D. APPELLANTS' CONTENTIONS

The City's action was appealed to the Commission by: (1) Commissioners Caldwell and Wan; (2) Richard & Sherry Diaz, Thomas L. Richards, Rochelle Terry, D.Q. Leonard, Stephen D. and Laura L. Manriquez, and Bernard W. and Judith C. Jones; and (3) Carpinteria Creek Foundation.

The appeal filed by Commissioners Caldwell and Wan is attached as **Exhibit 1**. The appeal contends that the approved project is inconsistent with the policies of the certified LCP with regard to creek protection and water quality policies of the certified LCP. Specifically, the Commissioners' appeal alleges that the approved project is inconsistent with Policy OSC-6, IP 25 of the certified LUP, and the implementing measures for this policy found in the certified Creeks Preservation Program (CPP), which require a 50-foot setback for all development from the top of bank of creeks. The appeal further contends that the approved project is inconsistent with Implementation Measure 2.10.4 of the CPP, which identifies the subject reach of Franklin Creek as a priority site for dechannelization and restoration. The appeal also maintains that the approved project is inconsistent with the City's Water Quality Ordinance (WQO), which was certified as part of the CPP. The WQO implements several policies in the certified LUP, including Policies OSC-6e, OSC-6f, OSC-6, IP 31; OSC-6, IP 32; OSC-6, IP33, OSC-10c, OSC-10, IP 53, and OSC-10, IP 54. Finally, the appeal contends that the approval is inconsistent with Implementation Measure 2.7.2 of the certified Creeks Preservation Program, which restricts the width of new trails to five feet.

to set aside lands along or in proximity to local creeks for the purpose of habitat restoration. The appeal suggests that a 50-foot setback from the property lines of the lots adjacent to the creek would enable restoration of a narrow riparian forest along the creek and prevent conflicts with homeowners. The appeal also contends that the approved project is inconsistent with Implementation Measure 2.7.2 of the certified Creeks Preservation Program, which restricts the width of new trails to five feet. Finally, the appeal maintains that the approved project provides no means of complying with requirements of LUP Policy OSC-10, IM49 (incorrectly cited as LUP Policy OSC-6, IM26) for the monitoring of "surface water runoff to identify waterborne pollutants entering the Pacific Ocean."

E. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act.

A substantial issue does exist with respect to the grounds on which the appeal has been filed. The appeals raise significant questions about whether the approved project is inconsistent with policies of the City of Carpinteria Local Coastal Program for the specific reasons discussed below.

1. Creek Protection

Several appellants contend that the project, as approved by the City, does not conform to the policies of the LCP with regard to creek protection. Specifically, the appellants claim that (1) the approved project allows non-resource dependent development within the required creek setback; (2) the setback should be increased to account for site specific factors and LCP policies and regulations regarding restoration of the subject reach of Franklin Creek; (3) the approved trail within the setback is inconsistent with standards in the certified Creeks Protection Program. These claims are discussed in turn below.

Development within Creek Setback

The appellants assert that the approved project is inconsistent with the following policies and regulations of the City of Carpinteria LCP:

City of Carpinteria LUP Policy OSC-6, IP 25, which states:

A setback of 50 feet from top of the upper bank of creeks or existing edge of riparian vegetation (dripline), whichever is further, shall be established and maintained for all development. This setback may be increased to account for

shall not adversely impact the adjacent riparian species and meets all other provisions of this Program and the certified LCP. Such activity shall require approval from the City Biologist or a determination by the City that the proposed activity is consistent with the provisions of this Program and the certified LCP.

- For improvements existing prior to adoption of this Program, a maintenance program shall be submitted by the property owner(s) that describes the scope and nature of maintenance activities. The City shall review the program, make any changes to avoid further disruption of habitat values and shall approve the program. Unless maintenance work is proposed that is outside the scope of the approved program or a State Department of Fish and Game permit is required, no further review by the City shall be required; maintenance activities beyond those stated in the approved maintenance program are prohibited.
- Reconstruction of existing lawfully constructed buildings and improvements within creek setback areas destroyed by fire, flood, earthquake or other natural disaster. Such buildings and improvements may be reconstructed to the same or lesser size and in the same general footprint location, provided that reconstruction shall be inaugurated by the submittal of a complete construction application within 24 months of the time of damage (within 12 months for non-residential structures) and be diligently carried to completion. Reconstruction projects must comply with Chapter 14.82 of the City zoning code.
- Reconstruction of existing lawfully constructed primary residences within creek setback areas, due to normal wear and tear such as structural pest damage or dry rot. Such residences may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted in accordance with the standards for structural additions provided below;
- Structural additions or improvements to existing lawfully constructed primary residences within creek setback areas in conformance with Chapter 14.82 of the City zoning code and the following standards:
 - Second story additions shall be considered the preferred alternative to avoid ground disturbance;
 - Additions shall be located on those portions of the structure located outside or away from the ESHA;
 - In no case shall additions result in the extension of ground floor development into or toward ESHA;
 - Additions shall be allowed only if they: are located a minimum of six feet from any oak or sycamore canopy dripline; do not require removal of oak or sycamore trees; do not require any additional pruning or limbing of oak or sycamore trees beyond what is currently required for the primary residence for life and safety; minimize disturbance to the root zones of oak or sycamore trees to the maximum extent feasible (e.g., through measures such as raised foundations or root bridges); preserve habitat trees for sensitive species as defined by the certified LUP, in

(Lots 14 through 18) contain single-family residences, which are approximately 2,200 to 3,200 feet in size.

As noted above, LUP Policy OSC-6, IP 25 requires a minimum 50-foot setback from top of bank of all creeks. In this case, an existing approximately twelve to fifteen foot wide flood control access easement occupies the portion of the setback immediately adjacent to the creek. The remainder of the 50-foot setback shown on the approved plans includes the entire backyard of Lots 15 and 16, the majority of the backyards of Lots 14 and 17, and a corner of the backyard of Lot 18 (Exhibit ____). A flagstone patio on Lot 15, gravel, yarrow or decomposed granite yard areas for each lot ranging from approximately 200 to 600 sq. ft. in size, and "critter friendly" wood screen fencing along rear and side yard property lines are also shown within the 50-foot setback. In addition, planting of riparian vegetation and installation of "boulder outcrops for wildlife" are approved within the setback.

LUP Policy OSC-6, IP 25 establishes the minimum 50-foot setback for all development. CPP Implementation Measure 2.1.3 clarifies allowable development within stream corridors, which include creeks and their applicable setbacks. CPP Implementation Measure 2.1.3 allows "fish and wildlife enhancement projects," such as the approved planting of riparian vegetation and installation of boulder outcrops. CPP Implementation Measure 2.1.3 also allows flood control measures, such as the 12 to 15 foot wide flood control access road to be located within creek setbacks. CPP Implementation Measure 2.1.3 does not allow construction of patios, fences, and gravel yard areas for new development within creek setbacks. CPP Implementation Measure 2.1.3 further clarifies that development, including any structure, feature, or activity, that would significantly fragment habitat or create significant barriers to the movement of fish and wildlife is prohibited in creek setback areas. Use of the creek setback area as a residential backyard would allow activities that would significantly reduce the value of the setback area as natural habitat and wildlife corridor. Although the special conditions of approval for the project require native riparian species to be maintained in perpetuity within the setback area, the everyday use of the setback area by homeowners cannot be regulated, nor can the placement of structures such as barbecues, lawn furniture, and play equipment or the level of noise and activity be controlled. Backyard activities, such as use of pesticides, herbicides, fertilizers, and other toxic household substances, also cannot be regulated and may have adverse impacts on wildlife and water quality. As such, the approved configuration and design of Lots 14 through 18 allows structural development and uses that appear to be inconsistent with the language and intent of OSC-6, IP 25 and CPP Implementation Measure 2.1.3.

Thus the Commission finds that a substantial issue is raised with respect to the appellants' contention that the approved project is inconsistent with the creek setback policies and regulations of the certified LCP.

implements, in part, LUP Policy S-4e, which requires the City to identify and pursue opportunities to eliminate existing concrete channels. In addition, CPP Implementation Measures 2.10.1 and 2.10.5 require the City to explore public acquisition, and encourage private preservation, of areas adjacent to creeks.

The approved 50 foot setback, which contains all or part of the backyards of five lots, would significantly restrict opportunities for dechannelization of the reach of Franklin Creek that was identified in CPP Implementation Measure 2.10.4 as a priority site for restoration. Specifically, restoration of this section of the creek would require some recontouring or "laying back" of creek slopes, which would be far less feasible if the adjacent property consisted of several homeowners' backyards, and if the residences themselves were located just 50 feet away from the top of the existing channelized bank. An alternative subdivision layout would allow the 50 foot setback to be contained within a single lot, which could be restricted as open space and made available for restoration activities, consistent with CPP Implementation Measure 2.10.5. Other alternatives raised by some of the appellants include a setback greater than 50 feet to allow for adequate riparian habitat within the context of a dechannelization.

One appellant asserts that the 50-foot setback should be increased to account for the project's location within the 100-year flood plain, citing Figure S-4 of the LUP, which depicts flood plain boundaries. Figure S-4 shows the boundaries of the 100-year flood extending slightly to the east of the Franklin Creek channel. However, the FEMA flood plain map for the City of Carpinteria states that the 100-year flood is contained within the Franklin Creek channel. Figure S-4 of the LUP thus inaccurately depicts the flood plain boundaries, and therefore this assertion does not raise a substantial issue with regards to the approved project's consistency with the certified LCP.

Given the mandates established by the LCP policies and regulations stated above, and the potential obstacles that the approved projects poses to potential restoration of the subject reach of Franklin Creek, the Commission finds that substantial issue is raised with respect to the appellants' contention that the approved project is inconsistent with the relevant creek restoration policies and regulations of the certified LCP.

Trail Width

The appellants assert that the approved project is inconsistent with the following policies and regulations of the certified LCP:

CPP Implementation Measure 2.7.2, which states:

Where new or expanded recreational trails are provided in stream corridors, they will be constructed of alternative surface materials (i.e., not paved), and shall be a maximum of five feet wide. New or expanded public trails and/or park improvements shall be designed and sited to minimize disturbance of sensitive creek resources including native vegetation, creek beds and banks. When such activities require removal of riparian plant species outside of trail limits, revegetation with local native riparian plants shall be required. Creek crossings will be minimized.

In order to protect watersheds in the City, all construction related activities shall minimize water quality impacts, particularly due to sediments that are eroded from project sites and are conveyed to receiving waters, by implementing the following measures:

- a. Proposed erosion and sediment prevention and control BMPs, both structural and non-structural, such as:*
 - Stabilize disturbed areas with vegetation, mulch, geotextiles, or similar method*
 - Trap sediment on site using fiber rolls, silt fencing, sediment basin, or similar method*
 - Ensure vehicles on site are parked on areas free from mud; monitor site entrance for mud tracked off-site*
 - Prevent blowing dust from exposed soils.*
- b. Proposed BMPs to provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials, such as:*
 - Control the storage, application and disposal of pesticides, petroleum and other construction and chemical materials*
 - Site washout areas more than fifty feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies*
 - Provide sanitary facilities for construction workers*
City of Carpinteria General Plan and Local Coastal Plan Open Space, Recreation & Conservation Element
 - Provide adequate disposal facilities for solid waste produced during construction and recycle where possible.*

Policy OSC-6, IM 33:

In order to protect watersheds in the City, all development shall minimize water quality impacts, particularly due to storm water discharges from existing, new and redeveloped sites by implementing the following measures:

- a. Site design BMPs, including but not limited to reducing imperviousness, conserving natural areas, minimizing clearing and grading and maintaining predevelopment rainfall runoff characteristics, shall be considered at the outset of the project.*
- b. Source control Best Management Practices (BMPs) shall be preferred over treatment control BMPs when considering ways to reduce polluted runoff from development sites. Local site and soil conditions and pollutants of concern shall be considered when selecting appropriate BMPs.*
- c. Treatment control BMPs, such as bio-swales, vegetated retention/detention basins, constructed wetlands, stormwater filters, or other areas designated to control erosion and filter*

- *Public Participation and Involvement*
- *Illicit Discharge Detection and Elimination*
- *Construction Site Runoff Control*
- *Post-Construction Runoff Control*
- *Pollution Prevention and Good Housekeeping in Municipal Operation.*

Another appellant maintains that the approved project is inconsistent with CPP Implementation Measures 2.4.2 and 2.4.5, which require Construction and Post-Construction Mitigation Plans to be reviewed and approved prior to issuance of the development permit. The Commission notes, however, that while the City has approved the applicant's proposal, it has not yet issued the development permit.

The conditions of approval for the approved project include limited provisions for water quality protection. The conditions require run-off calculations and drainage system design to be based on a twenty-five year storm and Santa Barbara County Engineering Design Standards. They also require plans that incorporate Best Management Practices (BMPs) to minimize the potential for pollutants to enter the on-site storm drain system, and maintenance of those BMPs on a regular basis. However, the detailed and extensive provisions of the WQO, which include requirements for submittal of a Water Quality Management Plan (WQMP) with site design, source control, and treatment control BMPs, are absent from the conditions of approval. The WQO implements the primary water quality protection policies of the LUP, which also provide detailed requirements for site design, source control, and treatment control BMPs.

Thus the Commission finds that substantial issue is raised with respect to the appellants' contention that the approved project is inconsistent with the water quality policies and regulations of the certified LCP.

3. Visual Resources

One appellant asserts that the approved project is inconsistent with the following policies of the LUP:

LUP Policy CD-3, which states:

The design of the community should be consistent with the desire to protect views of the mountains and the sea.

LUP Policy OSC-6a, which states:

Support the preservation of creeks and their corridors as open space, and maintain and restore riparian habitat to protect the community's water quality, wildlife diversity, aesthetic values, and recreation opportunities.

F. CONCLUSION

The purpose of the substantial issue determination is to review the administrative record and establish whether a substantial question is raised with respect to the appellants' assertions that the project does not conform to the certified LCP and public access policies of the Coastal Act. As described above, the Commission finds that the appellants' contentions do raise substantial issue with regard to the consistency of the approved project with the creek protection and water quality standards of the Local Coastal Program.

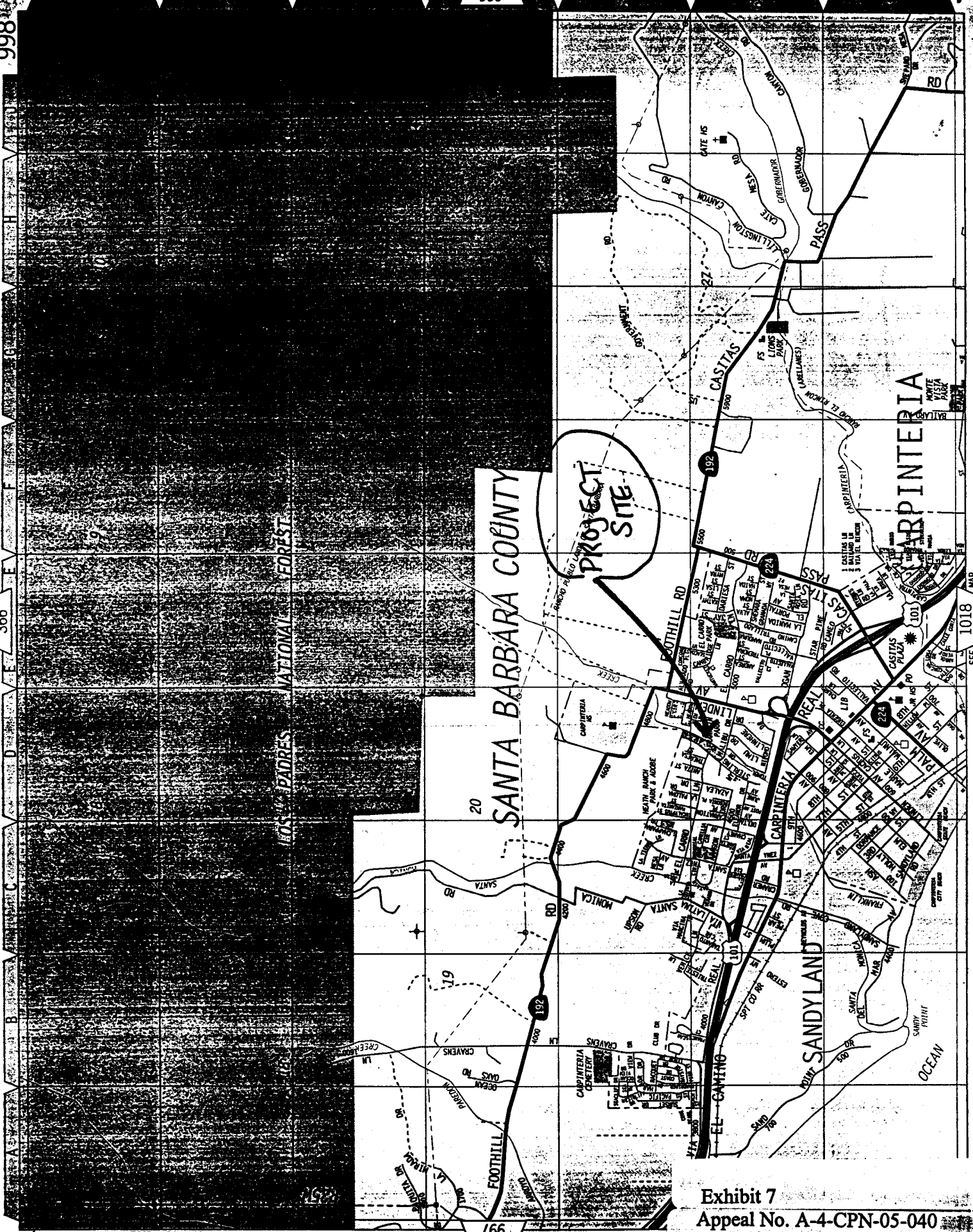
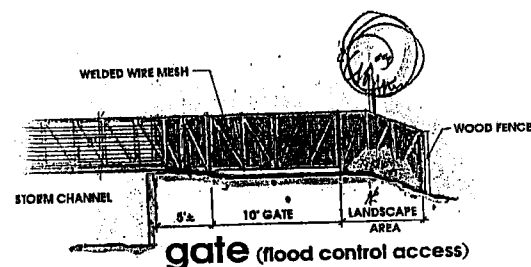


Exhibit 7
Appeal No. A-4-CPN-05-040
Vicinity Map

[illegible]

bridge

gate (flood control access)

lot tally

[illegible]

site plan

RECEIVED

DEC 29 2004

COMMUNITY DEVELOPMENT
DEPT.



Terrace

m. timm development, inc.
 233 E CARILLO STREET, SUITE D, SANTA BARBARA, CA 93101

27 LOTS

12-20-04 pres.
 RICHARD T. THORNE ARCHITECT architecture / planning

S AND ASSOCIATES, INC.
CIVIL ENGINEERS
2010 Street Santa Barbara, California 93103



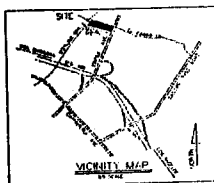
INCLUSIONARY AFFORDABLE HOUSING
TRACT NO. 25,189
A.P.N. 094-005-008 CITY OF CARPENTRIA

statistics

gross area	8.86 acres	263,702 sq. ft.
net site area	5.31 acres	263,187 sq. ft.
total building footprints	29.52%	81,889 sq. ft.
showcase / street / parking / driveways	19.71%	52,439 sq. ft.
landscaping area	53.94%	136,854 sq. ft.
open space	4.83%	12,936 sq. ft.

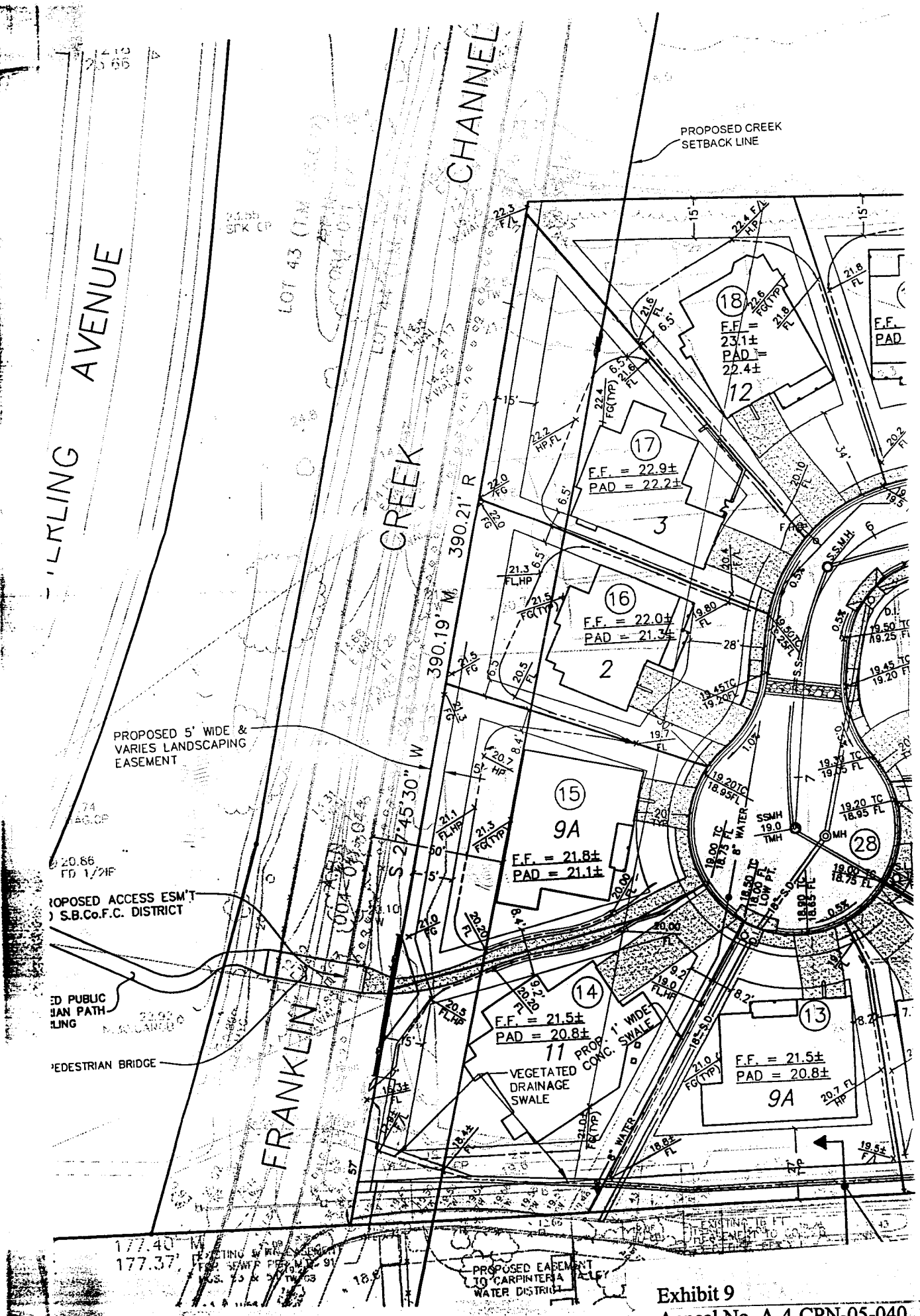
on street parking
off street parking
total

OWNER: Simon Family Trust
ADDRESS: 1497 Linden Ave., Capitola, CA
PHONE: 781



plan legend

7a aff
9a-2



PRELIMIN
MISSION
27 RESIDEN

(N) "CRITTER FRIENDLY" WOOD SCREEN FENCE
INSTALL IN 50' SETBACK ONLY.
(FOR LOTS #14, #15, #16 & #17 ONLY)
(SEE DETAIL 'A')

(E) FLOOD CONTROL SERVICE ROAD
(12' - 0" Wide)
(See Civil Drawings)

(N) REAR YARD GROUNDPLANE @
"CREEKSIDE GARDEN" LOT, Typ.
(Native Lawn Substitu Groundcover)
(Decomposed Granite - 4" Depth)
(Decorative Gravel - 4" Depth)

(N) PERMEABLE FLAGSTONE PATIO @
"CREEKSIDE GARDEN" LOT, Typ.

(N) BOULDER OUT CROPS FOR WILDLIFE
COVER @ "CREEKSIDE GARDEN" LOT, Typ.

(N) "RIPARIAN" RESTORATION SEED MIX @
"CREEKSIDE GARDEN" LOT, Typ.

(N) NATIVE UNDERSTORY PLANTING AREAS @
"CREEKSIDE GARDEN" LOT, Typ.
(Native Plantings within 50' Creek Setback, Typ.)

(N) "NATIVE" SCREEN HEDGE, Typical
(See Plant Legend)

(E) EXISTING PARK TREES / SHRUB MASSING
(Protect in Place or Remove Portions as Needed)
(Remove Portions ONLY with City Approval)

(E) EXISTING PARK TREES, Typical
(Protect in Place)

(N) PUBLIC PEDESTAL BRIDGE
(See Civil Engineer's Drawings)

(N) PUBLIC PEDESTAL BRIDGE
STERLING AVENUE / CREEK
(12' Wide Bridge)
(Also SEE SHEET 100-000000)

S 75° 14' 08" E
S 75° 14' 30" E

177.20 M
177.37 R

Exhibit 10
Appeal No. A-4-CPN-05-040
Landscape detail

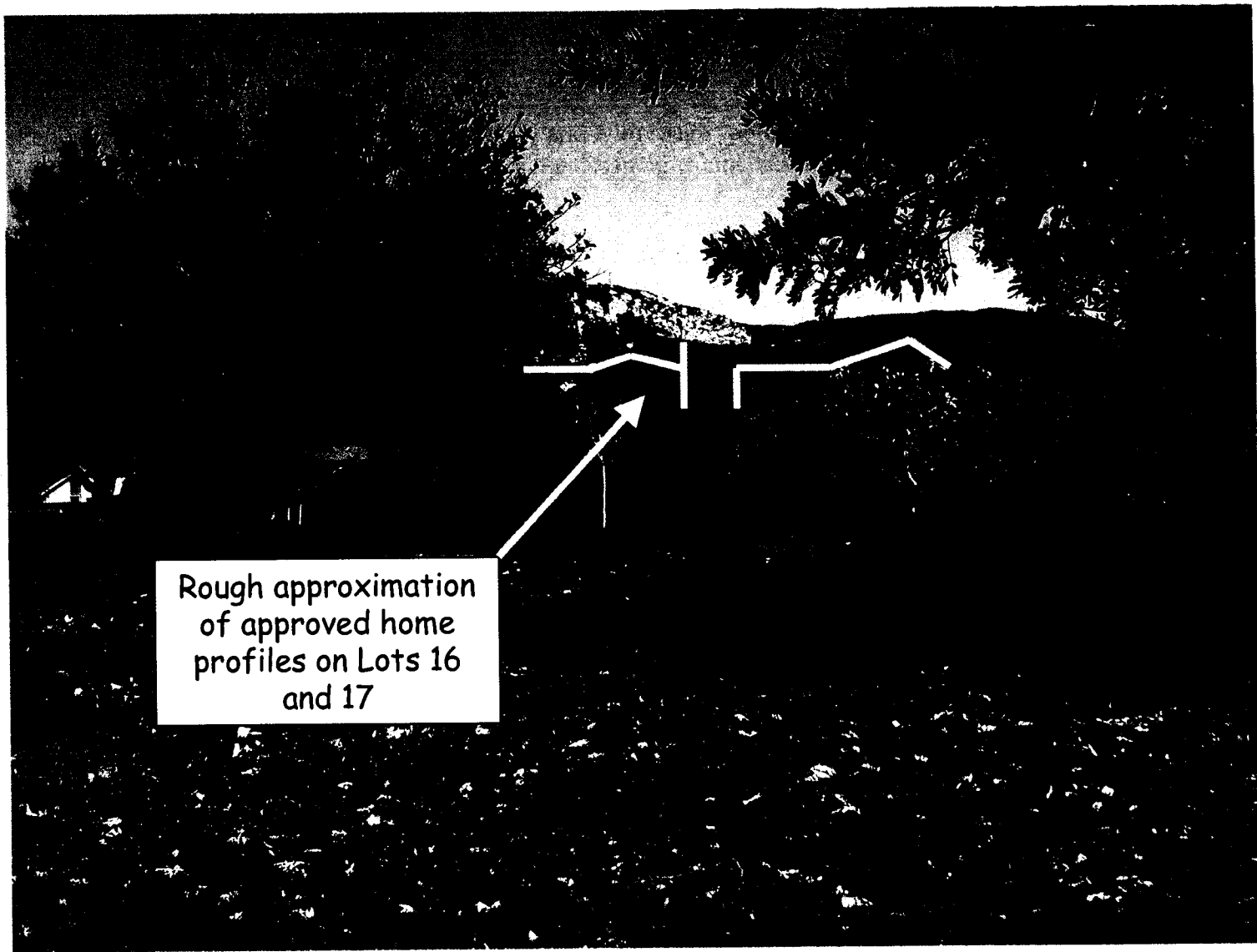


Photo 1. View to northeast from Franklin Creek Park, with rough approximation of profiles of approved residences on Lots 16 and 17. Approved riparian landscaping would obscure the outline of the homes.



Photo 2. View to east from southernmost part of Franklin Creek Park. Construction of one-story homes and planting of riparian vegetation on Lot 15 could obscure mountain views.

