

**CALIFORNIA COASTAL COMMISSION**

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



# Th 20a

## ADDENDUM

**DATE:** November 10, 2008  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item 20a, Appeal No. A-4-CPN-08-068, City of Carpinteria Approval of Lagunitas Mixed-Use Industrial Research Park and Residential Development Project, Thursday, November 13, 2008.

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The purpose of this addendum is to clarify the project description and correct minor typographical errors.

Note: ~~Strikethrough~~ indicates text to be deleted from the October 29, 2008 staff report and underline indicates text to be added to the October 29, 2008 staff report.

- 1.) The heading on the top of page 6 of the October 29, 2008 staff report shall be revised as follows:

**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

- 2.) The description of the previous version of the project shall be corrected as follows:

-Page 9 of the October 29, 2008 staff report:

Regarding water quality and landform alteration, the previously approved project included about ~~80,000~~ 160,000 cu. yds. of grading (balanced cut and fill) in order to create 50 level building pads...

-Page 9 of the October 29, 2008 staff report:

~~Although~~ ~~†~~ The amount of grading has ~~increased~~ decreased by about ~~5,500~~ cu. yds. from ~~80,000~~ 160,000 cu. yds. in the original project to 85,500 cu. yds. in the revised project, and other project components have been incorporated to manage runoff and landform alteration. In addition to reducing the square footage of building space, further changes include incorporating permeable pavement into construction of roadways and parking lots, incorporating bioswales, and adding 2.5 acres of open space grassland area (or potentially park area in the future).

# Th 20a

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

## CALIFORNIA COASTAL COMMISSION

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

Filed: 9/15/08  
49<sup>th</sup> Day: 11/3/08  
Staff: AT-V  
Staff Report: 10/29/08  
Hearing Date: 11/13/08



### STAFF REPORT: APPEAL SUBSTANTIAL ISSUE PHASE

**LOCAL GOVERNMENT:** City of Carpinteria  
**LOCAL DECISION:** Approval with Conditions  
**APPEAL NO.:** A-4-CPN-08-068  
**APPLICANT:** Carpinteria Business Park Investors, LLC  
**APPELLANT:** Gretchen A. Christman-Johnson  
**PROJECT LOCATION:** 6380 Via Real, City of Carpinteria, Santa Barbara County (APN 001-190-017)

**PROJECT DESCRIPTION:** Development of a mixed-use industrial research park and residential project, including the subdivision of a 25.36 acre parcel into three parcels (14 acres, 8.5 acres, and 2.5 acres), and further subdivision of the northern most of the three parcels into 39 lots: 37 single family residential lots, one lot for 36 condominium units, and one lot for a passive open space restored grassland area (with the potential to be developed as a City park in the future); construction of a 84,550 square foot, 27.5 foot tall industrial/office building with a 340-space parking lot, and a 0.4 acre detention basin north of the office building; approximately 85,500 cu. yds. of grading (47,000 cu. yds. cut and 38,500 cu. yds. fill); construction of 37 single family residences and 36 condominium units; restoration of native vegetation within a 50 ft. wide buffer on either side of Lagunitas Creek; construction of a pedestrian trail, two foot bridges, benches, bicycle racks, and light bollards; and construction of an approximately 2,750 foot long T-shaped private road to provide access to the residential development, including a 40 foot-long free-span vehicle bridge over Lagunitas Creek. The parcel is zoned Industrial Research Park (M-RP), but is subject to a mixed-use overlay that allows residential use to be developed in conjunction with a use allowed in the M-RP zone.

#### SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE DOES NOT EXIST

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for a “no substantial issue” finding are found on **page 4**. The appellant contends that the approved project is not consistent with policies and provisions of the certified Local Coastal Program and applicable policies of the Coastal Act with regard to wetland protection, mixed-use zoning standards, and urban sprawl and land use compatibility. The appellant also raises issues regarding impacts associated with use of the 2.5 acre parcel as a park, protection of white-tailed kite habitat, archeological/cultural resources, and traffic impacts. The standard of review at this stage of an

appeal requires the Commission to determine whether the project, as approved, raises a substantial issue with respect to its conformity to the standards set forth in the certified Local Coastal Program or the public access policies of the Coastal Act that the appellants raise in their appeal (see Page 8 for criteria).

The proposed project does not raise a substantial issue and will be consistent with the relevant LCP policies. It will be consistent with the policies related to protection of wetland resources because, based on expert wetland delineation data, the City reasonably determined that no wetland exists on the site. Further, the project will be consistent with LCP land use policies relating to mixed-use and urban sprawl and land use compatibility because the project site is designated for industrial/office use and requirements for a mixed-use development allowing a residential component are met.

**STAFF NOTE**

The project site considered here is the subject of another appeal (A-4-CPN-06-136) for a similar mixed-use project approved in a CDP by the City of Carpinteria in 2006. As described in detail below, the 2006 CDP was appealed to this Commission by the Carpinteria Valley Association (CVA) and two Coastal Commissioners. The CVA appeal was subsequently withdrawn, but the Commission appeal is still pending.

The substantial issue portion of Appeal A-4-CPN-06-136 was scheduled for hearing by the Commission (December 2006) and the staff recommendation report was distributed. Prior to the hearing, the applicant requested postponement and waived its right to a hearing within 49 days in order to work with staff to resolve several issues raised by the appeal.

In the interim, staff has met with the applicant and its representatives, conducted a site visit, and reviewed supplemental information. Additionally, the applicant has significantly revised the development to address concerns regarding the project’s consistency with the Carpinteria LCP. In staff’s view, the revised project resolves all of the issues raised in the Commission’s 2006 appeal. The City has reviewed the revised project and approved it, with special conditions, as a new 2008 CDP, rather than an amendment to the 2006 CDP approval. Commission staff then received an appeal of the 2008 CDP during the appeal period. That appeal is the subject of this report. As discussed below, staff is recommending that the Commission find that this new appeal raises no substantial issues with regard to the revised project’s consistency with the policies and provisions of the Carpinteria LCP. Staff anticipates requesting that the Commission withdraw the 2006 appeal.

**Table of Contents**

**I. APPEAL PROCEDURES .....4**  
A. APPEAL JURISDICTION ..... 4  
B. APPEAL PROCEDURES ..... 4  
    1. *Grounds for Appeal*..... 4  
    2. *Substantial Issue Determination* ..... 4  
    3. *De Novo Review Stage of the Hearing* ..... 5

C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL ..... 5

**II. STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE.....5**

**III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE....6**

A. PROJECT DESCRIPTION AND BACKGROUND ..... 6

B. PERMIT AND APPEAL HISTORY ..... 8

C. APPELLANTS’ CONTENTIONS ..... 11

D. ANALYSIS OF SUBSTANTIAL ISSUE..... 11

    1. *Mixed-Use Policies and Implementation Plan Measures* ..... 12

    2. *Urban Sprawl and Land Use Compatibility*..... 18

    3. *Wetland Protection*..... 19

    4. *Potential Future Use of 2.5 Acres as an Active Public Park*.....24

    5. *White-tailed Kite Habitat*.....26

    6. *Archeological/Cultural Resources*.....26

    7. *Traffic Impacts*.....27

    8. *Additional Factors to Determine Substantial Issue*..... 28

E. CONCLUSION..... 30

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## EXHIBITS

- Exhibit 1.** Final Local Action Notice and City Staff Report
  - Exhibit 2.** City Resolution 5150 , Findings
  - Exhibit 3.** City’s Conditions of Approval
  - Exhibit 4.** Appeal
  - Exhibit 5.** Project Plans
  - Exhibit 6.** WRA Environmental Consultants Wetland Memorandum 3/23/07
  - Exhibit 7.** Dudek Response to Appeal
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**SUBSTANTIVE FILE DOCUMENTS:** City of Carpinteria Local Coastal Program; City of Carpinteria Final Action on Project No. 07-1407-TM/TPM/DP/CDP (City Council approval dated September 8, 2008); Final Subsequent Environmental Impact Report (EIR), October 2006; SEIR Addendum, August 2008; Jurisdictional Wetland Delineation, Lagunitas Mixed Use Development, by LSA Associates, Inc., dated September 16, 2005; Technical Memorandum- On-Site Drainage Ditch, Lagunitas Development, by WRA Environmental Consultants, dated April 10, 2008; Technical Memorandum- Coastal Commission Wetland Determination, Lagunitas Development,” WRA Environmental Consultants, March 23, 2007; Letter re: Proposed White-tailed Kite Foraging Habitat, by LSA Associates, Inc., dated April 16, 2007.

## **I. APPEAL PROCEDURES**

### **A. APPEAL JURISDICTION**

Under Section 30603 of the Coastal Act, local government approvals of coastal development permits may be appealed to the Commission if the development authorized would be located within the appealable areas, such as the area 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 coastal county that is not designated as the principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, any local government action on a proposal for development that constitutes major public works or major energy facilities may also be appealed to the Commission.

The City of Carpinteria's final local action in this case is appealable to the Commission pursuant to Section 30603(a)(2) because the City approved development within the 100-foot wide corridor on either side of the Lagunitas Creek, a stream specifically identified in the City's Local Coastal Program (LCP).

### **B. 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 their 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. Grounds for Appeal**

Pursuant to Section 30603(b)(1) of the Coastal Act, the grounds for appeal of development approved by the local government and subject to appeal to the Commission are 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 the Coastal Act (Sections 30210-30214 of the Public Resources Code).

#### **2. 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 no substantial issue exists with respect to the grounds listed for an appeal, the Commission will hear arguments and vote on the issue of whether a substantial issue is raised. 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 their representatives), and the local government. Testimony from other persons must be submitted in writing. A majority vote of the members of the Commission is required to determine that the Commission will not hear an appeal. If the

Commission determines that no substantial issue exists, then the local government's coastal development permit action will be considered final.

### **3. De Novo Review Stage of the Hearing**

Should the Commission find that the appeal does raise a substantial issue, the Commission will consider the City's action *de novo*. 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. If a *de novo* review is conducted as part of the hearing, testimony may be taken from all interested persons.

In this case, should the Commission find the appeal to raise a substantial issue, the hearing will be continued and *de novo* consideration of the project will be scheduled for a future Commission meeting.

## **C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL**

Commission staff received a Notice of Final Action for the City's approval of a Coastal Development Permit (Case No. 07-1407- TM/TPM/DP/CDP) issued by the City for the subject development on September 8, 2008. The Notice of Final Action for the project was received by Commission staff on September 10, 2008. A ten working day appeal period was set and notice was provided beginning September 11, 2008, and extending to September 24, 2008.

An appeal of the City's action was filed by Gretchen A. Christman-Johnson during the appeal period, on September 15, 2008. Commission staff notified the City of Carpinteria, the applicant, and all interested parties that were listed on the appeals. The applicant waived its right, under Section 30621, to require the Commission to act within 49 days of the filing of the appeal, which would have been by November 3, 2008.

## **II. STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE**

**MOTION:**            *I move that the Commission determine that Appeal No. A-4-CPN-08-068 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 **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-CPN-08-068 raises **no 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 NO SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

#### **A. PROJECT DESCRIPTION AND BACKGROUND**

The final action undertaken by the City on Project No. 07-1407-TM/TPM/DP/CDP is the approval, with conditions, of a tentative tract map, tentative parcel map, development plan permit, and coastal development permit for development of a mixed-use industrial research park and residential development, including subdivision of a 25.36 acre parcel into three parcels (14 acres, 8.5 acres, and 2.5 acres), and further subdivision of the northern most of the three parcels into 39 lots: 37 single family residential lots, one lot for 36 condominium units, and one lot for a passive open space restored grassland area (with the potential to be developed as a City park in the future); construction of a 84,550 square foot, 27.5 foot tall industrial/office building, 340-space parking lot, and a 0.4 acre detention basin north of the office building; approximately 85,500 cu. yds. of grading (47,000 cu. yds. cut and 38,500 cu. yds. fill); construction of 37 single family residences and 36 condominium units; restoration of native vegetation within a 50 ft. wide buffer on either side of Lagunitas Creek; construction of a pedestrian trail, two foot bridges, benches, bicycle racks, and light bollards.

The office portion of the project will be located on the south eastern half of the subject property, adjacent to Via Real, and will include the construction of an 84,550 sq. ft. 27.5 ft. tall building (Building C). **Exhibit 5**. The building will retain a front setback of 520 feet from Via Real. A 23.5 foot tall cooling tower is proposed to be located to the eastern side of the office building that consolidates the heating and cooling mechanical equipment. The office component also includes a 340 vehicle parking lot on the southeast corner of the parcel that will include a pedestrian walkway and tree plantings. Access to the parking lot would be from Via Real with emergency access located on the north side of the parking lot on Lomita Lane. Access to the office component is proposed from one location along Via Real, providing accessibility to the parking area that serves the building. A secondary emergency access breakthrough will be provided at the northern end of the parking lot, accessing the existing easement (Lomita Lane) along the eastern boundary of the site which serves the neighborhood to the north of the property. Loading areas for the office buildings are proposed to be screened with vegetation and located away from the neighborhood to the north

The project also includes the provision of a 50-ft. setback from the top of each side of the creek bank of Lagunitas Creek and restoration of the riparian corridor. Debris and non-native plants will be removed from the creek and the creek will be restored with local plants for the length of the site. Pedestrian trails will connect the office building, the open space area, the pedestrian creek crossings, and the residential portion of the site.

A 30 ft. buffer is proposed along the northern property line and will be planted with native vegetation to provide separation from the residential development and existing homes to the north. A 0.4 acre detention basin is proposed to be located north of Building C to collect water from the development and divert it to a storm drain.

A 2.5 acre area, located on the southern portion of the site to the west of the proposed parking lot area fronting Via Real, will be restored with local native grassland species. The applicant has offered to dedicate this area to the City of Carpinteria for use as a public park. If the City does not accept the dedication of this open space as a park, it will be maintained as open space in perpetuity, subject to a Master Agreement between Office Owners Association's CC&Rs. Condition 49 of the City's permit states that the offer shall be valid for a period of 21 years.

The residential component of the project will be located on the northern 13 acre parcel, north of Lagunitas Creek and will consist of the construction of 73 residential units: 37 single-family detached residences (four building styles) and 36 condominium units in groups of twelve three-plex buildings. Private roads will serve the residences, with parking on one side of the street. **Exhibit 5** The single-family residences will range in size from 2,168 sq. ft. to 3,196 sq. ft. The condominium units will range in size from 1,633 sq. ft. to 2,253 sq. ft. Residential vehicular access will be provided from Via Real, near the western property line on a 24 foot wide private road. An approximately 2,750 foot long T-shaped private road will provide access to the residential development, including a vehicle bridge over Lagunitas Creek. A 1.7 acre detention basin will be located in the middle of the residential subdivision on the north of the project site. The basin is designed so that the maximum water depth would not exceed 1.97 feet.

## **BACKGROUND**

The subject parcel is an approximately 25.3 acre parcel located in the Northeast sub-area of the City of Carpinteria at 6380 Via Real (APN 001-190-017). This area is located north of Highway 101 and the Carpinteria Bluffs, and south of agricultural lands that extend south from the Santa Ynez foothills. The Northeast sub-area contains both light industrial/office complexes and residential developments. The subject site is located immediately west of an industrial park, south of a rural residential neighborhood, east of a self-storage facility and light industrial facility, and north of Via Real, which runs immediately parallel to Highway 101.

The property is roughly bisected by Lagunitas Creek, which flows in an s-shape and in a southwesterly direction through the center of the property. Lagunitas Creek drains a small (approximately 300 acre) area of coastal terrace and foothills in the eastern part of the City and adjacent unincorporated lands. The creek enters the property from a culvert on the property to the east, traverses the site in an earthen channel, re-enters a culvert system to cross Via Real and Highway 101, and then daylights again on the Carpinteria Bluffs south of Highway 101 and Carpinteria Avenue. While the Lagunitas Creek reach that crosses the project site has been significantly disturbed by past development, the section of the creek on the Carpinteria Bluffs occupies a natural channel and supports dense southern arroyo willow riparian forest that is considered an ESHA in the City's LCP. Lagunitas Creek enters the Pacific Ocean south of the Carpinteria Bluffs Area II.



Until recently, the subject parcel contained agricultural uses, including greenhouse production and general wholesale and retail nursery operations. Existing structures on the site previously included remnant nursery infrastructure. In the spring of 2007, a final cleanup of debris resulted in the removal of 81 tons of material, of which 77 tons were recycled or reused. There is no current agricultural use on the site. Although the parcel has been used for agriculture, since the early 1980's it has been designated for industrial park use in the City's certified Land Use Plan (LUP). The parcel is zoned Industrial Research Park (M-RP) which allows a variety of uses, including research, development, testing laboratories, and professional offices. Pursuant to LUP Policy LU-6a and Zoning Code Section 14.26.120, residential uses can also be allowed in a "mixed-use" development on parcels designated for industrial use. The maximum allowed residential density on industrial parcels is 20 dwelling units per acre, although, under Section 14.26.120, the appropriate density must be determined by the City based on a variety of factors regarding site resources and anticipated impacts. The approved residential density is approximately 5.6 dwelling units per acre.

The site is also subject to several provisions of the City's certified Creeks Preservation Program, which implements creek protection and water quality policies of the City's updated LUP. These provisions include a minimum development setback of 50 feet from the top of creek banks or the outer edge of riparian vegetation, whichever is greater, limited exceptions to the setback for resource-dependent 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).

## **B. PERMIT AND APPEAL HISTORY**

In 1999, the applicant submitted an application to the City to construct a 360,000 sq. ft. office park on the subject site. The proposed project was evaluated in an EIR, which was certified by the Planning Commission in June 2000. The application was subsequently withdrawn following the City Council's endorsement, during the City's General Plan/ LUP update process, of a policy to allow mixed residential and industrial uses on industrial zoned parcels. In April 2001, the applicant submitted a revised application to the City for a mixed use development similar to the project the City approved in September 2008. A Subsequent EIR was prepared for the project in October 2002, and in April 2003, the Planning Commission recommended approval of the new EIR and the project to the City Council. In July 2003, the City Council approved the project conceptually and continued their final action to allow time for the necessary LCP amendment to be processed and to allow CalTrans to complete its Project Study Report analyzing proposed Route 150 interchange improvements. These actions were not completed until July 2005. The City subsequently updated the environmental documents for the project, releasing a Draft Revised SEIR in July 2006 and a Final Revised SEIR in October 2006. The Final Revised SEIR and the project were approved by the City Council in October 2006.

After the City Council's October 2006 approval, the Carpinteria Valley Association (CVA) appealed the project approval to the Coastal Commission and circulated a referendum for signatures to place the matter of the City's approval of the project on a

ballot for review by a vote of the people. However, the project applicant and CVA reached an agreement providing that the applicant would submit a revised, smaller project proposal, and the referendum was avoided. The current proposal is consistent with the agreement reached between the applicant and CVA. Among other changes, the reduced project design eliminates one of the two previously proposed office buildings, reducing the office park from the originally proposed 145,425 sq. ft. to the currently proposed 84,550 sq. ft. and reduces the parking spaces from 509 to 340 spaces, and consequently increases open space area. Pursuant to the agreement, CVA also withdrew its appeal of the project.

However, two members of the Commission, Sara Wan and Meg Caldwell, also filed an appeal of the project in October 2006. Commission staff prepared and distributed to the public and the Commission a staff report recommending that the Commission find the appeal to raise a substantial issue, but the Commission has not considered the 2006 appeal because the applicant waived the 49-day hearing deadline and indicated a willingness to work with staff to incorporate significant changes to the project to address the major issues raised by the Commissioners. Several issues were raised by the Commissioners in their 2006 appeal, including creek protection, water quality, landform alteration, air quality, and wetland protection. Since that appeal, Commission staff has been working with the applicant to address those issues, as explained below.

Regarding creek protection, the project originally contained plans for construction of a road over Lagunitas Creek and culverting of the creek for approximately 75 feet under the road. The applicant revised the project (consistent with the applicant's agreement with CVA) to provide for a span bridge instead of a culverted crossing. Although abutments would be installed near the top of the banks, no parts of the structure would be located in the creek bed, and rock rip-rap would not be needed to be installed within the creek bed, as would have been needed for the culvert. The new project also includes a 50 ft. buffer from the top of the creek bank on each side and restoration of the riparian corridor with native local riparian species.

Regarding water quality and landform alteration, the previously approved project included about 80,000 cu. yds. of grading (balanced cut and fill) in order to create 50 level building pads for the proposed residences on the northern part of the property, level pad areas, a uniformly sloping parking lot area in the southern part of the property, and two stormwater detention basins, one in the southern area of the property and one in the northern area. The Commission's appeal stated that alternative designs for the proposed project could accommodate retention of the existing depression and reduce required grading to preserve natural landforms and drainage features. For example, the appeal stated that alternative designs could reduce impervious surface area by incorporating permeable pavement into the project (including the approximately 5 acre parking lot for the industrial park) and by reducing the number of residences and the industrial building space. To address these issues, the applicant has reduced the amount of industrial/office space from 145,425 sq. ft. to 85,000 sq. ft., has reduced the parking from 504 spaces to 340 spaces, and has reduced the number of residences from 74 to 73 (37 detached single-family homes and 36 condominium units), removing plans for one single family home. Although the amount of grading has increased by about 5,500 cu. yds. from 80,000 cu. yds. in the original project to 85,500 cu. yds. in the revised project, other project components have been incorporated to manage runoff and

landform alteration. In addition to reducing the square footage of building space, further changes include incorporating permeable pavement into construction of roadways and parking lots, incorporating bioswales, and adding 2.5 acres of open space grassland area (or potentially park area in the future). The revised project would increase the open space acreage from the previous design by 2.58 acres to a total of 11 acres, which is about 43% of the 25.36 acre site. These design changes, reducing the amount of impermeable surface area of buildings and parking lots, will decrease overall surface runoff and associated surface water contaminants as compared to the previous project.

The 2006 Commission appeal also raised concerns regarding the project's consistency with policies of the LCP relating to air quality impacts. The appeal explained that the EIR included an alternative that would reduce the number of residences by three and the amount of industrial space by 19%, resulting in 13% less traffic and reduction in air quality impacts. In response to this issue, the reduced project, as approved by the Carpinteria City Council in October 2008, includes a reduction of office/industrial space by 60,425 sq. ft., from 145,425 sq. ft. to 85,000 sq. ft., a decrease in the amount of parking spaces by 169 spaces, from 504 spaces to 340 spaces, and a decrease in the number of residences from 74 to 73 (38 detached single-family homes and 36 condominium units), removing plans for one single family home. According to the Addendum to the Certified Final Subsequent EIR, the reduction in commercial space and associated traffic would reduce impacts below Air Pollution Control District (APCD) emission thresholds. Additionally, the report concluded that both construction and operational air quality impacts associated with the revised project would be less severe than those for the project analyzed in the 2006 SEIR, and would be less than significant with the mitigation measures included in the SEIR. (Addendum SEIR, p.10) With the current proposal, air quality impacts have been reduced to a level where they can be mitigated to less than significant, Class II. The SEIR identified several measures to reduce ozone impacts, including vehicle trip reduction measures, contribution to an air pollution emission offset program (should one be created), and energy efficient design techniques. Several of these measures have been included in the Conditions of the City's September 8, 2008 approval.

Lastly, the project's consistency with LCP policies relating to wetland protection was raised by the 2006 Commission appeal. As discussed further below in Section D.1., based on analysis by Commission staff, site visits, and a new memorandum submitted by a certified wetland scientist, staff agrees with the City's determination that the topographical depression existing on the property does not meet the definition of a wetland in the City of Carpinteria's LCP.

Subsequently, the applicant submitted the new revised project for approval by the City of Carpinteria. The City Council voted to approve the project, with conditions, on September 8, 2008. The City Council's Resolution and Approval with Conditions of Project No. 07-1407-TM/TPM/DP/CDP are attached as **Exhibits 1-3**. Condition 180 of the project provides that approval of Project No. 07-1407-TM/TPM/DP/CDP shall supercede the City's prior approval of Project 01-976-DA/TM/TPM/DP/CDP/P-Mod (October 2006) upon withdrawal of the Coastal Commission appeal of that project. Therefore, the project approved on September 8, 2008 is intended to be an entirely new permit.

## C. APPELLANTS' CONTENTIONS

The appeal filed on September 15, 2008 by Gretchen A. Christman-Johnson is attached as **Exhibit 4**. The appeal asserts that the project will be inconsistent with policies and implementation measures of the City of Carpinteria's Local Coastal Plan because it will violate policies related to mixed-use designation on the parcel, and violate land use element policies related to urban sprawl and land use compatibility. The September 15, 2008 appeal also raised issues with the adequacy of review of use of 2.5 acre parcel as a public park in the future. Finally, the appeal refers to a statement made in the Commission staff's report regarding the 2006 appeal on the subject site regarding the potential for wetland habitat on the site. However, the September 15, 2008 appeal does not specifically reference LCP wetland policies or explain how the subject project is inconsistent with such policies. The appellant submitted additional materials to Commission staff on October 20, 2008, including photographs of the site, photographs of wildlife, news articles pertaining to the project area, and other comments related to the November 2006 appeal. Although not specifically stated, the materials pointed out additional issues related to impacts on the white-tailed kite and habitat, impacts to archeological/cultural resources, and traffic impacts. The additional materials did not specifically allege that the development does not conform to the standards set forth in the City of Carpinteria certified LCP relating to these issues.

## D. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for this stage of the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the project's conformity to the policies contained in the certified LCP. The appellant contends that the project, as approved by the City, does not conform to the policies of the LCP with regard to wetland protection, zoning regulations regarding mixed-use and urban sprawl and land use compatibility.

Based on the findings presented below, the Commission finds that a substantial issue does not exist with respect to the grounds on which the appeal has been filed. The approved project is consistent with the policies of the City of Carpinteria certified LCP for the specific reasons discussed below.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., title 14, section 13115(b)).

In evaluating the issue of whether the appeals raise a substantial issue, the Commission considers the following factors:

- (1) The degree of factual and legal support for the local government's decision that the development is consistent with the certified LCP;

- (2) The extent and scope of the development as approved by the local government;
- (3) The significance of coastal resources affected by the decision;
- (4) The precedential value of the local government's decision for future interpretation of its LCP; and
- (5) Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellants' contentions.

Each issue and LCP Policy raised by the appellant is outlined below. If the issue has been evaluated by Commission staff previously, in response to the 2006 Commission appeal, that analysis is provided. Each issue is then discussed in relation to the degree of factual and legal support provided by the City to support its conclusion that the approved development is consistent with the City of Carpinteria's certified LCP. The appellant has appealed the City's final action on a number of issues, several of which do not necessarily meet the requirements of section 30603(b)(1) regarding legitimate grounds for an appeal of a coastal development permit (CDP) to the Commission. The legitimate grounds for appeal are limited to an allegation that the action does not conform to the LCP or public access policies of the Coastal Act. For example, appellant raises issues regarding the 2.5 acre area of open space (with the potential to be a future City park), white-tailed kite habitat, archeological resources, and traffic impacts, without stating how those aspects of the project result in non-conformance with LCP policies. Nevertheless, each issue is explained and addressed below to the greatest extent possible. Finally, after the discussion of the factual and legal support for the City's conclusions regarding the issues raised by the appellant, the other four factors used to determine whether a substantial issue exists will be discussed relating to the project as a whole, including the scope of the development, the resources on the site, the precedential value for interpretation of the City's LCP policies, and the broadness of the issues raised.

### **1. Mixed-Use Policies and Implementation Plan Measures**

The appeal asserts that the project, as approved by the City, raises issues with respect to consistency with the Implementation Policy 2 (IP2) of Land Use Element Policy 6b of the City of Carpinteria's LCP relating to mixed use and permitting residential development on parcels zoned for general commercial and industrial use.

Land Use Element Policy LU-6 states:

***Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as an incentive toward the development of affordable housing.***

Land Use Element Policy LU-6a states:

***The City may consider and permit mixed use (i.e., residential/commercial or residential/industrial) on parcels designated on Figure LU-1 for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcels(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site.***

Land Use Element Policy LU-6b states:

***The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use only if the city has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial and industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the City shall retain the authority for determining where implementation of the residential overlay is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after a mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.***

Implementation Policy 2 states:

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

- a. Availability and cost of providing local services and infrastructure; e.g., sewer, water, and schools, and transportation and parking availability.***

- b. Unique site characteristics such as size, shape, topography, and easements.**
- c. The existence on site or adjacent to the site of Environmentally Sensitive Habitat area.**
- d. The need for protection or enhancement of other coastal resources; e.g., viewsheds, coastal access, recreation, visitor-serving commercial and other coastal dependent or coastal related uses.**

***When mixed-use development is proposed in a common building, determination of the allowable density shall include, in addition to the criteria above, consideration of the intensity of the commercial/industrial use including characteristics such as parking demand, vehicle trip generation, noise and vibration, that could affect compatibility of the residential use with the commercial/industrial component.***

***In all cases, commercial or industrial use shall be the primary use of a site designated for mixed-use development. A commercial or industrial use of a developed site shall be found by the City to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage.***

The appellant asserts that the project “does not meet the minimum requirements of IP 2 of Policy LU-6b, which permits mixed use development under certain circumstances.” Under IP2 (above), a commercial or industrial use is the primary use if it is: 1) greater in area than the residential component, and/or 2) if it the commercial or industrial use is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage. The appellant argues the project, as proposed, does not meet the requirements of IP 2 because the primary use of the site is residential and is not commercial or industrial. The appeal asserts that the City erroneously found that the commercial/industrial use was greater in area than the residential component because the City calculated the area for the commercial/industrial use by adding the square footage of the office building plus the square footage of the parking lot and only compared this against the cumulative square footage of the residences without also adding in the streets, common areas, and other features of the residential portion of the project. The appellant asserts that the area should be calculated by lot size and not building size. Additionally, the appeal asserts that the second prong of IP 2 has not been met because “both components function equally from the street as each have similar driveways.” Further, the appeal also asserts that the residential appearance is primary because one and two story buildings are closer to via Real and, while acknowledging that the commercial parking lot is closer to Via Real, explains that the parking lot does not have the height of the residential buildings. The appeal also states the residential appearance is primary because the finished height of the commercial building is 184 feet above sea level, while some residences go to about 190 feet above sea level. Lastly, the appellant argues that from Via Real, the residential component will have a greater mass and cover 100% of the width of the property at the northern end, while the commercial extends over 50% of the width, at most.

The City made the following findings necessary to permit residential use under LU-6a and IP 2 (City of Carpinteria, Findings for Approval, p.7):

1. *The mixed-use development encourages rehabilitation of important existing housing stock, or would result in the production of affordable housing and that [sic] the mixed use would assist the City in maintaining an appropriate balance between jobs and housing. (Policy 6a)*

***The mixed-use development would result in the production of nine of the 73 units for affordable housing above moderate income category. Of the 73 units, 37 would be single-family detached units in four building types and 36 would be condominiums in groupings of 12 three-plex buildings. The project includes nine above moderate income units for sale at 120% Area Median Income (“Affordable Housing Units”). The Affordable Housing Units will be maintained for a period of not less than 30 years and such affordability shall be memorialized in a resale restrictive covenant that shall be recorded for each affordable unit. The applicant will also contribute \$250,000 to the City to assist in the production of affordable housing elsewhere within the City of Carpinteria. These housing units help the City maintain its current jobs/housing balance as the remainder of the parcel would be developed with an 85,000 square foot industrial office park building, thereby generating additional jobs within the City. In addition, the conditions of approval for the project require that units be initially made available for purchase on a priority basis to employees and residents in the City of Carpinteria and then to employees and residents of the Carpinteria Valley.***

2. *The mixed-use development is compatible with existing and anticipated uses in the area surrounding the site. (Policy 6a)*

***The subject property is located on Via real in an area zoned and designated for industrial research park uses as well as adjacent to an area developed with industrial research park uses. Development to the east and west of the site is industrial research park. To the north of the site is low density residential development and agricultural uses in the County of Santa Barbara unincorporated area. Development on the front of the parcel as an industrial research park is consistent with adjacent development along Via Real. The rear of the parcel would be developed with one-story single family residential units located on various lot sizes to provide a transition to and compatibility with the existing single family residential development located north of the project site.***

3. *The residential density shall not exceed the highest residential density permitted in the City’s land use categories, and shall not exceed the appropriate density for the parcel. Determination of appropriate density shall be determined by the following factors: a) Availability and cost of providing local services and infrastructure, e.g. sewer, water, schools, and transportation and parking availability; b) Unique site characteristics such as size, shape, topography and easements; c) The existence on site or adjacent to the site of Environmentally Sensitive Habitat area; d) The need for protection or enhancement of other coastal resources, e.g. viewsheds, coastal access, recreation, visitor-serving commercial, and other coastal dependent or coastal related uses. (IP2)*



*The residential component of the mixed-use development is proposed at a density of 5.6 dwelling units per acre. The project will be served by local water and sewer facilities, which are adequate for the proposed development. The site is an infill parcel for which development was anticipated. Transportation and parking for the project were reviewed in the Subsequent Environmental Impact Report (SEIR) and the Addendum for the project. The SEIR and Addendum identify mitigation measures to reduce potential traffic and parking impacts to less than significant levels. Both the residential and industrial research park project components satisfy the City's parking standards in terms of number and design of parking stalls. With implementation of the mitigation measures, the project would not create significant impacts on the City's transportation system. The project protects the scenic qualities of the site by providing additional open space and landscaping, including a 30-foot buffer adjacent to residential properties to the north of the site. In addition, the project includes enhancing the environmental setting of Lagunitas Creek by incorporating a 100-foot wide buffer [ 50 feet on each side] and planting riparian vegetation within the buffer area. Further, the project avoids locating structures on hazardous areas. Through the provision of active and passive open space areas, there is sufficient recreational opportunity to serve development on the site. A landscaping plan proposed with the project would revegetate and restore the property with a significant number of trees with native riparian vegetation. A mixture of housing types is also proposed with affordable housing opportunities. Therefore, the density satisfies the City's goals and objectives and serves to maintain the City's jobs-housing balance.*

4. *Industrial use of the site is the primary use and residential use is secondary. The industrial use shall be found to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it appears and functions as the primary use of the parcel from its primary street frontage. (IP2)*

*The 25.3 acre site would be divided such that the 12.5 acres are developed with 85,000 square feet of industrial research space and 12.8 acres are developed with 73 dwelling units. The residential portion of the project would be located toward the rear of the parcel providing a buffer between the existing residential development to the north and the new industrial research park component of the project to the south. The project as viewed from its primary street frontage on Via Real would be an industrial research park. Therefore, this project is consistent with the intent of this finding.*

Additionally, the September 8, 2008 City staff report provided the following analysis regarding conformance with IP 2 (p.12):

*The proposed mixed-use development would meet the intent of this policy, although the portion of the site proposed for residential use would be slightly larger than the overall area proposed for the industrial research park development. Residential square footage would total approximately 144,000 square feet, which is less than the combined total of 84,550 square feet of the proposed office building and the 159,58 square feet of parking lot area for the office building. In addition, the industrial research park component would be located along Via Real, the site's only public road frontage, with the residential*

***component set back on the property and north of Lagunitas Creek. Therefore, the proposed project is consistent with this policy.***

Further, although the City recognizes that the residential component of the project is not consistent with the basic description of the RDI category, Land Use policy LU-6a allows the City to consider mixed-use development on industrially-designated parcels. The City has provided a high degree of support for the decision that the development is consistent with Land Use Element Policy 6a of the certified LCP regarding mixed-use. The factual analysis above demonstrates that the City thoroughly evaluated the policies regarding a residential overlay. The City found that the residential component would help the City maintain its current housing/job balance and provide affordable housing units. The City also found that, as compared to a strictly commercial project, the proposed mixed use development provides a balance of jobs and housing that would incrementally ease the housing shortage that exists throughout the South Coast region. In addition, the City found that the residential component provides a buffer between the business park to the south and the residential neighborhood to the north of the site and that the residential component would not create any significant compatibility conflicts with adjacent uses. Further, conditions of approval further provide evidence that Policy 6a is being satisfied. For example, Conditions 33-38 have several requirements relating to affordable housing, including a requirement that the project comply with all the provisions of the City's Inclusionary Housing Requirement Ordinance No. 590, as well as a preference for employees of the office park and employees of the local region.

The City has also provided a high degree of support for the decision that the development is consistent with IP 2 of the certified LCP. The City found that the site is meets the first prong of the test for mixed-use, requiring that commercial or industrial use is greater in area than the residential component. The City found that the residential square footage would total approximately 144,000 square feet, which is less than the combined total of 84,550 square feet of the proposed office building and the 159,000 square feet of parking lot area for the office building. The appellant has raised a valid argument that the first prong of the test for primary use is not met because the City did not also include the streets, common areas, and other features of the residential portion of the project in its calculation. However, the policy is not explicit on how to determine whether the commercial or industrial use is greater in area than an associated residential use. The City has used a valid interpretation of this standard. Furthermore, the language of IP-2 states that a commercial or industrial use in a mixed use project will be considered to be the primary use if it is greater in area **and/or** if it appears and functions as such from the primary street frontage. Thus, even if it were assumed that the industrial use is not greater in area than the residential use, this prong does not need to be satisfied to find that a mixed-use is appropriate if the second prong of the test is satisfied. Here, the City has provided a strong rationale as to why the second prong- the commercial or industrial use is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage- is met. The City explained that the industrial research park component would be located along Via Real, the site's only public road frontage, where it will appear to be an industrial use consistent with the existing pattern of development along Via Real. The residential component will be set back on the property and north of Lagunitas Creek, near existing residential development north of the site. This rationale is supported by the

fact that the parking for the office portion of the project is placed along Via Real and the office building will be located to the South of Lagunitas Creek. **Exhibit 5**

## **2. Urban Sprawl and Land Use Compatibility**

The appeal asserts that the project, as approved by the City, raises issues with respect to its consistency with several objectives of the City of Carpinteria Local Coastal Plan relating to urban sprawl. The appeal states that: "In the City of Carpinteria's General Plan, to avoid sprawl development at the city's edge, we refer you to Objective LU-3. The policies that support this objective are LU-3l and LU-3m". Following are the referenced policies:

Land Use Element Policy LU-3:

***Preserve the small beach town character of the built environment of Carpinteria, encouraging compatible revitalization and avoiding sprawl development at the city's edge.***

Land Use Element Policy LU-3l:

***Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in the area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development.***

Land Use Element Policy LU-3m:

***Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district.***

Although the appellant refers to the above policies (and presumably asserts that the approved project is inconsistent with them), no specific factual explanation or argument is made as to why the project is inconsistent with those policies.

### **City's Factual Analysis for Conformance with Land Use Element Policies relating to Urban Sprawl and Land Use Compatibility**

Regarding land use and urban sprawl issues, the City provided a detailed analysis of the project's compatibility with the land use designation in the LCP and consistency with land use element policies of the LCP. According to the City's staff report, under the 2003 LCP/General Plan, the site is designated for urban development and the project is consistent with the land use designation of Research Development Industrial (RDI). RDI allows for a variety of uses, including research, development, light processing, packaging and service related industries. The 2003 General Plan defines the RDI category as "characterized by well designed groups of office, research and development

and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential.” The City concluded that the office/industrial research park component of the project conforms to the 2003 General Plan RDI category because it is expected to accommodate office uses that would not involve activities that pose significant compatibility conflicts with adjacent uses.

Additionally, the City specifically addressed the project’s conformance with Land Use Policy LU-3a, relating to use compatibility.

Land Use Element Policy LU-3a states:

***New development shall occur contiguous to existing developed areas of the city. Higher density in certain residential neighborhoods and for residential uses in commercial districts shall be provided as a means to concentrate development in the urban core consistent with zoning designations, particularly where redevelopment of existing structures is proposed.***

According to the City’s analysis, the development will be consistent with policy LU-3a because, although the project site is currently vacant, it is surrounded on all sides by developed areas, so it cannot contribute to urban sprawl, and it is designated for urban development under the City’s General Plan/Coastal Plan, so the propriety of the proposed type of development vis-à-vis the character of the area has already been established. Thus, the proposal will be consistent with policy LU-3. Further, policy LU-3l is complied with because the residential component will have a density of 5.6 units per acre, which is on the lower end of the range specified by the City for medium density residential development (4.7-20 units per acre). This density is compatible with the adjacent a low density residential neighborhood to the north.

Thus, although the appellant cited Land Use Element Policies LU-3, LU-3l, and LU-3m, and the City’s analysis does not explicitly outline these three policies in the analysis, as evidenced throughout the City’s staff report, explained above, the City has clearly provided a high degree of factual support that the approval satisfies these land use policies of the LCP, thoroughly explaining that that the development will be compatible with surrounding uses and will not further the problem of urban sprawl.

### **3. Wetland Protection**

The appellant references a staff report written by Commission staff on November 22, 2006, recommending that the Commission find the appeal of the City of Carpinteria’s October 2006 approval of a prior development proposal on this site to raise a substantial issue. The appeal states the following:

4. In reference to the California Coastal Commission’s staff report Tu 8a, dated 11/22/06, page 17, paragraph 2, “Thus the data sheets document field indicators of hydric soils and wetland vegetation, either of which is supporting evidence that the area is a wetland as defined in Section 13577 of the Commission’s regulations.”

On October 20, 2008, the appellant submitted various documents to provide evidence of a wetland on the site. The appellant provided photographs of the site showing green vegetation on the property in 2007 and 2008, and photographs showing standing pools on the site in 2004. The appellant also submitted a copy of a historical U.S. Coast Map from 1867 showing a wetland depression on the site.

The appellant, although not explicitly, apparently asserts that the subject parcel contains a wetland. Apparently the appellant refers to the 2006 Commission staff report on the prior incarnation of the proposed project (Appeal A-4-CPN-06-136) as evidence supporting the claim that there is a wetland on the site. As noted previously, this staff report was prepared to analyze whether the 2006 appeals raised substantial issues. However, the Commission never had the opportunity to review the matter, so it never made any determination regarding whether the appeal raised a substantial issue, and therefore, the Commission never adopted its staff's preliminary findings, and a more detailed analysis of the presence and location of wetland on the site was not considered by the Commission, either in the context of a substantial issue determination or in a de novo review of the proposed project. Rather, the review of the 2006 Commission appeal was postponed and was not considered by the Commission because the applicant waived the 49-day hearing deadline to address the concerns raised in the appeal through providing additional data and working with Commission staff. Therefore, the potential for existence of wetlands on the property was raised, but was not analyzed by the Commission, much less was it analyzed as thoroughly as it would be in a de novo review.

Although not specifically noted by the appellant in the subject 2008 appeal, the November 2006 Commission appeal and substantial issue staff report asserted that the project (approved by the City of Carpinteria in October 2006) raised issues with respect to consistency with the following wetland protection policies of the City of Carpinteria LCP:

LUP Policy OSC-3, which states:

***Preserve and restore wetlands such as the Carpinteria Salt Marsh.***

LUP Policy OSC-3a, which states:

***Wetland delineations shall be based on the definitions contained in Section 13577 (b) of Title 14 of the California Code of Regulations.***

LUP Policy OSC-3-IP12, which states:

***Maintain a minimum 100-foot setback/buffer strip in a natural condition along the upland limits of all wetlands. No structures other than those required to support light recreational, scientific and educational uses shall be permitted within the setback, where such structures are consistent with all other wetland development policies and where all feasible measures have been taken to prevent adverse impacts. The minimum setback may be adjusted upward to account for site-specific conditions affecting avoidance of adverse impacts.***

Section 13577(b) of the Commission's regulations defines a wetland as follows:

**(b) Wetlands.**

**(1) .... Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:**

- (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;**
- (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or**
- (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.**

**(2) For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:**

- (A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and**
- (B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.**

As discussed in the November 2006 staff report, a natural topographic depression exists in the northern portion of the property. This depression ponds water following storms and is located in an area that historically was a "lagunita" (seasonal lake) suggesting the potential for wetlands. Various state and federal agencies are charged with regulating the use of wetlands within the Coastal Zone including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the California Coastal Commission, and local jurisdictions with a certified LCP, among others. While each of these agencies regulates wetlands under a different statutory authority, they all define "wetland" based on three basic parameters: hydrology, soil type, and vegetation. The differences in how these agencies determine whether a particular area qualifies as a wetland lie in the way that these three parameters are treated. Generally speaking, the Corps uses the narrowest definition, requiring evidence of each of the three wetland parameters. USFWS, CDFG, the

Commission and local governments with a certified LCP generally accept positive evidence of a field indicator(s) of any one of the three parameters to demonstrate that an area is a wetland. This difference is often expressed as a “three parameter” versus a “one parameter approach”.

A wetland delineation report prepared for the site ("Jurisdictional Wetland Delineation, Lagunitas Mixed Use Development, LSA Associates, Inc., September 16, 2005) concluded that wetland soils and hydrology did not exist in the area of the depression. Additionally, although two grasses classified as “fac” (annual ryegrass, *Lolium multiflorum*, observed in 2005) and “facw-” (annual bluegrass, *Poa annua*, observed in 2000) respectively, were dominant in one sample each year sampling took place, due to the lack of wetland plants in all other samples, the presence of upland species in and adjacent to these samples, and the absence of wetland soils and hydrology, these grasses were not indicative of a wetland. The November 2006 staff report explained that, upon initial review of the wetland delineation report prepared by LSA Associates, Inc., Commission staff Ecologist, Dr. Jonna Engel, found evidence that wetlands, under the City’s and the Commission’s one parameter definition of wetland, could exist on the site, given the positive wetland vegetation parameter for two samples over two years. The staff report found that substantial evidence existed to suggest that the area may support wetlands.

Following the determination of substantial issue documented in the November 2006 staff report, based in part on the approved project raising issues with respect to its consistency with wetland protection, the applicant hired Dr. Michael Josselyn of WRA Environmental Consultants, to review LSA’s wetland delineation report and to conduct his own wetland delineation, which he performed on February 9, 2007 and reported on March 23, 2007 (“Technical Memorandum – Coastal Commission Wetland Determination Lagunitas Development, Carpinteria, California”, Dr. Michael Josselyn, Certified Professional Wetland Scientist). **Exhibit 6**

Dr. Josselyn’s delineation concurred with LSA’s findings in terms of hydric soils and hydrology. LSA’s and Josselyn’s studies all measured soils with color value/chroma of 10YR3/3 or 10YR3/2. 10YR3/3 is a non-hydric soil. A 10YR3/2 soil may be hydric when combined with observations of redoximorphic features (either concentrations or depletions). None of the studies found such features in the soil samples that were collected and concluded that the soil was non-hydric.

Evidence of ponding was found in the natural depression by LSA in March 2000, including algal mats, sediment deposits, and watermarks left on stones and debris. However, LSA field testing on March 22, 2000 indicated that the water table was more than 24 inches below the surface, at a time when seasonal wetlands at other LSA project sites were fully charged. In addition, LSA found no evidence of ponding during their September 2005 site visit. LSA concluded that although some ponding occurs in the area, it is too brief to produce wetland hydrology. Dr. Josselyn found no evidence of ponding during his February 9, 2007 wetland determination work; he states that he “did not observe any inundation or saturation of the soils nor a water table within 24 inches of the surface.” Dr. Josselyn concluded, taking into consideration, LSA’s results, that “wetland hydrology is not consistently present, in sufficient duration or frequency, to

result in the development of either hydric soils or predominance of wetland vegetation...”

Dr. Josselyn makes the conclusion cited above based on both his soil and vegetation sampling. Dr. Josselyn writes that “the vegetation I observed during my field inspection were primarily upland species that are not listed as hydrophytic vegetation.” While Dr. Josselyn did observe perennial ryegrass, *Lolium perenne*, a facultative (fac) species, in three of his six sample plots, all the other plant species he observed were upland species and none of his plots were characterized as supporting wetland vegetation.

Dr. Josselyn concludes his wetland determination report by stating; “Based on my observations and review of the technical reports prepared by LSA, it is my professional opinion that the area in question does not have hydrology in sufficient duration or frequency to result in the long term dominance hydrophytic [sic] vegetation. The area does not have any physical [sic] indicators of hydric soils nor does not [sic] meet any of the four hydric soil criteria, and therefore I conclude that hydric soils are not present.”

Since LSA reported that on March 22, 2000, annual bluegrass, *Poa annua*, classified as “facw-”, was dominant in one sample, and that on September 11, 2005, annual ryegrass, *Lolium multiflorum*, classified as “fac”, was dominant in one sample, and since Dr. Josselyn reported the presence of perennial ryegrass, *Lolium perenne*, classified as “fac” in three his six sample plots, Dr. Engel determined that the prudent approach was to personally visit the site.

On May 23, 2007 Dr. Engel, Barbara Carey, CCC Supervisor, and Amber Tysor, CCC Analyst, met with the applicant and the applicant’s wetland consultant Dr. Josselyn, to examine the entire site with special focus on the natural topographic depression. Dr. Engel and Dr. Josselyn examined four plots in the area of the depression to look for the presence or absence of wetland hydrology, soil, and vegetation indicators. There was no surface water in the area of the depression the day of their site visit. The four soil samples taken showed no evidence of hydrology (inundation or saturation) and no evidence of hydric soils. And while they did observe scattered patches of perennial ryegrass, it was not dominant in any of the four sample plots and all other species that were observed in the plots and adjacent to the plots were upland species. Dr. Engel concluded, along with LSA and Dr. Josselyn, that the natural topographic depression did not classify as a wetland..

#### City’s Factual Support for Conformance with Policies Relating to Wetland Protection

In evaluating the issue of whether the appeal raises a substantial issue with respect to the project’s consistency with wetland protection policies of the City’s LCP, the Commission considers, among other factors, the degree of factual and legal support for the local government’s decision to approve the project. In this case, as explained above, the City has taken into consideration two wetland delineation reports. Here, the applicant provided the City of Carpinteria a detailed report, prepared by a wetland specialist, concluding that wetlands do not exist on the site under the LCP criteria, as



explained above. ("Technical Memorandum-Coastal Commission Wetland Determination, Lagunitas Development," WRA Environmental Consultants, March 23, 2007) The City has analyzed this information as this memorandum was included as part of the Addendum to the Certified Final Subsequent EIR. Additionally, the applicant's submittal of the reduced project application indicated to City Staff that Commission staff had concurred with the report that no wetlands are present on the site.

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#### **4. Potential Future Use of 2.5 Acre Area as an Active City Park**

The appellant raises an issue with respect to the 2.5 acre area that, as part of the approved project, will be restored as an open space area with native grassland. The settlement agreement between the developers and Citizen's Valley Association provided that the 2.5 acre area shall be offered to the City as a public park. The City did not immediately accept the offer, and Condition 49 of the City's permit provides that: "Prior to recordation of the Parcel Map, the applicant shall offer to dedicate to the City a 2.5 acre parcel (Parcel 3) to be used as open space and/or a public park as shown on the approved Vesting Tentative Parcel Map exhibit dated September 8, 2008. The offer shall be valid for 21 years." The appellant asserts that the City's action to approve the 2.5 acre parcel violates the City's Municipal Code Section 14.68.010, violates the California Code of Regulations, Title 14 (14 CCR), sections 13052(i) and 13301(b), and that the application to the City for the project was incomplete and did not contain an adequate description of the project. The appeal states that "the approval did not include a development plan for that [2.5 acre] parcel, did not change the zoning from commercial/industrial, and did not address potential impacts from various land use potentials, including an active public park." The appellant is concerned that impacts associated with an active public park have not been evaluated, including traffic, parking, and impacts on the riparian area and wetland. Further, the appellant argues that the approval of the project with the 2.5 acre open space area "diminishes the powers and authority of the City and the California Coastal Commission with respect to processing development applications."

*Section 14.68.010 Purpose and Intent* of the City's Municipal Code states:

***The purpose and intent of the development plan is to provide a comprehensive review of development that is subject to the requirements of this chapter in order to assess potential impacts of the proposed development on existing services and surrounding uses and to ensure that new development is appropriately sited and designed. (Ord. 315 § I (part) 1981)***

California Code of Regulations, Title 14, section 13052(i) states:

***When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a permit from one or more cities or counties or other state or local governmental agencies, a permit application shall not be accepted for filing by the Executive Director unless all such governmental agencies have granted at a minimum their preliminary approvals***

**for said development, except as provided in section 13053. An applicant shall have been deemed to have complied with the requirements of this Section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:**

...

- (i) Approval of general uses and intensity of use proposed for each part of the area covered by the application as permitted by the applicable local general plan, zoning requirements, height, setback or other land use ordinances;**

California Code of Regulations, Title 14, section 13301 states:

**§ 13301. Coastal Development.**

**(a) Following the implementation of a coastal development permit program by a local government as provided in Section 13307, any person wishing to perform a development within the affected jurisdiction except as specified in Section 13300 shall obtain a coastal development permit from the local government. If the development is one specified in Public Resources Code 30601, a permit must also be obtained from the commission in addition to the permit otherwise required from the local government; in such instances, an application shall not be made to the commission until a coastal development permit has been obtained from the appropriate local government.**

**(b) Where any proposed activity involves more than one action constituting a development under Public Resources Code, Section 30106, the sum of such actions may be incorporated into one coastal development permit application and into one coastal development permit for purposes of notification requirements of Section 13315; provided, however, that no individual development activity may be commenced or initiated in any way until the overall development has been reviewed pursuant to the provisions of Sections 13315-13325.**

Although the appellant cited to the above portions of the City's Municipal Code and portions of the California Code of Regulations, no specific arguments are given as to why the above provisions are violated. The City has complied with its Municipal code because it has provided detailed review of this project, including certifying a final Subsequent EIR in 2006 and an Addendum to that final SEIR in 2008. In addition, 14 CCR section 13301 only applies to local governments that issue CDPs prior to certification of their LCPs, pursuant to section 30600(b) (see 14 CCR § 13300), which is not the case for the City of Carpinteria. Therefore, these issues cannot form the basis for the Coastal Commission's review of the City's action in approving the CDP.

The City's staff report thoroughly explains the process if the City accepts the offer-to-dedicate and constructs an active public park at some time in the future. The City's staff report (p.26) states that: "Any change or intensification of use or development of the 2.5 acre area associated with the City's acceptance and implementation of the offer to dedicate the property as a park would need to be evaluated for potential impacts at that time, and would also be subject to all applicable City permit requirements including an amendment to the approved Development Plan and Coastal Development Permit which, given the project's proximity to Lagunitas Creek, would be appealable to the

Coastal Commission.” Thus, although the 2.5 acre parcel could be turned into an active public park in the future, environmental impacts associated with an intensification of use will be analyzed at that time and will be subject to an additional review process by the City.

## **5. White-tailed Kite Habitat**

The appellant submitted additional materials to Commission staff on October 20, 2008, including photographs of white-tailed kites and other anecdotal evidence from neighbors documenting the presence of white-tailed kites on the project site. No assertions have been made that white-tailed kites have used the site for nesting or roosting and appropriate habitat for nesting or roosting does not appear to be present on the project site. No specific LCP policies were raised related to white-tailed kites and potential habitat impacts. However, the issue of white-tailed kite habitat and foraging area on the site has been analyzed and evaluated by the City. For example, in the October 2006 Final Subsequent EIR, the presence of white-tailed kites was analyzed in Section 4.4. Additionally, the 2008 Addendum to the Final SEIR contains an analysis of this issue.

Page 29 of the Addendum to the Final SEIR states:

***An analysis of the existing conditions and habitat value of the site (LSA, April 2007) concluded that the project site does not qualify as ESHA (Appendix B) and that the proposed project would not result in significant impacts to white-tailed kite habitat. This is consistent with the analysis and conclusions of the 2006 SEIR regarding the project’s potential to affect wildlife habitat, including raptor habitat. It should also be noted that the applicant proposes to include plant species in the project landscaping that are conducive to kite foraging (these planting recommendations are also included in Appendix B). Finally, the increase in proposed open space compared to that associated with the project studied in the 2006 SEIR would also be expected to incrementally reduce potential impacts associated with loss of raptor, including white-tailed kite, foraging areas. Impacts related to removal of raptor foraging areas, riparian habitat, and trees would be reduced overall and would remain less than significant with adherence to the mitigation measures in the 2006 SEIR regarding revegetation and landscaping, drainage and lighting plans, federal and state agency permitting, and tree replacement.***

The LSA April 2007 report concluded that: “[b]ecause of its small and isolated nature [located in between developed parcels and adjacent to Highway 101] the potential for foraging habitat on the project site is inconsequential, especially for nesting and roosting birds.” (p.3) Nevertheless, Commission staff has worked with the applicant to maintain the 2.5 acre area as open space restored and maintained with native grassland, in order to provide potential foraging habitat for white-tailed kites or other birds.

## **6. Archeological/Cultural Resources**

The additional materials submitted by the appellant to Commission staff on October 20, 2008, contained comments regarding the presence of archeological resources on site, specifically from a historical Chumash settlement. No specific LCP policies were raised

related to this issue. Nevertheless, this issue has been evaluated as part of the EIR process. The Initial Study, included as Appendix A of the October 2006 Final Subsequent EIR, addresses the topic of archeological/cultural resources.

Page 14 of the Initial Study states:

***a. There are five historic resources within the City of Carpinteria Planning Area. However, none are located in the vicinity of the project site. No impacts to historical resources would occur and further analysis of this issue in an EIR that is not warranted.***

***b. An Extended Phase I archeological investigation of the site was conducted by Compass Rose Archaeological Consultants in August 1998. The Phase I study revealed that there are not previously recorded archaeological resources on the project site. An archaeological resource survey of the site identified scattered shell fragments that may be extensions of two prehistoric sites in the general area. However, the scatters were scant in surface and intermixed with modern debris. Therefore, the project site does not appear to have been an area of significant prehistoric use. Nevertheless, because the possibility of undetected resources remains, all subsurface grading will be monitored by a qualified archaeologist. In the unlikely event that archaeological resources are unearthed during grading, all work on-site will halt so that the significance of the resources can be assessed, and, if warranted, any impacts can be mitigated. With the implementation of this requirement, significant impacts to archaeological resources will not occur; therefore, further analysis of this issue in an EIR is not warranted.***

***c. No paleontological resources are known to be present on-site. Further analysis of this issue in an EIR is not warranted.***

***d. No human remains are known to exist on the project site. However, on-site grading could potentially disturb previously undiscovered remains. Therefore, all subsurface construction activities will be monitored by a qualified archaeologist...***

Additionally, Condition 18 of the City's final conditions of approval contains protective measures if a cultural resource is found during construction. Condition 18 (p.5) states: "During any phase of grading or construction, if cultural material suggestive of prehistoric or historic origin is encountered, work in the vicinity of the find shall be stopped and the City shall be notified. Grading or construction shall not be resumed until the find is evaluated and the City determines whether mitigation is necessary." Thus, the issue of archeological/cultural resources had been evaluated by the City in its approval.

## **7. Traffic Impacts**

Lastly, the materials submitted by the appellant on October 20, 2008 also contained comments regarding traffic impacts. As with the issues above, no specific LCP policies were raised. However, traffic impacts were analyzed in the 2006 Final SEIR and traffic impacts from the revised project were analyzed in the 2008 Addendum to the SEIR. The Addendum included a revised Traffic Impact Analysis, "Reduced Lagunitas Mixed-Use

Project,” prepared by Kimley-Horn and Associates, Inc., dated October 17, 2007. This report contains an analysis of traffic impacts from the revised project and recommends mitigation measures. The City’s September 8, 2008 Conditions of approval (Conditions 170-177) include measures to mitigate traffic impacts, including a Transportation Demand Management Program (analyzed in the Final SEIR) and promoting alternative sources of transportation.

**8. Additional Factors to Determine Whether the Appeal Raises a Substantial Issue**

In evaluating the issue of whether the appeal raises a substantial issue with respect to the project’s consistency with wetland protection policies of the LCP, policies related to mixed-use development, and policies related to urban sprawl and land use compatibility, the commission regularly considers other factors in addition to the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP. The Commission also considers the extent and scope of the development approved by the City, the significance of coastal resources affected by the decision, the precedential value of the local government’s decision for future interpretation of its LCP, and whether the appeal raises only local issues, or those of regional or statewide significance.

First, the extent and scope of the development approved by the City of Carpinteria is quite large because the projects consist of a mixed-use industrial research park and residential development over an area that is just more than 25 acres in size, including subdivision of the 25.36-acre parcel into three parcels and the creation of more than 70 residences. The office component includes construction of a 84,550 square foot, 27.5 foot tall industrial/office building, 340-space parking lot, and a .4 acre detention basin north of the office building. The entire project includes approximately 85,500 cu. yds. of grading (47,000 cu. yds. cut and 38,500 cu. yds. fill); restoration of native vegetation within a 50 ft. wide buffer on either side of Lagunitas Creek; construction of a pedestrian trail, two foot bridges, benches, bicycle racks, and light bollards; construction of private driveways. Given that this project consists of extensive development, the project merits and was given a detailed review. However, as noted above, a more intensive development design was approved by the City of Carpinteria in 2006. Since that time, after the original Commission appeal in 2006, the project has been revised to reduce the amount of development (reducing the office/industrial space by 60,435 square feet, reducing the parking by 169 spaces, and eliminating plans for 1 detached single-family residence). A full Subsequent FEIR was prepared for the project in 2006 and an Addendum to that document was prepared in 2008. Thus, although the development is fairly large in scope, the project is sited and designed to minimize impacts and incorporates mitigation measures to further reduce impacts to coastal resources. As such, the project will not have a significant adverse effect on coastal resources.

Next, the Commission considers the significance of any coastal resources that are affected by the decision. Here, Lagunitas Creek bisects this property and although this stream has been disturbed by development in the past, it is still a significant resource. As part of this project, the entire length of the creek will be restored and re-vegetated with a 50 foot buffer on each side of the creek. Therefore, the habitat value of the stream will be enhanced. Although it was originally thought that the site may contain a

wetland due to evidence of standing water at some times of the year, additional wetland studies confirmed that no wetland exists on the site. Further, 2.5 acres of open space area will be restored to native grassland species, allowing for white-tailed kite or other bird species foraging area. So, the coastal resources on the site are not as extensive as originally thought, and the ones that do exist that are considered significant will be protected and enhanced by the project.

Additionally, the Commission looks at the precedential value of the local government's decision for future interpretation of its LCP. The City provided a straight-forward analysis of applicable LCP policies in its September 8, 2008 staff report and explained in detail that the project is consistent with those policies. Because the City has ensured that the project conforms to the policies and provisions of the LCP and has sufficient evidence to support its decision, the project will not have any adverse precedential value regarding interpretation of the City's LCP for future projects.

Finally, the last factor the Commission considers to determine whether the appeal raises a substantial issue, is whether the appeal raises only local issues, or those of regional or statewide significance. The appellants concern regarding wetland protection certainly raises issues of statewide significance, given the need to protect wetlands in the coastal zone throughout the state. However, the site has not been found to contain a wetland under the LCP policies. Additionally, the other issues raised by the appellant, including appropriateness of the site for residential development as part of a mixed-use project, raises only local issues directly related to the City's interpretation of the land use element policies and implementation measures in its LCP. Further, the appellant's claim that the project will exacerbate the problem of urban-sprawl and will not be a compatible land use raises issues of statewide significance. However, as discussed above, the project site is zoned for industrial office/use and it is surrounded by other development on all three sides and a major road (Via Real) and Highway 101 to the south. Therefore, although urban sprawl is a major concern in land use planning, the project will not contribute to urban sprawl. So, the only issues implicated by the project that are of regional or statewide significance have been thoroughly addressed by the City.

In sum, although some of the four "additional" factors listed in the prior section may be satisfied in this case, much more significant is the fact that the City and the developer have worked with the Commission to resolve issues raised by the version of the project approved in 2006, with the result being that the project before the Commission today is fully consistent with the LCP. Thus, notwithstanding the scope of the development and the potential satisfaction of some of the other factors discussed above, the appeal raises no substantial issues with respect to the grounds on which it was filed pursuant to section 30603 – its consistency with the LCP. Therefore, given the analysis above of the five factors the Commission considers to determine whether the appeal raises a substantial issue with respect to conformance with LCP policies, the appeal does not raise substantial issues regarding wetland protection, policies related to mixed-use development, and policies related to urban sprawl and land use compatibility.

## **E. CONCLUSION**

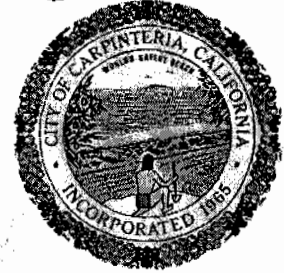
For the reasons discussed above, the appeal does not raise any substantial issue with respect to the consistency of the approved development with the policies of the City's certified LCP regarding mixed-use zoning standards and urban sprawl, land use compatibility, or wetland protection, which are the only grounds raised in the appeal. Applying the factors identified on page 8, the Commission finds that there is adequate factual and legal support for the City's position that the proposed project will not conflict with LCP policies. The project will be consistent with LCP land use policies related to mixed-use and urban sprawl and land use compatibility because the project site is designated for industrial/office use and policy requirements for a mixed use development allowing a residential component are met. Further, the project will be consistent with LCP policies related to wetland resources because, based on an expert wetland delineation report, the City determined that no wetland exists on the site. In addition, although the development is fairly large in scope, the project is sited and designed to minimize impacts and incorporates mitigation measures to further reduce impacts to coastal resources. As such, the project will not have a significant adverse effect on significant coastal resources. Because the City has ensured that the project conforms to the policies and provisions of the LCP and has sufficient evidence to support its decision, the project will not have any adverse precedential value regarding interpretation of the City's LCP for future projects. Finally, the only issues implicated by the project that are of regional or statewide significance have been thoroughly addressed by the City. Therefore, the Commission finds that the appeal filed by Gretchen Christman-Johnson does not raise a substantial issue as to the City's application of the cited policies of the LCP.

4-CPN-08-201

NOTICE OF FINAL LOCAL ACTION ON COASTAL DEVELOPMENT PERMIT

CITY OF CARPINTERIA

5775 CARPINTERIA AVENUE, CARPINTERIA, CA 93013



Date of Notice: September 9, 2008

Notice Sent to (via certified mail): California Coastal Commission South-Central Coast District Office 89 South California Street, Suite 200 Ventura, CA 93001

10/2008

Please note the following Final City of Carpinteria Action on a Coastal Development Permit (all local appeals have been exhausted for this matter):

Project Information

Project #: 07-1407-TM/TPM/DP/CDP
Project Applicant: Carpinteria Business Park Investors, LLC
Agent: Charlie Eckberg, Investec Real Estate
Project Location: 6380 Via Real, Carpinteria, CA APN 001-190-017
Project Description: 84,550 square foot office building, 37 SFDs and 36 condominium units on 25.3 acres

Final Action Information

Final Local Action: [ ] Approved [x] Approved with Conditions [ ] Denied
Final Action Body: [ ] Community Development Director [ ] Planning Commission [x] City Council

Table with 3 columns: Required Materials Supporting the Final Action, Enclosed, Previously Sent (date). Rows include Adopted Staff Report dated 9/8/08, City Council Resolution No. 5150 with Adopted Findings and Conditions, Project Plans, and Final SEIR (2006) and §15164 Addendum (August 2008).

Coastal Commission Appeal Information

This Final Action is:

- [ ] NOT appealable to the California Coastal Commission. The Final City of Carpinteria Action is now effective.
[x] Appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action.

Copies of this notice have also been sent via first-class mail to:

- Applicant
• Agent
• Interested parties who arranged for mailing of notice

Prepared by: Jackie Campbell, Community Development Director

EXHIBIT 1
A-4-CPN-08-068
Final Local Action Notice and City Staff Report



# CITY of CARPINTERIA, CALIFORNIA

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September 9, 2008

Charlie Eckberg  
Investec Real Estate Companies  
200 East Carrillo Street, Suite 200  
Santa Barbara, CA 93101-2144

SEP 10 2008

Members of the City Council

Michael Ledbetter, *Mayor*  
Gregg Carty, *Vice Mayor*  
J. Bradley Stein  
Joe Armendariz  
Al Clark

RE: City Council Final Action  
Lagunitas Mixed Use, 07-1407-TM/TPM/DP/CDP  
6380 Via Real (APN 001-190-017)

Dear Mr. Eckberg:

On September 8, 2008, the Carpinteria City Council took action on the following item:

*A request for a construct and operate a mixed use development project including 73 residential units (36 condominium units [nine of which would be affordable at the above-moderate income level (121% AMI) and two at 160% AMI] and 37 single family dwellings) and an office/research park building of 84,550 square feet with 340 parking spaces. Site improvements include private roadways, a tot lot, two detention basins and infrastructure for all site utilities, including a bus stop on Via Real. Landscaping will consist of riparian species along the drainage channel known as Lagunitas Creek. The parking lot will be planted with olive or other similar trees.*

*Access through the site to the properties to the north via Lomita Lane will be maintained, with improvements made to Lomita Lane to widen it to current Fire District standards (20-foot paved width with two two-foot decomposed granite shoulders).*

*Owner/applicant will offer to dedicate approximately 2.5 acres to the City as open space. Until such time as the dedication is accepted, the open space will be maintained and managed by the Homeowners' Association. If the dedication expires without being accepted by the City, the open space will be maintained by the Homeowners' Association in perpetuity.*

*The project will be accomplished with both a Vesting Tentative Parcel Map to divide the 25-acre property into three lots (office/research park property, open space property, residential property) and a Vesting Tentative Tract Map (to divide the residential lot into separate lots for the open space/roads, individual residences and condominium units).*

*The project also includes the owner/applicant's voluntary cash contributions to the City's affordable housing program (\$10,000 administration and \$250,000 housing production) and alternative transportation program (\$250,000).*

The City Council approved the project and adopted Resolution 5150 with the following revisions:

- **Page 19** of the Staff Report is corrected to reflect the volume of grading at 47,000 cubic yards cut and 38,500 fill.

- **Page 31** of the Staff Report is amended to acknowledge that in addition to the nine required affordable housing units (five two-bedroom condominiums and four three-bedroom condominiums) pursuant to the City's Inclusionary Housing Ordinance, two additional units (one two-bedroom condominium and one three-bedroom condominium) will be provided in the above moderate income range (at 160% AMI).
- **Condition #33** has been revised in part: The project shall comply with all provisions of the City's Inclusionary Housing Requirement Ordinance No. 590. The affordable housing component of the project shall include nine for-sale residential units, targeted to above moderate income households (121% of the area median income) for a period of 30 years. Two additional units shall be provided at 160% of AMI. The Applicant shall submit all information and materials deemed necessary by the City to ensure compliance with the City's Inclusionary Housing Requirement Ordinance No. 590.
- **Condition #36** has been revised in part: Occupancy clearance for the last six market-rate condominium units shall not be granted until occupancy clearance has been granted for all eleven affordable units.
- **Condition #49** has been revised in part: Prior to recordation of the Parcel Map, the applicant shall offer to dedicate to the City a 2.5-acre parcel (Parcel 3) to be used as open space and/or a public park as shown on the approved Vesting Tentative Parcel Map exhibit dated September 8, 2008. The offer shall be valid for a period of 21 years.
- **Condition #180** has been added: Approval of Project 07-1407-TM/TPM/DP/CDP shall supersede the City's prior approval of Project 01-976-DA/TM/TPM/DP/CDP/P-Mod upon withdrawal of the Coastal Commission appeal of that project.

Due to the project's location along Lagunitas Creek, the Council's decision to approve the project is appealable to the California Coastal Commission. The appeal period is ten working days commencing on the day of receipt by the Coastal Commission of the City's Final Local Action Notice (FLAN) and ending at 5:00 p.m., on the 10<sup>th</sup> working day. Any appeal of the City Council's decision must be submitted directly to the California Coastal Commission. As the project is located within the Coastal Appeals Overlay Zone, no submittal fees would be required for such an appeal.

Please sign and return the original of the last page of the attached Conditions of Approval to the Community Development Department. Should you have any questions or need further information regarding this action letter or the project, please contact me at 684-5405, ext. 451.

Sincerely,



Jackie Campbell  
Community Development Director

Attachment: City Council Resolution with Exhibits

cc: Project file, 07-1407-TM/TPM/DP/CDP  
IDAG Members (without plan sets)

**STAFF REPORT**  
**COUNCIL MEETING DATE**  
**September 8, 2008**

SEP 10 2008

**ITEM FOR COUNCIL CONSIDERATION**

Request for approval of a Vesting Tentative Tract Map, Vesting Tentative Parcel Map, Development Plan and Coastal Development Permit to construct a mixed use project including an 84,550 square foot office building, 37 single-family detached residences and 36 condominium units on a 25.3-acre parcel located at 6380 Via Real (APN 001-190-017).

Report prepared by: Jackie Campbell, Director  
Community Development Department

*Jackie Campbell*  
Signature

Reviewed by: Dave Durlinger, City Manager

*[Signature]*  
Signature

**STAFF RECOMMENDATION**

Staff recommends that the Council adopt Resolution No. 5150 to approve Project No. 07-1407-TM/TPM/DP/CDP (Carpinteria Business Park Investors, LLC).

**I. BACKGROUND**

**Site Characteristics**

The project site is located at 6380 Via Real, within an Industrial/Research Park (M-RP) zone district. The subject property is commonly referred to as the Arnesen property, located at the intersection of Via Real and Lomita Lane. This 25.36-acre site is on the north side of Via Real, about 2,000 feet east of Bailard Avenue. A drainage channel known as Lagunitas Creek traverses the property in a northeast-southwest direction and Lomita Lane, a private road easement, runs along the eastern portion of the property parallel to the property line. Surrounding properties consist of industrial park properties to the east, a self-storage development and light industrial use immediately to the west (Bega) with residential uses beyond (Vista de Santa Barbara Mobile Home Park), rural residential homes to the north (County of Santa Barbara) and Via Real/Highway 101 to the south.

Until a few years ago, the site was used for agriculture, including greenhouse production and general wholesale and retail nursery operations. Existing structures on the site included several

metal sheds and remnant nursery infrastructure. All of the agricultural support structures were removed in the last two years as well as site clearing to reduce fire hazards on the property. There is currently no agricultural use on the site.

### **History of Previous Project Reviews**

A former project to construct a 360,000 square foot office park was submitted in 1999 and proceeded through the permit review process where an Environmental Impact Report (EIR) was certified by the Planning Commission in June 2000. The project was consequently withdrawn by the applicants due to a policy that had been endorsed by the City Council during the General Plan/Coastal Plan update process. That policy was intended to allow for mixed residential/commercial use on the subject site and called for new development to support the City's jobs-housing balance.

In response to the City Council's new policy, a revised project was submitted in April 2001. That project reflected a mix of residential and industrial/office park uses. A Subsequent EIR was prepared and circulated for public comment in October 2002. The Planning Commission recommended approval of the document and the project to the City Council in April 2003. In July 2003, the City Council took action to conceptually approve the project and continued their final action to allow time for the Coastal Commission to complete certification of the Local Coastal Program Amendment to allow residential use on the M-RP zoned property and to allow CalTrans to complete a Project Study Report (PSR) to analyze Route 150 interchange improvements. At that time, it was thought that both of those milestones would be completed by October 2003. However, the Zoning Text Amendment was not finalized until May 2005 and the PSR was not completed until July 2005.

Ultimately, the administrative matters were completed and the project was reviewed and approved by the City Council in October 2006, along with a final Subsequent EIR. After the unanimous approval, the Carpinteria Valley Association (CVA) appealed the project to the California Coastal Commission and circulated a referendum for signatures to place the matter of the City's approval of the project on a ballot for review by a vote of the people. However, as the referendum signature deadline approached, the developer and representatives of the Carpinteria Valley Association met to discuss a revised project. Agreement was reached between the parties by which the City would receive and review a reduced project submittal and the referendum would be avoided. The current proposal is consistent with the agreement reached between the developer and the CVA. Most significantly, the reduced project design eliminates one of the two previously approved office buildings. This leaves approximately 2.5 acres of the site in open space as compared to the 2006 approved plan and this area has been addressed in the project description as being offered for dedication to the City for use as a public park. One additional minor change in this plan is the loss of one detached single-family dwelling. Pursuant to the agreement, CVA also withdrew its appeal of the project to the Coastal Commission.

However, an appeal filed by two members of the Coastal Commission is still pending. While the developer has also been working with Coastal Commission staff, processing the appeal has been deferred while the City review this revised project application. If this revised application is approved, it will supersede the Council's 2006 project approval and obviate the need for the pending Coastal Commission appeal. Any action taken by the Council on the proposed project is also appealable to the Coastal Commission. However, as the proposed project no longer includes a Development Agreement, there is no opportunity for another referendum.

### Architectural Review Board

The ARB reviewed the project on several occasions in 2001 and 2002. In January 2002, the ARB recommended conditional approval of the office park development, twelve tri-pac units and the single-family dwellings. Materials, lighting and the subdivision design were continued pending further review. In February 2002, the remaining portions of the project were recommended for approval except for the proposed roofing material which was to be reviewed as part of the project's final review.

In March 2003, the ARB reviewed the three-plex structures and found the design superior to the previously proposed tri-pac units and recommended preliminary approval of the project's architecture. A recommendation was made that trees within the landscape plan be sensitively placed within the paseos given the minimal spacing between the three-plex structures.

### Environmental Review

Although originally an EIR was certified for a previous project, the changes in the development proposal warranted the preparation of a Subsequent Environmental Impact Report (SEIR) when the City first considered the mixed use project (the original project was an industrial research park only with no residential use proposed). The Proposed Final SEIR was reviewed by the City Council and recommended for adoption in July 2003.

As several years passed and the project was again redesigned after the City's zoning policies and CalTrans' PSR were completed, a final Subsequent EIR was certified by the City Council in its action to approve the project pursuant to a Development Agreement in October 2006.

## **II. PROPOSED PROJECT**

The proposed project will require the following land use approvals:

1. **Tentative Tract Map** – Pursuant to the Subdivision Map Act and Title 16 of the Carpinteria Municipal Code, a Tentative Tract Map is required for the residential component.
2. **Tentative Parcel Map** – Pursuant to the Subdivision Map Act and Title 16 of the Carpinteria Municipal Code, a Tentative Parcel Map is required for the industrial research park/office component.
3. **Development Plan Permit** – A Development Plan Permit is required to allow residential development within an M-RP zone district. The office portion of the project is also required to obtain a Development Plan Permit pursuant to Carpinteria Municipal Code Section 14.26.030. Temporary structures associated with construction of the project include two construction office trailers and an 8' x 8' sign advertising the project as well as temporary signs to indicate construction hours, parking/staging areas, etc.
4. **Coastal Development Permit** – Pursuant to the Coastal Act and the City's Local Coastal Program, all development approved by the City also requires a Coastal Development Permit.

### Subdivision (Vesting Tentative Tract Map and Vesting Tentative Parcel Map)

The project will require a Tentative Parcel Map to subdivide the 25.3-acre parcel into three parcels. Parcel 1 would be approximately 14 acres in size and would accommodate the

residential component of the project, including the internal access road from Via Real. Parcel 2 would be 8.5 acres in size and would accommodate the industrial/office development, including the parking lot. Parcel 3 would be offered to be dedicated to the City for use as a public park at approximately 2.5 acres in size.

A Tentative Tract Map is required to further divide Parcel 1 into 39 lots. Of the 39 lots, 37 would be for detached single-family residences, Lot 39 would accommodate the 12 three-plex condominium buildings that include 36 condominium units, and Lot 1 would comprise the common area, including the access road from Via Real, a detention basin, walkways, tot lot and a landscape buffer north of the single-family lots, that would be controlled by a homeowners' association.

The project has been designed to respect the site's natural landforms thereby minimizing the quantity of earth movement. Approximately 47,000 cubic yards of cut and 38,500 cubic yards of fill would be required to prepare the site for development. The grading would be balanced on site.

### **Office Component**

The office portion of the project would be located on the south half of the subject property, adjacent to Via Real. The proposed improvements include the following:

**Buildings** – Building C is an 84,550 square foot two-story structure that would be located south of Lagunitas Creek, near the east property line. This structure respects the existing topography by cutting into the gentle slope with minor amounts of fill on its northwest side. The maximum height of this structure to the peak of the roof is 27.5 feet. This building would retain a front setback of 520 feet from Via Real, with east and west side setbacks of approximately 60 feet and 400 feet, respectively.

A cooling tower is proposed to be located next to the east side of the office building. This facility would provide the heating and cooling for the building. This system consolidates all of the mechanical equipment on a small portion of the property while minimizing the quantity of roof-mounted equipment. The cooling tower would be approximately 23.5 feet in height.

**Parking** – A parking lot accommodating 340 vehicles would be located on the parcel's southeast corner. Access to the parking lot would be from Via Real with emergency access located on the north side of the parking lot onto Lomita Lane. The proposed parking stalls would be standard size (9' x 18'). Seven spaces located closest to the office building would be reserved for vanpool parking. A pedestrian walkway through the parking lot would be provided.

**Landscaping/Restoration** – The proposed landscape plan includes restoration that would introduce native plants and trees to improve the Lagunitas Creek riparian area. California Sycamore, Coast Live Oak and Arroyo Willows are among the plantings proposed. The restoration plan also includes a 50-foot setback from the top of each side of the creek bank to create a riparian corridor along the creek banks throughout the project site.

A meandering network of pedestrian trails would connect the office buildings to the open space areas, the creek and across the creek to the residential component of the development. Benches, pedestrian bridges, light bollards and hitching post bicycle racks would complement the landscape. Until accepted by the City for use as a public park, the 2.5 acres to be offered for dedication would be planted with landscaping appropriate for a meadow with native species.

Extensive landscaping is also proposed within the parking lot to create shade and provide bioswales to filter runoff water before it enters the Lagunitas Creek system.

**Detention Basin** – A detention basin of approximately .4 acres would be located north of Building C. This basin would collect water from the office development that would drain into a storm drain buried adjacent and parallel to Lagunitas Creek that would empty into the creek just downstream from the vehicle bridge. Surrounding the detention basin is an emergency access road with a turn-around area. The road's surface would be constructed of turf block to allow grass to grow and blend into the landscape.

**Open Space/Park** - A 2.5-acre open space area would be offered for dedication to the City of Carpinteria for use as a public park. If the City declines the offer, the open space would be maintained as a passive open space area planted with meadow species and native trees.

### **Residential Component**

The portion of the property north of Lagunitas Creek is approximately 13 acres and would be developed with 73 residential units. Of the 73 units, 37 would be single-family detached in four building types and 36 would be condominiums in groups of twelve three-plex buildings. Private roads would serve the development, with parking provided on one side of the street.

**Building Type 1** – The far north side of the property would accommodate 11 one story single family dwellings on "large lots" ranging in size from 6,910 to 9,370 square feet. Through the use of three floor plans, various designs are provided by using different materials and elevation options. The house size of Plan 1 would be 2,690 square feet (including garage), Plan 2 would be 3,196 square feet, and Plan 4 would be 2,168 square feet.

**Building Type 2** – These single family homes would be located on 26 lots dispersed throughout the development. Of this total, nine lots would be located across the street from the large lot homes described above (Building Type 1), 10 would be located east of the proposed condominium units, and seven would be located on the west side of the property just south of the condominium units. These parcels range in size from 4,275 square feet to 7,574 square feet. Through the use of four different floor plans, various designs are provided by using different materials and elevation options. The house size of Plan 1 would be 2,312 square feet (including garage), Plan 2 would be 2,403 square feet, Plan 3 would be 2,969 square feet, and Plan 4 would be 2,168 square feet. Of these 26 lots, 10 would be developed with one story homes and 16 would be developed with two-story homes.

**Three-Plex** – Each of the 12 three-unit condominium buildings includes two stories with a maximum height of 28.5 feet. This two-story building accommodates three residential units ranging in size from 1,633 to 2,253 square feet, which includes a 400 square foot two-car garage for each unit. Garages are accessed off of short private driveways off of the main access road. Each of the 12 proposed three-plex buildings (a total of 36 units) would be approximately 5,331 total square feet.

The three-plex unit incorporates many of the same architectural treatments used in the single-family detached dwelling designs. Entrances to Plan 2 and Plan 3 are provided off the front elevation while Plan 1 gains access off the right elevation. Each entrance provides a front porch with its own design theme.

**Lighting** - Three different types of street light standards labeled options 1, 2 and 3 would be located throughout the tract. The light standards would be approximately 12 to 14 feet in height. The lighting plan also includes tree and walkway lights as provided within the submitted material

as located on the site lighting plan. The plan is a low level lighting plan to avoid impacts to the properties to the north and the creek area.

**Landscaping** - The landscape plan includes a 50-foot riparian vegetated buffer as measured from the top of creek bank on either side of the creek. This results in a 100-foot creek buffer for the length of the creek on the subject property. In addition to this buffer, a 30-foot buffer is proposed along the north property line where native vegetation would be planted to provide a natural separation between the residential development and existing homes to the north.

The landscape plan also includes a detention basin for the project's drainage system. The detention basin would be located within the middle of the residential subdivision, adjacent to Lagunitas Creek, and is approximately 1.7 acres in size. The basin is designed so that the maximum water depth would not exceed 1.97 feet. Given the 6:1 side slopes, no fence is required to enclose the detention basin.

### III. ENVIRONMENTAL REVIEW

A Subsequent EIR was previously certified as a part of the 2006 project approval for the larger mixed use project on the subject parcel. As the project has been reduced in size from the previous approval, many impacts associated with the larger previously approved project have decreased. Thus, staff has prepared an Addendum to the prior Subsequent EIR. CEQA Guidelines §15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result from a project. As the original project was evaluated under a Subsequent EIR and no new significant impacts would result from the reduced project, an Addendum is appropriate in this instance.

The Addendum analyzes the environmental effects of the proposed project based on today's standards and the existing setting as well as using an updated cumulative projects list and a discussion of the project's contribution to air quality/global climate change impacts through the creation of greenhouse gas emissions. Impacts pertaining to land use, geology, hydrology and water quality, biology, traffic and parking, air quality, noise, aesthetics and solid waste that were previously analyzed in the SEIR have been updated to reflect the current proposal's level of impacts. No significant and unavoidable impacts would result from the reduced project as all impacts can be mitigated to a less than significant level.

Though not required by CEQA, this addendum document was released for a 20-day public review and comment period on August 14, 2008. A public hearing on the draft document was held on August 26<sup>th</sup> wherein verbal comments on the document were presented to the Environmental Review Committee (ERC). The public comment period closed on Tuesday, September 2<sup>nd</sup>. The ERC recommended that the City Council find the document adequate and certify the document. Other than the verbal comments presented to the ERC at its August 26<sup>th</sup> meeting, no other public or agency comments were received. Minutes from the ERC meeting are included as Attachment 3 of this report.

The Addendum dated August 2008 has previously been distributed to the City Council and has been posted on the City's website.

Appendix E from the Draft Addendum dated August 2008 lists the project's mitigation measures and is included in this staff report as Attachment 2. Two important issue areas which have changed since the SEIR was certified in October 2006 are discussed in detail in the Addendum and are summarized below.



**Traffic.** The SEIR identified mitigation measures to reduce potential traffic and parking impacts. One mitigation measure provided two options to achieve the required mitigation. According to SEIR Impact T-1, either one of the options listed in Mitigation Measure T-1a involving improvements to the State Route 150 and Highway 101 interchange (roundabout), or the option listed in Mitigation Measure T-1b involving improvements to the Bailard Avenue and Highway 101 interchange (signalization) would be required to mitigate traffic impacts. However, with the reduced size project, impacts to traffic and circulation have decreased. A revised Traffic Analysis was prepared for the current proposal and concludes that traffic impacts can be mitigated by restriping lanes at the Bailard Avenue/Via Real intersection to accommodate traffic turning movements (Mitigation Measure T-1). No improvements to the US Highway 101/Highway 150 interchange are required and no signalization at the Bailard interchange is required.

Beside restriping improvements to the Bailard Avenue/Via Real intersection, incorporating a Transportation Demand Management (TDM) Plan that includes flexible employee schedules and providing for amenities to serve employees onsite would also mitigate traffic impacts. TDM measures to improve coordination with Metropolitan Transit District (MTD) service continue to apply to the project. These mitigation measures are included as conditions of project approval.

Widening of Via Real to provide for a left turn lane into the project site, previously required by Mitigation Measure T-2, is no longer required as a significant traffic impact will not result from the reduced project. However, in addressing traffic safety and roadway capacity, this requirement has been included in the conditions of approval as addressed in the discussion below regarding consistency with the Circulation Element.

**Air Quality.** The SEIR identified mitigation measures to reduce air quality impacts resulting from project construction, an increase in vehicle trips, and project operation/land use. However, given the scope of the project, the impact remained significant, Class I. With the current proposal for the reduced project, air quality impacts have been reduced to a level where they can be mitigated to less than significant, Class II.

The SEIR identified several measures to reduce ozone impacts which include vehicle trip reduction measures, contribution to an air pollutant emission offset program should one be created, energy efficient design techniques and innovative building review. These measures would continue to apply to the current proposal in order to reduce impacts to less than significant levels. Therefore, unlike the previously approved project, the revised reduced project does not require the approval of a Statement of Overriding Considerations though the same mitigation measures will apply.

In addition to updating the air quality impacts associated with the reduced project, the Addendum also includes an analysis of the project's contribution to global climate change. The proposed revised project includes design features that self-mitigate the impacts of greenhouse gas emissions. According to the analysis in the Addendum, when the results of the self-mitigating measures and design features are quantified, the project would result in a 46.3% reduction in greenhouse gas emissions as compared to a "business as usual" approach to development. This reduction is consistent with the Global Warming Solutions Act of 2006 (AB-32).

The Addendum (August 2008) and the Subsequent EIR (October 2006) have been previously provided to City Councilmembers.

#### **IV. DESIGN REVIEW**

The Architectural Review Board reviewed the current project at a preliminary stage at its meeting of July 17, 2008. Several items were identified by the Board as requiring additional attention:

- Site lighting should be revisited given technological advances since the review in 2003. The minimum amount of lighting required for safety should be implemented;
- The reflectivity of the office building's metal roof should be as low as possible (15% or lower glare factor);
- The architectural style/details of the residences could look more "coastal craftsman;"
- Roof materials should be reconsidered, avoiding rake edges;
- Provide a larger paved area for vehicles to turn around at the northern "T" intersection of the residential streets. Attention should be given to the plantings in this area to ensure visibility;
- Define the paving material and indicate on plans;
- Re-study the three-plex building style and frontage designs;
- Parking for these units and for guests should be re-studied;
- Trees within the meadow area should be grouped more naturally; and
- Use the LEED standards as a guide to increase energy efficiency.

The project will be returned to the ARB at the design development phase, before the working drawings are finalized, to review project modifications pursuant to the comments made at the July 17<sup>th</sup> meeting as noted above. Prior to issuance of any Grading or Building Permit, the project will be required to return to the ARB for a final review as well.

#### **V. GENERAL PLAN/COASTAL PLAN ANALYSIS**

This section analyzes the proposed project's consistency with applicable policies of the Carpinteria General Plan/Coastal Plan and Zoning Code. The City of Carpinteria General Plan/Coastal Land Use Plan (GP/CP) sets forth the goals for future physical development of the City. The General Plan is intended to guide future development in a desirable and efficient manner and to provide a basis for public decisions regarding the development of community resources, the expenditure of public funds and the allocation of land for various purposes. The General Plan and Coastal Plan were combined and updated by the City in 2003. However, the Coastal Commission has not yet certified all policies of the 2003 GP/CP, and so the following analysis addresses those policies from the 1986 General Plan that are technically still in effect as well as those in the 2003 GP/CP (some of which are in effect and others which will become effective as implementing ordinances are adopted).

##### **Land Use Designation Consistency**

The project site has a land use designation of Research Development Industrial (RDI) under the 2003 General Plan. This designation allows a range of uses, including research, development, light processing, packaging and service related industries. The 2003 General Plan defines the RDI category as "characterized by well designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential."

The industrial research park component of the proposed project is expected to accommodate office uses that would not involve activities that pose significant compatibility conflicts with

adjacent uses. As such, this component of the project conforms to the 2003 General Plan RDI category.

The residential component is not consistent with the basic description of the RDI category in the 2003 General Plan. However, Policy LU-6a allows the City to consider mixed use development on industrially-designated parcels. Specifically, the policy states:

*The City may consider and permit mixed use (i.e., residential/commercial or residential/commercial) on parcels designated...for commercial or industrial use. Such mixed use may be considered if the City has found that either the allowance would encourage rehabilitation of important existing housing stock, or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that mixed use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Mixed-use development shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site.*

Based upon this policy, the City may allow the residential component of the project if it makes the appropriate findings as outlined in Policy LU-6a. The residential component would provide a variety of housing types with a range of prices that would be affordable to different segments of the community. In addition, as compared to a strictly commercial project, the proposed mixed use development provides a balance of jobs and housing that would incrementally ease the housing shortage that exists throughout the South Coast region. Finally, the residential component provides a buffer between the business park component to the south and the residential neighborhood to the north and would not create any significant compatibility conflicts with adjacent uses. As such, it appears that the necessary findings with respect to allowing the mixed use development can be made and that the proposed project is an allowed use under the RDI designation.

### **Consistency with General Plan/Coastal Plan Policies**

Consistency with applicable policies of the General Plan/Coastal Plan is discussed below. Each applicable policy is listed in italics, followed by a discussion of consistency.

#### **a. Land Use and Agriculture**

***Policy LU-3a.** New development shall occur contiguous to existing developed areas of the city. Higher density in certain residential neighborhoods and for residential uses in commercial districts shall be provided as a means to concentrate development in the urban core consistent with zoning designations, particularly where redevelopment of existing structures is proposed.*

The project site is currently vacant but is surrounded on all sides by developed areas and is designated for urban development under the City's General Plan/Coastal Plan. As such, the project is consistent with this policy. The proposed density of 5.6 units per acre for the residential component is on the lower end of the range specified by the City for medium density residential development (4.7 – 20 units per acre). This density is appropriate for the site as it is adjacent to a low density residential neighborhood to the north.

***Policy 1.7.** Carpinteria shall, where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses. (1986 GP)*

**Policy OSC-13f.** *Where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses.*

The proposed site design is consistent with this policy, as the open space afforded by Lagunitas Creek and its required buffer area separates the business park from the project's residential component.

**Policy 1.2.b.** *Encourage conservation of agricultural production areas where feasible. (1986 GP)*

**Policy OSC-9d.** *Encourage conservation of agricultural production areas.*

**Policy OSC-9e.** *Avoid the conversion of agricultural land to nonagricultural land uses except where conversion meets the criteria established by Sections 30241, 30241.5, and 30242 of the Coastal Act.*

The proposed project would involve development of a site that has been historically used for agricultural production. However, studies and analyses conducted for the property have indicated that it is not necessarily best suited for continued agricultural use, and the City has maintained the site's non-agricultural land use designation since the site was annexed to the City in the 1980s, including through the 2003 GP/CP update. The applicable Coastal Act provisions cited in Policy OSC-9e under which conversion of agricultural land may be considered appropriate can be summarized as follows:

*Conversion may be appropriate "where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development."*

As the subject property is an infill site surrounded on all sides by urban development and would logically extend the City's core research/industrial area, the project meets this criterion.

*Agricultural land surrounded by urban uses" may be appropriate for conversion if it has access to all necessary services and utilities. Development of such lands must be consistent with Section 30250, which requires that "[n]ew residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Although the project site is at the edge of the City boundary, it is surrounded on all sides by urban development. The area outside of the City boundary to the north of the site is a residential area known as the Lomita Lane neighborhood; this area is included in the City's sphere of influence "based on its relationship to the City and because the area is practically treated as part of the City" (GP/CP page 22). Therefore, the proposed project meets this criterion.

All services are available to the property and service and utility infrastructure exists in proximity to the site. The Carpinteria-Summerland Fire Protection District and Santa Barbara County Sheriff's Department provide fire and police protection services within Carpinteria. Only minor extensions of water, sewer, electricity, natural gas and telephone lines would be required. The Carpinteria Valley Water District would provide water service; the Carpinteria Sanitary District would provide sewer service once the property is annexed into the Sanitary District (annexation

pending with the Local Agency Formation Commission – LAFCO); Harrison Industries contracts with the City for solid waste disposal; Southern California Edison would provide electricity; The Gas Company would provide natural gas; and Verizon would provide telephone service. Thus, the proposed project meets this criterion.

Finally, as discussed in the SEIR and Addendum, the project would not have a significant adverse effect on sensitive coastal resources or those coastal areas with special marine and land habitat or wetland areas, areas possessing significant recreational value, highly scenic areas, archaeological sites, significant visitor destination areas, or existing housing or recreational opportunities for low- and moderate-income persons.

*The City should consider “developing available lands not suited for agriculture prior to the conversion of agricultural lands.”*

The project site is the largest undeveloped property within the City limits that is not located on the coastal bluffs. Thus, the agricultural resource value of the site, which is considered moderate, must be balanced with the considerable coastal resource value of the blufftop properties as the City reviews development applications. Finally, as the site has been designated for non-agricultural uses since the 1980s, it can be concluded that the City has envisioned the logical infill of the site with development since that time and included that likelihood as it has considered comprehensive land planning processes and decisions.

*Agricultural land “shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development...Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.”*

The Cooperative Extension of the University of California evaluated the site in 1978, concluding that none of the property was prime farmland, “by any definition,” and noted that although successful farming of the site may be feasible, it would require “considerable capital investment and a high level of farm management skills and efforts.” Section 3.8.3 of Carpinteria’s 1980 Coastal Plan (CP, page 69) also defined the soils onsite as non-prime and notes that agricultural activity has been impaired by drainage and other problems created by surrounding urban development. Although the 1980 CP has been superceded by the 2003 GP/CP, the City has maintained the site’s urban designation. In addition, development of the site’s non-prime soils could be considered as contributing to a reduction of development pressure on prime farmlands at the City’s edge. Finally, the site is not surrounded by other agricultural zoned lands. Therefore, the project is consistent with these criteria.

***Policy LU-3j.*** *Ensure the provision of adequate services and resources, including parking, public transit and recreational facilities, to serve proposed development.*

The project site is located on Via Real, one of Carpinteria’s major arterial roads. Two access points are proposed from Via Real, one serving the residential component and one the business park component. The proposed number of parking spaces is adequate to meet the needs of the project onsite, and the site is served by MTD’s Line 20 and 21X buses, providing cross-town service within Carpinteria as well as express service to Santa Barbara. As discussed above, all services are available to the property and service and utility infrastructure exists in proximity to the site. Only minor extensions of water, sewer, electricity, natural gas, cable and telephone lines would be required. Finally, between the proposed onsite recreational and open space areas and Carpinteria’s local, regional and state parks and beaches, adequate recreational

facilities exist to serve the proposed development. Thus, the proposed project is consistent with this policy.

**Implementation Policy 2:** *In all cases, commercial or industrial use shall be the primary use of a site designated for mixed-use development. A commercial or industrial use of a developed site shall be found by the City to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage.*

The proposed mixed-use development would meet the intent of this policy, although the portion of the site proposed for residential use would be slightly larger than the overall area proposed for the industrial research park development. Residential square footage would total approximately 144,000 square feet, which is less than the combined total of 84,550 square feet of the proposed office building and the 159,558 square feet of parking lot area for the office building. In addition, the industrial research park component would be located along Via Real, the site's only public road frontage, with the residential component set back on the property and north of Lagunitas Creek. Therefore, the proposed project is consistent with this policy.

#### **b. Aesthetics and Community Design**

**CDS4-a.** *Ensure that new development is sensitive to the scale and character of the existing neighborhoods, and consistent with the city's "small beach town" image.*

This policy is specific to the part of the City designated in the GP/CP as Subarea 4, The Northeast. Landscaping along Via Real, combined with site design that locates the development back from public areas, would ensure that the proposed business park does not dominate or loom over the existing streetscape. The residential component includes American Farmhouse, Traditional and California Ranch architectural styles at sizes that are compatible with development in the area. Finally, the proposed residential component would be a relatively distinct neighborhood, separated from surrounding development by landscape buffers to minimize incompatibility. Therefore, the proposed project is consistent with this policy.

**Policy CD-5a.** *Main entrances to homes should be oriented to the street. Entry elements such as porches, stoops, patios and forecourts are encouraged. Such entry elements should be selected for their compatibility with the adjacent houses and the general neighborhood pattern.*

**Policy CD-5b.** *Garages should not dominate views from any public street.*

**Policy CD-5c.** *Low walls, low fences and hedges should be encouraged along the frontages to define the edge of the private yard area, where appropriate.*

**Policy CD-5d.** *Houses within a neighborhood may vary in materials and style, but strong contrasts in scale, color and roof forms should generally be avoided. Low walls and fences can allow front yards to be semi-private spaces, while leaving the area an integral part of the open space of the neighborhood.*

All of these policies are aimed at achieving Objective CD-5, which is to design streets of neighborhood interiors to be the "living rooms" of the neighborhood. The main entrances of the proposed single family dwellings are generally oriented toward the street and garages, while visible from the street, do not dominate views. It is not known whether low walls or fences may be built in individual yards, though such components may not be necessary given that no through traffic would be expected in the neighborhood. Residential structures within the area

would vary slightly in architectural style, but would be compatible in scale, colors and materials with existing development. Details of the architectural style of the residential buildings will be refined through final review by the Architectural Review Board. Based on this discussion, the proposed project is consistent with these policies.

***Policy CD-8a.*** All streets should be designed with safe and pleasant pedestrian ways at their edge. Pedestrian ways shall be spatially separated from vehicular traffic by elements such as trees, other plantings, streetlights, and/or parked cars.

Sidewalks would be provided along the private streets in the residential component. In addition, pedestrian walkways would be provided on both sides of the enhanced riparian corridor that crosses through the site and connects the residential and business park components of the project. The proposed project is consistent with this policy.

***Policy CD-9a.*** The City shall promote the planting of appropriate street trees in existing and new neighborhoods to define and enhance the city's streetscape.

***Policy CD-9b.*** Neighborhood streets should be planted with street trees in parkway strips between the sidewalk and curb. It may be appropriate to plant street trees in easements behind sidewalks. The scale, type and spacing of trees will be selected to provide strong spatial definition of the street, and to frame axial views.

The proposed project includes extensive landscaping, including street trees along all neighborhood streets, riparian landscaping along the riparian corridor that crosses through the central portion of the site and a 30-foot wide landscaped area along the northern site boundary. The project is therefore consistent with these Community Design policies.

***Policy 1.1.*** Carpinteria will endeavour to protect viewsheds of the City's important open space and recreational areas, such as beaches, marshes, mountains, parks, and significant landforms. (1986 GP)

***Policy 1.2.*** The City shall endeavor to control the amount, location, and height of new construction in significant view corridors (areas between scenic view subjects and opportune viewing locations). (1986 GP)

***Policy CD-9e.*** Major streets should be designed and planted to preserve views of the ocean to the south and hills to the north.

Development of the project would partially impede views of the Santa Ynez Mountains from Via Real and Highway 101. In addition, proposed buildings and landscaping would be within the viewsheds of some residences north of the site. However, as discussed in the environmental documents, the primary visual impact from both Highway 101 and the residences to the north would be to foreground views, rather than to background views of important visual resources such as the Pacific Ocean and Santa Ynez Mountains. In addition, the viewshed change to motorists on Highway 101 would be apparent for no more than a few seconds and would be largely shielded by existing vegetation along the north side of the freeway and proposed vegetation along Via Real.

The street layout is designed to accommodate existing site characteristics such as access points and the channel of Lagunitas Creek. Existing opportunities for views from the site to the mountains and towards the ocean would not be substantially impeded by proposed landscaping or street layouts. The project is therefore consistent with these policies.

**Policy CD-11f.** *Landscape design guidelines should emphasize the use of native drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape. All landscaping shall utilize only non-invasive type plants.*

**Policy CD-12a.** *Landscape planning shall be respectful of the natural character of the City and enhance existing native plant communities and environmentally sensitive habitat areas.*

**Implementation Policy 8:** *Landscaping shall be designed to maximize the use of native drought-tolerant species and deciduous trees to shade buildings in summer and allow for passive solar heating in winter.*

An extensive landscape plan is proposed for development of the project site, including native, non-native, evergreen and deciduous species. Canopy trees to provide shade and screening are proposed both within and around the parking lot for the business park component. Proposed shrubs, vines and groundcovers throughout the site include a number of drought-tolerant species and several local and/or California native species. All plants proposed for the Lagunitas Creek restoration area are native to the local region, with the exception of two species that are native to California and considered appropriate for limited use within the restoration area.

The landscape plan (outside of the restoration area) includes several species that are considered to be potentially invasive. However, with adherence to the conditions of approval which require that these be deleted from the landscape plan prior to final review by the ARB, the project is consistent with these policies related to project landscaping.

**Policy CD-12**

**Implementation Policy 3:** *All parking areas, including any future Park and Ride facilities shall provide landscaping in order to screen and soften large expanses of pavement and, to the extent feasible, shield them from view through the use of perimeter shrubs and/or depression of the parking area. Landscaped setbacks for structures and parking areas are to be provided to soften the appearance of development from the freeway and Carpinteria Avenue.*

**Policy CD-13b.** *Lighting shall be low intensity and located and designed so as to minimize direct view of light sources and diffusers and to minimize halo and spillover effects.*

**Policy CD-13**

**Implementation Policy 4:** *Lighting along roads and in developed areas within or adjacent to ESHA shall not exceed 0.01 foot-candles five feet inside of any City-identified ESHA area.*

Although a detailed lighting plan is not available for evaluation, it is expected that nighttime lighting sources would be provided near project structures, parking areas, accessways and along residential streets. Site lighting would provide safety for vehicular and pedestrian movement and increase nighttime security. With adherence to conditions of approval which provide guidelines for site lighting paralleling these policies, the project is consistent with these policies.

**Policy C-1d.** *The City shall work closely with Caltrans to assure improvements to freeway interchanges and overpasses compliment (sic) the small town quality and charm of the city. Conventional methods for improving level of service such as widening of overpasses for independent turning lanes and signalization of intersections should be avoided if possible in favor of improvements consistent with the existing small town character and charm. Improvements required as a result of a development project shall also be consistent with this policy.*



The mitigation measure at the Bailard Avenue/Via Real intersection is consistent with this policy and provides the necessary mitigation to reduce the traffic impact to a less than significant level without requiring any widening of the Bailard Avenue Interchange, nor does it include any signalization. By providing striping at this intersection, dedicated right turn lanes can be provided to improve the flow of traffic through the intersection. Therefore, the approach to traffic mitigation is consistent with the policy's direction to consider Carpinteria's "small town character and charm" when designing needed improvements to the circulation system. The mitigation measure will also improve bicycle access along Via Real through the intersection.

#### **c. Air Quality**

**Policy OSC-11b.** *Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).*

**Policy OSC-11c.** *Promote the use of solar heating and energy efficient building design to reduce stationary source emissions.*

**Policy OSC-11d.** *Encourage the improvement of air quality in the Carpinteria Valley by implementing measures in the South Coast Air Quality Attainment Plan. For air quality enhancement, measures will include but not be limited to, measures to reduce dependence on the automobile and encourage the use of alternative modes of transportation such as buses, bicycles, and walking.*

The applicant is proposing an extensive transportation system management program that includes a variety of measures to reduce mobile source emissions, including offering the first purchase option for the residents to be provided to individuals working in the business park. The site is served by MTD buses 20 and 21X to downtown Carpinteria and Santa Barbara, and a Coastal Express bus stop offering service to Ventura as well as Santa Barbara and Goleta is located within ¼ mile of the site at Via Real and Mark Avenue. In addition, Via Real along the project site is identified by the County of Santa Barbara as an unsigned, alternate bike route which connects to the signed and striped Coast Bike Route along Carpinteria Avenue. Finally, all proposed structures would meet or exceed energy efficiency requirements of Title 24 of the California Code. The proposed project is therefore consistent with these policies.

#### **d. Traffic and Circulation**

**Objective C-3:** *Provide a balanced transportation network with consistent designations and standards for roadways that will provide for the safe and efficient movement of goods and people through the community.*

Though not required to reduce a significant traffic impact, the applicant has volunteered to implement Mitigation Measure T-2 from the SEIR to create a left turn lane into the development from Via Real to ensure roadway capacity is maintained along this important arterial street in the City's roadway network. This will allow free flow of traffic on eastbound Via Real even if vehicles must wait to make a left turn into the office park during the morning peak hour.

**Policy LU-3h.** *Develop land uses that encourage the thoughtful layout of transportation networks, minimize the impacts of vehicles in the community, and encourage alternative means of transportation.*

**Policy C-7a.** *Ensure that major businesses prepare and implement Transportation Systems Management Plans to achieve a reduction in the number of trips generated by their employees and operations by encouraging private sector program elements similar to the following:*

- *Preferential employee carpool/vanpool parking*
- *Work-at-home (telecommuting)*
- *Designation of Company Transportation Coordinator*
- *The construction of Transit Passenger Shelters (if located along an existing or designed transit route)*
- *Bus subsidies*
- *Transit operating subsidies*
- *Transit pass subsidies*
- *Buspool or shuttle bus programs*
- *Vanpool program*
- *Parking fees*
- *Showers, lockers and preferred bicycle parking*
- *Non-peak period shift schedules*
- *Flexible work hours offered to employees who rideshare*
- *Provision of luncheon/lounge seating area with vending machines and food preparation facilities*
- *Other programs and incentives which can feasibly and significantly reduce potential peak period trips.*

**Policy C-8r.** *Encourage large employers to place bicycle lockers in convenient locations on their premises.*

The proposed project is a mixed-use development which would provide the potential for employees of the office park to live within walking distance of their workplace. In addition, the project includes an extensive transportation system management program for the office park component of the project. This program includes a requirement that all tenants of the business park participate in carpool/vanpool, rideshare and flexible work schedule programs, as well as the provision of showers and locker rooms, lunch parks, cafeterias, kitchens, lunch rooms, vending machines, bicycle parking, preferred parking for vanpools and on-site recreational amenities. The site is served by MTD buses 20 and 21X to downtown Carpinteria and Santa Barbara, and a Coastal Express bus stop offering service to Ventura as well as Santa Barbara and Goleta is located within ¼ mile of the site at Via Real and Mark Avenue. A bus shelter on Via Real adjacent to the site is included with the project. In addition, Via Real along the project site is identified by the County of Santa Barbara as an unsigned, alternate bicycle route which connects to the signed and striped Coast Bike Route along Carpinteria Avenue. With the transportation system management program in place, and the availability of bus and bicycle transportation to and from the site, and with the applicant's voluntary contribution of \$250,000 to the City's shuttle program (or other alternative transportation program), the proposed project is consistent with these policies.

**Policy C-7c.** *Provide safe mobility for the physically handicapped through the design of street improvements and public facilities.*

The main streets of the proposed residential component include sidewalks on one or both sides of the street (one side from Via Real to just past the vehicle bridge and on both sides throughout the remainder of the residential development private streets). The business park would be required to comply with the Americans with Disabilities Act's Standards for Accessible Design. Therefore, the proposed project is consistent with this policy.

#### **e. Biology**

**Policy 1.1.** *Carpinteria will seek to protect the environmental quality of natural creeks (1986 GP).*

**Objective OSC-1:** *Protect, preserve and enhance local natural resources and habitats.*

**Policy OSC-6a.** *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.*

#### **Policy OSC-6**

**Implementation Policy 25:** *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.*

The proposed development includes minimum 50-foot setbacks from both sides of the riparian channel and includes a restoration plan for the riparian corridor that would involve extensive planting of riparian vegetation. The proposed project also includes pedestrian pathways on both sides of the riparian corridor to provide recreational opportunities onsite. The proposed drainage system includes vegetated swales and other filtration devices designed to minimize the project's impact upon surface water quality. As such, the proposed project is consistent with these policies.

#### **f. Hydrology and Water Quality**

**Policy 1.1.d.** *Perpetuate natural drainage courses wherever possible. (1986 GP)*

**Policy 1.1.e.** *Implement storm control systems that conform to natural drainage patterns. (1986 GP)*

**Policy 1.2.a.** *Minimize soil erosion during urban development by maintaining existing vegetation or replacement with ornamental treatments. (1986 GP)*

**Policy 1.2.c.** *Require coverage or erosion control treatment of all areas disturbed for urban development. (1986 GP)*

**Policy 1.3.** Adequate setbacks from flood control channels will be required providing access to maintain and enable proper operation of the channels. (1986 GP)

**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**

**Implementation Policy 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
  - Provide adequate disposal facilities for solid waste produced during construction and recycle where possible.

**Implementation Policy 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 85<sup>th</sup>

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.*

The proposed development would not alter the course of the drainage channel that crosses through the central portion of the site. Project development would enhance the drainage channel through a restoration program that involves removal of invasive species and re-planting with native riparian species. The proposed flood control system for the site relies on natural drainage swales in combination with underground drainage pipes that would not significantly alter drainage patterns onsite. Fifty-foot setbacks on either side of the channel would allow ample access if maintenance is needed. The BMPs and standards of Implementation Policy 32 are required as conditions of approval, in conjunction with a state-required Storm Water Pollution Prevention Plan, to ensure protection of water quality during construction. The conditions also require that the applicant prepare a Storm Water Management Plan incorporating the standards and BMPs called for in Implementation Policy 33. The project is therefore consistent with these policies.

#### **g. Geology and Grading**

***Policy 1.1.a.*** *Minimize grading by designing urban development to conform to natural contours. (1986 GP)*

***Policy 1.1.b.*** *Minimize the quantity of cut and fill required for urban development. (1986 GP)*

***Policy OSC-13i.*** *Design all new development to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Preserve all natural landforms, natural drainage systems, and native vegetation. Require all areas on the site not suited to development, as evidenced by competent soils, geology and hydrology investigation and reports remain as open space.*

#### **Policy S-3**

***Implementation Policy 7:*** *Geotechnical investigations shall be performed on properties proposed to be developed in areas identified as having high potential for expansive soils or soil settlement.*

The proposed grading plan would not dramatically change the mildly sloping topography of the property and the proposed 8,000 cubic yards of earth moved would be balanced on site. The existing drainage course of Lagunitas Creek would be left in open space, including a 50-foot setback from the top of each bank, and preserved in place and enhanced as to hydrologic and

biologic form and function. Thus, the project is consistent with Policy OSC-13i. With incorporation of the recommendations of the 1999 geotechnical study performed by Padre Associates and required in the conditions of approval, potential issues with expansive soils or soil settlement have been addressed consistent with Implementation Policy 7.

#### **h. Noise**

**Policy N-1a.** *The City will plan noise-compatible land uses or design developments with noise attenuation features near Highway 101.*

**Policy N-3a.** *The City will encourage site planning and traffic control measures that minimize the effects of traffic noise.*

The business park component of the project would be sited on the area of the site closest to the highway, acting as a buffer and shield between highway noise that would reach the site and the residential component, which is a more noise-sensitive land use. Due to this primary feature of the site plan and the distance and intervening topography between Highway 101 and the site, structural noise attenuation features are not warranted. The proposed project is consistent with these policies.

#### **i. Energy**

**Policy CD-14a.** *To ensure the effective utilization of energy resources, design measures shall be incorporated into project design that allow for development projects to comply with and exceed the minimum energy requirements of the City's Uniform Codes.*

#### **Policy CD-14**

**Implementation Policy 7:** *Building orientation shall be designed to maximize natural lighting and passive solar heating and cooling.*

**Implementation Policy 9.** *Energy efficient street lighting shall be used, with consideration of safety, visual impacts, and impacts to wildlife and sensitive habitat.*

**Implementation Policy 10.** *Design of parking facilities shall take into consideration in addition to intended use, the layout of entrances and exits so as to avoid concentrations of cars or excessive idling.*

Building C would have windows facing south to take advantage of both the view and passive heating opportunities. The residential component of the project is laid out to accommodate site access considerations as well as preservation and restoration of the creek corridor; residences would be generally oriented in accordance with the street layout with buildings taking advantage of southern exposures as practical. Therefore, the project is consistent with Implementation Policy 7. Proposed layout and circulation of the parking area provides entry and exit lanes, as well as full-length drive lanes that continue around the entire lot and can access each individual parking aisle from each end, which would minimize the need for cars to queue or idle, as called for in Implementation Policy 10. Construction materials and techniques, as well as specifications for street lighting, would be reviewed by City staff for conformance with Policy CD-14a and Implementation Policy 9 prior to issuance of a Building Permit. All residential buildings would exceed Title 24 standards by at least 30%.

## **j. Creeks Preservation Program**

The City of Carpinteria's Creeks Preservation Program, adopted in 2005, is an implementation program for the GP/CP. Its purpose is to guide the preservation and restoration of creeks within the City. Applicable Objectives, Policies and Implementation Measures are analyzed below.

**Objective 2.** *Preserve and restore aquatic, riparian and upland habitats occurring within and adjacent to local creeks, including sensitive communities and species. Sensitive communities and species are defined as those designated as endemic, rare, threatened, endangered, or of concern by the federal, state, and/or local governments.*

**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 ESHA and/or creek setback areas established by the General Plan/Local Coastal Plan and Zoning Ordinance-ESHA 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 manmade features, structure, or activity that would block or greatly reduce the movement of wildlife between recognized natural habitat areas or that would significant reduce the biological value or diversity of the habitat.*

**Implementation Measure 2.1.3.** *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 materials 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.*

*...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 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.*

The proposed project includes a restoration plan for the riparian corridor that would involve laying back the banks of Lagunitas Creek, removing exotic and invasive species within and adjacent to the creek and extensive new planting of riparian vegetation. Conditions of project approval require that riparian plants are protected and restored at a 3:1 ratio where disturbed, and that site drainage provides sufficient flow to support riparian habitat on and offsite. Hence, the project is consistent with Objective 2. The project is also consistent with Implementation Measure 2.1.3, as the proposed creek restoration can be considered a "fish and wildlife enhancement" project and the proposed bridge across the creek would replace the crossings used for the former agricultural operations.

***Implementation Measure 2.4.2.*** *Development Permit applications for project sites on parcels adjacent to creeks and/or within a creek ESHA overlay area will provide the City with a Construction Mitigation Plan. The Construction Mitigation Plan will describe protective measures that will be implemented to minimize the impacts of project construction activities on biological habitat. This includes impacts from direct ground disturbance, clearing, noise, dust generation, increased runoff, erosion, water pollution, application of herbicides, pesticides, and other harmful substances, and any other construction activities that may harm biological resources. Measures that will be required (where applicable) to minimize construction impacts include the following:*

- The limits of the construction area will be clearly delineated (flagged, fenced etc), and construction activities will stay within these limits.*
- Protective fencing shall be placed around the outermost limits of the protected zones of native trees within and adjacent to the construction area prior to the commencement of construction activities, and shall be maintained in place for the duration of all construction. The protected zone of a native tree shall extend five feet from the dripline or 15 feet from the trunk of the tree, whichever is greater. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any on-site native trees. Any development approved pursuant to Implementation Measure 2.1.6, including grading or excavation, that encroaches into the protected zone of a native tree shall be constructed using only hand-held tools.*
- Important resources (e.g., native vegetation) located within the construction area that are to be preserved will be clearly marked to avoid the accidental removal of such resources.*
- Appropriate buffer and/or setback areas, as defined by the provisions of this Program and the General Plan/Local Coastal Plan, or in the absence of applicable provisions, by a qualified biologist, will be clearly delineated and maintained between construction activities and the breeding, roosting and*



*foraging habitat of sensitive species and communities, as defined by the certified LCP.*

- *Construction activities will be scheduled to avoid the breeding seasons of sensitive wildlife species. If nesting or roosting sensitive, rare, threatened, or endangered raptors are found within 300 feet of the proposed improvements, no construction activity shall occur within the nesting or roosting season, as applicable.*
- *Construction Phase Requirements from the City's Water Quality Protection Regulations will be implemented to minimize impacts related to runoff, erosion, and water quality (see Appendix E);*
- *The use of herbicides will be minimized by using manual removal methods to eliminate undesired vegetation whenever possible.*

*The Construction Mitigation Plan will be prepared by a professional biologist, arborist or landscape architect whom the City approves as qualified to complete the work. The Construction Mitigation Plan will be reviewed and approved by the City prior to issuance of the Development Permit.*

**Implementation Measure 2.4.4.** *If, after project review and consideration of all ESHA protection measures, a project is approved that will result in any destruction or degradation of natural habitat within a creek ESHA overlay area, a Habitat Restoration Plan will be required. The plan will be prepared by a professional biologist whom the City approves as qualified to complete the work. The plan will incorporate the following minimum conditions and elements:*

- *A clear statement of the restoration project goals will be provided. Some restoration goals may be broad, but the plan must also provide qualitative and quantitative standards by which the progress of the restoration effort can be measured. Examples of specific restoration standards may relate to the re-establishment of a diverse benthic macroinvertebrate community, use of the site by a particular wildlife species, or the establishment of native vegetation over a specified percentage of the site. The goals of the restoration project are to be based on the stream restoration principles identified in Implementation Measure 2.10.7.*
- *The Habitat Restoration Plan will delineate all habitat areas that will be destroyed or degraded by the project, and those that will be restored. A minimum habitat area replacement ratio of 3:1 will be required for habitat that is destroyed or degraded. Such restoration plans shall be approved by the City prior to implementation.*
- *On-site restoration (i.e., on the parcel or parcels the project is located on) will be conducted wherever possible. If on-site restoration is not feasible, restoration will occur at a suitable off-site location along the affected creek(s).*
- *To consolidated off-site restoration areas, the area to be restored will be permanently protected in a conservation easement and/or open space designation, by acquisition of the property by the applicant or by other means.*
- *Restored habitat will be in-kind with the habitat lost or degraded, will realize equal or greater biological value proportionate to the 3:1 replacement ratio provided above, and will be self-sustaining and viable in the long-term. Restoration efforts will address physical features such as topography, soils, and creek bed and bank features (e.g., riffles, pools, large woody debris, boulders, etc.), vegetation and wildlife.*

- *A Grading and Site Preparation Plan will be provided that identifies finished topographic contours, and rock, soil and mulching materials that will be used. As part of site preparation, all debris and undesired non-native vegetation will be removed from restoration areas. The Grading and Site Preparation Plan will be prepared with the assistance and approval of a certified professional engineer.*
- *A Planting Plan shall be provided that lists the plant species that will be replanted, the source of plant material, planting methods, and locations. An appropriate palette of plant species native to the restored habitat will be used for revegetation. Plant material used in restoration projects will be collected and propagated from local, naturally occurring plant stocks, preferably from the same watershed and habitat type.*
- *A Maintenance, Monitoring, and Corrective Action Plan will be provided that identifies measures that will be implemented to ensure that restored habitat becomes properly established. Maintenance measures that may be employed include erosion control, watering vegetation until it becomes established, weeding, and replacing plants and trees that do not survive. Monitoring of the restoration area will be conducted at regular intervals. A performance bond must be filed with the City to ensure compliance with the performance standards established in the Habitat Restoration Plan. This bond shall remain in effect for five years or until the City biologist has determined the restoration has been successfully completed. Monitoring reports will be submitted to the City on an annual basis at a minimum, and more frequently if deemed necessary. Monitoring reports must assess the progress of the restoration effort in relation to the project goals. If restoration project goals are not met, corrective measures will be devised and implemented to achieve the goals. The City must consent that the subject property has been properly restored before the project proponent is released from maintenance, monitoring, and corrective action requirements. Monitoring must be conducted for a minimum of five years.*

***Implementation Measure 2.4.5.*** *Development Permit applicants for parcels adjacent to creeks and/or within a creek ESHA overlay area shall provide the City with a Post-Construction Mitigation Plan. The Post-Construction Mitigation Plan shall describe protective measures that will be implemented to minimize impacts to biological resources due to effects including but not limited to noise, lighting, vehicular and pedestrian traffic, domestic pets, water pollution, erosion, and landscape plantings. At a minimum, measures that will be required (as applicable) to minimize post-construction impacts include the following:*

- *Mechanisms to provide for the permanent protection of areas identified and approved on the Development Permit (or other project approvals) as natural areas will be included in property exchange documents, deeds, lease agreements, CC&Rs, etc.*
- *Permanent landscaping will be provided to developed area (e.g., parking lots, buildings, backyards, etc.). Landscaping will be planted with appropriate native plant species selected by a qualified landscape architect and/or biologist.*
- *Project permittees and any and all successors will provide informational materials (e.g., in lease agreements, CC&Rs, deed restrictions) to future occupants that ensure protective standards/conditions of approval are recognized and complied with throughout the life of the project. Educational*

*materials including interpretive signs will be installed near creeks and natural habitat areas. These educational materials and signs will discuss the importance and sensitivity of creek habitats, regulations that have been established to protect them, those standards/conditions of approval that affect the project, and penalties that may be imposed on violators of such regulations.*

- *The planting of any landscape plants that are on the California Exotic Pest Plan Council's Lists of Exotic Pest Plants of Greatest Ecological Concern in California is prohibited in any ESHA or creek setback area. These lists are provided in Appendix C.*
- *Loud, stationary equipment (e.g., air conditioners, etc.) shall be located away from or provided with enclosures to minimize potential impacts to wildlife.*
- *Post-Construction Requirements from the City's Water Quality Protection Regulations will be implemented to minimize impacts related to runoff, erosion, and water quality (see Appendix E).*
- *All fencing shall be wildlife permeable.*
- *Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity features, shielded, and directed away from creek ESHA to minimize impacts to wildlife. Permitted lighting shall conform to the following standards:*
  - *The minimum necessary to light walkways used for entry and exit to the structure, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Community Development Director.*
  - *Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.*
  - *The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.*
  - *A light, not to exceed 60 watts or the equivalent, at the entrance to any non-residential accessory structures.*
  - *No lighting around the perimeter of the site, no lighting for sports courts or other private recreational facilities and no lighting for aesthetic purposes is allowed.*

*The Post-Construction Mitigation Plan shall be prepared by a professional biologist whom the City agrees is qualified to complete the work. The Mitigation Plan shall be reviewed and approved by the City prior to issuance of the Development Permit.*

The applicant has proposed a restoration plan for the segment of Lagunitas Creek that traverses the site. The plan meets the requirements of the above implementation measures and would enhance the creek. The project conditions of approval provide specific requirements with respect to creek revegetation and site landscaping and lighting. The construction and post-construction mitigation plans described in these implementation measures, along with the other applicable implementation measures, are adopted City requirements and have therefore been required as conditions of approval for the project. Similarly, the proposed restoration plan has been conditioned by the City for consistency with Measure 2.4.4. The restoration plan would also further Implementation Measure 2.10.3, which calls on the City to specifically target Lagunitas Creek and adjacent riparian and coastal scrub habitat for restoration. Finally, adherence to conditions of approval developed from mitigation measures BIO-1(c) and AES-3(a) through AES-3(e), which provide guidelines for site lighting, would meet the lighting requirements in Measure 2.4.5. Thus, the proposed project is consistent with these implementation measures.

**Implementation Measure 2.7.2.** *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.*

A new footpath is proposed to run within the creek restoration area's 50-foot setback from the top of both creek banks. The path would be constructed with decomposed granite (i.e., not paved) and would be sited far enough from the bank edges to avoid disturbance of the bed or banks. A footbridge would span the creek. Although the full design of the bridge and exact width of the path are not yet available, a condition of approval that requires the design to meet the standards of the policy as adopted has been included. Therefore, the proposed project is consistent with this policy.

#### **k. Open Space, Recreation and Conservation**

**Objective OSC-14:** *Provide for adequate park and recreation facilities to meet the needs of the community and visitors.*

**Policy OSC-14a:** *Increase coastal and recreation access for all segments of the population, including the disabled and elderly, while protecting natural resources, particularly environmentally sensitive habitat areas.*

**Policy OSC 14b:** *Provide for passive recreation uses of natural open space areas, such as along creeks and the Bluffs 1 areas, where such uses would not damage the resources being protected.*

The applicant has offered to dedicate 2.5 acres to the City to be used as a public park. If the project is approved, this offer will be valid for a period of 30 years. If the Council so directs, staff would prepare the appropriate documents to accept the offer to dedicate that could be effectuated once the Vesting Tentative Parcel Map is recorded. At that time, the Council could also consider how it would use the area to be dedicated as a part of the City's parks and recreation system. It is possible that an active play or park area could be envisioned, but that would require further study and an analysis of existing supply and demand of parks. Other impacts such as traffic, parking, noise, etc. would also need to be considered. It is also possible that the 2.5 acres could be accepted by the City and maintained as a passive, open space area that would be a continuation of the habitat associated with the restored Lagunitas Creek riparian corridor consistent with the policies above. It should be noted that Coastal Commission staff, in numerous discussions with the applicant regarding the pending appeal of the City's original project approval and the revised project now before the Council, have indicated their preference that the 2.5-acre area be maintained as open space for purposes of native grassland habitat restoration. Commission staff members have indicated that this issue could be pivotal in determining how the pending Coastal Commission appeal for the original project approval is addressed subsequent to the Council's action on the revised project. In any case, the future use of the 2.5 acres is speculative at this time and there is no immediate need for the Council to take action to accept or decline the offer to dedicate given the timeframe of 30 years allowed for acceptance of the offer. Additionally, this matter may be revisited by the Council when it considers Final Map Recordation for the Vesting Tentative Parcel Map. Any change or intensification of use or development of the 2.5-acre area associated with the City's acceptance

and implementation of the offer to dedicate the property as a public park would need to be evaluated for potential environmental impacts at that time, and would also be subject to all applicable City permit requirements including an amendment to the approved Development Plan and Coastal Development Permit which, given the project's proximity to Lagunitas Creek, would be appealable to the Coastal Commission.

## **Housing Element**

The City of Carpinteria's 2004 Housing Element identifies existing and projected housing needs within the City and contains goals, policies and programs that guide the City in preserving, improving and developing housing for all sectors of the community. The Housing Element also identifies potential sites for housing, and in the section on vacant site development potential, specifically discusses the Lagunitas site and the proposed project. The Lagunitas site is identified as one of the vacant properties in the City that is appropriate or feasible for affordable housing and that has or will have the necessary infrastructure to support housing within the timeframe of the Housing Element.

Most of the goals and policies of the Housing Element are carried out by the City and applied to private development at the program level. The primary City program that applies to the project is the Inclusionary Housing Requirement, Chapter 14.75 of the Municipal Code. Consistency with these regulations is discussed under Zoning Code Consistency below. Applicable policies from the Housing Element are discussed here.

Housing Element Program Category 1 describes housing sites accommodating the need for new housing production, recognizing that the need for housing is generated by many factors (e.g., population growth and jobs). Two goals of the Housing Element in this program category are found on page 4-5 of the Housing Element:

**Goal 1:** *Attain additions to the housing supply that meets the housing needs of all of all economic segments of the Carpinteria community.*

**Goal 2:** *Maintain a jobs-housing balance or ratio within the .75 to 1.25 range suggested by the Santa Barbara County Association of Governments.*

Additionally, Program Category 6 discusses promoting housing opportunities for all persons. Policy 6 of this program category states:

**Targeted Marketing:** *Establish procedures to market and provide advance notice of price and rent restricted units in new housing developments, to the extent consistent with applicable fair housing laws, to people working or living in Carpinteria, as a way of meeting a part of the local housing need, consistent with the Regional Housing Needs Assessment.*

The proposed project helps the City achieve these two goals and this implementing policy by providing a diversity of housing types and sizes available at different income levels. Additionally, to maintain a jobs-housing balance, the marketing plan provides a limited opportunity for purchase of the homes first by employees within the onsite Industrial Park and then within the adjacent industrial park, then to employees within the City of Carpinteria and finally to employees in the Carpinteria Valley area. This feature of the project proposal provides a unique and direct opportunity to reduce commuting and the associated impacts that result when jobs are created in areas without sufficient housing. The proposed mix of affordable housing units is required to maintain consistency with General Plan policies and by using the

City's mixed use zoning provisions to balance residential uses and commercial/industrial employment development in one area, the project is consistent with these goals and this specific policy of the Housing Element.

## **VI. ZONE CODE CONSISTENCY**

The project site is zoned M-RP, Industrial Research Park. This zone allows a variety of uses including research, development, testing laboratories and facilities, administrative offices, professional offices and facilities accessory to these uses. The business park component of the project would be allowed within this zone. As discussed above, the residential component is also consistent with the M-RP Zone District, provided the City Council makes the required findings under Land Use Element Policy LU-6a.

**Density** - Pursuant to Carpinteria Municipal Code §14.16.100, the following factors shall be considered when determining the appropriate site density:

- a. Protection of the scenic qualities of the site.
- b. Protection of natural and/or coastal resources, i.e., habitat areas, archaeological sites.
- c. Avoidance of siting of structures on hazardous areas.
- d. Provision of public open space, recreation, and/or beach access.
- e. Preservation of existing healthy trees.
- f. Mix of housing types and provision of low and moderate-income housing opportunities.
- g. Density in surrounding areas.
- h. Service system constraints.

One of the goals of the City Council in providing flexible zoning on this site by allowing residential development in the Industrial Research Park zone district was to allow an industrial park development to provide a reasonable number of housing units to offset impacts resulting from job creation. In addition, a preference will be given to encourage people who work on the property to also live on the property. In order to achieve this goal, a variety of housing unit types is proposed with a sufficient number of affordable units. The project is proposed at a density of approximately 5.6 dwelling units per acre for the residential component.

In determining the appropriate density for the project, the above eight criteria were followed. In analyzing the project against these criteria, it can be found that the project protects the scenic qualities of the site by providing more than the minimum amount of required open space and landscaping. In addition, the project includes converting a drainage channel (Lagunitas Creek) into a riparian habitat. Further, the structures are not sited on hazardous areas, and recreational facilities are provided to serve the mixed uses. A detailed landscape plan provides for site revegetation and restoration. A mix of housing types is also proposed with affordable housing opportunities. In conclusion, the project is able to provide the required amenities while achieving a development density of 5.6 dwelling units per acre. Therefore, the proposed density satisfies the City's goals and objectives.

### **Development Standards**

Pursuant to §14.26.120 of the Zoning Code, Mixed Use Development Standards, the City must determine the appropriate residential density on all or a portion of a proposed mixed use parcel, and shall consider but not be limited to the following development standards:

1. *Availability and cost of providing local services and infrastructure; e.g., sewer, water, schools, and transportation and parking availability;*

2. *Unique site characteristics such as size, shape, topography, and easements;*
3. *The existence on site or adjacent to the site of Environmentally Sensitive Habitat area;*
4. *The need for protection or enhancement of other coastal resources; e.g., viewsheds, coastal access, recreation, visitor-serving commercial and other coastal dependent or coastal related uses.*

The City Council must find the proposed residential density of approximately 5.6 units per acre consistent with these criteria. Based on the analysis which addresses services, infrastructure and site constraints, the low- to medium density proposed is appropriate for the site as discussed above pursuant to §14.16.100.

The subject project is considered a Planned Unit Development (PUD) where certain development standards have been relaxed in order to accommodate an innovative design that clusters development while preserving open space. Although the project complies with the standards of the PUD zone district, standards that address future additions to the residential homes are silent. The following development standards were provided by the Planning Commission in previous reviews to address this issue and these items have been included in the conditions of approval.

**Height Restriction** – All residential lots shall be restricted to the height and number of stories proposed as part of the project. Prior to issuance of a Building Permit, the applicant shall submit evidence that the height and story restriction has been recorded on each parcel's Grant Deed.

**Additions** – All future additions to residential structures shall comply with the approved setbacks of the project or any setback identified within the City's R-1 zone district (Chapter 14.12), whichever is less.

**Building Coverage** – Development shall not exceed a maximum 40% building coverage.

**Accessory Structures** – All accessory structures shall comply with the City's General Use and Development Standards (Chapter 14.50).

**Noise** – The volume of sound shall not exceed 50 decibels at any point along the boundary of or outside of the lot upon which such use is located.

The Mixed Use Development Standards further specify that the Zoning Code Planned Unit Development District standards (§14.16.030 — 14.16.140) be followed for general zoning for the residential component of mixed use projects. The project's consistency with development standards is summarized in the table below. As indicated, the project would comply with all applicable development standards.

### Office Building Statistics

Standard	Requirement/Allowance	Proposal
Setbacks		
Front	80 feet from the centerline of any street or 50 feet from the property line, whichever is greater	640 feet from property line
Side	No less than 10 feet	East – 60 feet West – 400 feet

Rear	No less than 10 feet	40 feet
Height	30 feet	27.5 feet
Building Coverage	40% (213,676 s.f.)	11% (42,529 s.f.)
Landscaping/Common Open Space	Not less than 30% of the net area shall be landscaped (160,257 s.f.)	36.9% (138,888 s.f.)
Parking	339 stalls	340 stalls

### Residential Statistics

Standard	Requirement/Allowance	Proposal
<b>Setbacks</b>		
Front	No standard setbacks provided per PUD ordinance	Large lots: 4 to 21 feet (one lot is 38 feet) Small lots: 12 to 28 feet Three-Plex: 5 feet (one is 35 feet)
Side	No standard setbacks provided per PUD ordinance	Large lots: 7 to 19 feet Small lots: 5 to 10 feet (one is 25 feet) Three-Plex: 5 to 20 feet
Rear	No standard setbacks provided per PUD ordinance	Large lots: 13 to 27 feet Small lots: 13 to 48 feet Three-Plex: 5 feet
Height	30 feet	Large lots: Plan 1 – 20 feet Plan 2 – 19 feet Plan 4 – 17 feet Small lots: Plan 1 – 18 feet Plan 2 – 27 feet Plan 3 – 26 feet Plan 4 – 17 feet Three-Plex: 28.5 feet
Building Coverage	30%	19%
Landscaping/Common Open Space	Not less than 20% of the net area shall be landscaped	35.2% (216,753 s.f.)
Parking	2-car garage per unit (146 garage stalls)  One visitor space per three units $73/3 = 25$ spaces  Total: 171	151 garage stalls (16 additional tandem garage spaces are provided)  31 uncovered spaces (on-street)  Total: 182
Density	To be determined by the City Council	5.6 dwelling units/acre

As discussed above, the proposed project is consistent with the M-RP zone requirements pertaining to setbacks, building height and coverage, minimum parcel size and landscaping.



With 84,550 square feet of the development proposed for office uses, the City Code requires 339 parking spaces; 340 are proposed.

### **Inclusionary Housing Ordinance**

The City's affordable housing Inclusionary Housing Requirement, codified in Chapter 14.75 of the Zoning Code, calls for residential projects of five or more units to designate 12% of the units to be available at costs affordable to individuals earning 120% of the area median income (AMI) which is currently \$65,200 for a family of four. Fractions of a unit are to be rounded up to the nearest whole number. As a result, the proposed project would be required to construct nine affordable units ( $74 \times 0.12 = 9$ ) that would be offered for sale through the City's Affordable Housing Program. In addition to the provision of nine units, the applicant has also volunteered to contribute \$250,000 to the City for affordable housing at other sites as well as \$10,000 toward administrative costs associated with the administration of the proposed onsite affordable housing.

## **VII. LEGAL ISSUES**

As the proposed project includes a Vesting Tentative Tract Map and a Vesting Tentative Parcel Map, Government Code §66498.1(b) provides the rule that approval of the VTM vests its right to proceed with the ordinances, policies and standards ("standards") described in Government Code §66474.2. Section 66474.2(a) in turn states that the local agency shall only apply those standards in effect on the date that the agency determined the application to be complete. As the Lagunitas application was deemed complete on February 29, 2008, it is subject to the Development Impact Fees (DIFs) that were in effect on that date. Using that fee schedule, the estimated amount of the DIFs for the proposed project is \$3,607,562.16. An exact amount for the fees will be calculated at the time of building permit issuance for the project.

## **VIII. PRINCIPAL PARTIES EXPECTED AT MEETING**

Applicant Team  
Concerned Neighbors  
Carpinteria Valley Association Representative(s)

## **IX. ATTACHMENTS**

1. Resolution No. 5150 – Plan Set (Exhibit A), Findings (Exhibit B), Conditions (Exhibit C)
2. Public Draft Addendum Appendix E, August 2008 (entire document previously distributed to City Council)
3. ERC Minutes, August 26, 2008

**RESOLUTION NO. 5150**

**A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL ACCEPTING AN ADDENDUM TO A PREVIOUSLY CERTIFIED SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND APPROVING A VESTING TENTATIVE TRACT MAP, VESTING TENTATIVE PARCEL MAP, DEVELOPMENT PLAN PERMIT AND COASTAL DEVELOPMENT PERMIT (CASE NO. 07-1407-TM/TPM/DP/CDP) TO DEVELOP A 25-ACRE PARCEL WITH 37 SINGLE-FAMILY DETACHED HOMES, 36 CONDOMINIUM UNITS, AND AN OFFICE BUILDING OF 84,550 SQUARE FEET LOCATED AT 6380 VIA REAL**

**CARPINTERIA BUSINESS PARK INVESTORS, LLC  
APN 001-190-017**

**WHEREAS**, the City of Carpinteria received an application for a Vesting Tentative Tract Map, Vesting Tentative Parcel Map, Development Plan Permit and Coastal Development Permit, filed by Carpinteria Business Park Investors, LLC, on November 1, 2007; and

**WHEREAS**, said application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on February 29, 2008; and

**WHEREAS**, the Architectural Review Board conducted a public hearing on July 17, 2008 and received oral testimony regarding the project site design and architecture; and

**WHEREAS**, an Addendum pursuant to CEQA Guidelines §15164 dated August 2008 was reviewed by the Environmental Review Committee at a public hearing on August 26, 2008 and recommended for approval by the City Council; and

**WHEREAS**, the City Council conducted a public hearing and received oral and written testimony regarding the application for a Vesting Tentative Tract Map, Vesting Tentative Parcel Map, Development Plan Permit and Coastal Development Permit; and

**WHEREAS**, in accordance with the California Environmental Quality Act, an Addendum dated August 2008 to a previously certified Subsequent Environmental Impact Report (EIR) dated October 2006 (State Clearinghouse No. 1999081019) has been prepared for the project; and

**WHEREAS**, the City Council reviewed the project in light of the relevant policies of the General Plan and Coastal Plan and the Zoning Code standards and recommended adoption of the Addendum and approval of the project; and

**WHEREAS**, the City Council conducted a public hearing on September 8, 2008 and reviewed the Architectural Review Board's and Environmental Review Committee's recommendations.

**NOW THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:**

The Vesting Tentative Tract Map, Vesting Tentative Parcel Map, Development Plan Permit and Coastal Development Permit (Exhibit A) are approved based upon the Findings (Exhibit B) and subject to the conditions of approval (Exhibit C) herein.

The Addendum dated August 2008 is hereby adopted, along with the Mitigation Monitoring and Reporting Program from the certified SEIR dated October 2006. The Mitigation Monitoring and Reporting Program shall be referenced for necessary implementation for the project including but not limited to project approval and conditioning, final plan development and review, development and approval of CC&Rs and HOA Articles of Incorporation, project construction and project maintenance.

All project approvals are subject to and contingent upon the City Council's approval.

**PASSED, APPROVED AND ADOPTED** this 8th day of September 2008, by the following called vote:

AYES: COUNCILMEMBERS: Ledbetter, Carty, Stein, Armendariz

NOES: COUNCILMEMBER(S): Clark

ABSENT: COUNCILMEMBER(S): None

\_\_\_\_\_  
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 8th day of September 2008.

\_\_\_\_\_  
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

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

**EXHIBIT B**  
**FINDINGS**  
**(Carpinteria Business Parks Investors, LLC)**

**I. FINDINGS PURSUANT TO PUBLIC RESOURCES CODE §21801 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES §15090 AND 15091.**

**A. Consideration of the Subsequent Environmental Impact Report and Addendum.**

The Final Subsequent Environmental Impact Report (SEIR), SCH#1999081019, dated October 2006, was certified by the City Council on October 23, 2006. In addition, an Addendum dated August 2008 and prepared pursuant to CEQA Guidelines §15164 has been adopted by the Council. All voting members have reviewed and considered testimony, written and oral, presented during the public comment period. The SEIR and Addendum reflect the independent judgment of the City Council. The Addendum dated August 2008 is adequate for the proposed project and the Council finds that the reduced project does not have the potential to create any new significant effects on the environment.

**B. Full Disclosure.**

The City Council finds and certifies that the Final Subsequent EIR and the August 2008 Addendum constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The City Council further finds and certifies that the Addendum has been completed in compliance with CEQA.

**C. Location of Record of Proceedings.**

The document and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Community Development Director, located at 5775 Carpinteria Avenue, Carpinteria, California, 93013. This information is provided in compliance with Public Resources Code §21081.6(d).

**D. Compliance with CEQA and Certification.**

The Carpinteria City Council has reviewed and considered the SEIR dated October 2006 and the Addendum dated August 2008, and finds that the documents have been completed in compliance with the requirements of CEQA and hereby certifies that these documents constitute a complete, accurate, adequate and good faith effort at disclosure under CEQA, and reflect the independent judgment and analysis of the City Council consistent with the requirements of State CEQA Guidelines §15132.

**II. COASTAL DEVELOPMENT PERMIT FINDING**

*A. The proposed development is in conformity with the City's certified local coastal program.*

Local Coastal Plan Land Use Element Policy LU-6a supports development of improved housing opportunities within the Industrial Research Park (M-RP) zone district. The project complies with the City's land use policies in that the residential component is secondary to the office/research and development component. Based on the City's Coastal Land Use Plan, this type of development has been anticipated.

The project also has been designed to preserve the natural environmental qualities of the northern portion of Lagunitas Creek by providing a 50-foot buffer from both sides of the creek's banks. This equates to 100 feet of preservation for the length of Lagunitas Creek through the site that will improve the riparian habitat to protect the water quality, wildlife diversity, aesthetic values and recreational opportunities of the site consistent with policy OSC-6a. Based on this discussion and the policy consistency analysis provided in the Staff Report dated September 8, 2008 and incorporated herein by reference, the project is consistent with the City's Certified Local Coastal Program.

### III. DEVELOPMENT PLAN PERMIT FINDINGS

*A. The proposed development is in conformance with the provisions of the applicable zoning district, coastal plan and implementation programs, general plan, and specific plan if required.*

The proposed project is consistent with the property's industrial land use designation (General Plan, Section 5.2.2.1) for the front half of the property and consistent with the City's General Plan/Coastal Plan (LU-6a) for the rear half of the property in that a mixture of industrial research park and residential development has been anticipated within the Industrial Research Park (M-RP) zone district. The provision of housing will result in the production of both market rate and affordable housing and will assist the City in maintaining an appropriate balance between jobs and housing.

The City's Housing Element policies call for including in every project of five units or more 12% of units that are developed and maintained to be available at costs affordable to certain targeted income groups. The City Council has determined that the subject project is consistent with the Housing Element and the Municipal Code's Inclusionary Housing Ordinance by providing nine units targeted to persons earning between 121 - 200% of the area median income, and by providing a payment of \$250,000 for the City to use to support affordable housing elsewhere in the City and contributing \$10,000 toward implementation of the affordable housing program for the 30-year term of the affordable units. Therefore, this finding can be made based on the discussions included in the staff report dated September 8, 2008, and incorporated herein by reference.

*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 reviewed by the Carpinteria-Summerland Fire Protection District and their comments have been included in the conditions of approval in order to avoid potential risks due to fire hazards. The project has also been reviewed by

the City Engineer and determined to comply with all of the necessary standards to safely build on the subject property. Water supply, drainage facilities and sewage utility infrastructure have been designed to satisfy the service and safety needs of the subdivision. The proposed density of development does not exceed the lot coverage limitations specified in the Zone Code and the General Plan and is therefore consistent with the safety objectives noted above.

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

Although the site is not identified in any City document as an environmentally sensitive habitat area, the presence of a drainage channel that retains creek characteristics, coupled with the size of the project necessitated the preparation of an Environmental Impact Report (EIR) and later a Subsequent EIR (SEIR). The EIRs and an Addendum identify potential environmental impacts and provide measures to mitigate impacts to a less than significant level. No significant and unavoidable impacts would result. Thus, the finding can be made that the proposed development will not cause substantial environmental damage.

*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.*

There are several easements on the property that are illustrated on the project plans and tentative map submittals. The majority of the easements belong to utility companies and proposed development has avoided the easements in response to utility provider comments. Another easement for vehicular access (Lomita Lane) will be maintained in its current location. The roadway will be improved and preserved to enhance vehicular access to the neighboring properties it serves to the north. This roadway will also serve as emergency access to and from the project site which is consistent with the terms of that existing easement. Utility providers have been contacted and notified of the project and have not offered comments that would require any changes to the project as proposed. Therefore this finding can be made.

*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 does not have the potential to adversely affect these services in that the project incorporates numerous public facility improvements to mitigate potential impacts to traffic, circulation, sewage disposal, fire protection and water supply. In addition, the City's law enforcement services are sufficient to provide services to 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 proposed project, with the incorporation of the conditions of approval, will achieve compatibility with the neighborhood and will not adversely affect the peace,

health, safety, comfort, convenience, property values or general welfare of the neighborhood. The project has been reviewed by the Architectural Review Board (ARB) to ensure architectural compatibility with surrounding development. The project will be situated on the property so as to avoid impacts to the existing neighborhood by providing sufficient setbacks, landscape buffers and more than the minimum amount of required open space. Based on the ARB's review as well as review by Special Districts and City Departments, the proposed development will not be detrimental to the general welfare of the surrounding neighborhood.

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

The project site has been generally divided into two halves with the creek channel creating the dividing line between the residential and office/industrial research park development. The area for both portions of the project is sufficient to accommodate the improvements given that both satisfy the zoning requirements for lot coverage, floor area, setbacks and open space.

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

The proposed project is presently served by an existing improved street, Via Real. The project conditions of approval require a right-of-way dedication for proper street alignment with the adjacent curb, gutter and sidewalks. Widening of Via Real will provide the opportunity for an eastbound left-turn pocket to facilitate vehicular circulation and traffic movements. In addition, the project applicant will fund and construct interchange improvements to mitigate potential traffic impacts at the Bailard Avenue Interchange and the Bailard Avenue/Via Real intersection. Internal project circulation has been designed to operate independently from the existing vehicular access that occurs on Lomita Lane. All truck traffic is required to use the US Highway 101/Highway 150 interchange to access the site rather than the Bailard Avenue interchange.

#### **IV. VESTING TENTATIVE TRACT MAP AND VESTING TENTATIVE PARCEL MAP FINDINGS**

##### **A. Procedures**

Pursuant to Chapter 16.12 of the City of Carpinteria Municipal Code (Subdivisions), it has been found that the process for public review of the subject Tentative Tract Map and Tentative Parcel Map have been properly conducted as follows:

1. An application for a Tentative Tract Map and Tentative Parcel Map was submitted on November 1, 2007 and subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements. Said application and all related material have been available for public review at City offices since the date of submittal.

2. The application has been evaluated and found to conform to the applicable zone district and to be consistent with §66425 of the Subdivision Map Act and §16.12.070 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.

3. 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 and residents within 100 feet of the subject property and publication in the local newspaper, the Coastal View.

#### **B. Vesting Tentative Tract Map/Vesting Tentative Parcel Map Findings**

Pursuant to §16.12.070 of Title 16 of the Carpinteria Municipal Code, the City Council adopts the following findings for recommending approval of the Vesting Tentative Tract Map and Vesting Tentative Parcel Map requests:

1. *That the proposed map is consistent with applicable general and specific plans.*

The property has been given a land use designation of Research Development Industrial within the General Plan/Coastal Plan. The project includes 85,000 square feet of office building, which is consistent with the goals of the General Plan. The project also involves the construction of 37 single-family detached residences and 36 condominium units. The City's General Plan/Coastal Plan provides for the inclusion of housing units as part of an office/industrial research park development.

2. *That the design or improvements of the proposed subdivision is consistent with applicable general plan and specific plans.*

The City Engineer has reviewed the tentative tract and tentative parcel maps to ensure that they are consistent with the State Subdivision Map Act and the City's mapping standards. The General Plan requires that all maps maintain a specific density and that the project avoid impacts to the adjacent neighborhood. The project has been found to be within the permitted development standards for the zone district and conditions have been included in the project approval to avoid impacts to the immediate neighborhood.

3. *That the site is physically suitable for the type of development.*

The property is an infill parcel that is flanked on either side by industrial and commercial uses. In addition, the property abuts single-family residences to the north and major roadways including Via Real and Highway 101 to the south, resulting in a project that is completely surrounded by developed properties. The proposed project will be situated on the property to avoid impacts to the existing built environment by providing sufficient setbacks, landscape buffers and more than the minimum required amount of open space.

4. *That the site is physically suitable for the proposed density of development.*



The proposed density of approximately six units to the acre on the subject 12.5-acre residential portion of the property is sufficient to achieve the City's housing goals of providing a range of different housing types that would provide a mixture of affordability and choice.

*5. That the design of the proposed subdivision is unlikely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife, or their habitat.*

Although the site is not identified in any City document as an environmentally sensitive habitat area, the presence of a drainage channel that retains creek characteristics, coupled with the size of the previously proposed project, necessitated the preparation of an Environmental Impact Report (EIR) and a Subsequent EIR. An Addendum to the SEIR was prepared for the reduced project. The certified SEIR and the Addendum dated August 2008 identify environmental impacts and provide measures to mitigate all impacts to a less than significant level.

*6. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

There are several easements on the property that are illustrated on the tentative maps. The majority of the easements belong to utility companies and the project has avoided the easements in response to utility provider comments. Another easement is a vehicular drive (Lomita Lane) that will be improved and preserved to maintain vehicular access to the neighboring properties it serves to the north.

*7. The design of the subdivision or type of improvements is unlikely to cause serious public health problems.*

No public health impacts are anticipated from the tentative tract and tentative parcel maps in that urban services (i.e., sewer, water and trash) are available to the site and specific improvements associated with these services have been made part of the conditions of project approval.

*8. Pursuant to Government Code §66473.1, the design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.*

The Development Plan's conditions of approval require energy conservation techniques, including passive or natural heating or cooling opportunities, to be incorporated into the project as feasible. The project incorporates these techniques.

*9. Pursuant to Government Code §66474.6, the governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.*

Wastewater would be treated in the Carpinteria Sanitary District facility and their comments have been incorporated as conditions of approval. Therefore, discharge from the proposed project would not result in a violation of California Regional Water Quality Control Board requirements.

## **VI. MIXED RESIDENTIAL/INDUSTRIAL RESEARCH PARK USE FINDINGS**

The following are the findings necessary to permit residential use in an industrial research park zone district as a part of a mixed-use development.

*1. The mixed use development encourages rehabilitation of important existing housing stock, or would result in the production of affordable housing and that the mixed use would assist the City in maintaining an appropriate balance between jobs and housing.*

The proposed mixed-use development would result in the production of nine of the 73 units for affordable housing in the above moderate income category. Of the 73 units, 37 would be single-family detached units in four building types and 36 would be condominiums in groupings of 12 three-plex buildings. The project includes nine above moderate income units for sale at 120% Area Median Income ("Affordable Housing Units") and two units for sale at 160% AMI. The Affordable Housing Units will be maintained for a period of not less than 30 years and such affordability shall be memorialized in a resale restrictive covenant that shall be recorded for each affordable unit. The applicant will also contribute \$250,000 to the City to assist in the production of affordable housing elsewhere within the City of Carpinteria. These housing units help the City maintain its current jobs/housing balance as the remainder of the parcel would be developed with an 84,550 square foot industrial office park building, thereby generating additional jobs within the City. In addition, the conditions of approval for the project require that units initially be made available for purchase on a priority basis to employees and residents in the City of Carpinteria and then to employees and residents in the Carpinteria Valley.

*2. The mixed-use development is compatible with existing and anticipated uses in the area surrounding the site;*

The subject property is located on Via Real in an area zoned and designated for industrial research park uses as well as adjacent to an area developed with industrial research park uses. Development to the east and west of the site is industrial research park. To the north of the site is low density residential development and agricultural uses in the County of Santa Barbara unincorporated area. Development of the front of the parcel as an industrial research park is consistent with adjacent development along Via Real. The rear of the parcel would be developed with one-story single family residential units located on various lot sizes to provide a transition to and compatibility with the existing single family residential development located north of the project site.

*3. The residential density shall not exceed the highest residential density permitted in the City's land use categories, and shall not exceed the*

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

The residential component of the mixed-use development is proposed at a density of 5.6 dwelling units per acre. The project will be served by local water and sewer facilities, which are adequate for the proposed development. The site is an infill parcel for which development was anticipated. Transportation and parking for the project were reviewed in the Subsequent Environmental Impact Report (SEIR) and the Addendum for the project. The SEIR and Addendum identify mitigation measures to reduce potential traffic and parking impacts to less than significant levels. Both the residential and industrial research park project components satisfy the City's parking standards in terms of number and design of parking stalls. With implementation of the mitigation measures, the project would not create significant impacts on the City's transportation system. The project protects the scenic qualities of the site by providing additional open space and landscaping, including a 30-foot buffer adjacent to residential properties to the north of the site. In addition, the project includes enhancing the environmental setting of Lagunitas Creek by incorporating a 100-foot wide buffer and planting riparian vegetation within the buffer area. Further, the project avoids locating structures on hazardous areas. Through the provision of active and passive open space areas, there is sufficient recreational opportunity to serve development on the site. A landscape plan proposed with the project would revegetate and restore the property with a significant number of trees and with native riparian vegetation. A mixture of housing types is also proposed with affordable housing opportunities. Therefore, the density satisfies the City's goals and objectives and serves to maintain the City's jobs-housing balance.

4. *Industrial use of the site is the primary use and residential use is secondary. The industrial use shall be found to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it appears and functions as the primary use of the parcel from its primary street frontage.*

The 25.3-acre site would be divided such that 12.5 acres are developed with 84,550 square feet of research industrial office space and 12.8 acres are developed with 73 dwelling units. The residential portion of the project would be located toward the rear of the parcel providing a buffer between the existing residential development to the north and the new industrial research park component of the project to the south. The project as viewed from its primary street frontage on Via Real would be an industrial research park. Therefore, the project is consistent with the intent of this finding.

**EXHIBIT C  
CONDITIONS OF APPROVAL**

**CARPINTERIA BUSINESS PARK INVESTORS, LLC  
LAGUNITAS - 6380 VIA REAL  
File No. 07-1407-TM/TPM/DP/CDP**

**CITY COUNCIL MEETING OF SEPTEMBER 8, 2008**

The Conditions set forth in this permit affect the title and possession of the real property which 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.

1. This Vesting Tentative Tract Map, Vesting Tentative Parcel Map, Development Plan Permit and Coastal Development Permit approval is restricted to APN 001-190-017, located at 6380 Via Real and is for the construction of 37 single-family detached residences, 36 condominium units and an office building of 84,550 square feet as more fully set forth below.

**Subdivision (Vesting Tentative Tract Map and Vesting Tentative Parcel Map)**

The project will require a Tentative Parcel Map to subdivide the 25.3-acre parcel into three parcels. Parcel 1 would be approximately 14 acres in size and would accommodate the residential component of the project, including the internal access road from Via Real. Parcel 2 would be 8.5 acres in size and would accommodate the industrial/office development, including the parking lot. Parcel 3 would be offered to be dedicated to the City for use as a public park/open space at approximately 2.5 acres in size.

A Tentative Tract Map is required to further divide Parcel 1 into 39 lots. Of the 39 lots, 37 would be for detached single-family residences, Lot 39 would accommodate the 12 three-plex condominium buildings that include 36 condominium units, and Lot 1 would comprise the common area, including the access road from Via Real, a detention basin, walkways, tot lot and a landscape buffer north of the single-family lots, that would be controlled by a homeowners' association.

The project has been designed to respect the site's natural landforms thereby minimizing the quantity of earth movement. Approximately 47,000 cubic yards of cut and 38,500 cubic yards of fill would be required to prepare the site for development. The grading would be balanced on site.

**Office Component**

The office portion of the project would be located on the south half of the subject property, adjacent to Via Real. The proposed improvements include the following:

<b>EXHIBIT 3</b>
<b>A-4-CPN-08-068</b>
<b>Conditions of Approval</b>

**Buildings** – Building C is an 84,550 square foot two-story structure that would be located south of Lagunitas Creek, near the east property line. This structure respects the existing topography by cutting into the gentle slope with minor amounts of fill on its northwest side. The maximum height of this structure to the peak of the roof is 27.5 feet. This building would retain a front setback of 640 feet from Via Real, with east and west side setbacks of approximately 60 feet and 400 feet, respectively.

A cooling tower is proposed to be located next to the east side of the office building. This facility would provide the heating and cooling for the building. This system consolidates all of the mechanical equipment on a small portion of the property while minimizing the quantity of roof-mounted equipment. The cooling tower would be approximately 23.5 feet in height.

**Parking** – A parking lot accommodating 340 vehicles would be located on the parcel's southeast corner. Access to the parking lot would be from Via Real with emergency access located on the north side of the parking lot onto Lomita Lane. The proposed parking stalls would be standard size (9' x 18'). Seven spaces located closest to the office building would be reserved for vanpool parking. A pedestrian walkway through the parking lot would be provided.

**Landscaping/Restoration** – The proposed landscape plan includes restoration that would introduce native plants and trees to improve the Lagunitas Creek riparian area. California Sycamore, Coast Live Oak and Arroyo Willows are among the plantings proposed. The restoration plan also includes a 50-foot setback from the top of each side of the creek bank to create a riparian corridor along the creek banks throughout the project site.

A meandering network of pedestrian trails would connect the office buildings to the open space areas, the creek and across the creek to the residential component of the development. Benches, pedestrian bridges, light bollards and hitching post bicycle racks would complement the landscape. Until accepted by the City for use as a public park/open space, the 2.5 acres to be offered for dedication would be planted with landscaping appropriate for a meadow with native species.

Extensive landscaping is also proposed within the parking lot to create shade and provide bioswales to filter runoff water before it enters the Lagunitas Creek system.

**Detention Basin** – A detention basin of approximately .4 acres would be located north of Building C. This basin would collect water from the office development that would drain into a storm drain buried adjacent and parallel to Lagunitas Creek that would empty into the creek just downstream from the vehicle bridge. Surrounding the detention basin is an emergency access road with a turn-around area. The road's surface would be constructed of turf block to allow grass to grow and blend into the landscape.

**Open Space/Park** - A 2.5-acre open space area would be offered for dedication to the City of Carpinteria for use as a public park. If the City declines the offer, the open space would be maintained as a passive open space area planted with meadow species and native trees.

### **Residential Component**

The portion of the property north of Lagunitas Creek is approximately 13 acres and would be developed with 73 residential units. Of the 73 units, 37 would be single-family detached in four building

types and 36 would be condominiums in groups of twelve three-plex buildings. Private roads would serve the development, with parking provided on one side of the street.

**Building Type 1** – The far north side of the property would accommodate 11 one story single family dwellings on “large lots” ranging in size from 6,910 to 9,370 square feet. Through the use of three floor plans, various designs are provided by using different materials and elevation options. The house size of Plan 1 would be 2,690 square feet (including garage), Plan 2 would be 3,196 square feet, and Plan 4 would be 2,168 square feet.

**Building Type 2** – These single family homes would be located on 26 lots dispersed throughout the development. Of this total, nine lots would be located across the street from the large lot homes described above (Building Type 1), 10 would be located east of the proposed condominium units, and seven would be located on the west side of the property just south of the condominium units. These parcels range in size from 4,275 square feet to 7,574 square feet. Through the use of four different floor plans, various designs are provided by using different materials and elevation options. The house size of Plan 1 would be 2,312 square feet (including garage), Plan 2 would be 2,403 square feet, Plan 3 would be 2,969 square feet, and Plan 4 would be 2,168 square feet. Of these 26 lots, 10 would be developed with one story homes and 16 would be developed with two-story homes.

**Three-Plex** – Each of the 12 three-unit condominium buildings includes two stories with a maximum height of 28.5 feet. This two-story building accommodates three residential units ranging in size from 1,633 to 2,253 square feet, which includes a 400 square foot two-car garage for each unit. Garages are accessed off of short private driveways off of the main access road. Each of the 12 proposed three-plex buildings (a total of 36 units) would be approximately 5,331 total square feet.

The three-plex unit incorporates many of the same architectural treatments used in the single-family detached dwelling designs. Entrances to Plan 2 and Plan 3 are provided off the front elevation while Plan 1 gains access off the right elevation. Each entrance provides a front porch with its own design theme.

**Lighting** - Three different types of street light standards labeled options 1, 2 and 3 would be located throughout the tract. The light standards would be approximately 12 to 14 feet in height. The lighting plan also includes tree and walkway lights as provided within the submitted material as located on the site lighting plan. The plan is a low level lighting plan to avoid impacts to the properties to the north and the creek area.

**Landscaping** - The landscape plan includes a 50-foot riparian vegetated buffer as measured from the top of creek bank on either side of the creek. This results in a 100-foot creek buffer for the length of the creek on the subject property. In addition to this buffer, a 30-foot buffer is proposed along the north property line where native vegetation would be planted to provide a natural separation between the residential development and existing homes to the north.

The landscape plan also includes a detention basin for the project’s drainage system. The detention basin would be located within the middle of the residential subdivision, adjacent to Lagunitas Creek, and is approximately 1.7 acres in size. The basin is designed so that the

maximum water depth would not exceed 1.97 feet. Given the 6:1 side slopes, no fence is required to enclose the detention basin.

2. 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.
3. If, at any time, the City determines that there has been, or may be, a violation of the findings or conditions of this Tentative Tract Map, Tentative Parcel Map, Development Plan and Coastal Development Permit, 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 conditions, 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.
4. The applicant shall pay development impact fees to the City prior to issuance of a Building Permit. The amount of the fees will be determined at the time permits are issued, consistent with the provisions of the Development Impact Fee Ordinance. The current level of fees attributable to the project would be approximately \$3,607,562.16. A protest to the fees may be filed at the time of project approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or other exactions to be imposed on the development project.

#### **DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

5. Water conserving fixtures shall be utilized on all faucets, sinks, water closets and other water outlets throughout the project to reduce water demands.
6. 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.
7. All requirements of the City of Carpinteria (including but not limited to public improvements as defined in the City of Carpinteria Municipal Code 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.
8. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
9. All buildings, roadways, parking areas, landscaping and other features shall be located substantially as shown on the attached exhibits.

10. Approval of the Development Plan/Coastal Development Permit shall expire one year after approval, unless prior to the expiration date a Grading or Building Permit has been issued or the permittee has diligently worked toward Grading or Building Permit issuance. The decisionmaker with jurisdiction over the project may grant a time extension for good cause.
11. The applicant agrees to pay any and all City costs, permits, attorneys' 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's defense of the approval of the project.
12. 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.
13. Any minor changes may be approved by the City Manager or Community Development Director. Any major changes will require the filing of a modification application to be considered by the City Council.
14. When not specified herein, all conditions shall be satisfied prior to the issuance of building permits or prior to occupancy when allowed by the Director of Community Development.
15. An approval granted by the City Council does not constitute a Building Permit or authorization to begin any construction. An appropriate permit issued by the Building Division must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
16. The only signs approved as a part of this action are one 8' x 8' temporary real estate and construction sign and signs required to be posted during the construction period to provide notice to neighbors and construction employees of hours of construction.
17. Upon completion of construction, no outside storage of any materials shall be permitted unless screened by a solid six-foot high fence/wall and that no stored materials shall be stacked to a height greater than six feet.
18. During any phase of grading or construction, if cultural material suggestive of prehistoric or historic origin is encountered, work in the vicinity of the find shall be stopped and the City shall be notified. Grading or construction shall not be resumed until the find is evaluated and the City determines whether mitigation is necessary.
19. If the construction site is graded and left undeveloped for over three weeks, the following methods shall be employed immediately to inhibit dust generation:
  - seeding and watering to revegetate graded areas;
  - spreading of soil binders; and/or
  - any other methods deemed appropriate by the City or County Air Pollution Control District.



20. 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. 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.
21. Sedimentation, silt and grease traps shall be installed in paved areas to act as filters to minimize pollution reaching downstream habitats. These filters shall address short-term construction impacts.
22. 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.
23. Prior to the issuance of any Building Permits, the applicant shall submit final plans to the City for review by the Architectural Review Board. Final plans shall include but not limited to complete construction drawings and details concerning signing, lighting, fencing, colors and exterior materials, landscaping and irrigation.
24. Prior to the issuance of any Building Permits, the applicant shall post a financial security to guarantee installation and three years of landscaping maintenance costs. The amount of the security shall be determined by a licensed landscape architect and shall be reviewed and approved by the Community Development Department. Landscaping shall be subject to the following requirements:
  - a. The landscaping shall be maintained in good condition for three years, at which time the security will be released;
  - b. Landscaping shall be drought resistant, low water-use species;
  - c. Where feasible, locally adapted native plants shall be used;
  - d. Prior to occupancy, all landscaping and plantings shall be installed.
  - e. A raised six-inch curb shall protect all landscaped areas located within parking areas;
  - f. Any curb carrying water along its face shall be curb and gutter;
  - g. 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.
  - h. 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.
  - i. If applicable, the project shall comply with the requirements of the City's Water Efficient Landscape Ordinance (Chapter 15.90, Carpinteria Municipal Code).
25. Screened trash enclosure(s) shall be required and plans shall be subject to the review by the Architectural Review Board prior to the issuance of any Building Permits.
26. All 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 structures and shall be reviewed by the Architectural Review Board for compatibility with the approved building design.

27. Detailed plot plan, elevation plans, sign plans, and landscape/irrigation plans shall be submitted to the Architectural Review Board for review prior to any permits or clearances being granted. All required plans shall be submitted as a part of a single application.
28. Final plans shall include the location of all above ground and vaulted appurtenances including but not limited to electrical vaults, gas meters, fire backflow prevention system, check valves, etc. The location of such appurtenances shall be approved by Community Development and may be required to be located so as to minimize aesthetic impacts.
29. All landscaping and irrigation plans submitted to the Architectural Review Board shall be prepared by a State licensed landscape architect or similar professional as determined appropriate by the ARB.
30. 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 review by the ARB.
31. A detailed sign program for the project herein approved shall be submitted in conjunction with the submittal of building elevation plans. Said sign program shall indicate the type, area, height, location and colors of all signs. No roof or pole signs shall be permitted. The ARB shall review the sign program prior to issuance of occupancy clearance.
32. Exterior lighting for the site shall be low level and designed (through appropriate fixture type, location, etc.) in such a manner that direct lighting or glare will affect neither adjacent properties nor public streets or walkways.
33. The project shall comply with all provisions of the City's Inclusionary Housing Requirement Ordinance No. 590. The affordable housing component of the project shall include nine for-sale residential units, targeted to above moderate income households (121% of the area median income) for a period of 30 years. Two additional units shall be provided at 160% of AMI. The Applicant shall submit all information and materials deemed necessary by the City to ensure compliance with the City's Inclusionary Housing Requirement Ordinance No. 590.
34. At the time of Final Map approval by the City Council, an Inclusionary Housing Agreement (pursuant to the City's Inclusionary Housing Requirement Ordinance No. 590) between the City and the Applicant shall be approved by the City Council. The Agreement shall be in a form acceptable to the City, and at the City's discretion, may include, but not be limited to, the following: the process for qualifying prospective households for income eligibility pursuant to City policies and procedures; provisions and/or documents for resale restrictions; deeds of trust; marketing plan; affordability control covenants for each unit and provisions for monitoring compliance with the terms of the Agreement.

35. The City shall determine the sales price of Inclusionary Units per the "City of Carpinteria Affordable Housing Policies and Procedures."
36. Occupancy clearance for the last six market-rate condominium units shall not be granted until occupancy clearance has been granted for all eleven affordable units.
37. Applicant shall contribute \$10,000 to the City of Carpinteria to assist in the administration of the affordable housing program described in Conditions 33 through 36 above. Applicant shall also contribute \$250,000 to the City of Carpinteria to assist in the provision of affordable housing at other locations within the City. Payments shall be made prior to issuance of occupancy clearance for the first residential unit in the development.
38. At the time of Final Map approval by the City Council, a Marketing Plan for the market rate residential units shall be approved by the City Council. The goal of the Marketing Plan shall be to notify certain target groups and the general public of the availability of the new residential units and shall establish preferred purchasing periods for the residential units. The Marketing Plan shall include provisions for the following, among other things:
  - During the Initial Market Unit Period, said units shall be exclusively available to persons who are employed within the onsite office building or by the tenant of the office building.
  - During the subsequent period following completion of the Initial Market Unit Period, units shall next be made available to those persons employed within the Mark Avenue Industrial Area or tenants within the Mark Avenue Industrial Area.
  - The following marketing period shall be targeted to employees within the City of Carpinteria.
  - The final priority marketing period shall be targeted to employees throughout the greater Carpinteria Valley Area. For the purposes of this section, the greater Carpinteria Valley shall include the area of Santa Barbara County that is east of Nidever Road, south of the Los Padres National Forest, and north and west of the Santa Barbara/Ventura County line, and including the City of Carpinteria.

After the priority Market Unit Periods have expired and the lists of eligible purchasers have been exhausted, any units that are still available for purchase may be made available to members of the general public.

39. Prior to site development, a seismic study shall be prepared by a registered engineering geologist/seismologist or geotechnical engineer for the project site. This report shall include a detailed analysis of the most likely seismic sources to affect the project (including a determination of the distance to the Red Mountain Fault if deemed necessary). The most recently published maximum credible earthquake, recurrence interval, and distance to the site for each of these sources will be used to determine a probabilistic and/or deterministic peak ground acceleration for the site. Using this data, a design ground acceleration shall be chosen for the site structures. This data, along with

the geotechnical data, shall be used to determine proper grading and structural design as it relates to the effects of seismic ground shaking at the site. (GEO-1a)

40. Design and construction of any buildings shall be structurally engineered to withstand the expected ground acceleration that may occur at that site. The design shall take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available. All onsite structures shall comply with applicable methods of the Uniform Building Code and recommendations of the geotechnical study. (GEO-1b)
41. During grading/construction activities at the site, a geotechnical or engineering professional shall be present to ensure adherence to the final design recommendations pertaining to seismic safety. (GEO-1c)
42. All grading recommendations listed in the 1999 Padre Geotechnical Report for foundation and slab-on-grade locations shall be followed. In addition, requirements for moderately expansive soils and the proposed building types as defined by the Uniform Building Code shall be considered as minimum requirements for foundation and slab-on-grade design. (GEO-2a)
43. During grading activities at the site, a geotechnical or engineering professional shall be present to observe that the recommendations set forth by the Geotechnical Report (Padre, 1999) are adhered to. (GEO-2b)
44. All foundations and slab-on-grade locations shall be designed by a civil/structural engineer to withstand the expected settlement or the site shall be graded in such a manner as to address the condition. (GEO-3a)
45. During grading activities at the site, a geotechnical or engineering professional shall be present to ensure adherence to the recommendations regarding soil settlement set forth by the civil/structural engineer. (GEO-3b)
46. Prior to final site plan approval, the final design calculations of the outlet structure shall be submitted to the City's Public Works Department for review and approval. The outlet structure shall be modified by increasing the orifice size or increasing the weir length of the five-year discharge outlet chamber such that the water surface elevation is below that associated with 25-year and 100-year flow frequencies. (H-1a)
47. The final site plans shall reflect that all surface and subsurface storm water flows from the adjacent 10-acre commercial site are intercepted and directed to the commercial basin. Installing pipelines to the existing catch basins and or grading the outlets such that the discharge is directed into the detention basin may intercept the subsurface flows. In addition, the approved grading plan shall be contoured such that if storm water flows exceed the capacity of the catch basins or if the catch basins should become blocked by debris, the overflow will enter the commercial basin prior to reaching that natural channel. (H-1b)

48. A plan that incorporates BMPs for the long-term operation of the site shall be developed and implemented by the applicant to minimize the amount of pollutants that are washed from the site. The plan shall be developed in cooperation with the City of Carpinteria, the County of Santa Barbara and the Central Coast Regional Water Quality Control Board. Examples of BMPs listed below which apply to the development of the site may be included in the plan:

#### Education

- Stencil all storm drains inlets and post signs along channels to discourage dumping by informing the public that water flows to the ocean.
- Provide educational flyers to each new building unit regarding toxic chemicals and alternatives for fertilizers, pesticides, cleaning solutions and automotive and paint products.
- Provide educational flyers to each new building unit regarding proper disposal of hazardous waste and automotive waste.

#### Source Reduction/Recycling

- Development of an integrated pest management program for landscaped areas of the project. These areas would include slope-stabilization landscaping, and commercial area landscaping. Integrated pest management emphasizes the use of biological, physical, and cultural controls rather than chemical controls. Examples include use of insect resistant cultivars, manual weed control, use of established thresholds for pesticide and herbicide application, use of chemical controls that begin preferentially with dehydrating dusts, insecticidal soaps, boric acid powder, horticultural oils, and pyrethrin-based insecticides.

#### Cleaning/Maintenance

- Routine cleaning of streets, parking lots and storm drains. Regular maintenance and cleaning of catch basins, and detention basins.

#### Structural Treatment Methods

- The proposed detention basins shall be designed as an extended basin for storm water quality control purposes in accordance with the California BMPs Handbook. The catch basins shall be designed to incorporate the latest stormwater protection BMPs to minimize the discharge of pollutants offsite. Said catch basin BMPs shall be reviewed and approved by the City prior to issuance of a Building Permit. Maintenance of the catch basins shall be required to eliminate the potential for odor problems, provision of mosquito habitat, and to prevent clogging and such maintenance would be the responsibility of the owner. Incorporation of appropriate BMPs along with a maintenance plan would reduce the amount of current and potential future pollutants discharged into the creek.
- Trash storage areas and storage areas for materials that may contribute pollutants to storm water shall be covered by a roof and protected from surface runoff. (H-3)

49. Prior to recordation of the Parcel Map, the applicant shall offer to dedicate to the City a 2.5-acre parcel (Parcel 3) to be used as open space and/or a public park as shown on the

approved Vesting Tentative Parcel Map exhibit dated September 8, 2008. The offer shall be valid for a period of 21 years.

50. Prior to issuance of any Grading or Building Permits, the applicant shall submit, for the review and approval of the City Biologist, two sets of final restoration plans for the proposed 100-foot creek corridor and open space area. The plans shall include landscaping and erosion control plans prepared by a qualified habitat restoration consultant. The landscaping and erosion control plan shall not be dependent on permanent irrigation systems. The landscaping and erosion control plan shall be reviewed and approved by the consulting civil and geotechnical engineers to ensure that the plan is in conformance with the applicable recommendations regarding site stability. The restoration and revegetation plans shall include, but not be limited to the following components and criteria:
- A) A riparian habitat restoration / revegetation program shall be developed and implemented for the proposed 100-foot creek corridor to be located along the existing onsite drainage referred to as Lagunitas Creek. The riparian habitat restoration / revegetation plan shall be prepared by a qualified habitat restoration consultant and shall clearly delineate the proposed continuous 100-foot wide riparian habitat corridor along Lagunitas Creek which shall be planted with appropriate native riparian plant materials consistent with species found in the surrounding Carpinteria watershed. The riparian habitat restoration / revegetation program shall be implemented upon completion of major grading operations.
  - B) An open space restoration / revegetation program shall be developed and implemented for the proposed open space area to be located on the south portion of the site. The open space restoration / revegetation plan shall be prepared by a qualified habitat restoration consultant and shall clearly delineate the proposed open space which shall be revegetated with appropriate native grassland plant materials consistent with species found in the surrounding Carpinteria watershed to provide for maximum native grassland habitat. The open space restoration / revegetation program shall be implemented prior to Certificate of Occupancy of the office building.
  - C) The restoration / revegetation plans shall specify the preferable time of year to carry out the restoration and describe the supplemental watering requirements that will be necessary, including a detailed irrigation plan. The plans shall also specify performance standards to judge the success of the restoration effort. The revegetation plans shall identify the species, location, and extent of all plant materials and shall use a mixture of seeds and container plants to increase the potential for successful revegetation. The plans shall include a description of technical and performance standards to ensure the successful revegetation of the restored area. A temporary irrigation system may be used until the plants are established, as determined by the habitat restoration consultant, and as approved by the consulting civil and geotechnical engineers.
  - D) Revegetation shall provide a minimum of 80% survival, by species, the first year and 100% survival thereafter or shall attain 75% cover after three years and 90% cover after five years and shall be repeated, if necessary, to provide such coverage. The

Community Development Director may extend this time period for good cause. No single species shall constitute more than 50% of the vegetative cover and no woody invasive species shall be present. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements for the life of the project.

- E) The applicant shall provide irrigation when natural moisture conditions are inadequate to ensure survival of plants. Irrigation shall be provided for a period of at least two years from planting. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of plantings. All plants must survive and grow for at least three years without supplemental water for the restoration phase of the project to be eligible for acceptance by the Department.
- F) The restoration/revegetation plans shall include provisions for removal of non-native and invasive species (including details regarding the type and use of herbicides in and near aquatic habitat and sensitive species).
- G) A monitoring program shall be prepared by a qualified environmental resource specialist. The monitoring program shall demonstrate how the approved revegetation and restoration performance standards prepared pursuant to section D) above shall be implemented and evaluated for compliance. The program shall require the applicant to submit, on an annual basis for a period of five years (no later than December 31<sup>st</sup> each year), a written report, for the review and approval of the Community Development Director and City Biologist, prepared by an environmental resource specialist, indicating the success or failure of the restoration project. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards listed in the restoration plans. These reports shall also include photographs taken from pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery. During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the plantings. If these inputs are required beyond the first four years, then the monitoring program shall be extended for a sufficient length of time so that the success and sustainability of the project is ensured. Successful site restoration shall be determined if the revegetation of native plant species on-site is adequate to provide 90% coverage by the end of the five-year monitoring period and is able to survive without additional outside inputs such as supplemental irrigation. The Office and Homeowners Associations associated with the subject development shall pay an annual processing fee to the City of Carpinteria to cover the City staff hourly costs to review the annual biological reports.
- H) At the end of the five-year period, a final detailed report shall be submitted, for the review and approval of the Community Development Director and City Biologist, that indicates whether the on-site landscaping is in conformance with the revegetation / restoration plans approved pursuant to this Condition. The final report shall include photographic documentation of plant species and plant coverage. If this report indicates that the restoration project has in part, or in whole, been unsuccessful,

based on the approved performance standards, the applicant shall submit a revised or supplemental restoration /revegetation program to compensate for those portions of the original plans that were not successful. (BIO-1a)

51. No development, as defined in the City Local Coastal Program and/or §30106 of the Coastal Act, or agricultural activities, shall occur within the 100-foot creek corridor as shown on the Tentative Parcel Map exhibit dated September 8, 2008 except for the following activities:
- A) Habitat restoration, including maintenance of native riparian habitat and restoration of the banks of the proposed 100-foot creek corridor;
  - B) Installation, repair or upgrading of utilities within existing easements and/or as approved pursuant to this permit;
  - C) Construction or maintenance of water quality management structures approved pursuant to this permit;
  - D) Construction and maintenance of public trails, bridges and associated appurtenances approved pursuant to this permit; and
  - E) Easements for roads, trails, flood control and utilities within existing easements and/or as approved pursuant to this permit.

The 100-foot creek corridor shall be maintained by the Homeowners' Association pursuant to the requirements set forth in Condition 50 above. This requirement shall be recorded as a note on the Parcel Map.

52. Prior to issuance of a Grading or Building Permit, a final landscape plan shall be reviewed and approved by the City biologist to ensure that all invasive species as listed by the Channel Islands Chapter of the California Native Plant Society and CalEPPC are deleted from the landscape plan, consistent with General Plan Policy CD-11f and the Creeks Preservation Program. All approved landscaping within the 100-foot creek corridor and open space area shall be installed prior to issuance of a Certificate of Occupancy for the office building. Once installed, the applicant shall install temporary fencing to adequately protect the landscaping from site construction disturbance. The temporary fencing shall remain until such time as the Community Development Director determines it is appropriate for removal. (BIO-1b)
53. Consistent with General Plan lighting policies, no spotlights or floodlights shall be located in or adjacent to the Lagunitas Creek restoration area, and lighting adjacent to the restoration area and along the proposed walking path, if any, shall be shielded, directed downward, and shall not exceed 0.01 foot-candles five feet inside of the 50-foot setback from each top of bank. (BIO-1c)
54. The final drainage plan shall be designed, installed and maintained to provide for sufficient flow to support riparian habitat on and offsite. The final drainage plan shall be



- reviewed and approved by Community Development prior to issuance of a Grading Permit. (BIO-1d)
55. Prior to issuance of a Grading Permit, the applicant shall provide proof that all required permits/agreements have been obtained for the project from the United States Army Corps of Engineers and the California Department of Fish and Game. (BIO-1e)
  56. The applicant shall replace the cross-sectional area of any native tree species with native riparian trees species at a minimum ratio of 3:1. Any unanticipated damage that occurs to trees or sensitive habitats during construction activities shall be mitigated by either tree replacement (or financial security for tree replacement) or hiring (at applicant expense) a qualified biologist or botanist to assess the damage and recommend mitigation. (BIO-2)
  57. Applicant shall re-stripe the existing two westbound lanes to include one exclusive left-turn lane and one shared left- through/right-turn lane. Applicant shall re-stripe the existing northbound approach at the intersection to include one shared left-through lane and one exclusive right-turn lane. No roadway widening at this intersection is required. Two parking spaces on each side of Via Real (westbound approach) shall be removed to improve visibility and facilitate use of the existing westbound bicycle lane. Appropriate striping and signage shall be installed for the westbound left-turn traffic to indicate that the left turns from the second (right-most) lane would primarily serve traffic destined to the US Highway 101 northbound onramp. (T-1)
  58. Via Real shall be widened along the project frontage and re-striped to provide an eastbound left turn lane into the development in accordance with City standards. (T-2a)
  59. The applicant shall require onsite employers to implement flexible employee schedules. (T-2b)
  60. During project construction, large trucks such as cement trucks and dump trucks, as well as heavy equipment and trucks carrying heavy equipment, and all traffic making deliveries or providing services to the project and construction employees who are not traveling directly to locations off Via Real west of the site, shall access and leave the site from the east, i.e., using Via Real east of the site to and from Highway 101, Route 150 and Carpinteria Avenue. (T-2c)
  61. During project grading and construction, traffic control personnel shall direct traffic to ensure the safe and efficient movement of bicycles, pedestrians and vehicles during roadway and site improvements. Traffic control shall occur throughout all grading and construction activities that affect the normal flow of traffic and shall be monitored by Public Works staff.
  62. Construction equipment staging and storage areas and construction worker parking areas shall be located on the project site and shall be depicted on project plans submitted for Grading and Building Permits. (T-2d)

63. Prior to issuance of a Building Permit for the office building, applicant shall contribute \$250,000 towards the City's Shuttle Program, or other alternative transportation mode as directed by the City Council.
64. During grading and construction, fugitive dust emissions shall be controlled as follows:
- During construction, water trucks and/or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent fugitive dust from leaving the site. At a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 miles per hour. Reclaimed water shall be used whenever possible;
  - Onsite vehicle speeds shall be reduced to 15 miles per hour or less;
  - Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads, most notably Via Real;
  - Streets adjacent to the project site shall be swept as needed to remove silt that may have accumulated from construction activities so as to prevent excessive amounts of dust;
  - When importation, exportation, and/or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting soil, sand, cut or fill material to or from the site shall be covered with a tarp from the point of origin;
  - The area disturbed by clearing, grading earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust;
  - After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering or revegetating or spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur;
  - The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and phone number of such persons shall be provided to the APCD and the City prior to issuance of a Grading Permit; and
  - All dust control requirements shall be shown on the applicable grading and building plans. (AQ-1a)
65. The following shall be adhered to during project grading and construction to reduce NOx emissions from construction equipment and shall be printed on grading plans prior to issuance of a Grading Permit:

- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used whenever feasible.
  - The engine size of construction equipment shall be the minimum practical size.
  - The number of pieces of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure the smallest practical number is operating at any one time.
  - Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - Diesel catalytic converters shall be installed, if available.
  - Diesel powered equipment shall be replaced by electric equipment whenever feasible.
  - Construction employee trips should be minimized by encouraging carpooling and providing for lunch onsite. (AQ-1b)
66. Low volatile organic compound (VOC) architectural and asphalt coatings shall be used onsite. (AQ-1c)
67. In the event that either the City of Carpinteria or Santa Barbara County Air Pollution Control District adopts an air pollutant emission offset program prior to issuance of building permits for any component of the project, the applicant shall pay fees for that component that are in place at the time of issuance of Building Permits. (AQ-3b)
68. Noise-generating construction equipment operating within 300 feet of a residence shall be fitted with acoustical blankets to reduce noise transmission. Blankets shall be used throughout all grading and construction activities. (N-1a)
69. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. This measure shall be printed on the project plans prior to issuance of a Grading Permit. (N-1b)
70. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. This measure shall be included on project plans prior to issuance of a Building Permit. (N-1c)
71. Construction activities at the site shall be limited to the daytime hours between 7:00 a.m. to 4:00 p.m., Monday through Friday, with no construction on State recognized holidays. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Two signs indicating this restriction shall be posted on the site prior to the commencement of grading and shall remain in place throughout the construction phase. The contractor or builder shall designate a person to monitor the construction hours and associated noise impacts. The name and phone number of the contact person shall be provided to the Community Development Department prior to issuance of a Grading Permit. (N-1d)

72. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to the City's satisfaction and shall be located as far as possible from nearby residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans and shall remain in the designated location throughout construction activities. (N-1e)
73. The applicant shall provide a contact person's name and telephone number for local residents to call to submit complaints associated with construction. The name and phone number shall be posted on the project site throughout all construction periods and shall be easily viewed from adjacent public areas. (N-1f)
74. Onsite trash pickup services, street and parking lot sweeping, and truck deliveries shall be restricted to the hours of 7:00 am to 6:00 pm. (N-2a)
75. High truck traffic generating uses such as warehousing and distribution shall be prohibited onsite. (N-2b)
76. Landscaping trees incorporated into the Via Real landscaped frontage shall be of a species that naturally grows to a common maximum of 30 feet in height upon maturity, or shall be pruned and shaped so that a 30-foot profile is maintained. Landscape trees shall be a minimum 15-gallon size. These requirements shall be incorporated into the landscape plan prior to issuance of a Building Permit. (AES-2a)
77. The office building parking lot shall be adequately screened from public view along Via Real by incorporating design elements such as, but not limited to: earthen berms, a three-foot tall wall or fence that includes landscape pockets, and/or additional landscape screen trees and shrubs. These features shall be included on the landscape plan prior to issuance of a Building Permit. (AES-2b)
78. All exterior lighting shall be designed so that light does not exceed one foot-candle at the property line, considering weather conditions. No unobstructed exterior beam of lighting shall be directed toward the residential neighborhood north of the site. Non-glare lighting shall be used on all site development. (AES-3a)
79. Any wall mounted illuminated signs shall be restricted to metal channel-style letters that are back-splashed with lighting. (AES-3b)
80. Office building windows shall be tinted in order to minimize glare from interior office lighting. (AES-3c)
81. All fenestration shall be of a low-glare specification. Paint used for exterior facades shall be of low reflectivity. Metal surfaces shall be brush-polished and not highly reflective. (AES-3d)
82. All roofing material and any roof-mounted mechanical equipment shall be of low reflectivity. (AES-3e)

83. Lighting on the second floor of the office building shall be controlled by work areas rather than for entire floors or larger units. Lighting sectors shall be a maximum of  $\frac{1}{4}$  the size of the building's second floor area and shall illuminate a maximum of  $\frac{1}{2}$  of the building's second floor as viewed from offsite. (AES-3f)
84. Occupancy sensors or timers for automatic shut-off of interior lights shall be incorporated into building design. (AES-3g)
85. Prior to issuance of a Grading Permit, the applicant shall develop and implement a Solid Waste Management Program that shall identify the amount of waste generation projected during processing of the project. The program shall include, but is not limited to, the following:
  - Provision of space and/or bins for storage of recyclable materials within the project site.
  - Implementation of a green waste source reduction program, including the creation of lot or common composting areas, and the use of mulching mowers in all common open space lawns.
  - Development of a plan for accessible collection of materials on a regular basis.
  - Provision of recycling bins at the construction site to minimize construction-generated waste that goes to the landfill.
  - Development of a City-approved waste diversion plan by the construction contractor.
  - Participation in the construction/demolition-recycling program provided by Harrison and Sons, Inc. If the program is not applicable to project construction plans, then demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete and asphalt). (SW-1)

### **Engineering Conditions**

86. Any improvements necessary to implement the required Transportation Demand Management Program shall be submitted to the Architectural Review Board as part of the final review.
87. 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 street, utility and storm drain improvements and shall be submitted to the Public Works Department for review and approval prior to recordation of the Final Map, and prior to issuance of a Grading Permit.
88. Prior to issuance of Engineering Permits, 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.
89. Prior to or issuance of Building Permits, faithful performance and labor and material bonds (each to be 100% of the City Engineer's estimate) shall be filed with the City to cover the costs of all public improvements and any on-site grading and retaining walls. A

cash deposit in the amount of 10% of the bond amount shall be submitted with each bond.

90. Development shall be undertaken in accordance with conditions and requirements of the State of California Regional Water Quality Control Board. Project Grading and Storm Drain Improvement Plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted on-site and during construction to effectively mitigate storm water pollution.
91. At the time of acceptance of public improvements, the applicant shall submit a set of "Record Drawings" showing any and all changes made to the design plans during the construction period. The "Record Drawings" shall be permanent mylar copies of a quality acceptable to the City Engineer.
92. Prior to occupancy of the project, all new and existing utility services and vaults shall be placed underground and completed prior to any paving required for the project. No new utility poles shall be installed.
93. Existing overhead transmission and distribution lines located along the edges of the property shall be placed underground. The undergrounding shall extend along the project street frontage to the nearest utility pole(s) outside of the project limits. Feed points shall be as approved by the City Engineer. All costs of undergrounding existing utility lines and service laterals shall be borne by the applicant. It is the intent of this condition to underground utilities to the greatest extent possible.
94. Existing and proposed easements for all utilities shall be located and described on the engineering plans or the architectural drawings prior to issuance of Building Permits.
95. Separate electric meters shall be installed for each unit unless a 'gang' meter is approved by Southern California Edison. Electric meters shall be shown on plans submitted for building permit to be checked by the City Building Permit plan checker.
96. Plans shall be submitted for frontage improvements along Via Real prior to issuance of Grading Permits for review by the City Engineer. Frontage improvements, including, but not limited to, curb, gutter, sidewalk, paving, street lights, fire hydrants, street signs, street trees, bus shelter and associated improvements are to be installed in conformance with the standards, specifications and policies of the City. Unless otherwise specified, the City utilizes the County of Santa Barbara Engineering Standards.
97. Paving and curbs and gutters shall transition into existing public improvements as required by the City Engineer. Plans shall be submitted prior to issuance of building permits for review by the City Engineer. Construction shall be completed prior to issuance of Certificate of Occupancy.
98. All streetlights shall be installed in conformance with City Standards. Plans shall be submitted prior to issuance of building permits for review by the City Engineer. Construction shall be completed prior to issuance of Certificate of Occupancy.

99. A Street Construction and/or Excavation Permit shall be obtained from the City Engineer prior to any construction within the street right-of-way.
100. All street improvements shall be completed to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy by the Community Development Department.
101. Prior to the release of any securities, a Notice of Completion for all public improvements shall be presented to and accepted by the City Council.
102. At the time that Street Improvement Plans and Grading and Drainage Plans are submitted for review and approval by the City Engineer, two copies of a Soils Report, prepared by a California Registered Geologist or Soils Engineer, shall be submitted to the Community Development Department. The Report shall address soils engineering and compaction requirements, R-values, and other soils and geology related issues (including liquefaction) and shall contain recommendations as to foundation design, retaining wall design, and paving sections where applicable for the project.
103. At the time that Street Improvement and Grading and Drainage Plans are submitted for review and approval by the City Engineer, hydrology/hydraulic calculations shall be submitted by the applicant's engineer determining the adequacy of the proposed drainage system and the adequacy of the existing downstream system. A rainfall frequency of 25 years shall be used for sizing piping and inlet structures. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara County Engineering Design Standards shall be used. Storm drainage run-off shall be conducted to the public 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.
104. Prior to performing any grading, the developer shall obtain a Grading Permit from the City Engineer and pay the required grading permit deposits/fees. For all projects over one acre in size, a separate grading permit is required to be obtained from the State Water Resources Control Board and must be obtained prior to City issuance of a City Engineering Grading Permit.
105. Prior to issuance of Grading Permit, a Storm Water Pollution Prevention Plan (SWPPP) which covers all phases of the grading operations must be prepared and submitted for review to the City Engineer. Said Plan shall incorporate appropriate Best Management Practices (BMPs) to effectively mitigate the effects of storm water pollution.

**Carpinteria-Summerland Fire Protection District**

106. Project shall comply with all applicable standards of the Fire District and the City Municipal Code §8.24.
107. 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.

108. All required access ways (public and private) shall be installed and made serviceable prior to the erection of combustible materials.
109. Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.
110. Dead end access roads shall terminate with a Fire District-approved turnaround.
111. A minimum of 13 feet 6 inches of vertical wall clearance shall be provided and maintained for fire apparatus.
112. When access ways are gated, a Fire District-approved key box shall be installed in an accessible location. Prior to installation, the location and type shall be approved by the Fire District.
113. Prior to issuance of Fire District approval of plans, the northeast industrial/office building shall provide fire access.
114. Visible street addresses must be posted at driveways and on the buildings. Numbers shall be a minimum four inches high on a contrasting background.
115. Permanent exterior access to the roof shall be provided for commercial buildings where the roof edges, mansard, or parapet is over 18 feet above grade level. The access ladders shall commence at the 18-foot level and terminate at the roof. This access must be located where the Fire District can utilize their ladders and shall meet District approval.
116. Public fire hydrants supplying the required fire flow within the required driving distance from the structure shall be provided. The type of hydrant and the exact location shall be approved by both the Carpinteria Fire and Water Districts. The new fire hydrants shall be installed and in service prior to any construction.
117. Fire hydrants shall be installed within 500 feet driving distance of all residences and 350 feet driving distances from the industrial/office structures. The fire hydrants and mains supplying same shall be installed in accordance with the established standards, and supply a minimum 1,500 gallons per minute under normal flow pressure.
118. Prior to water system installation, one set of plans showing the location size and type of hydrants, valves, main lines and lateral lines shall be submitted to the Fire District for approval.
119. Prior to the erection of combustible materials, the fire protection water system shall be installed, tested and approved by the Fire District to ensure compliance with the standards expressed herein.
120. All new commercial and multi-unit residential buildings shall be protected by an approved automatic fire sprinkler system. It is highly recommended that the single-family homes have a sprinkler system. Prior to installation, plans for the proposed fire sprinkler system



shall be designed by a qualified person and submitted to the prevention bureau for approval.

121. An approved fire alarm system shall be installed as set forth in the Fire Code.
122. Prior to occupancy, State Fire Marshal approved smoke detectors must be installed in accordance with the County Code.
123. Pursuant to CSFPD Ordinance No. 92-02, prior to issuance of a "Certificate of Occupancy", the Carpinteria-Summerland Fire Protection District mitigation fee must be paid. Mitigation fees shall be assessed in accordance with Ordinance 599 for applicable residential, commercial and industrial development.
124. 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.

#### **Carpinteria Sanitary District**

125. The Local Agency Formation Commission (LAFCO) of Santa Barbara County and the Carpinteria Sanitary District's Board of Directors must approve the annexation of this parcel to the Carpinteria Sanitary District. All fees associated with LAFCO annexation are the responsibility of the applicant.
126. The owner of record shall enter into an Agreement for Construction of Sewer Facilities with the Carpinteria Sanitary District. All permitting fees and performance bonds are due to the District prior to commencement of construction.
127. The applicant shall submit three sets of sewer construction drawings to the Sanitary District for review prior to final conditions. As-built drawings on mylars will be required at the completion of the project and submitted to the District.
128. Owner must submit a comprehensive engineer's estimate for the cost of the sewer construction for the development for review and approval by the District.
129. No trees shall be planted within seven feet of a sewer mainline, building lateral, or within the Sanitary District's recorded easement. No buildings or structures shall be constructed within three feet of a sewer mainline or within two feet of a building lateral or District recorded easement.
130. Owner must submit, for review, an engineer's analysis of the impact of the development upon the District's existing sanitary sewer system and capacity. The Sanitary District will provide the study parameters. Applicant shall contact the Sanitary District to determine if any existing sewer flow analysis for the development shall be updated or tested to the District's satisfaction at the applicant's responsibility.

131. The Carpinteria Sanitary District Sewer Development Impact Fee will be calculated and charged for each newly constructed commercial building. Payment will be due in full prior to the commencement of construction. District sewer service charges (SSCs) are collected through the County of Santa Barbara property tax rolls on an annual basis. Prior to obtaining a Certificate of Occupancy for each proposed development, the applicant shall pay District applicable SSCs due for the period between building occupancy and the following June 30<sup>th</sup>. Non-residential SSCs are estimated based on projected water use.
132. The Carpinteria Sanitary District Sewer Development Impact Fee (DIF) in effect at the time of the permit application will be charged for each newly constructed equivalent dwelling unit (EDU). In addition, the DIF charges for the proposed office/research building shall be added to the DIF for the proposed EDUs. The Sanitary District's Finance Director will determine those fees and submit a total prior to permitting.
133. The office building is required to have a Sanitary District-approved grease interceptor (pre-treatment device) equipped with a sample point. All non-domestic wastewater shall be plumbed to the interceptor. All State, Federal and District sanitary requirements shall be enforced for commercial and residential development.
134. An "S" shall be stamped onto the face of the gutter/sidewalk at the point of terminus for each residential unit's sewer lateral.
135. Each residential unit shall have a sewer service lateral cleanout located at the property line. This cleanout shall have a concrete box with a metal lid for locating purposes. Details are available from the Sanitary District. All commercial development cleanouts shall be constructed to Carpinteria Sanitary District standards.

#### **Carpinteria Valley Water District**

136. Developer shall enter into a Main Extension Agreement with the Water District prior to approval of construction plans.
137. Developer shall pay all fees and deposits prior to beginning construction.
138. Developer shall submit construction plans to the Water District for review prior to final approval of construction plans.
139. Each residential unit shall be supplied by appropriately sized meters as determined by the Water District.
140. Water facilities shall be constructed per Water District Standards.
141. Performance bonds shall be submitted to the Water District prior to construction.
142. Inspection Fees shall be paid to the Water District prior to project construction.

143. If the road will be a private road, then recorded easements, as specified in the said Main Extension Agreement shall be filed at the Water District before final occupancy.
144. Water District fees will be determined at the time of Main Extension Agreement.

#### **VESTING TENTATIVE PARCEL MAP**

145. 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.
146. Street trees shall be planted in conformance with the City Street Tree Policy or, upon determination and approval of the City Manager, that prior to the issuance of any building permits the applicant post a cash surety in an amount commensurate with the number and type of trees as specified on the Landscape Plan or adopted Street Tree Plan. This surety shall be equivalent to the cost of in place landscape development.
147. The Parcel Map shall be subject to the Subdivision Ordinance of the City of Carpinteria and to the State Subdivision Map Act. The map shall be prepared by a qualified California Registered Civil Engineer or Licensed Land Surveyor. Closure calculations shall be submitted along with adequate reference data and a current title report. Two copies of the map and one copy of the calculations shall be submitted. Within 30 days after the recordation of the Final Map, the applicant shall deliver one set of reproducible mylar copies of the recorded map to the Community Development Department.
148. The Parcel Map shall be substantially in conformance with the Tentative Map as approved. Any substantial changes, as determined by City staff, require the approval of the Planning Commission and the City Council.
149. The Tentative Parcel Map shall expire three years after approval or conditional approval by the final decisionmaker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
150. The applicant shall pay all engineering fees and all other fees and deposits prior to approval of the Parcel Map by the City Council.
151. Before recordation of the Parcel Map, developer shall provide the City Engineer with written evidence from the Santa Barbara County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code §66492 and 66493.
152. The applicant shall offer to dedicate to the City of Carpinteria a 20-foot wide Storm Drain easement which straddles the centerline of the existing 42" RCP Storm Drain that drains from Cindy Lane.

153. The applicant shall dedicate to the City of Carpinteria, in fee, the necessary right-of-way frontage along Via Real as necessary for the road improvements.
154. The emergency lane of access onto Lomita Lane shall be adequately controlled to prevent blockage of emergency vehicles. This shall include at minimum "no parking" signage and "red curb" treatment at the appropriate locations. Lomita Lane shall be reconstructed per the approved plans prior to the Certificate of Occupancy for the first commercial building. Throughout the construction process Lomita Lane shall be maintained in good repair as determined by the Community Development Department.

#### **VESTING TENTATIVE TRACT MAP**

155. The Tract Map shall be subject to the Subdivision Ordinance of the City of Carpinteria and the State Subdivision Map Act. The map shall be prepared by a qualified California Registered Civil Engineer or Licensed Land Surveyor. Closure calculations shall be submitted along with adequate reference data and a current title report. Two copies of the map and one copy of the calculations shall be submitted. Within 30 days after the recordation of the Final Map, the applicant shall deliver one set of reproducible mylar copies of the recorded map to the Community Development Department.
156. The Final Map shall be substantially in conformance with the Tentative Map as approved. Any substantial changes, as determined by City staff, require the approval of the City Council.
157. The Tentative Map shall expire three years after approval or conditional approval by the final decisionmaker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
158. The applicant shall pay all engineering fees and all other fees and deposits prior to approval of the Final Map by the City Council.
159. Prior to recordation of the Final Map, developer shall provide the City Engineer with written evidence from the Santa Barbara County Clerk's Office that developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code §66492 and 66493.
160. Prior to recordation of the Final Map, and in accordance with the Subdivision Ordinance, the developer shall prepare plans and specifications for review by the City Engineer and shall enter into an Agreement for Land Development Improvements with the City to install improvements. In association with this Agreement, the developer shall provide the necessary bonds to ensure the construction of the improvements.
161. Prior to recordation of the Final Map, the developer shall prepare and submit to the City Engineer, City Attorney and Community Development Director for their joint review and approval, Covenants, Conditions and Restrictions ("CC&Rs") governing the subdivision. The CC&Rs shall provide for establishment of a Homeowners' Association delineating architectural controls and responsibilities for maintenance of all open space, landscaping,

site improvements, including the storm drain system, 100-foot creek corridor, open space area, building exteriors and all other common areas developed upon the property (hereafter collectively referred to as "Common Areas"). CC&Rs shall include a Storm Drain System Monitoring and Maintenance Plan, which addresses specific tasks and timelines for the maintenance of the on-site storm drain system. The CC&Rs shall bind the Subdivider, Office and Homeowners' Association and any and all successor's and assigns in the property with respect to maintenance, occupancy, use and modification of all Common Areas. As part of the CC&Rs, the City shall be named as Third Party beneficiary with the right, but not the obligation, to enforce the CC&Rs in the event of default with powers of enforcement in the event of either the Subdivider or Homeowners' Association failure to abide by the terms and provisions thereof. CC&Rs addressing conditions of approval shall not be modified without the City's written consent.

162. The CC&Rs shall include a provision that will require the maintenance in perpetuity of the drainage/creek area, open space/recreational area and associated landscaping, including the prohibition of invasive species, for both the residential and office components of the project. An easement shall be recorded across the properties to preserve the open space in perpetuity and allow maintenance and installation of landscaping, or appropriate covenant therefor, as determined by the City.
163. The applicant shall pay all City costs through final map and building permit/occupancy permit, and condition compliance stage.
164. All residential lots shall be restricted to the height and stories approved as part of the project. The homes on the following 21 lots shall be one story and no second story additions shall be permitted for such houses: Lots 2 - 12, Lots 19 - 21, Lots 24 - 25, Lots 32 - 33 and Lot 35. A covenant imposing the condition specified herein that is approved as to form by the City Attorney shall be recorded concurrently with the final map for the above listed individual lots. This condition shall also be included in the CC&Rs for the project.
165. All additions attached to the residential structures shall comply with the approved setbacks of the project or the setbacks identified with the City's R-1 zone district, whichever is less.
166. All accessory structures shall comply with the City's General Development Provisions.
167. The residential detention basin has been designed to avoid the potential for future perimeter fencing that would enclose the basin thereby minimizing its open space characteristics. No barrier of any kind shall be placed around or otherwise enclose the detention basin.
168. All projects are permitted a building coverage of no more than five percent above the building coverage permitted on the parcel at the time of Tract Map approval. In cases where the originally approved building coverage is less than 35% (the maximum prescribed in an R-1 zone district), proposed development shall not exceed a maximum 40% building coverage.

169. The volume of sound shall not exceed 50 decibels at any point along the boundary of or outside of the lot upon which such office/industrial research park use is located.

## **PARKING AND TRANSPORTATION**

170. In accordance with the Carpinteria Municipal Code, secure parking facilities for bicycles shall be provided, the configuration and location of which shall be subject to review by the Community Development Department. Bicycle parking facilities shall include:

- A. Parking Area Dimensions/Location: A paved area at least six feet by one and one-half feet shall be provided for each required parking space for bicycles. Parking shall be located outside of pedestrian walkways, loading areas, etc. Parking area should be covered, where feasible.
- B. Rack Design: Parking rack models shall be as specified below.
  1. Enclosed lockers or approved equal.
  2. Hitching posts permanently affixed to pavement or approved equal.

171. A minimum of 339 parking spaces shall be provided on the office portion of the subject property in accordance with the parking design standards as stipulated in Section 14.54 of the Carpinteria Municipal Code and as shown on the approved Site Plan.

172. A project based Transportation Coordinator shall be responsible for actively promoting the Superticket program. The coordinator shall post MTD posters, schedules and other route information in common areas. The coordinator need not be a separate position, but must be familiar with transit.

173. As determined by the Community Development Department, transit facility improvements adjacent to the project shall include but not be limited to bus turnouts (bus pockets), lighted bus shelters, trash receptacles, schedule information displays, bus sign poles and provisions for accessible loading areas. Improvements shall be paid for by the developer and shall be reviewed by MTD prior to issuance of Building or Grading Permits.

174. Any existing transit facility displaced by the proposed project shall be relocated by the tenant/developer to a site acceptable to the City of Carpinteria and MTD.

175. Highly visible and marked car/vanpool parking shall be provided in the very best and most convenient locations (i.e., in close proximity to building entrance, away from nuisances, in the shade) in amounts sufficient to accommodate all interested employees.

176. Parking for single-occupant employee commuters shall be located behind the car/vanpool parking areas.

177. The project includes a Transportation Demand Management Program. Components of the program are aimed towards the following:

- Integrating jobs with on-site housing opportunities to reduce employee commuting.
- On-site employee showers and locker rooms.

- On-site bicycle lockers and storage facilities.
  - On-site recreation courts.
  - On-site lunch parks, employee lunchrooms.
  - On-site dry-cleaning and laundry drop-off/pick-up facility.
  - Carpooling and vanpooling preferred parking spaces.
  - Tenants to provide coordinated lunch service to bring restaurant food to the site.
  - Tenants to implement flexible work schedules.
  - Tenants to designate transportation coordinators to assist with carpooling programs and employee incentives to use alternative transportation.
  - New bus stop shelter along Via Real adjacent to project site that may accommodate local, express and regional bus participation.
178. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
- a. Provide CDD staff with the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact CDD staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, other agency personnel and key construction personnel.
  - c. Pay fees prior to approval of a Grading Permit to cover costs of monitoring as described above, including costs for CDD to hire and manage outside consultants when deemed necessary by CDD staff. In such cases, the applicant shall comply with CDD recommendations to bring the project into compliance. The decision of the Director of CDD shall be final in the event of a dispute.
179. 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.
180. Approval of Project 07-1407-TM/TPM/DP/CDP shall supersede the City's prior approval of Project 01-976-DA/TM/TPM/DP/CDP/P-Mod upon withdrawal of the Coastal Commission appeal of that project.

Approved by the City Council on September 8, 2008

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

---

Applicant

Date

**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



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

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

**SECTION I. Appellant(s)**

SEP 15 2008  
CALIFORNIA COASTAL COMMISSION

Name: Gretchen A. Christman-Johnson

Mailing Address: PO Box 1179

City: Carpinteria, CA

Zip Code: 93013

Phone: 805 745 5174

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

City of Carpinteria

2. Brief description of development being appealed:

Lagunitas is a mixed use development composed of 85,000 sf of commercial office use, 11 large lot single family residences, 26 small lot single family homes and 36 condominiums on a 25.36-acre site. The commercial office use would be developed on 12.26 acres in the southeast section and the residential use would be on 13.1 acres in the northwest section. The parcel is divided by Lagunitas Creek. Wildlife is prevalent on the parcel including the officially listed endangered white tailed kite, red tailed hawks, red-shouldered hawks, barn owls, white egrets, blue herons, merliun falsons and many ground animals for these birds to feed on. And, of course, there are coyotes, racoons, and oppossums.

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

The address is 6380 Via Real, Carpinteria CA 93013. APN 001-190-017 Lomita Lane runs north and south along the eastern boundary.

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: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

**EXHIBIT 4**

**A-4-CPN-08-068**

**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: September 8, 2008

7. Local government's file number (if any): 07-1407-TM/TPM/DP/CDP

**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:

Investec  
200 E Carrillo  
Santa Barbara, CA 93101

Parkstone Compaies  
890 Hampshire Road, Suite T  
Westlake Village, CA 91360

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) David and Louise Moore  
532 Arbol Verde  
Carpinteria, CA 93013

(2) Gary and Geri Campopiano  
5345 8th Street  
Carpinteria, CA 93013

(3) Mike and Diane Wondolowski  
4264 Via Marcina  
Carpinteria, CA 93013

(4) Gretchen A Christman Johnson  
PO Box 1179  
Carpinteria, CA 93014

NEIGHBORS TO THE NORTH AND WEST:

Art and Heather Tiddens  
6332 Via Real  
Carpinteria, CA 93013

Ray and Mary Sue Seider  
6346 Via Real  
Carpinteria, CA 93013

Tom and Janet Minehan  
6330 Via Real  
Carpinteria, CA 93013

Sandy Ramalho  
6354 Via Real  
Carpinteria, CA 93013

Lanny and Libby Lafferty  
6352 Via Real  
Carpinteria, CA 93013

Wayne and Ella Ni  
6344 Via Real  
Carpinteria, CA 93013

Scott and Sharie McIntyre  
6350 Via Real  
Carpinteria, CA 93013

Peter and Susan McKee  
6334 Via Real  
Carpinteria, CA 93013

Sanford Porter and Michele Porter  
6340 Via Real  
Carpinteria, CA 93013

Gene and Gina Prather  
6336 Via Real  
Carpinteria, CA 93013

Po and Yauchen Wang  
6326 Via Real  
Carpinteria, CA 93013

Jim and Chris Gaston  
6348 Via Real  
Carpinteria, CA 93013

Gerald and June Abbott  
6328 Via Real  
Carpinteria, CA 93013

Zyika Yegendorf  
6338 Via Real  
Carpinteria, CA 93013

Nan Deal  
PO Box 5  
Carpinteria, CA 93014

Lucern and Bob Hamer  
6180 Via Real #115  
Carpinteria, CA 93013

Dick Peodtke  
6180 Via Real  
Carpinteria, CA 93013

Peggy Oki  
5966 Via Real #3  
Carpinteria, CA 93013

REFERENDUM PETITIONERS 2006:

George Johnson  
729 Olive Ave.  
Carpinteria, CA 93013

Chris Davis  
939 Palm Ave.  
Carpinteria, CA 93013

John Callender  
3333 Mesa Lane  
Carpinteria, CA 93013

Janice Schilling  
5545 Canalino Drive  
Carpinteria, CA 93013

Pat Durham  
5137 Cambridge lane  
Carpinteria, CA 93013

Lyman Barrett  
3950 Via Real  
Carpinteria, CA 93013

Amrita Salm  
797 Arbol Verde  
Carpinteria, CA 93013

Noel Winniger  
5394 Star Pine Road  
Carpinteria, CA 93013

Foster and Dorothy Campbell  
5582 Calle Ocho  
Carpinteria, CA 93013

Robert and Tomi Sollen  
5410 Cameo Road  
Carpinteria, CA 93013

Joan and Anthony Decile  
5529 Calle Ocho  
Carpinteria, CA 93013

Mike and Judy Modugno  
512 Arbol Verde  
Carpinteria, CA 93013

NEIGHBORS TO THE EAST

Paul and Carol Ledig  
6701 Rincon Road  
Carpinteria CA 93013

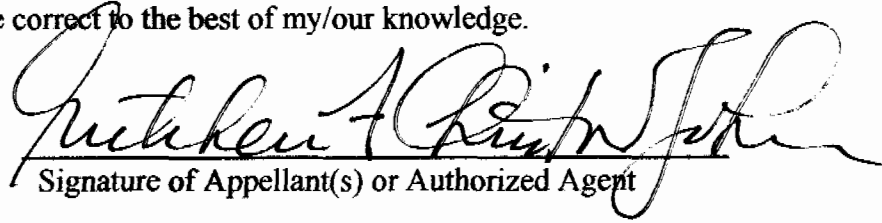
Patsy Graziani  
6745 Rincon Road  
Carpinteria, CA 93013

Duncan and Meredith Abbott  
PO Box 1322  
Carpinteria, CA 93014

**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.

  
Signature of Appellant(s) or Authorized Agent

Date: September 14, 2008

**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: \_\_\_\_\_

## 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.

1

The city's action to approve the development included a 2.5 acre "park" parcel. This parcel includes an offer to the city to accept the parcel within some period of time. but the approval did not include a development plan for that parcel, did not change the zoning from commercial/industrial, and did not address potential impacts of the various different land use potentials, including public active park. Those impacts could include traffic, parking and impacts on the riparian wetland areas. The City has indicated if they decide in the future to accept the park for some purpose in the future they will deal with those impacts at that time. The impacts should be considered at the same time as the approval for the other parcels.

This approval appears to be a violation of the city's municipal code Section 14.68.010 which requires a "comprehensive review" of development projects. 14CCR-13052(i) states, "Approval of general use and intensity of use proposed for each part of area covered by application.....". Furthermore, 14CCR-13301 (b) states "...no individual development activity may be commenced or initiated in any way until overall development has been reviewed...". Additionally, the development plan could be considered to not have an adequate description of the parcel. The application for a Coastal Development permit should be considered to be incomplete. The city's approval diminishes the powers and authority of the City and the California Coastal Commission with respect to processing development applications. The preferred use for this parcel should be natural open space.

2

The project does not meet the minimum requirements of Implementation Policy 2 of Policy LU-6b, which permits mixed use development under certain circumstances. Therefore, Policy LU-6 is not applicable to this project, as follows.

The wording of the Implementation Policy 2 says the industrial/commercial area has to be primary and primary is defined in 2 parts –commercial/industrial has to be greater in area and/or then has primary in terms of appearance AND function from the street.

Staff's analysis compares square footages of the residential buildings to the square footage of the commercial building + its parking lot. Implementation Policy 2, however, refers to the area of the "use" and not to the buildings or other sub-parts of the "use." That analysis does not consider the lots,

streets, common areas, or other features that are required to support the residential development. Including, parcel sizes, and not buildings should be used to compare "uses."

Both components function equally from the street as each have similar driveways. The commercial/industrial appearance from Via Real is secondary to the residential. In fact the residential appearance is primary because:

- 1 and 2 story residential buildings are closer to Via Real (while the commercial parking lot is closer it is lower and does not have the height of the residential buildings)
- The finished height of the Commercial building is 184' above sea level while some residence go to about 190' above sea level
- From Via Real, the residential will have a greater mass and cover 100% of the width of the property at the northern end, while the commercial extends to 50% at the most.

In response to the referendum the applicant could have reduced the residential component proportionately to the commercial and adjusted placement for appearance from Via Real to meet the requirements of Implementation Policy 2..

3

In the City of Carpinteria's General Plan, to avoid sprawl development at the city's edge, we refer you to Objective LU-3. The policies that support this objective are LU-3l and LU-3m

4

In reference to the California Coastal Commission's staff report Tu 8a, dated 11/22/06, page 17, paragraph 2, "Thus the data sheets document field indicators of hydric soils and wetland vegetation, either of which is supporting evidence that the area is a wetland as defined in Section 13577 of the Commission's regulations.

In conclusion, for the reason discussed above, this appeal raises substantial issues with respect to the consistency of the project with several policies of the City of Carpinteria LCP.

Items submitted to  
Calif. Coastal Commission as  
additional evidence re. Lagunitas

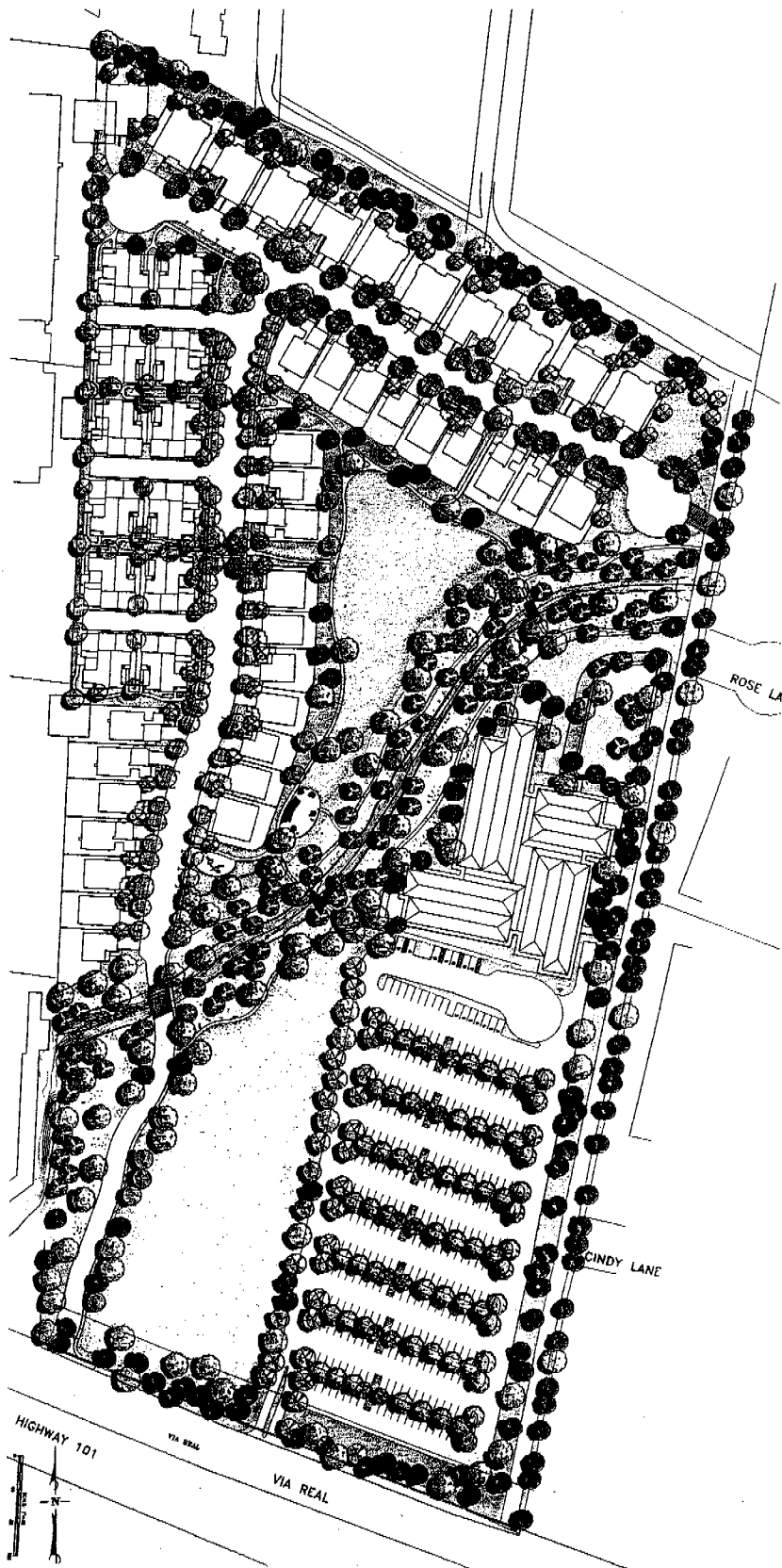
- 1) DVD animals & Lagunitas
- 2) 3 News clippings -
- 3) copy of staff report appeal T U 8a  
11/2/06 including testimony from  
Nan Deal
- 4) parts of Lagunitas mixed use  
development project public draft  
aug 2008 re traffic
- 5) County of SB planning & development  
part of Schellinger lot split  
re archaeology of area in  
close proximity to Lagunitas
- 6) letter from Trustee to city  
manager Dan Duflinger 8/4/05  
w news clipping of city council  
meeting Oct 15 2008.  
stating state support of this  
project regardless of  
environmental impact →



- 7) Biological review dated Feb 9, 2000
  - 8) U.S. Coastal Survey maps  
1867
  - 9) 1997 aerial photograph  
showing hard edge even  
then
  - 10) photos of  
animals
  - 11) photos over 2 years of  
vegetation different  
times of year -
- 

RECEIVED  
OCT 20 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Eastern Agency Associates, Inc.  
 Anthony P. Brown  
 1025 Broadway Blvd.  
 Los Angeles, CA 90015  
 310.201.2277  
 3/12/2007 14

**Pearland & Smith**  
 ARCHITECTS  
 11111 Wilshire Blvd.  
 Suite 1000  
 Los Angeles, CA 90024  
 310.201.2277

**LAGUNITAS**  
 CARPINTERIA, CALIFORNIA  
 SITE PLAN

11111 Wilshire Blvd.  
 Suite 1000  
 Los Angeles, CA 90024  
 310.201.2277

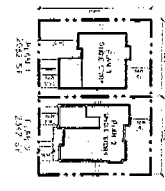
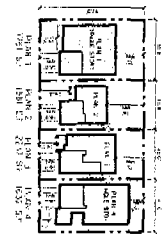
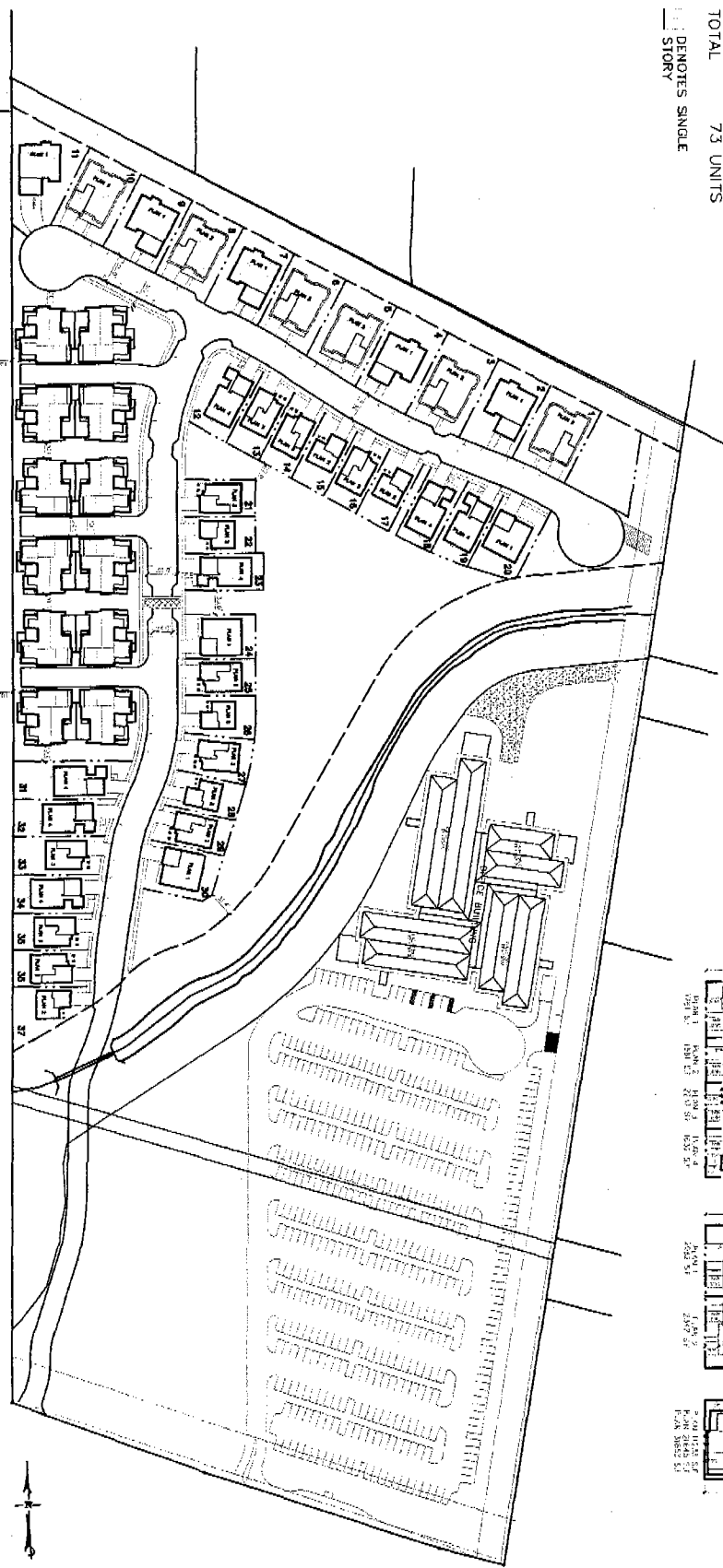
	<b>EXHIBIT 5</b>
	<b>A-4-CPN-08-068</b>
	<b>Project Plans</b>

**SITE SUMMARY**

NET AREA	13.0 ACRES
DENSITY	5.6 DU/AC
70'X100'	12
45'X85'	25
THREE PLEX	36
<b>TOTAL</b>	<b>73 UNITS</b>

□ DENOTES SINGLE STORY

**CONCEPTUAL SITE PLAN**



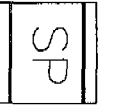
1001 BRIDGEMAN DR. 2000  
 400' W. 100' S. 2000  
 100' W. 100' S. 2000  
 100' W. 100' S. 2000

Barton Myers Associates, Inc.  
 1801 Pennsylvania Ave.  
 Lanham, MD 20641  
 301.281.2277  
 301.281.2778

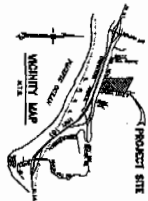
**Penfield Smith**  
 601 E. VICTORIE ST. SANTA ANNA  
 TAMPA, FL 33602  
 813.281.1111

100' W. 100' S. 2000  
 100' W. 100' S. 2000  
 100' W. 100' S. 2000

**WILLIAM HENMATHACH**  
 ARCHITECTS, INC.  
 100' W. 100' S. 2000  
 100' W. 100' S. 2000







- EASEMENT NOTES:**
1. THE AREA OF THE EASEMENT IS SHOWN BY A DOTTED LINE ON THIS PLAN.
  2. THE EASEMENT IS GRANTED TO THE OWNER OF THE ADJACENT PARCEL FOR THE PURPOSES OF THE PROJECT.
  3. THE EASEMENT IS LIMITED TO THE USES SPECIFIED IN THE INSTRUMENT.
  4. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE PUBLIC.
  5. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE ADJACENT OWNER.
  6. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE STATE.
  7. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE COUNTY.
  8. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE CITY.
  9. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE NEIGHBORHOOD.
  10. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE COMMUNITY.
  11. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE ENVIRONMENT.
  12. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE FUTURE GENERATIONS.

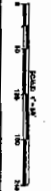
- SURVEY NOTES:**
1. THE SURVEY WAS CONDUCTED ON THE DATE INDICATED ON THIS PLAN.
  2. THE SURVEY WAS CONDUCTED BY THE SURVEYOR NAMED ON THIS PLAN.
  3. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT.
  4. THE SURVEY WAS CONDUCTED USING THE METHODS SPECIFIED ON THIS PLAN.
  5. THE SURVEY WAS CONDUCTED USING THE EQUIPMENT SPECIFIED ON THIS PLAN.
  6. THE SURVEY WAS CONDUCTED USING THE DATA SPECIFIED ON THIS PLAN.
  7. THE SURVEY WAS CONDUCTED USING THE PROCEDURES SPECIFIED ON THIS PLAN.
  8. THE SURVEY WAS CONDUCTED USING THE STANDARDS SPECIFIED ON THIS PLAN.
  9. THE SURVEY WAS CONDUCTED USING THE PRACTICES SPECIFIED ON THIS PLAN.
  10. THE SURVEY WAS CONDUCTED USING THE TECHNIQUES SPECIFIED ON THIS PLAN.
  11. THE SURVEY WAS CONDUCTED USING THE TOOLS SPECIFIED ON THIS PLAN.
  12. THE SURVEY WAS CONDUCTED USING THE MATERIALS SPECIFIED ON THIS PLAN.

- GENERAL NOTES:**
1. THE OWNER OF THE ADJACENT PARCEL IS RESPONSIBLE FOR THE EASEMENT.
  2. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE PUBLIC.
  3. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE ADJACENT OWNER.
  4. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE STATE.
  5. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE COUNTY.
  6. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE CITY.
  7. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE NEIGHBORHOOD.
  8. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE COMMUNITY.
  9. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE ENVIRONMENT.
  10. THE EASEMENT IS SUBJECT TO THE RIGHTS OF THE FUTURE GENERATIONS.

**OWNER'S STATEMENT:**

I, the undersigned, being the owner of the parcel described in this instrument, do hereby certify that the facts stated herein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
 NAME OF OWNER



**PROJECT INFORMATION:**

PROJECT NO. \_\_\_\_\_  
 DATE OF SURVEY \_\_\_\_\_  
 SURVEYOR'S NAME \_\_\_\_\_  
 SURVEYOR'S LICENSE NO. \_\_\_\_\_

**LEGAL DESCRIPTION:**

Parcel One, located in the City of \_\_\_\_\_, State of \_\_\_\_\_, containing \_\_\_\_\_ acres, more or less, as shown on the attached plan.

NO.	DESCRIPTION	DATE
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...

**NOTICE OF RECORDING:**

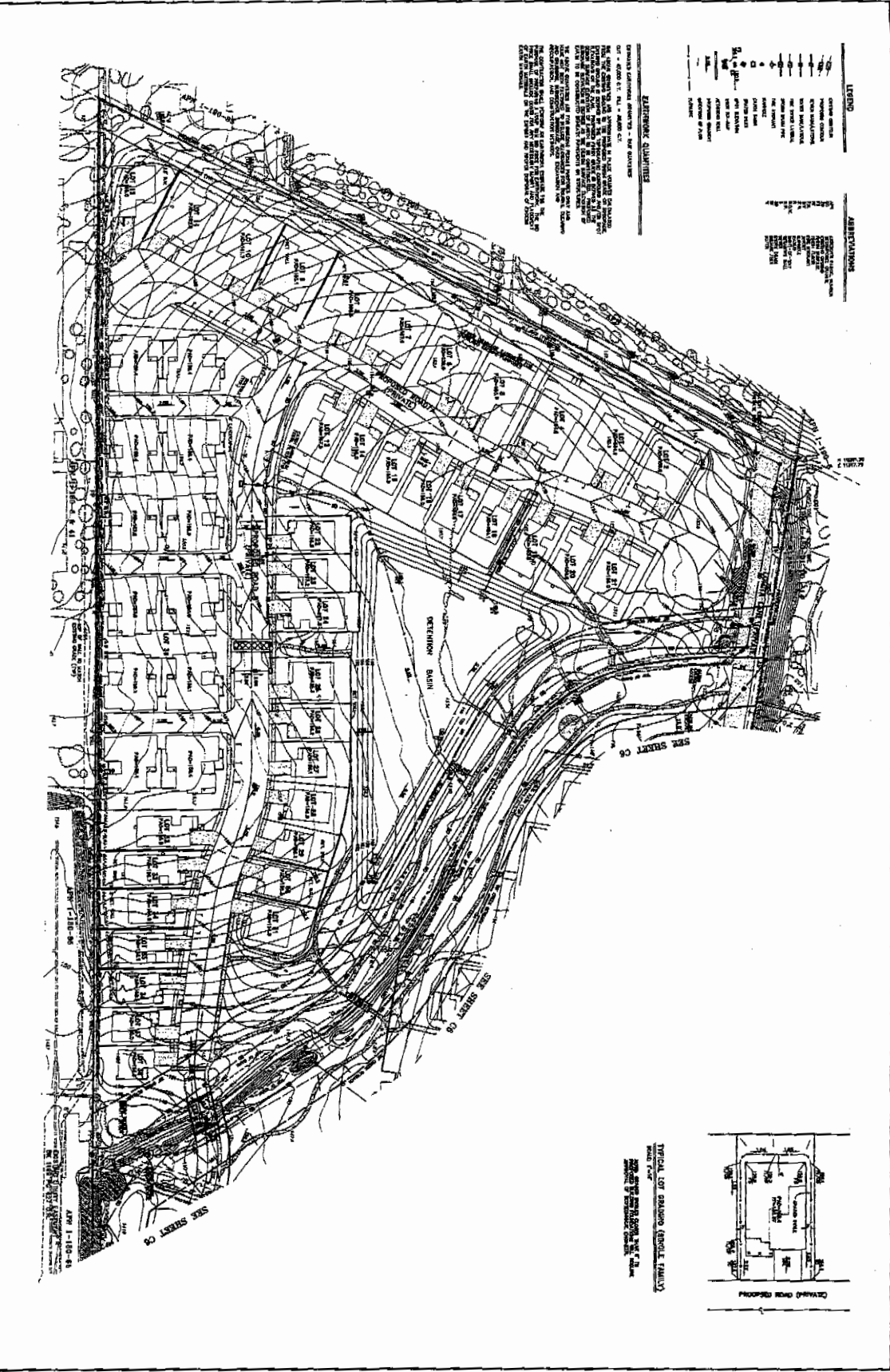
This instrument is being recorded for the purpose of creating a public record of the easement described herein.

**WESTING TENTATIVE PARCEL MAP**

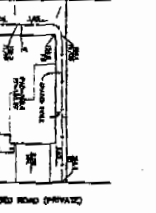
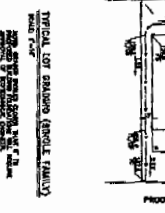
A.P.N. 1-180-017  
 CITY OF SACRAMENTO, CALIFORNIA

**DATE:** \_\_\_\_\_  
**BY:** \_\_\_\_\_  
**TITLE:** \_\_\_\_\_

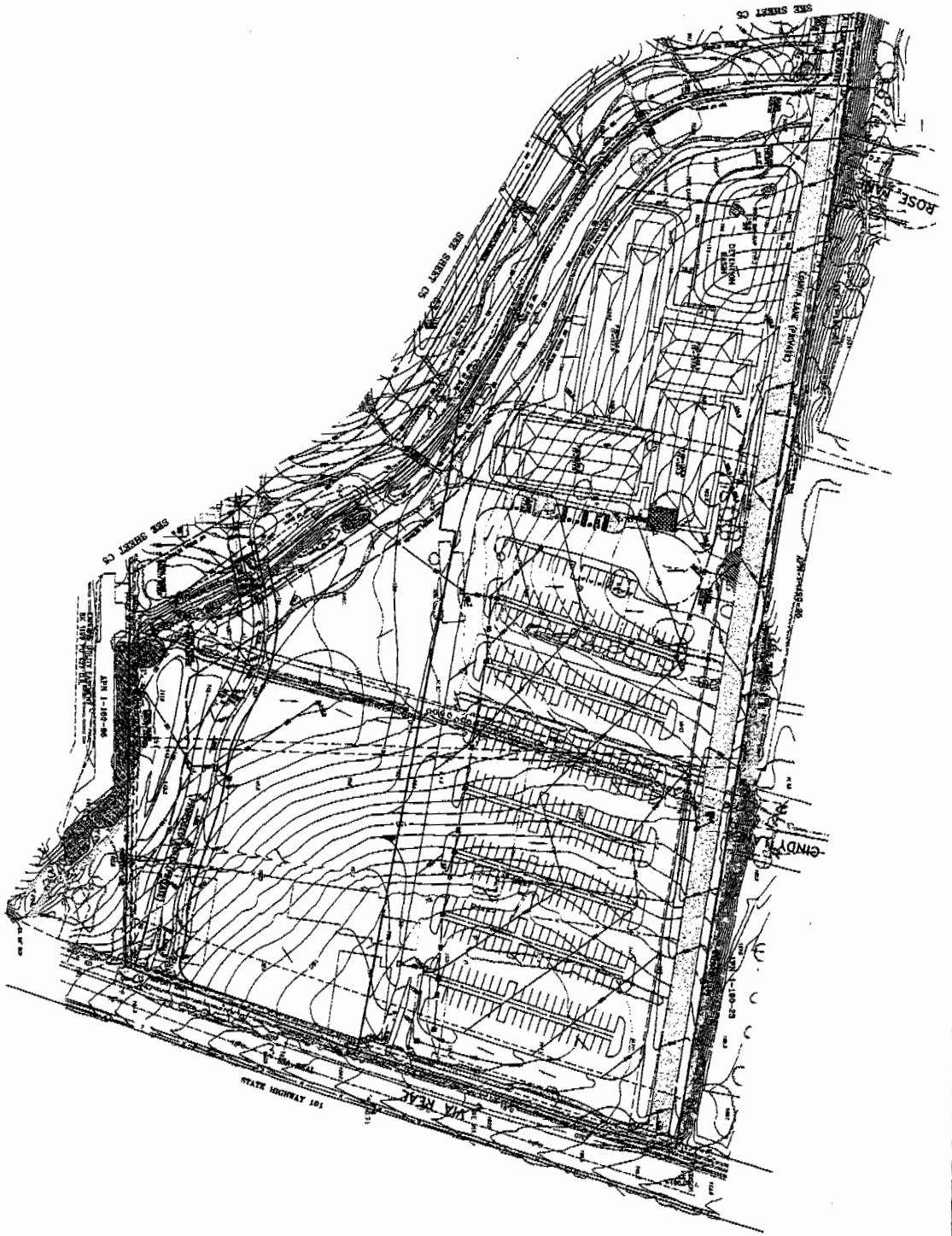
PRELIMINARY GRADING AND DRAINAGE PLAN (RESIDENTIAL)  
 SHEET NO. 518  
 DATE: JAN 1-1958-88  
 PROJECT: [Illegible]  
 LOCATION: [Illegible]  
 DRAWN BY: [Illegible]  
 CHECKED BY: [Illegible]  
 APPROVED BY: [Illegible]



**EXPLANATION**  
 1. EXISTING GRADE  
 2. PROPOSED GRADE  
 3. EXISTING DRAINAGE  
 4. PROPOSED DRAINAGE  
 5. EXISTING UTILITIES  
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TYPICAL CONCRETE DETENTION BASIN CROSS SECTION  
 TYPICAL CONCRETE DETENTION BASIN PLAN



PREPARED BY: <b>W. H. HARRIS &amp; COMPANY</b> ENGINEERS AND ARCHITECTS 1000 PINE STREET, SAN FRANCISCO, CALIF.	
TITLE: <b>PRELIMINARY GRADING AND EXISTING PLAN</b> LOCATION: <b>STATE HIGHWAY 100</b>	SHEET NO.: <b>1</b> OF <b>2</b> SHEETS
DATE: <b>JAN 1, 1958</b> DRAWN BY: <b>J. H. HARRIS</b> CHECKED BY: <b>J. H. HARRIS</b>	CITY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING
PROJECT NO.: <b>100-100-23</b> DRAWING NO.: <b>100-100-23-1</b>	SCALE: <b>AS SHOWN</b>

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APR 25 2007

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



**TECHNICAL MEMORANDUM-  
COASTAL COMMISSION WETLAND DETERMINATION  
LAGUNITAS DEVELOPMENT, CARPINTERIA, CALIFORNIA**

Dr. Michael Josselyn, Certified Professional Wetland Scientist

March 23, 2007

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**PURPOSE**

The purpose of this technical memorandum is to provide my professional review and opinion of a wetland delineation performed for the Lagunitas Mixed Use Development by LSA Associates (September 16, 2005). I conducted this review using the wetland definition as contained in the City of Carpinteria LUP and the California Coastal Act.

**QUALIFICATIONS**

I have a PhD in Biology and am currently President of WRA, Inc., an environmental consulting firm of 40 professionals and staff that has provided environmental services for 25 years in the State of California. I am a former Professor of Biology at San Francisco State University where I taught for 22 years in estuarine and wetland ecology and was the Director of the University's environmental research facility in Tiburon, CA. My research focused on wetland ecology and restoration.

I am currently a Certified Professional Wetland Scientist and was President of the Professional Wetland Scientist certification program and served on the Board of the organization for 3 years. I have completed numerous wetland delineations using federal and coastal wetland definitions.

**REFERENCES**

City of Carpinteria. 2006. Lagunitas Mixed-Use Development. Proposed Final Subsequent Environmental Impact Report. State Clearinghouse #1999081019

California Coastal Commission. 2006. Staff Report: Appeal/Substantial Issue. A-4-CPN-06-136.

LSA Associates, Inc. 2001a. Draft Wetland Delineation for the Carpinteria Technology Center, Carpinteria, California. Prepared for Investec Real Estate Companies.

LSA Associates, Inc. 2001b. Vernal Pool Investigation at Lagunitas Site, Carpinteria, CA. Prepared for Investec Real Estate Companies.

LSA Associates, Inc. 2005. Jurisdictional Wetland Delineation: Lagunitas Mixed Use Development. Carpinteria, CA.

LSA Associates, Inc. 2006. Letter: Lagunitas Business Park. Response to Coastal Commission staff report.

**EXHIBIT 6**

**A-4-CPN-08-068**

**WRA Wetland Memorandum**



USDA Natural Resources Conservation Service. 2006. Field indicators of hydric soils in the United States, Version 6.0. National Technical Committee for Hydric Soils.

## DISCUSSION

LSA Associates, Inc has conducted a number of wetland studies on the Lagunitas Mixed-Use Development commencing in 2001. Their most recent report was completed in September 2005 and was utilized by the City of Carpinteria for the purposes of completing its Environmental Impact Report. The EIR was certified by the City in October 2006. The California Coastal Commission staff prepared a report in support of an appeal related to the approval of a Coastal Development Permit to be issued by the City for the project. In the appeal, the staff disagreed with the findings reached by LSA and noted the following concerning the wetland determination:

- Presence of hydric soils as documented by the low chroma colors
- Presence of wetland vegetation including *Poa annua* and *Lolium multiflorum*
- Potential occurrence of ponding or subsurface saturation on a yearly basis

These issues are discussed based on the evidence presented and my site inspection on February 9, 2007<sup>1</sup>.

### Hydric soils

I conducted a field investigation by taking a transect through the area in question (Figure 1) to capture sample points both within and outside of the topographic feature. I examined the soils, vegetation, and looked for any hydrology indicators at each of the sample points and these data are summarized in Table 1. Soils were examined in the upper foot and a sample point taken within 8 to 10 inches below the surface to locate soils that were not disturbed by past discing of the site. Most of the vegetation was still germinating and identification of grasses was based on last years standing dead. It is expected that dominance may change as the growing season progresses.

The soils present in the area in question are Milpitas-Positas Fine Sandy Loam (Figure 2). This soil series is found in alluvial settings and is a dark brown soil that is very deep and moderately well drained. Gravels may be present. Munsell colors are usually 10YR 5/3 to 10YR 3/3. These soils are considered to be non-hydric.

I determined that the wet soil chroma ranged from 3 to 2 in the samples taken. However, no evidence of redoximorphic features (either concentrations or depletions) were noted. Such features are required in soils with a chroma of 2 in order to determine that it is a hydric soil. Furthermore, according to the NRCS (2006), this soil, if hydric, would need to fit either the S5 (Sandy Redox) or F5 (Redox Dark Surface) field indicator. However, these field indicators require distinct or prominent redoximorphic concentrations be present in a layer of 4 inches thick in the upper 12 inches at a density of 2 to 5% of the matrix. Such concentrations would have been easily detected if present and they were not. No redoximorphic features were described in any of the soil profiles taken by LSA.

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<sup>1</sup> A subsequent site visit was conducted on March 21, 2007 to confirm identification of grasses observed on site.

Table 1. Field investigation data (February 9, 2007)

Data Point ID	Vegetation	Soils Color Value/Chroma	Hydrology
P1	Dom: <i>Raphanus sativa</i> (NI) <i>Bromus diandrus</i> (NI) Subdom: <i>Malva parviflora</i> (NI)	10YR 3/3; fine sand, no redoximorphic features	no hydrology indicators
P2	Dom: <i>Raphanus sativa</i> (NI) <i>Lolium perenne</i> (FAC*) Subdom: <i>Bromus diandrus</i> (NI) <i>Convolvulus arvensis</i> (NI)	10YR 3/2; sandy clay loam; no redoximorphic features	no hydrology indicators
P3	Dom: <i>Lolium perenne</i> (FAC*) Subdom: <i>Raphanus sativa</i> (NI) <i>Convolvulus arvensis</i> (NI)	10YR 3/2; no redoximorphic features	no hydrology indicators
P4	Dom: <i>Raphanus sativa</i> (NI), <i>Lolium perenne</i> (FAC*) Subdom: <i>Convolvulus arvensis</i> (NI) <i>Bromus diandrus</i> (NI)	10YR 3/2; no redoximorphic features; silty clay loam	no hydrology indicators
P5	Dom: <i>Raphanus sativa</i> (NI), <i>Bromus diandrus</i> (NI) Subdom: <i>Lolium perenne</i> (FAC*)	10 YR 3/2; no redoximorphic features; clay silt; 1/4 inch ribbon	no hydrology indicators
P6	Dom: <i>Raphanus sativa</i> (NI), <i>Bromus diandrus</i> (NI) Subdom: <i>Malva parviflora</i> (NI), <i>Convolvulus arvensis</i> (NI)	10YR 3/3; no redoximorphic features; clayey silt loam	no hydrology indicators

Plant species following by US FWS Wetland Indicator Status (1996).

I did note that the soils within the area in question had a higher clay content compared to areas that were on slopes. This clay has likely accumulated due to the flatter nature of this area and sheet flow from the upland areas surrounding the area. However, no specific clay layers were observed in the soil profile in pits dug to 24 inches. It is likely that water will stand for some slightly longer period in the area, but is not present long enough for hydric soils to develop.

I conclude, based on the data I collected, that LSA reached the proper conclusion that the soils on this site do not possess the field indicators required for hydric soils and therefore are not hydric and do not meet the Coastal Act definition.

#### Vegetation

Vegetation that I observed during my field inspection were primarily upland species that are not listed as hydrophytic vegetation by the US Fish and Wildlife Service (*Raphanus sativa*, *Bromus*

*diandrus*); however, one FAC\*<sup>2</sup> species, *Lolium perenne* was observed in some of the sample plots. However, given the time of year, it was difficult to determine their dominance within the study area. As FAC species, they are found also in areas with moist soils and in upland conditions. My observations are consistent with those made by Richard Nichols as taken in September 2005; however, I observed more presence of *Raphanus sativa* and *Bromus diandrus* during my inspection. Both of these plants are indicators of upland conditions.

The only observation of a dominance of a wetland species, *Poa annua* (FACW)<sup>3</sup> was made by R. Schonholtz in March 22, 2000. However, it only represented 25% cover and the other species observed at that time were largely upland species. In addition, his field notes stated that "Malva becomes co-dominant outside the lowest portion". *Malva parviflora* is an upland plant species.

While FAC species are considered to be wetland species, their dominance, especially for annual species (which is the case here), can vary from year to year depending upon rainfall events. As discussed below, rainfall during the March 2000 was exceptionally high and may have accounted for the germination of this species<sup>4</sup>. Subsequently, during drier periods, upland species have become more prevalent. This varied occurrence of FAC and Upland species as dominant species is consistent with the well drained nature of the soils in general; however, temporary ponding may occur following unusual rain events.

I conclude, based on my observations, that the vegetation in this area is not the result of seasonal or continually saturated or submerged soils.

#### Hydrology

During my site inspection, I did not observe any hydrologic indicators such as sediment deposits, algal mats, or oxidized rhizospheres. I did not observe any inundation or saturation of the soils nor a water table within 24 inches of the surface. This is consistent with the observations of Richard Nichols. My observations were made during the rainy season; however, rainfall this year is currently below normal.

On the other hand, the observations made by R. Schonholtz in March 2000 were following above normal rainfall. The rainfall recorded at Santa Barbara (compared to average) was 5.85 inches (4.78) in February and 5.79 inches (2.94) in March. This higher rainfall probably resulted the isolated surface hydrologic indicators that were seen at this time. However, Schonholtz noted at the time of the survey that "no surface water was present when the field was done on March 22, and the water table was <24 inches below the surface. Seasonal wetlands at LSA's other project sites on the southern Santa Barbara County coast were fully charged with water on this date".

The topographic map indicates that the area does drain through a narrow ditch to the central drainage channel. Ponding after heavy rain events occurs based on photographs attached to the appeal; however, there is no evidence on either the size, extent, or duration of these ponding events. Therefore, surface water is present following heavy rainfall events, but based on the texture of the soils and the proximity of the drainage ditch, it is percolates quickly. No aquitard was observed by

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<sup>2</sup> An \* indicates that while tentatively classified in this group, it is based on limited information.

<sup>3</sup> As noted by LSA (2006), the most recent update of the National Wetland Indicator Plant List by the USFWS indicates that this species has been reclassified as a FAC species, not FACW.

<sup>4</sup> The species is present in the drainage ditch and therefore its seeds are presumably present in the seed bank.

any party.

I conclude, based on my observations, that wetland hydrology is not consistently present, in sufficient duration or frequency, to result in development of either hydric soils or predominance of wetland vegetation as noted in my observations and those of others.

#### CONCLUSION

Based on my observations and review of the technical reports prepared by LSA, it is my professional opinion that the area in question does not have hydrology in sufficient duration or frequency to result in the long term dominance hydrophytic vegetation. The area does not have any physical indicators of hydric soils nor does not meet any of the four hydric soil criteria, and therefore, I conclude that hydric soils are not present.

# DUDEK

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October 15, 2008

Via Email

Amber Tysor  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**REGARDING: APPEAL NO. A-4-CPN-08-068 LAGUNITAS MIXED-USE DEVELOPMENT  
6380 VIA REAL, CITY OF CARPINTERIA, SANTA BARBARA COUNTY**

Dear Ms. Tysor:

Thank you for the opportunity to present for the Commission's consideration the below analysis submitted in response to the subject appeal.

Section 30603 of the Coastal Act provides that grounds for appeal of the approved Lagunitas Mixed-Use Development Project are limited to an allegation that the project is inconsistent with the City of Carpinteria certified Local Coastal Program:

*The grounds for an appeal pursuant to subdivision (a) 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 this division. (Section 30603(b)(1)).*

## **Erroneous Grounds for Appeal**

The subject appeal includes a number of statements and alleged grounds for appeal that do not qualify for analysis or consideration pursuant to Section 30603 of the Coastal Act.

The subject appeal generally argues that potential impacts of possible future uses of the 2.5-acre park area dedication should have been considered by the City in its review of the project, and that the City's approval of the project "appears to be a violation of the city's municipal code section 14.68.010 which requires 'comprehensive review' of development projects".

Chapter 14.68 of the City Ordinance includes standards for applicability and processing of Development Plans.

*14.68.010 Purpose and intent.*

*The purpose and intent of the development plan is to provide a comprehensive review of*

<b>EXHIBIT 7</b>
<b>A-4-CPN-08-068</b>
<b>Dudek Response</b>

*development that is subject to the requirements of this chapter in order to assess potential impacts of the proposed development on existing services and surrounding uses and to ensure that new development is appropriately sited and designed. (Ord. 315 § 1 (part), 1981)*

Consistent with Chapter 14.68 of the City's Ordinance, the City analyzed all potential environmental impacts and made all required findings to approve the development plan for the project, including conducting a comprehensive review of all components of the mixed-use project that includes industrial and residential development, and a 2.5 acre park dedication which, pursuant to the proposed project, is intended to be used for habitat restoration and passive use. Therefore, the City considered and analyzed the 2.5-acre park area dedication, including the proposed use of the dedicated area for habitat restoration and passive recreation, in approving the development plan for the project. The City did recognize, however, that the park area dedication would be available for acceptance by the City for a 21-year period at which time the City could consider and analyze options for various park uses of the dedicated area. However, the City also clearly recognized in its action that any future proposed change or intensification of use of the dedicated area by the City would be subject to environmental review and a new or amended development plan/coastal development permit, which would be appealable to the Coastal Commission. Future use of the dedicated park area potentially contemplated by the City at some point in the future, should the City Council take action to accept the 2.5-acre park dedication, is entirely speculative at this time and is well beyond the scope of the proposed project which includes only habitat restoration and passive recreation use of the area. Should the City not act to accept the park dedication, the restored habitat area will be maintained as passive open space in perpetuity as part of the project.

The appeal further argues that the approved development plan "could be considered to not have an adequate description of the parcel" and that the application for coastal development permit "should be considered to be incomplete." However, the appeal provides no description, justification or evidence of "inadequate description of the parcel" or of application incompleteness and, most importantly, cites no standard of the certified LCP upon which the allegations have or can be tested as required by Section 30603 of the Coastal Act. According to the City's administrative record, the City received all information and application materials necessary to process the project applications, to complete environmental review and make the findings required for approval. This record includes documentation of the City's request for application materials via an application "incompleteness" letter and the applicant's response to each item requested to ensure a thorough and complete application review process.

The appeal also argues that the City's approval "diminishes the powers and authority of the City and the Coastal Commission with respect to processing development applications". Again, the appeal provides no justification, reasoning, and cites no standard of the certified LCP upon which this allegation has or can be tested as required by Section 30603 of the Coastal Act. If the appellant intends to allege that the City's approval of the 2.5-acre park area dedication, and the proposed use of the area for habitat restoration and passive recreation, somehow "diminishes the powers and authority of the City and the Coastal Commission with respect to processing development applications", it is clear that City fully executed its authority in

reviewing and approving the 2.5-acre park area dedication for habitat restoration/passive recreation purposes as analyzed and considered in the project's environmental and development plan/coastal development review and approval process, now subject to review of the Commission on appeal. Furthermore, the City Council fully recognized that any potential future change or intensification in use of the dedicated area would require a subsequent environmental review determination and a new or amended coastal development permit, appealable to the Commission, thus recognizing both the City and Commission authoritative review of any future development, change or intensification of use of the park area dedication.

The appellant also lists Sections 13052(i) and 13301(b) of the California Coastal Commission Regulations as grounds for appeal of the City's action to approve the coastal development permit for the project. However, pursuant to Coastal Act Section 30603, grounds for appeal are limited to an allegation that the development does not conform to policies and standards of the City's certified Local Coastal Program.

The appeal references the Coastal Commission staff report, dated November 22, 2006, in conjunction with Section 13577 of the California Coastal Commission Regulations in the context of defining wetlands at the project site. The referenced Coastal Commission staff report was prepared to analyze a substantial issue determination associated with a November 2006 appeal of a previous version of the Lagunitas Mixed Use development approval by the City, which is no longer applicable given that 1) the project applicant worked closely with Commission staff and received concurrence from the Commission's biologist on May 23, 2007 that the project site, in fact, does not contain wetland habitat as previously argued in the 2006 appeal, 2) the project has since been significantly redesigned, reduced in scope, and the City's approvals revised to address all issues previously raised in the 2006 appeal and 3) the referenced staff report and associated findings were never heard by or adopted by the Commission because the project applicant, in coordination with Coastal Commission staff, revised the project and alternatively pursued a subsequent two-year development review process with the City to assess the reduced project proposal. In addition, the Commission staff report and Section 13577 of the Commission Regulations are not standards set forth in the certified LCP upon which grounds for appeal of the project can be established.

### **Project Consistency with Certified Local Coastal Program**

The appeal alleges that the project does not meet the minimum requirements of Implementation Policy 2 of Policy LU-6b of the City's certified Land Use Plan in that Implementation Policy 2 requires that the permitted industrial use (office building) must be the primary use of the project site (must be "greater in area") and/or must be primary "in terms of appearance AND function from the street". The appeal states that the City's analysis of building and associated parking square footage does not consider streets, common areas or other features of the project required to support the residential component. To support the allegation, the appeal goes on to indicate that the commercial and residential components of the project function equally from the street "as each have similar driveways" and that the

residential appearance is “primary” due to number of residential stories adjacent to the street frontage, the residential structures’ height above sea level (190’) which is greater than the commercial structures height above sea level (184’), and due to the mass coverage of residential development from “Via Real”.

### **Mixed-Use Development, Affordable Housing and Jobs/Housing Balance**

The City’s Land Use Plan includes the following policies cited in the appeal and relative to permitting mixed-use development on the project site:

*Objective LU-6: Create flexible land use and zoning standards for general commercial and industrial parcels that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs/housing balance locally and in the region, and as incentive toward the development of affordable housing.*

*LU-6b. The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on a parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate.*

The City’s consideration and approval of the Lagunitas mixed-use project appropriately and accurately analyzed the project for consistency with the above Land Use Plan Policies that establish the standards by which mixed-use projects may be permitted on properties such as the project site. Land Use Plan Objective LU-6 clearly provides for flexible standards for commercial and industrial parcels, such as the project site, that allow opportunities for residential use in conjunction with industrial and commercial uses to facilitate a balance between jobs and housing in the City and region, and as incentive to develop affordable housing opportunities. Policy LU-b further specifically provides for residential use on the subject site where the City has found that the mixed-use project will produce affordable housing opportunities in the community and will assist in maintaining an appropriate balance between



jobs and housing in a way that is compatible with existing and anticipated uses in the surrounding area.

The City's 2004 Housing Element identifies the project site as one of few vacant properties in the City appropriate and feasible for residential development. In analyzing the proposed project, the City appropriately found that the mixed-use project would provide a variety and range of housing opportunities that would be affordable to various segments of the population. The project includes an Affordable Housing Program component that not only complies with the City's *On-Site Inclusionary Housing Program* by dedicating 12% of the residential units (9 of the proposed 73 homes) for the City's affordable housing program, but includes two additional units dedicated for affordable housing. In addition, the project's marketing plan limits opportunities to purchase any one of the proposed homes first to employees of the proposed onsite industrial park, second to employees of the adjacent industrial development, and then to employees within the City and finally to employees in the Carpinteria Valley before making the units available on the open housing market. The City appropriately found that the project's range of housing opportunities, affordable housing component, and progressive marketing plan would incrementally ease the housing shortage that exists throughout the South Coast area, would maintain a jobs/housing balance onsite and provide a unique and direct opportunity to reduce employee commuting in the region and associated impacts that would otherwise result when jobs are created with new industrial/commercial development absent sufficient housing resources. The Addendum to the Supplemental Environmental Impact Report for the project notes that the mixed-use project is designed around walk-ability with a goal of having people live and work in close proximity. This environmental document found that such developments reduce vehicle trip duration and frequency, resulting in an incremental decrease in GHG emissions via the avenue of land use planning.

### ***Residential Density and Primary Land Use***

Furthermore, the City carefully considered land use compatibility of the proposed mixed-use project with existing and anticipated uses of the surrounding area. The project site is surrounded on all sides with existing development consisting of Via Real and US Highway 101 to the south, commercial and industrial development to the east and west, and the Lomita Lane residential neighborhood to the north. The City found that the proposed project was compatible with existing and anticipated surrounding land uses in that 1) the proposed industrial component of the project is consistent with existing industrial and commercial land uses to the east and west and 2) as opposed to a strictly commercial/industrial project permitted by the applicable M-RP zone, the low density residential component proposed on the northern portion of the property mirrors the residential neighborhood to north and provides a buffer between the industrial component proposed on the southwest portion of the property. It should further be noted that existing adjacent commercial development to the west of the project site was also recently granted approval to develop an employee residential component for its next phase of development. Therefore, the City aptly demonstrated the project's consistency with Objective LU-6 and Policy LU-6b of the City's certified Land Use Plan and the appeal raises no substantial issue with respect to the project's consistency with these policies.

*Implementation Policy 2: When residential development is proposed on parcels designated for commercial or industrial use, the residential density shall not exceed the highest residential density permitted in the city's land use categories; i.e., 20 units/acre including any bonus density allowances. The City shall determine the appropriate residential density for a commercial/industrial-designated parcel proposed for residential use on all or a portion of the parcel and shall consider, but not be limited to, the following factors:*

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

*When mixed-use development is proposed in a common building, determination of the allowable density shall include, in addition to the criteria above, consideration of the intensity of the commercial/industrial use including characteristics such as parking demand, vehicle trip generation, noise and vibration, that could affect compatibility of the residential use with the commercial/industrial component.*

*In all cases, commercial or industrial use shall be the primary use of a site designated for mixed-use development. A commercial or industrial use of a developed site shall be found by the City to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage.*

Implementation Policy 2 of the City's Land Use Element provides that the residential component of the mixed-use development is not to exceed the highest residential density permitted in the City's land use categories (i.e., 20 units/acre including any bonus density allowances), and that the City shall determine the appropriate residential density for the commercial/industrial-designated parcel by considering, among other factors: 1) availability and cost of providing local services and infrastructure, 2) unique site characteristics such as size, shape, topography, and easements, 3) presence of Environmentally Sensitive Habitat Area onsite or adjacent to the project site, and 4) the need to protect or enhance other coastal resources such as viewsheds, coastal access, recreation, visitor-serving commercial and other coastal dependent or coastal related uses.

The City appropriately found the Lagunitas mixed-use project consistent with the above implementation policy provisions as the residential component of the project includes a density well below the maximum residential density permitted in the City's land use categories, 5.6 units/acre proposed compared to the maximum allowable density of 20 units/acre with bonus

density (note that the overall site residential density is only 2.85 units/acre when considering the site in its entirety at not only the residential component acreage). The project is further consistent with Implementation Policy 2 as: 1) all necessary infrastructure and public services are readily available to serve the project; 2) the site is appropriate for the development as it consists of mildly sloping topography that has been historically disturbed, is surrounded on all sides by commercial/industrial and residential development, is designated for urban development, and is located on one of the City's major arterial roads, Via Real; 3) the project complies with all creek preservation, open space, recreation and conservation standards of the certified Land Use Plan and includes significant open space areas and extensive native habitat restoration plans for the Lagunitas drainage and 2.5 acre park area dedication and has been found consistent with all applicable ESHA protection policies of the Land Use Plan, and 4) the project was found to have less than significant impacts to visual resources as certified in the Addendum to the Supplemental Environmental Impact Report, and would have no impacts to coastal access, recreation, visitor-serving commercial or other coastal dependent or coastal related uses. In fact, the revised project would have an overall benefit to recreation as a result of the proposed Lagunitas riparian corridor enhancement plan and 2.5 acre park area dedication components, both of which incorporate low intensity, passive recreational uses.

Finally, the City considered all the applicable factors listed in Implementation Policy 2 and found that the project met the intent of the policy, which is to ensure an appropriate balance in mixed-use development such that the principal permitted industrial land use of the site functions as the primary land use of the site. Implementation Policy 2 provides direction in making this finding by determining that the primary land use consists of greater area than the residential component and/or if the primary land use is designed to appear and function as the primary use from its primary street frontage.

The project site includes only one public street frontage at its southern property boundary along Via Real and, although the land area dedicated to residential use (13.5 acres) will be greater than the land area dedicated to industrial use (8.5 acres), the industrial park component of the project with its associated parking facilities, bus stop and access road are the only proposed project improvements that front Via Real. The appellant attempts to describe the residential component of the project in terms of height and massing along Via Real, however, no portion of any proposed residential use, with the exception of the single residential access road, fronts Via Real. The residential component of the project is set back 480 feet from the Via Real street frontage and is separated from the street by the 2.5 acre park area dedication and the Lagunitas drainage, areas which are both proposed for restoration and habitat enhancement. The appeal incorrectly states that the height of the residential component measures to the 190 foot elevation when in fact the tallest portion of the residential development measures to the 187 foot elevation, and the appeal further fails to mention that this tallest residential component of the project is setback well beyond the office building, approximately 840 feet from Via Real. The residential component of the project has no presence along Via Real whereas the office building and associated parking and bus stop amenities have been designed to have both presence and function along 220 feet of the Via Real frontage. Therefore, the City found the project is consistent with this policy direction as the

project will appear and function as an industrial park from the Via Real street frontage.

Finally, with respect to the issue of ensuring an appropriate balance of land use and primary use on the project site, it must be noted that the revised project is the result of the applicant working and coordinating closely with the community, City and Coastal Commission staff over the last two years to prepare a revised project design that ultimately resulted in the reduction of 60,425 sq. ft. of commercial and industrial development and an increase of 2.58 acres of open space on the project site as compared to the original project approved by the City in 2006. While the revised project includes an industrial park that occupies far less site area as the primary land use than the original proposal, the project continues to appear and function as an industrial park from Via Real through careful design and site improvements specifically intended to buffer and isolate the residential component of the project from Via Real and the immediately adjacent US Highway 101 corridor.

### **Land Use Compatibility**

The appeal generally refers to Land Use Plan Objective LU-3 and Policies LU-3l and LU-3m as they relate to avoidance of urban sprawl and development at the City's edge. However, the appeal provides no statement or substantiation of project inconsistency with these policies and evidence in the record suggests that the project is consistent with these policies in their entirety.

*Objective LU-3: Preserve the small beach town character of the built environment of Carpinteria, encouraging compatible revitalization and avoiding sprawl development at the city's edge.*

*LU-3l. Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in an area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development.*

*LU-3m. Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district.*


As previously noted, the project site is surrounded on all sides by existing development consisting of Via Real and US Highway 101 to the south, industrial and commercial development to the east and west, and the Lomita Lane residential neighborhood to the north. As such, the project site is accurately defined as an infill site and is designated for urban development pursuant to the City's certified Land Use Plan, is readily served by all necessary services and infrastructure, and is thus a logical extension of the surrounding industrial and residential land uses. In addition, the City carefully considered the permitted residential density and land use compatibility of the mixed-use project resulting in a development of low residential density

placed adjacent to and mirroring the residential neighborhood to north, also intended to serve as a buffer between the existing residential development to the north and the industrial park proposed on the southern portion of the site. The City properly found the proposed project consistent with Objective LU-3 and Policies LU-3I and LU-3m of the City's certified Land Use Plan and as such the appeal raises no substantial with respect to the project's consistency with these policies.

### **Conclusion**

The applicant sincerely appreciates Staff's work and coordination on the revised project design over the last two years. If there is any additional information you would like us to provide, we are certainly happy to do so and should you have any questions or comments regarding the project, please do not hesitate to call me at (805) 963-0651 Extension 3532. I may also be emailed at [averbanac@dudek.com](mailto:averbanac@dudek.com).

Thank You,



April Verbanac  
Dudek

Cc: Charlie Eckberg, Investec  
Steven Kaufmann, Richards, Watson, Gershon