

CALIFORNIA COASTAL COMMISSION

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



Th 2.5a

ADDENDUM

DATE: February 2, 2009
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 2.5a, City of Carpinteria Local Coastal Program Amendment MAJ-2-07 (Green Heron Spring/Ellinwood Parcel) for Public Hearing and Commission Action at the February 4-6, 2009 Commission Meeting in Huntington Beach

The purpose of this addendum is to clarify inadvertent errors in the staff report, clarify findings and suggested modifications, attach a letter from the City of Carpinteria, attach correspondence from interested parties, and attach ex-parte communications with Commissioners.

Note: ~~Double strikethrough~~ indicates text to be deleted from the January 22, 2009 staff report and **bold underline** indicates text to be added to the January 22, 2009 staff report.

1.) In order to clarify the language, the following changes shall be made to Section II. A. on page 5:

...

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **NO** vote. ~~Failure of this motion~~ **Following the staff recommendation** will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

...

2.) In order to clarify the language, the following revisions shall be made to Page 6, Section III.A, page 6:

...

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the City of Carpinteria Local Implementation Plan Amendment CPN-MAJ-2-07 and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan, **as amended.**

...

3.) In order to clarify the intent of Suggested Modification 1, the text shall be revised as follows in Section IV, page 8:

Notwithstanding the above, a ~~A~~ minimum wetland buffer of 35 feet from structures, and a minimum 25 ~~foot~~ foot buffer from at-grade permeable patios/decks, fencing, and second floor balconies/decks is allowed for the existing retention basin/drainage pond in existence as of the date of approval of this provision of the LCP (February 2009), on the Ellinwood site (APN 004-013-026). The retention basin/drainage pond on this site shall be maintained only in accordance with the specific standards described in the Ellinwood Parcel (APN 004-013-026) Overlay District, in Chapter 14.43 of the zoning code.

4.) In order to clarify the language of Suggested Modification 2, the text shall be on page 9 of the report as follows:

14.43.030 Development Standards

All applicable LCP policies and provisions shall apply to new development within the Ellinwood Parcel Overlay District, unless specifically modified by standards detailed in this section. Any development on the Ellinwood parcel (APN 004-013-026) shall comply with the following:

1. All new development on this parcel shall **be** designed and constructed in a manner that complies with all current requirements of the U.S. Green Building Council, LEED for Homes, rating of Gold or better.

5.) In order to clarify the language of Suggested Modification 2, the text shall be revised as follows on page 12 of the report:

- i. A site plan of the entire habitat mitigation and restoration area which specifies that new development on site (except **at-grade permeable patios/decks, fencing, and second floor balconies/decks, as specified below**) shall be set back at least 35 ft. from the retention basin/drainage pond. All wetland/upland areas within the 35 ft. setback shall be restored/enhanced to increase their habitat value.

6.)The Green Heron Spring project description shall be revised as follows on page 16 of the report:

...

The project approved by the City consists of ~~32~~ **30** residential condominium units and one single family residence that will consist of 11 structures with heights ranging from 24'5" to 29'6', 61,990 sq. ft. of floor area, 57 parking spaces within garages and 12 uncovered guest spaces, a five-foot high wrought iron fence around the open space and yard areas, an eight-foot high solid concrete wall along the parcel's southeast, east, and northeast property boundaries, a six-foot high solid concrete wall around the parcel's north and northwest property boundary, and approximately 4,470 cubic yards of grading. The project includes ~~six~~ **four** affordable housing units. (Exhibit 9)

7.) The City of Carpinteria submitted a letter to Commission Staff dated January 29, 2009. Although the letter states that the City is amendable to the staff report and recommendation, the City asserts that the agricultural pond wetland exemption found in California Code of Regulations Section 13577(b) should apply to this project and no buffer should be required for the wetland present on the site. However, the agricultural pond exemption does not apply in this case. The City and the Green Heron Project applicants did not submit sufficient evidence that the agricultural pond exemption applies here. The site is not currently in agricultural production and the existing wetland on the site is not presently used as an agricultural pond. In this case, the existing wetland on the site was constructed as a drainage device to manage surface water flow on the site. Therefore, the subject project-driven LCP amendment is necessary and the agricultural pond exemption is not applicable here.

Attachments:

- Letter to Commission Staff from the City of Carpinteria, dated January 29, 2009
- February 1, 2009 email from Ryan Nakasone to Jack Ainsworth and Commissioners
- January 25, 2009 email from Richard Johnson to Commissioners and Staff
- Disclosure of ex-parte communication from Patrick Kruer

CITY of CARPINTERIA, CALIFORNIA



January 29, 2009

Members of the City Council

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

Gregg Carty - *Mayor*
Al Clark - *Vice Mayor*
J. Bradley Stein
Joe Armendariz
Kathleen Reddington

RE: City of Carpinteria LCP Amendment No. MAJ-2-07 (Green Heron Spring/Ellinwood)

Dear Ms. Tysor:

The City of Carpinteria has reviewed the staff report recommending approval of the proposed LCP Amendment with suggested modifications. As you know, the City of Carpinteria has acted in support of the project. However, I also wish to remind the Commission of the history of actions that led to the current status of the subject project.

The project site was evaluated as a parcel for inclusion on the City's Sphere of Influence and conversion to residential use (Study Area 1) in the City's 2003 General Plan and Coastal Plan Update. This particular site was selected as it is contiguous to City limits, is surrounded by either urbanized development or intensive agricultural development (packinghouse and greenhouse), contains non-prime agricultural soils and has a history of failed crops due in part to high groundwater. It was recognized that this site would provide an opportunity to establish a transition from the higher density mobile home park and condominium development to the west and south and the agricultural uses to the north and east. This transition area would support City and Coastal Act policies for stabilizing the urban/rural boundary and concentrating urban development in areas contiguous to existing neighborhoods. Ultimately chosen as one of two non-prime agricultural sites currently outside the City's boundary to be included within the City's Sphere of Influence, both the City Council and the Coastal Commission approved a Medium Density Residential (MDR) land use designation for the site. This designation allows for residential use ranging from 4.7 to 20 dwelling units per acre.

The City is amenable to the modifications as suggested by Commission staff, however we would ask that the Commission consider the request to first determine whether or not the wetland exemption found in Subsection (2) of the California Code of Regulations Section 13577 (b) of Title 14 applies in this instance. If found to be applicable, all or the majority of the LCP text amendments would not be required. As we had indicated in our November 20, 2007 LCP Amendment submittal letter and again in our December 2, 2008 letter regarding the one-year time extension, both the Planning Commission and City Council expressed a strong desire that the Coastal Commission determine that the exemption does apply in this case.

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

- (1) Measure 100 feet landward from the upland limit of the wetland. 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.**

The staff reports prepared for the Planning Commission and City Council hearings and included with the Amendment submittal package present the findings that the agricultural pond exemption could be found to apply to the on-site pond. In this case the pond was created in 1978 by the applicant, pursuant to a California Coastal Commission Coastal Development Permit (184-01) to create drainage and raised beds for replanting an avocado orchard that died from root rot. At that time, the agriculturally zoned parcel was in avocado production (the applicant was a member of the Calavo cooperative). Aerial photographs on file with County of Santa Barbara, Planning and Development Department document that no wetland habitat pre-dated the existence of the pond. Because the pond was originally constructed as part of a plan to reclaim the use of the property as an avocado ranch, we believe it falls within this exemption and is not a wetland for purposes of the City's policy analysis, nor the Coastal Act.

With or without the Coastal Commission's suggested modifications, the City of Carpinteria is pleased that the Green Heron Spring condominium project has the support of the

Commission as it sets a new standard for residential development within the City by creating a showcase of environmentally responsible and energy efficient design.

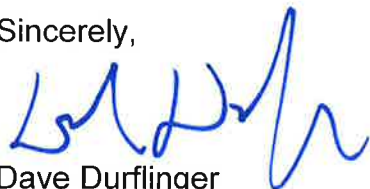
In regard to the transmittal of the Notice of Final Local Action on the Coastal Development Permit, the following condition was placed on the project in consultation with Coastal Commission staff:

Rules-1 Approval of this project is expressly contingent on the California Coastal Commission's ("Commission") final certification of the LCP Amendment to Rezone the parcel to Planned Unit Development (PUD) as submitted and the General Plan/Local Coastal Plan Text Amendment as submitted to allow a reduced wetland buffer in instances such as this if the Commission determines that the exemption in Subsection (2) of the California Code of Regulations Section 13577 (b) of Title 14 does not apply. The Notice of Final Local Action on the Coastal Development Permit shall not become effective and be sent to the Commission until the LCP Amendment(s) have received final certification and the City, as applicable, finds the project consistent with the Commission's action. Approval of the project is also contingent upon the annexation of the parcel to the City of Carpinteria and the Carpinteria Sanitary District.

Consistent with this condition of approval, the City will send the required Notice of Final Local Action to the Coastal Commission after the Commission's action on the LCPA.

Please call me at 684-5405, ext. 400 should you have any questions.

Sincerely,



Dave Durflinger
City Manager

cc: Steve Goggia, Senior Planner
Dave Ward, Santa Barbara County Planning & Development
Scott Ellinwood
Case File



February 1, 2009

California Coastal Commission
John (Jack) Ainsworth, Deputy Director
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801
atysor@coastal.ca.gov

Re: Green Heron Spring and Scott Ellinwood.

Dear Mr. Ainsworth and Coastal Commission:

I am writing to express my support for the Green Heron Spring project and Mr. Scott Ellinwood.

First, I would like to tell you a little about myself. I am a 40-year old chiropractor, practicing in Carpinteria since 1997. I met my wife, Lisa, back in 1989 when we were students at UCLA. Lisa teaches 1st grade at Canalino Elementary School in Carpinteria. We have 2 young children, Sophia (9) and Luke (6), who both attend Canalino as well.

Due to the high cost of housing and living, we commute from our home in East Ventura, off of Kimball and Telegraph, into Carpinteria 5 days or more per week. That is approximately 50 miles per day per car. We place approximately 20,000 miles per year for each of our cars. I know we are not alone in this commuting lifestyle, as I see some of the same cars and same people in my commute several days per week, and I also know dozens of patients that also make a similar commute.

We purchased our home in 2001, thankfully, when the price of single family, tract homes in East Ventura were still down in the mid- \$300,000 ranges. Homes in Carpinteria at that time were approximately twice that price.

I have known Mr. Ellinwood for approximately 10 years. We have both served as members of the Rotary Club of Carpinteria. I was the Club President in 2004-05. Through Rotary, we have worked together on many service projects in our community, worked at fundraisers, shared fellowship at lunch, and discussed many of life's issues. I know Mr. Ellinwood to be a man of integrity with progressive values, style, a kind heart and goodwill for the community and greater world. I also know that Mr. Ellinwood intends on living on the property in his main residence. Therefore, he has a vested interest in creating an aesthetically pleasing project.

Green Heron Spring Project

I have been impressed with his knowledge and use of sustainable, recyclable, "green" technologies in design, textiles, appliances, landscape, and buildings. I don't know what else you could want in someone looking to develop a project.

I have seen his plans for the Green Heron Spring Project and have been impressed. His project is extremely unique, for I have never seen one quite like it, certainly not in Santa Barbara County. I am attracted to its use of open space, the integrated orchards and organic community, its implementation of tankless water heaters, solar energy, and energy efficient roofing, and proximity to the beach. Mr. Ellinwood is close to realizing his progressive, socially conscious vision right here in our small town.

My wife and I are interested in possibly purchasing a 3-bedroom unit, so that we can move closer to our workplaces and social lives. This would decrease our daily carbon footprint. I'm sure my children would enjoy climbing the trees and picking sweet summer fruit. I hope that with approval from the Coastal Commission, Mr. Ellinwood can move forward with the Green Heron Spring Project and my family can be one step closer to realizing our dream of owning a home in Carpinteria.

Sincerely,

Ryan H. Nakasone, D.C.
Rincon Chiropractic

January 25, 2009

CALIFORNIA COASTAL COMMISSION
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Subject:
Item No. Th 2.5a

**City of Carpinteria Local Coastal Program Amendment MAJ-2-07
(Green Heron Spring/Ellinwood Parcel)
for Public Hearing and Commission Action at the February 4-6, 2009
Commission Meeting in Huntington Beach**

Commissioners and Staff:

I would prefer to express my opinions in person , but due to the hearing location and my business schedule , I can not attend and will send this letter of my thoughts instead.

I'm writing to support the Green Heron Spring project. My home is just to the South of the proposed Green Heron Spring residential condominium development, and has a direct view across the subject property toward the mountains.

The proposed development will actually improve my view of the mountains by removing an overgrown hedge and tall eucalyptus trees and planting an organic fruit tree orchard across from my home. I would also like the pond to be cleared of debris and re-stocked with mosquito fish to solve the mosquito infestation that has occurred the last few years.

As an architect, I appreciate the traditional forms of the new structures reflecting the original house on the property which is to be retained and improved with energy saving features.

The provision of 'work-force' housing and affordable units will meet a definite need in Carpinteria

Providing an example of environmentally responsible site planning and construction for market rate housing should be encouraged. So far, all examples of LEED Platinum rated housing that I have seen have been boutique housing for the rich. This project promises to demonstrate that 'Green' housing can be delivered to a broader market.

From a city planning standpoint, Green Heron Spring makes an appropriate transition from the medium density residential uses to its South and West and the agricultural uses to the East and North. It makes this transition by leaving over 50% of its site in landscape and also by including the agricultural use in its Community Organic Garden and Orchard.

I also like the way the lovely existing oak groves are protected and retained as a feature of the development.

Sincerely submitted,

Richard E. Johnson A.I.A.
C-7144
1254-2 Cravens Ln. Carpinteria, Ca. 93013

9.

THURSDAY, ITEM 2:5A

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

City of Carpinteria LCP Amendment No. CPN-MAJ-2-07. Public hearing and action on request by City of Carpinteria to amend the Land Use Plan and Implementation Plan portions of its certified Local Coastal Program (LCP) to rezone APN 004-013-026 from Agricultural five-acre minimum parcel size under the jurisdiction of Santa Barbara County to Planned Unit Development under City of Carpinteria Jurisdiction to allow a reduced wetland buffer for mechanically created wetlands.

Date and time of receipt of communication:

January 29, 2009, 10:00 am

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe, Scott Ellinwood, April Winecki, Anne Blemker

Person(s) receiving communication:

Patrick Krueer

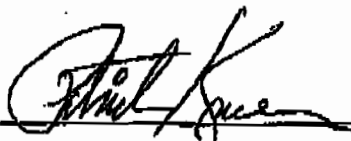
Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from the Ellinwood property owner's representatives in which they described the proposed LCPA and informed me that they are in agreement with the staff recommendation of approval with suggested modifications. The LCPA is a project-specific amendment that will allow the construction of a proposed LEED platinum multi-unit residential development. Suggested modifications relate primarily to the application of a reduced wetland buffer for an existing retention basin/drainage pond on the Ellinwood property and the incorporation of tree protection ordinances into the LCP. The representatives described the history of the agricultural drainage pond that the owner constructed on the property with a CDP in 1978 to address drainage issues. The pond is currently located approximately 32' from an existing farm house that will be retained. Staff has taken the position that this is a wetland and does not qualify for an agricultural pond exemption. However, staff agrees with the City that a reduced setback from the retention basin/wetland for new development is appropriate. In this case, the buffer will be 35' for structures and 25' for fencing. Biological studies have concluded, and the Commission's staff biologist has confirmed, that the pond does not support any sensitive species and does not constitute ESHA.

Date: 1/30/09

Signature of Commissioner:



RECEIVED
FEB 02 2009

westland
company inc.

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

1400 Cravens Lane
Carpinteria, CA 93013

Thursday
Agenda Item 2.5a
(City of Carpinteria)
Westland Floral Company

January 30, 2009

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Concerning: Thursday Agenda Item 2.5a, City of Carpinteria
LCP Amendment No. CPN-MAJ-2-07, Ellinwood/Green Heron Spring
Project Site

Dear Commissioners:

After reviewing your staff's report on this proposal by the City of Carpinteria, I wish to voice my serious concern over the lack of any meaningful attention being paid in the report to the possible long-term impacts of this project on Westland Floral Company's long-standing 40-acre agricultural operation which abuts the project site immediately to the east.

Specifically, I believe that the project's setbacks from our agricultural operation as well as from the County of Santa Barbara's flood control basin (the site of which we also own) immediately to the north are insufficient. I also believe that there should be a CC & R Acknowledgement and Disclaimer concerning these adjacent uses required of any future project on this site.

More particulars on these and other issues pertaining to development of this site are contained in my letter to Ms. Jackie Campbell of the City of Carpinteria dated April 12, 2006 and my letter Mr. Steve Goggia also of the City of Carpinteria dated September 18, 2006 (copies of both attached).

I would appreciate your careful consideration of these issues in your deliberations on this proposal by the City of Carpinteria.

Sincerely,



Case Van Wingerden

Attachments (2), as indicated



1400 Cravens Ln.
Carpinteria, CA 93013

September 18, 2006

Mr. Steve Goggia
Community Development Department, City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

CONCERNING: Ellinwood Project, Mitigation of Possible Interference with Adjoining
Agricultural Operations and Requested Right-of-Way Dedication

Dear Mr. Goggia:

Westland Floral Company/J & C Farms is a cut-flower grower and shipper that has operated on Cravens Lane and at other locations in the Carpinteria Valley for 35 years. Our Cravens Lane location occupies a total of 47 acres that abut the Ellinwood project site on three sides.

When at all possible, we have always done our best to manage our agricultural operations in order to avoid intruding upon our urban neighbors. We do this simply to be good neighbors as well as to minimize the number of complaints to government agencies and others.

It is important to remember that our agricultural operations on Cravens Lane have predated any urban development on the Ellinwood site by decades.

Our experience has been that there are always certain activities essential to our agricultural operations that residential neighbors might see as problematic. There are invariable problems where urbanization has been permitted adjacent to existing agriculture without utilization of appropriate design measures for such development. Our uniform experience has been that no matter how careful an agricultural operator may be, it is hard for a new resident--who may have paid a great deal of money for a new unit--to accept the fact that they live adjacent to a pre-existing and legitimate land use, the viability of which can be seriously compromised by the restrictions that frequently ensue from residential complaints.

Preservation of existing agriculture is one of the highest priorities of the California Coastal Act. The policies aimed at protecting existing agriculture are among the most stringent in the statute. Because of this, we believe it should be of the absolute highest priority in the City and Coastal Commission reviews of the Ellinwood project that, if approved, the project be designed so as to minimize the unavoidable spillovers from our pre-existing agricultural operations potentially affecting the new residents.

We believe that this must be done in fairness to us as well as to the new occupants of any residential development that might be approved on the Ellinwood site.

We believe that initially it should be the duty of the developer and the reviewing agencies to decipher how this buffering may be accomplished best. We feel, however, that significant property-line setbacks, for example, are crucial.

In this regard, Policy LU-3n of the City's 2003 GP/LUP is worth quoting:

Setbacks shall be created between agricultural and urban uses. The responsibility of providing the buffer shall rest with the property intensifying its use. The buffer shall be adequate to prevent impacts to adjacent agricultural production. Such impacts include increased limitations on the use of chemicals and fertilizers and increased conflicts between the urban use and the adjacent agricultural operation.

It is important to point out that Policy LU-3n is one of the policies called out in Appendix J of the 2003 GP/LUP document as requiring Implementation Plan Amendments in order to become effective. That is to say that preparation of the actual requirement is still in process.

Without going into all the nuances of how this partially-completed planning effort relates to the City's 1980 Coastal Plan, we believe that 100 feet on all sides is a good starting point. It is true that the wording of Policy LU-3n does not specify an exact distance. However, as we understand it, it is also true that the City's best judgment on an appropriate distance was 100 feet and that the Coastal Commission inserted a fuzzier wording—pending preparation of the Implementation Plan Amendments. Finally, it is important that the 1980 Plan recites the language of Coastal Act Section 30241(a) concerning establishment of "clearly defined buffer areas to minimize conflicts between agricultural and urban land uses."

Furthermore, Implementation Policy 43 of the Open Space, Recreation & Conservation Element requires the City to "develop buffer zones to minimize land use conflicts between agricultural operations and urbanized land uses."

The following is a partial list of some of the activities necessary to our agricultural operation that new residential neighbors might find problematic:

1. Loading of on-site grown flowers and vegetables. This normally occurs between 7:00 AM and 5:00 PM, but could occur 24/7 on occasion.
2. Unloading of growing and shipping supplies on the same time schedule.
3. Heat exchange units and compressors to cool agricultural product operate 24/7 as close as 50-feet from the new development.
4. Daily agricultural operations, generally between 7:00 AM and 7:00 PM, but sometimes 24/7, include trucks and tractors to cultivate the ground and continuously transport the agricultural product to the storage building 50 feet from the proposed development (generally involving noise and dust), a boiler for heating and steaming that operates 24/7, and the greenhouses (all of which have circulating fans that can run 24/7).

5. During working hours music is played in the greenhouses to entertain the employees and improve worker morale.
6. The crops grown in the greenhouses require night lighting.
7. There is a movable wind machine on the property to protect the crops from freezing. This machine can be as close as 150 feet from the easterly property line of the proposed project.
8. We are very concerned that current and future landscaping on the project site could harbor plant diseases and/or pests that could contaminate our crops.
9. Finally, our agricultural access road along the entire southerly property line of the Ellinwood project experiences truck and tractor/farm implement traffic during our work hours from 7:00 AM to 7:00 PM, and sometimes 24/7.


Implementation Policy 44 Of the Open Space, Recreation & Conservation Element states, "Adopt a Right-to-Farm Ordinance requiring disclosure of agricultural practices to homeowners contiguous to or near farm operations to discourage farm operations complaints. (10-year)"

Although this Implementation Policy has a ten year horizon (from 2003) for full implementation, we believe it to be an important statement of intent on the part of the City and the Coastal Commission insofar as protecting agricultural operations from unwarranted complaints about pre-existing, legitimate farming practices. We therefore request that the CC & R's for this project, should it ultimately be approved, include the disclosures of the sort contemplated by this policy and, to the extent legally permitted, an acknowledgement of these disclosures by all future purchasers of homes in the project, and appropriate limitations on the types of complaints that will be entertained by government agencies concerning agricultural practices on our farming operation.


Our final comment on the project concerns the desire that we donate enough of the western end of our agricultural access road running along the Ellinwood southerly property line to permit widening of Cravens Lane. We are willing to do this providing that, as part of the Ellinwood project, Cravens Lane is widened to the same section along the entire westerly project frontage as in front of the Villas.

Please contact us if you have any questions.

Sincerely,


Case Van Wingerden

Sincerely,


Jerry Van Wingerden

cc: Mayor Stein, Council members Armendariz, Gandrud, Jordan, Ledbetter
Chair Ooley, Planning Commissioners Allen, La Fevers, McQuary, Reddington
Scott Ellinwood, Applicant



1400 Cravens Ln.
Carpinteria, CA 93013

April 12, 2006

Ms Jackie Campbell
Community Development Director
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

CONCERNING: Ellinwood Project, Setbacks, Deed Restriction, and Roadway Dedications

Dear Ms Campbell:

On behalf of my partner, Jerry Van Wingerden, and myself I would like to offer the following input regarding property line setbacks and possible roadway dedications affecting the Ellinwood project on Cravens Lane, which, I understand, is presently under City review.

Setbacks

Westland Floral Company, Inc./J & C Farms owns the property on three of the four sides of the project site. The project's entire easterly boundary abuts our 8.1 acre parcel (**Parcel 1** on the accompanying attachment), which is fully occupied primarily by two greenhouses for agricultural uses. This parcel is a flag lot with a twenty-foot wide portion extending from the southwest corner of the main part of Parcel 1 to Cravens Lane. This twenty-foot wide portion abuts the developer's entire southerly property line.

The City's General Plan/Coastal Plan (Policy LU-3n) states that "an adequate buffer [between agricultural and residential uses] is approximately 100 feet." We can find no reason to allow a reduction in that setback along the project's easterly boundary adjacent to our Parcel 1. Our uniform experience at Cravens Lane and at other agricultural sites that we own is that as the number of residential neighbors increases, so too do the number and vociferousness of the complaints. Even though we make every effort to be the best possible neighbors and our agricultural use generally pre-dates the neighboring residential uses by many years, we are too frequently put in the position of having to deal with what often seem unreasonable complaints made by neighbors, which sometimes become detrimental to our agricultural operations.

One effective way of reducing these neighbor complaints is by creating as much separation between the agricultural and residential uses as feasible. The hundred feet called for in the City's Coastal Plan/General Plan seems like an appropriate distance. It

Ms Jackie Campbell
April 12, 2006

may be worth noting that the separation between the principal residence currently on the project site and its easterly property line is on the border of two hundred feet. Policy LU-3n correctly requires that “the responsibility of providing the buffer should rest with the property intensifying its use,” which, in this case, is the Ellinwood property.

The project’s entire northerly property line abuts our 3.5 acre parcel (**Parcel 2** on the accompanying attachment). Although approximately 2.5 acres of this parcel is occupied by a County of Santa Barbara Flood Control District siltation basin under a long-term easement agreement, we are the fee owners of the entire parcel and directly control the one-acre portion of the property immediately adjacent to Cravens Lane. We anticipate that any complaints involving this parcel would be directed to us, rather than to the County Flood Control District.

We believe that a 100-foot project setback along this property line would also be appropriate. Maintenance of the siltation basin on the property requires the use of large, noisy heavy equipment to remove the silt from the basin and place it in the on-site stockpile area where it de-waters. Once the basin tailings have drained sufficiently they are loaded onto large trucks and hauled away. This loading and trucking operation is typically noisy and often dusty. Although the Flood Control District does its best to be a good neighbor, it is inevitable that some number of the new residential neighbors in the Ellinwood project would find the activities objectionable. Again, distance is an effective way of allowing the two adjacent uses to coexist successfully. The existing principal residence on the Ellinwood property is approximately 150 feet from the north property line.

CC & R Acknowledgement and Disclaimer

In addition to the setbacks suggested above, we believe that the CC & R’s for the project (or other appropriate legal documents) should contain an acknowledgement of the adjacent existing uses to the east and north while appropriately, and fairly, limiting the recourse available to residents—individually and collectively—against the existing activities on these neighboring properties. We believe that the exact wording and form of the limiting document(s) should be worked out as part of the City’s review process.

Road Right-of-Way Dedications

We believe that a sixty-foot wide public road right-of-way along the project’s southerly property line would be appropriate. Whether or not the entire sixty-foot width is immediately improved as part of the project, the Ellinwood project should not be allowed to pre-empt such a possibility in the future.

To help achieve this goal and to eliminate the possible need for a more substantial setback on the south side of the Ellinwood project, we would be willing to make an irrevocable offer to dedicate the twenty-foot wide portion of our Parcel 1, extending from the southeast corner of the Ellinwood parcel to Cravens Lane, to the City of Carpinteria for public roadway purposes, provided that Mr. Ellinwood makes an identical offer of the

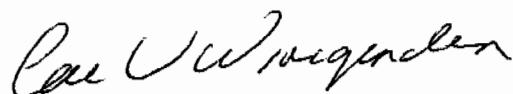
Ms Jackie Campbell
April 12, 2006

remaining forty feet necessary to make up the sixty-foot right-of-way, and that both offers are simultaneously accepted by the City.

Please place us and our consultant, Carl Hetrick (P. O. Box 358, Carpinteria 93014), on the mailing list to receive all notices regarding the Ellinwood proposal.

Please contact me if there are questions.

Sincerely,



Case Van Wingerden

cc: Mayor Stein, Council members Armendariz, Gandrud, Jordan, Ledbetter/all with attachment

Chair Ooley, Planning Commissioners Allen, Bloodhart,
La Fevers, McQuary./all with attachment

Scott Ellinwood, Applicant

Attachments: as indicated

CALIFORNIA COASTAL COMMISSION

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

Th 2.5a

DATE: January 22, 2009

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director, South Central Coast District
Steve Hudson, District Manager
Barbara Carey, Supervisor, Planning and Regulation
Amber Tysor, Coastal Program Analyst

SUBJECT: City of Carpinteria Local Coastal Program Amendment MAJ-2-07 (Green Heron Spring/Ellinwood Parcel) for Public Hearing and Commission Action at the February 4-6, 2009 Commission Meeting in Huntington Beach.

DESCRIPTION OF THE SUBMITTAL

The City of Carpinteria is requesting an amendment to the Coastal Land Use Plan (LUP) and Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portions of its certified Local Coastal Program (LCP) to: 1) amend the Land Use Plan to add text allowing a reduced wetland buffer for mechanically created wetlands, and 2) to amend the zoning map of the Implementation Program/Zoning Ordinance to "pre-zone" the subject site (APN 004-013-026) from Agriculture five-acre minimum parcel size under the jurisdiction of Santa Barbara County to Planned Unit Development under City of Carpinteria jurisdiction and to add the parcel to the certified LCP (although it has not formally been annexed to the City).

The LCP amendment was submitted to the Commission on September 21, 2007. The submittal was deemed complete and filed on December 7, 2007. The time limit to act upon this LCP Amendment is 90 days, unless extended pursuant to Section 30517 of the Coastal Act and California Code of Regulations Section 13535(c). The time limit for this amendment was extended for an additional year, at the January 9, 2008 Commission hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **approve** the proposed LCP amendment with suggested modifications. The modifications are necessary because, as submitted, the amendment is not adequate to ensure consistency with the applicable Chapter Three policies of the Coastal Act.

Staff recommends that in order to take this action, the Commission, after public hearing, **deny** the amendment to the certified LCP as submitted; then **approve, only if modified**, the amendment to the LCP. The motions to accomplish this recommendation are found on **pages 5-7**. The suggested modifications are found starting on **page 7**.

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EXHIBITS

Exhibit 1:	Land Use Map
Exhibit 2:	Zoning Map
Exhibit 3:	Site Aerial Photo
Exhibit 4:	Vicinity Map
Exhibit 5:	Parcel Map
Exhibit 6:	City of Carpinteria Resolution Nos. 5077 and 5081

- Exhibit 7: City of Carpinteria Ordinance No. 625
Exhibit 8: Coastal Development Permit 184-01
Exhibit 9: Conceptual Site Plan
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SUBSTANTIVE FILE DOCUMENTS: City of Carpinteria's Coastal Plan, certified in December 1979, as amended through November 2008; City of Carpinteria's Council Staff Report, dated September 24, 2007; City of Carpinteria's Architectural Review Board Meeting Minutes, dated October 14, 2004, City of Carpinteria's Planning Commission/City Council Meeting Minutes, November 15, 2004; Proposed Final Mitigated Negative Declaration, Green Heron Spring Condominiums: 05-1239, July 2, 2007; "Impact Assessment and Wetland Delineation," prepared by Katherine Rindlaub, Botanist, dated September 2002; "Conceptual Wetlands Mitigation Habitat Enhancement and Monitoring Plan," prepared by Katherine Rindlaub, Botanist, dated December 2005; "Sensitive Amphibian and Reptile Evaluation of a Man-made Pond in the Carpinteria Valley," prepared by Paul W. Collins, Wildlife Biologist, dated June 30, 2005; "Reconnaissance Survey for Fairy Shrimp Habitat at a Proposed Development (Green Heron Springs) 1300 Cravens Lane, Carpinteria California," prepared by Jeffrey Trow, Senior Biologist, Foothill Associates, dated January 9, 2006; "California Red-Legged Frog Survey Report," prepared by Vince Semonsen, Wildlife Biologist, dated January 9, 2006; "Tree Assessment and Protection Plan for Green Heron Spring LLC," prepared by Bill Spiewak, Consulting Arborist, dated November 8, 2005.

<p>Additional Information: Please contact Amber Tysor, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.</p>
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STAFF NOTE:

THE COMMISSION MUST ACT ON THIS LCP AMENDMENT AT THE FEBRUARY 2009 COMMISSION HEARING.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the

Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The standard of review that the Commission uses in reviewing the Land Use Plan text changes, as proposed by the City, is whether the changes are consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Carpinteria's certified Local Coastal Program. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified City of Carpinteria's LUP as guiding policies.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings (Planning Commission Hearing on July 2, 2007 and August 6, 2007, and City Council Hearing on September 24, 2007) and received written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public by publishing the notice in the local newspaper and by mailing notice to interested parties, consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment 2-07 has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolutions for this amendment state that the amendment will take effect after Commission certification. However, in this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (California Code of Regulations, Title 14, Section 13544; Section 13537 by reference). Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/COASTAL PLAN

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

A. DENIAL OF LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission CERTIFY Amendment CPN-MAJ-2-07 to the City of Carpinteria Land Use Plan, as submitted by the City of Carpinteria.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of Amendment CPN-MAJ-2-07 to the City of Carpinteria Land Use Plan and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission CERTIFY Amendment CPN-MAJ-2-07 to the City of Carpinteria Land Use Plan, if modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Amendment CPN-MAJ-2-07 to the City of Carpinteria Land Use Plan if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

III. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

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

A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission reject the City Carpinteria Implementation Plan Amendment CPN-MAJ-2-07 as submitted.*

STAFF RECOMMENDATION OF REJECTION:

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

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the City of Carpinteria Local Implementation Plan Amendment CPN-MAJ-2-07 and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

B. CERTIFICATION OF IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify City Carpinteria Implementation Plan Amendment CPN-MAJ-2-07 if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

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

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the City of Carpinteria Implementation Plan Amendment CPN-MAJ-2-07 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program as amended by the proposed amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Local Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

IV. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN

The suggested modifications to the City of Carpinteria LCP are numbered consecutively. The LCP number indicates the existing section in the certified City of Carpinteria LCP. The existing language in the certified LCP is shown in straight type. The language proposed by the City of Carpinteria in this amendment to be inserted is shown underlined. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown in double underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps and figures) are shown in italics.

Modification 1

Implementation Policy 12 (and Policy 9-4) shall be modified as follows:

12. Maintain a minimum 100-foot setback/buffer strip in a natural condition along the upland limits of all wetlands. ~~A smaller wetland buffer may be allowed for wetlands~~

associated with mechanically created agricultural ponds where appropriate and only where all of the following conditions exist:

1) The wetland habitat was created by artificial means pursuant to a valid Coastal Development Permit and there is no evidence (such as aerial photographs, historical survey, etc.) indicating that the wetland habitat pre-dated the existence of the pond;

2) It can be conclusively demonstrated by a qualified biologist to the satisfaction of the City, State Department of Fish and Game, Regional Water Quality Control Board and other State and Federal resource management agencies, as applicable, that the pond does not constitute an Environmentally Sensitive Habitat Area (ESHA) as defined by the Coastal Act;

3) The smaller buffer protects the biological integrity of the wetland given the site-specific characteristics of the resource and the type and intensity of proposed disturbance; and

4) The pond will be maintained as a drainage facility to provide surface runoff filtration or retention. In no circumstance shall a wetland setback/buffer be smaller than 25 feet.

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.

A minimum wetland buffer of 35 feet from structures, and 25 feet from fencing, is allowed for the existing retention basin/drainage pond on the Ellinwood site (APN 004-013-026). The retention basin/drainage pond on this site shall be maintained only in accordance with the specific standards described in the Ellinwood Parcel (APN 004-013-026) Overlay District, in Chapter 14.43 of the zoning code.

Where wetlands associated with mechanically created agricultural ponds as described in this section occur, such features may be maintained as necessary to convey or retain flood waters. Such maintenance shall be limited to the removal of vegetation, debris and sediment buildup.

V. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN

The suggested modifications to the City of Carpinteria LCP are numbered consecutively. The LCP number indicates the existing section in the certified City of Carpinteria LCP. The existing language in the certified LCP is shown in straight type. The language proposed by the City of Carpinteria in this amendment to be inserted is shown underlined. Language

recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown in double underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps and figures) are shown in italics.

Modification 2

Add the following overlay to Title 14 of the Carpinteria Municipal Code, as follows:

Chapter 14.43 Ellinwood Parcel (APN 004-013-026) Overlay District

14.43.010 Purpose and Intent

The purpose of the Ellinwood site overlay district is to provide for specific standards of development for this particular parcel to be included in the development plans. The intent is to ensure a more precise level of planning for this parcel than is ordinarily possible under the local implementation plan. Therefore, an overlay district for this parcel establishes specific standards relating to oak tree protection and mitigation, retention basin/drainage pond maintenance, wetland enhancement, permanent stormwater management, drainage plans, and lighting. The regulations of this overlay district are intended to provide guidance in the preparation of site-specific development plans. (Ord. 315 § 1 (part), 1981)

14.43.020 Applicability

The provisions of this district shall apply only to the 3.87 acre Ellinwood parcel (APN 004-013-026), as shown on the city's official zoning maps. (Ord. 315 § 1 (part), 1981)

14.43.030 Development Standards

All applicable LCP policies and provisions shall apply to new development within the Ellinwood Parcel Overlay District, unless specifically modified by standards detailed in this section. Any development on the Ellinwood parcel (APN 004-013-026) shall comply with the following:

1. All new development on this parcel shall be designed and constructed in a manner that complies with all current requirements of the U.S. Green Building Council, LEED for Homes, rating of Gold or better.

2. Exterior night lighting shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto any environmentally sensitive areas, wetland areas (including the existing retention basin/drainage pond), and adjacent parcels. The applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m.

3. To protect existing native trees, such as native oak, walnut, and sycamore trees and minimize adverse effects of grading and construction onsite, a Tree Protection and Replacement Plan, prepared by a qualified arborist or resource specialist, shall be

implemented as part of any new development project. Development, including ground disturbance and grading, shall be designed to avoid native tree removal and encroachment within the dripline of any native tree to the maximum extent feasible. The Tree Protection and Replacement Plan shall include a detailed plan for any trees that must be removed, in accordance with the provisions below, and shall include an analysis of alternatives to protect or retain the tree(s) to the maximum extent feasible. The Tree Protection and Replacement Plan shall include the following:

- a. An exhibit showing the location, diameter and dripline of all native trees located onsite.
- b. Fencing of all trees to be protected shall be installed in a manner that provides for at least a 5 ft. setback outside the dripline of each tree. Fencing shall be at least three feet in height of chain link or other material acceptable to CDD and shall be staked every six feet. The applicant shall place signs stating "tree protection area" at 15-foot intervals on the fence. Said fencing and signs shall be shown on the tree protection exhibit, shall be installed prior to commencement of grading and/or construction and shall remain in place throughout all grading and construction activities.
- c. The tree protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the dripline of any native or specimen tree. All encroachment is subject to review and approval by CDD and shall be allowed only if there is no other feasible alternative.
- d. Construction equipment staging and storage areas shall be located outside of the protected areas identified on the tree protection plan and shall be depicted on project plans submitted for issuance of a Grading or Building Permit. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are avoided.
- f. Any proposed tree wells or retaining walls shall be shown on the tree protection plan exhibit as well as grading and construction plans and shall be located outside of the dripline of all protected trees unless specifically authorized.
- g. Any encroachment within the dripline of native trees shall adhere to the following standards:
 - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
 - ii. Any trenching required within the dripline of a protected tree shall be done by hand.

iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.

h. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.

i. No permanent irrigation shall occur within the dripline of any native tree. Drainage plans shall be designed so that tree trunk areas are properly drained.

j. Only trees designated for removal on the approved tree protection plan shall be removed.

k. Any native trees which are removed, relocated and/or damaged (including any encroachment into the dripline) shall be replaced onsite on a 10:1 basis with saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree that is feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to issuance of occupancy clearance and irrigated and maintained until established (5 years). The plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

4. Consistent with its permitted and historic use, the existing stormwater retention basin/drainage pond shall be incorporated into the site development to provide for on-site retention of storm water runoff, infiltration and groundwater recharge and shall be maintained for the life of the project by the Homeowners' Association. A Final Drainage Plan showing the location and design of the retention basin/drainage pond and site infrastructure shall be submitted to CDD for review and approval. Installation and maintenance for five years shall be ensured through a performance security provided by the applicant and long term maintenance requirements shall be specified in the Homeowners' Association's CC&Rs.

5. The applicant shall implement a Wetland Habitat Enhancement and Monitoring Plan, prepared by a qualified biologist or resource specialist, to restore the onsite pond habitat function and value. The Wetland Habitat Enhancement and Monitoring Plan shall include specific measures to provide a transitional zone extending beyond the top of the pond bank and surrounding upland area by replanting with compatible native species to increase habitat complexity, species diversity, and improve the functional value of the habitat for native birds and wildlife, and, if necessary, dredging the accumulated silt and debris to restore the pond to its original depth. The Wetland Habitat Enhancement and Monitoring Plan shall provide for the following:

a. Habitat enhancement and restoration plans for all impacts to wetland and upland habitat areas with details of appropriate replacement/restoration acreage and location including the following:

- i. A site plan of the entire habitat mitigation and restoration area which specifies that new development on site (except fencing, as specified below) shall be set back at least 35 ft. from the retention basin/drainage pond. All wetland/upland areas within the 35 ft. setback shall be restored/enhanced to increase their habitat value.
 - ii. A baseline ecological assessment of existing habitat and buffer area.
 - iii. Goals, objectives, performance standards and quantifiable success criteria for the site, including specific coverage and health standards for areas to be restored/revegetated, the types, functions and values of habitat to be created, a schedule and procedures for determining when the goals and objectives of the plan have been met.
 - iv. Details for required site preparation, final design, installation and maintenance schedule and methods to ensure mitigation and restoration efforts achieve the goals and objectives of the plan.
 - v. Detailed monitoring program including provisions for a five-year monitoring period, annual monitor reporting and contingency measures should the mitigation/restoration efforts fail to achieve quantitative performance criteria.
- b) Recommendations and measures to ensure the level of the pond will not be allowed to drop more than six (6) inches below the elevation of the average water level (defined as the elevation where the surface water area equals 4,004 sq. ft.), to ensure that the hydrological regime will be maintained as necessary to support the restored diversity of self-sufficient species in both the wetland and upland areas.
 - c) Recommendations and measures for maintaining the pond both as a drainage feature and as a functioning habitat meeting the objectives of the wetland restoration plan.
 - d) Landscaping of private yards for residential units located within 35 feet of the pond/stormwater detention basin shall be limited to appropriate native plants consistent with the goals and objectives of the Wetland Mitigation Habitat Enhancement and Monitoring Plan for establishing upland habitat in the vicinity of the pond/stormwater detention basin.
 - e) To the extent allowed by the building code, the perimeter fencing in the vicinity of the pond and the fencing around the pond shall be wildlife permeable to small mammals and birds, but shall be designed so as to preclude cats and dogs from entering the pond buffer and surrounding native upland habitat area.
 - f) Implementation of the Wetland Habitat Enhancement and Monitoring Plan shall be monitored for five years and shall be ensured through a performance security provided by the applicant or a successor interest such as a Homeowners' Association and where such long term maintenance requirements have been fully incorporated within the Homeowners' Association's CC&Rs to meet and

maintain the functions and habitat values outlined in the Wetland Habitat Enhancement and Monitoring Plan for the life of the project.

6. Any new development shall include an on-site permanent biofilter/bioswale system intended to treat storm water runoff from the site. The biofilter/bioswale system shall be designed by a registered civil engineer specializing in water quality or other qualified professional to ensure that the retention time of water and the plants selected are adequate to reduce concentrations of the target pollutants. Local plants sources (i.e., collected from the watershed or propagated from cuttings or seed collected from the watershed) shall be used in the biofilter unless determined by the City to be infeasible. Invasive plants shall not be used in the biofilter. A biofilter design plan, including the plant palette and the source of plant material, on grading and drainage and landscape plans, and a maintenance plan shall be submitted to the City for review and approval, as part of any new development project. In addition, as part of any new development project, a performance security shall be required to ensure installation and five-year maintenance and long-term maintenance shall be the responsibility of the applicant or a successor interest such as a Homeowners' Association (where all such requirements have been incorporated and specified within the CC&Rs).

VI. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT (LUP/IP) IF MODIFIED AS SUGGESTED

A. AMENDMENT DESCRIPTION AND BACKGROUND

1. Description of LCPA Submittal

The City of Carpinteria's proposed Local Coastal Program Amendment No. 2-07 consists of an amendment to the Coastal Land Use Plan (LUP) and Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portions of its certified Local Coastal Program (LCP) to: 1) amend the Land Use Plan to add text to allow a reduced wetland buffer for mechanically created wetlands, and 2) to amend the zoning map of the Implementation Program/Zoning Ordinance to "pre-zone" the subject site (APN 004-013-026) from Agriculture five-acre minimum parcel size under the jurisdiction of Santa Barbara County to Planned Unit Development under City of Carpinteria jurisdiction and to add the site to the certified LCP (although it has not formally been annexed to the City).

Proposed Land Use Plan Amendment

The proposed text amendment to the LUP of the certified LCP would allow a reduced wetland buffer for the retention basin/drainage pond on the 3.87-acre Ellinwood site for the Green Heron Spring residential condominium project. Implementation Policy 12 within the Open Space, Recreation & Conservation Element of the City's LCP, and Policy 9-4 of the

City's January 1980 Coastal Plan¹, are proposed by the City to be amended as follows (the City's proposed changes are underlined):

12. Maintain a minimum 100-foot setback/buffer strip in a natural condition along the upland limits of all wetlands. A smaller wetland buffer may be allowed for wetlands associated with mechanically created agricultural ponds where appropriate and only where all of the following conditions exist:

- 1) The wetland habitat was created by artificial means pursuant to a valid Coastal Development Permit and there is no evidence (such as aerial photographs, historical survey, etc.) indicating that the wetland habitat pre-dated the existence of the pond;
- 2) It can be conclusively demonstrated by a qualified biologist to the satisfaction of the City, State Department of Fish and Game, Regional Water Quality Control Board and other State and Federal resource management agencies, as applicable, that the pond does not constitute an Environmentally Sensitive Habitat Area (ESHA) as defined by the Coastal Act;
- 3) The smaller buffer protects the biological integrity of the wetland given the site specific characteristics of the resource and the type and intensity of proposed disturbance; and
- 4) The pond will be maintained as a drainage facility to provide surface runoff filtration or retention. In no circumstance shall a wetland setback/buffer be smaller than 25 feet.

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.

Where wetlands associated with mechanically created agricultural ponds as described in this section occur, such features may be maintained as necessary to convey or retain flood waters. Such maintenance shall be limited to the removal of vegetation, debris and sediment buildup.

The City of Carpinteria approved Resolution No. 5077 on September 24, 2007 approving this LCP amendment to modify the text of Implementation Policy 12 and Policy 9-4 of the City's January 1980 Coastal Plan. (Exhibit 6)

¹ As of present, Implementation Policy 12 has not yet been certified and will not become effective until the City complies with all of the requirements of Section 13544.5 of the California Code of Regulations and the Coastal Commission certifies amendments to the Implementation Program that are adequate to carry out and implement such LUP Amendments. Therefore, the existing Policy 9-4 of the City's Coastal Plan (January 1980) is also proposed to be similarly amended.

Proposed Zoning Code Amendment

In addition to the proposed LUP amendment, the City also proposes to add the subject 3.87 acre parcel to the City of Carpinteria certified LCP and to amend the official zoning map portion of the certified LCP to designate the parcel (APN 004-013-026) as Planned Unit Development (PUD). The parcel is currently within unincorporated Santa Barbara County and designated for agricultural use by the County. In its certified LCP, the City designates this site as within the City's Sphere of Influence, as described in the Land Use Element of the LCP (further explained in Section VI below). As the certified LCP explains under the Land Use Element, the area was selected "due to it being contiguous to city limits and surrounded by either urbanized development or intensive agricultural development (i.e. packinghouse, greenhouse and retention basin)." The LCP also states that "the area provides an opportunity to establish a transition from higher density condominium development to the south to agricultural uses to the north."

City of Carpinteria Resolution No. 5081 provides for the City of Carpinteria to initiate proceedings for annexation of the Ellinwood property with the Local Agency Formation Commission (LAFCO). (Exhibit 6) This annexation has not yet been approved by LAFCO. Additionally, Ordinance No. 625 amends the City of Carpinteria's official zoning map to change the zone on assessor's parcel number 003-013-026 from Agriculture, five acre minimum parcel size (AG-1-5) under the jurisdiction of Santa Barbara County to Planned Unit Development (PUD) under the jurisdiction of the City of Carpinteria. (Exhibit 7)

Therefore, if approved, this proposed zoning map change would be a "pre-zone" until the annexation of the parcel is approved by LAFCO.

2. Background

Ellinwood Site Description and Background

The proposed LCP amendment is project-driven and would to allow the City to have jurisdiction over the parcel in order to issue a Coastal Development Permit (CDP) (and Development Plan and Vesting Tentative Tract Map) for the residential development of the 3.87-acre site located at 1300 and 1326 Cravens Lane. In fact, the City approved a CDP, a Development Plan, a Vesting Tentative Tract Map for the Green Heron Spring residential condominium project when it approved the subject LCP amendment on September 24, 2007. However, the City has not submitted the notice of final action for the CDP to the Commission as required; thus, the 10-day appeal period has not yet commenced and the CDP is not valid.

The subject site is located at the west end of the City of Carpinteria on the east side of Cravens Lane, approximately 800 feet north of Via Real. (Exhibits 1-5) The site has two residences, approximately 25 feet in height, with a detached two-car garage, three storage sheds, one barn, and a water tower. The total footprint of all the existing buildings is approximately 5,286 square feet, with a total floor area of approximately 6,475 square feet. The site is adjacent to multi-family residential condominium complexes to the south (Franciscan Village and the Villas), mobile home park (Sandpiper Mobile Home Park) to

the west, an agricultural warehouse on prime agricultural land to the east, and an agricultural parcel containing a single family residence and a County water retention basin to the north. The properties to the north and east are within the unincorporated County jurisdiction. A 20-foot wide driveway that provides access to the agricultural warehouse to the east separates the site from the condominiums to the south, and Cravens lane separates the site from the mobile home parks to the west. A drainage channel separates the site from the agricultural warehouse to the east.

The site contains over 150 trees, including 32 oak trees, three sycamore trees and two redwood trees. The site was previously used for agricultural purposes and was operated as an avocado orchard until the mid 1970's when the orchard failed apparently due to high groundwater. The site also contains a 0.13 acre pond/retention basin constructed for drainage control purposes pursuant to a Coastal Development Permit issued by the Coastal Commission in 1978 (CDP 184-01). (Exhibit 8) This retention basin/drainage pond was constructed on the southwest portion of the site and is located about 30 feet from an existing single-family residence.

Green Heron Spring Project Description

As stated above, the City has approved a coastal development permit for the Green Heron Spring Project ("project") on the Ellinwood site, but has not yet submitted a notice of final action to the Commission, as required by California Code of Regulations, Title 14 (14 CCR), Section 13571. Therefore, the required 10-day appeal period for the CDP has not yet commenced and the CDP is not valid. The project approved by the City consists of 32 residential condominium units and one single family residence that will consist of 11 structures with heights ranging from 24'5" to 29'6', 61,990 sq. ft. of floor area, 57 parking spaces within garages and 12 uncovered guest spaces, a five-foot high wrought iron fence around the open space and yard areas, an eight-foot high solid concrete wall along the parcel's southeast, east, and northeast property boundaries, a six-foot high solid concrete wall around the parcel's north and northwest property boundary, and approximately 4,470 cubic yards of grading. The project includes six affordable housing units. (Exhibit 9)

The street frontage along Cravens Lane would be widened to 68 feet to provide a five-foot sidewalk adjacent to the development, parallel parking along the east side of Cravens Lane, and six-foot wide bike lanes on both sides in addition to 14-foot wide traffic lanes in both directions. A 25-foot wide driveway entrance directly off Cravens Lane would continue as an interior private drive where it narrows to a 20-foot wide one-way loop around a common green. A 16-foot wide gate provides emergency fire access out to the adjacent 20-foot wide private driveway to the south. The project also includes a common open space area for a community orchard, garden, village green, and children's play area. The existing detention basin/drainage pond is proposed to be incorporated into the project, revegetated, and to function as a drainage pond and water reclamation feature. The project incorporates sustainable design features and is anticipated to be certified by the U.S. Green Building Council as Leadership in Environmental Design (LEED) certified. The project has been accepted as part of the "LEED for HOMES" pilot project and is proposed to result in the highest Platinum rating. The following features are proposed as part of the project approved by the City:

- Protection of 30 mature native oaks, sycamores and redwood; planting more than 80 new native trees;
- An existing residence, barn and storage shed would be dismantled, with the materials salvaged and used on site where possible;
- A large community organic garden and orchard would provide food to residents with surplus to the farmers market;
- Fruit and vegetable scrap composting containers would be provided within all units for use in the organic garden and orchard;
- An innovative water harvesting/ bio-filtration/storage/reuse system that also provides storm water retention and uses a solar powered pump to send water to a restored water tower for landscape irrigation;
- Permeable paving blocks for all drives and walks;
- Sustainable building materials selected for durability and non-toxic maintenance, i.e.: Fly-ash concrete, FSC-certified lumber, fiber-cement siding, recycled steel roofing, formaldehyde-free insulation, sheathing and cabinets;
- Building insulation that exceeds Title 24 requirements, including 2x6 exterior walls with perimeter foundation slab insulation and R-45 roof insulation;
- Passive solar heating with thermal storage, natural lighting and natural ventilation to minimize fossil fuel use within all residences.
- Solar electric photo-voltaic systems for all units with plug-in stations for Electric or Hybrid Vehicles;
- Energy Star appliances, heating system, water heaters, vent fans and light fixtures;
- Extra water-conserving toilets with dual flush along with low flow fixtures and instant flow water heaters in all units; and
- Units and Buildings would qualify as 'Energy Star Homes' under the United States Department of Energy (DOE) criteria.

A Mitigated Negative Declaration (MND) was prepared for this project and found the potential for significant impacts in the areas of Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology/Soils, Hazardous Materials/Safety, Noise, and Water/Flooding. The MDN identified mitigation measures that would reduce all of these impacts to a less than significant level.

In response to a January 2007 comment letter on the MND from the County of Santa Barbara Fire Department Hazardous Materials Site Mitigation Unit, a soils investigation on the site was conducted in accordance with an approved Soil Investigation Work Plan by DUDEK in March 2007. Soils samples were collected in the area around the pond and the barn. Samples from the area in the vicinity of the pond did not show pesticides above the residential Cal/EPA California Human Health Screening Levels but the samples from the area adjacent to the barn contained soils contaminated with lead, petroleum hydrocarbons, and dieldrin at concentrations exceeding Santa Barbara County Fire Department Investigation Levels and residential cleanup standards. The County Fire Department Hazardous Materials Site Mitigation Unit reviewed the preliminary site assessment and determined that remediation by removal and offsite disposal of the contaminated soils is required.

The City approved the Green Heron Spring Condominium project with several special conditions relating to soil remediation, wetland restoration, construction activities, native tree protection, landscaping, grading, drainage, erosion and sediment control, stormwater runoff, engineering standards, and other site requirements. Some of these requirements are incorporated, in a modified form, into the suggested modifications below to be included in a zoning overlay district specific to the Ellinwood parcel.

B. COASTAL RESOURCES, ENVIRONMENTALLY SENSITIVE HABITAT AREA, AND WETLANDS

1. Coastal Act Policies

Section 30230 of the Coastal Act states that:

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

Section 30231 states:

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

Section 30233 of the Coastal Act states (in relevant part)

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

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision(b) of Section 30411, for boating facilities....

....

(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

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

.....

Section 30240 states:

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

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

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.*

2. LUP Policies

Open Space, Recreation & Conservation Element Objective OSC-1

Protect, preserve and enhance local natural resources and habitats.

Open Space, Recreation & Conservation Element Objective OSC-3

Preserve and restore wetlands such as the Carpinteria Salt Marsh.

Open Space, Recreation & Conservation Element Policy OSC-3a

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

Open Space, Recreation & Conservation Element Policy OSC-3b

The upland limit of a wetland is 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 non-hydric;*
- 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.*

If questions exist, the limit shall be determined by a habitat survey made by a qualified biologist in consultation with the California Department of Fish and Game.

Open Space, Recreation & Conservation Element Policy OSC-3c

Development adjacent to the required buffer around wetlands should not result in adverse impacts including but not limited to sediment, runoff, chemical and fertilizer contamination, noise, light pollution and other disturbances.

Open Space, Recreation & Conservation Element Implementation Policy 12

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.

Table OSC-1: Environmentally Sensitive Habitat Areas

<i>Habitat Type</i>	<i>Area</i>
<i>Wetlands</i>	<i>Carpinteria “El Estero” Salt Marsh, lower Carpinteria Creek</i>
<i>Butterfly Habitat</i>	<i>Salzgeber Meadow, Carpinteria Oil and Gas Plant, other locations throughout the city</i>
<i>Marine Mammal Rookeries and Hauling Grounds</i>	<i>Sandy pocket near Carpinteria Oil and Gas Plant pier on Carpinteria Bluffs</i>
<i>Rocky Points and Intertidal Areas</i>	<i>Carpinteria Bluffs</i>
<i>Subtidal Reef</i>	<i>Carpinteria coast</i>
<i>Kelp Beds</i>	<i>Carpinteria coast</i>
<i>Creeks and Riparian Habitat</i>	<i>Santa Monica Creek, Franklin Creek, Carpinteria Creek, Lagunitas Creek</i>
<i>Significant Native Plant Communities such as coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodlands</i>	<i>Carpinteria Bluffs, Carpinteria Creek, other locations throughout the city to be determined on a case-by-case basis as projects are reviewed</i>
<i>Sensitive, rare, threatened or endangered species habitat</i>	<i>Carpinteria Bluffs, other locations throughout the City</i>

Policy 9-4 of the January 1980 Coastal Plan

The upland limit of a wetland shall be defined as land where the water table is at, or near the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Where environmental factors may prevent the development of soils and/or vegetation, the presence of surface water or saturated substrate at some time during the year or the location within, or adjacent to, vegetated wetlands or deepwater habitats will define their limits. If

question exists, the limit will be determined by habitat survey made by a qualified biologist.

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

Policy 9-5 of the January 1980 Coastal Plan

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

Open Space, Recreation and Conservation Element Objective OSC-7

Conserve native plant communities.

Open Space, Recreation and Conservation Element Policy OSC-7a

Oak trees and oak woodlands, because they are particularly sensitive to environmental conditions, as well as walnut, sycamore, and other native trees, shall be protected through appropriate development standards.

Open Space, Recreation and Conservation Element Policy OSC-7b

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. Structures shall be sited and designed to minimize the impact of grading, paving, construction of roads, runoff and erosion on native vegetation. Sensitive resources that exhibit any level of disturbance shall be maintained, and if feasible, restored. New development shall include measures to restore any disturbed or degraded habitat on the project site. Cut and fill slopes and all areas disturbed by construction activities shall be landscaped or revegetated at the completion of grading. Plantings shall be of native, drought-tolerant plant species consistent with the existing native vegetation on the site. Invasive plant species that tend to supplant native species shall be prohibited.

Open Space, Recreation and Conservation Element Implementation Policy 34

Develop an ordinance for the protection of native oak, walnut, sycamore, and other native trees with provisions for the design and siting of structures to minimize the impact of grading, paving, construction of roads, runoff and erosion on native trees. In particular, require that grading and paving not adversely affect root zone aeration and stability of native trees. [5-year]

Open Space, Recreation and Conservation Element Implementation Policy 35

Develop an inventory of native plant communities. [10-year]

Open Space, Recreation and Conservation Element Implementation Policy 36

The City shall conduct a city-wide survey to identify important trees on both private and public property. Importance of a tree may be determined by type, age, location or historical significance and shall further establish regulations as necessary for the protection of such important trees. [5-year]

3. Existing Zoning Ordinance Provisions

Chapter 14.08.230 Environmentally Sensitive Habitat Area

“Environmentally sensitive habitat area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Ord. 315 § 1 (part) 1981)

Chapter 14.08.635 Wetland

“Wetland” means land within the coastal zone which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. (Ord. 315 § 1 (part) 1981)

Additionally, the City’s Environmentally Sensitive Habitat Area Overlay District in Chapter 14.42 of the zoning code identifies development standards for “EHS” areas and the overlay is identified on an Environmentally Sensitive Habitat Overlay map on page 95 of the LCP.

4. Discussion

The Coastal Act and Land Use Plan policies noted above require protections for wetland habitats and native trees. The standard of review for the proposed change to Implementation Policy 12 are the Chapter Three Coastal Act policies cited above and the standard of review for the Zoning Ordinance change are the LUP policies noted above.

Existing Retention Basin/Drainage Pond and Wetland Issues

As explained above, the owner of the Ellinwood property (APN 004-013-026), Scott Ellinwood, obtained a Coastal Development Permit from the Coastal Commission in 1978, CDP No. 184-01 for land alteration to modify the drainage on the site. (Exhibit 8) The permit describes the development as: “Deposition of creek materials (removed from various creeks by Co. Flood Control), on the property in order to raise portions of the property for the acc. of 1) incr. soil depth over high water table; 2) deflect overland floodwaters around house and barn; 3) allow replanting of 120 avocado orchard lost in last years rains.” The permit was approved with one special condition relating to soils testing. The site plan for the approved project allowed for the construction of the existing 0.13 acre retention basin/pond. (Exhibit 8)

In this particular circumstance, the retention basin/drainage pond constructed pursuant to a coastal development permit in 1978 also constitutes a wetland. A wetland delineation dated September 2002, was prepared by Katherine Rindlaub, Botanist. The wetland determination found that the entire 0.13 acre retention basin/pond constitutes a wetland based on the presence of hydrophytic vegetation, wetland hydrology, and hydric soils. These characteristics were determined by using Munsell Soil Color Charts and the U.S. Fish and Wildlife Service National List of Wetland Plant Species that Occur in Wetlands: California (Region O). According to 2002 report:

The man-made pond in the southwest corner of the property does support wetland. As is often the case, the area occupied by wetland vegetation was more extensive than the area that meets the criteria for wetland hydrology or hydric soil. Wild radish dominated the upland area. Below that in elevation was a mixture of facultative species and facultative wet species, such as (flatnut-sedge [Cyperus eragrostis], water bent grass [Agrostis viridis], and Dallis grass [Paspalum dilatatum]). On the lower banks, concentric rings of species were visible, with obligate species dominant. Cattails [Typha sp.] and maritime bulrush [Scirpus maritimus]) were most common at the lowest elevations, with some facultative wet species. The approximate area of the wetland is 0.13 acre.

Therefore, the existing retention basin/drainage pond on the site constitutes a wetland under the Coastal Act and the City's LCP policies because it contains wetland plants, wetland hydrology, and hydric soils. However, no special status species, sensitive species, or candidate species identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service have been found in or near the wetland.² Further, although the retention basin/pond itself is a wetland, the retention basin/pond is not considered to be ESHA because it does not support rare or especially valuable animal life or habitat. The Commission's biologist has confirmed that the wetland (retention basin/drainage pond) on site does not constitute environmentally sensitive habitat. Additionally, the site is not identified as ESHA in the LUP or within the ESHA Overlay District in Chapter 14.42 of the zoning code.

The Commission has typically required a minimum 100-foot setback for new development from wetland areas. In addition, Policy 12 of the City's certified LCP requires new development provide for a 100 ft. setback from wetlands. However, in this case, given the unique nature of the site and the relatively low value of the wetland habitat provided by the existing and actively maintained retention basin, the City is requesting that Policy 12 of the certified Implementation Plan be amended to allow for a reduced wetland setback for development on the subject site. In this case, given the unique characteristics of the subject site, Commission staff agrees with the City that a reduced setback from the retention basin/wetland for new development is appropriate.

However, as proposed by the City, the amendment would further modify Policy 12 to allow for reduced wetland buffers for new development in regards to other unidentified wetlands

² See "Sensitive Amphibian and Reptile Evaluation of a Man-made Pond in the Carpinteria Valley," prepared by Paul W. Collins, Wildlife Biologist, dated June 30, 2005; "Reconnaissance Survey for Fairy Shrimp Habitat at a Proposed Development (Green Heron Springs) 1300 Cravens Lane, Carpinteria California," prepared by Jeffrey Trow, Senior Biologist, Foothill Associates, dated January 9, 2006; "California Red-Legged Frog Survey Report," prepared by Vince Semonsen, Wildlife Biologist, dated January 9, 2006.

that have been artificially created. No information has been submitted by the City regarding the habitat or wetland value of other artificially created wetlands which may be impacted by the proposed amendment to Policy 12. Further, the Commission finds that artificially constructed wetlands, regardless of how they are formed, may still provide important wetland habitat and may constitute ESHA. Such wetlands should be protected by requiring that new development provide for adequate buffers of 100 ft. or more. Therefore, to ensure that the proposed amendment to the LUP would not result in new adverse impacts to significant wetland habitat areas, **Suggested Modification 1** to Implementation Policy 12, under Open Space, Recreation & Conservation Element of the LCP is necessary. Suggested Modification 1 would eliminate the City's proposed reduction in buffers from other unidentified, artificially created wetlands while still allowing for a reduced wetland buffer of 35 feet from structures and 25 feet from fencing for the existing retention basin/drainage pond specifically on the Ellinwood site.

Further, to ensure that wetland habitat enhancement improvements are incorporated into any new development projects on the subject site in order to mitigate impacts resulting from new development, consistent with the wetland protection policies of the both the certified LCP and Coastal Act, **Suggested Modification 2** requires that a Wetland Habitat Enhancement and Monitoring Plan be prepared and implemented as part of any new development project on the subject site. The Wetland Habitat Enhancement and Monitoring Plan shall provide for creation and enhancement of a transitional zone extending beyond the top of the pond bank and surrounding upland area to be replanted with native species to increase habitat complexity, dredging the accumulated silt and debris to restore the pond to its original depth, replanting of wetland vegetation and compatible native species to increase species diversity and improve the functional value of the habitat for native birds and wildlife.

Further, Suggested Modifications 1 and 2 will both require that the retention basin/drainage pond on this site to be maintained only in accordance with the specific standards described in the Ellinwood Parcel (APN 004-013-026) Overlay District , in Chapter 14.43 of the zoning code (added pursuant to the subject amendment). The change to this policy is site-specific because this particular 0.13 acre pond, although classified as a wetland, was constructed as a stormwater retention basin/drainage device pursuant to a coastal development permit for the specific purpose of managing drainage on the site. This retention basin/pond has functioned as a drainage device since it was constructed to direct runoff away from the existing residence and other structures on the site.

Further, as proposed, a 35-foot setback from the retention basin/pond will be required for all new structures in order to allow the retention basin/pond to function appropriately as a drainage device for water flow control purposes. A 35-foot setback is necessary to provide protections for water quality. New development near the drainage has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems. Any residential development on the property will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be

expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health. Therefore, in order to minimize the potential for such adverse impacts to water quality, a 35-foot setback is required.

Additionally, to maintain water quality, the Ellinwood Parcel (APN 004-013-026) Overlay District in Chapter 14.43 of the zoning code, **Suggested Modification 2**, establishes specific standards relating to retention basin/drainage pond maintenance, wetland enhancement, permanent stormwater management, and drainage and erosion control plans. These standards will minimize impacts to aquatic resources resulting from runoff both during construction and in the post-development stage.

Native Tree Protections

In addition to the wetland habitat provided by the detention basin/drainage pond on site, the site also contains approximately 150 trees, including 32 coast live oak trees, 3 sycamore trees, and 2 redwood trees and several myoporum and eucalyptus trees. Although the native trees on the parcel are not considered to be an environmentally sensitive habitat area, native trees are important coastal resources under the Coastal Act and the City's LUP. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species. These trees can be easily damaged. For example, oak trees are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, stretching as far as 50 feet beyond the spread of the canopy, although the area within the "protected zone" (the area around an oak tree that is five feet outside the dripline is the most important). Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree or other native tree results in the total loss of the habitat values of the tree. Encroachments into (in other words, portions of the proposed structures, or grading will be located within) the protected zone of an oak tree can also result in significant adverse impacts. Encroachments of development will result in impacts including, but not limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree.

In order to ensure that oak trees and other native trees on the Ellinwood parcel are protected in compliance with the LUP policies cited above, **Suggested Modification 2**, which adds the Ellinwood Parcel (APN 004-013-026) Overlay District to Chapter 14.43 of the zoning code, requires a Tree Protection and Replacement Plan, prepared by a qualified arborist or resource specialist, to be implemented as part of any new development project on the parcel. The Tree Protection and Replacement Plan contains development standards to assure the protection of native trees to the maximum extent feasible.

For the reasons discussed above, the Commission finds that the proposed LUP amendment, as suggested to be modified, is consistent with the marine resource, water quality, wetland and environmentally sensitive habitat protection policies of Chapter Three of the Coastal Act. Further, the Commission finds that the proposed LIP amendment, as suggested to be modified, conforms to and is adequate to carry out the marine resource, water quality, wetland and environmentally sensitive habitat protection policies of the certified City of Carpinteria Land Use Plan.

C. LAND USE, NEW DEVELOPMENT, AND CUMULATIVE IMPACTS COASTAL ACT POLICIES

1. Coastal Act Policies

Section 30250 of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

2. Existing LUP Policies

Sphere of Influence/Urban Rural Boundary

The City strongly favors a firm urban/rural boundary between the incorporated area of Carpinteria and the rural areas of Carpinteria valley. This is consistent with Coastal Act policies. There are areas adjacent to the City that merit inclusion in the City because they are either already developed in urban use or area a logical

extension of City boundaries given the existing pattern of development or need for public services.

...

Proposed Additions to the Sphere of Influence: Ellinwood Site

This property of approximately 3.9 acres is located at the west end of the City, on the east side of Cravens Lane approximately 800 feet north of Via Real. The City limit is contiguous with the west and south boundary of the area. Existing use of the property includes two single-family homes, a barn and several out buildings. Also, many Coast live oaks are on the property. Adjacent uses include a mobile home park to the west, a condominium project to the south, greenhouses to the east and a packinghouse and proposed storm water retention basin to the north. Partial street improvements front the property and all utilities are available to the site. The area has been selected due to it being contiguous to city limits and surrounded by either urbanized development or intensive agricultural development (i.e. packinghouse, greenhouse and retention basin). Further, the area provides an opportunity to establish a transition from higher density condominium development to the south to agricultural uses to the north. The transition area is intended to support City and Coastal Act policies for stabilizing the urban/rural boundary and concentrating urbanized development in areas contiguous to existing neighborhoods. A Medium Density Residential (MDR) land use designation is proposed. This designation allows for consideration of residential use ranging from 4.7 – 20 du/ac. Development of the area would be constrained by the need to establish appropriate separation from the existing packinghouse uses in order to minimize conflicts...

Land Use Element Objective LU-1:

Establish the basis for orderly, well planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public.

Land Use Element Policy LU-1d:

Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space/recreation or agriculture (as shown on Figure LU-1) are compatible with these public resources and will not be detrimental to the resource.

Land Use Element Objective LU-2:

Protect the natural environment within and surrounding Carpinteria.

Land Use Element 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.

Land Use Element 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.

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-n:

Setbacks shall be created between agricultural and urban uses. The responsibility of providing the buffer shall rest with the property intensifying its use. The buffer shall rest with the property intensify its use. The buffer shall be adequate to prevent impacts to adjacent agricultural production. Such impacts include increased limitations on the use of chemicals and fertilizers and increased conflicts between the urban use and the adjacent agricultural operations.

Land Use Element Objective LU-7:

Adopt and amend as necessary a Sphere of Influence that serves to establish the basis for annexation of certain land contiguous to city limits.

Land Use Element Policy LU-7a:

The Sphere of Influence shall be established in support of urban/rural limit line and in anticipation of annexing identified properties that are either already developed in urban use or meet the strict requirements of the Coastal Act for conversion from agricultural to urban use.

3. Discussion

The City of Carpinteria Local Coastal Program requires that new development shall be located contiguous to existing developed areas of the City while protecting the natural environment. In the certified LCP, the City has identified the Ellinwood parcel as an appropriate site to annex to the City and use to establish a transition from higher density condominium development to the south to agricultural uses to the north. Although the annexation has not yet been considered by LAFCO, the annexation is likely in this case because the parcel is within the City's Sphere of Influence. The site is immediately adjacent to the City's northern border, and outside of the city's urban-rural boundary.

(Exhibits 1-4) The parcel is currently designated by the County for agricultural use (AG 1-5), but is not in agricultural production. The site contains an historic single family residence and barn and is adjacent to condominium complexes to the south, mobile home parks to the west, an agricultural warehouse on prime agricultural land to the east, and an agricultural parcel containing a single family residence and a County water retention basin to the north.

Under the City's certified LCP, the land use designation of the subject 3.87 acre parcel is Medium Density Residential (MDR). (Exhibit 1) The City proposes to amend the zoning map to include the parcel within the City boundary and to zone the parcel as Planned Unit Development (PUD) for residential use. (Exhibit 2) Although the parcel is currently designated for agricultural use by Santa Barbara County, the proposed change from agriculture to residential was already approved under LCP Amendment CPN-MAJ-1-01 when the Commission approved a parallel addition of the parcel to the Land Use Plan map with the land use designation of the site as "Medium Density Residential" (MDR) in August 2002. The MDR land use category provides for a range of small lot detached or attached single-family and attached multi-family residences. The MDR designation allows for consideration of residential uses ranging from 4.7 to 20 dwelling units/acre, including single-family homes, mobile homes, apartments, townhouses, and condominiums. The proposed rezone to Planned Unit Development (PUD), allowing residential uses, is consistent with the residential land use designation of MDR. The Planned Unit Development zone district allows a several different uses subject to development plan approval by the City, pursuant to Chapter 14 zoning Code 14.16.040, as follows:

1. Residential units, either attached or detached, including single-family dwellings, rowhouses, townhouses, apartments, condominiums, modular homes, and mobile homes on a permanent foundation; provided, that the units are clustered to the maximum extent feasible; for modular/mobile home PUD's, see Chapter 14.17;
2. Recreational facilities, including but not limited to, tennis courts, swimming pools, playgrounds, and parks for the private use of the prospective residents, provided such facilities are not operated for remuneration;
3. Commercial recreational facilities that are compatible with the residential units;
4. Community center facilities, i.e., day care center, laundromat, meeting rooms, for use by residents of the development;
5. Visitor-serving commercial facilities, i.e., a motel or restaurant; provided, that the planning commission may reduce the residential density otherwise permitted to accommodate facilities that provide overnight lodging, based on a determination that the increased density caused by the overnight lodging facility would have an adverse effect on prospective residents or on the surrounding environment; examples include an adverse effect on an environmentally sensitive habitat, major views to the ocean or foothills, and public access to the shoreline;
6. Convenience establishments of a commercial and service nature such as a neighborhood store designed and built as an integral part of the development and

providing facilities primarily designed to serve the needs of prospective residents may be permitted, subject to the finding that such commercial use would not be materially detrimental to existing commercial development in the downtown area;

7. Open space uses such as parks, viewing areas, hiking, biking, and equestrian trails;

8. Uses, buildings and structures incidental, accessory and subordinate to permitted uses, subject to the provisions of this zoning district. (Ord. 315 § 1 (part), 1981)

This provision of the zoning code allows for a variety of residential units and is inherently consistent with the residential MDR land use designation of the subject parcel. The zoning code amendment would not change the development potential on this parcel over what is currently allowed under the City's LUP.

Although the proposed amendment to the zoning map is consistent with the land use designation for the subject site pursuant to the certified LUP, the Commission finds that the creation of a new residential PUD on site would still allow for construction of new moderately dense residential development which may result in significant cumulative development impacts to coastal resources. LUP Policy LU-1 requires that new development provide for orderly, well planned urban development while protecting coastal resources. Further, LUP Policy LU-2 requires new development protect the natural environment within and surrounding Carpinteria. In this case, in order to offset any new potential adverse cumulative impacts to the natural environment and to provide for well planned urban development in a manner that is also protective of coastal resources and consistent with the above referenced policies of the certified LCP, the property owner is proposing to incorporate several environmentally sustainable design features into any new residential development on the subject site. As proposed, these design features would include construction of new residences in a manner that is anticipated to be certified by the U.S. Green Building Council as Leadership in Environmental Design (LEED) certified. In addition, the applicant has informed staff that the project has been accepted as part of the "LEED for HOMES" pilot project and is proposed to result in the highest Platinum rating. The City has informed Commission staff that the City intends to require these environmentally sustainable design features as conditions of approval for any coastal permit approved for new development on the project site. However, the LCP amendment, as submitted, does not provide for these provisions. Therefore, **Suggested Modification 2** is necessary to ensure that the proposed LEED design features are incorporated into any new residential development projects on the subject site in a manner that will ensure that adverse cumulative impacts to coastal resources are minimized.

Further, as previously discussed, the subject parcel has not yet been annexed into the City of Carpinteria. As such, this proposed zoning map change would be a "pre-zone" until the annexation of the parcel is approved by LAFCO. As proposed, the pre-zone of the Ellinwood site will implement the MDR land use designation previously certified for the site and will be consistent with the development policies of the certified Land Use Plan. As such, the Local Implementation Plan amendment is consistent with and adequate to carry out the requirements of the relevant policies of the City's certified LUP.

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Carpinteria LCP Amendment 2-07 consists of an amendment to both the Land Use Plan (LUP) and the Local Implementation Plan (IP) portions of the certified LCP.

The proposed amendment is to the City of Carpinteria's certified Local Coastal Program Land Use Plan and Implementation Ordinance. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the intent of the applicable policies of the Coastal Act and the certified Land Use Plan and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the Coastal Act and certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

CITY OF CARPINTERIA LAND USE MAP



Legend

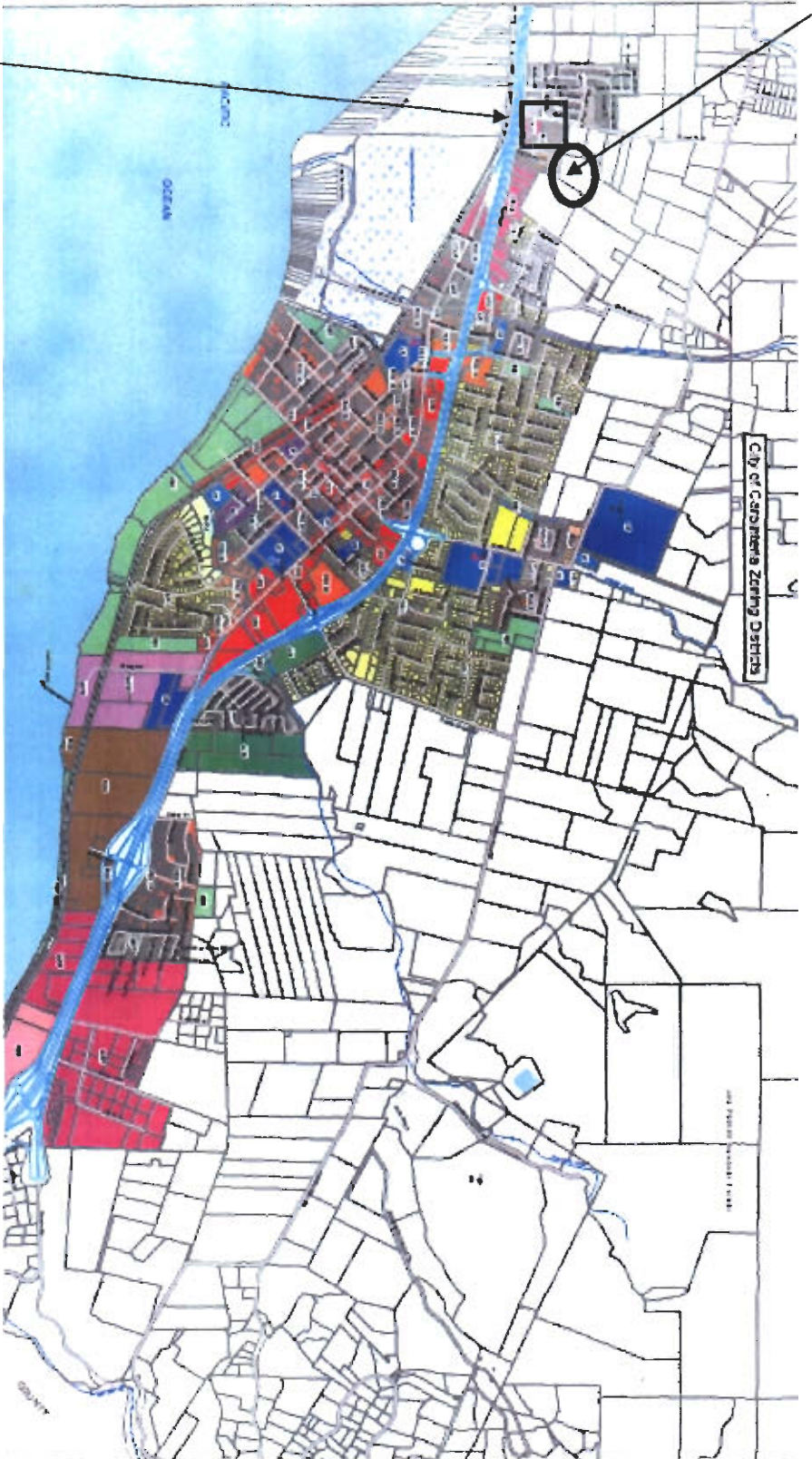
Land Use Designation	
AG	Agriculture
CDI	Coastal Dependent Industry
GC	General Commercial
GI	General Industry
LDR	Low Density Residential
MDR	Medium Density Residential
OSR	Open Space/Recreation
PF	Public Facility
PUD	Planned Unit Development
RDI	Research Development Industrial
TC	Transportation Corridor
VC	Visitor-Serving Commercial



EXHIBIT NO.
APPLICATION NO.
CPN-MAI-2-07

City of Carpinteria Zoning Map

Ellinwood Parcel
APN 004-013-026
Proposed Planned Unit (PUD) Development
Zone Designation



Adjacent site zoned PUD developed with condominiums

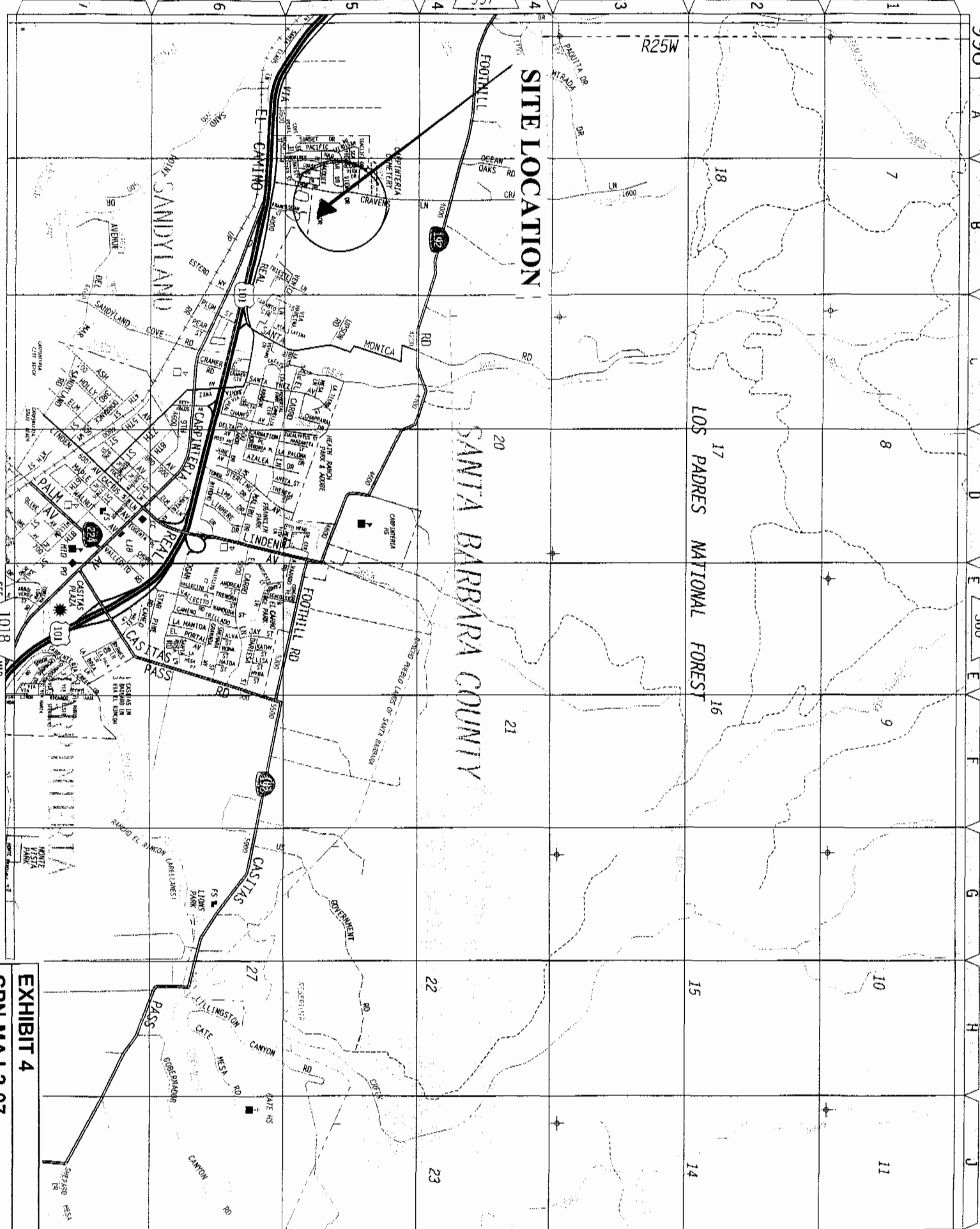
CPN-MAJ-2-07
Exhibit 2



City of Carpinteria Boundary line

1300 and 1326 Cravens Lane 3.87 acre parcel to be annexed and zoned residential

Exhibit 3
CPN-MAJ-2-07
Site Aerial



SITE LOCATION

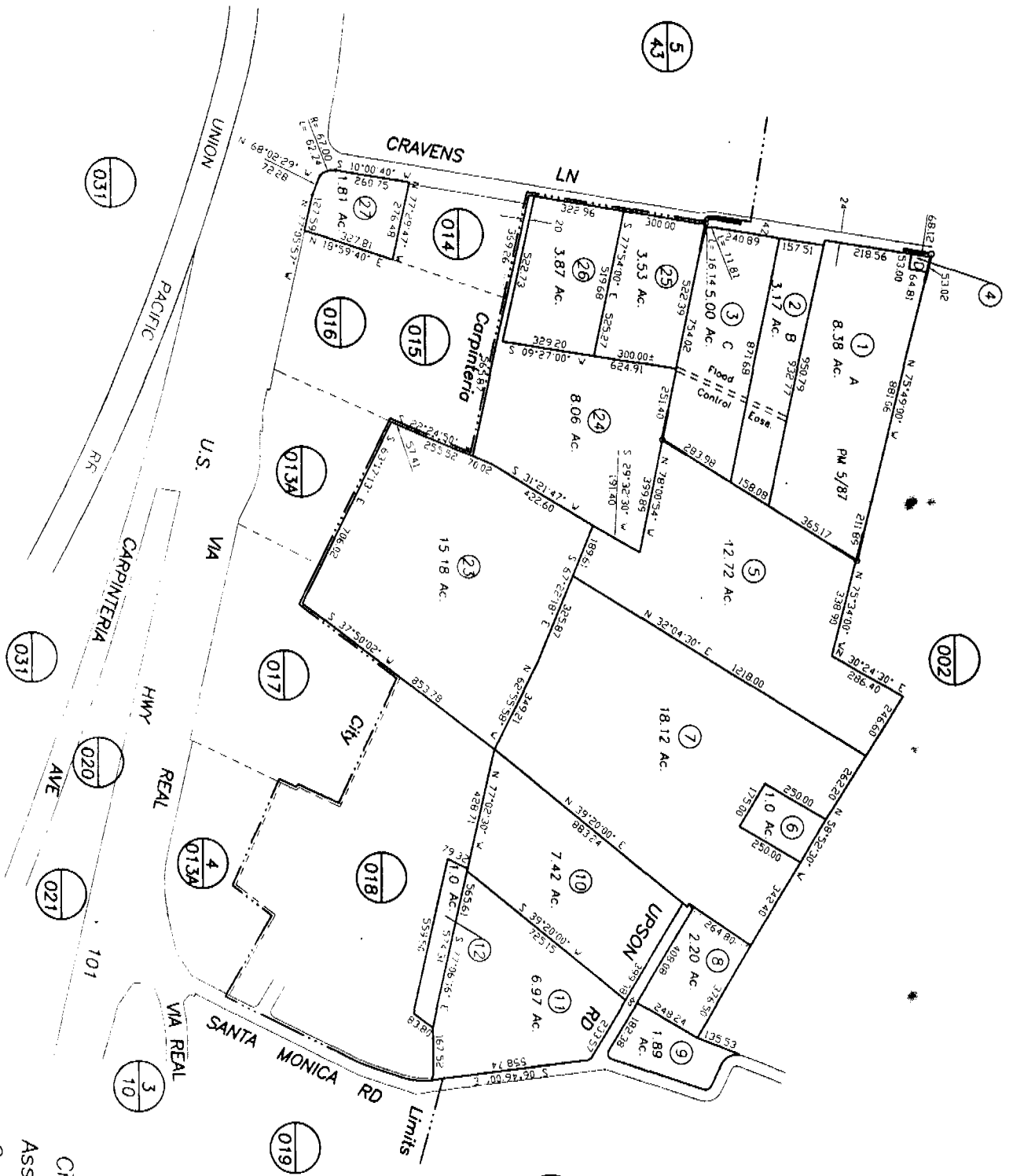
SANTA BARBARA COUNTY

LOS PADRES NATIONAL FOREST

SEE MAP 1018

EXHIBIT 4
CPN-MAJ-2-07
Vicinity Map

POR. PUEBLO LANDS



NOT
Assessor Parcels are
purposes only and do
not reflect legal
parcel legacy or a

City & Vicinity
Assessor's Map E
County of Santa

EXHIBIT 5
CPN-MAJ-2-07
Parcel Map for APN 004-013-026

RESOLUTION NO. 5077

A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL APPROVING A MITIGATED NEGATIVE DECLARATION AND DEVELOPMENT PLAN, VESTING TENTATIVE TRACT MAP, GENERAL PLAN/COASTAL PLAN TEXT AMENDMENT, REZONE AND COASTAL DEVELOPMENT PERMIT, CASE NO. 05-1239-DP/TM/GP/LCPA/RZ/CDP, TO CONSTRUCT A 31-UNIT CONDOMINIUM PROJECT. AN EXISTING RESIDENCE, BARN AND STORAGE SHED WOULD BE DISMANTLED, ONE EXISTING RESIDENCE WOULD BE REMODELED AND 30 NEW RESIDENTIAL UNITS WOULD BE CONSTRUCTED. TWENTY OF THE NEW RESIDENCES WOULD BE THREE-BEDROOM TOWNHOMES, TWO OF THESE WOULD BE AFFORDABLE. TEN OF THE NEW RESIDENCES WOULD BE ONE-BEDROOM FLATS, WITH TWO OF THESE AFFORDABLE. THE APPROXIMATELY 3.87-ACRE PARCEL IS ADDRESSED AS 1300 AND 1326 CRAVENS LANE

THE RESOLUTION INCLUDES, FOR THE PURPOSES OF SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION, THE ADOPTION OF ORDINANCE 625, A LOCAL COASTAL PROGRAM AMENDMENT TO REZONE APN 004-013-026 FROM AGRICULTURE, FIVE ACRE MINIMUM PARCEL SIZE (AG-1-5) UNDER THE JURISDICTION OF SANTA BARBARA COUNTY TO PLANNED UNIT DEVELOPMENT (PUD) UNDER CITY OF CARPINTERIA JURISDICTION
AND

A LOCAL COASTAL PROGRAM AMENDMENT FOR A COASTAL PLAN TEXT AMENDMENT TO MODIFY THE TEXT OF IMPLEMENTATION POLICY 12 OF THE WETLANDS DISCUSSION WITHIN THE OPEN SPACE, RECREATION & CONSERVATION ELEMENT OF THE CITY'S GENERAL PLAN/COASTAL PLAN AND POLICY 9-4 OF THE CITY'S COASTAL PLAN (JANUARY 1980).

WHEREAS, the City of Carpinteria received an application for a Development Plan, Vesting Tentative Tract Map, General Plan/Coastal Plan Text Amendment, Rezone and Coastal Development Permit filed by David Scott Ellinwood, FAIA, on July 22, 2005; and

WHEREAS, A full and complete copy of the project materials (Green Heron Spring: 05-1239-DP/TM/GP/LCPA/RZ/CDP) is on file with the City's Community Development Department, located at 5775 Carpinteria Avenue, Carpinteria, California; and

WHEREAS, said application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on July 6, 2006; and

WHEREAS, a Mitigated Negative Declaration was prepared for the project and was subject to a 30-day review period from December 29, 2006 to January 29,

EXHIBIT 6

CPN-MAJ-2-07

City of Carpinteria Resolutions

2007, with a second recirculated review period from June 1, 2007 to July 2, 2007; and

WHEREAS, the Environmental Review Committee reviewed the Draft Mitigated Negative Declaration on January 17, 2007 and passed it on to the City Council for approval with comments; and

WHEREAS, Conditions of approval include the mitigation measures from the Mitigated Negative Declaration; and

WHEREAS, the Carpinteria Planning Commission conducted noticed public hearings and received oral and written testimony related to the proposed project on July 2, 2007 and August 6, 2007; and

WHEREAS, a motion by the Carpinteria Planning Commission to approve the Preferred Alternative project with 31 total units resulted in a procedural denial with a vote split with two Ayes and two Noes on August 6, 2007; and

WHEREAS, the City Council conducted noticed public hearings on September 24, October 22, and November 13, 2007, and received oral and written testimony related to 05-1239-DP/TM/GP/LCPA/RZ/CDP; and

WHEREAS, the City Council has reviewed the policies of the General Plan, Coastal Plan, and the Zoning Code standards that are relevant to the project; and

WHEREAS, after considering the Planning Commission's Action, receiving public comment, due consideration, and discussion among the Council and staff, a majority of the City Council approved the project for submittal to the California Coastal Commission pursuant to Public Resources Code Section 30510 and Section 13551(b)(2) of Title 14 of the California Code of Regulations, certifying that the proposed Local Coastal Plan Amendment is intended to carry out the policies of the City's Local Coastal Program consistent with the California Coastal Act; and

WHEREAS, the LCP Amendments have been presented to the City Council of the City of Carpinteria concurrent with its review and consideration of the Project which cannot be effectuated unless and until the Coastal Commission final certification of the LCP Amendments are complete and the property is annexed into the City of Carpinteria; and

WHEREAS, the proposed Amendments approved for submittal to the California Coastal Commission by the City Council as set forth below reflects the recommendations of the Planning Commission and the City Council and will become effective after final certification by the California Coastal Commission; and

WHEREAS, documents constituting the record of proceedings on the Project are located and under the custody of the City of Carpinteria, Community Development Director, 5775 Carpinteria Avenue, Carpinteria, California.

NOW THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:


1. The Development Plan, Vesting Tentative Tract Map, General Plan/Coastal Plan Text Amendment, Rezone and Coastal Development Permit for the project shown in Exhibit 1, Attachment B is approved subject to the conditions set forth in Exhibit 1, Attachment C.
2. The Final Mitigated Negative Declaration (State Clearinghouse No. 2006121116) shown in Exhibit 1, Attachment D to the Staff report dated November 13, 2007 is approved.
3. Pursuant to Public Resources Code Section 30510 and California Code of Regulations Section 13551(b)(2), the City Council held a public hearing on the proposed amendment to the LCP and is transmitting this proposed amendment to the California Coastal Commission for submittal and filing pursuant to California Code of Regulations, Title 14 Section 13551(b)(2).

PASSED, APPROVED AND ADOPTED this 13th day of November, 2007 by the following called vote:

AYES: COUNCILMEMBER(S): Carty, Armendariz, Ledbetter

NOES: COUNCILMEMBER(S): Clark, Stein

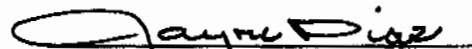
ABSENT: COUNCILMEMBER(S): None


Michael Ledbetter, Mayor

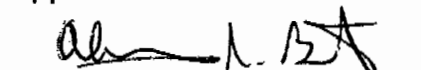
ATTEST:


Jayne Diaz, City Clerk

I hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 13th of November, 2007.


Jayne Diaz, City Clerk

Approved as to form:


City Attorney

RESOLUTION NO. 5081

RESOLUTION OF APPLICATION OF THE CITY OF CARPINTERIA INITIATING PROCEEDINGS FOR THE GREEN HERON SPRING ANNEXATION

WHEREAS, the City desires to initiate a proceeding for the adjustment of boundaries specified herein;

NOW, THEREFORE, the City Council does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal is an annexation to the City.
3. A map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein.
4. It is desired that the proposal be subject to the condition that the territory being annexed shall be liable for any authorized or existing City taxes, comparable to properties presently within the City.
5. The reason for the proposal is to allow for the development of the 33-residential unit Green Heron Spring condominium project within the City of Carpinteria and thereby complete the action that had begun for the property with the City's General Plan/Coastal Plan update in 2003 .
6. The proposal is consistent with the Sphere of Influence of the City of Carpinteria.

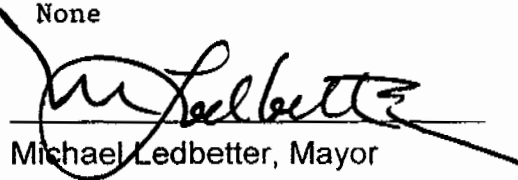
7. Consent is hereby given to the waiver of conducting authority proceedings.

PASSED, APPROVED AND ADOPTED this 13th day of November, 2007 by the following called vote:


AYES: COUNCILMEMBER(S): Carty, Armendariz, Ledbetter

NOES: COUNCILMEMBER(S): Stein, Clark


ABSENT: COUNCILMEMBER(S): None


Michael Ledbetter, Mayor

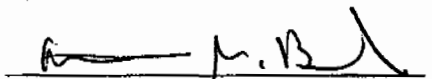
ATTEST:


Jayne Diaz, City Clerk

I hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 13th day of November, 2007.


Jayne Diaz, City Clerk

Approved as to form:


Peter N. Brown, City Attorney

Reference: Government Code Section 56654

Exhibit "A"

**Ellinwood Annexation
to the City of Carpinteria
LAFCO No. 06-XX**

Legal Description

That portion of the land in the County of Santa Barbara, State of California, described as follows:

Commencing at the intersection of the easterly line of City of Carpinteria Annexation No. 26, as described in Carpinteria City Council Resolution No. 1667, adopted May 11, 1987, with the northerly line of City of Carpinteria Annexation No. 20, as described in Resolution No. 82-620, adopted June 24, 1982 by the Santa Barbara Local Agency Formation Commission, said point of intersection being at the southerly terminus of the sixth course of the annexation area described in said Resolution No. 1667, said course being recited as having a bearing and distance of "South 10°00'40" West, 645.61 feet"; thence, along said sixth course and the easterly line of Cravens Lane, 24.00 feet wide, North 10°00'40" East, 20.02 feet to the southwest corner of the parcel described in the deed to David Scott Ellinwood recorded in the office of the Santa Barbara County Recorder January 7, 2000 as Instrument No. 2000-0001079 of Official Records, said corner being the True Point of Beginning;

Thence, 1st, along the southerly line of said Ellinwood parcel, South 77°14'00" East, 516.64 feet to the southeasterly corner thereof;

Thence, 2nd, along the easterly line of said parcel, North 09°27'00" East, 329.20 feet to the northeasterly corner of said parcel;

Thence, 3rd, along the northerly line of said parcel, North 77°54'00" West, 513.16 feet to a point in said sixth course of said Resolution No. 1667, and said easterly line of Cravens Lane;

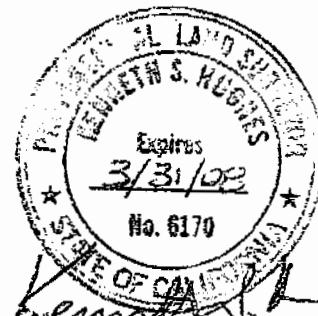
Thence, 4th, along said easterly line and the boundary of said Resolution, South 10°00'40" West, 323.05 feet to the True Point of Beginning.

Containing 3.85 acres, more or less.

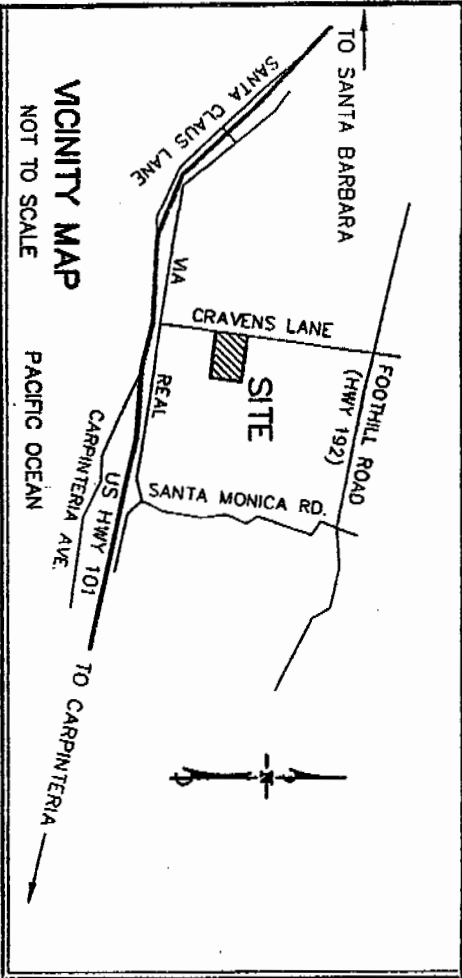
End of description

Prepared by:
Kenneth S. Hughes PLS 6170
License expiration date:
March 31, 2008

Page 1 of 1



Kenneth S. Hughes
MAY 18, 2006



VICINITY MAP
NOT TO SCALE

EXHIBIT "B"

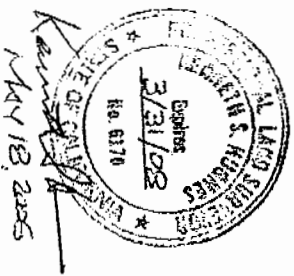
SHEET 1 OF 2

APPROVED AS TO FORM
AND SURVEYING CONTENT

MICHAEL B. EMMONS PLS 5899
SANTA BARBARA COUNTY SURVEYOR
LICENSE EXPIRATION 12/31/2006

PREPARED BY:
KENNETH S. HUGHES
PLS 6170
LICENSE EXPIRATION
DATE: 3/31/08

Penfield & Smith
ENGINEERS • SURVEYORS
101 EAST VICTORIA STREET
SANTA BARBARA, CA 93101
(805) 963-9532
W.O. 16317 01 16317-CITY-ANNEX DWG



ELLINWOOD ANNEXATION TO THE
CITY OF CARPINTERIA

RECEIVED

LAFCO NO. 06-XX

JUN 4 2006

INSTRUMENT NO. 2000-0001079 O.R.

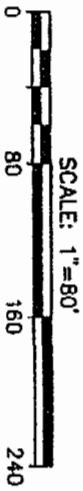
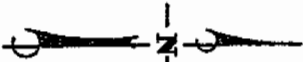
COMMUNITY DEVELOPMENT
DEPT

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

ELLINWOOD ANNEXATION TO THE
CITY OF CARPINTERIA

LAFCO NO. 06-XX

CARPINTERIA CITY BOUNDARY PER
CARPINTERIA CITY COUNCIL
RESOLUTION NO. 1867, FOR
ANNEXATION NO. 26, ADOPTED
MAY 11, 1987.



- LEGEND**
- = EXISTING CARPINTERIA CITY BOUNDARY
 - = PROPOSED CARPINTERIA CITY BOUNDARY
 - = COURSE NUMBER IN LEGAL DESCRIPTION

Penfield & Smith
ENGINEERS • SURVEYORS

101 EAST VICTORIA STREET
SANTA BARBARA, CA 93101
(805) 963-9532

RECEIVED

JUN 14 2006

COMMUNITY DEVELOPMENT
DEPT.

16317-CITY-ANNEX.DWG

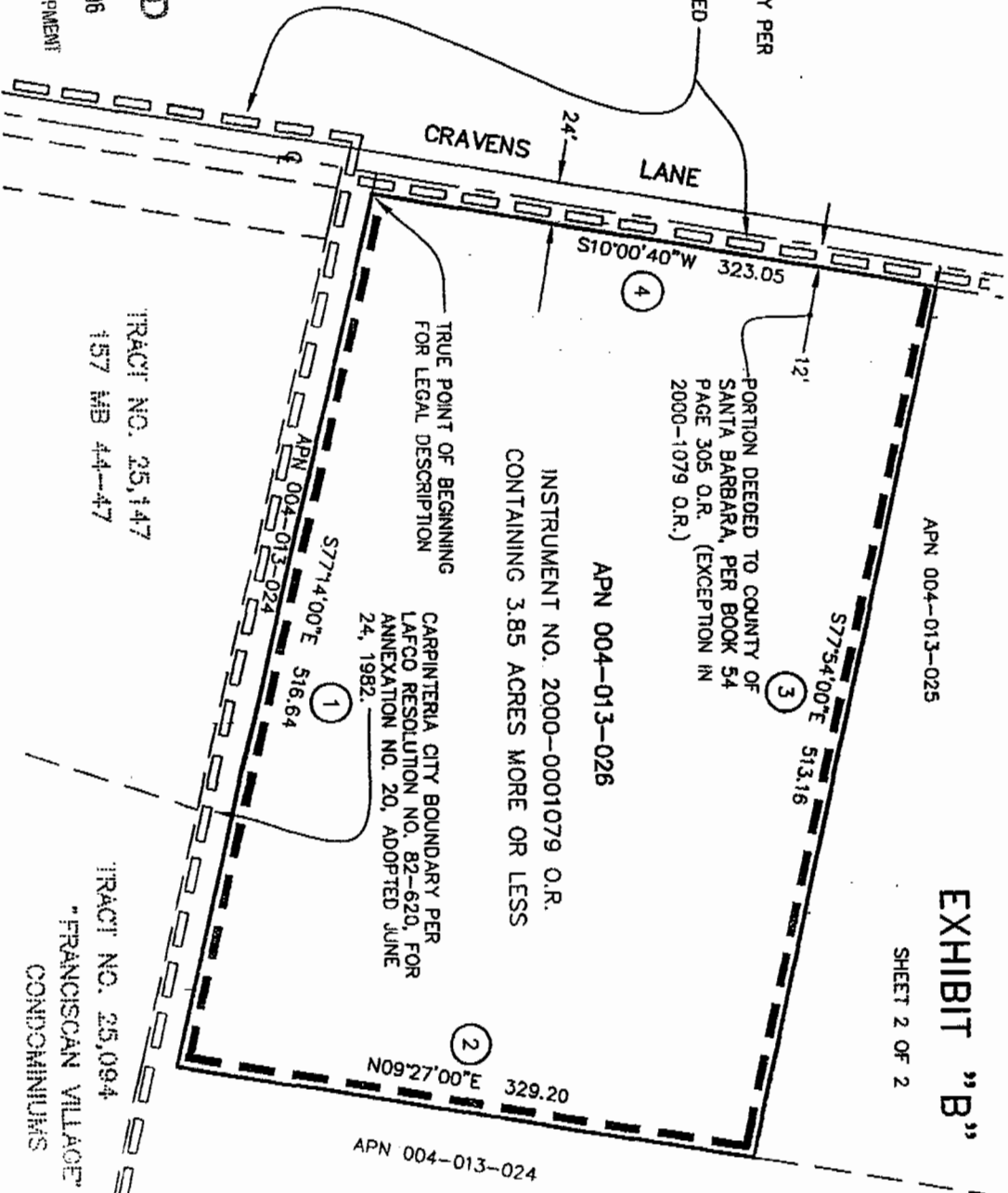


EXHIBIT "B"

SHEET 2 OF 2

ORDINANCE NO. 625

AN ORDINANCE OF THE CARPINTERIA CITY COUNCIL
AMENDING THE CITY'S OFFICIAL ZONING MAP
TO CHANGE THE ZONE ON ASSESSOR'S PARCEL NUMBER 004-013-026
FROM AGRICULTURE, FIVE ACRE MINIMUM PARCEL SIZE (AG-1-5) UNDER THE
JURISDICTION OF SANTA BARBARA COUNTY, TO PLANNED UNIT DEVELOPMENT
(PUD) UNDER CITY OF CARPINTERIA JURISDICTION

PROJECT NO. 05-1239 GREEN HERON SPRING DP/TM/GP/LCPA/RZ/CDP
1300 AND 1326 Cravens Lane

WHEREAS, the City of Carpinteria received an application for a Development Plan, Vesting Tentative Tract Map, General Plan/Coastal Plan Text Amendment, Rezone and Coastal Development Permit filed by David Scott Ellinwood, FAIA, on July 22, 2005;

WHEREAS, said application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on July 6, 2006; and

WHEREAS, a Mitigated Negative Declaration was prepared for the project and was subject to a 30-day review period from December 29, 2006 to January 29, 2007, with a second recirculated review period from June 1, 2007 to July 2, 2007; and

WHEREAS, the Environmental Review Committee reviewed the Draft Mitigated Negative Declaration on January 17, 2007 and passed it on to the City Council for approval with comments; and

WHEREAS, Conditions of approval include the mitigation measures from the Mitigated Negative Declaration; and

WHEREAS, the Carpinteria Planning Commission conducted noticed public hearings and received oral and written testimony related to the proposed project on July 2, 2007 and August 6, 2007; and

WHEREAS, a motion by the Carpinteria Planning Commission to approve the Preferred Alternative project with 31 total units resulted in a procedural denial with a vote split with two Ayes and two Noes on August 6, 2007; and

WHEREAS, the City Council has conducted a noticed public hearing and received oral and written testimony related to 05-1239-DP/TM/GP/LCPA/RZ/CDP; and

WHEREAS, the City Council has reviewed the policies of the General Plan, Coastal Plan, and the Zoning Code standards that are relevant to the project; and

WHEREAS, a rezone of the property is necessary for the above mentioned project;

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

WHEREAS, the City Council has determined, consistent with applicable policies, that a rezone of Assessor’s Parcel Number 004-213-026 from Agriculture 1 (AG-1-5) to Planned Unit Development (PUD) is appropriate and promotes the public health, safety, and welfare.

NOW THEREFORE, the Carpinteria City Council does hereby ordain as follows:

SECTION 1. INCORPORATION OF RECITALS

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

SECTION 2. APPROVAL OF REZONE.

Following a duly noticed public hearing and upon the recommendation of the Planning Commission, the City of Carpinteria Official Zoning map, as adopted by Ordinance Number 315 on October 12, 1981, and subsequently amended, is hereby further amended as follows and as shown on the attached Exhibit:

<u>Assessor’s Parcel</u>	<u>Existing SB Co. Zone</u>	<u>Proposed City Zone</u>
004-213-026	Agriculture 1 (AG-1-5)	Planned Unit Development (PUD)

SECTION 3. EFFECTIVE DATE.

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

SECTION 4: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

PASSED, APPROVED AND ADOPTED this 13th day of November, 2007 by the following vote:

AYES: Councilmember(s): Carty, Armendariz, Ledbetter

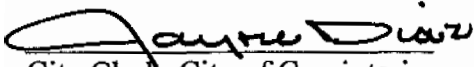
NOES: Councilmember(s): Stein, Clark

ABSENT: Councilmember(s): None



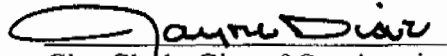
Mayor, City of Carpinteria

ATTEST:



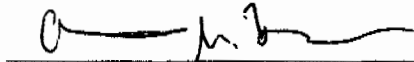
City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria on the 13th day of November, 2007.



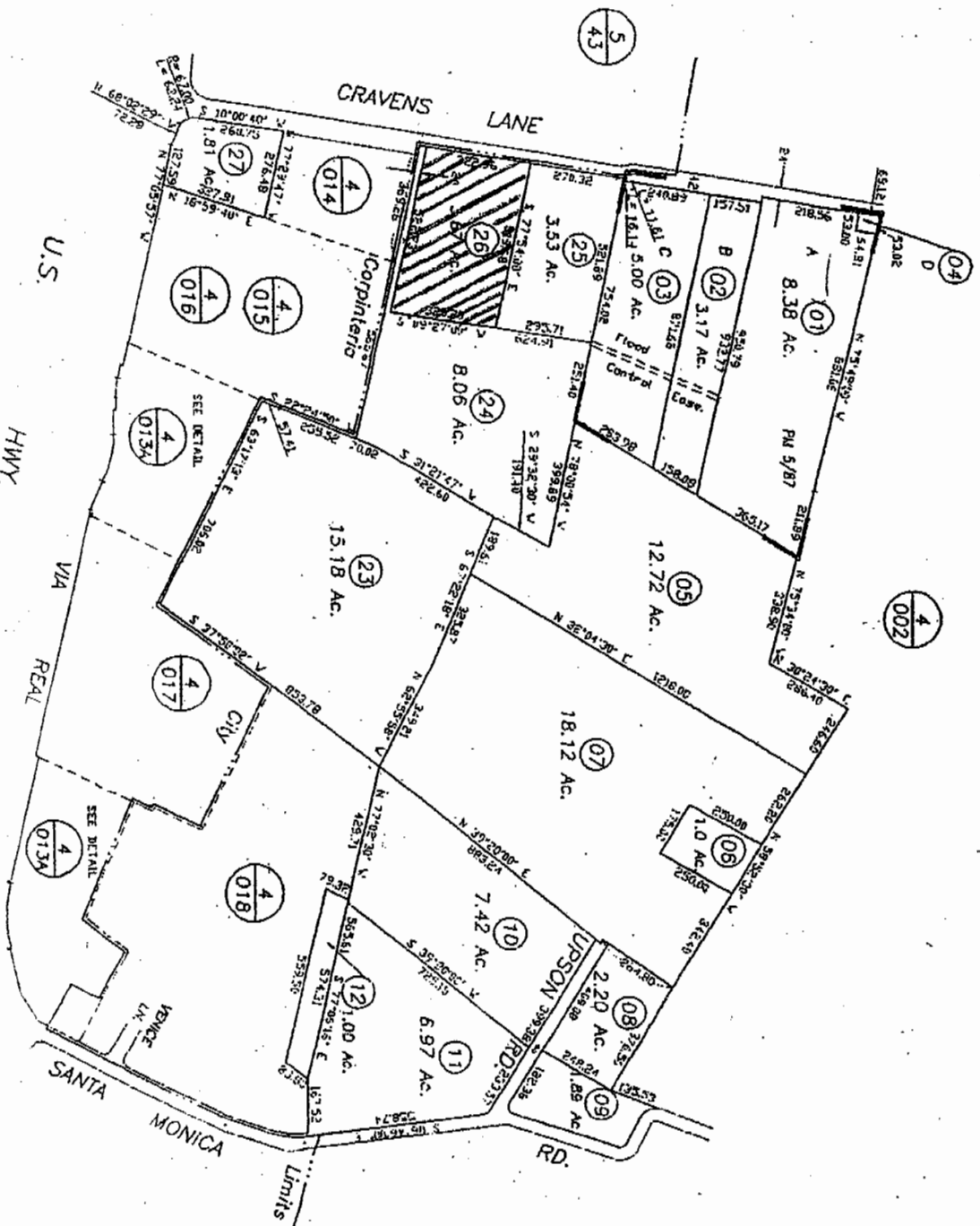
City Clerk, City of Carpinteria

APPROVED AS TO FORM:



City Attorney

PUEBLO LANDS



4-013

Page 1 of 2

NOTICE
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City & Vicinity of Carpinteria
 Assessor's Map Bk. 4 -Pg. 013
 County of Santa Barbara, Calif.

7/92

California Coastal Commission
 SOUTH CENTRAL COAST REGIONAL COMMISSION
 1224 COAST VILLAGE CIRCLE, SUITE 36
 SANTA BARBARA, CALIFORNIA 93108
 (805) 969-5828



file

COASTAL DEVELOPMENT PERMIT

On September 21 1978, by a vote of 9 to 0, 3 absent, the

California Coastal Commission granted to Scott Ellinwood

Permit # 184-01, subject to the conditions set forth below, for

development consisting of Deposition of creek materials (removed from various creeks

by Co. Flood Control), on the property in order to raise portions of the property

for the acc. of 1) incr. soil depth over high water table; 2) deflect overland flood waters arnd house & barn; i3) allow replanting of 120 tree avocado orchard lost in last years rains.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Santa Barbara County

at 1300-1326 Cravens Lane, Carpinteria, (APN 3-050-24)

After public hearing held on September 21, 1978, the Commission found that, as conditioned, the proposed development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; if between the sea and the public road nearest the sea, is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; and either (1) will not have any significant adverse impact on the environment, or (2) there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the development as approved may have on the environment.

Issued on behalf of the South Central Coast Regional Coastal Commission on September 21, 1978, 1978.

Carl C. Hetrick
 Executive Director

The undersigned permittee acknowledges receipt of the California Coastal Commission Permit # 184-01, and fully understands its contents, including all conditions imposed. (PTease return one signed copy to the South Central Coastal Commission as soon as possible; upon receipt of same, the permit card will be mailed to you to post on project property.

DATE

PERM

EXHIBIT 8

CPN-MAJ-2-07

CDP 184-01

Permit # 184-01, is subject to the following conditions:-----


I. STANDARD CONDITIONS

1. Assignment of Permit This permit may not be assigned to another person except as provided in Cal. Admin. Code, Title 14, Section 13170.
2. Notice of Receipt and Acknowledgement Construction authorized by this permit shall not commence until a copy of this permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of its contents, is returned to the Commission.
3. Expiration If construction has not commenced, this permit will expire two (2) years from the date on which the Commission voted on the application. Application for extension of this permit must be made prior to the expiration date.
4. Construction All construction must occur in accord with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviations from the approved plans must be reviewed by the Commission pursuant to Cal. Admin. Code, Title 14, Sections 13164 - 13168.

II. SPECIAL CONDITIONS

See Attached Sheet.

The complete Permit Fee of \$ _____ must be submitted to the Commission. You have previously submitted \$ _____
PLEASE ENCLOSE THE REMAINDER (\$ _____) WITH YOUR SIGNED COPY OF THE PERMIT FORM.



CARL. C. HETRICK
Executive Director

CONDITIONS:

This project is subject to the following conditions:

1. That prior to the issuance of a coastal permit the applicant shall submit the following to the Executive Director for his review and approval.

a. A soils test report indicating the current texture of the existing soils on those parcels. Said test and report to be performed and prepared by a qualified individual(s).

b. Evidence assuring that the soils to be placed on those parcels have been adequately sampled and selected (by soils tests), to be compatible with the existing soils and the long term agricultural productivity of the parcel.

c. If sampling of the fill indicates a need to improve its nutrient content: a fertilization schedule approved by the local Farm Advisor. The schedule shall have the following as its primary objectives:

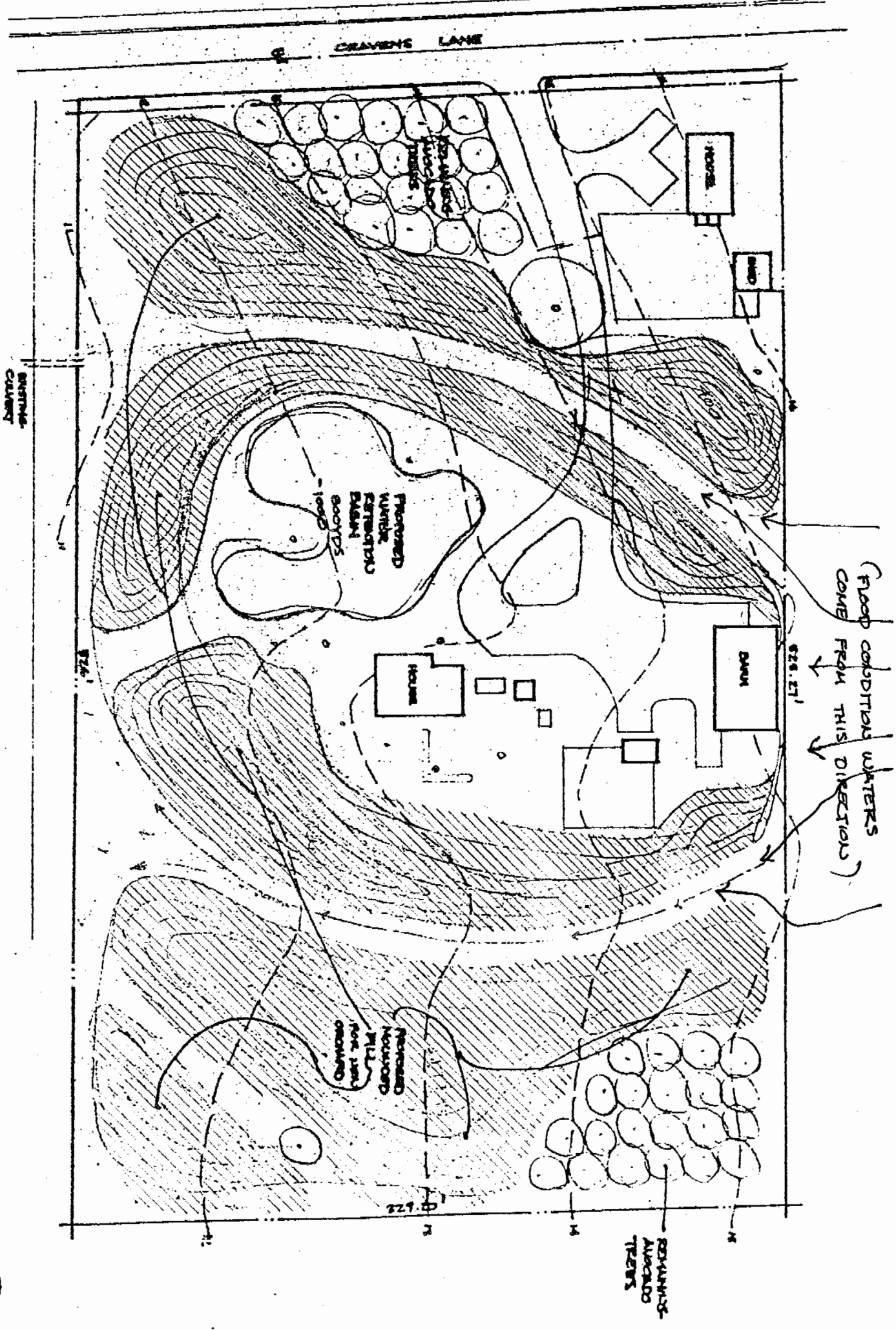
(1) The maximum protection of the Carpinteria Slough from the adverse impacts of intrusion by agricultural run-off containing excessive nitrogen from fertilizers;

(2) Consistent with item (1) above, the attainment of optimum soil productivity.

2. The operations of fill transport and placement shall be conducted in a manner minimizing the creation of airborne soil particles.

PM/nc

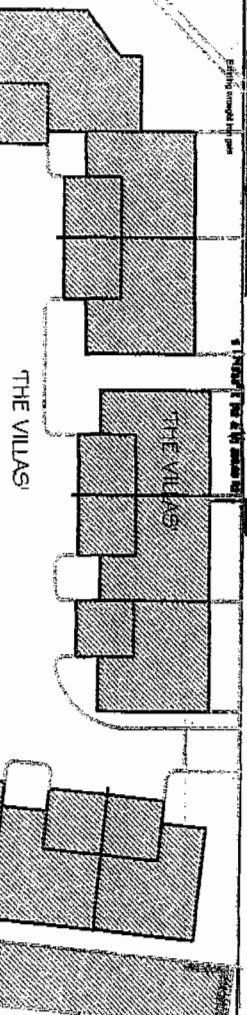
SCOTT ELLINWOOD
 1300 GRAVES LANE
 CARPINTERIA, CA.



SCALE: 1" = 40'
 A.P. NO: 3.05.024
 7000 SQ YDS IMPROVED FILL



CRAVENS LANE



FRANCISCAN VILLAGE

32 NEW UNITS:
 22 - 3 Bdrm T.H.
 10 - 4 Bdrm T.H.
 5 - 1 Bdrm Flats
 12 - 2 Bdrm Flats
 5 - 1 Bdrm Flats
 1 - Existing Res.
 (with lock)

33 - TOTAL UNITS
 (6 affordable)

Green Heron Springs
 an environmentally responsible residential development
 1300 - 1326 CRAVENS LANE, COLUMBIAN LANE, A.F.W. 004-01-5025

SCOTT ELLIWOOD & ASSOCIATES
 INCORPORATED

EXHIBIT 9

CPN-MAJ-2-07

Green Heron Spring Illustrative Site Plan