

CALIFORNIA COASTAL COMMISSION

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



F17b

DATE: March 24, 2016

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Jacqueline Phelps, Coastal Program Analyst

SUBJECT: City of Carpinteria Local Coastal Program Amendment No. LCP-4-CPN-14-0832-1-Part B for Public Hearing and Commission Action at the April 15, 2016 Commission Meeting in Santa Rosa.

DESCRIPTION OF THE SUBMITTAL

The City of Carpinteria ("City") is requesting an amendment to the Implementation Plan (IP) component of its certified Local Coastal Program (LCP) to add provisions relating to density bonus, transitional and supportive housing, single room occupancy housing, agricultural employee housing, emergency shelters, and housing for persons with disabilities.

The City of Carpinteria submitted Local Coastal Program Amendment LCP-4-CPN-14-0832-1-Part B to the Commission on September 26, 2014. After the submittal of additional information requested by Commission staff, the amendment proposal was deemed complete and filed on February 10, 2015. At the April 17, 2015 hearing, the Commission granted a one year time extension to act on the subject amendment pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c).

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **deny** the proposed City of Carpinteria LCP Amendment No. LCP-4-CPN-14-0832-1-Part B as submitted, and **approve** the proposed amendment with six suggested modifications. The modifications are necessary because the proposed amendment to the IP, as submitted, does not conform with and is inadequate to carry out the provisions of the Land Use Plan. The motions to accomplish this recommendation are found on **Page 4** of this staff report.

The City is proposing to add provisions relating to density bonus, transitional and supportive housing, single room occupancy housing, agricultural employee housing, emergency shelters, and housing for persons with disabilities. With regard to transitional and supportive housing, single room occupancy housing, emergency shelters, and housing for persons with disabilities, the proposed amendment, incorporates and updates provisions consistent with the goals and objectives of the City's LUP. The proposed zoning code changes do not conflict with the provision of priority land uses identified in the LUP, nor do the proposed changes raise issue with regard to the resource protection or public access policies of the LUP. Therefore, the

Commission finds that these sections of the proposed amendment, as submitted, are adequate to implement the land use policies.

The subject amendment also includes the addition of new density bonus provisions. The key issues raised with regard to density bonuses and incentives are the potential impacts to coastal resources if incentives include a reduction in development standards or other requirements in a manner inconsistent with the resource protection policies of the LUP, and/or if no maximum limits are placed on the density bonuses. In this case, to ensure that bonuses are granted consistent with the resource protection policies of the LUP, **Suggested Modification One (1)**, clarifies that the City may grant an incentive to accommodate the density increase, unless the requested incentive will have an adverse effect on coastal resources. Furthermore, **Suggested Modification Two (2)** requires that any area of land that is not potentially developable due to hazards or other environmental and resource factors shall not be considered potentially developable lot area for the purposes of calculating base density.

Lastly, as a component of the subject amendment, the City has also proposed to add provisions regarding agricultural employee housing. The LUP contains several policies which require the protection of coastal agriculture, and as proposed the subject IP amendment would weaken the existing standards that require implementation of those protections. As such, in order to ensure the continued protection of agriculture, **Suggested Modification Five (5)** requires that the employee dwellings are only for employees engaged in agriculture, that dwellings are clustered to the maximum extent feasible, and that verification be submitted to the City which describes the need for the additional dwellings.

In conclusion, the proposed amendment to the IP will not be fully adequate to carry out the certified land use plan, for the above-stated reasons and is denied as submitted. With the suggested modification, however, the proposed IP amendment can be approved as being consistent with and adequate to carry out the certified land use plan.

Additional Information: For further information, please contact Jacqueline Phelps at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the City of Carpinteria Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission.

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EXHIBITS

Exhibit 1. [City of Carpinteria City Ordinance No. 668](#)

Exhibit 2. [Council Agenda Staff Report](#)

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act 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 Commission may suggest modifications... (Section 30513)

The standard of review for the proposed amendment to the Implementation Plan (Coastal Zoning Ordinance) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the Implementation Plan, would be 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.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings on the subject amendment request on July 7, 2014 and July 28, 2014. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of 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 that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves the proposed amendment pursuant to the staff recommendation, 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, Sections 13544 &

13544.5; and Sections 13542(b) and 13537(b)). If the Commission certifies the proposed LCP Amendment with suggested modifications and the City acts on those suggested modifications, then pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification 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, and the LCP amendment is not effective.

II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE IMPLEMENTATION PLAN AMENDMENT

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

A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

Motion:

*I move that the Commission **reject** City of Carpinteria Implementation Plan Amendment LCP-4-CPN-14-0832-1-Part B as submitted.*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan Amendment LCP-4-CPN-14-0832-1-Part B 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:

The Commission hereby **denies** certification of City of Carpinteria Implementation Plan Amendment LCP-4-CPN-14-0832-1-Part B, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan amendment, as submitted, does not conform with and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan 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 Plan amendment as submitted.

B. CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion:

*I move that the Commission **certify** City of Carpinteria Implementation Plan Amendment LCP-4-CPN-14-0832-1-Part B if it is modified as suggested in this staff report.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment LCP-4-CPN-14-0832-1-Part B 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:

The Commission hereby **certifies** the City of Carpinteria Implementation Plan Amendment LCP-4-CPN-14-0832-1-Part B, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan 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 Plan amendment 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 Implementation Plan Amendment 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.

III. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the proposed IP amendment, with seven modifications as shown below. Language presently contained within the certified LCP is shown in straight type. Language proposed to be added by the City of Carpinteria in this amendment is shown underlined. Language proposed to be deleted by the City of Carpinteria in this amendment is shown as ~~striketrough~~. Language recommended by Commission staff to be inserted is shown double underlined. Language recommended by Commission staff to be deleted is shown as ~~double striketrough~~.

1. Suggested Modification Number One

The following shall be added before Section 14.77.030 - Allowed Density Bonuses and numbered accordingly:

XX.XX.XXX – Protection of Coastal Resources

Within the Coastal Zone, any housing development approved pursuant to this Chapter to

include a density bonus, incentive(s), or concession(s) shall be consistent with all otherwise applicable certified local coastal program policies and development standards. Further, the City may grant the incentive or concession to accommodate the density increase in compliance with this section only if the requested incentive or concession will not have an adverse effect on coastal resources that is inconsistent with the certified local coastal program or the Chapter 3 policies of the Coastal Act.

2. Suggested Modification Number Two

Section 14.77.030 - Allowed Density Bonuses shall be modified as follows:

The Review authority shall determine the amount of a density bonus allowed in a housing development in compliance with this Section. For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable General Plan/Coastal Plan designation and zone as of the date of application by the applicant to the city. For purposes of calculating base density, any area of land on a given site in the Coastal Zone that is not potentially developable due to hazards or other environmental and resource factors (including but not limited to, areas of sensitive habitat or buffers to that sensitive habitat, steep slopes, public access ways, or geologic instability) shall not be considered potentially developable lot area and shall be excluded from the base density calculations (i.e., base density shall be determined based only on the potentially developable portion of a given site.).

3. Suggested Modification Number Three

Part C of Section 14.77.120 - Judicial Relief, Waiver of Standards shall be modified as follows:

- C. City exemption. Notwithstanding the provisions of Subsections A and B, above, nothing in this Section shall be interpreted to require the city to:
1. Grant a density bonus, incentive, concession or waive or reduce development standards, if the bonus, incentive, concession, waiver or reduction would have an adverse impact, as defined in Government Code §65589.5(d)(2), upon health, safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the adverse impact; or
 2. Grant a density bonus, incentive, concession or waive or reduce development standards, if the bonus, incentive, concession, waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
 3. Grant a density bonus, incentive, concession or waive or reduce development standards, if the bonus, incentive, concession, waiver or reduction would be inconsistent with the Coastal Act or the City's certified Local Coastal Program. Rather, the city may only grant a density bonus, incentive, concession or waive or reduce development standards, if the bonus, incentive, concession, waiver or

reduction is consistent with the Coastal Act and the City’s certified Local Coastal Program.

4. Suggested Modification Number Four

Section 14.08.222 – Employee Housing shall be modified as follows:

“Employee housing” has the same meaning as that term is defined in Section 17008 of the Health and Safety Code, or successor statute.

5. Suggested Modification Number Five

Section 14.32.030 - Uses Permitted for the Agricultural Zoning District shall be modified as follows:

Uses permitted in the A district are as follows:

1. All types of agriculture and farming except a poultry ranch, dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this district;
2. Noncommercial raising of animals not to exceed one horse, mule, or cow; or three (3) goats, hogs, or other livestock not specifically enumerated in this chapter, shall be permitted for each twenty thousand (20,000) square feet of area of the parcel of land upon which the same are kept, except that no more than three (3) hogs shall be kept on any parcel;
3. One single-family dwelling unit per legal parcel. ~~only for occupancy by the owner or lessee of the land upon which such dwelling is located~~ For purposes of this section, any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure pursuant to Section 17021.5 of the Health and Safety Code, or successor statute;
4. Employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household, in conformance with Health and Safety Code Section 170201.6. Additional dwellings for employees of the owner or lessee of the land must be for employees engaged in agriculture, shall be clustered to the maximum extent feasible and the applicant shall provide the city with adequate verification of the need for such additional dwellings. or successor statute.

6. Suggested Modification Number Six

Section 14.12.030 – Uses Permitted by Right shall be modified as follows:

...

11. Agricultural employee housing consistent with Sections 170201.5 and 170201.6 of the Health and Safety Code ~~or successor statute.~~

IV. FINDINGS FOR DENIAL OF THE IP AMENDMENT AS SUBMITTED, AND APPROVAL OF THE IP AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission’s denial of the proposed Implementation Plan Amendment as submitted, and approval of the Implementation Plan Amendment if modified as indicated in Section IV (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

The City of Carpinteria (“City”) is requesting an amendment to the Implementation Plan (IP) component of its certified Local Coastal Program (LCP) with regard to density bonus, transitional and supportive housing, single room occupancy housing, agricultural employee housing, emergency shelters, and housing for persons with disabilities. These proposed changes are described in further detail below.

Density Bonus

The City proposes to amend the IP to include a new section (Chapter 14.77), to include provisions regarding qualifications, bonus calculations, and specific incentives and regulatory concessions offered by the City for affordable housing consistent with current State Density Bonus law (California Government Code Section 65915-65918). Further, definitions for the following terms are also proposed: Affordable Housing Policies and Procedures, Affordable Units, Child Care Facility, Common Interest Development, Density Bonus Unit(s), Development Standard, Housing Cost, Housing Development, Low Income Household, Moderate Income Household, Qualifying Resident, and Very Low Income Household.

Transitional and Supportive Housing

The City proposes to add three definitions, Supportive Housing, Transitional Housing, and Target Population, to Chapter 14.08 of the IP. The definitions identify transitional and supportive housing as residential uses subject to the same restrictions as other residential uses in the R-1, PRD, PUD, MHS/PUD, MHP, CPD, CB, RES, M-RP, M, M-CD, A, and REC zone districts. These definitions also indicate that transitional and supportive housing development applications would be processed in the same manner as other applications for residential uses in these zones. As the term “target population” is utilized in the definition of supportive housing, the proposed amendment also includes a definition of target population.

Single Room Occupancy Housing

The City proposes to add a new definition of Single Room Occupancy to Chapter 14.08 of the IP. Additionally, Chapter 14.14 (Planned Residential Development District) and Chapter 14.49 (Residential Overlay District) are proposed to be modified to include single room occupancy

units as a use permitted pursuant to a conditional use permit. Furthermore, Chapter 14.62 (Conditional Use Permit) is proposed to be amended to include development standards for single room occupancy units.

Housing for Agricultural Employees

The City proposes to add a new Employee Housing definition to Chapter 14.08 of the IP. Additionally, the Uses Permitted section of Chapter 14.32 (Agricultural District) is proposed to be amended to include employee housing as a permitted use. This section is also proposed to be modified to clarify that employee housing accommodating six or fewer employees shall be considered a single-family structure.

Emergency Shelters

The City proposes to modify Chapter 14.26 (M-RP Industrial Research Park District) to include emergency shelters as a permitted use. Chapter 14.62 (M-RP Industrial Research Park District) is also proposed to be amended to include development standards for emergency shelters.

Housing for Persons with Disabilities

The City proposes to modify the existing definition of family in Chapter 14.08 of the IP. Further, definitions for the following terms are proposed to be deleted: Family Care Home- Large (14.08.240), Family Care Home- Small (14.08.245), and Special Care Home (14.08.565). The City also proposes to add definitions to Chapter 14.08 for Residential Care Facility- Large, and Residential Care Facility- Small. Lastly, Section 14.62.030 (Conditional Uses) is proposed to be amended to include a large residential care facility as a conditionally permitted use.

Background

As mentioned above, the City of Carpinteria submitted Local Coastal Program Amendment LCP-4-CPN-14-0832-1-Part B to the Commission on September 26, 2014. After the submittal of additional information requested by Commission staff, the amendment proposal was deemed complete and filed on February 10, 2015. At the April 17, 2015 hearing, the Commission granted a one year time extension to act on the subject amendment pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c).

B. CONSISTENCY ANALYSIS

City of Carpinteria Land Use Plan Objective 6 states:

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

City of Carpinteria Land Use Plan Policy 6a states:

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

City of Carpinteria Land Use Plan Policy 6b states in relevant part:

The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing...

As described above, the standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the Implementation Plan, would be 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.

The City of Carpinteria Land Use Plan (LUP) includes policy language that supports the continuation and expansion of various housing alternatives and uses in the City. The LUP also includes several policies that protect coastal resources, including prime and productive agricultural land, public access, sensitive habitat, and wetland areas.

1. Transitional and Supportive Housing, Single Room Occupancy Housing, Emergency Shelters, and Housing for Persons with Disabilities

With regard to transitional and supportive housing, single room occupancy housing, emergency shelters, and housing for persons with disabilities, the proposed amendment, incorporates and updates provisions consistent with the goals and objectives of the City's LUP.

Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing may be group housing or multi-family units. Supportive housing is a place for permanent residence, where residents are disabled, or include populations such as elderly persons, individuals exiting from institutional settings, or veterans. Single Room Occupancy Units (SROs) are residential units of a smaller size than normally found in multiple dwellings, in which sanitary facilities and kitchen/cooking facilities may be provided within the

unit or may be shared among units. The amendment proposes development standards for these types of housing, including unit size.

Emergency shelters are for the temporary housing of homeless persons. As proposed, an emergency shelter would be a permitted use within the M-RP (Industrial Research Park District). The proposed amendment establishes a process and regulations for review of requests for Emergency Shelters including maximum number of beds per person to be served nightly, off-street parking, provision of management, length of stay, lighting, security, etc. Additionally, definitions relating to housing for persons with disabilities would be modified in the proposed amendment. Further, it would clarify that those residential care facilities for six or fewer people would be a permitted use, and that large residential care facilities would be conditionally permitted in any zone districts.

The proposed amendment does not require the development of the housing types described above; it simply provides the opportunity for these housing types to be developed. Development of such housing would require a coastal development permit, and would be subject to the same restrictions as other residential uses in the certain zone districts that already allow and provide for housing opportunities. Furthermore, all required provisions of the Local Coastal Program will still apply, including the policies and provisions requiring avoidance or minimization of adverse impacts to coastal resources, as applicable. The proposed zoning code changes do not conflict with the provision of priority land uses identified in the LUP, nor do the proposed changes raise issue with regard to the public access policies of the LUP. Therefore, the Commission finds that the subject sections of the proposed amendment, as submitted, are adequate to implement the land use policies.

2. Density Bonus

The City proposes to amend the IP to add a new section (Chapter 14.77), to include provisions regarding qualifications, bonus calculations, and specific incentives and regulatory concessions offered by the City for affordable housing consistent with current State Density Bonus law (California Government Code Sections 65915-65918). Further, definitions for the following terms are also proposed to be added: Affordable Housing Policies and Procedures, Affordable Units, Child Care Facility, Common Interest Development, Density Bonus Unit(s), Development Standard, Housing Cost, Housing Development, Low Income Household, Moderate Income Household, Qualifying Resident, and Very Low Income Household.

The purpose of these provisions is to implement the incentive programs provided in the State density bonus regulations in order to provide additional opportunities for the provision of affordable housing within the City. The LCP amendment includes detailed criteria to determine if proposed projects qualify for a density bonus and what percentage bonus is approvable for each percentage of very low, low, or moderate income units proposed to be included. Additionally, the LCP, as amended, provides for the City to include concessions or incentives to an applicant to provide affordable housing. Concessions or incentives include, but are not limited to, the following: a reduction in the site development standards of the zoning code (e.g. site coverage limitations, setbacks, reduced lot sizes, parking requirements); approval of mixed-use land uses;

other regulatory incentives; and a direct financial contribution from the City. The key issues raised with regard to density bonuses and incentives are the potential impacts to coastal resources should incentives include a reduction in development standards or other requirements in a manner inconsistent with the resource protection policies of the LUP, and/or if no maximum limits are placed on the density bonuses.

The Commission has, in general, found that the allowance for density bonuses can be an effective tool to provide for affordable housing when such housing can be accommodated in manner otherwise consistent with the resource protection policies of the Coastal Act or a local government's certified LCP. In this case, the proposed IP amendment does include provisions which describe eligibility for a bonus, as well as how the subject bonus would be processed; however to ensure that bonuses are granted consistent with the resource protection policies of the LUP, **Suggested Modification One (1)** clarifies that the City may grant an incentive to accommodate the density increase unless the requested incentive will have an adverse effect on coastal resources. Furthermore, **Suggested Modification Two (2)** requires that any area of land that is not potentially developable due to hazards or other environmental and resource factors shall not be considered potentially developable lot area for the purposes of calculating base density.

Additionally, in order to ensure that bonuses are granted consistent with all other policies and provisions of the LCP, **Suggested Modification Three (3)** only allows the City to grant a bonus, incentive, or concession, or reduce development standards if it is consistent with the Coastal Act and the City's certified Local Coastal Program.

In conclusion, the proposed density bonus amendment, as suggested to be modified, will allow for increased densities consistent with State law, the Coastal Act, and LUP policies that encourage affordable housing, and will do so in a manner that protects coastal resources. Thus, if modified as suggested, the density bonus portion of the proposed amendment can be found consistent with and adequate to carry out the certified LUP.

3. Housing for Agricultural Employees

The certified Land Use Plan (LUP) for the City of Carpinteria outlines policies for the protection of agriculture:

Policy LU-1d of the LUP states:

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.

Objective LU-5 of the LUP states:

Maintain availability of agriculture, coastal-dependent industry and visitor-serving commercial development including hotels/motels, restaurants and commercial recreation uses.

Policy LU-5a of the LUP states:

The City shall continue to give priority to agriculture, coastal-dependent industry and visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over residential, general industrial, or general commercial development.

Objective OSC-9 of the LUP states:

Encourage and promote open-field agriculture as an independent, viable industry to meet the needs of present and future populations and to preserve the Carpinteria Valley's rural, open space character.

Policy OSC-9d of the LUP states:

Encourage conservation of agricultural production areas.

Policy OSC-9e of the LUP states:

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

The City of Carpinteria LUP policies require that the maximum amount of prime agricultural land be maintained in agricultural production to assure the protection of the area's agricultural economy. The policies also require that non-prime land suitable for agricultural use not be converted to nonagricultural uses. These policies limit the conversion of agricultural land to instances where agriculture is no longer feasible, where the viability of existing agricultural use is already severely limited by conflicts with urban uses, or where conversion of agricultural lands would complete a logical neighborhood and contribute to the establishment of a stable limit to urban development or would concentrate development in urban areas.

The City of Carpinteria occupies the lower portion of the Carpinteria Valley, a broad coastal terrace located between the Santa Ynez Mountains and the Santa Barbara Channel. Carpinteria enjoys a Mediterranean climate and excellent southern exposure that is ideal for coastal agricultural uses. As such, the City is a largely urban area surrounded by both open field (primarily orchards) and greenhouse agriculture.

The proposed LCP amendment would add a new Employee Housing definition to Chapter 14.08 of the IP. Additionally, the Uses Permitted section of Chapter 14.32 (Agricultural District) is proposed to be modified to include employee housing as a permitted use to ensure consistency with State laws regulating agricultural employee housing. As a component of the subject amendment, the City has also proposed to delete existing IP language which requires that verification be submitted to the City which indicates the need for additional employee housing and proof of the full time nature of the employees. The language proposed to be deleted also

requires that all structures located on the agricultural property be clustered. As described above, the LUP contains several policies which require the protection of agriculture, and as proposed the subject IP amendment would weaken the existing standards that require implementation of those protections. As such, in order to ensure the continued protection of agriculture, **Suggested Modification Five (5)** requires that the employee dwellings are for employees engaged in agriculture, that dwellings are clustered to the maximum extent feasible, and that verification be submitted to the City which describes the need for the additional dwellings.

Furthermore, as proposed, the subject amendment includes references to State Law, as well as text that would allow for successor statutes to be incorporated into the IP. Legal standards incorporated in this way could be interpreted as standards of the IP. These referenced standards, however, have not been submitted as an LCP amendment, are not presently part of the certified LCP, and are subject to change without further notice to the Commission. Furthermore, the overall incorporation (by reference in this case) of such changeable standards into the certified LCP has potential wide-ranging effects that were not specifically reviewed in terms of their impacts to coastal resources, including to agriculture. As such, **Suggested Modifications Four (4) and Six (6)** are required to remove references to standards where it may be interpreted to incorporate uncertified outside legal standards as part of the certified LCP.

As modified, the amendment would allow for agricultural employee housing that would help foster Coastal Act and LUP-priority agricultural production, but also requires such housing to be protective of agricultural lands. Thus, as modified, the agricultural employee housing portion of the proposed amendment can be found consistent with and adequate to carry out the certified LUP.

4. Conclusion

It is a goal of the City's certified LUP to protect coastal resources, including prime and productive agricultural land, public access, sensitive habitat, and wetland areas, as well as to support the continuation and expansion of various housing alternatives and uses in the City. In conclusion, the proposed amendment to the IP will not be fully adequate to carry out the certified land use plan, for the above-stated reasons and is denied as submitted. With the suggested modification, however, the proposed IP amendment can be approved as being consistent with and adequate to carry out the certified land use plan.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code (PRC) - within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their 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, because the California Natural Resources Agency found the Commission's LCP review and approval program to be functionally equivalent to the EIR process, see 14 C.C.R. Section 15251(f), PRC Section 21080.5

relieves the Commission of the responsibility to prepare an EIR for its actions on proposed LCP amendments. Nevertheless, some elements of CEQA continue to apply to this review process. Specifically, pursuant to CEQA and the Commission's regulations (see 14 C.C.R. Sections 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC Section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Local Implementation Plan amendment has been found not to be in conformity with, or adequate to carry out, the provisions of the Land Use Plan portion of the certified LCP. To resolve the concerns identified, the Commission suggests modifications discussed in detail above, that will ensure that the Implementation Plan is adequate to carry out and is in conformity with the Land Use Plan. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the LCP amendment. If modified as suggested, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

ORDINANCE NO. 668

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,
CALIFORNIA, AMENDING TITLE 14 (ZONING) OF THE CARPINTERIA
MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM CONCERNING
DENSITY BONUS, TRANSITIONAL AND SUPPORTIVE HOUSING, SINGLE ROOM
OCCUPANCY (SRO) HOUSING, AGRICULTURAL EMPLOYEE HOUSING,
EMERGENCY SHELTERS AND HOUSING FOR PERSONS WITH DISABILITIES**

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

WHEREAS, providing housing that is accessible to people with special needs has been identified in the Housing Element of the City's current General Plan;

WHEREAS, these amendments concerning density bonus, transitional and supportive housing, single room occupancy (SRO) housing, agricultural employee housing, emergency shelters and housing for persons with disabilities will bring the City’s Zoning Code into compliance with the City’s currently adopted 2009-2014 Housing Element and in compliance with existing State Law;

WHEREAS, Gov. Code §65915 thru 65918 and revisions pursuant to Senate Bill No. 1818 address density bonus provisions;

WHEREAS, Senate Bill No 2 addresses transitional housing, supportive housing and single room occupancy (SRO) housing;

WHEREAS, Health and Safety Code Sections 17021.5 and 17021.6 address agricultural employee housing;

WHEREAS, Government Code §65583(a)(4)(A) addresses emergency shelters; and

WHEREAS, Health and Safety Code §1267.8, Health and Safety Code §1566.3, Welfare and Institution Code §5116, Health and Safety Code §1569.87, Health and Safety Code §11834.23 and Health and Safety Code §1568.0831 address housing for persons with disabilities.

**NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS 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. AMENDMENT OF TITLE 14 OF THE CARPINTERIA MUNICIPAL CODE

Title 14 of the Carpinteria Municipal Code shall hereby be amended and shall read as follows:

Density Bonus

The text of Chapter 14.77, Density Bonus for Affordable Housing will be replaced in its entirety by the following:

Sections:

- 14.77.010 - Purpose
- 14.77.020 - Eligibility for Bonus, Incentives or Concessions
- 14.77.030 - Allowed Density Bonuses
- 14.77.040 - Allowed Incentives or Concessions
- 14.77.050 - Parking Requirements in Density Bonus Projects
- 14.77.060 - Bonus and Incentives for Housing with Child Care Facilities
- 14.77.070 - Continued Availability
- 14.77.080 - Location and Type of Affordable Units
- 14.77.090 - Processing of Bonus Requests
- 14.77.100 - Density Bonus Agreement
- 14.77.110 - Control of Resale
- 14.77.120 - Judicial Relief, Waiver of Standards
- 14.77.130 - Definitions

14.77.010 - Purpose

As required by Government Code §65915, this Chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in §14.77.020 (Eligibility for Bonus, Incentives, or Concessions), below. This Chapter is intended to implement the requirements of Government Code §65915 et seq. and the Housing Element of the General Plan.

14.77.020 - Eligibility for Bonus, Incentives or Concessions

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Zoning Code, except as provided by §14.77.040 (Allowed Incentives or Concessions).

- A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least one of the following:

1. Ten percent of the total number of proposed units for lower income households, as defined in Health and Safety Code §50079.5;
 2. Five percent of the total number of proposed units for very low income households, as defined in Health and Safety Code §50105;
 3. The project is a senior citizen housing development as defined in Civil Code §§51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code §798.76 or §799.5; or
 4. Ten percent of the total dwelling units in a common interest development as defined in Civil Code §1351 are for persons and families of moderate income, as defined in Health and Safety Code §50093, provided that all units in the development are offered to the public for purchase.
- B. Applicant selection of basis for bonus. For purposes of calculating the amount of the density bonus in compliance with §14.77.030 (Allowed Density Bonuses), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsections A.1, A.2, A.3 or A.4 (Resident requirements), above.
- C. Bonus units shall not qualify a project. A density bonus granted in compliance with §14.77.030 (Allowed Density Bonuses) shall not be included when determining the number of housing units that is equal to the percentages required by Subsection A (Resident requirements), above.
- D. Minimum project size to qualify for density bonus. The density bonus provided by this Chapter shall be available only to a housing development of five or more net new dwelling units.
- E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code §65915.5.

14.77.030 - Allowed Density Bonuses

The Review authority shall determine the amount of a density bonus allowed in a housing development in compliance with this Section. For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable General Plan/Coastal Plan designation and zone as of the date of application by the applicant to the city.

- A. Density bonus. A housing development that complies with the eligibility requirements in Subsections 14.77.020.A.1, A.2, A.3, or A.4 (Resident requirements) shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

1. Bonus for units for lower income households. A housing development that is eligible for a bonus in compliance with the criteria in Subsection 14.77.020.A.1 (10 percent of units for lower income households) shall be entitled to a density bonus calculated as follows:

Percentage of Low Income Units Proposed	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

2. Bonus for units for very low income households. A housing development that is eligible for a bonus in compliance with the criteria in Subsection 14.77.020.A.2 (five percent of units for very low income households) shall be entitled to a density bonus calculated as follows:

Percentage of Very Low Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

3. Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with the criteria in Subsection 14.77.020.A.3 (senior citizen development or mobile home park) shall be entitled to a density bonus of 20 percent.
4. Bonus for moderate income units in common interest development. A housing development that is eligible for a bonus in compliance with the criteria in Subsection 14.77.020.A.4 (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

Percentage of Moderate Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25

Percentage of Moderate Income Units Proposed	Percentage of Density Bonus
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

5. Density bonus for land donation. When an applicant for a Tentative Map, Parcel Map or other residential development approval meets a resident requirement in 14.77.020 A.1 through A.4 and donates land to the city in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, as follows. Nothing in this Subsection shall be construed to affect the authority of the city to require a developer to donate land as a condition of development and the developer may not be entitled to a density bonus merely due to compliance with the condition.

- a. Basic bonus. The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan/Coastal Plan land use designation and zone district for the entire development, and an additional increase as follows:

Percentage of Very Low Income Units Proposed	Percentage of Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20

16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- b. Increased bonus. The increase identified in the table above shall be in addition to any increase in density required by Subsections A.1 through A.4, up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required in compliance with this Subsection A.5, as well as the bonuses provided by Subsections A.1 through A.4.
- c. Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this Subsection if all of the following conditions are met:
 - (1) The applicant donates and transfers the land no later than the date of approval of the Final Map, Parcel Map, or residential development application.
 - (2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - (3) The transferred land is at least one acre in size, or of sufficient size to permit development of at least 40 units; has the appropriate General Plan/Coastal Plan land use designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.

- (4) No later than the date of approval of the Final Map, Parcel Map or of the residential development, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low income housing units on the transferred land, except that the city may subject the proposed development to subsequent design review to the extent authorized by Government Code §65583.2(i) if the design is not reviewed by the city before the time of transfer.
 - (5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with §14.77.070 (Continued Availability), which shall be recorded on the property at the time of dedication.
 - (6) The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the approved housing developer.
 - (7) The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.
- B. Greater or lesser bonuses. The city may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section, or grant a proportionately lower density bonus than required by this Section for a development that does not comply with the requirements of this Section.
- C. Density bonus calculations. The calculation of a density bonus in compliance with this Section that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or lots.
- D. Requirements for amendments or discretionary approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan/Local Coastal Program Amendment, Zoning Map Amendment or other legislative and/or discretionary approval.

14.77.040 - Allowed Incentives or Concessions

A. Applicant request and city approval.

1. An applicant for a density bonus that is in compliance with this Chapter may submit to the city a proposal for the specific incentives or concessions listed in Subsection C (Type of incentives), below, that the applicant requests in compliance with this Section. The applicant may file a request either before filing an application for city approval of a proposed project or concurrently with an application for project approval. The review authority shall grant an incentive or concession request that complies with this Section unless the review authority makes any of the following findings in writing, based upon substantial evidence:
 - a. The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code §50052.5, or for rents for the targeted units to be set as specified in §14.77.070.B (Unit cost requirements); or
 - b. The incentive or concession would have a specific adverse impact, as defined in Government Code §65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
 - c. The incentive or concession would be contrary to state or federal law.
 - d. The incentive or concession would be inconsistent with or violate the California Coastal Act and those policies and regulations of the city's Local Coastal Program established to protect coastal resources.

B. Number of incentives. The applicant shall receive the following number of incentives or concessions.

1. One incentive or concession. One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least five percent for very low income households or at least 10 percent for persons and families of moderate income in a common interest development.
2. Two incentives or concessions. Two incentives or concessions for a project that includes at least 20 percent of the total units for lower income households, at least 10 percent for very low income households or at least 20 percent for persons and families of moderate income in a common interest development.

3. Three incentives or concessions. Three incentives or concessions for a project that includes at least 30 percent of the total units for lower income households, at least 15 percent for very low income households or at least 30 percent for persons and families of moderate income in a common interest development.

C. Type of incentives. For the purposes of this Chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Zoning Code (e.g., site coverage limitations, setbacks, reduced lot sizes, and/or parking requirements [see also §14.77.050 Parking Requirements in Density Bonus Projects]), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code §18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient and actual cost reductions;
2. Approval of mixed-use land uses not otherwise allowed by this Zoning Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;
3. Other regulatory incentives proposed by the applicant or the city that will result in identifiable, financially sufficient and actual cost reductions; and/or
4. A direct financial contribution granted by the Council in its sole and absolute discretion, including writing-down land costs, subsidizing the cost of construction or participating in the cost of infrastructure.

D. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan/Local Coastal Program Amendment, Zoning Map Amendment or other legislative and/or discretionary approval.

14.77.050 - Parking Requirements in Density Bonus Projects

- A. Applicability. This Section applies to a development that meets the requirements of §14.77.020 (Eligibility for Density Bonus, Incentives and Concessions), above, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with §14.77.040 (Allowed Concessions and Incentives), above.

B. Number of parking spaces required.

1. At the request of the applicant, the city shall require the following vehicular parking ratios for a project that complies with the requirements of §14.77.020 (Eligibility for Density Bonus, Incentives and Concessions), above, inclusive of handicapped and guest parking.
 - a. Zero to one bedroom: One onsite parking space.
 - b. Two to three bedrooms: Two onsite parking spaces.
 - c. Four or more bedrooms: Two and one-half onsite parking spaces.
2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. Location of parking. For purposes of this Section, a development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

14.77.060 - Bonus and Incentives for Housing with Child Care Facilities

A housing development that complies with the resident and project size requirements of §14.77.020 (Eligibility for Bonus, Incentives or Concessions) and also includes as part of that development a child care facility other than a large or small family day care home that will be located on the site or adjacent to the development, shall be subject to the following additional bonus, incentives and requirements.

- A. Additional bonus and incentives. The city shall grant a housing development that includes a child care facility in compliance with this Section either of the following:
1. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or
 2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

B. Requirements to qualify for additional bonus and incentives.

1. The city shall require, as a condition of approving the housing development, that:
 - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with §14.77.070 (Continued Availability), below; and

- b. Of the children who attend the child care facility, the number of children of very low income households, lower income households or moderate income households shall be equal to or greater than the percentage of dwelling units required for very low income households, lower income households or moderate income households in compliance with Subsection 14.77.020.A (Resident requirements), above.
2. The city shall not be required to provide a density bonus for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

14.77.070 - Continued Availability

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code §65915(c). See also §14.77.110 (Control of Resale).

- A. Duration of affordability. The applicant shall agree to, and the city shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows:
 1. Low and very low income units. The continued affordability of all low and very low income qualifying units shall be maintained for at least 30 years. The time limit can be longer if otherwise required, for example, by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program or by city policy or ordinance.
 2. Moderate income units in common interest development. The continued availability of moderate income units in a common interest development shall be maintained for at least 10 years. The time limit can be longer if otherwise required by city policy or ordinance.
- B. Unit cost requirements. The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives and concessions shall not exceed the following amounts during the period of continued availability required by this Section:
 1. Lower income units. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code §50053; and
 2. Owner-occupied units. Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code §50052.5.

- C. Occupancy and resale of moderate income common interest development units. An applicant shall agree to and the city shall ensure that the initial occupants of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code §1351 are persons and families of moderate income as defined in Health and Safety Code §50093, and that the units are offered at an affordable housing cost as defined in Health and Safety Code §50052.5. The city shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to equity sharing agreements:
1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation.
 2. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code §33334.2(e) that promote home ownership. For the purposes of this Section:
 - a. The city's initial subsidy shall be equal to the fair market value of the residence at the time of initial sale, minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and
 - b. The city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the residence at the time of initial sale.

14.77.080 - Location and Type of Affordable Units

- A. Location/dispersal of units. As required by the review authority in compliance with §14.77.090 (Processing of Bonus Requests), affordable units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-affordable units in the project and shall be compatible with the design or use of remaining units in terms of appearance, materials and finished quality.
- B. Phasing. If a project is to be built in phases, the density bonus units shall be phased in the same proportion as the non-density bonus units or phased in another sequence acceptable to the city.

14.77.090 - Processing of Bonus Requests

Permit requirement. A request for a density bonus and other incentives and concessions shall be evaluated and decided through Development Plan review in compliance with §14.68.030 (Development Plan Processing).

14.77.100 - Density Bonus Agreement

- A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the city in the city's standard form of agreement.
- B. Agreement provisions.
 - 1. Project information. The agreement shall include at a minimum, the following information about the project:
 - a. The total number of units approved for the housing development, including the number of affordable dwelling units;
 - b. A description of the household income group to be accommodated by the housing development and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
 - c. The marketing plan for the affordable units;
 - d. The location, unit sizes (square feet) and number of bedrooms of the affordable dwelling units;
 - e. Tenure of the use restrictions for affordable dwelling units of the time periods required by §14.77.070 (Continued Availability);
 - f. A schedule for completion and occupancy of the affordable dwelling units;
 - g. A description of the additional incentives and concessions being provided by the city;
 - h. A description of the remedies for breach of the agreement by the owners, developers and/or successors in interest of the project; and
 - i. Other provisions to ensure successful implementation and compliance with this Chapter.
 - 2. Minimum requirements. The agreement shall provide, at minimum, that:
 - a. The developer shall give the city the continuing right of first refusal to lease or purchase any or all of the affordable dwelling units at the appraised value;

- b. The deeds to the affordable dwelling units shall contain a covenant stating that the developer or successors in interest shall not assign, lease, rent, sell, sublet or otherwise transfer any interests for affordable units without the written approval of the city;
 - c. When providing the written approval, the city shall confirm that the price (rent or sale) of the affordable dwelling unit is consistent with the limits established by HUD;
 - d. The city shall have the authority to enter into other agreements with the developer or purchasers of the affordable dwelling units to ensure that the required dwelling units are continuously occupied by eligible households;
 - e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, demand for specific performance, withdrawal of the Certificate of Occupancy or other action;
 - f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the city's costs of action including legal services; and
 - g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.
3. For-sale housing conditions. In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of affordable dwelling units during the applicable restriction period:
- a. Affordable dwelling units shall be owner occupied by eligible households or by qualified residents in the case of senior housing; and
 - b. The initial purchaser of each affordable dwelling unit shall execute an instrument or agreement approved by the city which:
 - (1) Restricts the sale of the unit in compliance with this Chapter, or other applicable city policy or ordinance, during the applicable use restriction period;
 - (2) Contains provisions as the city may require to ensure continued compliance with this Chapter and State law; and
 - (3) Shall be recorded against the lot containing the affordable dwelling unit.

4. Rental housing conditions. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of affordable dwelling units during the applicable restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies and maintaining the affordable dwelling units for qualified tenants;
 - b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;
 - c. Provisions requiring owners to submit an annual report to the city, which includes the name, address and income of each person occupying the affordable dwelling unit and which identifies the bedroom size and monthly rent or cost of each unit; and
 - d. The applicable use restriction period shall comply with the time limits for continued availability in §14.77.070 (Continued Availability), above.

C. Execution of agreement.

1. Following approval of the agreement and execution of the agreement by all parties, the city shall record the completed agreement on the lots designated for the construction of affordable dwelling units at the County Recorder's Office.
2. The approval and recordation shall take place at the same time as the Final Map or, where a map is not being processed, before issuance of Building Permits for the affordable dwelling units.
3. The agreement shall be binding on all future owners, developers and/or successors in interest.

14.77.110 - Control of Resale

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this Chapter, the following resale conditions shall apply.

- A. Limits on resale price. The maximum price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the Consumer Price Index for all Urban Consumers (CPI-U) published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Santa Barbara, California area, an amount consistent with the increase in the median income since the date of purchase or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the city of the intent to sell. The notice shall be provided by certified mail to the Director.

- B. Units to be offered to the city. Home ownership affordable units constructed, offered for sale or sold under the requirements of this Section shall be offered to the city or its assignee for a period of at least 90 days from the date the notice of intent to sell is delivered to the city by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households determined to be eligible for affordable units by the city in compliance with this Section. The seller shall not levy or charge any additional fees nor shall any "finder's fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.
- C. Declaration of restrictions. The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the city, stating the restrictions imposed in compliance with this Section. The grant deed shall afford the grantor and the city the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions and prohibitions required by this Section.
- D. City to monitor resale of units. The city shall monitor the resale of ownership affordable units. The city or its designee shall have a 90-day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the city for appropriate action.

14.77.120 - Judicial Relief, Waiver of Standards

- A. Judicial relief. As provided by Government Code §65915(d)(3), the applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive or concession.
- B. Waiver of standards preventing the use of bonuses, incentives or concessions.
 - 1. As required by Government Code §65915(e), the city will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 14.77.020.A. (Resident requirements), above, at the densities or with the concessions or incentives allowed by this Chapter.
 - 2. An applicant may submit to the city a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum lot size, setbacks and placement of infrastructure improvements.
 - 3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

- C. City exemption. Notwithstanding the provisions of Subsections A and B, above, nothing in this Section shall be interpreted to require the city to:
1. Grant a density bonus, incentive, concession or waive or reduce development standards, if the bonus, incentive, concession, waiver or reduction would have an adverse impact, as defined in Government Code §65589.5(d)(2), upon health, safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the adverse impact; or
 2. Grant a density bonus, incentive, concession or waive or reduce development standards, if the bonus, incentive, concession, waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

14.77.130 - Definitions

Whenever the following terms are used in this Chapter, they shall have the meaning established in this section:

1. "Affordable housing policies and procedures" means policies and procedures for the implementation of the city's affordable housing ordinances and programs, as adopted by the city and amended from time to time.
2. "Affordable unit(s)" means those residential units that must be offered to eligible purchasers at a city-approved affordable sale price or rental rate according to the requirements of this chapter.
3. "Child care facility" means a child care facility other than a family day care home, including but not limited to infant centers, pre-schools, attached day care facilities and school age child care centers.
4. "Common interest development" means a type of housing, composed of individually owned units, such as condominiums, townhouses, or single-family homes, that share ownership of common areas, such as swimming pools, landscaping and parking. Common interest developments are managed by homeowners' associations.
5. "Density bonus unit(s)" means those residential units granted pursuant to the provisions of this chapter, which exceed the otherwise allowable maximum residential density for the development site. All density bonus calculations resulting in fractional units shall be rounded up to the next whole number. The density bonus units shall not be included when determining the number of housing units allowed under the maximum residential density for the development site.

6. "Development standard" means any ordinance, general plan element, specific plan, or other local law, policy, resolution or regulation.
7. "Housing cost" means the sum of actual or projected monthly payments for all of the following costs and expenses associated with for-sale bonus density units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees and a reasonable allowance for utilities.
8. "Housing development" means construction projects consisting of five or more residential units, including single-family, multifamily and mobile homes for sale or rent. It shall also include either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling as defined in subsection (d) of Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.
9. "Low income household" means a household whose income does not exceed the lower income limits applicable to Santa Barbara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.
10. "Moderate income household" means a household whose income does not exceed the moderate income limits applicable to Santa Barbara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.
11. "Qualifying resident" means a senior citizen or other person(s) eligible to reside in senior citizen housing.
12. "Very-low income household" means a household whose income does not exceed the very-low income limits applicable to Santa Barbara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

Transitional and Supportive Housing

Chapter 14.08 Definitions will be amended to add the following three new Sections:

14.08.607 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status and maximizing his or her ability to live, and when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

14.08.612 Target population.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 [commencing with Section 4500] of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

14.08.622 Transitional housing.

"Transitional housing" means buildings configured as rental housing developments that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

Single Room Occupancy Housing

Chapter 14.08 Definitions will be amended to add the following new Section:

14.08.562 Single room occupancy (SRO).

"Single Room Occupancy (SRO)" means a multi-unit residential development where occupants may share common kitchen and bathroom facilities.

Chapter 14.14 Planned Residential Development District, Section 14.14.040 Uses permitted subject to conditional use permit will be amended to read as follows:

14.14.040 Uses permitted subject to conditional use permit.

Permitted uses subject to conditional use permit in the PRD district are as follows:

1. Single Room Occupancy (SRO) housing subject to Section 14.62.090 of this code;
2. As provided in Chapter 14.62.

Chapter 14.49 Residential Overlay District will be amended to add Section 14.49.070 to read as follows:

14.49.070 Uses permitted subject to conditional use permit.

Notwithstanding any other provision of this code, Single Room Occupancy (SRO) housing units subject to Section 14.62.090.

Chapter 14.62 Conditional Use Permit will be amended to add Section 14.62.090 to read as follows:

14.62.090 Development standards for single room occupancy (SRO) housing units.

A. A SRO unit shall have a minimum size of 150 square feet and a maximum size of 400 square feet.

B. Occupancy shall be limited to a maximum of two persons per unit.

C. A SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

D. A SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

E. Each SRO unit shall be provided with one closet per person, telephone hookups and cable or satellite TV hookups.

F. If laundry facilities are not provided in each unit, common laundry facilities shall be provided, with one washer and one dryer on the premises for every 10 units.

G. Elevators shall be required for SRO buildings of two or more stories.

H. Onsite management shall be provided at all times.

I. Off-street parking shall be provided at the rate of 0.5 space per unit, plus one space for each employee on duty.

J. Tenancy of SRO units shall be limited to 30 or more days.

Housing for Agricultural Employees

Chapter 14.08 Definitions will be amended to add the following new section:

14.08.222 Employee housing.

“Employee housing” has the same meaning as that term is defined in Section 17008 of the Health and Safety Code, or successor statute.

Chapter 14.32 Agriculture District, Section 14.32.030 Uses Permitted and Section 14.32.040 Uses permitted Subject to Conditional Use Permit will be amended to read as follows:

14.32.030 Uses permitted.

Uses permitted in the A district are as follows:

1. All types of agriculture and farming except a poultry ranch, dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this district;
2. Noncommercial raising of animals not to exceed one horse, mule, or cow; or three (3) goats, hogs, or other livestock not specifically enumerated in this chapter, shall be permitted for each twenty thousand (20,000) square feet of area of the parcel of land upon which the same are kept, except that no more than three (3) hogs shall be kept on any parcel;
3. One single-family dwelling unit per legal parcel. ~~only for occupancy by the owner or lessee of the land upon which such dwelling is located~~ For purposes of this section, any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure pursuant to Section 17021.5 of the Health and Safety Code, or successor statute;

4. Employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household, in conformance with Health and Safety Code Section 17201.6 or successor statute.

14.32.040 Uses permitted subject to conditional use permit.

Uses permitted in the A district subject to the conditional use permit are as follows:

1. Animal hospital when located upon a parcel containing at least five (5) acres;
2. Sale of agricultural products produced on the premises provided that such sale is conducted either within an existing agricultural building or from a separate stand not exceeding two hundred (200) square feet and located no closer than twenty (20) feet, nor more than eighty (80) feet, from ~~of~~ the right-of-way of any street;
3. Greenhouses, hothouses, other plant protection structures, or related development, i.e., packing sheds, parking, driveways, etc.;
- ~~4. Additional dwellings for employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch upon which the dwelling is located; such additional dwellings shall be clustered on no more than three (3) percent of the property; the applicant shall provide the city with adequate verification of the need for such additional dwellings and proof of the full-time nature of the employees;~~
- ~~4. 5~~ Commercial raising of animals, boarding of animals, commercial riding stables; and animal husbandry services;
- ~~5. 6~~ Kennels;
- ~~6. 7~~ Family care homes, large, as defined in Chapter 14.08;
- ~~7. 8~~ Uses, buildings and structures accessory and customarily incidental to the above uses.

Chapter 14.12 R-1 Single-Family Residential District, Section 14.12.030 Uses permitted by right will be amended to read as follows:

14.12.030 Uses permitted by right.

Uses permitted by right in the R-1 district are as follows:

1. One single-family dwelling per legal parcel;

2. Uses, buildings and structures customarily incidental to single-family dwellings, for exclusive use of the residents of the site, and not involving the maintenance of a commercial enterprise on the premises;
3. Home occupations subject to the provisions of Section 14.50.030;
4. Golf courses and country clubs operated in connection with the single-family residential development, but not including commercial driving tees, ranges, putting courses, or miniature golf courses;
5. Orchards, truck and flower gardens, and the raising of field crops; provided there is no sale on the property of the products produced;
6. Nurseries and greenhouses used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or stand is maintained in connection therewith, and provided further that the aggregate square feet of floor area or ground area of all such building shall not exceed three hundred (300) square feet;
7. The keeping of animals and poultry as provided in Sections 6.04.390 and 6.04.420;
8. Public parks, playgrounds, and community centers;
9. Child day care use; provided such use does not detrimentally change the residential appearance of the property or neighborhood;
10. Small ~~family care homes~~ residential care facility, as defined in Chapter 14.08.
11. Agricultural employee housing consistent with Sections 17201.5 and 17201.6 of the Health and Safety Code or successor statute.

Emergency Shelters

Chapter 14.26 (M-RP) Industrial/Research Park District will be amended to add the following new Section:

14.26.025 Uses permitted by right.

Notwithstanding any other provision of this code, emergency shelters are permitted by right in the M-RP District subject to the following standards.

1. Permitting. No discretionary review including Conditional Use Permit or Development Plan will be required for an emergency shelter in the M-RP Zone. Applications for emergency shelters shall be submitted to the Community Development Department. If the application meets

all applicable standards and any other state or local requirement, the application shall be reviewed ministerially by the Planning Commission.

2. Standards. Emergency shelters shall only be subject to those development and management standards that apply to residential or commercial use within the M-RP Zone District and the following standards.

- a. Maximum Occupancy. A maximum of 25 occupants/clients shall be permitted at each facility. Occupants shall be counted as persons served by overnight accommodations in a 24-hour period. Higher occupancy facilities may be considered through a Conditional Use Permit.
- b. Vehicle and Bicycle Parking. One vehicle parking space shall be provided onsite per five beds, plus one space for each employee on duty. One bicycle parking space shall be provided onsite per five beds. Bicycle parking shall be secure, located near a common building entrance and well-lit.
- c. Waiting intake area. A client lobby or intake room shall be provided near the entrance of the facility. The area shall provide seats or beds and be large enough to accommodate regular occupancy.
- d. Support services and amenities. The facility may provide amenities such as: commercial kitchen, recreation room, support services, laundry services and storage areas.
- e. Length of stay. Individual occupancy in a facility shall be limited to no more than six months in any 12-month period.
- f. Management and Security. A written management plan shall be submitted to the city prior to occupancy of the facility. The management plan shall include provisions for staffing, management, security, outdoor uses, temporary storage, site maintenance, service amenities and transportation.
- g. Lighting. The facility shall include appropriate lighting for security and safety. Such lighting shall be installed prior to occupancy.
- h. Proximity. The facility shall be located no closer than 300 feet to any other emergency shelter, as measured property boundary to property boundary.

Housing for Persons with Disabilities

Chapter 14.08 Definitions, Section 14.08.235 will be amended to read as follows:

14.08.235 Family.

"Family" means one or more persons ~~related by blood or marriage, or a group of not to exceed five persons not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodginghouse, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group.~~ living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a family need not be related but are distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group uses. ~~A family shall be deemed to include domestic servants employed by the family.~~

Chapter 14.08 Definitions, Sections 14.08.240 and 14.08.245 shall be replaced in their entirety by new sections 14.08.540 and 14.08.541, and existing Section 14.08.540 shall be renumbered to Section 14.08.537, to read as follows:

14.08.240 Family care home – Large.

~~"Large family care home" means a residential home providing 24-hour nonmedical care and supervision that:~~

- ~~1. Has a license for a capacity of four, five or six clients from the state Department of Health or a licensing agency authorized by said Department as a "small family home – children," "small family home – adults," "group home – children," "group home – adults," or "foster home;" and~~
- ~~2. Does not detrimentally change the residential condition or appearance of the property.~~

14.08.245 Family care home – Small.

~~"Small family care home" means a residential home providing 24-hour nonmedical care and supervision that:~~

- ~~1. Has a license for a capacity of no more than three clients from the state Department of Health or a licensing agency authorized by said Department as a "small family home – children," "small family home – adults," "group home – children," "group home – adults" or "foster home;" and~~
- ~~2. Does not detrimentally change the residential condition and appearance of the property.~~

14.08.565 Special care home.

"Special care home" means a residential home providing twenty-four-hour nonmedical care and supervision that has a license for a capacity of seven or more clients from the state Department of Health or a licensing agency authorized by said Department as a "large family home children," "large family home adults, group home children," "group home adults," or "foster home."

14.08.54037 Recreational vehicle park.

"Recreational vehicle park" means any area or tract of land, where one or more lots are rented or leased or offered for rent or lease to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

14.08.540 Residential care facility – Large.

"Large residential care facility" means a state-licensed residential facility providing non-medical care to seven or more persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

14.08.541 Residential care facility – Small.

"Small residential care facility" means a state-licensed residential facility providing non-medical care to six or fewer persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. For purposes of this Code, the residents and operators of a small licensed residential care facility shall be considered to be a family.

Chapter 14.62 Conditional Use Permit, Section 14.62.030 will be amended to read as follows:

14.62.030 Conditional uses.

In addition to the conditionally permitted uses listed in specific zoning districts, the following uses may be permitted in any district in which they are not otherwise permitted, subject to the granting of a conditional use permit as set forth in this chapter:

1. Airport;
2. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this title;
3. Artist's studio;
4. Cemetery;
5. Church;
6. Club;

7. Educational facilities, including nursery schools and day nurseries, colleges, and schools;
8. Electrical substations;
9. Charitable institutions for the care of human beings (except when human beings are housed under restraint);
10. Fairgrounds;
11. Fences and walls of six feet or more in height;
12. Golf courses and driving ranges;
13. Hospitals, sanitariums, convalescent homes, rest homes, subject to the additional requirements of this chapter;
14. Library;
15. Master television antenna system;
16. Monastery;
17. Museum;
18. Pipelines pursuant to the provisions of Section 14.50.010(11), (12), and (13);
19. Buildings, structures, and uses of a public works, public service or public utility nature, excluding the permitted uses of the public utility zoning district;
20. Sea walls, revetments, and groins, subject to the provisions of Section 14.50.010(4);
21. Riding arena;
22. ~~Special care homes~~ Large residential care facility;
23. Stable, commercial;
24. Transmission lines, high voltage;
25. Uses, buildings and structures accessory and customarily incidental to the above uses;
26. Any other use, building, or structure which in the opinion of the planning commission is compatible with the zoning district, is of similar or lighter intensity of use, and is not injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property or other similar causes.

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, acceptance of such certification by resolution, and second reading by the City Council; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the City Council voting for and against the same in the Coastal View News, 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.

SECTION 5: CEQA EXEMPTION.

The City Council accepts the Negative Declaration (ND) prepared for the City's 2009-2014 Housing Element as adequate environmental review for Project No. 14-1712-ORD/LCPA pursuant to §15162 of the California Environmental Quality Act, no additional environmental review is necessary for a project when there is a previously adopted EIR or ND and there have been no changes to the scope of the project, the project's potential impacts, or any project mitigation measures/project alternatives.

PASSED, APPROVED, AND ADOPTED this 28th day of July 2014, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

Mayor of the 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 held the 28th day of July 2014.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown, City Attorney
City of Carpinteria

July 26 2014 BW

AGENDA SECTION: PUBLIC HEARINGS
AGENDA ITEM # 8
REPORT # 14-104

STAFF REPORT
CITY COUNCIL MEETING DATE
July 28, 2014

ITEM FOR CITY COUNCIL CONSIDERATION

RESOLUTION No. 5542 AND ORDINANCE No. 668, AMENDING TITLE 14 (ZONING) OF THE CARPINTERIA MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM CONCERNING DENSITY BONUS, TRANSITIONAL AND SUPPORTIVE HOUSING, SINGLE ROOM OCCUPANCY HOUSING, AGRICULTURAL EMPLOYEE HOUSING, EMERGENCY SHELTERS AND HOUSING FOR PERSONS WITH DISABILITIES TO BE CONSISTENT WITH THE 2009-2014 HOUSING ELEMENT AND STATE HOUSING LAW.

Report prepared by: Steve Goggia, Planner
Community Development Department


Signature

Reviewed by: Jackie Campbell, Director
Community Development Department


Signature

Reviewed by: Dave Durlinger, City Manager


Signature

STAFF RECOMMENDATION:

ACTION ITEM X; NON-ACTION ITEM ___

Staff recommends that the Council:

1. Approve Resolution No. 5542 as read by title only certifying that Ordinance No. 668 is intended to carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and direct that the proposed Amendment, a part of Ordinance No. 668 be transmitted to the California Coastal Commission; and
2. Approve Ordinance No. 668 as read by title only (first reading).

MOTION:

I move to:

1. Approve Resolution No. 5542 as read by title only; and
2. Approve Ordinance No. 668 on first reading as read by title only.

I. BACKGROUND

On September 12, 2011 the City Council adopted Resolution No. 5334, thereby approving the City's Housing Element for the 2009-2014 planning period. The California Department of Housing and Community Development (HCD) certified the document on October 11, 2011, finding the Housing Element in compliance with state law.

The 2009-2014 Housing Element includes several Programs calling for amendments to City zoning regulations in order to comply with state housing law. Those amendments include revisions to the Municipal Code regarding density bonus, transitional and supportive housing, single room occupancy housing, agricultural employee housing, emergency shelters and housing for persons with disabilities. The proposed amendments were reviewed and recommended for approval by the Planning Commission at its July 7, 2014 hearing.

II. DISCUSSION

The attached ordinance (Exhibit 1 to Attachment A) amends Carpinteria's existing Zoning Code in the following areas:

Density Bonus Procedures (Program #7)

Pursuant to the State density bonus law (Government Code §65915 – 65918), density bonus units and other concessions or incentives must be granted when certain conditions are met by the applicant for very low, low and moderate income households as well as senior citizen housing developments. Senate Bill No. 1818, which took effect on January 1, 2005, provided revisions to the State density bonus law. Housing Element Program #7 directs the City to update the Density Bonus provisions (Chapter 14.77) to reflect SB No. 1818 requirements in the following areas:

- Density bonus units required as a function of the percentage of housing units provided for very low, low and moderate income households;
- Concessions and incentives;
- Maximum parking standards; and
- Length of affordability period.

Ordinance No. 668 includes the proposed revised text of §14.77 Density Bonus including new tables to calculate the number of density bonus units (14.77.030), two additional findings to deny requested incentives (14.77.040.c and d), a new Section on parking requirements (14.77.050) and minor changes to the text regarding the length of affordability period (14.77.070).

Special Needs Housing Program (Program #11)

Program 11 identifies four special needs housing types that require amendments to the City's Zoning Code in order to be consistent with state law: Transitional, Supportive, Single Room Occupancy and housing for Agricultural Employees.

Transitional and Supportive Housing

Senate Bill No 2, effective January 1, 2008, requires zoning to treat transitional and supportive housing as a residential use subject to only those restrictions that apply to other residential uses of the same type in the same zone. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, including group housing or multi-family units, and may include supportive services to gain necessary life skills in support of independent living. The length of stay is predetermined with a six-month minimum.

Supportive housing is a place for permanent residence unlike temporary emergency shelters and transitional housing where services are provided to the occupants either at the residence or off-site. The types of support services that may be provided include mental health care, vocational and employment services, substance abuse treatment, child care and independent living skills training.

The residents of supportive housing are disabled or include populations such as families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans or homeless people. There is no limit on the length of stay.

Housing Element Program #11 directs the City to include a definition of transitional and supportive housing in Chapter 14.08 Definitions of the Zoning Code that would:

- Identify transitional and supportive housing as residential uses subject only to the same restrictions as other residential uses in the R-1, PRD, PUD, MHS/PUD, MHP, CPD, CB, RES, M-RP, M, M-CD, A and REC Zone Districts; and
- Indicate that transitional and supportive housing development applications will be processed in the same manner as other applications for residential uses in these zones.

An April 24, 2014 Memo from the State Department of Housing and Community Development provides definitions for these housing types and includes a definition for "target population" as the term is used in the definition of supportive housing. These proposed new definitions are presented in Ordinance No. 668.

Single Room Occupancy Housing

Housing Element Program #11 also indicates that the City will amend the Zoning Code to facilitate and encourage the development of small multi-unit residential uses where occupants share common kitchen and bathroom facilities known as Single Room Occupancy (SRO) housing units. Identified actions include:

- Providing a definition of SRO housing units in Chapter 14.08 Definitions;
- Stipulate SRO housing units as among the residential uses subject to the same restrictions as other residential uses in the Planned Residential Development (PRD) District and the Residential (R) Overlay District; and
- Establish development and management standards for SRO housing units.

The proposed amendments presented in Ordinance No. 668 would allow these facilities subject to a Conditional Use Permit in the Planned Residential Development (PRD) Zone District and within the Residential (R) Overlay District.

Agricultural Employee Housing

Housing Element Program #11 states that the City will amend the Zoning Code to be in compliance with Health and Safety Code Sections 17021.5 and 17021.6 which stipulate:

- Any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure. Employee housing shall not be included within the definition of a boardinghouse, rooming house, hotel, dormitory or other similar term;
- No Conditional Use Permit, Variance or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of housing of the same type in the same zone;
- Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be permitted by right in any zones permitting agricultural use by right. In any zone(s) where agricultural use is permitted subject to a Conditional Use Permit, such employee housing shall be subject to a Conditional Use Permit; and
- Permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who may or may not work on the property where the employee housing is located.

Ordinance No. 668 includes these provisions in Chapter 14.32 Agriculture District and Chapter 14.14.12 Single-family Residential District, where agricultural uses are permitted by right in addition to adding a definition of employee housing.

Emergency Shelter Zoning Program (Program #12)

Government Code §65583(a)(4)(A) requires the City to identify a zone or zones where emergency shelters are allowed as a permitted use without a Conditional Use Permit or other discretionary permit. The proposed amendment would:

- Add a definition of emergency shelter;
- Include emergency shelter as a permitted use in the M-RP Zone;
- Clarify that no discretionary review including Conditional Use Permit or Development Plan will be required for an emergency shelter in the M-RP Zone; and
- Establish specific development standards for emergency shelters as allowed by Government Code §65583(a)(4)(A).

Emergency shelters described in this Program are for the temporary housing of homeless persons, not emergency shelters set up as part of an Emergency Action Plan following a disaster.

Government Code §65583(a)(4)(A) states that emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone;
- The size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Night lighting; and
- Security during hours that the emergency shelter is in operation.

Technical Appendix E of the City's Housing Element identifies amendments to the Zoning Code to include emergency shelters as a permitted use in the Industrial/Research Park (M-RP) Zone District with established development standards pursuant to the identified Government Code provisions. Ordinance No. 668 includes the proposed text to implement these provisions including a maximum of 25 beds at any one emergency shelter facility. Higher occupancy facilities may be considered through a Conditional Use Permit. One vehicle and one bicycle parking space shall be provided onsite per five beds, plus one vehicle space for each employee on duty. Individual occupancy is limited to no more than six months in any 12-month period. A written management plan including provisions for staffing, management, security, lighting outdoor uses, temporary storage, site maintenance, service amenities and transportation is required, with no facility closer than 300 feet to any other emergency shelter.

Housing for Persons with Disabilities (Program #13)

Program #13 identifies Zoning Code amendments that the City will adopt to affirmatively further housing opportunities for disabled persons. The proposed amendments would:

- Revise the City's definition of "family" to refer to a housekeeping unit or household instead of distinguishing between related and unrelated persons; and
- Make clear that occupants of a licensed residential care facility serving six persons or fewer are considered to be a family for zoning purposes.

Regarding the above actions, state law prohibits the establishment of a numerical limit on the number of unrelated persons occupying a dwelling unit if those persons are living together as a single housekeeping unit. Additionally, under state law, licensed facilities serving six persons or fewer receive special land use protection. They are to be treated as single-family homes for zoning purposes. The land use protection applies to:

- Intermediate care facilities for individuals who have developmental disabilities (Health and Safety Code §1267.8);
- Residential facilities for persons with disabilities and for abused children (Health and Safety Code §1566.3 and Welfare and Institution Code §5116);
- Residential care facility for the elderly (Health and Safety Code §1569.87);
- Alcoholism and drug treatment facilities (Health and Safety Code §11834.23);
and
- Residential facilities for persons with chronic life threatening illness (Health and Safety Code §1568.0831).

Health and Safety Code §1566.3 provides that no conditional use permit, zoning variance or other zoning clearance is to be required of a residential facility which serves six or fewer persons which is not required of a dwelling of the same type in the same zone. As used in this provision, a residential facility means any family home, group care facility or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Ordinance No. 668 includes the proposed text to modify the definition of family and replace the definitions of large and small family care homes with large and small residential care facilities consistent with state housing law. In addition, within Chapter 14.62 Conditional Use Permit, the provision for "special care homes" found in Section 14.62.030.22 would be replaced with "large residential care facility". The current definition of special care home means the same as a large residential care facility as they would both be licensed by the state and serve seven or more persons. Therefore this change does not substantially change the existing Zoning Code regulations.

III. ENVIRONMENTAL REVIEW

The City Council adopted a Negative Declaration (ND) for the City's 2009-2014 Housing Element on September 12, 2011. Pursuant to §15162 of the California Environmental Quality Act, no additional environmental review is necessary for a project when there is a previously adopted EIR or ND and there have been no changes to the scope of the project, the project's potential impacts, or any project mitigation measures/project alternatives.

Specifically, §15162 states that when a ND has been adopted for a project, no subsequent environmental review shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- a. Substantial changes are proposed in the project which will require major revisions of the previous ND due to the involvement of new significant environmental effects;

- b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects; or
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous ND was adopted.

The previously adopted ND evaluated the potential impacts of the Housing Element update on air quality, biological resources, water resources, utilities/public services and traffic.

The Element includes policies and programs that facilitate the development of housing affordable to all segments of the community in an environmentally responsible way, by promoting development in the existing urban area of the City in proximity to urban services, consistent with the density and land use policies of the General Plan. There were no significant impacts identified in any of the issue areas, therefore no mitigation was required.

The proposed revisions to the City's Municipal Code Title 14 (Zoning) concerning density bonus, transitional and supportive housing, single room occupancy housing, agricultural employee housing, emergency shelters and housing for persons with disabilities to be consistent with the 2009-2014 Housing Element and state housing law would not result in any significant environmental effects as noted in the ND. Therefore, it is appropriate that no additional environmental analysis be completed for this project. Applicable mitigation measures are included as part of the City's General Plan/Coastal Plan and would apply to any development proposals pursuant to these Zoning text amendments. The previously adopted ND for the 2009-2014 Housing Element is included as Attachment B.

IV. ALTERNATIVES

If the City Council chooses not to adopt the proposed Ordinance, the Council could direct staff to return with an amended Ordinance. However, these changes to the City's zoning regulations are required by state housing law, and the state will not certify our upcoming Housing Element update without them.

In the case of density bonus, transitional and supportive housing, agricultural employee housing and housing for persons with disabilities, the City has very little flexibility with the text of the amendments. However, with single room occupancy housing and emergency shelters, cities are allowed some discretion as to which zoning district(s) allow these uses and what development standards will apply.

The Planning Commission recommends the M-RP zone district as appropriate for emergency shelters given the success of the former Salvation Army Rehabilitation Center in this zone. All development standards, as allowed by Government Code §65583(a)(4)(A), have been applied to make certain that any future proposed

emergency shelters comply with the basic land use regulations concerning compatibility with neighboring uses existing in this zone district.

For single room occupancy housing, the Planning Commission has recommended this use would be allowed in the PRD and R Overlay zone districts subject to a Conditional Use Permit approval. The Planning Commission has also recommended specific development standards in order to ensure compatibility with other uses allowed in the PRD and R Overlay zones.

V. LEGAL

The proposed ordinance will amend the Zoning Chapter of Carpinteria's Municipal Code. Pursuant to the Coastal Act, the amendment will not become effective until the California Coastal Commission approves the change.

The typical process for submitting or amending a Local Coastal Program is spelled out in Sections 30510-30526 of the Public Resources Code. The proposed LCP amendments would first be presented to the Planning Commission who would then make a written recommendation to the City Council. Should the Council endorse the proposed amendments, the City Manager may then submit the amendments to the Coastal Commission pursuant to a resolution by the City Council.

Upon receipt of the LCP amendment submittal, Coastal Commission staff would then review the filing for completeness pursuant to Commission regulations. Once the submittal is deemed complete, the amendment is filed and the Commission's review period begins. During the review period, the Commission determines the type of amendment and the requisite review process. Most likely the proposed LCP amendment will require a public hearing with the Coastal Commission which is to be held within 90 days of filing of the LCP amendment. For each of the proposed amendments submitted, the Commission will vote either to deny or certify the proposed amendment(s). The Commission may also suggest modifications following a denial action. The City is allowed to submit only three LCP Amendments per calendar year; separate LCP Amendments can be combined to qualify as only one submittal.

Following approval of an amendment by the Coastal Commission, the item will return to the City Council for necessary action, which may include final adoption of the ordinance and/or acceptance of suggested modifications from the Coastal Commission. LCP amendments do not become effective until completion of the following three steps: (i) all necessary local government follow-up actions, including the acceptance of suggested modifications, are taken; (ii) the Coastal Commission's Executive Director determines that the follow-up actions are legally adequate; and (iii) the Commission concurs with the Executive Director's determination.

**VI. FINANCIAL
CONSIDERATIONS**

Staff does not anticipate any immediate fiscal impact from adoption of the ordinance. However, implementation of the Ordinance may lead to future permit requests that will require staff time to review. Costs associated with permit processing for new development proposals must be paid by the applicant.

VII. ATTACHMENTS

Attachment A – Resolution No. 5542 with Ordinance No. 668 included as Exhibit 1
Attachment B – Negative Declaration Adopted for the 2009 - 2014 Housing Element