



July 24, 2002

**CALIFORNIA COASTAL COMMISSION**

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

**Tu 20b**

**RECORD PACKET COPY**

**TO:** Commissioners and Interested Persons

**FROM:** Chuck Damm, Deputy Director  
Melanie Hale, Supervisor, Planning and Regulations  
Lillian Ford, Coastal Program Analyst

**SUBJECT:** City of Carpinteria Local Coastal Program Amendment 1-01 (Land Use Plan Update)

**SUMMARY OF STAFF REPORT**

**DESCRIPTION OF THE SUBMITTAL**

On August 6, 2001 the Commission received from the City of Carpinteria Local Coastal Program Amendment (LCPA) 1-01. This Local Coastal Program Amendment proposes to update the City's certified Land Use Plan in its entirety, in combination with its updated General Plan. This Land Use Plan update was approved through Resolution No. 4670 by the City Council on May 29, 2001.

**SUMMARY OF STAFF RECOMMENDATION**

Commission staff recommends that the Commission **DENY** the proposed Land Use Plan Amendment (Comprehensive Update), as submitted, and **APPROVE** the proposed Land Use Plan Amendment (Comprehensive Update) as revised by the suggested modifications. As submitted the Land Use Plan amendment is inconsistent with various policies in Chapter Three of the Coastal Act pertaining to land use, development, public access, industrial development, and protection of coastal waters and environmentally

sensitive habitat areas. As modified, the amendment is consistent with Chapter Three of the Coastal Act.

## **STAFF NOTE: ANTICIPATED AREAS OF DISCUSSION**

Commission staff and representatives of the City of Carpinteria have endeavored to reconcile this Local Coastal Program Amendment (Comprehensive Update) with the requirements of the Coastal Act, the City's planning objectives, and the comments of the public. City representatives have agreed with many suggested modifications included herein, and have offered revisions that have been incorporated into this report. Although much of the amendment is consistent with the Chapter Three policies of the Coastal Act, and substantial agreement exists on many issues, a few major points of disagreement remain, as summarized below:

### **Conversion of agricultural (and adjacent) lands:**

The most prominent area of disagreement concerns the conversion of agricultural lands and adjacent properties. The proposed Land Use Map designates two agricultural sites (known as Creekwood, and the Ellinwood parcel) for low-density residential and medium-density residential uses respectively. The proposed Land Use Map also designates a low-density residential parcel adjacent to prime farmland, known as the East Valley School site, for public facility use.

The 32-acre Creekwood site contains Class I prime agricultural soils and is currently designated for agricultural use. It is located within the city limits, but outside of the urban-rural boundary. In 1999, Commission staff reviewed a proposal for the conversion of the Creekwood site and recommended denial of the proposal as inconsistent with Sections 30241 and 30241.5. The proposal was subsequently withdrawn. This staff report makes the same recommendation.

The City maintains that conversion of the Creekwood site is necessary to provide adequate housing stock to meet Housing and Community Development requirements, and that inadequate amounts of non-agricultural land are available for housing. However, other amendment provisions allow for residential use of commercial and industrial parcels, thus making available significant additional opportunities for housing development. Staff recommends approval of these provisions of the amendment. The City also contends that agriculture is economically infeasible on the Creekwood site. Staff has provided an alternative analysis that concludes that agriculture is feasible. The City further maintains that conversion of the Creekwood site would create a more stable boundary than currently exists between the rural use of the site and an adjacent mobile home park. Staff notes that the urban-rural boundary that separates the two sites has been stable for 30 years.

The approximately 4-acre Ellinwood parcel contains non-prime soils and is undergoing wetland delineation. It is currently designated for agricultural use, but has been solely in residential use since 1978. It is located within the City's proposed Sphere of Influence, immediately adjacent to the City's northern border, and is adjacent to medium density residential properties to the south and west, and agricultural designated properties to the north and east. The City of Carpinteria contends that agricultural use of the site is no longer feasible, and proposes to designate the site for medium-density residential use, which allows up to 20 units per acre. Staff concurs that the site is not feasible for agricultural use, but recommends denial of the proposed medium-density residential designation as inconsistent with the agricultural preservation policies of Sections 30241 and 30242, as well as with Coastal Act policies to protect wetlands. Staff recommends a suggested modification designating the site as rural residential, which allows 0.3 to 1 units per acre.

The approximately 7-acre East Valley School site is also located within the City's proposed Sphere of Influence, immediately adjacent to the City's northern border, and is currently designated for low density residential use. The site is flanked on three sides by agricultural operations, including prime agricultural land. The property has been recently purchased by the Carpinteria Unified School District with the intention of building an elementary school on the site. The amendment proposes to change the site's land use designation from low density residential (1 du per 3 acres) to public facility in order to allow the site to be used for the school. Staff recommends approval of this proposal with the addition of a policy requiring an operating management / hold harmless agreement to be made between the owners of the public facility site and all agricultural owners and operators within 500 feet. The location of an elementary school adjacent to active agricultural operations, including those that employ aerial spraying of restricted pesticides, increases the likelihood of conflict between urban and rural uses. The intent of this recommendation is to minimize these conflicts, and to ensure that use of adjacent agricultural facilities is not impaired by the location of an elementary school or other public facility.

Suggested Modification 15, which includes requirements for the operational management agreement, is the result of discussions between CUSD, City staff and Commission staff. While agreement exists between all parties as to the need for an operational management agreement, City staff fears that requiring all adjacent agricultural owner and operators within 500 feet to agree to the plan may put the owners of the public facility site essentially "at the mercy" of the agricultural interests. City staff has suggested the addition of language that would allow, in the event that one or more adjacent agricultural owner or operator refused to join the agreement, an alternative means of establishing the compatibility of the operations management plan with adjacent agricultural uses. Staff maintains that the agreement of the adjacent agricultural owners and operators is essential to minimizing conflicts between the proposed use and adjacent agricultural land.

Findings for these proposals are found in Part IV, Section D. (Land Use Map / Designations). The location of the three sites are identified on ~~Figure 3~~ in Part III (Suggested Modifications).

### Takings and "balancing" language

A second area of discussion concerns the City's incorporation of language to preclude a taking of land as the result of setback policies, as well as language allowing the City to utilize a balancing argument when determining a setback reduction. In the staff report for the July hearing, staff recommended deletion of this language for two reasons. First, no parcels had been identified as requiring a balancing argument or a takings analysis as a result of the setbacks. Secondly, if such a parcel were to be identified, the City should propose an LCP amendment, with supporting documentation, requesting Commission authorization of a reduction in the setback to avoid a taking, or proposing a preferred resolution to a conflict between Chapter Three policies on the site. It is important to note that balancing to resolve conflicts should be done by the Commission, during review of development proposed at a specific location. The City's proposal would allow balancing between LUP policies, rather than between policies of the Coastal Act, as provided for under 30007.5.

Subsequent to the preparation of the staff report, Commission staff further reviewed the Draft Environmental Impact Report (EIR) for the Carnevale Duplex Project, which is located adjacent to Carpinteria Creek. The Draft EIR discusses several alternative creek setbacks and the effect of these setbacks on the potential for development on the property. Based on the information contained in the Draft EIR, staff has determined that application of the creek setback proposed in this amendment to the Carnevale property could possibly raise a takings issue.

The Deputy City Attorney of the City of Carpinteria has submitted a letter (Exhibit 9) proposing that the "'takings' language" included in the setback policies be replaced with a new section that addresses the taking of private property. Commission staff has reviewed this document and has revised it to apply only to the Carnevale property. This revision is included as a new section of the LUP amendment in Suggested Modifications 93 through 101. As noted above, if additional parcels where it would be infeasible to approve development that complies with ESHA setbacks are identified, the City can propose an LCP amendment that specifically identifies the parcel(s), provides supporting documentation to determine whether a taking exists, and requests authorization of development that does not comply with the relevant setback.

City staff has expressed concerns, from a legal and implementation perspective, about narrowing the proposed language to apply only to the Carnevale property. Commission staff, including legal staff, is continuing to evaluate the issue.



### **STAFF NOTE: STAFF REPORT ORGANIZATION**

Please note that all proposed Land Use Plan (LUP) policies and related existing LUP policies are included in the charts on pages MOD-4 to MOD-225. Due to their size, the existing and proposed LUPs have not been attached to this report but are available upon request from the South Central Coast District Office as noted below.

### **ADDITIONAL INFORMATION**

For further information, please contact Lillian Ford at the South Central Coast District Office of the Coastal Commission at **805-585-1800**. Copies of the amendment submittal are available for review at the South Central Coast District Office located at 89 S. California, Ventura, CA 93001.

## TABLE OF CONTENTS

I.	COASTAL PROGRAM AMENDMENT 1-01.....	8
	A. DENIAL AS SUBMITTED .....	8
	B. APPROVAL WITH SUGGESTED MODIFICATIONS.....	8
II.	PROCEDURAL ISSUES.....	9
	A. STANDARD OF REVIEW .....	9
	B. PROCEDURAL REQUIREMENTS .....	9
	C. PUBLIC PARTICIPATION SUMMARY .....	10
III.	SUGGESTED MODIFICATIONS.....	12
	A. LAND USE MAPS (FIGURES 1, 2, AND 3) .....	MOD-1
	B. INTRODUCTION / LUP ORGANIZATION .....	MOD-4
	C. LAND USE ELEMENT .....	MOD-6
	D. COMMUNITY DESIGN ELEMENT .....	MOD-38
	E. CIRCULATION ELEMENT .....	MOD-85
	F. OPEN SPACE, RECREATION, CONSERVATION ELEMENT .....	MOD-95
	G. SAFETY ELEMENT .....	MOD-191
	H. PUBLIC FACILITIES AND SERVICES ELEMENT .....	MOD-217
	I. DEFINITIONS.....	MOD-224
IV.	FINDINGS FOR DENIAL OF THE CITY OF CARPINTERIA'S LAND USE PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS.....	14
	A. PROPOSED AMENDMENT.....	14
	B. DESCRIPTION OF THE CITY OF CARPINTERIA .....	15
	C. LOCAL COASTAL PROGRAM HISTORY .....	16
	D. INTRODUCTION / LUP ORGANIZATION .....	17
	E. LAND USE ELEMENT (MAP / DESIGNATIONS) .....	21

F. LAND USE ELEMENT (POLICIES) .....	56
G. COMMUNITY DESIGN ELEMENT .....	65
H. CIRCULATION ELEMENT.....	73
I. OPEN SPACE, RECREATION AND CONSERVATION ELEMENT.....	79
J. SAFETY ELEMENT .....	110
K. PUBLIC FACILITIES AND SERVICES ELEMENT .....	117
L. DEFINITIONS.....	119
V. CEQA CONSISTENCY .....	120

## EXHIBITS

EXHIBIT 1 – POLICIES EXCLUDED FROM THE LAND USE PLAN

EXHIBIT 2 – POLICIES REQUIRING IMPLEMENTATION PROGRAM AMENDMENTS

EXHIBIT 3 – PUBLIC ACCESS POLICIES

EXHIBIT 4 – AGRICULTURAL CONVERSION AND VIABILITY ANALYSIS

EXHIBIT 5 – STAFF REPORT FOR LCP AMENDMENT 2-98

EXHIBIT 6 – PROPOSED ESHA OVERLAY MAP

EXHIBIT 7 – MATERIALS CONCERNING THE ELLINWOOD PARCEL: REPORT DATED  
FEBRUARY 28, 2002 BY DAVID SWENK OF CF DEVELOPMENT REVIEW  
NORTH, RE: ELLINWOOD WETLANDS; LETTER DATED FEBRUARY 22, 2000  
FROM SCOTT ELLINWOOD TO CITY OF CARPINTERIA

EXHIBIT 8 – CORRESPONDENCE FROM DAVE DURFLINGER, CITY MANAGER, CITY OF  
CARPINTERIA DATED JULY 8, 2002, RE: STAFF REPORT DATED JUNE 27,  
2002

EXHIBIT 9 – CORRESPONDENCE FROM GRAHAM M. LYONS, DEPUTY CITY ATTORNEY,  
CITY OF CARPINTERIA, DATED JUNE 26, 2002, RE: LCP – PROPOSED  
TAKING LANGUAGE

EXHIBIT 10 – CORRESPONDENCE CONCERNING THE CONVERSION OF AGRICULTURAL  
LANDS

EXHIBIT 11 – CORRESPONDENCE CONCERNING THE CONVERSION OF THE EAST  
VALLEY SCHOOL SITE

# I. COMMISSION RESOLUTIONS ON CITY OF CARPINTERIA LOCAL COASTAL PROGRAM AMENDMENT 1-01

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

## **A. Denial as Submitted**

### **Motion:**

*"I move that the Commission **CERTIFY** Land Use Plan Amendment 1-01 (Land Use Plan Update), as submitted by the City of Carpinteria."*

### **Staff Recommendation to Deny:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

### **Resolution to Deny:**

The Commission hereby **DENIES** certification of the Land Use Plan Amendment 1-01 as submitted by the City of Carpinteria and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

## **B. Approval with Suggested Modifications**

### **Motion:**

*"I move that the Commission **CERTIFY** the Land Use Plan Amendment 1-01 (Land Use Plan Update) for the City of Carpinteria, if it is modified as suggested in this staff report."*

**Staff Recommendation to Certify with Suggested Modifications:**

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

**Resolution to Certify with Suggested Modifications:**

The Commission hereby **CERTIFIES** the Land Use Plan Amendment 1-01 for the City of Carpinteria if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

## II. PROCEDURAL ISSUES

### A. STANDARD OF REVIEW

The standard of review for land use ~~plan amendments, is found in Section~~ 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, Section 30512 states:

*(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.*

### B. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the Local Coastal Program amendment will require formal local government adoption after Commission approval, or as an amendment that

will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The City's resolution of adoption (Resolution No. 4670) states that this LCP amendment will take effect upon Commission certification. However, this certification is subject to suggested modifications by the Commission. Therefore, this local coastal program amendment will not become effective until the City of Carpinteria formally adopts the suggested modifications and complies with all the requirements of Section 13544.5 including the requirement that the Executive Director determine the City's adoption of the amendment to the Land Use Plan is legally adequate.

Furthermore, portions of this amendment shall not become effective until necessary amendments are made to the City's Implementation Program (IP). Under the Coastal Act, a local government's Implementation Program (IP) must be adequate to carry out the provisions of the local government's Land Use Plan (LUP), which provides the standard of review for development. The City of Carpinteria's existing IP is not adequate to carry out all of the provisions of this LUP amendment. Suggested Modification 7 adds a policy to the amendment that delays the effectiveness of those portions of the LUP that require IP changes, until those changes are certified by the Commission. The LUP policies and maps affected by Suggested Modification 7 are listed in Exhibit 2.

## C. SUMMARY OF PUBLIC PARTICIPATION

The City of Carpinteria began preparing to update its Land Use Plan, in concert with its General Plan (GP), in 1996, when the City Council initiated a community visioning process. Approximately 100 community residents, businesses, and special district representatives participated in the process, which resulted in the publication of a comprehensive vision statement in December 1997. This document informed the work of the General Plan Advisory Committee (GPAC), which was created by the City Council in February 1997 to prepare a draft LUP/GP for community review. The GPAC met regularly until March 2000, resulting in a draft Land Use Plan / General Plan and Environmental Impact Report (EIR). The statutory public review period for the EIR, which began on February 1, 2000 and ended on March 24, 2000, resulted in 23 comment letters from agencies, advocacy groups, and local residents, which are included as Appendix G in the proposed LUP.

The draft LUP/GP/EIR was subsequently reviewed by the City of Carpinteria's Planning Commission at public hearings held on May 15, 2000, May 30, 2000, June 7, 2000, and June 19, 2000. The Carpinteria City Council held public hearings on the Plan every other Monday from September 11, 2000, to December 11, 2000 and again on January 8, 2001, January 22, 2001, and February 26, 2001. Notice of Intent to Take Final Action on the Plan was given on February 26, 2001. After returning the Plan to the Planning Commission for final review and comment on May 7, 2001, the Plan was presented to the City Council for adoption on May 29, 2001.

The Draft LUP/GP/EIR and all related documents were made available for public review at the Carpinteria City Hall. The Notice of Public Meeting and Intent to Take Final Action was advertised in the Santa Barbara News-Press and mailed to adjacent local governments, state and regional agencies, and a variety of interested groups, businesses, and individuals, including all those who had submitted comments to the Draft EIR.

### III. SUGGESTED MODIFICATIONS

**Suggested Modifications:** The Commission certifies the following, with modifications as shown. Language as submitted by City of Carpinteria is shown in straight type. Language recommended by the Commission for deletion is shown in line-out. Language recommended to be inserted is underlined.

**Commission Review of Narrative Text:** The City's LUP amendment can be divided into two major divisions. The first division is narrative, which describes the City, how the LCP program functions, and the explanatory basis for the various standards and policies contained in the LUP amendment. The second division of the LUP amendment consists of the actual standards and policies. It is this second division which is the focus of Commission review.

Commission review of the LUP has been primarily limited to **Table OSC-1, Figures LU-1, C-3, and OSC-1**, and the standards and policies of the Land Use Plan. The proposed LUP contains three levels of policy, titled "objectives," "policies," and "implementation measures." All three of these levels are to be considered enforceable policies. Therefore, the standard of review for the City in permitting development under the LUP will be all objectives, policies, and implementation measures, with the exception of those marked "GP." Policies and map language marked "GP" are contained only in the General Plan, and are excluded from the LUP component of the LCP. For that reason, those policies are not listed in the following chart and are not analyzed as part of this submission. These policies and other plan components are listed in Exhibit 1. Please note that gaps in numbering are a result of the exclusion of GP-only policies.

Revisions to the policies, made through suggested modifications, in certain circumstances may make the background narrative obsolete. Descriptive narrative no longer consistent with the policies will need to be revised by the City to conform to the narrative of any associated policy that has been revised through suggested modifications as part of the submission of the final document for certification pursuant to **Sections 13544 and 13544.5 of the California Code of Regulations**.

**Organizational Notes:** The addition of new policies or the deletion of policies (as submitted) will affect the numbering of subsequent LUP policies when the City of Carpinteria publishes the final LUP incorporating the Commission's suggested modifications. This staff report will **not** make revisions to the policy numbers. The City will make modifications to the numbering system when it prepares the final Coastal Element for submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.

This LUP update is a revision to the City's previous LUP (1980). To facilitate review, both the City's proposed policies and relevant existing LUP policies have been included, as have existing and proposed Land Use Maps. Pages MOD-4 to MOD-225 have been organized into columns to present the City's existing policies in comparison with the City's proposed new policies, and the Commission's suggested modifications. The left columns contain the City's existing policies, which are to be replaced. The center columns contain the equivalent proposed policy under the current submission. The right columns contain the Commission's suggested modifications. The far right column contains relevant Chapter Three policies. Figures 1, 2, and 3 (pages MOD-1 to MOD-3)



contain the existing and proposed Land Use Maps, and suggested modifications to the proposed Land Use Map.

**Global Text Suggested Modification:** As submitted, this LUP amendment contained supportive narrative describing the basis for many policies. Some of these policies have been modified as a result of this Commission action. Consequently, the corresponding supportive narrative may no longer be relevant for supporting modified policies. The Commission empowers the City with the approval of the Executive Director to revise supportive narrative so that it will be consistent with the policies of the LUP amendment as modified through the suggested modifications. Since this policy refers to a global text revision, once the global text revisions are made, this policy does not need to be included in the amended LUP.



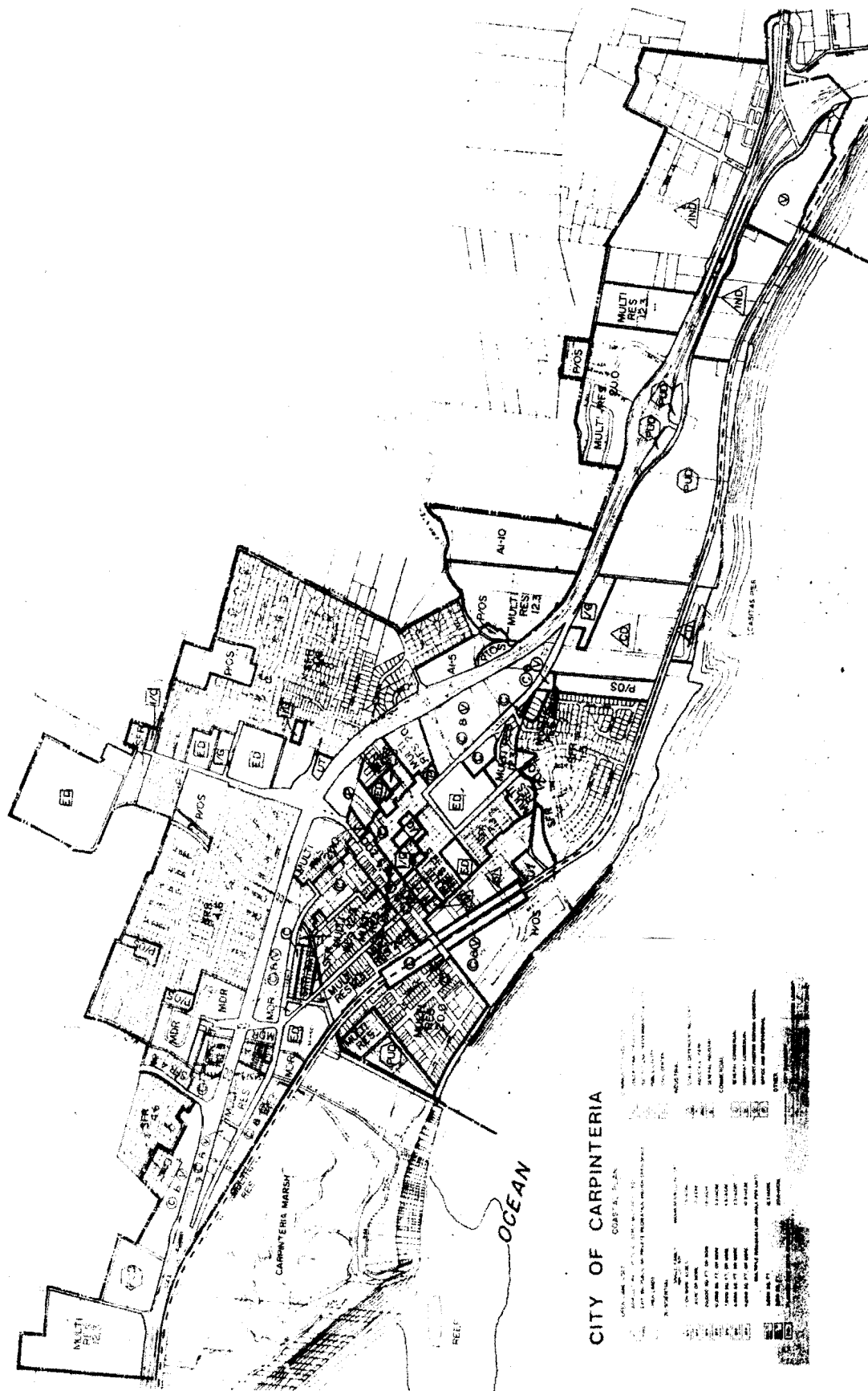
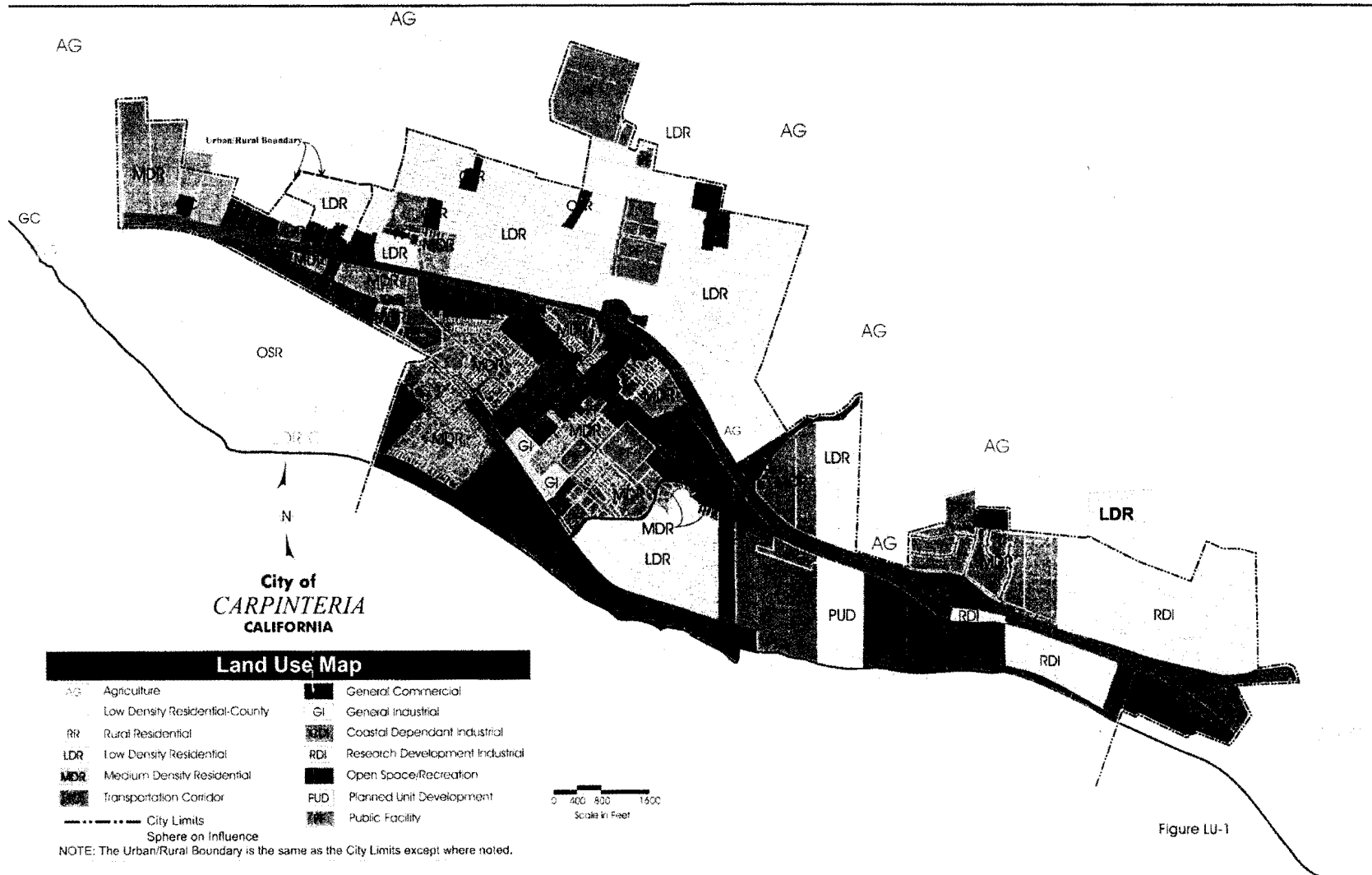


Figure 1

Existing Land Use Map

MOD-1





**Figure 2**

**Proposed Land Use Map**

**MOD-2**









## Policies and Suggested Modifications

## INTRODUCTION / LUP ORGANIZATION

Proposed LUP Section	Page #	Proposed Language	Mod #	Suggested Modification
Introduction	p. 2	"The Carpinteria General Plan is organized into eight elements that address required and optional topics. Each element includes a general discussion, identifies relevant issues, and provides objectives and policies to address these issues. Implementation measures are identified to carry out each element's objectives."	1	<p>"The Carpinteria General Plan is organized into eight elements that address required and optional topics. Each element includes a general discussion, identifies relevant issues, and provides objectives and policies to address these issues. Implementation <del>measures</del> <u>policies</u> are identified to <del>carry out</del> <u>provide direction for carrying out</u> each element's objectives."</p> <p><u>An objective is a policy articulating a specific future end, condition, or state related to the public health, safety and welfare toward which planning and planning implementation is directed. A policy is a statement that guides decision making, and indicates a clear commitment of the local legislative body. An implementation policy is a policy that provides direction for carrying out a related General Plan / Land Use Plan policy.</u></p>
Global	throughout the text	"Implementation Measures"	2	"Implementation <del>Measures</del> <u>Policies</u> "
Introduction	p. 3	" <b>Local Coastal Land Use Plan.</b> This General Plan is designed to be consistent with the California Coastal Act and provides the Land Use Plan and related policies for the various implementation programs such as the zoning ordinance. This General Plan, together with the implementation programs make up the City's Local Coastal Program. (California	3	" <b>Local Coastal Land Use Plan.</b> This General Plan is designed to be consistent with the California Coastal Act and provides the Land Use Plan and related policies for the various implementation programs such as the zoning ordinance. This <del>General Land Use Plan</del> , together with the implementation programs make up the City's Local Coastal Program. (California Coastal Act of 1976 §§30108.6, 30500) <u>All o</u> bjectives,

## Policies and Suggested Modifications

## INTRODUCTION / LUP ORGANIZATION

Proposed LUP Section	Page #	Proposed Language	Mod #	Suggested Modification
		Coastal Act of 1976 §§30108.6, 30500) Objectives, policies and implementation measures addressing Coastal Act issues are identified with the wave symbol shown at right."		<p>policies, implementation measures <del>policies</del>, and map language identified within this document are intended to address <del>addressing</del> Coastal Act issues, unless identified with the "GP" are identified with the wave symbol shown at right. Policies and language identified with the <del>"GP"</del> symbol are excluded from the Land Use Plan, but are included in the General Plan.</p> <p>Public access policies are identified in Appendix I, in accordance with §13552(b) of the California Code of Regulations.</p>
Global	throughout the text		4	All policies and map text listed in Exhibit 1 of this staff report shall be identified with a symbol consisting of the letters "GP".

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
p. B-3 of Appendix B	<p><b><u>"RESIDENTIAL LAND USES"</u></b>            Density is the primary parameter within which residential land uses are defined. Density is used to describe the number of dwelling units permitted on an acre of land or, in later translation into zoning, the number of dwelling units permitted on a lot of a given size."            (The densities listed include Single Family designations from 0.3 to 4.6 du/acre and Multiple Family designations from 12.3 to 20.0 du/acre.)</p>	Land Use Map section of Land Use Element	<p><b>"Rural Residential (RR)"</b>            The RR land use category provides locations for single family homes adjacent to the urban/rural boundary to function as a transition use and to help stabilize the boundary. Density: 0.3 to 1.0 du/ac (dwelling units per acre)"</p>			
p. B-3 of Appendix B	<p><b><u>"RESIDENTIAL LAND USES"</u></b>            Density is the primary parameter within which residential land uses are defined. Density is used to describe the number of dwelling units permitted on an acre of land or, in later translation into zoning, the number of</p>	Land Use Map section of Land Use Element	<p><b>"Low-Density Residential (LDR)"</b>            The LDR land use category includes locations for low-density detached single-family residences in neighborhood settings. Density: 0.3 du/ac to 4.6 du/ac."</p>			

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	dwelling units permitted on a lot of a given size." (The densities listed include Single Family designations from 0.3 to 4.6 du/acre and Multiple Family designations from 12.3 to 20.0 du/acre.)					
p. B-3 of Appendix B	<p><b><u>"RESIDENTIAL LAND USES</u></b></p> <p>Density is the primary parameter within which residential land uses are defined. Density is used to describe the number of dwelling units permitted on an acre of land or, in later translation into zoning, the number of dwelling units permitted on a lot of a given size." (The densities listed include Single Family designations from 0.3 to 4.6 du/acre and Multiple Family designations from 12.3 to 20.0 du/acre.)</p>	Land Use Map section of Land Use Element	<p><b>"Medium-Density Residential (MDR)</b></p> <p>The MDR land use category provides a broad range of small lot detached or attached (duplex) single-family and attached multi-family residences. Land uses typically include single-family homes, mobile homes, apartments, townhouses, and condominiums. Density: 4.7 to 20.0 du/ac."</p>			
p. B-3 of	<b><u>"Planned Unit Development</u></b>	Land Use Map	<b>"Planned Unit Development (PUD)</b>			

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
Appendix B	The Planned Unit Development designation has been given to large, undeveloped parcels suitable for a combination of land uses i.e., residential, recreational, visitor-serving, commercial and convenience establishments. The purpose of this designation is to ensure prevent piecemeal development by requiring that the entire parcel be planned and developed as a unit. Use of flexible and innovative design concepts is encouraged. Refer to Section 3.2.3 for the detailed requirements and permitted uses in the Planned Unit Development designation."	section of Land Use Element	The PUD land use category is intended for areas where careful analysis is required prior to development due to the sensitive nature of these locations. Specific Plans are required for PUD land use designations. The PUD designation is assigned to large, undeveloped parcels suitable for a combination of land uses (e.g., residential, recreational, visitor-serving, and commercial and convenience establishments). The purpose of this designation is to ensure comprehensive planning by requiring that the entire parcel be planned and developed as a unit. Use of flexible and innovative design concepts is encouraged. Density is determined through the Specific Plan process."			
p. B-3 of Appendix	"General Commercial (C) This designation has been used to denote	Land Use Map section of	General Commercial (GC) The GC land use category is characterized by a mixture of			

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
B	<p>areas suitable for many types of commercial activities. Central business district areas, neighborhood shopping centers, and design commercial are all contained under this designation. Permitted uses in the General Commercial designation range from convenience activities, which serve such day-to-day needs as food, drugs, gasoline, and other incidentals, to wholesale facilities which support agricultural, construction, and transportation activities.</p> <p><u>Office and Professional (P)</u> Permitted uses under this designation include offices, hospitals, schools, and churches."</p>	Land Use Element	retail, wholesale, service and office uses, usually located along major transportation corridors. This category includes a variety of commercial intensities. The Central Business District identifies the downtown commercial area. It is characterized by a variety of offices, retail businesses, specialty shops, entertainment uses, and residential land uses. The City encourages this area to be pedestrian-oriented."			
p. B-3 of Appendix	" <u>General Industry</u> – all uses permitted in City's existing industrial zones."	Land Use Map section of	" <u>General Industrial (GI)</u> The GI land use category provides areas for light			

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
B		Land Use Element	industrial processing, assembly, packaging, wholesale and service-related industries."			
p. B-3 of Appendix B	" <u>Coastal Dependent Industry</u> – the intent of this designation is to recognize that certain industrial uses require a site on, or adjacent to, the sea to be able to function at all. Coastal dependent industrial uses include onshore processing facilities for offshore oil and gas production, liquefied natural gas facilities, marine terminals, staging area, port and harbor areas, fishing facilities, aquaculture including fish hatcheries, and areas for deploying oil spill cleanup equipment. Other uses, though not strictly coastal dependent, may need access to the ocean under special conditions, for example, thermal	Land Use Map section of Land Use Element	" <b>Coastal Dependent Industrial (CDI)</b> The CDI land use category identifies areas for industrial uses that are coastal dependent, such as aquaculture and pipeline/gas processing facilities in support of offshore oil industries."			

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	power plants sited to take advantage of ocean cooling water. Policies governing these uses are specified in Section 3.6. Within this designation, other industrial uses may also be permitted, including production and processing of crude oil and gas from onshore wells."					
p. B-3 of Appendix B	" <u>Industrial Park</u> – this category is not limited to a specific list of uses. It is any industrial use which is housed in well-designed buildings set in attractively landscaped grounds. This is industry in a park-like setting."	Land Use Map section of Land Use Element	" <b>Research &amp; Development Industrial (RDI)</b> The RDI land use category is characterized by well designed groups of office, research and development and light industrial uses. These land uses typically employ a large number of persons, and are attractively designed to be compatible with less intense uses, such as residential."			
p. B-3 of Appendix B	" <u>COMMUNITY FACILITIES</u> <u>Educational Facilities (Public or Private)</u> – include all proposed and	Land Use Map section of Land Use Element	" <b>Public Facility (PF)</b> The PF land use category includes public service facilities including police, fire, school, water, utility, sewer or			



# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	<p>existing public schools from elementary through college level.</p> <p><u>Institution/Government Facility</u> – is for all major public and quasi-public land uses not included in the categories already defined, such as City office buildings, hospitals, churches, libraries, fire departments, etc.</p> <p><u>Public Utility</u> – an area designated for the facilities and service of a public utility or public service entity. Screening, landscaping, and other design requirements may be prescribed by the zoning ordinance to ensure compatibility with surrounding land uses."</p>		<p>other municipal services, and other compatible land uses including boys/girls clubs, libraries, churches or other publicly oriented uses."</p>			
p. B-3 of Appendix B	<p><u>"Existing Public or Private Recreation and/or Open Space</u></p> <p>The purpose of this designation is to provide opportunities for various forms of outdoor</p>	Land Use Map section of Land Use Element	<p><b>"Open Space/Recreation (OSR)</b></p> <p>The OSR land use category is intended to provide recreational areas (passive or active), including City parks, beaches, golf courses and</p>			

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	<p>recreation, of a public or private nature, which require access to open spaces and natural settings for their realization. These open space recreational uses include, but are not limited to, the following: public parks containing facilities for picnicking, camping, riding, hiking, walking, biking, on a day or longer use basis; flood control easements providing access to and along stream channels and other drainage areas; and golf courses. Structures or other facilities shall be limited to those required to support the recreational activities. These may include parking areas, corrals and stabling areas, picnic and camping areas, trails, water and sanitary facilities, safety and first aid stations, ranger</p>		<p>related uses. It also identifies open space areas."</p>			

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	<p>stations, and limited concession facilities. Other recreational structures and facilities of a more intensive nature, such as swimming and tennis clubs, may also be permitted. However, intense commercial recreational development shall be limited to areas designated for commercial uses. For example, fairgrounds, amusement parks and large indoor recreational complexes, along with visitor-serving facilities such as hotels and motels are not permitted in areas designated for recreation.</p> <p><u>Proposed Public Access Corridors or Recreation Areas</u>  This designation identifies those lands suitable for future access corridors and recreational areas. These lands</p>					

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	include sites designated by the City or other public agency for acquisition."					
p. B-3 of Appendix B	<p><u>"Agriculture I (5 to 40 acres minimum parcel size)</u>  The purpose of an agriculture designation is to identify agricultural land for the cultivation of plant crops and the raising of animals. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land (defined in Appendix A), land in existing agriculture use, land with agricultural potential, and lands under Williamson Act contracts.  The Agriculture I designation applies to the acreages of prime or non-prime farmlands and agricultural uses which are located within or adjacent to the generally</p>	Land Use Map section of Land Use Element	<b>"Agriculture (A)</b> The A land use category identifies areas appropriate for continued agricultural production."			

# Policies and Suggested Modifications

## LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	<p>urbanized areas.</p> <p>Agriculture I uses include, but are not limited to, food, fiber, orchards such as citrus, avocado, and walnuts, flower and vegetable growing, berries, vineyards, nurseries, and greenhouse operations. Only structures related to these activities and single family residences (one unit per specified minimum parcel size) are permitted. Additional dwellings for residential farm workers (i.e., ranch managers, foremen, or caretakers) may be allowed subject to a conditional use permit. Raising of animals for commercial purposes, the boarding of animals, riding stables and animal husbandry services are also permitted as conditional uses."</p>					

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
p. B-3 of Appendix B		Land Use Map section of Land Use Element	<b>"Transportation Corridor.</b> The TC land use category is intended to identify limited access State Highways. The character of the highway will include landscaping and overpass design that reflects positively on the character of the community."			
p. B-3 of Appendix B	<b>"Visitor Serving/ Highway Commercial (V)</b> The intent of this designation is to provide for those uses which serve the highway traveler or visitors to the City. Such uses may also serve local residents and include hotels, motels, restaurants, service stations, and other retail commercial enterprises which serve both the needs of the visitor and the local community. When this designation is applied to an entire parcel(s), it signifies that visitor-serving and/or highway commercial uses	Land Use Map section of Land Use Element	No designation included	5	<b><u>"Visitor-serving Commercial (VC)</u></b> <u>The VC land use category is intended to provide for those uses that serve visitors to the City. Such uses may also serve local residents and include hotels, motels, restaurants, service stations, and other retail businesses that meet visitor needs."</u>	§30213 §30222

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	will be the principal permitted uses, with all other structures or development incidental or accessory to such uses. When used in combination with the General Commercial land use designation, the intent of the Visitor Serving/Highway Commercial designation is to identify those areas in which visitor-serving and/or highway commercial uses will be given priority over other commercial uses, if possible, but will not necessarily be required as the principal permitted use."					
		<u>Added Policy</u>		6	"The Land Use Map shall be modified as indicated in Figure 3 (Suggested Modifications and Notes) of this staff report."	§30213 §30231 §30240 §30241
		LU-1	"Establish the basis for orderly, well planned urban development while protecting			§30210-30263

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			coastal resources and providing for greater access and recreational opportunities for the public."			
1-1	"The City shall adopt the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as the guiding policies of the land use plan."	LU-1a	"The policies of the Coastal Act (Public Resources Code Section 30210 through 30263) are hereby incorporated as the guiding policies of the land use plan."			§30210-30263
		<u>Added Policy</u>		7	<u>"The Land Use Plan amendments approved by the City in Resolution 4670 and listed in Exhibit 2 of this report, as modified pursuant to the suggestions of the Coastal Commission, shall not become effective until the City of Carpinteria formally adopts the suggested modifications and complies with all of the requirements of Section 13444.5 of the California Code of Regulations and the Coastal Commission certifies amendments to the Implementation Program that are adequate to carry out and implement such Land Use Plan Amendments. The remaining Land Use Plan amendments approved in</u>	



# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
					<u>Resolution 4670, as modified pursuant to the suggestions of the Coastal Commission, shall be effective once the City of Carpinteria formally adopts the suggested modifications and complies with all of the requirements of Section 13544.5 of the California Code of Regulations.</u>	
1-2	"Where policies within the land use plan overlap, the policy that is the most protective of resources i.e., land, water, air, etc., shall take precedence."	LU-1b	"Where policies in the Land Use Element overlap, the policy that is most protective of resources (e.g., land, water, air, etc.) shall take precedence."			
		LU-1c	"Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space / recreation or agriculture (as shown in Figure LU-1) are compatible with these public resources and will not be detrimental to the resource."			§30240
		LU-2	"Protect the natural environment within and surrounding Carpinteria."			§30240

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
2-29	"The City shall reserve the right to reduce the density specified in the land use plan for a particular parcel if it is determined that such reduction is warranted by conditions specifically applicable to the site, such as topography, geologic or flood hazards, habitat areas, or steep slopes, particularly when such constraints are indicated by the overlay designations on the land use plan map."	LU-2a	"Reduce the density or intensity of a particular parcel if warranted by conditions such as topography, geologic or flood hazards, habitat areas or steep slopes. This can be achieved by establishing an environmentally sensitive area overlay district in the Zoning Ordinance. This overlay district will include maximum density and parcel size criteria for determining the appropriate intensity of sensitive habitat areas."	8	"Reduce the density or intensity of a particular parcel if warranted by conditions such as topography, geologic or flood hazards, habitat areas or steep slopes. This can be achieved in <u>part</u> by establishing an environmentally sensitive area overlay district in the Zoning Ordinance. This overlay district will include maximum density and parcel size criteria for determining the appropriate intensity of sensitive habitat areas."	§30240
		LU-2b	"Regulate all development, including agriculture, to avoid adverse impacts on habitat resources. Standards for habitat protection are established in the Open Space, Recreation & Conservation Element policies."			§30213 §30222
		LU-3	"Preserve the small beach town character of the built environment of Carpinteria,			§30250

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			encouraging compatible revitalization and avoiding sprawl development."			
2-26	<p>All development, including agriculture, adjacent to areas designated on the land use plan maps as habitat areas, adjacent to oceanfronting parks and recreation areas, or contiguous to coastal waters, shall be regulated to avoid adverse impacts on habitat resources.</p> <p>Regulatory measures include, but are not limited to setbacks, buffer zones, grading controls, noise restrictions, and maintenance of natural vegetation. (See Section 3.9 for policies affecting specific habitat areas.)</p>	LU-3a	"New development shall occur contiguous to existing developed areas of the city. Allowances for increased density in certain residential neighborhoods and for residential uses in certain commercial districts shall be provided as a means to concentrate development in the urban core."	9	"New development shall occur contiguous to existing developed areas of the city. <del>Allowances for increased</del> <u>Higher</u> density in certain residential neighborhoods and for residential uses in certain commercial districts shall be provided as a means to concentrate development in the urban core <u>consistent with zoning designations, particularly where redevelopment of existing structures is proposed.</u> "	§30251
		LU-3b	"The Community Design Element shall guide the character of development and represent a comprehensive			§30213 §30222

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			statement of the community's visual objectives."			
		LU-3d	"Establish a commercial sector that balances the retail and service needs of citizens and tourists."			§30213 §30222
		LU-3e	"Direct commercial development toward the center of town and in established commercial nodes. A possible exception is commercial uses of a character, size, and location that are intended solely to serve a specific neighborhood and thereby reduce vehicle trips."	10	"Direct commercial development toward the center of town and in established commercial nodes. A possible <del>e</del> Exceptions is include visitor-serving commercial uses in the Bluffs III sub-area, and commercial uses of a character, size, and location that are intended solely to serve a specific neighborhood and thereby reduce vehicle trips."	§30213 §30222 §30252
		LU-3h	"Develop land uses that encourage the thoughtful layout of transportation networks, minimize the impacts of vehicles in the community, and encourage alternative means of transportation."			§30250

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		LU-3i	"Ensure the provision of adequate services and resources to serve proposed development."	11	"Ensure the provision of adequate services and resources, <u>including parking, public transit, and recreational facilities</u> , to serve proposed development."	§30252
		LU-3j	"Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the General Plan Land Use categories."	12	"Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the <u>General Plan Land Use categories</u> ."	
		LU-3k	"Prepare a study for the future reuse of the Carpinteria oil & gas plant and surrounding area. [California Coastal Act §30255, 30260, 30262, 30263]"	13	"Prepare a study for the future reuse of the Carpinteria oil & gas plant and <u>surrounding area Bluffs Area 0</u> . [California Coastal Act §30255, 30260, 30262, 30263]. <u>Future reuse of the Carpinteria oil &amp; gas plant and Bluffs Area 0 shall incorporate public access, coastal recreation and open space/habitat restoration uses to the maximum extent feasible, and shall at minimum provide for vertical and lateral public access to and along the Coastal Trail.</u> "	§30255

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		LU-3l	"Land use designations established on the City's land use map that permit a range of residential densities should not be interpreted to permit development that is incompatible with the existing development pattern in an area. A density within the allowable range that is most compatible with the predominant pattern of development in the area should be used as the guide for determining the appropriateness of the proposed development."			§30260 §30262 §30263
		LU-3m	"Where residential use is permitted in commercially designated areas and a density standard is provided, specific plans or similar implementation tools should be created to establish appropriate controls for the intensity of residential use in the district."			§30250
		LU-3n	"Setbacks should be created between agricultural and	14	"Setbacks should <u>shall</u> be created between agricultural and	§30250

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			residential uses. The responsibility of providing the buffer should rest with the property intensifying it use. An adequate buffer is approximately 100 feet. This may be adjusted upward or downward through project review but in no case shall preclude reasonable use of property."		residential <u>urban</u> uses. The responsibility of providing the buffer should <u>shall</u> rest with the property intensifying it use. An <del>adequate buffer is approximately 100 feet. This may be adjusted upward or downward through project review but in no case shall</del> <u>preclude reasonable use of property. The buffer shall be adequate to prevent impacts to adjacent agricultural production. Such impacts include increased limitations on the use of chemicals and fertilizers and increased conflicts between the urban use and the adjacent agricultural operation."</u>	
		<u>Added Policy</u>		15	<u>"Approval of any coastal development permit on a parcel which is designated Public Facilities and is located adjacent to the City's Urban/Rural limit line ("development") shall be contingent upon the City's making a finding that the development is compatible with any agricultural operations on adjacent property.</u>	

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
					<p><u>As a pre-condition to making such finding, an operation management plan for the parcel for which development is proposed must be approved by the City, and agreed to by the parcel owner proposing the development and the owners of any agricultural parcel within 500 feet of the property line of the parcel for which development is proposed. The operation management plan shall include such provisions as may be necessary to ensure that (a) the agricultural operation is able to continue without being restricted or constrained by the existence of the development in a manner that would impact the viability of the agricultural operations, and (b) all use of the parcel subject to development can be conducted in a manner that protects the public's health, safety and general welfare with regard to the agricultural operation.</u></p> <p><u>The operation management plan shall require the owner of the property for which development is proposed to acknowledge that the</u></p>	



# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
					<u>property may be subject to inconvenience, discomfort, or adverse effects arising from adjacent agricultural operations such as dust, smoke, noise, odors, fumes, insects, and application of chemical herbicides, insecticides and fertilizers. The owner, operator and any successors and assigns of agricultural operations within 500 feet of the parcel for which development is proposed shall be held harmless by the owner of the property for which development is proposed provided the agricultural operation is performed in conformity with the operation management plan."</u>	
		LU-5	"Maintain availability of visitor-serving commercial development including hotels/motels, restaurants and commercial recreation uses."			§30241
		LU-5a	"The City shall continue to give priority to (1) agriculture or coastal-dependent industry;	16	"The City shall continue to give priority to (1) agriculture, or coastal-dependent industry; and	§30241

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			and then (2) visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over (3) residential, general industrial, or general commercial development."		<del>then (2)</del> visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over (3) residential, general industrial, or general commercial development."	
		LU-5b	"The City shall continue to promote and coordinate with interested groups to allow a variety of recreational activities, such as sporting events, tournaments, art shows, parades, and other events at appropriate locations."			§30241
		LU-5c	"The City shall prohibit the removal or conversion of visitor-serving development unless it will be replaced by development offering comparable visitor-serving opportunities."			§30241
		LU-IM 1	"A visitor serving zone district shall be maintained as a part of the city zoning regulations with the purpose of providing adequate opportunity for	17	"A visitor serving zone district shall be maintained as a part of the city zoning regulations with the purpose of providing adequate opportunity for commercial	§30241

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			commercial development that will serve visitors to the city as well as local residents. The intent is to provide a mechanism for requiring accommodations where feasible to serve visitors to the coast and assure that such uses are appropriately integrated with the balance of uses in the city and with the specific area where the development is proposed. The visitor serving zone district shall apply to all commercially designated parcels with frontage on Linden Avenue (from the Railroad to Carpinteria Avenue) or Carpinteria Avenue (east of Franklin Creek)."		development that will serve visitors to the city. <del>as well as local residents. The intent is to provide a mechanism for requiring accommodations where feasible to serve visitors to the coast and assure that such uses are appropriately integrated with the balance of uses in the city and with the specific area where the development is proposed.</del> The visitor serving zone district shall apply to all <u>commercially-visitor serving commercial</u> designated parcels <del>with frontage on Linden Avenue (from the Railroad to Carpinteria Avenue) or Carpinteria Avenue (east of Franklin Creek)."</del>	
		LU-6	"Create flexible land use and zoning standards 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	18	"Create flexible land use and zoning standards <u>for general commercial and industrial parcels</u> that allow opportunities for residential use to expand, as determined appropriate by the City, in response to changing needs relative to the jobs /	§30213 §30222

# Policies and Suggested Modifications

## LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			region, and as incentive toward the development of affordable housing."		housing balance locally and in the region, and as incentive toward the development of affordable housing."	
		LU-6a	"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			§30213 §30222

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			with existing and anticipated uses in the area surrounding the site."			
		LU-6b	"The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible	19	"The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district	§30222

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6c above,</p>		<p>shall be maintained by the city with the purpose of permitting residential development on parcel or parcels otherwise designated on the official land use and zoning maps of the city for commercial or industrial use. Implementation of the Residential Overlay zone district shall be permissive in nature and shall not be construed to restrict use already allowed in the base zone district. Further, the city shall retain the authority for determining where implementation of the residential overlay zone is appropriate. To encourage retention of local businesses where parcels are already developed for commercial or industrial use, application of the Residential Overlay shall be considered only after mixed use development, as allowed through policy LU-6a above, has been determined by the City to not be appropriate."</p>	

# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			has been determined by the City to not be appropriate."			
		<u>LU-6c</u>		20	<u>Parcels designated coastal-dependent industrial or visitor-serving commercial shall not be considered for mixed use or residential use, with the exception that second-story mixed use or residential use shall be allowed on visitor-serving commercial parcels in the Downtown Core District.</u>	
		LU-IM 2	"When residential development is proposed on parcels designated for commercial or industrial use, the residential density shall not exceed the highest residential density permitted in the city's land use categories; i.e., 20 units/acre including any bonus density allowances. The City shall determine the appropriate residential density for a commercial/industrial-designated parcel proposed for residential use on all or a portion of the parcel and shall consider, but not be limited to, the following factors:			§30213

# Policies and Suggested Modifications

## LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<ul style="list-style-type: none"> <li>a. Availability and cost of providing local services and infrastructure; e.g., sewer, water, and schools, and transportation and parking ability.</li> <li>b. Unique site characteristics such as size, shape, topography, and easements</li> <li>c. The existence on site or adjacent to the site of Environmentally Sensitive Habitat area.</li> <li>d. The need for protection or enhancement of other coastal resources; e.g., viewsheds, coastal access, recreation, visitor-serving</li> <li>e. commercial and other coastal dependent or coastal related uses.</li> </ul> <p>When mixed-use development is proposed in a common building, determination of the allowable density shall include, in addition to the criteria</p>			



# Policies and Suggested Modifications

# LAND USE ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			above, consideration of the intensity of the commercial/industrial use including characteristics such as parking demand, vehicle trip generation, noise and vibration, that could affect compatibility of the residential use with the commercial/ industrial component. In all cases, commercial or industrial use shall be the primary use of a site designated for mixed use development. A commercial or industrial use of a developed site shall be found by the City to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage."			

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		CD-1	"The size, scale, and form of buildings, and their placement on a parcel should be compatible with adjacent and nearby properties, and with the dominant neighborhood or district development pattern."			§30251
		CD-3	"The design of the community should be consistent with the desire to protect views of the mountains and the sea (California Coastal Act of 1976 §30251)."			§30251
		CD-5b	"Parking lots should be beside or behind the buildings, not in front. On-street customer parking for small neighborhood-serving shops, restaurants, offices and service businesses is encouraged. Such on-street parking should be managed as short-term convenience parking, and should not conflict with parking for nearby residences."	21	"Parking lots should be beside or behind the buildings, not in front. On-street customer parking for small neighborhood-serving shops, restaurants, offices and service businesses is encouraged. Such on-street parking should be managed as short-term convenience parking, and should not conflict with parking for <u>coastal access or for nearby residences</u> ."	§30210

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		CD-7	"To encourage and facilitate pedestrian and bicycle pathways."			§30210
		CD-7a	"All streets should be designed with safe and pleasant pedestrian ways at their edge. Pedestrian ways shall be spatially separated from vehicular traffic by elements such as trees, other plantings, streetlights, and/or parked cars."			§30210
		CD-7b	"To provide convenient pedestrian routes, the existing network of automobile lanes, trails and pedestrian ways in the Downtown District and adjacent neighborhoods should be preserved, reinforced and extended into other neighborhoods. This pedestrian network should be in addition to, not in lieu of, pedestrian ways on the streets."			§30210

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		CD-8e	"Major streets should be designed and planted to preserve views of the ocean to the south and hills to the north."			§30251
		CD-10	"Existing public spaces should be maintained, and new public spaces should be incorporated into neighborhoods and districts as an important aspect of their design."			§30252
		CD-10a	"Open space, in the form of parks and greens should be an integral part of each neighborhood plan, not configured as residual space unusable by the residents."			
		CD-10b	"Public spaces should be located and designed to encourage their use during the day and in the evening. The time and type of use for each space should be planned to be compatible with adjacent land uses, and with any existing flora and fauna that are to be			§30240 §30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			preserved."			
		CD-10d	"Small neighborhood parks and greens (or micro-parks) suitable for unstructured play and relaxation should be provided in each neighborhood. Larger parks should be sited on larger streets along neighborhood edges."			
		CD-10e	"Large parks and greenways should be designed to incorporate existing natural terrain and habitats. Smaller parks should incorporate specimen trees or other natural features to enhance the quality and utility of the park."			§30251
		CD-10f	"Landscape design guidelines should emphasize the use for drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape."	22	"Landscape design guidelines should emphasize the use <del>for</del> of <u>native</u> drought tolerant plant materials, and the importance of trees as the primary elements of the town landscape."	§30240 §30253(2)

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		CD-10g	"The edges of neighborhoods adjoining greenbelts should be streets, bike paths or other public ways, allowing their enjoyment by everyone."			§30210
		<u>CD-11</u>		23	<u>"Development should fit quietly into the area's natural and introduced landscape, deferring to open spaces, existing natural features and native and sensitive habitats."</u>	§30251
		<u>CD-11a</u>		24	<u>"Landscape planning shall be respectful of the natural character of the City and enhance existing native plant communities and environmentally sensitive habitat areas."</u>	§30240 §30251 §30253
		<u>CD11 – IM 1</u>		25	<u>"Use of native, locally adapted species shall be encouraged and shall be required within and adjacent to ESHA."</u>	§30240 §30251 §30253
		<u>CD11 – IM 2</u>		26	<u>"More urban, 'formal' landscape designs may be used in the immediate vicinity, entryways, or interior site areas of the commercially developed areas."</u>	§30240 §30251 §30253

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
					<u>Urban landscape species shall not be used adjacent to sensitive habitat areas."</u>	
		<u>CD11 – IM 3</u>		27	<u>"All parking areas, including any future Park and Ride facilities shall provide landscaping in order to screen and soften large expanses of pavement and, to the extent feasible, shield them from view through the use of perimeter shrubs and/or depression of the parking area. Landscaped setbacks for structures and parking areas are to be provided to soften the appearance of development from the freeway and Carpinteria Avenue."</u>	§30251
		<u>CD-12</u>		28	<u>"Ensure that lighting of new development is sensitive to the character and natural resources of the City and minimizes photopollution to the maximum extent feasible."</u>	§30240 §30251
		<u>CD-12a</u>		29	<u>"Lighting for development adjacent to an ESHA shall be designed to further minimize potential impacts</u>	§30240 §30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
					<u>to habitat."</u>	
		<u>CD-12b</u>		30	<u>"Lighting shall be low intensity and located and designed so as to minimize direct view of light sources and diffusers and to minimize halo and spillover effects."</u>	§30240 §30251
		<u>CD12 – IM 5</u>		31	<u>"Lighting along roads and in developed areas within or adjacent to ESHA shall not exceed 0.01 foot-candles five feet inside of any City-identified ESHA area."</u>	§30240 §30251
		<u>CD12 – IM 6</u>		32	<u>"Spotlights or floodlights in or adjacent to ESHA shall not be permitted."</u>	§30240 §30251
		<u>CD12 – IM 7</u>		33	<u>"Exterior lighting on commercial development shall be designed to compliment the building and shall be at the minimum height and intensity required to ensure public safety."</u>	§30240 §30251
		<u>CD-13</u>		34	<u>"Protect and preserve natural resources by reducing energy consumption."</u>	§30253



## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		<u>CD-13a</u>		35	<u>"To ensure the effective utilization of energy resources, design measures shall be incorporated into project design that allow for development projects to comply with and exceed the minimum energy requirements of the City's Uniform Codes."</u>	§30253
		<u>CD13, IM 8</u>		36	<u>"Building orientation shall be designed to maximize natural lighting and passive solar heating and cooling."</u>	§30253
		<u>CD13, IM 9</u>		37	<u>"Landscaping shall be designed to maximize the use of native drought-tolerant species and deciduous trees to shade buildings in summer and allow for passive solar heating in winter."</u>	§30253
		<u>CD13, IM 10</u>		38	<u>"Energy efficient street lighting shall be used, with consideration of safety, visual impacts, and impacts to wildlife and sensitive habitat."</u>	§30253
		<u>CD13, IM 11</u>		39	<u>"Design of parking facilities shall take into consideration in addition to intended use, the layout of entrances and exits so as to avoid concentrations of cars or excessive"</u>	§30253

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
					<u>idling."</u>	
		CDS1-1	"Preserve and strengthen the visual and physical connections between the neighborhood, beach, the salt marsh, State Beach Park, and the Downtown District."			§30210 §30251
		CDS1-2	"Enhance the pedestrian character of the neighborhood streets."			§30210
4-2	"New development, or redevelopment, in the downtown section of Carpinteria shall be in conformance with the scale and character of the existing community and consistent with the City's theme of a small beach-oriented community."	CDS1-3	"Ensure that the scale and character of new development is consistent with the existing small-scale character of the residential neighborhood and that it is consistent with the neighborhood 'small beach town' image. Discourage new development of large, 'boxy' buildings, with ground floors elements to connecting pedestrians between these two areas. This could include tree plantings, streetscape furniture, and small buildings that contain uses that cater to			§30251 §30213 §30253(5)

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			those visiting the neighborhood and the park."			
		CDS1, I.M. 7	"To create a picturesque skyline, visible pitched roofs are recommended, rather than flat roofs with parapets or mansard fascias. On three-story elements, visible pitched roofs should be required to prevent the buildings from 'walling off' the beach from the town."			§30251
		CDS1, I.M. 11	"Buildings fronting the salt marsh should not exceed two stories in height unless the third floor is setback an additional 10 feet from the second floor below."			§30251
		CDS1, I.M. 12	"Additional pedestrian linkages from Subarea 1 (DT/Beach) to Subarea 2 (DT/Old Town), across the railroad tracks, should be developed."			§30210
		CDS2-1	"Preserve and strengthen the visual and physical connections between the			§30210 §30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			downtown, beach, the salt marsh, mountains, and the other neighborhoods and districts in the city."			
		CDS2-2,	"Preserve and enhance the downtown's historic status as the center of commercial activity by encouraging a range of uses that serve both residents and visitors."			§30213 §30222
4-2	New development, or redevelopment, in the downtown section of Carpinteria shall be in conformance with the scale and character of the existing community and consistent with the City's theme of a small beach-oriented community.	CDS2-a	"Ensure that new intensified land uses within the Downtown remain consistent with the city's "small beach town" image."			§30251
		CDS2-b	"To enhance the pedestrian character of the downtown's streets, plazas, paseos, parks and lanes."			§30210 §30213

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		CDS2-c	"The City should prepare design standards and guidelines for this Sub-Area to assure that the intensity of development permitted by current zoning does not lead to the loss of the "small town character." The guidelines should include standards for the addition of units on existing residential lots, and for the construction of new multifamily and mixed-use buildings."			§30251
		CDS2, I.M. 19	"Pedestrian pathways within and through the blocks are encouraged, to provide alternate and shorter routes for walking. These pathways should generally be designed as courts or paseos, not simply 'slots' between buildings or sideyard fences. The passage from Linden Avenue to the alley behind the Coffee Grinder, and the pedestrian bridge over the creek, are good examples."			§30210

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		CDS2A-1	"Preserve and strengthen the visual and physical connections between the downtown and the beach, mountains, and other neighborhoods."			§30251 §30210
		CDS2A-2	"Preserve and enhance the downtown's historic status as the center of commercial activity by encouraging a range of uses that serve both residents and visitors."			§30213 §30222
		CDS2A-a	"Encourage and carefully regulate the development of two-and three-story mixed-use building along Linden and Carpinteria Avenues, to define a vital, lively, and valuable center for the city."	40	"Encourage and carefully regulate the development of two-and three-story mixed-use building along Linden and Carpinteria Avenues, to define a vital, lively, and valuable center for the city <u>while prioritizing visitor-serving commercial uses.</u> "	§30213 §30222
4-2	"New development, or redevelopment, in the downtown section of Carpinteria shall be in conformance with the scale and character of the existing community"	CDS2A-b	"Ensure that intensified land uses within the subarea support a lively place to live, work and shop and that the scale and character of the District remain consistent with the city's 'small beach town' image."	41	"Ensure that intensified land uses within the subarea support a lively place to <u>visit</u> , live, work and shop and that the scale and character of the District remain consistent with the city's 'small beach town' image."	§30213 §30222

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	and consistent with the City's theme of a small beach-oriented community."					
		CDS2A-d	"Enhance the pedestrian character of the District's streets, plazas, paseos, parks and lanes."			§30210
		CDS2A, I.M. 25	<p>"The City will prepare and implement new streetscape designs for Carpinteria Avenue that include address the following objectives:</p> <ul style="list-style-type: none"> <li>a. Narrow the roadway pavement to a three-lane configuration, including a central turn lane, where needed.</li> <li>b. Widen and enhance sidewalks in a manner similar to Linden Avenue to enable and encourage residents and visitors to walk to nearby destinations.</li> <li>c. Add regularly spaced</li> </ul>			§30210

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>d. street trees in wells at the curb, and street lights similar to those on Linden Avenue. The street trees may include tall species to strongly define the street from distant views, and smaller trees that define and shape the pedestrian ways along the edges.</p> <p>e. Include as much on-street parking as possible, to promote retail and lively businesses along the street, and to encourage those arriving in the District by car to walk along the streets and into the front doors of businesses."</p>			
		CDS2A, I.M. 26	"The provision of small spaces with benches, fountains, public art and other special elements that encourage people to gather			§30210 §30213



## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			and linger in public should be encouraged, particularly where they support businesses, such as sidewalk cafes."			
		CDS2A, I.M. 28	"Curbside parking is encouraged to provide convenient parking for businesses and to provide an additional buffer between pedestrians and traffic."	42	"Curbside parking is encouraged to provide convenient parking for businesses <u>and coastal access</u> and to provide an additional buffer between pedestrians and traffic."	§30210
		CDS2A, I.M. 29	"On-street parking should be considered in deciding the required amount of off-street parking. Parking lots are discouraged on street frontages and are strongly discouraged on corner lots."	43	"On-street parking <u>and public parking requirements for coastal access shall</u> <del>should</del> be considered in deciding the required amount of off-street parking. Parking lots are discouraged on street frontages and <del>are</del> strongly discouraged on corner lots."	§30210
		CDS2A, I.M. 32	"Pleasant and safe pedestrian sidewalks and closely spaced crosswalks should be provided along Carpinteria Avenue within the Downtown Core subarea. This will encourage pedestrians to			§30210

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			shop both sides of the street and encourage people to walk from the north into downtown. By developing these designated portions of Carpinteria Avenue as pedestrian-oriented frontages with lively commercial uses, drivers will have the experience of driving <i>through</i> the Downtown District rather than just <i>past</i> it on Carpinteria Avenue."			
		CDS3-1	"Preserve and enhance the existing residential neighborhood and ensure that new development enhances the neighborhood character."			§30251
		CDS3-3	"Ensure that new development is sensitive to the scale and character of the existing neighborhoods, and consistent with the city's "small beach town" image."			§30251
		CDS3-a	"Ensure that new development adjacent to designated city edges,			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			abutting agricultural lands outside the city limits, are designed with rural and semi-rural elements and details, providing an appropriate transition and connection of the town to the countryside."			
		CDS3-b	"Enhance the pedestrian character of the (Santa Monica, Canalino and El Carro) neighborhoods' streets, parks, and lanes."			§30210
		CDS3, I.M. 39	"New development along the edge of the city should be planned with public circulation routes or open spaces along the urban/rural edge. Streets, linear parks and other public parks are appropriate for this purpose, providing both buffers to the residential uses, and access so that all may enjoy the rural vistas."			§30210 §30241
		CDS4-1	"Strengthen the visual and physical connections between the subarea, the downtown and other			§30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			neighborhoods and districts in the city."			
		CDS4-a	"Ensure that new development is sensitive to the scale and character of the existing neighborhoods, and consistent with the city's 'small beach town' image."			§30251
		CDS4-b	"Ensure that new development adjacent to designated city edges, abutting agricultural lands outside the city limits, are designed with rural and semi-rural elements and details, providing an appropriate transition and connection of the town to the countryside."			§30251
		CDS4-c	"Enhance the pedestrian character of the Northeast subarea's streets, parks, and lanes."			§30251
		CDS4, I.M. 49	"The frontage street along the north side of the freeway should be improved with a wall and rows of trees on			§30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			both sides. This will help to buffer the neighborhood from freeway noise and visual impacts."			
		CDS4, I.M. 50	"The street network of the subarea should be designed to provide direct walking routes from residential areas to employment areas, and limit regular truck traffic to commercial streets."			§30241 §30253(4)
		CDS5-1	"Preserve and strengthen the visual and physical connections between the subarea, the beach, the downtown and other neighborhoods and districts in the city."			§30210 §30251
		CDS5-3	"Ensure that new development is sensitive to the scale and character of the existing neighborhoods, and consistent with the city's 'small beach town' image."			§30251
		CDS5-a	"Ensure that new development adjacent to designated city edges,			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			abutting agricultural lands outside the city limits, are designed with rural and semi-rural elements and details, providing an appropriate transition and connection of the town to the countryside."			
7-6	"Subject to a change in the policies of the Southern Pacific Railroad which would allow for additional crossings within the City, the City should consider the feasibility of providing parking and a railroad crossing at the foot of Calle Ocho onto K Street."	CDS5, I.M. 55	"Additional connections to the beach, both visual and pedestrian access, should be developed. The connection at Calle Ocho and the railroad tracks should be improved. Such improvements should create safe and attractive access ways that do not unreasonably impact adjacent residential properties."	44	"Additional connections to the beach, both visual and pedestrian access, <u>should shall</u> be developed as funding becomes available. The connection at Calle Ocho and the railroad tracks <u>should shall</u> be improved. Such improvements <u>should shall</u> create safe and attractive access ways that do not unreasonably impact adjacent residential properties."	§30210
		CDS-5, I.M. 56	"Buildings along Carpinteria Creek should be set back a minimum of 20 feet from the riparian dipline, or 50 feet from the top of the bank, whichever is greater. Two-story elements should be set back an additional 10 feet."	45	<del>"Buildings along Carpinteria Creek should be set back a minimum of 20 feet from the riparian dipline, or 50 feet from the top of the bank, whichever is greater. Along Carpinteria Creek, all building elements above one story in height should be set back at least 10 feet</del>	§30231 §30240

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
					<u>greater than the minimum building setback established by policy.</u>	
		CDS6-1	<p>"Maintain the <i>Carpinteria Bluffs Access, Recreation &amp; Open Space Master Program</i> as the coordinated plan for the Carpinteria Bluffs area that will allow development of uses identified in the Land Use Plan herein, so as to complement one another and preserve and enhance the site's coastal environment. The plan should be maintained so as to include information adequate to define the environmental resources and hazards within the Carpinteria Bluffs, and to delineate precise and appropriate policies for their management."</p>			
		CDS6-a	<p>"Provide a clear direction for the future development of the Carpinteria Bluffs that:</p> <ol style="list-style-type: none"> <li>1. Protects unique and sensitive environmental resources within the Bluffs.</li> </ol>			§30240 §30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>2. Is compatible with the small town character of Carpinteria, enhances the community's image, and contributes to a pleasant visual experience for travelers entering Carpinteria on U.S. 101 from the south.</p> <p>3. Provides appropriate development opportunities for landowners within the Carpinteria Bluffs."</p>			
		CDS6-2	"Ensure that development is controlled to avoid impacts to significant viewsheds, vistas, and view corridors."			§30251
B.1.1	"Development on the Bluffs shall not obstruct existing view corridors of the ocean and bluff top edge. In addition, views of the ocean and mountains for users of coastal	CDS6-b	"Development on the Bluffs shall not obstruct existing view corridors of the ocean and bluff top edge. In addition, views of the ocean and mountains for users of the Carpinteria Bluffs Nature Park and coastal trail(s), for bluffs area property owners			§30251



## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	trail(s), bluffs area property owners and visitors, and passing motorists shall be maintained...."		and visitors, and for passing motorists, shall be maintained."			
		CDS6, I.M. 57	"New structures shall be low intensity, and reflect the low-rise, small-town feel of the surrounding area. New structures shall be designed to blend into the site and the rest of the city."			§30251
B.2.4	same as proposed	CDS6, I.M. 58	"All structures, including ancillary structures, shall be appropriately placed so as to minimize their obtrusiveness, and to maintain existing view corridors. Existing views from Bailard Avenue, Carpinteria Avenue, and U.S. 101 shall be preserved."			§30251
B.2.6 B.2.7	same as proposed	CDS6, I.M. 59	"Development that is located on or adjacent to bluffs, beaches, or streams shall be designed and sited to prevent adverse impacts on the visual quality of these resources."			§30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>--The overall scale and massing of structures shall respect the natural setting of the Carpinteria Bluffs and its unique visual resources by incorporating designs that minimize bulk and mass, follow natural topographic variations, and minimize visual intrusion into the bluff edge park and bluff top trail, riparian area within Area II, and adjacent beach areas.</p> <p>--In addition to the mass and scale of the structure, the total square footage of structures shall also be maintained at a size that preserves the area's open character, and is compatible with adjacent open space areas.</p> <p>--All ancillary structures, including parking lots or structures, shall be located as close to the center of the individual building area as possible. If such structures must be located adjacent to</p>			

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>open space or residential areas, landscaping that substantially screens the structure from the surrounding uses shall be required.</p> <p>--Consistent with livability and view preservation for residents, selected internal roadways, parking areas, and building sites shall be depressed. In implementing this requirement, consideration shall be given to the feasibility of draining the site and providing appropriate gradients for sewer and storm drain lines.</p> <p>--To ensure that the view corridors are appropriately framed and maintained, all structures shall be subjected to review by the City's Architectural Review Board, which will ensure that selected building sites adjacent to the open space areas and view corridors have included provision for</p>			

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>depressed building sites, berming and / or suitable landscaping.</p> <p>--Berms, landscaped buffers and islands shall be created wherever feasible and determined necessary to enhance open space and visual appeal in association with roadways, parking lots and building sites.</p> <p>--New development is to remain visually subordinate to surrounding natural and introduced landscaping. New buildings signs, roads, and other man-made features should borrow from naturally established forms, lines, colors, and textures, including the forms, lines, colors, and textures introduced as part of site landscaping. New buildings, signs, roads, and other man-made features should also be at such a scale that they contribute to the desired low intensity character for the Carpinteria Bluffs.</p>			

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>--Surface materials on buildings within the Carpinteria Bluffs should be textured to blend with the coarseness of landscaping and natural vegetation.</p> <p>--Permitted development within identified view corridors shall be limited to landscaping, roads, underground utilities, parking lots (where specifically required by other provisions of the Carpinteria Local Coastal Plan or Carpinteria Bluffs Local Coastal Plan Amendment), walkways, bikeways, public restrooms (where specifically required by other provisions of the <i>Carpinteria Bluffs Coastal Access, Recreation, and Open Space Master Program</i>), bike racks, benches, picnic tables, and small interpretive signs.</p> <p>--The intrusiveness of wall surfaces facing toward the</p>			

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			bluff edge, the Bluffs Nature Park, riparian area, or identified view corridors shall be minimized through the use of single story elements, setbacks, roof pitches, and landscaping."			
b.2.8	"New development shall maintain existing topographic variations of the Carpinteria Bluffs, such as the ridgeline in Area I and the terracing of Area III. Thus, while development along the ridgeline in Area I is not prohibited, visible variations in the ground plane are to be retained, avoiding a flat, mass graded appearance. These variations in ground plane are also to be reflected in variations in the roof lines of	CDS6, I.M. 61	"New development shall maintain existing topographic variations of the Carpinteria Bluffs, such as the ridgeline in Bluffs I and the terracing of Bluffs III. Development of Bluffs I should be designed to respect the viewshed from the bluff trail looking north toward the mountains and from the Bluffs Nature Park looking west. Location and design of buildings shall respect the topography and follow topographic forms whenever possible, visible variations in the ground plane are to be retained, avoiding a flat, mass graded appearance. These variations in the ground plane are also to be reflected in			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	individual buildings."		variations in the roof lines of individual buildings."			
B.2.9	"Buildings should not turn their backs completely to the freeway, Carpinteria Avenue, or other adjacent street(s). Regardless of their orientation, buildings that are visible from the freeway, Carpinteria Avenue, Bluffs area trails, or bluff top view parks, are to be designed to provide the same level of architectural detail on elevations visible from these areas as on other elevations of the building."	CDS6, I.M. 61	"Buildings should not turn their backs completely to the freeway, Carpinteria Avenue, or other adjacent street(s). Regardless of their orientation, buildings that are visible from the freeway, Carpinteria Avenue, the bluffs Nature Park, Bluffs area trails, or bluff top view points, are to be designed to provide the same level of architectural detail on elevations visible from these areas as on other elevations of the building."			§30251
B.2.12	"Parking lots adjacent to and visible from public rights-of-way and bluffs area trails should be screened	CDS6, I.M. 64	"Parking lots adjacent to and visible from public rights-of-way, the Bluffs Nature Park, and bluffs area trails should be screened from view through combinations of			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	from view through combinations of earth berms, low screen walls, changes in elevation, and landscaping."		earth berms, low screen walls, changes in elevation, and landscaping."			
		CDS6, I.M. 65	"As part of development project plan submittals for the bluffs, tools such as physical or computer models, perspectives, or photographs, shall be included in order to demonstrate compliance with these measures and more generally the protection of Bluffs visual resources."			§30251
B.2.3 (in part)	"Prior to action on individual development approvals, an overall design plan shall be prepared by the project applicant(s) for Bluffs Area I as a whole, for Bluffs Area III as a whole,	CDS6-c	"Prior to action on individual development approvals, an overall design plan shall be prepared by the project applicant(s). Rather than planning on a site-by-site basis, the design plan shall include all parcels under the same controlling ownership interest and any anticipated to be part of future			§30251



# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	and for Bluffs Area II on a site-by-site basis, and such design plan shall be submitted to the City of Carpinteria for approval. The basic intent of the design plan shall be to demonstrate that the proposed development will be compatible in scale and design with the small town character of Carpinteria...."		complementary development."			
B.2.1 (in part)	same as proposed	CDS6, I.M. 66	"All development shall be appropriately clustered to preserve open space."			§30251
B.2.1 (in part)	same as proposed	CDS6, I.M. 67	"The resulting development after clustering is to be consistent with the character of the development's setting and adjacent land uses and open space areas."			§30251
B.2.1 (in part)	same as proposed	CDS6, I.M. 68	"Substantial buffering and screening is to be provided for the clustered			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			development adjacent to public rights way and preserved open space areas."			
B.2.1 (in part)	same as proposed	CDS6, I.M. 69	"Covenants, easements, and/or dedications to permanently protect and ensure the ongoing maintenance of any open space areas that remain after clustering is accomplished and are not dedicated to the public."			§30251
B.2.2 (in part)	"The size, height, bulk, and location of buildings within the Carpinteria Bluffs are to be managed in relation to the overall site design and relationships to other buildings to avoid a crowded appearance, preserve a visual appearance of openness, and to maintain an overall low-intensity	CDS6, I.M. 70	"The size, height, bulk, and location of buildings within the Carpinteria Bluffs are to be managed in relation to the overall site design and relationships to other buildings to avoid a crowded appearance, preserve a visual appearance of openness, and to maintain an overall low-intensity character of the Carpinteria Bluffs. For Bluffs II, it has been determined that up to a total of approximately 311, 108 square feet of building			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	character of the Carpinteria Bluffs...."		area may be considered without inherently exceeding the intensity of development that is acceptable. For the preferred visitor-serving resort use of Bluffs III, it has been determined that up to 225 hotel rooms, 259,180 square feet of total building area, may be considered without inherently exceeding the intensity of development that is acceptable from an aesthetic standpoint."			
B.2.2 (in part)	same as proposed	CDS6, I.M. 71	"A variety of structure and parking setbacks should be provided in order to avoid long, monotonous facades."			§30251
B.2.2 (in part)	same as proposed	CDS6, I.M. 72	"Setbacks should be provided proportionate to the scale of the building and in consideration of adjacent development and open space areas. Larger buildings require additional setback areas for a balance of scale and so as not to impose on neighboring uses."			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
B.2.3 (in part)	"The overall design plan within each Bluffs area (Bluffs I and III) shall include an internally coordinated infrastructure system. Project applicant(s) for only a portion of a Bluffs Area shall also provide a design plan that coordinates (with other applicant(s) of the Bluffs) the infrastructure system. Subsequent development shall be consistent with the City-approved design plan."	CDS6, I.M. 73	"The design plan within each Bluffs area shall include an internally coordinated infrastructure system. Project applicant(s) for only a portion of a Bluffs Area shall also provide a design plan that coordinates (with other applicant(s) of the Bluffs) the infrastructure system. Subsequent development shall be consistent with the City-approved design plan."			§30251
B.2.3 (in part)	"The design plan shall include an overall design theme for the project and provide for the 'blending' of the urban components of the site with the	CDS-6, I.M. 74	"The design plan shall include an overall design theme for the project and provide for the 'blending' of the urban components of the site with the natural surroundings and current existing buildings around the			§30251

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	natural surroundings and current existing buildings around the site. The design plan shall include the specific measures identified on pages III-7 through III-8 of the adopted Local Coastal Plan Amendment for the Carpinteria Bluffs."		<p>site. The design plan shall include the following.</p> <p>--Provision of an aesthetic link between the existing commercial development already present in the city and new development proposed for the Bluffs site. A diversity of building styles is permissible, but must utilize styles that are already present in the city. Such design guidelines should also respect the natural attributes of the site, and give consideration to the location of the site (i.e., on a bluff adjacent to the ocean).</p> <p>--Architectural style, including materials and colors, should be compatible with the site's natural and landscaped setting. The use of colors, textures, materials and forms that will attract attention by not relating to other elements in the neighborhood is to be avoided. No one structure</p>			

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>should stand out.</p> <p>--Building forms and elevations should create interesting roof silhouettes, strong patterns of light and shadow, and integral architectural detail. Box-like structures and flat, monotonous facades are to be avoided.</p> <p>--A low-rise setting with strong pedestrian orientation is to be provided. Site planning should favor pedestrian traffic by providing canopy trees to shade walkways, furnishing gathering places, and organizing buildings so that users have a continuous pedestrian level experience.</p> <p>--Exposed structural and mechanical elements, unless well integrated into the design concept, are unsightly and are to be avoided. Outdoor work areas are to be</p>			

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>screened from view.</p> <p>--The inclusion of gateways that create a visual sense of entry into developments is encouraged. The scale and design of gateways should be compatible with scale and intensity of adjacent development, and should include enriched paving, raised medians, signage, landscaping, and other features as appropriate.</p> <p>-- Signage shall be the minimum necessary to identify businesses and coastal access or recreation areas within the Carpinteria Bluffs area. Pole signs shall be prohibited. Signs shall be designed as an integral part of the surrounding architecture, and shall be of compatible materials and colors to adjacent buildings. Signage shall include adequate identification of public coastal parking, trails, and/or bikeways, and coastal</p>			

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>recreation areas, and shall indicate the availability of facilities for physically challenged visitors.</p> <p>--Specification of acceptable and restricted building materials for the exterior of all structures (i.e., prohibition of extensive use of metallic surfaces, concrete, fiberglass, etc., which would intensify the urban nature of the development). The use of natural materials for exterior siding is encouraged.</p> <p>--The color palette chosen for the development should accentuate the natural qualities of the site and surrounding areas, and should not contain 'loud' or 'bright' colors, or white. Acceptable colors include muted blues and greens, grays, earth tones, or any other color as approved by the City. Matte paints are also acceptable.</p>			



# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			--Scale models or equivalent presentation of proposed development projects shall be included with development plans at the time of submittal to the city."			
		CDS6-d	"Landscape Planning shall be respectful of the natural character of the Bluffs and where possible enhance existing native plant communities and environmentally sensitive habitat areas."	46	"Landscape Planning shall be respectful of the natural character of the Bluffs and <del>where possible</del> enhance existing native plant communities and environmentally sensitive habitat areas."	§30240 §30251 §30253
B.2.13 (in part)	same as proposed	CDS-6, I.M. 75	"Use of native, locally adapted species or species commonly found on or near the site or nearby shall be required."	47	"Use of native, locally adapted species <del>or species commonly found on or near the site or nearby</del> shall be required."	§30240 §30251 §30253
B.2.13 (in part)	same as proposed	CDS6, I.M. 76	"More urban, 'formal' landscape designs may be used in the immediate vicinity, entryways, or interior site areas of the hotel/resort or the visitor commercial area. Urban landscape species shall not be used			§30240 §30251 §30253

# Policies and Suggested Modifications

# COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			along buffer area adjacent to open space areas."			
B.2.13 (in part)	same as proposed	CDS6, I.M. 77	"All parking areas, including any future Park and Ride facilities shall provide maximum landscaping and to the extent feasible, be shielded from view by perimeter shrubs and/or depression of the parking areas."			§30251
B.2.13 (in part)	same as proposed	CDS6, I.M. 79	"Landscaping shall be used as a buffer and transition between developed areas, particularly around the hotels/resort and the business park/visitor commercial areas. Landscaping materials used as buffers shall conform to the plant requirements, as set forth below."			§30251
B.2.13 (in part)	same as proposed	CDS6, I.M. 80	"Vegetation placement, density, and coloration shall be compatible with the patterns of existing natural vegetation in surrounding areas. Revegetation that			§30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			varies, particularly in form or in color, from the visual characteristics of the existing surrounding vegetation shall be avoided. In order to prevent monotony, landscaping with a variety of heights shall be required, although heights should be comparable to existing vegetation."			
B.2.13 (in part)	same as proposed	CDS6, I.M. 81	"All areas adjacent to the railroad right-of-way shall be shielded through the use of dense, low-lying landscaping in such a manner that they do not obscure ocean or mountain views across the track corridor."			§30251
B.2.13 (in part)	"In the event that property owners within Bluffs Area I or Bluffs Area III are unable to agree upon an integrated plan for their respective portions of the Carpinteria Bluffs, an applicant	CDS6, I.M. 82	"In the event that property owners within Bluffs Area I or Bluffs Area III are unable to agree upon an integrated plan for their respective portions of the Carpinteria Bluffs, an applicant may independently apply for a development permit subject to the provisions listed in the			§30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	may independently apply for a development permit by preparing the required plan for all of those parcels within Bluffs Area I or Bluffs Area III that are either (1) under common ownership by the applicant, or (2) subject to a common interest (by virtue of ownership, purchase agreement, option, long-term lease, or permission from the legal owner or other arrangement vesting authority in the applicant to apply for development permits). Such plan and development permit shall not be approved unless the City Council finds that the intent and content requirements of this		<i>Carpinteria Bluffs Coastal Access, Recreation, and Open Space Master Program</i> for this planning Sub-Area."			

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	policy are met, and that the reasonable and efficient achievement of the requirements of this policy by remaining parcels in Bluffs Area I or Bluffs Area III is not precluded."					
B.2.14	same as proposed	CDS6, I.M. 83	"Development within the Carpinteria Bluffs should fit quietly into the area's natural and introduced landscape, deferring to open spaces, existing natural features, and planting. Landscaped setbacks for structures and parking areas are to be provided to soften the appearance of development from the freeway, Carpinteria Avenue, and the bluff top trail. These setbacks are to be of a sufficient distance and landscape density, and are to be designed to make the landscaping, rather than the development, the dominant visual feature."	48	"Development within the Carpinteria Bluffs should fit quietly into the area's natural and introduced landscape, deferring to open spaces, existing natural features, and <u>planting native and sensitive habitats</u> ."	§30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		CDS6-e	"Exterior and interior lighting of development projects shall be low intensity and located and designed so as to minimize direct view of light sources and diffusers, and to minimize halo and spillover effects."			§30251
B.3.1	same as proposed	CDS6-e, I.M. 85	"Lighting on the east-west coastal bluff trail shall be minimized to be less than 0.01 foot-candles at a distance of five feet from the trail; otherwise, trail lighting shall not be permitted."			§30251
B.3.2	same as proposed	CDS6-e, I.M. 86	"Lighting along exterior roads in the developed areas of the (Bluffs) shall be directional in nature, and shall not exceed 0.01 foot-candles five feet inside of preserved natural areas."			§30251
B.3.3	same as proposed	CDS6-e, I.M. 87	"Spotlights or floodlights in residential backyards shall not be permitted."			§30251

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
B.3.4	same as proposed	CDS6-e, I.M. 88	"Parking areas shall employ directional lighting and shall not be brighter than is necessary for security purposes. Similarly, all ancillary structures associated with the hotel/resort shall use directional lighting that is only as bright as required for security purposes. If necessary to block light into adjacent residential or open space areas, additional landscaping or restrictions on the time of use shall be required."			§30251
B.3.5	same as proposed	CDS6-e, I.M. 89	"Development shall incorporate awnings or other types of architectural overhangs in order to reduce glare from window glazing and interior lighting."			§30251
H.1.5	"The following design measures shall be incorporated into project design:	same as proposed	"To ensure the efficient utilization of energy resources, design measures shall be incorporated into project design that allow for development projects to	49	"To ensure the efficient utilization of energy resources, design measures shall be incorporated into project design that allow for development projects to exceed the minimum energy requirements of	§30253

## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	<p>--building orientation shall be designed to maximize natural lighting, passive solar heating, and cooling;</p> <p>--landscaping shall be designed to maximize the use of drought tolerant species and deciduous trees to shade buildings in summer and allow for passive solar heating in winter;</p> <p>--energy efficient street lighting shall be used, with consideration of safety and aesthetics; and</p> <p>--design of parking facilities shall take into consideration the layout of entrances and exits</p>		<p>exceed the minimum energy requirements of the city's Uniform Codes.</p> <ol style="list-style-type: none"> <li>1. Building orientation shall be designed to maximize natural lighting, passive solar heating, and cooling;</li> <li>2. Landscaping shall be designed to maximize the use of drought tolerant species and deciduous trees to shade buildings in summer and allow for passive solar heating in winter;</li> <li>3. Energy efficient street lighting shall be used, with consideration of safety and aesthetics; and</li> <li>4. design of parking facilities shall take into consideration the layout of entrances and exits so as to avoid concentration of cars or excess idling.</li> <li>5. Alternatively fueled vehicles are to be used</li> </ol>		<p>the city's Uniform Codes.</p> <ol style="list-style-type: none"> <li>1. Building orientation shall be designed to maximize natural lighting, passive solar heating, and cooling;</li> <li>2. Landscaping shall be designed to maximize the use of <u>native</u> drought tolerant species and deciduous trees to shade buildings in summer and allow for passive solar heating in winter;</li> <li>3. Energy efficient street lighting shall be used, with consideration of safety and <u>aesthetics, visual impacts, and impacts to wildlife and sensitive habitat; and</u></li> <li>4. design of parking facilities shall take into consideration the layout of entrances and exits so as to avoid concentration of cars or excess idling.</li> <li>5. Alternatively fueled vehicles <del>are to</del> be used in construction and as fleet vehicles, if feasible and available."</li> </ol>	



## Policies and Suggested Modifications

## COMMUNITY DESIGN ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	<p>so as to avoid concentration of cars or excess idling.</p> <p>--Alternatively fueled vehicles are to be used in construction and as fleet vehicles, if feasible and available."</p>		<p>6. in construction and as fleet vehicles, if feasible and available."</p>			

# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		C-1b	"The City shall strive to improve vehicular and pedestrian overcrossings of the freeway and the various creeks while respecting their habitat value and sensitivity."			§30210 §30231
		C-2	"Designate scenic routes so as to provide for the scenic enjoyment of and maintain and enhance the natural beauty of the lands and views along the roadways of the Carpinteria Valley."			§30251
		C-2a	"Cooperate with the State and County of Santa Barbara in the designation and development of Highway 101, 150, and 192 within the Carpinteria Valley as scenic routes and official scenic highways."			§30251
		C-2b	Utilize the design tools outlined in the Community Design Element to enhance scenic vistas along Highways 101, 150, and 192."			§30251
		C-2c	"Develop scenic route			§30251

# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			procedures to ensure that public private land uses, site planning, landscaping, outdoor advertising, utilities, view corridors, earthmoving and architecture are consistent with the City's aesthetic objectives for Scenic Highways. [5-year]"			
		C-3e	"In addition to existing at grade railroad crossings located at Linden, Palm, Dump Road, and Sandyland Cove Road, establish at grade or grade separated railroad crossings in order to improve vehicular and emergency access to the Beach neighborhood and ensure that emergency access routes and crossings of U.S. 101 are maintained."			§30210
		C-3f	"Improve travel characteristics of the city's circulation plan by:  --Planning and developing a continuous and direct east/west surface street route	50	Improve travel characteristics of the city's circulation plan by:  --Planning and developing a continuous and direct east/west surface street route north of and parallel to Highway 101 to improve	§30231 §30240 §30241

# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			north of and parallel to Highway 101 to improve the efficiency of local traffic circulation [5-15 years]  --considering the westerly extension of Via Real to Casitas Pass Road and from Vallecito to Linden;"		the efficiency of local traffic circulation [5-15 years]  --considering the westerly extension of Via Real to Casitas Pass Road and from Vallecito to Linden;  <u>--prioritizing maximum protection for coastal waters, ESHA, and agricultural resources in considering potential road extensions.</u>	
		C-3i	"Develop and implement programs that improve the circulation and parking systems of the downtown area, [2-year]"			§30210
		C-3l	"Provide sufficient parking and loading space in commercial and industrial areas to minimize interference with efficient traffic circulation."			§30210
		C-4	"Improve the Carpinteria Avenue corridor to ensure adequate traffic flow, safe bicycle use and improved			§30210

# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			aesthetic qualities."			
		C-6	"Provide adequate safe railroad crossings...."			§30210
		C-6a	"Seek funding sources for grade separated crossings of the rail line to resolve conflicts with urban linkages, where such structures are considered feasible. [10-year]"			§30210
		C-6c	"Encourage development of available railroad rights-of-way for alternative transportation, bicycle, recreation, trail, parking related, and other appropriate uses."			§30210
		C-6d	"Put programs for developing crossing improvements with the <del>State</del> Public Utilities Commission and railroad operators into effect."			§30210
		C-6e	"Encourage additional Amtrak stops."			§30210

# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		C-7	"Build demand for alternative transportation use by increasing ease, effectiveness, and social acceptability, and through foresighted planning."			§30210 §30213
		C-7b	"Develop safe and direct pedestrian accessibility between residential areas, schools, parks, and shopping areas in both new and existing urban areas."			§30210 §30252
		C-7c	"Provide safe mobility for the physically handicapped through the design of street improvements and public facilities."			§30210
		C-8	"Support and develop safe, direct and well-maintained bicycle and pedestrian systems and recreational boating facilities that serve all segments of the public."			§30210 §30213 §30224
		C-8a	"Integrate the development of bicycle routes and pedestrian			§30210 §30213

# Policies and Suggested Modifications

## CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			pathways in additional areas of the city, and encourage the utilization of such routes for commuting as well as recreational purposes."			
		C-8b	"Provide adequate right-of-way and improvements for bicycle lanes, when called for in future street dedications."			§30210 §30213
		C-8c	"Provide or require safe and adequate bicycle parking at transportation centers, public parks, recreation areas and other nonresidential locations."			§30210 §30213
		C-8d	"Encourage integration of the city's bicycle routes with state and countywide programs."			§30210 §30213
		C-8f	"Encourage pedestrian movement by providing pedestrian facilities that are direct and convenient, particularly in the beach and downtown areas."			§30210 §30213
		C-8g	"Consider rerouting the Pacific Coast Bikeway to			§30210 §30213

# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			another location parallel to the coastline, such as adjacent to the railroad right of way throughout the city. [5-year]"			
		C-8h	"Encourage a bike trail link from Carpinteria to Summerland along the railroad right of way and a coastal link to Ventura paralleling U.S. 101."			§30210 §30213
		C-8i	"As a requirement of new development, significant attention must be paid to bicycle-friendly infrastructure and the maintenance of nearby old infrastructure."			§30210 §30213
		C-9	"Promote the use of public transit systems that provide mobility to all city residents, and reduce automobile congestion within the capabilities of the community."			§30210
		C-9a	"Continue cooperation with the Santa Barbara Metropolitan Transit District			§30210



# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			(SBMTD), Caltrans and other transportation agencies, in order to assure that all City residents have adequate access to public transit as an alternative to the automobile."			
		C-9b	"Develop the circulation system in a manner that will maximize route efficiency for transit lines within the city."			§30210
		C-9c	"Coordinate with SBMTD, Caltrans and other transportation agencies in the development of route systems and transfer points."			§30210
		C-9e	"Encourage privately owned transit systems to interface with the public transit systems."			§30210
		C-9g	"Continue cooperation with SBMTD to ensure frequent, predictable, safe and reliable neighborhood shuttle bus service."			§30210

# Policies and Suggested Modifications

# CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		C-9i	"Work with MTD to promote increased bus use and explore providing expanded inner city / neighborhood shuttle service within the city [2-year]."			§30210
		C-9j	"Encourage the growth of low impact and non-polluting industry, and promote improved congestion management techniques. This may take the form of local business ordinances and might be applied through the permitting process."			§30210
		C-9l	"Design and place improved signage for parking lots, sites of interest, business districts and recreational areas."			§30210
		C-9n	"Require new development plans to include significant attention to alternative modes of transportation."			§30252 §30253(4)
		C-9o	"Require well designed walkways as a condition to new development approval."			§30210

## Policies and Suggested Modifications

## CIRCULATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		C-9p	"Establish a regulatory framework for siting antennas and teleocmmunication equipment. [2-year]"	51	"Establish a regulatory framework for siting antennas and telecommunication equipment <u>that protects visual resources.</u> [2-year]"	§30251
		Figure C-3 (Trails Map)		52	" <u>Figure C-3 shall be updated to show all existing and proposed accessways and shall be deleted from the Circulation Element and added to the Open Space, Recreation &amp; Conservation Element.</u> "	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-1 (Figure)	(ESHA Overlay Map)	53	<p>Delete the words "Bluffs" in legend.</p> <p>Apply "Environmentally Sensitive Habitat Overlay" symbol to all areas marked with the Bluffs symbol, and to parcels in Bluffs II area.</p> <p>Use cross-hatching symbol to indicate location of offshore ESHA.</p> <p>Apply "Offshore ESHA" symbol to all areas containing kelp beds or subtidal reefs, and if applicable, rocky points and intertidal areas.</p>	§30240
		OSC-1 (Table)		54	<p>Add "Sensitive, rare, threatened or endangered species habitat" to column 1, "Habitat Type."</p> <p>Add "Carpinteria Bluffs, other locations throughout the city" to column 2, "Area."</p>	§30240
		OSC-1	"Protect, preserve, and enhance local natural resources and habitats."			§30230 §30231 §30240
		OSC-1a	"Protect Environmentally Sensitive Habitat Area(s) (ESHA) from development"			§30230 §30231 §30240

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			and maintain them as natural open space or passive recreational areas."			
		OSC-1b	"Prohibit activities, including development, that could damage or destroy biological resource areas."	55	"Prohibit activities, including development, that could damage or destroy biological resource <u>ESHA</u> areas."	§30230 §30231 §30240
		OSC-1c	"Establish and support preservation and restoration programs for natural areas such as Carpinteria Creek, Carpinteria Bluffs, Carpinteria Salt Marsh, seal rookery, Carpinteria reef, Pismo clam beds, and the intertidal zones along the shoreline."	56	"Establish and support preservation and restoration programs for <del>natural areas such as ESHA,</del> <u>including but not limited to</u> Carpinteria Creek, Carpinteria Bluffs, Carpinteria Salt Marsh, seal rookery, Carpinteria reef, Pismo clam beds, and the intertidal zones along the shoreline."	§30230 §30231 §30240
		OSC-1, I.M. 1	"In addition to the policies and implementation measures herein, utilize (CEQA) to identify and avoid or reduce potential impacts to (environmental resources, including ESHA)."			§30240
		OSC-1, I.M. 2	"Form an Open Space and Conservation Advisory Committee to provide, at the pleasure of the City Council,			§30240

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			recommendations concerning preservation and management of local natural resources and habitats. [5-year]"			
		OSC-1, I.M. 3	<p>"Prepare and implement habitat preservation programs with emphasis on preserving identified Environmentally Sensitive Habitat Areas through habitat management and restoration [1-7 years]. The program should include at a minimum:</p> <ul style="list-style-type: none"> <li>■ special requirements for development plans which include (ESHAs).</li> <li>■ management practices for protection and restoration of (ESHAs), and</li> <li>■ recognition of the right to maintain existing legal non-conforming development and the ongoing need to protect the public health and safety of those residing in such development."</li> </ul>	57	<p>"Prepare and implement habitat preservation programs with emphasis on preserving identified Environmentally Sensitive Habitat Areas through habitat management and restoration [1-7 years]. The programs <del>should</del> <u>shall</u> include at a minimum:</p> <ul style="list-style-type: none"> <li>■ special requirements for development plans which include (ESHAs).</li> <li>■ management practices for protection and restoration of (ESHAs), and</li> <li>■ recognition of the right to maintain existing legal non-conforming development and the ongoing need to protect the public health and safety of those residing in such development.</li> </ul> <p><u>Prior to effectiveness, all programs shall be certified as an amendment to the City of Carpinteria Local Coastal Program (LCP)."</u></p>	§30240

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
9-1	"All parcels designated by the Habitat Area Overlay as shown on the land use maps and parcels within 250 feet of the boundary of such a designation shall be subject to a site inspection by a qualified biologist, to be selected jointly by the City and the applicant. All development plans, grading plans, etc., for these areas shall show the precise location of the habitat(s).	OSC-1, I.M. 4	"The City shall maintain an Environmentally Sensitive Habitat (ESH) Overlay district within its zoning ordinance with the purpose of protecting and preserving areas in which plant or animal life are either rare or especially valuable because of their role in the ecosystem and which could be easily disturbed or degraded by human activities and development. The intent of the zoning district shall be to ensure that all development on properties subject to the ESHA overlay is designed and carried out in a manner that will provide maximum protection to sensitive resources. The overlay area shall apply at a minimum to those parcels designated with the overlay designation on Figure LU-1, or any parcel located within 250 feet of a parcel so designated, or to any area identified as ESH either on an official resource map adopted by the city or	58	"The City shall maintain an Environmentally Sensitive Habitat <u>Areas</u> (ESHA) Overlay district within its zoning ordinance with the purpose of protecting and preserving areas in which plant or animal life <u>or their habitats</u> are either rare or especially valuable because of their <u>special nature</u> or role in the ecosystem and which could be easily disturbed or degraded by human activities and development. The intent of the zoning district shall be to ensure that all development on properties subject to the ESHA overlay is designed and carried out in a manner that will provide maximum protection to sensitive resources. The overlay area shall apply at a minimum to those parcels designated with the overlay designation on Figure LU-1, <del>or any parcel located within 250 feet of a parcel so designated, or to any area</del> <u>parcel</u> identified as ESHA either on an official resource map adopted by the city or through the city's development review process <sup>1</sup> , <u>any parcel that meets the criteria for ESHA provided in this LUP,</u>	§30240

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			through the city's development review process.		<u>and any parcel located within 250 feet of a parcel so designated or determined to be ESHA.</u>	
		OSC-1, I.M. 5	<p>"Any activity proposed within an ESH area, including maintenance of property improvements such as weeding and brush clearing, tree trimming, and removal of dead or dying plant material ['maintenance'], shall not result in the significant disruption of habitat values and shall require approval from the City Biologist or a determination by the City that the proposed activity is consistent with the habitat management plan adopted by the City for the area. Further, the City shall annually provide notice to the owners of property that include ESH area concerning the limits on activities in ESH areas, the prohibition of any disruption of habitat values, and the procedure for requesting approval of activities potentially affecting</p>	59	<p>"Any activity proposed within an ESHA area, including maintenance of property improvements such as weeding and brush clearing, tree trimming, and removal of dead or dying plant material ['maintenance'], shall not result in the significant disruption of habitat values and shall require approval from the City Biologist or a determination by the City Biologist that the proposed activity is consistent with the habitat management plan adopted by the City, <u>and certified as an amendment to the City's LCP,</u> for the area. Further, the City shall annually provide notice to the owners of property that include ESHA area concerning the limits on activities in ESHA area, the prohibition of any disruption of habitat values, and the procedure for requesting approval of activities potentially affecting an ESHA area. Any activities proposed to be undertaken within the creek or</p>	§30240



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>an ESH area. Any activities proposed to be undertaken within the creek or below the top of bank must first be approved by the State Department of Fish and Game. For improvements existing prior to adoption of this plan, a maintenance program shall be submitted by the property owner(s) that describes the scope and nature of maintenance activities. The city shall review the program, make any appropriate changes to avoid further disruption of habitat values and shall approve the program. Unless maintenance work is proposed that is outside the scope of the approved program or a State Department of Fish and Game permit is required, no further review by the city shall be required; maintenance activities beyond those stated in the approved program are prohibited."</p>		<p>below the top of bank must first be approved by the State Department of Fish and Game. For improvements existing prior to adoption of this plan, a maintenance program shall be submitted by the property owner(s) that describes the scope and nature of maintenance activities. The city shall review the program, make any appropriate changes to avoid further disruption of habitat values and shall approve the program. Unless maintenance work is proposed that is outside the scope of the approved program or a State Department of Fish and Game permit is required, no further review by the city shall be required; maintenance activities beyond those stated in the approved program are prohibited."</p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-1, I.M. 6	"Determine appropriate methods for the preservation of sites that include sensitive biological resources. These methods may include land purchase, tax relief, purchase of development rights, or other methods. Where these methods are not feasible, the city should ensure through permit review that development does not result in any significant disruption of habitat identified on a site or on adjacent sites."	60	"Determine appropriate methods for the preservation of sites that include <del>sensitive biological resources</del> <u>ESHA</u> . These methods may include land purchase, tax relief, purchase of development rights, or other methods. Where these methods are not feasible, the city should ensure through permit review that development does not result in any significant disruption of habitat identified on a site or on adjacent sites."	§30240
2-26	All development, including agriculture, adjacent to areas designated on the land use plan maps as habitat areas, adjacent to oceanfronting parks and recreation areas, or contiguous to coastal waters, shall be regulated to avoid adverse impacts on habitat resources.	OSC-1, I.M. 7	"Regulate all development, including agricultural development, adjacent to areas designated on the Land Use Plan as habitat areas; adjacent to ocean-fronting parks or recreation areas, or contiguous to coastal waters, to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to: setbacks, buffer zones, grading controls, noise restrictions,	61	"Regulate all development, including agricultural development, adjacent to areas <del>designated on the Land Use Plan as habitat areas</del> <u>ESHA</u> , <u>in or adjacent to ocean-fronting parks or recreation areas</u> , or contiguous to coastal waters, to <del>avoid</del> <u>prevent</u> adverse impacts on habitat resources. Regulatory measures <u>shall</u> include, but are not limited to: setbacks, buffer zones, grading controls, noise restrictions, <u>lighting restrictions</u> ,	§30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	Regulatory measures include, but are not limited to setbacks, buffer zones, grading controls, noise restrictions, and maintenance of natural vegetation. (See Section 3.9 for policies affecting specific habitat areas.)		and maintenance of natural vegetation."		<u>requirements for wildlife permeable fencing, and maintenance and establishment of natural-native vegetation."</u>	
9-2	Prior to issuance of a development permit, all projects shall be found to be in compliance with all applicable habitat protection policies of the land use plan (Policies 9-1 to 9-20).	OSC-1, I.M. 8	"Prior to issuance of a development permit, all projects shall be found to be in compliance with all applicable habitat protection policies of the (GP/LCP), and implementing policies and regulations of the Coastal Access and Recreation Program, Carpinteria Bluffs Access Recreation Master Open Space Program, and any other implementing plan for these policies."	62	"Prior to issuance of a development permit, all projects shall be found to be in compliance with all applicable habitat protection policies of the (GP/LCP), and implementing policies and regulations of the Coastal Access and Recreation Program, Carpinteria Bluffs Access Recreation Master Open Space Program, and any other implementing plan for these policies <u>that has been certified as an amendment to the City's LCP."</u>	§30240
		OSC-1, I.M. 9	"Provide public education and information services on			§30240

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			the community's significant natural resources including the creeks, the Carpinteria Salt Marsh, coastal bluff areas, Monarch butterfly habitat, etc., to increase community awareness of sensitive environmental habitats and their value to Carpinteria."			
		OSC-1, I.M. 10	"Support environmental review and monitoring of natural resources by a qualified biologist on an on-going basis, and as needed for development project review."	63	"Support environmental review and monitoring of natural resources by a qualified biologist on an on-going basis, and as needed for development project review. <u>Require City Biologist review and recommendation for all development projects that the Community Development Department has determined has the potential for impacts on ESHA or water quality.</u> "	§30240
9-3	"In cases where a habitat area is not designated on the land use plan map and a habitat is found to be on a	<u>Added Policy</u>		64	"Any area not designated on the <u>ESH Overlay map (Figure OSC-1)</u> or identified in <u>Table OSC-1</u> , that <u>meets the definition of ESHA provided in Section 30107.5</u> , shall <u>be considered ESHA and shall be</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	parcel, a site survey by a qualified biologist shall be made and conformance to the relevant habitat policies of the land use plan shall be required."				<u>afforded the same protections as formally designated areas."</u>	
		<u>Added Policy</u>		65	<u>"Protect and restore degraded wetlands, butterfly habitat, native plant communities, and sensitive, rare, threatened or endangered species habitat on City-owned land to the maximum extent feasible."</u>	
		OSC-2	"Preserve and restore the natural resources of the Carpinteria Bluffs."			§30231 §30240
		OSC-2a	"Maintain the Carpinteria Bluffs Coastal Access, Recreation and Master Open Space Program."			§30210 §30212 §30231 §30240 §30253
		OSC-2b	"Maintain the publicly purchased portion of Bluffs I in public open space in			§30210 §30212

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			perpetuity."			
		OSC-2c	"Preserve all coastal bluff scrub habitat designated as open space with an appropriate buffer."			§30240 §30253
		OSC-2d	"Designate all significant areas of coastal sage and bluff scrub habitat as open space."			§30240 §30253
		OSC-2e	"Designate the riparian habitat area as open space with an appropriate buffer."			§30231
		OSC-2f	"Protect significant historical and archaeological resources within the Bluffs Area."			§30244
		OSC-2g	"Offset the impacts of private development to existing opportunities for public access and recreation by requiring that such development include public access and recreational improvements."			§30210 §30212 §30252
		OSC-2h	"Preserve public enjoyment of Carpinteria Bluff view			§30251

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			sheds by ensuring that they are not significantly degraded through development. All development applications shall be required to provide information adequate to identify existing and future public views and to demonstrate how the project proposes to avoid significant disruption of the view sheds identified. The location, size and density of development on the Bluffs shall be determined in part by the view sheds identified and what is necessary to protect them."			
E.2.1	"All Eucalyptus and Tamarisk windrows shall be preserved as part of a contiguous and naturally preserved open space system that connects windrows, coastal scrub, and annual grasses. Thinning, pruning, and	OSC-2i	"Preserve all windrow trees as one part of a contiguous and naturally preserved open space system across the whole of the Carpinteria Bluffs. Thinning, pruning, and removal of trees shall be limited to what is necessary to maintain the trees in a healthful condition and to remove any hazardous condition. When a tree is	66	"Preserve all windrow trees as one part of a contiguous and naturally preserved open space system across the whole of the Carpinteria Bluffs. Thinning, pruning, and removal of trees shall be limited to what is necessary to maintain the trees in a healthful condition and to remove any hazardous condition. When a tree is approved by the City for removal, it shall be required to be replaced at a ratio appropriate	§30240 §30251 §30253

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	removal of trees shall be limited to what is necessary to maintain the trees in a healthful condition and to remove potentially hazardous conditions. When a tree is removed, it shall be required to be replaced at a three-to-one ratio (three new trees for each tree removed) with native, locally occurring species of five-gallon container size or larger. New trees shall be maintained by artificial means, as necessary, until the tree is established. New planted trees which fail to survive during the first five (5) years shall be replaced and maintained until established. New		approved by the City for removal, it shall be required to be replaced at a ratio appropriate to ensure infill of any gap created in the windrow and with a tree type and size to be approved by the City. Replacement trees that fail to survive within the first five years after planting shall be replaced. Planting of native trees is encouraged as are programs for phased removal and replacement of tamarisk windrows in favor of native tree windrows. Development or other activity proposed on parcels including windrows shall be set back a minimum of 10 feet from the drip line of the trees and shall not result in compacting of soil or other potential damage to the trees' root system or water source."		to ensure infill of any gap created in the windrow and with a <u>native, locally occurring</u> tree type and size to be approved by the City. Replacement trees that fail to survive within the first five years after planting shall be replaced. <del>Planting of native trees is encouraged as are p</del> Programs for phased removal and replacement of tamarisk windrows <del>in favor of</del> <u>with native tree windrows are encouraged.</u> Development or other activity proposed on parcels including windrows shall be set back a minimum of 10 feet from the drip line of the trees and shall not result in compacting of soil or other potential damage to the trees' root system or water source."	



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	plantations of eucalyptus, tamarisk, or other non-native, invasive species shall be provided."					
		OSC Wetlands Intro	"Wetlands are areas of land that are either permanently or seasonally wet and support specially adapted vegetation .....The definition of wetland used by the City comes from the California Coastal Act (§30121) and defines broadly areas that may be determined to be wetlands and are therefore subject to regulation."	67	"Wetlands are areas of land <del>that are either permanently or seasonally wet and support specially adapted vegetation which</del> <u>may be covered periodically or permanently with shallow water and include saltwater marches, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens</u> ....The definition of wetland used by the City comes from the California Coastal Act (§30121) and defines broadly areas that may be determined to be wetlands and are therefore subject to regulation."	§30231
		OSC-3	"Preserve and restore wetlands such as the Carpinteria Salt Marsh."			§30231 §30240
		<u>Added Policy</u>		68	"Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					the California Code of Regulations."	
9-4	"The upland limit of a wetland shall be defined as land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Where environmental factors may prevent the development of soils and/or vegetation, the presence of surface water or saturated substrate at some time during the year or the location within, or adjacent to, vegetated wetlands or deep water habitats will define their limits. If question exists, the limit should be	OSC-3a	"The upland limit of a wetland is defined as land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. When environmental factors may prevent the development of soils and/or vegetation, the presence of surface water or saturated substrate at some time during the year or the location within, or adjacent to, vegetated wetlands or deep water habitats will define their limits. If questions exist, the limit should be determined by a habitat survey made by a qualified biologist.	69	<p>"The upland limit of a wetland is defined as</p> <ul style="list-style-type: none"> <li>a) <u>the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;</u></li> <li>b) <u>the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric</u></li> <li>e) <u>in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.</u></li> </ul> <p><del>land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. When environmental factors may</del></p>	§30231 §30240

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	<p>determined by habitat survey made by a qualified biologist.</p> <p>A buffer strip, 100 feet in width, shall be maintained in a natural condition along the upland limits of all wetlands. No structures other than those required to support light recreational, scientific and educational uses shall be permitted, where such structures are consistent with all other wetland development policies and where all possible measures have been taken to prevent adverse impacts."</p>				<p><del>prevent the development of soils and/or vegetation, the presence of surface water or saturated substrate at some time during the year or the location within, or adjacent to, vegetated wetlands or deep water habitats will define their limits.</del></p> <p>If questions exist, the limit <del>should</del> <u>shall</u> be determined by a habitat survey made by a qualified biologist."</p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
9-5	New development adjacent to the required buffer around wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, and other disturbances.	OSC-3b	"Development adjacent to the required buffer around wetlands should not result in adverse impacts including but not limited to sediment, runoff, chemical and fertilizer contamination, noise, light pollution and other disturbances."			§30231 §30240
		OSC-3c	"Provide additional interpretive and trail opportunities to appropriate areas of the salt marsh if possible without creating significant impacts from such improvements."			§30231 §30240
9-4	(see OSC-3a above)	OSC-3, I.M. 11	"Maintain a minimum 100-ft. setback/buffer strip along the upland limits of all wetlands unless this would preclude all reasonable use of the affected parcel (as per §30010) or unless a smaller setback would carry out the Coastal Act's mandate that Coastal Act policies be implemented in a manner which on balance is most	70	"Maintain a minimum 100-ft. setback/buffer strip along the upland limits of all wetlands, <del>unless this would preclude all reasonable use of the affected parcel (as per §30010) or unless a smaller setback would carry out the Coastal Act's mandate that Coastal Act</del> policies be implemented in a manner which on balance is most protective of significant coastal resources. No structures other than	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>protective of significant coastal resources. No structures other than those required to support light recreational, scientific and educational uses shall be permitted within the setback, where such structures are consistent with all other wetland development policies and where all feasible measures have been taken to prevent adverse impacts. When a setback reduction is necessary, the amount of the reduction shall be the minimum necessary to ensure that all reasonable use of the affected parcel is not taken or to further the Coastal Act's mandate that Coastal Act policies be implemented in a manner which on balance is most protective of significant coastal resources. The minimum setback may be adjusted upward to account for site-specific conditions affecting avoidance of adverse impacts."</p>		<p>those required to support light recreational, scientific and educational uses shall be permitted within the setback, where such structures are consistent with all other wetland development policies and where all feasible measures have been taken to prevent adverse impacts. When a setback reduction is necessary, the amount of the reduction shall be the minimum necessary to ensure that all reasonable use of the affected parcel is not taken or to further the Coastal Act's mandate that Coastal Act policies be implemented in a manner which on balance is most protective of significant coastal resources. The minimum setback may be adjusted upward to account for site-specific conditions affecting avoidance of adverse impacts."</p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		<u>OSC-3, IM 12</u>		71	"Applications for new development within or adjacent to wetlands shall include evidence of consultation and preliminary approval from the California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and other State and Federal resource management agencies, as applicable."	§30231 §30240
		OSC-4	"Preserve the biological diversity of shoreline habitats."			§30230 §30240
9-12	"The marine resources of Carpinteria Reef shall be protected. If evidence of depletion of these resources is presented, the City shall work with the California Department of Fish and Game to assess the extent of damage and implement mitigating measures."	OSC-4a	"Protect the marine resources of the Carpinteria tidepools and Reef and other rocky reefs and intertidal areas. If evidence of depletion of these resources is presented, work with the California Department of Fish and Game to assess the extent of damage and implement mitigating measures."			§30230 §30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
9-10	Only light recreational use shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.	OSC-4b	"Limit activities on public beaches that include or are adjacent to rocky points and intertidal areas to light recreational use (e.g. hiking, biking, and jogging)."			§30230 §30231
		OSC-4c	"Support development of a coastal and marine environment protection plan in coordination with (Dept. Fish & Game) and other state, county, and local agencies."			§30230 §30231
9-9	In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas.	OSC-4, I.M. 12	<del>"In order to prevent destruction of organisms which thrive in intertidal areas, prohibit unauthorized vehicles on beaches.</del>	72	"In order to prevent destruction of organisms which thrive in intertidal areas, prohibit unauthorized vehicles on beaches <u>except for emergency or lifeguard services.</u> <u>Such vehicular uses shall avoid sensitive habitat areas to the maximum extent feasible.</u> "	
		OSC-4, I.M. 13	"Support enforcement of California Department of Fish			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			and Game Codes and federal marine mammal protection laws.			
		OSC-4, I.M. 14	"Permit passive or low-impact recreational uses on public beaches."			
9-11	Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, shall be sited or routed to avoid significant rocky points and intertidal areas.	OSC-4, I.M. 15	"Piers, groins, breakwaters, drainages, seawalls, pipelines, and other shoreline structures are only to be used to serve coastal-dependent uses or to protect existing structures or public beaches in danger of erosion, when designed to eliminate or mitigate adverse impacts on local shoreline sand supply, when non-structured alternatives have failed, and when located to avoid significant rocky point and intertidal areas."	73	"Piers, groins, breakwaters, drainages, seawalls, pipelines, and other shoreline structures <del>are only to be used</del> shall be permitted only when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger of erosion, when designed to eliminate or mitigate adverse impacts on local shoreline sand supply, when non-structured alternatives have failed, and when located to avoid significant rocky point and intertidal areas."	
7-2	"No above-ground structure or other development, except for public health and safety purposes, and	OSC-4, I.M. 16	"Prohibit encroachment of above-ground structures or development, except for public health and safety purposes (such as lifeguard facilities), and recreational			



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	recreational facilities of a temporary nature (e.g., volleyball nets) shall be sited on any dry sandy beach within the City's jurisdiction."		facilities of a temporary nature (e.g. volleyball nets) on any dry sandy beach within the city's jurisdiction."			
		OSC-4, I.M. 17	"String-Line Standard. No development, including but not limited to, new construction, additions, remodels, or accessory structures, shall encroach seaward beyond a plane created by extending a straight line between the nearest building corners that are closest to the beach from the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest corners closest to the beach from the existing balconies, porches or similar	74	"String-Line Standard. <u>New development or redevelopment shall be located as far landward as feasible.</u> No development, including but not limited to, new construction, additions, remodels, or accessory structures, shall encroach seaward beyond a plane created by extending a straight line between the nearest building <u>adjacent</u> corners <del>that are closest to the beach from of</del> the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest <u>adjacent</u> corners <del>closest to the beach from of</del> the existing balconies, porches or similar appurtenances on either side of the proposed development.	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			appurtenances on either side of the proposed development. If no balcony porch or similar appurtenance exists on the nearest structure, the plane shall be established from the nearest building corner. If establishing the plane from the nearest structure would preclude reasonable use of a property or is grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible."		If no balcony porch or similar appurtenance exists on the nearest structure, the plane shall be established from the nearest <u>adjacent</u> building corner. If establishing the plane from the nearest structure would <del>preclude reasonable use of a property or is</del> <u>be</u> grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible.	
7-3	"The need for additional parking in the beach area shall be addressed in the city's Tidelands Improvement Plan. The City should	OSC-4, I.M.18	" <del>Address</del> the need for additional parking in the city's Tidelands Improvement Plan. Consider using revenues derived from the Plan to finance such improvements."	75	" <del>Address the need for additional parking in the city's Tidelands Improvement Plan. Provide</del> <u>adequate parking to maximize public access to coastal recreation areas, including Salt Marsh Nature Park, City Beach, Carpinteria State</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	consider using revenues derived from the tidelands to finance such improvements."				<u>Park, Tar Pits Park, Harbor Seal Overlook, and the Carpinteria Bluffs. Consider using revenues derived from the Tidelands Trust Fund Plan to finance such improvements. Parking facilities shall be distributed, as feasible, to prevent overcrowding and to protect sensitive environmental resources."</u>	
		OSC-5	"Protect the Harbor Seal Hauling Ground from human disturbance."			
9-8	Harbor Seal Hauling Grounds should not be altered or disturbed by recreational, industrial, or any other uses. Emergency maintenance or repair of existing pipelines in the vicinity of the Chevron pier shall be permitted as necessary, as long as disturbances to	OSC-5a	"Harbor Seal Hauling Grounds should not be altered or disturbed by recreational, industrial, or any other uses. Emergency maintenance or repair of existing pipelines in the vicinity of the adjacent Carpinteria oil & gas plant pier should be permitted as necessary, as long as disturbances to the harbor seal hauling grounds are minimized. Such repairs should be limited to the period of June 1 to			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	the harbor seal hauling grounds are minimized.		November 30 if possible.			
E.5.1, E.5.2	same	OSC-5b	"Permit beach to bluff access at the east and west sides of the seal rookery area to allow beach walkers to bypass the protected area on the bluff top and discourage any violation of the beach closure segment."			
		OSC-5, I.M. 19	"Support Seal Watch or similar volunteer habitat and seal monitoring work that aims to protect existing seal haulouts and rookery and provide public education."			
E.5.1, E.5.2	essentially the same	OSC-5, I.M. 20	"Protect the Harbor Seal Hauling Ground by implementation of the following measures: a. Ensure that any proposed use or development adjacent the hauling grounds is of a type, intensity, design and location, that minimizes potential	76	"Protect the Harbor Seal Hauling Ground by implementations of the following measures: a. Ensure that any proposed use or development adjacent the hauling grounds is of a type, intensity, design and location, that minimizes potential impacts to the harbor seals unless this would preclude all reasonable use of the affected parcel.	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>impacts to the harbor seals unless this would preclude all reasonable use of the affected parcel.</p> <ul style="list-style-type: none"> <li>b. Prohibit development and activity that could result in noise, vibration, or other disturbance that could result in the degradation of the seal hauling grounds or discourage its ongoing use.</li> <li>c. Providing public education program and informational signs on-site.</li> <li>d. Maintaining a 35-foot minimum buffer area on the beach around any animal or area where seals have congregated year round.</li> <li>e. Extending the beach buffer to 750 feet on either side of the area during pupping season (Dec. 1 –Mar. 31) or such greater period as is established by Council Resolution.</li> </ul>		<ul style="list-style-type: none"> <li>b. Prohibit development and activity that could result in noise, vibration, or other disturbance that could result in the degradation of the seal hauling grounds or discourage its ongoing use.</li> <li>c. Providing public education program and informational signs on-site.</li> <li>d. Maintaining a 35-foot minimum buffer area on the beach around any animal or area where seals have congregated year round.</li> <li>e. Extending the beach buffer to 750 feet on either side of the area during pupping season (Dec. 1 –Mar. 31) or such greater period as is established by Council Resolution.</li> <li>f. Maintaining a minimum 30-foot setback from the edge of the bluff for trails and gathering areas to reduce the visibility of humans and human movement along the bluff edge, except for a designated viewing/blind area.</li> <li>g. Planting natural vegetation along the bluff edge to form a</li> </ul>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>f. Maintaining a minimum 30-foot setback from the edge of the bluff for trails and gathering areas to reduce the visibility of humans and human movement along the bluff edge, except for a designated viewing/blind area.</p> <p>g. Planting natural vegetation along the bluff edge to form a screen or blind, further minimizing the visibility of human movement."</p>		screen or blind, further minimizing the visibility of human movement."	
		OSC-5, I.M. 21	"Plant a screen of native, stiff-stemmed shrubs at the overlook to protect the (hauling ground) from human disturbance."			
		OSC-5, I.M. 22	"Place interpretive signs at approaches to the seal haulout and rookery to educate visitors about seal population and to warn visitors of seal sensitivity to disturbance."			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-6	"Preserve the natural environmental qualities of creekways in the Carpinteria Planning Area and protect riparian habitat."	77	"Preserve the natural environmental qualities of creekways in the <del>Carpinteria Planning Area</del> and protect riparian habitat."	
		OSC-6a	"Support the preservation of creeks and their corridors as open space, and maintain and restore riparian habitat to protect the community's water quality, wildlife diversity, aesthetic values, and recreation opportunities."			
		OSC-6b	"Protect and restore degraded creeks on City-owned land where protection and restoration does not interfere with good flood control practices."			
		OSC-6c	"When alterations to creeks are permitted by the Coastal Act and policies herein, the creek shall be protected by only allowing creek bank and creek bed alterations where no practical alternative solution is available, where	78	"When alterations to creeks are permitted by the Coastal Act and policies herein, the creek shall be protected by only allowing creek bank and creek bed alterations where no practical alternative solution is available, where the best mitigation measures feasible have	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			the best mitigation measures feasible have been incorporated, and where any necessary State and federal permits have been issued. Creek alterations should utilize natural creek alteration methods where possible (e.g. earthen channels, bio-technical stabilization). Nothing in this policy shall be construed to require the City to approve creek alterations not otherwise allowed herein or by the Coastal Act.		been incorporated, and where any necessary State and federal permits have been issued. Creek alterations should utilize natural creek alteration methods where possible (e.g. earthen channels, bio-technical stabilization). Nothing in this policy shall be construed to require the City to approve creek alterations not otherwise allowed herein or <u>and</u> by the Coastal Act."	
		OSC-6d (See OSC-6, I.M. 26)	"Require public or private development to locate development outside creek corridors, established by creek setbacks, except in the following cases: a. The proposed location is necessary to protect public health and safety. b. The location is necessary for the construction of new roads, bridges, trails, or similar infrastructure."	79	<del>"Require public or private development to locate development outside creek corridors, established by creek setbacks, except in the following cases:</del> a. <del>The proposed location is necessary to protect public health and safety.</del> b. <del>The location is necessary for the construction of new roads, bridges, trails, or similar infrastructure."</del>  (See OSC-6, I.M. 26)	



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		<del>OSC-6e</del> <u>OSC-1e</u>	"Property including biological resources areas should be designated with a zoning category that allows for the protection of, and public access to, the resource area, such as recreational or community facility zoning. Any development on property including significant biological resource areas should be designed and conducted to protect the resources. Within environmentally sensitive habitat only uses dependent upon those resources shall be allowed and the resources shall be protected against any disruption."	80	"Property including biological resources areas <u>ESHA</u> should be designated with a zoning category that allows for the protection of, and public access to, the resource area, such as recreational <u>Open Space/ Recreation</u> or <del>community facility</del> <u>Public Facility</u> zoning. Any development on property including <del>significant biological resource areas</del> <u>ESHA</u> should be designed and conducted to protect the resources. Within environmentally sensitive habitat only uses dependent upon those resources shall be allowed and the resources shall be protected against any disruption."	
9-18	"All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical	OSC-6f	"Carry out and maintain all permitted construction and grading within stream corridors in such a manner so as to minimize impacts on biological resources and water quality such as increased runoff, creek bank erosion, sedimentation, biochemical degradation, or thermal pollution."			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	degradation, or thermal pollution."					
		<u>OSC-6g</u>		81	<u>Natural drainage patterns and runoff rates and volumes shall be preserved to the greatest degree feasible by minimizing changes to natural topography, and minimizing the areas of impervious surfaces created by new development.</u>	
		<u>OSC-6h</u>		82	<u>All development shall be evaluated for potential adverse impacts to water quality and shall consider Site Design, Source Control and Treatment Control BMPs in order to minimize polluted runoff and water quality impacts resulting from the development. In order to maximize the reduction of water quality impacts, BMPs should be incorporated into the project design in the following progression: (1) Site Design BMPs, (2) Source Control BMPs, and (3) Treatment Control BMPs.</u>	
9-15	The minimum buffer strip for natural streams within the City shall be 20 feet	OSC-6, I.M. 23	"A setback of 50 feet from top of bank of creeks or existing edge of riparian vegetation (dripline), whichever is	83	"A setback of 50 feet from top of the upper bank of creeks or existing edge of riparian vegetation (dripline), whichever is further, shall	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	<p>from the top of the bank. These minimum buffers may be adjusted by the City on a case-by-case basis after investigation of the following factors:</p> <ul style="list-style-type: none"> <li>a. soil type and stability of the stream corridor</li> <li>b. how surface water filters into the ground</li> <li>c. types and amount of riparian vegetation and how such vegetation contributes to soil stability and habitat value</li> <li>d. slopes of the land on either side of the stream</li> <li>e. location of the 100 year floodplain boundary</li> </ul>		<p>further, shall be established and maintained for all development, unless this would preclude all reasonable use of the affected parcel*or unless a smaller setback would carry out the Coastal Act's mandate^ that Coastal Act policies be implemented in a manner which on balance is the most protective of significant coastal resources. This setback may be increased to account for site-specific conditions. The following factors shall be used to determine the extent of an increase in setback requirements:</p> <ul style="list-style-type: none"> <li>a. soil type and stability of the stream corridor</li> <li>b. how surface water filters into the ground</li> <li>c. types and amount of riparian vegetation and how such vegetation contributes to soil stability and habitat value</li> </ul>		<p>be established and maintained for all development,<del>unless this would preclude all reasonable use of the affected parcel*or unless a smaller setback would carry out the Coastal Act's mandate^</del> that Coastal Act policies be implemented in a manner which on balance is the most protective of significant coastal resources. This setback may be increased to account for site-specific conditions. The following factors shall be used to determine the extent of an increase in setback requirements:</p> <ul style="list-style-type: none"> <li>a. soil type and stability of the stream corridor</li> <li>b. how surface water filters into the ground</li> <li>c. types and amount of riparian vegetation and how such vegetation contributes to soil stability and habitat value</li> <li>d. slopes of the land on either side of the stream</li> <li>e. location of the 100 year floodplain boundary, and</li> <li>f. consistency with other applicable adopted plans, conditions, regulations and /or</li> </ul>	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>d. slopes of the land on either side of the stream</p> <p>e. location of the 100 year floodplain boundary, and</p> <p>f. consistency with other applicable adopted plans, conditions, regulations and /or policies concerning protection of resources.</p> <p>Where a setback/buffer strip reduction is necessary, the amount of the reduction shall be the minimum necessary to ensure that all reasonable use of the affected parcel** is not taken or to further the Coastal Act's mandate<sup>^</sup> that Coastal Act policies be implemented in a manner that on balance is most protective of significant coastal resources. Where existing buildings and improvements, conforming as to use but nonconforming as to the minimum creek setback established herein, are damaged or destroyed by fire, flood, earthquake or</p>		<p>policies concerning protection of resources.</p> <p><del>Where a setback/buffer strip reduction is necessary, the amount of the reduction shall be the minimum necessary to ensure that all reasonable use of the affected parcel** is not taken or to further the Coastal Act's mandate<sup>^</sup> that Coastal Act policies be implemented in a manner that on balance is most protective of significant coastal resources.</del></p> <p>Where existing buildings and improvements, conforming as to use but nonconforming as to the minimum creek setback established herein, are damaged or destroyed by fire, flood, earthquake or other natural disaster, such buildings and improvements may be reconstructed to the same or lesser size and in the same general footprint location, provided that reconstruction shall be inaugurated by the submittal of a complete construction application within 24 months of time of damage and be diligently carried to completion."</p>	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>other natural disaster, such buildings and improvements may be reconstructed to the same or lesser size and in the same general footprint location, provided that reconstruction shall be inaugurated by the submittal of a complete construction application within 24 months of time of damage and be diligently carried to completion."</p> <p>*The City shall consider PRC Section 30010 in its determination whether all reasonable use has been taken.  ^Expressed in Public Resources Code §30007.5  **Implementation of Public Resources Code §30010.</p>		<p><del>*The City shall consider PRC Section 30010 in its determination whether all reasonable use has been taken.</del>  <del>^Expressed in Public Resources Code §30007.5</del>  <del>**Implementation of Public Resources Code §30010.</del></p>	
		OSC-6, I.M. 24	<p>Projects must conform with "the applicable habitat protection policies including but not limited to the (GP/LCP, Bluffs plan), Creek Preservation Ordinance, and the Zoning Ordinance."</p>			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-6, I.M. 25	"Prepare and implement a Watershed Management Plan in coordination with the County and Carpinteria Valley Water District with an emphasis on: erosion control, natural waterway restoration and preservation, wildlife habitat restoration, including steelhead runs, and water quality. [5-year]"			
9-16	No structures shall be located within the stream corridor except: developments where the primary function is the improvement of fish and wildlife habitat; dams; structures necessary for flood control purposes; bridges, when supports are located outside the critical habitat; and pipelines, when no alternative route is feasible.	OSC-6, I.M. 26	"Prohibit all structures within stream corridors except structures for the improvement of fish and wildlife habitat, structures necessary for flood control purposes (where no other method to protect existing structures in the floodplain is feasible and where protection is necessary for public safety), and bridges and pipelines (where no alternative route/location is feasible and, when supports are located within stream corridor setbacks, such locations minimize impacts on critical habitat), except	84	"Prohibit all <u>structures development</u> within stream corridors except <del>structures</del> for the improvement of fish and wildlife habitat, <u>structures development</u> necessary for flood control purposes (where no other method to protect existing structures in the floodplain is feasible and where protection is necessary for public safety), and bridges and <u>pipelines-trails</u> (where no alternative route/location is feasible and, when supports are located within stream corridor setbacks, such locations minimize impacts on critical habitat), <del>except where this would preclude all reasonable use of the affected parcel.</del> All development shall	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			where this would preclude all reasonable use-of the affected parcel. All development shall incorporate the best mitigation measures feasible to minimize impact to the greatest extent."		incorporate the best mitigation measures feasible to minimize impact to the greatest extent."	
9-17	All development, including dredging, filling, grading, within stream corridors, shall be limited to activities necessary for flood control purposes, bridge construction, water supply projects, or laying of pipelines, when no alternative route is feasible. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required. Minor clearance of vegetation may be	OSC-6, I.M. 27	"Limit all development within stream corridors, including dredging, filling, grading to activities necessary for the construction specified in policy #26 (see above) and to public hiking/biking and equestrian trails. When such activities require removal of riparian plant species, revegetation with local native riparian plants shall be required. Minor clearance of vegetation may be permitted for hiking/biking and equestrian trails."	85	"Limit all development within stream corridors, including dredging, filling, grading to activities necessary for the construction specified in policy #26 (see above) and to public hiking/biking and equestrian trails. When such activities require removal of riparian plant species, revegetation with local native <u>riparian</u> plants shall be required. Minor clearance of vegetation may be permitted for hiking/biking and equestrian trails."	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	permitted for hiking/biking and equestrian trails."					
9-19	Cultivated agriculture and the installation of septic tanks shall be prohibited within stream corridors.					
9-20 9-21	<p>9-20: Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the City shall be permitted.</p> <p>9-21: No development or substantial alteration of natural stream corridors shall be permitted unless the City finds that such action is necessary</p>	OSC-6, I.M. 28	"Prohibit further channelization or other major alterations of streams in the city with the exception of natural habitat enhancement projects, or when the City finds that such action is necessary to protect existing structures and that there are no less environmentally damaging alternatives. Where alteration is permitted, best feasible mitigation shall be a condition of the project."			



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	to protect existing structures and that there are no less environmentally damaging alternative. Where development or alteration is permitted, best mitigations feasible shall be a condition of approval.					
		OSC-6, I.M. 29	"Develop a water pollution avoidance education program, which may include obtaining literature from the California Integrated Waste Management Board on how to minimize point and non-point water pollution sources. These materials may be made available at City Hall, including the City Library, Public Works and Finance Department, and may be mailed out to all residents. The City should also develop a drain inlet curb program to deter pollution from being dumped into curb drain inlets.	86	"Develop a water pollution avoidance education program, <u>to include distribution of literature on how to minimize point and non-point water pollution sources, and development of a curb drain inlet stenciling program to deter dumping of pollutants.</u> <del>which may include obtaining literature from the California Integrated Waste Management Board on how to minimize point and non-point water pollution sources. These materials may be made available at City Hall, including the City Library, Public Works and Finance Department, and may be mailed out to all residents. The City should also</del>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			[5-year]."		develop a drain inlet curb program to deter pollution from being dumped into curb drain inlets. [5-year]."	
		OSC-6, I.M. 30	"In order to protect watersheds, all development will conform to established criteria including but not limited to:	87	In order to protect watersheds <u>in the City</u> , all <u>construction-related activities</u> development will <u>shall minimize water quality impacts, particularly due to sediments that are eroded from project sites and conveyed to receiving waters, by implementing the following measures, as established through the City's Storm Water Management Plan:</u>	
3-16	Sediment basins (including debris basins, desilting basins or silt traps) shall be required in conjunction with initial grading operations and be maintained throughout the development process. All sediment shall be retained on site	OSC-6, I.M. 30a.	a. Sediment basins (including debris basins, desiltation basins or silt traps) shall be required in conjunction with initial grading operations and be maintained throughout the development process. All sediment shall be retained on-site unless removed to an appropriate disposal location. All sediment to be used as beach nourishment sediment shall be evaluated (with BEACON "or similar agency"	88	a. Sediment basins (including debris basins, desiltation basins or silt traps) shall be required in conjunction with initial grading operations and be maintained throughout the development process. All sediment shall be retained on-site unless removed to an appropriate disposal location. All sediment to be used as beach nourishment sediment shall be evaluated (with BEACON "or similar agency" guidelines). If such sediment is declared incompatible	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	unless removed to an appropriate disposal location.		guidelines). If such sediment is declared incompatible by BEACON or other competent coastal engineer, it may be disposed of at sites other than an approved beach nourishment site."		by BEACON or other competent coastal engineer, it may be disposed of at sites other than an approved beach nourishment site." <u>Proposed erosion and sediment prevention and control BMPs, both structural and non-structural, such as:</u> <ul style="list-style-type: none"> <li>▪ <u>Stabilize disturbed areas with vegetation, mulch, geotextiles, or similar method</u></li> <li>▪ <u>Trap sediment on site using fiber rolls, silt fencing, sediment basin, or similar method</u></li> <li>▪ <u>Ensure vehicles on site are parked on areas free from mud; monitor site entrance for mud tracked off-site</u></li> <li>▪ <u>Prevent blowing dust from exposed soils</u></li> </ul>	
3-17	Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been	OSC-6, I.M. 30b.	"Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes in a	89	a. <del>"Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes in a</del>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	disturbed during grading or development. All cut and fill slopes in a completed development shall be stabilized immediately with planting of native annual grasses and shrubs, or appropriate non-native plants with accepted landscaping practices.		completed development shall be stabilized immediately with planting."		<p><del>completed development shall be stabilized immediately with planting.</del> Proposed BMPs to provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials, such as:</p> <ul style="list-style-type: none"> <li>▪ Control the storage, application and disposal of pesticides, petroleum and other construction and chemical materials</li> <li>▪ Site washout areas more than fifty feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies</li> <li>▪ Provide sanitary facilities for construction workers</li> <li>▪ Provide adequate disposal facilities for solid waste produced during construction and recycle where possible</li> </ul>	
3-18	Provision shall be made to conduct surface runoff waters that will	OSC-6, I.M. 30c.	"Provisions shall be made to conduct surface water runoff that will occur as a result of development so as to prevent	90	<p><del>"Provisions shall be made to conduct surface water runoff that will occur as a result of development so as to prevent</del></p>	§30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	occur as a result of development to sotrmdrains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development.		erosion and to protect water quality. Surface water runoff shall be directed through bio-swales, vegetated retention/detention basins, constructed wetlands, stormwater filters, or other areas designed to control erosion and filter stormwater pollutants prior to reaching creeks and the ocean. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development."		<del>erosion and to protect water quality. Surface water runoff shall be directed through bio-swales, vegetated retention/detention basins, constructed wetlands, stormwater filters, or other areas designed to control erosion and filter stormwater pollutants prior to reaching creeks and the ocean. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development."</del>	
3-19	Degradation of the water quality of groundwater basins nearby streams or wetlands shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage and other harmful waste shall not be discharged	OSC-6, I.M. 30d.	"Degradation of the water quality of groundwater basins, nearby streams or wetlands shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage and other harmful waste shall not be discharged into or alongside coastal streams or wetlands during or after construction."	91	<del>"Degradation of the water quality of groundwater basins, nearby streams or wetlands shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage and other harmful waste shall not be discharged into or alongside coastal streams or wetlands during or after construction."</del>	§30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	into or alongside coastal streams or wetlands during or after construction."					
		<u>OSC6, IM 31</u>		92	<p><u>In order to protect watersheds in the City, all development shall minimize water quality impacts, particularly due to storm water discharges from existing, new and redeveloped sites, by implementing the following measures, as established through the City's Storm Water Management Plan:</u></p> <p>a. <u>Site design BMPs, including but not limited to reducing imperviousness, conserving natural areas, minimizing clearing and grading and maintaining pre-development rainfall runoff characteristics, shall be considered at the outset of the project.</u></p> <p>b. <u>Source control Best Management Practices (BMPs) shall be preferred over treatment control BMPs when considering ways to reduce polluted runoff from development sites. Local site and soil conditions and pollutants of concern shall be</u></p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>considered when selecting appropriate BMPs.</u></p> <p>c. <u>Treatment control BMPs, such as bio-swales, vegetated retention/detention basins, constructed wetlands, stormwater filters, or other areas designed to control erosion and filter stormwater pollutants prior to reaching creeks and the ocean, shall be implemented where feasible.</u></p> <p>d. <u>Structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.</u></p> <p>e. <u>Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs. Verification of maintenance shall include the permittee's signed statement</u></p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility.</u></p> <p>f. <u>The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.</u></p>	
		<u>Added text for new section</u>		93	<p><b><u>"Consistency with Coastal Act Policies Regarding Taking of Private Property</u></b></p> <p><u>The Coastal Act prohibits local governments from granting or denying coastal development</u></p>	



# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					permits in a manner which would <u>take or damage private property for public use, without the payment of just compensation. (Public Resources Code Section 30010).</u> The City's creek setback regulations restrict activities in and around creeks and may limit the development potential of the Carnevale parcel located at the intersection of Carpinteria Avenue, Concha Loma Drive, and Arbol Verde Street (Assessor's Parcel Number 001-070-031) ('the Carnevale parcel'). This section is intended to prevent the taking of private property as a result of the City's application of its creek setback regulations to the Carnevale parcel."	
		<u>Added Policy (Objective)</u>		94	" <u>Prevent the unpermitted taking of the Carnevale parcel as required under Public Resources Code Section 30010.</u> "	
		<u>Added Policy</u>		95	" <u>Applications for development on the Carnevale parcel that are not consistent with the creek setback regulations shall demonstrate the extent of the riparian habitat on</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<u>the property and shall include all information necessary for the city to determine whether application of the applicable LCP policies and standards would result in a taking."</u>	
		<u>Added Policy</u>		96	<u>"The uses of the property and the siting, design, and size of any development approved in the riparian habitat or creek setback area on the Carnevale parcel shall be limited, restricted, and/or conditioned to minimize adverse environmental impacts to the maximum extent feasible."</u>	
		<u>Added Policy</u>		97	<u>"If no feasible alternative for development on the Carnevale parcel can eliminate all adverse environmental impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to sensitive resources shall be fully mitigated with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<u>mitigate impacts on-site. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to sensitive resources to the maximum extent feasible."</u>	
		<u>Added Policy</u>		98	<u>"Mitigation measures for unavoidable environmental impacts from development on the Carnevale parcel, including habitat restoration and/or enhancement, shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of the five years, the monitoring period shall be extended until the standards are met."</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		<u>Added Policy (Implementation Policy)</u>		99	<p><u>"Any applicant for development on the Carnevale parcel that requests a deviation from the creek setback regulations, based on the contention that the uses permitted by the regulations will not provide an economically viable use of the property, shall apply for an economic viability determination in conjunction with the application for a coastal development permit. Before any application for a coastal development permit and economic viability determination for the Carnevale parcel is accepted for processing, the applicant shall provide the following information:</u></p> <ul style="list-style-type: none"> <li><u>A. The date the applicant purchased or otherwise acquired the property.</u></li> <li><u>B. The purchase price and the documentary transfer tax paid by the applicant for the property.</u></li> <li><u>C. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value was calculated, including</u></li> </ul>	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>any appraisals done at the time of purchase.</u></p> <p><u>D. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.</u></p> <p><u>E. Any development restrictions or other restrictions on use, other than the designations described in (D) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.</u></p> <p><u>F. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the surrounding circumstances, and relevant dates.</u></p> <p><u>G. A discussion of whether the applicant has sold, leased or donated a portion of or interest in the property since</u></p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>the time of purchase, indicating the relevant dates, sales, prices, rents, and nature of the portion or interests in the property that were sold, leased, or donated.</u></p> <p><u>H. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.</u></p> <p><u>I. Any offers to buy all or a portion of the property, which the applicant has solicited or received, including the approximate date of the offer and the offered price.</u></p> <p><u>J. The applicant's costs associated with the ownership of the property, annualized to the extent feasible, for each of the years the applicant has owned the property, including property taxes, property assessments, debt service costs (such as mortgage and interest</u></p>	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>costs), and operation and management costs.</u></p> <p><u>K. Apart from any rent received from the leasing of all or a portion of the property, any income generated by use of all or a portion of the property over the years of ownership of the property. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.</u></p> <p><u>L. Topographic, vegetative, hydrologic and soils information prepared by a qualified professional, which identifies the extent of wetlands, riparian habitat or other ESHA on the property.</u></p> <p><u>M. An analysis of alternatives to the proposed project and an assessment of how the proposed project is the least environmentally damaging alternative. The analysis of alternatives shall include an assessment of how the</u></p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>proposed project will impact the adjacent creek, riparian habitat, and other ESHA within the overall area.</u></p> <p><u>N. Such other data as the City may require.</u></p> <p><u>The obligation to provide this information shall be a continual obligation for so long as the permit application is subject to City review. The decision-maker shall consider the information provided by the applicant and may retain consultants, at the applicant's expense, to assist the decision-maker in its review of the information provided."</u></p>	
		<u>Added Policy (Implementation Policy)</u>		100	<p><u>"Prior to making a final determination on the applicant's request for a deviation from the creek setback regulations, the decision-maker shall hold a public hearing. At such hearing, the applicant, or his or her representative, shall have an opportunity to demonstrate to the decision-maker that application of the creek setback regulations</u></p>	



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>would not provide the applicant with an economically viable use of the property. The applicant shall be allowed to present evidence, in addition to the evidence already submitted in conjunction with the application for an economic viability determination which demonstrates that application of the creek setback regulations would deprive the owner of all economically viable use of the property.</u></p> <p><u>At the conclusion of the public hearing, the decision-maker shall determine whether the applicant has demonstrated that application of the creek setback regulations would deprive the applicant of all economically viable use of the property."</u></p>	
		<u>Added Policy (Implementation Policy)</u>		101	<p><u>"Where deviation from the creek setback regulation is requested, a coastal development permit may be approved or conditionally approved only if the decision-maker makes the following supplemental findings in addition</u></p>	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>to all other required findings:</u></p> <p><u>A. Based on the economic information provided by the applicant as well as any other relevant evidence provided to the decision-maker, any use conforming to the applicable creek setback regulations would not provide the applicant any economically viable use of the property.</u></p> <p><u>B. Application of the creek setback regulations would interfere with the applicant's objectively reasonable investment-backed expectations for the property.</u></p> <p><u>C. The use proposed by the applicant is consistent with the applicable zoning.</u></p> <p><u>D. The project design, siting, use and size are the minimum necessary to provide the applicant with an economically viable use of his or her property.</u></p> <p><u>E. The project is the least environmentally damaging</u></p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<p><u>alternative and is consistent with all provisions of the LCP with the exception of the provisions for which the deviation is requested.</u></p> <p><u>F. The project does not create a public nuisance.</u></p> <p><u>The findings adopted by the decision-making authority shall identify the evidence supporting the findings.</u></p>	
		OSC-7	"Conserve native plant communities."			
9-13	Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities shall be carried out in such a manner as to avoid damage to native oak trees.	OSC-7a	"Oak trees and oak woodlands, because they are particularly sensitive to environmental conditions, should be protected."	102	"Oak trees and oak woodlands, because they are particularly sensitive to environmental conditions, <u>as well as walnut, sycamore, and other native trees,</u> <del>should-</del> <u>shall</u> be protected."	
9-14	When sites are graded or	OSC-7b	"When sites are graded or developed, areas with	103	"When sites are graded or developed, areas with significant	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees. (See also Policies 3-13 to 3-19).		significant amounts of native vegetation should be preserved. Further, planting of native vegetation should be encouraged through development review."		<p>amounts of native vegetation <del>should</del> <u>shall</u> be preserved. <u>Structures shall be sited and designed to minimize the impact of grading, paving, construction of roads, runoff and erosion on native vegetation. Sensitive resources that exhibit any level of disturbance shall be maintained, and if feasible, restored. New development shall include measures to restore any disturbed or degraded habitat on the project site. Further, planting of native vegetation should be encouraged through development review."</u></p> <p><u>Cut and fill slopes and all areas disturbed by construction activities shall be landscaped or revegetated at the completion of grading. Plantings shall be of native, drought-tolerant plant species consistent with the existing native vegetation on the site. Invasive plant species that tend to supplant native species shall be prohibited.</u></p>	
		OSC-7, I.M. 31	"Develop an ordinance for the protection of native trees (Quercus species).	104	"Develop an ordinance for the protection of native <u>oak, walnut, sycamore, and other native</u> trees	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>Include provisions for the design and siting of structures to minimize the impact of grading, paving, construction of roads, runoff and erosion on native vegetation.</p> <p>In particular, grading and paving should not adversely affect root zone aeration and stability of native trees. [5-year]"</p>		<p><del>(Quercus species).</del></p> <p>Include provisions for the design and siting of structures to minimize the impact of grading, paving, construction of roads, runoff and erosion on native <del>vegetation</del> <u>trees</u>.</p> <p>In particular, <u>require that</u> grading and paving <del>should</del> not adversely affect root zone aeration and stability of native trees. [5-year]"</p>	
		OSC-7, I.M. 32	"Develop an inventory of native plant communities. [10-year]"			
		OSC-8	"Protect and conserve Monarch butterfly tree habitat."			
		OSC-8a	"Protect trees supporting <u>Monarch</u> butterfly populations."			
9-6 9-7	9-6: Butterfly trees shall not be altered or removed, except where they pose a	OSC-8, I.M. 33	"Butterfly trees shall not be altered or removed, except where they pose a serious threat to public health and safety. The City shall	105	" <u>Monarch</u> butterfly trees shall not be altered or removed, except where they pose a serious threat to public health and safety. The City shall determine where a serious	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	<p>serious threat to life and property.</p> <p>9-7: Adjacent development shall be set back a minimum of 50 feet from the trees.</p>		<p>determine where a serious threat to public health and safety exists and if necessary shall consult an arborist. Adjacent development shall be designed and set back far enough to protect the quality of the habitat. The minimum setback shall be 50 feet from the dripline of the butterfly trees unless this would preclude all reasonable use of the affected parcel*or unless a smaller setback would carry out the Coastal Act's mandate^ that Coastal Act policies be implemented in a manner which on</p> <p>balance is the most protective of significant coastal resources. When a setback reduction is necessary the amount of the reduction shall be the minimum necessary to ensure that all reasonable use of the affected parcel** is not taken or to further the Coastal Act's mandate^ that Coastal Act policies be</p>		<p>threat to public health and safety exists and if necessary shall consult an arborist. Adjacent development shall be designed and set back far enough to protect the quality of the habitat. The minimum setback shall be 50 feet from the dripline of the butterfly trees unless <del>this would preclude all reasonable use of the affected parcel*or unless a smaller setback would carry out the Coastal Act's mandate^ that Coastal Act policies be implemented in a manner which on balance is the most protective of significant coastal resources. When a setback reduction is necessary the amount of the reduction shall</del></p> <p><del>be the minimum necessary to ensure that all reasonable use of the affected parcel** is not taken or to further the Coastal Act's mandate^ that Coastal Act policies be implemented in a manner that on balance is most protective of significant coastal resources."</del></p> <p><del>*The City shall consider PRG Section 30010 in its determination</del></p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>implemented in a manner that on balance is most protective of significant coastal resources."</p> <p>*The City shall consider PRC Section 30010 in its determination whether all reasonable use has been taken.  <sup>^</sup>Expressed in Public Resources Code §30007.5  <sup>**</sup>Implementation of Public Resources Code §30010.</p>		<p><del>whether all reasonable use has been taken.</del>  <del><sup>^</sup>Expressed in Public Resources Code §30007.5</del>  <del><sup>**</sup>Implementation of Public Resources Code §30010.</del></p>	
		<u>Added Policy</u>		106	<u>"Preserve and restore habitat used by sensitive, rare, threatened, and endangered species."</u>	
		<u>Added Policy</u>		107	<u>"Sensitive, rare, threatened, and endangered species' shall be defined as federal or state listed rare, endangered, threatened, or candidate plants or animals, including those listed as Species of Special Concern or Fully Protected Species."</u>	
		<u>Added Policy</u>		108	<u>"New development in or adjacent to habitat used by sensitive, rare, threatened, or endangered species</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					shall be set back sufficiently far as to minimize impacts on the habitat area. For nesting and roosting trees used by sensitive, rare, threatened, or endangered raptors on the Carpinteria Bluffs or on parcels adjacent to Carpinteria Creek, this setback shall be a minimum of 300 feet. In addition, the maximum feasible area surrounding nesting and roosting sites shall be retained in grassland and shall be sufficient to provide adequate forage for nesting success. "	
		OSC-9	"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."			
		OSC-9b	"Support Williamson Act contracts and Farmland Security Zones to help protect open-field agriculture."			



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-9c	"Minimize soil erosion during construction and operation of the land use."	109	"Minimize soil erosion <u>and polluted runoff</u> during construction and operation of the land use."	
		OSC-9d	"Encourage conservation of agricultural production areas."			
8-2	<p>"If a parcel(s) is designated for agricultural use and is located in either 9a) the rural area contiguous with the urban/rural boundary or (b) an urban area, conversion or annexation shall not occur unless:</p> <p>1. the agricultural use of the land is severely impaired because of non-prime soils, topographical constraints, or urban conflicts (e.g., surrounded by urban uses</p>	OSC-9e	"Avoid the conversion of agricultural land to nonagricultural land uses except where conversion meets the criteria established by the Coastal Commission and otherwise is desirable."	110	"Avoid the conversion of agricultural land to nonagricultural land uses except where conversion meets the criteria established by the <del>Coastal Commission and otherwise is desirable</del> <u>Sections 30241, 30241.5, and 30242 of the Coastal Act.</u> "	

# Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	<p>which inhibit production or make it impossible to qualify for agricultural preserve status), and</p> <p>2. conversion would contribute to the logical completion of an existing urban neighborhood, and</p> <p>3. there are no alternative areas appropriated for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted, and</p> <p>4. the parcel could not be maintained in</p>					

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	productive use through the use of greenhouses or alternative agricultural uses, and 5. conversion would result in a well-defined demarcation between urban and agricultural uses and would not create a precedent for conversion of adjacent agricultural lands."					
		<u>Added Policy</u>		111	<u>The City shall encourage agricultural practices that protect water quality, including but not limited to, reducing erosion, minimizing nutrient loss, reducing pesticide use and contamination, and irrigation management.</u>	
		<u>Added Policy</u>		112	<u>Confined animal facilities shall be sited and designed to manage, contain, and dispose of animal</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<u>waste using BMPs to ensure that waste is not introduced to surface runoff or groundwater.</u>	
		<u>Added Policy</u>		113	<u>All stables and other animal keeping operations shall be managed to prevent discharge of sediment, nutrients, contaminants, and feces to surface and ground water. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel.</u>	
		OSC-9, I.M. 36	"Develop buffer zones to minimize land use conflicts between agricultural operations and urbanized land uses, consistent with County buffer zone regulations."	114	"Develop buffer zones to minimize land use conflicts between agricultural operations and urbanized land uses, <del>consistent with County buffer zone regulations.</del> "	
		OSC-9, I.M. 37	"Adopt a Right-to-Farm Ordinance requiring disclosure of agricultural practices to homeowners contiguous to or near farm			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			operations to discourage farm operations complaints. [10-year]"			
		OSC-9, I.M. 38	"The management of agricultural land that includes prime soils shall be consistent with §30241 of the Coastal Act. All agricultural land shall be managed consistent with §30250 of the Coastal Act and other appropriate coastal policies relative to the preservation of agricultural resources."	115	"The management of agricultural land <del>that includes prime soils</del> shall be consistent with §30241, §30241.5, and §30242 of the Coastal Act. <del>All agricultural land shall be managed consistent with §30250 of the Coastal Act and</del> other appropriate coastal policies relative to the preservation of agricultural resources."	
		OSC-10	"Conserve all water resources, and protect the quality of water."			
		OSC-10a	"Minimize the erosion and contamination of beaches. Minimize the sedimentation, channelization and contamination of surface water bodies."			§30231
2-27	"Resource conserving water devices shall be used in all new	OSC-10b	"Continue to support water conservation measures to provide an adequate supply of water to the community.			§30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	development."		Water conservation may measure as low-flow plumbing fixtures and drought tolerant landscape plans for new development."			
		<u>Added Policy</u> OSC-10c		116	<u>Degradation of the water quality of groundwater basins, nearby streams or wetlands, or any other waterbody shall not result from development. Pollutants such as sediments, litter, metals, nutrients, chemicals, fuels or other petroleum hydrocarbons, lubricants, raw sewage, organic matter and other harmful waste shall not be discharged into or alongside any waterbody during or after construction.</u>	
		OSC-10, I.M. 39	"Work with the CVWD to implement the Carpinteria Groundwater Management Plan."			
		OSC-10, I.M. 40	Same as above, only for CVWD's wellhead protection programs.			§30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-10, I.M. 41	"Provide water conservation public information and educational outreach program to encourage residential participation in water conservation measures in coordination with CVWD.			§30231
		OSC-10, I.M. 42	"Monitor surface water runoff to identify waterborne pollutants entering the Pacific Ocean. In conjunction with County and CVWD, a Watershed Management Plan should be established to prevent such contamination from occurring."			§30231
		OSC-10, I.M. 43	"Require that proposals for development include information necessary to determine that an adequate water source exists for the project and that water will be provided without jeopardizing the availability of water to other parts of the community, i.e., a can or will-serve letter from CVWD. Should adequate water to serve all development contemplated in			§30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			the Land Use Element not be available, the City shall ensure that priority uses identified under the Coastal Act are protected."			
		OSC-10, I.M. 44	"Encourage CVWD to develop a reclaimed water system and, if available and where such reclaimed water sources can be use pursuant to law, require that new development participate in the extension of the system as necessary to serve the development proposed."			§30231
		OSC-10, I.M. 45	"Ensure that soil erosion and the off-site deposition of soils is not exacerbated through development."			§30231
		<u>Added Policy</u>		117	<u>Provide storm drain stenciling and signage for new storm drain construction in order to discourage dumping into drains. Signs shall be provided at creek public access points to similarly discourage creek dumping.</u>	



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-10, I.M. 46	"Develop a stormwater discharge / urban runoff program as necessary to comply with the National Pollution Discharge Elimination Systems (NPDES) Act."	118	<p><del>"Develop a stormwater discharge / urban runoff program as necessary to comply with the National Pollution Discharge Elimination Systems (NPDES) Act. The City shall adopt and implement a Storm Water Manangement Plan (SWMP) to minimize the water quality impacts of runoff from development in the City. The City's SWMP shall satisfy the requirements established by EPA's Final Phase II National Pollutant Discharge Elimination System (NPDES) regulations, which will be implemented by the Phase II general permit administered by the Central Coast Regional Water Quality Control Board. The City's SWMP shall, at a minimum, include Best Management Practices (BMPs) in the following categories:</del></p> <ul style="list-style-type: none"> <li><u>Public Education and Outreach</u></li> <li><u>Public Participation and Involvement</u></li> <li><u>Illicit Discharge Detection and Elimination</u></li> <li><u>Construction Site Runoff Control</u></li> </ul>	§30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<ul style="list-style-type: none"> <li>• <u>Post-Construction Runoff Control</u></li> <li>• <u>Pollution Prevention and Good Housekeeping in Municipal Operations.</u></li> </ul>	
		OSC-11	"Carpinteria will conduct its planning and administrative activities so as to maintain the best possible air quality."			§30253(3)
		OSC-11a	"Carefully review development that will significantly impact air quality."			
		OSC-11b	"Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses)."			
		OSC-11c	"Promote use of solar heating and energy efficient building design to reduce stationary source emissions."			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-11d	"Encourage the improvement of air quality in the Carpinteria Valley by implementing measures in the South Coast Air Quality Attainment Plan. For air quality enhancement, measures will include but not be limited to, measures to reduce dependence on the automobile and encourage the use of alternative modes of transportation such as buses, bicycles and walking."			
		OSC-11, I.M. 47	"Incorporate the relevant policies and strategies from the Santa Barbara County Air Quality Attainment Plan (AQAP)."			
		OSC-11, I.M. 48	"Cooperate in regional air quality plans, programs and enforcement measures."			
		OSC-12	"Maintain an understanding of the oil industry and its exploration objectives."			
		OSC-12a	"Remain informed of activities in the oil industry"			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			and its exploration objectives."			
		OSC-12b	"Work with the oil and gas plant operator(s) to remove obsolete equipment, to upgrade all facilities to current safety standards, and to consolidate activities in order to eliminate redundancy."			
		OSC-12, IM 49	"Maintain liaison with the State Division of Mines, State Lands Commission (SLC), Minerals Management Service (MMS), Department of Oil and Gas and Geothermal Resources (DOG) and monitor state studies."			
		OSC-12, IM 50	"Maintain liaison with the private, county, state, and federal agencies that coordinate resources (oil) industries."			
		OSC-13	"Preserve Carpinteria's visual resources."			§30251

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
4-1	Broad, unobstructed views from the nearest public street to the ocean, including but not limited to Linden Avenue, Bailard Avenue, Carpinteria Avenue, and U.S. 101, shall be preserved to the extent feasible. In addition, new development that is on or adjacent to bluffs, beaches, or streams, or adjacent to Carpinteria Marsh shall be designed and sited to prevent adverse impacts on the visual quality of these resources. To preserve views and protect these visual resources, new development shall be subject to all of the following measures:	OSC-13a	<p>"Preserve broad, unobstructed views from the nearest public street to the ocean, including but not limited to Linden Avenue, Bailard Avenue, Carpinteria Avenue, and U.S. Highway 101. In addition, design and site new development on or adjacent to bluffs, beaches, streams, or the Salt Marsh to prevent adverse impacts on these visual resources. New development shall be subject to all of the following measures:</p> <ul style="list-style-type: none"> <li>a. Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas</li> <li>b. In addition to the bluff setback required for safety, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach.</li> </ul>	119	<p>Preserve broad, unobstructed views from the nearest public street to the ocean, including but not limited to Linden Avenue, Bailard Avenue, Carpinteria Avenue, and U.S. Highway 101. In addition, design and site new development on or adjacent to bluffs, beaches, streams, or the Salt Marsh to prevent adverse impacts on these visual resources. New development shall be subject to all of the following measures:</p> <ul style="list-style-type: none"> <li>a. Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas</li> <li>b. In addition to the bluff setback required for safety, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Bluff top structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact</li> </ul>	§30251

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	<p>a. Provision for clustering development to minimize alterations to topography or to avoid obstruction of views to the ocean.</p> <p>b. Height restrictions to avoid obstruction of existing views of the ocean from the nearest public street</p> <p>c. In addition to the bluff setback required for safety (Policy 3-4), additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts</p>		<p>Bluff top structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.</p> <p>c. Special landscaping requirements to mitigate visual impacts.</p>		<p>public views from the beach. In such cases, the new structure shall <del>be located no closer to the bluff's edge than the adjacent structures</del> <u>not be greater in height than adjacent structures and shall not encroach seaward beyond a plane created by extending a straight line ("stringline") between the nearest building corners of the existing buildings on either side of the proposed development. Patios, balconies, porches and similar appurtenances, shall not encroach beyond a plane created by extending a straight line between the nearest corners closest to the beach from the existing balconies, porches or similar appurtenances on either side of the proposed development. If the stringline is grossly inconsistent with the established line of seaward encroachment, the Planning Commission or City Council may act to establish an encroachment limit that is consistent with the dominant encroachment line while still limiting seaward encroachment as much as possible.</u></p> <p>c. Special landscaping</p>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	<p>on public views from the beach. Bluff top structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.</p> <p>d. Special landscaping requirements to mitigate visual impacts.</p>				requirements to mitigate visual impacts.	
4-2	New development, or redevelopment, in the downtown	OSC-13b	"Require new development or redevelopment in the downtown section of			§30251

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	section of Carpinteria shall be in conformance with the scale and character of the existing community and consistent with the City's theme of a small beach-oriented community.		Carpinteria to conform with the scale and character of the existing community and consistent with the city's theme of a small beach-oriented community."			
		OSC-13c	"Other than permitted development, discourage activities which, could damage or destroy open space areas, including off-road vehicle use and unauthorized collecting of natural objects."			§30251
		OSC-13e	"Promote the safety of the community through the use of open space lands."			§30251
		OSC-13f	"Where appropriate, use open space lands as buffers for noise and visual nuisances and as transitions between incompatible uses."			§30251



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-13g	"Require new development to protect scenic resources by utilizing natural landforms and vegetation for screening structures, access roads, building foundations, and cut and fill slopes in project design which otherwise complies with visual resource protection policies."	120	"Require new development to protect scenic resources by utilizing natural landforms and <u>native</u> vegetation for screening structures, access roads, building foundations, and cut and fill slopes in project design which otherwise complies with visual resource protection policies."	§30251
3-13	Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration to the natural terrain.	OSC-13h	"Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration to the natural terrain."	121	"Plans for development shall minimize cut and fill operations. <del>Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration to the natural terrain that</del> <u>do not minimize cut and fill shall be denied.</u> "	§30251
3-14	All new development shall be designed to fit the site topography, soils, geology, hydrology, and other existing conditions	OSC-13i	"Design all new development to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an	122	"Design all new development to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Preserve all natural landforms,	§30231 §30251

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural landforms and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development as evidenced by competent soils, geology, and hydrology investigation and reports shall remain in open space.		absolute minimum. Preserve all natural landforms, and native vegetation, such as trees. Require all areas on the site not suited to development, as evidenced by competent soils, geology, and hydrology investigation, and reports remain as open space."		<u>natural drainage systems, and native vegetation, such as trees.</u> Require all areas on the site not suited to development, as evidenced by competent soils, geology, and hydrology investigation, and reports remain as open space."	
		OSC-13j	"Establish a 'night-sky' ordinance that provides standards for the reduction of direct and ambient light in the night sky."			§30251
		OSC-13, I.M. 51	"Amend the Zoning Ordinance to include view			§30251

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			preservation design standards including the listing of specific locations where maximum building height and mass standards will be applied, and areas where minimum open space buffers will be required. [5-year]"			
		OSC-14	"Provide for adequate park and recreation facilities to meet the needs of the community."	123	"Provide for adequate park and recreation facilities to meet the needs of the community <u>and visitors.</u> "	§30210
		OSC-14a	"Increase coastal and recreational access for all segments of the population, including the disabled and elderly, while protecting natural resources, particularly ESHA."			§30210
		OSC-14b	"Provide for passive recreation uses of natural open space areas, such as along creeks and the Bluffs 1 areas, where such uses would <del>not</del> damage the resources being protected."			§30210 §30213 §30231 §30240

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-14c	"Increase opportunities for ocean recreation programs including: kayaking, sailing, snorkeling, and scuba diving through the city Parks and Recreation Department, and by encouraging private development of these activities."			§30224
7-15	"In a zone extending approximately 250 feet inland from the mean high tide line, priority shall be given to coastal dependent and related recreational activities and support facilities. However, camping facilities should be set back from the beach and bluffs and near-shore areas reserved for day use activities. Recreational facilities that are not coastal dependent may be located	OSC-14d	"In a zone extending approximately 250 feet inland from the mean high tide line, priority shall be given to coastal dependent and related recreational activities and support facilities. Recreational facilities that are not coastal dependent may be located within this 250-foot zone if the less desirable coastal dependent support facilities (parking, restrooms, etc.) are located inland. In no case shall facilities, except for required structures (i.e., lifeguard towers, volleyball nets, etc.) be located directly on the sandy beach."			§30220

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	within this 250-foot zone if the less desirable coastal dependent support facilities (parking, restrooms, etc.) are located inland. In no case shall facilities, except for required structures (i.e., lifeguard towers, volleyball nets, etc.) be located directly on the sandy beach."					
7-16	"Recreational uses on ocean front land, both public and private, that do not require extensive alteration of the natural environment (i.e., tent campgrounds) shall have priority over uses requiring substantial alteration (i.e., recreational vehicle campgrounds.)"	OSC-14e	"Recreational uses on ocean front land, both public and private, that do not require extensive alteration of the natural environment shall have priority over uses requiring substantial alteration."			§30221

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
7-17	"No unrelated development shall be permitted in publicly owned recreational areas except pipelines to serve coastal dependent industrial uses when no alternative route is feasible."	OSC-14f	"No unrelated development shall be permitted in publicly owned recreational areas except pipelines to serve coastal dependent industrial uses when no alternative route is feasible."			
		OSC-14g	"In implementing all proposals made in the General Plan for expanding opportunities for coastal access and recreation, utilize purchase in fee (simple) only after all other less costly alternatives have been studied and rejected as infeasible. Other alternatives may include: purchase of easements, recreation preserve contracts, and mandatory dedication in connection with development."	124	"In implementing all proposals made in the General Plan/ <u>Land Use Plan</u> for expanding opportunities for coastal access and recreation, utilize purchase in fee (simple) only after all other less costly alternatives have been studied and rejected as infeasible. Other alternatives may include: purchase of easements, recreation preserve contracts, and mandatory dedication in connection with development."	
		OSC-14h	"Support habitat preservation by establishing habitat			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			preserves and open space for passive and active recreation by developing programs including, but not limited to: transfer of development rights; conservation easements; land acquisition grants; partnership agreements between private developers, the City, school districts, State Park, and the National Forest; overlay performance zoning; development impact fees for recreational resources and services; and use fees and fines."			
7-1	"For new developments between Sandyland Road and City Beach, the City shall determine the extent to which the land proposed for development has historically been used by the public for informal parking	<u>Retained Policy</u>		125	"For new developments between <u>Sandyland Road and City Beach</u> , the City shall determine the extent to which the land proposed for development has historically been used by the public for informal parking and beach access and shall require adequate provision for continuation of such use."	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	and beach access and shall require adequate provision for continuation of such use."					
7-13	"For all developments between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all dry sandy beach seaward of the base of the bluff shall be dedicated to the City. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the City. At a minimum, the	<u>Retained Policy</u>		126	"For all developments between the first public road and the ocean, <u>granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all dry sandy beach seaward of the base of the bluff shall be dedicated to the City. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the City. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide.</u> "	



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	dedicated easement shall be adequate to allow for lateral access during periods of high tide."					
7-20	"In those areas where it is established that the public acquired a right of access through use, custom or legislative authorization, new development shall not interfere with or diminish such access. This policy shall be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access."	<u>Retained Policy</u>		127	<u>"In those areas where it is established that the public acquired a right of access through use, custom or legislative authorization, new development shall not interfere with or diminish such access. This policy shall be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access."</u>	
		<u>Added Policy</u>		128	<u>"The City shall accept all offers to dedicate public access ways, including those already recorded, and shall open them to the public</u>	

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
					<u>as soon as possible."</u>	
		OSC-14, IM 52	"Adopt a management plan for parks and open space that integrates planning for trails, coastal access and recreation, and protection of significant biological resources."			
		OSC-14, IM 53	"Support development of new or expanded park and recreation facilities as demand/need dictates. When latent demand for parks and recreation facilities is identified, adequate parkland and facilities shall be identified and pursued."			
		OSC-14, IM 54	"Continue to update and collect parkland in-lieu, Quimby, and development impact fees to assist the City in acquisition of new parkland to maintain the desired level of service. The minimum level of service shall be 3 acres per 1000 population. Park impact fees shall apply to both commercial /			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			industrial and residential development."			
		OSC-14, IM 55	"The Carpinteria Bluffs Coastal Access, Recreation and Open Space Master program requires projects on the bluffs to dedicate and construct the onsite portion of the bluff top trail. When a bluff property is developed, a funding program for maintenance of recreational areas should be developed by either forming a new assessment district or revising the existing City Parks Maintenance fund to include contributions from commercial and industrial development."			
		OSC-14, IM 56	"Develop facilities to improve access to hard sand for handicapped individuals, such as a five foot boardwalk at Linden Avenue to the hard sand to increase public access to the beach."			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-14, IM 57	"Develop a 10-foot wide access on Ash Avenue for recreational equipment access to the beach."			
		OSC-14, IM 58	"Develop access from Linden Avenue to the State Park restrooms."			
		OSC-15	"Maintain the existing trail system and provide additional recreation and access opportunities by expanding the trail system."			§30213 §30223
		OSC-15a	"The City's trail system shall be maintained and expanded upon based upon Figure C-4, the Trails Map, and the Trails Master Plan or similar implementing document."	129	"The City's trail system shall be maintained and expanded upon based upon Figure <del>C-4</del> C-3, the Trails Map, and, <u>if approved by the Coastal Commission in an amendment to its Local Coastal Plan</u> , the Trails Master Plan or similar implementing document."	§30213
		OSC-15c	"Pursue development of a trail and / or boardwalk system along the coastline."			§30211 §30212 §30213
7-12	"The creek trails shall be designed and located to	OSC-15d	Creek trails shall be designed and located to prevent any significant direct or indirect			§30240 §30213 §30231

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	prevent any direct or indirect adverse impacts on the riparian habitats of the creeks or on Carpinteria Marsh."		adverse impacts on the riparian habitats of the creeks or the Carpinteria Salt Marsh.			
		OSC-15, I.M. 61	"Prepare and adopt a Trails Master Plan that includes a ranking system to identify appropriate locations for new trails and for enhancing the existing trail system. The Plan should include identifying funding, budgeting, and capital improvement resources for trail land acquisition, development and maintenance. The Plan should also identify entities and programs where the City could participate in joint partnerships with other entities such as the school district, the National Forest, County, and private property owners. [5-year]"			§30213
		OSC-15, I.M. 62	"Continue the development of a coastline trail to extend			§30211 §30212 §30213

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			from Carpinteria City Beach to Rincon Beach Park with vertical access points placed as frequently as possible to encourage public access."			
		OSC-15, I.M. 63	"Conduct a feasibility study on a trail running north/south from Eighth Street to the beach along Carpinteria Creek. The study should include analysis of alternative routes, protection of ESH areas, and the need for a crossing of the railroad track."			§30211 §30212 §30213
7-11	"The City shall prepare an implementation program (including funding, landscaping, maintenance, dedication of easements, etc.) for the development of Carpinteria, Santa Monica, and Franklin Creek trails."	OSC-15, I.M. 64	"Prepare a program (including funding, landscaping, maintenance, dedication of easements, etc.) for the development of Carpinteria, Santa Monica, and Franklin Creek trails. [10-year]"			§30213

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
		OSC-15, I.M.65	"As part of the formal development of the trail system, minimize the number of formal rail crossings for pedestrians and improve their safety through crossing controls or other improvements such as fencing and landscaping. Seek joint funding for such improvements from state and federal agencies and the railroad."			§30210
		OSC-16	"Preserve Carpinteria's cultural resources."			§30244
		OSC-16a	"Carefully review any development that may disturb important archaeological or historically valuable sites."			§30244
10-1	"All available measures, including purchase, tax relief, purchase of development rights, etc. should be explored to avoid development on important	OSC-16, IM 66	Explore all available measures, including purchase, tax relief, purchase of development rights, etc. to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely			§30244

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
	archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.		affect identified archaeological or paleontological resources, require adequate mitigation.			
10-2	"Activities other than development, which could damage or destroy archaeological sites, including off-road vehicle use and unauthorized collecting of artifacts, shall be prohibited."	OSC-16, IM 67	"Prohibit activities, other than development, which could damage or destroy archaeological sites, including off-road vehicle use and unauthorized collecting of artifacts."			§30244
		OSC-16, IM 68	"Review all proposals for development in or adjacent to cultural resource areas for their potential to impact the resource. Give special consideration to development			§30244



## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			of facilities that enhance the cooperation, enjoyment or maintenance of these areas."			
		OSC-16, IM 69	<p>"Prior to the city granting a development permit, all archaeological sites (or areas near known archeological sites that have been determined though Phase 1 investigation to potentially include cultural or paleontological resources) must undergo a subsurface test to determine the integrity and significance of the site. Through the project environmental review process, the disposition and / or preservation of any archaeological sites deemed to have significance as a result of the subsurface testing shall be determined. Preservation of cultural / paleontological resource sites through avoidance shall be preferred, however, other methods of disposition may be approved through the environmental review</p>			§30244

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			process as identified in the city's Guidelines for the Implementation of CEQA."			
		OSC-16, IM 70	<p>"A qualified archaeologist and Native American observer (acceptable to the city) shall be retained to monitor grading activities on identified archeological sites and in the vicinity of identified archaeological resources. If cultural artifacts or similar material of potential cultural or paleontological importance, are uncovered during grading or other excavation the following shall occur:</p> <ol style="list-style-type: none"> <li>The monitor or archaeologist shall halt the grading or excavation and notify the City.</li> <li>A qualified archaeologist shall prepare a report assessing the significance of the find and recommending any</li> </ol>			

## Policies and Suggested Modifications OPEN SPACE, RECREATION & CONSERVATION ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Chapter Three Policy
			<p>actions to be taken by the applicant(s) prior to the city granting permission for grading to resume.</p> <p>c. The removal of cultural artifacts or other materials shall only occur after preparation of the report and in conformance with the recommendations of the report as approved by the City."</p>			

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
3-8	(Applies to sections S1-S3/4) Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to threats from, and impact of geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be required. Mitigation measures shall be applied where necessary.					
		S-1	"Minimize the potential risks and reduce the loss of life, property and the economic and social dislocations			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			resulting from (earthquake (rupture or shaking) and liquefaction in the planning area) and from seismically-induced tsunamis.			
		S-1a	"Seismic design criteria for habitable building structures, including critical facilities, should utilize the maximum credible earthquake calculated for each of the faults mentioned above, as well as the distance from the building site to each fault, to calculate or determine maximum ground acceleration."			§30253(1)
		S-1b	"When planning coastal installations and developments, a 10-foot high sea wave should be considered and a conservative contour elevation of 40 feet should be used as a basis for establishing the tsunami risk limit."			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		S-1c	"Development in areas identified as having high seismically-induced liquefaction potential shall follow structural engineering foundation design parameters outlined in the (UBC) or obtained through an independent structural engineering study."			§30253(1)
3-8	Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to threats from, and impact of geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be	S-1, I.M. 1	"All developments proposed on, or within 100 feet of the trace of the Carpinteria, Rincon Creek, or Shepherd Mesa Faults should be required to perform a geologic fault investigation following the <u>Guidelines for Evaluating the Hazard of Surface Fault Rupture</u> outlined in CDMG Special Publication No. 42 (1994), as updated."			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	required. Mitigation measures shall be applied where necessary.					
		S-1, I.M. 2	"Site specific geotechnical studies are required to more accurately determine the potential for liquefaction. These studies should be performed prior to new construction and for the retrofit of critical facilities. The studies should include site-specific depth to groundwater and soil composition. Areas having liquefiable sediments should be identified, and structures should be designed to withstand liquefaction."	130	"Site specific geotechnical studies are required to more accurately determine the potential for liquefaction. These studies <u>should</u> <u>shall</u> be performed prior to new construction and for the retrofit of critical facilities. The studies should include site-specific depth to groundwater and soil composition. Areas having liquefiable sediments should be identified, and structures should be designed to withstand liquefaction."	§30253(1)
3-8	Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to threats from, and impact of geologic hazards	S-1, I.M. 3	"Inundation studies should be performed for any proposed development on seaciff promontories adjacent to narrow or constricted channels. The inundation studies should evaluate the potential limit of runup of ocean waters into the	131	"Inundation studies <del>should</del> <u>shall</u> be performed for any proposed development on seaciff promontories adjacent to narrow or constricted channels. The inundation studies should evaluate the potential limit of runup of ocean waters into the channels based on a minimum 10-foot high tsunami	§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	arising from seismic events, tsunami runup, landslides, beach erosion, or other hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be required. Mitigation measures shall be applied where necessary.		channels based on a minimum 10-foot high tsunami wave."		wave."	
		S-2	"Minimize the potential risks and reduce the loss of life, property and economic and social dislocations resulting from seismically-induced and naturally-occurring landslides, from mud and debris flows, from rockfalls, and from seacliff retreat."			§30253(1)
		S-2a	"Areas identified on Figure S-2 as High Landslide Potential shall either be designated in an open space zoning category or the potential for			§30253(1)



# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			landslide will be mitigated through avoiding disturbance of the slope area of the site subject to landslide potential."			
3-4	"In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 100 years. The City shall determine the required setback; a geologic report may be required by the City in order to make this determination."	S-2b	"Building improvements and other development including any irrigated landscape areas shall be setback sufficiently to protect the development and all associated improvements from bluff failure and bluff retreat over a 100-year term."			§30253(1)
3-5	"Within the required bluff top setback, drought tolerant vegetation shall be maintained. Grading, as may be required to establish					

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	proper drainage or to install landscaping, and minor improvements (i.e., patios and fences) that do not impact public views or bluff stability may be permitted."					
3-6	"Development and activity of any kind beyond the required bluff top setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself."					
3-7	"No development shall be permitted on a bluff face, except for engineered staircases or accessways to					

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	provide public beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face."					
3-8	"Applications for grading and building permits, and applications for subdivision shall be reviewed for	S-2, I.M. 5	"Geotechnical investigations shall be performed in areas of high landslide or seacliff (bluff) retreat potential that are proposed to be developed. Calculations shall	132	"Geotechnical investigations shall be performed in areas of high landslide or seacliff (bluff) retreat potential that are proposed to be developed. Calculations shall be performed for areas identified as	§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
	adjacency to threats from, and impact of geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be required. Mitigation measures shall be applied where necessary."		be performed for areas identified as (landslide-prone) to evaluate the factor[s] of safety for existing and proposed slopes in their naturally-occurring state, and during a maximum credible earthquake along the nearest fault. Further, said investigation shall include a determination of the minimum setback for proposed structures and other improvements to be maintained outside of the area subject to bluff retreat over a 100 year term. In the area identified as Carpinteria Bluffs subject to potential seacliff retreat on Figure S-2, existing railroad improvements and cut slopes shall not be expanded or altered. Maintenance or protection proposed for existing slopes shall be reviewed through the coastal development permit process. Slope stabilization techniques (e.g. seawalls and similar structures) should		(landslide-prone) to evaluate the factor[s] of safety for existing and proposed slopes in their naturally-occurring state, and during a maximum credible earthquake along the nearest fault. Further, said investigation shall include a determination of the minimum setback for proposed structures and other improvements to be maintained outside of the area subject to bluff retreat over a 100 year term. In the area identified as Carpinteria Bluffs subject to potential seacliff retreat on Figure S-2, existing railroad improvements and cut slopes shall not be expanded or altered. Maintenance or protection proposed for existing slopes shall be reviewed through the coastal development permit process. Slope stabilization techniques (e.g. seawalls and similar structures) <del>should be avoided</del> <u>shall be prohibited unless necessary to protect existing structure(s) in danger of erosion, and when no less environmentally damaging alternative is feasible."</u>	

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			be avoided."			
3-8	"Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to threats from, and impact of geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be required. Mitigation measures shall be applied where necessary."	S-2, I.M. 6	"Geotechnical investigations shall be performed on hillside properties proposed to be developed. Hillside properties proposed to be developed within or below areas of high rock fall potential should be evaluated for rock fall hazards. Calculations shall be performed for areas identified to be prone to mud flows, debris flows, and/or rock falls to evaluate the necessity for mud flow, debris flow, and/or rock fall diversion walls and/or structures, and for the safety of future inhabitants."			§30253(1)
		S-3	"Minimize the potential risks and reduce the loss of property and the economic and social dislocations			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			resulting from expansive soils, soil settlement, subsidence, and hydrocompaction."			
		S-3a	"If areas of subsidence due to groundwater, oil, or gas withdrawal are identified in the future, these areas should not be developed (if open land) until the City's Water Resource Management Program is reviewed and/or updated cooperatively by the City and the water district to determine appropriate measures for the protection of the groundwater basin, existing water service to the community, and property."	133	"If areas of subsidence due to groundwater, oil, or gas withdrawal are identified in the future, these areas <del>should</del> shall not be developed (if open land) until the City's Water Resource Management Program is reviewed and/or updated cooperatively by the City and the water district to determine appropriate measures for the protection of the groundwater basin, existing water service to the community, and property."	§30253(1)
		S-3b	"All new development will comply with the Uniform Building Code, local City building ordinances, and geotechnical recommendations related to construction in areas identified as having a high potential for expansive soils			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			or soil settlement."			
3-8	Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to threats from, and impact of geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be required. Mitigation measures shall be applied where necessary.	S-3, I.M. 7	"Geotechnical investigations shall be performed on properties proposed to be developed in areas identified as having high potential for expansive soils or soil settlement."			§30253(1)
		S-3, I.M. 8	"Foundation recommendations made by a geotechnical engineer, based on field and laboratory testing			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			and observations, shall be incorporated into the design of any proposed buildings in areas identified as having a high potential for expansive soils or soil settlement."			
		S-3, I.M. 9	"If, during the permitting and/or construction phase of a new development project, in an area not herein identified as having a high potential for expansive soil, soil settlement, or hydrocompaction, soils susceptible to expansion, settlement, or hydrocompaction are encountered, then foundation recommendations should be made by a qualified geotechnical engineer following a site investigation."			§30253(1)
		S-4	"Minimize the potential risks and reduce the loss of life, property and the economic and social dislocations resulting from flooding."			§30253(1)



# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		S-4a	"All new development proposed in the 100-year floodplain must adhere to the County of Santa Barbara Floodplain Management Ordinance, Chapter 15-A of the County Code."			§30253(1)
		S-4b	"The development of critical facilities within the 100-year floodplain should be discouraged."			§30253(1)
		S-4c	"Setbacks from flood control channels, as determined by the Santa Barbara County Flood Control District, will be required to allow access to maintain and enable proper operation of the channels."			§30253(1)
		S-4d	"The City should conduct a floodplain study for the west end of the planning area and confer with FEMA in an attempt to update the 100- and 500-year flood zones in that area."			§30253(1)
		S-4e	"Further channelization and/or banking of creeks,	134	<del>"Further channelization and/or banking of creeks, rivers, or</del>	§30253(1) §30231 §30236

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			rivers, or streams in the planning area shall be discouraged. The City shall establish setback guidelines for land use planning purposes along natural creek, river, or stream floodplains, and identify and pursue opportunities to eliminate existing concrete channels and/or banking from creeks, rivers, or streams."		<del>streams in the planning area shall be discouraged.</del> The City shall establish setback guidelines for land use planning purposes along natural creek, river, or stream floodplains, and identify and pursue opportunities to eliminate existing concrete channels and/or banking from creeks, rivers, or streams."	
		S-4f	"Programs and regulations should be developed that are appropriate to respond to the need to protect existing and future private property improvements from winter ocean wave action."	135	<del>"Programs and regulations should be developed that are appropriate to respond to the need to protect existing and future private property improvements from winter ocean wave action."</del>	§30253(1) §30235
		S-4, I.M. 10	"Compliance with the City's Floodplain Management Measures will be required prior to issuance of building permits for any type of individual development project proposed in the 100-year floodplain."			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		S-4, I.M. 11	"All subdivision projects proposed in the 100-year floodplain must be reviewed by the Santa Barbara County Flood Control District prior to the issuance of grading and/or building permits."			§30253(1)
		S-4, I.M. 12	"The City should initiate a floodplain study for the west end of the planning area, specifically the Beach neighborhood, in order to determine whether the base flood elevations determined by FEMA is accurate."			§30253(1)
		S-4, I.M. 13	"With permission from the Coastal Commission and US Army Corps of Engineers, the City shall construct a sand berm on the City Beach parallel to the homes fronting on the beach to provide a measure of protection for existing and future property improvements from seasonal wave action and to avoid the need for permanent seawalls or similar structures for protection of private	136	" <u>The City shall support and facilitate the current Army Corps of Engineers (ACOE) feasibility study, and otherwise pursue long-term solutions for beach nourishment and establishment of a vegetated dune system at City Beach. As an interim measure, and w</u> With permission from the Coastal Commission and US Army Corps of Engineers, the City <del>shall may</del> construct a sand berm on the City Beach parallel to the homes fronting on the beach to provide a	§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			property."		measure of protection for existing and future property improvements from seasonal wave action and to avoid the need for permanent seawalls or similar structures for protection of private property."	
		S-4, I.M. 14	"All new construction or reconstruction, additions and remodels that have a valuation exceeding 50 percent of the valuation of the existing structure, shall be constructed so as to be protected from wave action. A wave action study shall be prepared and submitted to the city as a part of the project application that determines the necessary construction design and technique to protect the structure and prevent impacts to adjacent property."	137	"All new construction or reconstruction, additions and remodels that have a valuation exceeding 50 percent of the valuation of the existing structure, shall be constructed so as to be protected from wave action. A wave action study shall be prepared and submitted to the city as a part of the project application that determines the necessary construction design and technique to protect the structure and prevent impacts to adjacent property. <u>Shoreline protective devices, such as seawalls and revetments, shall be prohibited.</u> "	§30253(1)
		S-4, I.M. 15	"Development applications submitted to the city shall include information adequate to determine compliance with applicable flood and			§30253(1) §30231

## Policies and Suggested Modifications

## SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>stormwater management programs, policies and regulations. Further, the City shall require development to comply with the following standards unless superceded by a more restrictive standard applicable in the city:</p> <ul style="list-style-type: none"> <li>a. Street improvements shall be designed to accommodate flows up to the 10 year storm, flows between the 10 and 25 year storms will be accommodated in an underground system, and safe and acceptable escape routes for the 100 year storm shall be established;</li> <li>b. Improvements shall be designed to result in no net change from the existing drainage condition (e.g. volume and velocity), as it affects off-site public and private property, to the developed drainage</li> </ul>			

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>condition, and adequate information shall be provided to the city to demonstrate that there exists a controlled path for runoff to the ocean. Further, where a proposed development site currently contributes to existing degraded drainage conditions and/or an off-site drainage and flooding problem, the proposed development shall include corrective measures as determined appropriate by the City;</p> <p>c. All development shall be designed and constructed as necessary to comply with (BMPs) for nuisance and stormwater runoff and to comply with the requirements of any applicable NPDES permit. Further, all such nuisance and</p>			

## Policies and Suggested Modifications

## SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			d. stormwater improvements shall be designed to ensure that the project will not result in a measurable reduction in terrestrial or aquatic habitat carrying capacities due to discharge of project site runoff to creeks, the salt marsh and the ocean."			
		S-5	"Minimize the potential risks and reduce the loss of life, property and economic and social dislocations resulting from urban and wildland fires.			§30253(1)
		S-5a	"All new structures must adhere to the Carpinteria-Summerland Fire Protection District Ordinance and the Santa Barbara County Fire Department Ordinances, where applicable."			§30253(1)
		S-5b	"All new structures, whether within or outside the urban limit zone, must adhere to the city Fire Sprinkler Ordinance."			§30253(1)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		S-5c	"Roads shall be installed or improved to the standards specified in the County of Santa Barbara Private Road and Driveway Standard, Section 8 of the County of Santa Barbara Municipal Code."			§30253(1)
		S-5d	"The City will work in conjunction with the Carpinteria-Summerland Fire Protection District to adhere to, and enforce, all fire codes."			§30253(1)
		S-5, I.M. 16	"Applicants for new development projects in Carpinteria must verify that the water purveyor can provide the required volume of water to satisfy the peakload water requirements for the project."			§30253(1)
		S-5, I.M. 17	"Prior to construction of new developments, applicants must submit plans to the Carpinteria-Summerland Fire Protection District."			§30253(1)



## Policies and Suggested Modifications

## SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		S-5, I.M. 18	"The Carpinteria-Summerland Fire Protection District should be consulted when new development or redevelopment plans are being considered, or when code violation or code enforcement issues arise."			§30253(1)
		S-6	"Minimize the potential risks and reduce the loss of life, property and the economic and social dislocation resulting from hazardous materials accidents at large industrial facilities, at facilities handling acutely hazardous materials, and along transportation corridors throughout the planning area."	138	"Minimize the potential risks and reduce the loss of life, property and the economic and social dislocation resulting from hazardous materials accidents at large industrial facilities, at facilities handling acutely hazardous materials, and along transportation corridors throughout the planning area."	§30232 §30250(b)
		S-6a	"The City should maintain lists of facilities in the planning area that involve the use, storage, and/or transportation of hazardous materials."			§30232 §30250(b)
		S-6b	"City policies concerning the use, storage and	139	"City policies concerning the use, storage and transportation, <u>and</u>	§30230 §30231 §30232

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			transportation of hazardous materials, and regarding underground or above-ground storage tanks should reflect the County of Santa Barbara and the State Regional Water Quality Control Board policies and requirements."		<u>disposal</u> of hazardous materials, and regarding underground or above-ground storage tanks <u>should</u> <u>shall</u> reflect the County of Santa Barbara and the State Regional Water Quality Control Board policies and requirements <u>and shall ensure that the use, storage, transportation, and disposal of hazardous materials does not result in hazardous discharge or runoff."</u>	§30250(b)
		S-6c	"The City should consider the presence of large industrial facilities, facilities that handle acutely hazardous materials or pesticides, and railroad and utilities right-of-ways in land use planning."			§30232 <del>§30250(b)</del>
		<u>Added Policy</u>		140	<u>"The City shall support protective measures against the spillage of hazardous materials, including crude oil, gas, and petroleum products, and shall support effective containment and cleanup facilities and procedures for accidental spills that occur."</u>	<del>§30250(b)</del> <del>§30232</del>

## Policies and Suggested Modifications

## SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		<u>Added Policy</u>		141	<u>Where feasible, new hazardous industrial development shall be located away from existing developed areas."</u>	
		S-6, IM 19	"Hazardous materials or wastes stored in closed containers at a facility shall not be within 50 feet of an adjacent property."			§30250(b)
		S-6, IM 20	"A development setback of 300 feet shall be established from the perimeter of the Carpinteria Oil and Gas Processing Facility unless it can be demonstrated that a lesser setback will not result in exposure of the public to health and safety risks related to plant activities."			§30250(b)
		S-6, IM 21	"Structures located between 300 and 1,000 feet from the perimeter of the Carpinteria Oil and Gas Processing Facility shall be constructed utilizing safety glass that can resist overpressures of 0.75 psig."			§30250(b)

# Policies and Suggested Modifications

# SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		S-6, IM 22	"Development of parcels that include the Rincon crude oil pipeline, the Gas Company's natural gas pipeline, a railroad right-of-way, or any other corridor or easement that contain similar uses that have the potential for hazardous materials leaks and/or catastrophic events, shall avoid the placement of habitable structures in such close proximity to the lines that public health and safety is put at risk."			§30250(b)
		S-6, IM 23	"New residences shall not be located adjacent to known handlers of acutely hazardous materials. Further, prior to development of any site identified as having been used for the storage of hazardous materials or activities involving the use of hazardous materials, the city shall require the developer to submit documentation sufficient to demonstrate that testing has been conducted as necessary to determine			§30250(b)

## Policies and Suggested Modifications

## SAFETY ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			the existence and extent of soil and/or groundwater contamination and that based on the results of said testing an appropriate clean-up program is established and complete."			
		S-6, IM 25	"No structures will be constructed over active or abandoned oil wells unless the oil well(s) have been abandoned or reabandoned per the California Department of Oil, Gas and Geothermal Resources (CDOG) procedures, and under the CDOG's supervision."			

# Policies and Suggested Modifications ELEMENT

## PUBLIC FACILITIES & SERVICES

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		PF-1	"To ensure the provision of adequate water supplies by minimizing consumption and investigating new sources either in existing supply or outside existing sources."			§30231
		PF-1a	"The City shall encourage reclamation and groundwater recharge programs (projects) where appropriate."			§30231
		PF-1b	"The City in conjunction with the Carpinteria Valley Water District will establish a database of the most current water resource information and monitor/maintain this baseline data. Further, all development shall comply with the Districts water resource management policies."			§30231
		PF-1c	"The City shall develop fair and consistent procedures that will encourage development proposals most responsive to community goals with regard to protection of water			§30231

# **Policies and Suggested Modifications ELEMENT**

## **PUBLIC FACILITIES & SERVICES**

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			resources."			
		PF-1d	"The City shall reevaluate existing water facility regulations and amend said codes to require new development to utilize water-efficient devices responsive to our water source area."			§30231
		PF-2	"Ensure adequate service systems for the transmission, treatment and disposal of sewage and wastewater generated within this area as well as the disposal of trash, green waste and recyclable material."			§30231 §30254.5
		PF-2a	"The City will monitor capacity of the sewer plant to assure adequate service to meet future needs."			§30254.5
		PF-2b	"The City will maintain open communication with the CSD and coordinate development evaluation as related to this critical service."			§30254.5
		PF-5	"To provide a high quality and broad range of public			§30254

# Policies and Suggested Modifications ELEMENT

## PUBLIC FACILITIES & SERVICES

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			services, facilities, and utilities to meet the needs of all present and future residents of the Carpinteria Planning Area."			
		PF-5c	"The City will ensure that new development will not adversely impact services and facilities provided to existing development."			§30254
		PF-5d	"Detailed master plans will be prepared for major facilities and service systems."			§30254
		PF-5e	"The City will improve and extend services and facilities to the extent possible, within the limits of available funding."			§30254
		PF-5f	"Carpinteria will focus City funds on service and facilities improvements to meet existing needs prior to committing funds to the extension of services and facilities to new areas."			§30254
		PF-5g	"The City will coordinate with the appropriate	142	"The City will coordinate with the appropriate agencies/districts and	§30254 §30241



# Policies and Suggested Modifications ELEMENT

## PUBLIC FACILITIES & SERVICES

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			agencies/districts and plan for public facilities to be located and sized to discourage expansion of urban development beyond the transition area of the urban/rural boundary."		plan for public facilities to be located and sized to discourage expansion of urban development beyond the transition area of the urban/rural boundary. <u>New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses allowed consistent with the provisions of the City's Local Coastal Program.</u> "	
		PF-5k	"The City shall require proposed developments to demonstrate that adequate water supply, water systems and sewer facilities are or will be available to serve the project site."			§30254
		PF-5l	"The City will evaluate use of maintenance districts, where appropriate, to fund the ongoing costs of services and facilities."			§30254
		PF-6	"To ensure that new development is adequately served by utilities and does not impact existing service areas in the community."			§30254

# Policies and Suggested Modifications

# PUBLIC FACILITIES & SERVICES

## ELEMENT

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
		PF-6a	"The ultimate responsibility (for provision of adequate services) shall be that of the sponsor or the development projects."			§30254
		PF-6b	"Development projects shall not result in a quantifiable reduction in the level of public services provided to existing development, nor shall new development increase the cost of public services provided to existing development."			§30254
		PF-6c	"Development projects within Carpinteria shall be required to: 1. construct and/or pay for the new on-site capital improvements that are required to support the project; 2. ensure that all new off-site capital improvements that are required by the project are available prior to the certificate of occupancy; 3. be phased so as to ensure that the capital facilities that will be used			§30252

# **Policies and Suggested Modifications ELEMENT**

## **PUBLIC FACILITIES & SERVICES**

Existing Policy #	Existing Policy	Proposed Policy #	Proposed Policy	Mod #	Suggested Modification	Ch. 3
			<p>by the new development are available prior to certificates of occupancy;</p> <p>4. ensure that, in the event that public services or off-site capital facilities are impacted prior to development, the level of service provided to existing development will not be further impacted by the new development; and</p> <p>5. provide for the provision of public services, and shall not increase the cost of public services provided to existing development."</p>			

# Policies and Suggested Modifications

# DEFINITIONS

Existing LUP Section	Existing Language	Proposed LUP Section	Proposed Language	Mod #	Suggested Modification
Appendix A Definitions	The existing LUP includes definitions from Sections 30106, 30107, 30114, 30121 of the California Coastal Act.	Appendix F Definitions	"DEFINITIONS  <b>Access /Egress...."</b>	143	"DEFINITIONS  <u>In addition to those definitions listed below, all definitions included in Sections 30100 –30122 of the California Coastal Act are hereby incorporated by reference.</u>  <b>Access /Egress...."</b>
Definitions	"Development' means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or access thereto; construction, reconstruction, demolition, or	Appendix F Definitions	" <b>Development.</b> The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted."	144	" <b>Development.</b> The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted. <u>On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but</u>

## Policies and Suggested Modifications

## DEFINITIONS

Existing LUP Section	Existing Language	Proposed LUP Section	Proposed Language	Mod #	Suggested Modification
	alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511)."				<u>not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511)."</u>
Definitions	"Stream buffer. A designated width of land adjacent to the stream which is necessary to protect biological productivity, water quality, and hydrological characteristics of the stream. A stream buffer is measured	Appendix F Definitions	<b>"Stream buffer.</b> A designated width of land adjacent to the stream which is necessary to protect biological productivity, water	145	<b>"Stream buffer.</b> A designated width of land adjacent to the stream which is necessary to protect biological productivity, water quality, and hydrological characteristics of the stream. A stream buffer is measured

# Policies and Suggested Modifications

# DEFINITIONS

Existing LUP Section	Existing Language	Proposed LUP Section	Proposed Language	Mod #	Suggested Modification
	horizontally from the banks or high water mark of the stream landward."		quality, and hydrological characteristics of the stream. A stream buffer is measured horizontally from the banks or high water mark of the stream landward."		horizontally from the banks or high water mark of the stream landward <u>from the top of the upper bank of the stream, or from the dripline of riparian vegetation, whichever is further."</u>
Definitions	"'Wetland' means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens."	Appendix F Definitions	<b>"Wetlands.</b> Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. Under the 'unified' methodology now used by all federal agencies, wetlands are defined as 'those areas meeting certain criteria for hydrology, vegetation, and soils."	146	<b>"Wetlands.</b> Transitional areas <del>between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water.</del> Under the 'unified' methodology now used by all federal agencies, wetlands are defined as 'those areas meeting certain criteria for hydrology, vegetation, and soils. <u>Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens."</u>

## IV. FINDINGS FOR DENIAL OF THE CITY OF CARPINTERIA'S LAND USE PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS

The following pages contain the specific findings for denial of the City of Carpinteria Land Use Plan Amendment, as submitted, and approval with modifications. The Commission hereby finds and declares as follows:

### A. PROPOSED AMENDMENT

The proposed amendment is a comprehensive update of the City of Carpinteria's Land Use Plan (LUP) and is intended to replace the LUP portion of the City of Carpinteria's certified Local Coastal Program. Unlike the current LUP, the proposed LUP is integrated with the City's General Plan (GP). As such, it contains many policies that are not relevant to the Coastal Act and are not proposed as part of the LUP. These policies are listed in Exhibit 1. The remaining policies comprise the proposed amendment and are included in the Suggested Modifications chart. Due to its size, the proposed LUP/GP is not included in this report, but is available upon request from the South Central Coast District office.

The proposed amendment was approved through Resolution No. 4670 by the City Council on May 29, 2001. It was submitted to the Commission on August 6, 2001. The proposed amendment was subsequently deemed incomplete by Commission staff and was completed on December 27, 2001. The Commission granted a one-year extension for Commission action on March 6, 2002 pursuant to Section 30517 of the Coastal Act. The Commission must act on this submittal no later than March 27, 2003.

The proposed LUP/GP contains eight chapters, including an introduction and the following seven elements:

- Land Use element
- Community Design element
- Circulation element
- Open Space, Recreation & Conservation element
- Safety element
- Noise element
- Public Facilities & Services element

Each element contains a narrative component as well as three levels of policy. The Noise element contains no policies relevant to the Coastal Act, and therefore is excluded from the proposed LUP amendment.

The proposed LUP/GP also contains seven appendices, which contain CEQA review documents, technical background information for the Safety element, and a glossary.

## **B. DESCRIPTION OF THE CITY OF CARPINTERIA**

The City of Carpinteria ("City") is a small coastal city located in the southwest corner of Santa Barbara County. The City occupies the lower portion of the Carpinteria Valley, a broad coastal terrace located between the Santa Ynez Mountains and the Santa Barbara Channel. The topography of the Carpinteria Valley ranges from rugged exposed rock formations on mountains slopes and rolling hilltops to coastal mesas, bluffs, wetlands, and sandy beaches. Carpinteria enjoys a Mediterranean climate, and excellent southern exposure that is ideal for coastal agricultural uses.

The area of the City is approximately 2.4 square miles, with about 2.5 miles of coastline and a population of about 14,500 residents. Jurisdictionally, the City is surrounded by Santa Barbara County, with State tidelands and waters to the south. The City is entirely located within the coastal zone.

The City is a largely urban area surrounded by both open field (primarily orchards) and greenhouse agriculture. Significant open space is found, however, on the Carpinteria Bluffs, a 157-acre expanse that includes approximately 1.5 miles of shoreline. Along with open space, including the 53-acre Carpinteria Bluffs Nature Park, the Bluffs contain light industrial and coastal dependent industrial uses. Commercial development is largely concentrated in the Downtown Core area, with surrounding areas occupied by primarily residential use. Industrial parks are found on the eastern end of town.

The City contains the lower reaches of watersheds originating in the Santa Ynez Mountains, most notably Carpinteria Creek, a perennially-flowing stream that supports an annual steelhead run. In contrast, Franklin Creek and Santa Monica Creek are contained in concrete channels within the city limits. The City also contains approximately seven acres of the 230-acre Carpinteria Salt Marsh, which is preserved as the Carpinteria Salt Marsh Wetland Park.

The shoreline along the City contains sandy beaches, bluff backed crescent coves, and rocky points. These beaches provide rich intertidal habitat, as well as a hauling ground and rookery for hundreds of harbor seals. Offshore, kelp beds and subtidal reefs are found, providing habitat for many species of sea life.

Sandy beaches at Carpinteria City Beach, Carpinteria State Beach, and Tar Pits Park provide sunbathing, swimming, and other recreational opportunities to the public. A public campground is located at Carpinteria State Beach. Small crescent beaches backed by high bluffs provide more secluded beach environments in the City's eastern portion. Access to the beach is provided at three street end access points in the west end of the City, and through the State Beach, which charges a small fee for parking. Access to the Carpinteria Bluffs Nature Park is readily accessible from Bailard Avenue,



and the Carpinteria Oil and Gas Plant permits ~~parking for the harbor seal overlook~~ in the western Bluffs on a provisional basis. Coastal ~~access elsewhere in the City~~, however, is limited due to unsafe railroad crossings and lack of parking.

## **C. LOCAL COASTAL PLANNING HISTORY**

The Central Coast Regional Commission certified the City's Local Coastal Program (LCP) with suggested modifications on December 15, 1979. The State Commission found no substantial issue with the LCP as approved by the Regional Commission and certified the LCP with suggested modifications on January 22, 1980. Significant amendments to the LCP include the Bluffs Local Coastal Program Amendment 1-94 (Carpinteria Bluffs Area I, II, and III) and the subsequent LCPA 1-95 (Carpinteria Bluffs Access, Recreation & Open Space Master Program).

## D. INTRODUCTION / LUP ORGANIZATION :

The proposed Land Use Plan (LUP) is combined with a new General Plan, and is organized by General Plan element. Eight elements are included: Land Use, Community Design, Circulation, Open Space, Recreation, & Conservation, Safety, Noise, and Public Facilities & Services. The document also contains maps, including a Land Use Map, Town Map, Trails Map, and Environmentally Sensitive Habitat Area (ESHA) Overlay Map. Each element contains a narrative component as well as three levels of policy, titled "objectives," "policies," and "implementation measures."

The proposed LUP is organized differently than the existing LUP. The existing LUP is separate from the City's General Plan and organized roughly according to Chapter Three concerns, with an attached amendment that includes policies for the Carpinteria Bluffs. The proposed LUP is more comprehensive than the existing LUP; however, its integration with the General Plan has resulted in organizational features that are problematic under the Coastal Act. Unlike the existing LUP, the proposed LUP does not have a distinct public access component. Many policies in the proposed LUP address General Plan concerns that are unrelated to the Coastal Act. In addition, the use of the term "implementation measures," while commonly used in General Plans, is easily confused with the "implementing actions" that denote zoning ordinances under the Coastal Act.

These organizational issues, and Suggested Modifications to address them, are discussed below.

### Implementation Measures

In the Introduction to the document, the levels of policy are described as follows:

*Each element contains a general discussion, identifies relevant issues, and provides objectives and policies to address these issues. Implementation measures are identified to carry out each element's objectives.*

The use of the term "implementation measures," to describe policies is problematic within the Commission's lexicon.

Section 30108.5 of the Coastal Act defines the "Land Use Plan" as

*...the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.*

Section 30108.5 thus distinguishes policies from the list of implementing actions. The latter may be part of an LUP but serves an informational purpose and does not have the force of law.

Section 30108.4 of the Coastal Act defines "implementing actions" as

*...the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to Section 30502.*

The "implementing actions," are distinct from the LUP, which is the collection of policies that guide and are carried out by the implementing actions. The Commission also uses the term "Implementation Program" (IP) to describe the zoning ordinances, zoning maps, and other "implementing actions" within a Local Coastal Program (LCP).

In discussions with Commission staff, City staff stated that their intent is for the implementation measures to be enforceable components of the LUP. In order to clarify that "implementation measures" are policies, City staff has suggested the following changes and additions:

*Each element contains a general discussion, identifies relevant issues, and provides objectives and policies to address these issues. Implementation ~~measures~~ policies are identified to carry out or provide direction for carrying out each element's objectives.*

*An objective is a specific future end, condition, or state related to the public health, safety and welfare toward which planning and planning implementation measures are directed. A policy is a statement that guides decision making, and indicates a clear commitment of the local legislative body. An implementation policy is an action, procedure, program, or technique that carries out a General Plan/Local Coastal Plan policy.*

This revision remains problematic, however, in that "implementation policies" are described as "actions" and "procedures" that carry out policies.

The Coastal Act and Commission regulations require that implementing programs and actions be included in the IP portion of the LCP, and that enforceable portions of the LUP be policies. Therefore, the Commission requires the following modification (Suggested Modification 1 ) be made:

*Each element contains a general discussion, identifies relevant issues, and provides objectives and policies to address these issues. Implementation ~~measures~~ policies are identified to ~~carry out~~ provide direction for carrying out each element's objectives.*

*An objective is a policy articulating a specific future end, condition, or state related to the public health, safety and welfare toward which planning and planning implementation is directed. A policy is a statement that guides decision making, and indicates a clear*

commitment of the local legislative body. An implementation policy is a statement that provides direction for carrying out a related General Plan/Land Use Plan policy.

In addition, Suggested Modification 2 requires the term "implementation measure" to be changed to "implementation policy" throughout the text.

#### Relationship between General Plan and Land Use Plan (LUP)

The combined document contains both LUP policies and General Plan policies, which in some cases are mutually exclusive. For instance, several policies apply to areas outside of the City's jurisdiction. These policies must be excluded from the LUP in order to ensure the integrity of Santa Barbara County's Local Coastal Program. Other policies address community objectives unrelated to the Coastal Act.

The proposed LUP, as submitted, employs a wave symbol to identify policies contained in the LUP. However, it is unclear, for instance, whether a wave symbol at the beginning of a section means that all policies in that section are LUP policies. Also, in some sections, individual implementation policies are intended to be included as LUP policies, but are not marked. The wave symbol, as used in the submitted proposal, does not adequately distinguish LUP policies from General Plan policies. In addition, policies that are only included in the General Plan (and excluded from the LUP) form a smaller subset than the LUP policies. Commission staff has identified the policies that do not apply to the LUP, and should be included in the General Plan only. City staff has proposed that the policies on this draft list be marked with a symbol indicating that they are included in the General Plan but not in the LUP. (An updated list is included as Exhibit 1.)

Suggested Modification 4 requires that the policies listed in Exhibit 1 be excluded from the LUP, and be marked in the text with the symbol "GP" to denote that exclusion.

A second suggested modification is also necessary to clarify the relationship between the General Plan and the LUP. This suggested modification addresses language on page 3 of the Introduction, which, in describing the relationship between the General Plan and the LUP, suggests that the two documents are interchangeable.

City staff has suggested that the following modifications be made to that language:

***Local Coastal Land Use Plan.*** *This General Plan is designed to be consistent with the California Coastal Act and provides the Land Use Plan and related policies for the various implementation programs such as the zoning ordinance. This General Plan Land Use Plan, together with the implementation programs (see Appendix H for a current list of existing and planned programs) make up the City's Local Coastal Program. (California Coastal Act of 1976 §§30108.6, 30500)*

***All objectives, policies and implementation measures policies identified within this document are intended to address addressing Coastal Act issues, unless differentiated specifically as not being a part of the LUP, as identified with the "GP" are identified with the wave symbol shown at right.***

This suggestion, revised for clarity, is included as Suggested Modification 3. Please note that the Suggested Modification does not include reference to a new Appendix H, listing existing and planned implementation programs, as suggested by City staff. While such information is relevant, the Commission has no basis to require its inclusion in the LUP.

#### Public Access Component

Section 13552(b) of the California Code of Regulations states

*An amendment to a land use plan...shall include, where applicable, a readily identifiable public access component as set forth in Section 13512.*

The proposed LUP includes many policies related to public access. These policies are found throughout the document, most notably in the Land Use, Community Design, Circulation, and Open Space, Recreation, & Conservation elements. However, the policies are not readily identified as public access policies.

City staff has suggested that a list of all public access policies be included in an additional appendix, Appendix I. Commission staff has identified the public access policies in Exhibit 3. Suggested Modification 3 adds language to the LUP introduction incorporating the City staff's suggestion.

## **E. LAND USE DESIGNATIONS / MAP**

The proposed LUP contains twelve (12) land use designations that specify the type, density, and intensity of new development allowed on parcels so designated. The Land Use Map (Figure LU-1) applies those designations to each parcel, thus setting the parameters for development within the City. The existing and proposed Land Use Maps, as well as a Land Use Map with suggested modifications, are included as Figures 1, 2, and 3 in Part III (Suggested Modifications).

The proposed LUP adds two new land use designations, renames and redefines several designations, and changes the designation on several properties. The new land use designations include a rural residential designation (RR), which is applied to no parcels in the current proposal, and a transportation corridor designation (TC), which is applied to the Highway 101 corridor. These new land use designations are consistent with Chapter Three of the Coastal Act. Changes to the designation of properties do not involve Chapter Three priority uses and do not raise Chapter Three issues related to resource protection, development, or public access, with the exception of the changes discussed below. Similarly, the proposed names and definitions do not raise Chapter Three issues. With the exception of the proposals discussed below, the Land Use Designations / Map provide adequate opportunities for coastal priority uses, and public access and are protective of coastal resources. However, the proposed Land Use Designations / Map includes the conversion of agricultural (or agriculturally-related) lands and the elimination of the Visitor Serving / Highway Commercial designation (V) and therefore requires modification to be consistent with Chapter Three of the Coastal Act.

### **1. Conversion of Agricultural Lands**

The proposed Land Use Map designates three agricultural sites (known as the Creekwood property, the Ellinwood property, and the East Valley School site) for low-density residential, medium-density residential, and public facility uses respectively. Creekwood is located within the city limits and is currently designated for agricultural use. The Ellinwood parcel is located within the City's Sphere of Influence, immediately adjacent to the City's northern border, and is currently designated for agricultural use by Santa Barbara County. The East Valley School site is also located within the City's Sphere of Influence, immediately adjacent to the City's northern border, and is currently designated for very low density (0.3 dwelling units per acre) residential use by Santa Barbara County. The East Valley School site has been historically used for agriculture and is flanked on three sides by agricultural operations. The proposed land use designations for the Ellinwood parcel and the East Valley School site would be effective only in the event that the sites are annexed to the City.

The subject sites are located within the Carpinteria Valley, a coastal terrace extending south from the Santa Ynez Mountains to the Santa Barbara Channel. The Carpinteria

Valley enjoys a Mediterranean climate, with mild winters, moderate to hot summers, limited rainfall, and excellent southern exposure, ideal for coastal agricultural uses. Agriculture, including both open field and greenhouse operations, is the dominant rural land use surrounding the urban development of the City of Carpinteria.

According to the Proposed Final Environmental Impact Report, New Toro Canyon Elementary School and Summerland School Closure, dated September 1998, more than half of the County's cut flower and nursery products, chrysanthemums, orchids, roses and potted plants, are produced in greenhouses surrounding the City of Carpinteria. Tropical fruits, such as cherimoyas, passion fruit, sapote and feijoas, have been established for commercial production in areas where avocado root rot has made avocado production unsuccessful. The FEIR also notes that:

*The Carpinteria area of the County is unique in that many of the farms in this region are viable even on relatively small acreages. This is particularly true for level areas containing prime soils in the Carpinteria Valley where, combined with the relatively frost-free climate, good southern exposure, and availability of agricultural support services, a wide variety of high value cash crops can be economically grown.*

While all three sites are located within the Carpinteria Valley, and within an agricultural context, their location, size, physical features, and uses (existing and proposed) vary significantly. As such, each proposed conversion raises different issues in respect to Chapter Three of the Coastal Act. Therefore each site will be addressed separately, following a discussion of Chapter Three policies for agricultural preservation.

a. Chapter Three Agricultural Policies

A fundamental policy of the Coastal Act is the protection of agricultural lands. The Act sets a high standard for the conversion of any agricultural lands to other land uses. Section 30241 of the Coastal Act requires the maintenance of the maximum amount of prime agricultural land in agricultural production to assure the protection of agricultural economies. Section 30113 of the Coastal Act defines "prime agricultural land" as

*...those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.*

Section 51201(c) states in relevant part:

*"Prime agricultural land" means any of the following:*

- (1) All land that qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications.*
- (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.*

- (3) *Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.*
- (4) *Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.*

Section 30241 also requires minimizing conflicts between agricultural and urban land uses through six tests.

Section 30241 of the Coastal Act states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

If the viability of existing agricultural uses is an issue, the Commission must make specific findings identified in Section 30241.5 of the Coastal Act in order to address the agricultural "viability" of such land. These findings must address an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production. Subsection (b) specifically requires that such economic feasibility studies be submitted with any LCP Amendment request.



Section 30241.5 of the Coastal Act states:

*(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

*(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.*

*(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

Section 30242 of the Coastal Act provides additional requirements for conversion of properties that are suitable for agriculture, but are not necessarily prime agricultural land.

Section 30242 states:

*All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Coastal Act Sections 30241, 30241.5 and 30242 provide the basis for analyzing conversion of agricultural land as well as land use on properties adjacent to farmland. The sections address a variety of scenarios that could impact agricultural production. As such, not all provisions of these policies apply to each of the three proposed conversions. The location, size, physical features, and uses (existing and proposed) of

each site vary significantly, and each proposed conversion raises different issues in respect to Chapter Three of the Coastal Act. Therefore, each proposed conversion will be discussed in turn below.

**b. Creekwood Site**

Creekwood is a five-parcel, 32-acre site located on prime soils. It is located within the city limits, and outside of the urban/rural boundary. The site is used as a commercial ornamental plant nursery, and is generally unimproved with the exception of about ten greenhouse structures, about 60 lightweight tented growing structures, and an office/equipment maintenance structure. The majority of the site growing area is covered with a gravel/cobble material underlain with plastic sheeting to control weed growth. A small area adjacent to the office and equipment maintenance structure is paved with concrete. All plants are grown in container pots.

The site is generally flat, with a steeply sloped bank at the northern edge that forms the channel of Carpinteria Creek. The northern one third of the site drains northward into Carpinteria Creek and the southern two thirds of the site drains to the curb/gutter surface drainage system along the frontage road, Via Real. Access to the property from Via Real is from a driveway and gravel road that bisects the property in a north-south direction.

The majority of the soil on the subject site consists of Goleta fine sandy loam rated as Capability Class I (Storie Index 100) by the Soil Conservation Service, United States Department of Agriculture. In addition, the Important Farmlands Inventory, maintained by the Office of Land Conservation, State of California, designates the site as Prime Farmland.

Immediate surrounding land uses include residential (Rancho Granada Mobile Home Park and San Roque Mobile Home Park) located to the west, public transportation corridors (Via Real, Highway 101, and Carpinteria Avenue) to the south, agricultural uses, greenhouses, row crops and a single family residence (Kono and Sons Nursery) to the east, and Carpinteria Creek and avocado orchards to the north.

The land use designation for the subject site (five parcels) is Agricultural I. The Land Use Map and Zoning District Map further designates the site as A-10, which indicates that ten acres is the minimum parcel size. Since the parcel sizes range from 2.11 to 14.09 acres (2.11, 3.11, 4.54, 8.24, and 14.09 acres), all but one parcel is non-conforming as to parcel size. The subject parcels are located outside of the current Urban-Rural Boundary located along the western and southern boundaries of the site. The subject parcels are located within the City of Carpinteria municipal limits located along the northern and eastern boundaries of the subject site.

The City also proposes to amend the Urban-Rural Boundary to include Creekwood within the Urban Area.

**i. Prior Review of Conversion of the Creekwood Site**

On September 22, 1997, the Carpinteria City Council passed a resolution to revise their certified LCP to provide for relaxed agricultural conversion standards within the city limits, and to change the land use designation for the Creekwood site from agricultural to residential. The adopted changes were submitted to the Commission as LCP Amendment 2-98. In evaluating the proposed changes, Commission staff recommended denial of the proposed changes as inconsistent with Sections 30241 and 30241.5 of the Coastal Act. The proposed amendment was withdrawn prior to the Commission hearing.

LCP Amendment 2-98 did not include a development plan for the Creekwood site. However, the City had reviewed several proposals for residential development of the site, and an EIR that discussed several development proposals. The City had also amended its General Plan to designate the Creekwood parcel for medium-density residential use. The 1995 Housing Element identified the Creekwood parcel for residential development. The 1986 General Plan designated the western half of the Creekwood site as Medium-Density Residential, and this designation was still in effect during the October 1995 Final EIR for the Creekwood Residential Project.

The City states, in its Agricultural Viability and Conversion Analysis dated July 2000, that Commission staff agreed, in a meeting with the City of Carpinteria and Housing and Community Development in Sacramento, to accept conversion of Creekwood to residential use in exchange for minimizing residential development on the Carpinteria Bluffs. Commission staff did not attend a meeting with Housing and Community Development in Sacramento and did not make any such agreement. Moreover, Commission staff could not make any agreement binding on the Commission.

## **ii. Chapter Three Consistency**

### **Effect of the proposed amendment on agriculture**

The proposed amendment would result in the conversion of 32 acres of prime agricultural land to residential use.

#### **Prime agricultural land determination**

The agricultural capacity of the subject parcel is central to an evaluation of Chapter Three consistency. As noted above, the Coastal Act defines prime agricultural land by four criteria, any of which qualifies a parcel as prime. The first and second tests require Class I or II soils, and a Storie Index Rating between 80 and 100. The subject property contains Goleta fine sandy loam (GcA), a Class I soil, with the exception of the northern edge of the property that forms the southern bank of Carpinteria Creek, which contains Class III soils. The Storie Index Rating for GcA soils is 100. Therefore, the property is defined as prime agricultural land under the Coastal Act.

This definition is reflected in the ~~California Department of Conservation's~~ classification of the site as Prime Farmland on its ~~Important Farmland Map~~. Prime farmland, as defined by the Department of Conservation, is

*Farmland with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields.*

As discussed below, Section 30241 of the Coastal Act requires that the maximum amount of prime agricultural land be maintained in agricultural production.

### **Consistency with Section 30241**

As noted above, the Creekwood site contains Class I soils and is defined by the Coastal Act as prime agricultural land. Section 30241 of the Coastal Act requires that the maximum amount of prime agricultural land be maintained in agricultural production. Section 30241 limits conversions of agricultural lands to those lands where agricultural viability is already "severely limited" by conflicts with existing urban uses, or where the land is completely surrounded by urban land uses (and the conversion is consistent with Section 30250 of the Coastal Act). Section 30241 also requires that lands not suited for agriculture be developed prior to conversion of agricultural lands.

Coastal Act Section 30241 establishes six (6) tests for the review of proposals that may impact coastal agriculture. All of these tests, when applicable, must be met in order for the proposal to be approved. The purpose of these tests is to minimize conflicts between agricultural and urban land uses, and maintain the maximum amount of prime agricultural land in agricultural production.

Each of the six tests required by Section 30241 will be reviewed separately.

#### **a. Establishing Stable Boundaries Between Rural and Urban Land Uses**

As noted above, the proposed Land Use Map converts a 32-acre prime agricultural parcel to low-density residential use and relocates the urban-rural boundary to incorporate the converted parcel and correspond to the City limit line.

The initial question under Section 30241(a) is whether the proposed Land Use Map would establish a stable boundary between urban and rural uses. Pertinent to this question is whether a stable boundary currently exists between the Creekwood site and surrounding urban land uses. A secondary question is whether a buffer area is necessary to minimize conflicts between the site and adjacent urban land uses, and, if so, whether an adequate buffer exists.

The subject site consists of 5 parcels, totaling 32 acres, surrounded by a variety of land uses. These uses include a mobile home park to the west, the Highway 101 corridor to the south, greenhouse and open-field agriculture to the east, and avocado fields to the

north, beyond Carpinteria Creek, which forms the site's northern border. The Urban-Rural Boundary separates the urban land uses to the west and to the south from the agricultural uses on the subject site. The Urban-Rural Boundary has been located along the west and south property lines of the Creekwood site since certification of the City's Local Coastal Program in 1981.

The Highway 101 corridor, which is approximately 250 feet wide, separates the site from urban uses south of the highway. The corridor serves as both a stable boundary and an effective buffer between the two areas.

The greatest potential for conflict exists along the site's western border, which it shares with the adjoining Rancho Granada Mobile Home Park. The Mobile Home Park was constructed between 1970 and 1972 to include 116 residential unit spaces with a current population of about 160 senior citizens. The boundary between urban and rural uses was established when the mobile home park was constructed adjacent to the existing agricultural operation on the Creekwood site. The boundary has been stable for the past 30 years.

A 6.5 foot high fence separates the mobile home park from the nursery operation on the Creekwood site. The nursery's rows of potted and boxed plants are set back about 12 feet from this fence while the mobile home structures are set back about six (6) feet from the same fence. In the northern portion of the property a row of frost protection houses 100 feet long are set back about 36 feet from this fence. This fence and the two setback areas on each side are the apparent buffer between the subject agricultural land use and the adjacent mobile home park.

According to Santa Barbara County Agricultural Commission (SBCAC) staff, who take complaints related to agricultural practices, no complaints have been received about the nursery operations for "many years." (Coastal) Commission staff examined complaint files from 1993 to 2001 and found no complaints related to the project site. SBCAC staff noted that the last complaints were made prior to a visit to the site by SBCAC staff, during which time they advised the nursery operators to plant pest-prone plants away from the trailer park, to spray facing away from the residences, and to engage in other practices to reduce conflicts with adjoining residents. The new practices appear to have been effective in reducing residential-agricultural conflicts. SBCAC records indicate that the nursery engages in ground application of nonrestricted insecticides (including Orthene and Diazinon) only.

The City addressed the issue of conflicts between agricultural uses on the subject site with surrounding urban land uses in its 1998 Final Environmental Impact Report (FEIR) for the Creekwood Residential Project. The FEIR reviews the criteria listed in existing LCP Policy 8-2. Existing LCP Policy 8-2 states in part that:

*If a parcel(s) is designated for agricultural land use and is located in either (a) a rural area contiguous with the urban/rural boundary or (b) an urban area, conversion or annexation shall not occur unless:*

1. *The agricultural use of the land is severely impaired because of non-prime soils, topographical constraints, or urban conflicts (e.g. surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and*
2. *Conversion would contribute to the logical completion of an existing neighborhood, and ...*
4. *The parcel could not be maintained in productive use through the use of greenhouses or alternative agricultural uses, and ...*

The FEIR concludes that:

*The site does not appear to meet the criteria of 1, 2, and 4 listed above. The site is not severely impaired for agricultural uses; the site is not part of a specific neighborhood and is thus not an extension of a defined neighborhood; and the project site is a viable agricultural unit.*

Therefore, the City's FEIR concluded that the continued agricultural use of the parcels do not appear to be severely impaired because of urban conflicts or other reasons.

The City submitted a "Report on Agricultural Feasibility in the Carpinteria Valley, Re: Creekwood Residential Project on Norman's Nursery Site", dated July 26, 1998, and prepared by George Goodall analyzing the viability of existing agricultural use pursuant to Section 30241.5 of the Coastal Act. The Report states that there are serious non-economic conflicts that occur on this property and other agricultural properties in close proximity to urban land uses:

*Many serious non-economic conflicts occur on this Norman Nursery parcel and other properties that are in close proximity to urban land uses. Trespassing, thievery, malicious mischief, vandalism, and curiosity seekers all diminish the income, increases costs, and take time from productive work. These are not problems for the more remotely located farmer.*

Only generalized information on these conflicts is provided in the Report. No specific information is provided indicating that these conflicts directly affect the actual rate of return, gross revenue, and the operational expenses at the nursery.

The City has not provided any additional evidence of conflicts at the project site. Thus, no significant documented conflicts have been identified between the urban use of the adjoining mobile home park (residential) and the existing agricultural use of the operation of the Creekwood site.

The City states in its Agricultural Viability and Conversion Analysis dated July 2000 that the fence between the mobile home park and the nursery "is of no value as a buffer" and contends that the stability of the boundary between the two uses is a result of the City's adherence to Coastal Act policies protecting agriculture. The Commission concurs with the latter argument. As noted above, Commission staff in 1998

recommended that the Commission find the proposed conversion inconsistent with Section 30241 of the Coastal Act. In response, the property owners withdrew their application prior to Commission hearing.

Prime agricultural land is protected by law under the Coastal Act and thus the boundaries of prime agricultural land are relatively stable. The conversion of prime agricultural land may only occur when agricultural use of the parcel is infeasible or conflicts with surrounding uses. Moving the urban-rural boundary to the east, as proposed by the City, would remove a boundary upheld for 30 years by the Coastal Act's agricultural protection policies. Furthermore, it would create a precedent to move the urban-rural boundary further eastward to include the Kono and Burkey parcels, also on prime agricultural land, and located immediately adjacent to a multi-family residential complex. Therefore, the proposal would not "complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development as required by Section 30241(b).

It is important to note that the proposed land use map conjoins the City limit line and the urban-rural-boundary line. The location of a City limit line, however, does not by itself determine the location of an appropriate or stable boundary between agricultural and urban land uses. The City limit line in this area was created before the Coastal Act became effective in 1977 and before the Urban-Rural Boundary was established in the City's Local Coastal Program certified in 1982.

The buffer between the Creekwood site and the adjacent mobile home park must also be addressed. Section 30241(a) requires "where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses." Although the buffer area is smaller than would be recommended for new development, SBCAC records indicate no history of conflict, and no evidence of conflict has been submitted. Thus it appears that a more substantial buffer is unnecessary to prevent conflicts between the mobile home park and the Creekwood site.

It is important to note that a similar buffer exists elsewhere along the urban-rural boundary separating the City of Carpinteria from adjacent agricultural lands in unincorporated Santa Barbara County. Although roads separate some residential parcels from adjacent agricultural tracts no buffer exists between other residences and adjacent farmland.

In conclusion, the current urban-rural boundary has minimized conflicts between agricultural and urban land uses over the past 30 years. These urban uses, located to the west of the subject site (the residential Rancho Granada Mobile Home Park), and to the south, (the office and recreational land uses) currently have adequate buffers to minimize conflicts. While the conversion of the site might allow a larger buffer to be created between urban uses and the remaining agricultural lands, the provision of buffer areas is required only when necessary to minimize conflicts, and is secondary to the maintenance of a stable boundary. The conversion of the Creekwood site and the relocation of the urban-rural boundary would destabilize a boundary upheld for 30 years

by the Coastal Act's ~~protection of prime agricultural lands. Therefore, the~~ proposal to convert the Creekwood ~~property from agricultural to~~ residential use and relocate the urban-rural boundary does not meet the requirements of Section 30241(a).

b. Agricultural Viability and Neighborhood Completion

In order to meet the test for conversion of land around the periphery of urban areas under Section 30241 (b) of the Coastal Act, the amendment must meet one of two tests to minimize conflicts between agricultural and urban land uses. This test is applicable since the subject property is adjacent to an urban area located to the west and south.

To satisfy this test, the viability of agricultural use must already be "severely limited by conflicts with urban uses". The second situation when conversion of land on the periphery of an urban area may be appropriate is when the "conversion of lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development".

The first test is whether or not the viability of agricultural use is already severely limited by conflicts with urban uses. As noted above, in connection with Section 30241(a), no significant conflicts between the subject agricultural land use and the surrounding urban land uses on two sides have been documented. Nevertheless, assuming the existence of some degree of conflict, the degree of limitation on the viability of existing agricultural use is not "severely limited".

The means to determine viability is provided in Section 30241.5 of the Coastal Act. To address the issue of viability of agricultural land uses consistent with Section 30241.5, an economic feasibility evaluation was provided by the City as part of their submittal for LCP Amendment 2-98. A copy of the ~~evaluation, as well as other documents referred to~~ in the following discussion is ~~attached to the staff report for~~ LCPA 2-98, which is included as Exhibit 5 of this report.

The evaluation, titled "Report on Agricultural Feasibility in the Carpinteria Valley Re: Creekwood Residential Project on Norman's Nursery Site" was prepared by George Goodall, Agricultural Consultant, Santa Barbara, California. The Report describes the site and surrounding area. The site is identified as including prime soils as identified in the Williamson Act Land Classification System and "Super Prime" in the Santa Barbara County Agricultural Preserve regulations because it produces over \$ 1,000 per acre per year of agricultural income. Most of the site includes Goleta fine sandy loam, with a 0-2% slope and the site is stated to be "one of the finest agricultural soils in the area". The Report goes on to state that the site is USDA Land Capability Class I. The Report states that:

*It is physically suitable for growing a wide variety of crops without special problems or limitations. It is ironical that the present agricultural operations are growing everything in containers and have put down gravel, plastic, and herbicides to facilitate their operations. They are not using this deep, well drained, excellent, fine textured, nearly*



*level soil, except as a level area to support their containers and to provide drainage away from them.*

The Report indicates that although the land is physically capable of producing a very wide variety of agricultural commodities without significant limiting problems, economic viability is quite a different matter.

To address the agricultural "viability" of prime lands around the periphery of urban areas, these findings must address an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production to determine economic feasibility.

The Report provides an analysis of gross revenue and operation expenses for three crop types, including avocados, lemons, and general ornamental container-grown plants. The Report indicates that the rates of return on invested capital are currently very low, even for high-income specialty crops grown in the Carpinteria Valley. The Report concludes that rates of return on invested capital need to be at least 10% and preferably greater than 12%. For long range orchard crops, the rates of return have to be 12 – 15% per year. For container-grown plants, the expected minimum rate of return is 10%. Based upon the cost and income tables presented in (Exhibit 14, Tables 2, 3, and 4) the Report states that:

... the following rates of return on invested equity can be suggested as representative for the area:

Avocados	2.1 %
Lemons	4.0 %
General Ornamental Container-Grown	3.0%

These rates are well below expected and necessary returns for favorable economic feasibility.

It is important to point out that these figures, however, are calculated contrary to the analysis required in Section 30241.5 (a) (2) which requires that debt for land costs be excluded when analyzing operational expenses. Excluding debt for land costs, the figures provided in the Report (Exhibit 14, Tables 2, 3, and 4) for rates of return on gross revenue are actually as follows:

Avocados	12.17 %
Lemons	14.85 %
General Ornamental Container-Grown	5.1%

Under Coastal Act Section 30241.5, an economic feasibility analysis for agriculture requires subtraction of operational expenses from gross revenue, excluding the cost of land. The result appears to be the rates of return on gross revenue provided in the Report ranging from 5.1% to 14.86%.

In addition, it is important to note that the figures identified for the General Ornamental Container-Grown products do not reflect the actual rates of return for the subject site, Norman's Nursery. No independently audited figures on actual rates of return (based on an analysis of gross revenue and operational expenses) over the past five years specifically for Norman's Nursery were provided by the City or the property owner.

The report concludes that the Norman's Nursery property is not economically feasible for agriculture by stating:

*A very wide range of agricultural crops could be physically grown on this excellent prime soil parcel. But due to its high land values, high production costs, and numerous conflicts and limitations, only several crops were considered possibly viable – avocados, lemons, and container-grown ornamentals – and their rates of returns are too low for the risks involved. For these reasons, I would judge that this Norman's Nursery parcel is not economically feasible for agriculture.*

In an effort to review the above Report, staff contacted a number of individuals and companies familiar with agricultural issues to request an independent review and comment regarding the above Report. First, staff contacted the Santa Barbara County Agricultural Commissioner's Office. William Gillette, Agricultural Commissioner reviewed the Report and responded in a letter dated December 7, 1998 that the methodology used by the author appears to be correct and the limitations on the use of the data is accurately described by the author. However, Mr. Gillette did correct one of the important statements made in the report regarding the expansion of agricultural plantings or facilities by stating:

*On page 6, the author states that "current growers in the Valley are not expanding their plantings or facilities". We know of several greenhouse/cut flower growers who have expanded their operations in the last few years.*

On December 14, 1998, Mr. Gillette further clarified in an email message that Brand Flowers and Ocean Breeze International have or are in the process of expanding agricultural operations in the Carpinteria Area. One of these businesses purchased KM Nursery property which the submitted Report indicated had gone out of business and closed according to Mr. Gillette.

Mr. Gillette declined to make any judgements on the issue of agricultural viability. However, the important issue noted by Mr. Gillette was that agricultural operations consisting of greenhouse/cut flowers growers were expanding. It appears that some agricultural operations must be somewhat profitable to finance expansion of operations in the Carpinteria Valley.

Staff contacted Paul Forrest, Vice President and Agricultural Loan Officer for Santa Barbara Bank and Trust in Santa Maria and requested any comments on the Agricultural Feasibility Report. Mr. Forrest stated that he believed that additional agricultural crops should be considered. These crops include strawberries, which could

be grown in the Class I soils and marketed through direct farm-to-consumer sales due to the site's location on a highway frontage road (Via Real parallels Highway 101). A second crop could be vine-ripened hydroponic tomatoes grown in a 25 acre greenhouse.

Mr. Forrest also noted that the production costs provided in the Agricultural Feasibility Report are from low yield, high cost producers by stating that:

*I would add some different production costs for Sections IV and V: Our surveys indicate that for profitable enterprises in the Santa Barbara area Avocado yields range from 2.0 to 5.5 tons/acre with total costs (preharvest, plus harvest plus overhead) ranging from \$2,200 to \$2,920/acre, for a breakeven position of \$530 to \$1,100/ton. The figures cited in the Goodall study are from low yield, high cost producers. Our Lemon figures are for yields ranging from 12 to 19 tons/acre, with total costs of \$3,400 to \$4,050/acre and a breakeven range of \$215 to \$275/ton. Again, the figures cited in the study are from high-cost producers.*

Mr. Forrest concluded that:

*I will comment only briefly on the various rates of return cited. These vary widely from one operation to another and have a lot to do with how the "books are cooked", particularly how assets are carried and their declared valuation. Generally, if all costs of production, including overhead (which also includes return to management and debt service), are met by the gross income then the enterprise is profitable and viable. **The rates of return cited are positive, which is the main issue, and are entirely acceptable.** Given the potential for higher yields or lower costs, they could be even better. (emphasis added)*

A review of the Agricultural Feasibility Report conclusions reveal that the figures provided may understate the potential for crop production yields while overstating the operational costs. Although the rates of return provided in the Report may be low as a result, most importantly the rates are positive as noted in the submitted Agricultural Feasibility Report. Therefore, the three possible agricultural operations (avocado and lemon orchards, and general ornamental container-grown plants) analyzed in the Report indicate that the rate of return on crop revenue (excluding the costs of land consistent with Coastal Act Section 30241.5(a)(2)) are profitable ranging from 5.1 % to 14.85 % per year. Thus, continued agricultural use is economically feasible and therefore viable on the subject site.

Lastly, City staff provided a review of existing LCP Policy 8-2 concluding that any conflicts between the nursery operation and the adjacent mobile home park are not significant enough to hinder continuing use of agricultural use. A letter, dated February 23, 1998, from Fred Goodrich, Principal Planner with the City's Community Development Department, states:

*While it is believed that the conversion of the site to residential use conforms to the standards of number 2, 3, and 5 of Policy 8-2, the conversion may not meet the test of numbers 1 and 4.*

*Considering number 1, the continued agricultural use is already impaired by existing conflicts due to the dense residential use to the west. This conflict is due to the nature of the nursery operation and the proximity of the mobilehome sites to the property line. However, the coexistence of these two uses, and the lack of formal complaints, implies the conflict is not great enough to hinder continuing the current use of the land. Since the property is currently used for a potted-plant nursery, it would be considered one of the "alternative agricultural uses" described in number 4. Thus, the amendment does not conform to existing Policy 8-2.*

The tests provided in LCP Policy 8-2 are: 1) "the agricultural use of the land is severely impaired because of non-prime soils, topographical constraints, or urban conflicts;" and 2) "the parcel could not be maintained in productive use through the use of greenhouses or alternative agricultural uses" such as the existing nursery.

Therefore, the viability of agricultural use, including the existing general ornamental container-grown nursery and the other agricultural land uses noted above, is not severely limited by conflicts of urban uses. The proposed Amendment does not meet this aspect of Section 30241(b) and Section 30241.5 of the Coastal Act.

The second provision of Section 30241(b) limits conversions to those lands where the conversion would "complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development." As noted above, the only residential use adjacent to the Creekwood site is a mobile home park on the west, which in turn is located adjacent to a second mobile home park further west. Carpinteria Creek separates the mobile home parks from additional residential lands to the north-west. No road access exists between the mobile home parks and the neighborhoods west of Carpinteria Creek, as Via Real deadends at the creek.

In its ~~Carpinteria Agricultural Viability and Conversion Analysis dated July 2000~~, the City states that

*While the Creekwood site may not be part of an existing neighborhood, conversion of this site to residential development would be a logical extension of urban development from the existing mobile home parks to the west...*

However, the City's plan for "above moderate income" housing on low density residential parcels does not suggest an extension of the existing medium density, low to moderate income mobile home park that currently exists. Rather it suggests the creation of a new upscale residential community in contrast to the existing mobile home park and surrounding agricultural land. The creation of a new residential area adjacent to existing agriculture would create precedent to convert additional prime agricultural lands, therefore contributing to the destabilization of the urban-rural boundary.

In conclusion, the proposed conversion of the subject site would not complete a logical and viable neighborhood and, as discussed in Section \_\_ above, would not contribute to the establishment of a stable limit to urban development. Furthermore, the site's

agricultural viability is not severely limited by conflicts with urban uses. Thus, the proposed LCP Amendment is inconsistent with the test of Section 30241(b) of the Coastal Act.

c. Conversion of Land Surrounded by Urban Uses

In order to minimize conflicts between agricultural and urban land uses, the conversion of agricultural land surrounded by urban uses is permitted where the conversion of land would be consistent with Section 30250 and otherwise comply with applicable sections of Section 30241 of the Coastal Act (Public Resources Code Section 30241(c)). Section 30250 states in part that:

- (a) *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

The subject site proposed for the conversion of agricultural land to a residential land use is not surrounded by urban uses. As noted above, urban uses are located only on two sides. Along the two other sides, the subject site is surrounded by other agricultural lands. Therefore, an analysis for consistency with Section 30250 is not necessary. Thus, the proposed conversion can not be justified under Section 30241(c).

d. Development of Lands Not Suited for Agriculture Prior to Conversion

The test of Section 30241(d) requires that available lands not suited for agriculture be developed prior to conversion of agricultural lands to minimize conflicts between agricultural and urban land uses.

Although the City is about 2.4 square miles in size and is nearly built out with various types of development, there are opportunities for development of a few vacant parcels and further intensification and redevelopment of existing developed parcels. The City's analysis of available lands (Table A of the Carpinteria Agricultural Viability and Conversion Analysis dated July 2000) indicates that approximately 489 housing units are available in the short term and 689 available in the long term to meet its identified housing need of 644 units. Conversion of the Creekwood site would add an anticipated 244 units to those totals. The total includes 50 potential units on another agricultural parcel, but does not include the 77 units proposed for the Arneson (Lagunitas) site. Adjusted to delete the units on the agricultural land, and include the Arneson units, the totals become 516 and 716 units respectively. In addition, the proposed LUP contains a provision for residential and mixed use development on commercial and industrial zoned parcels, which, as modified by Suggested Modifications 15 and 16 are consistent with Chapter Three of the Coastal Act. These provisions will allow for additional

residential development to meet Carpinteria's housing goals without the conversion of agricultural lands.

Therefore, there is currently the potential for development of up to about 716 housing units within the City on lands designated with residential and commercial land use zones. An unknown number of additional units may be developed if mixed used / residential provisions in this LUP amendment are fully certified. Therefore, the proposed conversion is not consistent with the fourth test of Section 30241, as there are available lands designated for potential residential development not suited for agricultural use.

e. Assure Non-agricultural Development Does Not Impair Agricultural Viability

Section 30241(e) imposes a policy assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. The City has noted in (its Conversion Analysis) that

*Public facilities are available to the Creekwood property, and can be provided without any extensions through agricultural areas. All utilities are available within the right-of-way of Via Real...All costs for the provision of services and facilities to the Creekwood property would be borne by the developer of the property; therefore, there would be no impact on agricultural viability due to increased assessments.*

The proposed conversion would allow development that would increase motor vehicle emissions and emissions from onsite gas utilities. The 1998 FEIR for a proposed residential development at the Creekwood site concluded that such emissions would result in significant and unavoidable impacts to air quality. Using a reference table produced by the Institute of Transportation Engineers, the FEIR estimated that the project would generate approximately 2,182 vehicle trips daily. Additional analysis is required to determine the impact of increased emissions on the agricultural viability of adjacent prime farmland.

The proposed conversion would allow development that would increase impervious surface area on the site, thus decreasing the infiltrative function and capacity of permeable land and increasing the volume and velocity of stormwater leaving the site. The proposed conversion also has the potential to degrade air quality, but additional information is needed on the impact of increased emissions on agricultural viability. For all of these reasons, the Commission cannot conclude that the proposal complies with Section 30241(e).

f. Division of Agricultural Lands

To minimize conflicts between agricultural and urban land uses, the issue of a land division is raised. This test requires that all divisions of prime agricultural lands, except

those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands (Public Resources Code Section 30241(f)). Because the proposed Land Use Map does not involve the division of prime agricultural lands, this test is not applicable. Although no residential development is proposed in this LCP Amendment, the proposed Amendment will facilitate future development of residential development. Further, the Commission has previously found that conversion to residential use will diminish the productivity of prime agricultural lands.

g. Conclusion

In conclusion, the proposed conversion and relocation of the urban-rural boundary is inconsistent with the Section 30241 of the Coastal Act for two overarching reasons. First, it does not maintain the maximum amount of prime agricultural land in agricultural production. Secondly it does not minimize conflicts between agricultural and other land uses, as it does not pass any of the applicable tests provided in Section 30241. Therefore, the Commission finds that the City's proposed Land Use Map, as submitted, is inconsistent with Section 30241 of the Coastal Act and therefore cannot be certified as submitted. In addition, no modifications to the City's submittal would render the proposed conversion consistent with Section 30241 of the Coastal Act. The Land Use Map has been modified to show the retention of an agricultural designation on the Creekwood property, and the maintenance of the urban-rural boundary along its western property line.

c. Ellinwood site

The Ellinwood site is a 3.87-acre parcel located on non-prime soils. The parcel is located within the City's Sphere of Influence, immediately adjacent to the City's northern border, and outside of the city's urban-rural boundary. The parcel is currently designated for agricultural use (AG 1-5), but is not in agricultural production. The site contains an historic single family residence and barn. The site is adjacent to condominium complexes to the south, mobile home parks to the west, an agricultural warehouse on prime agricultural land to the east, and an agricultural parcel containing a single family residence and a County water retention basin to the north.

The site contains non-prime (Class III / Storie Index 32) soils, and is currently undergoing wetland delineation. According to the City, the site's "high water table and poor drainage impaired past agricultural use of the site to the point that agricultural use was terminated." According to the owner of the site, the property contained an avocado orchard when he acquired it in 1976, but the orchard suffered from excess groundwater impounded by the construction of Highway 101 and the Southern Pacific Railway line to the south of the site. The avocado trees died in the 1978 rainstorms, and his attempt to replant the orchard in 1980 was unsuccessful, despite various attempts to recontour the

land for better drainage. (Exhibit 7; personal communication between Scott Ellinwood and Commission staff.)

One such effort is evident in the southwest portion of the site, which contains an approximately ¼ -acre pond that was artificially created approximately 22 years ago. According to a February 28, 2002 report by David Swenk of CF Development Review North, the pond supported obligate wetland species, including cattail (*Typha ssp.*), rush (*Juncus ssp.*) and water weed (*Ludwigia ssp.*), prior to the unpermitted grading of its banks earlier this year (Exhibit 7). According to the owner of the parcel, great blue herons, other birds, and "tree frogs" frequented the pond (personal communication). The unpermitted grading was discovered by Santa Barbara County planning staff, who visited the site as part of their review of a permit application to fill the pond. Commission staff have consulted with the County and the County is pursuing enforcement regarding the unpermitted grading.

The CF Development Review North report cited above also indicates that the pond area contains hydrophytic soils and wetland hydrology, including a perched water table that is fed by groundwater. According to the owner, the pond is filled with water year round. The report concluded that

*It appears there is evidence the ponded feature had a good probability of meeting the three criteria of a wetland as afforded in the Cowardin definition before the grading took place.*

Section 30121 of the Coastal Act states

*"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*

In addition, Section 13577 of the California Code of Regulations states:

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

The pond on the Ellinwood site meets the Coastal Act definition of a wetland, and therefore must be accorded all the protections provided to wetlands, which are environmentally sensitive habitat areas. The Ellinwood property is currently undergoing wetland delineation and additional areas of the site may also be included within the wetland limit.



### **iii. Chapter Three Consistency**

#### **Effect of the proposed amendment on agriculture**

The proposed amendment would result in the conversion of 3.87 acres of agriculturally designated lands to medium-density residential use. The site of the proposed conversion contains a wetland and has not been used for agriculture since 1978.

#### **Prime agricultural land determination**

As noted above, the Coastal Act defines prime agricultural land by four criteria, any of which qualifies the parcel as prime. The first and second tests require Class I or II soils, and a Storie Rating Index between 80 and 100. The Ellinwood site contains non-prime (Class III) soils and a Storie Rating Index of 32. The third test requires the ability to support one livestock animal unit per acre. The Ellinwood site is poorly drained and contains a wetland and is thus unsuitable for livestock production. The fourth test requires land planted with fruit-bearing trees and other crops to return not less than \$200 per acre annually. The Ellinwood site contains a few remnant avocado trees, but has not been in production for approximately 25 years. The Ellinwood site does not meet any of the four criteria for prime agricultural lands, and is thus defined as non-prime agricultural land under the Coastal Act.

#### **Consistency with Section 30241 of the Coastal Act**

Although the site does not contain prime soils, several provisions of Section 30241 and apply to all agricultural lands. Section 30241 requires that conflicts be minimized between agricultural and urban land uses, and provides six tests for determining whether proposals meet that requirement. All of these tests, when applicable, must be met in order for the proposal to be approved.

Each of the six tests required by Section 30241 will be reviewed separately.

##### **a. Establishing Stable Boundaries between Rural and Urban Land Uses**

As noted above, the proposed Land Use Map converts a 3.87-acre agricultural parcel to medium-density residential use. The initial question under Section 30241(a) is whether the proposed Land Use Map would establish a stable boundary between urban and rural uses. Pertinent to this question is whether a stable boundary currently exists between the Ellinwood site and surrounding urban land uses. A secondary question is whether a buffer area is necessary to minimize conflicts between the site and adjacent urban land uses, and, if so, whether an adequate buffer exists.

The subject site is surrounded by condominium complexes to the south, mobile home parks to the west, an agricultural warehouse on prime agricultural land to the east, and

an agricultural parcel containing a single family residence and a County water retention basin to the north. A lane that provides access to the agricultural warehouse separates the site from the condominiums to the south, and Cravens Lane separates the site from the mobile home parks to the west. A drainage channel separates the site from the agricultural warehouse to the east.

Conversion of the Ellinwood property would extend the medium density residential land use found south of the site further into an agricultural area. This further encroachment would increase the potential for conflicts with adjacent agricultural operations, including adjacent prime agricultural land, and would encourage further expansion of medium density residential use. In particular, conversion of the Ellinwood site would encourage conversion of the agricultural parcel to the north, which, like Ellinwood, is not in agricultural use. The Santa Barbara County Flood Control District is currently constructing a siltation basin on the eastern half of this property (Local Permit No. 98-CP-091; Commission File No. 4-STB-01-022); however, the approximately one acre on the western half of the property is potentially available for intensified residential use. The northern portion of this parcel contains prime soils. Should this parcel also be converted, approximately 23 acres of (at least partly) prime agricultural land to the east would be effectively sandwiched by adjacent residential uses and rendered more vulnerable to conversion pressure. Conversion of the Ellinwood parcel would not establish a stable boundary between urban and rural areas. It would destabilize the current urban-rural boundary, (which has been in effect since certification of the LCP in 1980) by creating a precedent for further medium-density residential expansion in the area.

Similarly, the conversion of the Ellinwood parcel would not create a buffer between the medium density residential uses to the south and west and the agricultural uses to the north and east. Under its present use, the Ellinwood parcel, and the parcel immediately to the north, provide a low intensity transition between these two uses. Conversion of the Ellinwood parcel to medium density use would eliminate this buffer and thus increase the potential for urban-rural conflicts. Therefore, the proposed conversion does not meet the requirements of Section 30241(a) of the Coastal Act.

As revised by Suggested Modification 6, which applies a rural residential designation to the Ellinwood parcel, the proposed conversion is consistent with Section 30241(a). A rural residential designation would continue, with minimal intensification, the effective use of the property that has been stable for the past 25 years. This use has provided a low intensity transition between agricultural and medium density residential uses that has helped minimize conflicts. A rural residential designation would also maintain the urban-rural limit line. Therefore, the conversion of the Ellinwood parcel to rural residential use is consistent with Section 30241(a).

b. Agricultural Viability and Neighborhood Completion

In order to meet the test for conversion of land around the periphery of urban areas under Section 30241 (b) of the Coastal Act, the amendment must meet one of two tests to minimize conflicts between agricultural and urban land uses. This test is applicable since the subject property is adjacent to an urban area located to the west and south.

To satisfy this test, the viability of agricultural use must already be "severely limited by conflicts with urban uses". The second situation when conversion of land on the periphery of an urban area may be appropriate is when the "conversion of lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development".

The first test is whether or not the viability of agricultural use is already severely limited by conflicts with urban uses. As noted above, in connection with Section 30241(a), no significant conflicts between the subject agricultural land use and the surrounding urban land uses on two sides have been documented. However, this may be due to the fact that no agricultural use is occurring. Nevertheless, there is no evidence that conflicts with urban uses would severely limit viability of any agricultural use that were to occur.

The second test is whether or not conversion would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. As noted above, the subject site is surrounded by condominium complexes to the south, mobile home parks to the west, an agricultural warehouse on prime agricultural land to the east, and an agricultural parcel containing a single family residence and a County water retention basin to the north. The surrounding land uses are disparate and do not constitute a residential neighborhood. The mobile home parks and the condominium development are self-contained, inward-oriented complexes that are separated by Cravens Lane. The agricultural warehouse is linked to adjacent parcels to the north and east that are under the same ownership and that contain greenhouses and other agricultural buildings as well as open-field agriculture. The parcel to the north, like the Ellinwood parcel, is designated for agricultural use but is not currently under agricultural use.

Conversion of the Ellinwood parcel to medium-density residential use would extend the land use found south of the site, but would not complete a logical neighborhood or provide a stable limit to urban development. Rather, it would destabilize the urban limit line and increase the potential for compatibility issues with adjacent agricultural operations. In addition, the viability of agricultural use on the site is not severely limited by conflicts with urban uses. Therefore, the proposed conversion does not meet the requirements of Section 30241(b) of the Coastal Act.

As revised by Suggested Modification 6, which applies a rural residential designation to the Ellinwood parcel, the proposed conversion is consistent with Section 30241(b). A rural residential designation would stabilize, with minimal intensification, the effective use of the property that has remained constant for the past 25 years. This use has

provided a low intensity transition between agricultural and medium density residential uses that has helped ~~minimize conflicts and development pressure. A rural~~ residential designation would provide a ~~stable limit to urban development~~ and a necessary transition zone within a neighborhood consisting of multiple uses. Therefore, the conversion of the Ellinwood parcel to rural residential use is consistent with Section 30241(b).

c. Conversion of Land Surrounded by Urban Uses

The subject site is surrounded by condominium complexes to the south, mobile home parks to the west, an agricultural warehouse on prime agricultural land to the east, and an agricultural parcel containing a single family residence and a County water retention basin to the north. The site is not surrounded by urban uses, therefore this test does not apply.

d. Development of Lands Not Suited for Agriculture Prior to Conversion

Section 30241(d) requires that available lands not suited for agriculture be developed prior to conversion of agricultural lands. The Ellinwood site itself is no longer suited for agricultural use.

As noted above, the Ellinwood parcel contains a wetland. The wetland is a result of a high water table and poorly drained soils, both of which render agricultural use problematic. The wetland is located in the southwest quadrant of the property, and is at least ¼ acre in area. Both the current and proposed LUP require a minimum 100 foot buffer strip to be maintained along the upper limit of a wetland. The wetland and required buffer strip will ~~cover an area of at least 1 ½ acres. Furthermore, a mature oak tree is located in the northeast corner of the remaining acreage, and must be protected under existing and proposed LUP policies, pursuant to Section 30240, which protects rare and valuable species.~~ Therefore, the maximum area available for agricultural production would be an irregularly shaped area totaling approximately two acres.

These two acres would be subject not only to a high water table, but to controls on the use of chemicals and fertilizers. Policy OSC-3b prohibits development adjacent to a wetland buffer from resulting in adverse impacts to the wetland including sediment, runoff, chemical and fertilizer contamination. Even organic agriculture would be limited in its use of natural fertilizers and non-toxic pest control substances. Given the small size of the available arable land, and the increased operational constraints due to the proximity of the wetland, agriculture is not feasible on the Ellinwood parcel. Therefore, the conversion of the Ellinwood parcel from agricultural use is consistent with the requirements of Section 30241(d).

e. Assure Non-agricultural Development Does Not Impair Agricultural Viability

Section 30241(e) imposes a policy assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. Given the availability of services and relatively small size of the parcel, it does not appear that conversion to residential use would conflict with Section 30241(e).

f. Division of Agricultural Lands

This test requires that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands. Because the proposed conversion does not involve the division of prime agricultural lands, the first part of this test is not applicable.

The Ellinwood site is adjacent to prime agricultural land and thus the second part of this test is applicable. The adjacent parcel to the east, which contains an agricultural warehouse, is located on Class II soils classified as Elder Sandy Loam (EaA) which has a Storie Index rating of 86. Thus the adjacent parcel to the east is defined as prime agricultural land under the Coastal Act.

As noted in Section a. above, conversion of the Ellinwood property would extend the medium density residential land use found south of the site further into an agricultural area. Additional residential units would increase the potential for conflicts with adjacent prime agricultural land, and would encourage further expansion of residential use. In particular, conversion of the Ellinwood site would encourage conversion of the agricultural parcel to the north, which, like Ellinwood, is non-prime land (primarily) that is not in agricultural use. A siltation basin is under construction on the eastern half of this property; however, approximately one acre in the western half of the property is potentially available for intensified residential use. Should this parcel also be converted, approximately 23 acres of prime agricultural land to the east would be effectively sandwiched by adjacent residential uses. Conversion of the Ellinwood parcel to medium-density residential use could lead to proposals to convert these parcels, and increased conflicts, thus diminishing the productivity of adjacent prime agricultural lands. Therefore, the proposed conversion does not meet the requirements of Section 30241(f) of the Coastal Act.

As revised by Suggested Modification 6, which applies a rural residential designation to the Ellinwood parcel, the proposed conversion is consistent with Section 30241(f). A rural residential designation would not diminish the productivity of adjacent prime agricultural lands, but rather would provide a transitional use that would buffer adjacent agricultural operations from both development pressure and potential conflicts with higher density residential uses. A rural residential designation would stabilize the urban-rural limit line, further reducing the impetus to convert prime agricultural land to urban

uses. Therefore, the conversion of the Ellinwood parcel to rural residential use is consistent with Section 30241(f).

In summary, the proposed conversion of the Ellinwood property from agricultural to medium-density residential use passes only one of four applicable tests provided in Section 30241. Therefore, the proposed conversion is inconsistent with Section 30241 of the Coastal Act because it does not adequately minimize conflicts between agricultural and other land uses. Accordingly, Suggested Modification 6 replaces the proposed medium-density residential designation with a rural residential designation. As modified by Suggested Modification 6, the proposed conversion is consistent with all applicable requirements of Section 30241.

### iii. Consistency with Section 30242

Section 30242 allows conversion of lands suitable for agriculture if such conversion is compatible with continued agricultural use of surrounding lands, and if either 1) agriculture is not feasible on the site, 2) if the conversion would preserve prime agricultural land, or 3) if the conversion concentrates development consistent with Section 30250. Thus under Section 30242 proposals for conversion must meet one of three tests, as well as the requirement that the conversion be compatible with continued agricultural use of surrounding lands.

As noted in the context of Section 30241(a) above, conversion of the Ellinwood property to medium-density residential use would not be compatible with existing agricultural uses because it would extend the medium density residential land use found south of the site further into an agricultural area. This further encroachment would increase the potential for conflicts with adjacent agricultural operations, including adjacent prime agricultural land, and would encourage further expansion of medium density residential use. Thus the proposed conversion is inconsistent with the continued agricultural use of surrounding lands.

As revised by Suggested Modification 6, which applies a rural residential designation to the Ellinwood parcel, the proposed conversion is consistent with Section 30242. The conversion of the Ellinwood property to rural residential use would be compatible with existing agricultural uses. A rural residential designation would continue, with minimal intensification, the effective use of the property that has been compatible for the past 25 years. Furthermore, a rural residential designation would maintain the low intensity transition between agricultural and medium density residential uses that currently serves to minimize conflicts. Therefore, the conversion of the Ellinwood parcel to rural residential use is consistent with the continued agricultural use of surrounding lands.

As noted above, the Ellinwood parcel contains a wetland. The wetland is a result of a high water table and poorly drained soils, both of which render agricultural use problematic. The wetland is located in the southwest quadrant of the property, and is at least ¼ acre in area. Both the current and proposed LUP require a minimum 100 foot

buffer strip to be maintained along the upper limit of a wetland. The wetland and required buffer strip will cover an area of at least 1 ½ acres. Furthermore, a mature oak tree is located in the northeast corner of the remaining acreage, and must be protected under existing and proposed LUP policies, pursuant to Section 30240, which protects rare and valuable species. Therefore, the maximum area available for agricultural production would be an irregularly shaped area totaling approximately two acres.

These two acres would be subject not only to a high water table, but to controls on the use of chemicals and fertilizers. Policy OSC-3b prohibits development adjacent to a wetland buffer from resulting in adverse impacts to the wetland including sediment, runoff, chemical and fertilizer contamination. Even organic agriculture would be limited in its use of natural fertilizers and non-toxic pest control substances. Given the small size of the available arable land, and the increased operational constraints due to the proximity of the wetland, agriculture is not feasible on the Ellinwood parcel. Therefore, the conversion of the Ellinwood parcel from agricultural use is consistent with the second test of Section 30242.

In summary, conversion of the Ellinwood parcel from agricultural to rural residential use meets the requirements of Section 30242, which allows conversion of agricultural properties when agriculture is no longer feasible, and when such conversion is compatible with continued agricultural use of adjacent lands. Conversion of the Ellinwood parcel from agricultural to medium density residential use is inconsistent with Section 30242, because medium-density use is not compatible with the continued agricultural use of adjacent lands.

#### **iv. Consistency with Chapter Three wetland policies**

Because the project site contains a wetland, the proposed land use designation must also be evaluated for consistency with the wetlands provisions of the Coastal Act, including Sections 30231, 30233 and 30240.

Section 30231 of the Coastal Act states

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

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

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this*

*division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision(b) of Section 30411, for boating facilities....*
- ....*
- (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) Mineral extraction, including sand for beaches, except in environmentally sensitive areas.*
- (7) Restoration purposes.*
- (8) Nature study, aquaculture, or similar resource dependent activities.*
- .....*

**Section 30240 of the Coastal Act states**

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The proposed conversion of the Ellinwood property to medium density residential use is inconsistent with the wetland protection policies of the Coastal Act. Under a medium density residential designation, up to 20 residential units per acre could be built on the 3.87-acre parcel.

New development and redevelopment have the potential to adversely impact coastal water quality, and thus the quality of wetlands, through the removal of native vegetation, alteration of natural drainage systems, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources.



An increase in impervious surfaces decreases the infiltrative function and capacity of existing permeable land on project sites. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff and an attendant increase in erosion and sedimentation of adjacent water bodies. Furthermore, when infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean and groundwater levels are reduced. Thus, new development can cause cumulative impacts, such as increased sedimentation, increased concentrations of pollutants, and reduced groundwater levels.

Pollutants commonly found in runoff associated with new development include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts that reduce the biological productivity and the quality of wetlands.

The proposed conversion of the Ellinwood property to medium density residential use would allow such impacts to be concentrated on the site in a manner inconsistent with the wetland protection policies of the Coastal Act. Section 30240(b) requires adjacent development to minimize impacts to wetlands (and other ESHA). As noted above, Policy OSC-3b prohibits development adjacent to a wetland buffer from resulting in adverse impacts to the wetland including sediment, runoff, chemical and fertilizer contamination, consistent with Section 30240(b).

Development on the Ellinwood site is also constrained by other Chapter Three provisions. Section 30233 does not allow the filling of wetlands for residential development. Section 30231 requires the quality of coastal wetlands to be maintained, and this has been interpreted in the LUP to require a minimum 100 foot buffer strip to be maintained around the upper limits of wetlands. Furthermore, a mature oak tree is located in the northeast corner of the remaining acreage, and must be protected under existing and proposed LUP policies, pursuant to Section 30240, which protects rare and valuable species. Therefore, the maximum developable area on the Ellinwood site would be an irregularly shaped area totaling approximately two acres.

Under a rural residential designation, as applied by Suggested Modification 6, one to three residential units would be allowed, thus reducing potential impacts to the wetlands on the site. This designation would reflect the current use of the site, and, if found to be adequately protective of sensitive habitat, allow for two additional residences to be built. Rural residential is a more feasible and consistent use of the property under the provisions of Chapter Three of the Coastal Act.

Therefore, for all of the reasons stated above, the proposed conversion of the Ellinwood site is only consistent with Chapter Three of the Coastal Act as modified by Suggested Modification 6.

**d. East Valley School site**

The East Valley School site consists of two parcels on approximately seven acres of non-prime soils. The site is located north of the city limits and the urban-rural boundary and within the City's Sphere of Influence. The site is designated for low density residential use (3 acres per dwelling unit) in the Santa Barbara County LCP. The proposed land use map changes the land use designation on the East Valley School site from low density residential (3 acres per dwelling unit) to public facility. The East Valley School site remains outside of the urban-rural boundary in the proposed land use map.

The East Valley School site contains two single family residences and a disked field. The site has Class III soils and was used for agriculture from prior to 1938 until its purchase by the school district.

The site is located adjacent to multi-family residences to the south, a city park and agricultural operations to the east, and agricultural operations to the north and west. Agricultural operations immediately adjacent to the site include an orchid greenhouse to the west, an avocado orchard on Class I farmland to the north, and mixed orchard and field crops (including avocados, cherimoya, squash, and corn seed) to the east. Agricultural operations within 500 feet of the site include avocado orchards to the west and northwest, and a flower greenhouse, open fields, and orchards to the north.

**i. Consistency with Section 30242**

Section 30242 allows conversion of lands suitable for agriculture if such conversion is compatible with continued agricultural use of surrounding lands, and if either 1) agriculture is not feasible on the site, 2) if the conversion would preserve prime agricultural land, or 3) if the conversion concentrates development consistent with Section 30250. Thus under Section 30242 proposals for conversion must meet one of three tests, as well as the requirement that the conversion be compatible with continued agricultural use of surrounding lands.

**Compatibility**

As noted above, the East Valley School site is located adjacent to active agricultural operations. Agricultural operations immediately adjacent to the site include an orchid greenhouse to the west, an avocado orchard on Class I farmland to the north, and mixed orchard and field crops (including avocados, cherimoya, squash, and corn seed) to the east. Agricultural operations within 500 feet of the site include, in addition to those listed above, avocado orchards to the west and northwest, and a flower greenhouse, open fields, and orchards to the north.

Recent pesticide use on surrounding properties consists of ground application of unrestricted pesticides, with the exception of the mixed field crop and orchard operation immediately to the east of the subject site. Agricultural Commission records indicate that the avocado orchards on that site were subject to aerial application of a restricted pesticide ("Success") twice in 2000, and once in 2001. The operator has indicated his intention to spray the site again in 2002.

Under authority from the California Department of Food and Agriculture, the Santa Barbara Office of the Agricultural Commissioner (SBOAC) regulates pesticide use in Carpinteria. The SBOAC limits the use of restricted pesticides, such as Success, in the vicinity of schools. These restrictions are applied on a case-by-case basis, but the SBOAC provides the following example of a typical restriction on its "Application Restrictions" notice form:

*For example: "Do not apply restricted pesticides by ground, within 500 feet of the school, when there are children present at the school. Do not apply restricted pesticides by air, within 750 feet of the school, when there are children present at the school. Do not apply pesticides by air, within 200 feet of the school at any time." The timing and method of the application may need to be altered to optimize your pest control.*

The form notes:

*Buffer zones are measured from the subject that is being protected. For example: "Leave a 200 foot buffer from the residential areas on the east side of Ranch 01." The 200 feet is measured from the property line of the residential area. No aerial applications of restricted materials may be made within this 200 foot buffer zone.*

The SBOAC also provided Commission staff with specific permit conditions that have been required for "Agri-mek" (an analogue of "Success") which is used to control thrips in avocado orchards. These conditions state (in relevant part)

*Do not apply Agri-mek by air within 500 feet of a school when children are present and within 200 feet of a school at any time. Do not apply Agri-mek by air within 200 feet of any occupied residence.*

In addition, both forms emphasize that

*Regardless of the existence of the buffer zone, there shall be no drift to non-target areas.*

The proposed conversion would allow construction of an elementary school on the East Valley School site. The elementary school would activate increased restrictions on use of restricted pesticides by adjacent agricultural operations. Adjacent avocado growers applying Agri-mek by aircraft would be subject to an additional 300 foot setback from the property lines of the school site during weekday hours. Adjacent growers using other restricted pesticides may be subject to an additional 550 foot

setback. These setbacks begin at the property lines of the school site, and are therefore are not mitigable on the school property.

In rare cases, non-restricted pesticides may also be regulated by the Office of the Agricultural Commissioner (OAC). One such case occurred in November 2000 in Ventura County, on an orchard adjacent to Mound Elementary School. The orchard operators allowed a non-restricted pesticide, Lorsban, to drift onto the school site, which caused children and teachers to become ill. Following outcry from the school community and the general public, the Ventura County OAC fined the growers and prohibited them from applying Lorsban with a "speed sprayer" adjacent to the school.

The Mound Elementary School case also prompted the introduction of stricter legislation on pesticide use near schools. The proposed legislation (AB 947), introduced last year and passed by the State Assembly, would strengthen the ability of agricultural commissioners to regulate all pesticide applications near schools, and quintuple the fine for violations of those restrictions. While the bill has not yet become law, increased restrictions on pesticide use near schools may be forthcoming. A related act (the Healthy Schools Act) that restricts the use of pesticides on school grounds was passed in 2000. These developments reflect a growing public awareness of the vulnerability of young children to pesticides, as well as an increased vigilance against pesticide use on or adjacent to school grounds.

Children are especially susceptible to pesticide exposure. Several factors increase the vulnerability of children, including greater cell division rates, immature reproductive, immune, and nervous systems, higher respiratory rates, and more skin surface area for their size than adults. The National Research Council of the National Academy of Sciences has also found that children are more susceptible than adults to long-term, low-level exposures to some pesticides. The California Medical Association and the American Academy of Pediatrics, District IX have passed a resolution for reduction of pesticide use at schools. In addition, the U.S. EPA has begun testing pesticides for their effects on children.

Construction of an elementary school on the subject site would increase regulatory restrictions and public sensitivity to agricultural practices on adjacent agricultural parcels. Unless provisions are made to control impacts to adjacent agriculture, the proposed conversion, which is intended to allow construction of the elementary school, is inconsistent with the requirements of Section 30242 requiring conversions to be compatible with continued agricultural use on surrounding lands.

Therefore, Suggested Modification 12 adds a policy requiring that approval of any development on a parcel which is designated Public Facility (PF) and is located adjacent to the City's Urban/Rural limit line ("development") shall be contingent upon the City's making a finding that the development is compatible with any agricultural operations on adjacent property.

As a pre-condition to making such finding, an operation management plan for the parcel for which development is proposed must be approved by the City, and formally agreed to by the parcel owner proposing the development and the owners of any agricultural parcel within 500 feet of the property line of the parcel for which development is proposed. The plan must include provisions to ensure that the agricultural operation is not constrained by the adjacent development to the extent that its viability is threatened. The plan must also require the owner of the property for which development is proposed to acknowledge potential adverse effects (such as dust, odors, pesticides, and noise) arising from adjacent agricultural operations and agree to hold harmless adjacent agricultural owners and operators.

With the addition of this policy, the proposed conversion of the East Valley School site to a Public Facility designation is compatible with adjacent agricultural uses, and therefore meets the first test of Section 30242.

#### Concentration of development

In order to be fully consistent with Section 30242, the proposed conversion must also meet one of three secondary tests provided. In accordance with the third test offered in Section 30242, the proposed conversion concentrates development consistent with Section 30250 of the Coastal Act.

Section 30250 states, in relevant part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, wither individually or cumulatively, on coastal resources....*

The East Valley School site is located immediately north of a medium-density residential area, and public service and facilities are already available at the site. The Final EIR for the East Valley Elementary School concluded that no significant, unavoidable impacts would result from the project. Provided that the operation management agreements are implemented, as discussed above, and measures are taken to protect other coastal resources, development of the site could be accomplished without significant adverse effects on coastal resources.

In summary, the proposed conversion, subject to the requirements of Suggested Modification 12, meets the required two tests provided in Section 30242 and is therefore consistent with the Chapter Three Policies of the Coastal Act.

## **2. Visitor Serving Commercial Designation**

Carpinteria is a small beach-oriented community with over a mile of public beach that attracts visitors from throughout the state. Visitor-serving facilities include the Carpinteria State Beach, the Carpinteria City Beach, Tar Pits Park, and the recently acquired Carpinteria Bluffs Nature Park. Visitor-serving accommodations include 228 campsites at the State Beach, and seven hotels and motels offering a total of approximately 560 rooms.

The existing Land Use Plan includes two designations for visitor-serving uses. The Visitor Serving / Highway Commercial (V) designation is defined as follows:

*The intent of this designation is to provide for those uses which serve the highway traveler or visitors to the City. Such uses may also serve local residents and include hotels, motels, restaurants, service stations, and retail commercial enterprises which serve both the needs of the visitor and the local community. When this designation is applied to the entire parcel(s), it signifies that visitor-serving and/or highway commercial uses will be the principal permitted uses, with all other structures or development incidental or accessory to such uses.*

The definition also provides for a combined Visitor Serving / Highway Commercial (V) and General Commercial (C) designation. The "C & V" designation is defined as follows:

*When used in combination with the General Commercial land use designation, the intent of the Visitor Serving / Highway Commercial designation is to identify those areas in which visitor-serving and/or highway commercial uses will be given priority over other commercial uses, if possible, but will not necessarily be required as the principal permitted use.*

The existing Land Use Map designates the approximately 25-acre parcel known as "Bluffs III" for Visitor-serving Commercial (V) use. It designates approximately 80 acres for joint Visitor-serving and General Commercial (C & V) use. The C & V parcels are located in the central and western parts of town, which can be divided into four areas: Area 1, north of Highway 101 at the west end of town; Area 2, south of Highway 101 on the west end of town; Area 3, north of Carpinteria Avenue, and west of Franklin Creek; and Area 4, fronting Linden Avenue between the railroad tracks and Carpinteria Avenue; and Area 5, east of Franklin Creek, along Carpinteria Avenue and Casitas Pass Road (Figure 1).

The proposed Land Use Map eliminates the Visitor Serving Commercial land use designation. Parcels currently designated as Visitor-serving Commercial (V) are designated General Commercial, and in some cases, Residential, on the proposed Land Use Map.

The proposed LUP does make other provision for visitor-serving development. Policy LU-5 requires the City to "maintain availability of visitor-serving commercial development." Policy LU-5c prohibits the removal or conversion of existing visitor-

serving development. Policy LU5, IM 1 provides for a visitor-serving zone district to apply to all commercially designated parcels with frontage on Linden Avenue (from the Railroad to Carpinteria Avenue) or Carpinteria Avenue (east of Franklin Creek). The zone district is defined as follows:

*A visitor serving zone district shall be maintained...with the purpose of providing adequate opportunity for commercial development that will serve visitors to the city as well as local residents. The intent is to provide a mechanism for requiring accommodations where feasible to serve visitors to the coast and assure that such uses are appropriately integrated with the balance of uses in the city and with the specific area where the development is proposed...*

However, a policy to maintain a visitor serving zone district does not substitute for a visitor-serving land use designation. Land use designations define the kinds, size, intensity, and location of development, and serve as the fundamental basis for all planning decisions. Land use designations, and accompanying land use maps, are a primary component of the Land Use Plan portion of Local Coastal Programs (LCPs), and serve to indicate adequate provision of lands for coastal priority uses. Visitor-serving commercial is a priority land use under Section 30222 of the Coastal Act.

### **Applicable Chapter Three Policies**

Section 30222 of the Coastal Act states

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

In addition, Section 30213 of the Coastal Act states, in relevant part

*Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided.*

### **Chapter Three Consistency**

The proposed LUP, by eliminating the visitor-serving designation, does not provide sufficient information on the kinds, size, intensity, and location of visitor-serving uses to allow review for conformity with the requirements of Sections 30222 and 30213 of the Coastal Act. Furthermore, the elimination of the V designation and the redesignation of V and C & V parcels as GC (General Commercial) and R (Residential) is inconsistent with Section 30222 which prioritizes visitor-serving commercial uses over general commercial and residential uses.

Suggested Modification 5 restores the V designation and defines it to include uses, such as hotels, motels, restaurants, ~~service stations, and retail businesses~~ that serve both visitors and the local community. Suggested Modification 6 applies the V designation to all parcels previously designated as C & V with frontage on Linden Avenue; to all parcels previously designated as C or C & V, with frontage on Carpinteria Avenue west of Franklin Creek and east of Palm Avenue; to all parcels that contain existing motels; and to the Bluffs III parcel adjacent to the eastern city limits.

The effect of this modification is to concentrate and increase visitor-serving commercial facilities in the downtown area, with the exception of the Bluffs III area and three parcels with existing motels in the west end of town. The downtown area, particularly Linden Avenue, provides pedestrian friendly gateway to Carpinteria and its public beaches. This modification provides for the expansion of visitor-serving uses in the downtown "T" zone.

As modified, the Land Use Map replaces the C & V designation in Area 3, with the exception of the Best Western hotel parcel, with a General Commercial designation. Similarly, it replaces the C & V designation in Areas 1 and 2, with the exception of the Sandyland Reef Inn and Motel 6 parcels, with General Commercial and Medium Density Residential designations.

The location of visitor-serving uses in Areas 1 and 2 was the subject of Local Coastal Program Amendment 1-98. Amendment 1-98 proposed a residential overlay be applied to Areas 1 and 2, in order to encourage rehabilitation of existing housing stock and to provide additional affordable housing. The staff report for the amendment stated that Areas 1 and 2 are

*....not considered the primary area for visitor serving land uses in the City. This conclusion is evidenced by a large number of existing residences throughout the subject area.*

The amendment was found consistent with Chapter 3, with the modification that the overlay would not apply to parcels containing existing visitor serving land uses, specifically the Sandyland Reef Inn and Motel 6 parcels. The amendment was approved by the Commission in October 1998. Area 3 is also outside the main visitor-serving corridor, and contains primarily residential and general commercial uses.

In summary, the proposed Land Use Map, as modified by Suggested Modifications 5 and 6, removes a diluted visitor-serving designation from the western periphery of Carpinteria, while concentrating visitor-serving use in the area surrounding the intersection of Linden and Carpinteria Avenues, which serves as the primary visitor gateway to the city and its public beaches. The proposed Land Use Map, as modified, also applies a visitor-serving land use designation to all existing hotel sites in the city and to the Bluffs III parcel. Therefore, as modified, the Land Use Map is consistent with Chapter Three policies of the Coastal Act.



## F. LAND USE POLICIES

The Land Use Element contains global criteria and standards for all policies in the proposed LUP, as well as more specific policies applying to individual land uses. Global policies, such as LU-1, LU-1b, LU-2, LU-2b, establish Coastal Act priorities as the basis for the LUP and Policy LU-1a incorporates the policies of Sections 30210 through 30263 (Chapter Three of the Coastal Act) by reference. Policies LU-3 through LU-3n provide standards for new development. Subsequent policies concern specific land uses, including mixed use and residential use in commercial and industrial designated parcels, and visitor-serving commercial land use.

While the proposed land use policies address many requirements of Chapter Three of the Coastal Act, in order for the Land Use policies to be fully consistent with Chapter Three, several modifications and the addition of one policy are necessary. These modifications are discussed below:

### Applicable Coastal Act Policies

Sections 30220 through 30222.5 and Section 30255 establish priority land uses within the coastal zone and along the shoreline.

Section 30220 states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221 states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30222 states:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30222.5 states:

*Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses..*

Section 30223 states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible..*

Section 30255 states, in relevant part:

*Coastal-dependent developments shall have priority over other developments on or near the shoreline.*

A specific priority use, agriculture, is addressed in Section 30241, which requires conflicts to be minimized between agriculture and adjacent urban uses. Section 30241 states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

*(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Finally, several policies address or evoke issues of sensitive habitat. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) be protected from adverse impacts. Section 30240 states:

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

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

These policies form the basis for review of the consistency of the following policies with Chapter Three of the Coastal Act.

## **Consistency with Chapter Three Policies**

### **1. Effective Date of LUP Amendments**

Under the Coastal Act, a local government's Implementation Program (IP) must be adequate to carry out the provisions of the local government's Land Use Plan (LUP), which provides the standard of review for development. The City of Carpinteria's existing IP is not adequate to carry out many of the provisions of this LUP amendment. If these provisions became effective before the IP was amended, the IP would not meet its mandate under the Coastal Act to be adequate to carry out the LUP. Furthermore, the LUP and IP portions of the LCP would be inconsistent, and in certain instances it would be impossible to comply with both the amended LUP policy and the applicable IP provisions, thus making it impossible to find projects affected by inconsistent IP and LUP provisions consistent with the LCP. Therefore the effectiveness of those portions of the LUP that require IP changes must be delayed until the necessary amendments to the IP are certified.

Suggested Modification 7 adds a new policy to the LUP amendment that states that the Land Use Plan amendments listed in Exhibit 2 of this report shall not become effective until the Commission certifies amendments to the IP that are adequate to carry out the amendments.

As modified, the LUP amendment shall not become effective until necessary IP amendments are certified, thus ensuring the internal consistency of the City of Carpinteria's Local Coastal Program.

### **2. Global Policies**

The proposed Land Use Element contains global policies that provide land use and development standards and broad policy direction for the City. While these policies largely reflect Chapter Three requirements, some Suggested Modifications are necessary, as discussed below.

Policy LU-2a

Policy LU-2a, as modified, states

*Reduce the density or intensity of a particular parcel if warranted by conditions such as topography, geologic or flood hazards, habitat areas or steep slopes. This can be achieved in part by establishing an environmentally sensitive area overlay district in the Zoning Ordinance. This overlay district will include maximum density and parcel size criteria for determining the appropriate intensity of sensitive habitat areas.*

An ESH overlay district with specific density and intensity standards will serve to achieve the stated goal only in respect to habitat areas. Geologic and other potential hazards exist in areas not subject to the ESHA overlay. Therefore, the above-noted modification is necessary to clarify the effects of the ESHA overlay.

Policy LU-3a

Policy LU-3a, as modified, states

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

This modification is necessary to clarify that residential density, while it may be higher in the downtown core than in other neighborhoods, shall not be increased beyond that already allowed by zoning designations.

Policy LU-3i

Policy LU-3i, as modified, states

*"Ensure the provision of adequate services and resources, including parking, public transit, and recreational facilities, to serve proposed development."*

Parking, public transit and recreational facilities are priority services that facilitate public access in the coastal zone. Provision of these services is addressed in Section 30252 of the Coastal Act. Section 30252 states

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5)*

*assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

This modification is necessary to ensure that the provisions of Section 30252 of the Coastal Act are included in the proposed LUP.

#### Policy LU-3j

Policy LU-3j, as modified, states

*"Ensure that the Zoning Ordinance contains applicable zoning districts to provide consistent implementation of the General Plan Land Use categories."*

This modification is necessary to clarify that the land use categories are included in the Land Use Plan, as well as in the General Plan.

### **3. Chapter Three Priority Land Uses**

Chapter Three prioritizes visitor-serving commercial facilities, agriculture, and coastal-dependent industry in the coastal zone, with coastal dependent developments (including coastal-dependent recreation, aquaculture, and industry) given priority on or near the shoreline. The proposed Land Use Element contains policies that address priority uses, such as visitor serving commercial and agriculture, as well as other non-priority uses within the City of Carpinteria. In order for these policies to be consistent with Chapter Three, several Suggested Modifications are necessary, as discussed below.

#### **a. Visitor-Serving Commercial**

##### Policy LU-3e

Policy LU-3e, as modified, states:

*"Direct commercial development toward the center of town and in established commercial nodes. ~~A possible e~~Exceptions is include visitor-serving commercial uses in the Bluffs III sub-area, and commercial uses of a character, size, and location that are intended solely to serve a specific neighborhood and thereby reduce vehicle trips."*

The City has designated this area for general commercial use in its proposed LUP, and states in discussion of the Bluffs sub-area that

*(Bluffs III) is an ideal site for a visitor-serving resort. The planned uses for this subarea include a hotel with up to 225 rooms.*

In addition, Suggested Modification 5 requires designation of the Bluffs III site for visitor-serving commercial use.

Suggested Modification 8 is necessary to acknowledge and allow for the proposed use of Bluffs III for a commercial, visitor-serving resort. As modified, Policy LU-3e is consistent with Sections 30213 and 30222 of the Coastal Act.

#### Policy LU-IM 1

As modified, Policy LU-IM 1 states

*A visitor serving zone district shall be maintained as a part of the city zoning regulations with the purpose of providing adequate opportunity for commercial development that will serve visitors to the city as well as local residents. ~~The intent is to provide a mechanism for requiring accommodations where feasible to serve visitors to the coast and assure that such uses are appropriately integrated with the balance of uses in the city and with the specific area where the development is proposed. The visitor serving zone district shall apply to all commercially~~ visitor-serving commercial ~~designated parcels with frontage on Linden Avenue (from the Railroad to Carpinteria Avenue) or Carpinteria Avenue (east of Franklin Creek).~~*

This modification is necessary to reflect the revisions made under Suggested Modifications 5 and 14, which reinstate, apply, and define a visitor-serving commercial land use designation.

#### Policies LU-6, LU-6a, and LU-6b

Policy LU-6 provides for the creation of flexible land use and zoning standards to allow for expanded residential use in the city. Similarly, Policy LU-6a and Policy LU-6b allow for residential or mixed residential use of commercial and industrial zoned parcels. Flexible land use may be problematic from a planning perspective, but is not inconsistent with Chapter Three policies provided that priority land uses, including visitor-serving commercial and coastal dependent industrial, are not compromised.

Suggested Modifications 15 and 16 are necessary to ensure that priority land uses are not replaced or encroached upon by non-priority residential uses. Suggested Modification 15 adds language restricting the application of flexible land use and zoning standards to general commercial and non-coastal dependent industrial parcels only. Suggested Modification 16 adds a policy prohibiting mixed use and residential use on coastal dependent industrial and visitor serving commercial designated parcels. Suggested Modification 16 does allow second-story mixed use, general commercial, or residential use on visitor serving commercial parcels within

the Downtown Core District. This exception allows for increased residential use in existing developed areas (thus minimizing ~~development pressure on~~ nearby agricultural lands) while protecting the storefront restaurants and shops that characterize the visitor-serving uses in the district.

## **b. Other priority uses**

### Policy LU-3k

Policy LU-3k, as modified, states

*"Prepare a study for the future reuse of the Carpinteria oil & gas plant and surrounding area Bluffs Area 0. [California Coastal Act §30255, 30260, 30262, 30263]. Future reuse of the Carpinteria oil & gas plant and Bluffs Area 0 shall incorporate public access, coastal recreation and open space/habitat restoration uses to the maximum extent feasible, and shall at minimum provide for vertical and lateral public access to and along the Coastal Trail."*

The Carpinteria oil & gas plant is located on four bluff top parcels, including an oceanfront parcel and a pier. It is located immediately east of Tar Pits Park, and includes Dump Road, the only no-fee vehicle access route to the shoreline between Palm Avenue and Bailard Avenue, a distance of approximately 1.5 miles.

Section 30212 of the Coastal Act states:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where*

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) Adequate access exists nearby, or,*
- (3) Agriculture would be adversely affected...*

Given its shoreline location and adjacency to existing parkland, the site is highly suitable for recreational use, including water-oriented recreational activities. In addition, the area contains the harbor seal haul-out overlook, as well as remnant coastal sage scrub and a wetland, and has been designated as ESHA on the proposed ESHA map. Suggested Modification 10 clarifies the area to which the policy applies, and adds language requiring future reuse of the Carpinteria oil & gas plant site to incorporate public access, coastal recreation, and habitat restoration to the maximum extent feasible, in accordance with Sections 30220, 30221, and 30240 cited above.

Policy LU-3n

As modified, Policy LU-3n states

"Setbacks ~~should~~ shall be created between agricultural and residential urban uses. The responsibility of providing the buffer ~~should~~ shall rest with the property intensifying its use. ~~An adequate buffer is approximately 100 feet. This may be adjusted upward or downward through project review but in no case shall preclude reasonable use of property.~~ The buffer shall be adequate to prevent impacts to adjacent agricultural production. Such impacts include increased limitations on the use of chemicals and fertilizers and increased conflicts between the urban use and the adjacent agricultural operation."

Section 30241 requires buffer areas to be established where necessary to minimize conflicts between agricultural and urban land uses, such as residential uses. While Policy LU-3n encourages a setback between residential and agricultural uses, it does not clearly require one. Suggested Modification 11 replaces the word "should" with "shall" in order to ensure that setbacks are considered a requirement.

Furthermore, Policy LU-3n prescribes an adequate buffer size, with the qualification that it may be increased or decreased through City review. The prescribed buffer size, however, does not represent a widely applied standard, and no findings have been submitted in support of the 100 foot buffer size. The buffer size is generally smaller than those recommended by neighboring jurisdictions. San Luis Obispo County tailors required setbacks according to adjacent agricultural use. Required setbacks for new residential development range from 800 feet when adjacent to vineyards and irrigated orchards, to only 50 feet adjacent to pasture and greenhouses. The Ventura County Agricultural Policy Advisory Committee (APAC) recommends that new residential developments provide a 300 foot setback from adjacent agricultural uses. The APAC standard reflects a 1997 study completed by the national Pesticide Drift Task Force that found that pesticide drift from an orchard airblast operation (i.e., application of pesticides with a speed sprayer in a citrus or avocado orchard) is not perceptible on the ground at 300 feet. Santa Barbara County's Agricultural Commissioner does not recommend a set buffer size. It does prohibit growers from aerial spraying of certain restricted pesticides, for instance, within 200 feet of residential areas. New residential development thus effectively imposes a setback on adjacent agricultural parcels that participate in aerial spraying of those pesticides.

Section 30241 does not stipulate a buffer size, but rather requires that the buffer be adequate to prevent conflicts. Therefore, Suggested Modification 11 replaces language requiring a 100 foot buffer, with language that sets the goals of preventing conflicts and adverse impacts to agricultural production as the standards to which buffers must adhere. Suggested Modification 11 also eliminates language that refers to precluding the reasonable use of property. The City has not identified any parcels where it would not be feasible to approve development with an adequate setback, nor have Commission staff. In the event that such parcels are identified, the City should propose an LCP amendment, with supporting documentation to determine whether application of



the LUP policy would likely be a taking, and request Commission authorization of development inconsistent with the setback policy in order to avoid a taking.

Policy LU-5a

As modified, Policy LU-5a states

*"The City shall continue to give priority to ~~(1)~~ agriculture, ~~or~~ coastal-dependent industry; and ~~then~~ ~~(2)~~ visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over ~~(3)~~ residential, general industrial, or general commercial development."*

Section 30222 of the Coastal Act, cited above, states that visitor-serving commercial recreational facilities shall have

*priority over residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30222 does not prioritize agriculture or coastal-dependent industry over visitor-serving commercial uses. In other words, visitor serving commercial recreational facilities, while not a priority use over agriculture or coastal-dependent industry, is still a priority use in the Coastal Act over residential, general industrial and general commercial development. As modified, Policy LU-5a is consistent with Section 30222 and all other provisions of the Coastal Act.

## G. COMMUNITY DESIGN

This element contains policies that provide standards for the physical design of the City. The policies address visual quality and compatibility, location and design of public spaces (including streetscapes, parking areas, pathways and parks), architectural standards, neighborhood design and character, and requirements for new development, including lighting, landscaping, and energy use standards. The element provides City-wide policies, as well as policies for six sub-areas that are identified on a "Town Map" (Figure CD-1). The sub-areas are as follows: 1- Downtown Beach Neighborhood; 2- Downtown/Old Town District; 2a - Downtown Core District; 3- Canalino/Santa Monica/El Carro; 4- The Northeast; 5- Concha Loma Neighborhood; and 6- The Bluffs.

Many policies in this element address architectural concerns, residential neighborhood design, and other issues unrelated to the Coastal Act. These policies have been included in Exhibit 1, and, under Suggested Modification 4, are to be identified in the text with a symbol denoting inclusion in the General Plan only. Other policies concern Chapter Three issues, particularly in relation to the visual impacts and public access policies identified below.

### Applicable Chapter Three Policies

A broad policy goal of California's Coastal Management Program is to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act.

Section 30210 of the Coastal Act states:

*In carrying out the requirement of ~~Section 4 of Article X of the California Constitution~~, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

A related policy goal of the Coastal Act is to provide for visitor-serving recreational facilities in coastal areas. For example, Section 30213 encourages the provision of lower cost visitor and recreational facilities.

Section 30213 of the Coastal Act states (in relevant part):

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational facilities are encouraged.*

Similarly, Section 30222 prioritizes visitor-serving commercial use of private lands in the coastal zone. Section 30222 states

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The Coastal Act also provides for the protection of coastal waters, sensitive habitat and parkland.

Section 30231 requires the maintenance and restoration of the biological productivity of coastal waters. Section **30231** states

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

Section 30240 requires development to be sited and designed to prevent disruption of these areas. Section **30240** states

- (c) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (d) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Design guidelines that minimize impacts on sensitive habitat thus are necessary for consistency with Section 30231 and Section 30240.

Another primary objective of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded.

Section **30251** of the Coastal Act states

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to*

*protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Development policies found in Section 30253 of the Coastal Act also are relevant to the Community Design element. These policies require new development to minimize erosion and ensure geologic stability, minimize energy consumption, and protect special areas that are popular recreational destinations for visitors.

Section 30253 of the Coastal Act states, in relevant part:

*New development shall:*

.....

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

....

*(4) Minimize energy consumption and vehicle miles traveled.*

*(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

These policies form the basis for review of the Community Design Element's consistency with Chapter Three of the Coastal Act.

### **Chapter Three Consistency**

This element contains policies that provide standards for the physical design of the City. The policies address visual quality and compatibility, location and design of public spaces (including streetscapes, parking areas, pathways and parks), architectural standards, neighborhood design and character, and requirements for new development, including lighting, landscaping, and energy use standards.

With the exceptions discussed below, Community Design element policies are consistent with Chapter Three of the Coastal Act, in that they provide for increased public access and visitor serving uses, and for the protection of visual and habitat resources. Policies CD-3, CD-8e, CDS1-1, CD I.M. 7, CDS2-1, CDS2-c, CDS3-1, CDS3-3, CDS4-1, CDS5-1, CDS6-2, and CDS6-b provide for the protection of visual resources, and the enhancement of public views to scenic coastal areas. Policies CD-1, CDS1-3, ensure that the scale and character of new development is consistent with that

of existing neighborhoods and the City's "small beach town" image. Policies CDS1-2, CDS2-b, CDS2A-d, CDS2-IM19 and several other policies provide for pedestrian-friendly streetscapes and enhanced pedestrian and bicycle routes. Policies in section CDS6 provide special standards for development to protect the visual and habitat resources of the Bluffs sub-area, and Policy CDS6-1 maintains the certified Carpinteria Bluffs Access, Recreation & Open Space Master Program as the coordinated plan for the sub-area. Policies CDS1-IM 7 and CDS5-IM 56 (as modified) provide special standards for development adjacent to sensitive areas.

The Community Design element, while providing numerous conforming policies, requires modifications in order to be fully consistent with Chapter Three. These suggested modifications, grouped by Chapter Three issue area, are discussed below.

#### Public Access: Parking

The Community Design element contains three policies encouraging on-street customer parking for local businesses. Policy CD-5b encourages on-street customer parking for "small neighborhood-serving" businesses, with the proviso that it not conflict with parking for nearby residences. Policies CDS2A, IM 28 and IM 29 encourage on-street customer parking in the Downtown Core Area.

The Downtown Core area, which includes the intersecting commercial corridors of Linden and Carpinteria Avenues, serves as a gateway to the Carpinteria City Beach and the Carpinteria State Beach Park. On-street parking, particularly along Linden Avenue, is used by visitors to those beaches. Other neighborhoods, including the Downtown/Old Town and Downtown/Beach Sub-Areas, also provide parking for coastal access.

Policies CDS2A, IM 28 and IM 29 encourage on-street parking in the Downtown Core Area for use of local businesses, but do not reference use for coastal access. Similarly, Policy CD-5b requires off-street parking not to conflict with parking for nearby residences, but does not address potential conflicts with parking for coastal access.

In order to be consistent with the requirements of Sections 30210 and 30213 to provide maximum access and visitor recreational opportunities, the proposed policies must acknowledge and protect off street parking as an important resource for coastal access. Suggested Modifications 42 and 43 add provisions for coastal access parking to these policies. As modified by Suggested Modifications 37(a) and 37(b), Policies CDS2A, IM 28 and IM 29 are consistent with the Coastal Act.

#### Public Access: Pedestrian Access

The Community Design element contains an important policy that corresponds directly to the public access and visual resources policies of Chapter Three. CDS5, IM 55 encourages the development of additional pedestrian and visual connections to the beach, and a pedestrian railway crossing between the Concha Loma neighborhood and Tar Pits Park, a City-owned, oceanfront park.

These provisions are important for improving access to public beaches and coastal bluffs that are currently poorly served. Access to Tar Pits Park can be gained in four ways, all of which are problematic. Access is available through the State Park, which requires an entrance fee, or an approximately ½ mile walk. Alternate access is available via Dump Road and the Venoco parking lot. However, the road and parking lot are private property and permission to use them is currently subject to the owner's discretion. A prescriptive rights claim could potentially establish the public's rights to use the Dump Road access way, but such a claim has not been formally pursued. The remaining two points of access are from the Concha Loma neighborhood, a residential neighborhood that discourages public off-street parking. These two accessways include the Calle Ocho railroad crossing, which consists of gravel ramps on either side of the train tracks, and the Calle Pacific terminus, which leads, via an informal footpath through Venoco property, to a pedestrian underpass. It is important to note that these are the only vertical access ways to the shoreline between Palm Street and Bailard Avenue, a distance of approximately 1½ miles.

Policy CDS5, IM 55 encourages, but does not require, additional connections to the beach, including at the Calle Ocho crossing. However, the current lack of access opportunities in this area requires more definite policy language in support of improvements. Policy CDS5, IM 55 must include stronger language in support of these access improvements in order to be consistent with the requirements of Section 30210 to provide maximum access and recreational opportunities. As modified by Suggested Modification 44, which replaces the word "should" with "shall," Policy CDS5, IM 55 is consistent with Section 30210 of the Coastal Act. Additional related policies and suggested modifications are included in the discussion of the Open Space, Recreation, and Conservation element.

#### Visitor-serving Recreation

As noted above, the Downtown Core Area in Carpinteria serves as a gateway to public beaches as well as a commercial center for visitors. The Community Design element includes policies to encourage and maintain the lively character of the Downtown Core Area. For instance, Policy CDS2A-a encourages carefully regulated mixed use development for multiple story buildings in this district, and Policy CDS2A-b ensures that intensified land uses in this district are sensitive to its "small beach town character" and support "a lively place to live, work, and shop." Commendable as these goals are, they do not provide sufficient emphasis on the importance of this neighborhood for visitors. In order to be consistent with the requirements of Sections 30213 to protect, encourage, and provide visitor recreational opportunities, and the requirements of Section 30222 to prioritize visitor-serving commercial recreational facilities, the proposed policies must include language in support of visitor-serving uses in this district. As modified by Suggested Modifications 40 and 41, which add provisions for visitor serving uses, Policies CDS2A-a and CDS2A-b are consistent with Section 30210 of the Coastal Act.

### Development Standards

The Community Design element contains policies for the Bluffs sub-area that address lighting, landscaping, and energy use in new development. These policies are intended to protect habitat and visual resources in the Bluffs sub-area, in accordance with the Carpinteria Bluffs Access, Recreation & Open Space Master Program. However, these policies also provide development standards relevant throughout the City, particularly in areas in or adjacent to environmentally sensitive habitat areas (ESHA). For that reason, Suggested Modifications 23 through 39 add policies similar to those for the Bluffs sub-area on a City-wide basis. This new section was suggested by City staff in response to Commission staff's concerns about adequate standards for new development, particularly in and adjacent to ESHA. In addition, Suggested Modifications 46 through 49 revise policies in the Bluffs sub-area to make them consistent with the added language, and Suggested Modification 22 adds language to Policy CD-10f to provide for use of native plants in public spaces.

The added and modified policies are necessary to ensure that development throughout the City is consistent with the resource protection and development policies of Sections 30240, 30251 and 30253 of the Coastal Act.

### Landscaping

Policies CD-11, CD-11a, CD11-IM 1, CD11-IM 2, and CD11-IM3 require development to conform to the natural landscape, enhance native plant communities and ESHA, and screen and soften visual impacts. In addition, Policy CD-10f, as modified, requires use of native plants in landscape design guidelines.

These policies are necessary to ensure that development throughout the City conforms to the requirements of Section 30251 to minimize visual impacts and landform alteration, as well as to the resource protection requirements of Section 30240 and 30253 as discussed below.

Native plant communities provide important habitat for wildlife and are considered as ESHA in both the existing and proposed LUP. Native plants are also an important visual resource that defines the natural environment of the area. In addition, landscaping of graded and disturbed areas with native plants, which in general have lower water needs and deeper root structures than non-native, invasive species, reduces erosion and enhances and maintains site stability.

The use of invasive, non-indigenous plant species tends to supplant native species. Urbanization and agriculture in the Carpinteria area have caused the loss or degradation of the majority of native habitat, as well as the loss of native plant seed banks through grading and removal of topsoil. Invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this

area have invaded and seriously degraded native plant communities. Such changes have resulted in the loss of native ~~plant species and the benefits they offer.~~

Therefore the added and modified policies encouraging the use of native plants are necessary to meet the requirements of Section 30253(2) to minimize erosion and enhance stability, the requirements of Section 30251 to restore and enhance visual quality, and the requirements of Section 30240 to minimize disruption of ESHA.

#### Lighting

Policies CD-12, CD-12a, CD-12b, CD11-IM 5, CD11-IM 6, and CD11-IM 7 require lighting for new development to be located and designed to minimize visual impacts and to consider the character and natural resources of the City. Lighting, particularly high-intensity lighting, disrupts nighttime views of coastal areas and reduces the scenic character of moonlit landscapes and seascapes. These policies are necessary in order for the Community Design element to be fully consistent with Section 30251 of the Coastal Act.

In addition to its visual impacts, lighting has been found to disrupt important behaviors and physiological processes of plants and animals, with significant ecological consequences. "Photopollution" can impact plant germination, development and senescence, and disrupt the hunting, foraging, dispersal, migration and reproductive patterns of nocturnal animals, seabirds, insects, amphibians, anadromous fish, and other aquatic organisms. The effects of night lighting are both direct and indirect, affecting organisms within the scope of individual light sources, as well as contributing to an "urban glow" that impacts ecological processes on a larger scale. The added and modified lighting policies are therefore also necessary in order for the Community Design element to be consistent with the sensitive habitat protection policies of Section 30240 of the Coastal Act.

#### Energy

Policies CD-13, CD-13a, CD11-IM 8, ~~CD11-IM 9, and CD11-IM 10~~ provide for the efficient use of energy resources in new development. The added policies require development to utilize building orientation and landscaping to maximize natural lighting and passive solar heating and cooling. The policies also require use of energy efficient street lighting and parking lot design. These added policies are necessary to ensure that development throughout the City is consistent with the requirements of Section 30253(5) to minimize energy consumption.

#### Coastal Waters / ESHA

Policy CDS5 – IM 56 specifies setbacks for buildings along Carpinteria Creek in the Concha Loma Neighborhood sub-area. The policy requires buildings be set back "a minimum of 20 feet from the riparian dripline, or 50 feet from the top of the bank, whichever is greater." This setback is less than that required under Policy OSC 6 – IM 23, which requires a 50 ft. setback from "the top of bank of creeks or existing edge of



riparian vegetation, whichever is greater." City staff has noted that the smaller setback required under Policy CDS5 - IM 56 is an error, and should be corrected to be consistent with Policy OSC 6 - IM 23.

Carpinteria Creek is an important habitat that is designated ESHA and is subject to all protections provided to ESHA under Section 30240. In addition, Section 30231 requires that natural vegetation buffer areas that protect riparian habitats be maintained. Siting and designing new development such that an adequate buffer is provided between the outer edge of the canopy of riparian vegetation and development will minimize adverse impacts to these habitats.

In previous actions, the Commission has considered buffers ranging from 50 to 100 feet to be adequate to protect riparian habitats. Therefore, Suggested Modification 45 is necessary in order to adequately protect riparian ESHA, consistent with Sections 30231 and 30240 of the Coastal Act.

## H. CIRCULATION

This element contains policies that provide standards for Carpinteria's road and transportation systems including policies for vehicle, public transit, bicycle, and pedestrian systems. The policies address highway access, scenic highways, visual impacts, street standards, railroad crossings, recreational boating, and alternative transportation (including pedestrian, bicycle, and public transit systems). The element also includes a Circulation Plan (Figure C-1), Bikeways Plan (Figure C-2), and Trails Map (Figure C-3).

Many policies in this element address road standards, neighborhood circulation, truck traffic, noise attenuation, bicycle and alternative transportation education, workplace incentives for alternative transportation, and other issues unrelated to the Coastal Act. These policies have been included in Exhibit 1 and, under Suggested Modification 4, are to be identified in the text with a symbol denoting inclusion in the General Plan only. Other policies concern Chapter Three issues, particularly in relation to the visual impacts and public access policies identified below.

### Applicable Coastal Act Policies

A broad policy goal of California's Coastal Management Program is to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act.

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

A related policy goal of the Coastal Act is to provide for visitor-serving recreational facilities in coastal areas. For example, Section 30213 encourages the provision of lower cost visitor and recreational facilities.

Section 30213 of the Coastal Act states (in relevant part):

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational facilities are encouraged.*

Similarly, Section 30224 encourages recreational boating in coastal waters.

Section 30224 of the Coastal Act states:

*Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

The Coastal Act also provides for the protection of coastal waters, sensitive habitat and parkland, and agricultural land.

Section 30231 requires the maintenance and restoration of the biological productivity of coastal waters. Section **30231** states

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

Section 30240 requires development to be sited and designed to prevent disruption of these areas. Section **30240** states

- (e) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (f) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30241 also requires minimizing conflicts between agricultural and urban land uses through six tests. Section **30241** of the Coastal Act states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by*

conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and ~~contribute to the establishment of a stable limit~~ to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Circulation guidelines that minimize impacts on these resources thus are necessary for consistency with Sections 30231, 30240, and 30241.

Another primary objective of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development, including roads, communications facilities, and circulation infrastructure, be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded.

Section 30251 of the Coastal Act states

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Select development policies of the Coastal Act are also relevant to the Circulation element. Relevant policies include Section 30252, which requires new development to maintain and enhance public access through provision of public transit, parking facilities, and non-automobile circulation; and Section 30253(4), which requires new development to minimize energy consumption, particularly vehicle use.

Section 30252 of the Coastal Act states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by 1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....*

Section 30253 of the Coastal Act states, in relevant part:

*New development shall:*

....

*(4) Minimize energy consumption and vehicle miles traveled.*

....

These policies form the basis for review of the Circulation Element's consistency with Chapter Three of the Coastal Act.

### Chapter Three Consistency

This element contains policies that provide standards for Carpinteria's road and transportation systems including policies for vehicle, public transit, bicycle, and pedestrian systems. The policies address highway access, scenic highways, visual impacts, street standards, railroad crossings, recreational boating, and alternative transportation (including pedestrian, bicycle, and public transit systems). The element also includes a Circulation Plan (Figure C-1), Bikeways Plan (Figure C-2), and Trails Map (Figure C-3).

With the exceptions discussed below, the Circulation element policies are consistent with Chapter Three of the Coastal Act, in that they provide for increased public access and protection of visual resources. Policies C-3e, C-6, C-6a, and C-6d, provide for additional and improved railroad crossings, which will enhance public beach access. Policies C-7b, C-7c, C-8, and C-8f provide for enhanced pedestrian accessibility, including for the physically challenged, consistent with Section 30210. Similarly, Policies C-9, C-9a, C-9b, C-9c, C-9e, C-9f, C-9g, and C-9i encourage safe and efficient public transit, Policies C-8, C-8a-d, C-8f, C-8h, and C-8i provide for improved bicycle access, and Policy C-8g requires the City to consider rerouting the Pacific Coast Bikeway off of busy Carpinteria Avenue to a location closer to the coastline. Policy C-9l provides for improved signage for parking lots and recreational areas, an important and often overlooked requirement for maximizing public access, consistent with Section 30210. Policies C-9n and C-9o require new development to include pedestrian facilities and alternative transportation consistent with Section 30252. In addition, Policies C-2a through C-2c provide for protection and enhancement of scenic routes consistent with Section 30251.

The Circulation element, while providing numerous conforming ~~policies~~, requires modifications in order to be fully consistent with Chapter Three of the Coastal Act. Suggested modifications, are discussed below.

### Trails Map

Figure C-3 of the Circulation element includes a map of proposed and existing trails both within and outside of the city limits. The "Trails Map" includes existing and proposed segments of both the California Coastal Trail and a trail along Carpinteria Creek, and includes an existing trail that runs north from the western edge of Carpinteria City Beach through the Carpinteria Salt Marsh Park and along Linden Avenue to near the city limits. The Trails Map does not show several existing vertical beach access routes, nor does it include existing and proposed trails on the Bluffs. In addition, the Trails Map includes several proposed trails that are located outside of city limits.

In order to be consistent with Section 30210 of the Coastal Act to provide maximum access, the Trails Map must show all existing accessways, as well as accessways on and to the Bluffs that are proposed elsewhere in the LUP amendment. In addition, in order to preserve the integrity of the Santa Barbara County Local Coastal Program, proposed trails located outside of the Carpinteria city limits must be removed from the map.

City staff has proposed to update Figure C-3 to "more accurately reflect existing trails and access points." City staff has also proposed enlarging part of the map to show coastal access points and trails, renaming the map "Trails and Coastal Access," and moving the map to the Open Space, Recreation and Conservation Element.

Suggested Modification 52 incorporates these suggestions. Once this update is completed, the modification language may be deleted.

As modified, Figure C-3 is consistent with Section 30210 of the Coastal Act.

### Protection of Coastal Waters and Agricultural Resources

Policy C-3f requires the City to develop a continuous east-west connector route north of Highway 101, and to consider extending Via Real west to Casitas Pass Road to accomplish this. Via Real runs immediately north of and parallel to Highway 101 from the Highway 150 (east of the city limits) to just east of Carpinteria Creek. Extending Via Real, or developing any continuous east-west route within city limits, would require bridging Carpinteria Creek, a designated ESHA and one of the few perennial, steelhead-supporting streams on the South Central Coast.

Extending Via Real would also require routing the extension through an approximately nine-acre agricultural parcel ~~known as the Whitney Property. The Whitney~~ Property is zoned agricultural in the existing LUP and in the proposed LUP amendment. It contains Capability Class I prime soils, and is thus considered "prime agricultural land" under the Coastal Act. Prime agricultural land is given special protection under Section 30241 of the Coastal Act.

In order for Policy C-3f to be consistent with Sections 30231, 30240 and 30241, provisions must be added for the protection of coastal waters, ESHA, and prime agricultural land. Suggested Modification 50 adds language requiring all consideration and development of an east-west extension to provide maximum protection to these resources. As modified by Suggested Modification 50, Policy C-3f is consistent with Chapter Three of the Coastal Act.

#### Telecommunications Facilities and Visual Resources

Policy C-9p requires that the City establish a regulatory framework for siting telecommunications equipment and antennas. However, it does not include provision for protecting visual resources. Antennas, equipment cabinets, and conduits can have substantial visual impacts on scenic resources, including views to the ocean, if not designed and located to avoid such impacts. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected. Therefore, in order to be fully consistent with Section 30251, Suggested Modification 51, which adds language protecting visual resources, is necessary. As modified by Suggested Modification 51, Policy C-9p is consistent with the Chapter Three policies of the Coastal Act.

## **I. OPEN SPACE, RECREATION, AND CONSERVATION**

This element contains a range of policies to protect and enhance the natural resources of Carpinteria, and the public's ability to access and enjoy them. The policies address environmentally sensitive habitat areas (ESHA), farmland, water resources, air quality, mineral resources, visual resources, parks and recreation areas, trails and coastal access, and cultural resources. The element also includes an ESHA overlay map (Figure OSC-1), a map of the harbor seal haulout areas (Figure OSC-2), and a map of open space, parks, and recreation areas (Figure OSC-3).

Several policies in this element are excluded from the LUP because they apply to areas outside of the city limits. Their exclusion is necessary to maintain the integrity of the County of Santa Barbara's Local Coastal Program. These policies have been included in Exhibit 1, and, under Suggested Modification 4, are to be identified in the text with a symbol denoting inclusion in the General Plan only. The remaining policies address a range of Chapter Three issues, and for purposes of this staff report have been organized into three broad issue areas below. Applicable Chapter Three policies are included in the context of each issue area.

### **1. Environmentally Sensitive Habitat Areas (ESHA)**

The Open Space, Recreation, and Conservation element contains both global policies for the identification and protection of ESHA, and specific policies for each ESHA habitat type. In addition, it contains a table (Table OSC-1) identifying eight ESHA habitat types, and a map (Figure OSC-1) depicting the ESHA overlay. The ESHA habitat types include wetlands, butterfly habitat, marine mammal rookeries and hauling grounds, rocky points and intertidal areas, subtidal reefs, kelp beds, creeks and riparian habitats, and native plant communities. The element groups the habitat types into eight sections, each of which include a discussion, policies, and a statement concerning environmental consequences of those policies.

### **Applicable Chapter Three Policies**

Chapter Three of the Coastal Act provides for the protection of ESHA, including coastal waters and marine resources, in several sections.

Section 30230 requires the protection, enhancement, and restoration of marine resources. Section 30230 states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will*



*maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 requires the maintenance and restoration of the biological productivity of coastal waters. Section **30231** states:

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

Section 30235 limits the use of shoreline protective devices and other hard surfaces that alter natural shoreline processes. Section **30235** states

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Section 30236 limits the channelization and alteration of streams. Section **30236** states

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) development where the primary function is the improvement of fish and wildlife habitat.*

Section 30240 requires development to be sited and designed to prevent disruption of ESHA. Section **30240** states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Under Section **30107.5** of the Coastal Act, ESHA is defined as

*...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Policies that adequately provide for the protection of ESHA, and the maintenance and enhancement of coastal waters and marine resources thus are necessary for consistency with Sections 30230, 30231, 30235, 30236 and 30240 of the Coastal Act. Consistency with these policies is evaluated below

## Chapter Three Consistency

The ESHA section of the Open Space, Recreation, and Conservation element contains a range of policies that vary in scope and complexity, and address distinct habitat types. Consistency with Sections 30230, 30231, and 30240, as well as other relevant Chapter Three policies, is best evaluated by individual subsection.

### ESHA Table

Table OSC-1 lists the types of ESHA in Carpinteria and the areas in which they are found. The ESHA types include both terrestrial (wetlands, butterfly habitat, creeks and riparian habitat, and significant native plant communities) and marine habitats (marine mammal rookeries and hauling grounds, rocky points and intertidal areas, subtidal reef, kelp beds). These habitats represent all of the sensitive habitat types found in Carpinteria, with the exception of habitats that support sensitive, rare, threatened, or endangered species (other than butterflies and marine mammals, whose habitat already is included in the table). These habitats meet the definition of ESHA as "any area in which plant or animal life or their habitats are either rare or especially valuable," in that they are defined by the presence of rare species. Therefore, Suggested Modification 54 adds this habitat type to column 1 of Table OSC-1. Because these habitats are defined by the presence of rare species, they may be found throughout the city, and in many cases will overlap with other ESHA types. The Carpinteria Bluffs are particularly noted as an area that supports sensitive species, including the white tailed kite, a State Fully Protected Species. This modification is necessary to allow for protection of important habitat that may be identified in the future, but does not conform to any listed habitat types.

A related modification adds a policy qualifying the location of ESHA as stated in column 2 of Table OSC-1 and depicted in the ESHA Overlay map. Suggested Modification 64 states that all areas that meet the criteria for ESHA, as described in the discussion of each habitat type, and in the definitions in Appendix F, are ESHA, and shall be accorded the same protection as ESHA in those areas listed in Table OSC-1 or shown on the ESHA Overlay map. This modification is necessary to allow for protection of important habitat that may be identified in the future. A companion modification, Suggested Modification 58, adds language to Policy OSC1-IM4 to allow for inclusion of

these unmapped ESHA in the ESHA overlay. As modified, Table OSC-1 provides for the protection of all areas that meet the Coastal Act definition of ESHA, including coastal waters and marine resources, and therefore is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

### **ESHA Overlay Map**

The ESH Overlay map is a graphic illustration of the ESHA overlay established by Policies LU-2a and OSC1-IM4 (Exhibit 6). OSC1-IM4 states that all parcels designated as ESHA shall be included in the ESHA Overlay, as well as any parcel within 250 feet of ESHA.

As submitted, the ESHA Overlay map legend and symbols are difficult to interpret. The legend is titled "Environmentally Sensitive Habitat Overlay" and includes symbols for "Environmentally Sensitive Habitat Overlay" and "Bluffs," thus implying that areas marked with the "Bluffs" symbol are excluded from the ESHA Overlay. City staff have clarified that the "Bluffs" areas were intended to be part of the overlay, and suggested elimination of the "Bluffs" symbol and placement of the "Environmentally Sensitive Habitat Overlay" symbol on all areas previously covered by the "Bluffs" symbol. This suggestion has been incorporated as Suggested Modification 53.

Some ESHA areas are not identified on the ESHA Overlay map. These include the coastal sage scrub and riparian areas found in the area known as Bluffs II, and additional riparian area along Lagunitas Creek north of Highway 101. The Commission and City staff agree that these areas meet the definition of ESHA respectively. City staff have suggested adding these areas to the ESHA Overlay map, and Suggested Modification 53 incorporates that suggestion.

In addition, no offshore ESHA areas are included on the ESHA Overlay map. While these areas are outside of the City's permit jurisdiction, they are affected by development within the City's jurisdiction. Therefore, it is important to map their locations in order to assess the potential impacts of development on these areas. City staff has suggested relabeling the cross-hatching symbol (currently labeled "Bluffs") and using it to indicate offshore ESHA on the ESH Overlay map. This suggestion has been incorporated into Suggested Modification 53.

As modified, Figure OSC-1 provides for the protection of all areas that meet the Coastal Act definition of ESHA, including coastal waters and marine resources, and therefore is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

### **ESHA (general policies)**

The ESHA section begins with several policies providing broad direction for protecting ESHA areas, as well as more specific policies addressing the maintenance of the ESHA

overlay, and the regulation of development in and adjacent to ESHA areas. Policy OSC1-IM4 incorporates language from Section 30240(a) prohibiting development in ESHA from resulting in "the significant disruption of habitat values." Policy OSC1-IM7 provides for the regulation of all development adjacent to ESHA, consistent with Section 30240(b), to prevent adverse impacts on ESHA.

However, while the general policies of the ESHA section largely conform to Chapter Three of the Coastal Act, they require several modifications to be fully consistent. These suggested modifications are discussed below.

Some of the suggested modifications involve matters of clarification. Suggested Modifications 55, 56, 60, 61, and 80 replace undefined terms such as "biological resource areas," "natural areas," and "areas designated on the Land Use Plan as habitat areas" (the Land Use Plan does not show habitat areas), with the term "ESHA" which is clearly defined in the proposed LUP, and which is the intended subject of the policies. Similarly, two acronyms, ESH and ESHA, are used to describe environmentally sensitive habitat areas. Suggested Modifications 57, 58, and 59 standardize this acronym as ESHA. These modifications are necessary to clearly define the areas to which the policies apply.

Other modifications insert language that more closely matches the definition of ESHA provided in Section 30107.5. For instance, Policy OSC1-IM4 states that the purpose of the ESHA Overlay district is to protect "areas in which plant or animal life are either rare or especially valuable..." While this language mirrors that in Section 30107.5, it does not include reference to plant and animal *habitats*, which are specifically included in Section 30107.5. Suggested Modification 58 adds the words "or their habitat" following the phrase "plant or animal life." This modification is necessary to clarify the purpose of the overlay district as to protect rare and valuable habitats, such as the riparian habitat of Carpinteria Creek.

Other suggested modifications are necessary to clarify to which areas the ESHA designation applies. Table OSC-1 lists areas in which the ESHA habitat types are found, and Figure OSC-1 maps those areas in an ESHA overlay. However, ESHA may exist, at present or in the future, in areas that are not included in either the map or the table. Sensitive species may exist on parcels that have not recently been investigated. Numerous variables, from climatic conditions to development impacts, may result in the presence or absence of sensitive species and habitats over time. Furthermore, the resources that are considered ESHA are not static over time. Development across the state results in the loss of natural areas and fragmentation of habitat such that, in the future, certain habitats and/or plant and animal species may become more rare and their protection more critical. Additionally, scientific study may reveal new information and understanding of the existence, rarity, or importance of certain habitats and species.

While the map, table, and related policies identify specific ESHA, it is the definition of ESHA, as provided in Section 30107.5, that ultimately determines whether or not an

area is an ESHA. Policy OSC1-IM4 recognizes this fact in that it notes that the overlay district shall apply not just to the mapped areas but to **"any area identified as ESHA** either on an official resource map or through the City's development review process." However, ESHA may also be identified by means other than official processes or development review. Suggested Modification 64 adds a policy clarifying that any area that meets the definition of ESHA *on the ground* is ESHA, and shall be afforded the same protections as formally designated areas. Suggested Modification 58 revises Policy OSC1-IM4 to state that any areas (whether or not they are designated or mapped) that meet the definition of ESHA, as well as areas within 250 feet of that ESHA, are to be included in the ESHA Overlay district.

As noted above, circumstances change and ESHA areas are not static over time. In this context, biological review of proposed development is essential to prevent impacts to ESHA. For that reason, Suggested Modification 63 revises Policy OSC-IM10 to require City Biologist review for all development with the potential to impact designated and undesignated ESHA. Similarly, Suggested Modification 59 adds language requiring the City Biologist, rather than the City in general, to determine whether a proposed development is consistent with a relevant habitat management plan.

Suggested Modification 59 also adds the provision that the habitat management plans must be certified as an amendment to the City's LCP in order to be used as a standard for development review. Similarly, Suggested Modification 57 stipulates that habitat management and restoration programs called for under Policy OSC-IM3 shall not be effective until certified as an amendment to the City's LCP. Suggested Modification 62 adds a similar provision to Policy OSC-IM8. These modifications are necessary because the nature and content of forthcoming programs are unknown and cannot be found consistent with Chapter Three without adequate Commission review.

Policy OSC1-IM7 provides a list of regulatory measures, **to be used to avoid impacts on ESHA**. Suggested Modification 61 adds several items to the list of **regulatory measures**. These additions include lighting restrictions, requirements for wildlife **permeable** fencing, and establishment (not just maintenance) of native (replacing the term "natural") vegetation. These additions are necessary for the reasons set forth below.

#### Lighting Restrictions

Artificial lighting has been found to disrupt important behaviors and physiological processes of plants and animals, with significant ecological consequences. "Photopollution" can impact plant germination, development and senescence, and disrupt the hunting, foraging, dispersal, migration and reproductive patterns of nocturnal animals, seabirds, insects, amphibians, anadromous fish, and other aquatic organisms. The effects of night lighting are both direct and indirect, affecting organisms within the scope of individual light sources, as well as contributing to an "urban glow" that impacts ecological processes on a larger scale.

### Requirements for Wildlife Permeable Fencing

Solid fencing may disrupt wildlife feeding or transit patterns and wire fencing may result in injury to wildlife. Solid walls, particularly, may disrupt the transit patterns of rodents and lagomorphs (rabbits), which are important prey species for sensitive raptors, and aid in seed dispersal of native plants. The use of permeable fencing in areas adjacent to ESHA enhances the mobility of animals that are important to the maintenance of sensitive habitat and species.

### Native Plants

Native plant communities provide important habitat for wildlife and are considered an ESHA habitat type in both the existing and proposed LUP. The use of invasive, non-indigenous plant species tends to supplant native species. Urbanization and agriculture in the Carpinteria area have caused the loss or degradation of the majority of native habitat, as well as the loss of native plant seed banks through grading and removal of topsoil. Invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities and the habitat they provided. The use of non-native and invasive species adjacent to ESHA may result in significant impacts to habitat values and species success and therefore must be regulated.

For all of these reasons, Suggested Modification 61 is necessary for OSC1-IM7 to be consistent with the resource protection policies of Section 30240.

Suggested Modification 80 moves Policy OSC-6e from the Creeks and Riparian Habitat Section, and places it in OSC-1. This policy provides important language that applies to all ESHA. Specifically, it provides direction for zoning and development of parcels that include ESHA (not just riparian habitat), and it includes the provision of Section 30240(a) that "only uses dependent upon (ESHA) resources shall be allowed" in ESHA. Section 30240(a) applies to all ESHA habitat types; therefore, in order for the ESHA section of the Open Space, Recreation, and Conservation element to be consistent with Section 30240(a), the policy must be included as a general ESHA policy.

A final modification is necessary for the general ESHA protection policies to be consistent with Chapter Three. Policy OSC-6b requires the City to protect and restore degraded creeks on City-owned land where feasible. This policy is consistent with the requirements of Sections 30230, 30231 and 30240 to protect and restore coastal waters, marine resources, and ESHA, and should be applied to all other habitat types on City-owned land. Therefore, Suggested Modification 65 adds a policy encouraging the City to protect and restore, on City-owned land, all degraded ESHA habitat types.

As modified, the general ESHA policies in the Open Space, Recreation, and Conservation element are consistent with the Chapter Three policies of the Coastal Act.

## **Carpinteria Bluffs**

The Carpinteria Bluffs encompass an approximately 157-acre expanse of land between Highway 101 and the Pacific Ocean. The Bluffs stretch along the shoreline for approximately 1½ mile, from the east end of Carpinteria State Beach to the eastern limits of the city. While portions of the Bluffs are developed with light industry and office parks, much of it remains undeveloped. The Bluffs include some of the last coastal open space in Santa Barbara County, including the 53-acre Carpinteria Bluffs Nature Park, which was recently established following purchase by the community. Bluffs habitat includes ruderal grasslands, coastal sage and bluff scrub, scenic windrows of mature eucalyptus and tamarisk, as well as a riparian area, Lagunitas Creek. Adjacent shoreline provides intertidal habitat, as well as the harbour seal rookery. Development of the Bluffs has been the subject of previous Commission review, resulting in a substantial amendment to the LCP and the Carpinteria Bluffs Access, Recreation & Open Space Master Program (Bluffs Master Program).

Policy CDS6-1 maintains this program, which provides measures for the protection of Bluffs ESHA, as the coordinated plan for the Bluffs subarea. Several policies in this subsection provide for the maintenance of the publicly-purchased Carpinteria Bluffs Nature Park, coastal bluff scrub habitat, and riparian habitat in open space, both reflecting and providing policy support for measures in the Bluffs Master Program. Policy OSC-2i provides for the preservation of windrow trees, and, with minor modifications discussed below, is consistent with the resource protection policies of Chapter Three. Other policies address concerns other than habitat protection, and provide for the protection of cultural resources and visual resources, consistent with Sections 30244 and 30251 of the Coastal Act, and for the provision of public access consistent with Section 30210, 30211, and 30212 of the Coastal Act. The ESHA Overlay district, as modified above, includes the entire length of the Carpinteria Bluffs with the exception of the Carpinteria Oil & Gas Plant parcel.

As noted above, minor modifications to Policy OSC-2i are necessary for the Carpinteria Bluffs sub-section to be consistent with Chapter Three of the Coastal Act. Suggested Modification 66 requires native, locally occurring trees to be used for replacement of any windrow tree that is removed. As noted above, native plants provide important habitat for wildlife and are considered an ESHA habitat type in both the existing and proposed LUP. The Commission has found in previous actions that the use of native, locally occurring trees was necessary for replacement of windrow trees on the Bluffs.

## **Wetlands**

The most prominent wetland in Carpinteria is the Carpinteria Salt Marsh, a 230-acre estuary of which approximately seven acres (set aside as the Carpinteria Salt Marsh Wetland Park) is located within City limits. The salt marsh supports a wealth of unique plant and animal life, including several endangered species. Additional wetlands in

Carpinteria have not been delineated, but have been historically identified at the mouth of Carpinteria Creek and in and adjacent to **Tar Pits Park**.

The Wetlands subsection provides discussion and policies defining wetlands and providing for their protection and enjoyment by the public. Policy OSC-3b prohibits development adjacent to the wetland buffer from resulting in adverse impacts including sediment, runoff, chemical and fertilizer contamination, noise, light pollution, and other disturbances. OSC-3e provides for additional trail and interpretive services at Carpinteria Salt Marsh Wetland Park if possible without adverse impacts.

While the Wetlands subsection contains policies conforming to Chapter Three requirements, several modifications are necessary for the subsection to be fully consistent with those requirements.

The discussion of wetlands in this section states that

*Wetlands are areas of land that are either permanently or seasonally wet and support specially adapted vegetation.....The definition of wetland used by the City comes from the California Coastal Act (§30121) and defines broadly areas that may be determined to be wetlands and are therefore subject to regulation.*

This definition is inconsistent with the wetland definition provided in Section 30121, and applied to Chapter Three policies concerning wetland protection. In order to be consistent with Section 30231 for the protection of wetlands, and other coastal waters, this discussion must be revised to reflect the definition provided in Section 30121. Therefore, Suggested Modification 67, which revises the language to meet the Coastal Act definition, is necessary to ensure consistency with Section 30231 of the Coastal Act.

Policy OSC-3a uses ~~the definition of a wetland provided in Section 13577(b)~~ of the Commission regulations to define the upland limit of a wetland. However, Section 13577(b) provides additional language defining the upland limit of ~~a wetland~~. Suggested Modification 69 substitutes this language for the proposed language in order to improve its consistency with Commission definitions. Similarly, Suggested Modification 68 clarifies that wetlands delineations shall be performed according to Section 13577(b).

Policy OSC3 – IM 11 provides for a minimum 100-foot setback along the upland limits of all wetlands. It qualifies this setback, however, with language assuring that application of the setback will not “preclude all reasonable use” of affected parcels as well as language stating that the setback may be reduced if, on balance, such a reduction would “further the Commission’s mandate that Coastal Act policies be implemented in a manner which on balance is most protective of sensitive resources.”

Both of these clauses are problematic. While it is certainly possible for two or more Chapter Three policies to conflict, balancing to resolve such conflicts should be done by the Commission, during review of development proposed at a specific location. The City’s proposal would allow balancing between LUP policies, rather than between policies of the Coastal Act, as provided for in the Section 30007.5. If the City identifies



a specific location that raises a Coastal Act policy conflict, and determines a preferred way to resolve this conflict, the preferred resolution can be submitted to the Commission as an LCP amendment. Since the City has not identified any specific location where it proposes to authorize development based on "balancing" it is not appropriate to include this blanket authorization in the LUP.

Similarly, the City has not identified any vacant parcels where it would not be feasible to approve development that complies with the wetlands setback. Commission staff is unaware of any such parcels and believes that it is very unlikely that any exist. However, in the unlikely event that there are such parcels, the City may address this by proposing an LCP amendment that specifically identifies such parcels, with supporting documentation to determine whether a taking exists, and requests Commission authorization of development that does not comply with the wetlands setback.

Suggested Modification 71 adds a policy requiring coordination with applicable state and federal resource agencies on all projects involving wetlands. Applications for development within or adjacent to wetlands must include evidence of consultation and preliminary approval from such agencies as California Department of Fish and Game, United States Army Corps of Engineers, United States Fish and Wildlife Services and any other applicable resource agency. Areas containing tidelands or submerged lands will also be subject to the permit jurisdiction of the Coastal Commission.

The Coastal Act allows for limited uses in wetlands including port, energy, coastal dependent industrial uses, maintaining existing dredged channels, entrance channels for boating facilities, structural pilings for public recreational piers, as well as diking, filling and dredging where there is no feasible less environmentally damaging alternative and where all feasible mitigation measures have been provided. No LUP policies provide for these uses within wetlands; however, there are no proposals for such uses and no suitable areas to develop these types of uses have been identified. No LUP land use designation allows port, energy, or boating uses. Any future proposal for any of these uses would require an LUP amendment.

### **Beaches, Tidelands & Subtidal Reefs**

The City of Carpinteria's coastline contains approximately 2 ½ miles of sandy beach. The western half of this expanse is contained in the Carpinteria City Beach, the Carpinteria State Beach, and the City's Tar Pits Park. The eastern half contains narrow beaches backed by the Carpinteria Bluffs, which are largely public tidelands. The Carpinteria State Beach contains tidepools offering diverse tidal habitat. Offshore waters contain kelp beds and a subtidal reef. The policies in this subsection provide for protection of these shoreline habitats, as well as for public access. While the policies generally conform to Chapter Three requirements, some suggested modifications are necessary.

Several suggested modifications are matters of clarification. For instance, Suggested Modification 72 adds language to Policy OSC4-IM 12 ~~clarifying for what purposes~~ vehicles are authorized to drive on beaches, and emphasizing that vehicular uses are to minimize impacts on intertidal areas. Similarly, Suggested Modification 73 adds brief clarifying language to Policy OSC4-IM15 specifying the conditions under which shoreline structures may be permitted. Proposed policies for a stringline standard for beachfront development, and for additional parking for beachfront access, raise more substantive issues, as discussed below.

### Stringline

As a means of controlling seaward encroachment of residential structures on a beach to ensure maximum public access and minimize wave hazards, as well as minimize adverse effects to coastal processes, shoreline sand supply, and public views, the Commission has, in past actions, developed the "stringline" policy. As applied to beachfront development, the stringline limits the seaward extension of a structure to a line drawn between the nearest corners of adjacent structures and limits decks to a similar line drawn between the nearest corners of the adjacent decks. The Commission has applied this policy to numerous past permits involving infill development on sandy beaches and has found it to be an effective policy tool in preventing further encroachments onto sandy beaches.

The City has proposed a similar stringline policy (OSC4-IM17). However, Policy OSC4-IM17 requires some modification in order to unambiguously define the corners from which the stringline extends. The policy extends the stringline from the "nearest building corners that are closest to the beach from the existing buildings on either side of the proposed development." This stringline could be interpreted to begin either at the corner most adjacent to the proposed development site, or the corner of the adjacent building that is closest to the beach. Suggested Modification 74 clarifies that the stringline extends from the nearest adjacent building corners.

In addition, in order to ~~maximize public access, and minimize wave hazards~~ and adverse effects to coastal processes, Suggested Modification 74 adds language requiring new development or redevelopment to be located as far landward as feasible (but in no case seaward of the stringline).

Finally, Suggested Modification 74 removes language assuring that application of the stringline would not "preclude reasonable use of a property." This appears to be in reference to the Constitutional requirement to avoid taking property without just compensation. However, it does not appear that application of the stringline policy could result in a taking of property, as no vacant beachfront residential parcels exist in Carpinteria.

As modified by Suggested Modification 74, Policy OSC4-IM7 is consistent with all applicable policies of Chapter Three of the Coastal Act.

### Parking for Shorefront Access

Although most of the policies in this section of the Open Space, Recreation, and Conservation element concern protecting sensitive habitat areas, some policies, such as OSC4-IM18, concern other issues such as public access and recreation. Policy OSC4-IM18 calls for the City to address the need for additional parking in the City's Tidelands Improvement Plan. The City of Carpinteria has a grant to its tidelands. The Tidelands Improvement Plan was adopted in 1981 in response to a State law requiring the City to "substantially improve" their tidelands or forfeit the grant. The Plan includes provisions for parking, erosion control, marsh restoration, public boating facilities, park development, and other beach facilities. These provisions, including those for parking, are largely outdated; many policies have been incorporated, in updated versions, into the LUP.

Public parking for beach access is an important issue in Carpinteria, and several popular coastal access areas, such as Tar Pits Park and the harbor seal overlook, have either inadequate or provisional parking facilities. Therefore, Suggested Modification 75 revises Policy OSC4-IM18 to provide a clear and current mandate for additional public parking to shorefront areas.

### **Harbor Seal Rookery and Haulouts**

The City of Carpinteria is home to hundreds of harbor seals, who live and bear their young in a sandy pocket beach just below the Carpinteria Oil and Gas Plant. This section provides policies for the protection of the harbor seals and their habitat from disturbance, as well as for limited public access to viewing locations. The policies are consistent with the public access and marine and sensitive habitat policies of Chapter Three with one modification. Policy OSC5-IM20 requires development adjacent to the hauling grounds to minimize potential impacts to the seals ~~unless it would~~ "preclude all reasonable use" of the property. Suggested Modification ~~76~~ ~~removes~~ this language from Policy OSC5-IM20. The adjacent parcels are approximately 10 acres and 4 acres in size and even with the restrictions of Policy OSC5-IM20, there is ample room for development on the parcels; thus a takings issue would be unlikely to arise. If a development is proposed that raises such an issue, the City may propose an LCP amendment, with supporting documentation, to determine whether a taking exists, and request Commission authorization of development that does not comply with the hauling grounds setback. As modified, the policies in this section are consistent with all applicable Chapter Three policies.

## **Creekways and Riparian Habitats**

### OSC-6

Policy OSC-6 calls for the preservation of creekways "in the Carpinteria Planning Area." However, this LUP only applies to areas within the Carpinteria city limits. Suggested Modification 77 removes this reference in order to preserve the integrity of the Santa Barbara County Local Coastal Program.

### Creek Alteration and Channelization

Policy OSC-6c sets forth limits on alterations to creeks and creek beds to those "permitted by the Coastal Act and policies herein." Because this policy applies the Coastal Act as the standard for development, it is inherently consistent. However, a final clause in the policy states that the policy shall not be "construed to require the City to approve creek alterations not otherwise allowed herein or by the Coastal Act (emphasis added). Suggested Modification 78 replaces the word "or" in this latter clause to "and" thus reiterating that all alterations must be consistent with the Coastal Act.

### Development in Stream Corridors

Policy OSC6-IM 23 provides for a minimum 50-foot setback from either the top bank of creeks or the dripline of riparian vegetation, whichever is greater. This policy allows for increased habitat protection compared to the current LUP policy, which only provides for a minimum 20-foot setback from the top bank. However, because creek banks may be terraced, Suggested Modification 83 qualifies the term "top bank" to read "top of the upper bank."

As with the wetlands setback, Policy OSC6-IM 23 qualifies the creek setback with language assuring that application of the setback will not "preclude all reasonable use" of affected parcels as well as language stating that the setback may be reduced if, on balance, such a reduction would "further the Commission's mandate that Coastal Act policies be implemented in a manner which on balance is most protective of sensitive resources." Both of these clauses are problematic. While it is certainly possible for two or more Chapter Three policies to conflict, balancing to resolve such conflicts should be done by the Commission, during review of development proposed at a specific location. The City's proposal would allow balancing between LUP policies, rather than between policies of the Coastal Act, as provided for in the Section 30007.5. If the City identifies a specific location that raises a Coastal Act policy conflict, and determines a preferred way to resolve this conflict, the preferred resolution can be submitted to the Commission as an LCP amendment. Since the City has not identified any specific location where it proposes to authorize development based on "balancing" it is not appropriate to include this blanket authorization in the LUP.

Commission staff have identified one vacant parcel where it may not be feasible to approve development that complies with the creek setback. The Draft Environmental

Impact Report (EIR) for the Carnevale Duplex Project, which is located adjacent to Carpinteria Creek, discusses several alternative creek setbacks and the effect of these setbacks on the potential for development on the property. Based on the information contained in the Draft EIR, staff has determined that application of the creek setback proposed in this amendment to the Carnevale property could possibly raise a takings issue.

The Deputy City Attorney of the City of Carpinteria has submitted a letter (Exhibit 9) proposing that the "takings" language included in the setback policies be replaced with a new section that addresses the taking of private property. Commission staff has reviewed this document and has revised it to apply only to the Carnevale property. This revision is included as a new section of the LUP amendment in Suggested Modifications 93 through 101. As noted above, if additional parcels where it would be infeasible to approve development that complies with ESHA setbacks are identified, the City can propose an LCP amendment that specifically identifies the parcel(s), provides supporting documentation to determine whether a taking exists, and requests authorization of development that does not comply with the relevant setback.

The Creeks subsection also contains two policies governing development within creek setbacks. The two policies are similar and Suggested Modification 79 deletes OSC-6d because it is redundant and less consistent than OSC6-IM26. OSC6-IM26 prohibits all structures in stream corridors except as allowed for in Section 30236 and except for bridges and pipelines. Suggested Modification 84 deletes pipelines from the list of allowable uses.

#### OSC6-IM 24

Policy OSC6-IM24 requires all development projects to conform to the General Plan/Local Coastal Plan, Zoning Ordinance, and other implementing programs. Suggested Modification \_\_ corrects the title of one of the plans for clarity and adds the provision that the listed Creek Preservation Ordinance must be certified as an amendment to the City's LCP in order to be used as a standard for development review. This added provision is necessary because the forthcoming Creek Preservation Ordinance has not yet been submitted to the Commission as an amendment and cannot be found consistent with Chapter Three without adequate Commission review.

#### Watershed Protection / Water Quality

Policies OSC-IM29, and OSC-IM30 address water quality control issues, including public education and water pollution control measures in new development. While the intent of these policies is consistent with Section 30231 of the Coastal Act, additional language, including several new policies, is necessary to provide adequate protection for water quality, especially in the context of new development.

New development and redevelopment have the potential to adversely impact coastal water quality through the removal of native vegetation, alteration of natural drainage systems, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters be maintained and where feasible restored.

An increase in impervious surfaces decreases the infiltrative function and capacity of existing permeable land on project sites. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. The cumulative effect of increased impervious surface is that the peak stream discharge is increased and the peak occurs much sooner after precipitation events. Changes in the stream flow result in modification to stream morphology. Additionally, runoff from impervious surfaces result in increased erosion and sedimentation.

Furthermore, when infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly diminished.

In order to minimize impacts on water quality, Suggested Modifications 87 through 92 add policies and revised language requiring the preservation of natural drainage topography and infiltration opportunities, the minimization of impervious surface area, and the use of Best Management Practices (BMPs) for erosion and polluted runoff control. These modifications are necessary in order to minimize impacts on the quality and productivity of coastal waters, consistent with Section 30231 of the Coastal Act.

A final suggested modification is a matter of clarification. Policy OSC-IM29 provides for a water pollution avoidance education program, including distribution of literature from the California Integrated Waste Management Board (IWMB) on minimizing non-point source pollution. However, the focus of the IWMB is primarily on solid waste issues, such as waste reduction and recycling. The State Water Resources Control Board

(SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) have primary responsibility for California's protection of water quality. Therefore, Suggested Modification 86 deletes the reference to the IWMB.

### **Native Plant Communities**

Plant communities native to the Carpinteria area include coastal sage and bluff scrub, oak woodlands, chaparral, and riparian habitat. Native plant communities in the city that meet the definition of ESHA are identified in both the existing and proposed LUP. Native plant communities provide important habitat for wildlife and are also an important visual resource that defines the natural environment of the area. In addition, landscaping of graded and disturbed areas with native plants, which in general have lower water needs and deeper root structures than non-native, invasive species, reduces erosion and enhances and maintains site stability.

This section includes policies for the protection of oak trees and oak woodlands and for the preservation of native vegetation when sites are developed. While these policies generally conform to Chapter Three requirements, some modifications are necessary in order to be fully consistent.

Suggested Modification 103 adds more specific language to Policy OSC-7b for the preservation and planting of native plants in new development. This modification is necessary to ensure that new development minimizes disruption of native plant communities and the use of non-native invasive plants, while enhancing native plant habitat on the site.

The use of invasive, non-indigenous plant species tends to supplant native species. Urbanization and agriculture in the Carpinteria area have caused the loss or degradation of the majority of native habitat, as well as the loss of native plant seed banks through grading and removal of topsoil. Invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities. Such changes have resulted in the loss of native plant species and the benefits they offer.

Suggested Modifications 102 and 104 extend the protection of native oaks to other native tree species, including walnut and sycamore, which are similarly rare and valuable for the habitat and stability benefits they provide. Suggested Modification 104 also specifies that no development shall occur within the dripline of trees. The dripline standard has been applied in past Commission actions and is used as the standard for oak protection ordinances in Los Angeles County and elsewhere. The dripline standard prevents development from impacting the root zone of a tree where it is at or closest to the surface. Preventing root damage is critical to the health and survival of native trees.

As noted above, native plants enhance site stability, provide important and rare habitat, and contribute to visual quality. Therefore the added and modified policies

strengthening and expanding provisions for the planting of native plants are necessary to meet the requirements of Section 30253(2) to minimize erosion and enhance stability, the requirements of Section 30251 to restore and enhance visual quality, and the requirements of Section 30240 to minimize disruption of ESHA.

### Butterfly Habitat

The City of Carpinteria is seasonally home to thousands of monarch butterflies who overwinter in trees, particularly Eucalyptus, on the Carpinteria Bluffs, Salzgeber Meadow, and other locations in the city. Winter roosting habitat is a vital component of the Monarch butterflies' annual migrations. This section provides three policies for the protection of Monarch butterfly habitat. The policies are consistent with Section 30240 of the Coastal Act with one modification. Policy QSC8-IM33 requires development adjacent to the hauling grounds to be set back a minimum of 50 feet from the dripline of Monarch butterfly trees, unless it would "preclude all reasonable use" of the property. Suggested Modification 105 removes the quoted language from Policy OSC8-IM33. The City has not identified any vacant parcels where it would not be feasible to approve development that complies with the Monarch butterfly trees setback. Commission staff is also unaware of any such parcels. If a development is proposed that raises such an issue, the City may propose an LCP amendment, with supporting documentation, to determine whether a taking exists, and request Commission authorization of development that does not comply with the Monarch butterfly tree setback. As modified, the policies in this section are consistent with all applicable Chapter Three policies.

### Sensitive, Rare, Threatened, and Endangered Species

The previous eight sections provide policies for the protection of sensitive habitat types in the City of Carpinteria, including for two sensitive species, the harbor seal and the Monarch butterfly. However, Carpinteria contains potential habitat for other sensitive species. The Carpinteria Bluffs, for instance, are particularly noted as an area that supports sensitive species, including the white tailed kite, a State Fully Protected Species. This modification is necessary to allow for protection of important habitat that does not conform to any listed habitat types.

Suggested Modification 54 adds a "sensitive, rare, threatened or endangered species" habitat type to Table OSC-1. Suggested Modifications 106 through 108 add three new policies for protection of this habitat type. The first policy establishes that this habitat type shall be protected. The second policy defines "sensitive, rare, threatened or endangered species" according to provisions in state and federal law. The third policy requires new development to be setback sufficiently far to minimize impacts on this habitat type, and specifies that a 300 foot setback shall be established for nesting and roosting trees used by sensitive raptor species. Suggested Modification 108 also requires that the maximum amount of grassland shall be preserved around such nesting



and roosting trees to ensure that a reduction in forage does not impact the reproductive success of sensitive raptors. These provisions are necessary to protect rare and valuable species consistent with Section 30240 of the Coastal Act.

## 2. Primary Resources

The Open Space, Recreation, and Conservation element contains specific policies for five "primary resource" categories: General Soil Resources and Farmland, Water Resources, South Central Coast Air Basin, Mineral Resources, and Visual Resources. The element addresses each resource in a separate subsection, each of which includes a discussion, policies, and a statement concerning environmental consequences of those policies.

### Applicable Chapter Three Policies

Section 30230 requires the protection, enhancement, and restoration of marine resources. Section **30230** states:

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

Section 30230 is relevant to policies in the Water Resources and Farmland subsections.

Section 30231 requires the maintenance and restoration of the ~~biological~~ productivity of coastal waters. Section **30231** states:

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

Section 30231 is relevant to policies in the Water Resources and General Soils and Farmland subsections.

A fundamental policy of the Coastal Act is the protection of agricultural lands. The Act sets a high standard for the conversion of any agricultural lands to other land uses. Section 30241 of the Coastal Act requires the maintenance of the maximum amount of

prime agricultural land in agricultural production to assure the protection of agricultural economies. Section 30113 of the Coastal Act defines "prime agricultural land" as

*...those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.*

Section 51201(c) states in relevant part:

*"Prime agricultural land" means any of the following:*

- (1) All land that qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications.*
- (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.*
- (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.*
- (4) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.*

Section 30241 also requires minimizing conflicts between agricultural and urban land uses through six tests.

Section 30241 of the Coastal Act states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

If the viability of existing agricultural uses is an issue, the Commission must make specific findings identified in Section 30241.5 of the Coastal Act in order to address the agricultural "viability" of such land.

Section 30241.5 of the Coastal Act states:

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242 of the Coastal Act provides additional requirements for conversion of properties that are suitable for agriculture, but are not necessarily prime agricultural land.

Section 30242 states:

*All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Coastal Act Sections 30241, 30241.5 and 30242 are relevant to policies in the General Soils and Farmland subsection.

Another primary objective of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded.

Section 30251 of the Coastal Act states

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30251 is relevant to policies in the Visual Resources subsection.

The regulation of new development is also a primary concern of the Coastal Act. Section 30253 of the Coastal Act requires new development to conform to air pollution control standards and minimize energy consumption.

Section 30253 of the Coastal Act states, in relevant part:

*New development shall:*

*.....*

*(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*

*(4) Minimize energy consumption and vehicle miles traveled.*

*....*

Section 30253 is relevant to the South Central Coast Air Basin subsection.

These policies form the basis for determining the consistency of the Primary Resources section with Chapter Three of the Coastal Act. Consistency with each of these policies is evaluated below

## **Chapter Three Consistency**

The Primary Resources section of the Open Space, Recreation, and Conservation element contains a range of policies that address distinct issue areas. Consistency with the relevant Chapter Three policies, is best evaluated by individual subsection.

### **General Soil Resources and Farmland**

This subsection contains policies for the conservation of agricultural lands, many of which reflect Chapter Three policies. The City's emphasis is on protecting open-field agriculture, in particular, and includes several policies in the subsection discouraging greenhouses in the Carpinteria Valley. These policies have been excluded from the LUP in order to maintain the integrity of the County of Santa Barbara LCP.

Other policies support a variety of management and preservation programs, such as the Williamson Act, Farmland Security Zones, and development of a Right-to-Farm Ordinance to discourage conflicts between residential neighborhoods and adjacent agricultural land, consistent with Section 30241 of the Coastal Act. Policy OSC-IM 36 also calls for the establishment of buffer zones to discourage conflicts.

Other policies endorse conservation of agricultural land and limit its ~~conversion~~. OSC-IM39 calls for the management of agricultural land to be consistent ~~with the~~ Coastal Act. OSC-9c requires soil erosion to be minimized.

However, while the policies of this subsection largely conform to Chapter Three of the Coastal Act, several modifications are necessary for them to be fully consistent. The addition of policies addressing water quality concerns is also necessary for consistency with Section 30231 of the Coastal Act. These suggested modifications are discussed below.

#### Coastal Act / Commission references

Two policies included in this subsection reference either the Coastal Act or the Commission. Policy OSC-9e allows conversion of agricultural land where such conversions "meet the criteria established by the Coastal Commission or is otherwise desirable." This language is problematic on two accounts. First, the Coastal Act, not the Commission, establishes standards for conversion of agricultural land. The Commission's role is limited to interpreting the Coastal Act. Secondly, Coastal Act

standards for conversion of agricultural land are ~~specific and definite~~. To be consistent with the Coastal Act, agricultural conversions ~~must meet those standards~~ and cannot be allowed under vague circumstances, ~~such as when "otherwise desirable."~~ Therefore, in order to be consistent with the Chapter Three policies concerning conversion of agricultural land, Policy OSC-9e must incorporate Suggested Modification 110, which corrects these errors.

Policy OSC-IM 38 also involves a misinterpretation of Chapter Three policies, in that it assumes that Section 30241 only applies to agricultural lands with "prime soils." Section 30241 mandates the maintenance of the maximum amount of prime agricultural land in production, but also requires the minimization of conflicts between agricultural and urban land uses. Section 30241 (a) through (e) concern the minimization of conflicts and therefore apply to all agricultural lands. For all of the above reasons, Policy OSC-IM38 must incorporate Suggested Modification 115, which deletes the reference to prime soils, in order to be consistent with Section 30241 of the Coastal Act.

#### Erosion and Water Quality

Agricultural activities have the potential to cause adverse impacts to water quality resulting from erosion and sedimentation, irrigation practices, waste management, and the use of pesticides, fertilizers, and nutrients. The implementation of proper design and management practices for agricultural activities are necessary to ensure that agricultural development will not adversely impact water quality or coastal resources. Suggested Modification 109 adds language to Policy OSC-9c requiring polluted runoff, as well as soil erosion, to be minimized by agricultural operations. Suggested Modifications 111 through 113 provide additional policies encouraging agricultural practices that protect water quality, and providing standards for confined animal facilities. These modifications are necessary to protect coastal waters consistent with Section 30231.

#### **Water Resources**

The Water Resources subsection complements the Creek and Riparian Habitat subsection discussed above. It includes policies addressing water conservation as well as measures to protect the quality of surface waters, marine waters, and groundwater. While the policies of this subsection are largely consistent with Chapter Three requirements, several modifications are necessary for them to be fully consistent with Section 30231.

Suggested Modifications 116 and 117 add two new policies to protect coastal waters from pollution. Added Policy OSC-10c is necessary to ensure that development does not result in the discharge of pollutants and the degradation of the quality of groundwater or surface waters. Added Policy OSC-10d is necessary to prevent dumping of pollutants into new stormdrains or at creek crossings.

As noted above, new development has the potential to adversely impact coastal water quality through the removal of native vegetation, alteration of natural drainage systems, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources.

Pollutants commonly found in runoff associated with new development include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. Many of these pollutants are also commonly dumped in storm drains. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms.

Therefore, policies that specifically prohibit these impacts are necessary in order for this subsection to be consistent with Section 30231, which requires that the biological productivity and quality of coastal waters be maintained and where feasible restored.

In addition, Suggested Modification 118 revises OSC-IM46 to clarify specific requirements for the adoption of a Storm Water Management Plan (SWMP) to meet federal National Pollutant Discharge Elimination System (NPDES) ~~water quality~~ objectives.

The Central Coast Regional Water Quality Control Board will administer the Phase II Municipal National Discharge Elimination System (NPDES) permit for the City of Carpinteria, beginning in March 2003. The permit will require the development and implementation of a program addressing storm water pollution issues in development planning for private projects, including the following six minimum control measures:

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

These measures are included in Suggested Modification 118 as the minimum required elements of the City's SWMP.

### **Air Resources**

The Air Resources subsection provides policies that are consistent with the requirements of the Santa Barbara County Air Pollution Control District, and therefore is consistent with the requirements of Section 30253(3). The Air Resources subsection also provides policies that promote energy conservation, and is therefore consistent with the requirements of Section 30253(4). No modifications are necessary.

### **Mineral Resources**

Carpinteria's involvement with mineral resources is limited to the operations of the Carpinteria Oil and Gas plant, which is located adjacent to Tar Pits Park on the west end of the Carpinteria Bluffs. The Mineral Resources subsection provides policies addressing the oil industry and its relationship to the City. The policies require the City to remain abreast of developments in the oil industry, and to liaison with the oil and gas plant operators and the various agencies that interface with the oil industry. The policies are not inconsistent with Chapter Three requirements, but do not directly address some of the issues raised in Sections 30260 through 30263. However, these policies are incorporated by reference in Policy LU-1a, and the most relevant sections, Sections 30260 and 30262, are included in a sidebar in the Mineral Resources subsection. Additional policies reiterating Sections 30260 through 30263 are not necessary. The subsection as submitted is consistent with Chapter Three of the Coastal Act.

### **Visual Resources**

This subsection provides policies for protecting visual resources in Carpinteria, including preservation of "broad, unobstructed views" to the ocean and protection of views to scenic natural areas. The policies provide for the imposition of height restrictions, setbacks, landscaping requirements, open space buffers, and night-sky regulations, and for the minimization of landform alteration. While the policies of this subsection are largely consistent with Chapter Three requirements, some modifications are necessary for them to be fully consistent. Specifically, Suggested Modifications 119 through 122 are necessary to strengthen policies that minimize landform alteration, provide for the planting of native vegetation, and require blufftop structures to minimize impacts on public views. As modified, the policies of this section are consistent with Section 30251.

## **3. Other Resources**

The Open Space, Recreation, and Conservation element contains specific policies for three "other resource" categories: Parks and Recreation Areas, Trails and Coastal Access, and



Culturally Significant Locations. The element addresses each resource in a separate subsection, each of which includes a discussion, policies, and a statement concerning environmental consequences of those policies.

### **Applicable Coastal Act Policies**

A broad policy goal of California's Coastal Management Program is to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act.

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

A related policy goal of the Coastal Act is to provide for visitor-serving recreational facilities in coastal areas. For example, Section 30213 encourages the provision of lower cost visitor and recreational facilities.

Section 30213 of the Coastal Act states (in relevant part):

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational facilities are encouraged.*

Similarly, Section 30222 prioritizes visitor-serving commercial ~~use~~ of private lands in the coastal zone. Section 30222 states

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The Coastal Act also provides for the protection of coastal waters, sensitive habitat and parkland.

Section 30231 requires the maintenance and restoration of the biological productivity of coastal waters. Section 30231 states

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste*

*water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams..*

Section 30240 requires development to be sited and designed to prevent disruption of these areas. Section 30240 states

- (c) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (d) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Design guidelines that minimize impacts on sensitive habitat thus are necessary for consistency with Section 30231 and Section 30240.

Another primary objective of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded.

Section 30251 of the Coastal Act states

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Development policies found in Section 30253 of the Coastal Act also are relevant to the Community Design element. These policies require new development to minimize erosion and ensure geologic stability, minimize energy consumption, and protect special areas that are popular recreational destinations for visitors.

Section 30253 of the Coastal Act states, in relevant part:

*New development shall:*

.....

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

....

*(4) Minimize energy consumption and vehicle miles traveled.*

*(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

These policies form a basis for review of the Community Design Element's consistency with Chapter Three of the Coastal Act.

### **Chapter Three Consistency**

The Other Resources section of the Open Space, Recreation, and Conservation element contains a range of policies that address distinct issue areas. Consistency with the relevant Chapter Three policies is best evaluated by individual subsection.

### **Parks and Recreation**

The City of Carpinteria contains approximately 180 acres of public parkland, most of which is located on the beach and adjacent bluffs. In addition, both formal and informal trails and access ways are located on the Bluffs, along creeks, and in State and City beachfront parks. This subsection includes policies for protecting parks, open space, recreational areas, and coastal access. Specific policies ~~require~~ enhancement of coastal access and recreational facilities, including ~~increased opportunities~~ for the disabled and elderly, increased ocean recreation ~~programs~~, and passive recreation in open space and creek corridors. These policies include provisions for the protection of natural resources as a necessary corollary to improved public access. Other policies prioritize environmentally sensitive and coastal dependent recreational uses on oceanfront land, and limit development in recreation areas to pipelines when no alternative is feasible. The subsection also contains policies for funding and management of park, recreation, and coastal access areas.

While these policies generally conform to the intent of Chapter Three policies, including those concerning public access, recreation, and protection of natural resources, some modifications are necessary for the policies to be fully consistent. These modifications include the retention of three important existing public access policies and the addition of a new policy that addresses the dedication and acceptance of public access routes.

Some suggested modifications are primarily matters of clarification. For instance, Policy OSC-14g refers to "all proposals made in the General Plan," and Suggested Modification 124 appends "Land Use Plan" to that phrase for clarification. Policy OSC-14 requires the City to meet the recreational needs " of the community" and Suggested Modification 123 clarifies that these facilities should also meet the needs of visitors, consistent with Section 30213. Other suggested modifications address more substantive public access issues, as discussed below.

Suggested Modifications 125 through 127 retain Policies 7-1, 7-13 and 7-20 from the existing LUP. These policies contain important provisions prohibiting new development from diminishing public access. The policies provide for the granting of lateral and vertical accessways and the recognition of prescriptive rights. These provisions are necessary for the LUP to be consistent with the public access policies of Chapter Three.

Finally, Suggested Modification 128 adds a new policy requiring the City to accept all offers to dedicate public access ways, and open them to the public as soon as possible.

These modifications are necessary to comply with the public access provisions of Chapter Three. These provisions are intended to ensure access to publicly owned tidelands, and to safeguard other public rights to use the shoreline that exist independent of the public's ownership of tidelands. Generally, there are three additional types of public use: (1) recreational rights in navigable waters guaranteed to the public under the California Constitution and state common law; (2) any rights that the public may have acquired under the doctrine of implied dedication based on continuous public use over a five-year period; and (3) any additional rights that the public may have acquired through public purchase or offers to dedicate access.

Relevant Chapter Three provisions include Section 30210, which provides that maximum access and recreational opportunities be provided consistent with public safety, public rights, private property rights, and natural resource protection; Section 30211, which requires that development not interfere with the public's right of access to the sea with certain exceptions; and Section 30212 which requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby.

Based on the access, recreation, and development policies contained in Chapter Three of the Coastal Act, the Commission has required public access to and along the shoreline in new development projects. Impacts to access can occur from physical blockage of existing access, direct occupation of sandy beach by structures as well as from impacts on shoreline sand supply and profile caused by seawalls and other shoreline protective structures.

The beaches, trails, and parklands in the City of Carpinteria are extensively used by both local residents and visitors. Most planning and demographic studies indicate that attendance at recreational sites in southern California will continue to increase

significantly over the coming years. The public has the right to access and use the shoreline under the public trust doctrine, the California Constitution, and California common law. Therefore, it is necessary that the Local Coastal Program must protect public access rights by assuring that any proposed shoreline development does not interfere with those rights.

To eliminate or reduce potential impacts from development on public access and recreation, the Commission, in numerous permit actions, has often required that public access to or along the shoreline be provided in new development projects as mitigation for adverse impacts to beach sand supply and/or public access. This form of required mitigation is usually accomplished through an offer-to-dedicate (OTD) an easement for public use.

The requirement for the recordation of an OTD, however, does not ensure public access; the offers must be accepted by a managing entity, and, for vertical easements, which often require some form of physical improvement, be opened for public use. An OTD is valid for a limited time period, usually 21 years in Commission permits. OTDs, in many cases, are not required to be made available for public use until the easement is accepted for management by a public agency or non-profit organization. Therefore, it is important that the LUP contain provisions to ensure that OTDs required as a condition of development are not only accepted prior to their expiration date, but that they are opened, improved, where necessary, and managed for public use.

For all of these reasons, the retention of Policies 7-1, 7-13 and 7-20 of the existing LUP, and the addition of a policy providing for the acceptance of OTDs are necessary to comply with the public access provisions of Chapter Three.

### **Trails and Coastal Access**

As noted above, both formal and informal trails are located on the Bluffs, along creeks, and in State and City beachfront parks. This section provides additional public access policies specifically related to trails. The policies provide for the maintenance and expansion of the City's trail system, including extending the Coastal Trail the entire length of the City, improving facilities for disabled access to the beach, development of trails along City creeks, and improving the safety of railroad crossings. Policy OSC-15a specifically calls for the development of a Trails Master Plan to expand and enhance the existing trail system. Similarly, Policy OSC-15a calls for the maintenance and expansion of the trails system based upon the Trails Map and the Trails Master Plan. Inclusion of the forthcoming plan as a guidance document is problematic, however, because the Plan has not been reviewed for consistency with Chapter Three policies of the Coastal Act. Therefore, Suggested Modification 129 clarifies that the Trails Master Plan may serve as a basis for the trails system if approved as an LCP Amendment by the Commission. As modified, the trails and coastal access policies are consistent with the public access policies of the Coastal Act.

## **Culturally Significant Locations**

Carpinteria was once the location of a thriving Chumash village called Mishopshnow. Large asphalt deposits, which were used to seal ocean-going canoes, contributed to the development of Mishopshnow as a canoe-building center. These asphalt deposits are found in what is now Tar Pits Park. In addition to archaeological resources, Carpinteria contains several historical landmarks, including the Portola Sycamore and other heritage trees, as well as the Heath Ranch Park and Adobe and the site of the original Carpinteria Library. This section includes policies to protect Carpinteria's historical and archaeological resources. Most of the policies concern the latter, and provide development standards and processes to minimize impacts to archaeological sites. Other policies encourage pursuit of various preservation options, including purchase and incentive programs, and prohibit potential harmful activities such as off-road vehicle use and collection of artifacts. The policies, as submitted, are consistent with Section 30244 of the Coastal Act.

## J. SAFETY

This element contains proposed LUP policies intended to reduce the adverse consequences of natural hazards and minimize the potential for release of hazardous materials. The element includes policies related to seismic hazards, soil hazards, slope stability hazards, flood hazards (including hazards from wave action), fire hazards, and hazardous materials.

The City of Carpinteria lies between the foothills of the Santa Ynez Mountains and the Pacific Ocean. It contains the lower reaches of Carpinteria, Santa Monica, and Franklin Creeks (the latter two being channelized), and is adjacent to the Carpinteria Salt Marsh. Development within the City is vulnerable to a variety of hazards including threats from slope instability, liquefaction, rock fall, earthquakes, storm waves, and flooding. Two potentially active faults run through the City, and much of the City has a high liquefaction potential. Bluffs and beaches are subject to natural erosional forces, often accelerated by the effects of winter storms. Fire is a potential threat several months of the year due to the typically long summer dry season characteristic of the Mediterranean climate. Flooding, particularly during period "El Nino" winter storm seasons, threatens beachfront and creekside homes, and increases the potential for bluff and beach erosion. Particularly vulnerable are the City's 17 beachfront residential lots, located in a three-block section south of Sandyland Road.

### Applicable Coastal Act Policies

Under the Coastal Act, development is required to be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs (Section 30253).

Section 30253 of the Coastal Act states (in ~~relevant part~~):

New development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply.

Section 30235 of the Coastal Act states that:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Chapter Three of the Coastal Act also provides for the protection of environmentally sensitive habitat areas (ESHA), coastal waters, and marine resources, in three separate sections.

Section 30230 requires the protection, enhancement, and restoration of marine resources. Section 30230 states:

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

Section 30231 requires the maintenance and restoration of the biological productivity of coastal waters. Section 30231 states:

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

Section 30240 requires development to be sited and designed to prevent disruption of ESHA. Section 30240 states:

- (e) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (f) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Under Section 30107.5 of the Coastal Act, ESHA is defined as



*...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem ~~that should~~ be easily disturbed or degraded by human activities and ~~development~~*

Finally, Section 30250(b) of the Coastal Act regulates the siting of hazardous industrial development.

Section 30250(b) of the Coastal Act states that:

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

The Coastal Act also provides that development damaged or destroyed by natural disasters can be rebuilt in the same location, exempt from a coastal development permit, under certain conditions in PRC Section 30610(g). ~~Certain~~ emergency actions are also exempt from permit requirements.

### Chapter Three Consistency

The Safety Element provides LUP policies to assure that development be designed to minimize potential hazards. The element includes separate subsections addressing seismic hazards, slope stability, soil hazards, flood hazards (including from wave action), fire hazards, and hazardous materials. The element contains policies providing for geological investigation for development in areas that contain or are adjacent to geologic hazards, and special requirements for development in other hazard areas.

While the policies generally support Chapter Three objectives, several policies must be modified in order to be consistent with the ~~Chapter Three policies cited above~~. Suggested Modifications 130 and 131, to be applied to Policies S1-IM2 and S1-IM3, replaces "should" with "shall" in order to clarify that ~~site investigations are required~~ for properties subject to seismic hazards. In addition, policies concerning protection from wave action require modifications in order to be consistent with Section 30253 of the Coastal Act. Lastly, an additional policy regarding the location of hazardous facilities is necessary for consistency with 30250(b). These two issues are discussed below.

#### 1. Minimizing risks to property due to wave action.

As noted above, the Carpinteria coast has historically been subject to substantial damage as the result of storm and flood occurrences—most recently, and perhaps most dramatically, during the 1995 severe winter storm season. Ample evidence exists that beachfront development located on the seaward side of Sandyland Road in Carpinteria, is subject to potential risks due to storm waves and surges, high surf conditions, erosion, and flooding.

As stated above, Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of ~~high geologic or flood hazards~~ and assure stability and structural integrity. In addition, Section 30235 of the Coastal Act allows the construction of shoreline protection devices for existing development only when no feasible less environmentally damaging alternative exists.

The Safety element provides two policies to minimize the impacts of wave action on beachfront development. Policy S4-IM13 requires the City to construct a sand berm on the City Beach parallel to Sandyland Road. Policy S4-IM14 requires all new development or redevelopment to be constructed so as to be protected from wave action. Both policies require modification in order to be consistent with Chapter Three policies, and shall be evaluated in turn.

### Shoreline Protective Devices

Policy S4-IM14 requires new development or redevelopment on beachfront properties to be constructed so as to be protected from wave action. The policy requires a wave action study to be completed to determine appropriate construction methods to meet this requirement. The policy does not specify which methods are appropriate. Several methods exist to protect development from wave action, including siting the project landward of the wave uprush limit, placing structures on caissons, and constructing shoreline protection devices, such as seawalls, to deflect oncoming waves.

In past actions, the Commission has found that the construction of a shoreline protection device, such as a seawall, may result in significant adverse effects to shoreline sand supply and public access. Even though the precise impact of a structure on the beach is a persistent object of debate within the discipline of engineering, and particularly between coastal engineers and marine geologists, it is generally agreed that a shoreline protective device will affect the configuration of the shoreline and beach profile whether it is a vertical bulkhead or a rock revetment. Adverse impacts include beach scour, end scour (the beach areas at the end of the seawall), retention of potential beach sands behind the wall, and the interruption of alongshore processes.

Policy S4-IM14 requires new development or redevelopment on beachfront properties to be constructed so as to be protected from wave action. As noted above, Section 30235 only allows shoreline protective devices to be constructed to protect existing development, and then only when less damaging alternatives are not feasible. In order for this policy to be consistent with Section 30235, it must state that the use of shoreline protection devices shall not be allowed. Suggested Modification 137 adds language prohibiting the construction of shoreline protective devices.

Suggested Modification 118 adds similar language to Policy S2-IM5 for the same reasons. Policy S2-IM5 states that slope stabilization techniques, such as seawalls, on coastal bluffs should be avoided. Suggested Modification 132 strengthens Policy S2-

IM5 to prohibit all such structures unless necessary to protect existing structures in danger from erosion, and when no less environmentally damaging options are feasible.

As modified, Policies S2-IM5 and S4-IM14 are consistent with Section 30235 of the Coastal Act.

#### Sand berm

The City Beach is backed by numerous private residences (including single family residences, condominiums, and apartments), as well as public parking facilities (located at several street ends) and a public restroom. The City has indicated that on occasion, during the winter storm season, wave action has resulted in damage to the existing private residences and public amenities (including public streets, parking lots, and a restroom facility) located on the back portion of Carpinteria City Beach. In a letter dated August 14, 2001, the City states that:

*[I]n 1987 and again in 1995, large wave events caused significant damage in Carpinteria. The 1987 event was characterized by locally generated high frequency storm waves driven by strong onshore wind. The home on 4709 Sandyland Road was knocked off its foundation by surf. This occurred during the period of one high tide.*

...

*In early December of 1995, the winter protection berm had not yet been built when a severe wave event occurred. Hurricane force winds off of the southern Oregon and California Coast generated twenty foot surf off of the Carpinteria Beach. This resulted in several hundred thousands of dollars of damage to residential properties and public beach access improvements. This unfortunate event provided us with an example of the potential for damage the City Beach possesses when unprotected. Further damage would have occurred, however, emergency crews went to work to erect the berm.*

Policy S4-IM13 requires the City to construct a sand berm on the City Beach parallel to Sandyland Road. The Commission has approved construction of a seasonal sand berm on City Beach since 1995. In past review, the Commission found that the proposed sand berm was an environmentally preferable alternative to provide for protection of existing development in comparison to the construction of "hard" solutions such as the construction of a rock revetment or seawall.

However, the Commission also found that disturbance from construction, maintenance, and demolition of the berm on an annual basis would still result in potential adverse effects to the habitat resources on site. City Beach is known to provide habitat for several sensitive species, including California grunion, Pismo Clams, and Western Snowy Plovers. The City Beach is also adjacent to the Carpinteria State Beach, which contains designated ESHA. The Commission approved construction of the berm on the condition that surveys be made for the above mentioned species, and protective measures, including cessation of work, be implemented should they be found present.

Another condition of approval required the City to submit, as part of any future permit applications for construction of the sand berm, a report containing technical studies prepared by qualified professionals to evaluate alternative long-term solutions to beach management including, but not limited to, dune creation, retention of the berm and planting berm with dune vegetation, beach nourishment, use of sand from alternative suitable sources, and participation in a regional sand supply mitigation program. It is important to note that City Beach contained a dune system prior to the early 1970's.

In response, the City submitted a document titled, "Winter Protection Berm – Feasibility Study," prepared by MNS Engineers and dated July 26, 2001. The MNS report concludes that a temporary, seasonal sand berm is the most feasible means to protect beachfront development from wave action. However, the MNS report does not provide a detailed evaluation of all long-term solutions, and does not evaluate the feasibility of a dune system in conjunction with concurrent beach replenishment. Furthermore, two documents submitted by the City (Beach Erosion and Pier Study by Bailard /Jenkins Consultants dated April 1982, and a letter from James Bailard, Ph.D. of BEACON, dated 8/22/00) indicate that a dune system may be feasible in conjunction with a beach nourishment program.

The City has shown interest in pursuing long-term solutions to protect existing beachfront development in Carpinteria. For example, the City participates in BEACON (Beach Erosion Authority for Clean Oceans and Nourishment), a local task force comprised of representatives from local, state, and federal government agencies whose goal is to develop a regional beach replenishment program. In addition, the City is actively collaborating with the Army Corps of Engineers (ACOE) to prepare a Feasibility Study addressing long-term solutions to protecting beachfront development in Carpinteria. The ACOE estimates that the Feasibility Study will be completed in 2004.

Suggested Modification 136 adds language to S4-IM13 requiring the City to support and facilitate the ACOE study and otherwise pursue long-term solutions such as the creation of a vegetated dune system. Suggested Modification 136 also revises the policy to identify construction of the sand berm as an interim measure, that requires permission from the Commission as well as the ACOE. As modified, Policy S4-IM13 is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

## 2. Hazardous Industrial Development

The Safety element contains policies to minimize risks related to hazardous material accidents. These policies include setbacks and other development standards for industrial sites that handle hazardous materials and adjacent uses, and compliance with Regional Water Quality Control Board requirements regarding the use, storage, and transportation of hazardous materials. The policies are consistent with the intent of Chapter Three policies to locate hazardous industrial facilities away from existing developed areas (Section 30250(c)), protect against spillage (Section 30232), and protect coastal waters (Section 30231), but do not fulfill all of the necessary

requirements outlined in these sections. Therefore, Suggested Modification 139 revises Policy S-6b to ensure that the use, storage, transportation and disposal of hazardous materials does not result in hazardous runoff or discharge into coastal waters. Suggested Modification 141 adds a policy stating that hazardous industrial facilities shall be located away from existing developed areas. Finally, Suggested Modification 140 adds a policy requiring the City to support protective measures against spillage of hazardous materials, as well as emergency response programs. As modified, the Hazardous Materials subsection is consistent with Sections 30231, 30232, and 30250(b) of the Coastal Act.

### 3. Other modifications

One final modification is necessary in order for the Safety element to be consistent with Chapter Three. Policy S-4e discourages channelization of streams "in the planning area." The City of Carpinteria Local Coastal Program only applies to areas within the city limits. Reference to the planning area must be removed from the LUP in order to preserve the integrity of the County of Santa Barbara Local Coastal Program. In addition, channelization of streams within the city limits is addressed in the Creeks and Riparian Habitat section of the Open Space, Recreation, and Conservation element. Therefore, Suggested Modification 120 deletes the first sentence of Policy S-4e in order to maintain the integrity of coastal jurisdictional boundaries, as well as eliminate redundancy. For the same reason, Suggested Modification 124 deletes reference to "the planning area" in Policy S-6.

## K. PUBLIC FACILITIES & SERVICES

The Public Facilities & Services element provides policies for the provision of public services such as water, sanitation, public utilities, fire and police protection, schools, and libraries (parks and recreation are discussed in the Open Space, Recreation & Conservation element). Many policies in this element address concerns, such as public safety and public education, that are unrelated to the Coastal Act. These policies have been included in Exhibit 1 and, under Suggested Modification 4, are to be identified in the text with a symbol denoting inclusion in the General Plan only. Other policies are related to Chapter Three issues such as water resources, public works facilities, and the provision of public services (as addressed in Sections 30231, 30252, and 30254 of the Coastal Act).

Section 30231 requires the maintenance and restoration of the biological productivity of coastal waters. Section 30231 states

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

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by 1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Section 30254 of the Coastal Act states, in relevant part:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division.... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division....*

In general, the proposed LUP policies in this element provide for the conservation of water and the careful planning of public works facilities, and ensure that new

development will not adversely impact public services. One modification (Suggested Modification 142) is necessary to add language as required by Section 30254 of the Coastal Act. As modified, the LUP policies in the Public Facilities & Services element are consistent with all relevant provisions of Chapter Three of the Coastal Act.

## **L. DEFINITIONS**

Appendix F (Glossary of Planning Terms) of the proposed LUP contains definitions for words and phrases important for understanding coastal related terminology. Examples of important definitions include those for wetlands and development. Appendix F contains definitions affecting all aspects of coastal management planning; therefore, all the policies of Chapter 3 of the Coastal Act apply. Additionally, Chapter 2 of the Coastal Act (Definitions), which governs all interpretation of Chapter 3, also applies. Because Chapter 2 governs the interpretation of Chapter 3, the definitions in the LUP must be consistent with the Chapter 2 definitions in order to be consistent with Chapter 3.

Definitions for development and for wetlands in Appendix F conflict with Chapter 2 definitions. In these cases, suggested modifications have been made (Suggested Modifications 144 and 146). The definition for "stream buffer" in Appendix F is inconsistent with the creek setback policy (OSC6-IM23) contained in the Open Space, Recreation, and Conservation element. Suggested Modification 145 revises this definition to reflect Policy OSC6-IM23. Other definitions important to coastal planning in Carpinteria are missing from Appendix F. Suggested Modification 143 adds a clause to Appendix F stating that all definitions included in Sections 30100-30122 of the Coastal Act are incorporated by reference. In addition, Suggested Modifications 67 through 69 revise the definition of the upland limit of a wetland included in the Open Space, Recreation, & Conservation element (OSC-3a), and the definition to be used in wetland delineations to be consistent with the definition of an upland limit of a wetland provided in Section 13577 of the California Code of Regulations, as well as with the Chapter 2 definition. These modifications are discussed in Section I. (Open Space, Recreation, & Conservation element findings) above. As modified, the definitions in the LUP amendment are consistent with Chapter Two and therefore Chapter Three of the Coastal Act.



## V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a Local Coastal Program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each LCP submitted for Commission review and approval. Nevertheless, the Commission is required when approving a LCP to find that the local coastal program does conform with the provisions of CEQA.

The LUP amendment has been found not to be in conformance with several Coastal Act Policies regarding public access, protection of the marine habitat, protecting environmentally sensitive habitat areas, promoting visitor serving uses, protecting visual and cultural resources, and minimizing the impact of development in hazardous locations. To resolve the concerns identified suggested modifications have been made to the proposed LUP amendment. Without the incorporation of these suggested modifications, the proposed LUP update, as submitted, is inconsistent with the policies of Chapter 3 of the Coastal Act. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the LUP amendment. As modified, the Commission finds that approval of the LUP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

Given the proposed suggested modifications, the Commission ~~finds that the City of Carpinteria Local Coastal Program Amendment 1-01 (LUP Update), as modified,~~ will not result in significant unmitigated adverse environmental impacts under the meaning of the CEQA. Further, future individual projects will require coastal development permits issued by the City of Carpinteria. Throughout the coastal zone, specific impacts associated with individual development projects are assessed through the coastal development permit review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives within the meaning of CEQA that would reduce the potential for significant adverse environmental impacts.

# **EXHIBIT 1**

## **POLICIES EXCLUDED FROM THE LAND USE PLAN**

## Policies and map components excluded from the LUP

The following policies and map components shall be marked in the updated General Plan/Land Use Plan document with the symbol "GP" to denote their inclusion in the General Plan only.

LUP policy/ map text	Description
LU-3c	Jobs-housing balance
LU-3f	Revitalization
LU-3g	Range of business activities
LU-4	Open-air agriculture in County
LU-4a	Greenbelt surrounding City
LU-4b	Agreement with County
LU-4c	Restrict greenhouses in County
LU-6c	Affordable housing in mixed use
LU-7	Sphere of Influence
LU-7a	Sphere of Influence
Land Use Map (Figure LU-1)	Reference to the Sphere of Influence
CD-2	Architectural design
CD-4	Neighborhood design/frontages (NOTE: There are two policies labeled "Objective CD-4." This is the second policy.)
CD-4a	Entrances
CD-4b	Garages
CD-4c	Low walls along frontages
CD-4d	Contrasting design features
CD-5	Neighborhood edges
CD-5a	Commercial/apt frontages
CD-6	Enhance and maintain downtown
CD-6a	Commercial frontages

## Policies and map components excluded from the LUP

CD-6b	<del>Commercial signs</del>
CD-6c	Screening trash/loading facilities
CD-6d	Courtyard buildings
CD-8	Streets to enhance city design
CD-8a, b, d	Street trees
CD-8c	Rural frontages
CD-8f	<b>**Repeat of CD-7b</b>
CD-9	Frontages
CD-9a	Setback patterns
CD-9b	Frontages along major routes
CD-9c	Commercial frontages
CD-9d	Rural detailing (NOTE: last three sentences appear out of place)
CD-9e	More on frontages
CD-10c	Quality design in public spaces
CDS1-a	Specific Plan for design standards
CDS1, I.M. 1-6, 8-10	<del>Design guidelines for Downtown</del>
CDS2-3	Encourage cultural/ gov't activities in Downtown
CDS2, I.M. 13-18, 20-23	Street trees, frontages, etc.
CDS2A-3	Encourage cultural and governmental activities in Downtown
CDS2A-b	Transform Carpinteria Avenue
CDS2A, I.M. 24, 27, 30, 31	Design guidelines, Downtown Core
CDS3-2	Preserve residential character
CDS3-c	Specific Plan for design standards
CDS3, I.M. 33, 34, 35	Street trees in Santa Monica –El Carro area
CDS3, I.M. 36-38, 40- 46	Design guidelines for Santa Monica – El Carro area

## Policies and map components excluded from the LUP

CDS4-2	Mixed use
CDS4-3	Enhance residential areas
CDS4-d	Specific plan for design standards
CDS4, I.M. 47, 48, 50	Design guidelines, Northeast
CDS5-2	Preserve residential use in Concha Loma
CDS5b	Specific plan for design standards.
CDS5, I.M. 51-54	Design guidelines, Concha Loma
CDS6, I.M. 62-63, 79	Design guidelines, Bluffs
C-1	Access to Hwy 101/interchanges
C-1a	Continue work with SBCAG
C-1c	Work with Caltrans
C-1d	Freeway improvements / town character
C-3	Transportation network/road standards
C-3a	Funding improvements
C-3b	Road standards
C-3c	Neighborhood circulation
C-3d	El Carro Lane
C-3f	East-west extensions
C-3g	Roadway improvements
C-3h	Require safe traffic flow in new development
C-3j	Capital Improvement Program
C-3k	Residential vs. industrial routes
C-4a, b, I.M. 1-3	Carpinteria Avenue traffic
C-5, 5a, I.M. 4-6	Truck routes
C-6b	RR noise attenuation in new development

## Policies and map components excluded from the LUP

C-7a	<del>alternative transportation plans for business</del>
C-7d-g	signal timings, sidewalks, impact fees
C-8e	Bicycle education
C-8i	Bike lanes at schools
C-8j	Bike safety in schools
C-8k	Bike programs in workplace
C-8n	Funding for bike projects
C-8 m, o, p, q, r	Other bike-related policies
C-9d	Public Transit safety
C-9f, C-9h	Encourage transit agencies to adopt suggested programs
C-9k	Innovative work scheduling
C-9m	Education on alternative transportation
C-9q	Take part in County-wide telecommunications planning
C-9r	Encourage e-commerce
OSC-9a	Greenbelt surrounding city
OSC-9f	<del>Encourage County to maintain open-field agriculture</del>
OSC-9g	<del>Ag areas in Planning Area</del>
OSC-9h	Encourage County to prohibit subdivisions in ag areas
OSC-9i	Discourage greenhouses in County
OSC-9, I.M. 34-35	Agricultural land / SB County
OSC-11e	Ag / Air Quality in Plan Area
OSC-13d	Creeks in Planning Area
OSC-14, I.M. 59	Community gardens
OSC-14, I.M. 60	Golf Course in Planning Area
OSC-15b	Creekway trails to foothills

## Policies and map components excluded from the LUP

S-1, I.M. 4	Tsunami warning system
S-6, I.M. 24	Development adjacent to agriculture in planning area
S-6, I.M. 26	Train speeds through town
Noise Element	Entire element, except for a suggested new policy to minimize noise impacts on ESHA
PF-2c	Waste hauling
PF-2d	Recycling
PF-2e	Landfill in County
PF-3	Police and Fire Services
PF-4	Schools
PF-5	Public services to Planning Area
PF-5a	Library service
PF-5b	Public facilities
PF-5h	Public agency coordination
PF-6d	Capital improvements reimbursement agreements
PF-6e	Fiscal impact analysis





# EXHIBIT 2

## POLICIES REQUIRING IMPLEMENTATION PROGRAM AMENDMENTS

## **Exhibit 2:**

### **Land Use Plan Amendments Requiring Implementation Program Amendments**

*Pursuant to Suggested Modification 7, the following Land Use Plan amendments shall not become effective until the City of Carpinteria formally adopts the suggested modifications and complies with all of the requirements of Section 13444.5 of the California Code of Regulations AND the Coastal Commission certifies amendments to the Implementation Program that are adequate to carry out and implement such Land Use Plan amendments.*

*(PLEASE NOTE: Items shown in **bold underline** are additions, made by Commission staff, to a list provided by the City of Carpinteria staff. These items have not been reviewed by City staff as of the date of this staff report; therefore, the City may raise concerns as to the inclusion of these items.)*

Figure LU-1

LU-3n

Policy added by Suggested Mod. 15

LU-5c

LU-6

LU-6a

LU-6b

LU-6c

**LU-IM1**

LU-IM2

**CD-5b**

**CD-10f**

**CD-12a**

**CD-12b**

**CD-13a**

CD-11-IM1

CD-11-IM2

CD-12-IM5

CD-12-IM6

CD-12-IM7

CD-13-IM9

CD-13-IM10

CD-13-IM11

CDS1-IM7

CDS1-IM11

CDS1-IM12

CDS2-c

CDS2-IM19

**CDS2A-a**

CDS2A-IM25

CDS2A-IM26

CDS2A-IM28

CDS2A-IM29

CDS2A-IM32

**CDS3-a**

CDS3-IM39

**CDS4-b**

CDS4-IM49

CDS4-IM50

**CDS5-a**

CDS5-IM55

CDS5-IM56

C-9p

**Figure OSC-1**

OSC-1e

**OSC1-IM4**

OSC1-IM5

**OSC1-IM7**

OSC1-IM8

OSC1-IM10

Policy added by Suggested Mod. 68

OSC-3a

OSC-3b

OSC3-IM11

Policy added by Suggested Mod. 71

OSC4-IM12

**Exhibit 2**  
**LUP Amendments Requiring IP Amendments**  
**Page 2**

**OSC4-IM15**

OSC4-IM17

OSC4-IM18

OSC-6c

**OSC-6g**

**OSC-6h**

OSC6-IM23

OSC6-IM24

OSC6-IM25

**OSC6-IM26**

OSC6-IM27

**OSC6-IM28**

OSC6-IM30

OSC6-IM30a

OSC6-IM30b

OSC6-IM31

**Policies added by Suggested Mod. 93**

**Policies added by Suggested Mod. 94**

**Policies added by Suggested Mod. 95**

**Policies added by Suggested Mod. 96**

**Policies added by Suggested Mod. 97**

**Policies added by Suggested Mod. 98**

**Policies added by Suggested Mod. 99**

**Policies added by Suggested Mod. 100**

**Policies added by Suggested Mod. 101**

OSC-7a

OSC-7b

OSC7-IM31

**OSC8-IM33**

**OSC-9c**

Policy added by Suggested Mod. 112

Policy added by Suggested Mod. 113

OSC9-IM36

OSC9 -IM37

OSC-10c

**OSC10-IM45**

OSC10-IM46

OSC-13a

**OSC-13g**

OSC-13i

OSC13-IM51

OSC-15a

**OSC-16a**

**OSC16-IM68**

**OSC16-IM69**

**OSC16-IM70**

**S-1a**

**S-1c**

**S1-IM1**

**S1-IM3**

**S-2a**

**S2-IM5**

**S2-IM6**

**S-3b**

**S3-IM7**

**S3-IM8**

**S3-IM9**

**S-4c**

**S-4e**

**S4-IM11**

**S4-IM14**

**S5-IM17**

**S-6b**

**S6-IM22**

**S6-IM23**

**S6-IM25**



# **EXHIBIT 3**

## **PUBLIC ACCESS POLICIES**

## Public Access Policies

C-1b	CDS2A-1	OSC-15c
C-3e	CDS2A-1-a	OSC-15d
C-3i	CDS2A1-b	OSC-15, I.M. 61
C-4	CDS2A-d	OSC-15, I.M. 62
C-6	CDS3-1, I.M. 39	OSC-15, I.M. 63
C-6a	CDS5, I.M. 55	OSC-15, I.M. 64
C-6c	CDS5-1	OSC-15, I.M.65
C-6d	CDS-6c, I.M. 74	
C-6e	Figure C-3	
C-7	LU-3a	
C-7b	LU-3e	
C-7c	LU-3i	
C-8	LU-5	
C-8,	LU-5a	
C-8 a-d	LU-5b	
C-8f-h	LU-5c	
C-8l	LU-5, I.M. 1	
C-9	OSC-2a	
C-9a-c	OSC-2b	
C-9e	OSC-2g	
C-9g	OSC-2g	
C-9i-j	OSC-3c	
C-9l	OSC-4, I.M. 16	
C-9n-p	OSC-4, I.M. 17	
CD-5b	OSC-4, I.M.18	
CD-7	OSC-5	
CD-7a	OSC-14	
CD-7b	OSC-14, I.M. 52	
CD-10	OSC-14, I.M. 53	
CD-10a	OSC-14, I.M. 54	
CD-10d	OSC-14, I.M. 55	
CD-10g	OSC-14, I.M. 56	
CDS1-1	OSC-14, I.M. 57	
CDS1-2	OSC-14, I.M. 58	
CDS1-3	OSC-14a	
CDS1, I.M. 12	OSC-14b	
CDS2-1	OSC-14c	
CDS2-2,	OSC-14d	
CDS2-b	OSC-14d	
CDS2A-2	OSC-14e	
CDS2, I.M. 19	OSC-14f	
CDS2A, I.M. 25d	OSC-14g	
CDS2A, I.M. 26	OSC-14h	
CDS2A, I.M. 28	OSC-15	
CDS2A, I.M. 29	OSC-15a	

# EXHIBIT 4

## AGRICULTURAL CONVERSION AND VIABILITY ANALYSIS

**Attachment D**  
**CARPINTERIA AGRICULTURAL VIABILITY**  
**AND CONVERSION ANALYSIS**

July, 2000

**INTRODUCTION**

As part of the City's General Plan update, issues related to California Coastal Act policies regarding the conversion of agricultural lands to urban and rural uses have arisen. In order to ensure adequate housing opportunities for all economic segments of the community, provide adequate sites for educating the community's children, the City's General Plan update proposes non-agricultural General Plan and LCP designations on three properties within the City's planning area: the Creekwood property within the City of Carpinteria, as well as the East Valley school site and a parcel on Cravens Lane (the Ellinwood parcel) adjacent to the existing city limits.

It is the purpose of this analysis to determine whether non-agricultural land use designations for these three properties are, in fact, consistent with the Coastal Act, and to determine whether existing General Plan and Local Coastal Plan policies affecting these three sites are appropriate to support the City's vision of its future. To accomplish this, the following tasks were undertaken:

1. Review Coastal Act agricultural preservation/conversion policies and their implications for the choices that the City has available in its General Plan/Local Coastal Plan update.
2. Review existing City and County General Plan and LCP land use designations and relevant agricultural preservation/conversion policies.
3. Review previously proposed LCP revisions, Coastal Commission staff report, and exhibits related to the Creekwood site.
4. Prepare an evaluation for each of the three sites as to the consistency of their designation for non-agricultural use with relevant Coastal Act policies.

**CALIFORNIA COASTAL ACT AGRICULTURAL POLICIES**

The California Coastal Zone Conservation Act (Coastal Act) of 1976 includes policies which recognize the uniqueness of coastal areas. The policies give priority to ocean dependent uses, which are defined as uses that are dependent on the ocean, and cannot be located elsewhere (e.g., commercial fishing, recreational boating). Along with ocean-related uses, the second highest priority in the Coastal Act is for visitor-serving uses, especially water-oriented recreation. Public access is another high priority of the Coastal Act, which aims at assuring that people can get to the coast on public streets and that sufficient parking is provided. The other priority of the Coastal Act is preservation of the natural environment and protection of coastal agriculture and prime agricultural soils.



**Section 30241 of the Coastal Act states:**

**The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:**

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.**
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development**
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.<sup>1</sup>**
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.**

---

<sup>1</sup> Section 30250 of the Coastal Act states that new residential, commercial, or industrial development is to be located within, contiguous to, or in close proximity to existing developed areas that are able to accommodate such development. If such areas are unable to accommodate new development, this section permits new residential, commercial, or industrial development to occur in other areas with adequate public services if significant impacts can be avoided. Section 30250 also states that land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed, and the created parcels would be no smaller than the average size of surrounding parcels.

- (e) By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.

Section 30241.5 of the Coastal Act sets forth criteria for the determination of viability under Section 30241. As described in Section 30241.5, viability includes, but is not limited to, consideration of an economic feasibility evaluation containing at least both of the following:

- (1) An analysis of the gross revenue from the agricultural products grown in the area for the five previous years; and
- (2) An analysis of the operational expenses, excluding the cost of the land, associated with the production of agricultural products grown in the area for the five previous years.

Other relevant agricultural policies contained in the Coastal Act include Sections 30242 and 30243, that state:

30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

~~30243.~~ The long-term ~~productivity of soils and timberlands shall~~ be protected, and conversions of coastal commercial timberlands to other uses or their division into units of non-commercial size shall be limited to providing for necessary timber processing and related facilities.

#### ***IMPLICATIONS OF CALIFORNIA COASTAL ACT AGRICULTURAL POLICIES ON THE CARPINTERIA GENERAL PLAN/LOCAL COASTAL PLAN UPDATE***

Under the Coastal Act, protecting prime agricultural lands is not only an objective in itself, but it is also the means of achieving the larger objective of protecting the agricultural economies of coastal communities. Overall, the toolbox set forth in Section 30241 is intended to protect the agricultural economies of coastal communities by furthering the overriding objective of minimizing urban-agricultural conflicts.

As part of the update of the City's General Plan/Local Coastal Plan, the updated Plan proposes non-agricultural land use designations on three properties that warrant discussion. One, Creekwood is

designated for agricultural use in the City's LCP. Another, Ellinwood, is designated for agricultural use in the County LCP and the third, East Valley School Site, is designated in the County's LCP for residential use, but has had historical agricultural use on the property. The following is a description of each property.

1. ***Ellinwood Property.*** This is a 3.87-acre site located in unincorporated territory, adjacent to the present City limits. The site is outside of, but contiguous to the urban/rural boundary delineated in the City's LCP. It contains non-prime soils.
2. ***Creekwood (Norman's Nursery) Site.*** This is a 32-acre site, located within the City limits, but outside of and adjacent to the urban/rural boundary delineated in the City's LCP. The site is currently used to produce ornamental plants, and is located on prime soils.
3. ***East Valley School Site.*** This is a 6-acre site that is located in unincorporated territory, adjacent to the present City limits. The site is outside of, but contiguous to the urban/rural boundary delineated in the City's LCP. It contains non-prime soils.

The residential land use designations proposed for the Ellinwood and Creekwood sites evolved from the City's ongoing efforts to ensure adequate sites for housing for all economic segments of the community in response to California Housing Element law (Government Code Section 65580). The proposed non-agricultural land use designation of the East Valley School site responds to the need of the Carpinteria Unified School District for construction of a new elementary school.

In determining whether development of these parcels with non-agricultural uses is consistent with Coastal Act policies, the following questions need to be answered.

#### ***General Issues***

- \$ Is there an adequate inventory of lands that are not suited for agricultural use that can be used to meet future residential, commercial, industrial, public facility, and other needs such that the conversion of prime agricultural lands can be avoided?
- \$ Does the City's existing urban/rural boundary separate urban and rural areas in a logical manner and provide appropriate buffers between existing and future urban and rural uses?

#### ***Issues Related to Prime Agricultural Lands***

- \$ Would non-agricultural development of the site be consistent with the provisions of Section 30250 of the Coastal Act calling for contiguous urban development?
- \$ Is the viability of agricultural use of the site already severely limited by conflicts with urban use?
- \$ Would conversion of the site to non-agricultural use complete a logical and viable neighborhood?

- \$ Would conversion of the site to non-agricultural use contribute to the establishment of a stable limit to urban development?
- \$ Would conversion of the site to non-agricultural use involve extension of urban services or facilities to agricultural parcels or otherwise impair agricultural viability through increased assessments or degraded air or water quality?
- \$ Would conversion of the site to non-agricultural use diminish the productivity of remaining agricultural lands?

***Issues Related to Sites Not Located on Prime Agricultural Land, but Which Are Suitable for Agricultural Use***

- \$ Is continued or renewed agricultural use feasible?
- \$ Would conversion of the site to non-agricultural use preserve prime agricultural land or concentrate development in a manner consistent with the provisions of Section 30250 of the Coastal Act?
- \$ Would non-agricultural use be compatible with continued agricultural use of surrounding properties?

***INVENTORY OF LANDS THAT CAN BE USED TO MEET HOUSING FUTURE NEEDS***

As noted above, the residential land use designations proposed for the Ellinwood and Creekwood sites evolved from the City's ongoing efforts to ensure adequate sites for housing for all economic segments of the community in response to California Housing Element law (Government Code Section 65580). The residential land use designations indicated in the updated General Plan for these sites are the result of a comprehensive analysis of the residential development potential of all lands within the City and its sphere of influence, whether or not such lands were (1) currently designated for residential use, (2) already developed, or (3) were currently within the City. In addition, the residential land use designations proposed for the Creekwood and Ellinwood properties are the final part of a set of actions undertaken by the City to achieve consistency with Government Code Section 65580, which requires cities to prepare and maintain an adequate General Plan Housing Element. Previously, the City has modified its zoning ordinance to permit higher density residential development within its Commercial Planned Development (CPD) zone, along with adoption of a residential overlay, permitting future residential-only projects within certain commercially zoned areas. The City has also adopted ordinance provisions implementing Government Code Section 65915, providing for granting of a density bonus for the provision of affordable housing in a development project. The updated Plan proposes to include policies that would allow for expanded use of the residential overlay, allow for mixed-use in some industrial areas, and requiring developers of commercial/industrial development to mitigate for affordable housing impacts.

As early as 1995, the City of Carpinteria recognized that its inventory of lands not designated or suitable for agricultural use was insufficient to meet the housing needs of all economic segments of the community. As part of the Housing Element update effort undertaken by the City in 1995, the City

evaluated not only the total number of dwelling units that could be constructed under current General Plan, LCP, and zoning designation, but also analyzed the extent to which current maximum allowable development intensities and development policies would facilitate or constrain meeting the City's fair share for production of housing that is affordable to very low, low, moderate, and above moderate income households. This is because State Housing Element law requires that communities make adequate provision for the development of housing that is affordable to *all economic segments of the community*, including very low, low, moderate, and above moderate income households. Thus, achieving an adequate General Plan Housing Element is not just a matter of evaluating the anticipated yield of a community's residentially zoned lands, but also requires analyzing the type of housing that would be appropriate in all areas where residential development is permitted, and determining which economic segment of the community's housing needs could be served by each area. It is common throughout the State for communities to find that, while there may be ample land planned for residential development, the housing needs of a particular segment of the population would not be adequately served.

The conclusion of the City's evaluation was that, in order to achieve the housing production goals established for the City of Carpinteria by the Santa Barbara Association of Governments pursuant to State Housing Element law, implementation of specific actions, including amendments to increase the residential development potential of various sites within the City and/or revisions to current mixed use requirements would be needed to provide adequate opportunities for all economic segments of the community. As a result, a total of 17 possible sites for expanding residential development opportunities were analyzed. For parcels within the urban limit line and which were already committed to urban development, the analysis focused on whether residential land use would be appropriate. For parcels outside of the urban limit line or which were designated for agricultural use, the analysis focused on whether conversion to residential use could be considered consistent with LCP policies. As noted above, the City looked at not only the total number of dwelling units which could be developed, but also at the likely affordability of housing on candidate sites in order to ensure that the inventory of lands available for residential development could produce housing to meet the fair share needs for very low, low, moderate, and above moderate income households.

The potential for increases in development intensity and modifications to land use designations that were evaluated in the 1995 Housing Element are described below.

§ ***Area North of the City, West of Santa Monica Creek.*** This area, which was estimated to be approximately 421.09 acres in size, was found to be physically suitable for rural residential and/or low-density residential development (up to 700 to 2,000 dwelling units) due to its primarily rural, low-density nature. The potential for affordable housing in this area was found to be poor as it is rural in character, and the densities needed to achieve affordable housing would not be consistent with the area. In addition, the site is outside of the urban/rural boundary delineated in the Santa Barbara County LCP and was, therefore, found not to be available.

§ ***North of the City, Between Santa Monica and Franklin Creeks.*** This 86.83-acre area was also found to be physically suited for low density residential development of up to 300 to 400 dwelling units. This area's potential for affordable housing was also found to be poor, since the densities needed to achieve affordable housing would not be consistent with the area. In addition, the site is outside of the urban/rural boundary delineated in the Santa Barbara County LCP and was, therefore, found not to be available.

- \$ ***Parcel Adjacent to Franklin Creek and El Cerrito Lane.*** This 9.78-acre site was planned for Low Density Residential development, and was zoned 7-R-1. This site was found to have a moderate potential for the development of affordable housing. The 1995 Housing Element found that if the site were to be rezoned 8-R-1, the overall development potential of the site could be increased by five units. With the proposed inclusionary ordinance and in-lieu programs included in Chapter VI of the Housing Element, 20 percent of the total housing developed within Site 3 could be targeted to be affordable to low income households, yielding four affordable units. The balance of the housing developed within Site 3 would be above moderate income households with 10 percent affordable to moderate income households. This potential was reflected in the adopted Housing Element.
- \$ ***Parcel North of Linden Avenue Interchange.*** The site is approximately 6 acres in size. The General Plan designation for this site was Medium Density Residential, and was zoned 7-R-1. Development of 29 dwelling units, 14 of which would be targeted for moderate income households was incorporated into the Housing Element.
- \$ ***Parcel North of U. S. 101, East of Casitas Pass Road.*** The site is approximately 9 acres in size. The General Plan designates the site for Medium Density Residential; however, the LCP designation is agricultural, and the zoning is A-5. This is one of the four sites currently being considered for a residential LCP designation. The Housing Element identified two possible development scenarios for this site. First, there is a potential for developing approximately 50 units of low density residential. Alternatively, Caltrans was considering acquisition of a part of Site 5 as part of interchange improvements for Casitas Pass Road. Under this scenario, Site 5 would likely provide for only 1 or 2 acres of development. Caltrans is currently in the process of acquiring this parcel, and may ultimately declare 1 or 2 acres surplus. While the possibilities for affordable housing in this area are low since lower densities would be more appropriate to the site's setting, the Housing Element concluded that the site did have residential potential, and should be designated for residential use. A development potential of 12 dwelling units targeted to above moderate income households was incorporated into the 1995 Housing Element.
- \$ ***Creekwood Site, East of the Rancho Granada Mobilehome Park, South of Carpinteria Creek.*** This site is approximately 32 acres in size, and was designated by the City's General Plan for Medium Density Residential development that would allow for a maximum of 320 residential units. Subsequently, a residential development project including 126 units was tentatively approved by the City, a number of those units being targeted for lower income families. The Creekwood site is currently zoned A-10, and is in agricultural use (greenhouse, flower nurseries). The LCP land use plan identifies the site as Agriculture. Thus, the 1995 Housing Element noted that approval of the Coastal Commission for conversion of this site to residential use would be needed and the City's action on the development application is contingent upon approval of the conversion. As discussed later in this report, based on discussions with Coastal Commission staff, the City believed that such conversion would have a reasonable chance of gaining approval.
- \$ ***Northeast of the City.*** A 100-acre area northeast of the City was evaluated. In order to achieve compatibility with existing development, single family dwellings were determined to be physically compatible. However, this area is outside of the urban/rural boundary delineated

in the Santa Barbara County Coastal Plan and would not, therefore, be available for residential development.

- § ***Via Real - Arneson and Sovereign Life Properties.*** This 35-acre area, was planned Industrial, and zoned Manufacturing/Research Park (M-RP). There is an industrial park to the east, a mini-storage facility to the southwest, a mobilehome park to the west, and rural residential development to the north. Thus, the Housing Element found residential uses to be potentially appropriate for the site, with a likely development scenario providing for higher density, multifamily residential uses in the southern portion of the site, and transitioning to single family residential development in the northern portion of the site. As the result of extensive public hearings, the City concluded that this site should be retained for future industrial use.
- § ***Carpinteria Bluffs.*** Residential development of this site was a controversial issue at the time of the 1995 Housing Element update. At the time, the LCP and General Plan related to the Carpinteria Bluffs had been amended to permit up to 60 dwelling units that could be constructed as part of a visitor-serving resort facility in the western portion of the Bluffs. Subsequently, area local residents mounted a successful campaign to purchase the western portion of the Bluffs as a means of preserving it in permanent open space. Thus, the site's previously assumed residential development potential has been retired.
- § ***Central Carpinteria.*** The 500-acre area south of U.S. 101 was found to have the greatest opportunity for private redevelopment of building sites and provision of new housing through intensification of existing development. This will be due to Housing Element proposals that would allow developers to acquire existing developed building sites, and convert them to higher density residential development. In addition, there is the potential for increasing the densities of various residential zones in the Central Carpinteria area, i.e., changing a PRD 15 zone to PRD 20. The combination of private redevelopment, mixed use development, and changes in zoning was found to yield a development potential ranging from 174 to 641 units, depending on the success of City actions and the various market forces at work in the area. The adopted 1995 Housing Element considered development of approximately 400 units to be likely through build out. This area was believed to have an extremely high affordable housing opportunity. The potential for inclusionary ordinance and density bonus implementation, and/or in-lieu fee requirements along with an environment that encourages higher density development in central Carpinteria creates an ideal context for the development of affordable housing. This area provides the best circumstances for providing housing opportunities in terms of needing to upgrade the older structures, infill different locations, develop underdeveloped properties, and availability of shopping and transportation facilities. Because future residential development of this area would be achieved through construction on existing developed sites at higher densities, the Housing Element concluded that approximately 50 percent or more of the new dwelling units constructed within this area could be affordable to very low income households, while another 30 percent or more could be affordable to low income households. The balance of housing produced within central Carpinteria would fall into the moderate income range.

- \$ ***Dahlia Court/Santa Ynez Avenue.*** This site was developed with 55 dwelling units, and was found to have approximately 2 acres of vacant land that could be developed for Medium Density Residential uses. The area was found to have the potential for 40 new very low and low income dwelling units.
  
- \$ ***North of the City at the Southwest Corner of Foothill Road and Casitas Pass Road.*** This 11-acre site was found in the Housing Element to be physically appropriate for low density residential development, with a possible yield of 30 to 40 units. However, the area is outside of the urban limit line contained in the Santa Barbara County LCP, and was found to not be available for residential development.
  
- \$ ***Casitas Pass Road.*** The area consists mostly of single family detached units, and this type of development is forecast for this site. The area had been previously partially developed, and the 1995 Housing Element found that the site had a potential for five additional detached dwelling units.
  
- \$ ***Carpinteria Avenue, Page Property.*** The adopted 1995 Housing Element evaluated the potential of changing the 2-acre site's commercial zoning to high density residential. Given the location of the site in relation to other visitor-serving uses, and the availability of other lands to meet Housing Element objectives, this land was found to not be available for residential development.
  
- \$ ***Northeast Corner of Carpinteria Avenue and Franklin Creek.*** The Housing Element evaluated the possibility of a zone change from commercial to high density residential on this 2-acre parcel. At maximum intensity, a total of up to 40 units could be developed, of which 6 units would be targeted to low income residents and 34 units would be targeted to moderate income residents.
  
- \$ ***West Carpinteria Avenue.*** The 1995 Housing Element concluded that commercial zoning requirements could be considered for a text change to allow increased residential use, eliminating the requirement for developing residential uses in a mixed use context. Such a text change, which would require amending the LCP, could yield a potential for development of 60 to 100 medium density residential units. Approximately 5 percent of the units were targeted to be affordable to very low income households, and an additional 15 percent were targeted to be affordable to low income households.
  
- \$ ***Via Real.*** This 3-acre site is outside the city limits, and zoned A-10. The LCP land use plan identifies it as Agricultural. The adopted 1995 Housing Element concluded that it would not be available for residential development.

Thus, the inventory of sites available for residential development is as follows.



**Table A - Available Lands**

	<b>Total Units</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>
Central Carpinteria (short term)	200	105	60	35	0
Creekwood	244	15	15	20	194
Development Capacity of Other Sites Described Above	• 217	14	63	110	92 •
Housing Potential for Other Sites Zoned:					
20-R-1	1	0	0	0	1
6-R-1	5	0	0	0	5
4-R-1	2	0	0	0	2
PRD-15	5	0	0	5	0
CPD	10	5	5	0	0
MRP	49	5	21	23	0
Subtotal	• 733	144	164	193	294 •
Identified Housing Needs <sup>1</sup>	644	148	116	136	244
Central Carpinteria (long term)	200	105	60	35	0
<b>TOTAL</b>	<b>933</b>	<b>249</b>	<b>224</b>	<b>228</b>	<b>294</b>
Percentage of Short Term Inventory Represented by the Creekwood Site	33.3	10.4	9.1	10.4	66.0
Percentage of Long Term Inventory Represented by the Creekwood Site	26.2	6.0	6.7	8.8	66.0

<sup>1</sup> This represents the City's fair share housing figures for all economic segments of the community as set forth by the Santa Barbara Association of Governments for the 1992-1999 period.

The City's 1995 Housing Element update, as well as the built out nature of the City provided a demonstration that, as part of a package of initiatives, the inventory of land not suited for agriculture needed to be supplemented if Carpinteria was to meet its long-term residential, commercial, industrial, public facility, and other needs. As indicated above, the Creekwood site was integral to demonstrating that the City could make provision for housing production for all economic segments of the community, as set forth in State Housing Element law. This is because the City was in the unique position of demonstrating adequate land to meet needs for low and moderate income housing, but did not have adequate land for the provision of above moderate income housing. This situation was largely the result of building out lands that were designated for residential development.

During its required review of the City's 1995 Housing Element, the California Department of Housing and Community Development (HCD) raised objections to the City's inventory of potential sites for housing development. HCD was concerned that (1) the City may have overstated both the short term and long term housing potential of Central Carpinteria; (2) requirements for residential development as part of a mixed use project would constrain housing production, thereby reducing the inventory identified in the Housing Element, and (3) the Creekwood site would not be available for residential development. Coastal Commission staff was, at the same time, concerned that (1) the City might rely heavily on non-priority residential development on the Bluffs to meet identified housing needs, (2) the proposal to allow for residential only development in current mixed use areas represented a reduction in visitor-serving development, and (3) residential development on the Creekwood site would result in the conversion of agricultural land to non-agricultural use. As a result, the City was caught between competing State objectives (Coastal Act priorities and the provision of affordable housing for all economic segments of the community), and was not able to satisfy both agencies that were involved.

To resolve this situation, the City of Carpinteria proposed a package of actions, which was discussed in a meeting held at then Assemblyman Jack O'Connell's Sacramento office. Present at this meeting in addition to the Assemblyman, his staff, and City representatives were Coastal Commission and HCD staff members<sup>1</sup>. At this meeting, the City proposed the following:

- \$ Residential development on Carpinteria Bluffs be limited, emphasizing environmental and open space protection, recreation, and visitor-serving opportunities.
- \$ Residential-only development be permitted within the City's Commercial Planned Development and Central Business zones, allowing developers to rehabilitate buildings and provide needed affordable housing opportunities.
- \$ Convert the existing nursery on the Creekwood site to residential use.

Subsequent to the Sacramento meeting, a site visit with City, Coastal Commission, and HCD staffs was held to review the Central Carpinteria, Carpinteria Bluffs, and Creekwood sites. It was agreed that, in order to implement a solution to the City's dilemma:

- \$ HCD staff would not insist that residential development of the Carpinteria Bluffs be maximized, and support the City in its pursuit of residential development in the downtown area;
- \$ Coastal Commission staff would accept the potential for residential-only development within the City's Commercial Planned Development and Central Business zones, along with the conversion of the Creekwood site to residential use if the Carpinteria Bluffs were to be designated for high priority coastal uses<sup>2</sup>.

---

<sup>1</sup> Representing Coastal Commission staff were Gary Timm and Melanie Hale. Representing HCD were Kam Cleary and Kim Dillinger.

<sup>2</sup> LCP Amendment No. 1-98 established a Residential Overlay District that would appeal to certain community areas and LCP/GPA 700 established policy for private use of the Bluffs. These policies have been incorporated into the GP/LCP update where appropriate.

In preparing its General Plan update, the City has first used lands already committed to residential, commercial, industrial, and public facility uses to meet future needs. The conversion of the three properties being evaluated in this report is proposed only because there is not a sufficient inventory of non-agricultural land to meet future residential, commercial, industrial, public facility, and other needs and complement other land use policy changes aimed at increasing the potential amount of housing in the City's urbanized areas. The lands proposed for conversion are located adjacent to existing urban development, and are consistent with applicable locational policies under the Coastal Act.

### ***SPECIFIC ISSUES RELATED TO SITES BEING CONSIDERED FOR NON-AGRICULTURAL LAND USE DESIGNATIONS***

#### ***Creekwood Property***

##### ***Setting***

This site is designated in the existing General Plan as Medium Density Residential, but has an agricultural LCP designation. It is located adjacent to, but outside of the LCP's urban/rural boundary. The site encompasses 32 acres, and is bounded by the Rancho Granada and San Roque mobile home parks to the west, the U.S. 101 freeway to the south, agricultural lands to the east, and Carpinteria Creek and other agricultural lands to the north.

##### ***Evaluation***

Conversion of the Creekwood property to residential use was part of an understanding reached between the City, Coastal Commission staff, and Department of Housing and Community Development staff in 1995 as to how the City could meet the competing demands of the two State agencies. Because the City must meet the mandate of Government Code Section 65580 *et seq.*, requiring preparation of a Housing Element which requires that the City make provision for the housing needs of all economic segments of the community, as well as meet the mandates of the California Coastal Act, Carpinteria is caught between competing State priorities: preservation of agricultural lands as set forth in the Coastal Act and provision of housing opportunities for all economic segments of the community, including the City's obligation to provide for its fair share of housing for new households of all economic groups as set forth in Housing Element law. Detailed evaluations of the City's inventory of non-agricultural lands suitable for residential development indicate that there is not a sufficient inventory of such lands to meet the housing needs of all economic segments of the community. As a result, residential development of the Creekwood property is needed.

As early as 1995, the City recognized that its inventory of lands which were not suitable for agricultural development had to be supplemented to meet residential and other needs. Discussions were held at that time with staff representatives of the Coastal Commission and California Department of Housing and Urban Development who both concurred that the City should expand its inventory of lands available to meet the housing needs of all economic segments of the community. A strategy was devised whereby the City could meet its obligations for providing an adequate inventory of land for new housing, while complying with the provisions of the Coastal Act. The Creekwood site was

specifically identified at that time as a logical site for expansion of residential opportunities in compliance with State Housing Element law.

The Creekwood site was identified by the City in its 1995 Housing Element for conversion to residential use because it would have the largest impact on meeting housing needs with the least impact on agricultural resources of any of the sites analyzed by the City. By providing additional residential opportunities within the City, conversion of the Creekwood site to residential use would contribute to stable limits on urban development by assisting the City maintain an adequate inventory of lands for all economic segments of the community as required by State Housing Element law. While the downtown area does have a large development potential, such potential is high density in nature, and is not likely to meet needs for above moderate income housing<sup>1</sup>. In addition, urban services can be provided to the site without extensions through agricultural areas that would impair continued agricultural production, or which would tend to destabilize a modified urban/rural boundary that included the site.

The size of the Creekwood property means that it would have a significant impact on satisfying Carpinteria's need for providing adequate housing opportunities, and could assist in providing not only housing for above moderate income households, but also for very low, low, and moderate income households. If the Creekwood property were to remain in an agricultural land use designation, the City would need to seek the conversion of other existing agricultural parcels whose impact on agricultural resources in the Carpinteria Valley would be greater than that of residential development on the Creekwood site in order to achieve adequate housing opportunities.

The site is adjacent to existing urban development along its western boundary, and is in close proximity to existing urban development across the 101 freeway to the south, as well as to the east at

---

<sup>1</sup> As previously noted, the City is in the unique position of having an adequate land inventory to meet needs for low and moderate income housing, but does not have adequate land for the provision of above moderate income housing. In most communities, the opposite situation exists. This situation largely exists in Carpinteria because lands that have been designated for residential development are largely built out. As shown in Table A, without the Creekwood site, Carpinteria's inventory of lands suitable for above moderate income housing would fall about 100 dwelling units short of identified needs.

the Bailard Avenue interchange. The site is well buffered from agricultural lands to the north by Carpinteria Creek, and can be effectively buffered along its eastern boundary.

If agricultural development of this site were to be pursued, the return on investment (excluding land, trees, and other improvements), would range from \$449 to \$2,300 per acre for a total of \$14,368 to \$73,600 for the 32-acre site (1998 Report on Agricultural Feasibility in the Carpinteria Valley). The Report indicated that rates of return on invested capital would be less than that which the Report concludes are needed to sustain an agricultural operation. The Report thus concluded that the parcel is not economically feasible for agriculture.

### *Compliance with the Coastal Act*

Section 30241 of the Coastal Act states that:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

The Coastal Commission's December 1998 and May 1999 staff reports on proposed modifications to Carpinteria's agricultural conversion policies note that the urban boundary in this area is stable. The staff reports note that the fence on the east side of the mobile home park and 12- to 35-foot setbacks within the existing nursery serve as the apparent buffer between the two uses. To the south, the freeway provides a substantial separation from urban uses.

While the fence between the mobilehome park and the nursery delineates the boundary between the two uses, it is of no value as a buffer. Residential uses are effectively butted up against the existing agricultural use in a manner similar to that which has consistently been demonstrated in other areas of the State as being incompatible. Although the Coastal Commission's staff reports seem to attribute the stability of the boundary between the mobile home park and the nursery to the effectiveness of this buffer, other factors are far more likely to have stabilized this boundary. The City of Carpinteria has long maintained a policy of protecting agricultural lands, and it is during the time since the mobile home park was developed and the current time that non-agricultural properties within the City of Carpinteria were developed and the inventory of non-agricultural properties disappeared. It is primarily because the City adhered to the provisions of the Coastal Act and directed new development away from agricultural lands that the inventory of non-agricultural lands has been diminished and the conversion of the Creekwood property to residential use has become necessary.

The stability of the existing boundary is clear indication that conversion of the Creekwood property to meet the City's need for providing housing opportunities for

all economic segments of the community can again result in a stable boundary, and will not jeopardize the continuing use of other agricultural lands. In fact, the conversion of the Creekwood property provides the opportunity to design an effective physical buffer between residential and agricultural uses. In addition, by providing adequate housing opportunities and facilitating the City's ability to meet the provisions of State Housing Element law, conversion of this site would be in the public interest, as the City does not have adequate non-agricultural lands available to meet above moderate income housing needs. Conversion of the Creekwood property would complete the actions initiated by the City in 1995 to ensure adequate land for housing, and would thus reduce pressures for the conversion of other agricultural lands to residential use.

- (b) *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development*

In 1998, a Report on Agricultural Feasibility in the Carpinteria Valley was prepared in relation to the Creekwood residential project proposed for this site. The report notes that the site is physically suitable for growing a wide variety of crops without particular limitations. The Report provides an analysis of gross revenue and operations expenses for three crop types: avocados, lemons, and general ornamental container grown crops. The Report indicates that rates of return on invested capital need to be at least 10 percent, and preferably 12 to 15 percent. It stated that orchard crops need to have a rate of return of 12 to 15 percent, and that container grown crops require a minimum rate of return of 10 percent. The Report found that actual rates of return are very low, even for high income specialty crops that are grown in the Carpinteria Valley: (avocados, 2.1 percent; lemons, 4.0 percent; general ornamental container grown, 3.0 percent). The report concluded that the parcel is not economically feasible for agriculture.

The Coastal Commission staff reports note that, under the Coastal Act (Section 30241.5), economic feasibility reports for agriculture require subtraction of operational expenses from gross revenues, *excluding* the cost of land. Coastal Commission staff reported that the result of such exclusion would be a rate of return ranging from 5.1 percent for general ornamental container grown products to 12.17 percent for avocados to 14.85 percent for lemons. Thus, even excluding the cost of land, rates of return for general ornamental container grown products are still lower than that which the Report concludes should be considered to be viable<sup>1</sup>.

<sup>1</sup> The Coastal Commission staff reports note that the economic evaluation provided in the 1998 feasibility report do not provide specific analysis of the existing Norman's Nursery operation, nor does the report assert that Norman's Nursery is, itself, not economically viable. However, Section 30241.5 of the Coastal Act calls for a general evaluation of agriculture in the area. In addition, the Coastal Commission staff reports cite expansion of some nurseries expanding in the Carpinteria Valley as evidence of the viability of the use. At this time, Santa Barbara County has undertaken a study of greenhouses in this portion of the County at the direction of the Coastal Commission as a means of limiting their expansion due to concerns regarding the impacts of nurseries on coastal resources. As noted in the Final EIR for the Carpinteria Valley Greenhouse Program, the objective of the program is

The second test of this section of the Coastal Act is whether the conversion would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. While the Creekwood site may not be part of an existing neighborhood, conversion of this site to residential development would be a logical extension of urban development from the existing mobile home parks to the west, and would provide the City with an adequate inventory of lands to meet the housing needs of all economic segments of the community. By accomplishing this objective (meeting future housing needs), the proposed conversion would actually contribute to a stable urban boundary by eliminating the need to find other parcels outside of the City limits which could assist the City in maintaining an adequate General Plan Housing Element.

- (c) *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

Section 30241 (c) of the Coastal Act identifies one of the criteria for preserving coastal agriculture as permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. Section 30250 states, in part, that Anew residential, commercial, or industrial development is to be located within, contiguous to, or in close proximity to existing developed areas that are able to accommodate such development. The Creekwood site is clearly contiguous to existing urban development (existing mobile home parks along its western boundary), is in close proximity to urban development to the south and east, fronts on an arterial street, and meets the criteria of Section 30250, although it is not literally surrounded by urban development.

- (d) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

The City has little land available to meet future housing needs for all economic segments of the community. In the past, the City has emphasized the development of

---

to promote and support open field agriculture as a long-term viable use by limiting the expansion of greenhouse development and related intensive infrastructure improvements. The County's program found that greenhouse uses were incompatible with residential development, and proposed that open field agriculture... serve as a transitional agricultural use between residential uses and more intensive greenhouse agriculture.

non-agricultural parcels, resulting in a shrinking inventory of such lands. In addition, the City has maximized the residential development potential of existing residential neighborhoods. As noted above, these actions provide adequate land to meet a large portion of the City's need for housing that is affordable to very low, low, and moderate income households. However, the detailed land inventory conducted by the City while preparing its 1995 General Plan Housing Element clearly demonstrated the need for expanding above moderate housing opportunities, and that it would be necessary to utilize some lands designated for agricultural use in the LCP. The City analyzed the residential potential of a number of such sites, and concluded that residential development of the Creekwood property would assist the City in meeting short-term needs for very low, low, and moderate income housing, and would provide adequate opportunities for above moderate income housing to meet short-term and long-term needs.

- (e) *By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

Public facilities are available to the Creekwood property, and can be provided without any extensions through agricultural areas. All utilities are available within the right-of-way of Via Real, an arterial street that the site front onto. All costs for the provision of services and facilities to the Creekwood property would be borne by the developer of the property; therefore, there would be no impact on agricultural viability due to increased assessments. The Environmental Impact Report prepared by the City for the Creekwood site concluded that residential development would not result in significant air or water quality impacts.

- (f) *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.*

As noted above, the City has demonstrated that a stable urban/agricultural boundary can be achieved in this area. The current buffer between urban uses to the west and agricultural use of the Creekwood property consist of a fence and minimal setbacks. Physically, this would not be considered to be an effective buffer area, but has in fact been effective as the result of the City's efforts to direct residential development away from prime agricultural lands. As part of residential development of the Creekwood parcel, a more effective physical buffer area can be achieved. Such a physical buffer, along with the City's continued diligence to avoid further extensions of urban development, will not diminish the productivity of remaining agricultural lands.

In addition, Section 30151 of the Public Resources Code states:

*The Legislature further finds and declares that agricultural lands located within the coastal zone should be protected from intrusion of non-agricultural uses, except where conversion to urban or other uses is in the long-term public interest.*



In response to growing concerns regarding the availability of safe and adequate housing for families and individuals of all economic situations, the State of California requires each local City and County to include in its General Plan Housing Element a specific analysis of its housing needs and a realistic set of programs designed to meet those needs. The requirements of the law are prefaced by several statements of State policy,<sup>1</sup> among which are the following.

- A. The availability of housing is of vital State-wide importance and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order.
- B. Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.
- C. The legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the General Plan and to cooperate with other local governments and the State in addressing regional housing needs.

As previously discussed, the detailed land inventory undertaken by the City in updating its Housing Element indicated that residential development of the Creekwood property would be necessary to provide adequate housing opportunities for all economic segments of the community. As set forth in Section 65580 of the California Government Code, the provision of housing needs of all economic segments of the community is clearly in the long term public interest.

### *Ellinwood Property*

#### *Setting*

This is a 3.87-acre site located in unincorporated territory, adjacent to the present City limits. The site is outside of, but contiguous with the urban/rural boundary delineated in the City's LCP. It contains non-prime soils, and is in the northwest portion of Carpinteria where a high water table and poor drainage limit capacity for agricultural use exist (Agriculture Section from existing Coastal Plan). Currently, the site contains a single family dwelling located in the southeastern portion of the property. The site also has many non-native trees and shrubs. Additionally, the property contains a small duck pond. There is no agricultural activity currently taking place on site. The surrounding land uses include a mobile home park to the west, single family dwellings to the north, multi-family residences to the south and agriculture to the east.

#### *Evaluation*

Urban density residential development on this parcel is consistent with the provisions of the Coastal Act.

---

<sup>1</sup> Section 65580, State of California Government Code.

The size of the site, its physical limitations, and the existing home make it unsuitable for commercial agricultural operations. The area's high water table and poor drainage impaired past agricultural use of the site to the point that agricultural use was terminated. These same conditions will likely have the same effect on any potential future attempts at agricultural production on the site. As the site is not currently used for agricultural production, but is used as a home site, the change to a residential land use designation would not involve a conversion from agriculture to non-agricultural use, but would merely reflect the current use of the site and increase the site's maximum allowable density consistent with adjacent urban uses. As the site is not in agricultural production due to the physical limitations posed by a high water table and poor drainage, a change in land use designation to reflect actual use would not affect agricultural viability in the area.

If agricultural development of this site was not limited by a high water table and poor drainage, as well as an existing residence, an expected return on investment (excluding land, trees, and other improvements), would range from \$449 to \$2,300 per acre for a total of \$1,783 to \$9,131 for the 3.97-acre site. (The figures used are from George E. Goodall's July 1998 report *Agricultural Feasibility in the Carpinteria Valley*, are based on a 32-acre site, and do not include land costs.) As suggested in the evaluation of the Whitney property, the amount of land necessary to make an agricultural operation feasible must also be considered. In general, a 3.97-acre farm will be more vulnerable to market and production fluctuations than a larger operation and will be less viable over the long-term. Small agricultural operations also diminish opportunities for economies of scale.

Modification of the existing urban/rural limit line to facilitate an increase in residential density on the site can be evaluated in terms of potential impacts on surrounding properties and agricultural uses. Appropriate site design can eliminate the potential for significant impacts.

#### *Compliance with the Coastal Act*

Section 30241 of the Coastal Act states that:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

The current use of this site is residential. As the high water table and drainage problems have affected the site to the point that past agricultural operations were abandoned and also affect much of the surrounding area, long-term use of the area for agriculture is questionable. However, any residential density increases will be buffered from surrounding uses by appropriate site design.

- (b) *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the*

lands would complete a logical and ~~stable limit to urban development~~  
the establishment of a stable limit to urban development

The area's high water table and poor drainage already severely limit the viability of agriculture on the site, as evidenced by the past failure of agricultural operations. The surrounding area is likely to be affected by the same physical constraints. Redefining the urban/rural boundary using these physical constraints can lead to the establishment of a more stable limit to urban development.

- (c) *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

The City of Carpinteria has evaluated many options for meeting the need to provide housing for lower, middle, and upper income residents. The City is pursuing an array of housing initiatives, including the intensification of residential uses within existing developed areas and aggressive housing programs, but has found it necessary to also consider allowing development on two parcels currently designated for agricultural use. As this site is already in residential use, and is physically limited in its potential for agricultural production, its residential development will have minimal effect on surrounding rural uses. The Ellinwood property is adjacent to a mobilehome park to the north, single family dwellings to the east, and apartments to the south. Urban infrastructure, including municipal water and sewer is already available to the site, which lies in an urban, rather than agricultural setting.

- (d) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands*

This site is not suited for agricultural development as evidenced by the past failure of farming operations due to a high water table and poor drainage. This site is not currently in agricultural production.

- (e) *By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

Because it lies in an urban setting, services, including water and sewer, are already available adjacent to the Ellinwood property. Thus, extension of public services and facilities to serve the site would be minimal. Development of additional residences on the site will not have a significant impact on air and water quality as all appropriate air and water quality regulations will be followed.

- (f) *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.*

The site consists of a 3.97-acre parcel that is currently in rural residential use. An increase in residential density on this site will not diminish the productivity of prime agricultural lands.

## ***East Valley School Site***

### ***Setting***

This site consists of two parcels (3.3 and 3.7 acres) for a total of 7.0 acres in unincorporated territory, adjacent to the present City limits. The site is outside of, but contiguous with the existing urban/rural boundary delineated in the City's LCP. It contains non-prime soils, and is zoned residential estate. Each of the two parcels comprising the site has an existing house and guest house. The site is not in agricultural production. To the north of the site is an avocado grove, to the south is high density residential with existing condominiums, to the west is an estate site and existing home, and to the east is the existing Monte Vista Park.

### ***Evaluation***

Urban development on this site, in the form of an elementary school proposed by the Carpinteria Unified School District, appears to be consistent with the provisions of the Coastal Act.

Establishing agricultural use of the site is not feasible due to existing and surrounding conflicting, non-buffered, land uses on two sides of the site. In addition, because the site is owned by the school district, in order to start agricultural operations on the site, purchase of the land by a private entity would be required. Given the location of residential neighborhoods to the south and Monte Vista Park to the east, use of the site as a school would not create new significant impacts on agricultural lands to the north. In fact, because the proposed school would be fenced and the access would be from existing urban areas to the south, the proposed use would assist in protecting prime agricultural lands to the north by providing a stable urban/rural boundary and buffer from higher intensity uses. Development of this site as a school and delineation of a clear urban/rural boundary would also serve to reinforce the existing urban/rural boundary provided by Monte Vista Park on the east.

The Carpinteria Unified School District (CUSD) evaluated 20 to 30 available parcels in the area during its search for a suitable elementary school site, and reported that suitable school sites on non-agricultural lands were not available. As a result, other alternatives were rejected, and this site was chosen and purchased by CUSD after considering its current use, residential zoning, and the need to minimize conflicts between urban and agricultural uses.

If agricultural development of this site were to be pursued, the return on investment (excluding land, trees, and other improvements) would range from \$449 to \$2,300 per acre for a total of \$3,143 to \$16,100 for the 7.0-acre site. (The figures used are from George E. Goodall's July 1998 report *Agricultural Feasibility in the Carpinteria Valley*, are based on a 32-acre site, and do not include land costs.) As suggested in the evaluation of the Whitney property, the amount of land necessary to make an agricultural operation feasible must also be considered. The site consists of two parcels, and if not in public ownership, could be purchased as separate parcels of 3.3 and 3.7 acres. In general, farming operations at this scale will be more vulnerable to market and production fluctuations than larger operations and will be less viable over the long-term. Small agricultural operations also diminish opportunities for economies of scale and increase exposure of the remaining farm operations to conflicts with nearby urban uses. This would be especially pertinent considering the high density residential development adjacent to these parcels.

Because this site is owned by CUSD, in order to start agricultural operations on the site, purchase of the land by a private entity would be required. Therefore, as with the Whitney site, the cost of land should be considered in an agricultural feasibility analysis in addition to those costs considered in the viability analysis required by the Coastal Act. If the land costs are considered, the cash flow from these two parcels may actually be negative, making farming operations infeasible.

Since this site is not currently used for agricultural production, but is currently in rural residential use, the proposed land use designation allowing for development of a school should be viewed as an increase in residential development potential, not a conversion from agricultural to urban use. The change from existing rural residential use to school use may actually increase agricultural viability in the area by providing a more clearly defined urban/rural boundary and a buffer between existing conflicting land uses.

#### *Compliance with the Coastal Act*

Section 30241 of the Coastal Act states that:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

Development of a school on the existing residential site will provide a buffer from adjacent high density residential development and reinforce the northern urban/rural boundary established by the neighboring park. The change from residential development to an elementary school will redefine and stabilize this boundary.

- (b) *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development*

The proposed east valley school's location neighboring a park will complete an existing viable neighborhood. There is currently a conflict between the residential uses on the south and agricultural uses on the north that will be eliminated by the buffering that will be provided by a thoughtful school design and fencing. The two existing houses and two guest houses on the site will be replaced with a public school.

- (c) *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

The CUSD evaluated 20 to 30 possible school sites, including sites that were considered prime agricultural land. CUSD purchased this site after considering such factors as minimizing conflicts with surrounding urban and rural uses, location

contiguous with the existing development, and existing use for residences. CUSD has determined there are no other feasible alternatives for a school site.

- (d) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

This site is not suitable for agriculture due to conflicts caused by adjacent high density residential development and an unclear urban/rural boundary. The site is already developed for residential use, with two existing homes and two guest homes. As such, the development of a school does not actually require a conversion from agricultural use to urban use, but a change from rural residential use to public school use.

- (e) *By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

Public services and facilities are already available to the site. Expansions of these services will be done in a manner that will not be growth-inducing. Urban facilities will not be placed within agricultural areas, and the sizing of facilities will be only that required for the school so as not to facilitate rapid development of the surrounding area. Development of a school, to serve approximately 350 students, will not have a significant impact on air and water quality as all appropriate air and water quality regulations will be followed. Financing of the proposed school will avoid undue assessment of rural and agricultural lands, and will be undertaken in an equitable manner in accordance with State law.

- (f) *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.*

Developing a school on the site will not diminish productivity of prime agricultural lands. This site is not in agricultural production. The proposed development will provide a well-defined urban/boundary, contiguous with the neighboring park, and more effective buffer than currently exists on the site.

In addition, Section 30151 of the Public Resources Code states:

*The Legislature further finds and declares that agricultural lands located within the coastal zone should be protected from intrusion of non-agricultural uses, except where conversion to urban or other uses is in the long-term public interest.*

Development of an elementary school on this site is consistent with this Section of the Coastal Act. Education of children is in the public interest and development of the proposed East Valley School site will avoid overcrowding in other portions of the District. As previously noted, prior to selecting this site, CUSD evaluated 20 to 30 other sites, and could not find a suitable site on non-agricultural lands. The site that was selected was believed to have the least potential effect on agricultural uses in the Carpinteria Valley of those that were evaluated by the district.

Section 30001.5 (e) states:

*Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.*

Development of a public school at this site will provide a local school use, a buffer to protect agricultural land, and a well-defined urban/rural boundary. Therefore, school development at this site, which was carefully considered and chosen by the Carpinteria Unified School District, meets the requirements of the school district, City, and Coastal Act. As such, it can serve as an example of cooperation in planning and development for mutually beneficial uses.

# EXHIBIT 5

## STAFF REPORT FOR LCP AMENDMENT 2-98

### NOTE:

City of Carpinteria Local Coastal Program Major Amendment 2-98 was withdrawn by the City on May 27, 1999, prior to the Commission hearing. Therefore, the recommendations and findings of the following staff report have not been adopted by the Commission.



## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

20 SOUTH CALIFORNIA ST., SUITE 200

SANTA BARBARA, CA 93101

805-8142



May 19, 1999

TO: Commissioners and Interested Parties

FROM: Charles Damm, Senior Deputy Director  
Gary Timm, District Manager  
James Johnson, Coastal Program AnalystRE: CITY OF CARPINTERIA LOCAL COASTAL PROGRAM MAJOR  
AMENDMENT NO. 2-98: Land Use Plan and Map, Zoning Ordinance and Map,  
Urban-Rural Boundary (Convert Agricultural Land to Creekwood Residential Land  
Use) Public Hearing and Action at California Coastal Commission Hearing on  
June 7 - 11, 1999 in Santa Barbara.AMENDMENT SYNOPSIS

The City of Carpinteria ("City") proposes to revise the certified Local Coastal Program through the following actions: 1) revise Coastal Land Use Policy 8-2 to address converting or annexing agricultural land located outside the City; 2) add Coastal Land Use Policy 8-3 to address converting agricultural land located within the City; 3) revise the land use designation and plan map from agriculture to residential on five parcels totaling 32 acres; 4) revise the zoning ordinance designation and map from Agriculture A-10 to Residential PUD 3.81; and 5) relocate the Urban-Rural boundary to allow the conversion of Norman's Nursery to proposed Creekwood residential land use consisting of five parcels and 32 acres located at 5800 Via Real, Carpinteria.

STAFF NOTE

This Amendment was originally scheduled for action at the Commission's November 1998 meeting. In order to adequately address the issue of converting agricultural land to a residential land use, Staff requested an extension of time for Commission review of this Amendment. At the November 4, 1998 meeting, the Commission extended the time to act on this Amendment until September 4, 1999. This Amendment was then scheduled for the January 12 - 15, 1999 Commission meeting. At the January 15, 1999 meeting, the Commission continued the Amendment to a later date due to conflicting information regarding the City's request for a Commission hearing or a continuance. Staff rescheduled this Amendment for the June 1999 Commission meeting in Santa Barbara, a location in close proximity to the City of Carpinteria.

Although the City of Carpinteria has approved this LCP Amendment and the proposed Creekwood residential development project on the Norman's Nursery site contingent upon Commission approval of this proposed Amendment, the proposed Creekwood residential project is not before the Commission. The majority of this site is located outside the Commission's appealable area. Thus, Commission will address the proposed LCP Amendment only.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after a public hearing, deny the amendment to the City's Local Coastal Program Land Use Plan, and Land Use Maps as submitted, as they are not consistent with Chapter 3 policies of the Coastal Act protecting agricultural land. In addition, the Zoning Ordinance and Maps, as submitted, are not adequate to carry out the Land Use Plan. The recommended Motions and Resolutions are provided on pages two (2) and three (3) of this report. In effect, the existing certified City of Carpinteria Local Coastal Program is consistent with the Coastal Act which designates the subject site for continued agricultural use with a ten (10) acre minimum lot size, locates the site within the Rural Area relative to the Urban-Rural Boundary, and retains the protections provided by existing LCP Policy 8-2 for maintaining the maximum amount of agricultural land in agricultural production.

**ADDITIONAL INFORMATION**

For further information about this report or the amendment process, contact James Johnson at the Coastal Commission, 22 Spaulding Street, Second Floor, Ventura, CA 93001, or 805-641-0142.

**PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 (b) of the California Code of Regulations, the City resolution for submittal must indicate whether the Local Coastal Program Amendment will require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. If the Commission approves this amendment proposal, as submitted, the City of Carpinteria must act to accept the Commission's action before the Amendment will be effective. Further, consistent with the requirements of Section 13544, the Executive Director's determination that the City's action is legally adequate must also be fulfilled. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the City.

**1 STAFF RECOMMENDATION**

**A. RESOLUTION I (Deny Certification of the Land Use Plan Amendment No. 2-98, as submitted)**

**Motion I.**

**"I move that the Commission certify the Land Use Plan Amendment No. 2-98 to the City of Carpinteria LCP as submitted."**

Staff recommends a NO vote on Motion I and the adoption of the following resolution of certification and related findings. ~~An alternative vote by a majority of the appointed Commissioners is needed to pass the motion.~~

**City of Carpinteria LCP Amendment No. 2-98  
Agricultural Land Conversion**

**Resolution I**

The Commission hereby Denies Certification of the Land Use Plan Amendment No. 2-98 to the City of Carpinteria Local Coastal Program as submitted and finds for the reasons discussed below that the Land Use Plan Amendment does not meet the requirements of and is not in conformity with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act, and that the certification of the amendment does not meet the requirements of Sections 21080.5(d)(2)(A) of the California Environmental Quality Act, as there are further feasible mitigation measures or feasible alternatives which could substantially lessen significant adverse effects to the environment.

**B. RESOLUTION II** (Deny certification of the LCP Implementation Plan Amendment No. 2-98, as submitted.)

**Motion II**

"I move that the Commission Reject the Implementation Plan Amendment No. 2-98 to the City of Carpinteria LCP as submitted."

**Staff Recommendation**

Staff recommends a YES vote, on Motion II and the adoption of the following resolution to reject certification and related findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution II**

The Commission hereby Rejects Amendment No. 2-98 to the Implementation Plan of the City of Carpinteria LCP as submitted on the grounds that the amendment to the Local Coastal Program Zoning Ordinance does not conform to and is not adequate to carry out the provisions of the LCP Land Use Plan as certified. There are feasible alternatives or mitigation measures available which would substantially lessen any significant effects which the approval of the Implementation Plan amendment as submitted will have on the environment.

**II. RECOMMENDED FINDINGS**

**A. STANDARD OF REVIEW AND PUBLIC PARTICIPATION**

The following findings support the Commission's denial of the LCP Amendment as submitted. The standard of review for the proposed amendment to the certified Land Use Plan (LUP), pursuant to Section 30512(c) of the Coastal Act, is that the proposed amendment is in conformance with the Chapter 3 policies of the Coastal Act. The standard of review for the

**proposed amendment to the Implementation Plan, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the LUP portion of the certified City of Carpinteria Local Coastal Program.**

**Coastal Act Section 30503 requires public input in preparing, approving, certifying and amending any Local Coastal Program. On September 22, 1997, the City Council held a public hearing and adopted changes to the City's certified LCP submitted as Amendment No. 2-98. As a result of the City's action at the hearing on the Amendment, the local hearings were duly noticed to the public consistent with Sections 13551 and 13552 of the California Code of Regulations which require that notice of availability of the draft LCP amendment be made available six (6) weeks prior to final local action. Notice of the subject amendment has been distributed to all known interested parties.**

**The Commission hereby finds and declares as follows:**

## **B. AMENDMENT BACKGROUND AND DESCRIPTION**

### **1. Background and Site Location**

**The City of Carpinteria Local Coastal Program (LCP) has been fully certified since January 6, 1982; the City assumed coastal permit authority on January 27, 1982.**

**The City of Carpinteria ("City") is located at the southwest corner of the Santa Barbara County coastline and is surrounded by the County of Santa Barbara. The subject site is located within the Carpinteria Valley, a coastal terrace located between the Santa Ynez Mountains and the Santa Barbara Channel. The topography of the Carpinteria Valley ranges from rugged exposed rock formations on mountains slopes and rolling hilltops to coastal mesas, slopes, bluffs, wetlands, and sandy beaches. This dramatic topography serves to define the local climate. Carpinteria enjoys a Mediterranean climate, with mild winters, moderate to hot summers, and limited rainfall, ideal for coastal agricultural uses.**

**The City is comprised of about 2.4 square miles; it is close to built-out as a predominantly residential community of about 14,500 residents. Although only a limited amount of developable land, vacant or partially vacant, remains in the City as of 1998, there are opportunities for development of vacant land and further intensification of underdeveloped land. The City's oceanfront includes Carpinteria City Beach and Carpinteria State Beach Park (Exhibits 1 and 2). The City is entirely located within the coastal zone.**

**The agricultural property proposed for conversion is currently occupied by a commercial ornamental plant nursery, Norman's Nursery on five parcels consisting of 32 acres. The Nursery sells landscaping plant material to the landscape trades people. The site is not operated as a retail facility. The site is generally unimproved with the exception of about ten greenhouse structures, about 60 lightweight tented growing structures, and an office/equipment maintenance structure. The majority of the site growing area is covered with a gravel/cobble material underlaid**

with plastic sheefing to control weed growth. A small area adjacent to the office and equipment maintenance structure is paved with concrete. All plants are grown in container pots.

The site is generally flat, with a steeply sloped bank at the northern edge that forms the channel of Carpinteria Creek. The northern one third of the site drains northward into Carpinteria Creek and the southern two thirds of the site drains to the curb/gutter surface drainage system along the frontage road, Via Real. Access to the property from Via Real is from a driveway and gravel road that bisects the property in a north-south direction.

Immediate surrounding land uses include residential (Rancho Granada Mobile Home Park and San Roque Mobile Home Park) located to the west, public transportation corridors (Via Real, Highway 101, and Carpinteria Avenue) to the south, agricultural uses, greenhouses, row crops and a single family residence (Kono and Sons Nursery) to the east, and Carpinteria Creek and avocado orchards to the north (Exhibit 4).

In 1991, the City approved a Temporary Use Permit to erect 21 frost protection houses to be covered with visqueen plastic during the winter months. In 1992, the City approved a Conditional Use Permit to construct 'as built' frost protection houses on three acres, a 3,100 square foot warehouse, roads, parking, and ancillary improvements (Exhibit 3).

The City's Local Coastal Program Coastal Plan designates land uses for the City. The land use designation for the subject site (five parcels) is Agricultural I (Exhibit 5). The Land Use Map and Zoning District Map further designates the site as A-10, which indicates that ten acres is the minimum parcel size. Since the parcel sizes range from 2.11 to 14.09 acres (2.11, 3.11, 4.54, 8.24, and 14.09 acres), most parcels are non-conforming as to parcel size with the exception of one parcel which is conforming to the ten acre minimum parcel size. The subject parcels are located in the Rural Area outside the current Urban-Rural Boundary now located along the western and southern boundaries of the site. The subject parcels are located within the City of Carpinteria municipal limits which are located along the northern and eastern boundaries of the subject site.

The City submitted Local Coastal Program ("LCP") Amendment No. 2-98 in part on October 21, 1997, February 25, 1998, April 15, 1998, and August 25, 1998. The submittal was deemed complete and filed on September 4, 1998. The City submitted Resolution No. 4410 (Exhibit 6) indicating the approval of the proposed LCP Amendment and Ordinance No. 540 (Exhibit 7) indicating the approval of the Zoning Map and change of the Zone District Boundary.

## **2. Amendment Description Summary**

The changes the City proposes to the LCP include: revise Coastal Plan Policy 8-2 to address converting or annexing agricultural land located outside the City (Exhibit 8); add proposed Policy 8-3, to address converting agricultural land located within the City (Exhibit 8); revise the land use designation and plan map from Agriculture to Single Family Residential on five parcels totaling 3.1 acres (Exhibit 9); revise the zoning ordinance designation and map from Agriculture A-10 to

**Residential PUD 3.81 (Exhibit 10); and relocate the Urban-Rural boundary (Exhibits 11 and 12). All of these changes allow the conversion of Norman's Nursery to the proposed Creekwood residential land use at 5800 Via Real, Carpinteria.**

**Specifically, the City's proposed changes are listed as follows; language deleted by the proposed Amendment is ~~struck through~~ and language added is underlined.**

**Revise Coastal Plan Policy 8-2 to apply to the conversion or annexation of agricultural land uses outside the City limits. The City proposes to revise Policy 8-2 as follows:**

**Agriculture – If a parcel(s) is designated for agricultural land use outside the City limits and is located in either (a) a rural area contiguous with the urban/rural boundary or (b) an urban area, conversion or annexation shall not occur unless:**

- a. the agricultural use of the land is ~~severely impaired because of non-prime soils, topography, or other natural factors, surrounded by urban uses which inhibit agricultural potential for agricultural preserve status,~~**  
**and**
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and**
- c. There are no alternative areas appropriate for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted, and**
- d. The parcels could not be maintained in productive use through the use of ~~greenhouses~~ or alternative agricultural uses, and**
- e. Conversion would result in a well-defined demarcation between urban and agricultural uses and would not create a precedent for conversion of adjacent agricultural lands.**

**Coastal Plan Policy 8-3 is proposed to apply to conversion of agricultural land uses within the City limits. Coastal Plan Policy 8-3 states as follows:**

**Agricultural Within City Limits – If a parcel(s) is designated for agricultural use and is located within the city limits, conversion shall not occur unless:**

- a. Conversion would contribute to the logical completion of an existing urban neighborhood, and**
- b. There are no alternative areas appropriate for infill development within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted, and**
- c. Conversion would result in a well-defined demarcation between urban and agricultural uses and would not create a precedent for conversion of adjacent agricultural lands.**

**In effect, the proposed amendment establishes different standards for conversion of agricultural lands depending on whether the site is located within or outside the City's municipal limits. It**

City's proposed revision of Policy 8-2 provides for the review of agriculturally designated land located outside the City Limits relative to five tests for the conversions or annexation. Revised Policy 8-2 also proposes to delete the specific reference to greenhouses in test 'd'. A new Policy 8-3 provides for a less stringent standard for the review of Agricultural lands within the City Limits with three tests for conversion. Proposed Policy 8-3 deletes two of the tests required in Policy 8-2. These tests proposed to be deleted include test 'a' which prohibits conversion unless the agricultural use of the land is severely impaired because of non-prime soils, topographic constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status, and test 'd' which also prohibits conversion unless the parcel could not be maintained in productive use through the use of greenhouses or alternative agricultural uses.

The City also proposes to amend the Urban-Rural Boundary to include the Nursery's five parcels comprising the subject site within the Urban Area (Assessor Parcel Numbers 001-060-02, 30, 35, 40, 45, totaling about 32 acres of land). (Exhibit 11)

### **C. ~~CONSISTENCY WITH COASTAL ACT~~ - LAND USE PLAN AMENDMENT**

The proposed amendment to the City's certified Land Use Plan raises the issue whether the conversion of agricultural lands to a residential land use is consistent with Chapter 3 policies of the Coastal Act. The relevant Coastal Act issues are discussed below as findings for Resolution 1.

The standard of review for an amendment to a certified Land Use Plan is that the amendment meets the requirements of, and is in conformity with the policies of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic goals specified in Section 30625(c) of the Coastal Act.

#### **1. Protection of Agricultural Lands**

A fundamental policy of the Coastal Act is the protection of agricultural lands. The Act sets a *high standard for the conversion of any agricultural lands to other land uses*. The Coastal Act does not make exceptions based on the location of property within City limits. Coastal Act Section 30241 requires the maintenance of the maximum amount of prime agricultural land in agricultural production to assure the protection of agricultural economies. Section 30241 also requires minimizing conflicts between agricultural and urban land uses through six tests.

Coastal Act Section 30241 states that:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.**
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.**
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.**
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.**
- (e) By assuring that public needs and local expansion and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.**
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.**

**If the viability of existing agricultural uses is an issue in the economic feasibility study required under Section 30241 (b) of the Coastal Act for conversion of prime lands around the periphery of urban areas, the Commission must make specific findings identified in Coastal Act Section 30241.5 in order to address the agricultural "viability" of such land. These findings must address an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production. Subsection (b) specifically requires that such economic feasibility studies be submitted with any LCP Amendment request.**

**Coastal Act Section 30241.5 states that:**

- (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:**
  - (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.**



(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a ~~contracted entity~~ ~~entity~~ by local government and the executive director of the commission.

Coastal Act Section 30113 defines Prime Agricultural Land as those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

These provisions of Section 51201 (c) of the Public Resources Code state:

**Definition of Prime Agricultural Lands:**

- (1) All land which qualifies for rating as class I or class II in the Soil Conservation Service land use capability classifications.
- (2) Land which qualifies for a rating 80 through 100 in the Storie Index Rating.
- (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
- (4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

The City's LCP provides guidance for the Commission to consider in this proposed LCP Amendment. LCP Policy 8-1 requires that any parcel in the rural area that meets one or more of four (4) criteria be given an Agricultural land use designation. Policy 8-1 states:

An agricultural land use designation shall be given to any parcel in rural areas that meet one or more of the following criteria:

- 1. prime agricultural soils (Capability Classes I and II as determined by the U. S. Soil Conservation Service)**
- 2. prime agricultural land as defined in Section 51201 of the Public Resources Code**
- 3. lands in existing agricultural use**
- 4. lands with agricultural potential (e.g., soil, topography, and location that will support long-term agricultural use).**

**These criteria shall also be used for designating agricultural land use in urban areas, except where agricultural viability is already severely impaired by conflicts with urban uses.**

**As discussed further, Coastal Act Sections 30241 and 30241.5 are the most important policies for evaluating the proposed LCP Amendment because the subject site is considered prime agricultural land as further discussed below.**

**In the Carpinteria Valley, agriculture is the dominant rural land use surrounding the urban development of the City of Carpinteria. Santa Barbara County has a relatively mild year-round climate and some subtropical crops such as avocados, lemons, strawberries, and cherimoyas. The Santa Barbara County Coastal Plan adopted by the Commission in 1982 describes the Carpinteria Valley as follows:**

**... From Toro Canyon to the Ventura County line, orchards, fields of flowers, and greenhouses are the prevailing landscape. The City of Carpinteria is literally encircled by agriculture which extends into the Carpinteria foothills. (Staff note; Toro Canyon is about four miles west of the subject site and is considered the western boundary of the Carpinteria Valley.)**

**As an agricultural resource, Carpinteria Valley is among the finest in the State of California for the production of specialty crops, which include avocados, cut flowers, and foliage plants. The local climate, prime soils, and relatively clean air make the area highly desirable to growers ... mild temperatures, combined with a relatively wind-free setting and excellent solar exposure (due to the north-south orientation), help to produce exceptionally fine quality, high yield crops which can be harvested when other agricultural areas are out of production. Carpinteria Valley growers thereby enjoy a market advantage over their counterparts elsewhere.**

**According to the Proposed Final Environmental Impact Report, New Toro Canyon Elementary School and Summerland School Closure, dated September 1998, more than half of the County's cut flower and nursery products, chrysanthemums, orchids, roses and potted plants, are produced in greenhouses surrounding the City of Carpinteria. Tropical fruits, such as cherimoyas, passion fruit, sapote and feijoas, have been established for commercial production in areas where avocado root rot has made avocado production unsuccessful. The FEIR also notes that:**

**The Carpinteria area of the County is unique in that many of the farms in this region are viable even on relatively small acreages. This is particularly true for level areas containing**

prime soils in the Carpinteria Valley where, combined with the relatively frost-free climate, good southern exposure, and availability of agricultural support services, a wide variety of high value cash crops can be economically grown.

Coastal Act Section 30241 establishes six (6) tests for the review of any Local Coastal Program Amendment to convert prime agricultural land to non-agricultural use. All of these tests, when applicable, must be met in order for the conversion of agricultural land to another land use to be approved. The purpose of these tests is to minimize conflicts between agricultural and urban land uses so that the maximum amount of prime agricultural land will be maintained in agricultural production to assure the protection of the areas agricultural economy. The conversion of prime agricultural land around the periphery of an urban area, as in this proposal, is effectively prohibited unless agricultural viability is already "severely limited" by conflicts with existing urban uses, (or the land is completely surrounded by urban land uses and the conversion is consistent with Section 30250 of the Coastal Act and the conversion is otherwise consistent with Section 30241.)

The majority of the soil on the ~~subject site~~ consists of Goleta fine sandy loam rated as Capability Class I by the Soil Conservation Service, United States Department of Agriculture. Therefore, per Section 30113 of the Coastal Act, the subject site meets the definition of "prime agricultural land" and Section 30241 is applicable in this case. In addition, the subject site meets the guidance provided in City LCP Policy 8-1 which requires that the parcels be given an agricultural land use designation. This designation is appropriate because the site includes prime agricultural soil, lands in existing agricultural use, and land with agricultural potential and location that will support long-term agricultural use.

Each of these six tests required by Section 30241 will be reviewed separately.

**a. Establish Stable Boundaries Separating Rural and Urban Land Uses**

The initial question under Section 30241 (a) of the Coastal Act is whether or not the conflicts between agricultural and urban land uses are minimized by establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses. First the existing situation is examined and then compared it to the proposed situation as a result of the City's proposed LCP Amendment.

The subject site consists of 5 parcels, totaling 32 acres, surrounded by a variety of land uses (Exhibits 4 and 5). These uses include residential (Rancho Granada Mobile Home Park, San Roque Mobile Home Park, a detached single family residential neighborhood in the vicinity of Cameo Road between Carpinteria Creek and Casitas Pass Road) and agricultural (an avocado orchard and a single family residence located between Carpinteria Creek, Highway 101, and Casitas Pass Road) located to the west; public transportation corridors (Via Real, Highway 101, and Carpinteria Avenue), government offices (Carpinteria City Hall), recreational uses (roller

skating rink and a golf driving range) located to the south; greenhouses, row crops (Kono and Sons Nursery) and a single family residence, and residential condominiums (McKeon Condominiums) located to the east; and Carpinteria Creek and avocado orchards located to the north.

A stable boundary now exists between the agricultural land use of the site and adjacent urban land uses (Exhibit 11). This boundary, the Urban-Rural Boundary, is located along the west and south boundaries of the site. This Urban-Rural Boundary separates the urban land uses to the west (residential uses including the two mobile home parks and Cameo Road residential subdivision) and to the south (transportation corridors, City Hall, rollerskating rink, and the golf driving range) from the agricultural uses on the subject site.

Of these urban land uses the one with the greatest potential for conflict with the subject agricultural land use is the adjoining Rancho Granada Mobile Home Park to the west. According to Tom McBride, the manager, the Mobile Home Park was constructed between 1970 and 1972 to include 116 residential units with a population of about 160 senior citizens. Separating the Mobile Home Park and the subject Nursery is a 6.5 foot high fence. The Nursery's rows of potted and boxed plants are setback about 12 feet from this fence while the mobile home structures are setback about six (6) feet from the same fence (Exhibit 3). There is one area on the northern portion of the property where a row of frost protection houses 100 feet long are setback about 36 feet from this fence. This fence and the two setback areas on each side are the apparent buffer between the subject agricultural land use and the adjacent Mobil Home Park. The urban land uses to the south (office and recreational land uses) are separated from the site by a significant distance, about 250 feet wide, by the transportation corridor, thereby avoiding any significant conflict between these urban uses and the subject agricultural land uses. The transportation corridor is the buffer between the subject agricultural land use and the office and recreational land uses to the south. Thus, the existing Urban-Rural Boundary is logical and provides a buffer to minimize conflicts between agricultural and urban land uses.

The City provided some information on the issue of conflicts between agricultural uses on the subject site with surrounding urban land uses in the Amendment submittal. The Final Environmental Impact Report for the "Creekwood Residential Project" reviews the criteria listed in existing LCP Policy 8-2 (Exhibit 13). Existing LCP Policy 8-2 states in part that:

**If a parcel(s) is designated for agricultural land use and is located in either (a) a rural area contiguous with the urban/rural boundary or (b) an urban area, conversion or annexation shall not occur unless:**

- 1. The agricultural use of the land is severely impaired because of non-prime soils, topographical constraints, or urban conflicts (e.g. surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and**
- 2. Conversion would contribute to the logical completion of an existing neighborhood, and ...**

- 4. The parcel could not be maintained in productive use through the use of greenhouses or alternative agricultural uses, and ...**

**The FEIR concludes that:**

**The site does not appear to meet the criteria of 1, 2, and 4 listed above. The site is not severely impaired for agricultural uses; the site is not part of a specific neighborhood and is thus not an extension of a defined neighborhood; and the project site is a viable agricultural unit. (emphasis added)**

**Therefore, the City's FEIR concluded that the continued agricultural use of the parcels do not appear to be severely impaired because of urban conflicts or other reasons.**

**The City submitted a "Report on Agricultural Feasibility in the Carpinteria Valley, Re: Creekwood Residential Project on Norman's Nursery Site", dated July 26, 1998, and prepared by George Goodall analyzing the viability of existing agricultural use pursuant to Section 30241.5 of the Coastal Act (Exhibit 14). The Report states that there are serious non-economic conflicts that occur on this property and other agricultural properties in close proximity to urban land uses:**

**Many serious non-economic conflicts occur on this Norman Nursery parcel and other properties that are in close proximity to urban land uses. Trespassing, thievery, malicious mischief, vandalism, and curiosity seekers all diminish the income, increases costs, and take time from productive work. These are not problems for the more remotely located farmer.**

**Only generalized information on these conflicts is provided in the Report. No specific information is provided indicating that these conflicts directly affect the actual rate of return, gross revenue, and the operational expenses at Norman's Nursery.**

**Thus, no significant documented conflicts were identified between the urban use of the adjoining Mobile Home Park (residential) and the existing agricultural use of the operation of Norman's Nursery.**

**A stable boundary separating urban and rural areas already exists. The proposal to revise Policy 8-2 to apply to agricultural land use outside the City limits, add Policy 8-3 for agricultural use located within the City limits, relocate the Urban-Rural Boundary to include this site within the Urban Area, and change the land use and zoning designations from agricultural to residential is inconsistent with the first test. A stable boundary separating urban and rural areas has existed for about 26 years since the mobile home park was constructed in about 1972. Further, the fence and setback areas separating the agricultural land use and the mobile home park, and the transportation corridor are already the clearly defined buffer areas that now minimize conflicts between agricultural and urban land uses.**

In addition, if the City's LCP Policies were adopted and implemented, land with a land use and zone designation of agriculture within the City limits could be more easily converted to urban uses, while agricultural lands outside the City would be held to a higher standard for conversion which would have the effect of making the boundary less stable. Moving the Urban-Rural Boundary to the east, as proposed by the City, creates the potential for an unstable boundary, by creating a precedent to move the Boundary further eastward to include between two (2) and seven (7) or more parcels until it reaches and encompasses the McKeon Condominium Complex located north of Via Real along Birch and Hickory Streets (Exhibits 4, 11, and 12). As a result, the proposed Amendment has the potential to create an unstable Boundary, a precedent to move the Boundary eastward, and minimize and create potentially unclear buffer areas between agricultural and new urban land uses.

The City's Coastal Plan identifies the subject site, formerly known as the Reeder parcels, for continued long-term agricultural use. The City's Coastal Plan, as certified by the Commission on January 8, 1982, states that

Within the City limits, agricultural land is limited to an avocado orchard on the Barnard property at Casitas Pass Road and Highway 101, an abandoned lemon orchard on Sawyer Avenue, the recently planted gypsophila fields north of Eugenia Place and on the Reeder property, ... Only the Barnard and Reeder parcels are planned for continued long-term agricultural use.

In certifying the City's Coastal Plan, the Commission established and located the Urban-Rural Boundary along the west and south sides of the subject site, locating the subject site within the Rural area. The City's Coastal Plan specifically identifies this Boundary and the reason for placing these subject parcels (formerly known as the Reeder parcels) outside the Urban area (Exhibit 12). The Coastal Plan states:

The urban/rural boundary then follows the City's existing limits in a southerly direction along Casitas Pass Road and southeast to Carpinteria Creek. At this point, the boundary conforms to the existing mobile home park, proceeds south to North Via Real, and continues eastward along Via Real to the McKeon development. The Reeder parcels (Area 10) and two small parcels in Area 11 are, therefore, excluded from the urban area. The Reeder parcels are located on prime soils and are partially planted to gypsophila at this time. While the western parcel in Area 11 is composed of prime soils, soils on the eastern parcel are non-prime (Class III); both of these parcels are designated for agricultural use because of their agricultural potential.

The reason the Commission's certified City Coastal Plan designated the site as a rural area for continued agricultural land use is because of the prime soils and agricultural use at that time. The majority of the site still has prime soils, qualifies as prime agricultural land as noted above, and is in agricultural production as an ornamental container grown plant nursery, therefore, the reason for this designation has not changed. The subject site as designated for 'prime agricultural land' meets the guidance provided in LCP Policy 8-1, and meets the definition in Coastal Act Section

30113 and California Government Code Section 51201, because its soil qualifies as Class I by the Soil Conservation Service and the site is in agricultural use.

In conclusion, the current Urban-Rural Boundary has minimized conflicts between agricultural and urban land uses over the past 26 years. These urban uses, located to the west of the subject site (the residential Rancho Granada Mobile Home Park), and to the south, (the office and recreational land uses) have adequate buffers. Therefore, the location of the Urban-Rural Boundary minimizes conflicts between agricultural land uses on the site and surrounding land uses.

Further, the proposed Policy 8-2 as revised and proposed Policy 8-3 make the standards for agricultural land dependent on whether the land is located within the City limits. The location of a City limit line, however, does not by itself determine the location of an appropriate or stable boundary between agricultural and urban land uses. The City limit line in this area was created before the Coastal Act became effective in 1977 and before the Urban-Rural Boundary was established in the City's ~~Local~~ Coastal Program certified in 1982. As noted above, the stable boundary in this ~~area~~ is the existing fence and setback areas separating the subject agricultural land use and the adjacent residential land use. Therefore, proposed Policy 8-2 as revised and Policy 8-3 are not consistent with the first test of Section 30241 of the Coastal Act. Therefore, the proposed Amendment does not minimize conflicts between agricultural and urban land uses, will not establish stable boundaries separating urban and rural areas, and will not establish clearly defined buffer areas to minimize conflicts between agricultural and urban land uses, as compared to the existing Urban-Rural Boundary, the existing agricultural land use and current LCP Policy 8-2. Thus, the proposed LCP Amendment is inconsistent with the first test of Section 30241 of the Coastal Act.

**b. Agricultural Viability and Neighborhood Completion**

In order to meet the test for conversion of land around the periphery of urban areas under Section 30241 (b) of the Coastal Act, the amendment must meet one of two tests to minimize conflicts between agricultural and urban land uses. This test is applicable since the subject property is adjacent to an urban area located to the west and south.

To satisfy this test, the viability of agricultural use must already be "severely limited by conflict with urban uses". The second situation when conversion of land on the periphery of an urban area may be appropriate when the "conversion of lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development".

The first test is whether or not the viability of agricultural use is already severely limited by conflicts with urban uses. As noted above, in connection with Section 30241(a), no significant conflicts between the subject agricultural land use and the surrounding urban land uses on two sides have been documented. Nevertheless, assuming the existence of some degree of conflict, the degree of limitation on the viability of existing agricultural use is not "severely limited".

**"Viable" is defined in the Merriam Webster Dictionary dated 1998 to include "capable of growing or developing", or "capable of working, functioning, or developing adequately", or "financially sustainable, a viable enterprise". The means to determine viability is provided in Section 30241.5 of the Coastal Act. To address the issue of viability of agricultural land uses consistent with Section 30241.5, an economic feasibility evaluation was provided by the City. The question here is to determine if agricultural use is economically feasible or financially sustainable.**

**The evaluation titled: "Report on Agricultural Feasibility in the Carpinteria Valley Re: Creekwood Residential Project on Norman's Nursery Site" was prepared by George Goodall, Agricultural Consultant, Santa Barbara, CA (Exhibit 14). The Report describes the site and surrounding area. The site is identified as including prime soils as identified in the Williamson Act Land Classification System and "Super Prime" in the Santa Barbara County Agricultural Preserve regulations because it produces over \$ 1,000 per acre per year of agricultural income. Most of the site includes Goleta fine sandy loam, with a 0-2% slope and the site is stated to be "one of the finest agricultural soils in the area". The Report goes on to state that the site is USDA Land Capability Class I. The Report states that:**

**It is physically suitable for growing a wide variety of crops without special problems or limitations. It is ironical that the present agricultural operations are growing everything in containers and have put down gravel, plastic, and herbicides to facilitate their operations. They are not using this deep, well drained, excellent, fine textured, nearly level soil, except as a level area to support their containers and to provide drainage away from them.**

**The Report indicates that although the land is physically capable of producing a very wide variety of agricultural commodities without significant limiting problems, economic viability is quite a different matter.**

**To address the agricultural "viability" of prime lands around the periphery of urban areas, these findings must address an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production to determine economic feasibility.**

**The Report provides an analysis of gross revenue and operation expenses for three crop types, including avocados, lemons, and general ornamental container-grown plants. The Report indicates that the rates of return on invested capital are currently very low, even for high-income specialty crops grown in the Carpinteria Valley. The Report concludes that rates of return on invested capital need to be at least 10% and preferably greater than 12%. For long range orchard crops, the rates of return have to be 12 - 15% per year. For container-grown plants, the expected minimum rate of return is 10%. Based upon the cost and income tables presented in (Exhibit 14, Tables 2, 3, and 4) the Report states that:**

**... the following rates of return on invested equity can be suggested as representative for the area:**



Avocados	2.1 %
Lemons	4.0 %
General Ornamental Container-Grown	3.0%

**These rates are well below expected and necessary returns for favorable economic feasibility.**

**It is important to point out that these figures, however, are calculated contrary to the analysis required in Section 30241.5 (a) (2) which requires that debt for land costs be excluded when analyzing operational expenses. Excluding debt for land costs, the figures provided in the Report (Exhibit 14, Tables 2, 3, and 4) for rates of return on gross revenue are actually as follows:**

Avocados	12.17 %
Lemons	14.85 %
General Ornamental Container-Grown	5.1%

**Under Coastal Act Section 30241.5, economic feasibility analysis for agriculture requires subtraction of operational expenses from gross revenue, excluding the cost of land. The result appears to be the rates of return on gross revenue provided in the Report ranging from 5.1% to 14.86%.**

**In addition, it is important to note that the figures identified for the General Ornamental Container-Grown products do not reflect the actual rates of return for the subject site, Norman's Nursery. No independently audited figures on actual rates of return (based on an analysis of gross revenue and operational expenses) over the past five years specifically for Norman's Nursery were provided by the City or the property owner.**

**The report concludes that the Norman's Nursery property is not economically feasible for agriculture by stating:**

**A very wide range of agricultural crops could be physically grown on this excellent prime soil parcel. But due to its high land values, high production costs, and numerous conflicts and limitations, only several crops were considered possibly viable – avocados, lemons, and container-grown ornamentals – and their rates of returns are too low for the risks involved. For these reasons, I would judge that this Norman's Nursery parcel is not economically feasible for agriculture.**

**In an effort to review the above Report, staff contacted a number of individuals and companies familiar with agricultural issues to request an independent review and comment regarding the above Report. First, staff contacted the Santa Barbara County Agricultural Commissioner's Office. William Gillette, Agricultural Commissioner reviewed the Report and responded in a letter dated December 7, 1998 that the methodology used by the author appears to be correct and the limitations on the use of the data is accurately described by the author (Exhibit 15). However, Mr**

Gillette does correct one of the important statements made in the report on page 6 regarding the expansion of agricultural plantings or facilities by stating:

On page 6, the author states that "current growers in the Valley are not expanding their plantings or facilities". We know of several greenhouse/cut flower growers who have expanded their operations in the last few years.

On December 14, 1998, Mr. Gillette further clarified in an email message that Brand Flowers and Ocean Breeze International have or are in the process of expanding agricultural operations in the Carpinteria Area. One of these businesses purchased KM Nursery property which the submitted Report indicated had gone out of business and closed (Exhibit 14, page 5) according to Mr. Gillette.

Mr. Gillette declines to make any judgements on the issue of agricultural viability. However, the important issue noted by Mr. Gillette is that agricultural operations consisting of greenhouse/cut flowers growers are expanding. It appears that some agricultural operations must be somewhat profitable to finance expansion of operations in the Carpinteria Valley.

Staff contacted Jay Tabor, of the Carpinteria office of the Central Coast Farm Credit Agency, a National Cooperative for Farm Financing and requested any comments on the Agricultural Feasibility Report. After reviewing the Report, Mr. Tabor was unable to comment because "Norm's Nursery is one of his clients".

Staff contacted Paul Forrest, Vice President and Agricultural Loan Officer for Santa Barbara Bank and Trust in Santa Maria and requested any comments on the Agricultural Feasibility Report (Exhibit 16). Mr. Forrest stated that he believed that additional agricultural crops should be considered (Exhibit 17). These crops include strawberries due to the superb soils which could be marketed through direct farm-to-consumer sales due to the site's location on a highway frontage road (Via Real parallels Highway 101, see Exhibit 2). A second crop could be vine-ripened hydroponic tomatoes grown in a 25 acre greenhouse.

Mr. Forrest also noted that the production costs provided in the Agricultural Feasibility Report are from low yield, high cost producers by stating that:

I would add some different production costs for Sections IV and V: Our surveys indicate that for profitable enterprises in the Santa Barbara area Avocado yields range from 2.0 to 5.5 tons/acre with total costs (preharvest, plus harvest plus overhead) ranging from \$2,200 to \$2,920/acre, for a breakeven position of \$530 to \$1,100/ton. The figures cited in the Goodall study are from low yield, high cost producers. Our Lemon figures are for yields ranging from 12 to 19 tons/acre, with total costs of \$3,400 to \$4,050/acre and a breakeven range of \$215 to \$275/ton. Again, the figures cited in the study are from high-cost producers.

**Mr. Forrest concludes that the rates of return cited in the Agricultural Feasibility Report are positive and are acceptable. With the potential for higher yields or lower costs the positive returns could be better by stating that:**

**I will comment only briefly on the various rates of return cited. These vary widely from one operation to another and have a lot to do with how the "books are cooked", particularly how assets are carried and their declared valuation. Generally, if all costs of production, including overhead (which also includes return to management and debt service), are met by the gross income then the enterprise is profitable and viable. The rates of return cited are positive, which is the main issue, and are entirely acceptable. Given the potential for higher yields or lower costs, they could be even better. (emphasis added)**

**Staff contacted a number of other individuals associated with the agricultural land uses in the Carpinteria Valley requesting comments on the above Report. No further comments were received to date.**

**A review of the [REDACTED] Report conclusions reveal that the figures provided may understate the potential for crop production yields while overstating the operational costs. Although the rates of return provided in the Report may be low as a result, most importantly the rates are positive as noted in the submitted Agricultural Feasibility Report. Therefore, the three possible agricultural operations (avocado and lemon orchards, and general ornamental container-grown plants) analyzed in the Report indicate that the rate of return on crop revenue (excluding the costs of land consistent with Coastal Act Section 30241.5(a)(2)) are profitable ranging from 5.1 % to 14.85 % per year. Thus, continued agricultural use is viable on the subject site as it is economically feasible to do so.**

**Lastly, City staff provided a review of existing LCP Policy 8-2 concluding that any conflicts between the nursery operation and the adjacent mobile home park are not significant enough to hinder continuing use of agricultural use. A letter, dated February 23, 1998, from Fred Goodrich, Principal Planner with the City's Community Development Department a review of existing Policy 8-2 (Exhibit 13) is provided:**

**While it is believed that the conversion of the site to residential use conforms to the standards of number 2, 3, and 5 of Policy 8-2, the conversion may not meet the test of numbers 1 and 4.**

**Considering number 1, the continued agricultural use is already impaired by existing conflicts due to the dense residential use to the west. This conflict is due to the nature of the nursery operation and the proximity of the mobilehome sites to the property line. However, the coexistence of these two uses, and the lack of formal complaints, implies the conflict is not great enough to hinder continuing the current use of the land. Since the property is currently used for a potted-plant nursery, it would be considered one of the "alternative agricultural uses" described in number 4. Thus, the amendment does not**

conform to existing Policy 8-2. Because the City feels a revised Policy 8-2 is appropriate, the City approved an amendment to Policy 8-2 and a new Policy 8-3 as part of its action.

Therefore, the City admits that this Amendment does not meet all of the tests in existing Policy 8-2. The tests that it does not meet include that: "the agricultural use of the land is severely impaired because of non-prime soils, topographical constraints, or urban conflicts"; and that: "the parcel could not be maintained in productive use through the use of greenhouses or alternative agricultural uses" such as the existing nursery.

Therefore, the viability of agricultural use, including the existing general ornamental container-grown nursery and the other agricultural land uses noted above, is not severely limited by conflicts of urban uses. The proposed Amendment does not meet this aspect of Section 30241(b) and Section 30241.5 of the Coastal Act.

Regarding the second part of the second test of Section 30241(b), the issue is limiting conversions of agricultural land around the periphery of urban areas where the conversion of lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. The subject site is located around the periphery of the urban area. The Commission must address the issue of whether or not the conversion of the subject site would complete a logical and viable neighborhood. As noted above, the lands to the west include two Mobile Home Parks (Exhibits 4 and 5). The Parks are separated from additional residential lands to the north-west by Carpinteria Creek and are isolated at the west end of Via Real which deadends at the creek. A small subdivision of about 44 residentially developed lots surrounding Cameo Road is located between Carpinteria Creek and Casitas Park Road. In addition, an existing avocado orchard (about 15 acres) and a single family residence are located between this residential subdivision, Carpinteria Creek, Highway 101, and Casitas Pass Road. Because Carpinteria Creek separates these two residential land uses and no roadway connects the two land uses, these two land uses, the mobile home parks and the residential subdivision, are not considered the same neighborhood. Therefore, the two Mobile Home Parks are considered the only components of the residential land use adjoining the subject agricultural land use and by themselves do not constitute a 'neighborhood'.

The City provided some information on the issue of whether or not the proposed conversion from agricultural land use to a residential land use would complete an existing urban neighborhood in the Amendment submittal. The Final Environmental Impact Report for the "Creekwood Residential Project" reviews the criteria listed in existing LCP Policy 8-2 (Exhibit 13), concluding that:

**The site does not appear to meet the criteria of 1, 2, and 4 listed above. The site is not severely impaired for agricultural uses; the site is not part of a specific neighborhood and is thus not an extension of a defined neighborhood; and the project site is a viable agricultural unit. (emphasis added)**

Therefore, the City's Final Environmental Impact Report for the "Creekwood Residential Project" concluded that the subject site is not part of a specific neighborhood nor is an extension of a defined neighborhood. Therefore, the proposed conversion of the subject site would not complete a logical and viable neighborhood and not contribute to the establishment of a stable limit to urban development. In addition, the City's proposal to revise LCP Policy 8-2 to apply to lands outside the City and add Policy 8-3 to apply to lands within the City is inconsistent with Section 30241(b). Section 30241 (b) establishes a uniform policy for conversion of agricultural lands, regardless of whether such lands are located within or outside municipal boundaries. The City proposes to delete sections (a) and (d) from Policy 8-2 (Exhibit 8) in the proposed Policy 8-3 for conversion of lands within the City limits. There is no distinction in Section 30241(b) that justifies deletion of the agricultural viability test provided in section (a) and the test providing in section (d) for maintaining productive use of the parcel through greenhouses or alternative agricultural uses. Further, conflicts between agricultural and urban land uses are currently minimized and the conversion of the subject agricultural land around the periphery of urban areas is not appropriate as the site's agricultural viability is not severely limited by conflicts with urban uses. Thus, the proposed LCP Amendment is inconsistent with the test of Section 30241(b) of the Coastal Act.

**c. Conversion of Land Surrounded by Urban Uses**

In order to minimize conflicts between agricultural and urban land uses, the conversion of agricultural land surrounded by urban uses is permitted where the conversion of land would be consistent with Section 30250 and otherwise comply with applicable sections of Section 30241 of the Coastal Act (Public Resources Code Section 30241(c)). Section 30250 states in part that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The subject site proposed for the conversion of agricultural land to a residential land use is not surrounded by urban uses. As noted above, urban uses are located only on two sides (Exhibits 4, 5 and 9). Along the two other sides, the subject site is surrounded by other agricultural lands. Therefore, an analysis for consistency with Section 30250 is not necessary. Thus, the proposed conversion cannot be justified under Section 30241(c).

**d. Develop Lands Not Suited for Agriculture Prior to Conversion**

The test of Section 30241(d) requires that available lands not suited for agriculture be developed prior to conversion of agricultural lands to minimize conflicts between agricultural and urban land uses.

Although the City is about 2.4 square miles in size and is nearly built out with various types of development, there are opportunities for development of a few vacant parcels and further intensification and redevelopment of existing developed parcels. The City conducted a land use survey in 1993 and identified about 130 acres of the City's 1,521 acres that can be classified as vacant or undeveloped. However, the majority of this land is identified in the City's Local Coastal Plan for visitor serving uses and is not available for residential development. There are now about 5,000 housing units located on about 37% of the total land within the City.

The City submitted a land use inventory indicating that, based on current land use zoning, a total of 297 residential units could be built on vacant and underdeveloped land within the City as of late 1995. Of these residential units, a total of 156 units could be constructed within residential land use zones. The balance of the residential development potential, 141 units, is located within non-residential land use zones. (These number of units do not include sites where development of housing has been completed since 1995.) Development of residential dwellings within these zones currently requires that the housing units be part of a mixed use project. In addition, as a result of the Commission's approval with Suggested Modifications of the City's LCP Amendment No. 1-98, additional commercially zoned ~~area~~ ~~located~~ within the northwest portion of the City may be overlain by a Residential Overlay District. As a result, a commercially designated area with a Residential Overlay District may be built out entirely with residential development. The Commission is awaiting the submittal of the City Council's acceptance of the Suggested Modifications for this Amendment; the City has until May 4, 1999 to accept these Suggested Modifications. This area, as reduced in size by the Commission's Suggested Modifications, consists of about eight acres of land which has the potential to provide additional housing units above those allowed in potential mixed use housing/commercial projects within this same area thereby increasing the above number of potential housing units identified in the City's Housing Element. Further, a total of about 70 housing units have been constructed in the City since late 1995 thereby reducing the above figures accordingly. Therefore, there are at least 227 residential units that could be built on vacant and underdeveloped land within the City (not including infill units noted below).

In addition, there is the potential for infill development within underdeveloped areas with a residential land use designation. The greatest potential for infill residential development is within the central city area generally bounded by Highway 101, Franklin Creek, Sandyland Avenue and the railroad tracks, and Carpinteria Creek. In a letter from City Staff, Fred Goodrich, dated February 23, 1998, an analysis of the infill development potential was provided.

The Housing Element saw the greatest potential for infill residential development within Site 10, Central Carpinteria (Exhibit 18). Infill development was recognized as having the potential to develop between 200 and 400 additional affordable housing units, which could be accommodated through the creation of an inclusionary housing plan. Realistically, this type of infill housing occurs at a relatively slow pace.

Therefore, there is currently the potential for development of up to about 727 housing units within the City on lands designated with residential and commercial land use zones. An unknown

number of additional units may be developed if the City's LCP Amendment No. 1-98 is fully certified. Therefore, the proposed LCP Amendment No. 2-98, as submitted, is not consistent with the fourth test of Section 30241, as there are available lands designated for potential residential development not suited for agricultural use.

**e. Assure Non-agricultural Development Does Not Impair Agricultural Viability**

Section 30241(e) imposes a policy assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality to minimize conflicts between agricultural and urban land uses. Because the proposed LCP Amendment does not propose the development of any public service and facility expansions or non-agricultural development, this test is not applicable.

**f. Division of Agricultural Lands**

To minimize conflicts between agricultural and urban land uses, the issue of a land division is raised. This test requires that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands (Public Resources Code Section 30241(f)). Because the proposed LCP Amendment does not involve the division of prime agricultural lands, this test is not applicable. Although no residential development is proposed in this LCP Amendment, the proposed Amendment will facilitate future development of residential development. Further, the Commission has previously found that conversion to residential use will diminish the productivity of prime agricultural lands.

**g. Conclusion**

In conclusion, proposed LCP Amendment does not meet four of the six tests of Section 30241 while two of the tests are inapplicable. Further, the subject site is determined to be viable for continued agricultural use as noted above. Therefore, the Commission finds that the City's proposed LCP Amendment No. 2-98, the Land Use Plan Amendment as submitted, is inconsistent with and inadequate to carry out the provisions of Coastal Act Sections 30241 and 30241.5 and does not meet the guidance provided in existing City LCP Policies 8-1 and 8-2.

**D. CONSISTENCY WITH LCP LAND USE PLAN - IMPLEMENTATION MEASURES**

The standard of review of an amendment to the certified LCP Zoning Ordinance is whether the ordinance conforms with and is adequate to carry out the provisions of the certified LCP Land Use Plan (PRC Section 30513 (a)). The Coastal Act provides that the Commission may only reject the proposed zoning ordinance if a majority of the Commissioners present find that it does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan. The relevant City Local Coastal Program Land Use Plan issues are discussed below as findings for Resolution II.

**1. Proposal**

The Proposed Zoning Ordinance Amendment includes an implementation measure to carry out the revised Land Use Plan amendments. The zoning ordinance designation and map for the subject property located at 5800 Via Real (APN 001-080-02, 30, 35, 40, 41) is proposed to be revised from Agriculture A-10 to Residential Planned Unit Development (PUD) 3.81 (Exhibits 7 and 10).

**2. Consistency with City LCP Land Use Plan**

The proposed Zoning Ordinance Amendment is not adequate to carry out the Land Use Plan and ensure consistency with the Local Coastal Plan. The Local Coastal Plan designates the subject property as Agriculture with a Zoning Ordinance designation of Agriculture ten (10) acres minimum lot area (A-10). The proposed Zoning Ordinance Amendment to replace the A-10 designation to Residential PUD 3.81 is not adequate to carry out the Agricultural land use designation as it conflicts with and is inconsistent with the existing Agricultural Land Use designation.

As a result, the Commission finds that the proposed Implementation Measure/Zoning Ordinance Amendment of City LCP Amendment No. 2-98, as submitted, is not consistent with and adequate to carry out the provisions of the City of Carpinteria certified Local Coastal Program Land Use Plan.

**III. LOCAL COASTAL PROGRAM/CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed amendment is to the City of Carpinteria's certified Local Coastal Program. The Commission originally certified the City's Local Coastal Program Land Use Plan and Zoning Ordinance in 1982.

The City prepared a Final Environmental Impact Report (FEIR) and Addendum ("FEIR") dated October 27, 1995 and March 1997, respectively addressing the proposed LCP Amendment and the proposed Creekwood residential project as in compliance with the California Environmental Quality Act (CEQA). The FEIR found that the proposed LCP Amendment and Creekwood residential project would have one significant environmental impact that cannot be fully mitigated and was therefore considered to be unavoidable, the conversion of agricultural land. No mitigation measures were identified to reduce the impact to a level of insignificance. The City adopted a Statement of Overriding Consideration on September 22, 1997 in Resolution No. 4410 (Exhibit B, page 1) to address this significant impact. The FEIR reviewed alternative development scenarios and found that the No Project - No Development alternative is considered the environmentally superior alternative. However, this alternative was not selected by the City.

The Coastal Commission's Local Coastal Program process has been designated as the functional equivalent of CEQA. CEQA requires the consideration of less environmentally damaging



alternatives and the consideration of mitigation measures to lessen significant environmental effects to a level of insignificance. As discussed in the findings above, the proposed amendment does not adequately address the coastal issues raised by the amendment, and would therefore have significant adverse effects, and thus, is not consistent with the California Environmental Quality Act.

The existing City Local Coastal Program is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

#### **IV. SUBSTANTIVE FILE DOCUMENTS**

City of Carpinteria Local Coastal Program; Final Environmental Impact Report and Addendum for Creekwood Residential Project, City of Carpinteria, dated October 27, 1995 and March 1997; Report on Agricultural Feasibility in the Carpinteria Valley, Re: Creekwood Residential Project on Norman's Nursery Site, dated July 26, 1998, by George E. Goodall, Agricultural Consultant, Santa Barbara, CA; City of Carpinteria Housing Element, dated October 30, 1995; Proposed Final EIR New Toro Canyon Elementary School and Summerland School Closure, dated September 1998, Carpinteria Unified School District; Soil Survey of Santa Barbara County South Coast Part, United States Department of Agriculture, received 4/15/98; North Coast Area Plan Update, San Luis Obispo County Local Coastal Program, Major Amendment No. 1-97.

#### **V. EXHIBITS**

1. Coastal Zone Location Map
2. City of Carpinteria Map
3. Norman's Nursery Site Plan
4. Aerial Photograph East Carpinteria
5. City Coastal Plan Land Use Map
6. City Resolution No. 4410
7. City Ordinance No. 540
8. City Proposed Modification to LCP Policy 8-2 and Proposed LCP Policy 8-3
9. City Proposed Land Use Map Change
10. City Proposed Zoning Map Change
11. City Proposed Urban-Rural Boundary Change
12. City Existing Urban-Rural Boundary
13. City Existing LCP Policy 8-2
14. Agricultural Feasibility Report
15. Response Letter from Santa Barbara County Agricultural Commissioner dated December 7, 1998
16. Staff Letter to Santa Barbara Bank & Trust, dated December 1, 1998
17. Response letter from Santa Barbara Bank & Trust to CCC, dated December 7, 1998
18. City Housing Element Housing Sites Map

carpmajorlcp2-98report

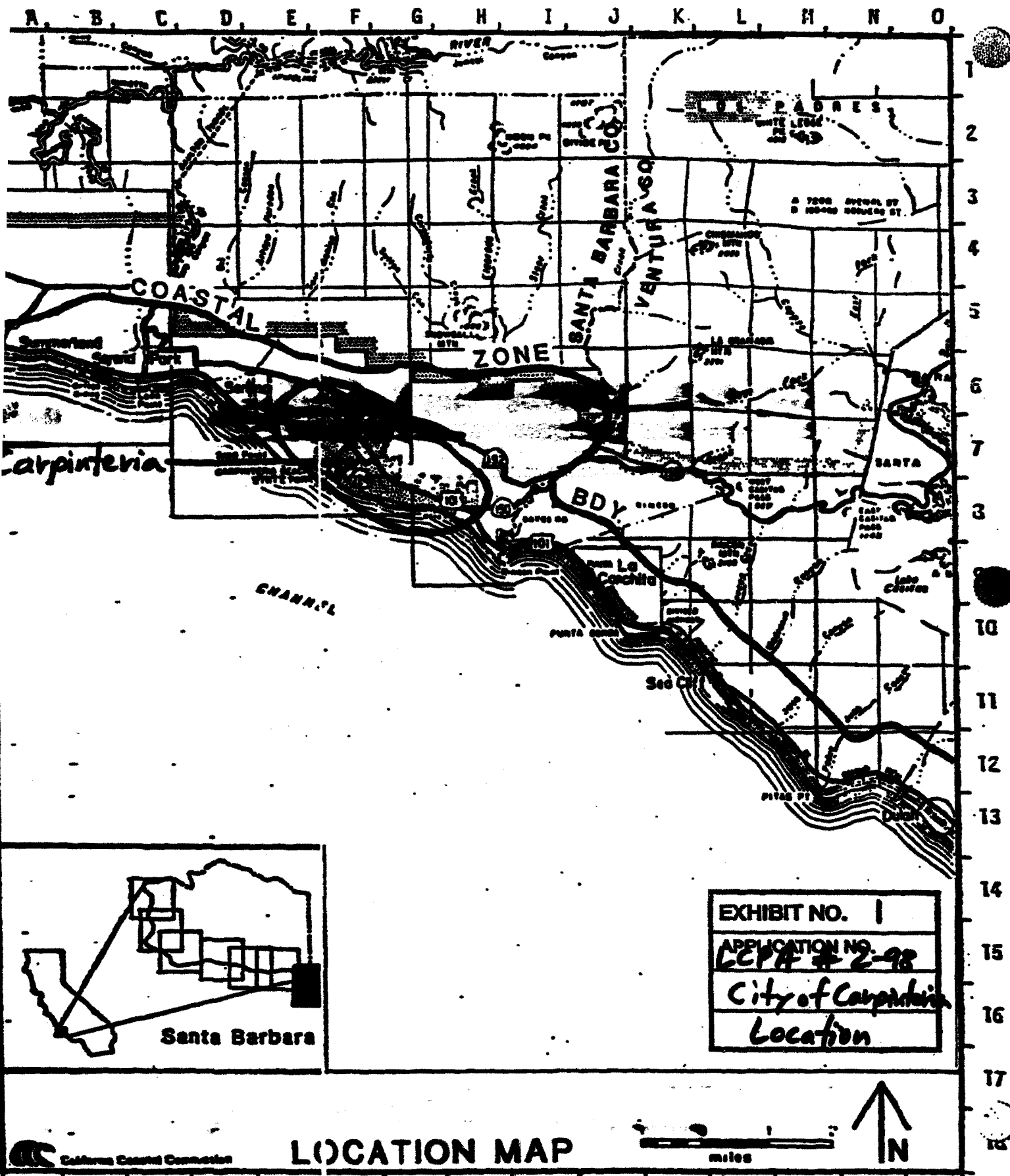


EXHIBIT NO. 1
APPLICATION NO. LCFA # 2-98
City of Carpinteria
Location

LOCATION MAP

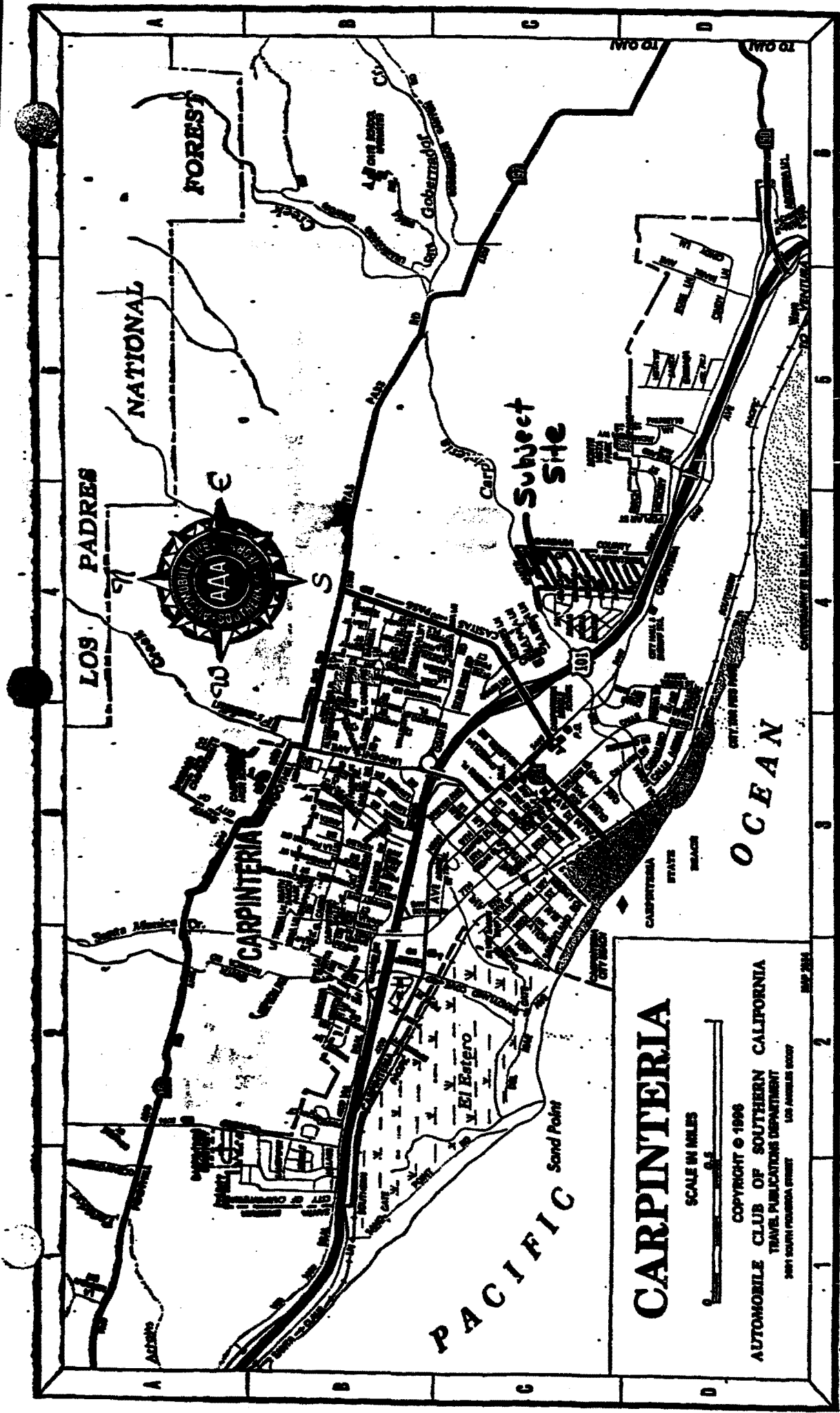


EXHIBIT NO. 2  
APPLICATION NO.  
LCPA # 2-98  
Subject Site

91-642-GUR

# NORMAN'S NURSERY

EXHIBIT A

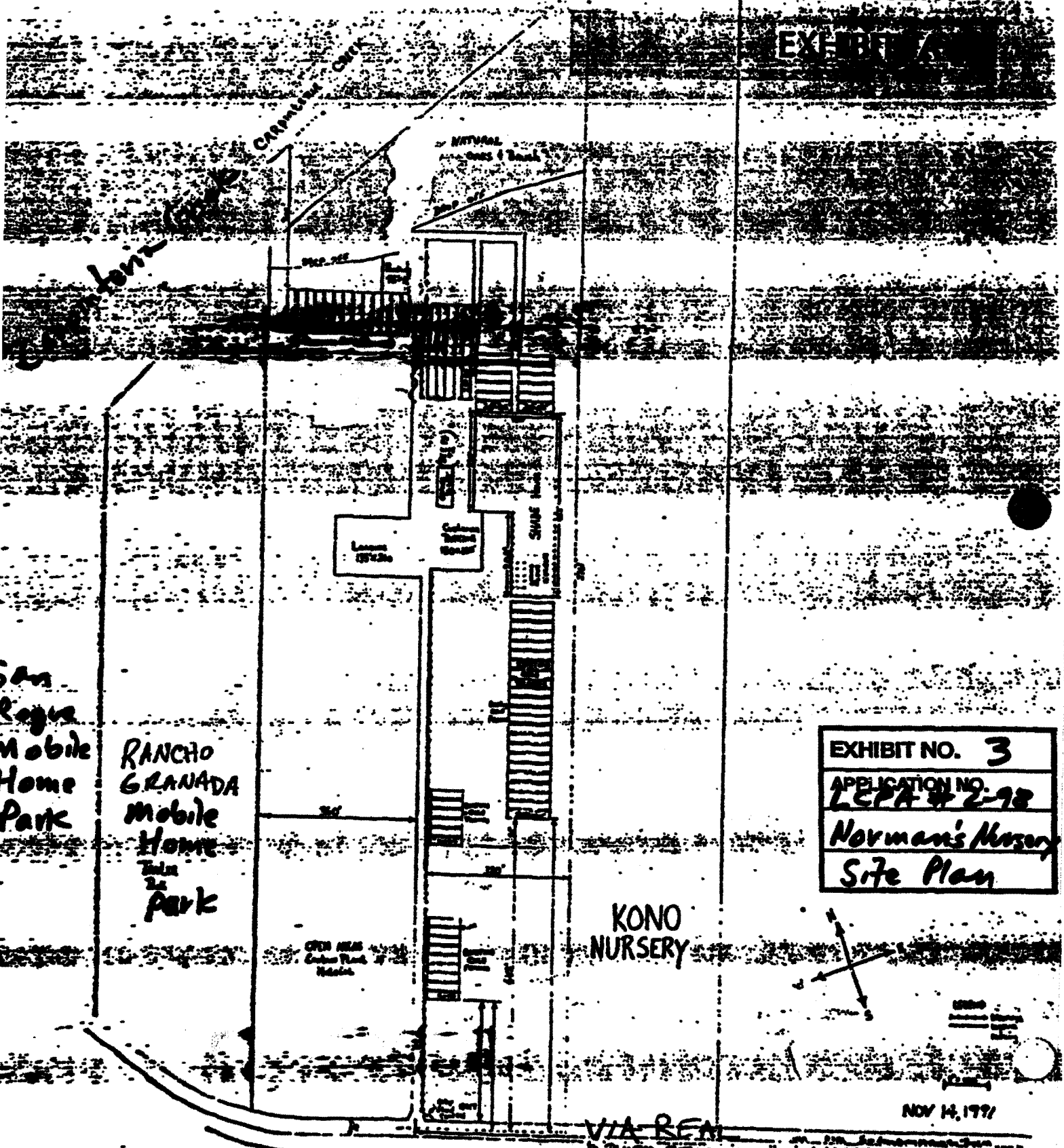


EXHIBIT NO. 3  
APPLICATION NO.  
LEPA # 2-98  
Norman's Nursery  
Site Plan

NOV 14, 1997

U.S. Highway 101



EXHIBIT NO. 4  
APPLICATION NO.  
LEPA # 2-98  
Aerial Photo  
East Carpinter



## RESOLUTION NO. 4410

**A RESOLUTION OF THE CARPINTERIA CITY COUNCIL GRANTING  
APPROVAL TO SUBMIT PROPOSED AMENDMENTS TO THE  
CARPINTERIA LOCAL COASTAL PROGRAM AND CONSIDERING THE  
FINAL ENVIRONMENTAL IMPACT REPORT AND ADDENDUM, FOR  
SUBMISSION TO THE CALIFORNIA COASTAL COMMISSION**

**WHEREAS, ~~the Carpinteria City Council~~ has recommended the following revisions to the Local Coastal Program:**

- 1) Amendment of Local Coastal Program – Policy 8-2 (Agriculture Conversion Standards) described and attached as Exhibit 1 and incorporated by reference.**
- 2) Amendment of Local Coastal Program – Adding Policy 8-3 (Agriculture Conversion Standards within City Limits) described and attached as Exhibit 2 and incorporated by reference.**
- 3) Amendment of Local Coastal Program Land Use Map designation for 32.09 acres from Agriculture (A1-10) to Single Family Residential (SFR 3.81) described and attached as Exhibit 3.**
- 4) Amendment of Local Coastal Program Urban/Rural Boundary to place the entire 32.09-acre project site within said Urban Boundary described and attached as Exhibit 4.**
- 5) Final Environmental Impact Report (dated October 27, 1995) and Addendum (dated March 1997) as it pertains to the Local Coastal Program Amendments including mitigation measures, statement of overriding considerations, and mitigation monitoring program.**

**WHEREAS, published notice of this hearing and notice of availability of the pertinent documents have been made available to the public for a six week period in accordance with the California Coastal Commission administrative guidelines; and,**

**WHEREAS, the proposed Local Coastal Program Amendments were considered by the City Planning Commission and forwarded to the City Council with a recommendation to**



certify the Final Environmental Impact Report and Addendum and approve the Creekwood Residential Project.

**WHEREAS**, the LCPA submitted includes:

- 1) A summary attached as Exhibit 5 of the measures taken to provide the public and official agencies and districts maximum opportunity to participate in the LCPA amendment process pursuant to Section 13515 and Public Resources Code section 30503; a listing of members of the public, organizations, and agencies appearing at any hearing, or contacted for comment on the LCPA, copies or summaries of significant comments received, and the City's response to comments.
- 2) The policies and supplementary data related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act.
- 3) A ~~discussion of the amendment's relationship to and effect on the other sections of the certified LCP.~~
- 4) An analysis that meets the requirements of Section 13511 and that demonstrates conformity with the requirements of Chapter 6 of the Coastal Act.
- 5) The final Environmental Impact Report and Addendum as it relates to the LCPA.
- 6) A description of the zoning measures that will be used to carry out the amendment to the land use plan.

**WHEREAS**, the Carpinteria City Council has found the proposed Local Coastal Program Amendments to be consistent with the adopted City of Carpinteria Local Coastal Plan and with the relevant Coastal Act policies, in that, the project would be in-filling vacant land, would not represent leap-frog development, would be within the city limit, would not require annexation, and would provide affordable housing opportunities; and,

**WHEREAS**, the City's and County's Local Coastal Plan contains an agreement to generally allocate 70% of the identified 1979 water supply to the county and 30% to the City and that in 1993 the City adopted the Water Resources Management Program which recognized that the groundwater basin has a total storage capacity of 50,000 acre feet of water and that the Carpinteria water basin is not in overdraft, that the Carpinteria County Water District is the public water purveyor for the City and has indicated that adequate water is available to serve this project, and, therefore, no change to the City/County water allocation is required by this project.

**WHEREAS**, the Coastal Land Use Map is part of the Local Coastal Plan adopted by the California Coastal Commission, and,

**WHEREAS**, California Coastal Commission retains final review of such amendments.



**NOW, THEREFORE, THE CARPINTERIA CITY COUNCIL HEREBY RESOLVES:**

- 1. The proposed amendments are found to be consistent with the California Coastal Act and Local Coastal Plan.**
- 2. The City's Local Coastal Program Amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act.**
- 3. The proposed Local Coastal Program Amendments is a program that will require formal local government adoption and certification of the Environmental Impact Report and Addendum after Coastal Commission approval.**
- 4. The formal and final adoption of the proposed amendments to the Local Coastal Program will serve the public interest by providing agricultural conversion policies/development standards that will allow for increased housing opportunities within the City limits.**
- 5. The Community Development Director is hereby authorized to transmit the proposed amendments to the California Coastal Commission for approval and certification.**
- 6. Any Coastal Commission modifications to the amendments as conceptually approved by the City Council shall be grounds for further review by the Council.**

**PASSED, APPROVED, AND ADOPTED this 22<sup>nd</sup> day of September, 1997, by the following called vote:**

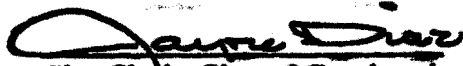
**AYES: COUNCILMEMBERS: LEDBETTER, STEIN, NIELSEN, WEINBERG,  
JORDAN**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: NONE**

  
Mayor, City of Carpinteria

**ATTEST:**

  
City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 22<sup>nd</sup> day of September 1997.

  
City Clerk, City of Carpinteria

**APPROVED AS TO FORM:**

  
City Attorney

**ORDINANCE NO. 540**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,  
CALIFORNIA, AMENDING SECTION 14.04.070 OF THE CARPINTERIA  
MUNICIPAL CODE PERTAINING TO THE ZONING MAP AND CHANGE OF  
ZONE DISTRICT BOUNDARY**

**THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES ORDAIN AS  
FOLLOWS:**

**SECTION 1:**

**SECTION 14.04.070 OF THE CARPINTERIA MUNICIPAL CODE IS AMENDED  
AS FOLLOWS:**

**The zone district for property located at 5000 Via Real (APN 001-080-02, 30, 35, 40,  
41) is hereby changed from A-1 (Agriculture) to PUD - 3.81 (Planned Unit  
Development - 3.81 dwelling Units per Acre) as shown and described on the  
attached Exhibit.**

**SECTION 2:**

**Ordinance No. 540 shall not take force and effect until thirty (30) days after the City  
Council has taken final action. Final action by the City Council shall be taken after  
adoption by the California Coastal Commission of the Local Coastal Plan Amendment.  
In the event said Local Coastal Plan Amendment is not approved by the California  
Coastal Commission, this Ordinance shall become null and void. After its passage by the  
California Coastal Commission and before expiration of fifteen (15) days from its  
passage shall be published once with the names of the City Council voting for and against  
the same in the Coastal View, a newspaper of general circulation, published in the City of  
Carpinteria.**

**PASSED, APPROVED, AND ADOPTED this 22<sup>nd</sup> day of September, 1997, by the  
following called vote:**

**AYES: COUNCILMEMBERS: LEDBETTER, STEIN, NIELSEN, WEINBERG,  
JORDAN**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: NONE**

  
Mayor, City of Carpinteria

Ordinance No. 540

Page 2

ATTEST:

  
City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 22<sup>nd</sup> day of September, 1997.

  
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

  
City Attorney

**PROPOSED MODIFICATION OF POLICY 8-2  
LOCAL COASTAL PLAN  
CREEKWOOD RESIDENTIAL PROJECT (94-699-DP)**

**LCP Policy 8-2: Agriculture - If a parcel(s) is designated for agricultural land use outside the City limits and is located in either (a) a rural area contiguous with the urban/rural boundary or (b) an urban area, conversion or annexation shall not occur unless:**

- a. The agricultural use of the land is severely impaired because of non-prime soils, topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and**
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and**
- c. There are no alternative areas appropriate for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted, and**
- d. The parcel could not be maintained in productive use through the use of greenhouses or alternative agricultural uses, and**
- e. Conversion would result in a well-defined demarcation between urban and agricultural uses and would not create a precedent for conversion of adjacent agricultural lands.**

**PROPOSED MODIFICATION OF POLICY 8-3  
LOCAL COASTAL PLAN  
CREEKWOOD RESIDENTIAL PROJECT (94-699-DP)**

**Added Policy 8-3: Agricultural Within City Limits - If a parcel(s) is designated for agricultural use and is located within the city limits, conversion shall not occur unless:**

- a. Conversion would contribute to the logical completion of an existing urban neighborhood, and**
- b. There are no alternative areas appropriate for infill development within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted, and**
- c. Conversion would result in a well-defined demarcation between urban and agricultural uses and would not create a precedent for conversion of adjacent agricultural lands.**

EXHIBIT NO. 8
APPLICATION NO. LCP 94-298
CITY Proposed
Policies 8-2

# PROPOSED LCP LAND USE MAP CHANGE - CREEKWOOD PROJECT (94-699)



EXHIBIT NO. 9  
 APPLICATION NO. LCPA 2-98  
 Proposed Land Use Plan Change

SITE	EXIST NG LAND USE	COASTAL PLAN	GENERAL PLAN	ZONING	STAFF RECOMMENDATIONS
5800 Via Real APN 001-080-02,03,40 & 41 Total: 32.09 Acres	Agricultural	A1-10	Western 1/2 - MDR Eastern 1/2 - AG	Western 1/2 - MHP Eastern 1/2 - A10	Change A10 to SFR 3.81 Change Agriculture to Single Family Residential

# PROPOSED ZONE CHANGE - CREEKWOOD PROJECT (94-699)

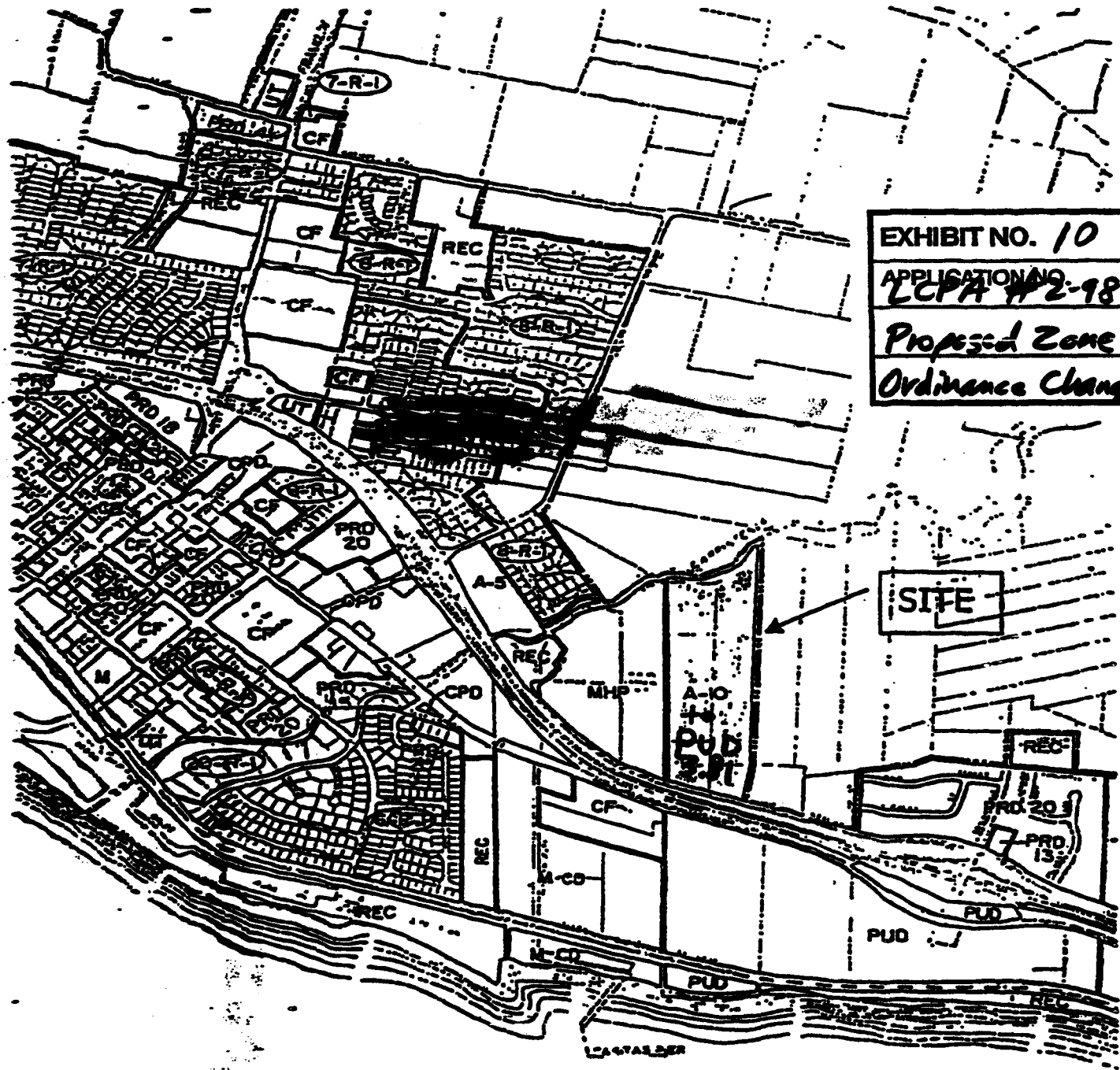


EXHIBIT NO. 10  
APPLICATION NO.  
**LCPA #2-98**  
**Proposed Zone**  
**Ordinance Change**

**SITE**

SITE	EXISTING LAND USE	COASTAL PLAN	GENERAL PLAN	ZONING	STAFF RECOMMENDATION
5800 Via Real PN 001-080-02,03,40 & 41 Total: 32.09 Acres	Agricultural	A1-10	Western 1/2 - MDR Eastern 1/2 - AG	Western 1/2 - MHP Eastern 1/2 - A10	Change A10 to PUD 3

# PROPOSED URBAN BOUNDARY CHANGE – CREEKWOOD PROJECT (94-699)

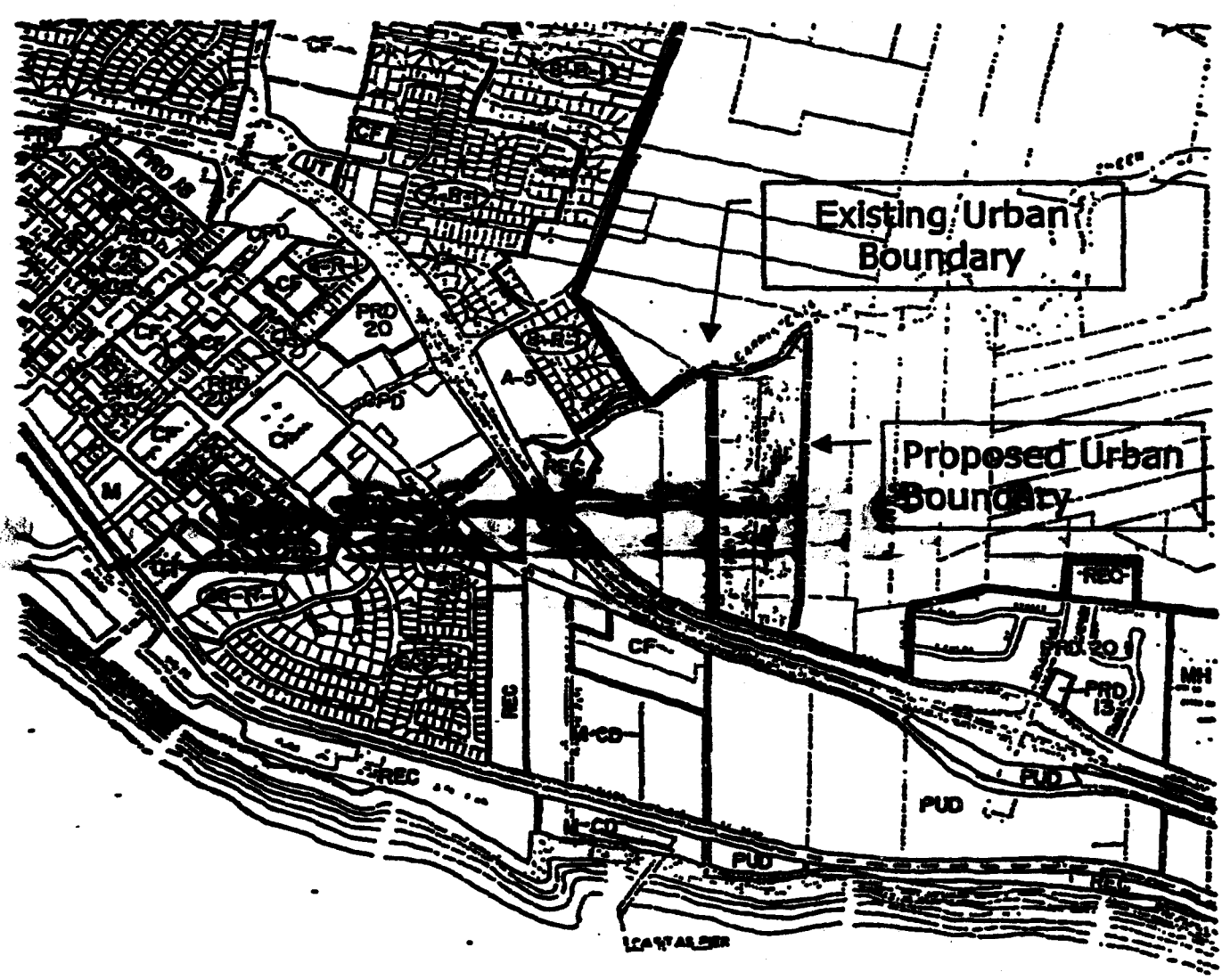


EXHIBIT NO. 11

APPLICATION NO. LCPA # 2-78

Proposed Urban-Rural Boundary Change

SITE	EXISTING LAND USE	COASTAL PLAN	GENERAL PLAN	ZONING	STAFF RECOMMENDATIONS
800 Via Real 001-080-02,03,40 & 41 32.09 Acres	Residential	2-2-2	Eastern 1/2 - AG Western 1/2 - A-10	Western 1/2 - RMP Eastern 1/2 - A10	Expand Urban Boundary





Figure 2

EXHIBIT NO. 12  
APPLICATION NO.  
CEPA # 2-93  
Existing Urban  
Rural Boundary

**Policy 8-2:**

If a parcel(s) is designated for agricultural use and is located in either (a) a rural area contiguous with the urban/rural boundary or (b) an urban area, conversion or annexation shall not occur unless:

1. the agricultural use of the land is severely impaired because of non-prime soils, topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and
2. conversion would contribute to the logical completion of an existing urban neighborhood, and
3. ~~there are no other parcels appropriate for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted, and~~ for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted, and
4. the parcel could not be maintained in productive use through the use of greenhouses or alternative agricultural uses, and
5. conversion would result in a well-defined demarcation between urban and agricultural uses and would not create a precedent for conversion of adjacent agricultural lands.

EXHIBIT NO. 13
APPLICATION NO. LCPA # 2-91
Existing LCP
Policy 8-2

Report on  
**Agricultural Feasibility in the Carpinteria Valley**

**Re: Creekwood Residential Project on Norman's Nursery Site**

Prepared by George E. Goodall, Agricultural Consultant, Santa Barbara, CA

July 26, 1998

**RECEIVED**  
AUG 25 1998

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**I. Introduction and Description**

The following report intends to present information on both the physical and economic feasibility of agricultural operations in the Carpinteria Valley. Particular attention will be paid to the 32-acre parcel at 5800 Calle Real, currently used to produce general ornamental plants in containers by Norman's Nursery. The parcel is within the city limits of Carpinteria. It is surrounded by a trailer park on the west side, Carpinteria Creek on the north, greenhouses and field grown ornamentals on the east (with apartments not far beyond), and Calle Real (a frontage road) and Highway 101 on the south. In the Santa Barbara County Comprehensive Plan the Rural-Urban Line is along the west and south boundaries of the property. This parcel has been considered for urban conversion by the California Coastal Commission before and denied mainly on the grounds that it was prime agricultural soil. Comparisons will be made to other farming areas, other crops, and other operations.

In addition to other information, this report provides the economic viability analysis as required by Section 30241.5 of the California Coastal Act. The report will also provide information for use in considering the six test paragraphs of Section 30241. The Coastal Act regulations in Section 30241.5 (a) (2) suggest that the analysis be done by excluding the cost of land. This is impossible since high land values are so critical to the rate of return analysis presented. I've used very conservative land values for the past five years, not those beginning to be paid currently.

The current agricultural uses are to produce field-grown container plants of general ornamentals. Most of the plants are set out to grow in the field for at least one season, with the average time about 18 months. The set plants come from hothouses operated by Normans on other sites, two of which are in the Carpinteria Valley and 12 are elsewhere in California. The field operations are conducted mostly in 5, 15, and 24-gallon containers.

No permanent growing structures are used on this site. They do need to use portable, temporary covers to provide frost protection and shade. Nothing is planted into the soil; all growing takes place in containers.

**II. Prime Soil**

Most of the soil on the subject parcel is mapped as *Goleta fine sandy loam, 0-2% slope (1)*, and is one of the finest agricultural soils in the area. It's USDA Land Capability Class is I. It is physically suitable for growing a wide range of crops without any special problems or limitations. It is ironical that the present agricultural operations are growing everything in containers and have put down gravel, plastic, and herbicides to facilitate their operations. They are not using this deep, well drained, excellent, fine

textured, nearly level soil, except as a level area to support their containers and to provide drainage away from them.

There is a small area of Capability Class III soil at the very southeast corner of the parcel; it is mapped as *Milpitas-Positas fine sandy loam, 2-9% slope*. It comprises less than an acre and has been graded to match the level of the rest of the parcel. Since this is irrigated and produces a high valued crop, it would be judged as "Prime" land also.

In the Williamson Act Land Classification System, this parcel would be designated as "Prime" soil because of its Capability Class I; the dollar value of crops is unimportant because of the high soil class. In the Santa Barbara County Agricultural Preserve regulations it would be classed as "Super Prime" land because it produces over \$1,000 per acre per year of agricultural income. There is little doubt but what this is a "Prime" soil and land parcel.

### III. Crops Considered

This land is physically capable of producing a very wide variety of agricultural commodities without significant limiting factors. ~~It is quite a different matter.~~

Economic feasibility studies, called for in the Coastal Act Section 30241.5, among other things require good revenue and expense data on the possible commodities in the area. There are real problems in obtaining this information on the very specialized, intensely grown, highly valued crops produced in the Carpinteria Valley.

The main source of generally accepted gross incomes are those published annually by the Santa Barbara County Agricultural Commissioner (2), and referred to as Crop Reports. Remember these are total and average figures for the county as a whole and not necessarily applicable to the Carpinteria Valley. Also, the figures reported are F.O.B. (Free On Board) or Farm Gate values and include all the production, harvesting, and overhead expenses as well as the value added by washing, cleaning, sorting, packing, processing, cooling, storing, aging, hauling, and all other activities to prepare the commodity for markets. It is the gross value of agricultural production as it leaves the County.

The main source of cost of production data are the studies published by the University of California Cooperative Extension and done by the County Farm Advisors in cooperation with the Farm Management Specialists (3,4). They interview an appropriate number of growers and collect their cost records before completing the analysis and summary. These studies are usually labeled as "Typical", "Sample", or "Suggested" costs of production for the crop for the area. The reports are to be used as teaching references on recommended, improved production practices and are usually not averages of what is. Also, the studies usually do not include all the added values as in the Crop Reports. Often the costs are shown up to harvesting or in field and are designed to be helpful to the growers only. Another, weakness is that these studies often do not include adequate consideration of ownership costs, actual taxes, adequate return on investment, and long range investment considerations. This is especially true in the close-in urban situations.

For this analysis, the specific relevant "area" is the Carpinteria Valley. But, for available, useful data we are drawing from the rest of the South Coast of Santa Barbara County and Ventura County.

In a letter from the ~~California State University~~ ~~Staff~~ (5) the following list of crops was proposed for consideration. ~~I have listed these crops and they presented them and then added comments as to why each should or should not be considered as relevant:~~

**"Vegetables"** - Only very specialized vegetables are grown in the Carpinteria Valley. They are either local farmers' market operations or hothouse production of seedling vegetables to be sold as set plants for other areas. The Crop Report and Cost Study data reflect the large-scale vegetable crops as grown in the Santa Maria or Lompoc Valleys and are not applicable here.

**"Row Crops"** - None are grown in Carpinteria Valley because the high land and water costs make them non-economic.

**"Field Crops"** - None are grown in Carpinteria Valley, again, because production costs are too high.

**"Berries"** - No strawberries are grown here because other area can produce them more inexpensively. There is one specialized raspberry and boysenberry operation that is mainly a "pick your own". None of the available figures are applicable.

**"Citrus"** - The only citrus crops grown currently are several lemon orchards. Lemons continue to provide reasonable returns and will be discussed in detail later in this report.

**"Avocado and Walnut Orchards"** - Walnuts were a historically important crop but no orchards remain because of low yields, poor nut quality, and high costs of production. Avocados are the major commodity produced in the Valley; details will be presented later.

**"Chrysanthemums"** - Both cut flowers and potted plants are produced in large numbers in hothouses in the Valley. There are no cost of production figures available to match those in the Crop Reports. Also this is not reviewed further in this report, because the subject property does not have any hothouses nor is it likely that any would be approved for it in the future.

**"Orchids"** - Both cut flowers and potted plants are produced in large numbers in hothouses and shadehouses. Again, there are no good cost figures available and production requires structures.

**"Other Cut Flowers and Bedding Plants Grown in Greenhouses"** - This is too general to be handled in a cost and income analysis. They are also grown in structures.

**"Continued Nursery and Potted Plant Production"** - It is assumed that the Coastal Commission staff mean "Container Grown General Ornamentals". This is the type of agriculture on the subject property and will be discussed in detail later.

#### **IV. Income and Cost Analysis Study**

This report will discuss two orchard crops - avocados and lemons - for which reasonably appropriated data is available. The figures on costs were based on the Farm Advisor's studies which were worked over in detail for an unpublished special study that the author did for the Goleta Water District and US Bureau of Reclamation in 1997. In addition the figures were reviewed by a number of growers.

For characterizing the general ornamental production operations, no published cost figures are available. So, the author has put together an "estimated" sheet based on an interview with Charles Norman of Norman's Nursery, interviews with several other flower growers, and proprietary figures that the author has collected on other consulting work. It is not presented as a statistically sampled study as are the Farm Advisors publications. It is an estimated set of figures that present a rough picture of the container plant growing business.

The gross income data presented in Table 1 was copied and adapted from the Santa Barbara County Agricultural Commissioners annual "Crop Reports" for the past five seasons. During this period typical weather occurred and no drastic shifts took place in production requirements and market opportunities.

For the avocado situation, Table 2 shows typical cost and income figures in considerable detail. The five year period was reasonably stable, although yields were low and prices were moderate. Two new serious insect pests entered the Valley during this period - Persea Mites and Avocado Thrips - which reduced yields and increased costs. The original Farm Advisors' reports were based on the 1992-year and only operating costs that had changed significantly were adjusted to 1997 figures for the Goleta Water study. Thus, the figures presented here represent the five-year period of the analysis. The economic outlook is not as bright as it was a few years ago. The Avocado Root Rot disease problem that has devastated many orchards in the past is less of a worry now with the development of several new partially resistant rootstocks that can be used in replanting. Growers in the Valley are replanting in the Root Rot spots, trying to reduce costs and improve yields where they can, and continuing to use avocados as the principal hillside produced commodity.

Table 3 presents the outlook for the avocado industry. The outlook is brighter than a few years ago. This major agricultural commodity has been replanted in the new orchards have been planted. But without a local packinghouse and the production requirements preventing the trees from being planted on steep hillsides, limited expansion is forecast.

The flower and ornamental production industries of the Valley present a mixed picture economically. These many commodities are marketed all over the world and are subject to many competitors and changing demands. Many of the operators are highly integrated - handling the product all the way from propagation to the retail market. They are highly specialized - using unique production techniques of patented or closely guarded cultivars. Nearly all rely on hothouses that can modify the environment so they can consistently produce the highest quality plants and blooms to bring premium returns. The container-growing plant producer handles literally hundreds of different types and sizes of plants destined for landscaping uses in urban areas. The outlook often rises and falls on the demands of the housing market. For the past several years the returns have been low and many producers have gone out of business. An example is the closing of the K M Nursery in Carpinteria. Only four or five large nurseries are producing most of the plants for California. Each is relatively large with numerous growing grounds. This container-grown plant industry is partly characterized in Table 4; it portrays the field growing portion and not the hothouse or initial plant propagation portions, nor retailing segment. It is as applicable to the subject property as I can make it and yet not divulge proprietary information.

## **V. Agricultural Rates of Return**

The unique conditions of agriculture in the south coastal part of Santa Barbara County make it such that cost, income and outlook data for the South Coastal part of Santa Barbara County and Ventura County are the only applicable sources. The relatively mild climate allows for the production of a very special list of high cost, high income crops that have very specialized and elastic markets, worldwide. Land, water, and labor costs are usually significantly more expensive than most other competing areas. And these higher costs are increasing more rapidly than general costs of living indexes, especially in recent years. This is especially true of water costs.

Many serious non-economic conflicts occur on the K M Nursery parcel and other properties that are in close proximity to the land. These include, among others, vandalism, and curiosity seekers all diminish the income, increase costs, and take time from productive work. These are not

problems for the more remotely located farmer. Often dedicated long time farmers finally become fed up and chose to move elsewhere to farm; more on these conflicts later in this report.

Agricultural rates of return on invested capital are currently very low, even for the high-income specialty crops grown here. If you look around the valley you see farmers continuing to farm existing parcels, trying one crop after another, in hopes of finding one that will improve income. Almost no expansion onto previously uncultivated land is occurring. Most are "fine tuning" their operations, hoping for improved markets in the future.

Due to rising costs for everything, weak markets due to increased foreign competition, extreme weather conditions, and the high stakes in local farming, risks are considered very high. To compensate, rates of return on invested capital need to be at least 10 % and preferably greater than 12%. Such rates allow for mortgages in the 8-9% range.

For long range orchard crops where a non-bearing period of 4 or 5 years occurs and the expected length of life is only 20 -25 years, rates of returns have to be raised to 12-15%. For container-grown plants, the average age at the time of sale is about 2 years, with at least one year in open field growing. Here the expected minimum rate of return is 10%; ~~more than one~~ adds hothouse production of set plants and unfavorable business climate.

In the cost and income tables presented above, the following rates of return on invested equity can be suggested as representative for the area:

Avocados	2.1%
Lemons	4.0%
General Ornamental Container-Grown	3.0%

These rates are well below expected and necessary returns for favorable economic feasibility.

#### **VI. On the Norman Nursery Parcel**

Because of the many urban conflicts, the inability to build hothouses on the parcel to improve gross incomes, and the relative small size of the parcel, the average production costs experienced by the Norman's Nursery operations make this a relatively high cost of production parcel. For these reasons they they are moving to a new operating site near Fillmore. In Ventura County water costs are 1/5<sup>th</sup> here, labor is significantly lower and more plentiful, plant growth is faster due to the warmer climate, and the new 200-acre parcel is more adequate for their needs.

#### **VII. Discussion**

The obvious next question is -- could another general ornamental grower make it on this parcel? General ornamental container-grown nurseries have been in tough times in recent years. Many have gone out of business -- as cited above, KM Nursery closed in Carpinteria. Others have been bought by one of the 4 or 5 large operators left in California. It is a highly specialized, narrow margin business with heavy labor and major capital costs. I do not know of any other container-plant operator that could use the land.

Could the land be planted again to lemons or avocados? Yes, it is technically and physically possible. The earlier avocado orchard died out with an infection of the Avocado Root Rot disease. This fungus persists for many years in the soil and there are no fumigation or chemical treatments available to

eliminate it. There are newly available, partially resistant rootstocks that could be used to replant, but they are expensive, the risk is high, and results would be marginal. Lemons, with their resurgent economics, could be planted and are the most likely possibility on this deep, nearly flat land. Both orchard crops would require windmachines for frost protection and helicopters to be used for pest control; the nearby residents would object to these operations. The high costs of long-range, new orchard development in the current economic climate on so expensive land make it very unlikely that a willing grower could be found.

At several points above, I have mentioned the many conflicts that Norman's Nursery has experienced. These are typical of any grower in a similar close-in location. The concept of a rural-urban boundary used to minimize these conflicts is cited in the Coastal Act section 30241 (a). Moving the boundary to the north along the south side of Carpinteria Creek would provide a buffer to reduce conflicts for the growers on the north side of the Creek. The existing greenhouses on the eastern side provide probably the fewest conflicts of any agricultural use, especially if the urban development is designed to minimize the problems.

## **VIII. Conclusions**

Current growers in the Valley are not expanding their plantings or facilities. They are trying to make their existing operations more efficient by eliminating low profit crops, expensive operations, and those with more conflicts or problems. They are hoping for better times in the future. They are not willing to risk capital in new expensive developments with marginal prospects.

In this report I have discussed most of the topics that are listed in the Coastal Act Section 30241. Special attention has been paid to presenting an economic feasibility analysis as called for in Section 30241.5. A very wide range of agricultural crops could be physically grown on this excellent prime soil parcel. But due to its high land values, high production costs, and numerous conflicts and limitations, only several crops were considered possibly viable - avocados, lemons, and container-grown ornamentals - and their rates of returns are too low for the risks involved. For these reasons, I would judge that this Norman's Nursery parcel is not economically feasible for agriculture.

## **Cited Sources and References**

- (1) Shipman, G E, "Soil Survey of Santa Barbara County, California, South Coastal Part", USDA, Soil Cons Serv & Forest Serv in coop Univ of CA, 1981.
- (2) Gillette, W D, "Santa Barbara County Agricultural Production Report", Santa Barbara County, Reports issued for 1993, 1994, 1995, 1996, and 1997.
- (3) Bender, G et al, "Sample Costs to Establish and Produce Avocados in the Southern Coast Region - 1992", UC Coop Ext.
- (4) Sakovich, N I, "Citrus Costs, Ventura County, 1993", UC Coop Ext, Ventura Co, in "Citrus Facts".
- (5) Letter from ~~James Johnson~~ Analyst, CA Coastal Comm, to Fred Goodrich, Planner, Carpinteria, dated April 28, 1998.



**Table 1**  
**Lemon, Avocado, and Ornamental Income Data**  
**Santa Barbara County**  
**from Agricultural Commissioner's Agricultural Production Reports**  
**1993 to 1997 and 5-year Average**

Item	1993	1994	1995	1996	1997	Average
<b>AVOCADOS</b>						
Yield Tons/acre	2.41	2.26	2.42	2.26	1.79	2.23
" pounds/acre	4,820	4,520	4,840	4,520	3,580	4480
Price \$/Ton*	\$623	\$2,113	\$1,667	\$1,657	\$2,217	\$1,655
" \$/pound*	\$0.311	\$1.056	\$0.834	\$0.828	\$1.109	\$0.828
Income \$/acre	\$1,581	\$4,774	\$4,035	\$3,744	\$3,968	\$3,690
<b>LEMONS</b>						
Yield Tons/acre	15.9	12.9	14.97	16.57	19.33	15.95
Price \$/Ton*	\$305	\$384	\$334	\$389	\$378	\$358
Income \$/acre	\$4,845	\$4,951	\$5,002	\$6,451	\$7,297	\$5,710
<b>GENERAL ORNAMENTALS - Container-Grown Plants</b>						
Hothouse - sq. ft.	91,125	89,000	96,900	26,000	13,000	
" - acres	2.09	2.04	2.22	0.60	0.30	
Field - acres	160.25	128.50	132.75	147.00	145.25	
Total Acres	162.34	130.54	134.97	147.60	145.55	144.20
Gross Value**	\$6,393,560	\$7,286,700	\$7,149,628	\$7,218,676	\$6,642,366	\$6,938,186
Gross Value / acre	\$39,384	\$55,820	\$52,972	\$48,907	\$45,636	\$48,544

\* Prices reported are F. O. B. Packing House door.

\*\* Gross Income reported as it leaves the farm gate on way to market.

Sources: Santa Barbara County Agricultural Commissioner's Agricultural Production Reports, 1993-1997

Summarized by G E Goodall, Agricultural Consultant, 7/10/98

**Table 2**  
**AVOCADO Costs of Production Per Acre**

<u>Item</u>	<u>Cost per Acre</u>	<u>% of Production Costs</u>
<b>Production Expenses:</b>		
Irrigation Water, 2 AF/A purchased, under-tree sprinklers	\$ 800.	25%
Booster Pump, electricity	40.	
Fertilizer, minor elements, leaf analysis	101.	
Weed Control, materials & equipment	37.	
Beehive Rental	26.	
Pest Control, biological control	190.	
Labor, all operations	308.	10%
Tree Thinning, prorated annual cost, custom	203.	
Erosion Control, maintenance of roads & drainage	20.	
Management, fee or allowance	120.	
Miscellaneous	40.	
<b>Production Expenses Subtotal</b>	<b>\$ 1,885.</b>	<b>58%</b>
<b>Harvesting Expenses:</b>		
Picking and hauling, 4,460 lbs @ \$0.075/lb	335.	10%
CAC Assessment, 3.75% of F.O.B. value	138.	
<b>Harvesting Subtotal</b>	<b>\$ 473.</b>	<b>15%</b>
<b>Overhead Expenses:</b>		
Repairs, fuel, equipment	15.	
Repairs, irrigation system	26.	
Taxes, land and other	292.	9%
Insurance, all types	154.	
Workmans Comprehensive	25.	
Social Security	45.	
Interest on Production Expenses	27.	
Interest on Debt, 6.2% on \$3,200	198.	
Depreciation, on equipment:	33.	
Depreciation on irrigation system	39.	
Telephone & Electricity	10.	
Miscellaneous	19.	
<b>Overhead Expense Subtotal</b>	<b>\$ 883.</b>	<b>27%</b>
<b>Total Expenses per Acre:</b>	<b>\$ 3,241.</b>	<b>100%</b>
<b>Crop Revenue per Acre: 4,460 lbs @ \$0.828/lb</b>	<b>\$ 3,690.</b>	
<b>Return on Equity per Acre:</b>	<b>\$ 449.</b>	
<b>Rate of Return on Crop Revenue</b>	<b>12.17%</b>	
<b>Rate of Return on \$21,800 (equity (land &amp; trees))</b>	<b>2.06%</b>	

Based on Bender, et al, "UC Coop Ext Sample Costs to Establish & Produce Avocados in So. Coast Region - 1992", UC Coop Ext, (adjusted for inflation) and unpublished data from US Bureau of Reclamation Water Payment Opportunity Study, 1997; and interviews with selected avocado growers by G E Goodall.

Prepared by G E Goodall, Agricultural Consultant, 7/10/98

**Table 3**  
**LEMON Costs of Production Per Acre**

<u>Item</u>	<u>Cost per Acre</u>	<u>% of Production Costs</u>
<b>Production Expenses:</b>		
Irrigation Water, 2 AF/A purchased, drag-line sprinklers	\$ 800.	16%
Irrigation Labor	114.	
Fertilizer, minor elements, leaf analysis	195.	
Pest Control, contract spraying	328.	7%
Snail Control, labor & bait materials	62.	
Disease Control, contract spraying	57.	
Weed Control, labor, equipment, & materials, spraying	85.	
Frost Protection, electric power & maintenance	85.	
Pruning, all types, contract	633.	13%
Tree Replacement	26.	
Erosion Control	11.	
Management fee or allowance	120.	
Miscellaneous	132.	
<b>Production Expense Subtotal</b>	<b>\$ 2,648.</b>	<b>54%</b>
<b>Harvesting Expenses:</b>		
Picking & Hauling, 15.95 Tons @ \$90.60 / Ton	\$ 1,445.	30%
<b>Overhead Expenses:</b>		
Repairs, fuel, equipment	8.	
Repairs, irrigation system	17.	
Taxes, land & other	247.	
Insurance, all types	134.	
Interest on Production Expenses	42.	
Interest on Debt, 6.2% on \$3,750	232.	
Depreciation, on equipment	20.	
Depreciation, on irrigation system	26.	
Telephone & Electricity	10.	
Miscellaneous	33.	
<b>Overhead Expense Subtotal</b>	<b>\$ 769.</b>	<b>16%</b>
<b>Total Expenses per Acre:</b>	<b>\$ 4,862.</b>	<b>100%</b>
<b>Crop Revenue per Acre: 15.95 Tons @ \$358/T</b>	<b>\$ 5,710.</b>	
<b>Return on Equity per Acre:</b>	<b>\$ 848.</b>	
<b>Rate of Return on Crop Revenue</b>	<b>14.85%</b>	
<b>Rate of Return on \$21,250 equity (land &amp; trees)</b>	<b>4.00%</b>	

Based on Sakovich, N J, "Citrus Costs, 1993", UC Coop Ext, Ventura Co. (adjusted for inflation); and unpublished data from US Bureau of Reclamation Water Payment Capacity Study, 1997; and interviews with selected lemon growers by G E Goodall.

Prepared by G E Goodall, Agricultural Consultant, 7/10/98.

**Table 4**  
**GENERAL ORNAMENTAL CONTAINER-GROWN PLANTS**  
**Estimated Costs of Production per Acre**  
(based on 20,000 containers per acre)

<u>Item</u>	<u>Cost per Acre</u>	<u>% of Production Costs</u>
<b>Production Expenses:</b>		
Irrigation Water, 3.3 AF/A/Yr purchased	\$ 1,500.	3.5%
Irrigation Labor, hand watering	9,000.	21.1%
Fertilizer, liquid with water	600.	
Weed Control, labor, equipment, & materials	100.	
Pest Control, labor, equipment, & materials	800.	
Tree Care Labor, planting, training, moving	6,000.	14.1%
Containers, stakes, soil mixes, set plants	20,000.	46.8%
Management	900.	
Miscellaneous labor, equipment, & materials	800.	
Production Expense Subtotal	\$ 39,700.	93.0%
<b>Overhead Expenses:</b>		
Repairs & Maintenance	500.	
Taxes, Property	1,000.	
Interest on production expenses	600.	
Depreciation on irrigation system & equipment	200.	
Office, insurance, payroll taxes, etc.	700.	
Overhead Expense Subtotal	\$ 3,000.	7.0%
<b>Total Expenses per Acre:</b>	\$ 42,700.	100.0%
<b>Gross Crop Revenue per Acre:</b>	\$ 45,000.	
<b>Return on Equity Per Acre:</b>	\$ 2,300.	
<b>Rate of Return on Gross Revenue:</b>	5.1%	
<b>Rate of Return on Equity: (land &amp; improvements @ \$75,000/acre)</b>	3.0%	

Prepared by G. E. Goodall, Agricultural Consultant, based on interviews with Charles Norman and other general ornamental container growers and proprietary information, 7/10/98.

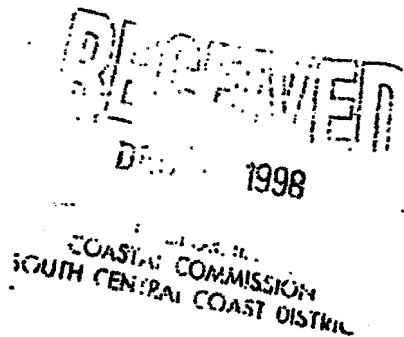


# AGRICULTURAL COMMISSIONER WEIGHTS AND MEASURES

William D. Gillette  
Commissioner/Director

December 7, 1998

James Johnson  
California Coastal Commission  
89 S California St Ste 200  
Ventura CA 93001



Dear Mr. Johnson:

At your request, we reviewed the "Report on Agricultural Feasibility in the Carpinteria Valley" prepared by George E. Goodall. As you and I discussed, this Office does not have expertise and cannot make any judgments regarding agricultural viability. We do have several comments regarding the report.

The methodology used by the author appears to be correct. We do not know of any public sources of financial information other than the Agricultural Commissioner's Crop Production Reports and the Cooperative Extension production data. The limitations on the use of this data is described accurately by the author.

On pages 4 and 5 of the report, the author states that KM Nursery is no longer in business. This is not accurate. KM Nursery is no longer in business at their original site. They have relocated to a smaller site. We do not know the reason for this change in location.

On page 6, the author states that "current growers in the Valley are not expanding their plantings or facilities". We know of several greenhouse/cut flower growers who have expanded their operations in the last few years.

Again, these comments are for clarification only, and do not attempt to determine the agricultural viability of the Norman's Nursery parcel.

If you need additional information, please let me know.

Sincerely,

*William D. Gillette*

William D. Gillette  
Agricultural Commissioner

EXHIBIT NO. 15
APPLICATION NO. 22-98
Agricultural
Commissioner Le

## CALIFORNIA COASTAL COMMISSION

1000 CENTRAL COAST AREA  
1 SOUTH CALIFORNIA ST., SUITE 200  
SANTA MARIA, CA 93401  
(805) 441-6142



Sent by FAX 925-1301  
December 1, 1998

Paul Forrest, Loan Officer  
Santa Barbara Bank and Trust  
335 East Betteravia Road.  
Santa Maria, CA 93454

EXHIBIT NO. 16
APPLICATION NO. LCPA #2-98
Staff Letter
Requesting Comments

RE: Agricultural Feasibility in Carpinteria Valley

Dear Mr. Forrest:

This letter requests information on the economic feasibility of agricultural operations in the Carpinteria Valley and any comments you may have on the attached report titled; "Agricultural Feasibility in the Carpinteria Valley". Chris Colbert of your Santa Barbara office suggested I contact your office. This letter was also mailed to you on November 30, 1998.

Commission Staff are reviewing a proposed Local Coastal Program Amendment from the City of Carpinteria to convert 32 acres of land currently designated as Agricultural Land to a Residential land use. This property is located within the City of Carpinteria but outside the Urban-Rural Boundary within the Rural portion of the Carpinteria Valley. This proposed LCP Amendment raises the issue of agricultural viability pursuant to Coastal Act Sections 30241.5 and 30241 as noted below. These Coastal Act Sections are intended to provide a framework for evaluating the consistency of converting agricultural lands to non-agricultural uses with the Coastal Act agricultural protection policies.

Coastal Act Section 30241.5 specifically provides that:

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

- (b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Coastal Act Section 30241 specifically provides that:

The ~~maximum amount~~ of prime agricultural land shall be maintained in agricultural production ~~and the~~ protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

**December 1, 1998**

**Page 3**

Staff would appreciate any comments you have regarding the information presented in the attached Agricultural Feasibility Report, particularly the conclusion that the subject site is not economically feasible for agriculture (page 6). Any comments on Tables 1 - 4, particularly the rates of return on gross revenue, rate of return on equity, rate on equity per acre, gross crop revenue, and total expenses per acre for general ornamental container-grown plants, avocados, and lemons, would also most be appreciated. What is the range of the rate of return on gross revenue and on equity for avocado, lemon, ornamental container-grown plants, greenhouse grown plants, and other crops (flower crops?) that may be suitable for this site? Are the rates of returns for these crops within the range, or are they too high or low. In other words, are these types of agricultural operations economically feasible?

Because we are preparing a Staff report on this proposed Amendment with a deadline of December 11, 1998 for the January 1999 Commission meeting, it would be most helpful to receive your comments by December 7, 1998. Should you have any questions, please call me at 805-641-0142. Thank you for your time and consideration of this request.

Sincerely,



James Johnson

Coastal Program Analyst

Attachment

Carpicpa2-98agricfeasiblelettersbbt



# SANTA BARBARA BANK & TRUST

Paul E. Forrest, VP  
Agribusiness Loan Officer  
Santa Barbara Bank & Trust  
335 E. Betteravia Rd.  
Santa Maria, CA 93454  
Phone: 805-739-2694 ext. 219  
December 7, 1998

RECEIVED  
DEC 11 1998

EXHIBIT NO. 17  
APPLICATION NO.  
LCPA #2-98  
S.B. Bank & Trust  
Response Letter

James Johnson  
California Coastal Commission  
89 S. California St., Suite 200  
Ventura, CA 93001  
Phone (805) 641-0142  
Fax (805) 641-1732

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Johnson,

I am writing in response to your request for feedback on the Ag Feasibility report prepared for you by George Goodall, dated 7/26/98, concerning a 32-acre parcel on Calle Real in Carpinteria.

Sections I and II are fine. Section III contains some rather broad statements concerning the inclusion and exclusion of crops from consideration. First, given the superb soils, strawberries could surely be grown. They were dismissed because of cost, but they are not grown inexpensively anywhere in coastal California, with an annual cost of production around \$10,000/acre. In fact, because no one else in the area is growing them and the plot is on a highway frontage road, a roadside stand for direct farm-to-consumer sales might be a very effective way to market the crop. Second, consideration is dismissed for greenhouse crop/nursery production because it is "too general." While I am ignorant of the feelings of the city fathers in Carpinteria toward new greenhouses, and this may be a closed subject, given the proliferation of them in the area they must surely be viable. For example, I think a single, 25-acre greenhouse for vine-ripened, hydroponic tomatoes might do just fine. Last, while the current enterprise is potted plant production, they would do just as well on a paved parking lot, which is of no real merit to the discussion, but continuation of this type of agriculture is given serious attention in the report.

I would add some different production costs for Sections IV and V: Our surveys indicate that for profitable enterprises in the Santa Barbara area Avocado yields range from 2.0 to 5.5 tons/acre with total costs (preharvest, plus harvest plus overhead) ranging from \$2,200 to \$2,920/acre, for a breakeven position of \$530 to \$1,100/ton. The figures cited in the Goodall study are from low yield, high cost producers. Our Lemon figures are for yields ranging from 12 to 19 tons/acre, with total costs of \$3,400 to \$4,050/acre

page 1 of 2

and a breakeven range of \$215 to \$275/ton. Again, the figures cited in the study are from high-cost producers.

I will only comment briefly on the various rates of return cited. These vary widely from one operation to another and have a lot to do with how the "books are cooked", particularly how assets are carried and their declared valuation. Generally, if all costs of production, including overhead (which also includes return to management and debt service), are met by the gross income then the enterprise is profitable and viable. The rates of return cited are positive, which is the main issue, and are entirely acceptable. Given the potential for higher yields or lower costs, they could be even better.

I hope these comments are of some use to you. Please call me if you have any questions.

Sincerely,



LOS PADRES  
NATIONAL FOREST

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

FOOTBALL RD  
SANTA MONICA RD  
SANTA YNEZ AV  
EL CARRO LN  
SANTA MONICA LN  
CASTAS RD  
LINDEN AV  
CASTAS RD  
ANTRAK  
MARK AV  
BARBARA AV  
VAL REAL

PACIFIC OCEAN

E  
A  
H  
A

**#** See identification of available housing sites for description of properties.  
**F-15a** Represents locations in unincorporated area

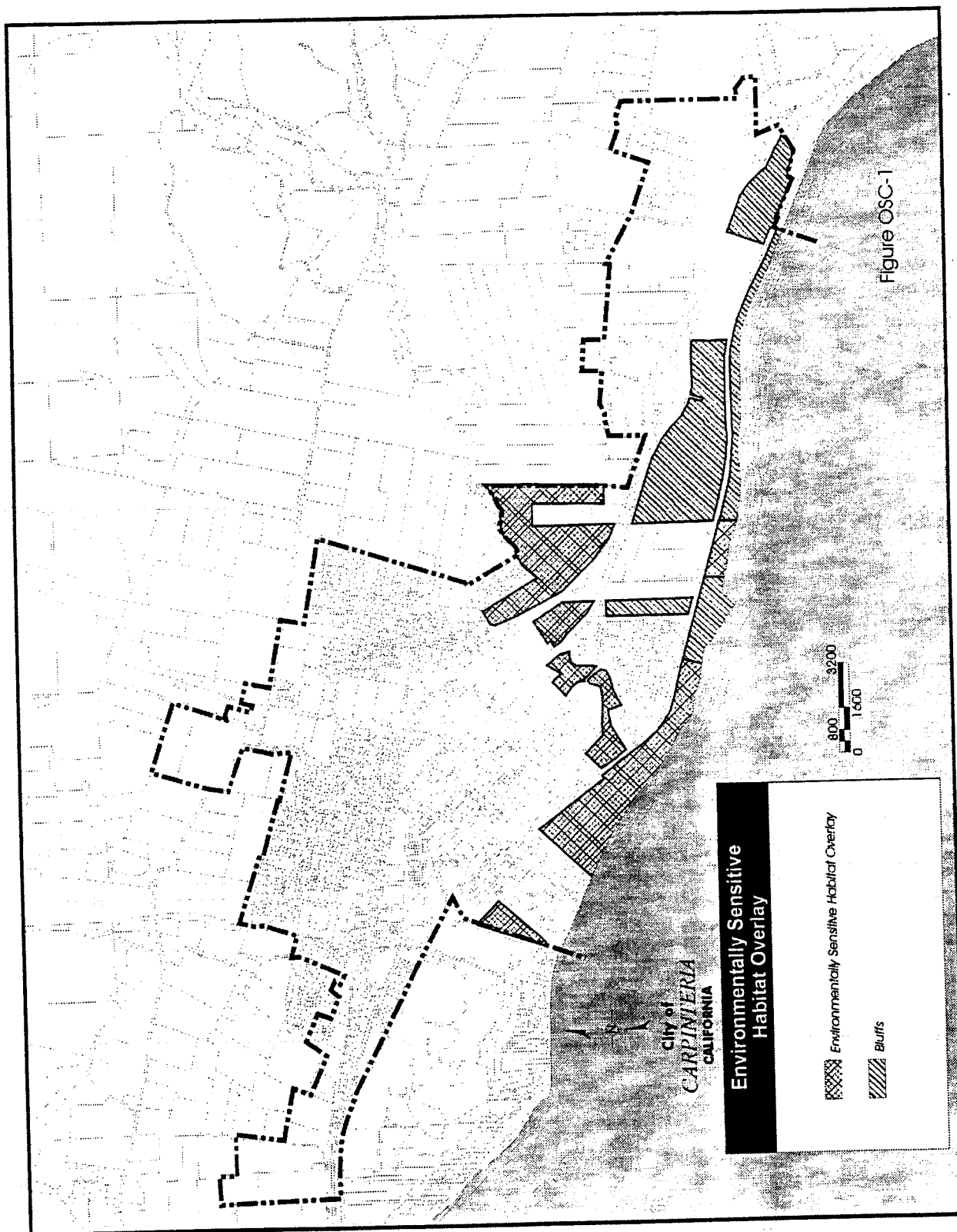
**SANTEE CITY OF CAMPHANIA, 1994**

- CITY OF CARPINTERIA HOUSING ELEMENT



# EXHIBIT 6

## PROPOSED ESHA OVERLAY MAP



# EXHIBIT 7

MATERIALS CONCERNING THE  
ELLINWOOD PARCEL:

REPORT DATED FEBRUARY 28, 2002  
BY DAVID SWENK OF  
CF DEVELOPMENT REVIEW NORTH  
RE: ELLINWOOD WETLANDS

LETTER DATED FEBRUARY 22, 2000  
FROM SCOTT ELLINWOOD TO  
CITY OF CARPINTERIA

RECEIVED

MAR 25 2002

COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

MEMORANDUM

TO: Noah Greer, Planning and Development

FROM: David Swenk, CF Development Review North

DATE: February 28, 2002

RE: Ellinwood Grading, 01CDP-00000-00142

CC: Melissa Mooney, P&D  
June Pujo, P&D

---

On February 26, 2002, I visited the Ellinwood Site, case #01CDP-00000-00142 located at 1300 Cravens Lane in the Carpinteria area, APN 004-013-026. At issue was whether an artificial pond located on the property fit the definition of wetland according to County Coastal Plan and Coastal Act provisions. A pond of approximately .25 acres is located on the parcel. The pond was created artificially and is fed by groundwater recharge through a perched water table. The pond has no outlet except through a limited subsurface flow gradient and is anaerobic in nature evidenced by significant algae development. Historic pictures taken of the pond show substantial hydrophytic vegetation dominated by bermudagrass, (*Cynodon dactylon*) and cattail (*Typha ssp*), both obligate wetland species. The site visit was conducted to assess the ponded area's wetland status.

A. *Hydrophytic Vegetation*

Inspection of the pond revealed the potential wetland area being completely graded out and virtually all vegetation being removed. However, isolated remnants of the preexisting species were identified on site as well as found through sifting through the graded fill and spoil site. Though the stocking density and spatiality cannot be established due to the extensive grading of the site, hydrophytic vegetation was positively identified. This list should not be construed as an exhaustive list of pre and post grading hydrophytic vegetation but as species casually observed on site. It is plausible other species might have been present but were eradicated by the grading operation. Some of the species observed include:



COMMON NAME		Wetland Indicator
		Status
sedge	<i>Cyperus ssp.</i>	FACW
Cattail	<i>Typha ssp</i>	OBL
Oxalis	<i>Oxalis corniculata</i>	FACU
Curly dock	<i>Rumex ssp.</i>	FACW-
Castor Bean	<i>Ricinus communis</i>	FACU
Bermudagrass	<i>Cynodon dactylon</i>	FAC
Marigold	<i>Bidens ssp.</i>	FACW+
Rush	<i>Juncus ssp</i>	OBL
water weed	<i>Ludwigia ssp.</i>	OBL

### B. *Hydric soils*

The soils in the area, as identified in the Soil Survey maps are Camarillo Variant fine sandy loam and elder sandy loam. Both soils are not listed in the NRCS Hydric Soil Series List. Non-listed soils, however, may develop hydric tendencies if left in saturated conditions long enough and thus satisfy the 2<sup>nd</sup> test for wetland delineation. At the site I drew a soil core with a standard soil probe in four different locations. 3 of the 4 cores showed mottling at approximately 3 feet in depth. The samples collected were done using a simple "grab sample" methodology and would not constitute a standard protocol as outlined in The Fieldbook for Describing and Sampling Soils (NRCS 1998). There is enough evidence, however, to warrant delineation through soil analysis.

### C. *Wetland Hydrology*

The ponded area was artificially created and has formed a perched water table and is groundwater fed, all key indicators of wetland hydrology conducive to wetland development. The applicant stated the pond is filled with water year round, far surpassing the inundation requirements set forth in wetland delineation protocol. Ponded water was witnessed at the site visit conducted on February 26. The water was in an anaerobic condition indicating substantial periods of sustained water level.

It appears there is evidence the ponded feature had a good probability of meeting the 3 criteria of a wetland as afforded in the Cowardin definition before the grading took place. It is recommended further examination be undertaken by qualified wetland specialists to verify wetland presence through accepted protocols and to attempt estimations of lost wetland habitat.

If I can be of any further assistance, please call me at 934-6266.

February 22, 2000

GENERAL PLAN ADVISORY COMMITTEE  
CITY OF CARPINTERIA  
5775 CARPINTERIA AVENUE  
CARPINTERIA, CA 93013

RECEIVED

FEB 22 2000

CITY OF CARPINTERIA  
COMMUNITY DEVELOPMENT DEPARTMENT

Re: PROPOSED SPHERE OF INFLUENCE EXPANSION AREAS  
Study Area 1: Cravens Lane Area

Dear Committee Members:

The purpose of this letter is to provide some updated information regarding the two parcels described in Study Area 1: Cravens Lane Area on pages LU-12 and LU-14 of the Land Use Element of the Public Review Draft, GENERAL PLAN/LOCAL COASTAL PLAN & ENVIRONMENTAL IMPACT REPORT. It is shown on page LU-13 as the shaded area #1. I am the owner of the southerly of the two parcels, 3.87 acres in area at 1300 Cravens Lane, where my family and I have lived since 1976.

The major change since your study began is that Santa Barbara County Flood Control is well along toward a friendly purchase of most of the northerly parcel, currently owned by Jerry & Case Van Wingerden, partners in Westland Floral. The Flood Control engineers are planning a siltation basin in the area that is being vacated by the Pat Scott masonry construction yard. (The masonry yard has been an illegal land use, because the zoning is Agricultural, one residence per 5 acres.) The engineers are also planning improvements to the drainage channel that runs along the easterly boundary of the two parcels. I am enclosing a site plan that shows both parcels and the surrounding uses as they are currently planned.

This will be Phase 2 of the improvements that will mitigate the flooding that has happened on Via Real by Kim's Market. The first Phase was the construction of a new large box channel has just been completed across the freeway and under the railway. Phase 2 has already been funded and construction of the siltation basin and channel improvements should begin this summer. The plan also includes a right of way for a 60 foot wide public street running East / West along the Northerly property line.

As a result, instead of 7.5 acres, there will be only 4.72 acres that could be developed. With an existing mobile home park (Sandyland) to the West, intense greenhouse development to the East and the existing Medium Density Residential developments to the South, this study area has become a small island surrounded by more intense uses. It may no longer be appropriate to designate it for low density residential since it is cut off from the properties to the North by the Flood Control Siltation Basin and the existing enormous Westland Floral Warehouse & Shipping Facility with its 12 docks for large semi-tractor trailer trucks.

Perhaps it may be more appropriate to indicate a Medium Density Residential designation for the remainder of these two parcels to be consistent with the existing adjacent developments to the South and West.

Franciscan Village is an attractive 14 unit per acre condominium development located just to the Southeast of my property. The Villas was constructed more recently with 10 units per acre

and is located immediately South of my property. Sandyland Mobile Home Park located immediately West across Cravens Lane has approximately 7 units per acre, but because it is all one story, it seems much more densely developed than the two story condominium projects.

Regarding the concern expressed for developing Prime Agricultural land in the Environmental Impact portion of the document, it should be noted that neither of these two parcels has been in agricultural use since the rainstorms of 1978. Because of the effect of the 101 Freeway and the Southern Pacific Railway damming the natural underground drainage, the avocado and lemon groves that existed were wiped out. My attempt to replant with new avocado trees in 1980 was unsuccessful. My neighbor eventually (illegally) rented his property out as a construction yard.

My desire is to be able to develop my property into an exemplary townhome neighborhood that would showcase environmentally responsible planning, design and technology. It would demonstrate efficient land use that preserves much of the land in open space, featuring the Coast Live Oaks that have grown and flourished since the avocado grove died in the 1978 rainstorms. The homes would be constructed using the principals of sustainable architecture.

With passive solar heating, natural lighting and ventilation, durable and attractive recycled and recyclable building materials, state-of-the-art water conservation and timeless architectural design that maximizes the livability and privacy of each home, while protecting the natural environment, this small development could demonstrate ways to meet our need for housing without degrading the natural environments ability to sustain all life.

I have spent my professional career as an architect designing various projects for other developers. Because of my commitment to practicing architecture and planning in an environmentally responsible way, I have always shown my clients ways of meeting their needs without unnecessary degradation of the environment. As a result, I have achieved some notoriety as a sustainable architect, winning national and international awards for buildings that use natural light and ventilation extensively, making healthier, more vibrant places for people to live and work while saving energy and preserving the environment.

However, the motivation of most housing developers has been short-term profit. This has resulted in some frustration for me in not being able to fully demonstrate environmentally responsible architecture. I would really like to have that chance with my own property. If the zoning designation would be Medium Density Residential, then I would have the flexibility to create a true showcase of Sustainable Residential Development in the City of Carpinteria.

Sincerely,



Scott Ellinwood, FAIA

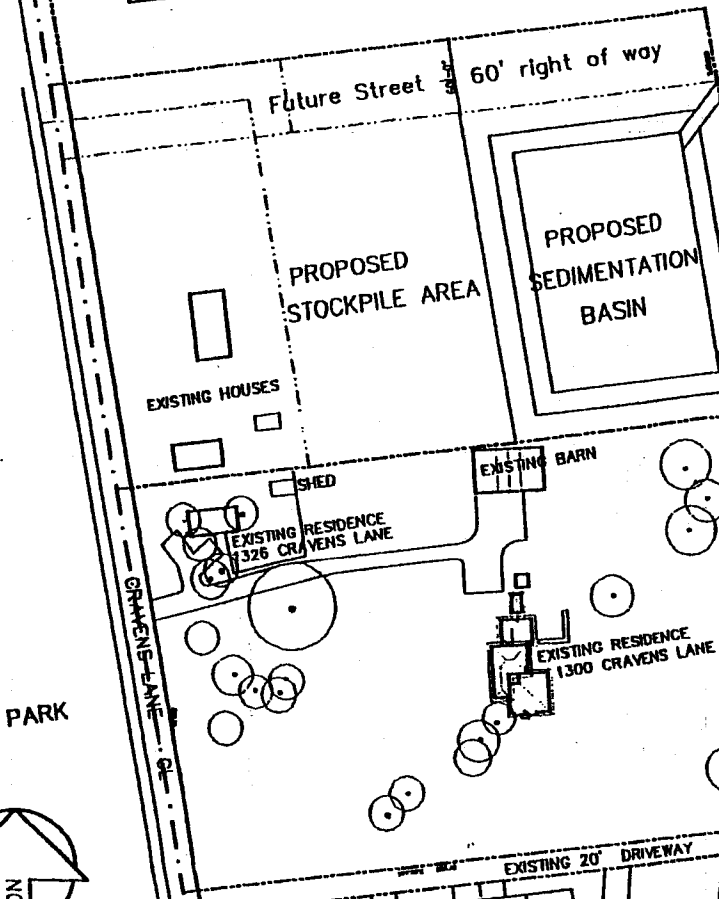
(Fellow of the American Institute of Architects)

Home Address:

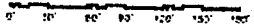
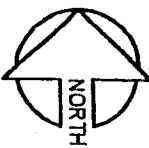
1300 Cravens Lane

Carpinteria, CA 93013

EXISTING  
WESTLAND FLORAL  
SHIPPING FACILITY



EXISTING "SANDPIPER" MOBILE HOME PARK  
7 DWELLING UNITS / ACRE



# STUDY AREA 1. EXISTING SITE DEVELOPMENT

EXISTING "VILLAS" CONDOMINIUMS  
10 DWELLING UNITS / ACRE

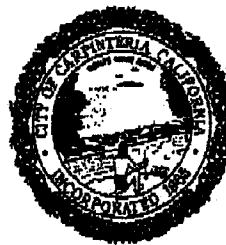
EXISTING FRANCISCAN  
VILLAGE CONDOMINIUMS  
14 DWELLING UNITS / ACRE

# EXHIBIT 8

CORRESPONDENCE FROM  
DAVE DURFLINGER, CITY MANAGER  
CITY OF CARPINTERIA  
DATED JULY 8, 2002  
RE: STAFF REPORT DATED  
JUNE 27, 2002

# **CITY of CARPINTERIA,** CALIFORNIA

---



July 8, 2002

Honorable Sara Wan, Chairperson and  
California Coastal Commissioners  
South Central Coast Area  
89 S. California St., Suite 200  
Ventura, CA 93001

**Members of the City Council**

Gary Nielsen - Mayor  
Richard Weinberg - Vice Mayor  
Donna Jordan  
J. Bradley Stein  
Michael Ledbetter

**Transmitted via Facsimile**

Dear Honorable Chairperson Wan and Commissioners:

The City of Carpinteria is pleased to have before the Coastal Commission a request for approval of a comprehensive update of its Land Use Plan. The document represents years of work by the community that began with visioning workshops in 1997 and culminated most recently the City Council's approval of the update. The document merges all of the City's long range planning and development policies into a single document and, with the community's assistance, many of those policies have been improved upon to better protect local coastal resources.

The City of Carpinteria would like to thank all of the Coastal Commission staff for their assistance in review and modification of the policies, especially Lillian Ford, Melanie Hale and Chuck Damm. The document before the Commission is much improved due to their efforts and willingness to work closely with City staff.

The purpose of this letter is to request a few important changes to the policy language recommended for approval by Coastal Commission staff. These changes will allow the City to begin effectively implementing the improved policy language sooner rather than later. Listed below is the list of specific changes requested and organized by the modification number in the Commission's staff report.

**COASTAL STAFF RECOMMENDATION.** The staff report recommends in part that the certification of the City's LUP not become effective until the Commission certifies amendments to the Implementation Program adequate to carry out and conform to this Land Use Plan amendment (as modified).

**Response:** The City requests that an alternative action be taken by the Commission that permits the LUP certification to become effective upon City acceptance of the Commission's action. The City believes that there is a solution that will permit the more

protective policies of the updated LUP to be certified and become effective. It is in the City and State's best interest to make these updated policies effective concurrent with the certification. The City suggests that a policy be included in the LUP that clarifies an interim process for implementing policies as follows:

**Added Policy. The City shall diligently proceed with amendment to its Implementation Program and submit the proposed amendment to the Coastal Commission for certification within a reasonable time from certification of this LUP.**

**Added Policy. In the case of inconsistencies between a policy or implementation policy in this LUP and an implementing standard that is a part of a certified implementation plan, the policy in this LUP is deemed to supercede and be sufficient to be used as the implementing standard.**

**MODIFICATION #5 and #6.** The Staff report defines Visitor Serving commercial such that important local uses may be excluded in the Downtown and Carpinteria Avenue corridor. Also, map changes include areas under the Visitor Serving designation apparently in error.

**Response:** The City requests that the definition of Visitor Serving in modification #5 be changed to clarify that a broad array of local uses serve visitors as well as local residents. The underline section below is proposed to be added.

**The VC land use category is intended to provide for those uses that serve visitors to the City. Such uses may also serve local residents and include hotels, motels, restaurants, service stations, and other personal and professional services and retail businesses that meet visitor needs.**

Resident serving businesses are necessary in a small town to maintain healthy, functional commercial districts in the City. Under the definition proposed in modification #5, it could be argued that a barber shop and a real estate office for example are not visitor serving; however, these businesses exist in Carpinteria's Downtown district and are an important part of the mix of uses that allow the Downtown district to be viable for both visitors and residents. It has been the City's experience that visitors are attracted to Carpinteria specifically because it is a real and successful, small California beach town. A recent magazine article on great beaches in the nation identified Carpinteria's "sleepy, small town feel" and "mostly invisible" T-shirt and towel shops<sup>1</sup> as a primary attraction for tourists. The change proposed above will permit the City to prioritize Visitor Serving uses in conjunction with supporting small, local businesses that serve residents and which permit the City's Downtown and adjoining Carpinteria Avenue corridor to function as healthy, pedestrian oriented, small town commercial districts.

---

<sup>1</sup> "8 Great Beaches", Southwest Airlines Magazine, April, 2002

The modified land use map (Figure 3) designates and describes areas to be covered by the Visitor Serving designation that appear to be in error. The intent discussed with Coastal staff is for the VC designation to cover all existing hotel/motel sites and the Bluffs III planned site, as well as the Downtown "T" commercial district. The Visitor Serving designation of the business park on Eugenia Place should be removed. Further, the description on the Land Use Map (Figure 3), should be revised as follows:

**VC: designation applies to the following parcels: all parcels previously designated as C & V with frontage on Linden Avenue; all parcels previously designated as C or C & V, with frontage on Carpinteria Avenue west east of Franklin Creek and west of Palm Avenue, and to all parcels that contain existing hotels/motels.**

**MODIFICATION #6.** This modification encompasses all of the proposed land use map changes of Coastal staff. The City requests the following changes:

- a. **Ellinwood Parcel:** A Rural Residential (RR) designation is proposed. It is requested that the designation be Medium Density Residential (MDR). The Rural Residential designation has been proposed apparently in response to site constraints including wetlands, oak trees and adjacent agricultural uses. City staff believes that the designation prematurely restricts use/density on the site. The MDR designation, along with proposed policies for protecting wetlands, oak trees and adjacent agricultural uses, will provide sufficient direction to a future developer, city staff and decision-makers, in the review of a Coastal Development Permit application. This approach will permit a future developer to "make his case" so to speak, in responding to the constraints of the site and those standards established to protect sensitive coastal resources.
- b. **Creekwood:** The City is requesting that the conversion of the Creekwood site from Agriculture to Low Density Residential, be approved. The response to the staff reports conclusions with regard to the proposed conversion of the Creekwood site is included as Attachment 1.

**MODIFICATION #8.** This change recognizes that the designated hotel site on the Bluffs is an exception to the general interest of concentrating commercial uses toward the center of town.

**Response:** This modification should be clarified to apply only to Bluffs III, which is designated for a hotel site in the City's Implementation Program.

**Direct commercial development toward the center of town and in established commercial nodes. Exceptions include visitor-serving commercial uses in the Bluffs sub-area III, and commercial uses of a character, size and location that are intended to solely to serve a specific neighborhood and thereby reduce vehicle trips.**



**MODIFICATION #11.** Proposes a new policy to address uses permitted in the Public Facilities land use category when proposed adjacent the urban/rural boundary.

Response: This policy was developed cooperatively between representatives of the Carpinteria Unified School District, Coastal staff, and City staff. That part of the policy that mandates that a developer gain approval from all neighboring agricultural land owners within 500 feet of the site, is impractical and places the development approval authority in the hands of private property interests. The City requests that, in addition to the 500 foot standard remaining as the primary means of demonstrating compliance, an alternative means be included. The following is the language offered by the City (the added language is underlined):

**Approval of any development on a parcel which is designated Public Facilities and is located adjacent to the City's Urban/Rural limit line ("development") shall be contingent upon the City's making a finding that the development is compatible with any agricultural operations on adjacent property.**

**As a pre-condition to making such finding, an operation management plan for the parcel for which development is proposed must be approved by the City and, agreed to by the parcel owner proposing the development and the owners of any agricultural parcel within 500 feet of the property line of the parcel for which development is proposed. The operation management plan shall include such provisions as may be necessary to ensure that (a) the agricultural operation is able to continue without being restricted or constrained by the existence of the development in a manner that would impact the viability of the agricultural operations, and (b) all use of the parcel subject to development can be conducted in a manner that protects the public's health, safety and general welfare with regard to the agricultural operation. If one or more owners of any agricultural parcel within 500 feet of the property line of the parcel for which development is proposed refuse to agree to the operation management plan, the City may approve the management plan or an alternative management plan which satisfies the requirements of (a) and (b) above.**

**MODIFICATION #57** This added policy proposes that the City Biologist (a contract employee) review all development applications and have significant authority over project approval.

Response: The language below is suggested to replace the modification proposed by Coastal staff as a more feasible alternative to administer. The Community Development Department uses this process currently and it is effective in insuring timely and necessary review and recommendations from the City Biologist.

Require City Biologist review and recommendation for all development projects that the Community Development Department has determined has the potential for impact on ESHA or water quality.

MODIFICATIONS #64, 77, 90 These changes include elimination of language the City proposed in order to protect itself from takings claims that could arise out of the implementation of a setback standard. The City has worked with Commission staff on separate policy language to address this need and proposes the following added policies:

Added Policy. Application for development within an ESHA or associated setback that is not consistent with ESHA regulations shall demonstrate the extent of the ESHA on the property and shall include all information necessary for the city to determine whether application of the applicable LCP policies and standards would result in a taking.

Added Policy. The uses of the property and the siting, design, and size of any development approved in the ESHA or associated buffer shall be limited, restricted, and/or conditioned to minimize impacts to ESHA to the maximum extent feasible.

Added Policy. New development shall be sited and designed to avoid impacts to ESHA. If no feasible alternative can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to sensitive resources shall be fully mitigated with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to sensitive resources to the maximum extent feasible.

Added Policy. Mitigation measures for unavoidable impacts to ESHA, including habitat restoration and/or enhancement, shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of the five years, the monitoring period shall be extended until the standards are met.

Added Implementation Policies.

1. Any applicant that requests a deviation from the ESHA regulations, based on the contention that the uses permitted by the regulations will not provide an economically viable use of his or her property, shall apply for an economic viability determination in conjunction with the application for a coastal development permit or similar permit. Before any application for a coastal

development permit and economic viability determination is accepted for processing, the applicant shall provide the following information:

A. The date the applicant purchased or otherwise acquired the property.

B. The purchase price and the documentary transfer tax paid by the applicant for the property.

C. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value was calculated, including any appraisals done at the time of purchase.

D. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.

E. Any development restrictions or other restrictions on use, other than the designations described in (D) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.

F. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the surrounding circumstances, and relevant dates.

G. A discussion of whether the applicant has sold, leased or donated a portion of or interest in the property since the time of purchase, indicating the relevant dates, sales, prices, rents, and nature of the portion or interests in the property that were sold, leased, or donated.

H. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.

I. Any offers to buy all or a portion of the property, which the applicant has solicited or received, including the approximate date of the offer and the offered price.

J. The applicant's costs associated with the ownership of the property, annualized to the extent feasible, for each of the years the applicant has owned the property, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.

K. Apart from any rent received from the leasing of all or a portion of the property, any income generated by use of all or a portion of the property over the years of ownership of the property. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

L. Topographic, vegetative, hydrologic and soils information prepared by a qualified professional, which identifies the extent of wetlands or ESHA on the property.

M. An analysis of alternatives to the proposed project

and an assessment of how the proposed project is the least environmentally damaging alternative. The analysis of alternatives shall include an assessment of how the proposed project will impact all adjacent ESHA, including those within the overall development plan area.

N. Such other data as the City may require.

The obligation to provide this information shall be a continual obligation for so long as the permit application is subject to City review. The decision-maker shall consider the information provided by the applicant and may retain consultants, at the applicant's expense, to assist the decision-maker in its review of the information provided.

2. Prior to making a final determination on the applicant's request for a deviation from the ESHA regulations, the decision-maker shall hold a public hearing. At such hearing, the applicant, or his or her representative, shall have an opportunity to demonstrate to the decision-maker that application of the ESHA regulations would not provide the applicant with an economically viable use of the property. The applicant shall be allowed to present evidence, in addition to the evidence already submitted in conjunction with the application for an economic viability determination which demonstrates that application of the ESHA regulations would deprive the owner of all economically viable use of the property.

At the conclusion of the public hearing, the decision-maker shall determine whether the applicant has demonstrated that application of the ESHA regulations would deprive the applicant of all economically viable use of the property.

3. Where deviation from any ESHA regulation is requested, a coastal development permit may be approved or conditionally approved only if the decision-maker makes the following supplemental findings in addition to all other required findings:

A. Based on the economic information provided by the applicant as well as any other relevant evidence provided to the decision-maker, any use conforming to the applicable ESHA regulations would not provide the applicant any economically viable use of the property.

B. Application of the ESHA regulations would interfere with the applicant's objectively reasonable investment-backed expectations for the property.

C. The use proposed by the applicant is consistent with the applicable zoning.

D. The project design, siting, use and size are the minimum necessary to provide the applicant with an economically viable use of his or her property.

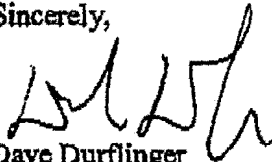
E. The project is the least environmentally damaging alternative and is consistent with all provisions of the LCP with the exception of the provisions for which the deviation is requested.

**F. The project does not create a public nuisance.**

**The findings adopted by the decision-making authority shall identify the evidence supporting the findings.**

The City of Carpinteria looks forward to working with the Coastal Commission to approve and certify the Land Use Plan.

Sincerely,



Dave Durflinger  
City Manager

**Attachments:**

1. Creekwood Conversion Analysis Response
2. Letter dated July 3, 2002 from Charles Norman

**ATTACHMENT 1.**

Creekwood: The following are responses to specific sections of the Staff Report

**a) Establishing Stable Boundaries Between Rural and Urban Land Uses (page 25)**

The staff report concludes that the existing boundary is a stable boundary and that sufficient buffer exists between the agricultural land and urban development. City staff disagrees based on the record. Coastal staff acknowledges that complaints were received by the Santa Barbara County Agricultural Commissioners office (SBCAC) and SBCAC has made suggestions on how to alleviate the problem by not storing certain pest prone plants near the boundary. This in itself is indicative of an insufficient buffer and constrains the nursery operation. Also, most complaints are apparently not filed with either the Agricultural Commissioner's office or the Coastal Commission, but rather, directly with the nursery operator whose practice it has been to modify his operation on an ongoing basis to attempt to respond (Attachment 2 is a letter dated July 3, 2002 from the nursery operator). The types of complaints received and the nursery operators response (e.g. modifying pest spraying practices, revising loading and potting mix preparation schedule and location that require diesel fuel equipment use due to noise, odor and dust, hand watering portions of the park near the boundary due to automatic sprinkler noise, etc.), are indicative of an and insufficient buffer that has led to an unstable boundary.

The conversion of the Creekwood site would provide for a greatly improved buffer and would allow for a stabilized urban/rural boundary. The Creekwood project demonstrates this by proposing to establish a setback of over 50 feet<sup>1</sup> from adjacent agricultural use and by developing a 6 foot masonry wall along the property line that would provide superior separation, mitigating issues raised by domestic pets, noise, dust and odor, as compared to the existing wood fence.

**b) Agricultural Viability and Neighborhood Completion (page 29)** The staff report concludes that the proposed conversion is inconsistent with Section 30241(b) of the Coastal Act relating to limitation on the viability of existing agricultural use and completion of logical and viable neighborhoods. City staff disagrees; agricultural viability of the Creekwood site is severely limited by conflicts with urban uses as evidenced from the July 3, 2002 letter from Charles Norman. The conversion would also complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

**Severely Limited Agricultural Viability:** The conflicts documented by the nursery operators and their decision to relocate from Carpinteria due to the difficulty in operating at the current location, are sufficient to determine that the viability of the parcel is

---

<sup>1</sup> Twelve home lots and a recreation area are proposed adjacent to the shared property line between the parcel and agricultural uses to the east. Eleven lots and the recreation area would be separated from the agricultural land by landscaping and a 39 foot wide access road. One lot at the northeast corner of the site would be setback 22 feet from the property line. The easterly property line is approximately 2,015 feet in length.

severely limited due to conflict with the adjacent urban use. Further, it must be noted that the comments solicited by Coastal staff from Mr. Gillette and Mr. Forrest in 1998, specifically with regard to expanding agricultural uses and acceptable rates of return respectively, were made with regard to the Carpinteria Valley and the Santa Barbara area, and do not take into consideration the subject parcel and its unique constraints. As indicated in the City's Agricultural Viability Analysis (attachment D to the Commission's staff report), Section 30241.5 seeks to determine in part whether or not viability of the existing agricultural use has been severely limited by conflicts with urban uses. The economic feasibility evaluation component of the City's analysis is appropriate as a tool to assist in this process, but not the sole measurement of whether such a condition exists. The City believes that the low profits demonstrated in the analysis for the Carpinteria Valley in conjunction with the significant operational constraints documented by the nursery operator, are sufficient to demonstrate that the agricultural viability of the Creekwood site is severely constrained.

**Completion of a Logical and Viable Neighborhood:** The staff report concludes that the proposed conversion would not complete a logical and viable neighborhood. City staff disagrees. In coming to its conclusion the staff report relies heavily on the Creekwood projects dissimilarity to the Mobile Home Park to the west and the City's statement that the site may not be a part of an existing neighborhood. The report claims that the conversion would lead to the creation of a "new upscale neighborhood" and thereby create precedent for converting additional agricultural land and destabilizing the urban/rural limit line (see last paragraph on page 33).

A residential neighborhood is not defined by similarity of use. To the contrary, the City believes that a variety of housing types and value encourages residents of different ages, income levels and backgrounds to associate and form the relationships that build community. In Carpinteria this formula has been successful for many decades leading to an active and vibrant community where volunteerism is still the norm. The detached single family homes proposed in the Creekwood project are no less conducive to complementing and completing the neighborhood than another Mobile Home Park. Contrary to the conclusion of the staff report, City staff finds no correlation between housing price and potential for a project to complete a logical and viable neighborhood.

The Creekwood site is a part of a series of parcels that are strung out along Highway 101 and accessed by the Via Real frontage road. The parcels begin at Carpinteria Creek and moving west, terminate with an industrial park northwest of Highway 150. There are 16 parcels fronting Via Real in this area and 12 are developed. The Creekwood site (2 parcels fronting Via Real) and the two agricultural parcels east of Creekwood and fronting on Via Real, are anomalies as most parcels and a vast majority of the street frontage are developed. Due to the configuration of the development along the frontage road, as a whole, the area is not conducive to being described as a neighborhood in a traditional sense; however, in terms of representing the logical extension of the development pattern of the area, the Creekwood project would complete the developed area. It should also be noted that the City's Circulation Element plans for the extension of Via Real, across Carpinteria Creek to Casitas Pass Road, thus completing the frontage

road and permitting the development pattern along this section of Via Real to better connect with and function as a viable neighborhood and industrial district in conjunction with other areas of the City.

**c) Conversion of land Surrounded by Urban Uses (page 34)** The staff report indicates that under Section 30241(c) agricultural conversion can be allowed only where completely surrounded by urban uses. City staff disagrees and requests that a finding be made that Section 30241 (c) is not applicable to the proposed Creekwood conversion. On face value, Section 30241 (c) best serves to implement the second part of Section 30241 which states that conflicts shall be minimized between agricultural and urban land uses. In order to avoid conflicts between agricultural and urban land uses, Section 30241(c) establishes an allowance for conversion where a parcel is completely surrounded. But such an allowance would not preclude consideration of conversion under other circumstances; especially where the development proposed would comply with Section 30250 as does the Creekwood project.

**d. Development of Lands Not Suited for Agriculture Prior to Conversion** The staff report concludes that there is currently potential for development in the City and therefore cannot meet the test required for 30241 (d). City staff disagrees and requests that a finding be made that the Creekwood conversion is consistent with 30241(d) in that no vacant land is available in Carpinteria that is capable of meeting the residential needs that the subject parcel would meet.

The numbers used in the staff report analysis are incorrect and out of date. The City's buildout potential is included in the updated LUP as Table LU-3 (page 15). The table shows that the City would reach theoretical buildout at 723 units. The City's draft Regional Housing Needs Allocation is 277 units. The Creekwood project was tentatively approved by the City at 122 units.

A vast majority of the City's potential buildout will occur as infill development. The City's infill potential does not consist of vacant parcels but rather in rebuilding at higher densities, adding units to existing projects and developing mixed-use projects. All of these types of development bring great uncertainty as to whether they will happen. Over the last decade, just over 100 residential units have been built, approximately 12 units annually. The City has issued permits for 25 residential projects over the last two years and none have been greater than three unit projects. The City attributes this largely to the lack of land available for new projects and the inherent difficulty and uncertainty in financing, designing, gaining permit approval and building, infill development.

It is not practical for Section 30241(d) to be applied in a manner that requires the redevelopment and intensification of developed parcels to their maximum densities and potential prior to any agricultural conversion being allowable. But this is effectively what the staff report is suggesting since there are so few vacant parcels remaining in Carpinteria and none are anywhere near the size of the Creekwood site. For all intent and purposes, the City is built-out when it comes to sites that offer what Creekwood does: an opportunity to develop over 100 homes in a single project, an opportunity to trigger the



City's inclusionary policy (it is triggered only by projects 10 units or greater) and develop at least 18 affordable units<sup>2</sup>: an opportunity to repair the urban/rural boundary such that existing conflicts between agriculture and homes is greatly improved thus stabilizing the urban/rural boundary.

**e. Assure Non-agricultural Development Does Not Impair Agricultural Viability (page 35)**

The staff report concludes that development of the site under the land use designation proposed, Low Density Residential, has the potential to degrade air and water quality and therefore cannot be approved under Section 30241(e). City staff disagrees and requests that the conversion of the site be found consistent with Section 30241(e). As applied in the staff report, no conversion could meet the test of 30241(e) since virtually any development will add impervious surface area and generate emissions associated with vehicle trips.

City staff is not aware of a study or evidence that suggests a correlation between the proposed residential land use designation and the degradation of air or water quality such that agricultural viability is impaired. Any project specific impacts identified in a project EIR under CEQA would be the subject of mitigation. A significant and unavoidable impact would normally result in project disapproval or modification to avoid the impact.

---

<sup>2</sup> The 18 affordable units would range in price from approximately \$170,000-204,500. The 2002 median home price in Carpinteria is forecast at \$475,000.

Attachment 2

JUL-08-02 08:29 FROM: NORMAN'S NURSERY

620-795-7045

T-456 P. 01/05 P-848

July 3, 2002

Lillian Ford  
Coastal Program Analyst

RE: City of Carpinteria Local Coastal Plan/General Plan Amendment

Dear Ms. Ford,

**Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

This letter is in response to your request for additional information related to conflicts between the Norman's Nursery operation and the neighboring residential property.

The adjacent mobile home park to the west is constructed up to the property line, although there is supposed to be a 6-foot setback. There is a 6-foot high fence along the lot line, then a 10-foot wide access road right next to the 6-foot fence. With little to separate them from the Norman's potted plant nursery, the mobile homes are mostly boarded up their east side, apparently to try to shut out the Norman's operation.

The proximity has led to numerous complaints over the years from nearby residents regarding the ongoing operation of the Norman's Nursery. The management responded to each complaint in its attempt to be a good neighbor. Complaints are estimated conservatively to have occurred at least once a month, and were focused on the following areas:

1. **Spraying of pesticides** - To maintain its certification as a pest-free nursery for interstate shipping, the nursery follows a regular spraying schedule. The management has struggled with complaints about spraying since timing is essential to both eliminate pests during the proper stage of their life cycle, and since it relates to when plants can be shipped. Spraying has been stopped when complaints are received, and resumed at a later time, or in a different location. This has resulted in additional labor costs and the delay of shipments.

HARRY BRODERICK

8183416385

P. 82

JUL-08-02 08:30

FROM NORMAN'S NURSERY

826-785-7885

T-455 P. 02/08 F-048

**Page 2 - Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

2. Diesel Trucks - Odor and noise from diesel trucks has long been a source of regular complaints from the neighbors. Trucks and other equipment are running at approximately 6:00 a.m. each morning. Diesel trucks are idled rather than stopped for mechanical reasons. When loading and unloading plants along mobile home park, the sound and smell bothers those who are only 6 feet away from the trucks. Loading schedules are revised when complaints are received, resulting in additional labor costs. Some loading is scheduled for the end of the day for next-day shipping, resulting in overtime costs.
3. Preparation of Potting Mix - A potted plant nursery uses large quantities of potting mix. Components of the mix are piled by the truck full on a platform and mixed by tractors. This practice uses several pieces of diesel equipment at a time and takes several hours to complete. Complaints related to noise, dust and odor from mixing have resulted in delays of several days for more favorable conditions, and have, in some cases, resulted in the importation of ready-made mix at considerable additional costs.
4. Wind Blown Dust - The 32 acre site has a great deal of exposure and the wind blows dust from bare soil. The nursery is forced to cover much of its site with a combination of gravel and plastic to minimize the amount of bare soil. Because of the sun, the plastic must be replaced several times a year, increasing the cost to the operator.
5. Irrigation - The sound of impulse sprayers caused many complaints. This led the nursery to hand water the western half of the nursery, at a tremendous increase in labor cost.
6. Sound of Radios Used by Employees - Employees have to be reminded frequently about the effect of their activities on the neighbors, including playing their radios. There is not much cost associated with this category.
7. Loss of Fruit From Resident's Trees - in a reversal of the usual case, the neighbors have complained of fruit loss along the property line from nursery workers.
8. Loss of Privacy When Tall Trucks Used Along Western Half of Property - The height of the truck beds used for hauling the plants is as high as the fence along the property line. Workers on top of the trucks are highly visible to the

JUL-08-02 09:30

FROM NORMAN'S NURSERY

828-785-7895

T-455 P.03/05 F-844

### Page 3 -- Outline of Conflicts Between Norman's Nursery & Residential Neighbors

neighbors who complain of the loss of their privacy. In response the manager attempts to store taller trees along the lot lines, but these are frequently moved as they are sold, which causes further disruption in close proximity to the neighbors. Additionally, attempts are made to schedule trucks to coincide with low activity periods at the mobile home park. Since the population is mostly senior, there are few times when most of them are not home. Added labor costs have resulted.

9. Drainage -- Due to a lack of any drainage facilities on the Mobile Home Park, the owners of Norman's Nursery installed a drainage culvert along the eastern lot line. This took a total of approximately 18,000 square feet (10-foot wide x 1300 foot length) out of production.
10. Plastic Houses -- These are typically used to start more delicate plants by providing more heat. They are created by arching PVC tubing, then covering with sheets of plastic. They are normally placed at the rear of the property. When they are new the neighbors commonly complain of the glare from the reflected sun. In response taller plants are moved around to block the view of the structures. Additional labor costs result.

Some of these issues were raised by mobile home park residents at public comment during review of the project Environment Impact Report, in particular dust from nursery activities, pesticide use, and noise. The proposal project would eliminate this ongoing conflict.

Instead of simply transferring these agricultural/residential to another location, several steps have been taken to limit these conflicts from reoccurring.

- 0 The approval project provides a buffer between the new residences and the neighboring greenhouses to the east. There is an 80-foot strip along the property line with several layers of screening. Starting at the property line, there will be an 8-foot high solid fence with a new tree row (emulating agricultural tree rows), landscaping, low walls, access road, street trees, and more landscaping and walls before reaching the first row of homes.
- 0 The homes within the project on the Norman's site are oriented north and south, so they are not facing the Kono property to the east.

JUL-08-02 08:31

FROM:NORMAN'S NURSERY

828-795-7985

T-458 P.04/05 F-848

**Page 4 - Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

- 0 The two agricultural neighbors of the Norman's site, Kono to the east and the Rodriguez family to the north (across Carpinteria Creek), are have operated on their sites for more than one generation, and intend to remain in the business of agriculture. They have both signed a letter of intent to record an agriculture easement on their properties to preclude their ability to seek the conversion of their properties for the next ten years.
- 0 The future homes in the Norman's project will have a notice of the Kono's right to farm recorded in their deeds. Advance notice that they are buying property next to an existing agricultural operation will decrease the possibility of future conflicts.
- 0 The Kono property conducts its operations on the opposite side of their property. Their access driveway follows their eastern lot line and their loading dock is in the northeast corner of the property. The new homes will be effectively screened from these activities.
- 0 The mobile home park residents would have new one-story residential neighbors with a considerable setback, and will be able to open up their backyards and windows once again.
- 0 The property line between the Norman's Nursery site and the Kono property is the City/County boundary. This will be an effective border that will permanently make the urban/rural boundary, necessitating the approval of the City, County, Local Agency Formation Commission, and Coastal Commission prior to any future annexations. There have been no annexations approved by the City of Carpinteria since its incorporation.

The Normans do not intend to remain in business in Carpinteria due to four factors; the high cost of water, the cost of labor, and the costs associated with the neighbor's complaints, and the low growth rate of container nursery plants near the coast. Water costs are approximately 5 times higher than at their facility in nearby Fillmore. Labor costs are higher in Carpinteria due to the high housing costs on Santa Barbara's south coast. The neighborhood conflicts have been outlined above. The growth rate of the plants could get a boost from being in greenhouses. The Normans began this process 10 years ago when they inquired at the City of Carpinteria about building greenhouses. The Normans were notified that their greenhouse proposal would not be approved. They were told that the City did not favor the proliferation of greenhouses in nearby County areas

JUL-08-02 08:32 FROM: NORMAN'S NURSERY

626-786-7885

T-455 P.05/05 F-143

**Page 5 - Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

which, in their opinion, turned open field agricultural green belts into industrial zones. Despite the fact that the entire Carpinteria Valley is considered prime agricultural soil, most of the agricultural production is from greenhouses wherein nothing is planted in the soil.

Sincerely,

Charles Norman  
President

# EXHIBIT 9

CORRESPONDENCE FROM  
GRAHAM M. LYONS  
DEPUTY CITY ATTORNEY  
CITY OF CARPINTERIA  
DATED JUNE 26, 2002  
RE: LCP – PROPOSED TAKING  
LANGUAGE

OFFICE OF THE CITY ATTORNEY  
CITY OF CARPINTERIA  
HATCH & PARENT  
21 East Carrillo Street  
Santa Barbara, CA 93101

RECEIVED

JUL 03 2002

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**MEMORANDUM**

---

**TO:** Lilian Ford  
**FROM:** Graham M. Lyons, Deputy City Attorney  
**DATE:** June 26, 2002  
**SUBJECT:** *CITY OF CARPINTERIA*  
*8476.4*  
*LCP: Proposed Taking Language*

---

Based on the City's discussions with Coastal Commission staff and a review of several recently approved LCPs, the City proposes replacing its currently proposed "takings" language with the following provision. This provision would immediately follow the "Butterfly Habitat" discussion and precede the "Primary Resources" discussion in the Open Space, Recreation and Conservation Element.

**Consistency With Coastal Act Policies Regarding Taking of Private Property**

The Coastal Act prohibits local governments from granting or denying coastal development permits in a manner which would take or damage private property for public use, without the payment of just compensation. (Public Resources Code Section 30010). The City's Environmentally Sensitive Habitat Area ("ESHA") regulations restrict activities in and around sensitive resource areas and may limit the development potential of some properties. This section is intended to prevent the taking of private property as a result of the City's implementation of its ESHA regulations.

**Objective OSC-8.1. Prevent the unpermitted taking of private property and ensure compliance with Public Resources Code Section 30010.**

**Policies:**

**OSC-8.1a.** Applications for development within an ESHA or associated setback that is not consistent with ESHA regulations shall demonstrate the extent of the ESHA on the property and



shall include all information necessary for the city to determine whether application of the applicable LCP policies and standards would result in a taking.

**OSC-8.1b.** The uses of the property and the siting, design, and size of any development approved in the ESHA or associated buffer shall be limited, restricted, and/or conditioned to minimize impacts to ESHA to the maximum extent feasible.

**OSC-8.1c.** New development shall be sited and designed to avoid impacts to ESHA. If no feasible alternative can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to sensitive resources shall be fully mitigated with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to sensitive resources to the maximum extent feasible.

**OSC-8.1d.** Mitigation measures for unavoidable impacts to ESHA, including habitat restoration and/or enhancement, shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of the five years, the monitoring period shall be extended until the standards are met.

**Implementation Measures.**

1. Any applicant that requests a deviation from the ESHA regulations, based on the contention that the uses permitted by the regulations will not provide an economically viable use of his or her property, shall apply for an economic viability determination in conjunction with the application for a coastal development permit or similar permit. Before any application for a coastal development permit and economic viability determination is accepted for processing, the applicant shall provide the following information:

- A. The date the applicant purchased or otherwise acquired the property.
- B. The purchase price and the documentary transfer tax paid by the applicant for the property.
- C. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value was calculated, including any appraisals done at the time of purchase.
- D. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.

- E. Any development restrictions or other restrictions on use, other than the designations described in (D) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
- F. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the surrounding circumstances, and relevant dates.
- G. A discussion of whether the applicant has sold, leased or donated a portion of or interest in the property since the time of purchase, indicating the relevant dates, sales, prices, rents, and nature of the portion or interests in the property that were sold, leased, or donated.
- H. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
- I. Any offers to buy all or a portion of the property, which the applicant has solicited or received, including the approximate date of the offer and the offered price.
- J. The applicant's costs associated with the ownership of the property, annualized to the extent feasible, for each of the years the applicant has owned the property, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
- K. Apart from any rent received from the leasing of all or a portion of the property, any income generated by use of all or a portion of the property over the years of ownership of the property. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
- L. Topographic, vegetative, hydrologic and soils information prepared by a qualified professional, which identifies the extent of wetlands or ESHA on the property.
- M. An analysis of alternatives to the proposed project and an assessment of how the proposed project is the least environmentally damaging alternative. The analysis of alternatives shall include an assessment of how the proposed project will impact all adjacent ESHA, including those within the overall development plan area.
- N. Such other data as the City may require.

The obligation to provide this information shall be a continual obligation for so long as the permit application is subject to City review. The decision-maker shall consider the information provided by the applicant and may retain consultants, at the applicant's expense, to assist the decision-maker in its review of the information provided.

2. Prior to making a final determination on the applicant's request for a deviation from the ESHA regulations, the decision-maker shall hold a public hearing. At such hearing, the applicant, or his or her representative, shall have an opportunity to demonstrate to the decision-maker that application of the ESHA regulations would not provide the applicant with an economically viable use of the property. The applicant shall be allowed to present evidence, in addition to the evidence already submitted in conjunction with the application for an economic viability determination which demonstrates that application of the ESHA regulations would deprive the owner of all economically viable use of the property.

At the conclusion of the public hearing, the decision-maker shall determine whether the applicant has demonstrated that application of the ESHA regulations would deprive the applicant of all economically viable use of the property.

3. Where deviation from any ESHA regulation is requested, a coastal development permit may be approved or conditionally approved only if the decision-maker makes the following supplemental findings in addition to all other required findings:

- A. Based on the economic information provided by the applicant as well as any other relevant evidence provided to the decision-maker, any use conforming to the applicable ESHA regulations would not provide the applicant any economically viable use of the property.
- B. Application of the ESHA regulations would interfere with the applicant's objectively reasonable investment-backed expectations for the property.
- C. The use proposed by the applicant is consistent with the applicable zoning.
- D. The project design, siting, use and size are the minimum necessary to provide the applicant with an economically viable use of his or her property.
- E. The project is the least environmentally damaging alternative and is consistent with all provisions of the LCP with the exception of the provisions for which the deviation is requested.
- F. The project does not create a public nuisance.

The findings adopted by the decision-making authority shall identify the evidence supporting the findings.



# EXHIBIT 10

---

## CORRESPONDENCE CONCERNING THE CONVERSION OF AGRICULTURAL LANDS

RECEIVED

FEB 27 2002

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

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Dear Coastal Commission,

The Carpinteria Greenhouses are not the menace that the Carpinteria City Council claims. I live next to some greenhouses on Via Real and they are excellent neighbors. Thank goodness for ag in Carpinteria! The big urban bang hasn't hit us yet. Without agriculture, it surely will.

The Carp City Council, especially Donna Jordan, is fretting about the impact of the greenhouse industry, but they exaggerate. Housing developments like Pacific Village and the proposed Lagunitas will have far greater impact on the quality of life here than a few greenhouses. They target greenhouses due to an irrational fear of the people that work in them! They complain about agriculture truck traffic yet say nothing about the big semis that deliver food to the local grocery stores, or the big Suburbans that urbanites use, not out of necessity, but as a show of status!

We need to encourage greenhouse operations. Most units are opaque, temporary or easily dismantled. They represent rural Carpinteria much better than showy Italianate mansions in the foothills!

I believe the best way to protect coastal resources is to limit urban development and not agriculture. The greenhouse discharges are regulated by the Regional Water Quality Control Board, which has the power to levy fines and issue cease and desist orders. The Carpinteria Salt Marsh is a protected resource, yet the houses that border it are on septic systems..a big contributor of phosphates and nitrates. Development around the marsh should be stopped!

The Coastal Commission has kept California's coast the diamond that it is..and we depend on you to continue that standard.

Sincerely,

Brian Ehler  
1210 Franciscan Ct. #6  
Carpinteria, CA 93013  
Carpinteria Coyote Review.com  
805 684 7707

*[Handwritten signature]* 2-25-02

EXHIBIT NO. 11

APPLICATION NO.

CPN-MAJ-1-0

CORRESPONDEN

California Coastal Commission  
South Central Coast Area  
89 South California Street, Suite 200  
Ventura, CA 93001

RECEIVED

JUN 12 2002

June 5, 2002

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**RE: City of Carpinteria Local Coastal Program Amendment No. MAJ-1-01,**

Sections relating to the Arnesen Property, the residential overlay, and the sphere of influence annexation.

Dear Commission and Staff,

Thank you for the notification of the Coastal Commission's action on the City of Carpinteria's Amendment to the certified Local Coastal Plan. We, too, believe it needs thorough review. Of great concern to us is the "Arnesen Parcel" or APN: 1-180-06, zoned industrial. This 25-acre parcel has a history of many development plans, zoning changes, and Coastal Commission amendments, but it has never changed its use. It has been in agricultural for many years and agriculture remains as a viable land use to this day. Now the city has a new policy, not an ordinance, a policy that they rushed through to get it included in this general plan up-date. This policy, which the city has not made public, was drafted to apply a residential overlay on the Arnesen property so that a project – already approved by City's Architectural Board of Review – would speed through the permitting process. Agriculture is still viable on this parcel. If your commission does not accept this policy, the community will have more time to review it. We believe that it should come to you as a well-crafted ordinance, not a policy.

We have been reading your CITY OF CARPINTERIA LOCAL COASTAL PROGRAM AMENDMENT NO. 2-98 and find situations in that document similar to the "Arnesen Parcel". At that time, it was staff's recommendation to deny the certification. In 1988 the CITY OF CARPINTERIA amendment 1-88 (MINOR) was allowed to be added to the city's LPC. However, in 1985, Santa Barbara County designated 13 conditions to apply to a new industrial zoning that the owner requested. Digging into the coastal Commission files, a document appeared showing that Merle Betz questioned the lack of information about those conditions for the amendment. The Coastal Commission granted the amendment because,

" Consistent with Section 13554 (b) (1), the City designations are equivalent to the County, i.e. the land use designation of Industrial Park and zoning designation of Industrial/Research Park for the Arnesen/Blakeslee property. The purpose and intent and list of allowed uses is the same in each ordinance. Both ordinances provide for development plan review and conformance to the same set of performance standards." We presumed that the 13 conditions were part of the "allowed uses", but the city dropped those conditions.

EXHIBIT NO. 12

APPLICATION NO.

CPN-MAJ-1-01

CORRESPONDENCE

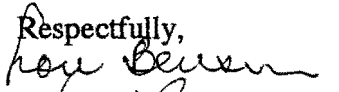

Now, another situation has appeared. Since the latest developer has had an option for the last 3 or 4 years, a rear portion (maybe 10 acres) has been left fallow. The riparian area connected to the watershed drainage creek that runs through the property is returning. It drains about 280 acres east of the City of Carpinteria. It has slow constant water flow, temporary vernal pools, willows, bulrushes, rodents and raptors including white tailed kites. Historic maps (1869) show this area with a number of lakes. We believe that there is no reason to remove this parcel from its historical and constant agricultural use and that it should return to agricultural zoning with a riparian area setback.

The fact that this property is zoned industrial does not mean that it still isn't agricultural. The soils are classified as prime according to the Important Farmlands Inventory (IFI) and it is still being used as viable agriculture. Historically, this whole watershed area was in agriculture. The initial mistake was made when a developer had a lemon ranch, just east of the Arnesen property, filled with 12 feet of soils cut from the construction of Highway 101 through the Rincon Area at the Ventura/Santa Barbara County line. There was no EIR, Coastal Commission opposition, or city or county concerns. So, now, when there is pressure to change the remaining agriculture in this area, it means following the mistakes of the past. And that is how we eventually lose all of our amenities and agricultural lands.

We hope that you review the policy affecting this property in the amendment **MAJ-1-01** carefully. The developer has designed 160,000-sq. ft. of industrial building and 74 housing units. According to your denial of the Creekwood amendment (**MAJ-2-98**), ".... there is currently the potential for development of up to about 727 housing units within the City." This Arnesen parcel is approximately a half of a mile east of the Creekwood parcel on the same road.

Also, we are opposed to any sphere of influence annexations. We believe that a community needs a stable urban/rural boundary. This boundary has stayed the same for about 20 years and it has served us well. This valley has only about 4000 acres of agriculture but those acres are exceptional. There is no buffer zone between urban and ag. uses except ag. itself. It is so important that urban uses don't creep into our agricultural zoning thereby reducing its viability. The four areas that the city wants in their sphere of influence are either zoned ag. or have agricultural uses on them. We believe these areas are the type of buffer that agriculture needs.

Respectfully,

Don and Vera Bensen

PO Box 297, Carpinteria, CA 93014

Email: [v2bensen@yahoo.com](mailto:v2bensen@yahoo.com) (we will be out of town from 6/11 to 7/8, but can view emails)

cc: Padro Nava

**Norman's Nursery**  
8665 EAST DUARTE ROAD  
SAN GABRIEL, CALIFORNIA 91775-1139  
(626) 795-7895

RECEIVED

JUL 03 2002

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

July 3, 2002

Lillian Ford  
Coastal Program Analyst

RE: City of Carpinteria Local Coastal Plan/General Plan Amendment

Dear Ms. Ford,

**Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

This letter is in response to your request for additional information related to conflicts between the Norman's Nursery operation and the neighboring residential property.

The adjacent mobile home park to the west is constructed up to the property line, although there is supposed to be a 6-foot setback. There is a 6-foot high fence along the lot line, then a 10-foot wide access road right next to the 6-foot fence. With little to separate them from the Norman's potted plant nursery, the mobile homes are mostly boarded up their east side, apparently to try to shut out the Norman's operation.

The proximity has let to numerous complaints over the years from nearby residents regarding the ongoing operation of the Norman's Nursery. The management responded to each complaint in its attempt to be a good neighbor. Complaints are estimated conservatively to have occurred at least once a month, and were focused on the following areas:

1. **Spraying of pesticides** – To maintain its certification as a pest-free nursery for interstate shipping, the nursery follows a regular spraying schedule. The management has struggled with complaints about spraying since timing is essential to both eliminate pests during the proper stage of their life cycle, and since it relates to when plants can be shipped. Spraying has been stopped when complaints are received, and resumed at a later time, or in a different location. This has resulted in additional labor costs and the delay of shipments.



## ***Norman's Nursery***

### **Page 2 - Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

2. Diesel Trucks - Odor and noise from diesel trucks has long been a source of regular complaints from the neighbors. Trucks and other equipment are running at approximately 6:00 a.m. each morning. Diesel trucks are idled rather than stopped for mechanical reasons. When loading and unloading plants along mobile home park, the sound and smell bothers those who are only 6 feet away from the trucks. Loading schedules are revised when complaints are received, resulting in additional labor costs. Some loading is scheduled for the end of the day for next-day shipping, resulting in overtime costs.
3. Preparation of Potting Mix - A potted plant nursery uses large quantities of potting mix. Components of the mix are piled by the truck full on a platform and mixed by tractors. This practice uses several pieces of diesel equipment at a time and takes several hours to complete. Complaints related to noise, dust and odor from mixing have resulted in delays of several days for more favorable conditions, and have, in some cases, resulted in the importation of ready-made mix at considerable additional costs.
4. Wind Blown Dust - The 32 acre site has a great deal of exposure and the wind blows dust from bare soil. The nursery is forced to cover much of its site with a combination of gravel and plastic to minimize the amount of bare soil. Because of the sun, the plastic must be replaced several times a year, increasing the cost to the operator.
5. Irrigation - The sound of impulse sprayers caused many complaints. This led the nursery to hand water the western half of the nursery, at a tremendous increase in labor cost.
6. Sound of Radios Used by Employees - Employees have to be reminded frequently about the effect of their activities on the neighbors, including playing their radios. There is not much cost associated with this category.
7. Loss of Fruit From Resident's Trees - in a reversal of the usual case, the neighbors have complained of fruit loss along the property line from nursery workers.
8. Loss of Privacy When Tall Trucks Used Along Western Half of Property - The height of the truck beds used for hauling the plants is as high as the fence along the property line. Workers on top of the trucks are highly visible to the

## ***Norman's Nursery***

### **Page 3 – Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

neighbors who complain of the loss of their privacy. In response the manager attempts to store taller trees along the lot lines, but these are frequently moved as they are sold, which causes further disruption in close proximity to the neighbors. Additionally, attempts are made to schedule trucks to coincide with low activity periods at the mobile home park. Since the population is mostly senior, there are few times when most of them are not home. Added labor costs have resulted.

9. **Drainage** – Due to a lack of any drainage facilities on the Mobile Home Park, the owners of Norman's Nursery installed a drainage culvert along the eastern lot line. This took a total of approximately 18,000 square feet (10-foot wide x 1800 foot length) out of production.
10. **Plastic Houses** – These are typically used to start more delicate plants by providing more heat. They are created by arching PVC tubing, then covering with sheets of plastic. They are normally placed at the rear of the property. When they are new the neighbors commonly complain of the glare from the reflected sun. In response taller plants are moved around to block the view of the structures. Additional labor costs result.

Some of these issues were raised by mobile home park residents at public comment during review of the project Environment Impact Report, in particular dust from nursery activities, pesticide use, and noise. The proposal project would eliminate this ongoing conflict.

Instead of simply transferring these agricultural/residential to another location, several steps have been taken to limit these conflicts from reoccurring.

- The approval project provides a buffer between the new residences and the neighboring greenhouses to the east. There is an 80-foot strip along the property line with several layers of screening. Starting at the property line, there will be an 8-foot high solid fence with a new tree row (emulating agricultural tree rows), landscaping, low walls, access road, street trees, and more landscaping and walls before reaching the first row of homes.
- The homes within the project on the Norman's site are oriented north and south, so they are not facing the Kono property to the east.

## *Norman's Nursery*

### **Page 4 - Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

- The two agricultural neighbors of the Norman's site, Kono to the east and the Rodriguez family to the north (across Carpinteria Creek), are have operated on their sites for more than one generation, and intend to remain in the business of agriculture. They have both signed a letter of intent to record an agriculture easement on their properties to preclude their ability to seek the conversion of their properties for the next ten years.
- The future homes in the Norman's project will have a notice of the Kono's right-to farm recorded in their deeds. Advance notice that they are buying property next to an existing agricultural operation will decrease the possibility of future conflicts.
- The Kono property conducts its operations on the opposite side of their property. Their access driveway follows their eastern lot line and their loading dock is in the northeast corner of the property. The new homes will be effectively screened from these activities.
- The mobile home park residents would have new one-story residential neighbors with a considerable setback, and will be able to open up their backyards and windows once again.
- The property line between the Norman's Nursery site and the Kono property is the City/County boundary. This will be an effective border that will permanently make the urban/rural boundary, necessitating the approval of the City, County, Local Agency Formation Commission, and Coastal Commission prior to any future annexations. There have been no annexations approved by the City of Carpinteria since its incorporation.

The Normans do not intend to remain in business in Carpinteria due to four factors; the high cost of water, the cost of labor, and the costs associated with the neighbor's complaints, and the low growth rate of container nursery plants near the coast. Water costs are approximately 5 times higher than at their facility in nearby Fillmore. Labor costs are higher in Carpinteria due to the high housing costs on Santa Barbara's south coast. The neighborhood conflicts have been outlined above. The growth rate of the plants could get a boost from being in greenhouses. The Normans began this process 10 years ago when they inquired at the City of Carpinteria about building greenhouses. The Normans were notified that their greenhouse proposal would not be approved. They were told that the City did not favor the proliferation of greenhouses in nearby County areas

## ***Norman's Nursery***

### **Page 5 - Outline of Conflicts Between Norman's Nursery & Residential Neighbors**

which, in their opinion, turned open field agricultural green belts into industrial zones. Despite the fact that the entire Carpinteria Valley is considered prime agricultural soil, most of the agricultural production is from greenhouses wherein nothing is planted in the soil.

Sincerely,



Charles Norman  
President

**TO:** CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA STREET  
VENTURA, CALIFORNIA 93001

RECEIVED

JUL 03 2002

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**FROM:** CARPINTERIA VALLEY ASSOCIATION  
PO BOX 27  
CARPINTERIA, CALIFORNIA 93014

**SUBJECT:** CITY OF CARPINTERIA GENERAL PLAN  
LOCAL COASTAL PROGRAM AMMENDMENT

**HEARING DATE:** THURSDAY, JULY 11, 2002

**AGENDA ITEM:** TH9b

## CARPINTERIA VALLEY ASSOCIATION

P.O. BOX 27, CARPINTERIA, CA 93014

805-684-0700

July 2, 2002

California Coastal Commission  
89 South California St.  
Ventura, CA 93001-2801

Dear Commissioners,

The CVA would like to make a few points about the Carpinteria General Plan Update. First, we are opposed to expansion of the Sphere of Influence. In addition, the CVA is opposed to the loss of Agricultural zoning on two properties on Via Real on the eastern side of Carpinteria; the "Lagunitas" and "Creekwood" properties. We have some concerns regarding the characterization of the Venoco Facility. And, we conclude with a comment that the potential build out within the City has not been fully analyzed.

### SPHERE OF INFLUENCE

First, we are greatly concerned about the proposed expansions of the Sphere of Influence. This is in direct contradiction to the Plan's opening statements, where maintaining a firm urban-rural boundary is set forth as a goal. We support this goal. The only way to maintain a firm urban-rural boundary is to maintain the line that has already been drawn. Following are our views on the 4 areas proposed for inclusion in the sphere of influence.

**1. Cravens Lane Property.** This would be a conversion of agriculturally-zoned land. (According to the County, the zoning is A-1-5, not "A-1-R" as reported on pg. 20 of the Plan Update, apparently a typo.) Thus the zoning is for 5 acre minimum. The 3.8-acre parcel already has 2 houses on it, along with a historic barn. The owner has repeatedly applied to be able to develop it. Despite the environmentally correct rhetoric of his letter (see Appendix, Comment Letters, Scott Ellinwood & Associates), the bottom line is that the MDR zoning (4.7-20 units/acre) being proposed would allow him to cram up to 76 units on the parcel. This exceeds even the mobile home park across the street, with 17 units per acre. We strongly object to changing this zoning from A-1-5 to MDR.

**2. Santa Monica Gardens Neighborhood.** This area is already developed with 69 single-family homes on 20 acres. The choice of being included in the Sphere of Influence (& thus eventually annexed to the City) should be made by the residents. From what we have heard, they want no part of it.

**3. East Valley School Site.** Although this property is not zoned agriculture, it's historic and present use is agriculture. Since the school district's enrollments have declined since

the EIR on converting this property was done, we oppose a conversion until there is a demonstrated need. Converting it to Public Facility designation opens the door to inappropriate development, from a cell phone antenna site to a sewage treatment plant or other uses that would be incompatible with the adjacent park and residences.

**4. Lomita Lane Neighborhood.** It should be up to the residents whether or not to be included in the Sphere of Influence (& thus eventually annexed to the City). Currently, the residents are not in favor of this.

### **AGRICULTURAL ZONING**

Carpinteria is unique agriculturally in several aspects; the combination of excellent soils, moderate microclimate, available water of good quality, available labor at competitive cost, proximity to one of the world's major consumptive markets (Southern California), and proximity to major distribution hubs (LAX and SFO) which allow the shipment of products worldwide in less than 24 hours, make agriculture economically viable here. More varieties of plants can be grown here than most any other place in the world.

Many times, a property owner has stated at a planning hearing of some governmental agency, that he couldn't make any money farming his piece of property, for a variety of reasons, and should be allowed to develop his property to houses, or industrial uses. Granted that farming won't make the same amount of money per acre as building condominiums, but if the land is kept in agriculture, then a better farmer, using newer technology, and better crop selection, will find a way to economically farm the property.

Therefore, the CVA is opposed to the change in agricultural zoning on the following properties.

**1. Lagunitas: Land use changes made since last General Plan Update (1982).** The area east of town known as "Lagunitas" has been in agriculture for 75 years. It contains Prime and Unique Soils (California State Department of Conservation, Farmland Inventory), and until recently has been used for viable agriculture. We believe that the zoning change to Industrial at the time the area was annexed to the City in 1985 was inappropriate and not done properly. We request that the official zoning revert to agriculture.

**2. Creekwood: Zoning change.** This property is currently in agriculture (container plant nursery). The soils are 'prime' under both USDA and California Farmland Inventory criteria. This property should retain its agricultural zoning.

### **VENOCO**

**Venoco Facility.** The Venoco plant east of City Hall is "Coastal Related," not "Coastal Dependent", as stated in the EIR. As such, the plant should be amortized and phased out. The City of Carpinteria has grown up around the facility, and oil processing is no longer an appropriate use for the site. More appropriate zoning choices would be residential,

open space, or public facility for playing fields.

### **DOWNTOWN ZONE**

The EIR fails to account for the impacts resulting from build out in the downtown area, which could result from the designated zoning. These residential areas are mostly single story, single family residential units. There has already been some newer remodeling to add second stories, and additional units to existing housing. The potential exists for this to occur on a much larger scale in the future. The impacts from this would affect many elements of the general plan.

We appreciate that you will consider our comments in your analysis of the Plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "C Stucky".

Board of Directors  
Carpinteria Valley Association  
By Carl Stucky, President

Cc: City of Carpinteria Planning Department



Received at Commission  
Meeting

JUL 11 2002

From: \_\_\_\_\_

**PRESERVE RURAL CARPINTERIA**

POST OFFICE BOX 943  
CARPINTERIA, CALIFORNIA 93014-0943

July 8, 2002

BOARD OF DIRECTORS  
DUNCAN ABBOTT  
684-2259  
GEORGE BLISS  
684-2921  
JONATHAN BROWN  
684-9476  
TINA FANUCCI  
963-4331 x204  
JEFFNEY HARDING  
565-9076  
ART TIDDENS  
566-9409  
SCOTT VAN DER KAN  
684-7900  
WINFRED VAN WINGERDEN  
684-4006

California Coastal Commission  
South Central Coast Area  
89 South California Street, Suite 200  
Ventura, California 93001

Re: City of Carpinteria Local Coastal Program Amendment  
IEM TH9b

Dear Commissioners:

Preserve Rural Carpinteria is a local nonprofit organization devoted to preserving the rural and agricultural environment of the Carpinteria Valley.

We oppose the City of Carpinteria's attempt to create a sphere of influence that encroaches the urban-rural boundary that has been so effective in preserving the Carpinteria Valley's diminishing agricultural environment.

It is our opinion that the creation and expansion of a sphere of influence and the subsequent annexation of lands in the study area is contrary to the goals and policies of the Coastal Act.

In our opinion the City is attempting to gain a foot in the door to the Carpinteria Valley to solve its urban problems. Prior versions of the Land Use Plan Amendment have included agricultural properties outside city limits within its sphere of influence.

The Carpinteria Valley is one of the only remaining coastal agricultural areas in Southern California. It is still viable agriculturally. It is able to cultivate exotic crops (avocado, cherimoya, passion fruit, guava, field flowers) on even non-prime soils because of its unique microclimate. If an urban-rural boundary is to mean anything, then we must not continue to treat these agricultural areas as transition zones for further urban development.

We believe that the City's proposed sphere of influence will set a very bad precedent and may open up the Carpinteria Valley to further urban uses. We urge the commission to hold this line.

Sincerely,

Art Tiddens for  
Preserve Rural Carpinteria

SACRAMENTO OFFICE  
STATE CAPITOL, ROOM 4000  
SACRAMENTO, CA 95814  
(916) 442-5403

SAN LUIS OBISPO OFFICE  
1200 MONTERO STREET, SUITE A  
SAN LUIS OBISPO, CA 93401  
(805) 547-1800

SANTA BARBARA OFFICE  
238 WEST CARRILLO, SUITE F  
SANTA BARBARA, CA 93101  
(805) 966-3236

VENTURA OFFICE  
89 S CALIFORNIA STREET, SUITE E  
VENTURA, CA 93001  
(805) 541-1200

## California State Senate

SENATOR  
**JACK O'CONNELL**  
EIGHTEENTH SENATORIAL DISTRICT



CHAIR  
BUDGET & FISCAL REVIEW  
SUBCOMMITTEE ON EDUCATION  
COASTAL CAUCUS  
MAJORITY CAUCUS  
MEMBER  
BUDGET AND FISCAL REVIEW  
BUSINESS AND PROFESSIONS  
CONSTITUTIONAL AMENDMENTS  
EDUCATION  
ENVIRONMENTAL QUALITY  
GOVERNMENTAL ORGANIZATION  
JUDICIARY

July 9, 2002

Charles Damm, Senior Deputy Director  
Gary Timm, District Manager  
Lillian Ford, Coastal Planner  
California Coastal Commission  
South Central Coast Area  
89 South California Street  
Ventura, CA 93001

RE: Agenda Item #9B

It has come to my attention that the issue of conversion of agricultural land to housing is under consideration as part of the City of Carpinteria's Local Coastal Plan Amendment # MAJ-1-01. I would request that you seriously consider the City's proposal based on the following factors.

The City of Carpinteria has, along with other California cities, been given conflicting goals by several state agencies. The City has been directed to provide opportunities for additional housing to accommodate its fair share of the housing demand expected in the south coast of the County of Santa Barbara. At the same time, policies aimed at preserving farmland must be respected, as well as the preservation of other coastal resources. I have been aware of the City's situation since the early 1990's when I met with representatives of both the City and the State Department of Housing and Community Development and, as I recall, Coastal Commission staff.

The City of Carpinteria and its residents took a major step recently and bought the Bluffs property, now owned by the City. This major coastal open space will now be enjoyed by many as a passive and active recreational resource. The Bluffs was one of two large sites considered for housing projects in the City's existing Housing Element. The other was the Normans Nursery, which is located across Highway 101 from the Bluffs site and currently designated as agricultural. Since the Bluffs was taken out of the equation, the Normans Nursery property assumes added importance in the City's housing plan.

There are many aspects to what has been called a housing crisis on the south coast of Santa Barbara County. Supply is way below demand, costs are significantly higher than the average family can afford, and in most communities the number of jobs is out of balance with the amount of housing available. Through infill, the City has built 159 new housing units in the last ten years, far short of its prior fair share housing allocation of 644 units. If this large agricultural site is not converted to housing, the City will have difficulty in meeting its new draft share of the regional housing allocation of 277 units.

Coastal Commission

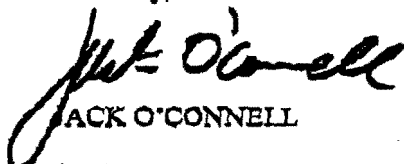
July 9, 2002

Page 2

The City of Carpinteria has a reputation as an environmentally responsible city. The conversions requested by the City, which are a part of its master plan to complete the urbanized area, represent an attempt to improve the City's jobs/housing balance by addressing local housing needs, while protecting the agricultural resources of the Carpinteria Valley.

Please help the City of Carpinteria by fully considering all aspects of its proposal for agricultural conversion before rendering your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack O'Connell", is written over the printed name.

JACK O'CONNELL

JO:jd  
GSD

# EXHIBIT 11

## CORRESPONDENCE CONCERNING THE CONVERSION OF THE EAST VALLEY SCHOOL SITE



DELAINE EASTIN  
State Superintendent of Public Instruction

TH9b

CALIFORNIA  
DEPARTMENT  
OF  
EDUCATION

721 Capitol Mall

P. O. Box 911272

Sacramento, CA

916-223-7720

July 3, 2002

California Coastal Commission  
South Central Coast Area  
89 South California Street, Suite 200  
Ventura, California 93001

Item TH9b  
City of Carpinteria LCPA 1-01  
George M. Shaw, California  
Department of Education  
Approve

Dear Commissioners:

The California Department of Education wishes to state its support for the City of Carpinteria's Local Coastal Plan Amendment 1-01 which validates a particularly safe, well-located and educationally advantageous schoolsite in the eastern portion of the Carpinteria Unified School District. This site is located on Bailard Avenue north of Birch Street and west across from a city park.

The Department of Education joins Executive Director Peter Douglass in his wish to work closely with us in our evaluation and approval of schools in the coastal areas of California. Certainly, this is nowhere more important than in the Carpinteria Unified School District, as it is almost entirely within the coastal zone.

I believe the staff and the Department of Education are in concurrence that approval of the site for a new school is desirable. The staff has expressed some concern regarding the continuation of farming operations north of the schoolsite. I want to assure the Commission that schools and farms coexist amicably in virtually all areas of California. Kids and crops grow well together naturally, and good communication among adults and good citizenship assure this. School administrators and farm operators are quick to develop a working rapport and lines of communication so that school activities and pesticide spraying schedules do not conflict.

The Department of Education joins others in asking the Coastal Commission's approval of the City of Carpinteria's Local Coastal Plan Amendment relative to this East Valley schoolsite.

Sincerely,

George M. Shaw  
Field Representative  
School Facilities Planning Division

TH9b



Sandra B. Smyser, Ph.D.  
District Superintendent  
Priscilla Diamond  
Assistant Superintendent  
Business Services

Board Members  
Terry Hickey Banks  
Michael E. Damron  
John W. Franklin  
Mary A. McWhirter  
Tyson Willson, Jr.

## Carpinteria Unified School District

July 3, 2002

California Coastal Commissioners  
South Central Coast Area Office  
89 South California Street, Suite 200  
Ventura, CA 93001

Re: Hearing Location: Waterfront Hilton Resort Hotel  
21100 Pacific Coast Hwy.  
Huntington Beach, CA 92648

Hearing Date: July 11, 2002

Item TH9b City of Carpinteria LCP Amendment 1-01/ East Valley School  
(Carpinteria Unified School District);  
Staff Report Summary Page 3; Suggested Modification #12; and  
Staff Report analysis Pages 46-49

Dear Commissioners:

Included within the City of Carpinteria Local Coastal Program (LCP) amendment 1-01, is a proposal to redesignate a 7-acre property, owned by the Carpinteria Unified School District (CUSD) and known as the East Valley school site, from low density residential to public facility. The redesignation, which is being recommended for approval by your staff, will allow the CUSD to proceed with the planning, review, and land use approvals for the new elementary school under the jurisdiction of the City of Carpinteria and subject to the oversight of the State Department of Education. Discussions among staff from these agencies and your staff have resulted in substantial agreement with regard to insuring that the new school will be compatible with agricultural operations on adjacent property.

We concur with the recommendation proposed by your staff and urge you to recommend the proposed action, subject to adding the following sentence at the end of Staff's Suggested Modification No. 12:

If one or more owners of any agricultural parcel within 500 feet of the property line of the parcel for which development is proposed refuse to agree to the operation management plan, the City may approve an alternative management plan which satisfies the requirements of (a) and (b) above.

In the absence of this additional language, any owner of an agricultural parcel within 500 feet of the school site would have complete veto power over school development, capable of being exercised on a purely subjective basis. In our view, this would be contrary to public interest, is not required, and would severely compromise the potential for development of the new school. The CUSD will negotiate in good faith to develop an operation management plan which will meet the needs of adjacent agricultural property owners; but if, for whatever reason, one or more adjacent property owners refuse to agree, there needs to be allowance for the City of Carpinteria to develop and impose an alternate plan which insures that school development will be compatible with agricultural operations on adjacent property.

1400 Linden Avenue • Carpinteria, California 93013 • (805) 684-4511 FAX (805) 684-0218

*Committed to quality education for all.*

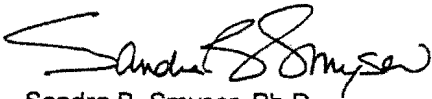
Aliso School • Canalino School • Main School • Summerland School • Carpinteria Middle School • Carpinteria High School • Rincon High School • Foothill High School

As the overseer of the LCP, the City should be granted sufficient latitude to develop necessary measures to fulfill the requirement for insuring compatibility of the school with neighboring agriculture based upon conditions which are then present. In this case, since construction of a new school has been determined to be a "major public works project," there is the added safeguard of the availability of an appeal to your Commission under Public Resources Code section 30603, if it is claimed that the conditions for development do not conform to the standards set forth in the amended LCP you are being asked to approve today.

The CUSD has a long history of good neighbor relationships with agriculture, including at Carpinteria High School which is bordered on three sides by agricultural operations. Working within the established regulatory framework, future school development at the East Valley site will only be approved by the CUSD, City, and Department of Education after it has been demonstrated that the school will offer a safe and healthy environment for children, and be a compatible neighbor to adjacent agriculture.

I would like to express my thanks to your staff for working with us to resolve this matter and for their thoughtful input. I will be present at the hearing and available to answer any questions you or staff may have.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sandra B. Smyser". The signature is fluid and cursive, with the first name "Sandra" being more prominent.

Sandra B. Smyser, Ph.D.  
District Superintendent

Dear Ms. Ford,

1. Santa Barbara County was given no notice or opportunity to take part in this hearing. Before the Carpinteria Unified School District purchased this land they were warned by the Santa Barbara Planning Commission that there were potential zoning conflicts. Santa Barbara County should be heard.
2. This land when purchased by the CUSD was prime agricultural land under Government Code 51201 (c) (4) and by extension Public Resources Code 30113
3. This land does not qualify for conversion under Public Resources Code 30241 (b)
4. The staff's effort to enforce Sec. 30241 (f) is appreciated but I personally doubt if this can be successful.
5. This project will cause a loss of prime agricultural land contrary to Sec.30241. This action should be tabled until the County and others have had a chance to comment.

Royce D. Stauffer  
234 Toro Canyon Road  
Carpinteria CA, 93013



Juanita H. Wulff  
154 Toro Canyon Road  
Carpinteria, CA 93013  
(805) 684-5928

Ms. Lillian Ford  
California Coastal Commission  
c/o Waterfront Hilton Resort Hotel  
21100 Pacific Coast Highway  
Huntington Beach, CA 92648

**VIA FACSIMILE**

Re: Carpinteria LCP Amendment No. 1-01

Dear Ms. Ford:

It was a pleasure speaking with you today regarding the above-referenced matter. I also wish to express my appreciation for your taking the time to fax pertinent portions of your staff report for my review.

With respect to the "Land Use Element" of the subject LCP, I strongly support Coastal Commission staff's suggested modifications 11 and 12 to the proposed policy LU-3n. These modifications provide the protections to adjacent agricultural properties that are guaranteed under the Coastal Act.

For your information, today I shared the suggested modifications with Santa Barbara County Planning and Development staff, as they were completely unaware this LCP was being considered for Coastal Commission approval. County Planning and Development staff also supports your proposed modifications and wishes to go on record in that regard.

During our discussion this date, I advised the Santa Barbara County Planning Commission had, some time ago, determined acquisition of the proposed school site was inconsistent with the Santa Barbara County Coastal Plan and Comprehensive Plan. For your information, and for the record, I am enclosing a copy of the Planning Commission's June 3, 1999 correspondence to the Carpinteria Unified School District confirming this decision.

For your information, although it is not of great significance at this time, I am enclosing a breakdown of enrollment in the Carpinteria Unified School District for the past 8 years. You will note, rather than experiencing increasing enrollment, the school district has actually lost 148 students since the 1997-98 school year.

With respect to Santa Barbara County Planning and Development, in my conversation with Chief Planner, Greg Mohr, Mr. Mohr expressed surprise the subject LCP was now being considered by the Coastal Commission, as his office had received no notification in this regard. In fact, Mr.

Secretary to the

Case File: 00  
Planning Com

Ms. Lillian Ford  
July 10, 2002  
Page 2

Mohr indicated, the most recent contact County Planning and Development had received regarding this LCP was at least one year ago. Mr. Mohr expressed concern for the lack of notification, inasmuch as unincorporated areas of Santa Barbara County will also be affected by the proposed LCP. If it is at all possible, County Planning and Development would appreciate having the opportunity to review the Final LCP and the Coastal Commission's staff report prior to any definitive action being taken with respect to final approval of the LUP by the Coastal Commission.

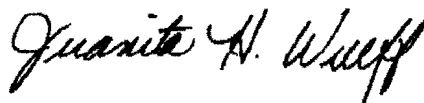
Simply from the material you faxed to me this date, Mr. Mohr mentioned 3 items upon which County Planning and Development would comment. They are:

1. On page 4 of the City of Carpinteria's response to staff's proposed modifications, the County of Santa Barbara is "conspicuously absent" from line 2 of the second paragraph.
2. LU-3I reflects a policy of ensuring the provision of "adequate services and resources to serve proposed development". Such policy is opposite to the County's policy of the developer bearing responsibility that adequate services exist.
3. LU-4C reflects City of Carpinteria participation in County of Santa Barbara land use planning and development in the Carpinteria Valley, however, this policy does not provide like guarantee to the County of Santa Barbara for all City of Carpinteria land use planning and development in the Carpinteria Valley.

It is for these reasons Santa Barbara County Planning and Development requests the opportunity to review and comment on the proposed LCP and Coastal Commission's entire staff report.

Thank you in advance for your courtesy in this matter. I respectfully request you submit these comments to the Coastal Commissioners.

Respectfully,



Juanita H. Wulff

Enclosures

COASTAL COMMISSION  
PLANNING DEPARTMENT



# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU ST.  
SANTA BARBARA, CALIF. 93101-2058  
PHONE: (805) 568-2000  
FAX: (805) 568-2030

June 3, 1999

Van Riley, Superintendent  
Carpinteria Unified School District  
1400 No. Linden Ave.  
Carpinteria, CA 93013

PLANNING COMMISSION  
HEARING OF MAY 26, 1999

***RE: Carpinteria Unified School District Bailard School Site, 99-GC-002***

Hearing on the request of Craig Price, representing the Carpinteria Unified School District, to consider Case No. 99-GC-002 [application filed on March 30, 1999 and as extended April 21, 1999], for a determination that acquisition of land to construct an elementary school is consistent with the Comprehensive Plan and Local Coastal Plan of the County of Santa Barbara, pursuant to Government Code Section 65402(c). The application involves AP No. 001-080-045, and -046, located at the northwest corner of the intersection of Bailard Avenue and Pandanus Street, known as 1101 and 1103 Bailard Avenue, Carpinteria area, First Supervisorial District.

Dear Mr. Riley:

At the Planning Commission hearing of May 26, 1999, Commissioner Beall moved, seconded by Commissioner Valencia and carried by a vote of 4-1 (Oberdeck: no) to:

**Determine that the proposed action by the Carpinteria Unified School District to acquire land on Bailard Avenue for a new elementary school is potentially not in conformity with the Santa Barbara County Coastal Plan and Comprehensive Plan.**

The decision of the Planning Commission is advisory, and is not appealable. As a recommendation under Government Code §65402(c) and Public Resources Code §21151.2, the Planning Commission reports its conclusions to the Carpinteria Unified School District, the public agency involved in the acquisition of land. The CUSD may overrule a finding of inconsistency with the comprehensive and coastal plan and proceed with the acquisition of the subject site should it so decide. Should this be the case, pursuant to PRC §21151.2, the governing board of the school district shall not acquire title to the property until 30 days after the Planning Commission's report is received.

Sincerely,

A handwritten signature in black ink, reading "Albert J. McCurdy", is written over a horizontal line.

Albert J. McCurdy  
Secretary to the Planning Commission

## CUSD ENROLLMENT INFORMATION

SCHOOL YEAR	OCTOBER REPORTING	APRIL REPORTING
1994-95	2,877	2,729 or 2,833 if you include excused absences. Absences not included in computing difference because absences not allowed in later years.
1995-96	2,961	2,851 or 2,910 if you include excused absences. [122 student increase over 1994-95 2 <sup>nd</sup> reporting.]
1996-97	3,041	2,877 or 3,005 if you include excused absences. [26 student increase over 1995-96 2 <sup>nd</sup> reporting.]
1997-98	3,104	3,071 [194 student increase over 1996-97 2 <sup>nd</sup> reporting]
1998-99	3,158	3,036 [35 student decrease over 1997-98 2 <sup>nd</sup> reporting]
1999-00	3,161	2,991 [45 student decrease over 1998-99 2 <sup>nd</sup> reporting]
2000-01	3,118	2,970 [21 student decrease over 1999-00 2 <sup>nd</sup> reporting]
2001-02	3049	2,923 [47 student decrease over 2000-01 2 <sup>nd</sup> reporting]

148 student decline from 1997-98 high of 3,071 to 2001-02 actual ADA.