

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY



August 28, 2003

To: Commissioners and Interested Parties

From: Charles Damm, Senior Deputy Director
Gary Timm, District Manager
Melanie Hale, Supervisor

Re: **City of Carpinteria LCP De-minimus Amendment No. 1-03 to the Implementation Plan (Secondary Housing Units)** to be reported at the September 9-12, 2003 Commission hearing at the Eureka Inn, 518 Seventh Street, Eureka, CA.

Amendment Description

The proposed amendment request is to amend the City's Implementation Plan, i.e. Zoning Ordinance. Specifically, the proposed amendment changes the permitting process for secondary housing units from an administrative public hearing to a ministerial process for all properties with a single family residential zoning classification pursuant to Assembly Bill 1866, adopted in 2002, which amended California Government Code Section 65852.2.

Determination

Pursuant to Section 30514(d) of the Coastal Act, the Executive Director has determined on June 18, 2003 that the proposed amendment is "de-minimus" in nature. Section 30514 (d) (1) of the Coastal Act allows the Executive Director to determine that a proposed amendment is "de-minimus" if there are no impacts on coastal resources, either individually or cumulatively and is consistent with the policies of Chapter 3, in addition to meeting certain public notice and hearing criteria.

The proposed amendment will not change the kind, location, intensity, or density of use as designated in the zoning ordinance for the single family residential zoning classification. The City's approval of second housing units will still require City action on coastal development permits. All approved coastal development permits will continue to require the City to provide the Commission with Notices of Final Action to allow for potential appeals to the Commission. As a result, the City's coastal permit appeal procedure and the Commission's review of any appealed coastal permits for second housing units will not be changed by this Amendment. The proposed amendment will have no impacts on coastal resources, either individually or cumulatively and is consistent with the policies of Chapter 3. In addition, the City's processing of the proposed amendment meets all of the public notice and hearing criteria listed in Section 30514 (d) of the Coastal Act.

Therefore, the proposed amendment to change the permitting process for secondary housing units from an administrative public hearing to a ministerial process for all

properties with a single family residential zoning classification is considered "de-minimus" as defined by Section 30514(d) of the Coastal Act.

Procedures

The City Council of the City of Carpinteria approved the proposed amendment on June 23, 2003. There were no public comments received at the public hearings scheduled by the City of Carpinteria for this amendment. The Executive Director has determined on August 28, 2003 that this amendment is "de-minimus" and will be noticed on the agenda of the next regularly scheduled meeting of the Commission, in accordance with Section 11125 of the Government Code.

Section 30514 (3) (B) and (C) of the Coastal Act provides that if three members of the Commission object to the Executive Director's determination that the proposed amendment is determined to be "de-minimus", the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the Commission, in accordance with Section 11125 of the Government Code. If three or more members of the Commission do not object to the "de-minimus" determination, the "de-minimus" local coastal program amendment shall become part of the certified local coastal program ten days after the date of the Commission meeting.

RESOLUTION NO. 4819

**A RESOLUTION OF THE CITY OF CARPINTERIA
CITY COUNCIL APPROVING, FOR THE PURPOSES OF SUBMITTAL TO
THE CALIFORNIA COASTAL COMMISSION, ORDINANCE 593 AMENDING
CARPINTERIA MUNICIPAL CODE CHAPTER 14.72 (RESIDENTIAL SECOND
UNITS IN SINGLE-FAMILY ZONE DISTRICTS), CHAPTER 2.36.050 (D)
(ARCHITECTURAL REVIEW BOARD JURISDICTION AND DUTIES) AND
CHAPTER 14.12.040 (1) (USES PERMITTED SUBJECT TO CONDITIONAL
USE PERMIT), AND THE LOCAL COASTAL PLAN
TO ESTABLISH SECOND UNIT DEVELOPMENT STANDARDS
CONSISTENT WITH CURRENT STATE LAW**

**THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA
RESOLVES AS FOLLOWS:**

Section 1. The City Council of the City of Carpinteria finds, determines and declares:

a. A full and complete copy of the project materials (03-1088-ORD/LCPA) is on file with the City's Community Development Department.

b. Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"), the California Code of Regulations, Title 14, Section 15000 et seq. ("CEQA Guidelines") and the City of Carpinteria's Environmental Review Guidelines as applicable, the City determined that the project is categorically exempt pursuant to Section 21080.17 of CEQA guidelines in that CEQA does not apply to the adoption of an ordinance to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code (construction of dwelling units and second units)

c. After action by the California Coastal Commission, the City desires and intends to use the Categorical Exemption for formal adoption of the Project in accordance with CEQA.

d. At a duly noticed public hearing on May 21, 2003, the Planning Commission considered the Project and Categorical Exemption and forwarded its recommendation to support the Ordinance Amendment to the City Council. On June 23, 2003, after considering the Planning Commission's recommendation, receiving public comment, due consideration, and discussion among the Council and staff, a majority of the City Council approved, for submittal to the California Coastal Commission pursuant to Public Resources Code Section 30510(a) and the California Code of Regulations, Section 13551(b)(2).

| |
|---------------------|
| EXHIBIT NO. / |
| APPLICATION NO. |
| CPN-DM-1-03 |
| City of Carpinteria |

e. On July 14, 2003, the City Council adopted this resolution certifying that the proposed Ordinance Amendment is intended to carry out the policies of the City's Local Coastal Plan consistent with the California Coastal Act and directing that the proposed amendment be transmitted to the California Coastal Commission for filing in accordance with Section 13551(b)(2) of Title 14 of the California Code of Regulations.

f. The Ordinance Amendment to the City's Municipal Code has been presented to the City Council of the City of Carpinteria for its review and consideration prior to making any recommendations relating to the Project.

g. The proposed amendments approved for submittal to the California Coastal Commission by the City Council as set forth below and as attached hereto and incorporated herein by reference, reflect the recommendations of the Planning Commission and necessary modifications by the City Council.

h. Documents constituting the record of proceedings on the Project are located and under the custody of the City Manager, City of Carpinteria Community Development Department, 5775 Carpinteria Avenue, Carpinteria, California.

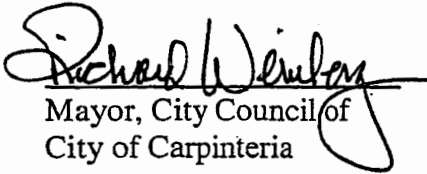
Section 2. Sections 14.72, 14.12.040 (1) and 2.36.050 (D) of the Carpinteria Municipal Code are amended as shown in Attachment A, Ordinance 593.

Section 3. NOW, THEREFORE, BE IT RESOLVED that pursuant to Public Resources Code Section 30510(a) and Government Code Sections 65854, 65855 and 65856, the City Council held a public hearing on the proposed amendment to the Municipal Code and is transmitting all proposed amendments to the California Coastal Commission for submittal and filing pursuant to California Code of Regulations, Title 14 Section 13551(b)(2).

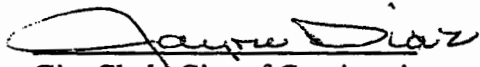
Section 4. NOW, THEREFORE, BE IT RESOLVED that Ordinance 593 shall be in full force and effect thirty (30) days following certification by the California Coastal Commission, and acceptance of such certification by resolution; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the City Council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria.

PASSED, APPROVED AND ADOPTED this 14th day of July 2003, by the following called vote:

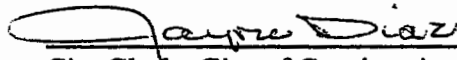
| | | |
|-----------------|------------------------|-------------------------|
| AYES: | Councilmembers: | Stein, Jordan, Weinberg |
| NOES: | Councilmembers: | Gandrud |
| ABSENT: | Councilmembers: | Ledbetter |
| ABSTAIN: | Councilmembers: | None |


Mayor, City Council of
City of Carpinteria

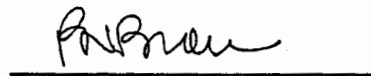
ATTEST:


City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 14th day of July 2003.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:


City Attorney

ORDINANCE NO. 593

**AN ORDINANCE OF THE CARPINTERIA CITY COUNCIL
AMENDING THE CARPINTERIA LOCAL COASTAL PROGRAM AND
SECTION 2.36.050, SECTION 14.12.040, AND SECTION 14.72 OF THE
CARPINTERIA MUNICIPAL CODE**

WHEREAS, the adoption of Assembly Bill 1866, which amends Government Code §65852.2, changes the way in which cities may review secondary dwelling units in single- and multi-family residential zones such that local governments must consider second units as a ministerial action, a non-discretionary process, rather than by Conditional Use Permit; and

WHEREAS, secondary dwelling units have long been a part of the City's housing stock and provide a valuable source of rental housing for persons of low and moderate income, particularly the elderly, students and single-parent family households; and

WHEREAS, the establishment of a clear set of development standards, consistent with applicable State law, is required to reduce the time necessary to secure permits for secondary dwelling units; to ensure that there will be no adverse effect on the public health, safety and welfare, and to protect and preserve the character and quality of the City's residential neighborhoods; and

WHEREAS, the Planning Commission reviewed the draft ordinance at its May 21, 2003 meeting, and recommended approval of the proposed amendment to the City Council;

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

SECTION 1.

Section 2.36.050 is amended by deleting subsection 2.36.050.D

If so directed by the planning commission the architectural review board shall review architectural and design issues for any second dwelling unit proposal in a single-family neighborhood, considered under Section 14.72.030 of this code.

SECTION 2

Section 14.12.040 is amended by deleting subsection 14.12.040.1; uses permitted subject to the conditional use permit process in the R-1 district are as follows:

- (1) One additional residential unit per legal parcel as provided in Chapter 14.72

| |
|----------------------------|
| EXHIBIT NO. <i>2</i> |
| APPLICATION NO. |
| <i>CPD-DM-1-03</i> |
| <i>City of Carpinteria</i> |

SECTION 3.

Section 14.72 of the Carpinteria Municipal Code is amended in its entirety to read as follows:

Chapter 14.72

SECONDARY DWELLING UNITS

14.72.010 Purpose and intent.

The purpose of this chapter is to provide for processing requests for secondary dwelling units in single-family residential (R-1) and multi-family residential (PRD) zone districts. The need for these provisions is based on the following findings:

1. The adopted policy of the city is to encourage a range of housing types, designs, and costs to suit the varying needs and desires of the community in terms of income, family size, and physical ability within existing neighborhoods.
2. Opportunities for affordable housing for persons of low and moderate income are becoming increasingly scarce.
3. The shortage of low and moderate income housing opportunities is exacerbated by the lack of available rental units at a time when few, if any, new rental units are being constructed. Thus, the existing rental stock needs to be preserved and new rental opportunities provided.
4. Residential second units have long been a part of the city's housing stock and provide a valuable source of rental housing for persons of low and moderate income, particularly the elderly, students, and single-parent family households.
5. The establishment of a clear set of development standards, consistent with applicable State law, is required to reduce the time necessary to secure permits for secondary dwelling unit construction and to ensure that there will be no adverse effect on the public health, safety and welfare, and the character or quality of the City's residential neighborhoods.

14.72.020 Applicability.

The provisions of this chapter shall apply only to secondary dwelling units proposed to be located within the single-family residential zone district (R-1), or the multi-family residential zone district (PRD) where the property is developed with one single-family residence. This section shall not apply to secondary dwelling units proposed in the Planned Unit Development zone district (PUD).

14.72.030 Processing; Fee.

Prior to the issuance of any permit for development of a secondary dwelling unit on any property zoned single-family or multi-family residential, an application for a secondary dwelling unit permit shall be submitted and processed as provided in this

chapter. An application fee for the processing of a secondary dwelling unit under this Chapter shall be consistent with the City's adopted fee schedule.

14.72.040 Application requirements.

Applications for the development of a secondary dwelling unit shall conform to the most current version of the application submittal requirements provided by the Community Development Department.

14.72.050 Permit required.

No discretionary permit shall be required for the creation of secondary dwelling units within the single-family residential or multi-family residential zone districts that comply with the provisions of this chapter. Secondary dwelling units within these zone districts are permitted under this chapter through the issuance of an Administrative Coastal Development Permit.

1. Projects outside Coastal Appeal Zone. An Administrative Coastal Development Permit is required for all secondary dwelling units located outside the Coastal Appeal Zone as defined in the Permit and Appeal Jurisdiction map approved by the California Coastal Commission. The Community Development Director's decision to grant or deny an Administrative Coastal Development Permit shall be final and may not be appealed to the California Coastal Commission.

2. Projects in Coastal Appeal Zone. An Administrative Coastal Development Permit is required for all secondary dwelling units located within the Coastal Appeal zone as defined in the Permit and Appeal Jurisdiction map approved by the California Coastal Commission. The Community Development Director shall decide whether to grant or deny an Administrative Coastal Development Permit which decision shall be final unless appealed to the Coastal Commission within ten working days of the Commission's receipt of the Notice of Final Action (NOFA).

14.72.060 Noticing Requirements

Applications for secondary dwelling units shall conform to the following noticing requirements:

1. Written notice shall be mailed to all property owners within three hundred (300) feet of the subject property a minimum of six (6) days prior to the date of the Architectural Review Board hearing.
2. For a secondary dwelling unit in the Coastal Appeals Zone, written notice shall be mailed to all property owners and residents within three hundred (300) feet of the subject property not less than ten (10) days prior to the date of the decision.
3. For a secondary dwelling unit in the Coastal Appeals Zone, appeals to the California Coastal Commission regarding secondary dwelling unit permits shall be governed by the regulations of the California Coastal Commission.

14.72.070 Architectural Review.

All applications for secondary dwelling units shall be reviewed by the Architectural Review Board (ARB) at a public meeting. The ARB shall consider the application in light of the standards set forth in Carpinteria Municipal Code Section 2.36.080 (Architectural Review Standards), and shall provide its recommendation to the Community Development Director for decision.

14.72.080 Development Standards.

All secondary dwelling units shall conform to all of the following standards:

1. **Density.** For the purposes of calculating the density of a lot, the primary and secondary dwelling units together shall be one density unit and shall not be considered to exceed the allowable density for the lot upon which it is located.

2. **Lot Size and Dimensions.** The minimum parcel size shall be 8,000 square feet and the minimum dimensions shall be that prescribed within the underlying zone district.

3. **Unit Size.** The floor area of a secondary unit may be no larger than 30 percent of the living area of the primary dwelling unit, and shall be a maximum of 700 square feet. Said unit shall not exceed the maximum permitted Floor Area Ratio of the underlying zone district.

4. **Quantity.** Only one secondary unit shall be permitted on any parcel zoned single-family or multi-family residential.

5. **Setbacks.** The required setbacks of the underlying zone district shall be satisfied. This standard also includes distance required between buildings on the same site. In no case shall the secondary dwelling unit be located closer to the front property line than the primary dwelling unit, or occupy any portion of the yard area between a primary dwelling and the street.

6. **Height.** The height of an attached or detached secondary dwelling unit shall be one-story and not exceed eighteen (18) feet. Should the height of the primary dwelling unit be lower than eighteen (18) feet, the height of the secondary dwelling unit shall not exceed the height of the primary dwelling unit.

7. **Building Coverage.** The maximum building coverage of the underlying zone district shall be satisfied.

8. **Open Space.** The required open space of the underlying zone district shall be satisfied.

9. **Parking.** One parking space shall be required for each bedroom of the secondary dwelling unit, which space(s) shall be in addition to any parking spaces required for the primary dwelling unit. The parking space for the secondary dwelling unit shall be enclosed within a garage.

10. **Building Materials.** A secondary dwelling shall incorporate the same building materials as the primary residence to achieve a uniform site design.

11. **Architecture.** The secondary dwelling unit shall be consistent with the architectural design of the primary dwelling unit and surrounding neighborhood.

12. **Common Entrance.** If the secondary dwelling unit is attached to the primary dwelling, a common entrance must serve both the secondary dwelling unit and primary dwelling. In lieu of a common entrance, a separate entrance to the secondary dwelling unit may be located on the side or rear of the unit.

13. **Sewer.** The secondary dwelling unit shall be served by the Carpinteria Sanitary District.

14. **Access.** The secondary dwelling unit shall be served by the same driveway access to the street as the existing primary dwelling unit.

15. **Use.** The secondary dwelling unit may be rented, but shall not be developed for sale or sold separately from the existing primary dwelling unit. This limitation shall be recorded on the property prior to issuance of building permits.

16. **Owner.** The owner of the parcel shall reside on the parcel. The property owner shall enter into a restrictive covenant with the City regarding such owner-occupancy requirement on a form prepared by the City, which shall be recorded against the property prior to issuance of building permits.

17. **Non-conforming.** In addition to the development standards identified within this chapter, a secondary dwelling unit shall be permitted on a parcel only when it is developed with a code conforming primary dwelling unit.

14.72.090 Local Coastal Plan and Coastal Act.

All secondary dwelling units shall be consistent with the City's Local Coastal Plan programs, policies and implementation measures and all applicable provisions of Chapter 3 of the California Coastal Act.

14.72.100 Findings.

Prior to the approval of an application for a secondary dwelling unit, the Community Development Director shall make all of the following findings:

1. The project satisfies all of the development standards of Section 14.72.080.
2. The project is consistent with the City's Local Coastal Plan and the applicable provisions of Chapter 3 of the Coastal Act.

The Community Development Director's decision is not appealable unless otherwise prescribed in Section 14.72.050 of this Chapter.

14.72.110 Definitions.

As used in this chapter, the following terms and phrases have the meanings set forth below:

Conditional Use Permit – Sometimes referred to as a Special Use Permit, a discretionary permit allowing a use under specific conditions which assures that the use will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zone district.

Development Plan Permit – A discretionary permit intended to provide a comprehensive review of a development that is the subject of requirements of Title 14 of the Carpinteria Municipal Code in order to assess potential impacts of the proposed development on existing services and surrounding uses and to ensure that new development is appropriately sited and designed.

Dwelling Unit – As provided in Section 14.08.190 of this Title.

Floor Area Ratio – The total floor area of enclosed buildings on a lot divided by the net area of the site expressed in a percent form.

Height – As provided in Section 14.08.085 of this Title.

Living Area – The total floor area of an enclosed building minus any area determined to be non-habitable (e.g., garage, storage) pursuant to the Uniform Building Code.

Lot Coverage – That portion of the parcel that is covered by buildings and structures.

Open Space – As provided in Section 14.08.485 of this Title.

Primary Dwelling Unit - A dwelling unit that occupies the majority of the parcel.

Secondary Dwelling Unit – An attached or detached residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling unit. A secondary dwelling unit also includes 1) an efficiency unit as defined in Section 17958.1 of the Health and Safety Code, and 2) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Setback – As provided in Section 14.08.560 of this Title.

Variance – A discretionary permit granting permission to depart from the literal requirements of a zoning ordinance.

SECTION 4.

CEQA Findings. The City Council finds that pursuant to the California Environmental Quality Act Guidelines Section 21080.17, the adoption of Ordinance 593 related to construction of secondary dwelling units, is exempt from environmental review.

SECTION 5.


This Ordinance shall be in full force and effect following certification by the California Coastal Commission.

PASSED, APPROVED AND ADOPTED this 23rd day of June 2003, by the following called vote:

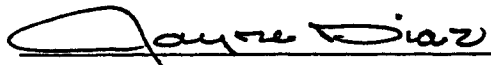
AYES: COUNCILMEMBER: Ledbetter, Stein, Jordan, Weinberg

NOES: COUNCILMEMBER: Gandrud

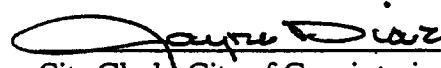
ABSENT: COUNCILMEMBER: None


Mayor, City of Carpinteria

ATTEST:


City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 9th day of June 2003.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:


City Attorney, City of Carpinteria