

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

DATE: June 24, 2003

TO: Commissioners and Interested Parties

FROM: Chuck Damm, Senior Deputy Director
Gary Timm, District Manager
Lillian Ford, Coastal Program Analyst

SUBJECT: City of Carpinteria Local Coastal Program Amendment No. CPN-MAJ-1-02A [Residential Overlay in Industrial Districts] for Public Hearing and Commission Action at the California Coastal Commission hearing of July 10, 2003 in Petaluma.

DESCRIPTION OF THE SUBMITTAL

On December 31, 2002, the City of Carpinteria submitted an amendment to its certified Local Coastal Program to amend the Implementation Program / Zoning Ordinance to include zone text language implementing Policy LUP-6a, which allows residential uses in industrial districts.

On May 6, 2003, the Executive Director determined that the City's Amendment was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b). The Commission granted a one-year extension for Commission action on June 13, 2003 pursuant to Section 30517 of the Coastal Act. The Commission must act on this submittal no later than July 4, 2004.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **deny** the proposed Implementation Program Amendment as submitted, and **approve** the proposed Implementation Program Amendment with suggested modifications. As submitted, the amendment is inconsistent with Policies LU-5a and LU-6c of the City's certified Land Use Plan for the protection of coastal dependent industrial uses, in that it allows non-priority residential use within the coastal dependent industry district. As modified, the amendment is consistent with all policies of the certified LUP. **The motions and resolutions for Commission action are on pages 3 and 4.**

For additional information please contact Lillian Ford at the South Central Coast District Office: 89 South California St., Ste. 200, Ventura, CA 93001 or 805-585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))

The standard of review that the Commission uses in reviewing the adequacy of the land use plan is whether the land use plan is consistent with the policies of Chapter 3 of the Coastal Act.

Section 30513 of the Coastal Act further provides:

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

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)

The Commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the Commission shall be deemed approved upon confirmation by the executive director. The local government may elect to meet the Commission's rejection in a manner other than as suggested by the Commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the Commission.

The standard of review used by the Commission for the proposed amendment to the Implementation Plan in reviewing the adequacy of zoning and other implementing measures is whether or not the proposed amendment is in conformance with, and adequate to carry out the provisions of the Land Use Plan.

The City of Carpinteria's Coastal Zoning Ordinance implements the City's Coastal Land Use Plan and policies. It serves to integrate the City of Carpinteria Coastal Land Use Plan with the adopted City of Carpinteria General Plan and Zoning Ordinance as applied to the Coastal Zone. The Coastal Zoning Regulations and Maps set forth regulations, standards, and procedural requirements for development within the Coastal Zone and establish required consistency with the policies of the LCP Land Use Plan.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings on the proposed ordinance on September 3, 2002 and October 14, 2002. Both hearings were noticed to the public consistent with Sections 13551 and 13552 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the City resolution for submittal may provide that a Local Coastal Program Amendment will either require formal adoption by the local government after the Commission action to approve, or is an amendment that will take effect automatically upon the Commission's approval. In this case, the City has submitted the amendment as one that requires formal adoption by the City following Commission approval. Pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification and report such adequacy to the Commission.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/COASTAL PLAN (LUP/CP)

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

APPROVAL OF THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION I: I move that the Commission reject the Implementation Program Amendment (CPN-MAJ-1-02A) for the City of Carpinteria as submitted.

STAFF RECOMMENDATION OF REJECTION:

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

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

The Commission hereby denies certification of the Implementation Program Amendment (CPN-MAJ-1-02A) for the City of Carpinteria as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not meet the

requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act, and certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

MOTION II: I move that the Commission certify the Implementation Program Amendment (CPN-MAJ-1-02A) for the City of Carpinteria if it is modified as suggested in this staff report.

STAFF RECOMMENDATION:

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

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment (CPN-MAJ-1-02A) for the City of Carpinteria if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. FINDINGS AND DECLARATIONS FOR THE LOCAL COASTAL PLAN (IP) AMENDMENT APPROVAL AS SUBMITTED

The following findings support the Commission's denial of the LCP Amendment as submitted, and approval with suggested modifications. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND HISTORY

The City proposes to amend its certified Local Coastal Program to amend the Implementation Program / Zoning Ordinance to include zone text language allowing residential uses in industrial districts. The proposed amendment is described in greater detail below.

The City Council adopted the ordinance that constitutes the proposed LCP amendment on October 14, 2002 (**Exhibit 1**). The City Council adopted the resolution of submittal to the Commission on June 23, 2003 (**Exhibit 2**).

B. PROPOSED CHANGES TO THE CERTIFIED LOCAL COASTAL PLAN

The amendment involves changes to the City of Carpinteria Zoning Ordinance that allow mixed residential/industrial uses in industrial districts. Specifically, the amendment adds language to the "purpose and intent" and permitted uses sections of the existing Industrial/Research Park (M-RP), General Industry (M) and Coastal Industry (M-CD) districts, and provides additional development standards and required findings for mixed use in M-RP and M-CD districts.

The added language broadens the purpose of the M-RP, M, and M-CD districts to include "provid(ing) opportunities for mixed residential/industrial uses." It defines the intent of the mixed residential/industrial use as "encourag(ing) rehabilitation of important existing housing stock or the production of affordable housing and to assist the City in maintaining an appropriate balance between jobs and housing while ensuring that industrial use is the primary use within the zone." The added language also clarifies that mixed residential/industrial use will not be allowed unless it is found to be "compatible with existing and anticipated use in the surrounding area."

The amendment also includes mixed residential/industrial use as a "use permitted subject to development plan approval" in the M-RP and M-CD districts, and provides specific development standards and required findings for mixed use in these districts. These required standards and findings are identical for the two districts, and include the following:

- The industrial component shall be developed pursuant to the existing standards for the applicable district.
- The residential component shall be developed pursuant to the existing standards for Planned Unit Developments (PUDs) and shall not exceed a density of 20 dwelling units per acre.
- Residential density shall be determined by consideration of the following factors: availability of public services and infrastructure; physical characteristics of the site, such as topography, size, and the location of easements; and coastal resources, including ESHA, viewsheds, coastal access, and priority uses under the Coastal Act.
- The intensity of the industrial use, including parking demand, vehicle trip generation, noise, and vibration shall be considered when mixed-use is proposed in a common building.
- Required findings for mixed use development include that the project encourage rehabilitation of the existing housing stock or the production of affordable housing; that the project assist the City in maintaining an appropriate balance between jobs and housing; that it is compatible with existing and anticipated surrounding uses; and that the industrial use is the primary use. Primary use is defined as being greater in area and/or situated and designed so as to appear and function as the primary use from its primary street frontage.

Lastly, the amendment eliminates several permitted uses in the M-RP district including several manufacturing uses, printing shops, precision machine shops, packaging businesses, storage warehouses, and wholesale distributing. The amendment adds "professional offices of a scale appropriate to a business park setting" as a permitted use. The effect of these changes is to shift the district's emphasis from manufacturing to research/professional uses.

C. ISSUE ANALYSIS

The proposed amendment is intended to carry out several policies certified as part of the City of Carpinteria's recent Land Use Plan (LUP) update, including Policies LU-6, LU-6a, LU 6-b, and LU-IM2. These policies call for the creation of flexible land use and zoning standards to allow expanded residential uses, including mixed residential/industrial use on parcels designated for industrial use. Policies LU-6a and LU-6b establish the purpose and intent of mixed residential/industrial use as well as the required findings for allowing such mixed use. Policy LU-IM2 outlines the required development standards.

Policy LU-6 states:

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

Policy LU-6a states:

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

Policy LU-6b states:

The City may consider and permit residential use on a parcel or parcels not designated for such use under certain circumstances. Such residential use may be considered on a parcel or parcels designated for commercial or industrial use if the City has found that either the allowance would encourage rehabilitation of important existing housing stock or the residential use of the subject parcel(s) would result in the production of affordable housing in the community, and that residential use on the site would assist the City in maintaining an appropriate balance between jobs and housing. Residential use shall not be permitted on parcels designated for commercial or industrial use unless it is found by the City to be compatible with existing and anticipated uses in the area surrounding the site. A residential overlay zone district shall be maintained by the city with the purpose of permitting residential development on 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.

Policy LU-IM2 states:

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

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

When mixed-use development is proposed in a common building, determination of the allowable density shall include, in addition to the criteria above, consideration of the intensity of the commercial/industrial use including characteristics such as parking demand, vehicle trip generation, noise and vibration, that could affect compatibility of the residential use with the commercial/ industrial component. In all cases, commercial or industrial use shall be the primary use of a site designated for mixed use development. A commercial or industrial use of a developed site shall be found by the City to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it both appears and functions as the primary use of the parcel from its primary street frontage.

The proposed Implementation Program amendment language described in Section B. above is directly drawn from Policies LU-6a, LU-6b, and LU-IM2, and therefore is consistent with these policies of the certified LUP. Furthermore, the proposed Implementation Program amendment is adequate to carry out these policies, in that it provides specific development standards, required findings, permitted uses, and purposes and intents sufficient to evaluate development proposals for the subject uses.

However, portions of the proposed amendment are inconsistent with Policies LU-5a and LU-6c of the certified LUP, as well as Section 30255 of the Coastal Act, which is incorporated by reference into the LUP.

Policy LU-5a states:

The City shall continue to give priority to agriculture, coastal-dependent industry and

visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over residential, general industrial, or general commercial development.

Policy LU-6c states:

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.

Section 30255 of the Coastal Act states, in relevant part:

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

Section 30255 of the Coastal Act prioritizes coastal-dependent developments over all other developments on or near the shoreline, and Policy LU-5a prioritizes coastal-dependent industry over residential uses within the City of Carpinteria. Policy LU-6a specifically states that mixed use or residential use shall not be allowed on parcels designated for coastal dependent industrial use.

As noted above, the proposed amendment allows mixed residential/industrial uses within the coastal-dependent industrial (M-CD) district, which consists of a 48-acre oceanfront property currently owned and occupied by the Venoco Gas Plant. Therefore the amendment, as submitted, is inconsistent with Policies LU-5a and LU-6c of the certified LUP, and Section 30255 of the Coastal Act.

In order to be consistent with the certified LUP, the following suggested modification, which deletes all provisions allowing mixed residential/industrial uses in the coastal dependent industry district, must be incorporated into the proposed amendment:

Suggested Modification One:

*Deletion of Sections 4 and 5 of Ordinance No. 586, submitted as City of Carpinteria Local Coastal Program Amendment CPN-MAJ-1-02A, as shown in **Exhibit 3** (attached).*

Suggested Modification One removes all amendment language allowing mixed residential/industrial uses in the coastal dependent industry district. Therefore, the Commission finds that the proposed amendment, only as modified, is consistent with and adequate to carry out the certified City of Carpinteria LUP.

IV. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full

compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the City of Carpinteria's certified Local Coastal Program Implementation Program. The Commission originally certified the City of Carpinteria's Local Coastal Program Land Use Plan (LUP) and Implementation Program in 1980. The Commission certified a comprehensive update of the LUP in 2003. For the reasons discussed in this report, the LCP amendment if modified as suggested is consistent with the intent of the applicable policies of the certified LUP and no feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. Therefore, the Commission finds that the LCP amendment, if modified as suggested, is consistent with CEQA and the LUP.

REC-10
APR 20 2011
CITY OF CARPINTERIA

ORDINANCE NO. 586

AN ORDINANCE OF THE CARPINTERIA CITY COUNCIL AMENDING MUNICIPAL CODE SECTIONS 14.26.010 AND 14.26.030 AND ADDING SECTIONS 14.26.120, 14.26.130, AND 14.26.140 PERTAINING TO THE M-RP INDUSTRIAL/RESEARCH PARK DISTRICT AND AMENDING SECTION 14.28.010 PERTAINING TO THE M GENERAL INDUSTRY DISTRICT AND AMENDING SECTIONS 14.30.010 AND 14.30.030 AND ADDING SECTIONS 14.30.100, 14.30.120, AND 14.30.130 PERTAINING TO THE M-CD COASTAL INDUSTRY DISTRICT.

THE CARPINTERIA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

SECTIONS 14.26.010 AND 14.26.030 OF THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-RP INDUSTRIAL/RESEARCH PARK DISTRICT ARE AMENDED TO READ AS FOLLOWS:

14.26.010 Purpose and intent.

The purpose of the M-RP district is to provide areas primarily for light industry, technical research and large business headquarters office use in well-designed buildings and attractively landscaped areas. Additionally, the purpose is to provide opportunities for mixed residential/industrial uses. The intent is to establish development standards and landscaping requirements to ensure a park-like environment for the permitted industrial uses and compatibility with adjoining nonindustrial areas. The intent of the mixed residential/industrial use is to encourage rehabilitation of important existing housing stock or the production of affordable housing and to assist the City in maintaining an appropriate balance between jobs and housing while assuring that industrial use is the primary use within the zone. Mixed residential/industrial use will not be permitted unless such use is found to be compatible with existing and anticipated use in the surrounding area.

14.26.030 Uses permitted subject to development plan approval.

Permitted uses in the M-RP district subject to development plan approval are as follows:

1. Research, development, and testing laboratories and facilities;
2. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district;
3. Professional offices of a scale appropriate to a business park setting;
4. Buildings, structures, and uses accessory and customarily incidental to any of the above uses;

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|------------------------|
| EXHIBIT NO. 1 |
| APPLICATION NO. |
| CPN-MAJ-1-02A |
| ORDINANCE #586 |

5. Mixed residential/industrial use pursuant to sections 14.26.120, 14.26.130 and 14.26.140.

SECTION 2.

SECTIONS 14.26.120, 14.26.130 AND 14.26.140 ARE HEREBY ADDED TO THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-RP INDUSTRIAL/RESEARCH PARK DISTRICT AND SHALL READ AS FOLLOWS:

14.26.120 Mixed use development standards.

The industrial component of any mixed use development shall be developed pursuant to the standards and regulations of this chapter. Residential use shall be developed pursuant to the standards and regulations in chapter 14.16 (PUD Planned Unit Development District), sections 14.16.030 – 14.16.140. Residential density shall not exceed 20 units per acre including any bonus density allowances. The city shall determine the appropriate residential density on all or a portion of a parcel and shall consider, but not be limited to, the following factors:

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

14.26.130 Mixed use in a common building.

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

14.26.140 Findings for approval of mixed use development.

Prior to approving a mixed residential/industrial use, the City shall make all of the Development Plan Permit findings pursuant to Chapter 14.68 of the Carpinteria Municipal Code and the following additional findings:

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

2. The mixed use development is compatible with existing and anticipated uses in the area surrounding the site;
3. Industrial use of the site is the primary use and residential use is secondary. The industrial use shall be found to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it appears and functions as the primary use of the parcel from its primary street frontage.

SECTION 3.

SECTION 14.28.010 OF THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M GENERAL INDUSTRY DISTRICT IS AMENDED TO READ AS FOLLOWS:

14.28.010 Purpose and intent.

The purpose of the M district is to designate areas appropriate for a wide variety of light industrial uses. Additionally, the purpose is to provide opportunities for mixed residential/industrial uses. The intent is to insure the compatibility of industrial uses with other uses in the city through performance standards. The intent of the mixed residential/industrial use is to encourage rehabilitation of important existing housing stock or the production of affordable housing and to assist the City in maintaining an appropriate balance between jobs and housing while assuring that industrial use is the primary use within the zone. Mixed residential/industrial use will not be permitted unless such use is found to be compatible with existing and anticipated use in the surrounding area.

SECTION 4.

SECTIONS 14.30.010 AND 14.30.030 OF THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-CD COASTAL INDUSTRY DISTRICT ARE AMENDED TO READ AS FOLLOWS:

14.30.010 Purpose and intent.

The purpose and intent of the M-CD district is to provide for certain energy and industrial uses that require a site on or adjacent to the sea in order to be able to function at all, while providing standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible. Additionally, the purpose is to provide opportunities for mixed residential/industrial uses. The intent of the mixed residential/industrial use is to encourage rehabilitation of important existing housing stock or the production of affordable housing and to assist the City in maintaining an appropriate balance between jobs and housing while assuring that coastal industrial use is the primary use within the zone. Mixed residential/industrial use will not be permitted unless such use is found to be compatible with existing and anticipated use in the surrounding area.

14.30.030 Uses permitted subject to development plan approval.

Uses permitted in the M-CD district subject to development plan approval are as follows:

1. Onshore facilities necessary for the exploration, development, production and/or transportation of offshore oil and gas resources including:
 - a. Pipelines and any necessary equipment, buildings, apparatus or appurtenances incidental thereto;
 - b. Structures, equipment or facilities necessary and incidental to dehydration and/or separation of oil, gas, condensate and other liquid products from gas or water, obtained from an offshore hydrocarbon area, for the purpose of shipping and transporting, recycling, repressurizing, or reinjection of the offshore oil, gas, condensate and/or water for underground disposal in connection with enhanced recovery operations in an offshore producing oil and gas field;
 - c. Staging areas and piers established for shipping equipment, supplies and personnel to offshore sites during offshore exploratory and development drilling;
 - d. Pipeline installation service bases and pipe coating yards;
2. Marine terminals required for waterborne shipments of crude oil or petroleum products including a berthing system for vessels, loading/unloading equipment, storage tanks, terminal control and safety equipment, and navigational facilities;
3. Aquaculture, including fish hatcheries;
4. Oil spill and cleanup facilities including central office space and vehicles for the storage of floating oil/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, fuel tanks, and other beach and wildlife cleanup equipment;
5. Structures, equipment or facilities used in the exploration, development or production of oil, gas, or other hydrocarbon substances from an onshore oil and gas field, or any appurtenances necessary thereto including:
 - a. Exploratory oil and gas drilling, including any necessary equipment, apparatus, buildings or appurtenances incidental thereto;
 - b. Drilling, redrilling or reworking of production oil and gas wells;
 - c. Structures, equipment or facilities necessary and incidental to dehydration and/or separation of oil, gas condensate and other liquid products from gas or water, obtained from an onshore hydrocarbon area, for the purpose of shipping and transporting, recycling, repressurizing, or reinjection of said onshore oil, gas, condensate and/or water for underground disposal in connection with enhanced recovery operations in an onshore oil and gas field;
 - d. Injection wells, necessary for enhanced oil recovery or disposal of production wastes;
 - e. Equipment necessary for enhanced oil recovery;
 - f. Gathering and transmission lines for oil and gas;
 - g. Access roads.
6. Mixed residential/industrial use pursuant to sections 14.30.100, 14.30.120 and 14.30.130.

SECTION 5.

SECTIONS 14.30.100, 14.30.120 AND 14.30.130 ARE HEREBY ADDED TO THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-CD COASTAL INDUSTRY DISTRICT AND SHALL READ AS FOLLOWS:

14.30.100 Mixed use development standards.

The industrial component of any mixed use development shall be developed pursuant to the standards and regulations of this chapter. Residential use shall be developed pursuant to the standards and regulations in chapter 14.16 (PUD Planned Unit Development District), sections 14.16.030 – 14.16.140. Residential density shall not exceed 20 units per acre including any bonus density allowances. The city shall determine the appropriate residential density on all or a portion of a parcel and shall consider, but not be limited to, the following factors:

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

14.30.120 Mixed use in a common building.

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

14.30.130 Findings for approval of mixed use development.

Prior to approving a mixed residential/industrial use, the City shall make all of the Development Plan Permit findings pursuant to Chapter 14.68 of the Carpinteria Municipal Code and the following additional findings:

1. The mixed use development encourages rehabilitation of important existing housing stock, or would result in the production of affordable housing and that the mixed use would assist the City in maintaining an appropriate balance between jobs and housing;
2. The mixed use development is compatible with existing and anticipated uses in the area surrounding the site;

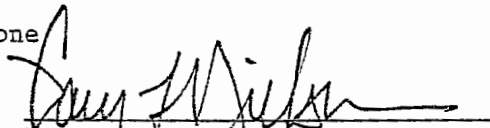
3. Industrial use of the site is the primary use and residential use is secondary. The industrial use shall be found to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it appears and functions as the primary use of the parcel from its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

SECTION 6.

This Ordinance shall take effect and be in force and effect thirty (30) days from and after its passage; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the members of the City council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria, County of Santa Barbara,

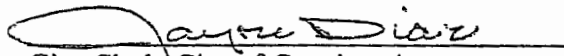
PASSED, APPROVED, AND ADOPTED this 14th day of October 2002, by the following called vote:

| | | |
|---------|----------------|---|
| AYES: | COUNCILMEMBER: | Stein, Jordan, Weinberg, Ledbetter Nielsen |
| NOES: | COUNCILMEMBER: | None |
| ABSENT: | COUNCILMEMBER: | None |



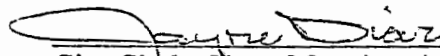
Mayor, City of Carpinteria

ATTEST



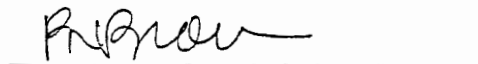
City Clerk, City of Carpinteria

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 14th day of October 2002.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



City Attorney, City of Carpinteria

RESOLUTION NO. 4818**A RESOLUTION OF THE CITY OF CARPINTERIA
CITY COUNCIL APPROVING, FOR THE PURPOSES OF SUBMITTAL TO
THE CALIFORNIA COASTAL COMMISSION, ORDINANCE 586 AMENDING
THE CARPINTERIA MUNICIPAL CODE BY ADOPTING MIXED
RESIDENTIAL/INDUSTRIAL USE IN THE M-RP INDUSTRIAL/RESEARCH
PARK, M GENERAL INDUSTRY AND THE M-CD COASTAL INDUSTRY
ZONE DISTRICTS**

**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 (02-1055-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 statutorily exempt pursuant to Section 152685 of CEQA guidelines.

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

d. At a duly noticed public hearing on September 3, 2002, the Planning Commission considered the Project and Statutory Exemption and forwarded its recommendation to support the Ordinance Amendment to the City Council. On October 14, 2002, 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).

e. On June 23, 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.

EXHIBIT NO. 2**APPLICATION NO.****CPN-MAJ-1-02A****RESOLUTION #4818**

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 14.26, 14.28 and 14.30 of the Carpinteria Municipal Code are amended as shown in Attachment A, Ordinance 586.

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 586 shall be in full force and effect thirty (30) days following certification by the California Coastal Commission, acceptance of such certification by resolution, and second reading by the City Council; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the City Council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria.

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


| | | |
|-----------------|-----------------|---|
| AYES: | Councilmembers: | Stein, Jordan, Gandrud, Ledbetter, Weinberg |
| NOES: | Councilmembers: | None |
| ABSENT: | Councilmembers: | None |
| 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 23rd day of June 2003.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:


City Attorney

ORDINANCE NO. 586

AN ORDINANCE OF THE CARPINTERIA CITY COUNCIL AMENDING MUNICIPAL CODE SECTIONS 14.26.010 AND 14.26.030 AND ADDING SECTIONS 14.26.120, 14.26.130, AND 14.26.140 PERTAINING TO THE M-RP INDUSTRIAL/RESEARCH PARK DISTRICT AND AMENDING SECTION 14.28.010 PERTAINING TO THE M GENERAL INDUSTRY DISTRICT AND AMENDING SECTIONS 14.30.010 AND 14.30.030 AND ADDING SECTIONS 14.30.100, 14.30.120, AND 14.30.130 PERTAINING TO THE M-CD COASTAL INDUSTRY DISTRICT.

THE CARPINTERIA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

SECTIONS 14.26.010 AND 14.26.030 OF THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-RP INDUSTRIAL/RESEARCH PARK DISTRICT ARE AMENDED TO READ AS FOLLOWS:

14.26.010 Purpose and intent.

The purpose of the M-RP district is to provide areas primarily for light industry, technical research and large business headquarters office use in well-designed buildings and attractively landscaped areas. Additionally, the purpose is to provide opportunities for mixed residential/industrial uses. The intent is to establish development standards and landscaping requirements to ensure a park-like environment for the permitted industrial uses and compatibility with adjoining nonindustrial areas. The intent of the mixed residential/industrial use is to encourage rehabilitation of important existing housing stock or the production of affordable housing and to assist the City in maintaining an appropriate balance between jobs and housing while assuring that industrial use is the primary use within the zone. Mixed residential/industrial use will not be permitted unless such use is found to be compatible with existing and anticipated use in the surrounding area.

14.26.030 Uses permitted subject to development plan approval.

Permitted uses in the M-RP district subject to development plan approval are as follows:

1. Research, development, and testing laboratories and facilities;
2. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district;
3. Professional offices of a scale appropriate to a business park setting;
4. Buildings, structures, and uses accessory and customarily incidental to any of the above uses;

| |
|------------------------|
| EXHIBIT NO. 3 |
| APPLICATION NO. |
| CPN-MAJ-1-021 |
| SUGGESTED MODIFICATION |

5. Mixed residential/industrial use pursuant to sections 14.26.120, 14.26.130 and 14.26.140.

SECTION 2.

SECTIONS 14.26.120, 14.26.130 AND 14.26.140 ARE HEREBY ADDED TO THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-RP INDUSTRIAL/RESEARCH PARK DISTRICT AND SHALL READ AS FOLLOWS:

14.26.120 Mixed use development standards.

The industrial component of any mixed use development shall be developed pursuant to the standards and regulations of this chapter. Residential use shall be developed pursuant to the standards and regulations in chapter 14.16 (PUD Planned Unit Development District), sections 14.16.030 – 14.16.140. Residential density shall not exceed 20 units per acre including any bonus density allowances. The city shall determine the appropriate residential density on all or a portion of a parcel and shall consider, but not be limited to, the following factors:

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

14.26.130 Mixed use in a common building.

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

14.26.140 Findings for approval of mixed use development.

Prior to approving a mixed residential/industrial use, the City shall make all of the Development Plan Permit findings pursuant to Chapter 14.68 of the Carpinteria Municipal Code and the following additional findings:

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

2. The mixed use development is compatible with existing and anticipated uses in the area surrounding the site;
3. Industrial use of the site is the primary use and residential use is secondary. The industrial use shall be found to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it appears and functions as the primary use of the parcel from its primary street frontage.

SECTION 3.

SECTION 14.28.010 OF THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M GENERAL INDUSTRY DISTRICT IS AMENDED TO READ AS FOLLOWS:

14.28.010 Purpose and intent.

The purpose of the M district is to designate areas appropriate for a wide variety of light industrial uses. Additionally, the purpose is to provide opportunities for mixed residential/industrial uses. The intent is to insure the compatibility of industrial uses with other uses in the city through performance standards. The intent of the mixed residential/industrial use is to encourage rehabilitation of important existing housing stock or the production of affordable housing and to assist the City in maintaining an appropriate balance between jobs and housing while assuring that industrial use is the primary use within the zone. Mixed residential/industrial use will not be permitted unless such use is found to be compatible with existing and anticipated use in the surrounding area.

~~SECTION 4.~~

~~SECTIONS 14.30.010 AND 14.30.030 OF THE CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-CD COASTAL INDUSTRY DISTRICT ARE AMENDED TO READ AS FOLLOWS:~~

~~14.30.010 Purpose and intent.~~

~~The purpose and intent of the M-CD district is to provide for certain energy and industrial uses that require a site on or adjacent to the sea in order to be able to function at all, while providing standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible. Additionally, the purpose is to provide opportunities for mixed residential/industrial uses. The intent of the mixed residential/industrial use is to encourage rehabilitation of important existing housing stock or the production of affordable housing and to assist the City in maintaining an appropriate balance between jobs and housing while assuring that coastal industrial use is the primary use within the zone. Mixed residential/industrial use will not be permitted unless such use is found to be compatible with existing and anticipated use in the surrounding area.~~

~~14.30.030 Uses permitted subject to development plan approval.~~

~~Uses permitted in the M-CD district subject to development plan approval are as follows:~~

- ~~1. Onshore facilities necessary for the exploration, development, production and/or transportation of offshore oil and gas resources including:
 - ~~a. Pipelines and any necessary equipment, buildings, apparatus or appurtenances incidental thereto;~~
 - ~~b. Structures, equipment or facilities necessary and incidental to dehydration and/or separation of oil, gas, condensate and other liquid products from gas or water, obtained from an offshore hydrocarbon area, for the purpose of shipping and transporting, recycling, repressurizing, or reinjection of the offshore oil, gas, condensate and/or water for underground disposal in connection with enhanced recovery operations in an offshore producing oil and gas field;~~
 - ~~c. Staging areas and piers established for shipping equipment, supplies and personnel to offshore sites during offshore exploratory and development drilling;~~
 - ~~d. Pipeline installation service bases and pipe coating yards;~~~~
- ~~2. Marine terminals required for waterborne shipments of crude oil or petroleum products including a berthing system for vessels, loading/unloading equipment, storage tanks, terminal control and safety equipment, and navigational facilities;~~
- ~~3. Aquaculture, including fish hatcheries;~~
- ~~4. Oil spill and cleanup facilities including central office space and vehicles for the storage of floating oil/water separators, pumps, generators, hoses, assorted absorbent materials, steam cleaners, storage tanks, fuel tanks, and other beach and wildlife cleanup equipment;~~
- ~~5. Structures, equipment or facilities used in the exploration, development or production of oil, gas, or other hydrocarbon substances from an onshore oil and gas field, or any appurtenances necessary thereto including:
 - ~~a. Exploratory oil and gas drilling, including any necessary equipment, apparatus, buildings or appurtenances incidental thereto;~~
 - ~~b. Drilling, re-drilling or reworking of production oil and gas wells;~~
 - ~~c. Structures, equipment or facilities necessary and incidental to dehydration and/or separation of oil, gas condensate and other liquid products from gas or water, obtained from an onshore hydrocarbon area, for the purpose of shipping and transporting, recycling, repressurizing, or reinjection of said onshore oil, gas, condensate and/or water for underground disposal in connection with enhanced recovery operations in an onshore oil and gas field;~~
 - ~~d. Injection wells, necessary for enhanced oil recovery or disposal of production wastes;~~
 - ~~e. Equipment necessary for enhanced oil recovery;~~
 - ~~f. Gathering and transmission lines for oil and gas;~~
 - ~~g. Access roads.~~~~
- ~~6. Mixed residential/industrial use pursuant to sections 14.30.100, 14.30.120 and 14.30.130.~~

~~SECTION 5.~~

~~SECTIONS 14.30.100, 14.30.120 AND 14.30.130 ARE HEREBY ADDED TO THE
CARPINTERIA MUNICIPAL CODE PERTAINING TO THE M-CD COASTAL
INDUSTRY DISTRICT AND SHALL READ AS FOLLOWS:~~

~~14.30.100 Mixed use development standards.~~

~~The industrial component of any mixed use development shall be developed pursuant to the standards and regulations of this chapter. Residential use shall be developed pursuant to the standards and regulations in chapter 14.16 (PUD Planned Unit Development District), sections 14.16.030 — 14.16.140. Residential density shall not exceed 20 units per acre including any bonus density allowances. The city shall determine the appropriate residential density on all or a portion of a parcel and shall consider, but not be limited to, the following factors:~~

- ~~1. Availability and cost of providing local services and infrastructure; e.g., sewer, water, schools, and transportation and parking availability.~~
- ~~2. Unique site characteristics such as size, shape, topography, and easements.~~
- ~~3. The existence on site or adjacent to the site of Environmentally Sensitive Habitat area.~~
- ~~4. The need for protection or enhancement of other coastal resources; e.g., viewsheds, coastal access, recreation, visitor-serving commercial and other coastal dependent or coastal related uses.~~

~~14.30.120 Mixed use in a common building.~~

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

~~14.30.130 Findings for approval of mixed use development.~~

~~Prior to approving a mixed residential/industrial use, the City shall make all of the Development Plan Permit findings pursuant to Chapter 14.68 of the Carpinteria Municipal Code and the following additional findings:~~

- ~~1. The mixed use development encourages rehabilitation of important existing housing stock, or would result in the production of affordable housing and that the mixed use would assist the City in maintaining an appropriate balance between jobs and housing;~~
- ~~2. The mixed use development is compatible with existing and anticipated uses in the area surrounding the site;~~

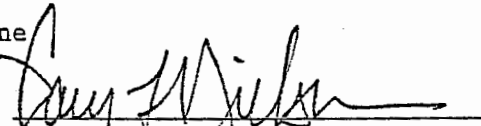
3. Industrial use of the site is the primary use and residential use is secondary. The industrial use shall be found to be the primary use if it is greater in area than the residential component and/or is situated and designed such that it appears and functions as the primary use of the parcel from its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

SECTION 6.

This Ordinance shall take effect and be in force and effect thirty (30) days from and after its passage; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the members of the City council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria, County of Santa Barbara,

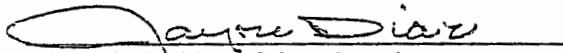
PASSED, APPROVED, AND ADOPTED this 14th day of October 2002, by the following called vote:

AYES: COUNCILMEMBER: Stein, Jordan, Weinberg, Ledbetter
Nielsen
NOES: COUNCILMEMBER: None
ABSENT: COUNCILMEMBER: None



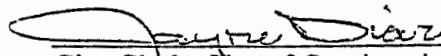
Mayor, City of Carpinteria

ATTEST



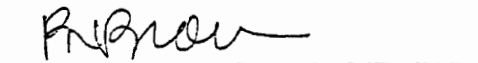
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City Clerk, City of Carpinteria

APPROVED AS TO FORM:



City Attorney, City of Carpinteria