

CALIFORNIA COASTAL COMMISSION

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

Th 19a



DATE: March 24, 2010

TO: Commissioners and Interested Parties

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

SUBJECT: **City of Carpinteria LCP Minor Amendment for Nonconcentration of Certain Uses (CPN-MIN-1-10) to the Implementation Plan** for Public Hearing and Commission Action at the California Coastal Commission hearing of April 15, 2010 in Ventura.

I. AMENDMENT DESCRIPTION

On February 16, 2010, the City of Carpinteria submitted an amendment to its certified Local Coastal Program to amend the Implementation Program/Zoning Ordinance (IP). The City proposes to amend the IP portion of its certified LCP to: (a) revise Carpinteria Municipal Code (CMC) Section 14.20.070 (Nonconcentration of Certain Uses) to require a Conditional Use Permit (CUP) for listed "certain uses," add a new category, "Personal Services- Restricted," to the list of "certain uses" which cannot be concentrated, update the terms used to describe certain uses, and modify alcoholic beverage display limitations within retail stores, (b) add a new zoning code chapter outlining the special findings necessary for a Conditional Use Permit (CUP) for certain uses outlined in CMC 14.20.070, (c) include a definition for secondhand stores, and (d) revise other sections of the zoning code to resolve internal code inconsistencies and reflect the procedural changes for certain uses related to CMC 14.20.070, as further detailed below.

a) Proposed Revisions to CMC 14.20.070 for the Non-concentration of Certain Uses

Through Ordinance No. 643, the City proposes to revise zoning code Chapter 14.20.070 (Nonconcentration of Certain Uses) of Chapter 14.20 (CPD Commercial Planned Development District) to change the permitting process for "certain uses" by requiring a Conditional Use Permit when more than two "certain uses" are proposed within four hundred and fifty (450) feet of each other. The purpose of the code section, which limits the number of "certain uses" within a small area, is to avoid the overconcentration of uses that the City deems to have a blighting and deteriorating effect upon the surrounding area. Chapter 14.20.070 lists the following uses in the category of "certain uses": pool halls or billiard parlors, adult entertainment centers, arcades, bars, off-sale beer and wine stores, convenience stores, secondhand stores, and massage parlors. The existing zoning code contains a blanket prohibition on

permitting more than one of any kind of a “certain use” located within four hundred and fifty (450) feet of another “certain use.” The City proposes to change the procedure for obtaining a permit for “certain uses,” outlined in zoning code Chapter 14.20.070, from a blanket prohibition on more than one “certain use” to the requirement that the applicant obtain a Conditional Use Permit (CUP) if two or more certain uses are proposed within four hundred and fifty (450) feet of another certain use.

The City also proposes to update terms used to describe “certain uses” within Section 14.20.070, revising the following terms as follows: billiard parlor to billiard hall, adult entertainment centers to adult-oriented business, arcade to amusement arcade, and massage parlor to massage establishment. The City also proposes to add a new category to the list of certain uses in Section 14.20.070, “Personal Services- Restricted.” The definition of “Personal Services- Restricted” will be added as zoning code Chapter 14.08.508 and will be defined as “services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts and include but are not limited to: check cashing stores; fortune tellers; palm and card readers; pawnshops; psychics; spas and hot tubs for hourly rental; and, tattoo and body piercing services.” Listing these services in the category of “certain uses” changes the procedural requirement by requiring a discretionary Conditional Use Permit for such Personal Services-Restricted proposed within proximity to other “certain uses” if more than two are within 450 ft. of one another.

Additionally, as a minor change to Chapter 14.20.070, the City proposes to change the allowable display area for sale of alcoholic beverages in an off-sale beer and wine store, from five (5) percent of a retailer’s gross floor area or twenty five (25) square feet, whichever is less, to an allowable alcoholic beverage display area of five (5) percent of the gross floor area. This change, to delete the reference to “twenty five (25) square feet, whichever is less” is proposed in order for this restriction to apply to all retailers consistently, relative to the percentage of floor area devoted to alcoholic beverage display areas. Thus, the definition within Chapter 14.20.070 of an “off-sale beer and wine store” will be revised to state, “an establishment which devotes more than five (5) percent of its gross floor area to the display for sale of alcoholic beverages.”

b) Proposed New Zoning Code Chapter 14.62.080 (Special Findings for Nonconcentration of Certain Uses)

The City is proposing a Conditional Use Permit process for “certain uses” because this would allow the City to impose reasonable restrictions on the location and operation of three or more certain uses on a case-by-case basis to minimize the effects of noise, congregation, parking, and other potential public nuisance factors. The City is proposing a new zoning code chapter, Chapter 14.62.080 Special Findings for Nonconcentration of Certain Uses, which outlines findings the City must make when issuing a Conditional Use Permit for the “certain uses” listed above. Under this new zoning code provision, the City must find: (1) the proposed use will not adversely affect nearby neighborhoods considering the distance of the certain use as specified in CMC 14.20.070 to other such existing certain uses, (2) the proposed project will not contribute to law enforcement

problems associated with an undue concentration of certain uses specified in CMC 14.20.070 in the vicinity, and (3) the proposed project will complement existing uses and not have a blighting or deteriorating effect upon surrounding areas. Reviewing proposals for more than two “certain uses” within 450 ft. of each other on a case-by-case basis will allow the City to determine the necessity for special siting, hours of operation, site maintenance, lighting, and other security standards to minimize adverse impacts from these types of uses, rather than have a blanket prohibition on more than one certain use within a 450 ft. proximity of another certain use.

c) Proposed Definition for Secondhand Stores

Chapter 14.20.070 of the zoning code references secondhand stores but the code does not provide a definition. The City has previously administratively defined the term as one that requires a secondhand dealer license from the State. The City is proposing to add a definition of secondhand store as follows: “a retail store that requires a secondhand dealer license from the State, as provided in the California Business and Professions Code §21625 – 21647 as that section now appears or may hereafter be amended or renumbered, and where 20% or more of the gross floor area of the store is used for display of secondhand goods.”

d) Proposed Revisions to the Municipal Code to Reflect Changes Related to the Non-concentration of Uses

Chapter 14.20 includes regulations that apply in the Commercial Planned Development (CPD) district. Specifically, Chapter 14.20.020(4) (Processing) states that prior to the issuance of any permit for development in the CPD zone, a Development Plan shall be submitted and approved. This section also requires a Development Plan for any change in use within an existing structure that would be a violation of Section 14.20.070 (Nonconcentration of certain uses) or Section 14.20.220 (Noise). The City is proposing to revise this because, if a change in use would be a violation of the Nonconcentration of certain uses, then such a violation would not be able to be approved even pursuant to Development Plan. To rectify this internal code inconsistency, the City is proposing language changes within Chapter 14.20.020 (CPD Commercial Planned Development District- Processing) and Chapter 14.22.020 (CB Central Business District-Processing) to reference the requirement of a Conditional Use Permit, pursuant to CMC 14.20.070 and CMC 14.62.040) rather than a Development Plan for certain uses.

Additionally, minor changes are proposed to the following code sections to reference the new or revised code provisions: Chapter 14.16.140 (Planned Unit Development District- Nonconcentration of certain uses, drive-thru businesses, noise, and other district requirements), Chapter 14.20.040 (Commercial Planned Development District- Uses Permitted by conditional use permit), Chapter 14.22.060 (CB Central Business District- Nonconcentration of certain uses, drive-thru businesses, setbacks, maximum building height, noise, and other district requirements), and Chapter 14.24.100 (RES Resort District- Non-concentration of certain uses, drive-thru businesses, and other district requirements).

II. DETERMINATION

Pursuant to Section 30514(c) of the Coastal Act and Section 13554 (a) of the Commission's regulations, the Executive Director has determined the proposed amendment is "minor" in nature. Sections 13554 and 13554 (a) of the Regulations provide that a minor amendment includes, but is not limited to, changes which: 1) make the use as designated in implementing actions more specific; 2) do not change the kind, intensity, or density of use; and 3) are consistent with the certified Land Use Plan (LUP).

The proposed amendment is minor in nature because the City's proposed zoning code amendment is limited to changes which make the implementing actions (zoning procedures) more specific. Further, the City is not changing the kind, intensity, or density of use. The City's proposed changes amend the review requirements for "certain uses" by requiring a Conditional Use Permit for uses that previously would have been prohibited. This change in procedure heightens the level of review by requiring that the City make special findings pursuant to Section 14.62.080, as explained above, in order to grant a permit for certain uses the City believes may be over concentrated and may result in a potential public nuisance. These revisions do not change the kind, intensity, or density of uses allowed under the zoning code in any particular location, but rather require only a procedural change (to obtain a Conditional Use Permit) for certain uses within physical proximity to one another that the code may have otherwise prohibited.

Additionally, the proposed zoning code amendment is minor in nature because it is consistent with the policies certified as part of the City of Carpinteria's Land Use Plan (LUP) update in 2003 relating to public access and recreation and visitor-serving uses. Land Use Objective One, LU-1, seeks to "[e]stablish the basis for orderly, well planned urban development while protecting coastal resources and providing greater access and recreational opportunities for the public." Policy LU-1a. incorporates the policies of the Coastal Act (Public Resources Code 30210 through 30263) by reference as the guiding policies of the land use plan, which includes Article 2, Public Access. Section 30210 of the Coastal Act states that "...maximum access...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." Additionally, Section 30213 provides that "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." The proposed amendment will carry out the public access and recreational goals of the LUP and the Coastal Act. The changes to the zoning code will facilitate maximum public access and recreation by providing procedures for applicants to obtain permits for general commercial uses that may provide services to visitors, such as convenience stores and secondhand stores, whereas the existing zoning code provision contains a blanket prohibition on any certain use within 450 ft. of another certain use to avoid overconcentration. Under the new proposed zoning code provision, two or more "certain uses", which include various recreational uses and visitor-serving uses, are allowed within 450 ft. of one another provided a Conditional Use Permit is obtained. Therefore, additional uses may be allowed within proximity to one other that had previously been

prohibited, which would tend to enhance public recreational and visitor-serving opportunities.

Additionally, the proposed amendment is consistent with policies of the certified LCP relating to preserving the character of Carpinteria and facilitating balanced development within the commercial sector of the City's downtown area. Land Use Objective LU-3 seeks to "[p]reserve the small beach town character of the built environment in Carpinteria, encouraging compatible revitalization and avoiding sprawl development at the City's edge." Land Use policy LU-3d requires the City to "[e]stablish a commercial sector that balances the retail and service needs of the citizens and tourists" and LU-3e requires the City to "[d]irect commercial development toward the center of town in established commercial nodes..." Additionally, LU-3g requires that the City "provide for a range of business activities that bring vitality, revenue, and employment to Carpinteria and are compatible with its small town character." Further, Objective CD-7 (Community Design) is to "[e]nhance and maintain the Linden Avenue downtown core [and] the Carpinteria Avenue commercial core..." Amending the review requirements for "certain uses" is consistent with these policy objectives because the additional review requirement (CUP) for certain uses will provide for a balanced approach to development within centralized commercial locations. The additional findings required for the CUP are intended to minimize overconcentration or clustering of certain uses that may potentially be incompatible with the City's character and cause a public nuisance, such as noise, traffic and parking issues, and congregation. This zoning code amendment seeks to facilitate a balanced development pattern by specifically identifying which uses have the potential to cause adverse effects and requiring additional review for these uses through the CUP process. Before approving any additional concentration of uses through the Conditional Use Permit process, Special Findings must be made on a case-by-case basis to address the public health, safety, and welfare. Therefore, the proposed zoning code revisions will allow "certain uses" to be concentrated in centralized locations while providing for a means to assure compatibility with existing uses.

As proposed, the addition of procedures to avoid the overconcentration of certain uses will not conflict with the policies of the LUP or render the IP inadequate to carry out the LUP. Therefore, the Commission finds that the proposed amendment, as submitted, is consistent with the certified LUP, and considered "minor" as defined under Section 13554(a).

III. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government's resolution for submittal of a proposed LUP amendment must indicate whether the local coastal program amendment will require formal local government adoption after 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. In this case, the City has submitted the amendment as one that will take effect automatically upon approval by the Commission.

IV. PUBLIC NOTICE

Section 13555 of the Commission's Regulations requires the Executive Director to prepare a report describing the proposed amendment and providing notice of the Executive Director's determination the amendment is of a "minor" nature. Section 13555 also requires the Executive Director to report to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within 10 working days. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with Section 13555(b).

Notification of the proposed amendment will be mailed on March 25, 2010. The ten-day objection period will therefore terminate on April 9, 2010. The Commission will be notified at the April 15, 2010 meeting of any objections.

Also, Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification and amendment of any LCP. The City held public hearings on the proposed zoning ordinance changes on October 12, 2009, December 7, 2009, January 11, 2010 and January 25, 2010. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations and the City provided evidence of the measures taken to provide notice of their hearings, consistent with Section 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

Exhibits :

Exhibit 1. Ordinance No. 643

Exhibit 2. City Council Resolution No. 5227

ORDINANCE NO. 643

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING CHAPTERS 14.08, 14.16, 14.20, 14.22, 14.24 and 14.62 OF TITLE 14 (ZONING CODE) OF THE CITY OF CARPINTERIA MUNICIPAL CODE

WHEREAS, Section 14.20.070 (Nonconcentration of Certain Uses) of the Zoning Code was originally adopted in 1981 with the intent to avoid an overconcentration of uses that, when in close proximity to each other, can have detrimental effects on the surrounding community; and

WHEREAS, during recent case processing, City staff has discovered that the language of CMC 14.20.070 can be overbroad as applied to today's proposed land uses and that the section would benefit from updating; and

WHEREAS, the City Council has received requests for establishment of business operations affected by these regulations and directed staff to research this matter and bring forth options for the Council to consider as Zoning Code amendments to address concerns that the regulations are overly restrictive; and

WHEREAS, processing provisions that reference Section 14.20.070 (Nonconcentration of Certain Uses) in the Zoning Code currently require revision to rectify an internal inconsistency; and

WHEREAS, as part of its authority to regulate land use within its jurisdiction to assure orderly, balanced, and beneficial development and to encourage the most appropriate uses of land, the City of Carpinteria regulates land uses in Title 14 (Zoning) of the Carpinteria Municipal Code; and

WHEREAS, the City Council expressly finds that the purpose of the proposed revisions are necessary to allow a reasonable display area for alcoholic beverages, while maintaining the City's goal of avoiding an overconcentration of certain uses that could contribute to or cause nuisance impacts or blight; and

WHEREAS, at its meeting of December 7, 2009, the Planning Commission conducted a public hearing and recommended that the City Council adopt this Ordinance; and

WHEREAS, at its meetings of October 12, 2009, January 11, 2010 and January 25, 2010, the City Council took the following actions regarding this Ordinance:

- a. Considered the facts and analysis as presented in the staff reports prepared for this matter;
 - b. Conducted public hearings to obtain public testimony on the proposed ordinance;
- and
- c. Adopted said ordinance.

EXHIBIT 1

CPN-MIN-1-10

Ordinance No. 643

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

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

SECTION 2. AMENDMENT OF CHAPTERS 14.08, 14.16, 14.20, 14.22, 14.24 and 14.62 OF TITLE 14 (Zoning) of the Carpinteria Municipal Code.

Chapter 14.08 (Definitions) of the Carpinteria Municipal Code shall hereby be amended by adding new subsections 14.08.508 and 14.08.552 as follows:

14.08.508 Personal Services – Restricted.

"Personal Services – Restricted" includes services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts and include but are not limited to: check cashing stores; fortune tellers; palm and card readers; pawnshops; psychics; spas and hot tubs for hourly rental; and, tattoo and body piercing services.

14.08.552 Secondhand Store.

"Secondhand Store" means a retail store that requires a secondhand dealer license from the State, as provided in the California Business and Professions Code §21625 – 21647 as that section now appears or may hereafter be amended or renumbered, and where 20% or more of the gross floor area of the store is used for display of secondhand goods.

Chapter 14.16 (PUD Planned Unit Development District) of the Carpinteria Municipal Code shall hereby be amended and shall read as follows:

14.16.140 Nonconcentration of certain uses, drive-thru businesses, noise and other district requirements.

Nonconcentration of certain uses, drive-thru businesses, noise and other district requirements in the PUD district are as provided in the CPD district, Sections 14.20.020, 14.20.070, 14.20.080, 14.20.110 and 14.20.120.

Section 14.20.20 (Processing) of Chapter 14.20 (CPD Commercial Planned Development District) of the Carpinteria Municipal Code shall hereby be amended and shall read as follows:

14.20.20 Processing.

Prior to the issuance of any permit for development in any area zoned or to be rezoned CPD, a development plan shall be submitted, processed, and approved, as provided in Chapter 14.68.

In addition, a development plan shall be required for any change in use within an existing structure that would have one of the following effects:

1. An increase in the parking requirements specified in Section 14.54.040(2)(b) for commercial uses, e.g., a change from general commercial to a restaurant or medical office; or
2. An increase in water use to a level that exceeds either the historic level of use of the amount allocated by the city at the time of project approval; or
3. A reduction in the amount of landscaping that was required at the time of project approval; or
4. Result in a concentration of certain uses as specified in Section 14.20.070, Nonconcentration of Certain Uses, in which case (and in accordance with CMC 14.20.070 and 14.62.040), a CUP would be required in lieu of the DP.

Section 14.20.040 (Uses Permitted by Conditional Use Permit) of Chapter 14.20 (CPD Commercial Planned Development District) is hereby amended by adding a new subsection 29 to read as follows:

14.20.040 Uses permitted by conditional use permit.

29. Any use or change or use which would result in a concentration of certain uses as specified in Section 14.20.070, Nonconcentration of Certain Uses.

Section 14.20.070 (Nonconcentration of Certain Uses) of Chapter 14.20 (CPD Commercial Planned Development District) is hereby amended to read as follows:

14.20.70 Nonconcentration of Certain Uses.

The concentration of certain uses is considered to have a blighting and deteriorating effect upon the surrounding area. Therefore, when two or more of any of the following uses: pool hall or billiard hall, adult -oriented business, amusement arcade, bar, off-sale beer and wine store, convenience store, secondhand store, Personal Services - Restricted, or massage establishment is are located within four hundred fifty (450) feet of the proposed use, and where the proposed use is one of those enumerated, concentration of such uses shall be considered to potentially exist, and such use shall be required to apply for and obtain a Conditional Use Permit in accordance with CMC 14.62.080. The distance between uses shall be calculated from the centerline of the doorway of the proposed use to the centerline of the doorway of an existing use, as measured by the shortest sidewalk route intended and available for public traverse between the uses. For the purposes of this chapter, the term "doorway" refers to the entrance by which the official street address has been designated by the director of community development. For purposes of this section, an "off-sale beer and wine store" is an establishment which devotes more than five (5) percent of its gross floor area to the display for sale of alcoholic beverages.

Section 14.22.020 (Processing) of Chapter 14.22 (CB Central Business District) of the Carpinteria Municipal Code shall hereby be amended and shall read as follows:

14.22.020 Processing.

Prior to the issuance of any permit for development in any area zoned or to be rezoned central business district, a development plan shall be submitted, processed, and approved, as provided in Chapter 14.68.

In addition, a development plan shall be required for any change in use within an existing structure that would have one of the following effects:

1. An increase in the parking requirements specified in Section 14.54.040(2)(b) for commercial uses, e.g., a change from general commercial to a restaurant or medical office; or
2. An increase in water use to a level that exceeds either the historic level of use or the amount allocated by the city at the time of project approval; or
3. A reduction in the amount of landscaping that was required at the time of project approval; or
4. Result in a concentration of certain uses as specified in Section 14.20.070, Nonconcentration of certain uses, in which case (and in accordance with CMC 14.20.070 and 14.62.040), a CUP would be required in lieu of the DP.

Section 14.22.060 (Nonconcentration of certain uses, drive-thru businesses, setbacks, maximum building height, noise and other district requirements) of Chapter 14.22 (CB Central Business District) of the Carpinteria Municipal Code shall hereby be amended and shall read as follows:

14.22.060 Nonconcentration of certain uses, drive-thru businesses, setbacks, maximum building height, noise and other district requirements.

Nonconcentration of certain uses, drive-thru businesses, setbacks, maximum building height, noise and other district requirements are as provided in the commercial planned development district, Section 14.20.020 and Sections 14.20.070 through 14.20.120.

Section 14.24.100 (Nonconcentration of certain uses, drive-thru businesses, and other district requirements) of Chapter 14.24 (RES Resort District) of the Carpinteria Municipal Code shall hereby be amended and shall read as follows:

14.24.100 Nonconcentration of certain uses, drive-thru businesses, and other district requirements.

Nonconcentration of certain uses, drive-thru businesses, and other district requirements are as provided in commercial planned development district, Sections 14.20.020, 14.20.070, 14.20.080, 14.20.110 and 14.20.120.

Section 14.62.080 (Special Findings for Nonconcentration of Certain Uses) of Chapter 14.62 (Conditional Use Permit) of the Carpinteria Municipal Code shall hereby be added as follows:

14.62.080 Special Findings for Nonconcentration of Certain Uses.

A. In addition to the findings required by Section 14.62.040, the City Council shall approve, conditionally approve or deny a conditional use permit, as it was applied for or in modified form, to allow a concentration of uses if the following criteria have been met:

1. The proposed use will not adversely affect nearby neighborhoods considering the distance of the certain use as specified in CMC 14.20.070 to other such existing certain uses;
2. The proposed project will not contribute to law enforcement problems associated with an undue concentration of certain uses as specified in CMC 14.20.070 in the vicinity;
3. The proposed project will complement existing uses and not have a blighting or deteriorating effect upon surrounding areas.

SECTION 3: EFFECTIVE DATE

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

SECTION 4: CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines §15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and §15183 (activity helps implement the General Plan which has undergone environmental review).

SECTION 5: SEVERABILITY

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

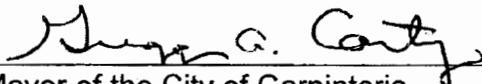
PASSED, APPROVED, AND ADOPTED this 25th day of January 2010, by the following called vote:

AYES: COUNCILMEMBERS: Stein, Clark, Reddington, Armendariz, Carty

NOES: COUNCILMEMBER: None

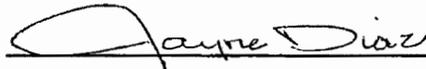
ABSENT: COUNCILMEMBER: None

ABSTAIN: COUNCILMEMBER: None

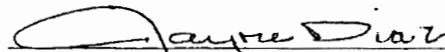


Mayor of the City of Carpinteria

ATTEST:



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 25th of January 2010.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Peter N. Brown, City Attorney

RECEIVED
FEB 16 2010

RESOLUTION NO. 5227

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, APPROVING, FOR THE PURPOSES OF SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION, ORDINANCE NO. 643, A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND CHAPTERS 14.08, 14.16, 14.20, 14.22, 14.24, AND 14.62 RELATED TO NONCONCENTRATION OF CERTAIN USES OF TITLE 14 (ZONING) OF THE CARPINTERIA MUNICIPAL CODE

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 amendment amending Chapters 14.08, 14.16, 14.20, 14.22, 14.24 and 14.62 regarding the nonconcentration of certain uses ("Amendment") is on file with the City's Community Development Department, located at 5775 Carpinteria Avenue, Carpinteria, California.

b. Pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq., "CEQA"), the California Code of Regulations, Title 14, §15000 et seq. ("CEQA Guidelines") and the City of Carpinteria's Environmental Review Guidelines as applicable, the City has determined that the project is categorically exempt from CEQA pursuant to §15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and §15183 (the Ordinance implements the City's General Plan for which there is an adopted EIR).

c. At a duly noticed public hearing on December 7, 2009, the Planning Commission considered Ordinance No. 643 and forwarded its recommendation to support the Local Coastal Program Amendment to the City Council.

d. On January 11 and January 25, 2010, after considering the Planning Commission's recommendation, holding a duly noticed public hearing, receiving public comment, giving due consideration and discussing the item among the Council and staff, a majority of the City Council approved the Ordinance.

e. The Amendment approved for submittal to the California Coastal Commission by the City Council as set forth below reflects the recommendations of the Planning Commission and the City Council and will become effective after final certification by the California Coastal Commission.

f. On January 25th, 2010, a majority of the City Council considered and approved this Resolution to submit for California Coastal Commission review the proposed Amendment, which is intended to carry out the policies of the City's Local Coastal Program consistent with the California Coastal Act and directing that the Amendment be transmitted to the California Coastal Commission for filing in accordance with §13551(b)(1) of Title 14 of the California Code of Regulations for final certification.

g. Documents constituting the record of proceedings on the Amendment are located and under the custody of the City of Carpinteria, Community Development Director, 5775 Carpinteria Avenue, Carpinteria, California.

SECTION 2. NOW, THEREFORE, BE IT RESOLVED that pursuant to Public Resources Code §30510 and California Code of Regulations §13551(b)(1), the City Council held a public hearing on the Amendment to the LCP and is transmitting this Amendment to the California Coastal Commission for submittal and filing pursuant to California Code of Regulations, Title 14 §13551(b)(1).

PASSED, APPROVED AND ADOPTED this 25th day of January 2010, by the following vote:

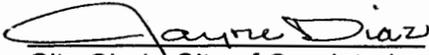
AYES: Councilmembers: Stein, Clark, Reddington, Armendariz, Carty

NOES: Councilmember(s): None

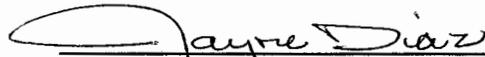
ABSENT: Councilmember(s): None


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 25th day of January 2010.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:


Peter N. Brown, City Attorney