

RESOLUTION NO. 6092

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, CALLING AND GIVING NOTICE OF A REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE SUBMISSION OF AN INITIATIVE MEASURE TO CHANGE AND/OR READOPT THE CITY OF CARPINTERIA'S GENERAL PLAN DESIGNATION AND ZONING DESIGNATION FOR TWO PARCELS OF CITY-OWNED PROPERTY (APN 004-105-011 AND APN 004-105-026) LOCATED ADJACENT TO THE RAILROAD TRACKS TO THE WEST OF LINDEN AVENUE AND TO AMEND THE DEFINITION OF THE OPEN SPACE/ RECREATION (OSR) LAND USE CATEGORY OF THE GENERAL PLAN LAND USE ELEMENT

WHEREAS, pursuant to Election Code Section 1405(a), the City Council of the City of Carpinteria ("City") has elected to submit to the voters at the November 8, 2022 regular general municipal election an initiative measure entitled "An Initiative Measure to Change and/or Readopt the City of Carpinteria's General Plan Designation and Zoning Designation for Two Parcels of City-Owned Property (APN 004-105-011 and APN 004-105-026) Located Adjacent to the Railroad Tracks to the West of Linden Avenue and to Amend the Definition of the Open Space/Recreation (OSR) Land Use Category of the General Plan Land Use Element" ("Initiative"); and

WHEREAS, the City Council requests that the Santa Barbara County ("County") Board of Supervisors consolidate the City's regular general municipal election with any and all elections to be administered by Santa Barbara County Elections/Registrar of Voters ("County Elections Office") on the same date.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are hereby adopted.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to general law cities, the City Council hereby calls and orders a regular general municipal election on Tuesday, November 8, 2022 for the purpose of submitting the Initiative to the qualified voters of the City.

SECTION 3. The City hereby calls and gives notice to have its regular general municipal election on Tuesday, November 8, 2022 consolidated with any and all elections conducted on such date within the County.

SECTION 4. That the proposed text of the Initiative Ordinance to be submitted to the voters is attached hereto as Exhibit 1 and incorporated herein by this reference.

SECTION 5. The City Council does order submitted to the voters at the Special Municipal Election the following question, printed in substantially the following form:

Shall the Measure to Change and/or Readopt the City of Carpinteria's General Plan Designation and Zoning Designation for Two Parcels of City-Owned Property (APN 004-105-011 and APN 004-105-026) Located Adjacent to the Railroad Tracks to the West of Linden Avenue and to Amend the Definition of the Open Space/Recreation (OSR) Land Use Category of the General Plan Land Use Element be adopted?	YES
	NO

SECTION 6. That the vote requirement for the measure to pass shall be a majority of the votes cast (50% + 1).

SECTION 7. That the ballots to be used at the election shall be in form and content as required by law or as directed by the Clerk of the County Elections Office to facilitate the consolidation of the City's general municipal election with the County-administered election of the same date.

SECTION 8. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 9. That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Election Code of the State of California.

SECTION 10. That all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 11. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 12. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 13. That the City Clerk is hereby directed to file a copy of this Resolution with the Board of Supervisors and the County Elections Office.

PASSED, APPROVED AND ADOPTED on the 10th day of January, 2022, by the following vote:

AYES:	COUNCILMEMBER:	Alarcon, Carty, Lee, Clark, Nomura
NOES:	COUNCILMEMBER:	None
ABSENT:	COUNCILMEMBER:	None
ABSTAIN:	COUNCILMEMBER:	None



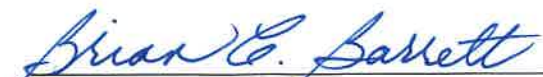
Mayor, City of Carpinteria

ATTEST:



Acting 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 on January 10, 2022.



Acting City Clerk, City of Carpinteria

APPROVED AS TO FORM:

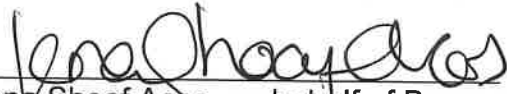

Jena Shoaf Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP Acting as
City Attorney of the City of Carpinteria

EXHIBIT 1 TO RESOLUTION NO. 6092

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The people of the City of Carpinteria do ordain as follows:

Section 1. Title.

This initiative measure ("Initiative") shall be known as the **"Save Our Downtown and Beach Parking Lot Initiative."**

Section 2. Findings and Purpose.

A. Findings. The people of the City of Carpinteria find and declare the following:

1. The approximately 1.15-acre property located at 499 Linden Avenue (APN 004-105-011), labeled as Parcel A, Downtown and Beach Parking Lot, on Exhibits A, B & C, currently consists of City Parking Lot #3 or Downtown and Beach Parking Lot. The City of Carpinteria's General Plan classifies this property as General Commercial. The property is adjacent to the Carpinteria Community Garden Park.
2. This property is owned by the City of Carpinteria. On May 18, 1989 the City accepted this property from Southern Pacific (SPTC Holding, Inc.) for public purposes, as shown on Exhibit D to this Initiative.
3. The approximately 1.27-acre property located at 399 Linden Avenue on the south side of the railroad tracks (APN 004-105-026), labeled as Parcel B, Coastal Open Space Corridor, on Exhibits A, B & C, currently consists of Open Space. The General Plan designates these properties as Open Space/Recreation. The property was acquired by the City in 2013.
4. The General Plan contains policies to protect, preserve and enhance local natural resources, to provide adequate parking for the public and for public coastal access, to avoid placing development where exposed to hazards of transportation corridors, and for ensuring that zoning and development is consistent with zoning and development on adjacent and nearby parcels.
5. The purpose of the General Plan land use designation is to establish the type and intensity of land uses on properties consistent with their designation in the General Plan Land Use Element and Land Use Map. The zoning designations for each property must be consistent with the General Plan designation.
6. The voters seek to preserve the Downtown and Beach Parking Lot for its current use as a public parking lot, and to preserve the Coastal Open Space Corridor in its current open space/habitat corridor status, and thereby wish to propose this Initiative, which will re-designate and re-zone these properties, by Initiative, so that their zoning is fixed and cannot be changed absent a vote of the people.

B. Purpose. The purpose of this Initiative is to amend the General Plan designation and zoning of the Downtown and Beach Parking Lot and Coastal Open Space Corridor in

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order to maintain the current use of those sites. The General Plan designations and zoning for these sites will create a consistency of designations and zoning across these nearby sites, also including the Carpinteria Community Garden Park. The Downtown and Beach Parking Lot will remain zoned for public parking use and purposes, but not for other commercial uses, with allowance for limited residential-only use consistent with the Residential overlay zone as required by California Government Code section 66330, subdivision (b)(1)(A).

Section 3. City of Carpinteria General Plan Amendments

A. The voters hereby amend the General Plan Diagram (excerpt shown in Exhibit B) of the City of Carpinteria to:

1. Change the General Plan designation of the Downtown and Beach Parking Lot property from General Commercial (GC), to Open Space Recreation (OSR).
2. Re-adopt, by this Initiative, the Open Space Recreation (OSR) designation on the Coastal Open Space Corridor property, as shown on Exhibit B.

B. The voters hereby amend the text of Land Use Map descriptions as follows (additions shown in underline, non-underlined text is not being amended and is shown for context only):

1. Open Space/Recreation (OSR) The OSR land use category is intended to provide recreational areas (passive or active), including existing parking, City parks, beaches, golf courses and related uses. It also identifies open space areas. The OSR land use category may also provide for residential uses, only if the property is included in the Residential overlay zone.

Section 4. Zoning Amendments

The voters hereby amend the Zoning Map (excerpt shown in Exhibit C) of the City of Carpinteria, to:

1. Change the zoning on the Downtown and Beach Parking Lot property, as shown on Exhibit C, from CPD to REC/R.
2. Re-adopt, by this Initiative, the zoning on the Coastal Open Space Corridor property, as shown on Exhibit C, as REC.

Section 5. Effect of Initiative on General Plan Land Use Classification and Zoning on Subject Properties Only

This Initiative adopts General Plan designations and zoning designations only for the Downtown and Beach Parking Lot and Coastal Open Space Corridor properties, which are specifically identified in this Initiative. The Initiative does not adopt, alter, or change any other land use classifications or zoning on any other real property in the City of Carpinteria.

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Section 6. Implementation

- A. This Initiative is considered adopted and effective upon the earliest date legally possible after either the City Council adopts the Initiative as law upon its qualification or, if it is placed on the ballot, the elections official certifies the vote on the Initiative by the voters of the City of Carpinteria. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.
- B. Upon the effective date of this Initiative, the General Plan amendments of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions of Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration.
- C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent, and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.
- D. Upon the effective date of this Initiative, the provisions of Section 4 (Zoning Amendments) of this Initiative are hereby inserted into the Carpinteria Municipal Code. The City may reorganize, renumber, and/or reformat the provisions of Section 4 of this Initiative, provided that the full text is inserted into the Municipal Code without alteration.

Section 7. Effect of Other Measures on the Same Ballot

It is the voters' intent to comprehensively establish the potential future uses and development of the specific properties that are subject to the Initiative, including preservation of Coastal Open Space Corridor in its current open space state and the preservation of the Downtown and Beach Parking Lot for continued parking uses. To ensure that this intent is not frustrated, and in the event this Initiative is not adopted by the City Council as law, this Initiative shall be presented to the voters as an alternative to, and with the express intent that it will compete with, any and all

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voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of the subject properties in any manner whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only that measure that receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters but superseded by law in whole or in part by any other Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

Section 8. Interpretation and Severability

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Carpinteria indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. The Proponents of this Initiative, and any committee formed to support this Initiative, shall have standing to enforce and defend the provisions of this Initiative in any judicial forum, as necessary.

D. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

Section 9. Amendment

The provisions of this Initiative can be amended or repealed only by a majority of voters of the City of Carpinteria voting in an election held in accordance with state law.

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Section 10. Inconsistent Provisions Repealed

Any provisions of the City of Carpinteria Municipal Code, or any other ordinances of the City inconsistent with this Initiative, to the extent of such inconsistencies and no further, are hereby repealed. This Initiative expresses the voters' intent to eliminate any possible inconsistency between existing code provisions and the amended General Plan designations and zoning designations.

Section 11. Exhibits

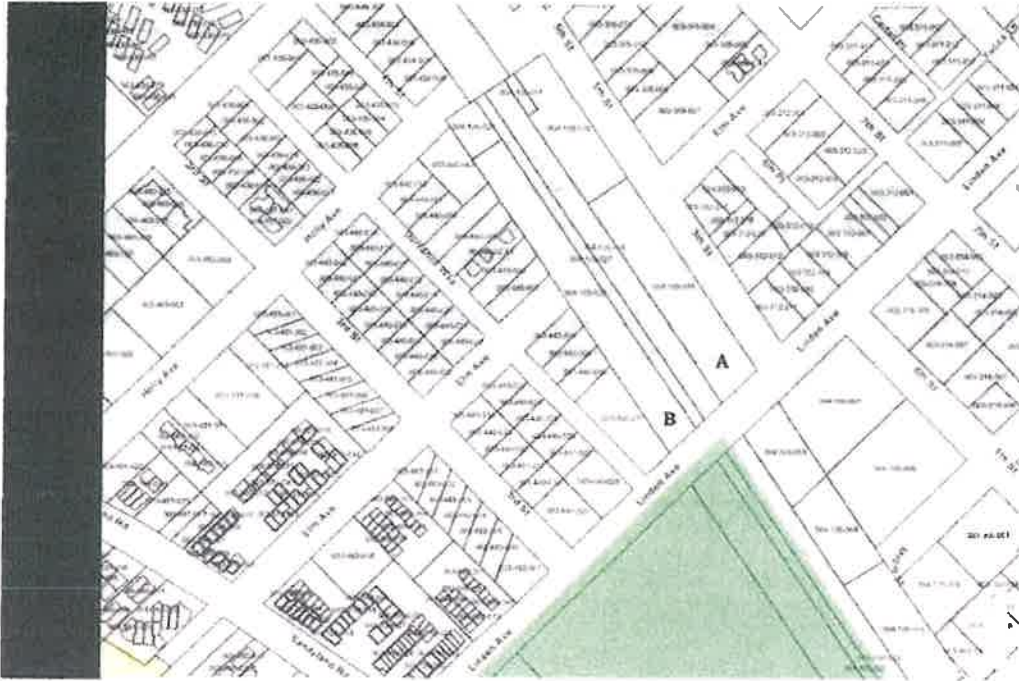
The following Exhibits A-D are provided for reference for the voters and incorporated by reference herein. The maps are intended to provide context and information regarding the location and current General Plan designations and zoning designations of the Downtown and Beach Parking Lot and the Coastal Open Space Corridor, as well as the designations of surrounding properties. The inclusion of the maps does not amend the General Plan or zoning designations of any property other than those specifically amended in this Initiative.

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Exhibit A Identification of Affected Properties

Obtained from Santa Barbara County Geographic Information System.

Santa Barbara County Land Use and Zoning Map



Parcel Label	APN	Referenced in Initiative By Name
A	004-105-011	Downtown and Beach Parking Lot
B	004-105-026	Coastal Open Space Corridor

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**Exhibit B
General Plan Designations**



Land Use Map

Parcel Label	Current Designation	Designation Adopted by Initiative
A	GC	OSR
B	OSR	OSR

Land Use Map

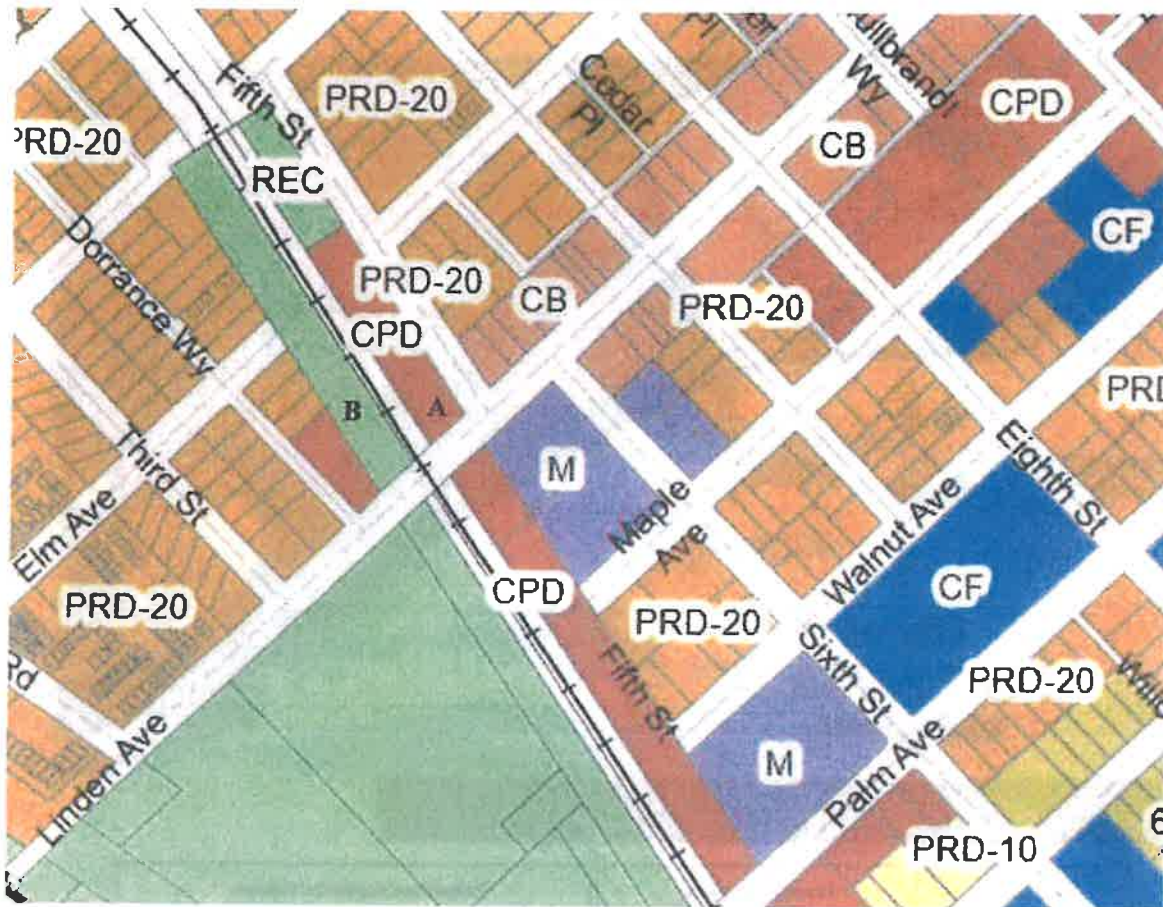
AG	Agriculture	GC	General Commercial
LDR-C	Low Density Residential-County	VC	Visitor-serving Commercial
RR	Rural Residential	GI	General Industrial
LDR	Low Density Residential	CDI	Coastal Dependant Industrial
MDR	Medium Density Residential	RDI	Research Development Industrial
TC	Transportation Corridor	OSR	Open Space/Recreation
- - - - -	City Limits	PUD	Planned Unit Development
- - - - -	Sphere of Influence	PF	Public Facility

GP
Reference to the State

NOTE: The Urban/Rural Boundary is the same as the City Limits except where noted.

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Exhibit C Zoning Designations



Parcel Label	Current Designation	Designation Adopted by Initiative
A	CPD	REC/R
B	REC	REC

ZONING DISTRICTS

Residential

- PRD-13 Planned Residential Development District - Maximum Density 13 Units/Acre
- 8-R-1 Single Family Residential District - Minimum Lot Size 8,000 square feet
- PRD-10 Planned Residential Development District - Maximum Density 10 Units/Acre
- PUD Planned Unit Development District
- 7-R-1 Single Family Residential District - Minimum Lot Size 7,000 square feet
- PRD-20 Planned Residential Development District - Maximum Density 20 Units/Acre
- 6-R-1 Single Family Residential District - Minimum Lot Size 6,000 square feet
- 4-R-1 Single Family Residential District - Minimum Lot Size 4,000 square feet
- 20-R-1 Single Family Residential District - Minimum Lot Size 20,000 square feet
- PRD-4 Planned Residential Development District - Maximum Density 4 Units/Acre
- PRD-18 Planned Residential Development District - Maximum Density 18 Units/Acre
- PUD-4.6 Planned Unit Development District - Maximum Density 4.6 Units/Acre
- PUD-5 Planned Unit Development District - Maximum Density 5 Units/Acre
- PRD-15 Planned Residential Development District - Maximum Density 15 Units/Acre
- MHP Mobile Home Park Planned Development District
- CITY BOUNDARY

Industrial

- M General Industrial District
- M-CD Coastal Industrial District
- M-RP Industrial/ Research Park District

Commercial

- CPD Commercial Planned Development District
- CB Central Business District
- CPD/R Commercial Planned Development District/ Residential Overlay
- RES Resort District

Other

- UT Public Utility District
- A-10 Agricultural - Minimum 10-Acre Parcel
- REC Recreation District
- A-5 Agricultural - Minimum 5-Acre Parcel
- CF Community Facility District

Schools

- Elementary School
- High School
- Middle School

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Exhibit D

Corporation Grant Deed and Certificate of Acceptance for Downtown and Beach Parking Lot

RECORDING REQUESTED BY

TICOR TITLE INS
#200795-KAT

AND WHEN RECORDED MAIL TO

ALAN R. COATES, JR.
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

MAIL TAX STATEMENTS TO

same as above

89-034263

Recorded
Official Records
County of
Santa Barbara
Kenneth A. Pettit
Recorder
8:00am 25-May-89

Rec Fee .00
Total .00

ML 3

NO TAX DUE

NO FEE

APN # 3-010-04

CORPORATION GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SPTC HOLDING, INC., a corporation organized under the laws of the State of Delaware, does hereby GRANT to CITY OF CARPINTERIA, a Municipal corporation, the real property in the City of Carpinteria, County of Santa Barbara, State of California, described as

Parcel One of Parcel Map No. 25,143, in the City of Carpinteria, County of Santa Barbara, State of California as per Parcel Map filed in Book 43 Pages 62 and 63 of Parcel Maps, in the Office of the County Recorder of said County.

Grantor hereby excepts from the property hereby conveyed and reserves unto itself, its successors and assigns, all minerals and mineral rights, interests, and royalties, including without limiting the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under said property; however, Grantor or its successors and assigns shall not have the right for any purpose whatsoever to enter upon, into or through the surface of said property in connection therewith.

This Grant is made subject to all covenants, conditions, restrictions, exceptions, easements, rights of way, rights of access, agreements, reservations, encumbrances, liens and other matters as

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

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the same may be of record; any matter which would be disclosed by survey, investigation or inquiry; and any tax, assessment or other governmental lien against said property.

Dated: MAY 18, 1989

SPTC HOLDING, INC.,
a Delaware corporation

By: [Signature]
Title: Vice President - Real Estate

By: [Signature]
Title: Secretary

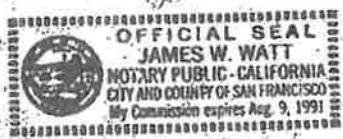


STATE OF CALIFORNIA
City and County of San Francisco

On this 18th day of May in the year One Thousand Nine Hundred and Eighty Nine
before me, JAMES W. WATT, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared

(Signature Public Building)

S.D. Steel
personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Vice President, and
T. F. O'Donnell II personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Secretary of the Corporation that executed the within instrument and acknowledged to me that such corporation executed the within instrument pursuant to its by laws or a resolution of its board of directors.
WITNESS my hand and official seal.



Corporation
My Commission Expires August 9, 1991

James W. Watt
Notary Public in and for the City and County of San Francisco, State of California.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

CERTIFICATE OF ACCEPTANCE
Government Code Section 27281

This is to Certify, that the City of Carpinteria, grantee herein, hereby accepts for public purposes the real property, or interest therein, conveyed by the within deed and consents to the recordation thereof.

In Witness Whereof, I have hereunto set my hand this 18th day of May, 1989.

CITY OF CARPINTERIA

By: Allan R. Coates, Jr.
Allan R. Coates, Jr.
City Manager/Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) SS

On May 18, 1989, before me, Deputy City Clerk for the CITY OF CARPINTERIA, personally appeared Allan R. Coates, Jr., known to me to be the City Manager of the CITY OF CARPINTERIA, and known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same on behalf of the CITY OF CARPINTERIA.

Jayne A. Diaz
Jayne A. Diaz
Deputy City Clerk

