

DRAFT ORDINANCE NO. 773

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CARPINTERIA ADDING TO CARPINTERIA MUNICIPAL CODE TITLE
15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.72 ENTITLED
“MANDATORY SEISMIC RETROFIT PROGRAM FOR EXISTING
WOOD-FRAME BUILDINGS WITH SOFT, WEAK OR OPEN-FRONT
WALLS”**

WHEREAS, pursuant to Section 19160 of the California Health & Safety Code, the State Legislature declared that because of the generally acknowledged fact that California will experience moderate to severe earthquakes in the foreseeable future, increased efforts to reduce earthquake hazards should be encouraged and supported. California Health and Safety Code Section 19161 authorizes each city, city and county, or county to assess the earthquake hazard in its jurisdiction and to identify buildings that are potentially hazardous to life in the event of an earthquake. Health and Safety Code Section 19162 authorizes the governing body of any city, city and county, or county to establish by ordinance seismic retrofit standards for these buildings; and

WHEREAS, among the potentially hazardous buildings identified in Health and Safety Code Section 19161 are wood-frame, multi-unit residential buildings constructed before January 1, 1991 having soft, weak or open front wall lines (a “soft-story condition”). In California, significant changes were made to State laws between 1978 and 1991 to address seismic hazards; however, after the 1994 Northridge earthquake, programs to analyze and retrofit soft-story conditions began. These conditions generally arise in a building because the first story has perimeter walls that have large openings for garage doors or windows, has few interior partitions, and/or is constructed of materials that have deteriorated over time; and

WHEREAS, in enacting Health and Safety Code Section 19160 *et seq.*, the State Legislature found that residential buildings with a soft-story condition are particularly vulnerable to severe damage and collapse. Their collapse can ignite fires that threaten trapped occupants and neighboring buildings in the event of an earthquake and could complicate emergency response. In addition, these buildings are an important component of the State's housing stock that are in jeopardy of being lost in the event of a major earthquake. Soft-story residential buildings were responsible for 7,700 of the 16,000 housing units rendered uninhabitable by the 1989 Loma Prieta earthquake and over 34,000 of the housing units rendered uninhabitable by the 1994 Northridge earthquake; and

WHEREAS, in subsections (l) and (n) of Health and Safety Code Section 19160, the Seismic Safety Commission recommended to the State Legislature that any mandatory mitigation programs adopted significantly reduce unacceptable hazards in buildings by 2020 and the Legislature stated its intent that local jurisdictions be encouraged to address the seismic safety of soft-story residential buildings and to initiate efforts to reduce the seismic risk in these vulnerable buildings; and

WHEREAS, Health and Safety Code Section 17958.5 authorizes the City to make changes or modifications to the California Building Standards Code when reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, proposed soft story Ordinance No. 773 is reasonably necessary because of local climatic, geological or topographical conditions that exist within the City of Carpinteria, which include but are not limited to: earthquake faults, potential for liquefaction, potential for flooding, expansive soils and topography with potential for mudflows. Further, localized earthquakes may occur in areas with liquefaction-prone soil conditions to impose excessive and unique lateral loads on structures in the City; and

WHEREAS, the City's unique geological and topographical conditions, including but not limited to its proximity to a seismically active region of California with onshore and offshore faults and Quaternary age alluvium, colluvium, eolian and beach deposits, call for special lateral structural design criteria to be implemented to provide a reasonable degree of structural integrity for buildings; and

WHEREAS, consistent with the City of Carpinteria's certified General Plan/Local Coastal Plan Objective S-1, the City aims to, "Minimize the potential risks and reduce the loss of life, property, and the economic and social dislocations resulting from fault surface rupture in the planning area, from ground shaking due to an earthquake along a fault in the planning area or in the region, from seismically-induced liquefaction in the planning area, and from seismically-induced tsunamis"; and

WHEREAS, Program Category 4 of the City's adopted Housing Element includes goals and policies that call for conserving and rehabilitating existing housing stock important to the community such as rental apartments, and attaining a housing supply free from substandard and deteriorated housing conditions; and

WHEREAS, the City Council originally initiated, at a duly noticed public hearing on May 13, 2019, the amendment to Carpinteria Municipal Code Chapter 15.70 – BUILDING SEISMIC SAFETY concerning vulnerable buildings and seismic retrofitting of soft-story buildings. On January 27, 2020, the City Council subsequently considered draft Ordinance 737 (Mandatory Seismic Retrofit Program for Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls) and voted (4-1-0) to waive the first reading, set the second reading for March 23, 2020, and have the City conduct a workshop; and

WHEREAS, the City noticed and held a public workshop on Saturday, February 22, 2020, to present detailed information related to soft-story retrofits and the potential requirements of draft Ordinance 737. Approximately 40 people attended the workshop, including tenants and owners of identified soft-story buildings as well as experienced contractors who provide retrofit services. The workshop concluded after all participants had an opportunity to ask questions and provide comments; and

WHEREAS, the City Council canceled the second reading of Ordinance 737 on March 23, 2020, due to the state of emergency related to the COVID-19 pandemic. In March of 2021, ordinance number "737" was retired and the Mandatory Seismic Retrofit

Program for Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls was placed on hold; and

WHEREAS, in December of 2023 the City revised the Mandatory Seismic Retrofit Program for Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls that was placed on hold and mailed notices to tenants and owners of identified soft-story buildings on December 15, 2023 informing them of the revised first reading of soft story Ordinance No. 773 by the City Council; and

WHEREAS, the City Council finds that proposed soft story Ordinance No. 773 shall require retrofit of existing buildings consistent with a nationally recognized model code or substantially equivalent standards in accordance with subdivision (b) of Health and Safety Code Section 19163; and

WHEREAS, the City Council finds that it is in the interest of the orderly development of the City and important to the preservation of the health, safety, and general welfare of the residents of the City, to adopt an ordinance adding Chapter 15.72 ("Mandatory Seismic Retrofit Program for Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls") to Title 15 (Buildings and Construction) of the Carpinteria Municipal Code ("CMC") to address existing buildings that are particularly vulnerable to seismic-induced hazards..

THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

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

SECTION 2. AMENDMENT OF TITLE 15 OF CARPINTERIA MUNICIPAL CODE

Title 15, "Buildings and Construction," of the Carpinteria Municipal Code is hereby amended by the addition of a new chapter, Chapter 15.72, to read as follows:

"Chapter 15.72

Mandatory Seismic Retrofit Program For Existing Wood-Frame Buildings With Soft,
Weak Or Open-Front Walls

Sections:

- 15.72.010 Purpose.
- 15.72.020 Applicability.
- 15.72.030 Definitions.
- 15.72.040 Compliance Requirements.
- 15.72.050 Time Period for Compliance.
- 15.72.060 Administration.

- 15.72.070 Occupancy and Tenant Advisory.
- 15.72.080 Historical Buildings.
- 15.72.090 Minimum Standards.
- 15.72.100 Compliance with Development Standards.
- 15.72.110 Information Required On Plans.
- 15.72.120 Quality Assurance.
- 15.72.130 Violation/Penalty.

15.72.010 Purpose.

The provisions of this Chapter are intended to promote the public health, welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing wood-frame multi-story buildings with Soft, Weak or Open-Front Walls. Generally, this type of structure consists of partial tuck-under parking on the first floor level with living space in the floors above. In past earthquakes, many of these types of structures have performed poorly and collapsed causing loss of life, personal injury, and substantial property damage. This Chapter creates minimum standards intended to reduce the risk of collapse and improve the performance of these buildings during earthquakes, facilitate post-earthquake emergency response, minimize displacement during retrofits and reduce economic impacts of a damaging earthquake, but not necessarily prevent the loss of life, injury and damage to property.

15.72.020 Applicability.

- A. The provisions of this Chapter shall apply to all existing buildings of wood-frame construction, or wood-frame portions thereof, where:
 - 1. A permit for construction of a new building was applied for before January 1, 1991, or the building was designed based on an adopted version of the 1985 or earlier edition of the Uniform Building Code and contains five (5) or more dwelling units and have a wood frame target story. If no permit can be located, the structure is determined by the Building Official to have been built under Building Code standards enacted prior to January 1, 1991, and
 - 2. The ground floor or basement portion of the structure contains parking or other similar open floor space that causes soft, weak, and/or open-front wall lines.

- B. Exceptions. The provisions of this Chapter shall not apply to:
 - 1. Single family residences.
 - 2. Multiple-family residential parcel containing four (4) or fewer units.
 - 3. Ground floor or basement concrete podium levels where a rigid concrete diaphragm exists, however the first wood-frame story above the podium shall be subject to the provisions of this chapter where soft, weak, or open-front walls exist.

- C. Notwithstanding any provision of the Building Code, compliance with this Chapter shall not require existing electrical, plumbing, mechanical or fire-safety systems to be altered to comply with the current Building Code unless they constitute a hazard to life or property as determined by the Building Official.

15.72.030 Definitions.

Notwithstanding the applicable definitions, symbols and notations in the Building Code, the following definitions shall apply for the purposes of this Chapter:

1. BUILDING CODE. The current Building Code of the City of Carpinteria.
2. CRIPPLE WALL. A wood-framed stud wall extending from the top of the foundation wall to the underside of the lowest floor framing.
3. GROUND FLOOR. Any floor within the wood-frame portion of a building whose elevation is immediately accessible from an adjacent grade by vehicles or pedestrians. The ground floor portion of the structure does not include any floor that is completely below adjacent grades.
4. HISTORICAL BUILDING. Any building designated as a “qualified historical building” as defined in Part 8, Title 24 of the California Code of Regulations (also referred to as the “California Historical Building Code”).
5. NOTICE TO OWNER. The letter sent by the City to Owner, via certified mail to the address on title of the property, which advises Owner of the retrofit requirement.
6. OPEN-FRONT WALL LINE. An exterior Wall Line, without vertical elements of the lateral force-resisting system, which requires tributary seismic forces to be resisted by diaphragm rotation or contains an excessive cantilever beyond parallel lines of shear walls. Diaphragms that cantilever more than 25 percent of the distance between lines of lateral force resisting elements from which the diaphragm cantilevers shall be considered excessive. Diaphragm cantilevers or exterior balconies of 6 feet or less in width shall not be considered excessive cantilevers.
7. OWNER OR BUILDING OWNER. The individual(s), firm, corporation, trust or entity in whom the title to such property is vested.
8. PERSON. An individual, partnership, corporation, association, or any other entity.
9. RETROFIT. An improvement of the lateral force resisting system by alteration of existing structural elements or addition of new structural elements.
10. CITY SEISMIC DESIGN GUIDELINES. Framework guidelines developed by the City’s Building Official which are intended to calibrate, delineate, and detail technical requirements to be used for the retrofitting of buildings subject to this Chapter.
11. SOFT WALL LINE. A deficiency in a Wall Line in which the lateral stiffness is less than what is required by story drift limitations and deformation compatibility requirements of this Chapter. In lieu of the engineering analysis required by this

Chapter to determine whether a wall line's lateral stiffness is less than the aforementioned story drift limitations and deformation compatibility requirements, a Soft Wall Line deficiency may be defined as a Wall Line in a Story where the wall stiffness is less than 70 percent of the stiffness of the exterior wall above for the direction under consideration.

12. STORY. As defined in the Building Code, but also includes any basement or underfloor space of a building with Cripple Walls exceeding four feet in height.

13. STORY STRENGTH. The total strength of all seismic-resisting elements sharing the same Story shear in the direction under consideration.

14. WALL LINE. Any length of a wall along a principal axis of the building used to provide resistance to lateral loads.

15. WEAK WALL LINE. A deficiency of a Wall Line at the Ground Floor in which the wall strength is less than 80 percent of the strength of the wall above in the direction under consideration.

15.72.040 Compliance Requirements.

The Owner of each building subject to the provisions of this Chapter shall cause an investigation of the existing construction and a structural analysis to be performed on the building by a Registered Civil or Structural Engineer or Architect licensed in the State of California and if the building does not meet the minimum standards specified in this Chapter, the Owner shall cause it to be structurally altered to conform to such standards.

Each applicable building within the scope of this Chapter which has been analyzed to demonstrate compliance or has been structurally altered to comply with the minimum standards in this Chapter shall be maintained in conformity with the requirements of this Chapter in effect at the time of structural alteration.

15.72.050 Time Period for Compliance.

A. Plan, Permits and Construction. Each building within the scope of this Chapter shall be structurally altered to comply with the minimum standards in this Chapter within the time periods shown in Table A. Minimum plan requirements shall be as specified by the Building Official.

B. Screening Form. Within the time limits allowed in Table A, if the Owner of any building believes he/she is not subject to the provisions of this Chapter, Owner shall submit a screening form to the Building and Safety Division. The Screening Form shall be completed by a California-licensed civil or structural engineer or architect, and shall state whether the structure conforms to the earthquake design provisions contained in this Chapter. Retrofit of said building shall not be required if the Screening Form determines that the structure conforms with the earthquake design provisions of this Chapter, as determined by the Building Official. Retrofit of said building shall be required if Owner fails to submit the Screening Form within the time limit specified in Table A or if the Screening Form determines that the structure does

not conform to the design requirements of this Chapter. The requirement for said retrofit is not appealable if the Screening Form states that the structure does not conform to the earthquake design provisions contained in this Chapter.

TABLE A: TIME PERIOD FOR COMPLIANCE

Required Action by Owner:	Milestone:
Submit Screening Form	6 months from Notice to Owner
Retrofit Plans & Obtain Permit	2 years from Notice to Owner
Complete Construction	5 years from Notice to Owner

15.72.060 Administration.

- A. Issuance of Notice to Owner. The Building Official shall issue a Notice to Owner as provided in this Section to the Owner of each building that is expected to be within the scope of this Chapter.
- B. Contents of Notice to Owner. The Notice to Owner shall be addressed to the Owner as shown on the last equalized Santa Barbara County assessment roll of the building. The Notice to Owner shall specify that the building has been determined by the Building Official to be within the scope of this Chapter and, therefore, is required to meet the standards of this Chapter.
- C. Service of Notice to Owner. Proper service of a Notice to Owner shall be sent by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned. The designated period within which the Owner is required to comply with such Notice to Owner shall begin as of the date Notice to Owner is mailed via certified mail/regular mail.
- D. Failure to Receive Notice to Owner. Failure of any Owner or other interested person to receive such Notice to Owner shall not affect the validity of any proceeding taken thereunder.
- E. Extensions. With the exception of the period to submit the Screening Form, the Owner may request an extension of time for compliance with the timelines set forth in Table A of Section 15.72.050. The Owner has the burden of proof to establish with substantial evidence that he or she is unable to comply within the time required by this Section due to circumstances beyond the control of the Owner or permittee. The written request must demonstrate that:
 - 1. Due to circumstances beyond the Owner's or permittee's control, compliance with the requirements of this Chapter could not be commenced, continued or completed in the authorized time period; or
 - 2. If construction has started, substantial progress has been made and/or the condition of the property presents no health or safety hazard; or

3. Significant financial hardship related to the cost of the required work would make it infeasible to complete the construction within the required timeline; or
4. The delay would prevent or minimize displacement of a tenant; or
5. The continued delay will not create any unreasonable aesthetic impact to the neighborhood or substantial economic detriment to the neighboring property owners; or
6. Due to unforeseen conditions, as deemed appropriate by the Building Official, construction could not be commenced, continued or completed in the authorized time period.

The Owner must also provide documentation supporting the request, a new proposed schedule for compliance, and plan to comply with the provisions of this Chapter during that timeframe. The Building Official has discretion to extend the time for action by the permittee for a period not exceeding six calendar months.

- F. The Building Official is responsible for administration of this Chapter and may promulgate administrative rules and policies consistent with this Chapter.

15.72.070 Occupancy and Tenant Advisory.

Notification to Tenants and Occupants. The Owner shall advise all current and prospective residential and non-residential tenants, subtenants, lessees, sublessees, or any other person(s) entitled to the use and/or occupancy of the building of a proposed project submitted pursuant to this Chapter. The notice shall be on a City-approved notice form and shall include the information for the project, including the scope of work, expected duration, and contact information for a representative of the contractor. In the event the work requires eviction of residential tenants, the Owner shall comply with the notice and relocation assistance requirements in Carpinteria Municipal Code Chapter 7.04 and applicable State law. Proof of written notification is required to be kept by the Owner and made available to the City upon request at any time until such permit is final and construction is completed.

15.72.080 Historical Buildings.

Nothing in this chapter shall exempt historic buildings from any requirements and standards currently in effect in the California Building Code, or at the discretion of the Owner, in the California Historical Building Code.

15.72.090 Minimum Standards.

- A. Scope of Analysis. This Chapter requires the alteration, repair, replacement or addition of structural elements to meet minimum structural integrity requirements in conformance with the Building Code except as modified herein. The lateral-load-path analysis shall include the resisting elements and connections from the wood diaphragm immediately above any Soft, Weak or Open-Front Wall lines to and including the foundation. Stories above the Weak Wall Line shall be considered in

the analysis but need not be modified. The Engineer shall investigate existing conditions as applicable for the required analysis, including performing initial material testing and verification of existing conditions.

- B. Design Base Shear and Design Parameters. The design force in a given direction shall not be less than 75% of that derived from the Base Shear as determined from the seismic provisions of the American Society of Civil Engineers (ASCE) standards that are currently in effect, with design parameters as specified by the current City Seismic Design Guidelines. The structure shall be analyzed and/or strengthened in order to mitigate the Weak and/or Soft Wall Line deficiencies defined in Section 15.72.030.

Exception: Alternatively, the structure may be retrofitted per the currently adopted Guidelines for the Seismic Retrofit of Existing Buildings in the California Existing Building Code, provided the entire Story is analyzed and/or strengthened in order to mitigate the Weak and/or Soft Wall Line deficiencies defined in Section 15.72.030.

- C. Lateral Vertical Systems. Strengthening systems with concrete walls or masonry walls, or steel braced frames shall not be permitted unless a full building analysis considering diaphragm stiffness and torsional behavior is performed.
- D. Horizontal Structural Irregularities in Buildings with Three or More Stories. Structures with three or more stories having horizontal structural irregularities of either type 2, 3, 4, or 5 listed in the currently adopted American Society of Civil Engineers (ASCE) standards, "Horizontal Structural Irregularities", shall be altered to meet the additional requirements of those sections referenced in the table for the Weak, Soft or Open-Front Wall lines being considered.
- E. Alternate Analysis, Base Shear and Design Parameters. The Building Official may approve alternate analysis and/or design methodologies that meet the same performance intent as those prescribed by this Chapter and that achieve the objectives established by this Chapter. An alternate design criteria shall be submitted to the City for review and approval prior to submission of plans.
- F. Additional Anchorage Requirements for Buildings on Hillsides. Where any portion of a building within the scope of this Chapter is constructed on or into a slope steeper than one-unit vertical in three units horizontal (33-percent slope), the lateral-force-resisting system, at and below the base level diaphragm, shall also be analyzed for the effects of concentrated lateral loads caused at the building base from the hillside conditions and comply with the provisions of the City Seismic Design Guidelines.
- G. Story Line Drift Limitations. The story drift at the strengthened line shall not exceed the allowable deformation as specified in the City Seismic Design Guidelines.
- H. Pole Structures. The effects of rotation and soil stiffness shall be included in the calculated story drift where lateral loads are resisted by vertical elements whose required depth of embedment is determined by pole formulas. The coefficient of subgrade reaction used in deflection calculations shall be based on an approved geotechnical investigation conducted in accordance with approved geotechnical engineering reports.

- I. P-Delta Effect. P-Delta effects shall be considered as specified in the City Seismic Design Guidelines.
- J. Ties, Continuity and Collectors. All parts of the structure included in the scope of analysis shall be interconnected and the connection shall be capable of resisting the seismic force created by the parts being connected as required per the Building Code.

15.72.100 Non-Compliance with Development Standards

Notwithstanding any other provisions of this Code to the contrary, approved retrofits that result in deviations from development standards including parking standards may be permitted. All deviations shall be approved by the Community Development Director and the Building Official.

15.72.110 Information Required On Plans.

- A. General. The plans and specifications required by the Building Official shall be of sufficient clarity to indicate the nature, design methodology, and extent of the proposed work and to show in detail that it will conform to the provisions of this Chapter and the Building Code.
- B. Engineer's Statement. The responsible engineer shall provide the following statement on the approved plans:

"I am responsible for designing this building's seismic strengthening in compliance with the minimum standards of the Mandatory Seismic Strengthening Provisions for Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls (CMC Chapter 15.72)."
- C. Owner or Owner's Representative Statement. Unless the entire building has been retrofitted to meet the full intent of the current Building Code, the Owner shall provide and sign the following statement on the cover of the drawings:

"I, [Owner Name(s)], understand the seismic evaluation and strengthening performed under this project is limited to that specified in the Mandatory Seismic Strengthening Provisions for Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls (CMC Chapter 15.72) which is intended to reduce the risk under a seismic event. I understand the entire building has not been evaluated nor strengthened for other potential structural deficiencies that may cause a life safety concern, injury, or property damage risk under a seismic event."
- D. Quality Control and Assurance Requirements. General notes shall show the requirements for material testing, special inspection, structural observation and the proper installation of newly added materials.

15.72.120 Quality Assurance.

- A. Structural Observation. All structures regulated by this Chapter require structural observation during construction. The Owner shall employ a State-licensed Architect,

Engineer of Record responsible for the structural design, or another registered Engineer designated by the Engineer of Record to perform structural observation as defined in the Building Code.

- B. Special Inspection. Special inspections shall be provided as required by the Building Code. Additional inspections shall be noted on drawings as required by Building Official.

15.72.130 Violation/Penalty.

- A. Violation. It shall be unlawful for any person to own or maintain any building or structure or portion thereof, or cause the same to be done, contrary to, or in violation of, any of the provisions of this Chapter. A building that is found to be within the scope of this Chapter and is not brought into compliance in the time frame indicated in Table A shall be declared unsafe and subject to the requirements of the currently adopted Building Code, and this Chapter.
- B. Penalty. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1,000, (one thousand dollars) or by imprisonment for not more than six months, or by both such fine and imprisonment. The provisions of this section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Chapter.
- C. Recordation of Violation. If (A) the Building Official determines that any property, building, or structure, or any part thereof is in violation of any provision of this Chapter; and if (B) the Building Official gives written notice as specified below of said violation; then the Building Official may have sole discretion to, at any time thereafter, record with the County Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Chapter. The remedy provided by this section is cumulative to any other enforcement actions permitted by this Chapter.
- D. Notice. The written notice given pursuant to this Section shall indicate:
 - 1. The nature of the violation(s); and
 - 2. That if the violation is not remedied to the satisfaction of the Building Official, the Building Official may, at any time thereafter, record with the County Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Chapter. The notice shall be posted on the property and shall be mailed to the Owner of the property as indicated on the last equalized County Assessment roll. The mailed notice may be by registered, certified, or first-class mail.
- E. Costs. Any person that has violated any provision of this Chapter shall be responsible for the costs of any and all Code Enforcement actions taken by the

Building Official in response to such violations. These costs shall be based on the amounts specified by the current fee schedule.

SECTION 3. California Environmental Quality Act.

The City Council determines that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code Sections 21000 *et seq.*, "CEQA") under CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*) Section 15301 (Class 1 "Existing Facilities"). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. Under the proposed regulations there would be no expansion of use, as the required retrofits would be limited to enhancing structural integrity. Class 2 (Section 15302 -- Replacement or Reconstruction) provides for replacement or reconstruction of existing structures and facilities where the new structures will be located on the same site as the structures replaced and will have substantially the same purpose and capacity as the structures replaced. No unusual circumstances or other exceptions set forth in CEQA Guidelines Section 15300.2 preclude use of the Sections 15301 and 15302 categorical exemptions.

SECTION 4. Severability.

If any part of this Ordinance is deemed invalid by a court of competent jurisdiction, the City Council intends that said invalidated part is severable and that such decision will not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 5: Effective Date.

This ordinance will take effect 30 days from its final passage and adoption.

PASSED, APPROVED AND ADOPTED on _____, 2024, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

Mayor, City of Carpinteria

ATTEST:

Brian C. Barrett, CMC, CPMC
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 on _____.

Brian C. Barrett, CMC, CPMC
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

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