

ORDINANCE NO. 788

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,
CALIFORNIA, ADDING CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE, TO
TITLE 14 - ZONING OF THE CARPINTERIA MUNICIPAL CODE TO IMPLEMENT
PROGRAM 1 OF THE 2023-2031 HOUSING ELEMENT**

PROJECT NO. 24-2279-ORD/LCPA

WHEREAS, the City of Carpinteria (“City”) is required to implement the Housing Element of the General Plan for the 2023-2031 planning period pursuant to State Housing Element Law (Gov. Code § 65580 et seq.); and

WHEREAS, the Carpinteria City Council first adopted the City’s 2023-2031 Housing Element (“Housing Element”) on April 10, 2023, and directed staff to submit it to the State Department of Housing and Community Development (“HCD”) for certification; and

WHEREAS, on June 12, 2023, the City was notified by HCD that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and

WHEREAS, City staff made the necessary revisions to the Housing Element and held the required public comment period for the revised Housing Element from November 6 through November 13, 2023; and

WHEREAS, on November 14, 2023, the City submitted the revised Housing Element to HCD for consistency review with State Housing Element Law; and

WHEREAS, on January 8, 2024, the City received a letter from HCD stating that the revised Housing Element substantially complies with State Housing Element Law and, therefore, should be adopted and submitted to HCD for certification; and

WHEREAS, on January 22, 2024, the City Council adopted the revised 2023-2031 Housing Element and directed staff to submit it to HCD for certification; and

WHEREAS, on January 23, 2024, City staff resubmitted the revised Housing Element to HCD for certification; and

WHEREAS, on March 21, 2024, the City received a response letter from HCD stating that the submitted Housing Element meets most of the statutory requirements of State Housing Element Law; however, HCD could not find it in substantial compliance with State law until the City implements Program 1- Adequate Sites to Accommodate Regional Housing Needs, completing the necessary rezones to address the City’s housing capacity shortfall pursuant to the Regional Housing Needs Assessment (“RHNA”); and

WHEREAS, recent California case law has determined that a city may not rely on a residential zoning overlay to satisfy the requirements of Housing Element law (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193), and therefore City staff

determined that a new zone district would be necessary to accommodate the RHNA allocation and fulfill the City's obligations under Program 1 of the Housing Element; and

WHEREAS, on May 28, 2024, City staff provided the City Council with a status report on implementation of Program 1, noting the zoning and development standard changes that would need to be applied pursuant to State Housing Element law (Gov. Code §65583.2) and Program 1; and

WHEREAS, City staff have prepared an Addendum to the 2003 General Plan/Coastal Land Use Plan ("GP/CLUP") Program Environmental Impact Report ("PEIR") for this zoning amendment ("Addendum"), as some changes and additions were necessary but none of the conditions described in California Environmental Quality Act ("CEQA") Guidelines Sections 15162 or 15163 calling for the preparation of a subsequent or supplemental Environmental Impact Report have occurred; and

WHEREAS, on November 4, 2024, at a duly noticed public hearing of the Planning Commission, City staff presented the Commission with proposed language for this Ordinance, in addition to proposed language for related ordinances (now Ordinance Nos. 789, 790, and 791), for the purpose of implementing Program 1, and at this meeting, after hearing public comment, the Planning Commission provided a recommendation to the City Council to approve the ordinances with specified changes, including naming the new zone district proposed by this Ordinance "Residential/Mixed Use" ("RMU"), and to determine that the provided Addendum is the appropriate review document for this Ordinance pursuant to CEQA; and

WHEREAS, on November 25, 2024, at a duly noticed public hearing of the City Council, this Ordinance, alongside the three related ordinances and Addendum, was introduced on a first reading, and the Council moved to approve this Ordinance on a 4-0-0-1 (Clark absent) vote; and

WHEREAS, this proposed amendment to Title 14 - Zoning is consistent with the adopted 2003 GP/CLUP and the requirements of State Planning and Zoning Law, including, but not limited to, State Housing Element Law; and

WHEREAS, the City Council finds that the RMU zone district, in combination with the proposed Objective Design Standards and sites selected for rezoning to the RMU zone district, satisfies the requirements of State Housing Element Law and Housing Element Program 1, and aims to incentivize the development of deed-restricted affordable housing in Carpinteria.

NOW THEREFORE, 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. Addition of Chapter 14.19 to Title 14.

Chapter 14.19 – RMU Residential/Mixed Use, is added to Title 14 – Zoning of the Carpinteria Municipal code and shall read as follows:

CHAPTER 14.19 – RMU RESIDENTIAL/MIXED USE

14.19.010 – Purpose and Intent.

The purpose of the RMU district is to provide areas of the City for higher density residential-only and mixed-use (commercial and residential) development, particularly as infill development, to increase the availability of workforce housing while maintaining commercial opportunities in the City’s downtown. The intent of this district is to:

- A. Help the City provide adequate sites to satisfy its Regional Housing Needs Allocation;
- B. Provide opportunities for lower-income, special-needs, and workforce housing;
- C. Cultivate pedestrian- and alternative transportation-friendly neighborhoods where residences are nearby to business, service, and employment locations; and
- D. Encourage infill development in the City’s downtown that preserves and enhances the City’s “beach town” character.

14.19.020 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the RMU district, in accordance with Chapter 14.72 (Accessory dwelling units and junior accessory dwelling units):

- A. Accessory dwelling units and junior accessory dwelling units shall be permitted in the RMU district.
- B. Accessory dwelling units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
- C. Accessory dwelling units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (Appeals).
- D. Junior accessory dwelling units shall be subject to issuance of a building permit.

14.19.030 – Processing.

- A. Uses identified in Section 14.19.040 shall be allowed as a use by right subject to the issuance of an administrative coastal development permit. For the purposes of this section, “use by right” means the City’s review shall not require a development plan, conditional use permit, environmental review under the California Environmental Quality Act, or other discretionary review or approval in accordance with Government Code Section 65583.2(i) and Government Code Section 65589.5(f) for multifamily residential housing. Any subdivision of a site

shall be subject to all laws, including, but not limited to, Title 16 – Subdivisions, implementing the Subdivision Map Act. The City shall process an administrative coastal development permit for a use by right as follows:

1. The Planning Director shall approve or deny administrative coastal development permits.
 2. No public hearing shall be required.
 3. Public notice shall be required in accordance with Chapter 14.76.
 4. Pursuant to Section 30603 of the Coastal Act, within California Coastal Commission's coastal appeals area, the Planning Director's decision to approve an administrative coastal development permit in the RMU zone district may be appealed to the Coastal Commission within ten working days. Proposed development in the RMU zone district that is located outside of the coastal zone appealable area is not appealable to the Coastal Commission.
 5. An applicant may request non-binding conceptual review by the Architectural Review Board to improve project design.
- B. For all uses conditionally permitted pursuant to Section 14.19.060, a conditional use permit shall be submitted, processed, and approved as provided in Chapter 14.62.
- C. For all other permitted uses pursuant to Section 14.19.050, prior to the issuance of a coastal development permit, a development plan shall be submitted, processed, and approved as provided in Chapter 14.68, with the exception that Architectural Review Board and Planning Commission review shall be limited to analysis of the project's compliance with Chapter 14.51, Objective Design Standards, and the regulations of this Chapter.
- D. Once a final decision of approval, conditional approval (if applicable), or denial is issued by the Planning Director or Planning Commission, as applicable, the notice of final action shall be provided within five working days to the Executive Director of the Coastal Commission and to any interested parties who requested notice in writing.

14.19.040 – Uses permitted by right.

- A. The following uses shall be allowed as a use by right in the RMU district:
1. Mixed-use commercial and multifamily residential developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted residential units for lower-income households;
 2. Multifamily residential-only developments, subject to the provisions of Sections 14.19.070 through 14.19.100, that provide a minimum of 20 percent of deed-restricted units for lower-income households;
 3. Public parks, playgrounds, and open space areas provided as part of a mixed-use or multifamily residential development;
 4. Low barrier navigation centers, as defined in Government Code Section 65660 and subject to the provisions of Government Code Section 65662;

5. Supportive housing developments, as defined by Health and Safety Code Section 50675.2 and subject to the provisions of Government Code Section 65651;
 6. Transitional housing developments, as defined by Health and Safety Code Section 50675.2;
 7. Home occupations, as provided in Section 14.50.030;
 8. Accessory uses and structures incidental to permitted residential uses, including laundry and storage rooms; garages, carports, and parking lots; bus stop shelters; multifamily residence mailboxes; and bike racks;
 9. Accessory uses and structures incidental to commercial portions of mixed-use developments, including storage rooms, garbage enclosures, and loading zones; and
 10. Personal use cannabis cultivation, as provided in Chapter 14.59.
- B. For the purpose of this Chapter, “lower-income” means a household that earns 80 percent or below of the area median income applicable to Santa Barbara County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.
- C. For the purpose of this Section, permitted commercial uses for commercial portions of mixed-use developments shall be as follows:
1. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.030.
 2. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.030.

14.19.050 – Uses permitted subject to development plan approval.

Mixed-use commercial and multifamily residential developments that do not meet the affordability requirements of Section 14.19.040(A)(1) and multifamily residential-only developments that do not meet the affordability requirement to Section 14.19.040(A)(2) shall require approval of a development plan in accordance with Section 14.19.030(C). Uses subject to development plan approval shall comply with the provisions of Sections 14.19.070 through 14.19.100 and all applicable provisions of the Title 14 of the City’s Code.

14.19.060 – Uses permitted subject to conditional use permit.

- A. Permitted uses subject to a conditional use permit in the RMU district shall be as follows:
1. As provided in Chapter 14.62;
 2. For parcels with a Research Development Industrial (RDI) land use designation, as listed in Section 14.26.040; or
 3. For parcels with a General Commercial (GC) land use designation, as listed in Section 14.20.040.
- B. Such conditional uses shall not prevent the development from meeting the standards in Sections 14.19.070 through 14.19.100, inclusive.

- C. Projects proposing such conditional uses shall also incorporate multifamily residential use. In addition to the findings in Section 14.62.040(8), the following finding must also be made:
1. The proposed use will not be detrimental to the health, safety, and general welfare of the residential use also proposed by the project.

14.19.070 – Objective design standards.

Projects shall be designed pursuant to the design standards in Chapter 14.51.

14.19.080 – Density.

The number of dwelling units per gross acre shall be a minimum of 20 and maximum of 25, unless otherwise allowed by applicable State housing law or Title 14 of the City's Code.

14.19.090 – Development standards.

The following development standards shall apply:

- A. Affordability. Projects qualifying for an administrative coastal development permit pursuant to Section 14.19.030 shall record a restrictive covenant that ensures the continued affordability of all acutely low-, extremely low-, very low-, low-, and moderate-income rental units for 55 years and all acutely low-, extremely low-, very low-, low-, and moderate-income for-sale units for 45 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
- B. Setbacks. All structures shall be located pursuant to the following setbacks:
 1. No less than five feet from the property line or 25 feet from the street centerline, whichever is greater.
 2. For sites with frontage on Via Real, no less than 15 feet from the property line abutting Via Real, and 5 feet from all other property lines.
- C. Distance between buildings. The distance between two adjacent buildings shall be no less than 10 feet.
- D. Building coverage. Not more than 75 percent of the net area of the property shall be covered with any portion of a building.
- E. Building height. No building or structure shall exceed a height of 35 feet.
- F. Parking. Unless modified by State law, minimum parking requirements shall be as follows:
 1. Visitor, guest, and employee parking: one space per five units.
 2. Parking for units affordable to lower-income households:
 - a. Studio and one-bedroom units: one parking space per unit.
 - b. Two-bedroom or larger units: 1.5 parking spaces per unit.
 - c. Four-bedroom or larger units: 2.5 parking spaces per unit.
 3. Parking for all other units:
 - a. Studio and one-bedroom units: one parking space per unit.
 - b. Two-bedroom units or larger: two parking spaces per unit.

- c. Four-bedroom or larger units: 2.5 parking spaces per unit.
- 4. Parking for commercial uses shall be as provided in Section 14.54.040.
- G. Open space. At least 20 percent of the net area of the property shall be used for common and/or public open space. A maximum of 50 percent of the required open space may be provided on rooftops or decks above ground level.
- H. Fences, walls, and plantings. Fences, walls, and plantings providing a solid screen (i.e., at least 90 percent opacity when viewed from the public right of way) that are located in a front yard setback shall not exceed a height of four feet.
- I. For mixed-use developments, at least 80 percent of the ground floor frontage facing the primary street shall be designated for commercial uses and at least 50 percent of the gross floor area shall be designated for residential use. For the purposes of this section, a leasing or property management office for a residential development on the same site shall be considered a commercial use.

14.19.100 – Development standards— specific sites.

The following development standards shall apply to specified sites, in addition to the development standards in Section 14.19.090:

- A. Sites with frontage on Linden Avenue or Carpinteria Avenue within Community Design Element Subarea 2a shall be limited to mixed-use (commercial and residential) development.
- B. For sites with frontage on Linden Avenue or Carpinteria Avenue, 50 percent of the residential units shall be a mix of studios and one-bedroom units.

14.19.110 – Noticing requirements.

Noticing shall be conducted pursuant to Chapter 14.76, with the exception that no public hearing shall occur or be noticed for projects qualifying as a use by right pursuant to Section 14.19.040.

SECTION 3. Severability.

This Ordinance and the various sections, provisions, sentences, maps, clauses, and words (collectively, “provisions”) thereof are severable. Should any provisions of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. CEQA Review.

The City Council finds that none of the conditions have occurred or exist as set forth in California Environmental Quality Act (“CEQA”) Guidelines section 15162 to require the preparation of a supplemental or subsequent Environmental Impact Report (“EIR”) for this Ordinance, and that the addendum to the certified 2003 Coastal Land Use Plan/General Plan EIR prepared for this Ordinance satisfies the environmental review requirements of CEQA.

SECTION 5. Effective Date.

This Ordinance and any portion of it approved by the California Coastal Commission shall take effect from the latter of: (1) upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, or (2) following the City Council's certification of any California Coastal Commission modifications, if any, and completion of all applicable, required actions in Section 13544(c) of Title 14 of the California Code of Regulations; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the City Council voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara..


PASSED, APPROVED AND ADOPTED this 9th day of December, 2024 by the following vote:

AYES: COUNCILMEMBER(S): Clark, Mayer, Nomura, Solorzano, Alarcon

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

ABSTAIN: COUNCILMEMBER(S): None



Mayor, City of Carpinteria

ATTEST:



Brian C. Barrett, CMC, City Clerk
City of Carpinteria

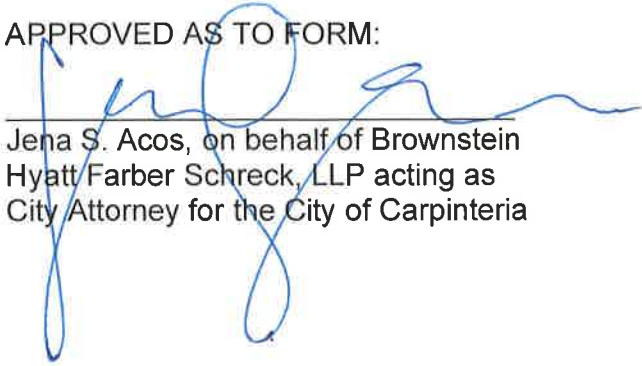


I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held December 9, 2024.



Brian C. Barrett, CMC, City Clerk
City of Carpinteria

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'Jena S. Acos', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Jena S. Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney for the City of Carpinteria