Title: Initiative Measure to Change General Plan Designation for Downtown Beach and Parking Lot (499 Linden Avenue) from General Commercial to Open Space/Recreation and to Change Zoning Designation from CPD to REC/R; Readoption of General Plan Designation and Zoning Designation for Coastal Open Space Corridor (south of Southern Pacific Railroad, west of Linden Avenue and east of Holly Avenue).

Summary: This initiative, if adopted by a majority of the City of Carpinteria electorate voting on the matter, would change the General Plan designation and zoning designation of a city-owned property consisting of 1.15 acres located at 499 Linden Avenue. The property is currently the location of City Parking Lot #3. The initiative would change the General Plan designation from General Commercial to Open Space/Recreation. The initiative would also change the zoning designation for this property from Commercial Planned Development District (CPD) to Recreation District (REC) with application of the Residential overlay zone to allow for residential-only development. The General Plan designation and zoning designation for the property, if adopted by the voters, would be consistent with those of neighboring properties such as the Community Garden to the east.

This initiative also re-adopts the existing zoning for City-owned property located at 399 Linden Avenue, south of the Southern Pacific Railroad right-of-way. The property is currently open space. The current General Plan designation of Open Space/Recreation and zoning designation of REC would be re-adopted by the voters if the voters approve this initiative.

The initiative also makes changes to the Land Use Map Descriptions of the General Plan Land Use Element, modifying the description of the Open Space/Recreation designation to clarify that the designation allows existing parking and that residential uses are allowed in this designation only if the property is included in the Residential overlay zone.

If the initiative is adopted by a simple majority of voters of the City of Carpinteria, or adopted without alteration by the City Council, its provisions could not be changed without a vote of the people.

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If the initiative is adopted by a simple majority of voters of the City of Carpinteria, or adopted without alteration by the City Council, its provisions could not be changed without a vote of the people.

## NOTICE OF INTENT TO CIRCULATE PETITION SAVE OUR DOWNTOWN AND BEACH PARKING LOT INITIATIVE

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Carpinteria for the purpose of proposing amendments to the City's General Plan land use designation map and text and to the City's zoning map and zoning ordinance. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

This initiative changes the zoning of our **Downtown and Beach Parking Lot** from General Commercial to Open Space/Recreation, to preserve and provide protection for existing public parking and general open space. The initiative will accomplish six primary objectives:

- It respects the City's mission statement that "the Government in Carpinteria shall be open, honest and equitable and shall encourage, to the fullest extent possible, public participation in the decision-making process;"
- It abides by the City's written agreement, signed and dated May 18, 1989, to accept this
  property from Southern Pacific (SPTC Holding, Inc.) for public purposes;
- It changes the current general plan designation and zoning of Downtown and Beach Parking Lot from Commercial to Open Space/Recreation thus protecting this needed parking lot from commercial development;
- It aligns the Open Space general plan and zoning designation with zoning of the two
  adjacent parcels of Open Space, commonly known as: (1) the Community Garden, and
  (2) the Coastal Open Space Corridor south of the railroad tracks;
- It reaffirms goals and objectives of the Carpinteria's General Plan and the California Coastal Commission;
- It preserves existing and vital beach, tourist, and downtown parking.

For the last five years, more than a thousand Carpinterians have spoken, written and expressed their opposition to the leasing of public land and/or the development of a boutique hotel on our **Downtown and Beach Parking Lot** without avail.

Carpinteria needs to maintain its existing free, convenient and safe public parking to accommodate beachgoers, business employees, consumers, tourists and train passengers. We also need to safeguard the coastal urban wildlife open space corridor south of the railroad tracks, while preserving mountain views. These components are integral to our small town, friendly, non-commercial character.

Call to action: Carpinteria's public Downtown and Beach Parking Lot is in danger of private development through a long-term lease for a privately owned hotel. This Initiative lets Carpinterians show that they want to keep this property as public land for parking purposes, preserving the Downtown and Beach Parking Lot, and keeping the Coastal Open Space Corridor south of the railroad tracks free of parking lots. To support these goals, please sign this Petition. Signed:

Amrita M. Salm

Gary Camponiano

## 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:
- 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.
- 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 redesignate 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

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 <u>underline</u>, 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:

- 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.

#### 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 I 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

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.

#### Section 10. Inconsistent Provisions Repealed

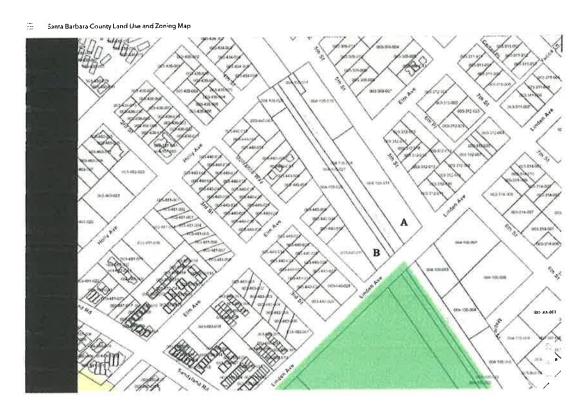
Any provisions of the City of Carpinteria Municipal Code, or any other ordinances of the City inconsistent with this Initiative, to the extent of such inconsistencies and no further, are hereby repealed. This Initiative expresses the voters' intent to eliminate any possible inconsistency between existing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

#### Exhibit A Identification of Affected Properties

Obtained from Santa Barbara County Geographic Information System.



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

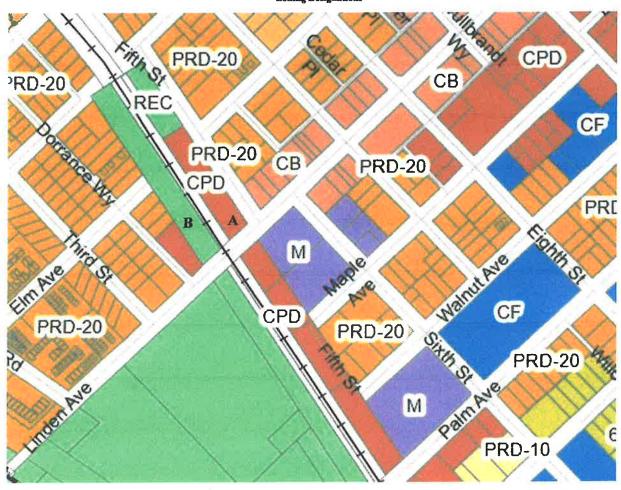
Exhibit B General Plan Designations



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

	Land U	se M	ар
AG	Agriculture	GC	General Commercial
LONG	Low Density Residential-County	VC	Visitor-serving Commercial
<b>ISIS</b>	Rural Residential		General Industrial
LDR	Low Density Residential		Coastal Dependant Industrial
MDR	MDR Medium Density Residential		Research Development Industrial
TC	Transportation Corridor	CSR	Open Space/Recreation
-	City Limits		Planned Unit Development
	Sphere on Influence Reference		Public Facility
NOTE: 1	The Urban/Rural Boundary is the same as	the City	Limits except where noted.

Exhibit C Zoning Designations



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

#### ZONING DISTRICTS

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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 8 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
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

- July High School
- Middle School

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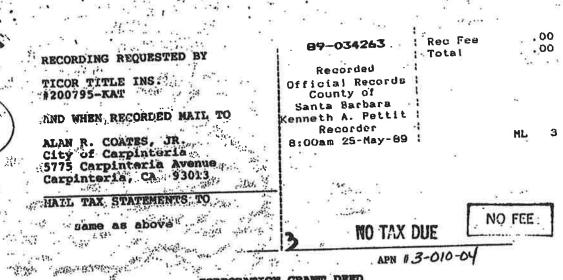
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Corporation Grant Deed and Certificate of Acceptance for Downtown and Beach Parking Lot



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

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

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438	T. F. O. Donne II	personally known to me or p	woved to me on the
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SANTA BARBARA,CA Document: DD 1989.34263 Page 2 of 3

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#### 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

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 the executed the same on behalf of the CITY OF CARPINTERIA.

Jayrie A. Viaz

SANTA BARBARA,CA Document: DD 1989.34263 Page 3 of 3

Printed on 5/21/2021 11:49:18 AM

#### SIGNED STATEMENT OF PROPONENT

(Elec. Code, § 9608)

I, Amrita M. Salm, acknowledge that it is a misdemeanor under state law (section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signature of Proponent

Dated this 3 day of June, 2021.

#### **AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING**

(Elec. Code, § 9210)

I, AMPITA M. SALM, as a proponent of the Save Our Downtown and Beach Parking Lot Initiative (the "Initiative"), hereby authorize my legal counsel, Beverly Grossman Palmer of Strumwasser & Woocher LLP, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.

Smila Me

Signature of Proponent

Dated this 3 day of June, 2021.

# SIGNED STATEMENT OF PROPONENT $_{\scriptscriptstyle{\pm}}$

(Elec. Code, § 9608)

I, GARY CAMPOPIANO, acknowledge that it is a misdemeanor under state law (section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.
Con Com
Signature of Proponent
Dated this 300 day of June, 2021.
AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING (Elec. Code, § 9210)
I, GARY CAMPORIANO, as a proponent of the Save Our Downtown and Beach Parking Lot Initiative (the "Initiative"), hereby authorize my legal counsel, Beverly Grossman Palmer of Strumwasser & Woocher LLP, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.
Gm Can
Signature of Proponent

Dated this 360day of June, 2021.