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APPEAL FORM

Name of Appellant: KIRK CONNALLY AND MARIA DAILY

Address: [redacted]

Telephone [redacted]

If appeal is specifically related to a development project, please state the:

Assessor Parcel No. 004-105-011 & 004-105-026

Address/Location of property: 499 & 399 Linden Ave

Case and/or Project No. 23-2254-DP/CUP/CDP/ARB

Date of Action taken by Council/Commission/Board or Staff which is being appealed: October 5, 2026

Please attach a written description of the decision of the authorized individual or Commission/Board you are appealing and the grounds of your appeal. This description must be prepared pursuant to Chapter 14.78 (Appeals) of the Carpinteria Municipal Code

[redacted]

Date filed: 10/15/26

Amount of Fee Paid: $1,439.00

Received by: BCB

October 15, 2026

VIA EMAIL AND HAND DELIVERY

To:

City Clerk, City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

CC:

- Mindy Fogg, Principal Planner, City of Carpinteria Community Development;
- Nick Bobroff, Director, Community Development Department
- City Attorney, City of Carpinteria

Re: Appeal of Planning Commission Approval — Surfliner Inn Project (No. 23-2254-DP/CUP/CDP/ARB); Resolution No. PC-26-005, adopted October 5, 2026

Dear Mayor and Members of the City Council:

I. Notice of Appeal and Interest of Appellants

Pursuant to Carpinteria Municipal Code (CMC) § 14.78.040, Kirk Connally and Marla Daily, by and through their counsel, hereby appeal the Planning Commission's October 5, 2026 approval of the above-referenced Project, including certification of the Final Environmental Impact Report ("FEIR"), adoption of the CEQA Findings, selection of Alternative 5 as the approved Project design, and approval of the associated Development Plan, Conditional Use Permit, Coastal Development Permit, and Architectural Review Board entitlements.

Appellants Kirk Connally and Marla Daily own two of the three residences on the Elm Avenue cul-de-sac directly adjacent to the Project's proposed City Parking Lot #4; the third is 4900 Dorrance Way, a small multifamily, below-market-rate apartment building (together, the "Elm Residences"). Appellants timely participated in the administrative proceedings below, submitting substantial written comments on the Draft Environmental Impact Report, and nine written comment letters to the Planning Commission between September 18 and September 21, 2026, addressing CEQA's requirement for DEIR recirculation, disparate impacts and inverse condemnation exposure, wildlife corridor and biological resources, hazardous

materials contamination, conjunctive-use parking and the Conditional Use Permit, Alternative 5's parking and circulation impacts, stormwater drainage, the proposed Shared Parking Agreement and Adaptive Parking Management Plan, and General Plan/Local Coastal Plan inconsistencies, each of which is incorporated into this appeal by reference and is part of the administrative record. Appellants are Aggrieved Parties within the meaning of CMC § 14.78.020.

The City of Carpinteria owns the parcels included in the project site and expects to benefit financially from the project's approval. The City of Carpinteria is therefore the putative property owner, the project proponent, the CEQA lead agency, and the decision-maker. The City is also the trustee of the public good and is charged with safeguarding stakeholder (taxpayer) resources. Because of these combined (and arguably opposing) roles, the City's scrutiny of the project, and the need for careful balancing must demonstrate impeccable adherence to best practices, as well as the many rules and laws governing the advancement of such a new project development as the Surfliner Inn.

That scrutiny is especially warranted here, and the City's actions to date on promoting the Surfliner Inn project are lacking in many substantive respects, as set forth in and evidenced by this letter and appeal.

Our clients are not writing because they simply disagree with the idea or concept of a boutique hotel in Carpinteria. In fact, our clients do not, in principle oppose the Surfliner as planned for Lot 3, rather they object to the lack of adherence to the regulations, codes, policies and guidelines governing such decisions, and the City's egregious errors in discretion leading to their adoption of the FEIR. Most particularly they find numerous overt omissions with respect to the FEIR's unsupportable selection of the totally new and unanalyzed Alternative 5, and the illogical and unsupported rejection of Alternative 3.

In this appeal, we set forth evidence via delineation of many different, CEQA-specific grounds for appeal. For convenience of review, we have also included a chart as Attachment 1 that includes code/rule references that makes for an easy to follow roadmap to the many areas in the City's FEIR that fail to meet applicable standards. Most particularly, throughout we have provided evidence of:

• **Failure to Disclose or Adequately Analyze Impacts**. The City's FEIR failed to properly analyze or fully disclose potentially significant environmental impacts;

• **Deficient Alternatives Analysis**. The City FEIR failed to fully evaluate project alternatives that could reduce environmental impacts;

• **Lack of Substantial Evidence**. The City's FEIR and the Planning Commission's findings, statements and conclusions are not supported by substantial evidence in the administrative record; and

• **Inadequate Responses to Comments**: The City failed to provide reasoned, detailed responses to the hundreds of concerned citizen and agency environmental concerns raised during the public comment period.

As set forth in this document, the record in relation to the development of the Surfliner Inn project is replete with examples of appealable failures to meet these basic criteria, the most prominent amongst them include:

- The 11th hour introduction and adoption of an entirely new alternative (Alternative 5), which will have substantial, non-hypothetical environmental and other relevant impacts, and is vastly divergent from the City's own adopted plans (general and coastal). The introduction of Alternative 5 in the FEIR occurred completely outside the prescribed public review and comment process mandated by CEQA. Alternative 5 is not a trivial or minor adjustment, or a clarification, rather it represents a huge (some would argue horrendous) change, and it implicates an entire area of the City that was not part of the CEQA Project Description, Baseline or Environmental Setting. CEQA demands recirculation of the EIR when there is a new significant impact or a substantial increase in impact severity, or where there is a feasible alternative or mitigation measure that lessens impacts that is declined (e.g. Alternative 3), and most importantly recirculation is required when, as here, the DEIR with respect to the new alternative is so fundamentally inadequate that public review was precluded (CEQA Guidelines Section 15088.5(a)). If the City intends to stick with Alternative 5, the EIR must be recirculated in order to comply with CEQA.

- The FEIR completely fails to compare or even adequately analyze the more logical Alternative 3, which would move the existing community garden to the green zone of Lot 4, thereby eliminating all identified significant environmental, planning and home owner impacts, and would logically keep parking with parking. Expansion of existing parking Lot 3 to replace lost parking capacity due to the Surfliner Inn represents a much more sound approach and is consistent with City plans and aesthetics. The City's failure

to undertake a careful and balanced review of Alternative 3 is a basis for appeal in this matter. Selection of Alternative 5 without comparing it to Alternative 3 or adequately analyzing its impacts, is text book abuse of discretion and arbitrary and capricious pursuant to CEQA.

For the foregoing reasons and all others set forth in this document and attachments and references included herein, we request that the City Council conduct a *de novo* review of the Environmental Impact Report, Conditional Use Permit, and Development Permit approved by the Planning Commission on October 5, 2026. We ask the Council to independently evaluate the whole project and the whole record and determine on that review if the required findings can actually be made. We think not.

II. Scope of Appeal

As required by CMC §14.78.040, Appellants state that this appeal challenges the following specific actions taken by the Planning Commission on October 5, 2026:

1. Certification of the Final EIR under CEQA;
2. Adoption of the CEQA Findings (Exhibit 1 to Resolution No. [PC-26-___]) and the accompanying Mitigation Monitoring and Reporting Program (Exhibit 4);
3. The Planning Commission's rejection of Alternative 3 (Extended City Parking Lot #3 and Relocated Community Garden) and its selection of Alternative 5 (the Linden Avenue inbound / Elm Avenue outbound driveway design for Parking Lot #4) as the approved Project design;
4. Approval of the Development Plan, the Coastal Development Permit, and the Architectural Review Board entitlements;
5. Approval of the Conditional Use Permit for conjunctive parking under CMC § 14.54.060 among the hotel and accessory uses and the public and Amtrak-related uses of City Parking Lots #3 and #4;
6. Approval of the associated Conditions of Approval (Exhibits 3.1 and 3.2), including the proposed Shared Parking Agreement and Adaptive Parking Management Plan; and
7. The Final EIR's biological resources (wildlife corridor) and hazardous materials findings.

Appellants understand that, under CMC § 14.78.040, the Council's review on appeal is not limited to the grounds stated here, but Appellants set out the following grounds to focus the Council's attention on specific significant deficiencies in the record.

III. Grounds for Appeal

- Ground 1: Flawed Project Description in the FEIR.
- Ground 2: Flawed Baseline in the FEIR.
- Ground 3: The traffic analysis for Alternative 5 rests on a very weak and inadequate-baseline and contains unresolved internal inconsistencies.
- Ground 4: Failure to Acknowledge the Severe and Disparate Impact on the Beach Neighborhood's Only Affordable Housing.
- Ground 5: Failure to Fully and Properly Evaluate Alternative 3 before rejecting it.
- Ground 6: The EIR's Own Comparison Table Contradicts the Stated Basis for Rejecting Alternative 3.
- Ground 7: Compliance with CEQA requires the EIR to be Recirculated Because Alternative 5 Introduces Significant New Information and Impacts.
- Ground 8: The EIR's required description of the Environmental Setting Entirely Omits the Elm Avenue Cul-de-Sac and Beach Neighborhood both of which are heavily impacted by Alternative 5.
- Ground 9: The EIR's Failure to subject Alternative 3 to Any Comparative Traffic and Parking Analysis thus invalidating any rejection of it.
- Ground 10: Violation of CEQA rules against Segmentation are triggered based on formal statements to expand Parking Lot 4 in the future to the end of Holly to address foreseeable parking supply issues.
- Ground 11: The EIR's Noise Analysis Did Not Study the Section of the Elm Avenue Roadway Segment that will Actually Be Impacted.
- Ground 12: Drainage and Flooding Impacts on Elm Avenue Were Not Adequately Analyzed in Alternative 4 or 5.
- Ground 13: Alternative 5 Is Blatantly Inconsistent with the General Plan and Local Coastal Plan.

- Ground 14: Alternative 5 Independently Conflicts with the Coastal Act and the Mello Act (California Code, Government Code - GOV § 65590).
- Ground 15: The Hazardous Materials Record Which is Inappropriately relied upon in the EIR Does Not Reflect Current Applicable Cleanup Standards and Also Ignores a Second Contamination Source Leaving the City and Taxpayers Liable.
- Ground 16: Lot 4 is a known and beloved Green Zone. The Biological Resources Analysis failed to receive an adequate or legally defensible natural resource study nor address the California Department of Fish and Wildlife's ("CDFW") Requests or Standards Specifically drafted in response to the Project Plan.
- Ground 17: The Conjunctive-Use Parking Analysis Does Not Support the Conditional Use Permit.
- Ground 18: The Shared Parking Agreement and Adaptive Parking Management Plan Are Not Adequate Enforcement Mechanisms.
- Ground 19: Rejection of Subterranean Parking below the planned Surfliner Inn as an alternative without conducting a reasoned review is arbitrary and capricious.

Details

Ground 1: Flawed Project Description in the FEIR. CEQA requires an accurate, stable, and finite project description[1]. Inclusion of the Beach Neighborhood in the Project Area under Alternative 5 (which was inserted into the FEIR at the last minute but not considered at all in the DEIR and was presented to the Planning Commission as the preferred alternative) represents an entirely new Part of Carpinteria impacted by the project that is not described in the FEIR.[2] In fact, the maps of the project site in the EIR list the

[1] *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185
[2] Surfliner Inn Project ES-2 ESA / D202500099.00 Final Environmental Impact Report August 2026, ES-2 "Project Description", and Chapter 2 "Project Description"

exit onto Elm as an "emergency exit" in any and all references to the location in the Project Description. This is not only inaccurate but a significant omission.

Ground 2: Flawed Baseline in the FEIR.

As stated in the FEIR**:**

> **"**Pursuant to CEQA Guidelines Section 15125(a)(1), an EIR must include a description of the existing physical environmental conditions in the vicinity of the Project from both a local and regional perspective. This description provides the "baseline condition" against which project-related impacts are compared. Normally, the baseline condition is the physical condition that exists when the Notice of Preparation (NOP) is published. The NOP for the Project was published on May 29, 2025, which will serve as the baseline for the environmental impact analysis contained in this EIR."[3]

The Environmental Setting, Section 3.1.1, of the FEIR fails to describe the Beach Neighborhood in its entirety, but instead focuses almost exclusively on the Downtown Core. Yet, Alternative 5 significantly impacts the Beach Neighborhood. The baseline must cover the area of impact**.** A baseline only meets CEQA standards if it describes the conditions in every substantive area of the Project. Section 3.1.1 has a major gap rendering it non-compliant with CEQA standards. It describes the Downtown Core in detail but says nothing about the Beach Neighborhood. Without a documented starting condition (land uses, density, building heights, traffic and parking patterns, noise levels, aesthetics and coastal character, and so on), there is nothing from which to measure Alternative 5's impacts. Alternative 5 significantly affects the Beach Neighborhood**.** The EIR's own findings show the alternative's impacts fall on the area the setting ignores. A finding of "significant impact" requires comparison to an existing condition, so the conclusion is unsupported by a documented baseline. The EIR cannot adequately measure change to a neighborhood it never described.

Ground 3: The traffic analysis for Alternative 5 rests on a very weak and inadequate-baseline and contains unresolved internal inconsistencies. The updated traffic counts from Associate Traffic Engineers (ATE) for the intersection of Elm Avenue and Dorrance Way were taken on weekdays in March 2026 and do not reflect summer, weekend, or event-day conditions. Prior ATE studies in August 2025 show occupancy data of Lots 3 and 4 at 94–99% utilization on weekends — above the 85% threshold. The City's own

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[3] Surfliner Inn Project 3.1-1 ESA / D202500099.00 Final Environmental Impact Report August 2026

Walker Study identifies 85% utilization as the point at which drivers begin circling rather than parking. It is foreseeable on higher utilization days/times that in a one-way loop, as is the design for proposed Parking Lot 4, drivers who cannot find parking will exit into the neighborhood to find parking, rather than loop a parking lot they perceive as full. Appellants' preliminary calculations, using Little's Law[4] and ATE's own per-space trip rate, indicate a full 95-space Lot 4 turning over during a 30-minute post-event departure surge would generate a 95th-percentile queue of roughly ten cars comprising a queue of 250+ feet in length against only 120 feet of cul-de-sac storage (4–5 cars) — enough to back vehicles up into Lot 4 itself and block the Elm Residences' driveways, on the order of 50 days a year given Carpinteria's festival and beach-season calendar. Separately, the June 12, 2026 ATE study's own Tables 5 and 6 report that intersection delay at Elm Avenue/Dorrance Way is unchanged to a tenth of a second between "Existing" and "Existing + Project" conditions in both peak hours[5], despite the new egress — and average intersection delay does not properly account for significant impacts for driveway-blocking queues, pedestrian conflicts, or emergency access, none of which ATE-analyzed.

This analysis is also inadequate under CEQA. Under SB 743 and CEQA Guidelines § 15064.3(b), vehicle miles traveled (VMT) is the required metric for evaluating transportation impacts, and Level of Service (LOS) or automobile delay is no longer the standard used to determine a significant environmental impact.[6] The FEIR itself acknowledges this as the regulatory framework.[7] Historically, CEQA transportation analysis focused on Level of Service (LOS), meaning how much a project would delay cars at intersections and add congestion on nearby road segments. SB 743 (2013) changed this so that transportation impacts better reflect real environmental effects, such as greenhouse gas emissions, traffic-related air pollution, multimodal transportation, and efficient access to destinations. Since July 1, 2020, agencies must instead measure vehicle miles traveled (VMT), the amount of additional auto travel a project creates, and a project that adds excessive VMT may have a significant transportation impact. Note: "VMT" does not appear, anywhere, in the Updated Traffic and Parking Study for the Surfliner Inn Project - City of Carpinteria dated June 12, 2026.

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[4] Little's Law is universally considered a legitimate, mathematically proven tool for measuring queues and parking operations. Originating from operations research and queuing theory, the formula—stated as $L = \lambda W$—proves that the average number of items in a system (L) equals the average arrival rate (λ) multiplied by the average time spent in the system (W).

[5] Associated Transportation Engineers, Updated Traffic and Parking Study for the Surfliner Inn Project - City of Carpinteria, Page 6 June 12, 2026

[6] https://lci.ca.gov/ceqa/sb-743/faq/

[7] Surfliner Inn Project 3.14-2 ESA / D202500099.00 Final Environmental Impact Report August 2026

The FEIR states "The Project is located less than ½ mile from a major transit stop and therefore would be screened out for vehicle miles travelled."[8] However, VMT should not be discounted in the analysis of Alternative 5. State of California's Governor's Office of Planning and Research "TECHNICAL ADVISORY ON EVALUATING TRANSPORTATION IMPACTS IN CEQA" should be analyzed against the project and the alternatives in regards to presumption exceptions. Screening out VMT might not be appropriate if project-specific or location-specific information shows the project will still generate significant VMT. In the Conjunctive Parking Scenario vehicle/traffic/parking/circulation impacts uses beyond the project are being considered. And, the State of California's Governor's Office of Planning and Research guidance on explains the significance and importance of VMT as the standard:

> " Beyond GHG emissions, increases in VMT also impact human health and the natural environment. Human health is impacted as increases in vehicle travel lead to more vehicle crashes, poorer air quality, increases in chronic diseases associated with reduced physical activity, and worse mental health. Increases in vehicle travel also negatively affect other road users, including pedestrians, cyclists, other motorists, and many transit users. The natural environment is impacted as higher VMT leads to more collisions with wildlife and fragments habitat. Additionally, development that leads to more vehicle travel also tends to consume more energy, water, and open space (including farmland and sensitive habitat). This increase in impermeable surfaces raises the flood risk and pollutant transport into waterways."[9]

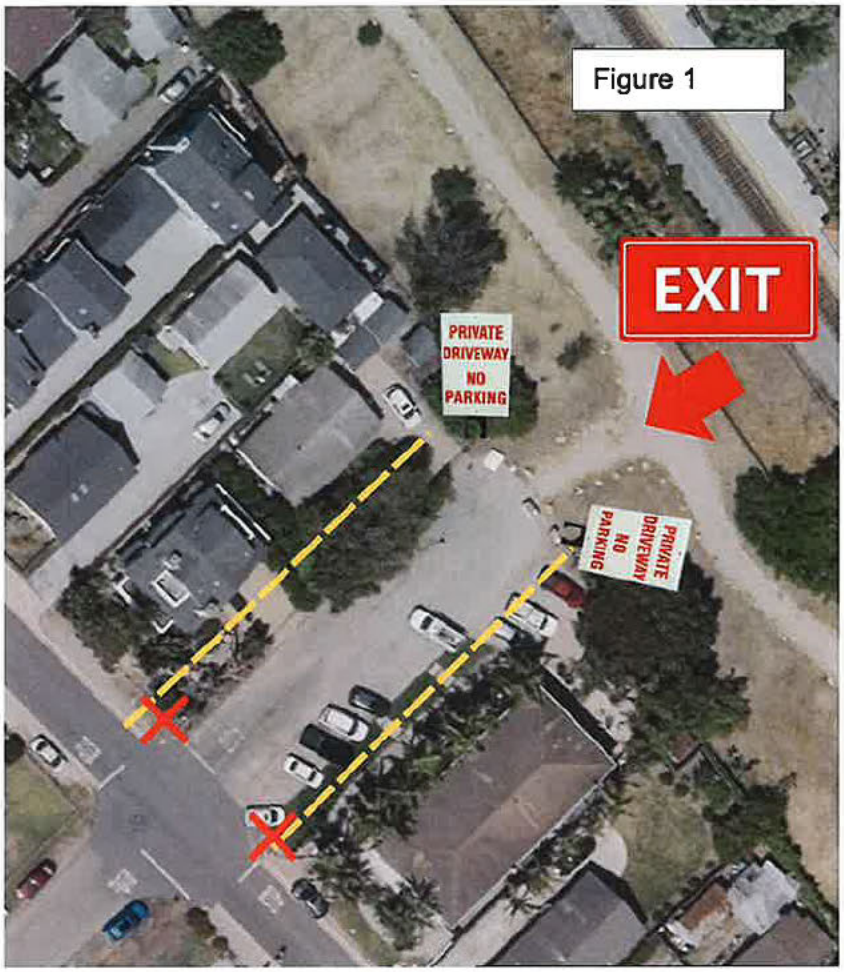
Residents on Elm will also have to back out of their driveways *(see image, **Figure 1, below**)*, across the exit traffic lane for Parking Lot 4, and traffic control measures have not been identified, articulated, or analyzed. CEQA Checklist "Appendix G" asks if the project would "Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses[...]."[10] If Elm Avenue residents cannot reliably access their driveways, they bear risk of hazard unstudied in the EIR. Further, they bear a direct and disproportionate impact, one that falls on them alone and diminishes the value of their properties. This is text book criteria for an inverse condemnation suit.

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[8] Surfliner Inn Project 3.7-34 ESA / D202500099.00 Final Environmental Impact Report August 2026

[9] State of California's Governor's Office of Planning and Research guidance TECHNICAL ADVISORY ON EVALUATING TRANSPORTATION IMPACTS IN CEQA, 2018 page 3,
Citing Fang et al. (2017) Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled, available at https://ncst.ucdavis.edu/wp-content/uploads/2017/03/NCST-VMT-Co-Benefits-White-Paper_Fang_March-2017.pdf.

[10] 14 CCR Div. 6 Ch. 3 App. G Appendix G



Ground 4: Failure to Acknowledge the Severe and Disparate Impact on the Beach Neighborhood's Only Affordable Housing. CEQA significance determinations must account for the context in which impacts occur (CEQA Guidelines § 15064(b)(1)). 4900 Dorrance Way is the only low- and moderate-income multifamily housing in the Beach Neighborhood which is largely occupied by workforce families (based on personal correspondence with the property owner). It sits on the cul-de-sac onto which the Project's sole Lot 4 exit empties, and its residents have no comparable substitute housing available to them. Appellants have searched the Final EIR, the Findings, the Staff Report, the Conditions of Approval, the Mitigation Monitoring and Reporting Program (MMRP), and every technical appendix: none contains any reference to 4900 Dorrance Way, to affordability, to disparate impact, or to environmental justice.

Ground 5: Failure to fully and Properly Evaluate Alternative 3 before rejecting it. CEQA Guidelines § 15091 require that, for each alternative rejected, the agency's findings identify specific overriding considerations or substantial evidence of infeasibility in the record. The FEIR Findings for Approval[11] provide an individualized infeasibility analysis for Alternative 1 only. Alternative 3 — which avoids all impacts to Elm Avenue and the greenbelt entirely — is rejected in a single, unsupported sentence that recurs verbatim in both the Staff Report and the Findings: that it "would result in greater impacts... in several environmental resource areas." Under *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, findings must "bridge the analytic gap between the raw evidence and the ultimate decision"; a single conclusory sentence does not meet that standard. CEQA § 15126.6 states "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." [12]

Ground 6: The EIR's Own Comparison Table Contradicts the Stated Basis for Rejecting Alternative 3. CEQA identifies "the Rule of Reason" when analyzing alternatives: "The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. **The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.** Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. **The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making."**[13]

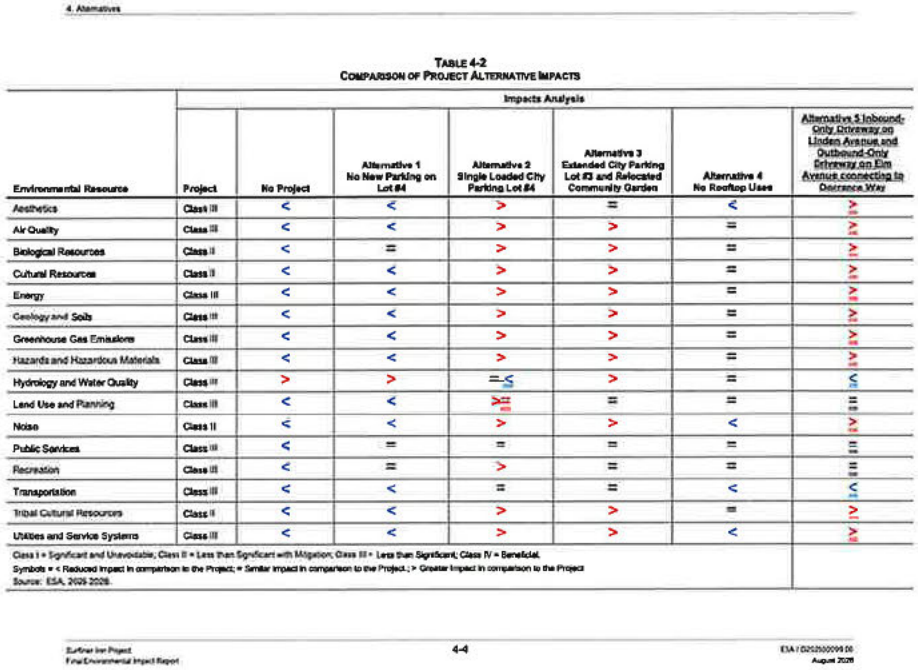
The Final EIR's own comparison table (Table 4-2 / Table ES-2 *below*) rates every alternative against the Project across 16 resource categories. By that measure, Alternative 3 and Alternative 5 have a similarity: each is rated as having greater impact than the Project in 11 of the 16 categories. However, they have a major difference: the table shows clearly that Alternative 5 has more impacts identified as "Greater Impact in comparison to the Project" than any studied Alternative identified.

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[11] RESOLUTION NO. PC-26-005- Findings for Approval Surfliner Inn Project September 21, 2026 Planning Commission Meeting Page 9-11

[12] Cal. Code Regs. Tit. 14, § 15126.6

[13] Cal. Code Regs. Tit. 14, § 15126.6(a), **emphasis added**



4. Alternatives

TABLE 4-2
COMPARISON OF PROJECT ALTERNATIVE IMPACTS

	Impacts Analysis							
Environmental Resource	Project	No Project	Alternative 1 No New Parking on Lot #4	Alternative 2 Single Loaded City Parking Lot #4	Alternative 3 Extended City Parking Lot #3 and Relocated Community Garden	Alternative 4 No Rooftop Uses	Alternative 5 Inbound-Only Driveway on Linden Avenue and Outbound-Only Driveway on Elm Avenue connecting to Commerce Way	
Aesthetics	Class III	<	<	>	=	<		
Air Quality	Class III	<	<	>	>	=		
Biological Resources	Class II	<	=	>	>	=		
Cultural Resources	Class II	<	<	>	>	=		
Energy	Class III	<	<	>	>	=		
Geology and Soils	Class III	<	<	>	>	=		
Greenhouse Gas Emissions	Class III	<	<	>	>	=		
Hazards and Hazardous Materials	Class III	<	<	>	>	=		
Hydrology and Water Quality	Class III	>	>	=	>	=		
Land Use and Planning	Class III	<	<	=	=	=		
Noise	Class II	<	<	>	>	<		
Public Services	Class III	<	=	=	=	=		
Recreation	Class III	<	=	>	=	=		
Transportation	Class III	<	<	=	=	<		
Tribal Cultural Resources	Class II	<	<	>	>	=		
Utilities and Service Systems	Class III	<	<	>	>	<		

Class I = Significant and Unavoidable; Class II = Less than Significant with Mitigation; Class III = Less than Significant; Class IV = Beneficial.
Symbols: < = Reduced impact in comparison to the Project; = = Similar impact in comparison to the Project.; > = Greater impact in comparison to the Project
Source: ESA, 2025 2026.

Surfliner Inn Project
Final Environmental Impact Report

4-4

ESA / D252500099.00
August 2026

Yet the City rejected Alternative 3 for its impacts while approving Alternative 5, which has the same number of them, and less impacts greater in comparison to the project. The one justification offered for rejecting Alternative 3 applies with equal force to Alternative 5, and the record never explains why the same flaw disqualified one and not the other.

Alternative 3 is the superior alternative and reflects better planning. The area comprising Alternative 3 is substantially wider than Lot #4, with wide surrounding streets, significant separation from residences, and multiple opportunities for entrances and exits, making it a clearly preferable location for parking and circulation, and for safety, lighting, and nuisance. An EIR must consider feasible alternatives that reduce significant impacts (CEQA Guidelines § 15126.6)[14], and selection of Alternative 3 would reduce, and practically eliminate, the traffic, circulation, drainage, safety, wildlife, and recreation impacts raised by stakeholders and thereby also reduce the risk of project delay due to further appeals.

At the Planning Commission hearing on September 21, 2026 at approximately the 4-hour, 12-minute mark City Planner Mindy Fogg explained the staff recommendation this way: "We are recommending Alternative 5 because nobody supported the garden relocation alternative during the Draft EIR

[14] "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), *the discussion of alternatives shall focus on alternatives to the project or its location which are capable of* ***avoiding or substantially lessening any significant effects of the project***, even if these alternatives would impede to some degree the attainment of the project objectives, ***or would be more costly***." ((CEQA Guidelines § 15126.6) *(emphasis added)*

process. And we received numerous opposition letters from garden members who said, 'Please do not choose this alternative; we do not want to see the garden move." For one thing, form letters, while important to understand community opinions, do not substitute for careful impact analysis. Furthermore, regarding Alternative 5, letters were not written because Alternative 5 did not exist during the public comment period. The City cannot justify approving Alternative 5 by pointing to letters opposing a different alternative, written before Alternative 5 existed.

Three points follow from this statement:

- **Staff concedes Alternative 3 is feasible.** The reason given for rejecting it is popularity among garden members, not infeasibility or greater environmental impact. Under CEQA, an agency must choose among feasible alternatives based on their ability to reduce significant impacts, not based on which constituency objected most.
- **Alternative 5 was not available for public comment.** Staff relied on Draft EIR feedback to justify selecting an alternative that the public never had a chance to review. The public was never given any opportunity to comment on Alternative 5 before the FEIR was released, so the feedback that "led us to this alternative" could not have addressed it.
- **Alternative 5 significantly shifts impacts onto the Beach Neighborhood.** Its routing of all Lot #4 exit traffic onto Elm Avenue creates direct, targeted impacts on nearby homeowners' safety, quality of life, and property values. Alternative 3 would completely avoid these impacts as well as many others.

Under CEQA Guidelines § 15126.6, subdivision (f)(1), general plan consistency is an express factor in determining whether an alternative is feasible, so the City must evaluate how each alternative, including Alternative 5, conforms to the General Plan/Coastal Land Use Plan, rather than selecting an alternative on the basis of a public form-letter writing campaign.

The community garden is a valued asset, AND it can be relocated to the Lot 4 greenbelt and remain one. Millions of dollars of lost value, loss of quiet enjoyment, and extreme safety and environmental impacts are not reversible. There is zero legal justification for prioritizing the garden's current location over the residents who would bear the direct, concentrated, and constant impacts imposed by the capricious adoption of Alternative 5.

In rejecting Alternative 3 for a reason that applies equally to Alternative 5, and in selecting Alternative 5 based on public comments written before that alternative existed, the City failed to make a reasoned, evidence-supported

choice among feasible alternatives and deprived the public of meaningful participation. The City's findings should be set aside so that Alternative 3, which avoids the traffic, safety, and neighborhood impacts at issue, receives the fair consideration CEQA requires.

Ground 7: Compliance with CEQA requires the EIR to be Recirculated Because Alternative 5 Introduces Significant New Information and Impacts. CEQA requires that "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed." [15]

The Draft EIR described Lot 4 access at Section 2.5.6 as "accessed from Linden Avenue with emergency access only to Elm Avenue," with "[a] locked secondary emergency access gate ... proposed at the end of Elm Avenue." Without any advanced notice (despite the fact that new Traffic Studies at Elm and Dorrance were conducted in March of 2026 for Alternative 5) Alternative 5 entirely scraps the DEIR description and makes Elm Avenue the sole, permanent, unrestricted outbound egress for all 95 Lot 4 parking spaces, every day of the year. The City's own numbers show a dramatic increase in traffic on Elm Avenue. ATE's Updated Traffic Study from June 2026 states: "It is anticipated that traffic generated from the Project would also utilize the new Lot 4, therefore it was assumed that approximately 30% of the Project peak hour trips would utilize Lot 4, ***resulting in 25 additional peak hour trips (15 in, 10 out***)."[16] Today, **only one to two vehicles per hour travel the street.** Under Alternative 5, all exiting traffic from 95 Lot #4 spaces would use it, and on busy summer and festival days that could mean hundreds of vehicles. For the first time, Elm Avenue would function as a thoroughfare, transforming a quiet cul-de-sac into a through route for commercial parking traffic. Because Alternative 5 was developed and inserted into the Final EIR after the close of the Draft EIR comment period, the public never had an opportunity to comment on this circulation change, which is "significant new information" requiring recirculation under CEQA Guidelines.[17]

In *Laurel Heights Improvement Assn. v. Regents of University of California (1988)* (Laurel Heights I") the California Supreme Court held the EIR inadequate

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[15] Cal. Code Regs. Tit. 14, § 15126.6, citing (*County of Inyo v. City of Los Angeles* (1981) 124 Cal.App.3d 1).

[16] Associated Transportation Engineers, Updated Traffic and Parking Study for the Surfliner Inn Project - City of Carpinteria, Page 5 June 12, 2026

[17] § 15088.5(a), citing Section 21083, Public Resources Code. Reference: Section 21092.1, Public Resources Code; *Laurel Heights Improvement Association v Regents of the University of California* (1993) 6 Cal. 4th 1112. ("Laurel Heights II")

because it failed to discuss the anticipated future uses of the new facility and their environmental effects, and because its discussion of alternatives was deficient. The Court emphasized that an EIR exists to give decision makers information before they approve a project, not to describe the effects of projects already approved. Allowing review after approval would turn EIRs into "post hoc rationalizations" for decisions already made, a practice the Court has condemned. The Court also confirmed that an EIR must consider significant cumulative effects, which under the Guidelines include "past, present, and reasonably anticipated future projects." (Guidelines, § 15130, subd. (b)(1)(A).)[18]

Parking Lot #4's egress onto Elm impacts an area not studied in any manner whatsoever by the Walker Parking Study. The Walker Parking Study formed the basis for the Conjunctive Use Parking Study that the project relies upon.[19] Alternative 5 puts its impacts on a neighborhood which the underlying parking study never examined, and the public never had a chance to comment on it. That fails the test of informed decision making and public participation.

Ongoing decision making regarding this configuration is highly concerning. The Planning Commission's Conditions for approval, as summarized in a Memorandum to the City Council on October 6, 2026 lists Condition 5(a) that lets staff change the ingress/egress configuration after approval, without public review. Condition 5(c) requires only that changes "demonstrate" safe circulation.[20]

Alternative 5 is the proverbial camel's nose under the tent. The City has approved Lot #4 that sends all exiting traffic from 95 spaces onto Elm Avenue, heretofore a quiet dead-end street used by neighborhood kids for kickball. Conditions of Approval 5(a) and 9(g) allow staff to reconfigure the exit and "optimize" Lots #3 and #4 to add vehicles later. This loophole is wide enough for a string of semis to drive through and sneak in significant project impacts that have never been analyzed, including a possible extension of Lot #4 to Holly Avenue. As Ground 8 shows, that is classic "segmentation", and CEQA prohibits it.

Ground 8: The EIR's required description of the Environmental Setting Entirely Omits the Elm Avenue Cul-de-Sac and Beach Neighborhood both of which are heavily impacted by Alternative 5. CEQA Guidelines § 15125 requires an accurate description of the physical environmental conditions in the project vicinity. The Final EIR's Section 3.1.1 "Environmental Setting" never

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[18] *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1129, and *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154.

[19] (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 [quoting former CEQA Guidelines, § 15126, subd. (d)(5)].)

[20] October 6, 2026 MEMORANDUM to Carpinteria City Council from Mindy Fogg, Principal Planner Subject: "October 5, 2026 Planning Commission Action"

describes Elm Avenue south of proposed Lot 4 or the Beach Neighborhood residences it serves. The City's technical studies relied upon share the same gap: the Walker Parking Study does not include Elm Avenue between Dorrance Way and Lot 4 or any part of the Beach Neighborhood which will absorb the impacts of Parking Lot 4 under Alternative 5. The ATE traffic-noise analysis models Elm Avenue only "north of 5th Street" — a different, unrelated section of this road which is not in the Beach Neighborhood . No study analyzes existing baseline conditions on the actual road section where Alternative 5's egress is proposed and consequential impacts to the Beach Neighborhood.

Referencing the cars parked on Elm Avenue and the Elm Residences Mindy Fogg, Principal Planner stated at the September 21st Special Hearing of the Planning Commission at approximately the 4 hour 16 minute mark "Cars on Elm that utilize the apartment complex, and they don't have a lot of space here but they could be required to park off pavement, and quite frankly they could use the parking lot [Parking Lot 4] if it were implemented." This is information that is completely missing from a parking analysis, and is now foreseeable that Elm residents will be foreclosed from parking adjacent to their own homes. Residents parking in the public parking lot was NOT considered by the parking studies, or is considered a factor in the Conjunctive Use parking methodology or calculations. It also eliminates parking for Elm Residences and forces them to directly shoulder even a heavier part of the burden of the project.

The Planning Commission's Conditions for approval, as summarized in a Memorandum to the City Council on October 6, 2026 lists Condition 5(b)(vi) adds a six-foot solid wall on the southern boundary to reduce "headlight glare, noise, and other parking-lot effects." Its Location, design, and materials are left to later ARB review. This statement concedes that Parking in Lot 4 will affect neighbors significantly, and the proposed wall's visual, drainage, aesthetics, and sightline impacts have not been analyzed at all. [21]

[21] October 6, 2026 MEMORANDUM to Carpinteria City Council from Mindy Fogg, Principal Planner Subject: "October 5, 2026 Planning Commission Action"



(Figure 2, The City of Carpinteria's depiction of the Right of Way impacts on the Elm Residences)

The City's own slides at the September 21, 2026 Planning Commission hearing (***Figure 2***) show that Elm Avenue is currently 40 feet wide, within an 80-foot right-of-way that they state could be used for future widening. Planning Staff depict how much larger this street could become, yet the EIR never analyzes the impact. Widening Elm Avenue to carry exit traffic from 95 parking spaces would permanently and irreversibly transform the character of a quiet neighborhood interior street. That is a significant community design impact, directly implicating Policy CD-5[22]. Alternative 5 analysis ignores Policy CD-5 entirely.

Ground 9: The EIR's Failure to subject Alternative 3 to Any Comparative Traffic and Parking Analysis thus invalidating any rejection of it. Every technical traffic and parking study in the record — the Conjunctive Parking Analysis (Appendices J1 through J3 in the FEIR)— provides a cursory look at both Alternatives 3 and 5, at best. Importantly, none analyzes Alternative 3's performance. The Commission's rejection of Alternative 3 therefore rests on no traffic or parking data at all, even though the conflict between the two alternatives is substantially about where to route vehicles. This clearly meets the arbitrary and capricious standard. The June 12, 2026 ATE Updated Traffic

[22] "Policy CD-5: The streets of neighborhood interiors should be designed to be the "living rooms" of the neighborhood, where children and adults can safely play or walk." *City of Carpinteria, California, Beach Neighborhood Design Guidelines, page 9*

and Parking Study for the Surfliner Inn Project - City of Carpinteria focuses on the "alternative design" of Alternative 5.[23]

Ground 10: Violation of CEQA rules against Segmentation are triggered based on formal statements to enlarge and lengthen Parking Lot 4 in the future to the end of Holly to address foreseeable parking supply issues.

CEQA defines a "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines, § 15378, subd. (a).) This "whole of an action" requirement prohibits piecemealing, also known as segmentation: an agency may not divide a project into smaller pieces to avoid evaluating its full environmental effects.

At the Planning Commission hearing on September 21, 2026, Commissioner La Fevers, asked the City's hired parking consultant in attendance at the hearing whether additional spaces could be added at the western end of Lot #4. The consultant answered that the only issue is the existing trail in that location but informed the Commissioner that designs have been done for parking down to Holly in the past. The Commissioner concluded that it "might be possible to add some more spaces if that was desirable." This exchange, along with comments made by Planners and Commissioners during the meeting and on the record, shows that extending Lot #4 toward Holly Avenue is a foreseeable expansion: the City's own consultant confirms that the only identified obstacle is the trail, that designs for such an extension already exist, and that a Commissioner sees it as a way to address the potential future parking shortfall. Such an expansion would increase a broad range of impacts beyond those the EIR evaluates, including effects on the residents in the Beach Neighborhood and natural resources. CEQA requires a good-faith, reasoned effort at full disclosure, and an agency that can foresee an expansion but does not analyze it in the EIR has not made that effort. In *Laurel Heights Improvement Assn. v. Regents of University of California (Laurel Heights I)* the court said "discussion of cumulative effects should encompass "past, present, and reasonably anticipated future projects."[24] The court held "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future

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[23] Associated Transportation Engineers, Updated Traffic and Parking Study for the Surfliner Inn Project - City of Carpinteria, Page 3 June 12, 2026: "The alternative design, Lot 4 would be accessed from a new inbound-only driveway on Linden Avenue and an exit-only driveway on Elm Avenue."

[24] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 395., citing (Guidelines, § 15130, subd. (b)(1)(A), italics added.)

expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."[25]

The Planning Commission's discussion on October 5, 2026 further underlines that piecemealing this project has been discussed and is thus foreseeable. Around the hour and 35 minute mark in the hearing the Planning Commission's own deliberations confirm that expansion of Lot #4 down the entire greenbelt and wildlife corridor is not speculative but contemplated, and that the City is deferring its analysis of this significant public loss of open space and trail. At the one hour, 50 minute mark Chair Moyer said he favored the approach of considering extension of parking to Holly after the project was approved "Parking could be extended at some other date if necessary and brought back to consider." The Commission asked staff whether a future parking lot expansion could fit within the Adaptive Parking Management Plan, and Planner Mindy Fogg offered to amend Condition 9 over "a quick break" to add a contingency plan with procedures for evaluating physical measures to increase parking supply, like restriping, reconfiguring to incorporating compact spaces, and potentially extending the parking lot.[26] Staff acknowledged that any such physical modification would require ARB involvement and City review and be a "slight" revision to the permit. CEQA review was not mentioned in relation to this approach. Commissioner Allen then asked whether there was any advantage to addressing it [the extension to Holly] now when it might not need to be addressed for a few years. Chair Moyer then spoke of parking at the State Park and campground for $10 and getting a lot of amenities for parking their car there, suggesting that the State Park could provide parking in relation to the project. Referencing the extension of parking to Holly, Chair Moyer said he was in favor of "kick[ing] it down the road." That exchange is the definition of piecemealing! While a commissioner tried to say the project seemed to have adequate parking, the extension to Holly also seemed like a potential option and wanted to "preserve the option in the document" if the City could benefit from additional parking. Throughout this exchange, The City identified a reasonably foreseeable expansion of the project, designs for which the parking engineer said already exist, and has chosen to approve the project now without including this reasonably foreseeable development in the EIR impact analysis. The reason for addressing it now is that CEQA requires it: the public, neighbors on Dorrance and Elm, and decision-makers are entitled to know the full footprint, drainage, trail, noise, lighting, wildlife, air quality, drainage, and circulation impacts before the project is approved, not after.

In *Laurel Heights I,* the Supreme Court explained that the later in a development process environmental review occurs, the more momentum builds

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[25] Id.

[26] October 5, 2026 Planning Commission Hearing, City of Carpinteria, starting at the 1:52 mark.

behind a project, creating a strong incentive to ignore concerns that could be addressed earlier, and that this problem "may be exacerbated" where the agency prepares and approves the EIR for its own project. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376) Both concerns apply here. The City is the landowner, the lessor, the lead agency, and the decision-maker. And the extension of Lot #4 toward Holly is not the sheer speculation the Court said an EIR need not address: the parking engineer testified that designs exist, Commissioners discussed it, and staff offered to write it into Condition 9. Approving the hotel now and deferring review of that extension until after the City's commitments are made is the abdication of responsibility the Court warned against.

The Court in *County of Inyo v. City of Los Angeles* (1977) stated that An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.[27] The City's open embrace of future expansion obscures actual plans, and the significant impacts of those plans flow directly from the Project. The community and stakeholders deserve to understand them.

The identified land for Parking Lot #4, south of the railroad tracks, is simply the wrong place to provide parking for the Surfliner Inn, for Amtrak travelers, commercial visitors, and other uses. Sitting across the tracks from the hotel, out of sight and next to homes, it invites crime, vagrancy, and nighttime safety hazards for the adjacent homes, guests, travelers, and employees the City expects to use it. At the October 5, 2026 Planning Commission meeting at approximately the one hour, 49 minute mark, Chair Moyer stated he supported a 6' wall along Parking Lot #4 to offer residents "great deal more security" which was echoed and supported by other Planning Commissioners. This is a clear acknowledgement that there are safety and security concerns present with the development of a Parking Lot near homes.

In addition to concerns raised about the speculative nature of Conjunctive Use and significant circulation impacts, The project approval condition to monitor Shared Parking acknowledges that the arrangement is not bullet proof and may need additional mitigations. If Lot #4 proves too small or needs another exit to relieve Elm Avenue, the only fix is expansion, and a lot that can only be fixed by expanding will be expanded. Alternative 3 and the north-of-the-tracks area already have what Lot #4 lacks and cannot acquire: wider streets, separation from residences, and multiple entrances and exits.

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[27] *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 stating "an accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."

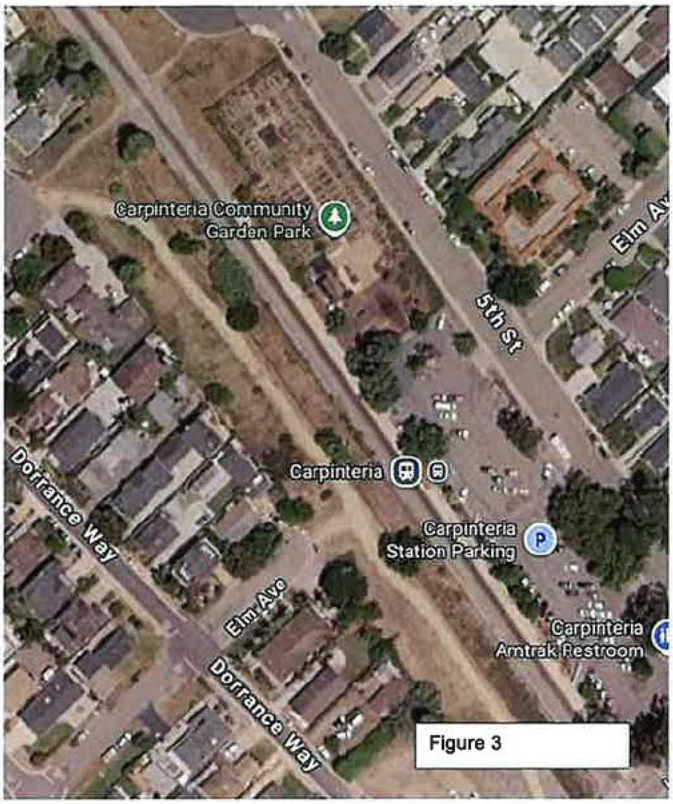
The omission of including the foreseeable expansion of Lot #4 in the future also harms residents of Dorrance Avenue between Elm and Holly. If more parking is later added, they will have been denied meaningful notice and an opportunity to participate regarding a significant impact to their peaceful enjoyment from the Project. Understanding the full costs and benefits of a proposed development is a key underpinning of CEQA. CEQA prohibits segmenting a project into component pieces or separate approvals by requiring that the project be the "whole of the project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[28]

All impacts and alternatives must be evaluated in a single, comprehensive EIR certified by the lead agency.

The concern is heightened by staff's statements that Elm residents could park in Lot #4 under the alternative that eliminates parking on Elm. That suggests the City may rely on Lot #4 to absorb displaced parking, which increases the likelihood that Lot #4 will need to grow, and is a grossly unfair burden for these community members.

If Alternative 3 is not selected as the far superior and most logical approach, the EIR must analyze the extension of Lot #4 to Holly, including its effects on neighboring residents, or explain with substantial evidence why the extension is not reasonably foreseeable.

[28] Cal. Code Regs. Tit. 14, § 15378



(Figure 3, at left is the current condition of the Community Garden and The Green/Belt open space from Holly to Linden Avenue).

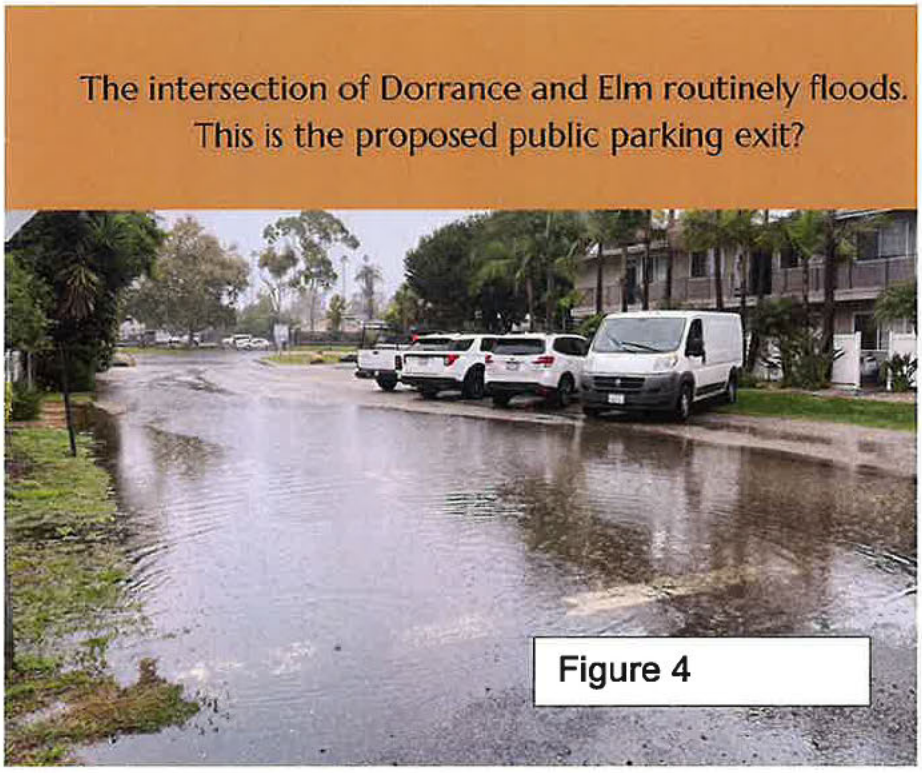
Ground 11: The EIR's Noise Analysis Did Not Study the Section of the Elm Avenue Roadway Section that will Actually Be Impacted. The Noise and Vibration Technical Memorandum (Appendix H) identifies the closest sensitive receptors to Lot #4 as a single-family home approximately 20 feet from the construction boundary and an apartment building approximately 25 feet away. It also acknowledges other residences on Elm Avenue and Dorrance Way "at greater distances." Yet the analysis identifies these receptors without evaluating the noise and vibration they would actually experience. An EIR must do more than name the people affected: it must analyze and disclose the project's impacts on them, supported by substantial evidence, which includes "[...]the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes[...]," (CEQA Guidelines, § 15126.2, subd. (a).)[29] Identifying sensitive receptors

[29] "(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant effects of the proposed project on the environment. [...] Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause or risk

without analyzing the effects on them is a failure of disclosure, not an analysis. The study's only Elm Avenue measurement and modeling point for operational traffic noise, however, sits north of 5th Street — a different segment, unaffected by the new driveway. The Final EIR's characterization of parking-related noise as "temporary," "widely distributed," and "not continuous or concentrated" does not address the distinct noise source at issue: recurring vehicle trips exiting onto Elm Avenue itself, 365 days a year, with headlights sweeping homes and engines idling in queue.

Ground 12: Drainage and Flooding Impacts on Elm Avenue Were Not Adequately Analyzed in Alternative 4 or 5.

The Final EIR directs Lot 4 stormwater runoff toward Elm Avenue without adequately analyzing the existing, documented flooding condition at Elm Avenue and Dorrance Way — which has already caused documented indoor flooding at Appellants' homes. Appellants met with City Public Works Staff, City Planning Staff, and City Attorney on November 17, 2025 to personally witness flooding impacts, during stormwater conditions. ***Figure 4*** is a photo taken during that meeting.



The permeability of the existing decomposed granite path (pervious vs. impervious, and the type of stabilizer used) remains factually unresolved, and the claimed drainage improvement is nominal in any event (as little as a 0.01 cfs change in the two-year storm) and does not account for removal of pervious surfaces and mature vegetation to accommodate the Elm Avenue egress. Given a documented high water table (approximately 10 feet below

exacerbating by bringing development and people into the area affected." CEQA Guidelines, § 15126.2, subd. (a).

grade), the Final EIR also does not establish that pervious paving proposed for Lot 4 provides adequate separation to protect groundwater from vehicle-related pollutants.

*(**Figure 4** at left demonstrates the flooding that routinely occurs at Elm Avenue and Dorrance Way)*

City staff has pointed to Carpinteria's Stormwater Management Plan/Capital Improvement Plan (CIP) as the answer to flooding on Elm Avenue. At the September 21, 2026 meeting Principal Planner Mindy Fogg said improvements in the CIP for Elm and Dorrance could be prioritized, but referencing a CIP is not an environmental analysis nor a condition of approval or mitigation measures. The plan does not evaluate this project's drainage or flooding impacts, and nothing in the FEIR shows how the plan would resolve them. It is also very important to understand if the Developer or taxpayer will foot the bill for these significant flood mitigations. It is also unknown how the huge impacts during construction for the Elm Residences will be mitigated.

Importantly, the CIP plan is also 17 years old (meaning, 17 years stale). An EIR must describe actual existing conditions, and the City cannot satisfy that duty by pointing to a very old document with outdated assumptions.

The CIP's treatment of Elm Avenue is also thin. It mentions direct improvements to Elm only once (on page 36), stating that Line F (SD-6 and SD-12) would replace earth swales and ditches along Third Street from Linden to Ash Avenue and "would also be a conduit for other improvements up Holly Avenue and Elm Avenue to connect to if desired."[30] That language is permissive, not a commitment. It identifies no specific Elm Avenue project, schedule, funding, or capacity analysis. A possible future connection "if desired" is not enforceable mitigation (See CEQA Guidelines, § 15126.4, subd. (a)(2).) and it violates CEQA.

The City therefore cannot rely on the CIP plan to conclude that flooding, which will be exacerbated by the project on Elm Avenue, will be addressed. The EIR should analyze the existing capacity and flooding conditions of Elm Avenue under current and projected storm conditions, evaluate how runoff from Lot #4 and Alternative 5 would affect the Elm Avenue and Dorrance Way (areas currently excluded from the Project Description and Environmental Setting), and identify specific, enforceable measures with funding and timing.

Ground 13: Alternative 5 Is Blatantly Inconsistent with the General Plan and Local Coastal Plan. Under CEQA Guidelines § 15126.6, subdivision (f)(1),

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[30] City of Carpinteria - Storm Drainage Master Plan February 2009, page 36

general plan consistency is an express factor in determining whether an alternative is feasible, thus the City must evaluate how each alternative, including Alternative 5, conforms to the General Plan/Coastal Land Use Plan, rather than selecting an alternative on the basis of public sentiment or the City's own financial interests.

The Final EIR's Alternative 5 discussion does not address Community Design Element Objective CD-5 (neighborhood interior streets as "living rooms" where children can safely play), Objective CDS1-2 (enhance pedestrian character), Objective CDS1-3 (preserve small-scale residential character), or CDS2-c (prevent loss of "small town character"). Elm Avenue — a narrow, dead-end street with existing pedestrian and child activity, no sidewalks, and a General Plan-recognized "rural street character" — is precisely the setting these policies protect, and the Draft General Plan's Coastal Resiliency Element additional concerns (sea-level rise, flooding vulnerability specific to the Beach Neighborhood) are not analyzed against Alternative 5 at all.

The City of Carpinteria defines that " Neighborhood interiors are characterized by similar types of development that define a district and provide a quiet, safe and family-oriented environment"[31] Note that Community Design Element Objective CD-5 states: "The streets of neighborhood interiors should be designed to be the 'living rooms' of the neighborhood, where children and adults can safely play or walk."[32] This Element is entirely missing from the Environmental Impact Report and the analysis of Alternative 5. Beach Neighborhood Interior streets were wholly unanalyzed because they were not directly impacted by the Surfliner Inn project until the inclusion of Alternative 5, which represents a significant impact to a newly impacted neighborhood unaddressed in the FEIR.

Additional inconsistencies between the Surfliner Inn Project and local planning policies and objectives are summarized in Appendix A.

Ground 14: Alternative 5 Independently Conflicts with the Coastal Act and the Mello Act (California Code, Government Code - GOV § 65590). Public Resources Code §§ 30250(a), 30252, and 30253(e) require that new coastal development avoid significant adverse effects, maintain adequate public parking and coastal access, and protect special neighborhoods popular for recreational use. The Final EIR's conjunctive-use parking framework is speculative and does not appear in the City's own June 2026 Parking Management Plan; if actual demand exceeds that assumption on peak weekends, the predictable result is drivers exiting via the Elm Avenue Cul-de-

[31] *City of Carpinteria, Beach Neighborhood Design Guidelines, 2012, Page 3*

[32] *City of Carpinteria General Plan and Local Coastal Plan, Community Design Element, Page 32*

Sac and circulating into the Beach Neighborhood, compounding every impact above. Because the property lies in the Coastal Zone and 4900 Dorrance Way is existing low- and moderate-income housing, Appellants also request that the City confirm how it has considered Government Code § 65590 (the Mello Act) in evaluating a design that degrades safety and livability at that building. The Mello Act was passed specifically to protect low-income residents from loss of residential access to coastal areas.

Parking Loss Harms Low-Income, Work-force Community Members: : Changing residential parking configurations on Elm Avenue will greatly eliminate existing spaces, depriving workforce residents of the reliable vehicle access they depend on. Many work non-traditional hours, hold multiple jobs, or commute to areas poorly served by transit, so losing proximate parking places a disproportionate daily burden on households with the fewest resources to absorb it.

- **Introduced Safety Concerns:** Residents have raised concerns about public safety, including the potential for increased loitering and unwanted activity in a remote lot adjacent to homes, especially with younger children.
- **Inadequate Mitigation:** The project's environmental and mitigation disclosures offer no realistic, enforceable solution for displaced parking. Distant or permit-restricted alternatives ignore the needs of working tenants, families, and elderly residents who require safe, nearby access to their homes. City Planner Nick Bobroff specifically stated that enforcement is complaint driven and that management of any future Lot 4 will be by the Developer. On top of that current users of the Community Garden have reported several instances of unsettling vagrancy in Lot # with no enforcement or deterrence. This will only be compounded if parking is available in the isolated Lot 4.



Ground 15: The Hazardous Materials Record Which is Inappropriately relied upon in the EIR Does Not Reflect Current Applicable Cleanup Standards and Also Ignores a Second Contamination Source Leaving the City and Taxpayers Liable. Appendix F — the entire hazardous materials analysis for the former Orchard Service leaking underground storage tank (LUST) site beneath and adjacent to Lot 3 — consists of a single substantive report dated March 22, 2013 plus historical agency files; no document postdates 2013, and no new soil vapor or groundwater sampling was performed for this Project. Comment A75-31 separately identified a second, independently sourced contamination concern — the former TEC/Tyco manufacturing site directly across Linden Avenue (heavy metals, chlorinated solvents, cyanide, per the cited GeoTracker case record) — and a possible cross-gradient groundwater migration pathway to Lots 3 and 4. The City's response to Comment A75-31 addresses the Orchard Service site but says nothing about TEC/Tyco. Nor does the record engage the 2019–2023 significant new soil vapor and indoor air standards, which postdates the 1996 closure relied upon — a gap of particular concern given that the Project includes a hotel employee residence subject to residential occupancy standards. The final Conditions of Approval (Condition:

Soil and Groundwater Contamination – Parking Lot #4) confirm this gap persists into the approval itself: they address only "the former Orchard Services property and LUST Site #50119" and do not mention TEC/Tyco anywhere. This vague response leaves the City vulnerable. Who will conduct new studies? Who will pay for the remediation? Taxpayers should not foot this bill.

Ground 16: Lot 4 is a known and beloved Green Zone. The Biological Resources Analysis failed to receive an adequate or legally defensible natural resource study nor address the California Department of Fish and Wildlife's ("CDFW") Requests or Standards Specifically drafted in response to the Project Plan. CDFW, as State Trustee Agency, submitted extensive numbered recommendations on June 24, 2025, including the requirements for a nine-quadrangle CNDDB search minimum (Recommendation 3.d) and multi-season survey work given CDFW's own one-year field-assessment validity standard (Recommendation 3.f). The Final EIR's biological survey used only a seven-quadrangle search, and Master Response 7's wildlife-corridor conclusion rests entirely on a single two-week camera study (March 18–April 1, 2026, four stations). The City's own Environmental Review Committee had already flagged the same gap before that study existed (Comment ERC-15, biologist Vince Semonsen), and the response to Comment A75-23 — which quoted CDFW's own cumulative-impacts language back to the City — supplies no list of other projects and no combined analysis, per CEQA Guidelines § 15130(a)(2) requirements. Comments ERC-1, A75-8, A75-18, A75-20, A75-22 (noting the February 2026 candidate CESA listing of the mountain lion), and A75-27 each raise distinct, unresolved points which are not addressed anywhere in the responses. The final MMRP and Conditions of Approval carry forward only the nesting-bird/raptor avoidance measure (MM-BIO-1) and the tree-protection measure (MM-BIO-2); neither adds any wildlife-corridor-specific survey, monitoring, or mitigation requirement responsive to CDFW's recommendations nor answer multiple points raised by the community.

It has been observed that the land slated to be Parking lot 4 holds water when it rains, providing forage for herons and egrets. The FEIR relies on the National Wetlands Inventory and National Hydrography Dataset to characterize wetland and aquatic resources on and adjacent to the site. These are desktop resources based on remote sensing and are not substitutes for field-verified wetland delineation. The EIR provides no site-specific delineation or seasonal field assessment under the applicable federal, state, and Coastal Act definitions. Without an accurate baseline, the EIR cannot support its conclusions regarding wetlands, buffers, or ESHA, and the analysis lacks substantial evidence. The City should conduct a field-based delineation and recirculate the analysis for public review. The National Wetlands Inventory website disclaims: "NWI data is mapped using a biological wetland definition and should not be interpreted as representing the presence, absence, or extent of wetlands that

may be covered under one or more federal, state, Tribal, or local laws." (https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper)

Ground 17: The Conjunctive-Use Parking Analysis Does Not Support the Conditional Use Permit. The City's December 12, 2024 ARB staff report found a stand-alone parking need of 234 to 291 spaces for the Project and existing uses. The Project provides only 141 (113 existing plus a net 28), a shortfall of 93 to 150 spaces. The City closes that gap on paper through a conjunctive-use arrangement that its own staff describes as a shared public/private arrangement, rather than the typical arrangement between complementary uses on private parking. The Walker Study notes that conjunctive use has presented "challenges in regard to enforcement or successful functioning in the long-term."

The City's revised forecast still shows 94 percent weekend utilization (133 of 141 spaces), even after removing demand from the canceled LOSSAN program. That is well above the 85 percent level at which Walker says users begin to perceive parking as full and circle in search of a space.

The employee assumptions do not hold up. The Final EIR states that the hotel and café/bar require 17 to 19 employees per shift, yet the parking analysis allots only [11] employee spaces and assumes identical staffing on weekdays and weekends. It also assumes alternative transit use, although the General Plan shows alternative transit accounts for about 1 percent of work trips. These assumptions skew the analysis in the Project's favor. Conjunctive parking also does not appear in the City's Circulation Element.

On this record, the Conditional Use Permit for conjunctive parking should not be approved, because the required findings cannot be supported by substantial evidence.

Ground 18: The Shared Parking Agreement and Adaptive Parking Management Plan Are Not Adequate Enforcement Mechanisms. As proposed, the APMP lacks objective, measurable performance triggers for parking occupancy, public availability, and neighborhood spillover; does not clearly bind successor owners and operators; does not define "minor modification" (left to unreviewed administrative discretion); provides no financial assurance mechanism; and sets only a three-year monitoring term for a permanent land use. If the City relies on adaptive management in place of adequate parking supply, the underlying agreement must be an enforceable condition of approval with defined standards, not an aspirational side agreement.

The final Conditions of Approval confirm these gaps persist: they rename the instrument the "Conjunctive Parking Agreement," require it be recorded with the Santa Barbara County Recorder before the first Certificate of Occupancy, and tie "minor" modifications to consistency with that recorded Agreement — but they still define no objective performance triggers, still include no financial-assurance mechanism, and still leave the minor/material line to the Community Development Director's discretion, subject only to a three-year (extendable) monitoring term for a hotel that has a 55-year lease.

CEQA Guidelines § 15126.4(a)(1)(B) allows details to be deferred only if the agency commits to the mitigation, adopts specific performance standards, and identifies the types of actions that can meet them. Condition 9 has no standard such as a maximum utilization percentage or a minimum number of public spaces available.

Ground 19: Rejection of the Subterranean Parking below the planned Surfliner Inn as an alternative without conducting a reasoned review is arbitrary and capricious. Extensive precedent both in Carpinteria itself and more broadly in coastal Santa Barbara City and County, and along the entire Southern California Coast, new developments are required to implement subterranean parking as an intelligent and preferred approach to limiting sprawl and paved areas in high value community spaces along the coast. When questioned on this omission, the City stated informally that it was too expensive to consider and that approach would not "pencil out" for the developer. They also alleged without evidence that the water table was too near the surface. If engineering studies were conducted on this question, the community deserves to see them. It is an abuse of discretion and arbitrary to eliminate this option without adequate studies or supporting evidence.

Notice of Potential Inverse Condemnation Exposure

Appellants separately gave notice, in their September 20, 2026 letter, that Alternative 5 as designed presents the classic elements of an inverse condemnation claim under Article I, section 19 of the California Constitution which occurs where a project's negative impacts burden one or few residents and all benefits flow to the community. For instance substantial impairment of the Elm Residences' driveway access during recurring queue conditions (*Bacich v. Board of Control*(1943) 23 Cal.2d 343; *Breidert v. Southern Pacific Co.* (1964) 61 Cal.2d 659); recurring noise, headlights, and exhaust substantially interfering with use and enjoyment of three specific homes (*Varjabedian v. City of Madera* (1977) 20 Cal.3d 285; *Baker v. Burbank-Glendale-Pasadena Airport Authority* (1985) 39 Cal.3d 862); and a burden that is direct, substantial, and peculiar to three residences rather than distributed across the community

(*Holtz v. Superior Court* (1970) 3 Cal.3d 296; *Armstrong v. United States* (1960) 364 U.S. 40). Because the City is now on notice of this exposure before acting, and because feasible alternatives exist that would avoid it, Appellants renew their request that the City Attorney advise the Council on this exposure before any final action on Alternative 5.

IV. Requested Relief

Appellants respectfully request that the City Council:

1. Reverse the Planning Commission's certification of the Final EIR, approval of the Project, and approval of the Conditional Use Permit for conjunctive parking; or, in the alternative;
2. Select Alternative 3 without further analysis (to the extent permitted) and if possible with enhanced community garden amenities; or in the alternative,
3. Remand the matter to the Planning Commission with direction to:
    a. direct staff to complete a comparative traffic, parking, noise, and drainage analysis of Alternative 3 against Alternative 5, using realistic summer/event-day and full-lot-departure conditions rather than a single March weekday count;
    b. recirculate the Final EIR as to Alternative 5 and the Elm Avenue egress design under CEQA Guidelines § 15088.5, with an accurate environmental setting and for the affected Elm Avenue Cul-de-Sac under Guidelines § 15125;
    c. recirculate the Final EIR as to Alternative 5 and the Elm Avenue egress design under CEQA Guidelines § 15088.5, with an accurate baseline for the affected Beach Neighborhood under Guidelines § 15125;
    d. require current soil vapor and groundwater testing addressing both the former Orchard Service LUFT site and the TEC/Tyco site, under current (post-2019) standards
    e. require a wildlife movement study spanning multiple seasons consistent with CDFW's recommendations, and a genuine cumulative biological resources analysis under Guidelines § 15130(a)(2), including possible expansion to Holly Avenue
    f. direct staff to study a feasible Lot 4 access configuration that does not route permanent outbound traffic onto the tiny and narrow Neighborhood Interior street of the Elm Avenue Cul-de-Sac; and
    g. if any Shared Parking Agreement or Adaptive Parking Management Plan is adopted, require it be an enforceable condition of approval with objective performance triggers, life-of-project monitoring,

defined modification standards, and financial assurance, with enforcement conditions that will include overnight parking, noise, nuisance abatement, and vagrancy; and

4. In either case: (a) direct that the record reflect, and that the Council expressly consider, the disparate impact of the Project's traffic, noise, and construction impacts on the residents of 4900 Dorrance Way, including the City's obligations under the Mello Act (Government Code § 65590); and (b) direct the City Attorney to advise the Council on the Project's potential inverse condemnation exposure impacts to the Elm Residences before taking any final action on Alternative 5.

Appellants reserve the right to supplement these grounds with additional argument, evidence, and expert analysis in advance of or at the Council's hearing on this appeal, as permitted under CMC § 14.78.040.

Respectfully submitted,

Kristin Larson, Esq.

Ariana Katovich, Esq.

Tellus Law Group

On behalf of Kirk Connally and Marla Daily

Attachment: Chart Showing Inconsistencies of FEIR with Applicable Requirements

Attachment 1:

Table of Inconsistencies

(9 pages)

Appeal of Planning Commission Approval — Surfliner Inn Project (No. 23-2254-DP/CUP/CDP/ARB) on behalf of Marla Daily and Kirk Connally

Policy Number	Text	Significant Impacts and Policy Inconsistencies
Community Design Element Objective CD-5	Policy CD-5: The streets of neighborhood interiors should be designed to be the "living rooms" of the neighborhood, where children and adults can safely play or walk. The design and details of streets, frontages and buildings should support this objective.	Note: This element is entirely missing in the DEIR and FEIR analysis. Under CEQA Guidelines § 15126.6(f)(1), general plan consistency is a factor in judging an alternative's feasibility. Alternative 5 routes all Lot #4 exit traffic onto Elm Avenue and places a parking lot behind homes on Dorrance Avenue, yet the FEIR never evaluates its consistency with CD-5.
Objective LU-1	Establish the basis for orderly, well-planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public.	The project takes exisiting parking used by recreational visitors to serve a commercial project. Special events and restaurant activity may overlap with peak recreational visitation periods. The Project also impacts a corridor connecting the Carpinteria Salt Marsh and Caprinteria State Park withwalking trail that will be impacted by expanded parking
Policy LU-1c	Where policies in the Land Use Element overlap, the policy that is most protective of resources (e. g., land, water, air, etc.) shall take precedence.	
Policy LU-1d	Ensure that the type, location and intensity of land uses planned adjacent to any parcel designated open space/recreation or agriculture (as shown on Figure LU-1) are compatible with these public resources and will not be detrimental to the resource.	The project brings intense land use, a parking lot, to a parcel designated as open space/recreation
Objective LU-3	Preserve the small beach town character of the built environment of Carpinteria, encouraging compatible revitalization and avoiding sprawl development at the City's edge.	The project's Alternative 5 places a significant burden on the small beach town character of the beach neighborhood, introducing a brand new parking lot exit and circulation impact that services 95 cars at a time, potentially hundreds of cars a day.
Policy LU-3b	The Community Design Element shall guide the character of development, and represent a comprehensive statement of the community's visual objectives.	Neighborhood Interior Streets are significantly impacted and NOT analyzed in the DEIR and FEIR
Policy LU-3e	Direct commercial development toward the center of town and in established commercial nodes. Exceptions include visitor-serving commercial uses in the Bluffs III sub-area, and commercial uses of a character, size and location that are intended solely to serve a specific neighborhood and thereby reduce vehicle trips.	The impacts of the Commercial development of this project are partially directed at the Beach Neighbohood, via Alternative 5, which is not an "established commercial node."

Policy LU-3f	Encourage the remodeling and revitalization of neighborhoods and commercial areas in accordance with principles established in the Community Design Element.	Policy CD-5: "The streets of neighborhood interiors should be designed to be the 'living rooms' of the neighborhood, where children and adults can safely play or walk" is entirely missing from Alternative 5 and the FEIR.
Objective CD-3	The design of the community should be consistent with the desire to protect views of the mountains and the sea (California Coastal Act of 1976 §30251).	The FEIR acknowledges that development in downtown Carpinteria is required to be designed to protect public views of the mountains and the ocean (GP/CLUP Objective CD-3 and Policy OSC-13a) and to conform to the scale and character of a small beach-oriented community (Policy OSC-13b). Visual simulations show the Project's three-story mass obstructing the public view down Linden Avenue toward the ocean, the corridor those policies protect, and the FEIR never explains why that is consistent with them.
Policy CDS2-a	Ensure that new intensified land uses within the Downtown remain consistent with the city's "small beach town" image.	Under Alternative 5, new and intsense land uses of a new parking lot are in direct conflict with the small beach town character of the beach neighborhood.
Objective OSC-13	Preserve Carpinteria's visual resources.	
Policy OSC-13a	Preserve broad, unobstructed views from the nearest public street to the ocean, including but not limited to Linden Avenue, Bailard Avenue, Carpinteria Avenue, and U.S. Highway 101. In addition, design and site new development on or adjacent to bluffs, beaches, streams, or the Salt Marsh to prevent adverse impacts on these visual resources. New development shall be subject to all of the following measures: a. b. c. Height and siting restrictions to avoid obstruction of existing views of visual resources from the nearest public areas. [... bluff setback...] – This policy is not applicable because the site is not within a bluff area. Special landscaping requirements to mitigate visual impacts.	
Policy OSC-13i	Design all new development to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Preserve all natural landforms, natural drainage systems, and native vegetation. Require all areas on the site not suited to development, as evidenced by competent soils, geology and hydrology investigation and reports remain as open space.	

Policy OSC-11a	Carefully review development that will significantly impact air quality.	Impacts to cars idling at the exit of Parking lot 4, and then idling again at the interesection of Dorrance and Elm have not been analyzed in detail under Alternative 5
Policy OSC-11b	Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).	Parking Lot 3 is currently an identified "Park and Ride" location, a use not contemplated in the conjunctive use parking methodology
Objective CD-9	To ensure that streets enhance the established city framework and design.	The Character of Elm Avenue between Parking lot 4 and Dorrance will be forever changed, with the public of right-of-way potentially expanded to sit within feet to the front doors of these residences. Concerns regarding how residents will park, or use their own driveways have gone unanswered.
Policy CD-9a	The City shall promote the planting of appropriate street trees in existing and new neighborhoods to define and enhance the city's streetscape.	Current vegetation along Elm will be removed if the public right-of-way is expanded to accomdate a new Parking Lot exit in Alternative 5
Policy CD-9b	Neighborhood streets should be planted with street trees in parkway strips between the sidewalk and curb. It may be appropriate to plant street trees in easements behind sidewalks. The scale, type and spacing of trees will be selected to provide strong spatial definition of the street, and to frame axial views.	Current vegetation along Elm will be removed if the public right of way is expanded to accomdate a new Parking Lot exit in Alternative 5
Objective OSC-1	Protect, preserve and enhance local natural resources and habitats.	The FEIR's wildlife analysis is insufficient. It relies on a two-week camera study and does not evaluate habitat value across all four seasons, so it cannot capture seasonal movement, breeding, migration, or foraging patterns. This matters because the site is one of the last remaining strips of open land connecting the Carpinteria Salt Marsh to Carpinteria State Park and the habitat further south. The report also leans on the characterization of local wildlife as "urban adapted," implying these animals can tolerate a significant increase in land use intensity. That assumption is unsupported by biological studies and wrongly treats urban wildlife as impervious to impacts. Species that persist in developed areas still depend on cover, food, and safe movement corridors, and they remain vulnerable to habitat loss, fragmentation, noise, lighting, and vehicle traffic. Tolerance of existing conditions is not evidence of resilience to further intensification. A short-term study paired with an unsupported "urban adapted" premise cannot support a conclusion of less-than-significant impacts to the rare and important corridor wildlife or habitat connectivity.
Policy OSC-1a	Protect Environmentally Sensitive Habitat Area(s) (ESHA) from development and maintain them as natural open space or passive recreational areas.	The Wildlife Analysis is inadequate. In addition, Cooper's hawk and other birds of prey have been observed at the site. It is also passive recreational land, used by pedestrians. The project would remove the green space, add a parking lot, and construct a narrow walking path devoid of nature.

Policy OSC-1b	Prohibit activities, including development, that could damage or destroy ESHA.	
Policy OSC-1c	Establish and support preservation and restoration programs for ESHA, including but not limited to Carpinteria Creek, Carpinteria Bluffs, Carpinteria Salt Marsh, seal rookery, Carpinteria reef, Pismo clam beds and the intertidal zones along the shoreline.	Rather than treat current open space as supportive habitat for the Carpinteria Salt Marsh it is being contemplated for a parking lot.
Policy OSC-1f	Protect and restore degraded wetlands, butterfly habitat, native plant communities, and sensitive, rare, threatened or endangered species habitat on City-owned land to the maximum extent feasible.	The City is choosing to use valuable open space for parking rather than habitat restoration. The FEIR states "However, the proposed Hotel could increase the risk of bird collisions and associated mortalities as the Project Site is located within the Pacific Flyway, a major migratory bird pathway (Audubon, 2025). Additionally, the nearby ESHAs may serve as critical stopping points for birds during their spring and fall migration. Resident and migratory birds may utilize the Project Site for nesting and proposed construction may result in the disruption of nesting activities and possible failure of an active nest." yet only relies upon mitigation during contruction activities (Mitigation Measure BIO-1) to protect these species.
Policy OSC-2g	Offset the impacts of private development to existing opportunities for public access and recreation by requiring that such development include public access and recreational improvements.	Recreation Impact Not Mitigated: The narrow, constrained path proposed in the Parking Lot 4 scenario to replace the existing walking path, which is currently surrounded by open space, is not a recreational improvement. It is a mitigation measure, and it is insufficient to preserve the experience the public currently enjoys.
Policy OSC-3b	The upland limit of a wetland is defined as a) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; b) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; c) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. If questions exist, the limit shall be determined by a habitat survey made by a qualified biologist in consultation with the California Department of Fish and Game.	Lot #4 ponds after rain and supports foraging herons and egrets, yet the FEIR relies on desktop NWI and NHD data that the NWI itself says cannot establish whether wetlands exist. Without a field delineation or seasonal assessment, the EIR has no reliable baseline for its wetland, buffer, and ESHA conclusions, and it should be redone and recirculated.

Policy OSC-3c	Development adjacent to the required buffer around wetlands should not result in adverse impacts including but not limited to sediment, runoff, chemical and fertilizer contamination, noise, light pollution and other disturbances.	Again: the FEIR states: 'However, the proposed Hotel could increase the risk of bird collisions and associated mortalities as the Project Site is located within the Pacific Flyway, a major migratory bird pathway (Audubon, 2025). Additionally, the nearby ESHAs may serve as critical stopping points for birds during their spring and fall migration" the Hotel and oparking lots will be a permanent, and significant impact to the areas immediately adjacent to the Carpinteria Salt Marsh, a hot spot for migratory birds
Policy OSC-11b	Promote the reduction of mobile source emissions related to vehicular traffic (e.g. promote alternative transportation, vanshare, buses).	
Objective S-4	Minimize the potential risks and reduce the loss of life, property and the economic and social dislocations resulting from flooding.	The flooding at Elm and Dorrance Avenue is known, documented, and a significant source of concern in relation to both Parking Lot 4 (under any scenario) and especially under Alternative 5. Appellants property is already affected by flooding at this location
Policy OSC-6e	Natural drainage patterns and runoff rates and volumes shall be preserved to the greatest degree feasible by minimizing changes to natural topography, and minimizing the areas of impervious surfaces created by new development.	The FEIR does not analyze changes to natural topography or drainage patterns, including the redirection of runoff toward Elm Avenue, and does not evaluate feasible alternatives that would reduce grading or impervious area at Lot #4. The FEIR's own "minimal" reductions, including an increase in the 2-year storm, do not show that conditions are preserved to the greatest degree feasible.
Policy OSC-6f	All development shall be evaluated for potential adverse impacts to water quality and shall consider Site Design, Source Control and Treatment Control BMPs in order to minimize polluted runoff and water quality impacts resulting from the development. In order to maximize the reduction of water quality impacts, BMPs should be incorporated into the project design in the following progression: (1) Site Design BMPs, (2) Source Control BMPs, and (3) Treatment Control BMPs.	The FEIR concludes that water quality impacts are less than significant based on general regulatory compliance, a construction-phase SWPPP, and LID measures. But the underground retention chambers are located on the Hotel Site, not Parking Lot #4, and the FEIR never identifies the vehicle-related pollutants (oil, grease, fuels, and metals) that approximately 95 vehicles would generate, quantifies their loads, identifies the receiving waters, or describes post-construction treatment and maintenance for Lot #4. The FEIR also states that the project would increase impervious surfaces and stormwater flows, without reconciling that statement with its conclusion that runoff would decrease. The applicable policy prohibits degradation of any waterbody and the discharge of such pollutants during or after construction. A "substantial degradation" threshold is not that standard, and the FEIR does not demonstrate consistency with it.
Policy OSC-10a	Minimize the erosion and contamination of beaches. Minimize the sedimentation, channelization and contamination of surface water bodies.	Increased vehicular traffic onto Elm Ave as a result of Alternatuve 5 has not been analyzed in terms of its effects on local storm drains, and contaminants that flow directly to the ocean.

Policy OSC-10c	Degradation of the water quality of groundwater basins, nearby streams or wetlands, or any other waterbody shall not result from development. Pollutants such as sediments, litter, metals, nutrients, chemicals, fuels or other petroleum hydrocarbons, lubricants, raw sewage, organic matter and other harmful waste shall not be discharged into or alongside any waterbody during or after construction.	Parking Lot #4 would introduce vehicle-related pollutants from approximately 95 vehicles, drain toward Elm Avenue (an area with documented flooding), and rely on pervious surfaces over groundwater at approximately 10 feet. The FEIR does not identify the receiving waters, quantify expected pollutant loads, document seasonal high groundwater and infiltration separation, or specify post-construction treatment and maintenance.
Objective LU-1	Establish the basis for orderly, well planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public.	The City has the opportunity to choose Alternative 3 which would keep parking with parking, and green space, with green space. Yet, it has selected Alternative 5 which pushes commercial impacts onto the Beach Neighborhood and significantly impacts open space used by wildlife and constrains safe walking access to city beaches and nearby recreational assets.
Policy LU-3i	Ensure the provision of adequate services and resources, including parking, public transit and recreational facilities, to serve proposed development.	- stand-alone need is 234-291 spaces against 141 proposed. - Peak weekend utilization is 94-99%, leaving as few as eight spaces, well above Walker's 85% benchmark. - The model undercounts employee parking AND relies on an overwhelming majority of employees to not drive to work .- 25 of the 141 spaces are EV-reserved.
Objective OSC-14	Provide for adequate park and recreation facilities to meet the needs of the community and visitors.	Undercounting parking spaces for the Surfliner Inn Project directly conflicts with the public's ability to find parking to serve recreational needs.
Objective OSC-15	Maintain the existing trail system and provide additional recreation and access opportunities by expanding the trail system.	Trail users currently walk through open land. The project as designed would have them walk alongside a large parking lot, with the Project's path hugging the northern boundary. The reason to use the trail (quiet, open, natural) is what is removed.
Policy OSC-15a	The City's trail system shall be maintained and expanded based upon Figure C-3, the Trails Map, and, if approved by the Coastal Commission in an amendment to its Local Coastal Plan, the Trails Master Plan or similar implementing document.	Policy OSC-15a requires the City's trail system to be maintained and expanded, and Objective OSC-15 calls for additional recreation and access opportunities. The Project and Alternative 5 do the opposite. Both remove the existing Linden to Holly Trail, which runs through open space, and replace it with a decomposed granite path on the edge of a 93 to 95 space parking lot. The FEIR's description of a wider path under Alternative 5 does not address the loss of the trail's open setting, the new vehicle conflict points, or the noise and activity of a lot forecast to operate at 94 to 99 percent of capacity at weekend peaks.
Policy LU-3h	Develop land uses that encourage the thoughtful layout of transportation networks, minimize the impacts of vehicles in the community, and encourage alternative means of transportation.	Alternative 5 places new, significant, and permanent impacts on the Beach Neighborhood community. Conjunctive use parking is highly speeculative and poorly forsees multiple, overlapping uses.

Policy LU-3i	Ensure the provision of adequate services and resources, including parking, public transit and recreational facilities, to serve proposed development.	The project proposes to comandeer current public parking for it's use. The project's "stand-alone" parking needs far exceed what it is being allocated in a "conjuctive use scenario
Policy C-3h	Require all new projects to demonstrate safe traffic flow integration with the Master Plan of Streets as well as street/drainage improvements function. This shall include construction traffic and the designation of construction routes.	Significant safety concerns exist regarding the railroad crossing and its relationship to traffic flow under the identified alternatives. Alternative 5 is supported by a thin traffic analysis, yet it introduces a substantial change in traffic flow into the neighborhood interior. High-traffic commercial use cannot be successfully integrated with a dead-end residential street that carries very little traffic, and is populated by young children, elderly community members, and pets. The FEIR does not demonstrate otherwise.
Policy C-3l	Provide sufficient parking and loading space in commercial and industrial areas to minimize interference with efficient traffic circulation.	The City's staff report to the ARB found a stand-alone need of 234-291 spaces for the hotel and existing users, against a proposed supply of 141, a shortfall of 93-150 spaces. The conjunctive model closes that gap on paper, forecasting peak weekend occupancy of 133-140 spaces, or 94-99% utilization, which exceeds the 85% level the Walker study identifies as the point where parking is perceived as full and management measures are warranted. The model also assumes only 11 employee spaces, although the EIR itself projects 17-19 employees per shift, and it assumes minimal transit use despite the General Plan's finding that transit accounts for about 1% of trips. The City acknowledged this is an unconventional public/private arrangement, and the Walker study cautions that conjunctive use has proved difficult to enforce over time. A forecast that fits exactly within supply, with eight spaces to spare, does not demonstrate adequate parking under this policy or protect public coastal access.
Objective C-6	Provide adequate safe railroad crossings and to effectuate community design of buffers that will attenuate rail-related noise.	The hotel's rooms, rooftop deck, and trail users are exposed to train horns and idling at a station-adjacent site.
Objective C-7	Build demand for alternative transportation use by increasing ease, effectiveness, and social acceptability, and through foresighted planning.	
Policy C-9h	Encourage MTD to promote use of Parking Lot 3 as a park and ride lot, and encourage Caltrans to establish and promote its parcel southwest of the Bailard/Highway 101 interchange for a park and ride lot.	Park and Ride is not a considered use for Conjuctive Use Parking arrangement.
Policy C-9n	Require new development plans to include significant attention to alternative modes of transportation.	

CMC Section 14.54.040 (Parking Spaces Required)	The City of Carpinteria Municipal Code (CMC) Section14.54.040 provides required parking rates for various types of land uses. Hotels are required to have one parking space per guest room, plus one space per employee.	The project includes 36 guest rooms and a manager residence. CMC Section 14.54.040 requires one space per guest room plus one per employee, which is 36 spaces for rooms and, based on the FEIR's projected 10 to 11 hotel employees per shift, an additional 10 to 11 spaces, or roughly 46 to 47 spaces for the hotel alone, before the café, bar, rooftop, event space, and the manager residence. The Conjuctive use analysis allows for less spaces to be required. The Traffic and Parking Study allots only 4 spaces for hotel employees
CMC Section 14.54.060 (Conjunctive use of parking spaces)	Section 14.54.060 specifies that "...conjunctive use shall be defined as the joint use of parking spaces for two or more land uses where the hours of operation and demand for parking are such that the parking spaces can be used by the individual uses at different times of the day or week and, therefore, can serve more than one use. The intent is to provide a special provision of possible reduction in the number of parking spaces ordinarily required for two or more land uses and the sharing of parking spaces under a set of unique circumstances including the compatibility of the land uses, adjacency of properties, and lack of need for separate parking facilities."	CMC Section 14.54.060 permits conjunctive use only where the uses' hours of operation and parking demand allow the same spaces to serve each use at different times of the day or week, and only under "unique circumstances," including the compatibility of the land uses, adjacency of the properties, and a lack of need for separate parking facilities. The City's own forecast puts weekend peak utilization of Lots #3 and #4 at 94 to 99 percent, which shows the uses peak together rather than at different times. The conjunctive use methodology attempts to reconcile a hotel, café and event space, employees, beach visitors, Amtrak users, downtown visitors, and coastal access parkers, whose demands overlap on the same weekends and evenings. A model resting on that many competing assumptions is speculative and will be difficult to enforce, and it does not demonstrate that the Project lacks a need for separate parking. The code describes conjunctive use as a "possible reduction," meaning it is a special provision the City may grant, not an entitlement, and the applicant and City must show with evidence that each condition is met. They have not.
Policy PF-5b	The City will require proposed new developments to pay a fair share of the cost of needed public facilities and services. Further, in areas of the City designated for non-residential use but where residential use may be permitted, the City shall monitor total residential development and report annually to the School, Fire, Water and Sanitary districts to permit proper facilities planning by these special districts.	The project relies on public parking to meet a private requirement. The project also needs to entirely change the character of a residential street and home values of private property owners to accomdate the project.
Policy PF-5c	The City will ensure that new development will not adversely impact services and facilities provided to existing development.	The Project does the opposite: it converts an existing public lot serving downtown, the beach, and Amtrak into a hotel site, leaves the public with a lot forecast at 94 to 99 percent weekend utilization, removes an existing trail, and routes Lot #4 exit traffic onto Elm Avenue, which already floods, without analyzing the effect on those existing services and facilities.

Policy PF-6b	Development projects shall not result in a quantifiable reduction in the level of public services provided to existing development, nor shall new development increase the cost of public services provided to existing development.	The City's own forecast shows weekend utilization of Lots #3 and #4 at 94 to 99 percent, leaving as few as eight spaces for the downtown, beach, and Amtrak users who rely on Lot #3's 113 spaces today, while the hotel's stand-alone need alone is 121 to 178 spaces. Alternative 5 also removes street parking and replaces an open-space trail with a path beside a parking lot, and the Commission deleted the one condition requiring crossing upgrades. The Project will also add costs the FEIR never estimates, including maintenance and enforcement of Lot #4, the shared parking program and its monitoring, drainage on Elm Avenue, and any future reconfiguration of the lots.
Policy PF-6c	Development projects within Carpinteria shall be required to: 1. Construct and/or pay for the new on-site capital improvements that are required to support the project; 2. Ensure that all new off-site capital improvements that are required by the project are available prior to certificate of occupancy; 3. Be phased so as to ensure that the capital facilities that will be used by the new development are available prior to certificates of occupancy; 4. Ensure that, in the event that public services or off-site capital facilities are impacted prior to development, the level of service provided to existing development will not be further impacted by the new development; and 5. Provide for the provision of public services, and shall not increase the cost of public services provided to existing development.	It relies on City-owned Lots #3 and #4 to meet much of the hotel's parking need, defers the parking solution to a plan prepared after approval, leaves Elm Avenue drainage and the railroad crossing upgrade unfunded or deleted (Public Works Condition 7), and identifies no schedule tying these improvements to the certificate of occupancy. With Lots #3 and #4 forecast at 94 to 99 percent weekend utilization, existing users' parking is further impacted, and the FEIR never estimates the added public maintenance and enforcement costs.