

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Th19a

ADDENDUM

DATE: April 10, 2012 [Click here to go to the original staff report.](#)
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 19a, Thursday, April 12, 2012, City of San Buenaventura (Ventura) Local Coastal Program Amendment No. SBV-MAJ-1-11

The purpose of this addendum is to clarify the timing of a policy within Suggested Modification No. Four (4), attach four letters in support, and attach and respond to one letter in opposition. *Note: ~~Strikethrough~~ indicates text deleted from the March 29, 2012 staff report pursuant to this addendum and double underline indicates text added to the March 29, 2012 staff report pursuant to this addendum.*

1. Policy 16(e) of Suggested Modification No. Four (4) shall be revised to clarify the timing of the water-taxi support requirement.

Policy 16(e) of Suggested Modification No. Four (4) on page 31 shall be revised as follows:

- e. In order to promote cross-harbor transit and connectivity within the Ventura Harbor, the developer shall be required to either: a) purchase a minimum of 1,500 one-way water taxi tickets each year which may be distributed to visitors, customers, boaters, residents, and guests of the mixed use development within the HMXD zone, or b) contribute an equivalent amount of funding to the Ventura Port District for the operation of a water taxi service. The developer shall be required to either purchase tickets or contribute an equivalent amount of funds to the Ventura Port District each year for the life of the project. Initial purchase of tickets shall commence prior to obtaining Certificates of Occupancy for the first residential units. In the event that the water taxi service is discontinued for any reason, an equivalent amount of funds shall be paid to the Ventura Port District for public access and recreation improvements and/or programs, non-motorized boat storage, and/or alternative public transportation within the harbor, such as a shuttle or bus.
2. Four letters in support of the staff recommendation were received and are attached hereto. A letter from Mike Tracy, the Mayor of Ventura, was received on April 10, 2012; a letter from the Four Points by Sheraton Ventura Harbor Resort and the Holiday Inn Express Suites Ventura was received on April 10, 2012; a letter from a neighboring business was received on April 10, 2012; and a letter from a neighboring resident was received on April 9, 2012.

3. A letter in opposition of the staff recommendation was received on March 27, 2012 and is attached hereto. A letter from a neighboring resident in opposition of the proposed Local Coastal Program Amendment and the related proposed mixed-use development raises both Coastal Act issues and non-Coastal Act issues; however, the Coastal Act issues raised have been adequately addressed in the March 29, 2012 staff report. Therefore, staff recommends that the Commission approve the Local Coastal Program, as suggested to be modified.



CITY OF
VENTURA

April 10, 2012

City Council

Mike Tracy, Mayor

Cheryl Heitmann, Deputy Mayor

Neal Andrews, Councilmember

Brian Brennan, Councilmember

James L. Monahan, Councilmember

Carl E. Morehouse, Councilmember

Christy Weir, Councilmember

California Coastal Commission
c/o Steve Hudson, South Central Coast District Manager
89 South California Street, Suite 200
Ventura CA 93001

RE: City of San Buenaventura No.SBV-MAJ-1-11 (Ventura Harbor Mixed Use Development)

Dear Honorable Chair Shallenberger and Commissioners:

The Harbor is an important active and vibrant component to the City of San Buenaventura. The City Council and our residents are supportive and excited to watch the transformation of a long vacant site become a beautiful waterfront community with tourist destination public amenities, commercial and residential uses at our Harbor.

Our Community Development department has worked closely with your Commission staff on the revised LCP Land Use designation and implementing zoning district. As a result of our close collaboration, we are proud of a project which will accommodate the City's vision for mixed-use development that activates the public realm and is consistent with Coastal Act provisions for public access and parking, visual resources and visitor-serving amenities for the harbor community, citywide residents and visitors to Ventura.

Upon action by the Coastal Commission at your April 12, 2012 hearing, our City will accept and implement the LCP Amendment as modified.

Sincerely,

Mike Tracy
Mayor

C: Sonderrmann Ring Partners, LLC.
Oscar Pena, Ventura Port District
Rick Cole, Ventura City Manager
Jeffrey Lambert, Community Development Director



Received

APR 10 2012

California Coastal Commission
South Central Coast District

California Coastal Commission
South Central Coast Area
89 South California St.
Suite 200
Ventura, CA 93001

Re: Sondermann-Ring Project
Amendment No. SBV-MAJ-1-11
Agenda Item No. Th19a April 12, 2012

April 5, 2012

Dear Commissioners,

The Four Points by Sheraton Ventura Harbor Resort and the Holiday Inn Express Suites Ventura are in favor of the Sondermann-Ring Project. We see many benefits from the public space for our guests. We have over 40 thousand room nights a year and many of our guests would like to utilize the public space to include the park, dog walking, etc. We hope you will approve this as we feel it is very important to the harbor and our guests.

A handwritten signature in black ink that reads "Victor Dollar".

Victor Dollar
General Manager

Four Points by Sheraton Ventura Harbor Resort
1050 Schooner Drive
Ventura, CA 93001-4273
United States
T 805 658 1212 F 805 658 6347

FOURPOINTS.COM/VENTURA

The Four Points by Sheraton Ventura is independently owned and operated by Harbor Island LP under a license issued by The Sheraton LLC.



Received

APR 10 2012

California Coastal Commission
South Central Coast District

April 6, 2012

Commissioner Brian Brennan
California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

Re: Agenda Item No. Th19a
City of San Buenaventura Local Coastal Amendment No. SBV-MAJ-1-11
(Ventura Harbor Mixed Use Development)

Dear Commissioner Brennan:

TBBW Company LP is a long-time Master Lessee of two Ventura harbor marina properties adjacent to and directly across the harbor from the proposed Sondermann-Ring project (Parcels 15/16/18). As neighboring properties, we have closely followed the planning efforts and participated in the numerous public input sessions throughout the lengthy process. TBBW Company believes that approval of Amendment No. SBV-MAJ-1-11 will be highly beneficial to the City of San Buenaventura, the Ventura Port District, harbor businesses, residents and visitors. We strongly endorse the Sondermann-Ring Development Project.

The economic viability of the Port is an important consideration. Additional sources of revenue are essential to infrastructure maintenance and capital improvements. Parcels 15, 16 and 18 are vacant and offer an opportunity for much needed additional revenue for the harbor district. A vibrant and prosperous harbor will attract not only the general public, but also the recreational boater who is vital to our business plan.

TBBW Company is an advocate of public access to the tidelands and coastal waters. The Sondermann-Ring project offers many new opportunities for public access which include plazas, parks, open spaces accessible by vehicle, pedestrian, bicycle and water taxi. The synergy created by those public access components complements the marina properties as well.

The Sondermann-Ring Project with its variety of apartments, commercial spaces and associated parks will be beneficial to our recreational boating community in addition to the general public. The addition of nearby restaurants, shops and park areas should also be well received by our boaters.



TBBW Company was one of the first major stakeholders in Ventura Harbor over thirty years ago. We have developed and grown our marinas in consonance with the Harbor's development and intend to remain a key entity in the Harbor for many decades to come. We consider the Sondermann-Ring Project to be in the best interest of the community and support approval of Amendment No. SBV-MAJ-1-11 with suggested modifications.

Sincerely,

A handwritten signature in cursive script that reads "Eric Leslie".

Eric Leslie
Director of Marina Operations
Beauchamp Realty, Inc. for
TBBW Company, LP

Cc: Oscar Pena, General Manager
Ventura Port District
1603 Anchors Way Drive
Ventura, CA 93001-4229

WAYNE AND NORMA PETERSON
1986 ♦ FAMILY ♦ TRUST
20 VENEZIA, NEWPORT COAST, CA 92657
TELEPHONE (949) 715-3210 FAX (949) 715-3211
April 4, 2012

Agenda Item No: Th19a

California Coastal Commission
South Central Coast Area
89 South California Street
Suite 200
Ventura, CA 93001

Received
APR 09 2012
California
Coastal Commission

Re: Support for Sondermann Ring Partners Project in Ventura Harbor

Esteemed California Coastal Commission Staff,

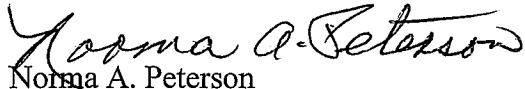
As you know, the City of Ventura is requesting an amendment to the Land Use Plan and Local Implementation Plan portions of its certified Local Coastal Program which would amend the development criteria for the Harbor Related Mixed Use land use designation within the Land Use Plan and amend the zoning designation of the subject property (Parcels 15, 16, and 18) from Harbor Commercial to Coastal Mixed Use within the Local Implementation Plan. This will allow the Sondermann Ring Partners development plans to finally proceed. The process leading up to this point has been extremely long and circuitous with concerted efforts to move this project forward starting some time before the turn of the millennium. I believe Sondermann Ring Partners has done virtually everything possibly to accommodate all of the competing interests of the Ventura Port District, the Ventura Keys residents, the Ventura Marina Mobile Home Park tenants, the California Coastal Commission, and the City of Ventura's Planning Commission, to name but a few. Given the huge amount of work that has brought the process up to this point, hopefully the California Coastal Commission will finally place its support behind the proposed changes to allow this project to proceed so the benefits of this finely balanced development can start inuring to the community.

As the master Lessee of the Ventura Marina Mobile Home Park I believe you should consider the effect that approval of this project, as amended, will have on my 450+ senior tenants. Completion of this project will place a gem right in their front yard. It is extremely difficult to imagine how completion of this project will have anything but a very positive impact on these residents, all local community members, visitors to the Ventura Harbor, and the Ventura Port District, which oversees the Harbor. For the tenants within the Ventura Marina Mobile Home Park such benefits include, but are not limited to, an ability to walk to shops, restaurants, an ocean front park, a pet park, and a marina area, and to use the bicycle paths that are part of the project. In addition to this, the completion of this project will likely result in significant increases in the resale values of these tenant's mobile homes. Additionally, income from the project will provide much needed operating funds to the Ventura Port District, which will allow it to further expand its service the public. Needless to say, all of this will lead to a very significant increase in the quality of life within the local community.

For these reasons I strongly urge you to approve amended Local Coastal Program that the City of Ventura has submitted to you. Thank you for your thoughtful consideration. It is time to move this project to fruition so we can all benefit.

If you have any questions you may write me at the above address and telephone number or you can e-mail me at Epeter2@socal.rr.com.

Very truly yours,



Norma A. Peterson

Master Lessee: Ventura Marina Mobile Home Park

Received

MAR 27 2012

California Coastal Commission
Application Number SBV-MAJ-1-11
Date Notice Posted: Feb 21, 2012

California Coastal Commission
South Central Coast District

Comments Proj-4326 Sodermann-Ring Partners

I would like to submit these comments in opposition to the planned development at the Ventura Harbor.

The planned development would be in opposition to the Coastal Commission's mission to Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. I have outlined the reasons why below.

I feel the main reasons for this development is to enhance Ventura City's tax revenue, create a profitable enterprise for the Soderman-Ring company, and to create a few jobs. None of these are in the Coastal Commission's mission.

Examples of items that this project fails to Protect, conserve and enhance are listed below:

Project is in Tsunami Zone. Why build residences in a Tsunami zone? Did we not learned from recent Tsunamis that there is a real danger? Our Harbor District manager has stated that there is greater chance of a Tsunami than an Earthquake. We have experienced 2 Tsunamis in 2 years, where we were informed to evacuate the immediate coast. This is not prudent use by current and future generations.

This project is proposed for Ventura Harbor District land - not private land. In other words, this property is "owned" by the residents of Ventura Harbor and City. This project would benefit only a few residents, and be detrimental to the majority of current residents.

This is the last large parcel, 21 acres, of undeveloped public property in the Harbor. What is the need to create an Urban housing development? What were some of the alternative land uses proposed?

Some current public uses of the property which would be stopped or curtailed by the current proposal:

- RC Flyers use the space on weekends to fly their radio controlled aircraft in an open space.
- Parking for multiple Harbor events during the year, including Christmas parade of lights, fireworks display, Walks for multiple organizations.
- Local residents walk their pets and fly their birds.
- Kite flying
- Fishing
- Enjoying the views

Were current residents of the Ventura Harbor District involved in the decision to lease the Ventura Harbor's land?

This will have an adverse effects on the current residents, both human and Marine Wildlife.

Were current residents informed that this project can DOUBLE the number of residents in the

Harbor, with a possible 900 additional residents:

Twice as much vehicle traffic. It is already busy on weekends. More air, noise and water pollution.

Demographic for the apartment rentals is mid-low income 25-35 years old. This will increase illegal drugs, alcohol abuse and violent crime in the area.

Currently the land is used to stage Breakwater construction and Harbor dredging. Where will this be moved to? Will this increase costs to Harbor District for future Harbor projects?

Currently, open fields are used by many Sea birds, such as nesting Blue Herons and Egrets. A variety of Raptors, including Kites and Hawks also use the property. Where will they go to hunt?

Ruined Viewshed for current residents - multiple 3 story buildings. Why 3 story buildings? Also will have to get to the park or walk promenade to enjoy the views.

2.44 acre public park with 34 parking spaces is very small. Not large as you stated in answer to CC 30210. Its' only 10% of the project's size. Since the project is public land, why such a small benefit to the public?

The current Natural resources of the parcel will be destroyed by buildings and concrete.

The position of the proposed new docks are in the narrowest channel in the entire Harbor. Won't this interfere with large commercial fishing boat's access, or create a dangerous traffic situation?

The 300 residences will add congestion, even if the Harbor is currently "underutilized". What were the metrics to measure utilization?

More people = more crime. This is common sense and a proven reality. How can you say that this will improve security?

I agree that the property should not be left "fallow", as it has for more than 25 years. But, making it into an apartment complex with a few concessions to the public is not the right answer.

Marvin Sperlin
1215 Anchors Way Dr. #109
Ventura CA. 93001

marv@sperlin.com

CALIFORNIA COASTAL COMMISSION

South Central Coast Area Office
89 S. California St., Suite 200
Ventura, CA 93001
(805) 585-1800



Th19a

DATE: March 29, 2012

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Barbara Carey, Supervisor, Planning and Regulation
Kanani Brown, Coastal Program Analyst

SUBJECT: City of San Buenaventura (Ventura) Local Coastal Program Amendment No. SBV-MAJ-1-11 (Ventura Harbor Mixed Use Development) for Public Hearing and Commission Action at the April 12, 2012 Commission Meeting in Ventura.

DESCRIPTION OF THE SUBMITTAL

The City of Ventura is requesting an amendment to the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP) to: 1) amend the development criteria for the Harbor Related Mixed Use (HRMU) land use designation within the LUP, and 2) amend the zoning designation of the subject property (Parcels 15, 16, and 18) from Harbor Commercial (HC) to Coastal Mixed Use (CMXD) within the LIP. The amendment will facilitate a proposed mixed use development project on an approximately 21-acre vacant waterfront site at the intersection of Schooner Drive and Anchors Way Drive in the Ventura Harbor.

The City of Ventura submitted Local Coastal Program Amendment 1-11 to the Commission on February 15, 2011. After the submittal of additional information requested by Commission staff, the amendment proposal was deemed complete and filed on December 7, 2011. Pursuant to Section 30512 of the Coastal Act and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP that combines changes to the LUP and the IP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. Pursuant to Section 30517 of the Coastal Act, the time limit for this amendment was extended for one year at the January 12, 2012 Commission hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **DENY** the proposed City of Ventura LCP Amendment No. SBV-MAJ-1-11, as submitted, and **APPROVE** the amendment with suggested modifications. The modifications are necessary because, as submitted, the LUP amendment is not adequate to ensure consistency with the applicable Chapter Three policies of the Coastal Act. Further, the LIP amendment, as submitted, does not conform with and is inadequate to carry out the provisions of the Land Use Plan. The motions and resolutions for Commission action can be found starting on **page 5**. The suggested modifications can be found starting on **page 8**.

<p>Additional Information: Please contact Kanani Brown at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St., Second Floor, Ventura, CA 93001</p>

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EXHIBITS

Exhibit 1.	Land Use Map
Exhibit 2.	Zoning Map
Exhibit 3.	Vicinity Map
Exhibit 4.	Parcel Map

- Exhibit 5. Site Aerial Photo**
 - Exhibit 6. Proposed LCP Amendment 1-11 Text**
 - Exhibit 7. City Council Resolution No. 2010-047**
 - Exhibit 8. City Council Ordinance No. 2010-013**
 - Exhibit 9. Proposed Project Plan**
-

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)...” (Section 30512(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan, as the City is proposing to amend it, is whether the Land Use Plan, as amended, would remain consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the Implementation Plan, with the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Ventura’s certified Local Coastal Program, as amended.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings (Joint Planning Commission/Design

Review Committee Hearing on August 17, 2010 and City Council Hearing on November 15, 2010) and received written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public by publishing the notice in the local newspaper and by mailing notice to interested parties, consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment 1-11 has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolutions for this amendment state that the amendment will take effect after Commission certification. However, in this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves the proposed amendment pursuant to the staff recommendation, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the amendment to become effective (California Code of Regulations, Title 14, Sections 13544 & 13544.5; and Sections 13542(b) and 13537(b)). Pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN AMENDMENT

Following public hearing, staff recommends that the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided prior to each resolution.

A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission CERTIFY Amendment SBV-MAJ-1-11 to the City of San Buenaventura Land Use Plan, as submitted by the City of San Buenaventura.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Following the staff recommendation will result in denial of Land Use Plan Amendment SBV-MAJ-1-11, as submitted, and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby **DENIES** certification of Land Use Plan Amendment SBV-MAJ-1-11, as submitted by the City of San Buenaventura, and adopts the findings set forth below on the grounds that the Land Use Plan, as submitted, does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the LUP amendment would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and/or mitigation measures that could substantially lessen any significant adverse impacts that the Land Use Plan amendment may have on the environment.

B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission **CERTIFY** Amendment SBV-MAJ-1-11 to the City of San Buenaventura Land Use Plan, if modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of Land Use Plan Amendment SBV-MAJ-1-11 with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **CERTIFIES** Amendment SBV-MAJ-1-11 to the City of San Buenaventura Land Use Plan if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment, with suggested modifications, will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment, if modified as suggested, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Land Use Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan if modified.

III. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LOCAL IMPLEMENTATION PLAN AMENDMENT

Following public hearing, staff recommends that the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided just prior to each resolution.

A. DENIAL OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission **REJECT** the City of San Buenaventura Local Implementation Plan Amendment SBV-MAJ-1-11, as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Local Implementation Plan Amendment SBV-MAJ-1-11 and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby **DENIES** certification of City of San Buenaventura Local Implementation Plan Amendment SBV-MAJ-1-11, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan amendment, as submitted, does not conform with and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

B. CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission **CERTIFY** City of San Buenaventura Local Implementation Plan Amendment SBV-MAJ-1-11 if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **CERTIFIES** the City of San Buenaventura Implementation Plan Amendment SBV-MAJ-1-11, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

IV. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN AMENDMENT

Staff recommends that the Commission certify the following, with the modifications as shown below. The existing language of the certified LCP is shown in straight type. Language proposed by the City of Ventura in this amendment to be inserted is shown underlined. Language recommended by Commission staff to be inserted is shown double underlined. Language proposed by the City of Ventura in this amendment to be deleted is shown in ~~striketrough~~. Language recommended by Commission staff to be deleted is shown in ~~double striketrough~~. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION NO. 1

Delete the 1st iteration of the “Ventura Harbor” section starting with “The Ventura Harbor area of the Comprehensive Plan includes the waters of Ventura...” on page III-84 and ending with “...where any uncertainty or apparent discrepancies may exist” on page III-98.

SUGGESTED MODIFICATION NO. 2

Page III-99:

Harbor-Related Mixed Use (HRMU)

The purpose of the Harbor Related Mixed Use (HRMU) designation ~~category~~ is to ensure that the City and Port District obtain the best suited horizontal mixed use development for the last remaining large parcel in the Ventura Harbor. The harbor-front parcel currently lays fallow and unused. While the site presents no obstacles to accessibility of the harbor, its location off of any major thoroughfare and its lack of amenities and visitor-serving facilities leaves the site wholly unattractive to visitors. The HRMU designation shall encourage development of this property with a balance of visitor-serving, recreational and residential uses. The visitor-serving and recreational components shall provide amenities for the public while the residential component should aim to enliven the development and turn it into a destination. The residential component shall provide a

critical mass of residents to activate the Harbor, but shall not overwhelm the harbor-front to the public's detriment. The purpose of the HRMU designation shall also be to ensure development which can function as a transition between the adjacent residential neighborhoods to the north and east and the primarily commercial and visitor-serving uses (both existing and envisioned) of the rest of the harbor. To encourage continued coastal-dependent recreation and tourist opportunities within the water front areas of the harbor, the HRMU designation category shall require that public amenities, such as a public accessway, public parking, a public park and restrooms and harbor oriented recreational and visitor serving facilities are included on the site.

Residential development, which is considered a non-priority use within the harbor, shall be limited to the development of Parcels 15 and 18 ~~HRMU designation on the upper story (or stories)~~ and the existing Mobile Home Park (MHP) designation and all other references to non-priority uses elsewhere in the harbor shall mean general commercial and office uses only. Development of ~~this property~~ Parcels 15, 16 and 18 shall be subject to the preparation and approval of a master site plan for Parcels 15, 16 and 18. The master site plan for Parcels 15, 16 and 18 shall, at a minimum, meet the criteria set forth in the Area Location and Intensity policies for the Northeast Harbor, as well as any pertinent standard set forth in the Zoning Ordinance. All coastal-dependent and visitor-serving commercial development shall be integrated with the overall character of the harbor and continue to encourage tourist activity consistent with the goals of the City's Local Coastal Program.

Page III-104:

Northeast Harbor

For development in the Northeast Harbor area, the following criteria shall be applied, except for the mobile home park.

- 1) Buildings and other structures shall not occupy more than ~~25~~35 percent of a given project.
- 2) Views corridors of the harbor from Anchors Way Drive shall begin at Schooner Drive and continue ~~generally unobstructed~~ for approximately 1,500 feet to the western terminus of the boat launch area. At least 50 percent of this portion of Anchors Way, including the boat launch area, shall preserve views of harbor waters. Additionally, a development shall receive credit toward the fulfillment of the requirement for any internal project roadway with unobstructed views of the harbor. Fragments of roadway less than 100 linear feet shall not count toward the fulfillment of this requirement. The public park at the terminus of Navigator Drive shall be designed so as to maintain open-views of the harbor.

Development of vacant properties south of the boat launch area (Parcels 15 and 18) shall provide public pedestrian access and a bicycle path (waterfront promenade) adjacent to and along the entire length of the waterfront and connecting to the existing bike path lanes on Navigator Drive and Anchors Way from the terminus of Schooner Drive through the area designated HRMU to the waterfront path. These access ways to the water frontage and the development of a public park in concert with any residential land use shall offer additional enhanced views of the harbor.

- 3) All structures shall be limited to three stories, not exceeding 45 feet in height, except theme towers and observations decks or similar structures which shall not exceed 58 feet, and freestanding antennas, masts and flagpoles, which shall not exceed 60 feet, and antennas, masts and flagpoles attached to a structure, which shall not exceed 10 feet above the maximum height of the structure to which it is attached. Up to three flagpoles marking project entry, project center or otherwise creating project identity shall be permitted, not exceeding 85 feet in height.

Page III-105:

Area Locational and Intensity Policies

- 1) **Northeast Harbor Area:** This area shall be developed primarily with commercial visitor-serving uses and, for the portion designated HRMU, with a master-planned residential/commercial, visitor-serving and recreational mixed use development. Uses allowed in this area include the following:
- (1) commercial visitor-serving uses;
 - (2) recreational boating;
 - (3) non-priority uses limited to public facilities and general retail and offices;
 - (4) non-water oriented commercial;
 - (5) public park and recreation;
 - (6) residential uses limited to a maximum of 300 units ~~and limited to the upper story (stories) of any development; and~~ as part of a mixed-use development, only if the residential uses are developed concurrently with a minimum of 21,000 sq. ft. of ground-floor commercial visitor-serving space; and
 - (7) mobile homes for the Mobile Home Park area (MHP).

Commercial fishing facilities are not intended uses in the Northeast Harbor Area. Coastal dependent and coastal-related recreation and visitor-serving uses shall be developed adjacent to the harbor front and shall have priority over residential and general commercial development.

Development on the HRMU designated parcel shall be subject to the preparation of a master site plan for Parcels 15, 16 and 18. The master site plan shall include, at a minimum, the following:

1) Land Use and Development Standards

- a) Architectural criteria, landscaping criteria, circulation requirements, and public view protection of the harbor.
- b) Any residential development proposed for the HRMU area shall aim to create a critical mass of residents that will activate the Harbor, without ~~not~~ detracting from or

interfering with the harbor oriented coastal visitor-serving uses, tourist activity and public recreational boating uses. New residential development within the Ventura Harbor shall be limited to the HRMU designated area and a maximum of 300 dwelling units shall be permitted providing such development is ~~located on the upper story (or stories) and is part of a mixed-use development that includes no less than 21,000 sq. ft. of ground-floor commercial visitor-serving space and is consistent with all other applicable policies of the LCP. The water frontage area shall be reserved for~~ Tourist-serving and recreational uses shall be located along the water frontage area. Residential units shall only be allowed on the upper story (or stories) of development located in the HRMU area. Should any residential units be developed on the HRMU designated site, the 2.44 acre waterfront area identified as parcel 16 shall be developed as a public park, prior to obtaining Certificates of Occupancy for the structures comprising the adjacent block (as shown on the master site plan) or three years from the commencement of construction of the first residential units, whichever comes first. Two, one-year extensions may be granted by the director if it is determined that circumstances outside the control of the developer led to delays in the commencement of development of Parcel 16.

Live/work residential units are encouraged. Efforts shall be made on the part of the developer/property manager to market such units to visitor-serving and/or marina-oriented businesses. The square footage of live/work residential units shall not count towards the minimum 21,000 sq. ft. of ground-floor commercial visitor-serving space.

- c) In addition to the requirements of 1b above (development of the public park), the entire water frontage area, ~~to shall include not less than 200 feet in width as measured from the landward extent of the a 28 to 50 ft. wide~~ public access and recreation improvement (waterfront promenade) that varies in width, but is no less than 28 feet wide at any given point.
- d) In addition, development within the HRMU designated area, shall provide any one or combination of the following uses:
- (a) public amenities;
 - (b) commercial visitor-serving; and
 - (c) water-oriented recreational facilities.
- e) Any residential development proposed within the HRMU area shall provide adequate private recreational facilities so as not to overburden adjacent public recreational facilities.
- f) In order to avoid or minimize potential for bird strikes, all development shall be required to provide bird-safe building treatments for the façade, landscaping, and lighting consistent with the following policies:

- (a) All new buildings, and major renovations of existing buildings, shall be required to provide bird-safe building façade treatments in order to reduce potential for bird strikes.
- (b) Risk of bird strike hazard increases when windows or glass reflect nearby trees, bushes, or other potential habitat. Buildings and landscaped areas shall be designed to avoid or minimize such reflections.
- (c) Buildings shall be designed to use minimal external lighting (limited to pedestrian safety needs) and to minimize direct upward light, spill light, glare, and artificial night sky glow. Buildings shall also be designed to minimize light pollution from interior lighting to the maximum extent feasible.
- g) Any residential development proposed within the HRMU designated area shall provide measures to mitigate the loss of harbor area available for public amenities, visitor-serving commercial and water-oriented recreational facilities. Such measures shall include:
 - (a) Provision of new gangplank, security gate, storage shed, and dock, consistent with Americans with Disabilities (ADA) requirements, to the City for the Leo Robbins Community Sailing Center;
 - (b) Construction of a 90 ft. long dock for use by personal watercraft;
 - (c) Provision of a minimum of six (6) transient berthing spaces;
 - (d) Provision of at least one (1) transient berthing space for use by non-profit boating groups; and
 - (e) Support of a water-taxi service within the harbor.

2) *Land Use Buffer/Public Use Zone*

- a) In conjunction with any residential development that occurs within the HRMU designation, a public park shall be developed on the 2.44 acre harbor-front parcel described as parcel 16 ~~(see Exhibit 6 and 16)~~, to provide additional public access opportunities. The park shall be provided with picnic tables, benches, bicycle storage racks and public parking.
- b) Public access and public recreation improvements that vary in width, but are no less than 28 feet wide at any given point, with a minimum of 28 to 50 feet in width shall be sited along the water front (waterfront promenade) and visitor-serving area. The improvements shall include a pedestrian and bicycle accessway. In addition, such

improvements shall include, but are not limited to the following: picnic tables, benches, public restrooms, landscaping, bicycle storage racks, drinking fountains, public parking and improvements that would encourage use of this zone-area by the general public. Additionally, the project shall include an internal circulation system which improves harbor-front access and brings viewing opportunities closer to the waterfront. Such circulation system shall be comprised of a minimum of 500 feet of roadway with unobstructed views of the harbor.

- c) Public restrooms shall be provided at a convenient location for users of the public park, the waterfront promenade, the adjacent marina and commercial uses.
- e) ~~d)~~ To further Policy 8.2.4 of the City's Comprehensive Plan Circulation Element, a pedestrian and bike path (waterfront promenade), that incorporates public use areas, shall be located along the harbor water frontage. Connection of the pathway to the adjacent public areas shall be provided so that there is a continuous route around the Harbor water channel. An adequate supply of bicycle storage shall be provided at a location(s) convenient to users of the public areas. Directional signage shall be prominently displayed to direct the public to bicycle parking.
- d) ~~e)~~ Residential areas that abut the pedestrian and bike path shall incorporate design elements such as fencing, landscaping, signage and elevation changes, to prevent the public area from becoming used exclusively by such development.
- ~~f) If deemed appropriate, the master site plan should include development of a shuttle stop at the corner of Anchors Way and Navigator Drive to encourage the use of public transportation.~~
- f) A signage program shall be developed and implemented to make the public aware of access and recreational facilities that are available on site and to direct them to such facilities, including but not limited to the public park, waterfront promenade, visitor-serving commercial area, boating facilities, restrooms, bicycle parking, and coastal access parking.

3) *Recreation and Visitor Serving*

- a) Public access and recreation improvements described in ~~Master Site Plan Policy 2, Land Use Buffer/Public Use Zone 2b~~ above, shall be constructed concurrent with any development of the site and be available for public use ~~prior to~~ concurrent with occupancy of any residential or commercial development.
- b) A ~~28 to 50 ft. wide~~ public access and recreation improvement (waterfront promenade) that varies in width, but is no less than 28 feet wide at any given point, shall provide continuous access from Anchors Way to Navigator Drive and include access to the waterfront view park. In addition to this waterfront promenade, ~~At a minimum, a 20 foot wide~~ a multi-modal vertical public accessway shall be provided from the approximate terminus of Schooner Drive through Parcel 18 and connecting

to the ~~harbor front accessway~~ waterfront promenade shall be provided. The vertical public accessway shall include a roadway for vehicles and cyclists, parallel parking and a minimum of 10-foot wide ~~parkways~~ walkways, encompassing ~~with~~ landscaping and pedestrian sidewalks on ~~either each~~ side of the roadway. Walkways need not be provided where the roadway abuts the waterfront promenade or other public spaces which provide alternative pedestrian accessways. All public accessways shall be conspicuously signed for public use and incorporate design elements such as those specified in 2e above, to buffer the path from site development clearly delineate public spaces. The existing walkways along the perimeter of this site shall not be used to satisfy this requirement.

- c) Adequate commercial facilities and wet or dry boat storage facilities, necessary to support the needs of any proposed residential development shall be either within the portion of the site developed with residential use or within close and convenient proximity to the HRMU designated area.

4) *Parking and Circulation*

- a) Public parking or public parking lot(s) shall be provided in locations convenient to key visitor attractions, public access and public park area on the site. If parking fees are charged, parking fees shall be kept low so that the general public may use the Harbor facilities at nominal rates.
- b) All residential and commercial development shall provide adequate on-site resident, visitor and customer parking in addition to the required public parking or public parking lot(s).
- c) All development proposals shall submit for the appropriate planning and approving body, supplemental traffic analysis containing appropriate mitigation measures relative to project specific trip generation estimates. Said supplemental information shall demonstrate that the average daily trips (ADT) do not exceed those estimated for ~~currently~~ the previously permitted Harbor Commercial shopping center development which are estimated at 9,505 ADT.

All development proposals shall be designed to ensure that traffic generated by the project will not adversely impact the City's street system within the Pierpont/Ventura Keys and Ventura Harbor Community for area residents and members of the public accessing the Ventura Harbor and Surfer's Knoll Beach. As a result, left turn movements from the HRMU area onto Anchors Way shall be permitted only at Navigator Drive and Schooner Drive. In conjunction with the development of Parcels 15, 16 and 18, off-site traffic improvements shall be installed along Anchors Way, Beachmont Street and Seafarer, Seashell, Outrigger and Seaview Avenues to slow traffic speeds and redirect visitor-serving users to the primary access roadway of Anchors Way rather than the secondary local residential access of Beachmont Street. Off-site traffic improvements shall maintain and/or enhance existing pedestrian and bicycle access along Beachmont Street and Anchors Way. All traffic

improvements shall be designed in conformance with City standards as approved by the City Engineer.

Measures necessary to mitigate traffic impacts from development of the site shall be required and completed concurrent with site development. Restrictions limiting general public use of the street system shall not be permitted. If a reduction in traffic ADT is necessary, non-priority uses shall be removed from the development proposal.

- d) Site development shall provide an internal circulation system that does not rely on the public street system and insures a continuous flow of vehicle and pedestrian traffic throughout the HRMU designated area regardless of development patterns.
- e) Ingress and egress of the site shall not adversely impact the public's ability to access any public facilities, including but not limited to, the existing public boat launch facility that abuts the HRMU designated area.
- f) In conjunction with any residential development that occurs within the HRMU designated area, a Transportation Demand Management (TDM) Program shall be developed and implemented, consistent with a majority of the following policies, as feasible:
 - (a) Development shall be designed to promote maximum the use of public transit systems, public walkways, and bicycle paths. Building entries and exits shall be designed to be convenient to pedestrians and transit riders.
 - (b) Wide pedestrian paths or walkways shall be integrated into the roadways and sidewalks to link the public to waterfront recreation areas. Walkways need not be provided where the roadway abuts the waterfront promenade or other public spaces that provide alternative pedestrian accessways. The waterfront promenade shall link to existing bicycle paths adjacent to the property to provide a continuous bicycle-accessible route along the harbor frontage. Directional signage shall be prominently displayed along the promenade to direct bicyclists and pedestrians.
 - (c) Developers, building managers, and employers shall provide incentives for transit ridership (e.g., subsidies for transit use, shuttles to transit stations), ridesharing and vanpools (including preferential parking privileges), and other transportation demand measures designed to reduce vehicle miles traveled.
 - (d) Shared use programs shall be implemented for bicycles and vehicles (e.g., on-site provision of bicycles and zipcars for tenant and employee use).
 - (e) Secure bicycle parking, lockers, and showers for use by employees and tenants who commute by bicycle shall be provided. In addition, bicycle

parking and outdoor public facilities (tables, benches, etc.) shall be provided. Directional signage shall be prominently displayed to direct the public to bicycle parking.

- (f) Coordinate with the local transportation authority to develop a bus stop and/or shuttle stop at the corner of Anchors Way and Navigator Drive; and to establish a new and/or revised route to service the development and surrounding area.

5) Flooding and Sea Level Rise

All new development shall comply with the following standards:

- (a) All development shall be analyzed for potential coastal hazards from erosion, flooding, wave attack, scour, and other conditions in conjunction with sea level rise scenarios, depending on the type of development, and shall also consider localized uplift or subsidence, tide range, wave climate, local topography, bathymetry, geologic conditions, and potential inundation areas.
- (b) A coastal hazards analysis shall be prepared and used to identify current and future site hazards, to help guide site design and hazard mitigation, and identify sea level rise thresholds above which limitations in the development's design and siting would cause the improvements to become significantly less stable.
- (c) All input parameters for the coastal hazards analysis shall be clearly described in the analysis and, if judgment was used to choose between a range of values, the basis for the selection should be provided.
- (d) The best available scientific information, with respect to the level of future sea level rise and the effects of long-range sea level rise, shall be considered in the preparation of findings and recommendations for all requisite geologic, geotechnical, hydrologic, and engineering investigations.
- (e) At a minimum, sea level rise scenarios shall assume the average projections of sea level rise, as identified by the most recent State of California sea level rise guidance (currently this is 16 inches of sea level rise by 2050, 27 inches of sea level rise by 2070, and 55 inches of sea level rise by 2100, as identified by the most recent State of California Sea-Level Rise report, prepared by the California Ocean Protection Council and adopted March 11, 2011). All development in the harbor area shall require erosion and wave uprush studies based upon projections of sea level rise (as identified by the most recent State of California Sea-Level Rise report prepared by the California Ocean Protection Council) which can be expected within the reasonable economic life of the structure or lease term. All structures shall be sited and designed to minimize destruction of life and property during likely inundation events.

6) Tsunami

For all development located within the tsunami inundation zone, as identified by the most recent state or local California Emergency Management Agency maps, or below elevation 15 feet above mean sea level, information concerning the height and force of likely tsunami run-up on the property shall be provided. All development located within a possible tsunami run-up zone shall be required to contact the local office of emergency services concerning tsunami plans and to cooperate and/or participate with local warning programs and evacuation planning efforts. Visitor-serving facilities shall work with the local office of emergency services to prepare an evacuation plan, consistent with other community evacuation efforts.

V. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN AMENDMENT

Staff recommends that the Commission certify the following, with the modifications as shown below. The existing language of the certified LCP is shown in straight type. Language proposed by the City of Ventura in this amendment to be inserted is shown underlined. Language recommended by Commission staff to be inserted is shown double underlined. Language proposed by the City of Ventura in this amendment to be deleted is shown in ~~striketrough~~. Language recommended by Commission staff to be deleted is shown in ~~double striketrough~~. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION NO. 3

Change the zoning designation of Parcels 15, 16, and 18 from Harbor Commercial (HC) to Harbor Mixed Use (HMXD).

SUGGESTED MODIFICATION NO. 4

Insert the following text as a new Harbor Mixed Use (HMXD) zone chapter into the Local Implementation Plan of the City of San Buenaventura's Local Coastal Program:

Chapter 24.xxx - Harbor Mixed Use Zone (HMXD)

Sec. 24.xxx.010. - Chapter description.

Chapter 24.xxx establishes the HMXD - Harbor Mixed Use Zone and prescribes use types and other regulations for this zone. Any applicable overlay zones described in chapters 24.300 through 24.399 may impose regulations in addition to those prescribed by this chapter for the HMXD zone. The provisions of this chapter are intended to:

1. Ensure that the City and the Port District obtain the best suited, horizontal mixed use development for the last remaining large property in the Ventura Harbor (Parcels 15, 16 and 18); and
2. Provide areas where California Coastal Act priority land uses such as visitor-serving commercial and coastal-dependent and coastal-related recreational uses are encouraged and given priority; and
3. Allow residential use in conjunction with or adjacent to visitor-serving commercial and recreational uses in a manner that activates the harbor by providing a critical mass of residents without overwhelming public elements; and
4. Facilitate development that respects the desired pedestrian scale and character of Ventura's coastal environment by avoiding massive, monolithic structures, and instead encouraging a series of smaller scale buildings fronting publicly accessible walkways, streets, and/or open space(s).

Sec. 24.xxx.020. - Uses permitted.

1. Residential.

Family residential: Large multifamily

Family residential: Small multifamily

Family residential: Two-family

Live/work

Residential care

Residential condominiums

2. General.

a. Visitor-Serving

Automotive and accessories: Parking

Art: Galleries and Sales

Boating and Harbor Activities: Boating Sales and Services

Boating and Harbor Activities: Harbor Sales and Services

Cultural, Educational and Library Services

Dining establishments: Ancillary Service

Dining establishments: Fast-service Counter

Dining establishments: Full Service

Dining Establishments: Take Out

Drinking Establishments

Farmer's Market, Certified

Food and Beverage Retail Sales

Health, Fitness and Spa Services

Lodging services: Bed and Breakfast Inns

Lodging services: Hotels and Motels

Personal services

Recreation services: Amusement Centers

Recreation services: Indoor Entertainment

Recreation services: Indoor Sports and Recreation

Recreation services: Outdoor Sports and Recreation

Recreation services: Public Parks and Playgrounds

Retail Sales

Safety Services

Shopping Center: Small

Swap Meets

Transportation Services

b. Business

Administrative, Business, and Professional Services

Animal Sales and Services: Grooming and Pet Stores

Business and Professional Support

Community Meeting

Day Care Centers

Recycling services: Consumer Recycling Collection Points

3. Agricultural.

None

Sec. 24.xxx.030. - Same—Subject to a use permit.

1. Residential.

None

2. General.

None

3. Agricultural.

None

Incidental uses as defined in chapter 24.110 may be permitted.

[Sec. 24.xxx.040. - Reserved.]

Sec. 24.xxx.050. - Same—Special provisions.

Uses listed in sections 24.xxx.020 through 24.xxx.040 must also comply with the following special provisions:

1. Design review. Design review approval must be obtained to the extent required by chapter 24.545.
2. Coastal development permit. Approval of a coastal development permit pursuant to chapter 24.515 is required prior to initiation of a use on an undeveloped site, or prior to any construction of new structures or additions or alterations to existing structures in conjunction with, or in any way related to, the use types listed in sections 24.xxx.020 and 24.xxx.030.

In addition to the findings required by subsection 24.515.070(C), the Planning Commission must also find that: (1) all reasonably foreseeable conflicts between residential and commercial or public uses, both on and offsite, have been minimized, by physical design solutions and/or use limitations; and (2) adequate commercial floor area for visitor-serving commercial and/or coastal recreation uses, consistent with the provisions of this chapter, has been provided.

3. Temporary uses. Temporary uses may be conducted in the HMXD zone to the extent permitted by chapter 24.120.
4. Domestic animals. Domestic animals are permitted provided there are no more than four adult animals per residential unit or establishment; and further provided that, no more than three adult dogs shall be permitted per residential unit or establishment.
5. Livestock animals. Livestock animals are not permitted in the HMXD zone.
6. Wild animals. Wild animals are not permitted in the HMXD zone.
7. Recycling services: Consumer Recycling Collection Points. Uses classified in the

Recycling Services: Consumer Recycling Collection Point use type must comply with the provisions of chapter 24.485.

Sec. 24.xxx.060. - Standards—Density.

1. Lot area or lot width. There shall be no general minimum lot area or lot width standards for the HMXD zone. However, the desired pedestrian scale and character of Ventura's coastal environment requires that new project development not appear as massive, monolithic structures, but instead as a series of smaller scale buildings fronting publicly accessible walkways, streets, and/or open space(s). Larger projects (sites exceeding 200 feet in width) should be designed as carefully conceived groups of separate structures, that each contributes to an attractive streetscape and the overall quality of the coastal environment. To accomplish this, sites exceeding 200 feet in width shall be subdivided, through either nominal or real lot lines, to provide individual lots or, in the case of nominal lots, individual building sites. Compliance with this standard may alternatively be demonstrated through an approved regulating plan, pursuant to 24.xxx.070. The Planning Commission may specify minimum lot width or lot area standards for a particular site as a condition of approval of a coastal development permit, or amendment thereto, pursuant to chapter 24.525.
2. Lot coverage. Buildings and other structures shall not occupy more than 35 percent of the project area in the HMXD zone.
3. Density per gross acre. The average number of units per gross acre in the HMXD zone shall not exceed 30 units per gross acre.
4. Maximum Density. In no case shall the maximum number of residential units for any one development exceed 300. Residential units shall only be developed as part of a mixed-use development with a minimum of 21,000 square feet of ground floor, commercial, visitor-serving space.

Sec. 24.xxx.070. - Same—Regulating Plan.

An application for development on a site exceeding 200 feet in lot width shall include a master site plan, referred to herein as the regulating plan, consisting of (a) diagram(s) illustrating: (1) architectural and landscaping design and/or criteria; (2) introduced streets and/or alleys; (3) public open space(s); (4) building sites; (5) building fronts and backs; (6) building setbacks; (7) coastal access parking; (8) public view protection of the harbor design or criteria and (9) dwelling unit and commercial business access points.

When creating a regulating plan, the following shall be required:

- a. Internal public streets, alleys, or walkways that connect with offsite streets to create a series of smaller, walkable blocks. No gates shall be allowed across public walkways, or streets.
- b. Public open space(s) such as a plaza, square, courtyard, promenade, park, pet park and/or passive recreation area for pedestrians encompassing an area no less than 20 percent of the total area of the parcel. Where a project encompasses two or more parcels, the parcels may be considered as one parcel for the purposes of locating and determining the area of

the public open space(s). Public streets which front public open spaces may also be considered public open spaces for the purposes of compliance with this standard. The public open space(s) shall be accessible and visible from adjacent public streets, walkways or the promenade, and shall be identified by directional signage prominently displayed along such streets. Public open spaces shall welcome the public through signage, design, and public amenities that distinguish these spaces from adjacent residential areas.

- c. A minimum of 21,000 square feet of ground floor commercial, visitor-serving, general use types, as identified in section 24.xxx.020.2.a. above.
- d. Building frontage types of forecourt, storefront, gallery and arcade should be used for the ground-level of buildings occupied by general use types.
- e. A mixture of visitor-serving commercial, public and residential uses, provided in a manner that avoids conflicts between them.

In addition, the following should be considered:

- f. Maximum on-street parking opportunities through a minimization of driveway curb cuts;
- g. Service alleys within the new block(s);
- h. Multiple buildings and building types, as generally described by section 24.xxx.120, on the site, with their entrances on bordering streets;
- i. Each proposed lot or building footprint should not exceed one acre; and
- j. Each proposed lot or building frontage shall not exceed a maximum width of 200 feet. Each building facade shall make use of a mix of colors, materials and access and frontage types, as generally described by Section 24.xxx.130.

Sec. 24.xxx.080. - Same—Height.

- 1. Height determination. The height of buildings and other structures in the HMXD zone shall be determined in accordance with section 24.405.040.
- 2. Maximum height. All structures shall be limited to three stories and 45 feet in height measured as specified in section 24.405.040 and except as provided in section 24.405.030 and specifically excepting the following:
 - a. Theme towers and observation decks or similar structures shall not exceed a maximum height of 58 feet;
 - b. Free-standing antennas, masts and flagpoles which shall not exceed 60 feet; and antennas, masts and flagpoles attached to a structure, which shall not exceed 10 feet above the maximum height of the structure to which it is attached; and
 - c. Up to three flagpoles marking project entry, project center or otherwise creating project identity shall be permitted, not exceeding 85 feet in height.

Sec. 24.xxx.090. - Same—Yards.

Fences, walls, and other uses of yards in the HMXD zone shall comply with the yard regulations set forth in chapter 24.410.

Sec. 24.xxx.100. - Same—Building setbacks.

Buildings and other structures shall be setback a minimum of five feet from the back of curb on Navigator Drive and Anchors Way. All other setbacks shall be as depicted on the regulating plan as set forth in section 24.xxx.070.

Sec. 24.xxx.110. - Same—Parking.

1. Parking. Off-street parking shall be provided for all uses as may be required by chapter 24.415 with two exceptions:

a. If a dwelling unit is designed as a combined live/work space, incorporating both a residential use type and a general use type, the off-street parking space requirement shall be calculated based solely on the parking requirement for the applicable general use type existing or proposed at the site and no additional parking for the residential use type shall be required, but only if the following standards are met:

i. The living space shall be contiguous with and made an integral part of the work space, with direct access between the living and working areas to be provided and maintained at all times. If the living space is not contiguous and integral with the work space, the off-street parking space requirement shall be based on the general use type and residential use type requirements combined, unless an Administrative Variance is obtained in accordance with chapter 24.535.

ii. Living and working areas within one live/work space shall not be rented separately. The Coastal Development Permit required by section 24.xxx.050 shall contain a condition to implement this requirement in relationship to a particular application.

iii. All regulations, requirements, and conditions of the city's building and safety division and fire department shall be met.

b. A number equal to ten percent of the total number of parking spaces otherwise required for an entire project site shall be made available for exclusive use for public parking for coastal access. Such parking shall be aggregated in one or a combination of: (a) surface parking lot(s); (b) parking garage(s) with directional signage to such spaces; or (c) street parking spaces. In no case shall the total number of required coastal parking spaces be provided solely in street parking spaces. Prominent signage within the public right-of-way shall be installed for coastal parking spaces. No variance may be granted to obviate compliance with this requirement.

2. Additional Parking Requirements. Off-street parking shall also comply with the following standards:

a. Off-street parking requirements for the seaward parking corridor, as defined in chapter 24.110, shall not apply to lots zoned HMXD.

- b. Standard size parking spaces shall be designed at a minimum width of 8 feet 6 inches and a minimum depth of 18 feet.
 - c. Parking spaces solely devoted to residential uses may be tandem, and shall be permitted to count toward the total minimum number of required off-street parking spaces.
 - d. Parking spaces along internal roadways may be considered “off-street” parking for the purposes of compliance with this section.
 - e. Coastal access parking as well as parking for coastal-dependent and visitor-serving uses shall be provided in locations convenient to key public attractions.
3. Bicycle parking. Covered, secure bicycle parking shall be provided as follows: one bicycle locker or adequate-sized storage area per residential unit; one public bicycle parking space per 1,500 square feet of commercial space; and one public bicycle parking space per coastal access parking space. Each non-residential bicycle parking space shall be at least 2½ feet wide. At least five feet of space shall be allowed behind each space to allow room to maneuver. Bicycle parking shall be separated from vehicle parking for safety and ease of use. Bicycle racks shall be covered to protect bicycles from rain and sun. Covers shall be located at least seven feet above ground, and may include building awnings. Bicycle racks shall be located in well-lit areas visible from commercial storefronts and public areas. Prominent signage within the public right-of-way shall be installed to direct the public to bicycle parking spaces. Any bicycle parking provided in excess of this requirement need not be covered. No variance may be granted to obviate compliance with this requirement.

Sec. 24.xxx.120. - Same—Building types.

Development within the HMXD zone should respect the desired pedestrian scale and character of Ventura's coastal environment. New project development should not appear as massive, monolithic structures, but instead as a series of smaller scale buildings surrounded by public open spaces such as walkways, plazas, promenades and parks. When assessing the merits of an application's ability to fulfill this objective, the staff, design review committee and planning commission should consider the use of building types generally described as follows:

- 1. Duplex, triplex and multiplex. A residential structure containing two, three or multiple dwelling units, respectively. Each unit is accessible from the street.
- 2. Rowhouse. Two or more attached two or three story dwellings with zero lot line side setbacks. The main entrance to each unit is accessed directly from and faces the street.
- 3. Live/work. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity. A single entrance is provided to the live/work space with an internal connection between the live and the work portions of each unit. The work activity shall be limited to general use types specified in section 24.xxx.020 above.
- 4. Side yard housing. A building or group of buildings containing dwelling units that are arranged on the site in a row with the first unit facing the street. The primary entrance to

each unit is from the side yard or, in the case of units facing the street, the front yard. Access to no more than three second-story dwellings occurs through an open or roofed stair.

5. Courtyard housing. A group of dwelling units arranged to share one or more common courtyards, where the individual units are townhouses, flats, or flats located over or under flats or townhouses. The courtyard is intended to be a semi-public space that is an extension of the public realm. Each ground floor dwelling is accessed directly off of a courtyard or directly from the street. Access to no more than three second-story dwellings occurs through an open or roofed stair. Access to dwellings at the fourth story level occurs through single loaded corridors.
6. Stacked dwellings. A single-floor dwelling unit in a structure with other dwelling units of similar configuration either above or below. The building entrance is through a street level lobby. Access to ground floor dwellings facing a street occurs from the street and secondary access occurs through an elevator and corridor.
7. Commercial block. A building designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses or for dwelling units. The main entrance to each ground floor shop or dwelling occurs directly from the street. Entrance to residential portions of the building occurs through a street level lobby, elevator and corridor.

Sec. 24.xxx.130. - Same—Access and frontage.

Buildings and their accompanying entrances should front common spaces or public spaces such as a street, promenade, courtyard and/or plaza. Access needs differ by intended building function and relationship to such public spaces. The staff, design review committee and planning commission shall, when reviewing a project, consider access through the use of the following frontage types:

1. Door yard. A facade is set back from the frontage line with an elevated garden or terrace. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The terrace is also suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby.
2. Forecourt. The facade is aligned close to the frontage line with a portion of it setback. The resulting forecourt is suitable for gardens, vehicular drop offs, and utility off-loading. This type should be used sparingly and in conjunction with the stoops and shop fronts. A fence or wall at the property line may be used to define the private space of the yard. The court may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps to the court.
3. Porch. A facade is setback from the frontage line with an encroaching porch appended to the facade. A great variety of porches designs are possible, but to be useful, none should be less than 8 feet deep and 12 feet wide. A fence or wall at the property line may be used to define the private space of the yard. The front yard may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps to the yard.

4. Stoop. The facade is placed close to the frontage line with the ground story elevated from the sidewalk, securing privacy for the windows. This type is suitable for ground-floor residential uses at short setbacks. This type may be interspersed with the shop front. A porch may also cover the stoop.
5. Storefront. The facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This type is conventional for retail frontage. It is commonly equipped with cantilevered shed roof or awning. The absence of a raised ground floor story precludes residential use on the ground floor facing the street, although this use is appropriate behind and above.
6. Gallery. The facade of a building with an attached colonnade. Balconies may overlap the sidewalk while the ground floor remains set at the lot line. This type is ideal for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way may be required. To be useful, the arcade should be no less than eight feet wide clear in all directions.
7. Arcade. Arcades are facades with an attached colonnade that is covered by upper stories. Arcades must be designed according to the following provisions: (a) Arcades should be no less than ten feet wide in all directions; (b) Along primary retail frontages, the arcade shall correspond to storefront openings; and (c) Primary storefront openings should be at least 65 percent of the first floor wall area and not have opaque or reflective glazing.

Sec. 24.xxx.140. - Same—Other.

The following development regulations and standards shall also apply within the HMXD zone:

1. Residential development. Residential development, considered a non-priority use within the harbor, shall be permitted on Parcels 15 and 18 subject to the following standards:
 - a. If residential units are developed, Parcel 16 shall be developed as a public, waterfront view park with public parking and public amenities such as tables, chairs, telescopes, lighting, and landscaping, prior to obtaining Certificates of Occupancy for the structures comprising the adjacent block (as shown on the regulating plan) or 3 years from the commencement of construction of the first residential units, whichever comes first. Two, one-year extensions may be granted by the director if it is determined that circumstances outside the control of the developer led to delays in the commencement of development of Parcel 16.
 - b. Residential development shall not detract from or interfere with coastal-dependent recreational or visitor-serving commercial uses.
 - c. Where residential areas abut public areas, design elements such as fencing, landscaping, signage and elevation changes shall be used to delineate public and private areas and to prevent private residential areas from overwhelming public spaces.
 - d. Residential development shall provide adequate private recreational facilities so as not to overburden adjacent public recreational facilities.

- e. A maximum of 300 dwelling units shall be permitted.
- f. Residential units shall be developed as part of a mixed-use development, only if the residential uses are developed concurrently with a minimum of 21,000 square feet of ground floor, commercial, visitor-serving space.
- g. In conjunction with any residential development that occurs within the HMXD designated area, a Transportation Demand Management (TDM) Program shall be developed and implemented, consistent with a majority of the following policies, as feasible:
 - i. Development shall be designed to promote maximum use of public transit systems, public walkways, and bicycle paths. Building entries and exits shall be designed to be convenient to pedestrians and transit riders.
 - ii. Wide pedestrian paths or walkways shall be integrated into the roadways and sidewalks to link the public to waterfront recreation areas. Walkways need not be provided where the roadway abuts the waterfront promenade or other public spaces which provide alternative pedestrian accessways. The waterfront promenade shall link to existing bicycle paths adjacent to the property to provide a continuous bicycle-accessible route along the harbor frontage. Directional signage shall be prominently displayed along the promenade to direct bicyclists and pedestrians.
 - iii. Developers, building managers, and employers shall provide incentives for transit ridership (e.g., subsidies for transit use, shuttles to transit stations), ridesharing and vanpools (including preferential parking privileges), and other transportation demand measures designed to reduce vehicle miles traveled.
 - iv. Shared use programs shall be implemented for bicycles and vehicles (e.g., on-site provision of bicycles and zipcars for tenant and employee use).
 - v. Secure bicycle parking, lockers, and showers for use by employees and tenants who commute by bicycle shall be provided. In addition, bicycle parking and outdoor public facilities (tables, benches, etc.) shall be provided. Directional signage shall be prominently displayed to direct the public to bicycle parking.
 - vi. Coordinate with the local transportation authority to develop a bus stop and/or shuttle stop at the corner of Anchors Way and Navigator Drive; and to establish a new and/or revised route to service the development and surrounding area.
- 2. Visitor-serving commercial, coastal-dependent and coastal-related recreation. Priority uses, such as visitor-serving commercial, coastal-dependent and coastal-related recreation

shall be located adjacent to the harbor front and shall have priority over residential uses. Public open spaces shall welcome the public through signage, design, and public amenities that distinguish these spaces from adjacent residential areas. Building frontage types of forecourt, storefront, gallery and arcade should be used for the ground-level floor and general use types addressed by this section. Identifying elements shall be used to create a project focal point or points which connect with and welcome the public to the harbor.

3. Waterfront promenade. The entire water frontage area from Anchors Way to Navigator Drive, shall include a wide, public promenade. The width of the promenade may vary, but shall be no less than 28 feet at any point. The promenade shall accommodate pedestrians and bicyclists and shall connect to adjacent pathways so as to provide a continuous route around the harbor. Public amenities, such as benches, trash receptacles, lighting and landscaping shall be provided along the promenade. Such improvements shall be developed concurrently with any development of Parcels 15 and 18.
4. Public open spaces. Public open spaces such as a plaza, square, courtyard, promenade, park, pet park and/or passive recreation area for pedestrians and/or bicyclists shall encompass no less than 20 percent of the total area of a parcel. Where a project encompasses two or more parcels, the parcels may be considered as one parcel for the purposes of locating and determining the area of the public open space(s).
5. Vertical public accessway. Currently, views of the coast from the nearest roadways (Anchors Way and Navigator Drive) are limited, at most points spanning the width of the entire property. To improve harbor access, a multi-modal vertical public accessway shall be provided from the approximate terminus of Schooner Drive through Parcel 15 and 18 to the waterfront promenade. The vertical public accessway shall include a roadway for vehicles and cyclists, parallel parking to slow traffic and protect pedestrians and a minimum of 10-foot wide walkways, encompassing landscaping and pedestrian sidewalks on each side of the roadway. Walkways need not be provided where the roadway abuts the waterfront promenade or other public spaces which provide alternative pedestrian accessways.
6. Protection of harbor views. Views of the harbor shall be preserved and enhanced subject to the following standards:
 - a. A waterfront promenade shall be developed along the entire water frontage area, providing unobstructed views of the harbor waters to pedestrians and cyclists.
 - b. With the development of residential uses, a waterfront view park shall be developed on Parcel 16 and shall provide unobstructed view corridors totaling at least 1,000 linear feet.
 - c. Internal project roadways shall be designed to improve harbor front access and bring viewing opportunities closer to the waterfront. A section of the internal circulation system at least 500 linear feet in length shall be developed adjacent to the waterfront promenade and shall provide unobstructed views of the harbor. This section of the internal circulation system may be contiguous with the vertical public accessway.
7. Public restrooms. Public restrooms shall be provided at a location convenient for the

public, adjacent or in close proximity to the public park, visitor-serving commercial, coastal recreation uses and the promenade. Drinking fountains shall also be provided.

8. Live/work units. Live/work residential units are encouraged. Efforts shall be made on the part of the developer/property manager to market such units to visitor-serving and/or harbor-oriented businesses. Live/work units shall not count towards the minimum 21,000 square foot ground floor commercial visitor-serving space.
9. Shuttle or bus stop. Project area at the corner of Anchors Way and Navigator Drive shall be designated for a future shuttle and/or bus stop should the City initiate a City-wide or harbor-wide shuttle program, or coordinate with the local transportation authority to establish a new and/or revised bus route to service the development and surrounding area. Construction of the shuttle stop shall be coordinated between the City and the developer/property owner.
10. Signs. All signs must comply with the provisions of chapter 24.420. Public accessways shall be conspicuously signed for public use. A signage program shall be developed and implemented to make the public aware of access and recreational facilities that are available on site and direct them to such facilities including but not limited to the public park, waterfront promenade, visitor-serving commercial area, boating facilities, restrooms, bicycle parking, and coastal access parking.
11. Coastal development. All development within the CP overlay zone must comply with the provisions of chapter 24.515. The requirements of section 24.310.080 shall not apply to lots zoned HMXD.
12. Open storage. Open storage of materials and equipment shall be permitted only when incidental to a permitted use on the same lot as that occupied by said use. All areas of a site intended to be used for such open storage shall be shown on the site plan and approved as part of the design review, planned development permit and coastal development permit.
13. Bird Safe Buildings Standards. All new buildings, and major renovations of existing buildings, shall be required to comply with bird-safe building standards for facade treatments, landscaping, lighting and building interiors as follows:
 - a. Untreated glass or glazing shall not comprise more than thirty-five percent (35%) of a building facade.
 - b. Acceptable glazing treatments include: fritting, netting, permanent stencils, frosted, non-reflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, UV patterns visible to birds or similar treatments as approved by the local jurisdiction.
 - i. Where applicable, vertical elements within the treatment pattern should be at least one-quarter inch (1/4") wide, at a maximum spacing of four inches (4");
 - ii. Where applicable, horizontal elements within the treatment pattern should be at least one-eighth inch (1/8") wide, at a maximum spacing of two inches (2");

and

- iii. No glazing shall have a “Reflectivity Out” coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed thirty percent (30%).
 - c. Building edges of exterior courtyards and recessed areas shall be clearly defined, using opaque materials and non-reflective glass.
 - d. Trees and other vegetation shall be sited so as to avoid or obscure reflection on building facades. Trees and other vegetation planted adjacent to a reflective wall or window shall be planted no further than three feet from the reflective surface.
 - e. Buildings shall be designed to minimize light spillage and maximize light shielding to the maximum feasible extent per the following standards:
 - i. Nighttime lighting shall be minimized to levels necessary to provide pedestrian security.
 - ii. Building lighting shall be shielded and directed downward.
 - iii. Up-lighting and use of event “searchlights” or spotlights is prohibited.
 - iv. Landscape lighting shall be limited to low-intensity and low-wattage lights.
 - v. Red lights shall be limited to only that necessary for security and safety warning purposes.
 - f. Artificial night light from interior lighting shall be minimized through the utilization of automated on/off systems and motion detectors in non-residential buildings.
 - g. Avoid the use of “bird traps” such as glass courtyards, interior atriums, windows installed opposite each other, clear glass walls, skywalks and transparent building corners.
 - h. New projects shall provide residents and tenants with information to raise bird awareness and encourage bird safe practices.
14. Flooding and Sea Level Rise. All new development shall comply with the following standards:
- a. All development shall be analyzed for potential coastal hazards from erosion, flooding, wave attack, scour, and other conditions in conjunction with sea level rise scenarios, depending on the type of development, and shall also consider localized uplift or subsidence, tide range, wave climate, local topography, bathymetry, geologic conditions, and potential inundation areas.

- b. A coastal hazards analysis shall be prepared and used to identify current and future site hazards, to help guide site design and hazard mitigation, and identify sea level rise thresholds above which limitations in the development's design and siting would cause the improvements to become significantly less stable.
 - c. All input parameters for the coastal hazards analysis shall be clearly described in the analysis and, if judgment was used to choose between a range of values, the basis for the selection should be provided.
 - d. The best available scientific information, with respect to the level of future sea level rise and the effects of long-range sea level rise, shall be considered in the preparation of findings and recommendations for all requisite geologic, geotechnical, hydrologic, and engineering investigations.
 - e. At a minimum, sea level rise scenarios shall assume the average projections of sea level rise, as identified by the most recent State of California sea level rise guidance (currently this is 16 inches of sea level rise by 2050, 27 inches of sea level rise by 2070, and 55 inches of sea level rise by 2100, as identified by the State of California Sea-Level Rise report, prepared by the California Ocean Protection Council and adopted March 11, 2011). All development in the harbor area shall require erosion and wave uprush studies based upon projections of sea level rise (as identified by the most recent State of California Sea-Level Rise report prepared by the California Ocean Protection Council) which can be expected within the reasonable economic life of the structure or lease term. All structures shall be sited and designed to minimize destruction of life and property during likely inundation events.
15. Tsunami. For all development located within the tsunami inundation zone, as identified by the most recent state or local California Emergency Management Agency maps, or below elevation 15 feet above mean sea level, information concerning the height and force of likely tsunami run-up on the property shall be provided. All development located within a possible tsunami run-up zone shall be required to contact the local office of emergency services concerning tsunami plans and to cooperate and/or participate with local warning programs and evacuation planning efforts. Visitor-serving facilities shall work with the local office of emergency services to prepare an evacuation plan, consistent with other community evacuation efforts.
16. Public Boating. In conjunction with any residential development that occurs within the HMXD zone, the following measures shall be implemented:

- a. The developer shall furnish to the City (for installation by the City) the following materials for the improvement of the Leo Robbins Community Sailing Center: new gangplank, security gate, storage shed, and 8 ft. wide dock float sections totaling 120 ft. for the addition of a third finger. The materials furnished shall be in-kind or superior to existing materials, and shall be compliant with ADA requirements. The materials shall be provided: a) within 18 months of the issuance of the first construction permit for any new residential development within the HMXD zone, or b) prior to obtaining Certificates of Occupancy for the first residential units, or c) concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, whichever comes first.
- b. Construction of a long dock, not less than 90 feet in length, parallel to the shoreline, for exclusive use by personal watercraft such as kayaks, dinghies, paddleboards, and rowing shells on a short-term (not overnight) basis. The long dock may include dry storage racks for non-motorized watercraft. Construction of the long dock shall be completed concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, and no later than three (3) years from the issuance of the first building permit for any new residential development within the HMXD zone.
- c. Within the marina adjacent and coterminous to the HMXD zone, a minimum of six (6) transient berthing spaces shall be provided and reserved for exclusive use by short-term renters. These transient spaces shall be available for rent on a daily, weekly or monthly basis, not to exceed 120 days in any calendar year. Construction of the transient spaces shall be completed concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, and no later than three (3) years from the issuance of the first building permit for any new residential development within the HMXD zone.
- d. In addition to the six (6) transient berthing spaces required in 16(c) above, at least one (1) transient berthing space shall be provided in perpetuity, at no cost, and reserved for exclusive use by non-profit boating groups. Each group may use this transient space for no more than 30 days in any calendar year. For reservations lasting longer than one (1) day, the marina owner or operator may recover direct costs of utilities and services used by the occupancy including electricity, water, cable, Wi-Fi, and pump-out. Construction of the transient space shall be completed concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, and no later than three (3) years from the issuance of the first building permit for any new residential development within the HMXD zone.
- e. In order to promote cross-harbor transit and connectivity within the Ventura Harbor, the developer shall be required to either: a) purchase a minimum of 1,500 one-way water taxi tickets each year which may be distributed to visitors, customers, boaters, residents, and guests of the mixed use development within the HMXD zone, or b) contribute an equivalent amount of funding to the Ventura Port District for the operation of a water taxi service. The developer shall be required to either purchase tickets or contribute an equivalent amount of funds to the Ventura Port District each

year for the life of the project. In the event that the water taxi service is discontinued for any reason, an equivalent amount of funds shall be paid to the Ventura Port District for public access and recreation improvements and/or programs, non-motorized boat storage, and/or alternative public transportation within the harbor, such as a shuttle or bus.

Sec. 24.xxx.150. - Same—Nonconformance.

All nonconforming uses, nonconforming structures, and nonconforming lots are subject to the provisions of chapter 24.465.

Sec. 24.xxx.160. - Same—Density review.

Prior to issuance of building permits, floor plans may be reviewed by the director to determine that density standards will not be exceeded. In order to preclude or lessen the possibility that density standards will be exceeded, or that unlawful density increases will occur in the future, no more than one kitchen shall be allowed per dwelling unit. In the density review process, additional changes may be required in the placement of exterior doors, windows, stairways, hallways, utility connections, or other fixtures or architectural features when determined by the director to be necessary or desirable to preclude or lessen the likelihood of unlawful density increases.

VI. FINDINGS FOR DENIAL OF THE LUP/LIP AMENDMENT, AS SUBMITTED, AND APPROVAL OF THE LUP/IP AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the Local Coastal Program amendment as submitted, and approval of the LCP amendment, if modified as suggested. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

The City of Ventura is proposing to make modifications to the development provisions of the Harbor Related Mixed Use (HRMU) land use designation in the certified Land Use Plan in order to accommodate a mixed-use development project proposed on an approximately 21-acre vacant waterfront property in the northeast portion of the Ventura Harbor area. In addition, the City proposes to change the zoning designation of the subject property in the City's certified Implementation Plan from Harbor Commercial (HC) to Coastal Mixed Use Development (CMXD) (Exhibit 2).

The City of Ventura LCP was certified by the Coastal Commission in two segments, a complete Harbor LCP on May 21, 1981 and the City LCP on February 23, 1984. The Ventura Harbor Development Plan, written in 1979, served as the LUP component of the 1981 LCP. The policies of the Development Plan were later incorporated into the LCP in 1984 when the Commission certified the entire LCP.

Within the City’s certified LUP, the Ventura Harbor is divided into four areas: South Peninsula Harbor Area, Southwest Harbor Area, Central Harbor Area, and the Northeast Harbor Area. The vacant waterfront property of approximately 21 acres that is the subject of this LCP amendment is located in the Northeast Harbor Area of Ventura Harbor and consists of a single parcel owned by the Ventura Port District that has been divided into three parcels (15, 16, 18) for purposes of considering development proposals (Exhibit 4). The property is located at the terminus of Schooner Drive, west of the intersection of Anchors Way Drive and Schooner Drive. The site is an irregularly-shaped peninsula that is flanked by a public boat launch and parking area to the north and boat slips and parking to the south and west. Two of the larger parcels (15 and 18) that make up the vacant 20.96-acre site are approximately 1,000 to 1,200 feet deep and the third parcel (16) is approximately 250 ft. wide and surrounded by water on three sides (Exhibit 5). It is the last remaining large vacant harbor waterfront property in Ventura and Santa Barbara Counties.

The Ventura Port District is responsible for managing the Ventura Harbor. The Harbor is currently developed with a variety of facilities that include, in part, a hotel on the south side of Schooner Drive, a time-share hotel northwest of Anchors Way Drive, a yacht club, a boat repair yard, shops and restaurants, commercial fishing and recreational boat slips, Channel Islands National Park Headquarters/Visitor Center, public parking, and a pedestrian/bike path. In addition, a mobile home park constructed in the 1940’s is situated on the north side of Schooner Drive, between Harbor Boulevard and Anchors Way Drive (**Exhibit X**). Land use in the Ventura Harbor is as follows:

Ventura Harbor Land Use*

Designation	Acres	Percent
Recreation – Private Use/Membership	52.46	47.1%
Commercial – Tourist	28.74	25.8%
Vacant	22.39	20.1%
Commercial – Fishing	4.61	4.1%
National Monument	2.74	2.5%
Other	0.45	0.4%
Total	111.39	100%

* Acreage is exclusive of Water Area (117.27 acres); Mobile Home Park (41.66 acres); and Streets (17.26 acres). Approximately 1 acre of general commercial exists in Recreation and Commercial Tourist areas.

The subject harbor site was previously designated Harbor Commercial (HC) in the City’s certified LCP. The Harbor Commercial (HC) land use designation specifies that development within the harbor should be oriented toward recreation, visitor-serving, marina, and commercial fishing uses, and that private residential and general industrial uses are not appropriate uses within the harbor area. However, this land use designation also specifies that commercial fishing facilities are not intended uses within the Northeast Harbor Area based on the harbor’s inclusion of commercial fishing and recreational boating provisions within other sub-areas of the harbor.

In 1999, the Commission certified City of Ventura LCP Amendment No. 2-96 to change the land use designation of the subject property in the Northeast Ventura Harbor Area from Harbor Commercial (HC) to Harbor Related Mixed Use (HRMU) in order to accommodate a mix of land uses on the site, including non-coastal dependent or non-priority uses such as residential and general commercial.

The following is the certified LUP's stated purpose of the HRMU land use designation:

The purpose of the Harbor Related Mixed Use (HRMU) designation category is to ensure that the City and Port District obtain the best suited mixed use development for the last remaining large parcel in the Ventura Harbor. To encourage continued coastal-dependent recreation and tourist opportunities within the water front areas of the harbor, the HRMU designation category shall require that public amenities, such as a public accessway, public parking, a public park and restrooms and harbor oriented recreational and visitor serving facilities are included on the site. Residential development, which is considered a non-priority use within the harbor, shall be limited to the HRMU designation on the upper story (or stories) and the existing Mobile Home Park (MHP) designation and all other references to non-priority uses elsewhere in the harbor shall mean general commercial and office uses only. Development of this property shall be subject to the preparation of a master plan. The master plan shall, at a minimum, meet the criteria set forth in the Area Location and Intensity policies for the Northeast Harbor, as well as any pertinent standard set forth in the Zoning Ordinance. All coastal-dependent and visitor-serving commercial development shall be integrated with the overall character of the harbor and continue to encourage tourist activity consistent with the goals of the City's Local Coastal Program.

In approving LCP Amendment No. 2-96, the Commission found that given the unique factual and site-specific information of this harbor site, such as the large depth (1,000 to 1,200 ft.) of the property and its proximity to an existing residential community (mobile home park and Ventura Keys) within the harbor area, the landward portions of the subject property could be considered for non-coastal dependent or non-priority uses such as residential and general commercial provided that residential development was limited to the upper stories only. As such, the approved HRMU land use designation in the LUP included several specific policies and development standards intended to ensure that public access, coastal-dependent recreation, and tourist opportunities were adequately provided for as part of any future mixed use development of the harbor-front site. Specifically, the Commission required that a minimum of 50 feet along the waterfront be developed with a public pedestrian and bicycle path; that recreation and visitor-serving uses be provided on the waterfront portion of the site that is at least 200 feet wide as measured from the landward extent of the 50-ft. wide public accessway; that a public park be developed on the 2.44-acre "Parcel 16"; that a 20-ft. wide vertical public accessway through the property from Schooner Drive to the waterfront be provided; that generally unobstructed public view corridors of the harbor from Anchors Way Drive be provided; and that only the landward sections of the site be developed with residential and/or general commercial uses (provided that residential development is limited to the upper stories only and to a maximum of 300 units). With these provisions, the Commission found the amendment request to rezone the site for mixed use was consistent with the relevant policies of the Coastal Act. Lastly, to ensure that the City's IP portion of its LCP was consistent with and adequate to carry out the amended policies of the LUP, LCP Amendment No. 2-96 included adding the above-mentioned development standards to the IP's Harbor Commercial (HC) zoning designation.

The City's proposed LCP amendment would make modifications to the development provisions of the Harbor Related Mixed Use (HRMU) land use designation in the certified Land Use Plan in order to accommodate a different "mix" of uses on the vacant waterfront property. The project driving this amendment request encompasses 270 multi-family residential units within 22 three-story buildings, a 21,300 sq. ft., two-story, waterfront, commercial retail building with 17 second floor live/work lofts, two 2-story parking structures with 13 live/work lofts, a 39,430 sq. ft. waterfront public plaza, 7,010 sq. ft. of boater facility buildings with public restrooms, a 8,600 sq.

ft. recreation/management building for resident use only, private outdoor recreational facilities (volleyball court, lap pool, tennis courts) for resident use only, a 2.44-acre public park with 34 public parking spaces, a variable width (minimum width of 28 ft.) public promenade along the waterfront perimeter of the site, and a public marina with 104 boat slips (Exhibit 9). Of proposed site structures, 293,423 sq. ft. are slated for residential use, 43,415 sq. ft. for live/work use, 21,300 sq. ft. for commercial use, and 7,010 sq. ft. for boater facility use associated with the marina. However, the type of commercial use (visitor-serving or general) anticipated for the allotted 21,300 sq. ft. commercial space was not defined in the proposed amendment. The City described this area as commercial retail/office and did not condition its approved CDP to limit its use to visitor-serving commercial. Regarding the configuration of these site uses, the proposed commercial space has been situated on the waterfront. The 21,300 sq. ft. commercial building with 17 live/work lofts, boater facility buildings including restrooms, 39,430 sq. ft. public plaza, and 13 live/work lofts are all proposed structures fronting the waterfront and public promenade. The remainder of the waterfront structures are slated for residential use.

The City's proposed LCP amendment would make modifications to the development provisions of the Harbor Related Mixed Use (HRMU) land use designation in the certified Land Use Plan in order to accommodate a different mix of uses than is currently permitted in the certified LCP. The City's proposed LUP text changes are included as Exhibit 6. Specifically, the proposed amendment to the LUP portion of the LCP includes the following:

- Delete the requirement that residential uses be limited to the upper stories of any development;
- Increase the site's allowable building coverage from 25% to 30%;
- Delete the requirement that view corridors of the harbor from Anchors Way Drive be generally unobstructed;
- Add new criteria to satisfy view corridor requirements from Anchors Way Drive including a "credit" for internal project roadways with unobstructed views of the harbor;
- Add provision that live/work residential units are encouraged and the developer/property manager shall make efforts to market live/work units to visitor-serving and/or harbor-oriented businesses;
- Reduce the required minimum width of public access and public recreation improvements along the waterfront from 50 feet to 28 feet;
- Delete the requirement that the area at least 200 feet from the required 50-ft. wide public access and recreation improvements along the waterfront be limited to public amenity, commercial visitor-serving, and/or water-oriented recreation facility uses;
- Modify the requirement for vertical access from Anchors Way Drive to the waterfront to allow it to be fulfilled by a multi-modal roadway for vehicles, cyclists, and pedestrians;
- If deemed appropriate, add development of shuttle stop at corner of Anchors Way and Navigator Drive; and
- Add the requirement for off-site traffic improvements to slow speeds and direct visitors to primary access streets rather than surrounding secondary residential streets.

In addition, the City proposes to change the zoning designation of the subject property in the City's certified Implementation Plan from Harbor Commercial (HC) to Coastal Mixed Use (CMXD) to provide more specific development standards for mixed use projects.

In 2005, the Coastal Commission approved City of Ventura LCP Amendment No. 1-03 to create a new land use designation and zoning designation (CMXD) for a vacant 5.62-acre property located at the northwest corner of Seaward Avenue and Harbor Boulevard in the Pierpont District of the City in order to accommodate a mixed use development project proposed there. The new zoning designation created in that amendment was Coastal Mixed Use (CMXD), which provides standards to ensure that a balance of uses consistent with Coastal Act priorities, including adequate visitor-serving commercial uses and public access provisions, are included in any approved development. Although this zone allows residential use, its intent is to allow development of a vibrant mixed use environment that is attractive to visitors, that incorporates new urbanist principles, that provides a residential base to support the commercial uses that serve visitors to the coast, and that provides coastal access parking to further increase beach access opportunities. This zoning designation allows residential uses, but does not allow industrial uses, or general uses that do not serve visitors. In addition, it only allows residential use provided that such residential use is limited to second floor areas only with visitor-serving uses on the ground-level fronting public streets and public open space(s).

In the subject LCP amendment request, the City is proposing to apply the Coastal Mixed Use (CMXD) zoning designation to the subject harbor property. It is the City's intent to have the new urbanist development standards that are included in the CMXD zone district also apply to future development of the harbor property. Such standards include requiring that development be a series of smaller-scale buildings fronting publicly accessible walkways, streets, and public open spaces, thereby creating short, walk-able blocks that are of pedestrian scale and character. However, the IP's CMXD zoning designation lacks the very site-specific development standards of the LUP's HRMU land use designation, that are proposed to be amended. In order to ensure that the IP will be adequate to implement the provisions of the LUP, as required by the Coastal Act, the IP must be as specific, if not more specific, than the LUP. In addition, since there are several development standards in the IP's CMXD zoning designation intended specifically for the Harbor-Seaward site, it appears that the proposed development that is driving the subject LUP amendment request is inconsistent with the standards of the CMXD zone. The project is inconsistent with at least one rather significant CMXD-zone requirement – that the ground level of buildings fronting public street/open spaces be used for visitor-serving commercial or recreation uses.

Background on Subject Amendment Request

On January 22, 2007, the City of Ventura approved an LCP amendment, zone change, and mitigated Negative Declaration to allow the development of a mixed use project on the subject site. The LCP amendment request (SBV-MAJ-1-07) was received by the Commission on March 1, 2007 and deemed complete on July 8, 2008. Subsequent review by staff identified several issue areas, notably the separation of the commercial area from the waterfront. Private residential uses had been sited along the waterfront and the commercial area had been sited in the central portion of the property with the intention that it would serve as a "village center." The City asserted that this village center would be integrated among the surrounding residential neighborhood, including the

mobile home park and Ventura Keys community, and be visible to visitors entering the harbor area from Schooner Drive. In June 2009, Commission staff notified the City and the project developer that they would not be able to recommend approval of the project, as submitted, and the City withdrew the amendment request on July 16, 2009. Subsequent meetings with City and Commission staff led to the development of an updated project (that is driving the subject LCP amendment) with the commercial area sited along the waterfront, as well as the inclusion of 30 live/work units along the waterfront.

On August 17, 2010, the City of Ventura approved a Coastal Development Permit (CDP) for construction of a mixed use development on the subject harbor property, consisting of 270 multi-family residential units within 22 three-story buildings, a 21,300 sq. ft., two-story, waterfront, commercial retail building with 17 second floor live/work lofts, two 2-story parking structures with 13 live/work lofts, 39,430 sq. ft. waterfront public plaza, 7,010 sq. ft. of boater facility buildings with public restrooms, a 8,600 sq. ft. recreation/management building for resident use only, private outdoor recreational facilities (volleyball court, lap pool, tennis courts) for resident use only, a 2.44-acre public park with 34 public parking spaces, and a variable width (minimum width of 28 ft.) public promenade along the waterfront perimeter of the site. The Notice of Final Action for the appealable Coastal Development Permit was received by Commission staff on February 7, 2011. A ten working day appeal period was set and notice provided beginning February 9, 2011, and extending to February 22, 2011. The CDP would have been reliant upon this related LCP amendment. However, since the CDP for the project was approved by the City prior to Coastal Commission certification of the associated LCP amendment, the City's action on the CDP was appealed by Commissioner Wan and Commissioner Sanchez during the appeal period, as the approved project was inconsistent with the requirements of the zoning and land use designations for the property in the current, certified LCP. Pursuant to Public Resources Code Section 30621 and 30625, a hearing on an appeal shall be set not later than 49 days after the date on which the appeal is filed with the Commission, unless this time limit is waived by the applicant. In this case, the applicant of the City's CDP, Sondermann/Ring Partners, waived the Commission's 49-day hearing time limit on February 22, 2011. Staff does not intend to schedule the appeal for hearing until the proposed LCP Amendment, which the appealed CDP relies upon for consistency, is acted upon by the Commission.

On November 15, 2010, the City of Ventura approved the subject LCP amendment and on February 15, 2011, the Commission received the City's LCP amendment request. The amendment request was deemed incomplete and a letter outlining the additional information needed was sent to the City on March 2, 2011. Staff requested: 1) an analysis demonstrating that the LIP was adequate to implement the provisions of the LUP, as proposed to be amended; 2) an analysis demonstrating that the LUP, as proposed to be amended, provided enough specificity to carry out the Chapter 3 policies of the Coastal Act regarding public parks/amenities, visitor-serving and recreational facilities, view corridors, and public access; 3) clarification of commercial use (visitor-serving or general) anticipated for the proposed commercial space; and 4) standard of review for the proposed shuttle stop. Commission staff met with City staff and the project developer on several occasions to discuss the various elements of the proposed project and subject LCP amendment. Staff went over the Commission's previous action regarding the site and the issues raised by the current amendment request. City staff and Commission staff worked collaboratively to revise the LCP amendment request and develop suggested modifications to address the issues raised.

The City provided all of the information items requested by Commission staff and the LCP amendment request was deemed complete for filing on December 7, 2011. At the January 11, 2012 hearing, the Commission extended the deadline to act on LCP Amendment 1-11 for a period of one year.

Related Proposed Marina Development

It should also be noted that a related element of the proposed mixed use development project driving the subject LCP amendment request is a public marina with 104 boat slips slated for the waterside area flanking the subject harbor property. On December 19, 2007, the City of Ventura approved an Administrative Coastal Development Permit requested by the Ventura Port District for a lot line adjustment to add water area (for a total of 5.96 acres) to the subject harbor property to accommodate development of boat slips in conjunction with the proposed mixed use development. The Notice of Final Action for the CDP was received by Commission staff on January 17, 2008. However, since the water areas of Ventura Harbor are subject to the CDP jurisdiction of the Coastal Commission, and not the City, the City did not have the authority to grant the CDP since the lot line adjustment involved water areas of the harbor. As such, in a letter dated January 31, 2008, Commission staff notified the City that the CDP was not valid and considered null for the reason stated above and that the Port District must obtain a CDP from the Coastal Commission prior to recordation of the lot line adjustment.

On April 14, 2009, the Ventura Port District and Sondermann/Ring Partners submitted a CDP application (CDP No. 4-09-026) to the Commission for the lot line adjustment, as well as the physical development of the marina portion of the site's mixed use development project, since this area falls within the permit jurisdiction of the Coastal Commission. The permit application was deemed incomplete and letters outlining the additional information needed were sent to the applicant on May 11, 2009, July 29, 2011, and January 24, 2012 requesting: 1) review and determination from the State Lands Commission (SLC) of the project's consistency with the reservation of rights per the 1980 Settlement/Exchange Agreement between the Port District and the SLC, 2) breakdown of sizes and uses of all existing boat slips within the Ventura Harbor, and 3) breakdown of sizes and uses of all proposed boat slips. The applicant provided all of the information items requested by staff and the permit application was deemed complete for filing on March 29, 2012.

Staff Note

Staff notes that the text of the Ventura Harbor section of the currently certified LUP has apparently been inadvertently repeated twice in its entirety. According to the City, the Ventura Harbor section was inadvertently repeated at some point in the past. The first iteration begins with "The Ventura Harbor area of the Comprehensive Plan includes the waters of Ventura..." on page III-84 and ends with "...where any uncertainty or apparent discrepancies may exist" on page III-98. The text of the second iteration is identical to the first, and begins on page III-98 and ends on page III-112. During coordination meetings, the City and Commission staff agreed to correct the redundancy by deleting the first iteration of the Ventura Harbor section, as Suggested Modification No. 1.

However, it should also be noted that the City's proposed changes to the LUP include modifications to *both* iterations of the Ventura Harbor section (Exhibit 6). Although the text of both iterations within the existing LUP is identical, the City's proposed changes to each of the two iterations are not entirely consistent with one another. In order to achieve clarity and preserve the intent behind the City's proposal, staff has merged the City's proposals together through the use of suggested modifications. To accomplish this, Suggested Modifications Nos. 1 and 2 will: 1) delete the entire first iteration of the Ventura Harbor section, including the City's proposed changes to the first iteration, 2) retain the City's proposed changes to the second iteration, and 3) changes proposed by the City in the first iteration but not proposed by the City in the second iteration were added in as suggested modifications. Consequently, a few of the suggested modifications are changes that were actually proposed by the City in the deleted first iteration. For example, pursuant to Suggested Modification No. 2 in the second paragraph of Section 4(c), Parking and Circulation, found on page 14 of this staff report, the City proposed the second sentence in both iterations; however, it only proposed the third, fourth, and fifth sentences in the first iteration:

All development proposals shall be designed to ensure that traffic generated by the project will not adversely impact the City's street system within the Pierpont/Ventura Keys and Ventura Harbor Community for area residents and members of the public accessing the Ventura Harbor and Surfer's Knoll Beach. As a result, left turn movements from the HRMU area onto Anchors Way shall be permitted only at Navigator Drive and Schooner Drive. In conjunction with the development of Parcels 15, 16 and 18, off-site traffic improvements shall be installed along Anchors Way, Beachmont Street and Seafarer, Seashell, Outrigger and Seaview Avenues to slow traffic speeds and redirecting visitor-serving users to the primary access roadway of Anchors Way rather than the secondary local residential access of Beachmont Street. Off-site traffic improvements shall maintain and/or enhance existing pedestrian and bicycle access along Beachmont Street and Anchors Way. All traffic improvements shall be designed in conformance with City standards as approved by the City Engineer.

Therefore, although the third, fourth, and fifth sentences of this paragraph are shown as Commission staff's recommended change, it actually reflects the City's proposed changes taken from the first iteration.

B. LAND USE PLAN CONSISTENCY ANALYSIS AND FINDINGS

1. New Development

Section **30222** of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section **30250(a)** of the Coastal Act states, in part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it

or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section **30255** of the Coastal Act states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section **30101** of the Coastal Act defines “coastal-dependent development or use” as:

...any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Section **30101.3** of the Coastal Act defines “coastal-related” development as:

...any use that is dependent on a coastal-dependent development or use.

Section 30222 of the Coastal Act maintains that lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over residential, industrial, or general commercial development. The Coastal Act mandates under Section 30250(a) that new residential and commercial development be located in existing developed areas and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Additionally, Coastal Act Section 30255 mandates that coastal-dependent developments have priority over other developments on or near the shoreline.

As explained in the preceding sections, the proposed LCP amendment would make modifications to the development provisions of the Harbor Related Mixed Use (HRMU) land use designation in the certified Land Use Plan in order to accommodate a mixed-use development project proposed on a vacant property in the northeast portion of Ventura Harbor that is the last remaining large vacant harbor waterfront property in Ventura and Santa Barbara Counties. The approximately 21-acre site occupies a prominent location within the harbor complex. Upon entering the northeast harbor area from Schooner Drive, it is the first visible waterfront property.

The Harbor Related Mixed Use (HRMU) land use designation in the certified Land Use Plan allows for a master-planned residential/commercial, visitor-serving and recreational mixed use development of the subject property. However, under the Coastal Act and certified LCP, priority land uses (coastal-related recreation, public access, and visitor-serving uses) are required to occupy the harbor-fronting sections of the subject property, specifically the first 250 feet abutting the harbor. Specific land use and development standards for this site are included in both the LUP and IP portions of the City’s certified LCP, intended to guide any future master plan for the property to ensure coastal visitor, public access, and recreational opportunities are protected and enhanced and that public views of coastal waters are also protected. The following is the LUP’s stated purpose of the HRMU land use designation:

The purpose of the Harbor Related Mixed Use (HRMU) designation category is to ensure that the City and Port District obtain the best suited mixed use development for the last

remaining large parcel in the Ventura Harbor. To encourage continued coastal-dependent recreation and tourist opportunities within the water front areas of the harbor, the HRMU designation category shall require that public amenities, such as a public accessway, public parking, a public park and restrooms and harbor oriented recreational and visitor serving facilities are included on the site. Residential development, which is considered a non-priority use within the harbor, shall be limited to the HRMU designation on the upper story (or stories) and the existing Mobile Home Park (MHP) designation and all other references to non-priority uses elsewhere in the harbor shall mean general commercial and office uses only. Development of this property shall be subject to the preparation of a master plan. The master plan shall, at a minimum, meet the criteria set forth in the Area Location and Intensity policies for the Northeast Harbor, as well as any pertinent standard set forth in the Zoning Ordinance. All coastal-dependent and visitor-serving commercial development shall be integrated with the overall character of the harbor and continue to encourage tourist activity consistent with the goals of the City's Local Coastal Program.

When the Commission previously approved a land use designation change at the site from Harbor Commercial (HC) to Harbor Related Mixed Use (HRMU), it did so subject to very specific limitations. The Commission required that a minimum of 50 feet along the waterfront be developed with a public pedestrian and bicycle path; that recreation and visitor-serving uses be provided on the waterfront portion of the site that is at least 200 feet wide, as measured from the landward extent of the 50-ft. wide public accessway; that a public park be developed on the 2.44-acre "Parcel 16"; that a 20-ft. wide vertical public accessway through the property from Schooner Drive to the waterfront be provided; that generally unobstructed public view corridors of the harbor from Anchors Way Drive be provided; and that only landward sections of the site be developed with residential and/or general commercial uses (provided that residential development be limited to the upper stories only and to a maximum of 300 units). The Commission limited residential and general commercial development at the site to the landward portions (250 feet from the waterfront, or beyond the required 50 ft. public promenade and 200 ft. visitor-serving/public recreational area) of the property due to concerns that additional non-priority use development, such as residential and general commercial, would not maximize public access and recreation and would not be consistent with the Coastal Act requirement regarding priority of uses.

The City is proposing to change several of these land use and development standards in the LCP to accommodate a specific mixed use development plan proposed by Sondermann/Ring Partners and approved by the City. Specifically, the City's proposed amendment to the LUP portion of the LCP includes the following:

- Delete requirement that residential uses be limited to the upper stories of any development;
- Increase the site's allowable building coverage from 25% to 30%;
- Delete requirement that view corridors of the harbor from Anchors Way Drive be generally unobstructed;
- Add new criteria to satisfy view corridor requirements from Anchors Way Drive including a "credit" for internal project roadways with unobstructed views of the harbor;
- Add provision that live/work residential units be encouraged and that the developer/property manager shall make efforts to market live/work units to visitor-serving and/or harbor-oriented businesses;

- Reduce the required minimum width of public access and public recreation improvements along the waterfront from 50 feet to 28 feet;
- Delete requirement that the area at least 200 feet from the required 50-ft. wide public access and recreation improvements along the waterfront be limited to public amenity, commercial visitor-serving, and/or water-oriented recreation facility uses;
- Clarify that the requirement for vertical access from Anchors Way Drive to the waterfront may be fulfilled by a multi-modal roadway for vehicles, cyclists, and pedestrians;
- If deemed appropriate, add development of shuttle stop at corner of Anchors Way Drive and Navigator Drive; and
- Add requirement for off-site traffic improvements to slow speeds and direct visitors to primary access streets rather than surrounding secondary residential streets.

The project driving this amendment request includes 270 multi-family residential units within 22 three-story buildings; a 21,300 sq. ft., two-story, waterfront, commercial retail building with 17 second floor live/work lofts; 2 two-story parking structures with 13 live/work lofts; a 39,430 sq. ft. waterfront public plaza; 7,010 sq. ft. of boater facility buildings with public restrooms; a 8,600 sq. ft. recreation/management building for resident use only; private outdoor recreational facilities including a volleyball court, lap pool, and tennis courts, for resident use only; a 2.44-acre waterfront park with 34 public parking spaces; a 6,450 sq. ft. pet park; a 1,850 linear ft. public promenade along the waterfront perimeter of the site; 250 ‘coastal community’ parking spaces for coastal access, live/work, and commercial users; and a public marina with 104 boat slips measuring 30 feet to 80 feet (Exhibit 9). Of proposed site structures, 293,423 sq. ft. (80%) is slated for residential use, 43,415 sq. ft. (12%) for live/work use, 21,300 sq. ft. (6%) for commercial use, and 7,010 sq. ft. (2%) for boater facility use associated with the marina. However, the type of commercial use (visitor-serving or general) anticipated for the allotted 21,300 sq. ft. commercial space was not defined in the proposed project. The City described this area as commercial retail/office and did not condition the project to limit its use to visitor-serving commercial. Regarding the configuration of these site uses, the proposed commercial building with 17 live/work lofts, boater facility buildings with restrooms, and 13 live/work lofts have all been located along the waterfront and public promenade. The remainder of the waterfront structures is slated for residential use.

The City’s LUP amendment proposal to delete the requirement that residential uses be limited to the upper stories of any development, in combination with the proposal to delete the requirement that the area at least 200 feet from the required 50-ft. wide public accessway along the waterfront be limited to public amenity, commercial visitor-serving, and/or water-oriented recreation facility uses, as well as the reduction in width of the waterfront accessway to 28 feet minimum, would decrease the amount of public amenities, commercial visitor-serving, and/or water-oriented recreation facilities onsite and would allow residential uses on the ground-floor of the site and along the waterfront. Given that the required public accessway (waterfront promenade) is 1,850 linear feet, that means potentially 370,000 sq. ft. (1,850 ft. x 200 ft. = 370,000 sq. ft.) or 8.49 acres would no longer be available for public amenities, commercial visitor-serving, and/or water-oriented recreation facilities. This represents 40.5% of the subject site. Additionally, the certified LCP provides that all ground-floor development (outside the 200 foot wide area of visitor serving commercial) be general commercial, and the City’s LCPA would allow residential on the ground-floor. The associated project proposes ground-floor development on the majority of the site, except

for the 21,300 sq. ft. commercial building. Thus, the proposed amendment to the LUP raises issue with regard to Coastal Act policies that prioritize priority uses, such as visitor-serving commercial and recreational development over non-priority uses, such as private residential, general industrial or general commercial development.

In general, the Coastal Act places a higher priority on uses that can be enjoyed by the general public over those that are limited in scope as to who would benefit, particularly in waterfront or beachfront locations. The Commission has consistently placed a higher priority on public access, recreation and visitor-serving uses over private residential uses. This priority is reflected in the City’s certified LCP. The Commission and the City’s certified LCP afford these public uses a higher priority because they provide a greater benefit to a greater number of people, and because the Coastal Act specifically requires it. Private residential use is extremely limited in those it benefits: only those who actually live at the site, and their guests – an extremely limited fraction of the general population. Whereas, public uses, such as access, recreation, and visitor-serving commercial benefit a much larger segment of the population. The scope of the benefit to the general public over the limited number that could benefit from a lesser priority use is compounded by the limited amount of waterfront area in the Ventura Harbor in general.

Two harbor/marina areas exist within the City of Ventura—the Ventura Keys and the Ventura Harbor. The Ventura Keys is directly to the north and contiguous to the Ventura Harbor, and consists of predominantly private residential development. Conversely, the Ventura Harbor is owned and operated by the Ventura Port District and, therefore, consists of publicly owned land. The Ventura Harbor is currently developed with a variety of facilities that include, in part, commercial fishing and recreational boat slips, a yacht club, a boat repair yard, public parking, a pedestrian/bike path, a Four Points by Sheraton hotel on the south side of Schooner Drive just east of the subject site, a 41-acre mobile home park on the north side of Schooner Drive and Anchors Way Drive (northeast of the subject site), a public boat launch area on the south side of Anchors Way Drive (north of the subject site), a time-share hotel northwest of Anchors Way Drive, a Holiday Inn Express hotel (southwest of the subject site), approximately 50,211 sq. ft. of shops and restaurants in Harbor Village situated in the southwest/south peninsula harbor area, and Channel Islands National Park Headquarters/Visitor Center and State Beach on the south peninsula of the harbor. Land use in the Ventura Harbor is as follows:

Ventura Harbor Land Use*

Designation	Acres	Percent
Recreation – Private Use/Membership	52.46	47.1%
Commercial – Tourist	28.74	25.8%
Vacant	22.39	20.1%
Commercial – Fishing	4.61	4.1%
National Monument	2.74	2.5%
Other	0.45	0.4%
Total	111.39	100%

* Acreage is exclusive of Water Area (117.27 acres); Mobile Home Park (41.66 acres); and Streets (17.26 acres). Approximately 1 acre of general commercial exists in Recreation and Commercial Tourist areas.

Given the prominent waterfront location of the subject property within the harbor complex, the site provides a unique opportunity to provide public uses on the waterfront. The proposal to convert

areas slated for visitor-serving commercial and recreation use along the waterfront to lower-priority private residential use does not completely take advantage of the opportunities unique to this site and the Ventura Harbor.

As stated above, the Coastal Act places a higher priority on public uses than on private residential uses, and the City's certified LCP requires that mixed use development of this site focus on providing sufficient coastal-dependent and visitor-serving uses in the areas closest to the harbor. However, the City's proposed amendment to the LCP and the master plan development that is driving the amendment, through the siting and mix of various uses, is effectively placing a higher priority on private residential use than on public visitor-serving or coastal-dependent use. The proposed amendment would thus result in reduced opportunities for public visitor-serving or coastal-dependent uses at the most desirable waterfront portions of the site.

The City asserts that development of the subject site according to the existing policies of the LCP that require residential uses be limited to the upper stories and a 200-ft. wide area designated for public amenities, commercial visitor-serving, or water-oriented recreational facilities, is not economically or functionally viable. Furthermore, the City has maintained that the project has been designed to be consistent with the City's principles of "new urbanism" which aims to create pedestrian-friendly neighborhoods by a series of smaller-scale buildings fronting publicly accessible walkways, streets, and/or open spaces, and situated around a central public space. In an earlier amendment request (SBV-MAJ-1-07), withdrawn by the City on July 16, 2009, the project's residential area had been located on the entirety of the site, including the waterfront; and the commercial area had been sited in the central portion of the property with the intention that it would serve as a "village center," integrated among the surrounding residential neighborhood and visible to visitors entering the harbor area from Schooner Drive. This design was inconsistent with the Chapter Three policies of the Coastal Act due to its siting of a non-priority use (residential) along the entire waterfront and the removal of priority uses from the waterfront. At the suggestion of Commission staff, the City and project proponent developed an updated project design (driving the subject LCP amendment) with the commercial area relocated adjacent to the waterfront and the addition of 30 live/work loft units adjacent to the waterfront. To ensure that the City's proposed revisions to the allowable design/configuration of the project are successfully implemented, the Commission incorporates Suggested Modification No. 2.

Although the City's proposed amendment places a higher priority on private residential use than on public visitor-serving or coastal dependent uses, it does include a provision to encourage live/work residential units, which could include visitor-serving or harbor related businesses. The City's proposed addition in Section 1(b) (page 10) of the LUP states:

Live/work residential units are encouraged. Efforts shall be made on the part of the developer/property manager to market such units to visitor-serving and/or marina-oriented businesses.

The proposed development includes 30 live/work residential units located at two locations along the waterfront – 17 on the second floor of the visitor-serving commercial building and 13 on the ground-floor of another waterfront building. While the use of these units by visitor-serving and/or marina-oriented businesses will be *encouraged*, there are no restrictions in place to prevent these

units from being used by non-priority uses such as general commercial. To ensure that live/work units are provided in addition to the proposed visitor-serving commercial space, the Commission has imposed Suggested Modification No. 2 in Section 1(b) to clarify that the square footage of live/work residential units shall not count towards the required minimum 21,000 sq. ft. of ground-floor commercial visitor-serving space. The potential use of these proposed 30 live/work units by priority users, such as visitor-serving and/or marina-oriented businesses, in addition to the required 21,000 sq. ft. of visitor serving commercial uses, will help balance the priority of uses along the waterfront.

In order to support the City's claim that the subject vacant 21-acre site is not suited for the amount of visitor-serving commercial use that is currently designated by the LCP for the site and that, accordingly, residential development on the ground-floors and along the waterfront is an appropriate land use, the City and the Ventura Port District have submitted a Retail Demand Analysis. This Retail Demand Analysis was prepared for the Port District by L.S. Congleton & Associated (LSCA) in April 2008. Due to the relatively stagnant economic climate over the past few years, the City asserts that this analysis is still relevant and up-to-date. This Retail Demand Analysis determined that the maximum total supportable square footage of additional visitor-serving space (comprised of retail and food/beverage uses) within the Ventura Harbor is 18,001 sq. ft. This calculation is based on demand generated from overnight visitors, daytime visitors, recreational boat users, and nearby daytime employees. The analysis concluded that, given the low demand for new retail space in Ventura Harbor, no economic reason exists for incorporating any retail and food and beverage space on the subject site:

Although the mixed-use project proposes 21,300 square feet of commercial space, the weak demand at the Ventura Harbor overall does not bode well for a location that is so distant from the core of existing space.

The LSCA report further argues that even if sizable demand were to exist in the harbor for additional retail space, the optimum strategy would be to consolidate any new retail space in the existing core of shopping within Ventura Harbor Village in the Southwest/South Peninsula Harbor Area. Based on the results of the Retail Demand Analysis, it appears that the demand for commercial development on the subject site is somewhat limited.

In regards to the amount of commercial development provided by the project (21,300 sq. ft.) and required by Suggested Modification No. 2 (21,000 sq. ft.), the City and the Ventura Port District assert that insufficient market demand exists in the Ventura Harbor to sustain more than 21,000 sq. ft. of new visitor-serving space, and that adding more commercial space in this section of the harbor would compete with and likely harm the existing Harbor Village visitor-serving development. The Ventura Port District provided the following occupancy history for the Ventura Harbor Village complex for the past five years:

Ventura Harbor Village Occupancy Rates

	2011	2010	2009	2008	2007
Office	91%	96%	89%	97%	100%
Retail	97%	94%	89%	75%	100%
Restaurants	100%	100%	100%	100%	100%
Overall Average	97%	96%	93%	95%	100%

These occupancies are based on 21,322 sq. ft. of space available for retail and 28,889 sq. ft. of space available for restaurant use. This represents a total of 50,211 sq. ft. of visitor-serving retail/restaurant space in the Harbor Village. From 2007 to 2011, only restaurant occupancy remained steady at 100%. Retail occupancy declined from 100% in 2007 to 97% in 2011. Office occupancy declined from 100% in 2007 to 91% in 2011. The overall average occupancy rate, based on occupied footage, decreased from 100% in 2007 to as low as 93% in 2009, and to 97% in 2011. The City and Port District maintain that the Harbor Village complex is the harbor's visitor-serving core and that new visitor-serving commercial uses should be concentrated in this Southwest/South Peninsula Harbor area rather than in the Northeast Harbor Area. Although, the overall average occupancy rate of 97% for 2011 was relatively high, the associated 3% vacancy rate for 2011 demonstrates that the existing development is not at capacity and the present complex can accommodate additional commercial uses. The decline of occupancy rates from 2007 to 2011 supports the argument that insufficient market demand exists in the Ventura Harbor to sustain the existing facilities, let alone a new site.

Furthermore, the occupancy rates do not tell the whole story about the success of the retail development in Ventura Harbor. The Ventura Port District also provided an Economic Occupancy Report for the visitor-serving commercial uses at the Harbor Village to further demonstrate the weak demand for commercial space within the harbor. This report concluded that since 2008, the retail space has experienced a high rate of turnover and has resulted in reduced rental rates. In 2008, the Port District began utilizing local artisans on month-to-month leases to occupy some of the space previously occupied by more traditional retailers. The rental rate for these month-to-month tenants is limited to a percentage of their gross sales. This type of tenancy represents 2,720 sq. ft., or 13%, of the total retail space available at Harbor Village. Many of the retail tenants, comprising 37% of the total commercial square footage, are on a month-to-month tenancy because of the uncertain economic conditions. The potential to lose tenants on month-to-month lease terms is much higher and results in instability in the occupancy rate at the Harbor Village. For example, if the current month-to-month tenants were to vacate, the adjusted economic occupancy, or collected rent as compared to market rent, would be a meager 54%. Moreover, in 2011 a number of tenants were offered below-market rents to attract and retain businesses in the complex which resulted in a collected rent that was only 85% of market rent. Based on this report, the Ventura Port District maintains that the economic viability of Harbor Village commercial tenants is tenuous and the residential component of the proposed project is expected to have a positive impact on retail and restaurants at Harbor Village which will result in increased demand and improved market rental rates for the Port District who operates this center.

Additionally, the City claims the development of a hotel, which is a visitor-serving use that would be feasible on the entire site, has not occurred, in part, because of its proximity to existing hotels. A Four Points by Sheraton hotel resides on the south side of Schooner Drive, just east of the subject site, a time-share hotel is located northwest of Anchors Way Drive, and a Holiday Inn Express hotel is located southwest of the subject site. The combined occupancy rate for both the Four Points by Sheraton and Holiday Inn Express for the past five years is as follows:

**Combined Occupancy Rate for Ventura Harbor Hotels
Four Points by Sheraton and Holiday Inn Express**

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Year	2007	2008	2009	2010	2011	2012
Occupancy	76%	75%	74%	77%	80%	81%

These two Ventura Harbor hotels experience additional demand for at least 9 months of the year, typically spring, summer, and fall. The Holiday Inn Express is slated to add 63 more rooms for a total of 133 rooms. Additionally, a 165-hotel room and 24-condo Embassy Suites hotel was recently approved within the City, adjacent to the fairgrounds and beach. The average hotel occupancy rate for the entire City from 2007 to 2011 was 66%. Therefore, since the existing hotels within the harbor and City are not currently experiencing higher occupancy rates, it is unlikely that an additional hotel on the subject site would perform well.

The City further asserts that the Northeast Harbor Area is the only subarea within the Ventura Harbor that allows residential uses and the subject development is intended to be the last and only residential development in the harbor (except the adjacent mobile home park). Within the City's certified LUP, the Ventura Harbor is divided into four areas, including the South Peninsula Harbor Area, Southwest Harbor Area, Central Harbor Area, and the Northeast Harbor Area. The South Peninsula Harbor Area's uses are oriented toward water-oriented recreational activities, including recreational and public beach use. The Southwest Harbor Area contains uses oriented toward or serving commercial fishing, recreational boating, and visitor-serving commercial uses, and may include general office uses above the first floor. The Central Harbor Area contains uses oriented toward or serving recreational boating. The Northeast Harbor Area (subject area) will be developed primarily with commercial visitor-serving uses and for the portion designated HRMU, with a master-planned residential/commercial mixed use development. The LUP also specifies that commercial fishing facilities are not intended uses in the Northeast Harbor Area. Thus, the City argues that the subject site is appropriate for residential development due to its location within the Northeast Harbor area and its adjacency to an existing 41-acre mobile home park that is considered a part of the Ventura Keys residential community. Furthermore, the City has indicated that there will be no additional residential development within the Ventura Harbor. Therefore, the Commission finds that the HRMU designated site and the mobile home park are the only areas of the Ventura Harbor appropriate for residential use. Thus, the development of the subject site will be the last residential development in the harbor. Correspondingly, the Commission finds that all future development within the harbor shall be limited to priority uses, including but not limited to harbor-oriented recreation, commercial fishing, recreational boating, and visitor-serving commercial uses.

The Commission has been generally supportive of mixed-use proposals, which provide for different types of visitor-serving uses, as long as a means to balance the uses to obtain a true "mixed-use" is achieved. The major Coastal Act concern raised by the proposed amendment is that it provides no means to require visitor-serving commercial uses, adequate public access provisions, and visitor-friendly design to ensure that Coastal Act priorities are addressed in future development proposals. Given the market value of housing in the City, it is likely that the entire site would be developed for non-priority uses such as residential should the proposed amendment be adopted, as submitted. The cumulative effect of such a development would be to change the balance of future development within the northeast harbor area from one that gave priority to visitor-serving uses to one that would give priority to residential development. Thus the proposed amendment, if approved, as submitted,

would diminish the visitor-serving potential of both the subject site and the surrounding beachside community, contrary to the Coastal Act.

Although it is a low priority use, residential development is currently permitted on the subject site. Therefore the inclusion of residential uses on the subject property is consistent with the intent of the HRMU designation. Given the existing market conditions, it seems as though there is an inadequate demand for the extensive commercial development currently contemplated by the LCP (ground-floor commercial and visitor-serving uses along the entire waterfront). Furthermore, existing visitor-serving uses, provided by the Ventura Harbor Village and adjacent hotels, are not at capacity. Finally, the HRMU site is located in close proximity to the existing residential community, including the 41-acre mobile home park and the Ventura Keys residential development, and the City proposes that this site be the last residential development within the harbor. For all of the aforementioned site specific reasons, the Commission finds that the proposal to reduce priority uses and increase non-priority uses on the site should be considered.

However, in order for the proposed amendment to be found consistent with Sections 30222, 30250(a) and 30255 of the Coastal Act, and to insure that development approved within the HRMU designation will implement an appropriate mix of uses, the Commission imposes Suggested Modification No. 2 in Section 1 of the Area Locational and Intensity Policies (page 9). This modification allows residential uses, limited to a maximum of 300 units, only if residential uses are developed concurrently with a minimum of 21,000 sq. ft. of ground-floor commercial visitor-serving space. The Retail Demand Analysis estimated the site could support 18,001 sq. ft. of additional commercial space; however, the amount of supportable space was derived only from visitors, and did not include residents. Thus, an additional 3,000 sq. ft. for a minimum total of 21,000 sq. ft. of visitor-serving commercial space would provide a balance of uses that would be viable on the site, if combined with residential development which would bring additional support for these uses. To satisfy the LUP, as suggested to be modified, the Sondermann/Ring Partners have proposed 21,300 sq. ft. of ground-floor, visitor-serving commercial along the waterfront. Given the limited demand for additional visitor-serving uses within the Ventura Harbor, including visitor-serving commercial and hotels, the Commission finds that the suggested modification requiring a minimum of 21,000 sq. ft. of ground-floor commercial visitor-serving space is appropriate for the subject site.

The City and project proponent believe that the current mix of uses contemplated in the certified LCP is not viable at this site. Recognizing that the subject LCP amendment would reduce the potential area available for visitor-serving commercial, public amenities, and water-oriented recreational facilities, the project proponent (Sondermann/Ring Partners), in consultation with Commission staff, has offered several measures to mitigate the loss of these areas. These measures include the following: provision of new gangplank, security gate, storage shed, and dock to the City for the Leo Robbins Community Sailing Center; construction of a 90 ft. long dock for use by personal watercraft; provision of a minimum of six (6) transient berthing spaces; provision of at least one (1) transient berthing space for use by non-profit boating groups; and support of a water-taxi service within the harbor. However, these proposed measures are not reflected in the proposed LCP amendment request. Thus, the Commission imposes these measures in Suggested Modification No. 2 in Section 1(g) located on page 11 of this staff report and the associated

provisions to implement these measures in Suggested Modification No. 4 in Policy 16 of Section 24.xxx.140 (page 32) and shown here:

- a. The developer shall furnish to the City (for installation by the City) the following materials for the improvement of the Leo Robbins Community Sailing Center: new gangplank, security gate, storage shed, and 8 ft. wide dock float sections totaling 120 ft. for the addition of a third finger. The materials furnished shall be in-kind or superior to existing materials, and shall be compliant with ADA requirements. The materials shall be provided: a) within 18 months of the issuance of the first construction permit for any new residential development within the HMXD zone, or b) prior to obtaining Certificates of Occupancy for the first residential units, or c) concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, whichever comes first.
- b. Construction of a long dock, not less than 90 feet in length, parallel to the shoreline, for exclusive use by personal watercraft such as kayaks, dinghies, paddleboards, and rowing shells on a short-term (not overnight) basis. The long dock may include dry storage racks for non-motorized watercraft. Construction of the long dock shall be completed concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, and no later than three (3) years from the issuance of the first building permit for any new residential development within the HMXD zone.
- c. Within the marina adjacent and coterminous to the HMXD zone, a minimum of six (6) transient berthing spaces shall be provided and reserved for exclusive use by short-term renters. These transient spaces shall be available for rent on a daily, weekly or monthly basis, not to exceed 120 days in any calendar year. Construction of the transient spaces shall be completed concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, and no later than three (3) years from the issuance of the first building permit for any new residential development within the HMXD zone.
- d. In addition to the six (6) transient berthing spaces required in 16(c) above, at least one (1) transient berthing space shall be provided in perpetuity, at no cost, and reserved for exclusive use by non-profit boating groups. Each group may use this transient space for no more than 30 days in any calendar year. For reservations lasting longer than one (1) day, the marina owner or operator may recover direct costs of utilities and services used by the occupancy including electricity, water, cable, Wi-Fi, and pump-out. Construction of the transient space shall be completed concurrent with construction of a marina adjacent to and coterminous with the HMXD zone, and no later than three (3) years from the issuance of the first building permit for any new residential development within the HMXD zone.
- e. In order to promote cross-harbor transit and connectivity within the Ventura Harbor, the developer shall be required to either: a) purchase a minimum of 1,500 one-way water taxi tickets each year which may be distributed to visitors, customers, boaters, residents, and guests of the mixed use development within the HMXD zone, or b)

contribute an equivalent amount of funding to the Ventura Port District for the operation of a water taxi service. The developer shall be required to either purchase tickets or contribute an equivalent amount of funds to the Ventura Port District each year for the life of the project. In the event that the water taxi service is discontinued for any reason, an equivalent amount of funds shall be paid to the Ventura Port District for public access and recreation improvements and/or programs, non-motorized boat storage, and/or alternative public transportation within the harbor, such as a shuttle or bus.

In order for the proposed LCP amendment to be found consistent with the Coastal Act, it must include measures designed to improve public access and recreation, including lower cost recreational boating to mitigate the a reduction in priority uses and the increase in non-priority uses along the waterfront. Ideally, the loss of area designated for visitor-serving commercial, public amenities, and water-oriented recreational facilities should be offset by re-designation of some other equivalent or superior area within the City that is designated with a low priority land use to a priority use. The City did not identify any other equivalent area that could be re-designated, as the subject site is the last remaining vacant parcel within the Ventura Harbor. As an alternative, the developer has agreed to include the above access and recreation improvements as part of the LCP that will ultimately be implemented in the development project. The purpose of the above measures is to provide for other public access and recreation improvements within the Ventura Harbor.

A majority of these measures are linked to the proposed 104-berth marina (CDP Application No. 4-09-026), located directly adjacent and coterminous with the HRMU designated site, and would increase public recreational boating opportunities onsite. Pursuant to Suggested Modification No. 2 in Section 1(g), the construction of a 90 ft. long dock for use by personal watercraft, valued at \$250,000, would allow short-term users to access the subject site by kayaks, dinghies, paddleboards, rowing shells, etc. Currently, there are no transient spaces provided in the Ventura Harbor; therefore, the provision of six (6) transient spaces for exclusive use by short-term renters, valued at \$27,000 per year, would greatly enhance recreational boating for visitors to the Ventura Harbor. Finally, the provision of one (1) rent free transient space, valued at \$6,000 per year, for short-term use by non-profit boating groups would facilitate low-cost visitor accommodations for boaters. These measures would increase public boating opportunities to and from the HRMU designated site and help balance the “mix” of uses with more public access and recreation amenities.

A water-taxi landing is also proposed as part of the 104-berth marina and would provide an alternative form of transportation to and from the site and within the Ventura Harbor. The Port District initiated a summer water-taxi service operated by the Ventura Water Taxi in 2010. In 2010, there were 3,721 water-taxi trips. In 2011, there were 1,575 water-taxi trips. The HRMU designated site constitutes a new origin and destination for a water taxi service. This new landing and associated mixed-use development would fuel additional ridership and promote cross-harbor connectivity. To spur water-taxi ridership and to support additional demand the project will place on the water taxi operation, Suggested Modification No. 2 in Section 1(g) would provide 1,500 one-way tickets on an annual basis for the life of the project. Currently, one-way tickets are priced at \$4, so this would be a yearly contribution of \$6,000. According to the Ventura Port District, the cost to operate the water taxi is \$22,500 per year and, if divided amongst the three major

leaseholders in the harbor (Sondermann/Ring Partners being one of them), the contribution would be \$7,500 per leaseholder. Thus, the \$6,000 is approximately a third of the cost of the water taxi service (per year) and represents a fair share contribution as one of the three largest leaseholders in the harbor. As addressed in the IP, in the event that the water taxi service is discontinued for any reason, an equivalent amount of funds (\$6,000/year) shall be paid to the Ventura Port District for public access and recreation improvements and/or programs, non-motorized boat storage, and/or alternative public transportation within the harbor, such as a shuttle or bus. This will ensure that the same level of connectivity is maintained even if water taxi service is not longer available.

In regards to the offsite improvements, the City's Leo Robbins Community Sailing Center, located at 2950 Pierpont Boulevard and originally constructed in 1987, is now reaching the end of its useful lifespan and is in dire need of repairs and upgrades. For example, the south leg of the sailing dock was recently destroyed by the wave action from the Japanese tsunami in the winter of 2011. The developer has agreed to furnish a new gangplank, security gate, storage shed/boat house, and 8ft. wide dock float sections totaling 120 ft. for the addition of a third finger. The developer shall furnish these materials; however, the City will be responsible for installing them. Thus, Suggested Modification No. 2 in Section 1(g) will provide improvements that will allow the Sailing Center to resume all of its programs and potentially expand their sailing classes offered to youth and adults within the Ventura community. Although this water-oriented recreational facility is located offsite, it serves as an appropriate mitigation measure, as it will augment water-oriented recreation within the same harbor.

The Commission therefore finds that, if modified by the City, as suggested, the proposed LUP portion of the LCP amendment is consistent with Sections 30222, 30250(a) and 30255 of the Coastal Act.

2. Public Access and Recreation

Section **30210** of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section **30211** of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section **30212** of the Coastal Act states (in part):

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section **30213** of the Coastal Act states (in relevant part):

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section **30220** of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section **30222** of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section **30223** of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section **30224** of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section **30252** of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30210 of the Coastal Acts mandates that maximum access and recreational opportunities be provided. Section 30211 requires that development not interfere with the public's right of access to the sea. Section 30212(a) further requires that new development projects require public access from the nearest public roadway to the shoreline and along the coast. Section 30213 requires that lower cost visitor-serving and recreational facilities be protected, encouraged, and, where feasible, provided. Section 30220 of the Coastal Act protects coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas for such uses. Section 30222 maintains that lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over residential, industrial, or general commercial development. Section 30233 protects upland areas that support coastal

recreation uses for such uses. Section 30244 encourages recreational boating use of coastal waters, in part, by providing additional berthing space in existing harbors. Finally, Section 30252 of the Coastal Act requires the location and amount of new development to maintain and enhance public access to the coast. Provisions to achieve this requirement under this section include, in part, providing commercial facilities within or adjoining residential development and assuring that the recreational needs of new residents do not overload nearby recreation areas by providing onsite recreational facilities to serve the new development.

Existing public access and lower-cost recreation uses in the Ventura Harbor include Surfer's Knoll Public Beach, several public parking areas, picnic tables, public restrooms, pedestrian and bicycle accessways along the harbor-front, benches, bicycle storage racks, Channel Islands National Park Service Headquarters, small boat sailing, renting and berthing areas, public boat launch facility, and lower cost eating establishments. With the exception of the public boat launch facility and one public parking lot, which are located within the Northeast Harbor Area and the pedestrian and bicycle accessway which is developed along the majority of the developed harbor-front, the majority of the above listed public access and recreation opportunities are located within the South Peninsula Harbor Area. Thus, the Northeast Harbor Area, where the HRMU land use designation is located, contains very few low cost public amenities. As stated in the preceding section, the Ventura Harbor abuts the Ventura Keys (private residential) community and a 41-acre mobile home park. Given that the Ventura Harbor is owned and operated by the Ventura Port District, a public entity, the Commission finds that public access and low cost recreational uses should be available to the public throughout the Ventura Harbor including the Northeast Harbor Area and the subject LCP amendment site.

In regards to the provision of public access and recreation improvements onsite as part of a mixed-use development, the City proposes several changes in the LCP amendment, including to: 1) reduce the required minimum width of public access and recreation improvements along the waterfront from 50 feet to 28 feet, 2) clarify that the requirement for vertical access from Anchors Way to the waterfront may be fulfilled by a multi-modal roadway for vehicles, cyclists, and pedestrians, 3) if deemed appropriate, add development of shuttle stop at corner of Anchors Way Drive and Navigator Drive, 4) add requirement for off-site traffic improvements to slow speeds and direct visitors to primary access streets rather than surrounding secondary residential streets, and 5) increase lot coverage from 25 percent to 30 percent.

In recent LCP amendments involving new development in harbor and marina areas, the Commission has required that the timing of all public amenity improvements be such that public access and recreation improvements occur prior to or concurrent with other development. The Commission has modified the City's proposal to include such timing conditions of developing public access and recreation improvements, specifically for the waterfront park. Suggested Modification No. 2, in Section 1b (page 10), provides that the 2.44-acre waterfront area, identified as Parcel 16, be developed as a public park prior to obtaining Certificates of Occupancy for the structures comprising the adjacent block (as shown on the master site plan) or three years from the commencement of construction of the first residential units, whichever comes first. The City intends for the developer to use Parcel 16 as the main staging area during construction; however, the suggested modification ensures that the public park will be developed prior to the occupancy of the

residential buildings located along the waterfront and adjacent to the park, a prime location within the proposed development.

Section 30252 of the Coastal Act states, in part, that new housing development must assure that the recreational needs of new residents will not overload nearby coastal recreational areas. This is achieved by correlating the amount of development with local park acquisition and ensuring development plans provide adequate onsite recreational facilities. The proposed LCP amendment includes a provision for construction of a public park, as well as a public pedestrian and bicycle accessway, but does not require any site recreational facilities for new residents. Therefore, the Commission imposes Suggested Modification No. 2 in Section 1(e) (page 11) which requires that any residential development proposed within the HRMU area provide adequate private recreational facilities so as not to overburden adjacent public recreational facilities. As part of the proposed project, the residential development includes 39,180 sq. ft. of private recreational facilities for resident use only comprised by: a 8,600 sq. ft. recreation/management building, volleyball court, lap pool, and tennis courts. Thus, the LUP as modified is consistent with Section 30252 of the Coastal Act.

The proposed LCP amendment includes a provision to decrease the minimum width of the public access and recreation improvement, or waterfront promenade, from 50 feet to a variable width of 28 to 50 feet. However, pursuant to the proposed project, the waterfront promenade varies in width from 23 to 155 feet, with an average width of 60 feet. To ensure a minimum width and to allow flexibility for a promenade greater than 50 feet, the Commission incorporates Suggested Modification No. 2 in Section 1(c) on page 10. This modification requires the promenade to be a minimum of 28 feet wide and deletes the reference to a maximum width (50 ft.). Although the proposed LCP amendment will result in a decrease of the minimum width of the promenade from 50 feet to 28 feet, the project proponent has designed a variable width promenade that averages 60 feet in width. Additionally, the proposed promenade will maintain public access to and along the waterfront by connecting to existing sidewalks, boardwalks, and bike lanes along the Ventura Harbor.

The proposed LCP amendment also includes a clarification that the requirement for vertical access from Anchors Way Drive to the waterfront may be fulfilled by a multi-modal roadway for vehicles, cyclists, and pedestrians. The existing LUP requires, at a minimum, a 20-foot wide vertical public accessway from the approximate terminus of Schooner Drive through Parcel 18 and connecting to the harbor front accessway. The proposed LCP amendment clarifies that the vertical public accessway shall include a roadway for vehicles and cyclists (however, no provision of bike lanes), parallel parking, and a minimum of 10-foot wide walkways that include landscaping and pedestrian sidewalks on each side of the roadway. This amendment maintains the level of public access provided in the existing LCP and, therefore, remains consistent with public access and recreation policies provided for in the Coastal Act.

Additionally, the City has indicated that a new marina with 104 public boating slips (dock lengths of 30 feet to 80 feet) is proposed to be constructed on the 5.96 acres of water adjacent to the subject site in conjunction with any development that occurs on the site. As proposed by the City in the LCP amendment, the construction of boat slips adjacent to the vacant parcel is not tied to any of the development within the HRMU area, but the City has indicated that the marina will be developed

concurrently with the residential development. On April 14, 2009, the Ventura Port District and Sondermann/Ring Partners submitted a CDP application (CDP No. 4-09-026) to the Commission for the marina portion of the site's mixed use development project, since this area falls within the permit jurisdiction of the Coastal Commission. This CDP application was filed and deemed complete on March 29, 2012.

Section 2 (Land Use Buffer/Public Use Zone) of the proposed LCP amendment includes the addition or relocation of several public access and recreation improvements including: picnic tables, benches, and bicycle storage racks at the public park; drinking fountains along the waterfront promenade; public restrooms at a convenient location for users of the public park, waterfront promenade, adjacent marina, and commercial area; and an adequate supply of bicycle storage located in areas convenient to users of the public areas. In Section 2(b) (page 12) of Suggested Modification No. 2, the Commission has required the provision of certain public access and recreation improvements along the waterfront promenade and visitor-serving area including picnic tables and bicycle storage racks to ensure maximum provision of public access and recreation opportunities.

Also in the Land Use Buffer/Public Use Zone of the proposed LUP amendment is a provision to allow for the development of a shuttle stop at the corner of Anchors Way Drive and Navigator Drive to encourage the use of public transportation; however, as part of Suggested Modification No. 2, this policy has been deleted from this section and included in the suggested Transportation Demand Management (TDM) Program policy. Section 30252 of the Coastal Acts states that the location and amount of new development should maintain and enhance public access to the coast by, in part, facilitating the provision or extension of transit service, providing non-automobile circulation within the development, and providing adequate parking facilities or providing substitute means of serving the development with public transportation. In order to be consistent with this section of the Coastal Act, the Commission incorporates a TDM program as Suggested Modification No. 2 to Section 2(f) (page 12). The TDM program lists six strategies to reduce vehicle miles traveled as a result of the development including: 1) development shall be designed to maximize the use of public transit systems, public walkways, and bicycle paths; 2) wide pedestrian paths or walkways shall be integrated into the roadways and sidewalks to link the public to waterfront recreation areas; 3) incentives shall be provided for transit ridership, ridesharing and vanpools, and other transportation demand measures; 4) shared use programs shall be implemented for bicycles and vehicles; 5) secure bicycle parking, lockers, and showers for use by employees and tenants who commute by bicycle shall be provided; and 6) coordinate with the local transportation authority to develop a bus stop and/or shuttle stop at the corner of Anchors Way Drive and Navigator Drive and to establish a new and/or revised route to service the development and surrounding area. In conjunction with any residential development that occurs within the HRMU designated area, this TDM program shall be developed and implemented, consistent with a majority of the aforementioned policies, as feasible, to maintain and enhance public access to the coastal site and reduce vehicle trips.

Traffic impacts of the proposed project have been a topic of concern to the adjacent residential community, particularly on Beachmont Street. The City contends that development of the vacant parcel as predominantly residential will result in less of a traffic impact than other visitor-serving uses that are allowed under the current HRMU land use designation. The contention that residential

development will have less traffic impacts than other uses is based on a Traffic and Circulation Study for the Ventura Port, prepared by the Associated Transportation Engineers on August 11, 1993. For example, the study estimated average daily trips (ADT) along Beachmont Street as 1,200 vehicles per day and calculates 962 additional trips if the site was developed with a shopping center and 167 additional trips if the site was developed with 300 residential units and 20,000 sq. ft. of commercial. The City has proposed to amend the LUP in Section 4(c) to the following:

All development proposals shall submit for the appropriate planning and approving body supplemental traffic analysis containing appropriate mitigation measures relative to project specific trip generation estimates. Said supplemental information shall demonstrate that the average daily trips (ADT) do not exceed those estimated for ~~currently~~ the previously permitted Harbor Commercial shopping center development which are estimated at 9,505 ADT.

All development proposals shall be designed to ensure that traffic generated by the project will not adversely impact the City's street system within the Pierpont/Ventura Keys and Ventura Harbor Community for area residents and members of the public accessing the Ventura Harbor and Surfer's Knoll Beach. As a result, left turn movements from the HRMU area onto Anchors Way shall be permitted only at Navigator Drive and Schooner Drive. In conjunction with the development of Parcels 15, 16 and 18, off-site traffic improvements shall be installed along Anchors Way, Beachmont Street and Seafarer, Seashell, Outrigger and Seaview Avenues to slow traffic speeds and redirecting visitor-serving users to the primary access roadway of Anchors Way rather than the secondary local residential access of Beachmont Street. Off-site traffic improvements shall maintain and/or enhance existing pedestrian and bicycle access along Beachmont Street and Anchors Way. All traffic improvements shall be designed in conformance with City standards as approved by the City Engineer.

Staff notes that although the last sentences are shown as a suggested modification (in double underline); this language was proposed by the City in the first iteration of the LUP. Thus, the Commission has added the proposed language within the second iteration of the LUP (shown above). This addition requires off-site traffic improvements to slow speeds and direct visitors to primary access streets rather than surrounding secondary residential streets.

The proposed private interior roadways that are to be maintained by the developer will be open and accessible to the general public with overnight parking restricted. Public parking for access to the proposed promenade and other public features of the project, including the 2.44-acre public park, is proposed to be provided on interior streets, in parking garages, and in parking lots. The proposed parking summary is as follows:

Proposed Parking Summary

Type	Description	Required	Provided
Residential	Residents & Guests	472	472
Boater	Boat Slips	78	83
Coastal Community	Commercial, Life/Work Lofts & Coastal Access	241	250
Total		791	805

*Parking Ratios

Commercial – 1 space per 300 sf (21,300 sf/300=71 spaces)

Live/Work Loft – 1 space per 300 sf of ground floor area (29,320/300=98 spaces)

Coastal Access – 10% of required project parking (.1 x 719=72 spaces)

In Section 4, Parking and Circulation (page 13), the LCP amendment proposes to change the requirement that public parking be aggregated in parking lots, and instead allows “public parking or public parking lots,” which would allow public parking to include internal street parking and parking garages. To ensure that a number equal to ten percent of the total number of parking spaces otherwise required for an entire project site be made available for exclusive use for public parking for coastal access, prominent signage will be installed for the 72 coastal access parking spaces. As required by Suggested Modification No. 2 in Section 2(f) found on page 12 of this staff report, prominently displayed signage shall direct the public to these 72 spaces proposed to be located at the public park, in the parking garage adjoining live/work lofts, adjacent to the pet park, and along interior streets. Therefore, the LCP amendment, as suggested to be modified, is consistent with the public access provisions of the Coastal Act.

As previously mentioned, the Commission incorporates a signage program for the HRMU designated site as Suggested Modification No. 2 in Section 2(f) (page 12). This modification requires the City to develop and implement a signage program to make the public aware of access and recreational facilities that are available on site and direct them to such facilities, including but not limited to the public park, waterfront promenade, visitor-serving commercial area, boating facilities, restrooms, bicycle parking, and coastal access parking. This signage program will ensure that public access and recreation amenities associated with the development of the HRMU site will be easily navigable by visitors and the general public.

Finally, the City proposes to increase the site’s allowable building coverage from 25% to 30%. However, Suggested Modification No. 2 in Section 1 of the Northeast Harbor Section (page 8) shows an increase in lot coverage from 25% to 35%. Staff notes that the developer and City staff calculated the originally proposed lot coverage of 30% incorrectly including both land area *and* water area as the total project area. Upon the recommendation of Commission staff that lot coverage should be based on only the land area, the actual lot coverage was calculated as exceeding 30% and the City requested the lot coverage to be increased to 35% as a suggested modification. Therefore, although the change to 35% is shown as a suggested modification, it is actually a clarification of the allowable density for the site as previously approved by the City.

The Commission therefore finds that, if modified by the City, as suggested, the proposed LUP portion of the LCP amendment is consistent with Sections 30210, 30211, 30212, 30213, 30222, 30223, 30224, and 30252 of the Coastal Act.

3. Visual Resources

Section **30251** of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California

Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

As required by the Coastal Act, the visual qualities of coastal areas shall be protected by maintaining views to and along the ocean and scenic coastal areas. The proposed LUP amendment includes a modification to the view corridor requirements in the Northeast Harbor area (page 8). The existing LUP requires a minimum of 750 feet of generally unobstructed views of harbor waters from Anchors Way Drive. The amendment proposes to delete the requirement that view corridors of the harbor be “generally unobstructed” to allow for some fragmentation. Additionally, the City proposes to add a new criterion to satisfy view corridor requirements from Anchors Way Drive, essentially a “credit” for internal project roadways with unobstructed views of the harbor. Fragments of roadway less than 100 linear feet would not count toward the fulfillment of the view corridor requirement.

Due to the depth of the site, only distant views across the width of the entire property are available from most points along Anchors Way Drive. According to the City, the purpose of the proposed changes is to bring view corridors closer to the waterfront by providing credit for creating viewing opportunities from internal streets with unobstructed views of the harbor. The LUP amendment also proposes that the public park at the terminus of Navigator Drive be designed so as to maintain open views of the harbor. The public promenade along the waterfront portions of the site and the development of the 2.44-acre public park on Parcel 16, which is surrounded by water on three sides, will provide public views of harbor waters and mitigate the loss of views which are currently provided across and through the site from Anchors Way Drive and Schooner Drive.

The Commission suggests a modification to Section 3 of the Northeast Harbor (page 9) that imposes more detailed height restrictions for freestanding and attached antennas, masts and flagpoles. The existing LUP requires that antennas, masts, and flagpoles not exceed 85 feet in height. The modification limits the number of 85 ft. flagpoles to a total of three, in order to mark project entry, project center, or otherwise create project identity. It also limits the maximum height of freestanding antennas, masts and flagpoles to 60 feet and the maximum height of antennas, masts and flagpoles attached to a structure not to exceed 10 feet above the maximum height of the structure to which it is attached. This modification will protect views and ensure that the development is visually compatible with other development in the Northeast Harbor, consistent with Section 30251 of the Coastal Act.

The Commission therefore finds that, if modified by the City, as suggested, the proposed LUP portion of the LCP amendment is consistent with Sections 30210, 30213, 30222, and 30223 of the Coastal Act.

4. Hazards

Section **30253** of the Coastal Act states:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed LUP amendment does not address the review of development relative to coastal hazards such as floods, sea level rise, and tsunamis, and does not provide adequate standards or a sufficient level of detail to ensure consistency with the requirements of Coastal Act Section 30253. As required by Section 30253, new development must minimize risks to life and property in areas of high geologic, flood, and fire hazard. The preparation of a coastal hazards analysis is an essential requirement on waterfront sites to inform the appropriate siting and design of development in or adjacent to flood hazard areas to ensure consistency with these development standards.

Sea level rise is an important consideration for the planning and design of projects in coastal settings. Such changes in sea level will exacerbate the frequency and intensity of wave energy received at shoreline and waterfront sites, including both storm surge and tsunamis, resulting in accelerated coastal erosion and flooding in such locales. There are many useful records of historic sea level change, but little certainty about how these trends will change with possible large increases in atmospheric greenhouse gas emissions and air temperatures. Notwithstanding the controversy and uncertainties about future global or local sea levels, guidance on how to address sea level rise in planning and permitting process is evolving as new information on climate change and related oceanic responses become available.

The Commission, like many other permitting agencies, has undertaken past assessments of sea level rise effects using the principle of “uniformitarianism” as guidance – that natural processes such as erosion, deposition, and sea level changes occur at relatively uniform rates over time rather than in episodic or sudden catastrophic events. As a result, future ocean surface elevations have been extrapolated from current levels using historical rates of sea level rise measured over the last century. For much of the California coast, this equates to a rate of about eight inches per 100 years. Rates of up to one foot per century have typically been used to account for regional variation and to provide for some degree of uncertainty in the form of a safety factor. This rate of rise is then further adjusted upward or downward as needed, depending upon other factors, such as localized subsidence or tectonic uplift.

Most climate models now project that the historic trends for sea level rise, or even a 50% increase over historic trends, will be at the very low end of possible future sea level rise by 2100. Satellite observations of global sea level have shown sea level changes since 1993 to be almost twice as large as the changes observed by tide gauge records over the past century. Recent observations from the polar regions show rapid loss of some large ice sheets and increases in the discharge of glacial melt. The 2007 Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC)¹ notes that sea level could rise by 7 to 23 inches from 1990 to 2100, provided there

¹ The IPCC is a scientific intergovernmental body established by the World Meteorological Organization (WMO) and the United Nations Environmental Programme to provide the

is no accelerated loss of ice from Greenland and West Antarctica. Sea level rise could be even higher if there is a rapid loss of ice in these two key regions.

The IPCC's findings were based on a 2007 report prepared by Dr. Stefan Rahmstorf of the Potsdam Institute for Climate Impact Research (hereinafter "Rahmstorf Report"). This report has become the central reference point for much of recent sea level rise planning. The Rahmstorf Report projects that by 2100, sea level could be between 20 to 55 inches higher than 1990 levels. The Rahmstorf Report developed a quasi-empirical relationship between historic temperature and sea level change. Using the temperature changes projected for the various IPCC scenarios, and assuming that the historic relationship between temperature and sea level would continue into the future, he projected that by 2100 sea level could be between 20 inches and 55 inches (0.5 to 1.4 meters) higher than the 1990 levels (for a rate of 0.18 to 0.5 inches/year). These projections for future sea level rise anticipate that the increase in sea level from 1990 to 2050 will be from about 8 inches to 17 inches (for a rate of 0.13 to 0.28 inches/year); from 1990 to 2075, the increase in sea level would be from about 13 inches to 31 inches (for a rate of 0.15 to 0.36 inches/year) and that the most rapid change in sea level will occur toward the end of the 21st century. Most recent sea level rise projections show the same trend as the projections by Rahmstorf — that as the time period increases the rate of rise increases and that the second half of the 21st century can be expected to have a more rapid rise in sea level than the first half.

Several recent studies have projected future sea level to rise as much as 4.6 feet from 1990 to 2100. For example, in California, the Independent Science Board (ISB) for the Delta Vision Plan has used the Rahmstorf Report projections in recommending that for projects in the San Francisco Delta, a rise of 0.8 to 1.3 feet by 2050 and 1.7 to 4.6 feet by 2100 be used for planning purposes. This report also recommends that major projects use the higher values to be conservative, and that some projects might even consider sea level projections beyond the year 2100 time period. The ISB also recommends "developing a system that can not only withstand a design sea level rise, but also minimizes damages and loss of life for low-probability events or unforeseen circumstances that exceed design standards. Finally the board recommends the specific incorporation of the potential for higher-than-expected sea level rise rates into long term infrastructure planning and design."

The Rahmstorf Report was also used in the California Climate Action Team's Climate Change Scenarios for estimating the likely changes range for sea level rise by 2100. Another recent draft report, prepared by Philip Williams and Associates and the Pacific Institute for the Ocean Protection Council, the California Energy Commission's Public Interest Energy Research (PIER) Climate Change Research Program, and other agencies also identifies impacts from rising sea level, especially as they relate to areas vulnerable to future coastal erosion and flooding. This report used the Rahmstorf Report as the basis to examine the flooding consequences of both a 40-inch and a 55-inch centurial rise in sea level, and the erosion consequences of a 55-inch rise in sea level.

decisionmakers and others interested in climate change with an objective source of information about climate change; <http://www.ipcc.ch/ipccreports/assessments-reports.htm> 5 Independent Science Board, 2007. Sea Level Rise and Delta Planning, Letter Report from Jeffrey Mount to Michael Healey, September 6, 2007, CALFED Bay-Delta Program: http://deltavision.ca.gov/BlueRibbonTaskForce/Sept2007/Handouts/Item_9.pdf

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing various state agencies to undertake various studies and assessments toward developing strategies and promulgating development review guidelines for addressing the effects of sea level rise and other climate change impacts along the California coastline.² Consistent with the executive order, the governing board of the Coastal Conservancy adopted interim sea level rise rates: (a) 16 inches (40 cm) by 2050; and (b) 55 inches (140 cm) by 2100 for use in reviewing the vulnerability of projects it funds. These rates are based on the PEIR climate scenarios. These criteria were used while the study conducted by the National Academy of Sciences regarding sea level rise, requested by a consortium of state resource and coastal management agencies pursuant to the executive order, is was completed.

Concurrently, in the Netherlands, where flooding and rising sea level have been national concerns for many years, the Dutch Cabinet-appointed Deltacommissie has recommended that all flood protection projects consider a regional sea level rise (including local subsidence) of 2.1 to 4.2 ft by 2100 and of 6.6 to 13 ft. by 2200. Again, the Rahmstorf Report was used by the Delta Committee as a basis in developing their findings and recommendations. Given the general convergence of agreement over the observed and measured geodetic changes worldwide in ocean elevations over the last several decades, most of the scientific community has ceased debating the question of whether sea level will rise several feet higher than it is today, but is instead only questioning the time period over which this rise will occur. However, as the conditions causing sea level rise continue to change rapidly, prognostications of sea level rise are similarly in flux. As a result of this dynamism, anticipated amounts and rates of sea level rise used in project reviews today may be either lower or higher than those that will be utilized ten years from now. This degree of uncertainty will continue until sufficient feedback data inputs are obtained to allow for a clear trend to be discerned from what is now only a complex and highly variable set of model outputs. Accordingly, in the interest of moving forward from the debate over specific rates and amounts of rise to a point where the effects of sea level rise greater than those previously assumed in the past may be considered, one approach is to undertake a sensitivity analysis on the development project and site to ascertain the point when significant changes to project stability would result based on a series of sea level rise rates. The analysis would be structured to use a variety of sea level rise projections, ranging from the relatively gradual rates of rise indicated by the IPCC and Rahmstorf models, to scenarios involving far more rapid rates of sea level rise based upon accelerated glacial and polar sea and shelf inputs.

For example, for the most typical development projects along the coast (i.e., residential or commercial), consideration of a two to three foot rise in level rise over 100 years could be assumed to represent the minimum rate of change for design purposes. However, in the interest of investigating adaptive, flexible design options, sensitivity testing should also include assessing the consequences of sea level rise at three to five times greater rates, namely five to six feet per century, and even 10 to 20 feet per 100 years. The purpose of this exercise is to determine, if there is some “tipping point” at which a given design would rapidly become less stable, and to evaluate what would be the consequences of crossing such a threshold. This type of analysis would make the property owner aware of the limitations, if any, of the initial project design early in the planning

² Office of the Governor of the State of California, 2008. Executive Order S-13-08; <http://gov.ca.gov/index.php?/print-version/executive-order/11036/>

process. Depending upon the design life of the development, the economic and technical feasibility of incorporating more protective features, and levels of risk acceptance, the project proponent could propose, or the permitting agency may require, that greater flexibility be provided in the design and siting of the development, or other mitigation be identified, to accommodate the higher rates of sea level rise.

The sensitivity analysis approach would allow accelerated rates of sea level rise to be considered in the analysis of projects. Such evaluations provide some flexibility with regard to the uncertainty concerning sea level rise, providing an approach to analyze project in the face of uncertainty that would not involve the imposition of mandatory design standards based upon future sea level elevations that may not actually be realized. Given the nonobligatory and adaptive nature of this approach to hazards avoidance and minimization, as necessitated by such scientific uncertainty, it will remain important to include new information on sea level trends and climate change as iterative data is developed and vetted by the scientific community. Accordingly, any adopted design or siting standards that may be applied to development projects should be re-examined periodically to ensure the standard is consistent with current estimates in the literature before being reapplied to a subsequent project.

The most recent State of California sea level rise interim guidance document is the “Resolution of the California Ocean Protection Council on Sea-Level Rise,” adopted on March 11, 2011. Research funded by the Ocean Protection Council (OPC) has shown that a 55-inch sea level rise, with a 100-year storm event along the California coast places approximately 480,000 people (2011 population) and nearly \$100 billion (in 2000 dollars) of property at risk. The Governor’s Executive Order S-13-08 has directed state agencies to consider a range of SLR scenarios for the years 2050 and 20100 to assess project vulnerability, reduce expected risks, and increase resiliency to sea-level rise. The OPC resolves that state agencies should make decisions regarding coastal and ocean management based upon the following guiding principles presented in the 2009 California Climate Adaptation Strategy:

- California must protect public health and safety and critical infrastructure;
- California must protect, restore, and enhance ocean and coastal ecosystems, on which our economy and well being depend;
- California must ensure public access to coastal areas and protect beaches, natural shoreline, and park and recreational resources;
- New development and communities must be planned and designed for long-term sustainability in the face of climate change;
- California must look for ways to facilitate adaptation of existing development and communities to reduce their vulnerability to climate change impacts over time; and
- California must begin now to adapt to the impacts of climate change. We can no longer act as if nothing is changing.

Regardless of its particular rate, over time elevated sea level will have a significant influence on the frequency and intensity of coastal flooding and erosion. Accordingly, rising sea level needs to be considered to assure that full consistency with Section 30253 can be attained in the review and approval of new development in shoreline areas.

The LUP as proposed to be amended contains no provisions for the consideration of sea level rise in the review of new development at waterfront proximate localities where instability and exposure to flooding risks could be intensified at higher ocean surface elevations. Without such provisions, the LUP as proposed to be amended would be inconsistent with the policies of Chapter 3 of the Coastal Act, specifically Section 30253 and must be denied. The Commission thus includes within Suggested Modification No. 2, new policies 5 and 6 (found on pages 15-16) to ensure that, to the greatest degree feasible given current scientific uncertainties relating to the variable projected rates of sea level rise, new development in the HRMU designated area will minimize risks to life and property in areas of high geologic and flooding hazard and not create or contribute to geologic-related instability or destruction by requiring that the effects of sea level rise be quantitatively considered in geologic and other engineering technical evaluations of new development. Additionally, this modification requires that all development located within a possible tsunami run-up zone shall be required to contact the local office of emergency services concerning tsunami plans and to cooperate with local warning programs and evacuation efforts. Visitor-serving facilities shall work with the local office of emergency services to prepare an evacuation plan, consistent with other community evacuation efforts. The Commission therefore finds that, if modified by the City, as suggested, the proposed LUP portion of the LCP amendment is consistent with Section 30253 of the Coastal Act.

5. Biological Resources

Section **30230** of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreation, scientific, and educational purposes.

Section **30240** of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

While the subject site is not considered an environmentally sensitive habitat area (ESHA), the site is located adjacent and up-coast from the mouth of the Santa Clara River. The development (up to 85 feet in height) contemplated by the proposed LCP amendment would be located approximately 1 mile northwest of the Santa Clara River mouth, an area used by a variety of coastal birds. Development adjacent to public land and coastal waters must be designed to prevent impacts which would significantly degrade the area, so it is compatible with the continuance of the habitat, as required by Section 30240 of the Coastal Act. Section 30230 of the Coastal Act applies to the proposed LCP amendment because of the threat of day and night collisions with the proposed mixed use development for both migrating and non-migrating birds.

Urban sprawl and intensified urbanization have eliminated and/or degraded bird habitat around the globe; most development is concentrated along rivers, woodlands, coasts, and wetlands that birds depend on for food and shelter. Loss of habitat squeezes birds into urbanized areas where they encounter novel man-made structures. Modern urban buildings that have clear glass or reflect light during the day and are lit up at night, as well as suburban and rural buildings with windows and reflective surfaces, can present serious hazards for birds. Bird populations, which have declined from loss of habitat, are seriously threatened by the growing presence of man-made structures within their transit and migratory flight space.

Over three decades of research has documented that buildings and windows are the top killer of birds in North America^{3,4,5,6}. In the United States, an estimated 100 million to one billion birds perish each year from encounters with buildings^{7,8}. This level of bird mortality is believed to be significant enough to impact the viability of bird populations, leading to local, regional, and national declines. Bird injury or death is primarily due to two factors: 1) the apparent inability of birds to detect and avoid glass and reflective surfaces, during the day or night, and 2) the potential for artificial night lighting to attract and/or entrap foraging or migrating bird species.

Collisions resulting in injury or death occur anywhere that birds and windows and reflective surfaces coexist because birds do not perceive glass as an obstacle during flight or are attracted to reflections they perceive as sky or natural habitat. Daytime building collisions occur on windows and reflective surfaces of all sizes on all building types, from single-story buildings to sky scrapers; during all seasons and weather conditions; and in every type of environment, from rural and suburban settings to dense city centers. A building's threat to birds increases substantially when its windows or glass reflects nearby trees, bushes, or other potential bird habitat. Window and reflective surfaces in buildings are indiscriminate killers of birds regardless of species, size, age, sex, or migration characteristics and patterns. The amount of windows and reflective surfaces in a building is the strongest predictor of how dangerous it is to birds and most collisions end in the death of the bird, either immediately or soon after from brain injuries or predation.

Two characteristics of reflective or glazed surfaces and glass contribute to birds' inability to see them: reflection and transparency. Reflections of the sky and vegetation look no different to a bird than the real thing and lure in birds resulting in collisions. The reflective property of a surface material is referred to as reflectivity. Reflectivity is a measurement of how reflective a material is; it is a measure of the intrinsic reflectance of the surface of a material. A material's reflectivity can be reduced several ways including application of anti-reflective (AR) coatings or permanent stencils and fritting or frosting. Transparent glass is invisible to birds which collide with the glass as they

³ Banks, R. 1979. Human Related Mortality of Birds in the United States. USFWS. Special Scientific Report-Wildlife No. 215.

⁴ Ogden, L. September, 1996. Collision Course: The Hazards of Lighted Structures and Windows to Migrating Birds. A Special Report for the World Wildlife Fund, Canada and the Fatal Light Awareness Program.

⁵ Hager, S.B., H. Trudell, K.J. McKay, S.M. Crandall & L. Mayer. 2008. Bird Density and Mortality at Windows. The Wilson Journal of Ornithology. Vol. 120 (3): 550-564.

⁶ Gelb, Y. & N. Delacretaz. 2009. Windows and Vegetation: Primary Factors in Manhattan Bird Collisions. Northeastern Naturalist, Vol. 16(3): 455-470.

⁷ USFWS. January 2002. Migratory Bird Mortality: Many Human-Caused Threats Afflict Our Bird Populations.

⁸ Klem, D. February 2009. Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics. 244-251.

attempt to fly through it toward potential perches, prey items, and other attractions inside and beyond the glass. Transparency is exacerbated in buildings with significant amounts of clear glass that have plant decorated lobbies, interior atriums, windows installed opposite each other, glass balconies, and glass corners because birds perceive such conditions as unobstructed flyways.

A number of factors contribute to a building being a hazard for birds. The factors that should be considered when determining whether to require bird safe building practices include: 1) location of the building in relation to recognized migration corridors or flyways; 2) proximity of the building to open terrestrial and aquatic foraging areas – parks, forests, rivers, streams, wetlands and ocean; 3) proximity of the building to documented stopover or roosting locations; and 4) regions prone to haze, fog, mist, or low-lying clouds. Researchers have found that combination of building characteristics, coined, “bird-hazards,” present the greatest threat to birds. These characteristics include buildings located within or immediately adjacent to open spaces with lush landscaping and with a façade of more than thirty-five percent (35%) glazing; buildings located adjacent to or near wetlands or open water and with a façade of more than thirty-five percent (35%) glazing; and buildings with ‘bird traps’ such as glass courtyards, transparent building corners, and glass balconies.

The proposed project driving the subject LCP amendment is characterized by several of the factors that contribute to buildings being collision hazards for birds. The site’s proximity to the Santa Clara River mouth and open coastal waters, both areas that support numerous coastal bird species, is the main factor. The area is prone to fog and mist during summers and is also located within the Pacific Flyway, a primary migratory route for birds.

It is possible to design buildings so they are less hazardous to birds by implemented bird safe building practices. Several major cities including Toronto⁹, San Francisco¹⁰, Chicago¹¹, and New York¹², have developed bird safe building guidelines, and a number of buildings in these cities have employed bird safe building practices. Bird safe building practices include specific treatments and design considerations for windows and glazed surfaces, lighting, and landscaping. Employment of these practices is proving effective; for instance, Swarthmore College renovated its Unified Science Center building using glass with a ceramic frit matrix and has measured a significant reduction in bird strikes¹³.

In order to reduce potential for bird strikes, all new buildings, including windows and outdoor fencing, shall be required to provide bird-safe building treatments, incorporated as suggested modification 2 in section 1(f) of Land Use and Development Standards (page 10). Windows shall be comprised of non-glare glass and glazing treatments shall be consistent with the standards provided for in suggested modification 4 of the LIP. The Commission therefore finds that, if

⁹ City of Toronto. March 2007. Bird Friendly Development Guidelines. City of Toronto Green Development Standard (www.toronto.ca/lightsout/)

¹⁰ Ibid. October 2010. City of San Francisco

¹¹ City of Chicago. Design Guide for Bird-Safe Buildings: New Construction and Renovation.

¹² Brown, H., S. Caputo, E.J. McAdams, M. Fowle, G. Phillips, C. Dewitt, & Y. Gelb. May 2007. Bird Safe Building Guidelines. New York Audubon (www.nycaudubon.org).

¹³ Grasso-Knight. G. & M. Waddington. Spring 2000 Report on Bird Collisions with Windows at Swarthmore College.

modified by the City, as suggested, the proposed LUP portion of the LCP amendment is consistent with Sections 30230 and 30240 of the Coastal Act.

C. LOCAL IMPLEMENTATION PLAN CONSISTENCY ANALYSIS AND FINDINGS

As described above, the City proposes to change the zoning designation of the subject property in the City's certified Implementation Plan from Harbor Commercial (HC) to Coastal Mixed Use (CMXD) to provide more specific development standards for mixed use projects.

In 2005, the Coastal Commission approved City of Ventura LCP Amendment No. 1-03 to create a new land use designation and zoning designation for a vacant 5.62-acre property located at the northwest corner of Seaward Avenue and Harbor Boulevard in the Pierpont District of the City in order to accommodate a mixed use development project proposed there. The new zoning designation created in that amendment was Coastal Mixed Use (CMXD), which provides standards to ensure that a balance of uses consistent with Coastal Act priorities, including adequate visitor-serving commercial uses and public access provisions, are included in any approved development. Although this zone allows residential use, its intent is to allow development of vibrant mixed-use environments that are attractive to visitors, that incorporate new urbanism principles, that provide a residential base to support the commercial uses that serve visitors to the coast, and that provide coastal access parking to further increase beach access opportunities. This zoning designation allows residential uses, but does not allow industrial uses, or general uses that do not serve visitors. In addition, it only allows residential use of a parcel in conjunction with visitor-serving uses on the ground level fronting public streets and public open space(s), in recognition of the site in question's location adjacent to two major streets, one of which leads to the public beach.

In the subject LCP amendment request, the City is proposing to apply the Coastal Mixed Use (CMXD) zoning designation to the subject harbor property. It was the City's intent to have the new urbanism development standards that are included in the CMXD zone district also apply to future development of the harbor property. Such standards include requiring that development be a series of smaller-scale buildings fronting publicly accessible walkways, streets, and public open spaces, thereby creating short, walk-able blocks that are of pedestrian scale and character. However, the IP's CMXD zoning designation lacks the very site-specific development standards of the LUP's HRMU land use designation, that are proposed to be amended. The IP should be as specific, if not more specific, than the LUP. It appears that the proposed rezone of the subject project to CMXD would result in inconsistencies between the City's LIP and the policies of the LUP. At least one rather significant CMXD-zone requirement – that the ground level of buildings fronting public street/open spaces be used for visitor-serving commercial or recreation uses – is inconsistent with the policies of the LUP's HRMU requirement that visitor serving uses be located adjacent to the waterfront. Staff would note that the City, in its consideration of the CDP for development on the subject site, had to grant several administrative variances to circumvent several of the CMXD provisions that were inconsistent with the HRMU land use designation. Thus, the City's proposal to change the zoning designation of Parcels 15, 16, and 18 from Harbor Commercial (HC) to Coastal Mixed Use (CMXD) would not be in conformance with and adequate to carry out the policies of the amended LUP, as modified. Further, the proposed zone change does not provide enough specificity

to implement several other requirements of the LUP, as proposed to be amended, including public provision of parks, waterfront promenade, visitor-serving facilities, view corridors, accessways, sea level rise, transportation demand management, bird-safe buildings, etc.

Instead of revising the zoning measures of the CMXD zone, which are specific to the Harbor-Seaward site, the City and staff worked together to create a new zoning designation, or Harbor Mixed Use (HMXD) zone, adequate to implement the provisions of the LUP, as modified, for the waterfront site. The new zoning designation, or Harbor Mixed-Use Development (HMXD), was created to include the mixed use provisions of the Coastal Mixed-Use Development (CMXD) zone and the harbor-related policies of the LUP's HRMU designation, which staff is recommending the Commission approve as suggested modifications 3 and 4 (page 17). The Commission therefore finds that, only if modified as suggested, the LIP portion of the LCP amendment will conform with and be adequate to carry out the Land Use Plan, as modified.

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code (PRC) – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the Natural Resources Agency found the Commission's LCP review and approval program to be functionally equivalent to the EIR process, see 14 C.C.R. Section 15251(f), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for each LCP. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission's regulations (see 14 C.C.R. Sections 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC Section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

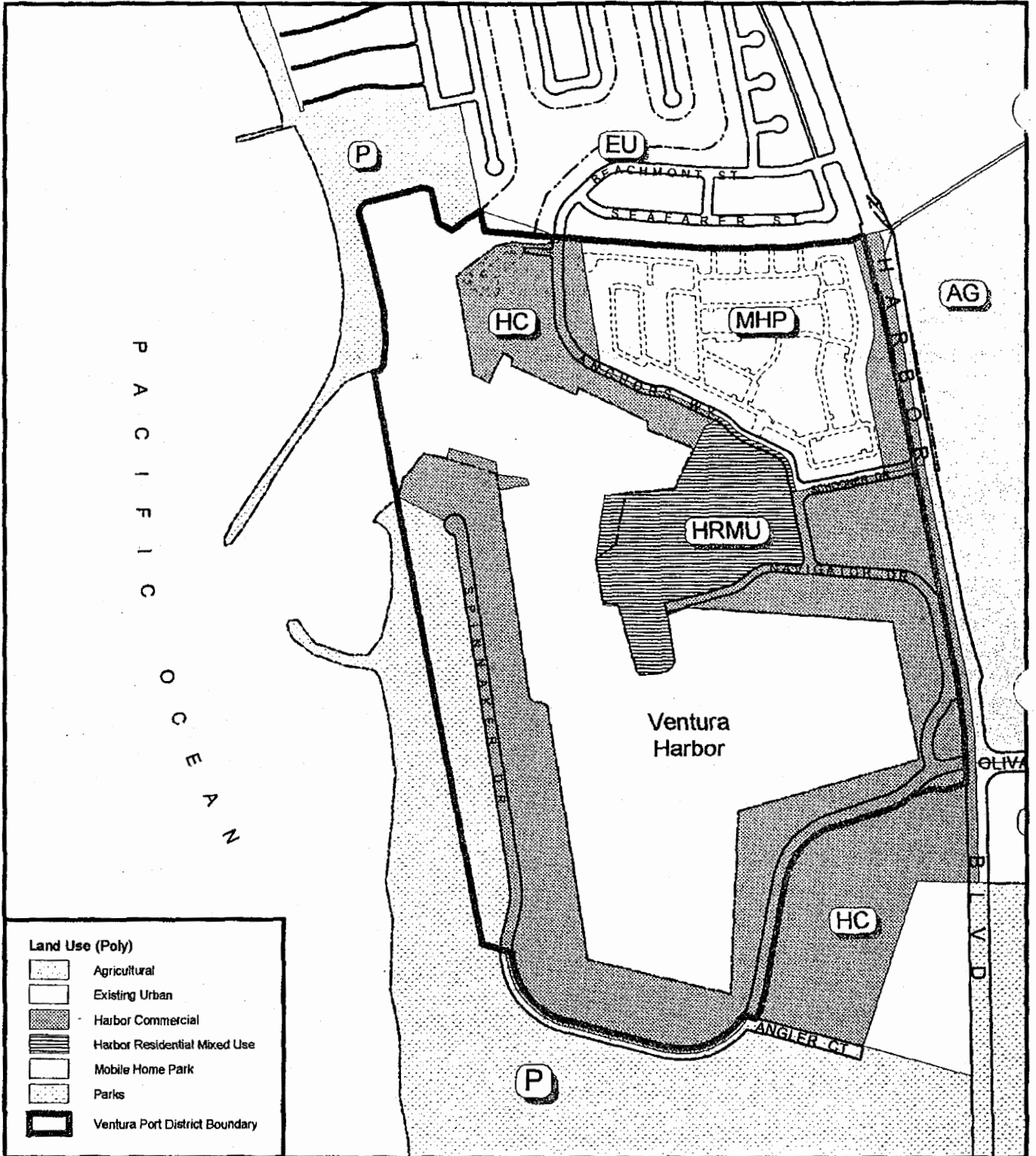
The proposed amendment is to the City of Ventura's certified Local Coastal Program Land Use Plan and Implementation Plan. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the intent of the applicable policies of the Coastal Act and the certified Land Use Plan and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the Coastal Act and

certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA.

APPENDIX 1

Substantive File Documents

Resolution No. 2010-047, adopted by the City Council on November 15, 2010; Ordinance No. 2010-013, adopted by the City Council of the City of Ventura on November 22, 2010; Administrative Report prepared by Jeffrey Lambert, Community Development Director, for November 15, 2010 City Council Hearing; Planning Commission Staff Report for August 17, 2010 Joint Planning Commission and Design Review Committee Hearing; Planning Commission Resolution No. 8477 and 8478, adopted by City of Ventura Planning Commission on August 17, 2010; Mitigated Negative Declaration; LCP Amendment No. 2-96; LCP Amendment No. 1-03; LCP Amendment No. 1-07; Ventura Harbor Retail Demand Analysis prepared by Linda S. Congleton & Associates



Land Use (Poly)	
	Agricultural
	Existing Urban
	Harbor Commercial
	Harbor Residential Mixed Use
	Mobile Home Park
	Parks
	Ventura Port District Boundary

Prepared By:
Geographic Information Systems

Department: **A.S.**

Division: **I.T.**

Section: **I.S.**



Title:

**Ventura Harbor
 LAND USE PLAN**

Prepared For: **Planning Division**

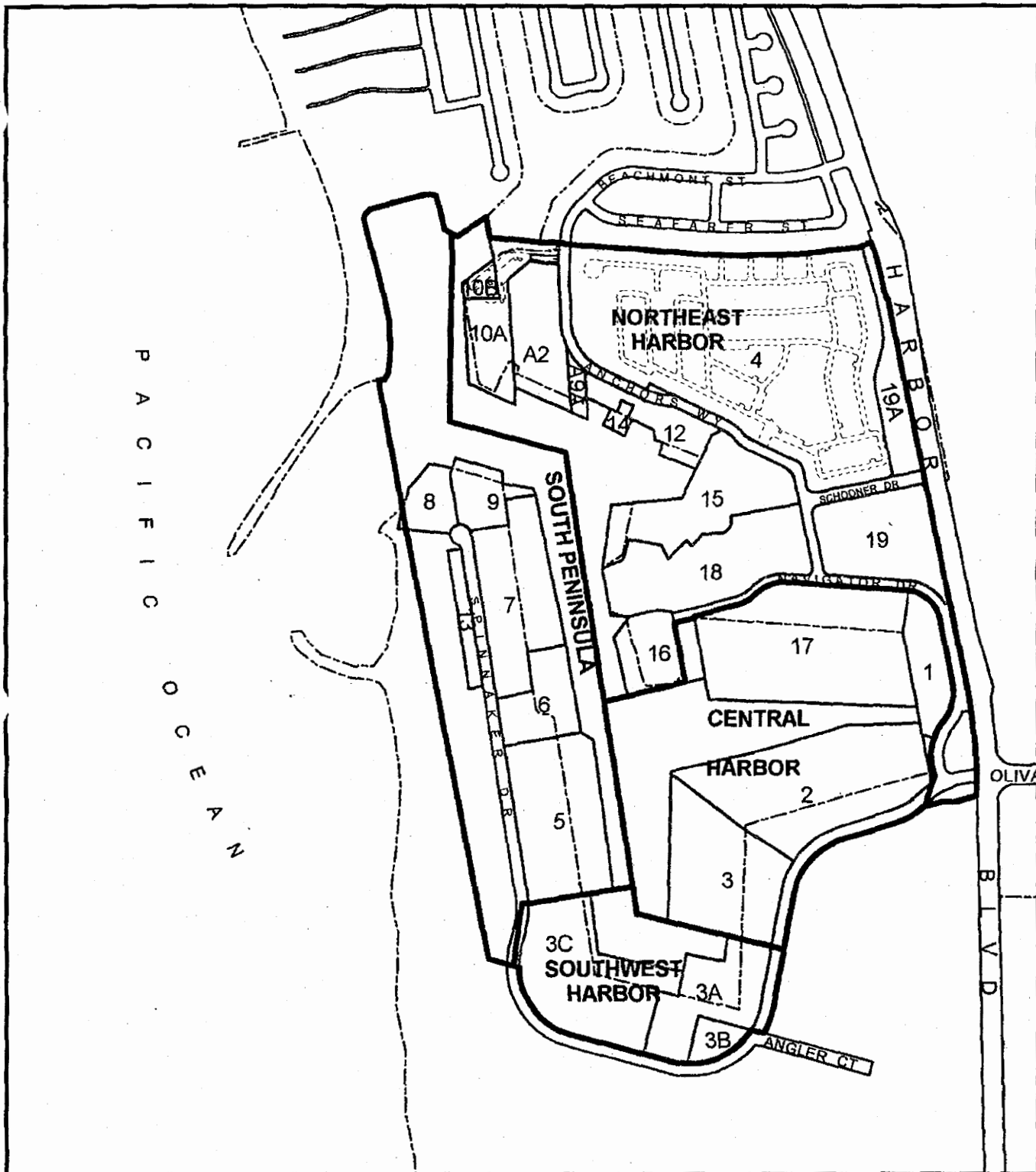


23 AUG 1999

This map is a product of the City of San Buenaventura, California. Although reasonable efforts have been made to ensure the accuracy of this map, the City of San Buenaventura cannot guarantee its accuracy.

1" = 800'

**EXHIBIT 1
 LCPA No. 1-11
 Land Use Map (Pg 1 of 2)**



Prepared By:
Geographic Information Systems
 Department: **A.S.**
 Division: **I.T.**
 Section: **I.S.**



Title:
VENTURA HARBOR AREAS
 Parcels ———
 Harbor Areas ———
 Prepared For: **PLANNING DEPARTMENT**



20 AUG 1999 This map is a product of the City of San Buenaventura, California. 1" = 800'
 Although reasonable efforts have been made to ensure the accuracy of this map, the City of San Buenaventura cannot guarantee its accuracy.

EXHIBIT 1
LCPA No. 1-11
Land Use Map (Pg 2 of 2)



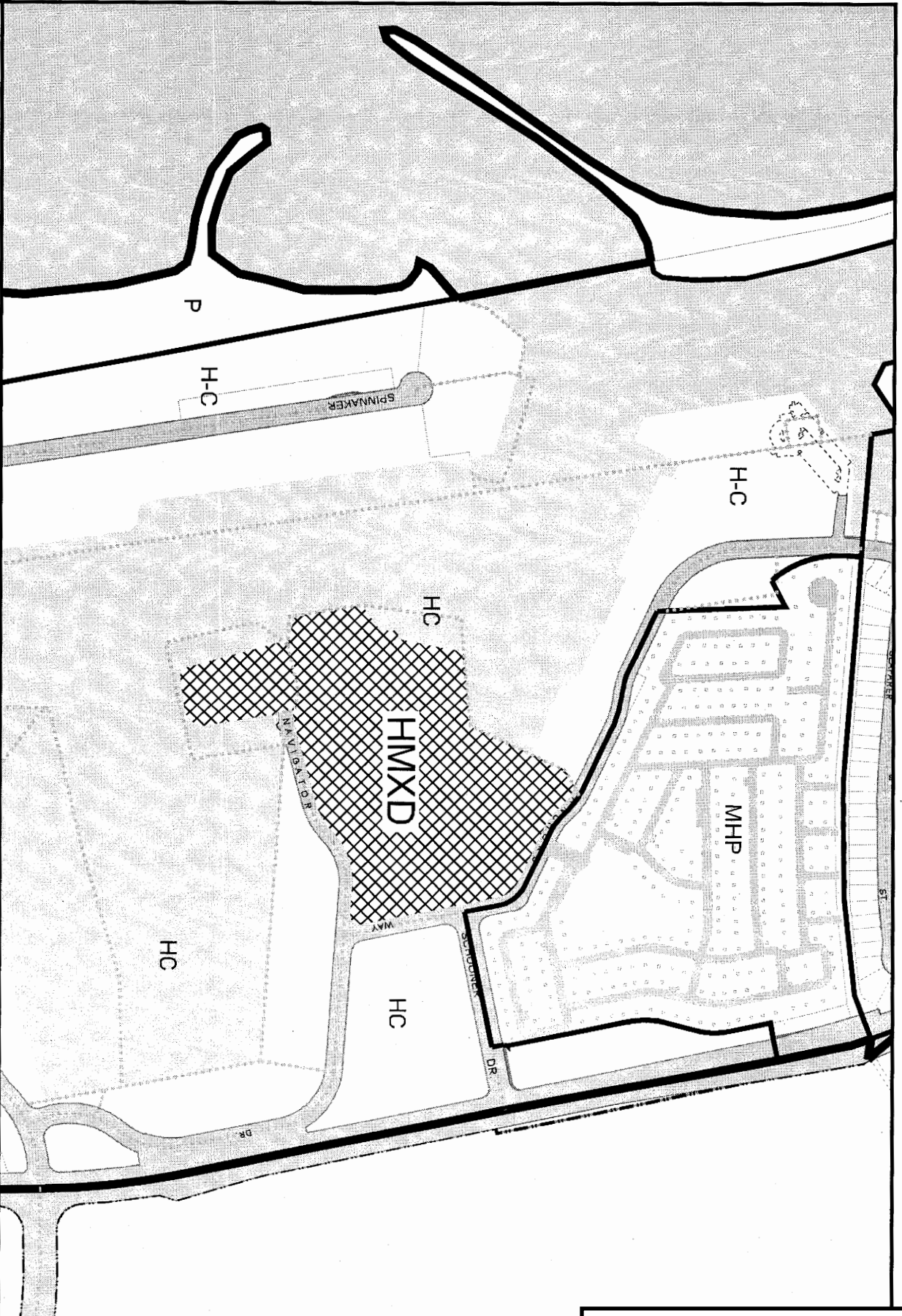
13 MAR 2012

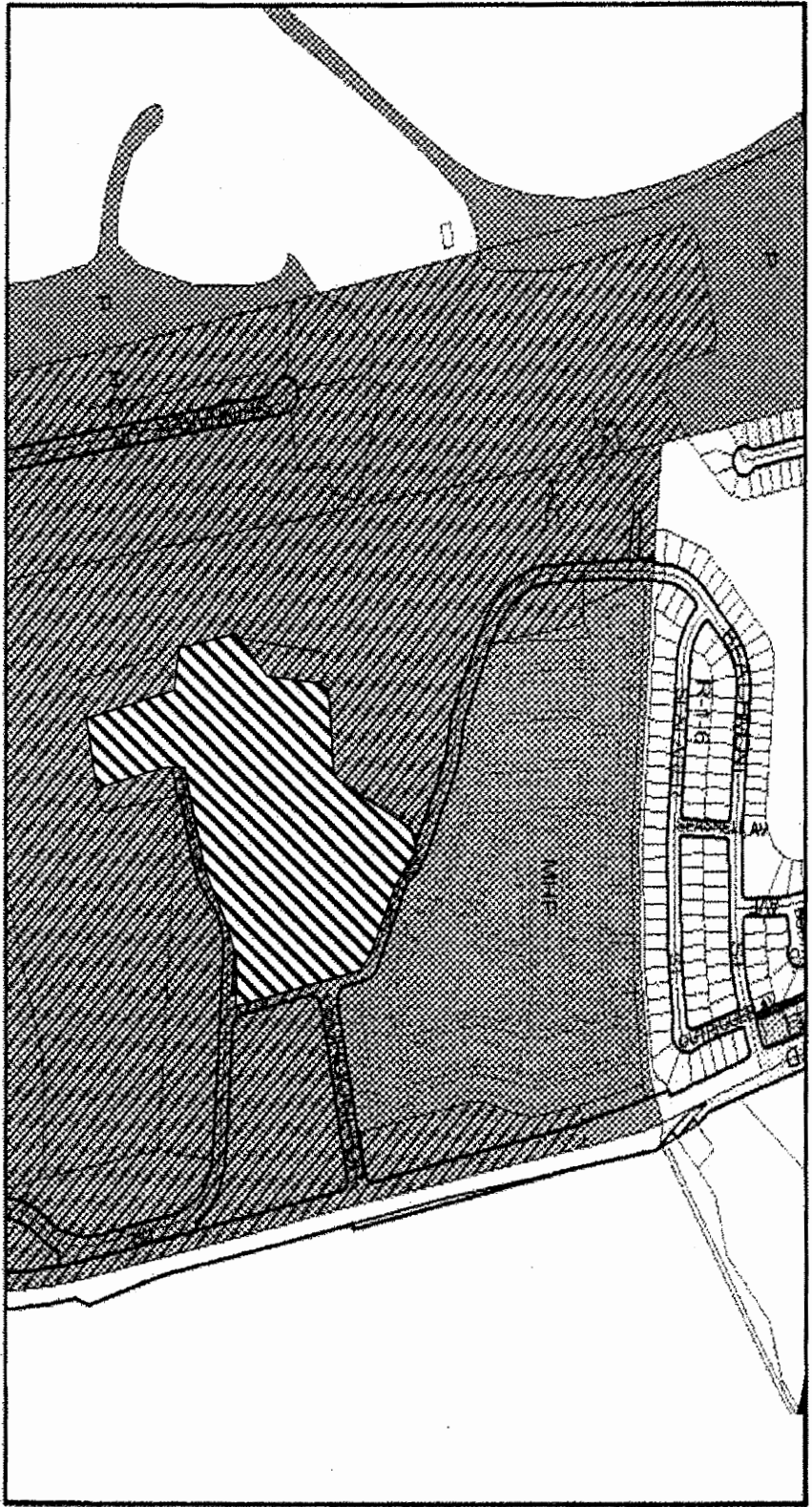
CHANGE OF ZONE FROM HC TO HMXD (Land Area Only)

EXHIBIT "A"

This map is a product of the City of San Buenaventura, California. Although reasonable efforts have been made to ensure the accuracy of this map, the City of San Buenaventura cannot guarantee its accuracy.

1" = 500'





City of San Buenaventura - Community Development Department - Planning Division

Case No: Z-8-10-3437

EXHIBIT "A"
 CHANGE OF ZONE FROM
 H-C TO CMXD
 APN'S: 080-0-240-125 and 080-0-240-245



North



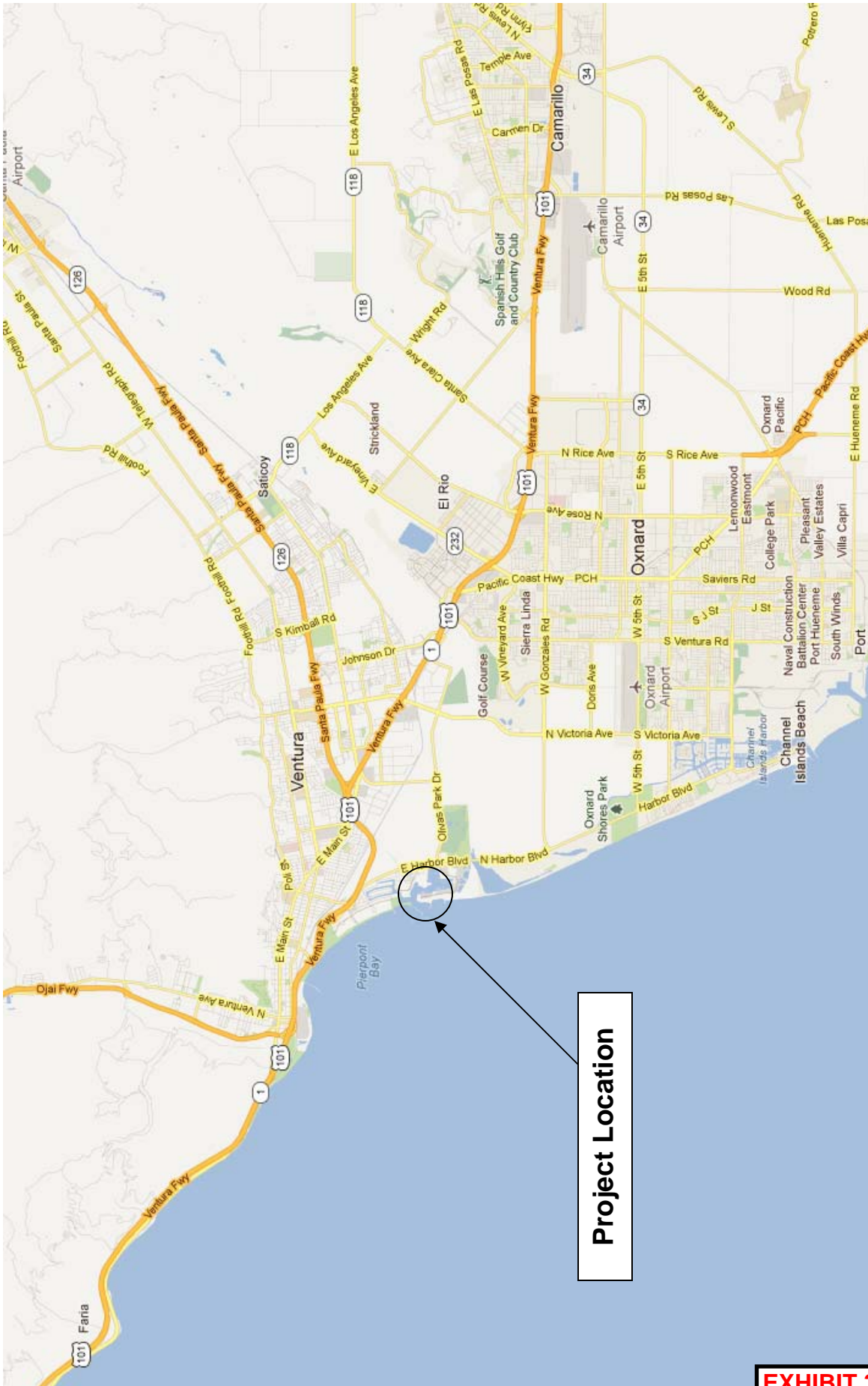
Legend:
 Area for
 Consideration

Date: August 17, 2010

Scale: Not to Scale

Case Planner:

Brian Randall



Project Location

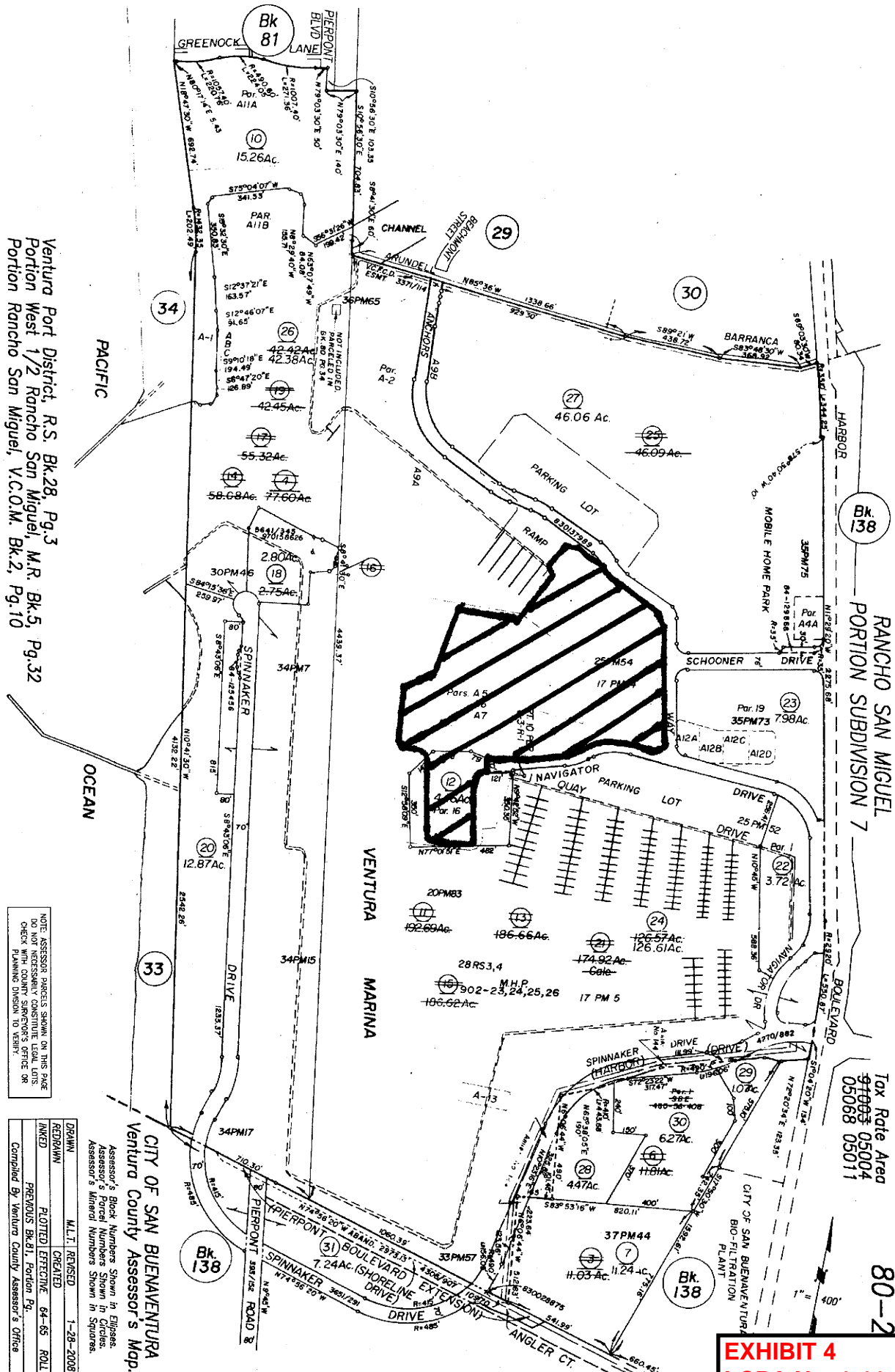
EXHIBIT 3
LCPA No. 1-11
Vicinity Map

Ventura Port District, R.S. Bk.28, Pg.3
 Portion West 1/2 Rancho San Miguel, M.R. Bk.5, Pg.32
 Portion Rancho San Miguel, V.C.O.M. Bk.2, Pg.10

NOTE: ASSessor PARCELS SHOWN ON THIS MAP
 DO NOT NECESSARILY CONSTITUTE LEGAL LOTS.
 CHECK WITH COUNTY SURVEYOR'S OFFICE OR
 PLANNING DIVISION TO VERIFY.

DRAWN	M.L.T.	REVISED	1-28-2008
REVIEWED	CREATED		
ANKED	PLOTTED/EFFECTIVE	64-65	ROLL
	PREVIOUS Bk.21, Section 29		
Compiled By Ventura County Assessor's Office			

CITY OF SAN BUENAVENTURA
 Ventura County Assessor's Map.
 Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.
 Assessor's Mineral Numbers Shown in Squares.



Tax Rate Area
 91999 05004
 05068 05011

80-2

EXHIBIT 4
LCPA No. 1-11
Parcel Map



Project Site

EXHIBIT 5
LCPA No. 1-11
Site Aerial Photo (Pg 1 of 2)



EXHIBIT 5
LCPA No. 1-11
Site Aerial Photo (Pg 2 of 2)

Exhibit "A" CPA-8-10-3434

Ventura Harbor Project – Sondermann Ring Partners Updated Project Design

PROPOSED AMENDMENTS TO THE VENTURA LOCAL COASTAL PROGRAM LAND USE PLANNING COMPREHENSIVE PLAN

Page III-85

Harbor-Related Mixed Use (HRMU)

The purpose of the Harbor Related Mixed Use (HRMU) designation category is to ensure that the City and Port District obtain the best suited horizontal mixed use development for the last remaining large parcel in the Ventura Harbor. The harbor-front parcel currently lays fallow and unused. While the site presents no obstacles to accessibility of the harbor, its location off of any major thoroughfare and its lack of amenities and visitor-serving facilities leaves the site wholly unattractive to visitors. The HRMU designation shall encourage development of this property with a balance of visitor-serving, recreational and residential uses. The visitor-serving and recreational components shall provide amenities for the public while the residential component should aim to enliven the development and turn it into a destination. The residential component shall provide a critical mass of residents to activate the Harbor, but shall not overwhelm the harbor-front to the public's detriment. The purpose of the HRMU designation shall also be to ensure development which can function as a transition between the adjacent residential neighborhoods to the north and east and the primarily commercial and visitor-serving uses (both existing and envisioned) of the rest of the harbor. To encourage continued coastal-dependent recreation and tourist opportunities within the water front areas of the harbor, the HRMU designation category shall require that public amenities, such as a public accessway, public parking, a public park and restrooms and harbor oriented recreational and visitor serving facilities are included on the site.

Residential development, which is considered a non-priority use within the harbor, shall be limited to the development of Parcels 15 and 18 HRMU designation on the upper story (or stories) and the existing Mobile Home Park (MHP) designation and all other references to non-priority uses elsewhere in the harbor shall mean general commercial and office uses only. Development of this property Parcels 15, 16 and 18 shall be subject to the preparation and approval of a master site plan for Parcels 15, 16 and 18. The master site plan for Parcels 15, 16 and 18 shall, at a minimum, meet the criteria set forth in the Area Location and Intensity policies for the Northeast Harbor, as well as any pertinent standard set forth in the Zoning Ordinance. All coastal-dependent and visitor-serving commercial development shall be integrated with the overall character of the harbor and continue to encourage tourist activity consistent with the goals of the City's Local Coastal Program.

EXHIBIT 6
LCPA No. 1-11
Proposed LCPA Text

Page III-91:

Area Locational and Intensity Policies

Northeast Harbor Area: This area shall be developed primarily with commercial visitor-serving uses and, for the portion designated HRMU, with a master-planned residential/commercial, visitor-serving and recreational mixed use development. Uses allowed in this area include the following: commercial visitor-serving uses;

- (1) recreational boating;
- (2) non-priority uses limited to public facilities and general retail and offices; and
- (3) non-water oriented commercial;
- (4) public park and recreation;
- (5) residential uses limited to a maximum of 300 units and limited to the upper story (stories) of any development; and
- (6) mobile homes for the Mobile Home Park area (MHP).

Commercial fishing facilities are not intended uses in the Northeast Harbor Area. Coastal dependent and coastal-related recreation and visitor-serving uses shall be developed adjacent to the harbor front and shall have priority over residential and general commercial development.

Development on the HRMU designated parcel shall be subject to the preparation of a master site plan for Parcels 15, 16 and 18. The master plan shall include, at a minimum, the following:

- 1) *Land Use and Development Standards*
 - a) Architectural and landscaping design and/or criteria, circulation plan, and public view protection of the harbor design or criteria.
 - b) Any residential development proposed for the HRMU area shall aim to create a critical mass of residents that will activate the Harbor, without not detracting from or interfering with the harbor oriented coastal visitor-serving uses, tourist activity and public recreational boating uses. New residential development within the Ventura Harbor shall be limited to the HRMU designated area and a maximum of 300 dwelling units shall be permitted providing such development is located on the upper story (or stories) and is consistent with all other applicable policies of the LCP. The water frontage area shall be reserved for tTourist-serving and recreational uses shall be located along the water frontage Residential units shall only be allowed on the upper story (or stories) of development located in the HRMU area. Should any residential units be developed on the HRMU designated site, the 2.44 acre waterfront area identified as parcel 16 shall be developed as a public park.

Live/work residential units are encouraged. Efforts shall be made on the part of the developer/property manager to market such units to visitor-serving and/or harbor-oriented businesses.

- c) In addition to the requirements of 1b above (development of the public park), the entire water frontage area, (as generally shown on Exhibit 16), ~~to shall include not less than 200 feet in width as measured from the landward extent of the~~ a 28 to 50 ft. wide public access and recreation improvement (waterfront promenade).
- d) In addition, development within the HRMU designated area, shall provide any one or combination of the following uses:
 - (a) public amenities;
 - (b) commercial visitor-serving; and
 - (c) water-oriented recreational facilities.

2) *Land Use Buffer/Public Use Zone*

- a) In conjunction with any residential development that occurs within the HRMU designation, a public park shall be developed on the 2.44 acre harbor-front parcel described as parcel 16 (see Exhibit 6 and 16), to provide additional public access opportunities. The park shall be provided with picnic tables, benches, bicycle storage racks and public parking.
- b) Public access and public recreation improvements with a minimum of 28 to 50 feet in width shall be sited along the water front (waterfront promenade). The improvements shall include a pedestrian and bicycle accessway. In addition, such improvements shall include, but are not limited to the following: picnic tables, benches, public restrooms, landscaping, bicycle storage racks, drinking fountains, public parking and improvements that would encourage use of this zone area by the general public. Additionally, the project shall include an internal circulation system which improves harbor-front access and brings viewing opportunities closer to the waterfront.
- c) Public restrooms shall be provided at a convenient location for users of the public park, the waterfront promenade, the adjacent marina and commercial uses.
- d) To further ~~Policy 8.2.4 of the~~ City's Comprehensive Plan Circulation Element, a pedestrian and bike path (waterfront promenade), that incorporates public use areas, shall be located along the harbor water frontage. Connection of the pathway to the adjacent public areas shall be provided so that there is a continuous route around the Harbor water channel. An adequate supply of bicycle storage shall be provided at a location(s) convenient to users of the public areas.
- e) Residential areas that abut the pedestrian and bike path shall incorporate design elements such as fencing, landscaping, signage and elevation changes, to prevent the public area from becoming used exclusively by such development.

f) If deemed appropriate, the master site plan should include development of a shuttle stop at the corner of Anchors Way and Navigator Drive to encourage the use of public transportation.

3) *Recreation and Visitor Serving*

a) Public access and recreation improvements described in Master Site Plan Policy 2, Land Use Buffer/Public Use Zone, shall be constructed concurrent with any development of the site and be available for public use ~~prior to~~concurrent with occupancy of any residential or commercial development.

b) A 28 to 50 ft. wide public access and recreation improvement (waterfront promenade) shall provide continuous access from Anchors Way to Navigator Drive and include access to the waterfront view park. In addition to this waterfront promenade, At a minimum, a 20-foot wide a multi-modal vertical public accessway shall be provided from the approximate terminus of Schooner Drive through Parcel 18 and connecting to the harbor front accessway/waterfront promenade shall be provided. The vertical public accessway shall include a roadway for vehicles and cyclists, parallel parking and a minimum of 10-foot wide parkways, with landscaping and pedestrian sidewalks on either side of the roadway. All public accessways shall be conspicuously signed for public use and incorporate design elements such as those specified in 2d above, to buffer the path from site development clearly delineate public spaces. The existing walkways along the perimeter of this site shall not be used to satisfy this requirement.

c) Adequate commercial facilities and dry or wet boat storage facilities, necessary to support the needs of any proposed residential development shall be either within the portion of the site developed with residential use or within close and convenient proximity to the HRMU designated area.

4) *Parking and Circulation*

a) Public parking or public parking lot(s) shall be provided in locations convenient to key visitor attractions, public access and the public park area on the site. If parking fees are charged, parking fees shall be kept low so that the general public may use the Harbor facilities at nominal rates.

b) All residential and commercial development shall provide adequate on-site resident, visitor and customer parking in addition to the required public coastal access parking lot(s) serving the launch ramp and public park.

c) All development proposals shall submit for the appropriate planning and approving body, supplemental traffic analysis containing appropriate mitigation measures relative to project specific trip generation estimates. Said supplemental information shall demonstrate that the average daily trips (ADT) do not exceed those estimated for ~~currently the~~ previously permitted Harbor Commercial shopping center development which are estimated at 9,505 ADT

All development proposals shall be designed to ensure that traffic generated by the project will not adversely impact the City's street system within the Pierpont/Ventura Keys and Ventura Harbor Community for area residents and members of the public accessing the Ventura Harbor and Surfer's Knoll Beach. As a result, left turn movements from the HRMU area onto Anchors Way shall be permitted only at Navigator Drive and Schooner Drive. In conjunction with the development of Parcels 15, 16 and 18, off-site traffic improvements shall be installed along Anchors Way, Beachmont Street and Seafarer, Seashell, Outrigger and Seaview Avenues to slow traffic speeds and redirecting visitor-serving users to the primary access roadway of Anchors Way rather than the secondary local residential access of Beachmont Street. Off-site traffic improvements shall maintain and/or enhance existing pedestrian and bicycle access along Beachmont Street and Anchors Way. All traffic improvements shall be designed in conformance with City standards as approved by the City Engineer.

Measures necessary to mitigate traffic impacts from development of the site shall be required and completed concurrent with site development. Restrictions limiting general public use of the street system shall not be permitted. If a reduction in traffic ADT is necessary, non-priority uses shall be removed from the development proposal.

- d) Site development shall provide an internal circulation system that does not rely on the public street system and insures a continuous flow of vehicle and pedestrian traffic throughout the HRMU designated area regardless of development patterns.
- e) Ingress and egress of the site shall not adversely impact the public's ability to access any public facilities, including but not limited to, the existing public boat launch facility that abuts the HRMU designated area.

Page III-99:

Harbor-Related Mixed Use (HRMU)

The purpose of the Harbor Related Mixed Use (HRMU) designation category is to ensure that the City and Port District obtain the best suited horizontal mixed use development for the last remaining large parcel in the Ventura Harbor. The harbor-front parcel currently lays fallow and unused. While the site presents no obstacles to accessibility of the harbor, its location off of any major thoroughfare and its lack of amenities and visitor-serving facilities leaves the site wholly unattractive to visitors. The HRMU designation shall encourage development of this property with a balance of visitor-serving, recreational and residential uses. The visitor-serving and recreational components shall provide amenities for the public while the residential component should aim to enliven the development and turn it into a destination. The residential component shall provide a critical mass of residents to activate the Harbor, but shall not overwhelm the harbor-front to the public's detriment. The purpose of the HRMU designation shall also be to ensure development which can function as a transition between the adjacent residential neighborhoods to the north and east and the primarily commercial and visitor-serving uses (both existing and envisioned) of the rest of the harbor. To encourage continued coastal-dependent recreation and tourist opportunities within the water front areas of the harbor, the HRMU designation category shall require that public amenities, such as a public accessway, public parking, a

public park and restrooms and harbor oriented recreational and visitor serving facilities are included on the site.

Residential development, which is considered a non-priority use within the harbor, shall be limited to the development of Parcels 15 and 18 HRMU designation on the upper story (or stories) and the existing Mobile Home Park (MHP) designation and all other references to non-priority uses elsewhere in the harbor shall mean general commercial and office uses only. Development of this property Parcels 15, 16 and 18 shall be subject to the preparation and approval of a master site plan for Parcels 15, 16 and 18. The master site plan for Parcels 15, 16 and 18 shall, at a minimum, meet the criteria set forth in the Area Location and Intensity policies for the Northeast Harbor, as well as any pertinent standard set forth in the Zoning Ordinance. All coastal-dependent and visitor-serving commercial development shall be integrated with the overall character of the harbor and continue to encourage tourist activity consistent with the goals of the City's Local Coastal Program.

Page III-104

Northeast Harbor: For development in the Northeast Harbor area, the following criteria shall be applied, except for the mobile home park.

- 1) Buildings and other structures shall not occupy more than ~~25~~ 30 percent of a given project.
- 2) Views corridors of the harbor from Anchors Way Drive shall begin at Schooner Drive and continue ~~generally unobstructed for~~ approximately 1,500 feet to the western terminus of the boat launch area. At least 50 percent of this portion of Anchors Way, including the boat launch area, shall preserve views of harbor waters. Additionally, a development shall receive credit toward the fulfillment of the requirement for any internal project roadway with unobstructed views of the harbor. Fragments of roadway less than 100 linear feet shall not count toward the fulfillment of this requirement. The public park at the terminus of Navigator Drive shall be designed so as to maintain open-views of the harbor.

Development of vacant properties south of the boat launch area (Parcels 15 and 18) shall provide public pedestrian access and a bicycle path (waterfront promenade) adjacent to and along the entire length of the waterfront and connecting to the existing bike path on along Navigator Drive from the terminus of Schooner Drive through the area designated HRMU to the waterfront path. These access ways to the water frontage and the development of a public park in concert with any residential land use shall offer additional enhanced views of the harbor

- 3) All structures shall be limited to three stories, not exceeding 45 feet in height, except theme towers and observations decks or similar structures which shall not exceed 58 feet, and antennas, masts and flagpoles, which shall not exceed 85 feet in height

Area Locational and Intensity Policies

4. Northeast Harbor Area:

This area shall be developed primarily with commercial visitor-serving uses and, for the portion designated HRMU, with a master-planned residential/commercial, visitor-serving and recreational mixed use development. Uses allowed in this area include the following:

- (1) commercial visitor-serving uses;
- (2) recreational boating;
- (3) non-priority uses limited to public facilities and general retail and offices; and
- (4) non-water oriented commercial;
- (5) public park and recreation;
- (6) residential uses limited to a maximum of 300 units and ~~limited to the upper story (stories) of any development;~~ and
- (7) mobile homes for the Mobile Home Park area (MHP).

Commercial fishing facilities are not intended uses in the Northeast Harbor Area. Coastal dependent and coastal-related recreation and visitor-serving uses shall be developed adjacent to the harbor front and shall have priority over residential and general commercial development.

Development on the HRMU designated parcel shall be subject to the preparation of a master site plan for Parcels 15, 16 and 18. The master site plan shall include, at a minimum, the following:

1) *Land Use and Development Standards*

- a) Architectural criteria, landscaping criteria, circulation requirements, and public view protection of the harbor.
- b) Any residential development proposed for the HRMU area shall aim to create a critical mass of residents that will activate the Harbor, without not detracting from or interfering with the harbor oriented coastal visitor-serving uses, tourist activity and public recreational boating uses. New residential development within the Ventura Harbor shall be limited to the HRMU designated area and a maximum of 300 dwelling units shall be permitted providing such development is located on the upper story (or stories) and is consistent with all other applicable policies of the LCP. The water frontage area shall be reserved for t~~is located on the upper story (or stories) and is consistent with all other applicable policies of the LCP. The water frontage area shall be reserved for t~~Tourist-serving and recreational uses shall be located along the water frontage area.~~Residential units shall only be allowed on the upper story (or stories) of development located in the HRMU area.~~ Should any residential units be developed on the HRMU designated site, the 2.44 acre waterfront area identified as parcel 16 shall be developed as a public park.

Live/work residential units are encouraged. Efforts shall be made on the part of the developer/property manager to market such units to visitor-serving and/or marina-oriented businesses.

- c) In addition to the requirements of 1b above (development of the public park), the entire water frontage area, (as generally shown on Exhibit 16), ~~to shall include not less than 200 feet in width as measured from the landward extent of the a 28 to 50 ft. wide public access and recreation improvements,~~
- d) In addition, development within the HRMU designated area, shall provide any one or combination of the following uses:
 - (a) public amenities;
 - (b) commercial visitor-serving; and
 - (c) water-oriented recreational facilities.

2) *Land Use Buffer/Public Use Zone*

- a) In conjunction with any residential development that occurs within the HRMU designation, a public park shall be developed on the 2.44 acre harbor-front parcel described as parcel 16 (see Exhibit 6 and 16), to provide additional public access opportunities. The park shall be provided with picnic tables, benches, bicycle storage racks and public parking.
- b) Public access and public recreation improvements a minimum of 28 to 50 feet in width shall be sited along the water front. The improvements shall include a pedestrian and bicycle accessway. In addition, such improvements shall include, but are not limited to the following: picnic tables, benches, public restrooms, landscaping, bicycle storage racks, drinking fountains, public parking and improvements that would encourage use of this zone-area by the general public. Additionally, the project shall include an internal circulation system which improves harbor-front access and brings viewing opportunities closer to the waterfront. Such circulation system shall be comprised of a minimum of 500 feet of roadway with unobstructed views of the harbor.
- c) Public restrooms shall be provided at a convenient location for users of the public park, the waterfront promenade, the adjacent marina and commercial uses.
- d) To further ~~Policy 8.2.4 of the~~ City's Comprehensive Plan Circulation Element, a pedestrian and bike path (waterfront promenade), that incorporates public use areas, shall be located along the harbor water frontage. Connection of the pathway to the adjacent public areas shall be provided so that there is a continuous route around the Harbor water channel. An adequate supply of bicycle storage shall be provided at a location(s) convenient to users of the public areas.
- e) Residential areas that abut the pedestrian and bike path shall incorporate design elements such as fencing, landscaping, signage and elevation changes, to prevent the public area from becoming used exclusively by such development.

- f) If deemed appropriate, the master site plan should include development of a shuttle stop at the corner of Anchors Way and Navigator Drive to encourage the use of public transportation.

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- b) A 28 to 50 ft. wide public access and recreation improvement (waterfront promenade) shall provide continuous access from Anchors Way to Navigator Drive and include access to the waterfront view park. In addition to this waterfront promenade, At a minimum, a 20-foot wide a multi-modal vertical public accessway shall be provided from the approximate terminus of Schooner Drive through Parcel 18 and connecting to the harbor front accessway waterfront promenade shall be provided. The vertical public accessway shall include a roadway for vehicles and cyclists, parallel parking and a minimum of 10-foot wide parkways, with landscaping and pedestrian sidewalks on either side of the roadway. All public accessways shall be conspicuously signed for public use and incorporate design elements such as those specified in 2d above, to buffer the path from site development clearly delineate public spaces. The existing walkways along the perimeter of this site shall not be used to satisfy this requirement.
- c) Adequate commercial facilities and wet or dry boat storage facilities, necessary to support the needs of any proposed residential development shall be either within the portion of the site developed with residential use or within close and convenient proximity to the HRMU designated area.

4) *Parking and Circulation*

- a) Public parking or public parking lot(s) shall be provided in locations convenient to key visitor attractions, public access and public park area on the site. If parking fees are charged, parking fees shall be kept low so that the general public may use the Harbor facilities at nominal rates.
- b) All residential and commercial development shall provide adequate on-site resident, visitor and customer parking in addition to the required public parking or public parking lot(s).
- c) All development proposals shall submit for the appropriate planning and approving body, supplemental traffic analysis containing appropriate mitigation measures relative to project specific trip generation estimates. Said supplemental information shall demonstrate that the average daily trips (ADT) do not exceed those estimated for ~~currently the previously~~ permitted Harbor Commercial shopping center development which are estimated at 9,505 ADT

All development proposals shall be designed to ensure that traffic generated by the project will not adversely impact the City's street system within the Pierpont/Ventura Keys and Ventura Harbor Community for area residents and members of the public accessing the Ventura Harbor and Surfer's Knoll Beach. As a result, left turn movements from the HRMU area onto Anchors Way shall be permitted only at Navigator Drive and Schooner Drive.

Measures necessary to mitigate traffic impacts from development of the site shall be required and completed concurrent with site development. Restrictions limiting general public use of the street system shall not be permitted. If a reduction in traffic ADT is necessary, non-priority uses shall be removed from the development proposal.

- d) Site development shall provide an internal circulation system that does not rely on the public street system and insures a continuous flow of vehicle and pedestrian traffic throughout the HRMU designated area regardless of development patterns.
- e) Ingress and egress of the site shall not adversely impact the public's ability to access any public facilities, including but not limited to, the existing public boat launch facility that abuts the HRMU designated area.

RESOLUTION NO. 2010-047

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
BUENAVENTURA APPROVING A COMPREHENSIVE
PLAN AMENDMENT AND LOCAL COASTAL PROGRAM
AMENDMENT**

CASE NO. CPA-8-10-3434

BE IT RESOLVED by the City Council of the City of San Buenaventura as follows:

SECTION 1: An application has been filed by Sondermann Ring Partners, pursuant to the San Buenaventura Municipal Code, for a Comprehensive Plan Amendment to modify the Comprehensive Plan's Intent and Rationale Statement for the Northeast area of the Ventura Harbor Community for vacant property encompassing parcels 15, 16, and 18 located north of Navigator Drive and west of Anchors Way, and currently identified as Assessor's Parcel Number's 080-0-240-125 and 080-0-240-245. The proposed Comprehensive Plan Amendment would further represent an amendment to the Land Use Plan component of the City's approved Local Coastal Program (LCP).

SECTION 2: Subsequent to the January 2007 City Council approval of Change of Zone Case No. Z-919, a collaborative effort with the Coastal Commission staff, the City, the Port District and the Applicant resulted in the collective decision to update the design of the Project to incorporate additional public elements. The applicant has submitted the updated design to the City for review and action. Specific design enhancements include: the relocation of the commercial component from the Project's center to the waterfront, creating a public plaza contiguous with the waterfront promenade; the widening of the public promenade adjacent to the launch ramp; the incorporation of a water taxi landing area that would provide water transportation opportunities to Harbor Village; the provision of a transit stop to support a future City shuttle program; addition of a bike park for public bicycle parking; and the relocation of the pet park from an interior courtyard to a public location adjacent to the public plaza. Along with the updated project design, the City has prepared and included for review, additional documentation to provide clarity as to the Project's compliance with City policies.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information contained within the case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council hereby finds the following:

1. The Comprehensive Plan Amendment is consistent with and reflective of the goals, policies, and intent to encourage orderly growth and development in a manner that preserves the public's health, safety, and welfare because the

amendment will provide flexibility for development of a mixed-use commercial - residential project on the last remaining large parcel in the harbor.

2. The proposed Comprehensive Plan Amendment will ensure that development is compatible with the surrounding community because the amendment will facilitate development that respects the desired pedestrian scale and character of Ventura's coastal environment by avoiding massive, monolithic structures, and encouraging a series of smaller scale buildings fronting publicly accessible walkways, streets, and open spaces.
3. The proposed Comprehensive Plan Amendment will create realistic guidelines for a development that is viable and will be a critical component of the Harbor as a whole, providing a new customer base for existing business and infusing the area with life and vitality.
4. The proposed Comprehensive Plan Amendment will facilitate the development of a vibrant, coastal community that will fully support the goals of the California Coastal Act, improving access to the coast and providing a host of new recreational amenities and opportunities.
5. The proposed development as depicted in the Regulating Plan required by SBMC Section 24.295.060., and referred to in the Comprehensive Plan, as amended, as the "master site plan", is consistent with the goals and intent of the Comprehensive Plan and the policies of the Comprehensive Plan, including the *Land Use and Development Standards*, as amended by the proposed LCPA. Applicant shall develop the Property in substantial conformance with the approved Regulating Plan / master site plan.
6. The revised Project plans provide additional public benefits and improved public access to the waterfront. The mixed-use building's larger public plaza with kiosk area creates a neighborhood center and waterfront gathering point. The mixed use building's strong identifying elements create a focal point for the Project and a sense of arrival at the waterfront. The new building breezeway breaks up the previously continuous building frontage and provides public access from both the waterfront promenade and the main entry street, and activates the plaza area on the streetside of the building.

The addition of the bike park provides additional opportunities for the visiting public to arrive and enjoy the public promenade, commercial center, recreational boating and waterfront view par. Ample bicycle parking is provided.

The relocation of the pet park from a private area to a public area proves additional public benefits as it allows the Project to be a pet-friendly and pet-responsible destination.

The waterfront "loop" roadway provides the public with up-close coastal access and viewing opportunities. Currently, views of the coast from the nearest roadways (Anchors Way and Navigator Drive) are limited, at most points spanning across the entire width of the Property. The Project's main entrance off Anchors Way across from the terminus of Schooner Drive will extend the roadway across the site to the water's edge. As visitors progress down the entrance road, the view of the waterfront will emerge onto a stretch of roadway over 500 feet long with unobstructive views of the harbor.

The Project provides public recreational opportunities with the inclusion of a 104-berth marina. Accommodations for a potential, future water taxi (to be operated by others) landing will be provided in the design, and provisions for personal watercraft and kayak storage within the marina are included. The marina is accessed directly from the public promenade with parking provided in convenient garage locations.

7. Of the Project's overall 26.92 gross acres, only 10.11 acres (37.6%) are dedicated to residential buildings and private amenities, residential drives and residential parking. The remaining 16.81 (62.4%) is dedicated to the waterfront view park, public promenade, recreational boating and amenities, public parking, the pet park, a public bike park, visitor-serving and harbor-related commercial space, live/work lofts and public streets with public parking.
8. The property location, type of coastline, surrounding uses and the health of the Harbor as a whole were unique considerations involved in the development of the Project. The Property's specific coastal context shaped the Project's design and dictated a certain balance of uses. The Property abuts a harbor used primarily for recreational boating. The site is comprised of previously-disturbed earth and does not include any sandy patches of beach. The Property is somewhat "off the beaten path", with residential communities between it and any major thoroughfare (Harbor Boulevard). At most points the site is quite deep and therefore view corridors are limited, even in the absence of development. Adjacent uses include residential, parking and a hotel and uses around the Harbor are primarily commercial. The Harbor is underutilized and its economic health is unstable.

These circumstances create a unique coastal context that have shaped the proposed Project and offer a specific lens through which to view the Project's place within the larger Coastal environment. The Property is not a pristine stretch of beach which is in itself a highly attractive draw. The Property cannot be seen from Coast Highway (or any other major thoroughfare) and thus cannot entice passersby or capture drive-by traffic. The Property is located within an ailing Harbor in need of an injection of life and a critical mass of individuals to enliven the area.

The Project attempts to provide the appropriate balance of uses for this area of the Harbor. The Project includes an array of public amenities: a 2.4 acre waterfront view park, a wide, waterfront promenade, a 104-berth marina (including personal watercraft and kayak storage) with associated landside facilities, a pet park, a bicycle park (for bicycle parking), a water taxi landing and a transit stop. These public elements will be set against a lively backdrop of 270 residential units and 30 live/work lofts that will turn the entire project into a vibrant seaside destination.

Taking the Property's unique coastal context into consideration, the Project fits perfectly into the Coastal environment and fully complies with the goals of the Coastal Act. Specific sections of the Coastal Act are discussed below.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas for overuse.

The unique coastal context of the Property as described above creates an unusual circumstance in which development of the site will encourage rather than inhibit coastal access. As it exists, the Property is a large, fallow, site of previously disturbed earth. No obstacles to coastal access are present, however the site is unused as the lack of coastal amenities or a sense of place make the Property unattractive to users. The Project will develop a vibrant, coastal community that will attract visitors and provide a number of amenities for the public to enjoy. The Project includes a vast promenade along the harbor, a large, waterfront view park surrounded by the harbor on three sides, a waterfront commercial center, an internal, vehicular loop road and ample public parking, a bicycle park (for bicycle parking), a transit stop and water taxi landing, providing convenient access to pedestrians, cyclists and motorists.

Section 30212 of the Coastal Act states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects.

A variable width promenade averaging fifty-two feet is proposed along the entire waterfront of the Property, providing an accessway for pedestrians and cyclists connecting to Anchors Way at the north and Navigator Drive at the South. Additionally, an internal loop road beginning at the terminus of Schooner Drive leads traffic into the Project and along approximately 500 feet of waterfront. All of the Project's internal roadways, including the loop road, have eleven-foot, tree-lined parkways, creating an inviting, pedestrian-friendly community. Lastly, the

waterfront view park is accessible by foot, bicycle or car from Navigator Drive. Each of these elements provides convenient and attractive accessways to the waterfront.

Section 30251 of the Coastal Act states:

The scale and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

As explained above, currently the Property is a fallow site of disturbed earth. Views of the water are unobstructed, however, the site is devoid of public amenities and therefore the waterfront is rarely, if ever, accessed from this location. The Property abuts Anchors Way and Navigator Drive. At most points along these roadways, only distant views, across the width of the entire property are available. With the development of the Project, viewing opportunities will be greatly enhanced. The Project includes a 2.4 acre waterfront view park with panoramic views of the Harbor. A wide, waterfront promenade provides access for pedestrians and cyclists along the entire length of the Property. The Project also includes an internal loop road with over 500 feet of harbor front roadway. In this case, the presence of development, through each of the elements listed above, will provide vastly enhanced viewing opportunities.

Section 30250 (a) of the Coastal Act states:

New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The Project, which proposes both commercial and residential is surrounded by existing development and is adequately served by public facilities. To the north is a public launch ramp, to the north and east is a large mobile home park, to the east is a hotel and to the south a parking lot and marina. Further north is additional residential developments. The proposed development will not have significant adverse effects on coastal resources. Rather the Project's marina will support recreational use of the marina, as is encouraged by the Coastal Act.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Currently, the Property is an uninviting, vacant space, with no public amenities to encourage or facilitate coastal access. The Project enhances public access in a number of ways in compliance with this policy. The Project incorporates a transit stop location, providing the opportunity for a future extension of the City's public transportation system, and a water taxi landing location for public service to Harbor Village. Commercial uses are provided adjacent to the residential component which will eliminate some residential trips and minimize use of coastal access roads. The Project provides ample sidewalks for pedestrians within the development and a large, waterfront, public promenade for pedestrians and cyclists. A bicycle park is provided that will provide ample bicycle parking opportunities. The project also provides ample "coastal community" parking for visitors, with both surface and parking garage spaces, including 34 spaces in a lot adjacent to the waterfront view park. Lastly, each residential block includes a central recreational space to provide recreational opportunities for residents such that the public spaces are not overloaded.

Section 30234 of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded... Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

The Project will create new opportunities for recreational boating with a 104-berth marina and associated boater support facilities. Included in the new marina are provisions for personal watercraft and kayak storage. No commercial fishing or recreational opportunities currently exist on the Property and the proposed project will not interfere with the commercial fishing industry.

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The Project 's 104-berth marina complies with this policy by introducing new boating facilities to accommodate a wide range of boat sizes, including 40% of the slips for boats 35 feet or under. Included in the new marina are provisions for personal watercraft and kayak storage. As a mixed use project, non-water-dependent land uses are proposed. However, such uses will not interfere with the use of the marina. As much of the exiting Harbor is underutilized, the additional 300 residential units and live/work lofts will not congest the Harbor, but will instead enliven the Harbor and strengthen its visitor-serving commercial core. More than adequate reserved parking as well as ample support facilities are included in the project for boaters. The non-water-dependent components of the project are essential to activating the waterfront, creating an inviting public space. Further, the all-day activity in the area will improve safety and security of the marina.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The Project's public promenade and waterfront view park will both offer free enjoyment of the marina. A pet park is provided in addition to a bicycle park that provides approximately 120 public bicycle parking spaces. The Project 's 104-berth marina complies with this policy by introducing new boating facilities to accommodate a wide range of boat sizes, including 40% of the slips for boats 35 feet or under. Included in the new marina are provisions for personal watercraft and kayak storage.

Section 30255 of the Coastal Act states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline...

The Project includes a 104-berth marina, a coastal-dependent use appropriate for the waterside location. Included in the new marina are provisions for personal watercraft and kayak storage. Two boater facilities which support this coastal-dependant use are located on the landside at both ends of the marina. The Project also includes non coastal-dependant uses which are essential to the

viability of the Harbor as a whole. The Project will provide an appropriate balance of uses – adding valuable public amenities, such as a promenade, a waterfront view park and a large visitor-serving commercial center, supported and activated by 300 residential units and live/work lofts. These components together will create a vibrant, seaside community. The site has remained vacant for approximately 25 years, demonstrating that a development of solely commercial or coastal-dependent uses is not viable. The Project's mix of uses however, is viable and will enable a significant addition of recreational, visitor-serving and commercial uses to the Harbor.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for the area.

The Property is suitable for recreational use. As such, the Project makes use of the water frontage to provide both active and passive recreational opportunities. Included along the oceanfront are a 1,850-foot public promenade, a 2.4 acre waterfront view park, a 104-berth marina (including personal watercraft and kayak storage) with related landside support facilities, and a pet park. The Project is a component of the Harbor as a whole. The residential component of the Project is essential to support the under-performing recreational and visitor-serving uses throughout the Harbor.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The Property, situated on the coastline is appropriate for water-oriented recreational activities. Accordingly, a 104-berth marina with related support facilities is proposed. The new boating facilities will accommodate a wide range of boat sizes, including 40% of the slips for boats 35 feet or under. Included in the new marina are provisions for personal watercraft and kayak storage.

9. On January 22, 2007, the City Council approved Mitigated Negative Declaration EIR-2434 ("MND") for the Project, determining that all potentially significant environmental impacts that may directly or indirectly result from the project would be reduced to a less than significant level by the mitigation measures specified in the MND. The City Council's adoption of the MND, and findings related thereto is deemed to be binding on any and all subsequent discretionary or ministerial actions related to the Project. The slight changes in the site plan now proposed for the project do not increase the number of residential units or commercial floor area, or otherwise have the potential to create new or more severe

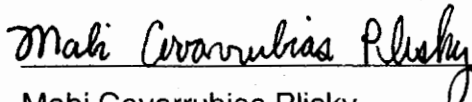
environmental impacts that were not evaluated in the MND. Therefore, following the approval of the MND by the City Council, there have been no significant

changes to the project or the circumstances surrounding the project, and no new information of substantial importance has come to light regarding the project or its potentially significant effects as evaluated in the MND, that would require the preparation of subsequent environmental evaluation under Public Resources Code (CEQA) Section 21166 or State CEQA Guidelines Section 15162.

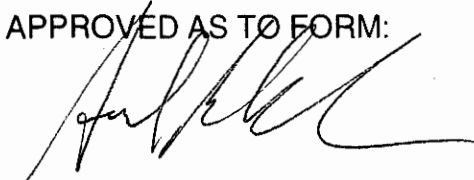
SECTION 4: The City Council hereby approves a Comprehensive Plan Amendment to modify the Intent and Rationale Statements pertaining to the Comprehensive Plan's Northeast area of the Ventura Harbor Community, as described in Exhibit "A," CPA-8-10-3434, for the property shown on Exhibit "B," CPA-8-10-3434 attached hereto, and identified as Assessor's Parcel Number 080-0-240-125 and 080-0-240-245.

SECTION 5: The proposed Comprehensive Plan Amendment Case No. CPA-8-10-3434 comprises a proposed amendment to the Land Use Plan component of the City's Local Coastal Program. The City Council hereby confirms its intent that the City's LCP will continue to be carried out in a manner fully consistent with the California Coastal Act.

PASSED AND ADOPTED this 15 day of November, 2010.


Mabi Covarrubias Plisky
City Clerk

APPROVED AS TO FORM:


Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, Mabi Covarrubias Plisky, City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on November 15, 2010, by the following vote:

AYES: Councilmembers Brennan, Andrews, Morehouse, Monahan,
Weir, and Deputy Mayor Tracy and Mayor Fulton.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on November 16, 2010.

Mabi Covarrubias Plisky
City Clerk



ORDINANCE NO. 2010- 013

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA
APPROVING A CHANGE OF ZONE COMPRISING AN AMENDMENT TO THE
IMPLEMENTATION PLAN COMPONENT OF THE CITY'S APPROVED LOCAL
COASTAL PROGRAM**

CASE NO. Z-8-10-3437

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Findings. The City Council finds and determines as follows:

A. An application has been filed by Sondermann Ring Partners, pursuant to the San Buenaventura Municipal Code ("SBMC"), for a Change of Zone from Harbor Commercial (HC) to Coastal Mixed-Use Zone (CMXD) for vacant property within the City's Northeast Harbor area of the Ventura Harbor Community encompassing parcels 15, 16, and 18 located north of Navigator Drive and west of Anchors Way, currently identified as Assessor's Parcel Number's 080-0-240-125 and 080-0-240-245. The proposed Change of Zone would result in an amendment to the Implementation Plan component of the City's approved LCP

B. Subsequent to the January 2007 City Council approval of Change of Zone Case No. Z-919, a collaborative effort with the Coastal Commission staff, the City, the Port District and the Applicant resulted in the collective decision to update the design of the Project to incorporate additional public elements. The applicant has submitted the updated design to the City for review and action. Specific design enhancements include: the relocation of the commercial component from the Project's center to the waterfront, creating a public plaza contiguous with the waterfront promenade; the widening of the public promenade adjacent to the launch ramp; the incorporation of a water taxi landing area that would provide water transportation opportunities to Harbor Village; the provision of a transit stop to support a future City shuttle program; addition of a bike park for public bicycle parking; and the relocation of the pet park from an interior courtyard to a public location adjacent to the public plaza. Along with the updated project design, the City has prepared and included for review, additional documentation to provide clarity as to the Project's compliance with City policies. The additional documentation was not necessitated by the updated design.

C. All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council hereby finds the following:

1. The proposed Change of Zone from Harbor Commercial (HC) to Coastal Mixed Use (CMXD) together with the approved variances conforms to the

EXHIBIT 8
LCPA No. 1-11
City Council Ordinance

Comprehensive Plan's Harbor Related Mixed Use land use designation, and is consistent with the Intent and Rationale Statement for the Ventura Harbor Community to ensure the best suited mixed-use development for the last remaining large parcel in Ventura Harbor. The proposed development as depicted in the Regulating Plan, required by SBMC Section 24.295.060, is consistent with the goals and intent of the CMXD zone, together with the approved variances. Applicant shall develop the Property in substantial conformance with the approved Regulating Plan.

The public necessity, convenience, general welfare, and good zoning practice requires the property be rezoned to CMXD to facilitate development that respects the desired pedestrian scale and character of Ventura's coastal environment by avoiding massive, monolithic structures, and instead encourage a series of smaller scale buildings fronting publicly accessible walkways, streets, and /or open spaces.

Consistent with the intent of the CMXD zone, the development design ensures that visitor serving commercial and recreational uses are encouraged and given priority. A visitor serving commercial center is featured in a waterfront location as the central focal point of the Project. An expansive plaza area extends out of the commercial center and joins the harbor-fronting public promenade which connects the launch ramp area to the north with the new waterfront view park at the southern end of the Project. Adjacent to the public promenade, the Project includes a new 104-berth recreational boating marina with a designated water taxi landing point. The water portion of the project site is not a part of this Zone Change and the current Harbor Commercial (HC) zone designation will remain. Parking is amply provided and conveniently located to serve the visitor serving commercial, recreation boating and waterfront park uses in addition to parking that is provided for coastal access and visitors' bicycles.

The residential element, as a pedestrian scale coastal community, is integral to the character of the neighborhood by enlivening the public spaces and providing a safe neighborhood environment that enhances the public elements allowing the Project to be an attractive destination.

2. The City Council finds that the 21,300 square feet of visitor-serving commercial space, the recreation amenities and the coastal access provisions are adequate to meet the needs of visitors and the general public.
3. The City Council finds that through physical design solutions the Project integrates the residential component with the visitor serving commercial component of the development so as to minimize potential conflicts between them. These solutions include: 1) creating walkable pedestrian-scale blocks with interconnected parkways and parallel parking that slows

vehicular traffic; 2) creating a large waterfront commercial plaza with more than enough space and amenities to satisfy both the public and residents; 3) providing parking in excess of code requirements to ensure adequate parking for public and commercial activities; 4) clearly delineating through the use of signage, the parking areas for each separate use; and 5) providing recreational space in residential interior courtyards so residents do not overwhelm public recreational space. Further, it is found that the residential component of the Project is essential to the viability of the visitor-serving and recreational components of the Project, by creating a lively atmosphere and activating the public areas, by providing a sense of safety through a 24-hour "eyes on the street" presence and by supplying a core base of consumers.

The Project avoids "massive, monolithic structures" and creates a "walkable" community with smaller scale buildings, ground floor entrances and an attractive streetscape. The scale of buildings and building sites are consistent with the requirements of the CMXD zone and creates a "pedestrian scale" coastal environment. Accordingly, the City Council finds that the Project meets the intent of the code, and negates the need to provide a separate nominal lots exhibit. The Project exhibits shall serve as the regulating plan (without subdivision into nominal lot), and be utilized as a controlling reference for the design parameters of the Project.

The Project contains some single-floor dwelling units that are similar to one another with one unit stacked over the other and maximum stacking of two units. The units are distinctively different from what is described in SBMC Section 24.295.110.8, as in the proposed units both the upper and lower unit have direct access from the street (rather than interior corridors or elevators). The Design Review Committee found that this configuration is not limited to 30% of the dwelling units on the overall site as identified in SBMC Section 24.295.060.1.j. Further, the Design Review Committee found that the access design proposed, which eliminates interior access corridors, mitigates the need for a strict limit on the number of stacked dwellings. Additionally, the Design Review Committee found that the units' articulated building facades and ground floor access support the walkable community design encouraged by the CMXD zone. The Design Review Committee determined that the stacked flats as depicted in the Regulating Plan are a superior design to the traditional stacked dwellings defined in the CMXD zone and therefore the units comply with the CMXD zone.

The Project was designed as carefully conceived groups of structures organized into blocks, each contributing to an attractive streetscape and walkable environment. The Design Review Committee determined that the setbacks as depicted on the Regulating Plan are adequate and compatible with the Project design. The ground floor residential setbacks along Navigator Drive and Anchors Way are a minimum of five feet from

the street. The City Council finds that the Project complies with the CMXD zone standards for setbacks.

The Project includes 30 loft spaces that are intended to provide opportunities to live and/or work within the unit. These flex spaces will provide additional square footage opportunities to expand the visitor-serving or harbor-related commercial services within the Project. The Project provides an alternate design to what is described as a live/work unit in SBMC Section 24.295.110, whereby a single point of unit entry is provided with an internal stair that connects to the loft area. The proposed lofts wrap the parking structures with entry on the ground floor. In the case of the commercial building, the proposed lofts are entered above ground floor. A secondary entrance is not provided to the loft units. The City Council finds that the proposed design as depicted in the Regulating Plan is compatible with the Project, and the loft units are permitted to include the work activity limited to the general use types specified in Section SBMC 24.295.020.

Parallel parking along the internal roadways of the Project shall be considered "off-street" parking for the purposes of compliance with the City's parking standards. The Project proposes more than adequate parking to serve the proposed uses, including coastal access. Parking shall be provided as depicted on the Regulating Plan.

4. The City finds that adequate bicycle parking is proposed and is in compliance with the standards of the CMXD zone. Adequate bicycle parking is provided in a centrally located bicycle park adjacent to the commercial center. The bike park will provide approximately 120 covered parking spaces, in accordance with the Regulating Plan. The required bicycle parking for residential uses is provided in the residential covered parking area. Any bicycle parking that is provided in excess of the required parking is not required to be covered.

D. On January 22, 2007, the City Council approved Mitigated Negative Declaration EIR-2434 ("MND") for the Project, determining that all potentially significant environmental impacts that may directly or indirectly result from the project would be reduced to a less than significant level by the mitigation measures specified in the MND. The City Council's adoption of the MND, and findings related thereto is deemed to be binding on any and all subsequent discretionary or ministerial actions related to the Project. The slight changes in the site plan now proposed for the project do not increase the number of residential units or commercial floor area, or otherwise have the potential to create new or more severe environmental impacts that were not evaluated in the MND. Therefore, following the approval of the MND by the City Council, there have been no significant changes to the project or the circumstances surrounding the project, and no new information of substantial importance has come to light regarding the project or its potentially significant effects as evaluated in the MND,

that would require the preparation of subsequent environmental evaluation under Public Resources Code (CEQA) Section 21166 or State CEQA Guidelines Section 15162.

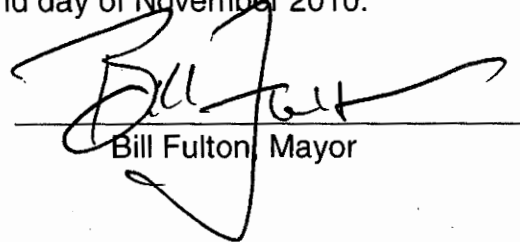
E. On August 17, 2010, the Design Review Committee and Planning Commission, following a public hearing, reviewed the proposed change of zone and recommended that the City Council approve the proposed amendment.

SECTION 2. Based upon the foregoing findings, the City Council hereby approves a Change of Zone from Harbor Commercial (HC) to Coastal Mixed-Use Zone (CMXD) for the property shown on the plot map attached hereto labeled Case No. Z-8-10-3437, Exhibit "A."

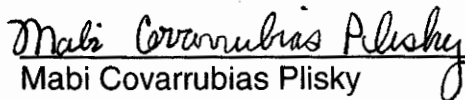
SECTION 3. The proposed Comprehensive Plan Amendment Case No. CPA-8-10-3434 comprises a proposed amendment to the Land Use Plan component of the City's Local Coastal Program. In approving the proposed amendment, the City Council hereby confirms its intent that the City's LCP will continue to be carried out in a manner fully consistent with the California Coastal Act.

SECTION 4. Effective Date. This ordinance shall take effect on the 31st day after passage, provided that the proposed changes taking place within the Coastal Zone shall not take effect until approved by the California Coastal Commission, as necessary.


PASSED and ADOPTED this 22nd day of November 2010.


Bill Fulton, Mayor

ATTEST:


Mabi Covarrubias Plisky
City Clerk

APPROVED AS TO FORM


By: _____
Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on November 22, 2010, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews,
 Monahan, Deputy Mayor Tracy and Mayor Fulton.

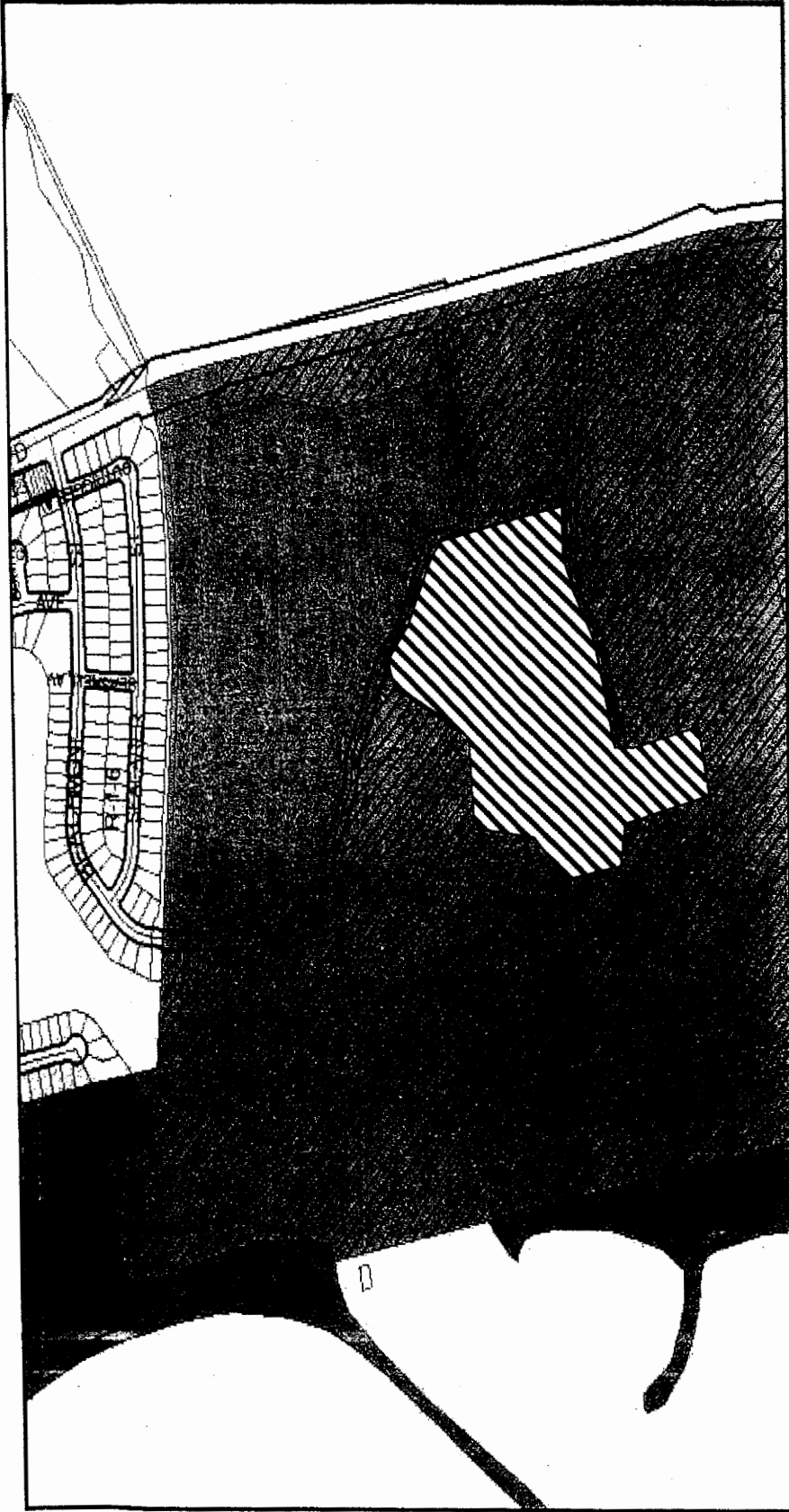
NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on November 23, 2010.


Deputy City Clerk





City of San Buenaventura - Community Development Department - Planning Division

Case No: Z-8-10-3437

EXHIBIT "A"

CHANGE OF ZONE FROM
H-C TO CMXD

APN'S: 080-0-240-125 and 080-0-240-245

Legend:



Area for Consideration

Date: November 15, 2010

Scale: Not to Scale



North

Case Planner

Brian Randall

COMMERCIAL LOADING / TRASH
21,300 S.F. COMMERCIAL
WITH 17 LIVE/WORK LOFT UNITS
PROMENADE W/
INTERLOCKING PAVERS
48" HIGH CMU PLANTER
WATER TAXI LANDING

RESIDENTIAL PARKING (12 SPACES)
COASTAL COMMUNITY PARKING (9 SPACES)

PARKING CORE #2
(62 COASTAL COMMUNITY PARKING SPACES,
31 BOATER PARKING SPACES,
& 26 LIVE/WORK LOFT PARKING SPACES),
BOATER FACILITIES
& 9 LIVE/WORK LOFT UNITS

PARKING CORE #1
(52 BOATER PARKING SPACES &
4 LIVE/WORK LOFT PARKING SPACES),
BOATER FACILITIES & 4 LIVE/WORK LOFT UNITS

PERSONAL WATERCRAFT
BERTHING AREA

RECREATIONAL BOATING
MARINA (104 BOAT SLIPS)

COASTAL COMMUNITY PARKING
(34 SPACES)

WATERFRONT VIEW PARK

TRASH ENCLOSURE
PROPERTY LINE
FLAG POLES

Schooner Drive

RECREATION BLDG &
MANAGEMENT OFFICE
BICYCLE PARK WITH
(6) BICYCLE LOCKER SHELTERS
(20) BICYCLE LOCKERS/SHELTER
RESIDENTIAL PARKING
(12 SPACES)
32' FREE FLOW
STREET (TYP.)
TRANSIT STOP

Anchors Way

Navigator Drive

EXHIBIT 9
LCPA No. 1-11
Proposed Project Site Plan

Note:
1. See Drawing 16 for Street Sections.
2. See Building Plans for Building Dimensions.
3. See Drawing 1 for Project Summary



0 40 80 160 320 ft