

CALIFORNIA COASTAL COMMISSION


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TH13a

November 20, 1996

TO: Commissioners and Interested Persons

FROM: Steve Scholl, Deputy Director, South Central Coast
Gary Timm, District Manager
 Rebecca Richardson, Coastal Program Analyst

SUBJECT: **Proposed Major Amendment (2-96) to the City of San Buenaventura**
Certified Local Coastal Program for Public Hearing and Commission
Action at the December 12, 1996 Commission Meeting in San Francisco.

SYNOPSIS

The City of San Buenaventura (Ventura) Local Coastal Program (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 current proposal is the City's first major LCP amendment request for 1996. The proposed amendment affects both the land use plan (LUP) and the implementation plan (IP) of the City's certified LCP. Specifically, the City proposes to amend the Harbor Commercial (HC) land use designation to allow for the addition of a new designation Harbor Related Mixed Use (HRMU) (*Exhibit 7*). The creation of this land use designation would enable the last undeveloped Harbor-front parcel in Ventura and Santa Barbara Counties to be developed with residential and commercial uses (*Exhibit 5*). The subject parcels combined total 24.77 acres -- 21.07 acres are located on land and 3.7 acres are located in water. The HRMU designation would specifically allow 90% of the approximate 21.07 acre land section of the parcel to be developed with residential at a density of 20 dwellings per acre and the remaining 10% of the parcel to be developed with either general commercial, intended to support the residential development or visitor-serving commercial (*Exhibit 1*). The City contemplates the maximum total potential residential site development, as proposed, would allow for 300 residential units. (*Issue Area continued on page 2*)

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **deny** the amendment to the certified LUP as submitted; then **approve, only if modified**, the amendment to the LUP. The modifications are necessary because, as submitted, the LUP amendment is not consistent with the Chapter 3 policies of the Coastal Act. Staff is also recommending that the Commission, after public hearing, **deny** the amendment to the certified IP as submitted; then **approve, only if modified**, the amendment to the IP. The modifications are necessary because, as submitted, the IP amendment is inadequate to carry out the LUP. **The motions to accomplish this recommendation are found on page 4 and 5.** The suggested modifications are found on pages **6 through 10.**

Additional Information: Please contact Rebecca Richardson, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 641-0142.

ISSUE AREA

The proposed LCP amendment involves the creation of a new land use designation, HRMU that would apply to approximately 24.77 acres which is located in the Ventura Harbor. This proposed designation would allow the vacant 21.07 acre of waterfront land to develop as residential (20 dwellings per acre) on 90% of the site and general commercial on 10% of the site. The remaining 3.7 acres located in the water, as proposed under the LCPA, could be developed as boat docks. Coastal Act §30255 requires that coastal-dependent developments have priority over other developments on or near the shoreline, such as harbors; and, that, when appropriate, coastal-related developments be sited within reasonable proximity to the coastal-dependent uses that they support. Further, §30213, §30220, §30221 and §30224 of the Coastal Act requires that oceanfront land be protected to meet the public's future demand for coastal-dependent recreational uses. Coastal Act §30210, §30211 and §30212 mandate that public access to the coast must also be provided for and protected.

The proposed LCP amendment does not meet the requirements of the Coastal Act. Therefore, staff recommends that the proposed amendment be modified in order to:

1. Reduce the amount of residential and commercial development to 60% (12 acres) of the undeveloped site to insure that the waterfront areas of the parcel are available for coastal-dependent recreation and visitor-serving uses.
2. Require an approximate 200-foot buffer/public use zone for: a) public amenities; b) commercial visitor-serving; c) water-oriented recreational facilities; and, d) marine educational facilities shall be maintained.
3. In conjunction with any site development, require that public amenities be developed which consist of public access and recreation improvements, such as a harbor-fronting and vertical pedestrian and bicycle accessways, picnic tables, public parking and linear park area.
4. Require that the future master plan for development of the vacant parcels be incorporated into the City's certified LCP.
5. Add provisions for site development that insure public parking, circulation and access to the Harbor's existing and future recreational boating and visitor serving facilities uses.
6. Add language to the Harbor Commercial land use designation which would require the City to maintain all existing commercial boat slips and further, require the City to give priority to development of additional commercial boat slips and projects oriented toward commercial fishing, consistent with the future projected demands of the Ventura County fishing industry.
7. Require that for each new recreational boat slips developed in the proposed HRMU land use designation an equal number of new commercial fishing boat slips are either converted or developed at other harbor locations which are compatible with commercial fishing use, basing the total number of additional slips on the industry's and in consultation with the Ventura County Fisherman's Association. *(continued on page 3)*

8. Add provisions to reduce contaminated runoff into the Harbor waters, including specified measures to reduce harmful pollutants from storm drain waters prior to these waters entering the harbor.
9. Add provisions to Modify the standards of the Harbor Commercial Zone (IP) to be in conformance with the LUP suggested modifications.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the certified LUP, pursuant to §30512(c) of the Coastal Act, is that the proposed amendment is in conformance with the Chapter 3 policies of the Coastal Act.

The standard of review for the proposed amendment to the LCP IP, pursuant to §30513 and §30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out the provisions of the LUP portion of the Certified City of Ventura LCP.

PUBLIC PARTICIPATION

§30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Local Coastal Program. The City of Ventura Planning Commission and the City of Ventura City Council each held a public hearing and adopted the proposed changes to the City's certified LCP. Each local hearing was duly noticed to the public consistent with §13552 and §13551 of the California Code of Regulations which require that notice of availability of the draft LCP amendment (LCPA) be made available six (6) weeks prior to final local action. Notice of the subject amendment has been distributed to all known interested parties.

PROCEDURAL REQUIREMENTS

Pursuant to §13551(b) of the California Code of Regulations, the City resolution for submittal must indicate whether the LCPA will 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 §30512, §30513 and §30519. Because this approval is subject to suggested modifications by the Commission, the City of Ventura must act to except the adopted suggested modifications before the LCPA shall be effective and the requirements of §13544, which provides for the Executive Director's determination that the City's action is legally adequate, must be fulfilled.

I. ACTION ON CITY OF VENTURA AMENDMENT

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

A. RESOLUTION I (Resolution to deny certification of the City of Ventura LCP Land Use Plan Amendment 2-96, as submitted)

MOTION I

I move that the Commission certify the City of Ventura Land Use Plan Amendment 2-96, as submitted.

STAFF RECOMMENDATION

Staff recommends a NO vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION I

The Commission hereby denies certification of the City of Ventura LCP Land Use Plan Amendment 2-96 and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 of the Coastal Act. The Land Use Plan amendment as submitted is not consistent with applicable decisions of the Commission that guide local government actions pursuant to §30625(c) of the Coastal Act, and approval of the amendment as submitted will have significant environmental effects for which feasible mitigation measures have not been employed consistent with California Environmental Quality Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Land Use Plan amendment would have on the environment.

B. RESOLUTION II (Resolution to approve certification of the City of Ventura LCP Land Use Plan Amendment 2-96, if modified)

MOTION II

I move that the Commission certify the City of Ventura Land Use Plan Amendment 2-96, if it is modified in conformity with the suggested modifications set forth in this staff report.

STAFF RECOMMENDATION

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by the majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION II

The Commission hereby certifies the City of Ventura LCP Land Use Plan Amendment 2-96 for the reasons discussed below, on the grounds that the amended Land Use Plan meets the requirements of and conforms to the Chapter 3 policies of the Coastal Act if modified

according to the suggested modifications stated in Section II of this report. The Land Use Plan amendment, if modified, is consistent with applicable decisions of the Commission that guide local government actions pursuant to §30625 of the Coastal Act, and approval of the amendment as modified will not have significant effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act. The Commission further finds that if the local government adopts and transmits its revisions to the amendment to the Land Use Plan in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

C. RESOLUTION III (Resolution to deny certification of the City of Ventura LCP Implementation Plan Amendment 2-96, as submitted)

MOTION I

I move that the Commission **reject** the City of Ventura Implementation Plan Amendment 2-96, as submitted.

STAFF RECOMMENDATION

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by the majority of the Commissioners present is needed to pass the motion.

RESOLUTION I

The Commission hereby **rejects** the City of Ventura LCP Implementation Plan Amendment 2-96 on the grounds that the amendment does not conform with, and is inadequate to carry out, the provisions of the Certified Land Use Plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of this implementation amendment will have on the environment.

D. RESOLUTION IV (Resolution to approve certification of the City of Ventura LCP Implementation Plan Amendment 2-96, if modified)

MOTION II

I move that the Commission **certify** the City of Ventura Implementation Plan Amendment 2-96, if it is modified in conformity with the suggested modifications set forth in this staff report.

STAFF RECOMMENDATION

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by the majority of the Commissioners present is needed to pass the motion.

RESOLUTION II

The Commission hereby **certifies** the City of Ventura LCP Implementation Plan Amendment 2-96, if modified, on the grounds that, the amendment conforms with and is adequate to carry out, the provisions of the Certified Land Use Plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

II. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the following, with modifications as shown. Language proposed by the City of Ventura is shown in straight type. Language recommended to be deleted is shown in line-out. Language proposed to be *inserted* is shown in **boldface italics**.

A. Modifications to Land Use Plan

Harbor Related Mixed Use (HRMU)

1) The intent of the HRMU is to provide flexibility of a mixed use development of commercial uses and/or residential uses at a maximum density of 20 dwelling per net acres, ***compatible with the development of coastal-dependent recreation, visitor-serving recreational boating and commercial visitor-serving uses.***

2) 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 and restrooms and harbor oriented recreational and visitor serving facilities are included on the site.***

Development of this property shall be subject to the preparation of a master plan. ***The master plan development proposal shall be incorporated into the certified Land Use Plan as an amendment to the City of Ventura Local Coastal Program. The master plan shall demonstrate, at a minimum, the following:***

1) Land Use and Development Standards

~~a) which includes a~~ Architectural criteria, landscaping criteria, circulation requirements, ***public*** view protections ***of the harbor*** and the like ***shall be included.***

b) Any residential development proposed for the HRMU area shall not exceed an average density of 20 units per net acre, nor exceed 90% 60% of the land area designated HRMU. Any Commercial development necessary to support the needs of any proposed residential development shall be within designated residential land area and shall be integrated with the overall character of the harbor. and provide uses that will be supported by the residential land use and that will also continue to encourage

c) Adequate commercial and recreational facilities, including dry boat storage facilities necessary to accommodate any residential development, shall be contained within the 60% of the land developed as residential;

d) The remaining 40% of the land area designated HRMU shall be reserved for harbor oriented coastal visitor-serving tourist activity and public recreational boating consistent with the goals of the City's Local Coastal Program.

2) Land Use Buffer

a) An approximate 200-foot buffer/public use zone along the harbor frontage of the site to the residential and general commercial development, as measured from the top of the rip rap for: a) public amenities; b) commercial visitor-serving; c) water-oriented recreational facilities; and, d) marine educational facilities shall be maintained.

3) Recreation and Visitor Serving

a) No occupancy of any residential or commercial development shall occur within the HRMU designation before the construction of all improvements required to mitigate all increased impacts of such development on public recreation and visitor serving uses.

4)Public Use Zone

a) Within the first one hundred feet of frontage to the Harbor, only public access and public recreation improvements may be sited. Such improvements include, but are not limited the following: pedestrian and bicycle accessways, picnic tables, benches, public restrooms, bicycle storage racks, fountains, public parking and park area may only be sited in the first 100-foot distance of frontage to the harbor;

b) At a minimum, a 20 ft. wide vertical public accessway sited at the approximate terminus of Schooner Drive and connecting to the harbor front accessway shall be provided. The public accessway shall incorporate landscaping to buffer the path from site development;

c) Prior to the completion of the first phase of development, a public access and recreation plan must be approved, funding must be secured and all public improvements must be constructed.

5) Parking and Circulation

a) Public parking lot(s) shall be provided in locations convenient to key visitor attractions and public access 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 site residential and commercial development shall provide adequate visitor and customer parking in addition to the required public parking lot(s).

c) All development proposals shall be designed to ensure that projects will not exceed the capacity of City's street system within the Pierpont and Ventura Harbor Community. Traffic impacts shall be mitigated by the developer prior to receiving final permits.

d) 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.

Intent and Rationale for Land Use Designations -- Harbor Commercial Area

3) In order to encourage recreational boating, non-water dependent land uses shall be limited within the Harbor's water area complex so as to not congest access corridors and preclude recreational boating support facilities. In addition, a minimum measure of recreational boating facilities ***available to the public*** shall be provided and/or protected, including at least 1,500 recreational boat slips, public launch facilities, dry boat storage and fuel dock facilities.

For each new recreational boat slip developed in the HRMU land use designation an equal number of new commercial fishing boat slips shall either be converted or developed at other harbor locations which are compatible with commercial fishing use. The total number of additional slips shall be based upon the industry's demand and shall be determined in consultation with the Ventura County Fisherman's Association.

...

A minimum number of facilities serving the commercial fishing industry, ***adequate to support the industry demand in Ventura County***, shall be provided within the Harbor complex. These include berthing for at least 90 permanent and 15 transient commercial fishing boats, a boat repair yard, ice facilities, fuel facilities (24 hours/day), laundry, shower and rest room facilities, two or more fish receiving facilities, a net repair area, and hoists, ***wharfage of additional docking space and, cold storage facilities.*** In order to meet the changing technological needs of the commercial fishing industry ***the following developments shall be given priority in the southwest harbor area and in other harbor areas compatible with commercial fishing:*** larger slips may be designated in the future. ~~resulting in an actual decrease in number of slips.~~ ***The development of approximately 40 additional commercial boating slips (60-80 foot range and 45-55 foot range) shall be given priority while retaining the existing 4,200 slip feet an equivalent length of slip feet (4,200 slip feet) serving which serves*** permanent and transient fishermen.

View Corridor - Northeast Harbor Area

4) Development of vacant properties south of the boat launch area ***shall*** must provide public pedestrian access and a bicycle path adjacent to and along the entire length of the waterfront ***and through the center of the large undeveloped parcel from the terminus of Schooner Drive to the waterfront path.*** ***These*** accessways to the water frontage ***shall*** offers additional enhanced views of the harbor.

Area and Local Intensity Policies

5) 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, ***coastal-dependent 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)~~ and public recreation; ~~(5)~~ ***(6)*** residential uses limited to 20 dwelling units per net acre for the HRMU designated area; and ~~(6)~~ ***(7)*** mobile homes for the Mobile Home Park area (MHP). Commercial fishing facilities are not intended uses in the Northeast Harbor Area. ***Non-priority uses such as residential and general commercial, shall not exceed 60% or 12 acres, whichever is less, of the total undeveloped land within the HRMU land designation. Coastal-dependent and coastal-related recreation and visitor-serving uses shall have priority over other development on or adjacent to the harbor front.***

6) Central Harbor: This area shall contain uses oriented toward or serving recreational boating. All other uses are prohibited, except that a 50-unit boatel, and two full service restaurants may be permitted, provided that adequate on-site parking is provided. ***Where compatible, coastal-dependent or coastal-related commercial fishing uses shall be permitted.***

7) Southwest Harbor Area: This area shall contain uses oriented toward or serving commercial fishing, recreational boating, and visitor- serving commercial uses and may include general office uses above the first floor. Water dependent uses shall include at least 4,200 lineal feet of slip and wharf space for commercial vessels such as fishing boats and oil crew boats, and may include fish receiving facilities, ice facilities, fuel facilities, a boat lift, a full service boat yard and a self service boat yard. No additional, new, visitor-serving, commercial use projects may be developed in this area. ***Uses oriented toward commercial fishing, such as fish processing facilities, additional ice and cold storage facilities and additional commercial fishing boat slips shall be given first priority over re-development of existing visitor-serving commercial projects, consistent with the needs of the commercial fishing industry.*** Within the existing, visitor-serving, commercial projects, a maximum of 33,000 square feet may be devoted to restaurant space. Restaurant space includes, but is not limited to, dining, bar and lounge areas, kitchen and related areas, and outdoor seating. At least 2,000 square feet of the authorized restaurant area shall be devoted to lower-cost eating establishments.

General Location Policies

8) Existing facilities serving recreational boaters and commercial fishermen shall be retained, unless equivalent facilities are constructed elsewhere in the Harbor in conjunction with the redevelopment of existing facilities. ***All existing facilities serving commercial fishing shall be retained, unless documentation from the commercial fishing industry in Ventura County demonstrating that there is no longer a demand for said facility is provided.***

Non-conforming uses may be permitted to continue in their present locations in conformance with present lease arrangements. ***A non-conforming use shall not be expanded or a lease agreement shall not be renegotiated to expand the area of the nonconforming use in the Harbor where such non-conforming uses have the potential to displace harbor-dependent commercial fishing or recreational-boating uses.***

...

All new development in the Ventura Harbor shall include measures consistent with the policies contained herein, to reduce contaminated runoff into the Harbor waters, including filtration of low flows, control and filtration of runoff from parking lots and roofs, reduction of impervious surfaces, and provisions of pump out facilities, and other necessary measures to reduce harmful pollutants from storm drain waters prior to these waters entering the harbor.

B. Modifications to Implementation Plan

Section 15.238 Standards: Density

1) (c) Density per Gross Acre. The average number of units per gross acre in the Harbor Commercial (H-C) zone shall not exceed twenty (20) units per net acre. At no time shall more than an average of the allowable units per net acre be constructed or under construction on the portion of land which has been developed or is under development. ***Prior to the completion of the first phase of development, funding must be secured and all public access and public recreation improvements identified in the Land Use Element of the Comprehensive Plan for the Ventura Harbor Area must be constructed.*** Notwithstanding any of the above, residential development shall be subject to location and development criteria set forth in the Land Use Element of the Comprehensive Plan for the Ventura Harbor Area.

III. FINDINGS FOR THE APPROVAL OF THE LOCAL COASTAL PROGRAM IF MODIFIED

The following findings support the Commission's denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section II (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

A. Amendment Description

The proposed LCPA involves a request to amend the LCP to provide for residential and general commercial development in the Northeast Harbor Area. *Exhibit 1* contains the proposed LUP language changes and *Exhibit 7* shows the proposed LUP map change. As proposed, the existing land use designation of 24.77 acres of Harbor Commercial would be changed to Harbor Related Mixed Use (HRMU). Three vacant parcels which contain approximately 21 acres of land and 3.7 acres of water which abut the Harbor waterfront are the focus of this LCPA. As stated previously, the HRMU designation would allow the site to be developed completely with non-harbor related uses -- residential and general commercial. As proposed, 90% of the site could be residential at a density of 20 dwellings per acre and the remaining 10% could be developed general commercial. Under this scenario taking into account setbacks, view corridors and roads, the City envisions the maximum development of the site would equal 300 residential units and 20,000 sq. ft. of general commercial. Development of the site, however, is permissive on the applicant who could choose to alternatively develop the site with coastal-dependent and/or coastal-related uses such as recreational and visitor-serving.

The City has proposed this LCPA, in part, to successfully develop the last remaining vacant harbor water-front parcel in Ventura and Santa Barbara Counties. In 1991, the vacant parcel was the subject of a Financial and Economic Feasibility Analysis prepared for the Ventura Port District.¹ The total area managed by the Port District consists of 122 total acres -- 117 acres of land and 5 acres of water. The study was intended to assist the Port District in determining the development potential for the vacant property and the consultants concluded that the uses allowed under the current HC land use designation and corresponding zone were unlikely to be financially successful. Furthermore, the study concluded that residential development within the Harbor area would benefit the existing commercial uses which are presently existing in the Harbor. Subsequent to the submittal of the subject LCPA, an appendix to the 1991 study was prepared which provided an update of the area's residential market analysis and financial analysis of potential revenues to the Ventura Port.² Pursuant to the conclusions regarding financial viability of development, which was made in both reports, the City, in concert with the Port District, has submitted a LCPA proposing multi-family development.

¹ "Financial and Economic Feasibility Analysis Ventura Port District" prepared by Williams-Kuebelbeck & Assoc. Inc., dated May 7, 1991.

² Ibid., Appendix dated October, 1996.

The submittal additionally contains proposals by the City to amend other LUP policies for clarification purposes. As proposed, the development criteria in the Northeast Harbor Area would be modified to insure that: no more than 25% of the project area (rather than 25% of the site) is developed; a 50% view corridor along Anchors Way Drive beginning at Schooner Drive and extending 1,500 linear feet east to the public boat launch area is retained (as opposed to retaining a 50% view corridor along the entire stretch of Anchors Way Drive); and, recreational boating uses in this area of the harbor are allowed. Also, the submittal proposes to amend the Harbor Area Land Use Plan Maps, add language to the City's Zoning Ordinances in order to implement the proposed land use changes and rezone the existing non-conforming Mobile Home Park, which is contiguous to the Ventura Harbor, to a Mobile Home Park (M-H-P) zone, consistent with the 46 acre site's present use.

B. Harbor History and Background

The Ventura Harbor was originally certified by the Commission on May 21, 1981. The certified LUP component of the LCP states that the Harbor is intended to provide for recreational and commercial boating opportunities. Within the LUP, the harbor is divided into four areas: the *South Peninsula Harbor Area*, the *Southwest Harbor Area*, the *Central Harbor Area* and the *Northeast Harbor Area*. The Harbor is currently developed with a variety of facilities that include, in part, a time-share hotel facility, a hotel facility, commercial fishing and recreation boating-slips, a yacht club, a number of food services, Channel Islands National Park Headquarters and a pedestrian/bike path.

The Ventura Harbor was the subject of a LCPA in 1986. Under this amendment, the Commission approved the following: modifications to the view corridor, change in restaurant requirements, addition of office use and increased parking in the South Peninsula Harbor Area; changes to height requirements in the Northeast Harbor Area; and, addition of office use in the Southwest Harbor Area.

Statewide, land use designations and development of parcels located in harbor and marina areas have been the topic of consistency relative to LCPs and amendments thereto (See *Exhibit 9*). Staff researched 24 jurisdictions that all contain harbor, marina and port areas and found that of the 24 only eight (8) contained residential development. All eight (8) areas that contained residential land uses were either developed as residential, or approved for residential development prior to 1972 and the passage of Proposition 20, the Coastal Initiative. Furthermore, in only one certified LCP, Los Angeles County, Marina Del Rey segment, did the Commission allow for intensification of the existing, pre-coastal residential land use. Alternatively, staff notes that in two certified LCPs, the Commission certified the recycling parcels containing residential development with visitor serving and public uses.³ Moreover, review of

³ City of San Diego LCPA 1-95, Mission Bay 60 acre mobile home park to be developed with guest housing and public amenities upon expiration of lease, 2003; and City of Long Beach LCP, Naples and Peninsula communities school site to be developed as a public amenity and no increase in existing residential densities.

certified LCPs containing harbor and marina areas evidenced that the vast majority were developed with commercial fishing, coastal-dependent recreation, public access and visitor-serving uses.

The impact of non-priority land uses within harbor and marina areas on commercial fishing and recreation has also been a topic of statewide consideration for the Commission. For example, in 1995, the Port of Los Angeles amended its Port Master Plan to allow for the change in land use designation (on a 10 acre site) from commercial fishing land use to general cargo land use. The Port of L. A. presented the Commission with documentation that the reduction in demand on the fishing industry in the Fish Harbor had declined and that the Port contained adequate vacant land area and buildings to support an expansion in the commercial fishing operations if, at some future date, the industry underwent a revival. In 1996, the Commission certified the Santa Barbara Harbor Master Plan which allowed, in part, for 55 new commercial/recreational slips and 50 new slips for commercial fisherman, expansion of dry boat storage, new parking, improved circulation and an increase in visitor-serving uses.⁴ In addition, the Commission approved the Port of Hueneme Port Master Plan Amendment in 1996, which allowed for a 33 acre expansion of the Port due to the closure of a Navy facility. The newly acquired land was approved by the Commission for land use designations that consisted of coastal-dependent, coastal-related and public access land uses.

With regard to the subject submittal, the Ventura Port District has submitted an assessment of the market demand and feasibility of using the vacant parcels in the Ventura Harbor for commercial fishing purposes.⁵ As set forth in this study and as discussed in further detail below, the commercial fishing industry in Ventura County has indicated that there is a strong demand for additional commercial fishing facilities in Ventura County.⁶

C. Coastal Act Requirements for New Development

The Coastal contains provisions which mandate the protection of land suitable for coastal-dependent development and further require that new development not be allowed to adversely impact coastal resources, coastal recreation or public access. The proposed LCPA must conform to the following Coastal Act policies:

Section 30234 of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. 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.

⁴ City of Santa Barbara LCPA 2-95, approved by the CCC on March 13, 1996.

⁵ Memorandum prepared by Williams-Kuebelbeck & Assoc. Inc. to Ventura Port District dated 11/5/96.

⁶ Brian Jenison, Director of the Ventura County Fisherman's Association, 11/96

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

(a) 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 30252 of the Coastal Act states in part that:

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 ... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with provision of onsite recreational facilities to serve the new development.

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 development 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.

As explained in the preceding sections, the proposed LCPA primarily involves the change in land use designation of a vacant 21.07 acre parcel from Harbor Commercial to Harbor Related Mixed Use. The current land use designation, HC, contained in the certified LUP, designates uses in the Harbor area as either a priority or non-priority use. Accordingly, priority uses include: (1) commercial visitor-serving, (2) recreation, boating, fishing, (3) commercial fishing, and (4) public service facilities. Non-priority uses include general commercial retail and offices. The Land Use Plan states that minimum number of priority land uses and coastal facilities should be developed in the Ventura Harbor area and specifies that no more than 10% of the total land area in the Harbor, 116 acres, may be developed for non-priority uses.

The proposed amended land use designation, HRMU, would potentially allow the entire 21.07 acres of vacant land to be developed with non-priority Harbor uses -- general commercial retail and offices; and, with a currently prohibited Harbor use -- residential. The allowed density of residential development proposed in the LCPA is 20 dwellings per acre on 90% of the total land area of the subject parcel. The City states that the maximum number of units that could be built under this scenario is 300. Again, under this scenario, the remaining 10% of the total land area of the site can be developed

with either commercial visitor-serving uses, public facilities, non-priority uses limited to industrial and general retail and offices, and non-water oriented commercial.

The proposed HRMU designation states that, "Any commercial development shall ... provide uses that will be supported by the residential land use..." The proposed HRMU designation further states that commercial uses should, "...also continue to encourage tourist activity consistent with the goals of the City's Local Coastal Program."

In addition, the proposed LPCA subtracts the total land acreage (21.07) of the undeveloped parcel from the total Harbor land acres (reduced to 95 acres from 116 acres) and correspondingly eliminates the acreage from consideration of minimum acres that may developed for non-priority uses. Thus, no more than 10% of the total land area in the Harbor, or rather 9.5 acres, may be developed for non-priority uses.⁷ Therefore, the proposed non-priority land uses which could occur under the LPCA include approximately 30.57 acres (21.07 vacant parcel + 9.5 acres), which equals approximately 26% of all Harbor land area. Two of the larger parcels (parcel 15 and 18) that make up the vacant 21.07 site are approximately 800 ft. deep and the third parcel (parcel 16) is approximately 250 feet wide and surrounded completely by water (See Exhibit 3).

The Coastal Act mandates under §30250(a) that new residential and commercial development be located in existing developed areas and where said new development will not have significant adverse effects, either individually or cumulatively, on coastal resources (emphasis added). Additionally, §30252 of the Coastal Act, which is also cited above, 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 of the Act include, in part, providing commercial facilities within or adjoining residential development and, assuring that the recreational needs of new residents do not overload nearby recreational areas by providing onsite recreational facilities to serve the new development. Finally, Coastal Act §30255 mandates that coastal-dependent developments have priority over other developments on or near the shoreline.

The City and the Ventura Port District have submitted additional material to support their assertion, that the subject vacant 21.07 acre site is not suited for a coastal-dependent use and to support the conclusion that residential development is an appropriate land use. First, the City and Port District contend that the subject parcel has been designated for the past 15+ years as HC and the fact that it continues to remain undeveloped is evidence that the existing land use designation is inconsistent with area demand. Second, they argue that the existing HC land use designation is responsible, in part, for the lack of new development which the Ventura Harbor has experienced in recent years. They argue that the current HC designation precludes the vacant "prime waterfront" land from realizing site development potential. In support of this assertion, the site has been subject to several development proposals which include a commercial village, time-share units and a hotel. Further, the most recent 1989 proposal for the vacant site involved the submittal of a proposal to the City for a

⁷ As amended total land area equals 95 acres; and, 10% of the total acres equals 9.5 acres.

400-room hotel project in the late 1980s. This proposal was rescinded in 1991 because of the lack of market support.

Third, consultants to the Ventura Port District performed a financial and economic feasibility analysis which compared visitor-serving uses, such as hotels against other uses such as commercial and residential. The project consultant concluded that there was a significant demand for multi-family residential uses.⁸ On October 5, 1996, the City and the Port District submitted an appendix to the feasibility analysis which stated that the conclusions contained in the 1991 report continue to exist. Fourth, the City and the Port District argue that the existing commercial visitor-serving uses that exists in the South Peninsula Harbor Area, which were constructed in two phases in 1982 and 1984, experience only seasonal success (spring, summer and fall) and that the existing Harbor Village stores and restaurants are "struggling".⁹ They conclude therefore, that additional similar uses would not be viable on the vacant site if not combined with residential development which would bring additional support for these uses.¹⁰ Fifth, they contend that residential development on this site is appropriate because the subject vacant parcel abuts a mobile home park and is considered a part of the Ventura Keys residential community.

Sixth, upon certifying the Port District Master Plan component of the LUP in 1981 (later incorporated entirely into the text of the certified LUP), the Commission found that precluding the site from coastal-dependent commercial fishing uses was consistent with the Coastal Act. This finding was based on the harbor's inclusion of commercial fishing and recreational boating provisions within other sub-areas of the Harbor.

As demonstrated in *Exhibit 9*, the Commission has certified eight (8) LCPs that contain residential and mixed-use development on harbor-front land. In all eight LCPs, residential use existed prior to the legislature's adoption of the Coastal Act. In the case of Redondo Beach King Harbor, for example, the City of Redondo Beach approved a number of dense multi-family residential units in approximately 1971, just before the passage of Proposition 20, the Coastal Initiative. However, in certifying the City's LUP in 1981, the Commission required modifications to find the Plan consistent with the Coastal Act, which included, in part, the following provisions: 1) that the City designate a large undeveloped site for "Public Use/Boating Support Facilities; 2) that development in and around the City's Harbor/Pier area, designated as Commercial Recreation, be required to give priority to coastal-dependent uses and uses designed to enhance public opportunities for coastal recreation; 3) that all new development or renegotiated leases in the Harbor/Pier area be required to incorporate vertical and lateral access along the shoreline; and, 4) that adequate parking facilities adjacent to coastal-dependent recreation uses be provided and maintained.¹¹

⁸ "Financial and Economic Feasibility Analysis Ventura Port District" prepared by Williams-Kuebelbeck & Assoc. Inc., dated May 7, 1991, page 45.

⁹ City of Ventura Staff Report to Planning Commission, dated January 23, 1996, page 4.

¹⁰ *Ibid.*, page 64.

¹¹ CCC "Review of Executive Director's Determination" staff report dated June 9, 1981 and letter to City of Redondo Beach Planning Director from Michael Fischer dated June 20, 1981.

Staff's review of land uses in harbor, marina and port areas evidenced only one (of the 24 areas reviewed) example of the Commission certifying a LCPA that allowed for an increase in an existing residential use -- the Marina Del Rey segment of the Los Angeles County LCP (amendment 1-94). The publicly owned Marina covers 807 acres of land and water and is primarily used for recreational boating -- providing approximately 5,923 boating berths. The development plan approved involved specific development proposals relative to increases in number of residential units, number of restaurant seating, allowed building heights and square footage of visitor serving commercial uses.

In a recent example of mixed land uses in harbor and marina areas, the Commission certified the City of Newport Beach LUP, allowing for a mix of uses within the harbor and bay area which include, residential, commercial, public, semi-public, institutional and industrial. Relative to commercial, the certified LUP states that the designation relative to the harbor/bay area is intended to guide:

development approvals on building sites on or near the bay in a manner that will encourage a continuation of marine-oriented uses ... encourage visitor services, and physical and visual access to the bay on waterfront commercial sites ...

In addition, the Commission recently approved at the November 1996 meeting, a LCPA to the City of San Diego LCP which involved an update to the Mission Bay Park Master Plan. Here, the Commission found the existing residential housing which existed on the site as inconsistent with the certified Plan and the Coastal Act. As such, the approved LCPA created provisions to recycle the existing non-conforming residential use with guest housing and the Commission required the City to incorporate the final development proposal into the certified Master Plan.

Given the past Commission action regarding harbor and marina areas, the depth of the two larger parcels, the parcels proximity to the existing residential community and the unique factual and site specific information listed above, the landward sections of the parcels could be considered for non-coastal-dependent uses. The Commission finds that such uses would only be consistent with the Coastal Act if the harbor-front sections of the parcels and all of the third parcel be developed with coastal-dependent recreational, visitor-serving commercial and public access improvements. To insure that the HRMU designation encourages a "mixed use" as the designation name suggests, the Commission has imposed suggested modifications 1 and 2. As outlined in these modifications, the first 200 ft. of the harbor-fronting vacant site shall be developed with a mix of uses which include coastal-dependent recreation, and visitor serving under a master plan. As modified, the master plan will be incorporated into the certified LUP as a LCPA. Further, the combination of residential and general commercial uses are limited to 60% of the total land area consistent with §30250(a) and §30252 of the Coastal Act. The remaining 40% of the land area designated HRMU shall be reserved for harbor oriented coastal visitor-serving tourist activity and recreational boating consistent with the goals of the City's Local Coastal Program.

The proposed IP amendment implements the additional land use designation (HRMU) to accommodate the new multi-family residential use proposed in the LUP amendment. Therefore, the proposed IP must also be modified. If modified as suggested, the proposed IP amendment will adequately carry out the policies of the LUP (as modified).

Additionally, as cited above, Coastal Act §30234 requires protection, and where feasible, the upgrade of existing commercial fishing and recreational boating facilities. The section further directs the design of proposed recreational facilities to be located so as to not interfere with the needs of the commercial fishing industry. §30255 of the Coastal Act, which is also cited above, states that coastal-dependent development shall have priority over other developments on or near the shoreline.

As described in the previous section, the certified LUP divides the Ventura Harbor into four areas: the *South Peninsula Harbor Area*, the *Southwest Harbor Area*, the *Central Harbor Area* and the *Northeast Harbor Area*. Development suited for each area is described as follows:

Northeast Harbor Area (Area subject of the proposed LCPA) -- As proposed in this LCPA, shall be developed primarily with commercial visitor-serving uses and, for the portion designated HRMU, with a master-planned residential/commercial mixed use development. Commercial fishing facilities are not intended uses in the Northeast Harbor Area.

Central Harbor: shall contain uses oriented toward or serving recreational boating.

Southwest Harbor Area: This area shall contain uses oriented toward or serving commercial fishing, recreational boating, and visitor-serving commercial uses and may include general office uses above the first floor.

South Peninsula Area: This area shall be oriented toward water-oriented recreational activities, including recreational and public beach use.

Since the impact of non-priority land uses within harbor and marina areas on commercial fishing and recreation has also been a topic of regional and statewide consideration for the Commission, the City and Port District submitted a report regarding the commercial fishing needs at the Ventura Harbor.¹² The consultants contacted various state and federal agencies involved in the fishing industry, with harbormasters at local ports in Southern California and with the president of the Ventura County Fisherman's Association. The fishing industry in Ventura County¹³,

¹² Memorandum prepared by Williams-Kuebelbeck & Assoc. Inc. to Ventura Port District dated 11/5/96.

¹³ Based on Commercial Landings and Values calculated by the California Department of Fish and Game for Port Hueneme, Channel Islands Harbor and Ventura Harbor.

which is characterized as an "extremely cyclical" market, experienced an increase in Landings and Values.¹⁴ In 1994 and 1995, landings of approximately 28.4 and 76.9 million tons of fish were caught exceeding the catch in 1993 and Values of approximately 16.4 and 16.5 millions of dollars above the values realized in 1993 were documented.

The report stated that the existing facilities located in the Ports of San Diego and the Port of L. A. are adequate to accommodate the industry's demands. As stated in the prior section, the Port of Los Angeles amended its Port Master Plan in 1995 to allow for the change in land use designation (on a 10 acre site) from commercial fishing land use to general cargo land use. Based on the documentation that there was a reduced demand on the fishing industry in the Fish Harbor and that the Port contained adequate vacant land area and buildings to support an expansion in the commercial fishing operations if, at some future date, the industry underwent a revival, the Commission approved the amendment.

In reviewing the proposed LCPA, recent Commission actions within Ventura and Santa Barbara Counties which involved the City of Santa Barbara and the Port of Hueneme. The Port of Hueneme Port Plan Amendment involved the incorporation of vacated Navy land into the Port Plan. The City of Santa Barbara LCPA was to adopt the Santa Barbara Harbor Master Plan into the certified LCP. Although the Port of Hueneme is intended for more deep water activities, both areas are designed to enhance and promote, in part, coastal-dependent uses such as commercial fishing and coastal-dependent recreation, such as recreational boating and marine educational facilities.

The Santa Barbara Harbor, which is located approximately 27 miles north of the Ventura Harbor, amended their LCP to build an additional 50-60 boating slips to serve both recreation and commercial fishing boaters. According to the City of Santa Barbara (S. B.), some boaters have been waiting for 20 years for a slip in Santa Barbara's Harbor. The S. B. Harbor contains a total of 1,023 slips that are leased on a month to month basis and an additional 105 to 110 slips are set aside for visitors -- 14% of the permanent slips and 50% of the visitor slips are occupied by commercial fisherman. The 1996 LCPA involving the Santa Barbara Harbor Master Plan allowed, in part, for 60 new commercial fishing and recreational slips, for the expansion of dry boat storage and for new parking in the Harbor.

The Ventura County Fisherman's Association believes that similar improvements as those warranted in S. B. Harbor are necessary in Ventura County. The Association stated that there is a strong demand for the below listed facilities:

- additional commercial slips -- 20 slips in the 60-80 ft. range and 20 slips in the 45-55 ft. range;
- fish processing facilities to accommodate an additional 4 to 5 processors;

list continued on next page

¹⁴ "Landings" are defined as any time a commercial fishing boat comes to port with a catch

- additional ice (since there is no ice available at Channel Islands and the existing ice machine at Ventura Harbor is at capacity);
- additional wharfage of 200 linear feet minimum of docking space;
- cold storage facility; and,
- two fork lifts, one- and five-ton crane hoists at the new pier;

For all the reasons described above, commercial fishing uses are not best suited for the vacant parcel subject of the LCPA. Further, there are provisions for commercial fishing within the description of the Southwest Harbor Area. The City has indicated that the proposed LCPA envisions the possible development of approximately 55 recreational boating slips. Thus, as proposed, the LCP will allow for the increase of recreational boating opportunities consistent with the provision of §30234 of the Coastal Act. Given that §30255 mandates that coastal-dependent uses be given priority over other uses and in consideration of the conclusions regarding the demand for increased commercial fishing facilities, suggested modifications 3, 6, 7 and 8 have been recommended. As set forth in the modifications the LCPA, as modified, will ensure that: all existing commercial fishing facilities be retained; for every new recreational boat slip constructed, an equal number of commercial fishing boat slips be created; uses oriented toward commercial fishing in the Southwest Harbor Area be given priority over other uses; and, renegotiation of any lease agreement for non-conforming uses not expand the area of use in the Harbor where such non-conforming uses have the potential to displace harbor-dependent commercial fishing or recreational-boating uses.

D. Recreation and Public Access

One of the basic goals of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies which address the issues of public access and recreation along the coast. The proposed LCPA must conform to the following Coastal Act policies:

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...

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

Lower cost visitor serving 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 30221 of the Coastal Act states:

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

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 in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30252 of the Coastal Act states in part that:

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 ... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with provision of onsite recreational facilities to serve the new development.

The proposed LCPA includes some provisions for the expansion of the harbor-front public pedestrian and bicycle path. However, the proposed amendment must protect the harbor-front area which is suitable for water-oriented recreational activities that cannot be provided at inland areas. In addition, the proposed LCPA must properly balance the protection and provision for public access opportunities and lower cost recreational facilities with the proposed HRMU land use designation which would allow for residential development. Furthermore, development is required so as not to interfere with the public's access to the shoreline from the nearest public roadway.

Existing public access and lower-cost recreation uses in the Ventura Harbor Area include Surfrider Public Beach, several public parking areas, picnic tables, public rest rooms, pedestrian and bicycle accessways along the harbor-front, pedestrian furniture, 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 in the Northeast Harbor Area and the pedestrian and bicycle accessway which is developed along the majority of the developed harbor-front,

the bulk of the above listed public access and recreation opportunities are located within the South Peninsula Harbor Area.

In other recent LCPAs 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 other development. For example, the City of Long Beach amendment 1-95 involved the incorporation of the Queensway Bay Development Plan which affected the Downtown Shoreline Marina. Some of the following changes approved by the Commission included the expansion of the Shoreline Village shopping center and the replacement of the Shoreline lagoon with a new harbor, public esplanade and aquarium. The Commission modified the City's proposal to include timing conditions of securing funding and developing public access and recreation improvements, such as public park areas, public boat launch facilities and public parking, prior to or concurrent with the development which displaced said improvements.

Consistent with §30252 of the Coastal Act which states, in part, that new development will assure that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with provision of onsite recreational facilities to serve the new development the proposed LCPA includes a provision for constructing a public pedestrian and bicycle path. Additionally, the City has indicated that the boat slips will be constructed in the 3.7 acres of water that is part of the vacant parcels. Two of the larger parcels (parcel 15 and 18) that make up the vacant 21.07 site are approximately 800 ft. deep and the third parcel (parcel 16) is approximately 250 feet wide and surrounded completely by water (See *Exhibit 6*). Modification #2 has been drafted in order to ensure that within the first one hundred feet of frontage to the Harbor, only public access and public recreation improvements may be sited which include the following: pedestrian and bicycle accessways, picnic tables, benches, public restrooms, bicycle storage racks, fountains, public parking and park area. As modified, the proposed LCPA is consistent with the public access policies of the Coastal Act. In addition, the modification requires any future master plan for site development to include at a minimum, a 20 ft. wide vertical public accessway sited at the approximate terminus of Schooner Drive and connecting to the harbor front accessway. Finally, the LCPA has been modified to ensure that prior to the completion of the first phase of development, a public access and recreation plan must be approved, and all public improvements must be constructed.

The proposed IP amendment implements the additional land use designation (HRMU) to accommodate the new multi-family residential use proposed in the LUP amendment. Therefore, the proposed IP must also be modified. If modified as suggested, the proposed IP amendment with adequately carry out the policies of the LUP.

In addition, the current LUP encourages recreational boating and limits "non-water dependent" land uses in order to ensure that the circulation of access corridors to the Harbor are not further congested, so as not to preclude recreational boating.

The LUP states, consistent with the cited recreation Coastal Act Sections that:

...a minimum measure of recreational boating facilities shall be provided and/or protected, including at least 1,500 recreational boat slips, public launch facilities, dry boat storage and fuel dock facilities.

The proposed LCPA will increase boating and recreational opportunities within the Harbor by allowing for the development of boat slips within the 3.7 acres of water that are part of the undeveloped site. Of concern for the recreational boater and Ventura Harbor visitor, however, in the Northeast Harbor Area is circulation and parking. Access to the Harbor is presently via Beachmont Street/Anchors Way, which traverses the Ventura Keys Community, Schooner Drive, which terminates at the site subject of the LCPA and Olivas Park Drive (See *Exhibit 8*). Traffic impacts to the residential community on Beachmont Street have been a topic of community concern. The City contends that development of the vacant parcel as predominately residential will result in less of a traffic impact than other visitor-serving uses that are allowed under the current LCP HC land use designation. In order to ensure that adequate parking lots are located at key visitor attractions and public accessways are provided and that all new development is designed so as to not adversely impact the public facilities, including the public boat launch, the Commission finds it necessary to modify the LCPA as set forth in modification #2 relative to parking and circulation consistent with Coastal Act §30210, §30211, §30212 and §30252.

E. Scenic 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 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 required by the Coastal Act, the visual qualities of coastal areas shall be protected by maintaining views to and along the ocean. The proposed LCPA includes a modification to the Northeast Harbor Area which require that 50% view corridors to the harbor from Anchors Way Drive beginning at Schooner Drive and continuing unobstructed for approximately 1,500 ft. to the western terminus of the public boat launch be preserved (See *Exhibit 4*). Additionally, the LCPA specifies that view corridors along the water frontage accessways in the Northeast Harbor Area are intended to provide additional harbor views. As discussed in the preceding public access and recreation section, a modification has been suggested to construct a vertical public accessway to the water frontage pedestrian accessway. As such, the vertical accessway which will to traverse the center of the vacant parcels would also

provide a view corridor to the waterfront. The Commission, therefore, finds it necessary to incorporate into the LCP suggested modification #4, in order to ensure that view corridors to the Harbor are preserved consistent with §30251 of the Coastal Act.

F. Marine Resources

The proposed LCPA affects areas in the Harbor and adjacent to coastal waters. Additionally the Ventura Harbor is located adjacent and upcoast from the mouth of the Santa Clara River. The Coastal Act contains policies which address development in or near coastal waters. The proposed LCPA must be considered consistent with the following Chapter 3 policies of the Coastal Act which require the protection of biological productivity, public recreation and marine 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, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As proposed in the LCPA, the HRMU land use designation could potentially result in an increase in the number of residents, vehicles and boat slips within the Harbor Area. Thus, development of the vacant site which consists of 21.07 acres of land and 3.7 acres of water, would also result in a greater level of pollutants entering the Harbor through surface and storm drain runoff. The increase in the level of pollutants would have a greater impact on the marine environment. Statewide efforts to effectively control discharge of toxic pollutants, such as heavy metals, that accumulate in the environment have been determined successful in a number of watersheds. Examples of "best management practices" that improve the quality of urban/storm water runoff that enter harbor, marina and bay areas include adopting and enforcing land use ordinances which would control erosion and sediment at construction sites, and implementation of practices that reduce the flow of potentially polluted storm water into storm drains. Therefore, in order to insure that the proposed LCPA is consistent with §30230 and §30231 of the Coastal Act, modification #8 is suggested to require that all new development in the Ventura Harbor include measures to reduce contaminated runoff into the Harbor waters, including filtration of low flows, control and filtration of runoff from parking lots and roofs, reduction of impervious surfaces, and provisions of

pump out facilities, and other necessary measures to reduce harmful pollutants from storm drain waters prior to these waters entering the harbor.

G. California Environmental Quality Act (CEQA)

Pursuant to §21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying Local Coastal Programs qualifies for certification under §21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that the least environmentally damaging feasible alternative has been chosen.

§21080.5(d)(1) of CEQA and §13540(f) of the Coastal Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

On March 24, 1995, the 30 day public review period on a Draft Environmental Impact Review (EIR) pertaining to the Harbor Related Mixed Use Local Coastal Program amendment began. Four alternatives were considered in the EIR which included: 1) no project; 2) existing Land Use Plan designation, HC; 3) residential only; and, 4) hotel use. The City found the mixed residential/commercial use to be the preferred alternative. On February 12, 1996, the City Council reviewed and adopted the Final Environmental Impact Report

For the reasons discussed in this report, the LUP component of the LCP amendment, as submitted, is inconsistent with the Chapter 3 policies of the Coastal Act and the IP component of the LCP, as submitted, is inadequate to carry out the policies of the certified LUP. Additionally, there are feasible alternatives or mitigation measures available which would lessen any significant adverse impact which the approval would have on the environment. The Commission has modified the proposed LCPA to include such feasible measures and to reduce environmental impacts of new development. As discussed in the preceding sections, the Commission's suggested modifications bring the proposed LCP amendment into conformity with the Coastal Act and the proposed IP amendment is adequate to carryout the policies of the certified LUP. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the policies of the certified LUP.

LAND USE DESIGNATION DEFINITIONS AND POLICY STATEMENT

<u>Destination</u>	<u>Symbol</u>	<u>Density</u>
<u>Harbor Related Mixed-Use</u>	<u>HRMU</u>	<u>20 du/net acre</u>

Harbor Related Mixed-Use

The intent of the HRMU designation is to provide the flexibility of a mixed use development of commercial uses and/or residential uses at a maximum density of 20 dwelling units per net acre.

VENTURA HARBOR

The Ventura Harbor area of the Comprehensive Plan includes the waters of Ventura Harbor and the land immediately surrounding these waters. The Ventura Harbor area, as defined, is limited to the jurisdictional boundaries of the Ventura Port District. Within the Ventura Port District jurisdictional boundaries, the harbor has been divided into four subareas. These subareas are referred to as the South Peninsula, Southwest Harbor, Central Harbor, and Northeast Harbor.

Each of the subareas is subject to one or more of three land use designations which establish basic land use policy for the Harbor. This section of the Comprehensive Plan first describes the land use designations and general provisions which apply to all development within the harbor, followed by discussions of Harbor subareas and maps.

Land Use Designations: Harbor Commercial (HC), Harbor Related Mixed Use (HRMU), Mobile Home Park (MHP).

Harbor Commercial (HC)

The Harbor Commercial (HC) designation in the Ventura Harbor area is intended to cause any new development in that area to be compatible with existing and proposed uses in the Harbor complex (as described below). Development in this area, which is also designated as a Scenic Approach to the City, should be designed to complement the existing visual and structural character of the Harbor complex, and the development should be oriented toward recreation, visitor-serving, marina, and commercial fishing uses.

To facilitate the recreation, tourist and commercial fishing opportunities within the Harbor complex, the Harbor Commercial (HC) designation shall give priority to visitor-serving commercial recreational uses over general commercial development, but not over commercial fishing, and shall protect coastal recreational land suitable for such uses. Because of the specific function of the Harbor, private residential and general industrial uses are not appropriate in the HC designated area.

Mobile Home Park (MHP)

The existing mobile home park provides affordable housing and is designated MHP for mobile home park use. It is intended that this use be allowed to continue as a mobile home park, and the site be rezoned accordingly. In the event that redevelopment of the mobile home park occurs, an amendment to this Comprehensive Plan and Local Coastal Program will be necessary. Unless adequate, affordable, low and moderate income housing exists nearby, redevelopment must include one-to-one ratio replacement housing and housing assistance for low and moderate income tenants. If redevelopment occurs, at least 90% of the land area shall be devoted to priority uses.

Harbor Related Mixed Use (HRMU)

The Harbor Related Mixed Use (HRMU) designation category is to ensure that the city and Port District obtain the best suited development for the last remaining large parcel in Ventura Harbor. Development of this property shall be subject to the preparation of a master plan which includes architectural criteria, landscaping criteria, circulation requirements, view protections and the like. Any residential development proposed for the HRMU area shall not exceed an average density of 20 units per net acre, nor exceed 90% of the land area designated HRMU. Any commercial development shall be integrated with the overall character of the harbor and provide uses that will be supported by the residential land use and that will also continue to encourage tourist activity consistent with the goals of the City's Local Coastal Program.

Intent and Rationale for Land Use Designations:

Uses within the Harbor Commercial area complex shall be designated as either priority or non-priority uses. Priority uses include those uses listed in the Harbor Commercial (HC) section of the City's Zoning Ordinance under the headings of: (1) commercial visitor-serving, (2) recreation, boating, fishing, (3) commercial fishing, and (4) public service facilities. Non-priority uses include general commercial retail and offices. To ensure that a minimum number of priority land uses and coastal facilities are provided in the Harbor complex: (1) no more than 10% of the land area of the Harbor (exclusive of streets, the existing mobile home park and HRMU designated area) may be developed with non-priority land uses; and (2) a minimum number and/or type of coastal facilities described later in this section shall be required. Land area in the Harbor, exclusive of the mobile home park (46.06 acres), the HRMU designation area (24.77 acres), and streets, is approximately 95 ~~116~~ acres. Therefore, approximately 9.5 ~~11.6~~ acres may be developed for non-priority uses.

As Planned Development Permits are approved, the City shall make findings as to the adequate provision of minimum numbers or types of coastal facilities described later in this section, in terms of their consistency with this Plan.

To ensure that lower cost recreational and visitor-serving facilities are available to all income groups, picnic tables, public rest rooms, pedestrian and bicycle access ways, pedestrian furniture, bicycle storage racks, small boat sailing, renting and berthing areas, and at least two lower cost eating establishments of at least 2,000 square feet each

shall be provided. In addition, the Harbor beach area, which provides a lower cost recreational activity, shall be preserved for general public recreational use.

In order to encourage recreational boating, non-water dependent land uses shall be limited within the Harbor's water area complex so as to not congest access corridors and preclude recreational boating support facilities. In addition, a minimum measure of recreational boating facilities shall be provided and/or protected, including at least 1,500 recreational boat slips, public launch facilities, dry boat storage and fuel dock facilities.

Recreational boating and commercial fishing shall be located and designed so as to not interfere with one another. Potential impacts from commercial fishing or general boat repair and construction operations shall be mitigated. Mitigation measures shall include locating such facilities away from existing residential areas.

A minimum number of facilities serving the commercial fishing industry shall be provided within the Harbor complex. These include berthing for at least 90 permanent and 15 transient commercial fishing boats, a boat repair yard, ice facilities, fuel facilities (24 hours/day), laundry, shower and rest room facilities, two or more fish receiving facilities, a net repair area and hoists. In order to meet the changing technological needs of the commercial fishing industry, larger slips may be designated in the future, resulting in an actual decrease in number of slips, while retaining an equivalent length of slip feet (4,200 slip feet) serving permanent and transient fishermen.

The location and intensity of all land and water uses must be specifically defined to ensure no significant adverse cumulative impacts on coastal resources or access by existing or permitted development.

To ensure that the visual character of the Harbor is maintained, structures located on the South Peninsula shall be limited to two stories, not exceeding 30 feet in height except for such structures as theme towers, observation decks and radio antennas. The South Peninsula is defined as that area located on either side of Spinnaker Drive and north of an imaginary line drawn 2,400 feet south of the terminus of Spinnaker Drive.

To enhance visual quality and ensure that new development does not impede views to the water area from the roadway or to and from the beach and inland harbor area, the policies listed below apply. A view corridor is defined, for purposes of enforcing these policies, as that area between the roadway and water which is not occupied by buildings or solid walls and fences that would impede the view of the water from the roadway. View corridors shall be measured from the linear distance paralleling the nearest public road. (See Maps following this section for delineation of Harbor areas.)

South Peninsula

For development on the South Peninsula, the following criteria shall be applied to each lot, except for the National Park Service site.

1. *Buildings and other structures shall not occupy more than 25% of the lot area.*
2. *At least 50% of each lot shall provide a view corridor as measured from Spinnaker Drive.*
3. *A view corridor shall provide a single unobstructed view, except that on Parcel 5 this requirement may be satisfied by the provision of two corridors, if one corridor has a minimum width of 375 feet and the other corridor a minimum width of 125 feet.*
4. *All structures shall be limited to two stories, not exceeding 30 feet in height, except for a possible aquarium/research center which shall be limited to 45 feet in height.*

Southwest Harbor

For new development in the Southwest Harbor area, the following criteria shall be applied to the entire area taken as a single unit.

1. *Buildings and other structures shall not occupy more than 25% of the total area.*
2. *At least 30% of the area shall provide view corridors to be measured from Spinnaker Drive.*
3. *All structures shall be limited to three stories, not exceeding 45 feet in height, except for theme towers and observation decks which shall not exceed 55 feet in height, and antennas and masts which shall not exceed 70 feet in height.*

Central Harbor

For development in the Central Harbor area, the following criteria shall be applied to the entire area taken as a single unit.

1. *Buildings and other structures shall not occupy more than 25% of the total area.*
2. *At least 50% of the area shall provide view corridors to be measured from Spinnaker Drive or Navigator Drive as appropriate.*
3. *All structures shall be limited to three stories, not exceeding 45 feet in height.*

Northeast Harbor

For development in the Northeast Harbor area, the following criteria shall be applied to those areas designated as Harbor Commercial: the entire area taken as a single unit, except for the mobile home park.

1. Buildings and other structures shall not occupy more than 25% of a given project-the total area.

2. At least 50% of the area shall provide view corridors to be measured from Anchors Way. 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 shall preserve views of harbor waters.

Development of vacant properties south of the boat launch area must provide public pedestrian access and a bicycle path adjacent to and along the entire length of the waterfront. This access to the water frontage offers additional enhanced views of the harbor.

Harbor activities shall be clustered into locations appropriate to their use to further Coastal Act policies. More intensive and higher density activities shall be concentrated on the inland side of the Harbor. The South Peninsula shall contain less intensive and dense uses, recognizing its unique character between two water bodies, its predominant water-oriented public recreational character, its effect on views to and from the beach, channels and towards the ocean and Channel Islands, and the need to ensure that development and parking do not impact the sandy beach area. The National Park Headquarters has increased the significance of the South Peninsula as a use of greater than local importance and a visitor destination.

To further define location and intensities, the following policies shall be followed in all permit decisions in the Harbor. (See Maps following this section for delineation of Harbor areas.)

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 mixed use development. Uses allowed in this area include the following: (1) commercial visitor-serving uses; (2) recreational boating; whose primary orientation is not toward the commercial fisherman or recreational boater; (3) non-priority uses limited to public facilities and general retail and offices; and (4) non-water oriented commercial and public recreation; (5) residential uses limited to 20 dwelling units per net acre for the HRMU designated area; and (6) mobile homes for the Mobile Home Park area (MHP). Commercial fishing facilities are not intended uses in the Northeast Harbor Area.

2. Central Harbor: This area shall contain uses oriented toward or serving recreational boating. All other uses are prohibited, except that a 50-unit boatel, and two full service restaurants may be permitted, provided that adequate on-site parking is provided.

3. Southwest Harbor Area: This area shall contain uses oriented toward or serving commercial fishing, recreational boating, and visitor-serving commercial uses and may include general office uses above the first floor. Water dependent uses shall include at least 4,200 lineal feet of slip and wharf space for commercial vessels such as fishing boats and oil crew boats, and may include fish receiving facilities, ice facilities, fuel facilities, a boat lift, a full service boat yard and a self service boat yard. No additional, new, visitor-serving, commercial use projects may be developed in this area. Within the existing, visitor-serving, commercial projects, a maximum of 33,000 square feet may be devoted to restaurant space. Restaurant space includes, but is not limited to, dining, bar and lounge areas, kitchen and related areas, and outdoor seating. At least 2,000 square feet of the authorized restaurant area shall be devoted to lower-cost eating establishments.

4. South Peninsula Area: This area shall be oriented toward water-oriented recreational activities, including recreational and public beach use. General office uses may be permitted above the first floor. An aquarium/research center, the Channel Islands National Park Service Headquarters, tour boat services, recreational marinas and a yacht club are permitted uses. The water area shall also include berthing space for transient as well as permanent commercial fishing vessels. Two full service restaurants may be permitted and at least one lower-cost eating establishment shall be provided (minimum 2,000 square feet). A lower-cost restaurant is defined as a high or medium turnover sit-down or take-out restaurant with a turnover rate of less than an hour. Examples include delicatessens, fast-service food restaurants, coffee shops or cafeterias. Total restaurant space includes, but is not limited to, dining, bar and lounge areas, kitchens, and related areas and outdoor dining areas. Visitor parking and public restrooms are the only permitted uses on the ocean side of Spinnaker Drive.

General Location Policies

1. Ancillary buildings such as maintenance buildings and restrooms, serving the general public and Harbor users, may be permitted throughout the Harbor. More intensive public service buildings, such as police and fire stations and utility stations, shall be confined to the Northeast Harbor Area.

2. Existing facilities serving recreational boaters and commercial fishermen shall be retained, unless equivalent facilities are constructed

elsewhere in the Harbor in conjunction with the redevelopment of existing facilities.

3. *Non-conforming uses may be permitted to continue in their present locations in conformance with present lease arrangements.*

4. *Dry boat storage areas shall be located inland of the first public road from the water's edge, because an oceanfront site is not essential for such uses.*

Any development proposals for Ventura Harbor shall be designed to ensure that future water development near the north end of the South Peninsula (i.e., Parcels 7 and 9) not interfere with boats that require tacking maneuvers when entering and leaving the Harbor's interior channels. However, such limitations shall not interfere with berthing for visitor-serving uses, such as the Channel Islands National Park Headquarters and commercial tour boats, unless equivalent berthing is provided nearby.

The Ventura Harbor Maps which follow are intended to supplement the Land Use Plan Map and Circulation Plan Map which cover the City's entire Planning Area. Because the Ventura Harbor Maps provide greater detail to better interpret and enforce the policies of this Plan, they supersede the Land Use Plan Map and Circulation Plan Map in cases where any uncertainty or apparent discrepancies may exist.

CITY COUNCIL RESOLUTION NO. 96-59

**A RESOLUTION OF THE COUNCIL OF SAN BUENA-
VENTURA AMENDING THE LAND USE ELEMENT OF THE
COMPREHENSIVE PLAN**

EXHIBIT 2
CITY OF
VENTURA
LCPA 2-96
RESOLUTION
PART I

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

SECTION 1: An application has been initiated for an Amendment to the Comprehensive Plan and Zoning Ordinance to provide for residential land use within the Ventura Harbor and to clarify existing policies of the Land Use Element, pursuant to the San Buenaventura Ordinance Code, for property currently zoned Harbor Commercial (H-C), and described as generally located west of Harbor Boulevard, adjacent to Anchors Way Drive, at the terminus of Schooner Drive.

SECTION 2: 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 finds the following:

1. The proposed amendments are not detrimental to the public interest, safety, health, and general welfare because the proposed amendment would provide for a mix of development including harbor commercial uses and residential uses.
2. The proposed amendments to the Land Use Element are internally consistent with the Land Use Element as well as the other elements of the Comprehensive Plan.
3. The amendments are in conformance with the public access and recreational policies of the Coastal Land Use Plan because the current policies relative to the provisions for a pedestrian/bicycle path at the water's edge, general use facilities such as picnic tables, benches, and restrooms, and recreational facilities, such as boat docks would not change, and fulfillment of those policies would be enhanced by the amendment due to the greater potential for development.
4. The amendments are in conformance with all other applicable policies of the Coastal Land Use Plan.
5. All notices and hearing provisions applicable to Coastal Program Amendments have been satisfied.
6. An Environmental Impact Report (Case No. EIR-1891) has been prepared and certified for this project. The City Council has reviewed and considered the information contained in that document as a part of the review of this Comprehensive Plan and Zoning Ordinance Amendment.

SECTION 3: Based on the above findings, the City Council approves the proposed Amendment of the Comprehensive Plan, Land Use Element, as set forth in Exhibit "A" attached hereto.

SECTION 4: In order to provide for clear and accurate implementation, based on the action taken by the City Council on June 3, 1996, the Land Use/Zone Compatibility Matrix of the Land Use Element of the Comprehensive Plan is hereby revised as set forth in the attached Exhibit "B."

SECTION 5: Notice of adoption of the amended Comprehensive Plan language approved herein shall be forwarded to the California Coastal Commission and shall become fully effective upon receipt of Coastal Commission certification. The City Council hereby states its intent that the City's Local Coastal Program, as amended, will be carried out in a manner fully consistent with the California Coastal Act. The existing approved Local Coastal Program shall remain in full force and effect until such Coastal Commission certification is received.

PASSED AND ADOPTED this 10th day of June, 1996.

Mabi Covarrubias Rlesky
Deputy City Clerk

MT/16-382.wpd

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

I, MABI COVARRUBIAS PLISKY, Deputy City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was passed and adopted by the San Buenaventura City Council at a regular meeting held on the 10th day of June 1996, by the following vote:

Ayes: Councilmembers Friedman, Tuttle, DiGuilio,
 Bennett, Monahan, Measures and Tingstrom.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura this 11th day of June 1996.

Mabi Covarrubias Plisky
Deputy City Clerk

CITY COUNCIL ORDINANCE NO. 96-13

AN ORDINANCE OF THE CITY OF SAN BUENAVENTURA
AMENDING SECTIONS OF TITLE 15 OF THE SAN
BUENAVENTURA ORDINANCE CODE REGARDING THE
PERMITTED USES AND STANDARDS IN THE HARBOR
COMMERCIAL (H-C) ZONE

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

SECTION 1: Section 15.238.091 is hereby added to the City of San Buenaventura Ordinance Code to read as follows:

"15.238.091 Standards: Accessory Structures.
15.238.101 Density Review."

SECTION 2: Section 15.238.020 of the City of San Buenaventura Ordinance Code is hereby amended to read as follows:

"Section 15.238.020 Uses: Permitted. The following use types are permitted subject to the provisions of this Chapter:

- (a) Residential. Large Multi-Family
 Small Multi-Family
 Residential Condominium

- (b) General Administrative, Business, and Professional Services
 Automotive and Accessories: Parking
 Boating and Harbor Activities: Boat Building or Repair
 Boating and Harbor Activities: Boat Sales and Services
 Boating and Harbor Activities: Boat Slips
 Boating and Harbor Activities: Commercial Boating and Fishing
 Boating and Harbor Activities: Harbor Sales and Services
 Business and Professional Support
 Community Meeting
 Cultural and Library Services
 Day Care Center
 Dining Establishments: Ancillary Service
 Dining Establishments: Full Service

EXHIBIT 2
CITY OF
VENTURA
LCPA 2-96
RESOLUTION
PART II

Dining Establishments: Take Out
Drinking Establishments
Food and Beverage Retail Sales
Food and Fish Processing: Fish Receiving
Government Services
Medical Services: Consulting
Personal Services
Recreation Services: Amusement Centers
Recreation Services: Indoor Entertainment
Recreation Services: Public Parks and Playgrounds
Recycling Services: Consumer Recycling Collection Points
Retail Sales
Safety Services
Shopping Center: Large
Shopping Center: Small
Utility or Equipment Substations

Uses, and related development, included within the General use types in this subsection
(b) include the following:

(1) Commercial visitor-serving:

- A. Marine and tourist-related retail shops.
- B. Restaurants, including sale of alcoholic beverages.
- C. Fast-food facilities (without drive-up facilities).
- D. Licensed public premises for the sale of alcoholic beverages.
- E. Marine-related museum.

(2) Recreation, boating, fishing

- A. Anchorages, moorings, slips, and landings for pleasure craft.
- B. Live-aboard boat slips and related support facilities.
- C. Boat repair facilities, including removal from water for pleasure craft.
- D. Boat storage, dry.

- E. Boat sales, rental, charter.
- F. Construction of pleasure craft up to a maximum of thirty (30) feet.
- G. Boating and yacht clubs and clubhouse.
- H. Bait sales.
- I. Commercial support facilities incidental to harbor-related uses, such as laundromats, coin-operated fabric cleaners, drugstores, liquor stores, restaurants, barbershops.
- J. Jetties, breakwater and other harbor components.
- K. Marine engine sales and repairs.
- L. Marine electronic sales and repairs.
- M. Marine hardware and chandlery.
- N. Sport fishing docks and charter offices.
- O. Marina or anchorage facility, including administrative offices and support services (including restrooms, showers, laundry, caretaker's quarters).
- P. Sailing or scuba school.

(3) Commercial fishing:

- A. Anchorages, moorings, slips, and landings for commercial fishing craft.
- B. Boat repair facilities, including removal from water, for commercial craft.
- C. Boat construction for commercial craft, up to a maximum of thirty (30) feet.
- D. Commercial and recreational fish-receiving facility, including hoist, ice plant, storage, packaging, sales area and related offices (excluding fish-processing plants).

- E. Retail fish sales, including preparation for on-site sales.
 - F. Fuel dock for commercial fishing.
 - G. Office related to commercial fishing.
 - H. Support facilities for commercial fishing, such as meeting rooms, showers, laundry, restrooms.
 - I. Marine trade school and applied research facilities.
 - J. Public service facilities, including fire and police stations, libraries, public parking lots, sewer treatment facilities, utility substations.
- (4) General commercial retail and offices, including convenience stores provided that the combination of the sales of gasoline and alcoholic beverages from or at convenience stores is prohibited.

(c) Agricultural. None

SECTION 3: Section 15.238.060 of the City of San Buenaventura Ordinance Code is hereby amended to read as follows:

"Section 15.238.060 Standards: Density.

- (a) **Lot Area and Lot Width.** There shall be no general minimum lot area or lot width standards in this zone, provided that the decision-making authority may specify such standards for a particular site as a condition of approval of a Planned Development Permit, or amendment thereto, pursuant to Chapter 15.825.
- (b) **Lot Coverage.** Buildings and other structures shall not occupy more than fifty percent (50%) of the area for which a Planned Development Permit is issued. Notwithstanding the above, all development shall be subject to lot coverage criteria set forth in the Land Use Element of the Comprehensive Plan, Land Use Element for the Harbor Area.
- (c) **Density per Gross Acre.** The average number of units per gross acre in the Harbor Commercial (H-C) zone shall not exceed twenty (20) units per net acre. At no time shall more than an average of the allowable units per net acre be constructed or under construction on the portion of land which has

been developed or is under development. Notwithstanding any of the above, residential development shall be subject to location and development criteria set forth in the Land Use Element of the Comprehensive Plan for the Ventura Harbor Area.

SECTION 4: Section 15.238.091 is hereby added to the City of San Buenaventura Ordinance Code as follows:

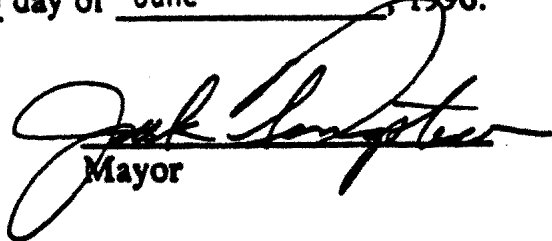
Section 15.238.091 Standards: Accessory Structures. The decision making authority may specify standards for accessory structures in conditions of the Planned Development Permit, or amendments thereof, authorizing a particular project.

SECTION 5: Section 15.238.101 is hereby added to the City of San Buenaventura Ordinance Code as follows:

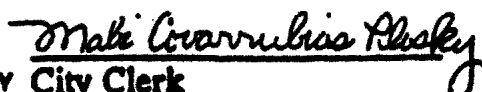
Section 15.238.101 Density Review. Prior to issuance of building permits, floor plans may be reviewed by the Director to determine that density standards will not be exceeded. In order to preclude or lessen the possibility that density standards will be exceeded, or that unlawful density increases will 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.

SECTION 6: Notice and adoption of the amended zoning ordinance language approved herein shall be forwarded to the Coastal Commission of the State of California. This ordinance shall become fully effective upon receipt of final certification by the California Coastal Commission, but in no case shall it become effective until 31 days after final passage and adoption by the City Council.

PASSED AND ADOPTED this 10th day of June, 1996.


Mayor

ATTEST:


DEPUTY City Clerk
MT/16-381.wpd

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

I, MABI COVARRUBIAS PLISKY, Deputy City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Ordinance was passed and adopted by the San Buenaventura City Council at a regular meeting held on the 10th day of June 1996, by the following vote:

Ayes: Councilmembers Friedman, Tuttle, DiGuilio,
 Bennett, Monahan, Measures and Tingstrom.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura this 11th day of June 1996.

Mabi Covarrubias Plisky
Deputy City Clerk

CITY COUNCIL ORDINANCE NO. 96-14

APPROVING A CHANGE OF ZONE

CASE NO. Z-839

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

SECTION 1: An application has been initiated for a Change of Zone pursuant to the San Buenaventura Ordinance Code for property located in the Harbor Commercial (H-C) Zone and more particularly described as being located north of Anchors Way Drive, west of Harbor Boulevard, backing to the Arundell Barranca flood control channel.

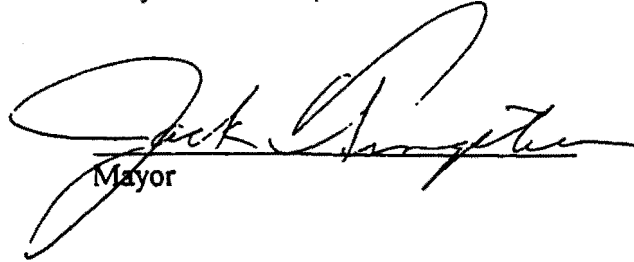
SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

1. The proposed zone of Mobile Home Park (MHP) conforms with the Comprehensive Plan Land Use designation of Mobile Home Park (MHP).
2. The proposed zone is consistent with and compatible with the zoning of surrounding properties, including the residential development to the north.
3. The proposed zone is intended to comply with policies set forth in the Comprehensive Plan to allow continued use of the existing mobile home park and to have the site rezoned accordingly.
4. An Environmental Impact Report (Case No. EIR-1891) has been prepared and certified for this project. The City Council has reviewed and considered the information contained in that report during the deliberations on this project.

SECTION 3: Based on the above findings, the City Council hereby approves a reclassification for the above described property, as shown on the attached exhibit, from Harbor Commercial (H-C) to Mobile Home Park (MHP).

SECTION 4: This Ordinance shall take effect on the 31st day after its final passage and adoption.

PASSED AND ADOPTED this 10th day of June , 1996.


Mayor

ATTEST:


Deputy City Clerk

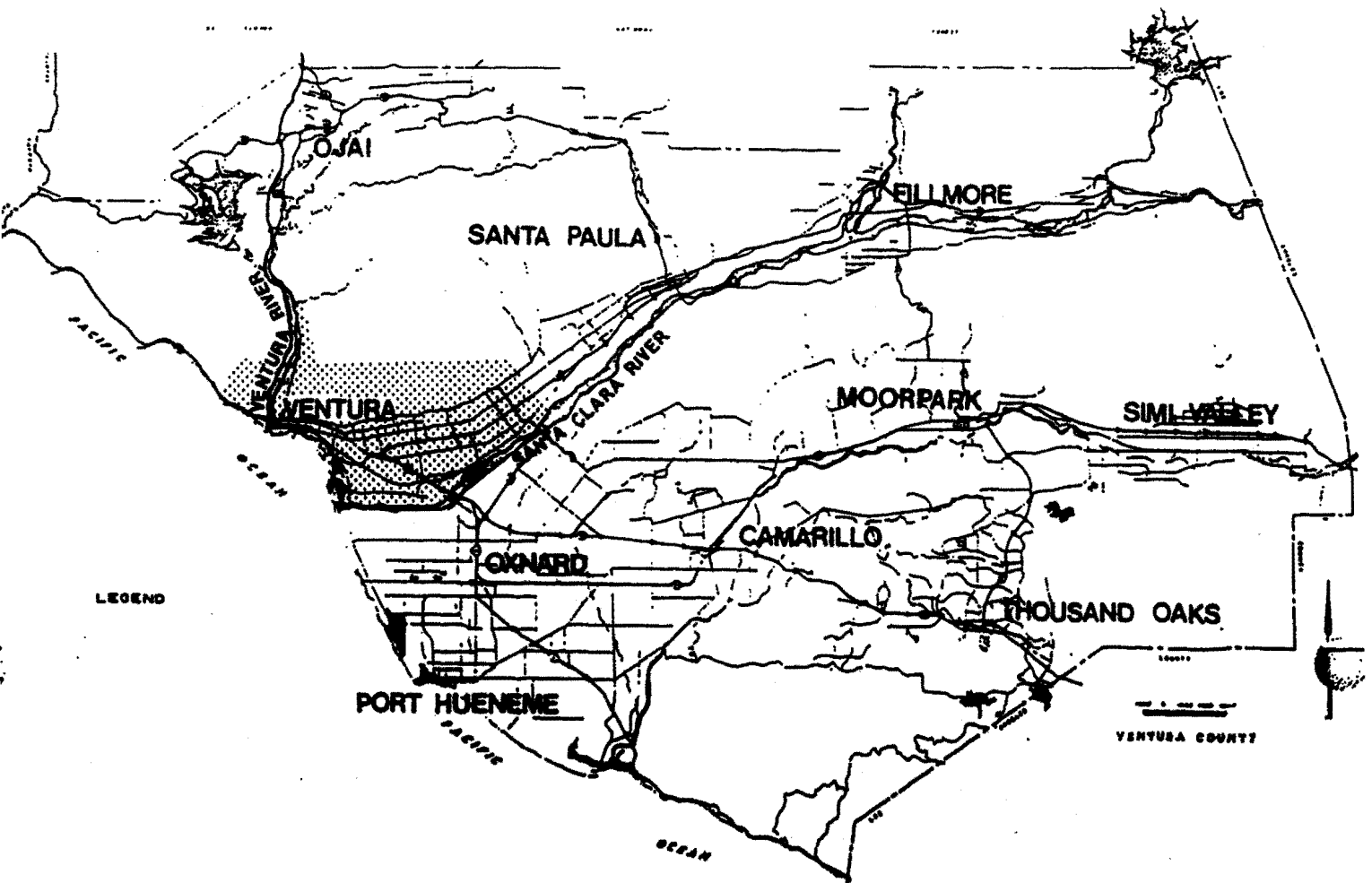
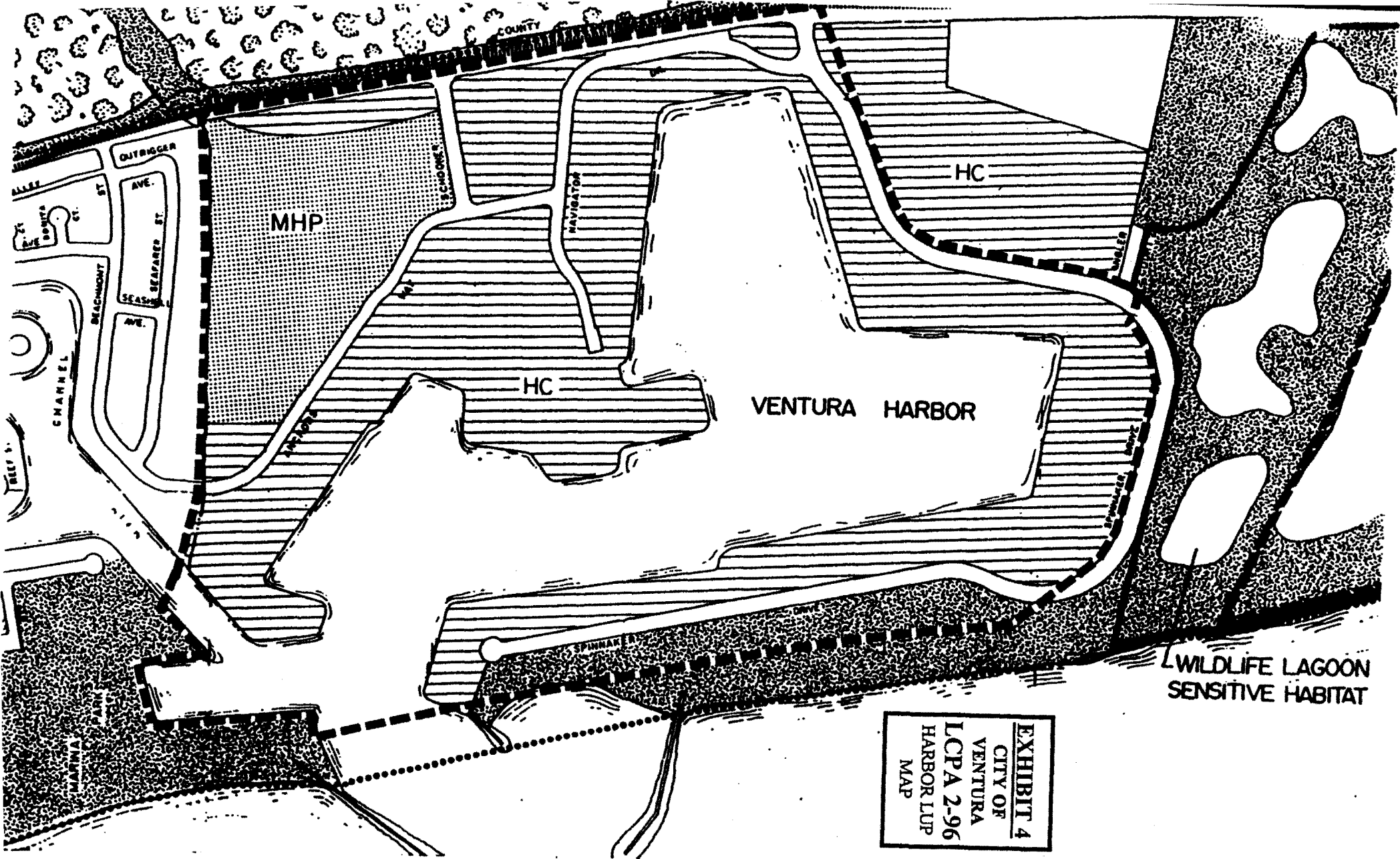


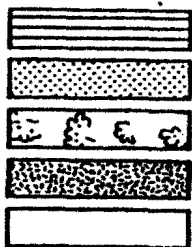
EXHIBIT 3
CITY OF
VENTURA
LCPA 2-96
LOCATION MAP

LOCATION MAP

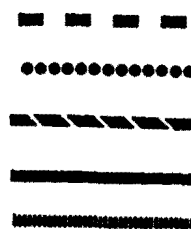


Map 2

Ventura Harbor LAND USE PLAN



Harbor Commercial (HC)
Mobile Home Park (MHP)
Agricultural Use
Parks and Linear Parks
Existing Urban



Ventura Port District Boundary
Community Boundary
Flood Plain Overlay
Sensitive Habitat Overlay
Urban/Rural Boundary



Scale:
None

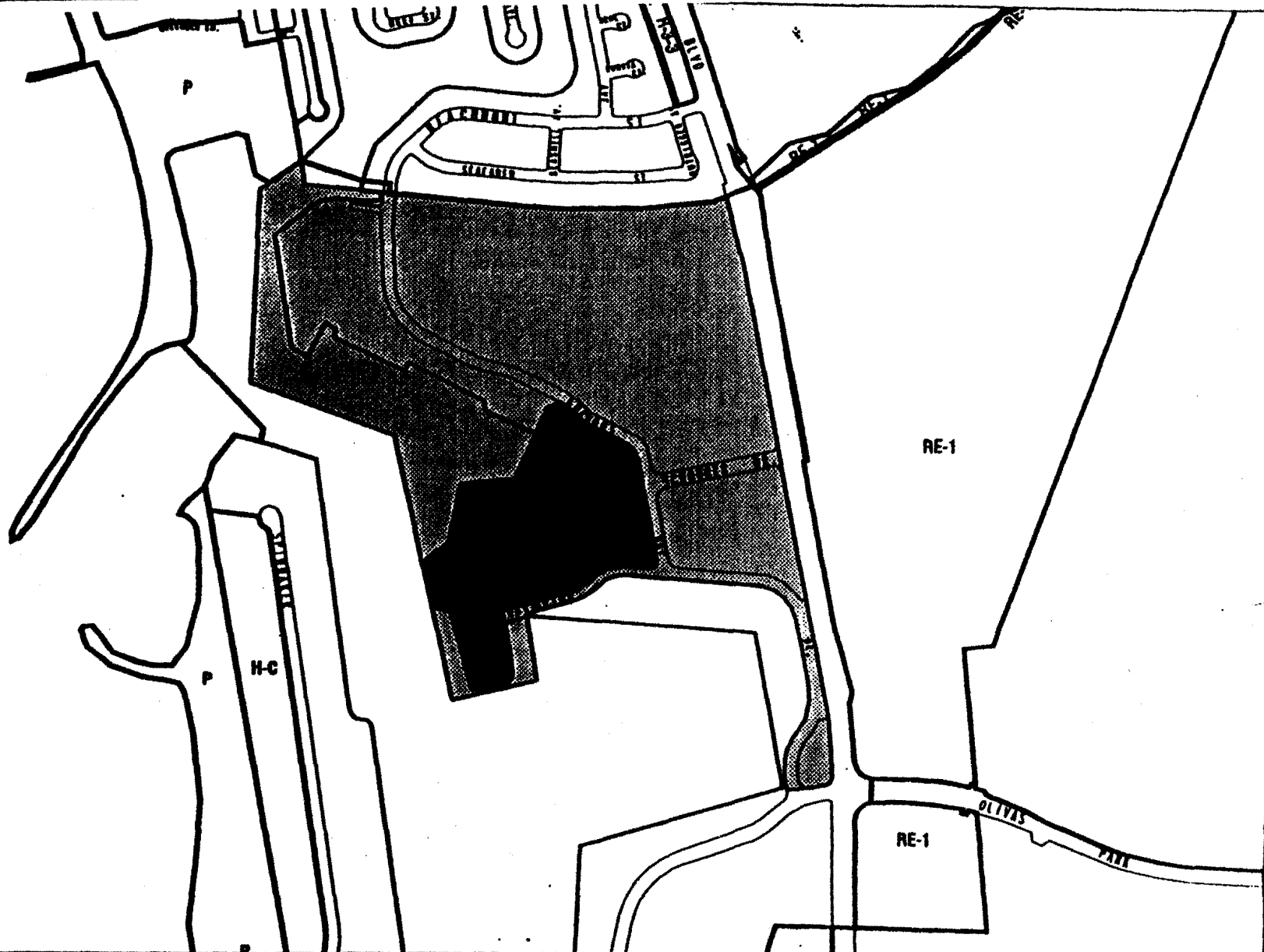


EXHIBIT 5
CITY OF
VENTURA
LCPA 2-96
PROJECT SITE

City of San Buenaventura • Department of Community Services • Planning Division

COMPLETE LEGAL DESCRIPTION
CONTAINED IN FILE NUMBER(S):

MP-109/A0-202

ORDINANCE
NUMBERS:

EFFECTIVE
DATE:

**APPLICATION FOR AN AMENDMENT TO THE
COMPREHENSIVE PLAN LAND USE ELEMENT
AND AMENDMENT TO THE ZONING ORDINANCE**

VENTURA PORT DISTRICT



NORTH

SCALE:
1" = 800'

Area for
Consideration



DATE: January 10, 1996

Case Planner:
M. THOMPSON

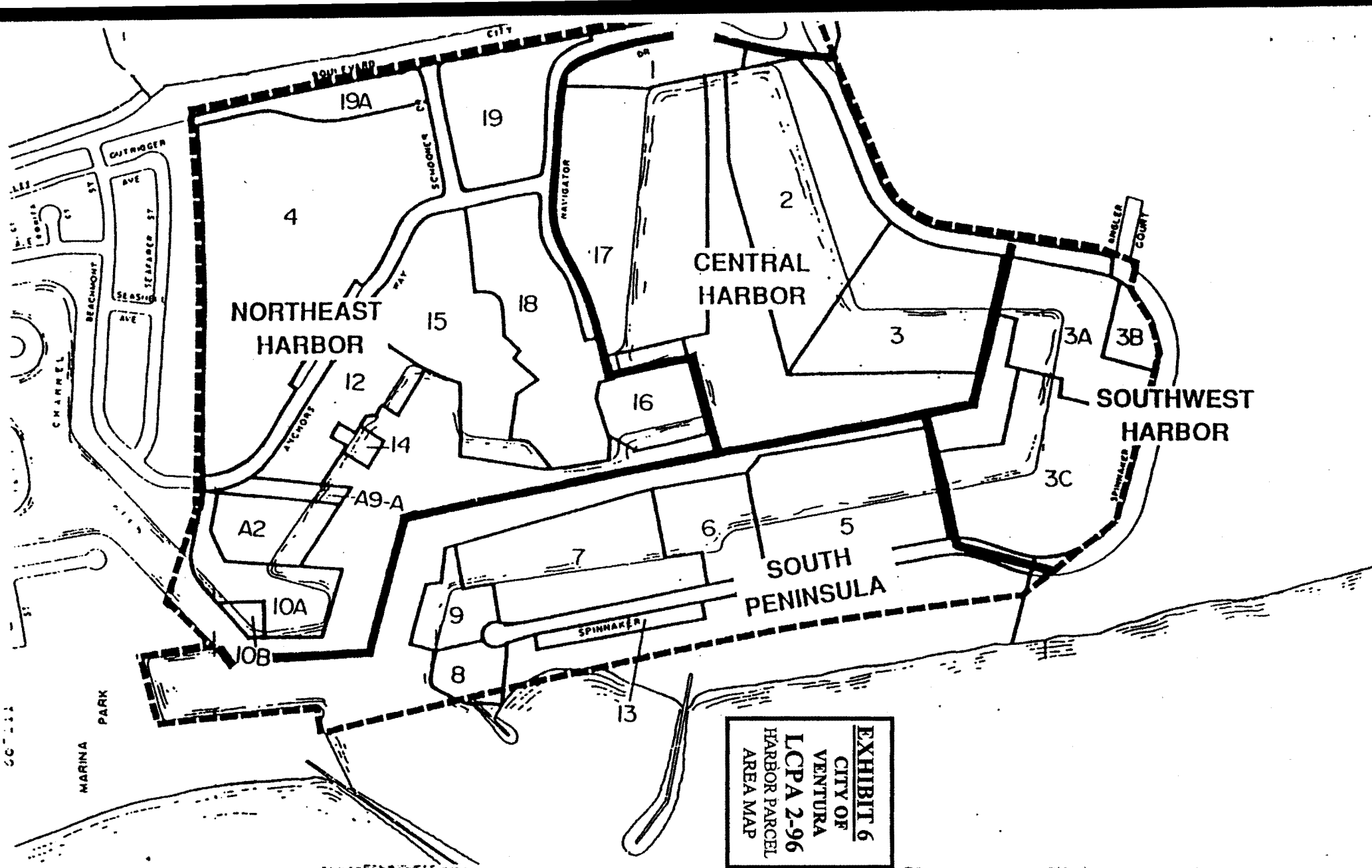


EXHIBIT 6
CITY OF
VENTURA
LCPA 2-96
HARBOR PARCEL
AREA MAP

Map 1

VENTURA HARBOR AREAS

--- Ventura Port District Boundary

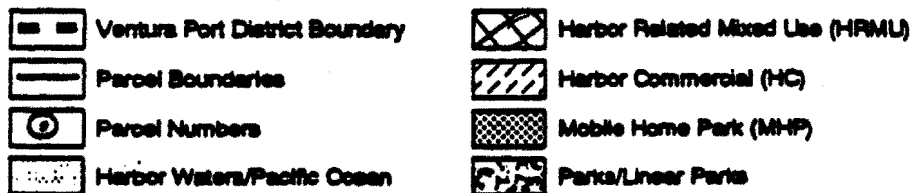
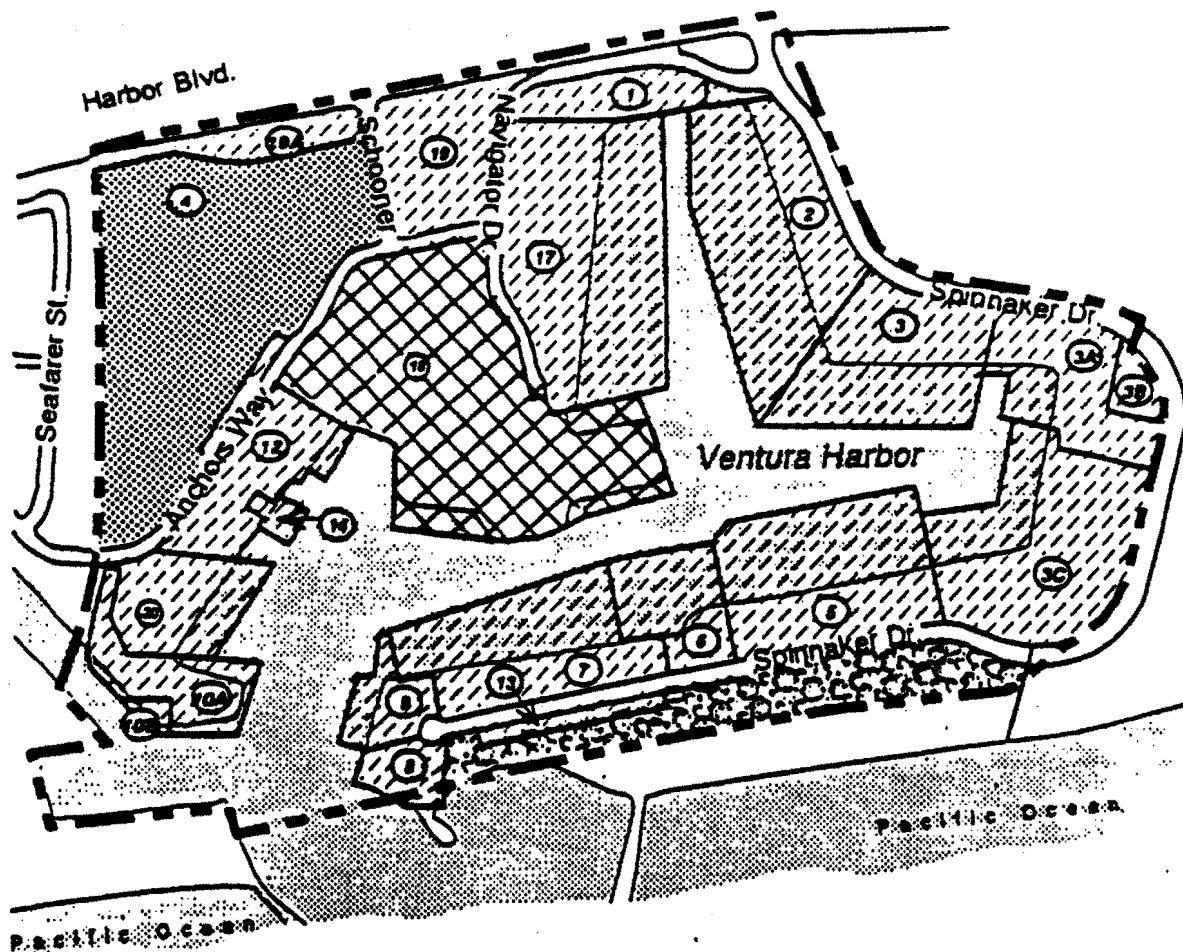
— Area Boundaries

— Parcel Boundaries

5 Parcel Numbers



Scale
Feet



NOTE: Proposed revision to existing Map 2 of Comprehensive Plan.

CASE NO. MP-109

Land Use and Parcel
designation



Ventura Port District
Comprehensive Plan Amendment

EXHIBIT 7
CITY OF
VENTURA
LCPA 2-96
HRMU LAND USE

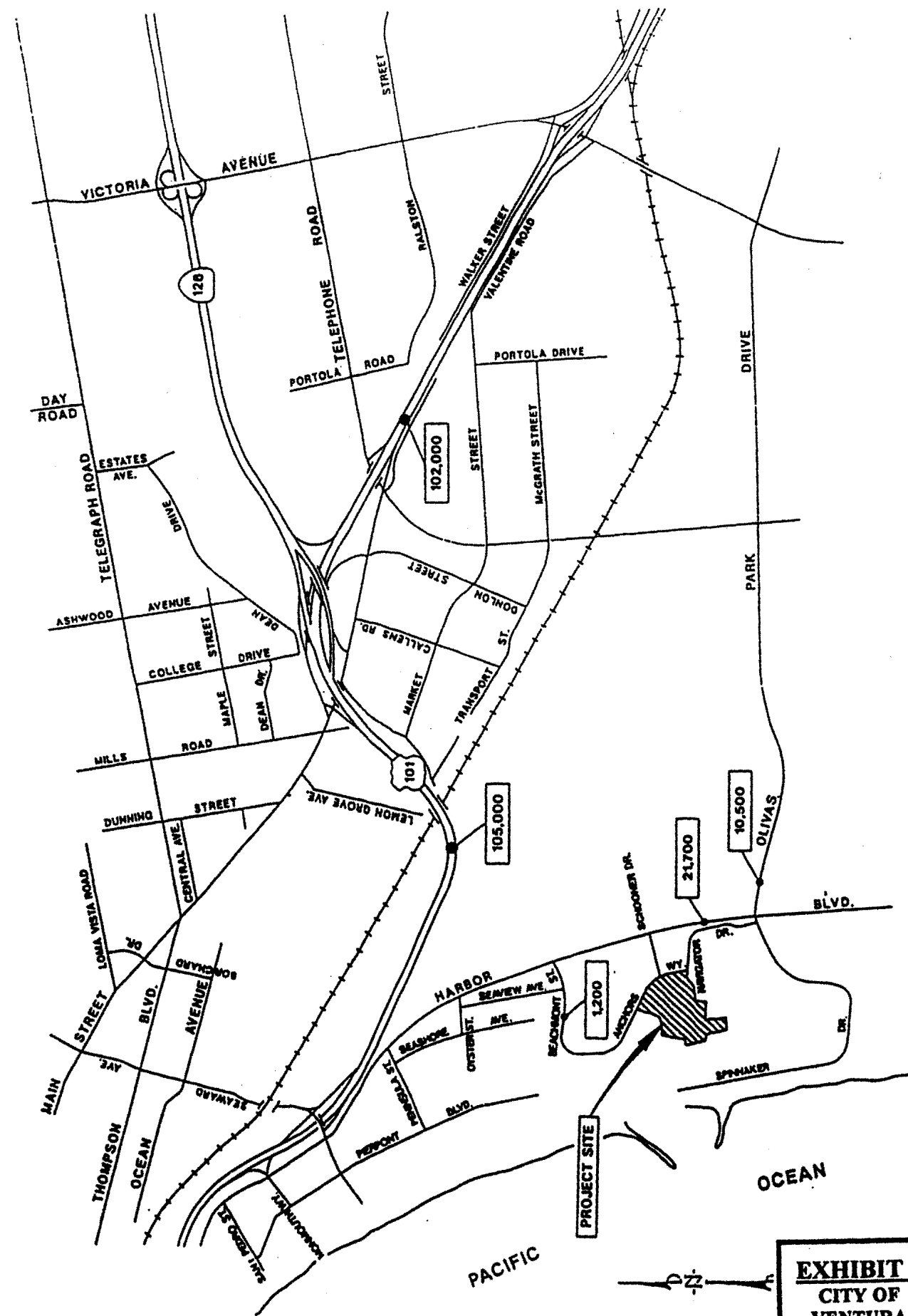


FIGURE 3

EXISTING ADT VOLUMES

ASSOCIATED TRANSPORTATION ENGINEERS
100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418



EXHIBIT 8
CITY OF
VENTURA
LCPA 2-96
HARBOR

HARBORS/MARINAS AND PORTS WITH RESIDENTIAL DEVELOPMENT IN THE COASTAL ZONE

JURISDICTION by LCP	MARINA, PORT OR HARBOR NAME	RESIDENTIAL DEVELOPED PRE- COASTAL ACT	RESIDENTIAL USE CERTIFIED IN LCP
Port of San Diego	San Diego Bay	NO	NO
City of San Diego	Mission Bay	YES _(abuts the bay only)	NO†
City of Oceanside	Oceanside Harbor	YES	NO
County of Orange	Dana Point Harbor	NO	NO
City of Newport Beach (certified LCP only)	Newport Bay	YES	YES
City of Seal Beach (not certified)	Sunset Harbor	NO	NO
City of Huntington Beach	Anaheim Bay - Huntington Harbor	YES	YES
City of Long Beach	Shoreline Marina	NO	NO
City of Long Beach	Alamitos Bay	YES	YES†
City of Long Beach	Port of Long Beach	NO	NO
City of L. A.	Cabrillo Marina/Port of L. A.	NO	NO
City of Redondo Beach	King Harbor	YES	YES
Marina Del Rey (L.A. County)	Marina Del Rey	YES	YES*
City of Oxnard - Channel Islands Public Works Plan	Channel Islands Harbor	YES	YES
City of Port Hueneme	Port of Hueneme	NO	NO
CITY OF VENTURA	VENTURA HARBOR	NO	NO
City of Santa Barbara	Santa Barbara Harbor	NO	NO
San Luis Obispo	Port San Luis Harbor District	NO	NO
Santa Cruz	Santa Cruz Harbor	NO	NO
City of Monterey	Monterey Marina	NO	NO
Monterey County	Moss Landing Harbor Dist.	NO	NO
San Mateo County	Pillar Point Harbor	NO	NO
Humboldt County	Humboldt Bay -- Wooley Island Marina & Eureka Mooring Basin	NO	NO
Sonoma County	Bodega Bay	NO	NO

* indicates where LCP allowed for increased residential densities

† indicates where certified LCP provides for recycling of residential parcels
with Coastal Act priority land uses

EXHIBIT 9
CITY OF
VENTURA
LCPA 2-96

24 total harbor/marinas

All 8 containing residential development were developed or approved before 1972, Prop. 20