

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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# W11a

June 20, 1997

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 (Ventura) Certified Local Coastal Program for Public Hearing and Commission Action at the July 9, 1997 Commission Meeting in Ventura.**

## SYNOPSIS

The proposed local coastal program (LCP) 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 large 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 24.62 acres -- 20.85 acres are located on land and 3.7 acres are located in water: the 20.85 acres of land are affected by this amendment. A portion of the site was created by fill; however, none of the land area is subject to the public trust (*Exhibits 10-12*). The HRMU designation, as proposed, would allow 90% of the approximate 20.85 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 6 and 7.** The suggested modifications are found on pages **8 through 16.**

**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 the land area of an approximate 24.62 acre parcel, of which 20.85 acres is land, which is located in the Ventura Harbor area. This proposed designation would allow the vacant waterfront land to develop as residential (20 dwellings per acre) on 90% of the site and general commercial on 10% of the site. The 3.7 acres located in the water adjacent to the subject parcel, as proposed under the LCPA, could be developed as boat docks. The City has stated that future development of boat docks would be available to the general public and the residents of the HRMU site.

Based on the analysis of the proposed amendment relative to Coastal Act policies staff concludes that the proposed LCP amendment does not meet the requirements of the Coastal Act. The areas that are of particular concern and disagreement between the City Planning staff and the Coastal Commission staff are listed in the chart on page 3 according to issue area, LCPA proposal and Coastal Act analysis. Also contained in the chart are the proposed modifications that that will bring the LCPA into conformance with Chapter 3 of the Coastal Act. Staff notes that the modifications involving provisions to reduce contaminated runoff into the Harbor waters and to modify the standards of the Harbor Commercial Zone (IP) to be in conformance with the LUP suggested modifications are not contained within the chart.

### **PROJECT ISSUE AREAS\***

*\*For issues raised at March 1997 Commission meeting, see page 4.*

ISSUE AREA	PROPOSAL	COASTAL ACT ANALYSIS	SUGGESTED MODIFICATION	CITY ACCEPTS
1) <u>Non-priority development proposed on a harbor waterfront site:</u> residential and general commercial land uses; 2) <u>No consideration of commercial fishing industry needs</u>	Allow for development of 20.85 acre site with 20 dwellings per acre and with general commercial.	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.	<ul style="list-style-type: none"><li>• Reduce the total area available for residential and general commercial development to accommodate 300 max. units to be located on the landward approximate 12 acres of the undeveloped site.</li><li>• Require entire harborfront portion of the site be developed with commercial and/or recreational visitor-serving uses.</li><li>• 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 future projected demands of Ventura County fishing industry.</li></ul>	<ul style="list-style-type: none"><li>• ?</li><li>• NO</li><li>• YES</li></ul>

ISSUE AREA	PROPOSAL	COASTAL ACT ANALYSIS	SUGGESTED MODIFICATION	CITY ACCEPTS
<p>3) <u>Proposed HRMU land use designation provides a minimal amount of waterfront public access on a publicly owned parcel</u></p>	<p>Provide a public pedestrian access and bicycle path along the entire length of waterfront.</p>	<p>Coastal Act §30210, §30211 and §30212 mandate that maximum public access to the coast must also be provided for and protected.</p>	<ul style="list-style-type: none"> <li>• Require 2.44 acre waterfront public park be developed in conjunction with any residential development.</li> <li>• In conjunction with any site development, require that public amenities be developed consisting of public access and recreation improvements, such as a harbor-fronting and vertical pedestrian &amp; bicycle accessways, picnic tables, public parking and linear park area.</li> <li>• 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.</li> <li>• Add provisions to ensure that all public amenities are constructed concurrent with any development of the site &amp; that all public access and recreation improvements are completed prior to the occupancy of any residential or commercial development.</li> </ul>	<ul style="list-style-type: none"> <li>• NO</li> <li>• ?</li> <li>• YES</li> <li>• NO</li> </ul>
<p>4) <u>Proposed HRMU land use designation provides limited assurances that any visitor-serving or coastal dependent recreational uses will be developed on the site.</u></p>	<p>Visitor-serving and recreational boating are allowable uses on the site.</p>	<p>Coastal Act §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 and recreational uses.</p>	<ul style="list-style-type: none"> <li>• Add language to insure that a minimum of 200 ft. of water frontage in addition to 50 ft. wide pedestrian/bike path be developed with any of the following: a) public amenities; b) commercial visitor-serving uses; and c) water-oriented recreational facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• NO</li> </ul>

### **STAFF NOTE**

The subject LCPA has been agendized for three previous Coastal Commission meetings: November 1996, December 1996 and March 1997. At the request of the City of Ventura, in consultation with the Ventura Port District, the item was postponed twice. The Commission staff has met with the City of Ventura Planning Staff and the Ventura Port District, formally five times and have had numerous informal communications via the phone, letters and conversations. Some of the suggested modifications contained within the staff report have been written at the request of the City Planning Staff in response to the suggested modifications that were contained in the two previous reports. Additionally, the planning staff proposed stylistic modifications that would conform to the lay out of the City of Ventura's Comprehensive Plan and Zoning Code, which also serves, in part, as the certified LUP and IP. At the direction of the Commission, the item was continued from the March hearing in order to conduct additional research to address issues that were raised. Below is a chart that summarizes the issues raised by the Commission and members of the public in March.

### **ISSUES RAISED AT MARCH 1997 COMMISSION MEETING**

*(not listed in any order)*

<b>ISSUES</b>	<b>FACTUAL INFORMATION</b>	<b>SUGGESTED MOD. CHANGES?</b>
1) Whether site is subject to the public trust	Portions of the LCPA site were the subject of a settlement agreement entered into in 1980 between the State Lands Commission (SLC) & the Ventura Port District. SLC has stated that the land area of the parcel is not subject to the public trust.	<b><u>NO</u></b>
2) Whether public access provisions are consistent with action taken previously by the SLC.	Under the 1980 settlement agreement, the State quitclaimed the dry land subject to this amendment. The State reserved " <u>public access to the waters of Ventura Harbor and the Pacific Ocean consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN.</u> " <sup>1</sup> SLC has concurred that the public access improvements, as modified by staff's recommendation, is consistent with the public access component of the Development Plan and the settlement agreement.	<b><u>YES</u></b> <b><u>6<sup>th</sup> modification</u></b> <b><u>1C: p. 11</u></b>  <b><u>13<sup>th</sup> modification</u></b> <b><u>3iii: p. 15</u></b>
3) Alternative location of public park area (adjacent to Channel Islands)	The alternative location, parcel 8, is approximately 1 ¾ miles away from the project site. The Channel Islands National Park Plan calls for an expansion of their headquarters to include a cultural center and additional office space. The site is contiguous with the sandy public beach; the LCP states that the only permitted uses are parking and public restrooms.	<b><u>NO</u></b>
4) commercial fishing/ priority land uses.	The majority of the HC parcels in the Harbor area are approx. 250 ft. wide or less; only two parcels are larger at 400 & 550 ft. No new factual information regarding commercial fishing is contained in the staff report.	<b><u>YES</u></b> <b><u>5<sup>th</sup>, 6<sup>th</sup> &amp; 12<sup>th</sup> modifications</u></b> <b><u>1b &amp; 1c: pp. 10-12</u></b> <b><u>d2 &amp; d4: pp. 14, 15</u></b>
5) Adequacy of traffic assessment	The final EIR prepared estimates average daily trips (ADT) as 2,601; current LCP HC designation could generate from 2, 320 to 9,505 ADT (see Exhibit 13).	<b><u>YES</u></b> <b><u>6<sup>th</sup> modification</u></b> <b><u>4C: p. 12</u></b>

<sup>1</sup> In December 1979, the Ventura Port District adopted its Development Plan, which designated various recreational and commercial uses for the harbor area. The Plan included a Circulation Plan, a copy of which is attached to Exhibit 10, showing the locations of pedestrian walkways and bikeways.

### **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 accept 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 III**

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 III**

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 IV**

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 IV**

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. As modified, there are no 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

#### First Modification: DEFINITION -- Harbor Related Mixed Use (HRMU)

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

#### Second Modification: Harbor Related Mixed Use (HRMU)

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

#### Third Modification: Intent and Rationale for Land Use Designations

...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 non-priority residential use~~ ***consistent with the Local Coastal Program and the criteria of the Land Use Plan shall be allowed in the HRMU designated category;*** (2) ***non-priority general retail and office uses for the***



**111.39 acres** land in the Harbor **shall be limited to 5 acres (this is exclusive of streets (17.26 acres), and the existing mobile home park (41.66 acres); and, (3) a minimum number of/ or type of coastal dependent and harbor-oriented 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 designated area (24.77 acres), and streets, is approximately 95 acres. Therefore, approximately 9.5 acres may be developed for non-priority uses.**

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 **number** measure of recreational boating facilities **available to the general 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.

...

**Conversion of existing commercial slips to recreational use shall not be permitted unless the Port District, in conjunction with the City of Ventura, determine that all current and foreseeable future demand has been satisfied. Should any future conversion of commercial slips reduce the minimum berthing space that exists in the Harbor which is required by the City's Land Use Plan, an amendment to the Land Use Plan will be required. Any future determination of whether conversion of commercial slips to recreational slips will adversely impact the demand of the commercial fishing industry shall be based on the following: future evidentiary data regarding commercial fishing industry needs at the Ventura Harbor presented by the Ventura Port District in consultation with the Ventura County Fisherman's Association and reviewed and approved by the City of Ventura, demonstrating that a minimum number of boat slips are provided to serve the needs of the commercial fishing industry needs. All future determinations described in the preceding sentence shall take into consideration the cyclical changing conditions of the industry.**

A minimum number of facilities serving the commercial fishing industry, **adequate to meet the industry demand demonstrated in the Ventura Harbor**, shall be provided within the Harbor complex. These include **the existing 4,200 slip feet or** berthing for at least 90 permanent and 15 transient commercial fishing boats, **whichever is greater**, 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 as demand is demonstrated:** 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) 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. 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 priority over re-**

**development of existing visitor-serving commercial projects, consistent with the needs of the commercial fishing industry. Alternatively, such uses may be provided in close proximity to the commercial fishing facilities provided that they are in a location that is easily and readily accessible without adversely impacting other priority activities in the Harbor.**

**Fourth Modification: Northeast Harbor - (View Corridor)**

2. ...

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 from the terminus of Schooner Drive through the area designated HRMU to the waterfront path.*** ~~This~~ ***These*** accessways to the water frontage and ***the development of a public park in concert with any residential land use shall*** offers additional enhanced views of the harbor.

**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 58 feet, and antennas, masts and flagpoles which shall not exceed 85 feet in height.**

**Fifth Modification: Area and Local Intensity Policies**

**Northeast Harbor Area:** This area shall be developed primarily with commercial visitor-serving uses and, for the portion designated HRMU, with a master-planned residential/commercial, ***visitor-serving and recreational*** mixed use development. Uses allowed in this area include the following: (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 park and recreation;*** ~~(5) (6)~~ residential uses limited to ***a maximum of 300 units. 20 dwelling units per net acre for the HRMU designated area;*** and ***(7) mobile homes for the Mobile Home Park area (MHP).*** Commercial fishing facilities are not intended uses in the Northeast Harbor Area. ***Coastal-dependent and coastal-related recreation and visitor-serving uses shall be developed adjacent to the harbor front and shall have priority over residential and general commercial development.***

**Sixth Modification: HRMU Master Plan**

***Development on the HRMU designated parcel shall be subject to the preparation of a master plan. The master plan shall include, at a minimum, the following:***

***1) Land Use and Development Standards***

- a) Architectural criteria, landscaping criteria, circulation requirements, public view protection of the harbor.***

- b) Any residential development proposed for the HRMU area shall not detract from or interfere with the harbor oriented coastal visitor-serving uses, tourist activity and public recreational boating uses. New residential development within the Ventura Harbor shall be limited to the HRMU designated area and a maximum of 300 dwelling units shall be permitted providing such development is consistent with all other applicable policies. These units shall be located landward of the waterfront, reserving water frontage for tourist-serving and recreational uses. Residential units may also be permitted on the upper floors of visitor-serving commercial development allowed in the HRMU area. Should any residential units be developed on the HRMU designated site, the 2.44 acre waterfront area, identified as parcel 16 (see exhibit 6 and 16) shall be developed as a public park.**
  - c) In addition to the requirements of 1b above (development of the public park), the entire water frontage area, (as generally shown on Exhibit 16), to include not less than 200 feet in width as measured from the landward extent of the 50 ft. wide public access and recreation improvements, within the HRMU designated area shall provide any one or combination of the following uses: a) public amenities; b) commercial visitor-serving; and c) water-oriented recreational facilities.**
- 2) Land Use Buffer/Public Use Zone**
- a) In conjunction with any residential development that occurs within the HRMU designation, a public park shall be developed on the 2.44 acre parcel described as parcel 16 (see exhibit 6 and 16).**
  - b) Public access and public recreation improvements a minimum of 50 feet in width, shall be sited along the water front. The improvements shall include a pedestrian and bicycle accessway. In addition, such improvements shall include, but are not limited to the following: picnic tables, benches, public restrooms, landscaping, bicycle storage racks, fountains, public parking and improvements that would encourage use of this zone by the general public.**
  - c) To further Policy 8.2.4 of the Circulation Element, a pedestrian and bike path, that incorporates public use areas shall be located along the harbor water frontage. Connection of the pathway to the adjacent public areas shall be provided so that there is a continuous route around the Harbor water channel.**
  - d) Residential areas that abut the pedestrian and bike path shall incorporate design elements such as fencing, landscaping, signage and elevation changes, to prevent the public area from becoming used exclusively by such development.**

**3) Recreation and Visitor Serving**

- a) Public access and recreation improvements described in Master Plan Policy 2, Land Use Buffer/Public Use Zone, shall be constructed concurrent with any development of the site and be available for public use prior to occupancy of any residential or commercial development.**
- b) At a minimum, a 20 ft. wide vertical public accessway from the approximate terminus of Schooner Drive through parcel 18 and connecting to the harbor front accessway shall be provided. The public accessway shall be conspicuously signed for public use and incorporate design elements such as those specified in 2d above, to buffer the path from site development. The existing walkways along the perimeter of this site shall not be used to satisfy this requirement.**
- c) Adequate commercial facilities and dry boat storage facilities, necessary to support the needs of any proposed residential development shall be either within the portion of the site developed with residential use or within close and convenient proximity to the HRMU designated area.**

**4) Parking and Circulation**

- a) Public parking lot(s) shall be provided in locations convenient to key visitor attractions, public access and public park area on the site. If parking fees are charged, parking fees shall be kept low so that the general public may use the Harbor facilities at nominal rates.**
- b) All residential and commercial development shall provide adequate on-site resident, visitor and customer parking in addition to the required public parking lot(s).**
- c) All development proposals shall submit for the appropriate planning and approving body, supplemental traffic analysis containing appropriate mitigation measures relative to project specific trip generation estimates. Said supplemental information shall demonstrate that the average daily trips (ADT) do not exceed those estimated for currently permitted Harbor Commercial shopping center development which are estimated at 9,505 ADT. All development proposals shall be designed to ensure that traffic generated by the project will not adversely impact the City's street system within the Pierpont/Ventura Keys and Ventura Harbor Community for area residents and members of the public accessing the Ventura Harbor and Surfer's Knoll Beach. Measures necessary to mitigate traffic impacts from development of the site shall be required and completed concurrent with site development. Restrictions limiting general public use of the street system shall not be permitted. If a reduction in traffic ADT is necessary, non-priority uses shall be removed from the development proposal.**

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

**Seventh Modification: Area and Intensity Policies – Central Harbor Area**

**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.***

**Eighth Modification: Area and Intensity Policies – Southwest Harbor Area**

**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 supportive of 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.

**Ninth Modification: General Location Policies**

Existing facilities serving recreational boaters and commercial fishermen shall be retained, unless ***documentation, consistent with that described under the Intent and Rationale Statement demonstrates that there is no longer a demand for facilities is provided or*** equivalent facilities are constructed elsewhere in the Harbor in conjunction with the redevelopment of existing facilities.

Non-conforming uses may be permitted to continue in their present locations in conformance with present lease arrangements. ***Expansion of a non-conforming use shall be subject to the regulations set forth in the City's Ordinance Code; however, in no case shall***

**expansion be permitted where such expansion has the potential to displace harbor-dependent commercial fishing or recreational-boating uses.**

**Tenth Modification: General Location Policies; Control of Run-off**

***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 provision of pump out facilities, and other necessary measures to reduce harmful pollutants from storm drain waters.***

**B. Modifications to Implementation Plan**

**Eleventh Modification: Section 15.238 Standards: Density**

(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 ***nor exceed the total number of units allowed only within the area designated in the LUP for Harbor Related Mixed Use (HRMU), consistent with all policies and provisions in the Ventura Harbor section of the Land Use Plan.*** 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. Concurrent with site development and ***prior to occupancy of any residential and/or commercial development, 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, ***the Special Provisions in Section 15.238.050, and Other Standards in Section 15.238.100.***

**Twelfth Modification: Section 15.238.050 Uses: Special Provisions**

- c) ***To ensure that a minimum number of priority land uses including coastal dependent and visitor-serving commercial facilities are provided in the Harbor complex: (1) non-priority residential use consistent with criteria of the master plan shall be allowed in the HRMU designated category only; (2) a maximum of 5 acres of non-priority general retail and office uses for the total 170.31 acre land area in the Harbor; and, (3) coastal dependent harbor and tourist-oriented facilities described in the Land Use Element of the Comprehensive Plan shall be required.***
- d) **Land Use Development Standards:**
- 1) ***A master plan shall be developed for the land area which has a Land Use designation of Harbor Related Mixed Use (HRMU). This plan shall include architectural criteria, landscaping criteria, circulation requirements, public access, public park area, public recreation, public view protection and land use development criteria.***

**2) Any residential development proposed for the HRMU area shall not detract from or interfere with the harbor oriented coastal visitor-serving uses, tourist activity and public recreational boating uses. New residential development within the Ventura Harbor shall be limited to the HRMU designated area and a maximum of 300 dwelling units shall be permitted providing such development is consistent with all other applicable policies. These units shall be located landward of the waterfront, reserving water frontage for tourist-serving and recreational uses. Residential units may also be permitted on the upper story (or stories) of visitor serving commercial development in the HRMU.**

**3) Should any residential units be developed on the HRMU designated site, the 2.44 acre waterfront area, identified as parcel 16 (see exhibit 6 and 16) shall be developed as a public park. The park shall be open for public use prior to occupancy of any residential and or commercial units.**

**4) In addition to the requirements of 15.238.050(d)(3), all remaining water frontage, (as generally shown on Exhibit 16), to include not less than 200 feet in width as measured from the landward extent of the 50 ft. wide public access and recreation improvements, within the HRMU designated area shall provide any one or combination of the following uses: a) public amenities; b) commercial visitor-serving; and c) water-oriented recreational facilities. The upper floor(s) of any visitor-serving commercial development may be developed with residential uses. However, total residential units within the HRMU, including those developed above commercial shall not exceed 300.**

**Thirteenth Modification: Section 15.238.100 Standards: Other**

**Permit Conditions. Any project requiring a Planned Development Permit or use Permit in this zone shall comply with all of the following additional requirements:**

**3) Land Use Buffer/Public Use Zone**

- i. A buffer zone which includes a bicycle and pedestrian path and public amenities such as picnic tables, viewing benches, landscaping, and similar elements is to be provided parallel to the harbor water channel.**
- ii. A Landscaping *within the* buffer zone shall be a minimum of twelve (12) feet in width, but ~~shall average a total of twenty (20) feet in width, shall be required between any vehicle parking area and any parallel bicycle and pedestrian paths~~ *abutting the development property* line located adjacent to the water. A landscape buffer a minimum of five (5) feet in width, but averaging a total of ten (10) feet in width, shall be required between a pedestrian path located adjacent to the water *and any vehicle parking area.***

- iii. This buffer zone shall be measured from the top of the rip rap inland and be a minimum of fifty (50) feet in width. Areas wider than 50 feet shall be encouraged.*
- iv. All the pathways shall connect to provide a continuous route along the Harbor water channel. The buffer zone shall be designed to be open and accessible to the general public.*
- v. Residential areas that abut the pedestrian and bike path shall incorporate design elements such as fencing, landscaping, signage and elevation changes, to prevent the public area from becoming used exclusively by such development.*

### **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 20.85 acres (land area only) of Harbor Commercial would be changed to Harbor Related Mixed Use (HRMU). Three vacant parcels which contain approximately 20.85 acres of land and 3.7 acres of water which abut the Harbor waterfront are the focus of this LCPA. The subject amendment only involves the land area. The water area that abuts the subject parcel remains under the Commission's original permit jurisdiction. 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 and 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 large vacant harbor water-front parcel in Ventura and Santa Barbara Counties. (Staff notes that a 2.25 acre vacant site adjacent to the beach and the Channel Islands National Park Visitor Center also exists in the Ventura Harbor.) In 1991, the subject vacant site was the subject of



a Financial and Economic Feasibility Analysis prepared for the Ventura Port District.<sup>2</sup> The total area managed by the Port District consists of 122 total acres -- 117 acres of land and 5 acres of water. The three parcels subject to the land use designation amendment is owned by the Ventura Port District. 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 zoning 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.<sup>3</sup> 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.

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, an additional 600 ft.); 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 inland of Anchors Way from Harbor Commercial (HC), to a Mobile Home Park (M-H-P) zone, consistent with the 41 acre site's present use.

## **B. Harbor History and Background**

The City of 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 Ventura Harbor Development Plan, written in 1979 served as the LUP component of the 1981 LCP. The policies of the Development Plan were later incorporated into the LCP in 1984 when the Commission certified the entire LCP. 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.

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<sup>2</sup> "Financial and Economic Feasibility Analysis Ventura Port District" prepared by Williams-Kuebelbeck & Assoc. Inc., dated May 7, 1991.

<sup>3</sup> Ibid., Appendix dated October, 1996.

As stated in the amendment description, 122 acres is managed by the Ventura Port District and the 20.85 acres of land that is subject of this amendment is owned by the Ventura Port District. Although a large portion of the Harbor is owned and/or managed by a public entity, a large percent of that area, approximately 40%, is developed as private recreational uses, such as yacht and marina clubs. Staff notes that the mobile home park was developed in the 1940s. Although the land is owned by the Ventura Port District, the Commission certified this site in their LCP with a land use designation of Mobile Home Park (MHP). The MHP site is geographically disjunct from the rest of the Ventura Harbor and the LCP recognizes the residential site as a component of the Pierpont Keys Community. As proposed under this LCPA, the MHP site will be rezoned, as contemplated in the certified LUP, as MHP. Land use in the Ventura Harbor is currently as follows:

<b>Ventura Harbor Land Use* (See Exhibit 15)</b>	
<b><u>DESIGNATION</u></b>	<b><u>ACRES</u></b>
Unknown	.45
Commercial Fishing	15.36
National Monument	2.03
Recreation -- Private Use/Membership	52.46
Commercial-Tourist	17.99
Vacant	23.10
<b>Total Acres</b>	<b>111.39 acres</b>

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

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.<sup>4</sup> Moreover, review of certified LCPs containing harbor and marina areas shows 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

### **C. Coastal Act Requirements for New Development**

The Coastal Act 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.

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<sup>4</sup> 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.

<sup>5</sup> City of Santa Barbara LCPA 2-95, approved by the CCC on March 13, 1996.

<sup>6</sup> Memorandum prepared by Williams-Kuebelbeck & Assoc. Inc. to Ventura Port District dated 11/5/96.

<sup>7</sup> 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 20.85 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 and 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 (11 acres) in the Harbor's total 111 acres, may be developed for non-priority uses.

In addition, the proposed LCPA states that no more than 10% of the total land area in the Harbor, or rather 9.5 acres, may be developed for non-priority uses. Just over one acre of the harbor currently contains general commercial land uses. However, the 10% of total land is based on the total land in the harbor less the vacant parcel or  $116 \text{ acres} - 20.85 \text{ acres} = 95 \text{ acres}$ . Subsequent to submitting the LCPA, the City staff has indicated that the total land area in the harbor is 111.39 acres and not 116. Therefore, the total land area in addition to the vacant 20.85 acre site that may be developed with non-priority uses, using the correct acreage, is 9 acres. Moreover, the proposed non-priority land uses which could occur under the LCPA include approximately 30 acres (20.85 vacant parcel + 9 acres), which equals approximately 27% of all Harbor land area.

The proposed amended land use designation, HRMU, would potentially allow the entire 20.85 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."

The Coastal Act mandates under §30250(a) that new residential and commercial development be located in existing developed areas and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources (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 on-site recreational facilities to serve the new development. Coastal Act §30234 states that facilities serving the commercial fishing and recreational boating industries shall be protected. 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 20.85 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 400-room hotel project. This proposal was withdrawn 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.<sup>8</sup> 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".<sup>9</sup> 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.<sup>10</sup> 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 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 stated previously, the subject parcel is divided among three parcels -- two larger parcels and one small parcel (*Exhibit 6*). City staff has indicated that until the recent 1989 development proposal, the site was one single parcel and was split for purposes of considering development proposals. Presently, the three parcels are recognized for tax assessment and the site is commonly referred to as Parcel 18 -- one parcel. However, for purposes of discussing the site's development, *Exhibit 6* shows the vacant land divided into three parcels. The site is uniquely shaped and the majority of the site (parcels 15 and 18) is approximately 1,000 to 1,200 feet deep. This is not the case of any other water-fronting parcels in the Ventura Harbor. The majority of the parcels in the Harbor are approximately 250 feet wide or less. Only two other parcels in the Harbor have depths greater than 250 feet, reaching approximately 400 and 550 feet. Because the entire site (parcels 15 and 18) extends landward by a distance of between 1,000 and 1,200 feet, coastal dependent uses such as public boat launches, harbor viewing areas or fork lift and crane facilities, for example, would not be best suited on the back half of the site (500 to 600 ft. in length). Rather, such uses could only be developed in the area adjacent to the water. In addition, tourist oriented uses such as shops, restaurants and public park areas would be less desirable on the landward half of the site. Further, the subject site is located adjacent to an existing hotel area which occupies over 10 acres. Thus, development of a hotel, which is a tourist oriented use that would be feasible on the entire site, has not occurred, in part, because it is located adjacent to an existing hotel. For all of these site specific reasons, the Commission finds that the proposal to develop non-priority uses on the landward portion of the site should be considered.

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

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

<sup>10</sup> *Ibid.*, page 64.

Additionally, the Commission must consider what is developed within other Harbor and Marina areas along the coast and what past Coastal Commission action has occurred. *Exhibit 9* lists 24 harbors and marina areas located along the coast. 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.<sup>11</sup>

Staff's review of land uses in harbor, marina and port areas shows 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, existing residential, commercial, public, semi-public, institutional and industrial. The City of Newport Bay provides several public visitor-serving recreational services and facilities which include view parks adjacent to Upper Newport Bay and the lower bay, boat slips available for public use and restrooms. These facilities and services were in place prior to the certification of the LUP and the provisions of the LUP require they be maintained. In addition, the harbor/bay area contains a number of tourist oriented uses which include, restaurants, snack bars, boat rentals, sports equipment rentals, gas/dock service stations, boat launching facilities, amusement and recreation facilities and numerous shops. 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 ...

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<sup>11</sup> 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.



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 a large site was inconsistent with the certified Plan and the Coastal Act. As such, the approved LCPA included modifications to recycle the existing non-conforming residential use with guest housing. The Commission required the City to incorporate the final development plan for the site into the certified Master Plan.

As cited above, the Commission certified LCPs and amendments thereto that involved residential development on a case by case basis. The vast majority of the harbor and marina areas analyzed (*Exhibit 9*), demonstrate that residential development has been approved in LCPs only where that development existed before the passage of Proposition 20, the Coastal Initiative. Moreover, when certifying LCPs that had harbor/marina areas that contained residential development, policy language protecting and requiring new development to be limited to priority uses as defined by the Coastal Act, was included in the certified LCP. In creating policies within the certified LCPs that required coastal dependent, visitor-serving and public access land uses to balance residential development that existed in eight of the twenty-four areas, the LCPs were found to be consistent with the Coastal Act.

In the case of the City of Ventura, two harbor and marina areas exist within the City -- the Ventura Keys and the Ventura Harbor. The Ventura Keys is contiguous with the Ventura Harbor and consists predominately of private residential development. A bike path is striped on the streets that access the Keys but no waterfront path exists. The area is adjacent to an oceanfront park and contains one playground facility. Conversely, the Ventura Harbor is owned and operated by the Ventura Port District and, therefore, consists of publicly owned land. As described in the following section regarding recreation and public access, the Harbor contains a waterfront pedestrian/bike path and the Channel Islands National Park Visitor Center. Additionally, the Harbor area abuts a public beach. The boating facilities that comprise approximately 40% of the Harbor land area consists of privately owned yacht clubs that offers memberships to the public. The Ventura Harbor contains both tourist oriented and visitor-serving uses which are listed in the preceding section. Commercial fishing land uses are also provided in the Ventura Harbor. The Commission finds that there is currently a mix of land uses within the City of Ventura harbor and marina areas which include residential development.

As set forth above, the harbor fronting sections of the subject vacant parcel within the proposed HRMU land use designation should only be developed with visitor serving, public access and recreation uses. Further, the Commission finds that the proposed LCPA, as modified, to require public access improvements, a public park, and other public amenities (such as parking, benches, restrooms, etc) will increase the visitor serving and recreational uses within the Ventura Harbor above what the currently LCP land use designation suggests. As previously indicated, the south peninsula of the Ventura Harbor contains recreational uses such as the Channel Islands National Park Visitor Center, Ventura Harbor Village Shops and the State Beach. Given the past Commission action regarding harbor and marina areas, the depth of the two larger parcels, the width of other Ventura harbor front parcels, the HRMU site's 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 or non-priority uses such as residential and general commercial. The Commission finds that such uses would only be consistent with the Coastal Act if: public access and recreation amenities were built into any future development proposals on the site such as a public park; if the HRMU site was limited to 300 residential units; if public accessways to and along the site were developed and maintained; and if visitor-serving and or coastal dependent uses were developed on the site's water frontage area a minimum width of 250 ft. as measured from the top of the rip rap. To insure that the HRMU designation encourages a "mixed use" as the designation name suggests, the Commission has imposed suggested modifications 1, 2, 4 and 6. As outlined in these modifications, a minimum of 50 feet along the waterfront shall be developed with a public pedestrian and bicycle path, a 2.44 acre public park area shall be developed on the parcel that is surrounded on three sides by the water (parcel 16) and a mix of uses which include recreation, and visitor serving uses on the remaining waterfront section of the site of at least 200 ft. in width as measured from the landward extent of the 50 ft. wide public bike and pedestrian improvements of the harbor shall be developed in accordance with criteria defined by the master plan. This combination of residential and general commercial uses limited predominately to the landward portion of the site and the development of a public park that can be used by the residents and the public is consistent with §30250(a) and §30252 of the Coastal Act. Furthermore, the development of the waterfront area of the designated HRMU site as visitor-serving land uses is consistent with §30255 of the Coastal Act and 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, the proposed IP amendment involves a change of the mobile home park zoning for HC to MHP. Staff notes that the mobile home park was developed in the 1940s. Although the land is owned by the Ventura Port District, the Commission certified this site in their LCP with a land use designation of Mobile Home Park (MHP). The MHP site is geographically disjunct from the rest of the Ventura Harbor and the LCP recognizes the residential site as a component of the Pierpont Keys Community. As proposed under this LCPA, the MHP site will be rezoned, as contemplated in the certified LUP, to MHP. Therefore, the MHP zoning will, now be consistent with the MHP land use designation.

Additionally, as cited above, Coastal Act §30234 requires protection, and where feasible, the upgrading of existing commercial fishing and recreational boating facilities. The section further directs that proposed recreational facilities 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 on the next page 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.<sup>12</sup> 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 County<sup>13</sup>, which is characterized as an "extremely cyclical" market, has recently experienced an increase in Landings and Values.<sup>14</sup> 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. The reduction in demand on the part of the fishing industry is based in part on the decline of the entire tuna industry and in part on the fact that these Ports were built over 25 years ago to accommodate the industry.

The proposed LCPA has been reviewed against recent Commission actions within Ventura and Santa Barbara Counties which involved the City of Santa Barbara and the Port of

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

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

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

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;
- 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, particularly the proximity of the Mobile Home Park, Ventura Keys residential community and the adjacent hotel site, 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, 7, 8 and 9 have been recommended. As set forth in the modifications, the LCPA, as modified, will ensure that: all existing commercial fishing facilities be retained; uses oriented toward commercial fishing in the Southwest Harbor Area be given priority over other uses; and, that non-conforming uses not be allowed to 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...

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. Finally, the Coastal Act requires that the recreational needs of new residents will not overload nearby coastal recreational areas by, for example, requiring development plans that contain onsite recreational facilities to serve the new development.

Existing public access and lower-cost recreation uses in the Ventura Harbor Area include Surfer's Knoll 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. Thus, the Northeast Harbor Area, where the HRMU land use designation is located contains very few low cost public amenities. As stated in the preceding section, the Ventura Harbor abuts the Ventura Keys (private residential) Community and a 41 acre mobile home park. Given that the Ventura Harbor is owned and operated by the Ventura Port District, a public entity, the Commission finds that public access and low cost recreational uses should be available to the public throughout the Ventura Harbor including and, in particular, the Northeast Harbor Area and the subject LCPA site.

In 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 or concurrent with 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 private development on public land which displaced public access improvements.

In addition, the Commission has consistently certified LCPs that required either the maintenance of existing public access and recreation improvements or the inclusion of additional similar type uses, or both. For example, as stated in the certified LUP for the City of Newport Beach, the plan specifies that in combination with residential development that exists in the bays, the City maintain two public view park areas adjacent to Upper Newport Bay and the lower bay. In addition, the City of Redondo Beach's certified LCP requires that public opportunities for coastal recreation be enhanced on undeveloped parcels in an area where residential development existed prior to the Coastal Act.

§30252 of the Coastal Act states, in part, that new housing development must assure that the recreational needs of new residents will not overload nearby coastal recreational areas. This is done by correlating the amount of development with local park acquisition and ensuring development plans provide adequate onsite recreational facilities. The proposed LCPA includes a provision for constructing a public pedestrian and bicycle path but does not require any site recreational facilities for new residents. Additionally, the City has indicated that boat slips will be constructed on the 3.7 acres of water that is part of the vacant parcels in conjunction with any development that occurs on the site. As proposed by the City in the LCPA, the construction of boat slips adjacent to the vacant parcel is not required by any development, however. Two of the larger parcels (parcel 15 and 18) that make up the vacant 20.85 site are approximately 1,000 to 1,200 ft. deep and the third parcel (parcel 16) is approximately 250 feet wide and surrounded by water on three sides (*See Exhibit 6*).

As described previously, the Northeast Harbor Area currently contains relatively few public access and recreational opportunities. In addition, the Northeast Harbor Area abuts a residential area and mobile home park. As such, the demand for public amenities within the area can only be increased by the proposed HRMU designation which could increase the number of residential units in the area by as much as 300. Staff calculated park needs for new residential use based on the Parks and Recreation Policy of the City's Comprehensive Plan which requires 3.5 acres of park area per 1,000 population. According to the City staff, the population of 300 units would be 750 (2.5 persons per household). As calculated 2.6 acres of park area would be required in association with constructing 300 units. The City staff stated that the development of 300 units is already figured into the population limits for the year 2010 and, as such, measures are in place to satisfy the park recreational needs of the 300 units or 750 people. However, the mandates of the Coastal Act require that oceanfront land suitable for water-oriented recreational activities be protected and that lower cost visitor-serving and recreational facilities be, "protected, encouraged and provided." The majority of City of Ventura is located outside the coastal zone and park facilities provided to accommodate the increased residents will not likely be along the waterfront given the limited availability of and high value of vacant land along the coast.

Therefore, Modifications #2 and 6 have been drafted in order to ensure that a public view park area be developed on the 2.44 acre parcel 16. In addition, modifications #2, 5 and 6

require that within the first fifty 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. As stated previously the site is 1,000 to 1,200 feet wide and the vertical accessway should generally traverse the center area of the site in order to provide the public with the ability to reach the waterfront from the street. Finally, the LCPA has been modified to ensure that prior to or concurrent with the completion 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. The IP modifications will permit the construction of up to 300 residential units and/or visitor serving commercial development with a minimum amount of public use requirements such as the 50 ft. public accessway along all water frontage and the construction of a public park on parcel 16. As previously found above, if modified as suggested, the proposed IP amendment with adequately carry out the policies of the LUP.

### **Traffic, Circulation and Parking**

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.

Given that development of the proposed HRMU site is contemplated as one project, it is likely that any development of the site will increase the boating and recreational opportunities within the Harbor by facilitating the development of boat slips within the 3.7 acres of water that are part of the undeveloped site. Of concern to the recreational boater and Ventura Harbor visitor, however, in the Northeast Harbor Area is circulation and parking. One means of access to the Harbor is presently via Beachmont Street/Anchors Way, which traverses through the Ventura Keys Community along Schooner Drive and terminates at the site subject of the LCPA and Olivas Park Drive (See *Exhibit 8*). A Traffic and Circulation Study was prepared by the Associated Transportation Engineers in August 1993 and incorporated into the EIR. As indicated in the EIR, the study calculated the average daily trips (ADT) of six different project alternatives, including the proposed project (*Exhibit 13*). Under the current HC land use designation, the total number of average daily trips ranged from 9,505 ADT (shopping center) to 2,302 ADT (hotel). The proposed project of 300 residential units and 20,000 sq. ft. of commercial was estimated to generate 2,601 ADT. The



Commission notes that the Traffic Study did not assess the various levels of traffic that would result from developing the site with visitor-serving commercial and recreational and residential development. Modification #10 requires that all development proposals submit supplemental information that outline mitigation measures relative to project specific trip generation estimates. Said supplemental information shall demonstrate that the average daily trips (ADT) do not exceed those estimated for shopping center development which are estimated (at the highest projection) 9,505 ADT. Should development for the site exceed the level of traffic that would have resulted from development of the site under the HC land use designation, the proposal should be modified to eliminate non-priority uses in order to achieve a reduction of traffic.

Furthermore, 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. The contention that residential development will have less traffic impacts than other uses is based on a Traffic and Circulation Study for the Ventura Port, prepared by the Associated Transportation Engineers on August 11, 1993. Figures of the development scenario proposed by the LCPA indicate that there would be potentially less traffic generated on Beachmont Street than that which would be generated under the current LCP land use designation of HC. For example, the EIR estimated average daily traffic (ADT) along Beachmont Street as 1,200 vehicles per day and calculates 962 ADT additional trips if the site was developed with a shopping center. Alternatively, the EIR estimates 167 additional ADT if the site was developed with 300 residential units and 20,000 sq. ft. of general commercial. Again, in order to ensure adequacy of the site's development as modified by the suggested modification contained herein, all future development would be required to submit supplemental traffic analysis to ensure no increase in traffic results under the proposed HRMU land use designation over the amount which could be generated from what is currently allowed in the LCP.

Finally, 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 #6 relative to parking and circulation consistent with Coastal Act §30210, §30211, §30212 and §30252.

**E. Public Access Consistency with Past State Lands Commission Action and Land Subject to the Public Trust**

**1. Past State Lands Commission Action**

Distinct from the analysis of the amendment's consistency with the Coastal Act's public access policies is the separate question of whether the portion of the staff recommendation relating to public access is consistent with action taken previously by the State Lands Commission. Portions of the parcels involved in the amendment (parcels 15, 16 and 18) were the subject of a settlement agreement entered into in 1980 between the State Lands Commission and the Ventura Port District.



The Commission's Legal Division consulted with the State Lands Commission's staff and analyzed this issue exhaustively in *Exhibit 10*, a June 13, 1997 letter from Staff Counsel Catherine Cutler to the State Lands Commission. The State Lands Commission's legal staff also analyzed this issue and advised the Commission of its concurrence with each of the Commission staff's conclusions as set forth in the June 13 letter. (See *Exhibit 10* Letter of Curtis Fossum, Esq., State Lands Commission, to Staff Counsel Catherine Cutler.) The detailed factual discussions and conclusions of those two letters are incorporated in their entirety herein as though set forth in full. The pertinent conclusions pertaining to this question are summarized below. In brief, the Commission and the State Lands Commission have concluded that the public access portion of the staff recommendation is consistent in all respects with the settlement agreement.

**Factual Background:**

**The Development Plan.** In December 1979, the Ventura Port District adopted its Development Plan, which designated various recreational and commercial uses for the harbor area. The Plan included a Circulation Plan, a copy of which is attached to *Exhibit 10*, showing the locations of pedestrian walkways and bikeways. The Plan stated the following with respect to the walkways and bikeways:

Bicycle lanes will enter the Harbor at the Beachmont entrance, continue along Anchors Way to Parcel 15, travel along the water's edge to Spinnaker Drive, follow Spinnaker Drive to the end of the peninsula and back, and then exit the Harbor at Spinnaker Drive to Harbor Boulevard. The pedestrian walkways will line both sides of Anchors Way and Schooner Drive, and will lead around much of the Harbor along the water's edge.

**The Settlement Agreement.** In August 1980, the State Lands Commission and the Ventura Port District entered into a settlement agreement titled "Exchange Agreement." That agreement involved portions of parcels 15, 16 and 18. Attached to *Exhibit 10* is a copy of Exhibit F of the agreement, now marked with cross-hatching to indicate the area involved in the proposed amendment. Pursuant to the settlement agreement, the State Lands Commission and the Port District agreed to do the following:

1. The Port District granted to the State all of the District's right, title and interest in the lands marked as "Parcel to State." The State would hold the lands in its sovereign capacity as tide and submerged lands held under the public trust for commerce, navigation, fisheries, and recreation. (*Exhibit 10*, Cutler Letter, Exh. F.)
2. The State quitclaimed to the Port District all of the State's right, title and interest in the lands marked as "Dry Land to District," "excepting and reserving in favor of the STATE public access to the waters of Ventura Harbor and the Pacific Ocean consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." (*Exhibit 10*, Cutler Letter, Exh. F.)
3. The State quitclaimed to the Port District all of the State's right, title and interest in the land areas marked as "Remaining Harbor Water Area," "excepting and reserving in favor of the STATE the rights of the public to use the waters within the REMAINING HARBOR WATER AREA for acce

and recreation consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." (Exhibit 10, Cutler Letter, Exh. F.)

4. The State leased to the Port District all of the State's right, title and interest in the lands marked as "Harbor Water Area Leased to District" and "Parcel to State." (Exhibit 10, Cutler Letter, Exh. F.)

Pursuant to the settlement agreement, the State Lands Commission entered into the two leases referenced in #4 above. The purpose of the lease of "Harbor Water Area Leased to District" was "berthing for commercial fishing and recreational vessels and navigational channels." The purpose of the lease of "Parcel to State" was "purposes of accommodating commerce, navigation, fisheries and recreation, including public beach and related uses." (Exhibit 10, p. 3.) None of the land involved in this amendment constitutes any portion of the leased premises covered by the two leases. The State Lands Commission has concurred with the Commission's conclusion that nothing proposed in this amendment is inconsistent with the terms of the two leases. (See Exhibit 10, p. 6 and Exhibit 11.)

#### **Conclusions As To Consistency of Amendment With Settlement Agreement:**

When the State Lands Commission quitclaimed to the Port District the "Dry Land to District" and "Remaining Harbor Water Area," it did so subject to the reservations of rights cited in #2 and #3 above. Those reservations were, therefore, reviewed against the amendment to determine that the use of the two areas proposed in the staff recommendation was consistent with the reservations. Because the amendment makes no specific development proposal or change in land use designation for the "Remaining Harbor Water Area," the Commission has concluded that there is nothing proposed in the amendment that is inconsistent with the reservation of rights for that area. The State Lands Commission has concurred. (See Exhibit 10, p. 4 and Exhibit 11.) At such time as specific uses are proposed for that area, a review of the proposed uses to determine consistency with the reservation of rights would then be appropriate.

For the area shown as "Dry Land to District," the Commission analyzed the public access provided in the amendment, as modified by the staff recommendation, and compared it to the reservation of rights for this area, described in #2 above. That analysis involved review of the public accessways designated in the Development Plan against those proposed here, as modified by the staff recommendation, because the State reserved "public access to the waters of Ventura Harbor and the Pacific Ocean consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN."

The Commission has concluded (and the State Lands Commission has concurred) that the waterfront bicycle/pedestrian path proposed by the amendment, as modified by staff's recommendation for another accessway connecting from Schooner Drive to the harborfront accessway as well as designation of a public use zone for public access and recreation, is consistent with the public access components of the Development Plan. (See Exhibit 10, pp. 4-6 and Exhibit 11.) The total accessway package recommended by staff is consistent because it is at least as comprehensive as that contemplated by the Development Plan, consistent with the reservation rights. Therefore, the Commission has concluded, and the State Lands Commission concurs, that the recommended accessway package is consistent with the settlement agreement. (See Exhibit 1 p. 6 and Exhibit 11.) Finally, because the portions of the amendment relating to public access, as

modified by the staff recommendation, are consistent with the reservation of rights provisions for both "Dry Land to the District" and "Remaining Harbor Water Area," the Commission has concluded and the State Lands Commission has concurred, that those portions of the amendment are consistent with the settlement agreement. (See *Exhibit 10*, p. 6 and *Exhibit 11*.)

Therefore, the Commission concludes that the public access portion of the amendment, as modified by the staff recommendation, is consistent with the settlement agreement.

## **2. Land Subject to the Public Trust**

Also distinct from the analysis of the amendment's consistency with the Coastal Act's public access policies is the separate question of whether the parcels involved in the amendment are subject to the public trust. Staff consulted with the State Lands Commission regarding public trust issues: the location of public trust land in the harbor, the consistency of the proposed amendment with the use of those lands and the location of the mean high tide line with respect to the public trust status of the land that resulted from the filling of state waters. (See *Exhibit 12*, letter dated June 18, 1997 from Staff Counsel Diane Landry to State Lands Commission.)

Staff and State Lands Commission have identified two areas of land subject to public trust and/or reservation of access and recreation rights in favor of the public. The first area is identified as "parcel to state." (See *Exhibit 12*, Exh. 1.) This area is public trust land located seaward of the commercial fishing facilities at the harbor and several hundred feet west of parcels 15, 16 and 18. The uses included in the amendment, both as proposed by the City and as modified by the staff recommendation do not apply to this area. The current LCP designation remains and provides for continuation of the recreational use of this area. Therefore, the Commission has concluded and State Lands Commission has concurred with, that with respect to this parcel, the amendment as modified does not interfere with public trust rights.

The second area is the water portion of parcels 15, 16 and 18 in the "Remaining Harbor Water Area". (Exhibit 12, Exh. 1.) Although most of the parcels are located on dry land, three small areas are underwater, and part of the harbor holdings designated as "remaining harbor water area". In the August 27, 1980 settlement agreement discussed above, the parties agreed that the State would quitclaim to the District all of the State's right, title and interest in the land areas marked as "Remaining Harbor Water Area" "excepting and reserving in favor of the STATE the rights of the public to use the waters within the REMAINING HARBOR WATER AREA for access and recreation consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." (*Exhibit 10*, Cutler Letter, Exh. F.)

The proposed LCPA would not change the land use designation and would not result in the approval of any specific development proposal for the area in the Remaining Harbor Water Area. Although residential and visitor serving uses would be permitted on the land portion of these parcels, those uses will not interfere with the future use of the Remaining Harbor Water Area, and may actually increase the use of that area pursuant to the proposed modifications to the LCPA which require public access and recreation improvements on the harbor waterfront portions of the site. The Commission concludes, and State Lands Commission agrees that the LCPA is consistent with the public's rights in the Remaining Harbor Water Area.

Finally, with respect to the location of the mean high tide line, with respect to the public trust status of the parcel involved in this amendment, that has resulted from filling of state waters, the Commission concludes and State Lands Commission agrees that any States interest relative to the public trust of the dry land was resolved by the 1980 settlement agreement between the State Lands Commission and the Ventura Port District.

Therefore, the Commission concludes that public access and land use designation proposed under the LCPA, as modified by the staff recommendation, are consistent with the public's rights in the Remaining Harbor Water Area.

## **F. 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 Anchor 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*). As proposed by the City, the view corridor across this site has been reduced to that portion of the site from which the Ventura Harbor area is visible. The LCPA specifies that views from 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 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. In addition, the public walkway/bike path along the waterfront portions of the site and the development of the 2.44 acre park on Parcel 16 which is surrounded by water on three sides will provide public views and mitigate the loss of views which are currently provided across and through the site from Anchor Way and Schooner Drive required by the suggested modifications. Finally, in approving the LCPA, the City inadvertently deleted the previous height limitations that were included in the LUP for the Northeast Harbor Area. Therefore, modification #4 is proposed to reinstate height requirements.

## **G. 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 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. 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.

#### **H. 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 carry out 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.

**EXHIBITS TO EXHIBITS TO THE  
STAFF REPORT ARE ATTACHED  
SEPARATELY AS LISTED BELOW**

CITY OF VENTURA PROPOSED LUP CHANGES. . . . .	EXHIBIT 1
(6 pages)	
CITY COUNCIL RESOLUTION PART I, II & III. . . . .	EXHIBIT 2
(11 pages total)	
LOCATION MAP. . . . .	EXHIBIT 3
HARBOR LUP MAP. . . . .	EXHIBIT 4
PROJECT SITE. . . . .	EXHIBIT 5
HARBOR PARCEL MAP. . . . .	EXHIBIT 6
MAP OF HRMU LAND USE. . . . .	EXHIBIT 7
VENTURA HARBOR INGRESS AND EGRESS. . . . .	EXHIBIT 8
HARBORS/MARINAS & PORTS W/RESIDENTIAL DEVELOPMENT IN COASTAL ZONE. . . . .	EXHIBIT 9
6/13/97 LETTER FROM CCC TO SLC. . . . .	EXHIBIT 10
(with Exhibits 8 pages total)	
6/17/97 RESPONSE LETTER FROM SLC TO CCC. . . . .	EXHIBIT 11
6/18/97 LETTER FROM CCC TO SLC. . . . .	EXHIBIT 12a
(with Exhibit 3 pages total)	
6/19/97 RESPONSE LETTER FROM SLC TO CCC. . . . .	EXHIBIT 12b
TRAFFIC STUDY TRIP GENERATION ESTIMATES. . . . .	EXHIBIT 13
POST LCP CERTIFICATION MAP. . . . .	EXHIBIT 14
DEVELOPMENT IN VENTURA HARBOR. . . . .	EXHIBIT 15
STAFF RECOMMENDED PUBLIC ACCESS & VISITOR-SERVING USES MAP. . . . .	EXHIBIT 16
VENTURA HARBOR DEVELOPMENT PLAN MAP. . . . .	EXHIBIT 17

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142



## **EXHIBITS TO CITY OF VENTURA LCPA 2-96 STAFF REPORT ITEM 11A JULY 9, 1997**

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## LAND USE DESIGNATION DEFINITIONS AND POLICY STATEMENT

<u>Destination</u>	<u>Symbol</u>	<u>Density</u>
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<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 95.46 acres. Therefore, approximately 9.546 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 Plesky*  
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:

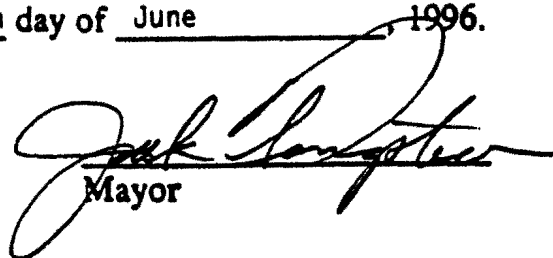
Section 15.238.091 Standards: Accessory Structures. The decision making authority may specify standards for accessory structures in conditions of the Planned Development Permit, or amendments thereof, authorizing a particular project.

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

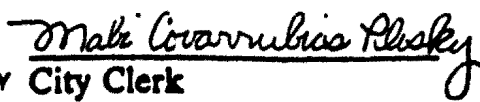
Section 15.238.101 Density Review. Prior to issuance of building permits, floor plans may be reviewed by the Director to determine that density standards will not be exceeded. In order to preclude or lessen the possibility that density standards will be exceeded, or that unlawful density increases will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

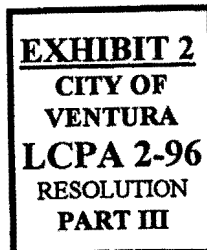
**BE IT ORDAINED** by the City Council of the City of San Buenaventura as follows:

**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:

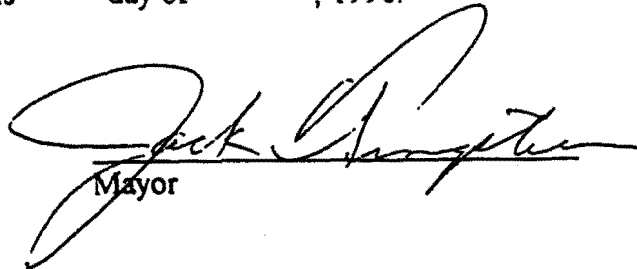
1. The proposed zone of Mobile Home Park (MHP) conforms with the Comprehensive Plan Land Use designation of Mobile Home Park (MHP).
2. The proposed zone is consistent with and compatible with the zoning of surrounding properties, including the residential development to the north.
3. The proposed zone 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).



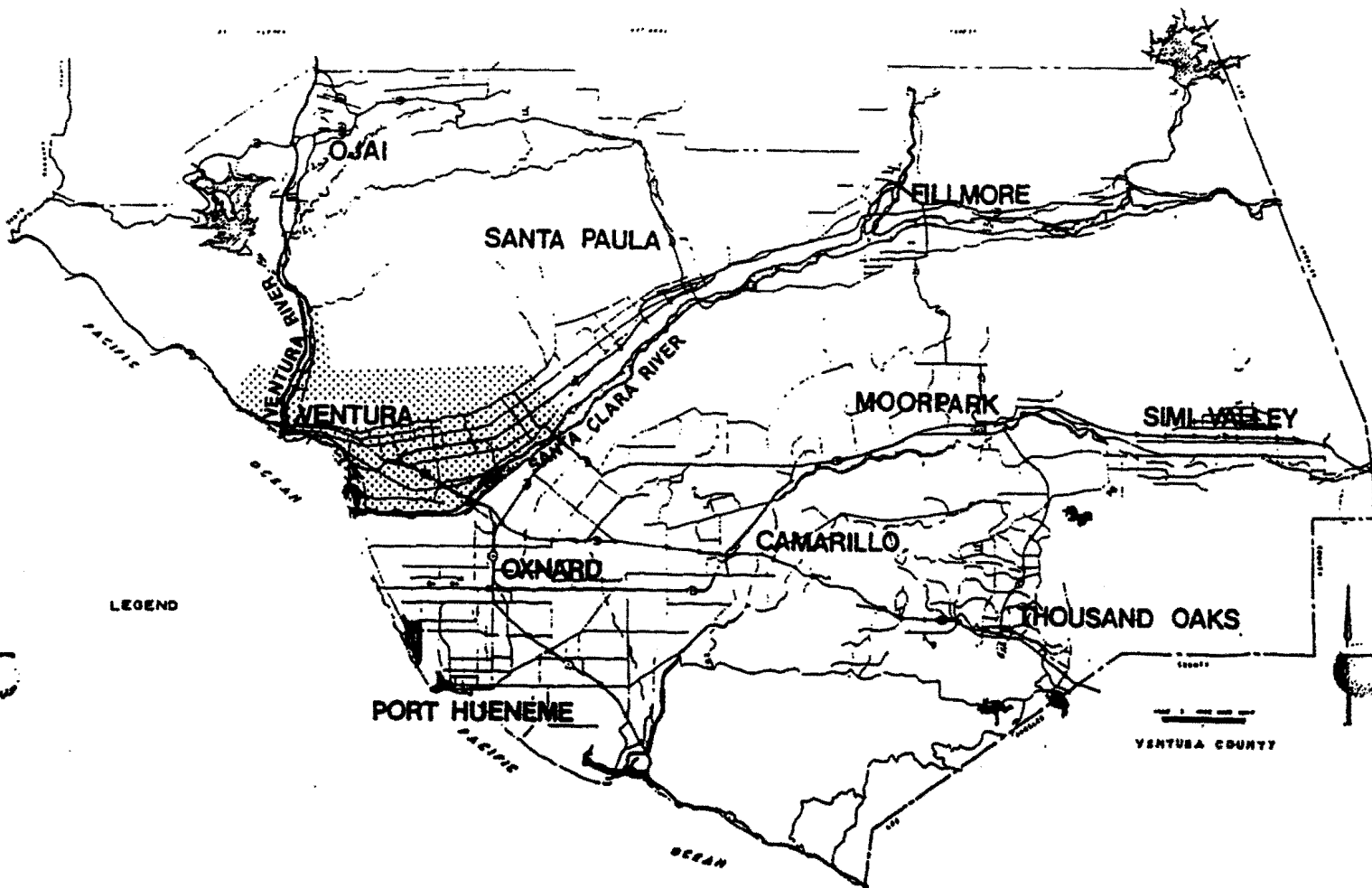
SECTION 4: This Ordinance shall take effect on the 31st day after its final passage and adoption.

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

  
Mayor

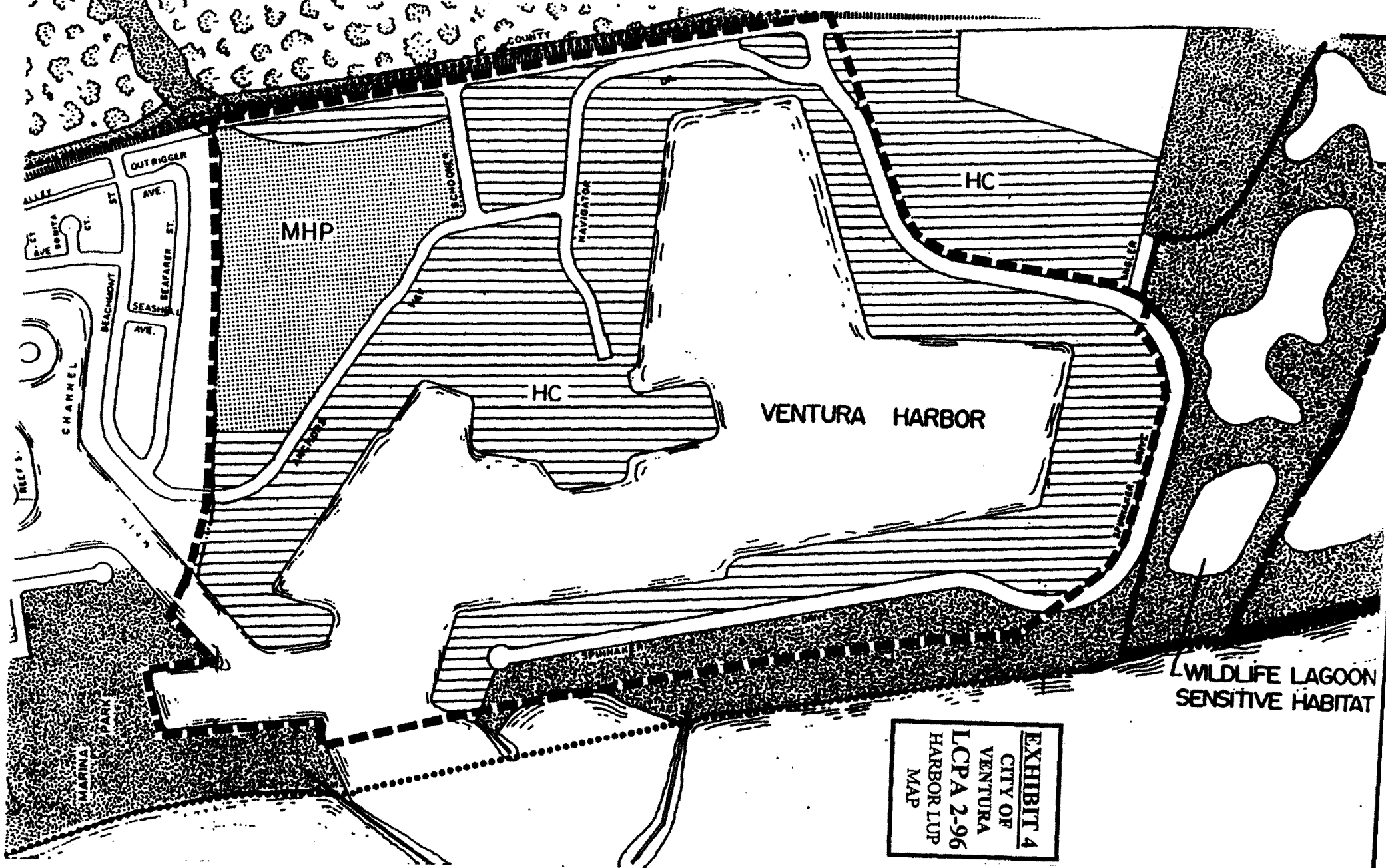
ATTEST:

  
Deputy City Clerk



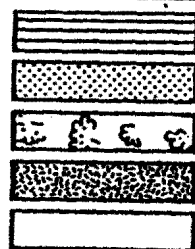
**EXHIBIT 3**  
**CITY OF**  
**VENTURA**  
**LCPA 2-96**  
**LOCATION MAP**

# **LOCATION MAP**



Map 2

# Ventura Harbor LAND USE PLAN

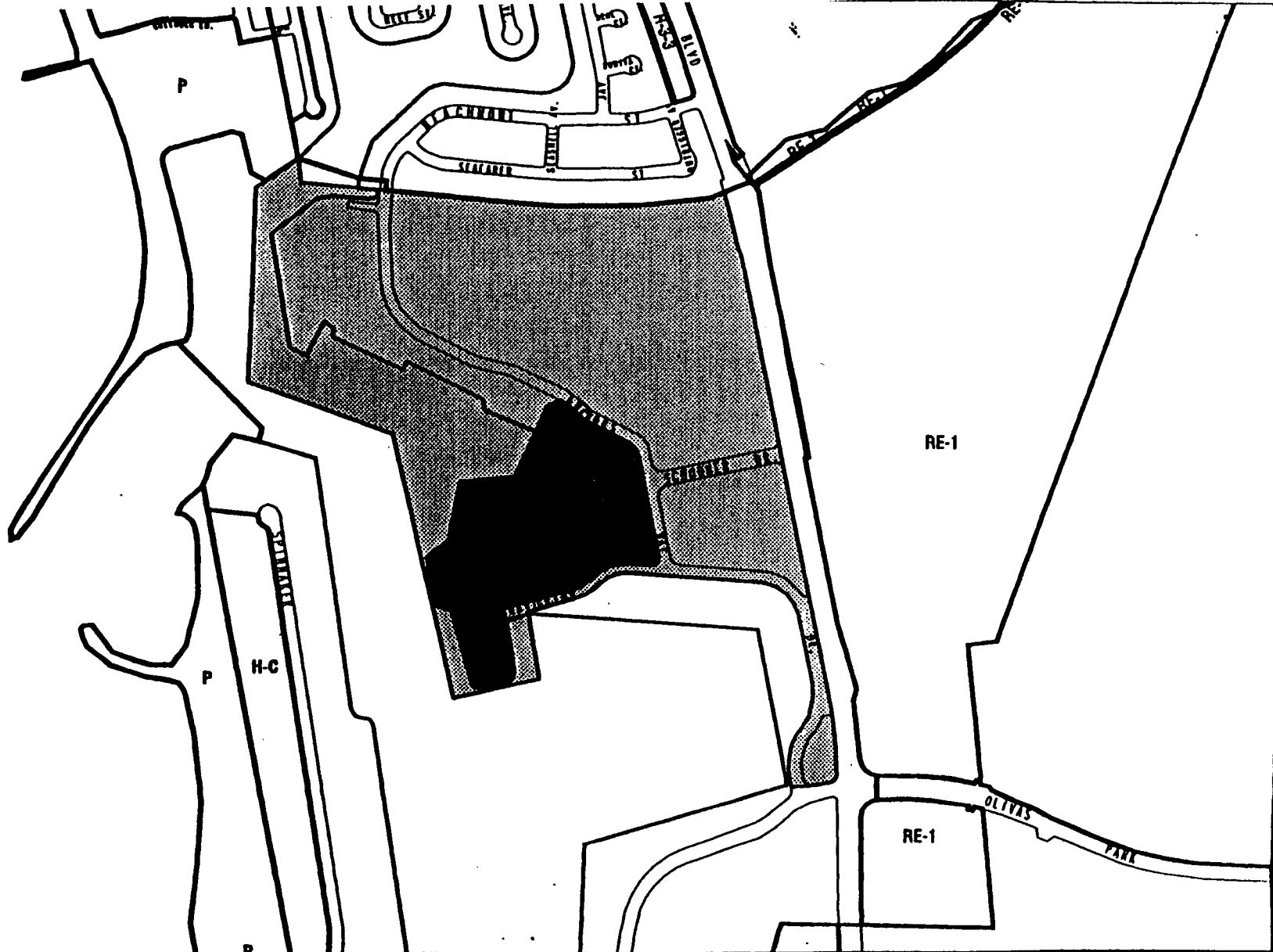


Harbor Commercial (HC)  
Mobile Home Park (MHP)  
Agricultural Use  
Parks and Linear Parks  
Existing Urban

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**

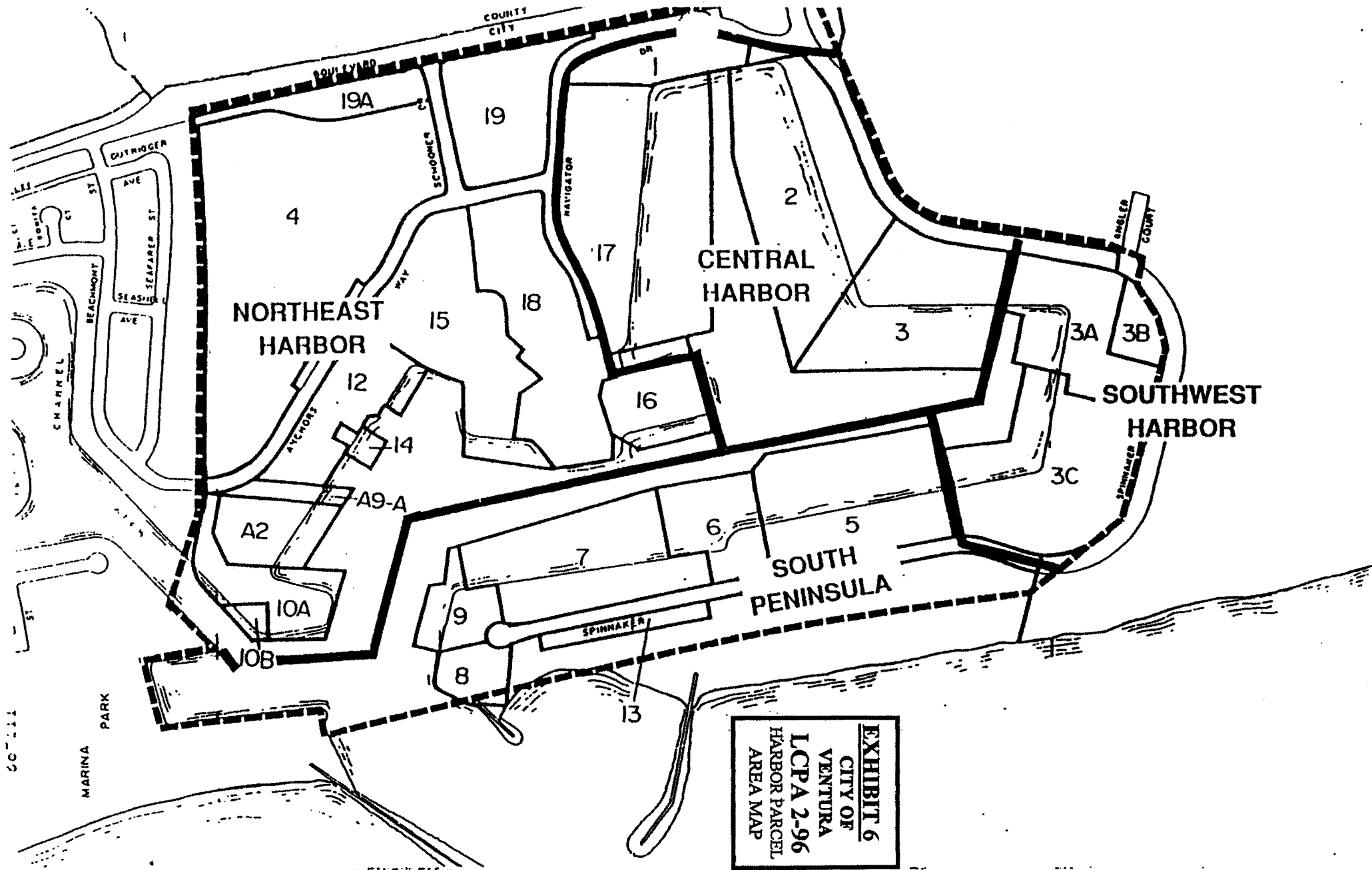
**SCALE:**  
1" = 800'

Area for  
Consideration



**DATE:** January 10, 1996

**Case Planner:**  
M. THOMPSON



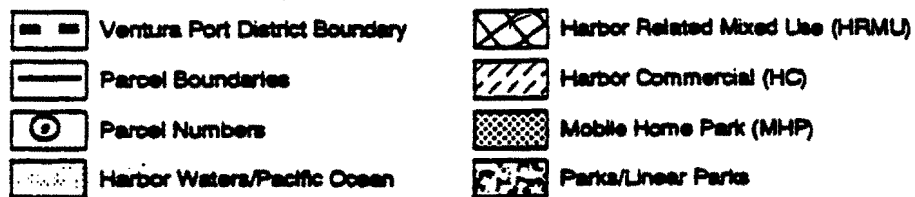
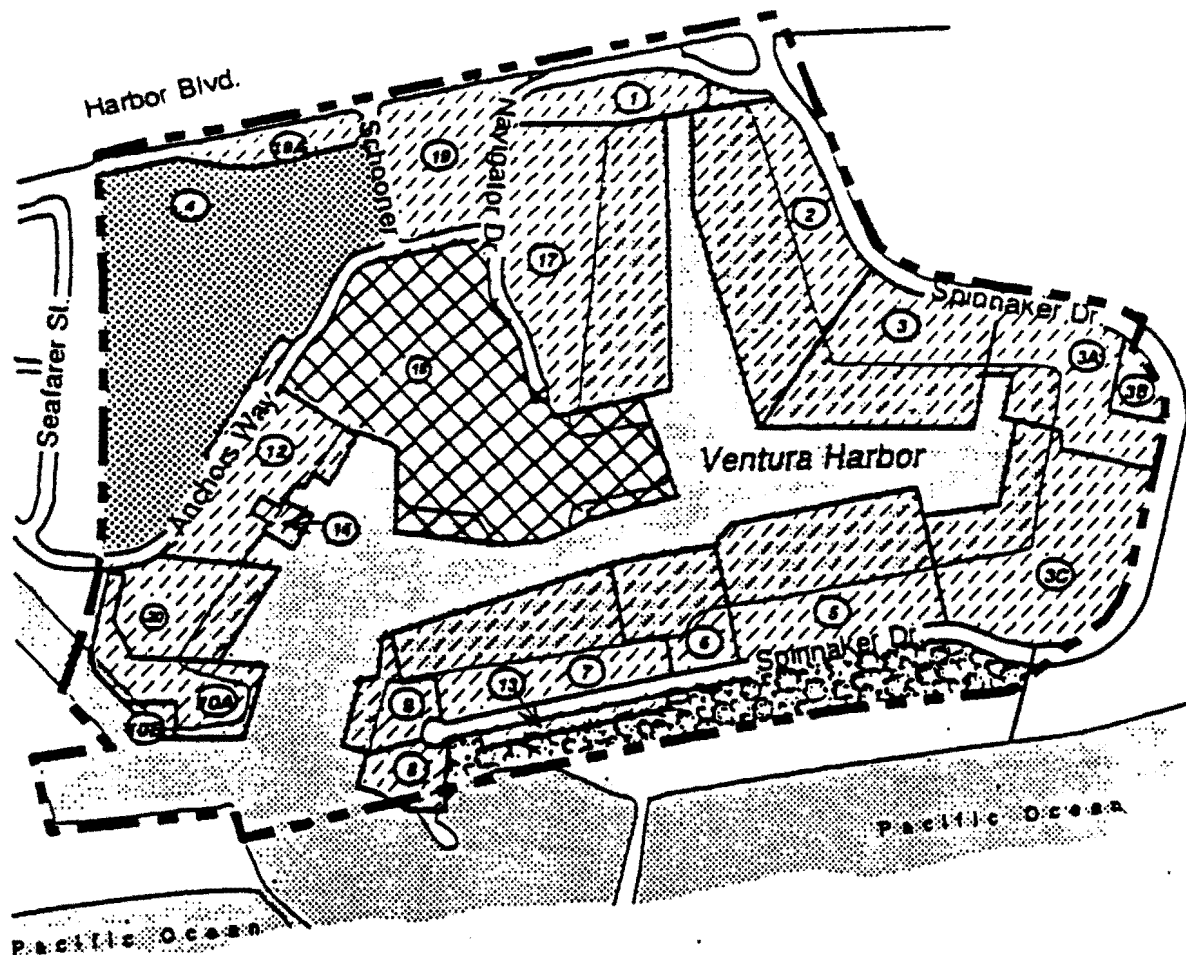
Map 1

# VENTURA HARBOR AREAS

--- Ventura Port District Boundary

— Area Boundaries  
— Parcel Boundaries  
5 Parcel Numbers

Scale  
None



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

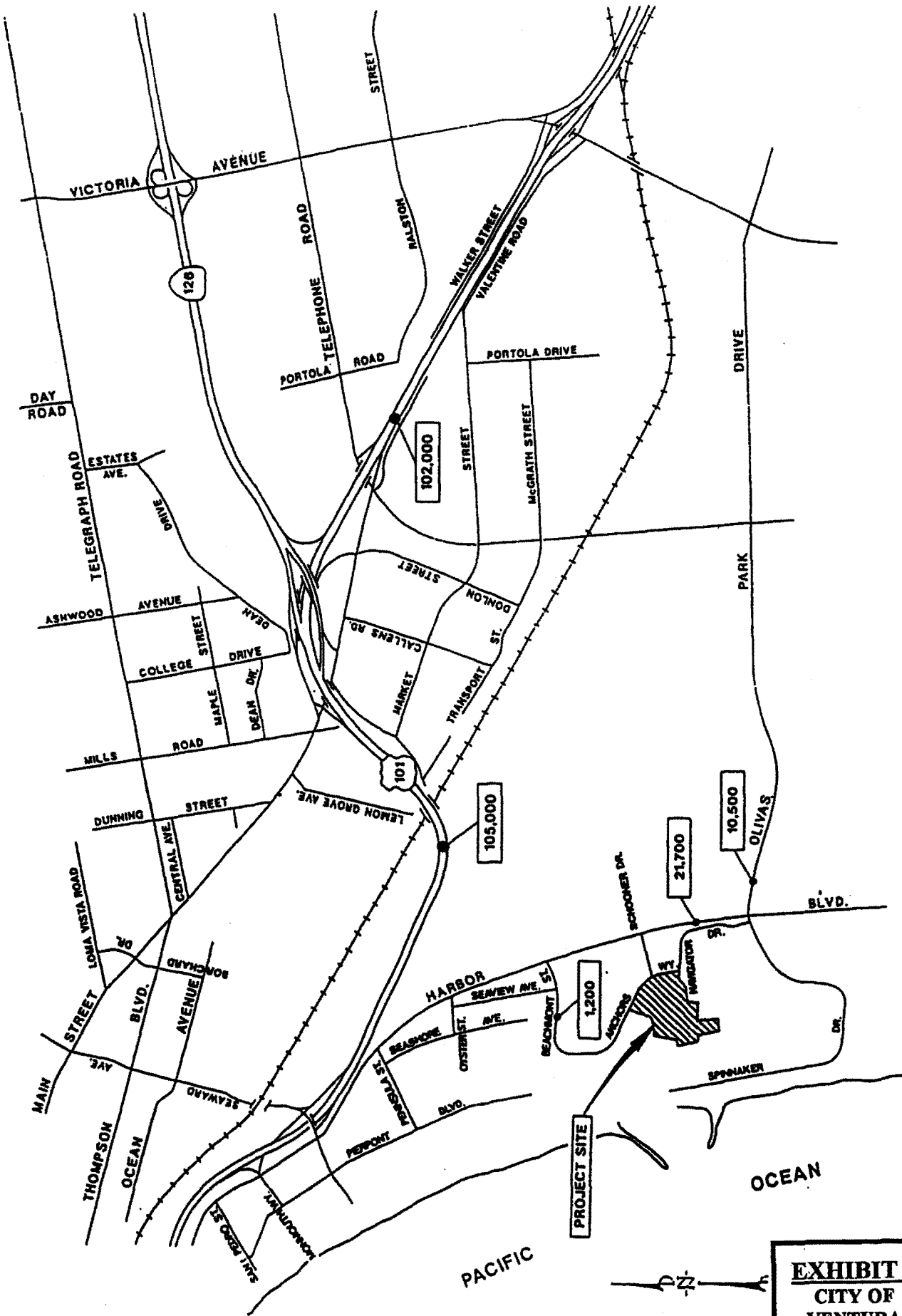
CASE NO. MP-109

Land Use and Parcel  
designation



Ventura Port District  
Comprehensive Plan Amendment

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



EXISTING ADT VOLUMES

FIGURE 3

ASSOCIATED TRANSPORTATION ENGINEERS  
100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 887-4418



**EXHIBIT 8**  
**CITY OF**  
**VENTURA**  
**LCPA 2-96**  
**HARBOR**  
**INGRESS/EGRESS**



# 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 LUP 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	Humbolt Bay -- Wooley Island Marina & Eukea 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*

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200

**EXHIBIT 10**

**CITY OF  
VENTURA  
LCPA 2-96**  
6/13/97 Letter  
from CCC to State  
Lands Comm.  
*with Exhibits*

Via Facsimile (916) 574-1855

June 13, 1997

Curtis Fossum, Esq.  
State Lands Commission  
100 Howe Ave., Ste. 100  
Sacramento, CA 95825

**RE: Proposed Major Amendment (2-96) to the City of San Buenaventura  
Certified Local Coastal Program**

Dear Curtis:

This letter will confirm our discussion this week. The Commission has tentatively scheduled for hearing on July 8-11 the above-referenced proposed Local Coastal Program (LCP) amendment. A copy of a staff report prepared on February 21, 1997 for a previous hearing on this matter is enclosed for your information. The report describes in detail the proposal and the staff recommendation for Commission action, including suggested modifications to the proposal. The proposed amendment is described in Section II, below.

As we discussed, a portion of the parcels involved in the amendment were the subject of a settlement agreement entered into in 1980 between the State Lands Commission and the Ventura Port District. Those parcels are commonly known as Port District parcels 15, 16, and 18. In considering the proposed amendment, the Commission wishes to review whether the portion of the staff recommendation for this amendment that relates to public access is consistent with the settlement agreement. The purpose of this letter, therefore, is to inquire whether you concur with our conclusions detailed below as to consistency of the public access portion of the staff recommendation with both the settlement agreement and the two leases entered into pursuant to that agreement.

**I. Factual Background**

The Development Plan. In December 1979, the Ventura Port District adopted its Development Plan, in part to provide the City of Ventura with input which would assist the City in preparation of its LCP. The Plan designates various recreational and commercial uses for the 24 parcels and other land and water areas which comprise the harbor area. The Plan included a Circulation Plan, Figure 4, a copy of which is enclosed, which shows the locations of pedestrian walkways and bikeways. Page 23, paragraph 3, of the Plan states:

Bicycle lanes and pedestrian walkways have been incorporated into the Ventura Harbor Development Plan to coordinate with the City's circulation system. Bicycle lanes will enter the Harbor at the Beachmont entrance, continue along Anchors Way to Parcel 15, travel along the water's edge to Spinnaker Drive, follow Spinnaker Drive to the end of the peninsula and back, and then exit the Harbor at Spinnaker Drive to Harbor Boulevard. The pedestrian walkways will line both sides of Anchors Way and Schooner Drive, and will lead around much of the Harbor along the water's edge. (These streets are shown on Exhibits 4, 5, and 7 of the enclosed staff report.)

The walkways and bikeways are being designed to separate bicyclists and pedestrians from motor vehicle traffic wherever possible, and to encourage bicycle and pedestrian use. They will provide a low-cost form of recreation to Harbor visitors and will also provide visitors with visual access to the boat and water areas of the Harbor.

Page 28 of the Plan states, with respect to Coastal Act section 30211:

Public access to water and viewing access (is) provided by the observation decks and areas, public beach with parking, walkways and bike paths, marinas, transportation to the Channel Islands, sportfishing and tour boats.

The Settlement Agreement. On August 27, 1980, the State Lands Commission, and the Ventura Port District entered into a settlement agreement titled "Exchange Agreement." That agreement involved portions of the parcels now at issue in the pending proposed LCP amendment, as well as other harbor parcels. Enclosed for your review is a copy of Exhibit F of the agreement that has been marked with "cross-hatching" by Commission staff to indicate the area involved in the proposed LCP amendment. Pursuant to the agreement, the following items, among others, were agreed to by the parties:

1. The Port District granted to the State all of the District's right, title and interest in the lands marked as "Parcel to State" on Exhibit F of the agreement. (Agreement, p. 8, paragraph 1.) The State would hold the lands in its sovereign capacity as tide and submerged lands held under the public trust for commerce, navigation, fisheries, and recreation. (Agreement, p. 8, paragraph 2.);
2. The State quitclaimed to the Port District all of the State's right, title and interest in the lands marked as "Dry Land to District" in Exhibit F of the agreement; "excepting and reserving in favor of the STATE public access to the waters of Ventura Harbor and the Pacific Ocean consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." (Agreement, p. 8, paragraph 3.a.);

3. The State quitclaimed to the Port District all of the State's right, title and interest in the land areas marked as "Remaining Harbor Water Area" in Exhibit F of the agreement, "excepting and reserving in favor of the STATE the rights of the public to use the waters within the REMAINING HARBOR WATER AREA for access and recreation consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." (Agreement, pp. 8-9, paragraph 3.b.);
4. The State would then lease back to the Port District all of the State's right, title and interest in the lands marked as "Harbor Water Area Leased to District" and "Parcel to State" in Exhibit F of the agreement. (Agreement, p. 9, paragraphs 4.a and 4.b.).

The Two Leases. Pursuant to the Exchange Agreement, the State Lands Commission entered into the two leases referenced above, attached as Exhibits H and I to the settlement agreement. In the first lease, the State Lands Commission leased to the Port District the lands marked as "Harbor Water Area Leased to District" on Exhibit F of the agreement. (Agreement, Exh. H.) That lease stated that the "land use or purpose" was "berthing for commercial fishing and recreational vessels and navigational channels." (Agreement, Exh. H, p. 1.)

In the second lease, the State Lands Commission leased to the Port District the lands marked as "Parcel to State" on Exhibit F of the agreement. (Agreement, Exh. I.) That lease stated that the "land use or purpose" was "Purposes of accomodating commerce, navigation, fisheries and recreation, including public beach and related uses." (Agreement, Exh. I, p. 1.)

Both leases to the Port District contain an identical provision concerning public access, as follows:

5.(a)(3): Lessor expressly reserves to the public an easement for convenient access across the Lease Premises to other State-owned lands located near or adjacent to the Lease Premises and a right of reasonable passage across and along any right-of-way granted by this Lease, however, such easement or right-of-way shall be neither inconsistent nor incompatible with the rights or privileges of Lessee under this Lease. (Agreement, Exhs. H and I, Section 4, paragraph 5.(a)(3).)

## II. Analysis of LCP Amendment and Conclusions

The LCP Amendment. Briefly, the amendment involves a proposal to redesignate parcels which total 24.62 acres (20.85 acres on land and 3.7 acres on water) from the City's Commercial land use designation to a new Harbor Related Mixed Use land use designation. The new designation would specifically allow 90% of the land section of the parcels to be developed with residential use at a density of 20 dwellings per acre and the remaining 10% of the parcel to be developed with either general commercial or visitor-serving

commercial use. The City contemplates the maximum total potential residential development to be 300 residential units. The amendment also provides for the development of a pedestrian/bike path along the waterfront sides of the parcels, as described in more detail below.

As is evident from the cross-hatching on the enclosed copy of Exhibit F to the settlement agreement, the lands involved in the proposed LCP amendment include portions of the lands referred to in the agreement as "Dry Land to District" and "Remaining Harbor Water Area." It appears, therefore, that none of the land involved in this LCP amendment constitutes any portion of the leased premises covered by the two leases attached as Exhibits H and I to the agreement, as the leased premises only covered "Harbor Water Area Leased to District" and "Parcel to State." However, because both the "Dry Land to District" and "Remaining Harbor Water Area" were quitclaimed via the settlement agreement to the Port District with the reservations of rights described above, those reservations must be reviewed against the LCP amendment in order to determine whether the use of these two areas that is proposed in the staff recommendation for the LCP amendment is consistent with those reservations.

"Remaining Harbor Water Area." We note that the LCP amendment proposes changes in land use designations only for the portion of the cross-hatched area on the enclosed Exhibit F that falls within the area marked "Dry Land to District." The amendment makes no specific development proposal or change in land use designation for the portion of the cross-hatched area marked "Remaining Harbor Water Area." Portions of the "Remaining Harbor Water Area" were apparently included by the City as part of the geographic area affected by the proposed LCP amendment because parcels 15, 16 and 18 include areas that fall within "Remaining Harbor Water Area."

The State's quitclaim of the "Remaining Harbor Water Area" reserved "the rights of the public to use the waters within the REMAINING HARBOR WATER AREA for access and recreation consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." We understand that the City intends to develop portions of the cross-hatched area falling within the "Remaining Harbor Water Area" in the future. At such time as specific uses are proposed for that area, a review of the proposed uses to determine consistency with the reservation of rights for the "Remaining Harbor Water Area" would then be appropriate. At this juncture, therefore, we have concluded that there is nothing proposed in this amendment at this time that is inconsistent with the reservation of rights for the "Remaining Harbor Water Area."

"Dry Land to District." For the portion of this area shown in the cross-hatching, the LCP amendment proposes the land use designation change described above, which would allow for residential and other uses on the site. With respect to public access, the amendment proposes a single pathway of unspecified width for pedestrian and bicycle use. This accessway would generally run in a continuous fashion adjacent to and along the entire length of the today's waterfront along parcels 15, 16 and 18. It appears that the proposed bike/walkway would be located on the approximate border between "Dry Land to the District" and "Remaining Harbor Water Area" as shown in the

cross-hatched area. (Without a survey of the boundary line of these two delineated areas on Exhibit F compared to the proposed location of the pathway, it is impossible for us to determine whether the pathway would be located exactly along the border between the two delineated areas.)

In addition to the bike-walkway proposed by the City for this amendment, the Commission staff has recommended that another accessway be provided in order to ensure the proposal's consistency with the Coastal Act. This accessway would be a minimum 20-foot wide, vertical public accessway beginning at the approximate terminus of Schooner Drive, continuing through parcel 18 and connecting to the harbor front pathway for bicycles/pedestrians. (See enclosed staff report, p. 12, Suggested Modification 3(b).)

The staff recommendation also suggests that the LCP amendment be modified to specify that the public use zone for public access and recreation improvements, which includes the bike/walkways and other improvements such as picnic tables, landscaping, fountains, parking, and benches, be a minimum of 25 feet wide and average 50 feet wide. (Staff report, p. 12, Suggested Modification 2(b).) The recommendation also suggests that the bike/walkways located along the harbor water frontage should be connected to adjacent public areas so that there is a continuous route around the harbor water channel. (Staff Report, p. 12, Suggested Modification 2(c).) (It is the City's accessway proposal as modified by the above-described staff recommendations for public access, which we would like you to address in reviewing this amendment's consistency with the settlement agreement and leases.)

The State's quitclaim to the Port District of the "Dry Land to District" reserved "public access to the waters of Ventura Harbor and the Pacific Ocean consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." The Development Plan's public access components must therefore be analyzed in order to determine whether the pedestrian and bicycle accessways proposed by the staff recommendation for this amendment are consistent with, and at least as comprehensive as, the public access described in the Development Plan.

It appears that the waterfront bicycle/pedestrian path proposed by the amendment, as modified by staff's recommendation, is generally consistent with the bicycle and pedestrian access contemplated by the Circulation Plan of the Development Plan in that the path will be located along the waterfront in the same general location, will allow the public to travel continuously along the water's edge, and will provide visitors with visual access to the boat and water areas of the harbor. The proposed bike/accessway along the waterfront also appears generally consistent with the statements relating to public access on page 23 of the Plan, described above. In particular, the path will separate bicyclists and pedestrians from motor vehicle traffic wherever possible, as set forth in the Plan.

As noted above, the staff recommendation suggests the proposal be modified to set a minimum width for the waterfront access improvements and add an additional accessway leading from Schooner Drive through parcel 18 of "Dry Land to District" to the waterfront path. We have concluded that these

recommendations are also consistent with the Development Plan. We have also concluded that the total accessway package recommended by staff is at least as comprehensive as that contemplated by the Development Plan. For these reasons, we have concluded that the staff recommendation for the LCP amendment is consistent with the reservation of rights pertaining to "Dry Land to the District."

Because it appears that the portions of the LCP amendment relating to public access, as modified by the staff recommendation, are consistent with the reservation of rights provisions for both "Dry Land to the District" and "Remaining Harbor Water Area," we have concluded that these portions of the amendment are consistent with the settlement agreement. We have also concluded that the use of the lands contemplated by the staff recommendation does not appear to be inconsistent with any other provision of the agreement.

Leases. With respect to the two leases which are attached to the settlement agreement, we note that none of the lands affected by this LCP amendment appear to constitute any portion of the leased premises covered by the two leases attached as Exhibits H and I to the agreement. We also note that nothing proposed in the amendment, or recommended in the staff recommendation, appears to affect the reservations found at paragraphs 5(a)(3) of those leases. Those provisions reserved easements for access across the two leased premises to other State-owned lands and a right of passage across any right of way granted by the leases. Further, it appears that the proposed use of the lands affected by the LCP amendment does not pose an inconsistency or incompatibility with the allowed uses, described above, of the "Parcel to State" or "Harbor Water Area Leased to District" specified in the two leases for the two leased premises. We have concluded, therefore, that there is nothing in the LCP amendment, as modified by the staff recommendation, that is inconsistent with the terms of the two leases.

We would be appreciative if you would advise us of your concurrence or disagreement with the various conclusions set forth in this letter.

Very truly yours,

  
CATHERINE E. CUTLER  
Staff Counsel

- Encls: 1. Staff Report  
2. Exhibit F of Exchange Agreement, as modified to show area affected by LCP amendment  
3. Circulation Plan, Figure 4 of Development Plan

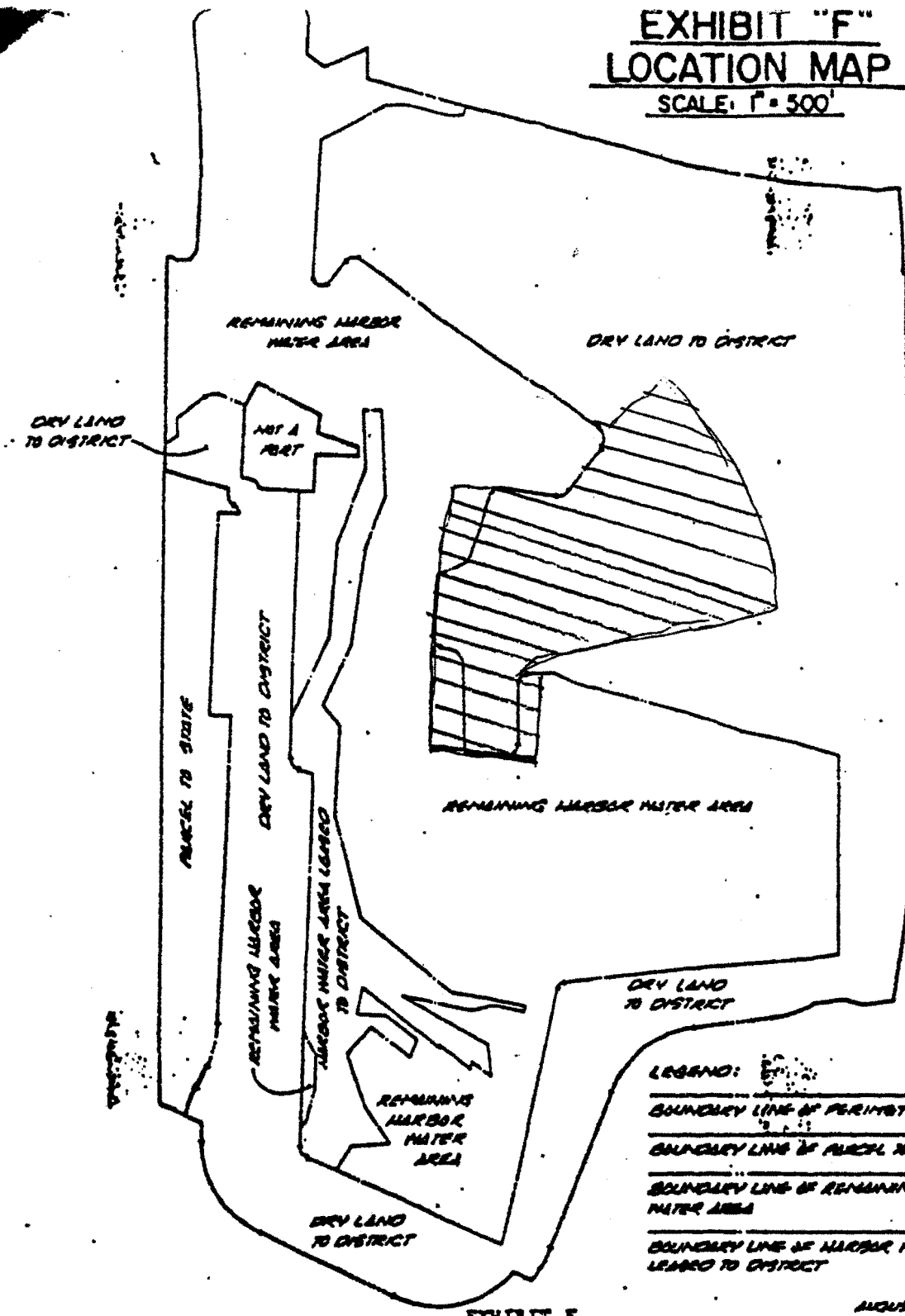
cc (w/encls. 2, 3):

Dwight Sanders, State Lands Commission  
Marion Thompson, City of Buenaventura  
Edward G. Wohlenberg, Ventura Port District  
Ralph Faust, Esq.

# EXHIBIT "F" LOCATION MAP

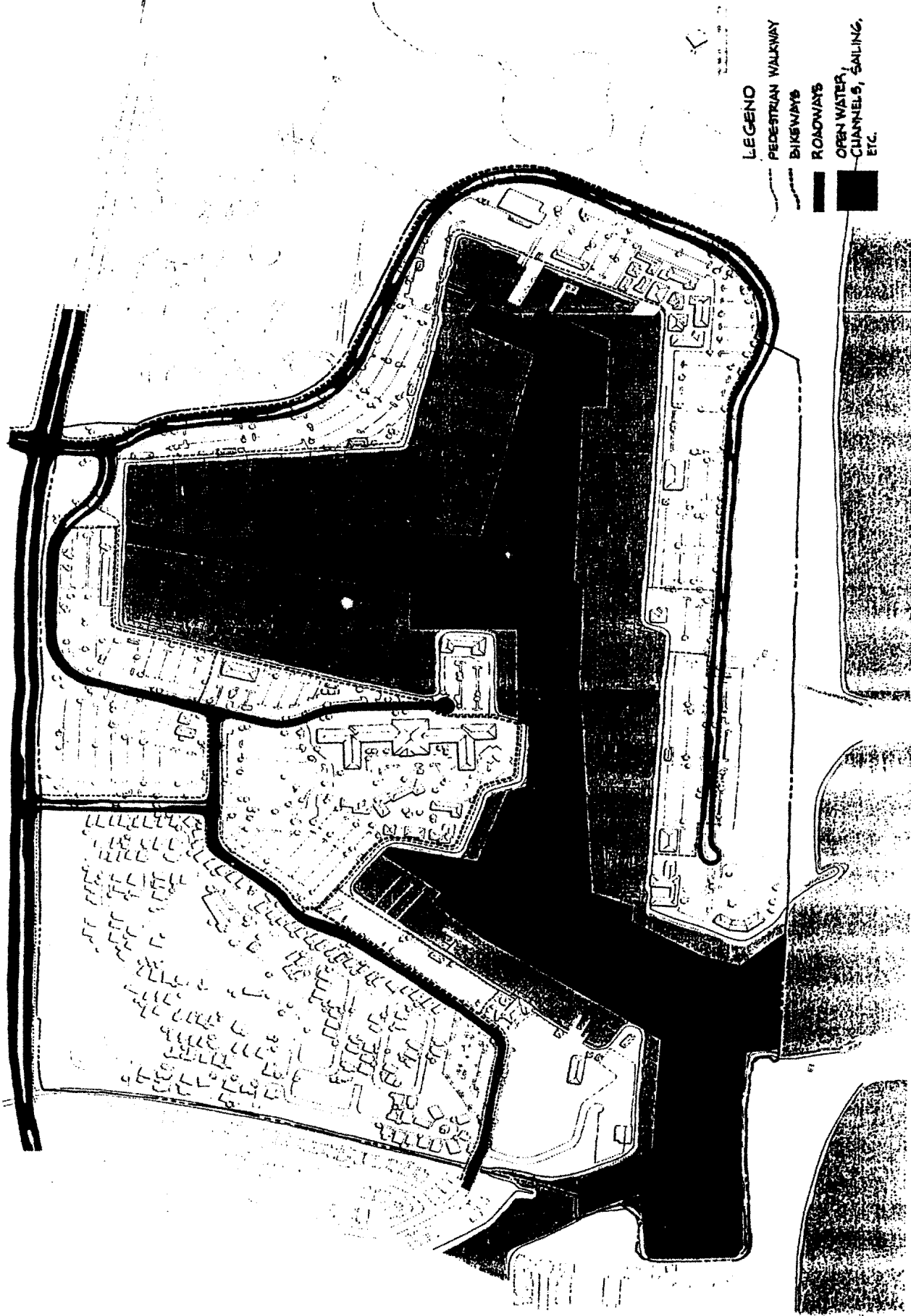
SCALE: 1" = 500'

UC 5726 MAR 566



AUGUST 22, 1900  
J.M. 2908





CIRCULATION PLAN · VENTURA HARBOR · VENTURA PORT DISTRICT  
VENTURA, CALIFORNIA

## CALIFORNIA STATE LANDS COMMISSION

00 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202



ROBERT C. HIGHT, Executive Officer

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2922

from Voice Phone 1-800-735-2929

Internet: fossumc@slc.ca.gov

Phone: (916) 574-1828

FAX: (916) 574-1855

June 17, 1997

SLL 66

Catherine E. Cutler  
Staff Counsel  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219


Re: Ventura Port District LCP Amendment

Dear Catherine:

Staff of the State Lands Commission has reviewed your letter of June 13, 1997. We agree with all of your conclusions therein. Specifically, the proposed LCP amendment relating to public access, as modified by the Coastal Commission staff's recommendation, is consistent with the terms of the 1980 title settlement agreement between the State Lands Commission and Ventura Port District..

If you have additional questions you may contact me at the phone, internet or mail addresses listed above.

Sincerely,



Curtis L. Fossum  
Senior Staff Counsel  
Southern California Region

**EXHIBIT 11**CITY OF  
VENTURA

LCPA 2-96

6/17/97 Response  
Letter from SLC  
to CCC

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(408) 437-4883  
HEARING IMPAIRED: (415) 804-6200



June 18, 1997

Curtis Fossum, Esq.  
State Lands Commission  
100 Howe Ave., Suite 100  
Sacramento, CA 95825

RE: *Ventura Harbor, San Buenaventura LCP*

Dear Curtis:

This letter concerns our recent discussion regarding the effects of the proposed amendment to the Ventura Harbor portion of the City of San Buenaventura's Local Coastal Program on the lands and water areas within the harbor area that are impressed with the public trust and/or are subject to a reservation of access and recreation rights in favor of the public. This letter incorporates the analysis and conclusions of the June 13, 1997 letter from Catherine Cutler to you.

As you know from conversations with Catherine Cutler and other Commission staff, the proposed amendment will allow residential use on port district parcels 15, 16, and 18. If the Commission approves modifications recommended by staff, a variety of access and recreation improvements will be required (including a park adjacent to the shoreline) and the remaining shoreline area will be designated for access and visitor serving commercial uses. Staff is recommending that with these modifications, the remainder of the site can be designated for residential use. I understand from correspondence between you and Catherine that the public access portion of this amendment, as modified, is consistent in your view with the 1980 settlement agreement between State Lands and the Ventura Port District.

Two public trust issues, however, remain to be addressed. At the last hearing on this item, the Commission raised questions regarding the location of public trust land in the harbor and consistency of the proposed amendment with the use of those lands.

We have identified two areas of lands that are subject to the public trust and/or to a reservation of access and recreation rights in favor of the public. The first area is identified on the accompanying exhibit as "parcel to state". This is public trust land located seaward of the commercial fishing facilities at the harbor and several hundred feet west of parcels 15, 16 and 18. The uses included in the amendment, both as proposed by the City and as modified by the staff recommendation do not apply to this area. The current LCP designation remains and provides for continuation of the recreational use of this area. Therefore, we have concluded that with respect to this parcel, the amendment as modified does not interfere with public trust rights.

The second area is the water portion of parcels 15, 16, and 18 in the "Remaining Harbor Water Area". The attached exhibit shows the area of the subject parcels in cross-hatch. Although most of the area of the parcels is located on dry land, three small areas are underwater (boundaries are approximate), and part of the harbor holdings designated as "remaining harbor

**EXHIBIT 12a**

**CITY OF  
VENTURA  
LCPA 2-96**  
6/18/97 Letter  
from CCC to State  
Lands Comm.  
with Exhibit

State Lands Commission  
June 18, 1997  
Page 2

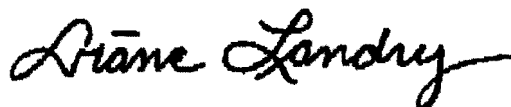
water area". In the August 27, 1980, settlement agreement between the State Lands Commission and the Ventura Port District, the parties agreed that the State would quit claim to the District all of the State's right, title and interest in the land areas marked as "Remaining Harbor Water Area" in Exhibit F of the agreement, "excepting and reserving in favor of the STATE the rights of the public to use the waters within the REMAINING HARBOR WATER AREA for access and recreation consistent with, and at least as comprehensive as provided in, the DEVELOPMENT PLAN." (Agreement, pp. 8-9, paragraph 3.b)

The amendment would not change the land use designation and would not result in the approval of any specific development proposal for the area in the Remaining Harbor Water Area. Although residential visitor serving and park uses would be permitted on the land portion of these parcels, those uses will not interfere with the future use of the Remaining Harbor Water Area, and may actually increase the use of that area as contemplated in the Development Plan and settlement agreement. Thus, continued access and recreational uses of the water area may be somewhat enhanced as a result of staff recommended modifications which provide for greater public use of the immediate shoreline areas adjacent to the harbor waters. Therefore, we concluded that the LCP amendment is consistent with the public's rights in the Remaining Harbor Water Area.

On another issue, there has been some discussion about the location of the mean high tide line, particularly with respect to the public trust status of this land resulting from the filling of state waters. We note this issue appears to have been fully resolved in the settlement agreement, and thus for the purpose of this amendment does not appear to require future review.

Thank you for your attention to this issue. Please advise us of your concurrence or disagreement with this letter.

Sincerely,



DIANE S. LANDRY  
Staff Counsel

DSL/cm

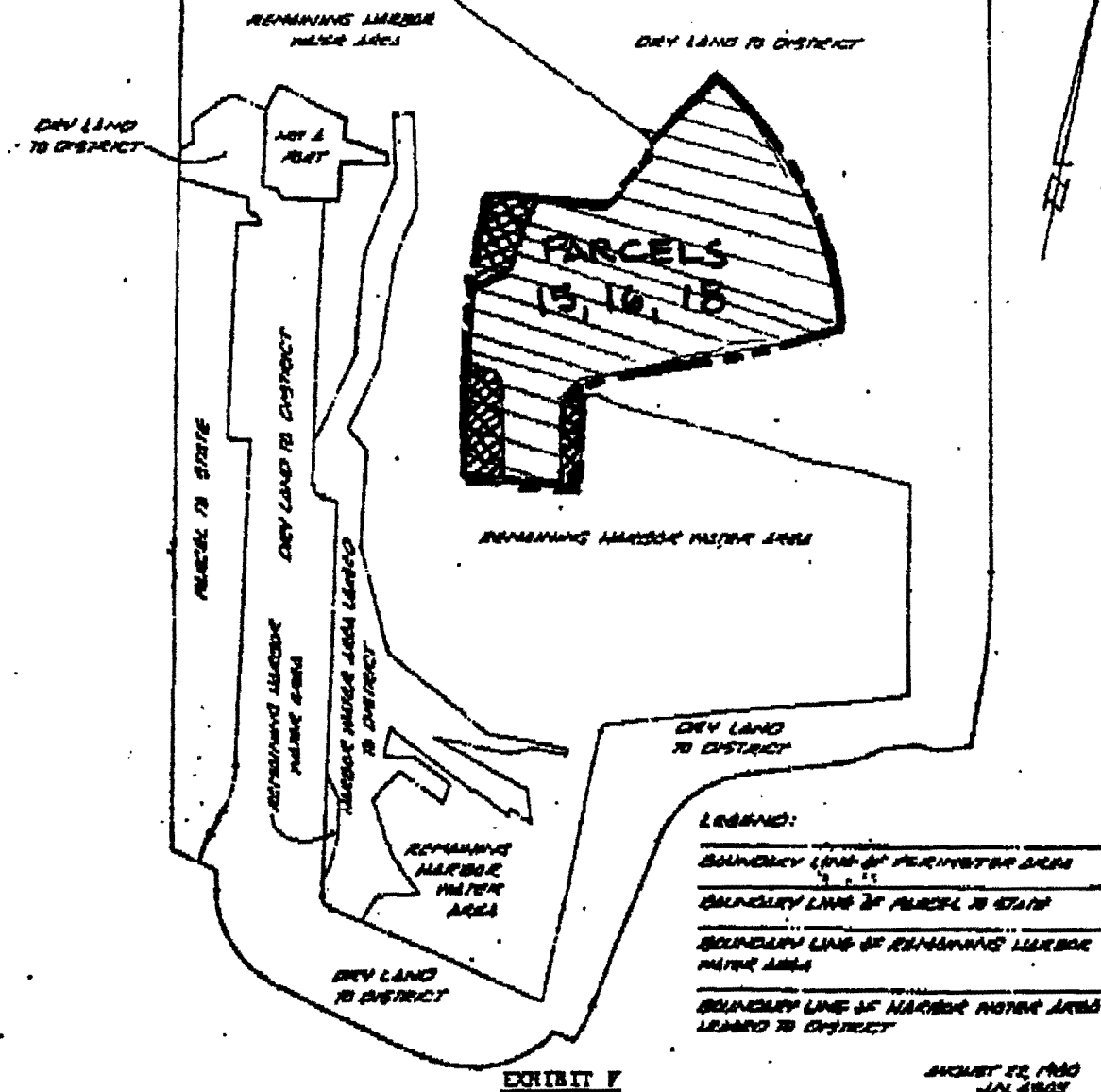
cc: Dwight Sanders, State Lands Commission  
Marion Thompson, City of Buena Ventura  
Edward G. Wohlenberg, Ventura Port District  
Ralph Faust, Chief Legal Counsel

Attachment  
ltvenhar.doc

## LOCATION MAP

SCALE: 1" = 500'

WA 5726 WA 566



MAP NOTE: DIAGONAL LINES SHOW APPROXIMATE  
LAND AREA OF PARCELS 15, 16, 18  
CROSS-HATCH SHOWS APPROXIMATE  
WATER AREAS OF PARCELS 15, 16, 18.

— VENTURA HARBOR DISTRICT LANDS —

STATE OF CALIFORNIA

PETE WILSON, Governor

CALIFORNIA STATE LANDS COMMISSION  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202



ROBERT C. HIGHT, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
California Relay Service From TDD Phone 1-800-735-2922  
from Voice Phone 1-800-735-2929

Internet: [semland@slc.ca.gov](mailto:semland@slc.ca.gov)  
Phone: (916) 574-1828  
FAX: (916) 574-1823

June 19, 1997

SLL 66

Diane Landry  
Staff Counsel  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: Ventura Port District LCP Amendment


Dear Diane:

Staff of the State Lands Commission has reviewed your letter of June 18, 1997. We agree with your conclusions regarding the proposed LCP amendment relating to the public trust lands owned by the state and leased to the Ventura Port District. We also concur that those public access and recreational use rights, provided for by the terms of the 1980 title settlement agreement between the State Lands Commission and Ventura Port District, involving the REMAINING HARBOR WATER AREA will not be adversely impacted by the LCP amendment as recommended to be modified by Coastal Commission staff.

Finally, the 1980 settlement resolved all sovereign title issues, including the public trust easement with the harbor area. Other than the access and recreational use rights within the REMAINING HARBOR WATER AREA and the public access rights to the waters in the harbor and Pacific Ocean "at least as comprehensive as provided in the DEVELOPMENT PLAN" of December 1979, the state quitclaimed all rights within the harbor district for the two parcels identified in Exhibit "F" attached to your letter as PARCEL TO STATE and HARBOR WATER AREA LEASED TO DISTRICT.

If you have additional questions you may contact me at the phone, internet or mail addresses listed above.

Sincerely,

  
Curtis L. Fossum  
Senior Staff Counsel  
Southern California Region

cc: Dwight Sanders

**EXHIBIT 12b**  
CITY OF  
VENTURA  
LCPA 2-96  
6/19/97 Response  
Letter from SLC  
to CCC

## Trip Generation

As with the preferred development scenario, trip generation estimates for Alternative Development Scenarios "A", "B", "C", "D" and "E" were calculated using the City's adopted rates and a 20 percent pass-by factor for the commercial uses. Table 13 displays the trip generation estimates for the five alternative scenarios, as well as the preferred development.

The data in Table 13 indicate that the alternatives would generate various levels of traffic; from no additional traffic for Alternative A (no project) to 9,505 ADT and 890 P.M. peak hour trips for Alternative B (a shopping center development).

**TABLE 13  
ALTERNATIVE DEVELOPMENT SCENARIOS  
TRIP GENERATION ESTIMATES**

Land Use	Size	Pass-By Factor	Average Daily		P.M. Peak Hour			
			Rate	Trips	Rate	Trips	In	Out
<u>Alternative A:</u> No Project	NA	NA	NA	NA	NA	NA	NA	NA
<u>Alternative B:</u> Shopping Center	218,000 S.F.	0.80	54.5	9,505	5.10	890	445	445
<u>Alternative C:</u> 70/30 Land Use Mix	225 Units	1.00	5.9	1,328	0.55	124	87	37
	65,500 S.F.	0.80	40.7	<u>2,134</u>	3.66	<u>192</u>	<u>115</u>	<u>77</u>
	Totals:			3,462		316	202	114
<u>Alternative D:</u> Apartments	320 Units	1.00	6.5	3,080	0.63	202	141	61
<u>Alternative E:</u> Hotel	400 Rooms	1.00	5.8	2,320	0.60	240	132	108
<u>Alternative E (Preferred)</u> 90/10 Land Use Mix	300 Units	1.00	<u>6.5</u>	1,950	0.63	189	132	57
	20,000 S.F.	0.80	<u>40.7</u>	<u>651</u>	3.66	<u>59</u>	<u>35</u>	<u>24</u>
	Totals:			2,601		248	167	81

DEVELOPMENT ALLOWED  
UNDER CURRENT HC  
LAND USE DESIGNATION

DEVELOPMENT ALLOWED  
UNDER CURRENT HC  
LAND USE DESIGNATION

DEVELOPMENT ALLOWED  
UNDER PROPOSED HRMU  
DESIGNATION

### EXHIBIT 13

CITY OF  
VENTURA  
LCPA 2-96  
TRAFFIC  
STUDY TRIP  
GENERATION  
ESTIMATES

strict  
Plan Amendment

3.5-24

Final  
Environmental Impact Report

**Post LCP Certification  
Permit and Appeal Jurisdiction**  
City of San Buenaventura

**Permit Jurisdiction**

This area includes only lands below the mean high tide line and lands where the public trust may exist

**Appeal Jurisdiction**

This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff

300' from MHTL

100' from stream

First Public Rd.

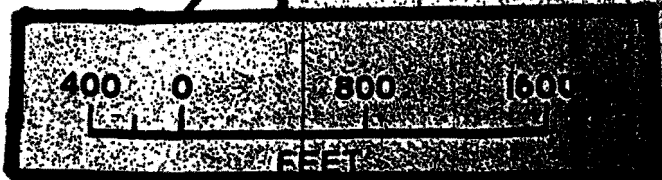
SUBJECT PARCEL

VENTURA PORT DISTRICT  
(PRIVATE ROADS)

VENTURA HARBOR

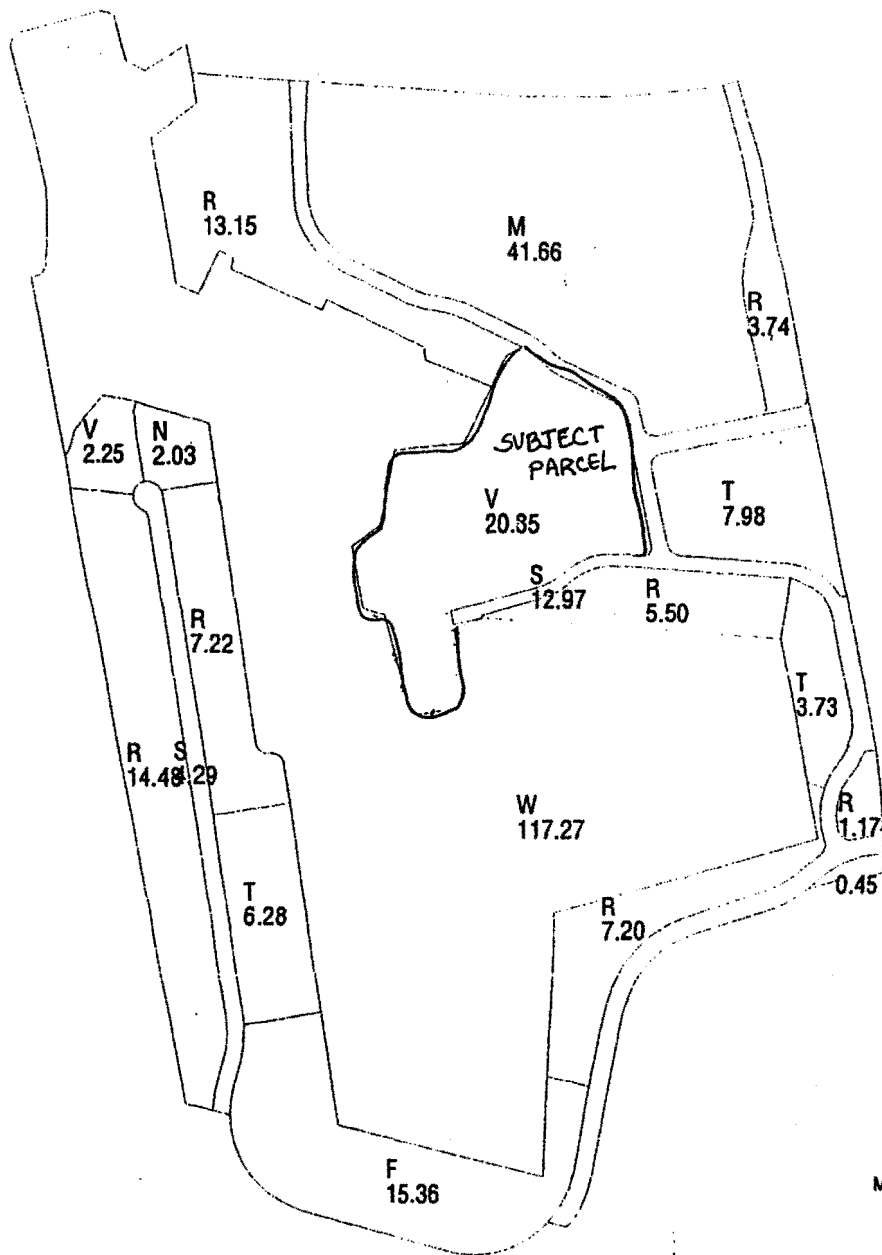
OLIVAS PARK

VOLTA COURSE



**EXHIBIT 14**  
**CITY OF VENTURA**  
**LCPA 2-96**  
**POST LCP**  
**CERTIFICATION**  
**MAP**





Map Scale 1" = 500'

## VENTURA HARBOR AREA

### EXHIBIT 15 CITY OF VENTURA LCPA 2-96 DEVELOPMENT IN VENTURA HARBOR

TYPE	#	ACRES	DFSC
	1	0.45	Unknown
F	1	15.36	Commercial fishing
M	1	41.66	Mobile Home Park
N	1	2.03	National Monument Visitor Center
R	7	52.46	Recreation
S	2	17.26	Streets
T	3	17.99	Commercial-Tourist
V	2	23.10	Vocant
W	1	117.27	Water area
		287.58	





DISTRICT PROPERTY BOUNDARY

HARBOR

BOULEVARD

ATOR DRIVE

### LEGEND

-  PARK
-  VERTICAL ACCESSWAY
-  PEDESTRIAN/BIKE PATH & PUBLIC RECREATION IMPROVEMENTS
-  COMMERCIAL/RECREATIONAL VISITOR-SERVING USES

*Exhibit represents approximate measurements, not to scale*

RESTAURANT & BOATEL

MARINA  
RETAIL  
SALES

MOBILE  
HOME PARK

RESIDENTIAL

BOO-SLIP  
MARINA

VERTICAL  
ACCESSWAY

12  
LAUNCH  
RAMP

14  
FUEL  
DOCK

HARBOR WATER AREA  
(CCC PERMIT JURISDICTION)

COMMERCIAL/RECREATIONAL  
VISITOR-SERVING USES

PARK

HARBOR WATER AREA  
(CCC PERMIT JURISDICTION)

### STAFF RECOMMENDATION

### PUBLIC ACCESS AND VISITOR-SERVING USES

CHANNEL ISLAND  
HOUSING

COMMERCIAL  
VISITOR SERVING  
USES

PARKING

6  
YACHT  
CLUB

### EXHIBIT 16

CITY OF  
VENTURA LCPA

2-96

STAFF RECOMMENDED  
PUBLIC ACCESS &  
VISITOR-SERVING  
USES MAP



