

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY



DATE: September 28, 2005

TO: Commissioners and Interested Parties

FROM: John Ainsworth, Deputy Director
Barbara Carey, Supervisor, Planning and Regulation *BC*
Lillian Ford, Coastal Program Analyst

SUBJECT: City of San Buenaventura Local Coastal Program Amendment No. SBV-MAJ-1-03 [Seaward Avenue and Harbor Boulevard Land Use Designation and Zone Change] for Public Hearing and Commission Action at the California Coastal Commission hearing of October 13, 2005 in San Diego.

DESCRIPTION OF THE SUBMITTAL

On May 23, 2003, the City of San Buenaventura submitted an amendment to its certified Local Coastal Program to: (1) change the land use plan designation of two parcels located at the northwest corner of Seaward Avenue and Harbor Boulevard from Planned Commercial – Tourist Oriented (PC-T) to Planned Mixed Use Development (PMXD); (2) revise the Zoning designation from Commercial-Tourist Oriented (CTO) and Intermediate Commercial with Tourist overlay [C-1A(TO)] to Mixed Use Development (MXD); and (3) provide new land use policy statements (**Exhibit 4**).

On September 2, 2004, the Executive Director determined that the City's Amendment was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b). Pursuant to Coastal Act Section 30517 and California Code of Regulations Section 13535 the Commission extended the statutory 90 day time limit for Commission action on the proposed LCP amendment for a period not to exceed one year at its October 2004 meeting. As such, the Commission must act on this application at the October 13, 2005 hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **denial** of the amendment as submitted, followed by **approval with suggested modifications**. As submitted, the proposed amendment is inconsistent with policies in Chapter Three of the Coastal Act and the certified City of San Buenaventura Land Use Plan (LUP) pertaining to public access, visitor-serving recreational uses, and visual impacts. As modified, the amendment is consistent with Chapter Three of the Coastal Act and the certified City of San Buenaventura LUP. **The motions and resolutions for Commission action begin on page 5; the suggested modifications begin on page 8.**

For additional information please contact Lillian Ford at the South Central Coast District Office: 89 South California St., Suite 200, Ventura, CA 93001 or 805-585-1800.

STAFF NOTE: ANTICIPATED AREAS OF DISCUSSION

Commission staff and representatives of the City of San Buenaventura have endeavored to reconcile this Local Coastal Program Amendment with the requirements of the Coastal Act and the certified LUP, and with the City's planning objectives. The suggested modifications included in Section IV of this report were jointly crafted to address Coastal Act priorities and incorporate the new urbanist principles that guide the City's approach to development. The resulting suggested modifications include a new land use designation (Planned Coastal Mixed Use Development - PCMXD) and new zone (Coastal Mixed Use - CMXD), that are applied to the site of the proposed amendment, and established as new designations that can be applied to other sites in the future through the approval of an LCP amendment. While the suggested modifications reflect a collaborative process, provisions within the suggested modifications regarding coastal access parking remain unacceptable to City staff, as discussed below.

Coastal Access Parking:

The suggested modifications included herein contain provisions that require public parking for coastal access be provided on each site included in the new zoning district (CMXD). Suggested Modification 7, which includes the text of the new zone chapter, requires coastal access parking spaces to be provided at a ratio of 1:1 for each residential unit constructed on a CMXD designated site. Suggested Modification 3, which modifies the LUP's Pierpont Community Intent and Rationale statement, reiterates the 1:1 parking requirement for sites designated PCMXD and requires a minimum of 75 spaces to be provided on the site of the proposed amendment.

The subject site is located in the Pierpont District just west of Highway 101, immediately northwest of the intersection of Harbor Boulevard and Seaward Avenue. This intersection serves as an important coastal gateway, connecting Highway 101; Harbor Boulevard, which serves as a major thoroughfare paralleling the coast; and Seaward Avenue, which provides access from central Ventura to San Buenaventura State Beach approximately two blocks west of the project site.

Public parking in the area is limited, particularly given Seaward Avenue's importance as a public access route to the beach. Public parking along lower Seaward Avenue is limited to 54 on-street parallel parking spaces and a small 19-space parking lot at the Seaward Avenue entrance to San Buenaventura State Beach. These parking spaces serve patrons of the numerous businesses along Seaward Avenue as well as beach visitors. On-street parallel parking is also available along Pierpont Boulevard, but is constrained by numerous curb cuts and by entrances to the narrow residential streets that parallel Seaward Avenue. These residential streets provide no public parking, and in general, inadequate residential parking.

Public transit in the area is limited to a shuttle bus line that runs along Seaward Avenue, from mid-town Ventura to Harbor Boulevard, and then on Harbor Boulevard to the Ventura Harbor. The bus runs weekdays only, six times a day during peak commuter hours, and mainly serves Ventura Harbor employees. In October 2005, the route will be discontinued and, as part of a three year demonstration project, a new shuttle bus will run seven days a week, 21 times a day

throughout the day, from downtown Ventura along the coast through the Pierpont Community to Ventura Harbor. The new shuttle service will provide increased opportunities for public access to the coast. The extent to which the shuttle will alleviate the parking shortage in the vicinity of the subject site cannot yet be determined.

The City has analyzed public parking in the Pierpont District and has concluded that approximately 1,711 public parking spaces exist in the area. However, the majority of those parking spaces are located at least six blocks away from the Seaward Avenue entrance to San Buenaventura State Beach, and serve the main unit of San Buenaventura State Beach Park, Marina Park, and other segments of the beach. The remaining parking consists of 281 parallel parking spaces along the approximately $\frac{3}{4}$ mile length of Pierpont Boulevard, which are in demand for residential as well as visitor parking, and the 73 spaces in the lower Seaward Avenue area discussed above (Exhibit 4).

The proposed amendment, as modified by Suggested Modifications 1 through 7, changes the land use designation and zoning designation of a site designated for visitor-serving commercial use to a mixed-use designation that allows residential uses. The Commission has been generally supportive of mixed-use proposals, which provide for different types of visitor-serving uses, as long as a means to balance the uses to obtain a true "mixed-use" is achieved. In order to allow conversion of the site to a designation that allows non-priority uses, adequate provision must be made for priority uses on the site.

Suggested Modifications 1 through 7 provide policy and standards to ensure that a balance of uses consistent with Coastal Act priorities, including adequate visitor-serving commercial uses and public access requirements, are included in any development approved on the site. The coastal access parking requirement is a key element in the ensemble of priority use provisions that balance the non-priority residential uses allowed on site. The coastal access parking requirement is also necessary to ensure that the proposed development does not further exacerbate the public parking shortage along lower Seaward Avenue, particularly since the zone chapter allows reduced parking requirements for live-work units and eliminates the increased parking for general uses required in the existing zone district. The required coastal parking spaces provide a public access benefit to help offset both the parking spaces lost due to reduced parking requirements, and the visitor-serving uses lost to residential uses.

As detailed in Exhibit 2, City staff has expressed concerns that the coastal access parking requirements included in Suggested Modifications 3 and 7 would result in large parking lots inconsistent with the City's planning approach and their desire to create attractive, pedestrian friendly environments. The City argues that a significant number of parking spaces exist in the area and that the existing parking will be supplemented by the new transit line that will serve the site and other coastal access points. City staff has suggested that the number of required coastal access parking spaces be equal to 10% of the total number of parking spaces otherwise required for an entire CMXD designated project site. City staff calculated that a development that included 105 residences and 25,000 sq. ft. of commercial floor area would result in 34 coastal public access spaces.

As discussed above, significant coastal access parking is required on this site in order to ensure a balance of priority and non-priority uses and to ensure that the proposed development does not exacerbate the existing public parking shortage in an important coastal gateway. Suggested Modification 7 already allows for reduced parking requirements for live-work units and for general uses. Given the reduced parking requirements, the number of coastal parking

spaces allotted under the City's suggested 10% standard could be significantly lower than 34 spaces, which in itself is less than half of the minimum 75 spaces required on the site by Suggested Modification 3. The 1:1 ratio of residences to coastal access parking spaces required by Suggested Modification 7 provides a mechanism to bind non-priority residential uses to priority coastal access provisions in order to ensure an appropriate balance. Tying the number of coastal access parking spaces to the number of residences constructed provides an incentive to limit residential uses in favor of visitor-serving commercial uses, whereas the 10% standard provides an incentive to minimize total on-site parking, which could contribute to existing parking problems. Although the new bus line will provide additional opportunities for public access to the adjacent beach, the success of the three-year pilot program and its impact on parking in the vicinity of the subject site cannot be predicted. For all of these reasons, the provisions for coastal access parking imposed by Suggested Modifications 3 and 7 are necessary to find the proposed amendment consistent with the public access policies of the Coastal Act and the certified City of San Buenaventura Land Use Plan.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan (LUP) amendment is whether the LUP amendment is consistent with the policies of Chapter 3 of the Coastal Act.

Section 30513 of the Coastal Act further provides:

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

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)

The Commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the Commission shall be deemed approved upon confirmation by the executive director. The local government may elect to meet the Commission's rejection in a manner other than as suggested by the Commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the Commission.

The standard of review used by the Commission for the proposed Implementation Program/Zoning Ordinance amendment is whether or not the proposed amendment is in conformance with, and adequate to carry out the provisions of the Land Use Plan.

The City of San Buenaventura's Coastal Zoning Ordinance implements the City's Coastal Land Use Plan and policies. It serves to integrate the City of San Buenaventura Coastal Land Use Plan with the adopted San Buenaventura General Plan and Zoning Ordinance as applied to the Coastal Zone. The Coastal Zoning Regulations and Maps set forth regulations, standards, and procedural requirements for development within the Coastal Zone and establish required consistency with the policies of the LCP Land Use Plan.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public meetings on the proposed amendment on February 13, 2002, May 21, 2002, July 15, 2002, February 24, 2003, and August 2, 2004. The hearings were noticed to the public consistent with Sections 13551 and 13552 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the City resolution for submittal may provide that a Local Coastal Program Amendment will either require formal adoption by the local government after the Commission action to approve, or is an amendment that will take effect automatically upon the Commission's approval. In this case, because the recommendation of approval is subject to suggested modifications, if the Commission approves the proposed amendment pursuant to the staff recommendation, the City must act to formally accept the suggested modifications before the amendment can become effective. Pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification with suggested modifications and report such adequacy to the Commission.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/IMPLEMENTATION PLAN (LUP/IP) AMENDMENT

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

A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission certify Land Use Plan Amendment SBV-MAJ-1-03 as submitted by the City of San Buenaventura.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of Land Use Plan Amendment SBV-MAJ-1-03 as submitted by the City of San Buenaventura and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan amendment may have on the environment.

B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify Land Use Plan Amendment SBV-MAJ-1-03 for the City of San Buenaventura if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Land Use Plan Amendment SBV-MAJ-1-03 for the City of San Buenaventura if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Land Use Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts that the Land Use Plan amendment may have on the environment.

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

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

A. DENIAL OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED

MOTION III: *I move that the Commission reject Implementation Program Amendment SBV-MAJ-1-03 for the City of San Buenaventura as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of the Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY:

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

B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION IV: *I move that the Commission certify the Implementation Program amendment for the City of San Buenaventura if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

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

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program amendment for the City of San Buenaventura if modified as suggested and adopts the findings set forth below on grounds that

the Implementation Program amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

IV. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN - ZONING ORDINANCE AMENDMENT

Staff recommends the Commission certify the following, with the modifications shown below. Language as submitted by the City of San Buenaventura is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined. Suggested modifications to revise maps or figures, or other instructional changes are shown in *italics*. Text not intended to be included as part of the modification that provides an internal reference or other orienting information is shown in [brackets].

Suggested Modification No. 1

Change the Land Use Plan designation of Assessor's Parcel Numbers 076-0-010-235 and 081-0-054-030) from Planned Commercial – Tourist Oriented (PC-T) to Planned Coastal Mixed Use Development (PCMXD).

Suggested Modification No. 2

[Insert the following text, in italicized type to indicate inclusion in the certified Land Use Plan, within the Land Use Designation Definitions and Policy Statements section of the City of San Buenaventura Comprehensive Plan]:

Planned Coastal Mixed Use Development

The purpose of the Planned Coastal Mixed Use Development designation is to identify appropriate locations for and encourage:

1. An urban identity that preserves and enhances neighborhood character;
2. Improvement of visitor-serving commercial, recreational and coastal access opportunities;
3. Mixture of visitor-serving commercial uses and residential uses in a manner that provides sufficient floor area for commerce and conflict avoidance between each use;

4. Walkability and connectivity to adjacent neighborhood commercial, residential uses, visitor-serving commercial uses, and coastal recreational opportunities for both residents and visitors;
5. Tourism that both respects the needs of existing residents and furthers the City's economic development strategy.

Suggested Modification No. 3

[Insert the following text within the Pierpont/Keys Community Intent and Rationale for Land Use Designations Statement section of the City of San Buenaventura Comprehensive Plan, immediately preceding the section entitled "Commercial Uses"]:

Mixed Use:

It is the intent of the Planned Coastal Mixed Use Development (PCM XD) designation in the area north of Seaward Avenue and west of Harbor Boulevard to create an urban identity that preserves and enhances the village character of the Pierpont Community while improving commercial, recreational and coastal access opportunities. This designation will provide for a mixture of ~~tourist and local~~ visitor-serving commercial uses ~~along Seaward Avenue~~ and attached residential uses, which will provide an immediate consumer base to entice commercial uses ~~on Seaward Avenue~~. All of this will promote walkability and connectivity to adjacent neighborhood commercial and residential uses, ~~tourist and local~~ visitor-serving commercial uses, and the ocean and state beach recreational opportunities for both ~~tourists~~ visitors and residents. It is further the intent of the commercial portion of this designation to improve ~~tourism~~ visitor serving commercial, recreational, and coastal access opportunities as one an important part of the community's overall economic development strategy, and to ensure that tourism development is done in a way that respects the needs of the residents and beach neighborhood, thus preserving the village character of the community. In order to provide sufficient coastal access opportunities, one (1) parking space per residential unit constructed on a PCM XD designated parcel shall be made available for the exclusive use for public parking for coastal access. A minimum of 75 public parking spaces shall be provided for coastal access on the PCM XD site north of Seaward Avenue and west of Harbor Boulevard.

Suggested Modification No. 4

Insert, in italicized type to indicate inclusion in the Land Use Plan, the Planned Coastal Mixed Use Development (PCM XD) designation in the listing of land uses designated on the Land Use Plan map included on pages 13 to 15 of the City of San Buenaventura Comprehensive Plan, including the land use designation name (Planned Coastal Mixed Use Development), acronym (PCM XD) and density of 30 du/gross acre.

Suggested Modification No. 5

Insert the Planned Coastal Mixed Use Development (PCM XD) land use plan designation and Coastal Mixed Use Zone (CM XD) in the Land Use/Zone Compatibility Matrix found on page III-

18 of the City of San Buenaventura Comprehensive Plan, indicating within the matrix that no other zone besides the CMXD zone is compatible with the PCMXD land use designation.

V. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PROGRAM AMENDMENT

Suggested Modification No. 6

Change the zoning designation of Assessor's Parcel Numbers 076-0-010-235 and 081-0-054-030) from Commercial - Tourist Oriented (CTO) and Intermediate Commercial with Tourist Overlay [C-1A(TO)] to Coastal Mixed Use Development (CMXD).

Suggested Modification No. 7

[Insert the following text as a new Coastal Mixed Use Development (CMXD) zone chapter into the Local Coastal Program Implementation Program]:

Chapter 24.295

CMXD Coastal Mixed-Use Zone

Sec. 24.295.010 Chapter Description

Chapter 24.295 establishes the CMXD Coastal Mixed-Use Zone and prescribes use types and other regulations for this zone. Any applicable overlay zones described in Chapters 24.300 through 24.399 may impose regulations in addition to those prescribed by this chapter for the CMXD zone. The provisions of this chapter are intended to:

1. Provide areas where California Coastal Act priority land uses such as visitor serving commercial and recreational uses are encouraged and given priority; and
2. Allow residential use in conjunction with or adjacent to visitor-serving commercial and recreational uses in a manner that avoids conflicts between them.
3. Facilitate development that respects the desired pedestrian scale and character of Ventura's coastal environment by avoiding massive, monolithic structures, and instead encouraging a series of smaller scale buildings fronting publicly accessible walkways, streets, and/or open space(s).

Sec. 24.295.020. Uses – Permitted

1. Residential

Family Residential: Large Multi-Family

Family Residential: Single-Family

Family Residential: Small Multi-Family

Family Residential: Two-Family

Residential Care

Residential Condominiums

2. General

Automotive and Accessories: Parking

Cultural and Library Services

Dining Establishments: Ancillary Service

Dining Establishments: Fast-Service Counter

Dining Establishments: Full Service

Dining Establishments: Take Out

Drinking Establishments

Farmer's Market Certified

Food and Beverage Retail Sales

Lodging Services: Bed and Breakfast Inns

Lodging Services: Hotels and Motels

Personal Services

Recreation Services: Indoor Entertainment

Recreation Services: Indoor Sports and Recreation

Recreation Services: Outdoor Sports and Recreation

Recreation Services: Public Parks and Playgrounds

Recreation Services: Amusement Centers

Recycling Services: Consumer Recycling Collection Points

Retail Sales

Safety Services

Shopping Center: Small

Swap Meets

Transportation Services

3. Agricultural

None

Sec. 24.295.030. Same – Subject to a use permit.

1. Residential

None

2. General

None

3. Agricultural

None

Incidental uses as defined in chapter 24.110 may be permitted.

Sec. 24.295.050. Same – Special provisions.

Uses listed in sections 24.295.020 through 24.295.040 must also comply with the following special provisions:

1. Design Review. Design review approval must be obtained to the extent required by chapter 24.545.
2. Coastal Development Permit. Approval of a coastal development permit pursuant to chapter 24.515 is required prior to initiation of a use on an undeveloped site, or prior to any construction of new structures or additions or alterations to existing structures in conjunction with, or in any way related to, the use types listed in sections 24.295.020 and 24.295.030.

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

3. Temporary uses. Temporary uses may be conducted in the CMXD zone to the extent permitted by chapter 24.120.
4. Domestic animals. Domestic animals are permitted provided there are no more than four adult animals per establishment; and further provided that, no more than one adult dog shall be permitted per establishment.

5. Livestock animals. Livestock animals are not permitted in the CMXD zone.
6. Wild animals. Wild animals are not permitted in the CMXD Zone.
7. Recycling Services: Consumer Recycling Collection Points. Uses classified in the Recycling Services: Consumer Recycling Collection Point use type must comply with the provisions of chapter 24.485.

Sec. 24.295.060. Standards--Density.

1. Lot area or lot width. There shall be no general minimum lot area or lot width standards for the CMXD zone. However, the desired pedestrian scale and character of Ventura's coastal environment requires that new project development not appear as massive, monolithic structures, but instead as a series of smaller scale buildings fronting publicly accessible walkways, streets, and/or open space(s). Larger projects should be designed as carefully conceived groups of separate structures, that each contribute to an attractive streetscape and the overall quality of the coastal environment. Because of this, sites exceeding 200 feet in width shall be subdivided, through either nominal or real lot lines, to provide individual lots or, in the case of nominal lots, individual building sites. When creating the nominal or real lot lines, the following shall be required:
 - a. Internal public streets, alleys, or walkways that connect with offsite streets to create a series of smaller, walkable blocks. No gates shall be allowed across public walkways, alleys, or streets.
 - b. Public open space(s) such as a plaza, square, courtyard, promenade, park, and/or passive recreation area for pedestrians encompassing an area no less than 20 percent of the total area of the parcel. Where a project encompasses two or more parcels, the parcels may be considered as one parcel for the purposes of locating and determining the area of the public open space(s). Public streets that meet the following criteria may be considered public open spaces, in which case they shall be subject to all requirements of this chapter regarding public open spaces, including the requirement that they be fronted by general use types. The public open space(s) shall be accessible and visible from adjacent public streets, as depicted on the approved Local Coastal Program Circulation Plan, and shall be identified by directional signage prominently displayed along such streets. The public open space(s) (other than promenades and public streets that are considered public open spaces) shall front internal public streets. Public open spaces shall welcome the public through signage, design, and, as appropriate, public amenities that distinguish these spaces from adjacent residential areas.
 - c. General use types, as identified in section 24.295.020 above, at the ground level of buildings fronting the required public open space(s) listed above in section 24.295.060(b); building frontage types of forecourt, storefront, gallery and arcade should be used for the ground-level of buildings fronting the required public open space(s).
 - d. Adjacent properties held in the same ownership shall be jointly developed in order to assure the Land Use Plan's objective to "obtain a mixture of visitor-serving commercial uses and residential uses in a manner that provides

sufficient floor area for commerce and conflict avoidance between each use" is achieved.

In addition, the following should be considered:

- e. Maximum on-street parking opportunities through a minimization of driveway curb cuts.
- f. Service alleys within the new block(s);
- g. Multiple buildings and building types, as generally described by section 24.295.110, on the site, with their entrances on bordering streets;
- h. Each proposed lot or building site should not exceed one acre;
- i. Each proposed lot frontage shall not exceed a maximum width of 180 feet;
- j. No more than 30 percent of dwelling units on the overall site may be stacked flats.

An application for development on a site exceeding 200 feet in lot width shall include a regulating plan consisting of (a) diagram(s) illustrating: (1) nominal and/or real lot lines; (2) introduced streets and/or alleys; (3) public open space(s); (4) building sites; (5) building fronts and backs; (6) coastal access parking; and (7) dwelling unit and commercial business access points. Regardless of whether a nominal or real subdivision is proposed, the Planning Commission may specify minimum lot width or lot area standards for a particular site as a condition of approval of a coastal development permit, or amendment thereto, pursuant to chapter 24.525.

- 2. Lot coverage. There shall be no general maximum lot coverage for structures in the CMXD zone.
- 3. Density per gross acre. The average number of units per gross acre in the CMXD zone shall not exceed 30 units per gross acre.

Sec. 24.295.070. Same--Height.

- 1. Height determination. The height of buildings and other structures in the CMXD zone shall be determined in accordance with section 24.405.040.
- 2. Maximum height. Regardless of the number of stories comprising a building or structure, no portion of a building or other structure in the CMXD zone shall exceed 35 feet in height above that specified in section 24.405.040 and except as provided in section 24.405.030.

Sec. 24.295.080. Same -Yards.

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

Sec. 24.295.090. Same - Building Setbacks.

Buildings and other structures not used for parking, not including fences or walls, on a lot in the CMXD zone shall comply with the following setback requirements:

1. Street setbacks. 0 feet minimum ground floor commercial / 5 feet minimum ground floor residential
2. Side street setbacks. Same as street setbacks.
3. Side yard setbacks. 5 feet minimum
4. Rear setbacks. 5 feet minimum (with alley) / 15 feet minimum (no alley).

Sec. 24.295.100. Same - Parking Setbacks.

On-site parking, whether located in a structure or not and unless located underground, shall be placed within the rear 50% of each lot. However, no setback shall be required for coastal access parking spaces required by section 24.295.130(1)(b).

Sec. 24.295.110. Same - Building Types

Development within the CMXD zone should respect the desired pedestrian scale and character of Ventura's coastal environment. New project development should not appear as massive, monolithic structures, but instead as a series of smaller scale buildings. When assessing the merits of an application's ability to fulfill this objective, the staff, Design Review Committee and Planning Commission should consider the use of building types generally described as follows:

1. Front Yard House - A detached building designed as a residence for one household. The primary entrance accessed from the fronting street sidewalk.
2. Side Yard House - A detached building designed as a residence for one household. A Side Yard House is flanked by a side yard of a width comparable to the required front yard. The entrance of the Side Yard House is accessed via a walkway to an along one side of the lot.
3. Duplex, Triplex and Quadplex - A large house containing two, three or four dwelling units, respectively. Each unit is individually accessed from the street.
4. Rowhouse - Two or more detached two or three story dwellings with zero lot line side setbacks. The main entrance to each unit is accessed directly from and faces the street.
5. Live/Work - An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity. The main entrance to the ground floor flex space is accessed directly from and faces the street. The upstairs dwelling is accessed by a separate entrance and by a stair. There is also an internal connection between the live and the work portions of each unit. The work activity shall be limited to general use types specified in Section 24.295.020 above.
6. Side Yard Housing - A building or group of buildings containing dwelling units that are arranged on the site in a row with the first unit facing the street. The primary entrance to

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

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

Sec. 24.295.120. Same – Access and Frontage.

Buildings and their accompanying entrances should front public spaces such as a street and/or courtyard. Access needs differ by intended building function and relationship to such public spaces. The staff, Design Review Committee and Planning Commission shall, when reviewing a project, consider access through the use of the following frontage types:

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

floor residential uses at short setbacks. This type may be interspersed with the shop front. A porch may also cover the stoop.

5. Storefront - the facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This type is conventional for retail frontage. It is commonly equipped with cantilevered shed roof or awning. The absence of a raised ground floor story precludes residential use on the ground floor facing the street, although this use is appropriate behind and above.
6. Gallery - the facade of a building with an attached colonnade. Balconies may overlap the sidewalk while the ground floor remains set at the lot line. This type is ideal for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way may be required. To be useful, the arcade should be no less than 8 feet wide clear in all directions.
7. Arcade - Arcades are facades with an attached colonnade that is covered by upper stories. Arcades must be designed according to the following provisions: (a) Arcades should be no less than 10 feet wide in all directions; (b) Along primary retail frontages, the arcade shall correspond to storefront openings; and (c) Primary storefront openings should be at least 65% of the first floor wall area and not have opaque or reflective glazing.

Sec. 24.295.130. Same - Other.

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

1. Parking. Off-street parking shall be provided for all uses as may be required by chapter 24.415 or chapter 24.345 with two exceptions:
 - a. If a dwelling unit is designed as a combined live/work space, incorporating both a residential use type and a general use type, the off-street parking space requirement shall be calculated based solely on the parking requirement for the applicable general use type existing or proposed at the site and no additional parking for the residential use type shall be required, but only if the following standards are met:
 - i. The living space shall be contiguous with and made an integral part of the work space, with direct access between the living and working areas to be provided and maintained at all times. If the living space is not contiguous and integral with the work space and the required direct access is not provided, the off-street parking space requirement shall be based on the general use type and residential use type requirements combined, unless an Administrative Variance is obtained in accordance with chapter 24.535.
 - ii. Living and working areas within one live/work space shall not be rented separately. The Coastal Development Permit required by section 24.295.050 shall contain a condition to implement this requirement in relationship to a particular application.
 - iii. All regulations, requirements, and conditions of the city's building and safety division and fire department shall be met.

- b. For each residential unit, including live/work units, constructed on a project site, one (1) parking space shall be made available for exclusive use for public parking for coastal access. Such parking shall be aggregated in either a: (a) surface parking lot; or (b) parking garage with directional signage to such spaces. Prominent signage within the public right-of-way shall be installed for coastal parking spaces. No variance may be granted to obviate compliance with this requirement.
- c. Off-street parking requirements for the seaward parking corridor, as defined in chapter 24.110, shall not apply to lots zoned CMXD.
- 2. Visitor-serving commercial. All ground-level floor area, excluding that used for stairs, elevators, bathrooms or other comparable ancillary building facilities, fronting a public street, as depicted on the approved Local Coastal Program Circulation Plan, or fronting the public open space(s) required under Section 24.295.060, shall consist of a general use type identified in section 24.295.020 or a public open space such as a plaza, square, courtyard, promenade, park, or passive recreation area for pedestrians. Public open spaces shall welcome the public through signage, design, and, as appropriate, public amenities that distinguish these spaces from adjacent residential areas. Building frontage types of forecourt, storefront, gallery and arcade should be used for the ground-level floor and general use types addressed by this section.
- 3. Signs. All signs must comply with the provisions of chapter 24.420.
- 4. Coastal development. All development within the CP Overlay Zone must comply with the provisions of chapter 24.515. The requirements of section 24.310.080 shall not apply to lots zoned CMXD.
- 5. Open storage. Open storage of materials and equipment shall be permitted only when incidental to a permitted use on the same lot as that occupied by said use. All areas of a site intended to be used for such open storage shall be shown on the site plan and approved as part of the design review, planned development permit and coastal development permit.

Sec. 24.295.140. Same - Nonconformance.

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

Sec. 24.295.150. Same - Density review.

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

VI. FINDINGS AND DECLARATIONS FOR DENIAL OF THE LAND USE PLAN AMENDMENT (LUP) AS SUBMITTED, APPROVAL OF THE LAND USE PLAN (LUP) AMENDMENT WITH SUGGESTED MODIFICATIONS, DENIAL OF THE IMPLEMENTATION PROGRAM (IP) AMENDMENT AS SUBMITTED, AND APPROVAL OF THE IP AMENDMENT WITH SUGGESTED MODIFICATIONS

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

A. AMENDMENT DESCRIPTION AND BACKGROUND

The City proposes to amend its certified Local Coastal Program to change the Land Use Plan and Zoning Ordinance designation of a vacant 5.33-acre parcel located at the northwest corner of Seaward Avenue and Harbor Boulevard, and an adjacent vacant 0.29-acre parcel located at the northeast corner of Seaward Avenue and Pierpont Boulevard (**Exhibits 3 and 7**). The intersection of Harbor Boulevard and Seaward Avenue serves as an important coastal gateway, connecting Highway 101; Harbor Boulevard, which serves as a major thoroughfare paralleling the coast; and Seaward Avenue, which provides access from central Ventura to San Buenaventura State Beach approximately two blocks west of the project site. Surrounding land uses include visitor serving commercial to the north, Harbor Boulevard and Highway 101 to the east, a neighborhood shopping center to the south, and Pierpont Boulevard and residential properties to the west. The subject site is located outside of the Commission's appeal jurisdiction.

The proposed amendment would change the land use designation of these parcels from Planned Commercial – Tourist Oriented (PC-T) to Planned Mixed Use Development (PMXD); revise the zoning designation from Commercial-Tourist Oriented (CTO) and Intermediate Commercial with Tourist Overlay [C-1A(TO)] to Mixed Use Development (MXD); and (3) provide new land use policy statements. The new mixed-use designation would allow a variety of uses on the parcels, including residential, light industrial, professional office, and commercial uses, and would allow reduced parking requirements. (**Exhibits 5 and 6**). These and other proposed amendment changes are described in greater detail below.

The subject parcels have been vacant since 1992, when the previously existing gasoline station was demolished. A portion of the site has since undergone soil and groundwater remediation. In 1997 the City received an application to develop the site with visitor-serving commercial uses, including a three story, 122 room hotel, promenade shops, two fast food restaurants, and three retail/restaurant pads. In 2000, the property was optioned by a new development interest and a revised conceptual development plan was prepared, including 90 residential units, 13,270 sq. ft. of commercial space and 14,000 sq. ft. of restaurant space. As the existing land use designation and zoning do not allow residential use, an application for the currently proposed amendment to change the land use designation and zoning was submitted to the City in August 2000. Although the City has reviewed the conceptual development plan, the City has not formally accepted a development proposal for the site.

The City Council adopted the resolution and ordinances that constitute the currently proposed amendment (Resolution No. 2002-046; Ordinance No. 2002-013) on July 15, 2002 and July 22, 2002 respectively. Subsequent resolutions (Resolution No. 2003-015; Resolution No. 2004-026; Resolution No. 2004-051) necessary to satisfy Commission amendment submittal and noticing requirements were passed on February 24, 2003, May 10, 2004 and August 2, 2004 respectively (Exhibit 1).

B. PROPOSED CHANGES TO THE CERTIFIED LOCAL COASTAL PLAN

The amendment involves changes to the City of San Buenaventura Land Use Plan Map, the text of the City's Land Use Plan, and the Zoning Ordinance and Zoning Map that comprise the LCP's Implementation Program.

The City's Land Use Plan (LUP) consists of a portion of the City's Comprehensive Plan that is indicated by italicized type. The Comprehensive Plan's Land Use Element divides the City into 18 communities and provides community intent and rationale statements for each one. These statements are included in the LUP for those communities that exist within the Coastal Zone. The proposed amendment adds a new section to the intent and rationale statement for the Pierpont/Keys Community as follows:

It is the intent of the Planned Mixed Use Development (PMXD) designation in the area north of Seaward Avenue and west of Harbor Boulevard to create an urban identity that preserves and enhances the village character of the Pierpont Community. This designation will provide for a mixture of tourist and local serving commercial uses along Seaward Avenue and attached residential uses, which will provide an immediate consumer base to entice commercial uses on Seaward Avenue. All of this will promote walkability and connectivity to adjacent neighborhood commercial and residential uses, tourist and local serving commercial uses, and the ocean and state beach recreational opportunities for both tourists and residents. It is further the intent of the commercial portion of this designation to improve tourism as one part of the community's overall economic development strategy, to ensure that tourism development is done in a way that respects the needs of the residents and beach neighborhood, thus preserving the village character of the community.

The proposed amendment changes the land use designation of two adjacent parcels from Planned Commercial – Tourist Oriented (PC-T) to Planned Mixed Use Development (PMXD). The affected parcels are a vacant 5.33-acre parcel located at the northwest corner of Seaward Avenue and Harbor Boulevard, and an adjacent vacant 0.29-acre parcel located at the northeast corner of Seaward Avenue and Pierpont Boulevard.

The City's LUP provides the following definition and policy statement for the existing Planned Commercial – Tourist Oriented (PC-T) designation, and the proposed Planned Mixed Use Development designation:

Commercial:

....

The intent of the...Planned Commercial categories, such as PC-T, PC-N, and HC, is to ensure that the City can preserve those sites best suited for specialized commercial activities (such as tourist commercial, neighborhood commercial and harbor commercial) from encroachment by general commercial activities or other uses which are not as dependent on specific site locations. Each of the special PC categories has been created to serve a specific function. It is recognized that there are specific sites which can best accommodate these specialized commercial uses, that they are a limited resource and that they should be preserved for their highest and best use. The uses allowed in each of these categories or listed in the Zoning Ordinance.

The intent of the PC-T category is to protect sites that are suitable for tourist commercial uses from encroachment by other uses, including general commercial, industrial and private residential. A Planned Development Permit shall be required prior to developing such sites. Types of uses to be permitted in the PC-T designated sites include public or private developments that provide visitor-serving facilities.

Planned Mixed Use Development:

The purpose of the Planned Mixed Use Development (PMXD) designation is to identify appropriate locations for and encourage:

- *Large scale integrated development having three or more major uses such as Professional Office, Commercial, Residential, Industrial, and various support facilities.*
- *Intensive use of land requiring major public resource commitments over an extended period of time.*
- *Master planned urban complexes that have a significant degree of functional and physical integration of project components (e.g., interconnection of uses with pedestrian ways, common mechanical support systems, different uses housed in the same building, shared parking or common facilities).*

A master plan should be required for PMXD designated areas as a prerequisite to development and, at a minimum, set forth the architectural character, project phasing, integration of uses, landscaping, overall circulation and parking. The master plan, where appropriate, should also be made a part of the covenants, conditions and restrictions recorded for each property in the project.

The PMXD designation has been placed on those lands which have one or more of the following characteristics:

1. *They are in need of private or public redevelopment efforts.*
2. *They are large parcels of 40 acres or more.*
3. *They are in highly visible areas.*
4. *They are in proximity to freeway and/or rail transportation corridors.*
5. *They can be developed in such a way that they are self-contained and well-buffered from surrounding uses.*

6. *They are in an existing or proposed major activity center.*

The PMXD category is further refined in Intent and Rationale Statements for each of the communities where such designation is deemed appropriate.

The proposed amendment also changes the zoning designation of the two parcels. Specifically, it changes the designation of the 5.33-acre parcel from Commercial-Tourist Oriented (CTO) to Mixed Use Development (MXD) and the zoning designation of the smaller 0.29-acre parcel from Intermediate Commercial with Tourist Overlay [C-1A(TO)] to Mixed Use Development (MXD).

As described in the City's zoning code, the existing CTO designation and the TO (Tourist-Oriented) Overlay are intended to provide areas where visitor-serving commercial and recreational facilities are encouraged. The CTO zone, which encompasses the majority of the site, is also intended to "provide a high level of site and operational performance with due consideration to visitor needs and opportunities," and to protect "visitor-serving commercial land and improvements in the coastal area from uses which are incompatible or more properly located in other zoning districts." The C-1A zone with the (TO) Overlay, which is the existing designation on the smaller parcel, allows some additional general uses, such as animal sales and services, building supply stores, funeral services, nursery sales, and repair services, but overall is similar to the CTO zone. As currently designated, both parcels are subject to similar height, parking, and setback standards.

The proposed MXD designation would allow uses that are currently prohibited, including residential, industrial, research/laboratory services, wholesaling/distribution, and construction yards. The proposed designation includes no provisions to ensure that visitor-serving uses or coastal access opportunities are included in development of the site. The proposed MXD designation would also increase the height limit from 30 feet to 75 feet, and reduce parking standards for a live/work units and a variety of general uses.

Copies of the zoning chapters for CTO, C-1A, and MXD zones and the TO overlay are included as Exhibits 5 and 6.

C. ISSUE ANALYSIS

The proposed Land Use Plan amendment raises issues with 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 30213 of the Coastal Act states (in relevant part):

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

Section 30222 of the Coastal Act states:

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

Section 30223 of the Coastal Act states:

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

Section 30251 of the Coastal Act states:

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

In addition, the proposed Implementation Program amendment raises issues with respect to the following policies of the City's certified LUP:

Policy 15.10 (Coastal Access Program) states:

The City shall continue to ensure maximum public access consistent with public safety and fragile coastal resources. To carry out its intent, the City shall implement the policies of this Comprehensive Plan.

(Refer also to the Sensitive Habitat Objective in the Resources Elements, the Land Use Element, including relevant Community Intent and Rationale Statements, the Circulation Element, and the Park and Recreation Element.)

The Land Use Element Policy Regarding Vacation Condominiums and Lower Cost Visitor-Serving Facilities states (in relevant part):

Visitor-serving facilities, such as lower cost overnight accommodations and restaurants, provide an important coastal resource. In order to protect, encourage, and, where feasible, provide these facilities, the City shall:

- 1) Promote the continue operation of existing facilities (including lower-cost motels and restaurants) by not permitting incompatible uses to locate adjacent to such facilities. Specifically, the City shall not permit developments which, based on physical characteristics (e.g., height, open storage) or operational characteristics (e.g., noise, traffic, hours of operation, etc.) would have a deleterious effect on existing visitor-serving uses.***

- 2) **Encourage and coordinate with the State Department of Parks and Recreation in its endeavor to establish a hostel facility in or near the San Buenaventura Coastal Zone.**

The Intent and Rationale Statement for the Pierpont/Keys Community states (in relevant part):

The Pierpont/Keys Community is a unique, beach-oriented, residential area, which includes support commercial facilities and an elementary school. This Community also includes a tourist-oriented commercial area at the Ventura Harbor, and a freeway-oriented commercial area generally north of Seaward Avenue. The proposed land use plan policies for this Community are intended to preserve the character of the existing residential development in this area, while promoting commercial uses which are compatible with the Community's existing tourist-commercial orientation and Coastal Act policies.

Parking, for both residential and commercial uses, is generally inadequate throughout the Community. In order to mitigate the impact of development on parking, the City shall strictly enforce all parking standards. In order to relieve existing limited public access conditions, the City shall require that provisions for public parking be incorporated with development whenever appropriate and feasible to enhance public access. This requirement, however, shall not apply to small residential projects such as single family and duplex development.

....

The intent of the Planned Commercial – Tourist Oriented (PC-T) designations, in the area west of Harbor Boulevard and south of San Buenaventura State Beach, is to ensure that the potential for high quality tourist-oriented commercial development in this Community is fully realized and not diminished by the establishment of general commercial or service commercial uses (e.g., real estate offices, neighborhood commercial stores, etc.). Because of the developed nature and visitor-serving potential of the Seaward Avenue commercial strip area west of Pierpont Boulevard, existing non-tourist oriented uses (e.g., general offices) shall not be permitted to encroach into this area beyond existing ratios when the City's Local Coastal Program (LCP) was first adopted. Based on front footage calculations to determine these ratios, this area was comprised of 38.7% (525 linear foot frontage) of non-tourist oriented uses and 61.3% (833 linear foot frontage) of tourist oriented uses. New commercial developments should be designed to complement the visual character of the adjacent Pierpont Bay neighborhood (being of a bulk, height, and color that is compatible with that character), thereby enhancing the unique locational characteristics which cause this area to be designated as a Scenic Approach.

The proposed amendment changes the land use designation and zoning designation of a site designated for visitor-serving commercial use to a mixed use designation that would allow unlimited residential use, as well as industrial and other general use types not currently allowed. The change in designation also reduces parking standards and increases the allowable height of structures from 30 feet to 75 feet. The proposed amendment thus raises issues with regard to Coastal Act policies that prioritize visitor-serving commercial and recreational facilities over private residential, general industrial or general commercial development. It also raises issues with regard to the specific policies of the Land Use Plan that require protection of public access and visitor-serving commercial and recreational opportunities, and that pinpoint the subject property as an important site for visitor-serving commercial use. Lastly, it raises issues with Coastal Act and Land Use Plan policies concerning visual resources and neighborhood compatibility.

The project site is a 5.62-acre corner property located in the Pierpont District just west of Highway 101, immediately northwest of the intersection of Harbor Boulevard and Seaward Avenue. This intersection serves as an important coastal gateway. Harbor Boulevard parallels the coast from downtown San Buenaventura to Channel Islands Harbor and provides access to local beaches, harbors, and other coastal resources. Seaward Avenue provides access from Highway 101 to San Buenaventura State Beach, which is located approximately two blocks west of the site. Seaward Avenue is also the primary through street to the beach from central Ventura, which is located east of Highway 101. While the project site occupies a prominent coastal location, development of the site does not raise issues regarding coastal views, which are largely unavailable from adjacent thoroughfares, including Highway 101, and other nearby public viewing areas.

Land uses surrounding the site include visitor-serving commercial to the north, Harbor Boulevard and Highway 101 to the east, a neighborhood shopping center to the south, and Pierpont Boulevard and residential properties to the immediate west. Lower Seaward Avenue, which extends west of the project site to the beach, is fronted by small primarily locally owned and visitor-serving businesses, including restaurants, cafes, a corner grocery, and two small motels. An eclectic mix of single-family residences and small multi-family complexes fronting narrow streets flank the lower Seaward Avenue commercial corridor. This diverse neighborhood abuts the Harbor Boulevard commercial strip, which extends north of the project site to San Buenaventura State Park, and contains fast food restaurants, gas stations, motels, and other primarily franchise businesses.

Public parking in the area is limited, particularly given Seaward Avenue's importance as a public access route to the beach. Public parking along lower Seaward Avenue is limited to 54 on-street parallel parking spaces and a small 19-space parking lot at the Seaward Avenue entrance to San Buenaventura State Beach. These parking spaces serve patrons of the numerous businesses along Seaward Avenue as well as beach visitors. On-street parallel parking is also available along Pierpont Boulevard, but is constrained by numerous curb cuts and by entrances to the narrow residential streets that parallel Seaward Avenue.

Public transit in the area is limited to a shuttle bus line from that runs along Seaward Avenue, from mid-town Ventura to Harbor Boulevard, and then on Harbor Boulevard to the Ventura Harbor. The bus runs weekdays only, six times a day in the morning and late afternoon, and mainly serves Ventura Harbor employees. In October 2005, the route will be discontinued and, as part of a three year demonstration project, a new shuttle bus will run seven days a week, 21 times a day throughout the day, from downtown Ventura along the coast through the Pierpont Community to Ventura Harbor. The new shuttle service will provide increased opportunities for public access to the coast. The extent to which the shuttle will alleviate the parking shortage in the vicinity of the subject site cannot yet be determined.

The City has analyzed public parking in the Pierpont District and has concluded that approximately 1,711 public parking spaces exist in the area. However, the majority of those parking spaces are located at least six blocks away from the Seaward Avenue entrance to San Buenaventura State Beach, and serve the main unit of San Buenaventura State Beach Park, Marina Park, and other segments of the beach. The remaining parking consists of parallel parking spaces along the approximately $\frac{3}{4}$ mile length of Pierpont Boulevard, which are in demand for residential as well as visitor parking, and the 73 spaces in the lower Seaward Avenue area discussed above (**Exhibit 4**).

A stated objective of the proposed amendment is to preserve and enhance the "village" character of the Pierpont Community by providing for a mixture of visitor-serving commercial and neighborhood commercial uses, as well as residential uses to provide a larger consumer base for the commercial uses. Existing land use plan requirements for the site mandate visitor-serving use, although the zone designations allow a range of general commercial and visitor-serving commercial uses. Existing zoning regulations also mandate increased parking requirements for the existing zone districts applied to the subject site, and for the subject site and Seaward Corridor in particular. The City has expressed concern that entirely commercial use of the site is both unattractive to investors and inconsistent with its desire to preserve the unique character of the Pierpont Community. In addition, the City's approach to planning discourages construction of conventional commercial complexes that are set back from street frontages and dominated by expansive parking lots. The City instead encourages mixed-use developments that are oriented to the street and that minimize both the visibility and extent of on-site parking.

The Commission has been generally supportive of mixed-use proposals, which provide for different types of visitor-serving uses, as long as a means to balance the uses to obtain a true "mixed-use" is achieved. The major Coastal Act concern raised by the proposed amendment is that it provides no means to require visitor-serving commercial uses, adequate parking and visitor-friendly design to ensure that Coastal Act priorities are addressed in future development proposals. Given the market value of housing in the City, it is likely that the entire site would be developed for residential use should the proposed amendment be adopted. The cumulative effect of such a development would be to change the balance of future development within the lower Seaward area from one that gave priority to visitor-serving uses to one that would give priority to residential development. Thus the proposed amendment, if approved, would diminish the visitor-serving potential of both the subject site and the surrounding beachside community, contrary to Sections 30210, 30213, 30222, and 30223 of the Coastal Act.

Commission staff has discussed these concerns with City staff, and has collaborated with City staff to craft suggested modifications that address these concerns and incorporate the "new urbanist" principles that guide the City's approach to development. The result is the suggested modifications included in Section IV of this report, which include a new land use designation (Planned Coastal Mixed Use Development - PCMXD) and new zone (Coastal Mixed Use-CMXD), that are applied to the site of the proposed amendment, and established as new designations that can be applied to other sites in the future. Any change in land use or zone designation to apply the PCMXD and CMXD designation to other sites would have to be considered by the Commission through a future LCP amendment. While the suggested modifications reflect a collaborative process, provisions within the suggested modifications regarding coastal access parking remain unacceptable to City staff, as discussed later in this section.

Suggested Modification 1 applies a new Planned Coastal Mixed Use Development – PCMXD land use designation to the project site, and Suggested Modification 2 defines the PCMXD designation as a site that preserves and enhances neighborhood character, and enhances visitor-serving commercial, recreational, and coastal access opportunities, while minimizing conflicts between such uses and residential uses. The intent of the new designation is to allow development of vibrant mixed-use environments that are attractive to visitors and sensitive to the community. Suggested Modification 3 revises the proposed addition to the Pierpont Community Rationale and Intent Statement to reflect the purposes of the new PCMXD designation, and strengthen language regarding visitor-serving commercial, recreational, and

coastal access priorities. These modifications are necessary to ensure that development on the site provides adequate visitor-serving commercial, recreational, and coastal access opportunities consistent with Sections 30210, 30213, 30222, and 30223 of the Coastal Act.

Suggested Modification 3 also addresses the provision of coastal access parking spaces, which, as detailed in Suggested Modification 7, must be provided at a ratio of 1:1 for every residential unit constructed on a site within the new CMXD zone. Suggested Modification 3 adds the requirement, for the subject site only, of a minimum of 75 coastal access parking spaces regardless of the number of residential units constructed on site. This requirement is included in the Community Rational and Intent Statement, rather than in the zoning regulations, which would apply to other parcels that may be rezoned as CMXD. Those parcels may warrant a smaller or larger minimum number of coastal access parking spaces, depending on their size and location. The coastal access parking requirements included in Suggested Modification 3 are necessary in order to ensure a balance of priority and non-priority uses and to ensure that the proposed development does not exacerbate the existing public parking shortage in an important coastal gateway.

Suggested Modifications 4 and 5 insert language regarding the new PCMXD designation in listings and charts summarizing the City's land use designations and related zoning in the Land Use Plan. These modifications are necessary to ensure that the new PCMXD zone is fully included within the City's Land Use Plan, and to ensure that the CMXD zoning regulations, which provide a means to ensure that visitor-serving commercial, recreational, and coastal access uses are included in development on the site, are applied to any PCMXD designated site.

Suggested Modification 6 applies the new Coastal Mixed Use Development – CMXD zoning designation to the project site. Suggested Modification 7 provides the text for the new CMXD zone chapter and inserts it into the Implementation Program/Zoning Code.

The new zone chapter created by Suggested Modification 7 provides standards to ensure that a balance of uses consistent with Coastal Act priorities identified in Suggested Modifications 2 and 3, including adequate visitor-serving commercial uses and public access provisions, are included in any development approved on the site. The new zoning designation, like the proposed mixed-use designation, will allow residential uses, but it will not allow industrial uses, or general uses that do not serve visitors. In addition, it will only allow residential use of a parcel in conjunction with visitor-serving uses on the ground level fronting public streets and public open space(s). Although the new zone allows residential use of the property, its intent is to allow development of vibrant mixed-use environments that are attractive to visitors, that provide a residential base to support the commercial uses that serve visitors to the coast, and that provide coastal access parking to further increase beach access opportunities.

Specifically, the new zone chapter:

- limits allowable general uses to those that are visitor-serving;
- requires new development to be designed as a series of smaller scale buildings fronting publicly accessible streets and/or open spaces, rather than massive monolithic structures;

- requires a minimum of 20 percent of project sites over 200 feet in width to be public open space(s);
- requires the ground floor level of buildings fronting the required public open space(s) to contain visitor-serving uses;
- requires the ground floor level of buildings fronting existing public streets to contain visitor-serving uses;
- requires the work activity portion of any live-work units to be a visitor-serving use;
- requires coastal public access parking spaces to be provided on a 1:1 ratio for each residential unit constructed on a project site;
- requires directional signage for coastal access parking and public open spaces to be prominently displayed from existing thoroughfares.

These provisions are necessary to ensure that adequate visitor-serving commercial uses and public access provisions are included in any development approved on the site. Thus Suggested Modification 7, which inserts the zone chapter containing these provisions, and Suggested Modification 6, which applies it to the subject site, are necessary to make the Implementation Program consistent with Coastal Act priorities identified in Suggested Modifications 2 and 3.

The new zone chapter also includes provisions regarding the height, bulk, and scale of development. Section 24.295.070 limits the height of structures to 35 feet above average curb grade, significantly lower than the 75-foot maximum height allowed in the proposed MXD zone. Other sections require development to respect the desired pedestrian scale and character of the area by constructing a series of smaller scale buildings instead of massive, monolithic structures. These zone chapter requirements, which are imposed by Suggested Modification 7, and applied to the site by Suggested Modification 6, are necessary to implement policy statements regarding protection of the Pierpont Community's neighborhood character in the existing LUP, as well as the policy statements inserted by Suggested Modifications 2 and 3. Those statements, which call for the preservation and enhancement of neighborhood character, and specifically, the village character of the Pierpont Community, are in turn necessary in order to render the proposed amendment consistent with Section 30251 of the Coastal Act, which requires development to be visually compatible with the character of surrounding areas.

The new zone chapter also includes numerous procedural provisions, as well as standards for building design and siting. These standards and provisions are consistent with the Coastal Act and are necessary to integrate the zone chapter within the City's existing zoning program and within its newly adopted form-based approach to planning.

As noted above, the proposed amendment, as modified by Suggested Modifications 1 through 7, changes the land use designation and zoning designation of a site designated for visitor-serving commercial use to a mixed-use designation that allows residential uses. In order to allow conversion of the site to a designation that allows non-priority uses, adequate provision must be made for priority uses on the site.

Suggested Modifications 1 through 7 provide policies and standards to ensure that a balance of uses consistent with Coastal Act priorities, including adequate visitor-serving commercial uses and public access requirements, are included in any development approved on the site. The coastal access parking requirement is a key element in the ensemble of priority use provisions that balance the non-priority residential uses allowed on site. The coastal access parking requirement is also necessary to ensure that the proposed development does not further exacerbate the public parking shortage along lower Seaward Avenue, particularly since the zone chapter allows reduced parking requirements for live-work units and eliminates the increased parking for general uses required in the existing zone district. The required coastal parking spaces provide a public access benefit to help offset both the parking spaces lost due to reduced parking requirements, and the visitor-serving uses lost to residential uses.

As detailed in Exhibit 2, City staff has expressed concerns that the coastal access parking requirements included in Suggested Modifications 3 and 7 would result in large parking lots inconsistent with the City's planning approach and their desire to create attractive, pedestrian friendly environments. The City argues that a significant number of parking spaces exist in the area and that the existing parking will be supplemented by the new transit line that will serve the site and other coastal access points. City staff has suggested that the number of required coastal access parking spaces be equal to 10% of the total number of parking spaces otherwise required for an entire CMXD designated project site. City staff calculated that a development that included 105 residences and 25,000 sq. ft. of commercial floor area would result in 34 coastal public access spaces.

As discussed above, significant coastal access parking is required on this site in order to ensure a balance of priority and non-priority uses and to ensure that the proposed development does not exacerbate the existing public parking shortage in an important coastal gateway. Suggested Modification 7 already allows for reduced parking requirements for live-work units and for general uses. Given the reduced parking requirements, the number of coastal parking spaces allotted under the City's suggested 10% standard could be significantly lower than 34 spaces, which in itself is less than half of the minimum 75 spaces required on the site by Suggested Modification 3. The 1:1 ratio of residences to coastal access parking spaces required by Suggested Modification 7 provides a mechanism to bind non-priority residential uses to priority coastal access provisions in order to ensure an appropriate balance. Tying the number of coastal access parking spaces to the number of residences constructed provides an incentive to limit residential uses in favor of visitor-serving commercial uses, whereas the 10% standard provides an incentive to minimize total on-site parking, which could contribute to existing parking problems. Although the new bus line will provide additional opportunities for public access to the adjacent beach, the success of the three-year pilot program and its impact on parking in the vicinity of the subject site cannot be predicted. For all of these reasons, the provisions for coastal access parking imposed by Suggested Modifications 3 and 7 are necessary to find the proposed amendment consistent with the public access policies of the Coastal Act and the certified City of San Buenaventura Land Use Plan.

In summary, Suggested Modifications 1 through 7 are necessary in order to provide the proper balance of mixed-use development and means or policies to achieve that balance in conformance with applicable Coastal Act policies.

Thus the Commission finds that the proposed amendment to the certified City of San Buenaventura LCP is consistent with policies 30210, 30213, 30222, 30223, and 30251 of the

Coastal Act, and the relevant policies of the certified City of San Buenaventura LUP, only if it is modified as presented in the findings above.

VII. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 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 LCPs qualifies for certification under Section 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 no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California 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."

The proposed amendment is to the City of San Buenaventura's certified Local Coastal Program Land Use Plan and Implementation Ordinance. The Commission originally certified the City of San Buenaventura's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1986, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the intent of the applicable policies of the Coastal Act and the certified Land Use Plan and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment into conformity with the Coastal Act and certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

RESOLUTION NO. 2004-026

**A RESOLUTION OF THE CITY COUNCIL
CLARIFYING ITS INTENT WITH REGARD TO
A LOCAL COASTAL PROGRAM
AMENDMENT AS IT RELATES TO THE
PROCEDURAL REQUIREMENTS OF
SECTION 13551 OF TITLE 14 OF THE
CALIFORNIA CODE OF REGULATIONS**

CASE NOS. MP-138/Z-877

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

SECTION 1: Anastasi Development Company, LLC filed an application for a Comprehensive Plan/Local Coastal Program Amendment (hereafter referred to as the "Amendment"), pursuant to the San Buenaventura Municipal Code and Coastal Act, to change the Land Use Map designation from Planned Commercial – Tourist Oriented (PC-T) to Planned Mixed Use Development (PMXD), modify the Intent and Rationale Statements pertaining to the Comprehensive Plan's Pierpont Community, and a Change of Zone from Commercial Tourist Oriented (CTO) and Intermediate Commercial – Tourist Overlay (C1A-TO) to Mixed Use (MXD). The Amendment pertains to Assessor's Parcel Numbers 076-0-010-235 and 081-0-054-030.

SECTION 2: At its regular meeting of July 15, 2002, and prior to approving the Amendment, the City Council certified that it reviewed and considered the information provided in the project's Final Subsequent Environmental Impact Report (FSEIR). The FSEIR determined that, with the implementation of the required mitigation monitoring/report program addressing potentially significant impacts to geophysical, air quality, noise, aesthetics, transportation and circulation, hazards, utilities and service systems, cultural resources and water quality, the project would not have a significant adverse impact upon the environment.

SECTION 3: Further, at its regular meeting of July 15, 2002, after reviewing and considering the FSEIR and conducting a public hearing and all proceedings required by law, the City Council approved the Amendment by its adoption of Resolution Nos. 2002-46 and 2002-13.

SECTION 4: The California Coastal Commission staff provided the City, on June 11, 2003, notification that the City Council must clarify its intent with regard to California Code of Regulations (CCR), Title 14, Section 13551. CCR Sub-Section 13551(b) provides that the City may submit a proposed Local Coastal Program Amendment either: (1) as an amendment that will take effect automatically upon

CITY OF SAN BUENAVENTURA

RECEIVED

SEP 27 2005

CITY COUNCIL

September 26, 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
c/o South Central Coast District Office
89 South California Street, Suite 2000
Ventura, CA 93001

Brian Brennan, Mayor
Carl E. Morehouse, Deputy Mayor
Neal Andrews, Councilmember
Bill Fulton, Councilmember
James L. Monahan, Councilmember
Sandy E. Smith, Councilmember
Christy Weir, Councilmember

**Subject: Local Coastal Program Amendment Application (SBV-MAJ-1-03) –
Agenda Item #15a of October 13, 2005 Meeting**

Dear Coastal Commissioners:

This letter is sent to accompany the staff report for our proposed Local Coastal Program Amendment (LCPA) application concerning property in our Pierpont Community. Since granting an extension for the LCPA in October 2004, we have been constructively working with your staff to craft mutually agreeable modifications. As a city that has infrequent interaction with your staff, we have been impressed with their professionalism and willingness to consider our ideas. On this note, please know that we are in full support of the staff recommendation before you with the exception of one suggested criteria – public parking.

The staff recommend a minimum of 75 exclusive public parking spaces for coastal access or one space per dwelling unit; whichever is greater. This equates to at least one quarter acre and up to one half acre of asphalt (i.e., up to 13% of the LCPA property). We do not believe it possible to use the suggested expansive parking field to define a sense of place inviting to pedestrians and corresponding visitor-serving establishments. We prefer to modestly and equitably expand upon existing public parking opportunities here in an efficient manner that utilizes public transit. Specifically, we recommend that an approval motion include the following statement:

Public parking requirements shall be omitted from the Land Use Plan and, instead, the Implementation Plan portion of the LCPA shall require the property to provide a number equal to 10% of the total number of parking spaces otherwise required for an entire project site; as available for non-exclusive use for public parking for coastal access.

The LCPA is located in our Pierpont Community. This community provides approximately 1,711 public parking spaces; all within less than a five-minute walk to the beach. Coastal access is enhanced even further when considering that

these spaces are further expanded upon by increased connectivity provided by the South Coast Area Transit (SCAT) new Route 12. That route includes a bus stop at the LCPA site and will provide public transit between our Harbor, Pierpont Community and Downtown. This constitutes the city's entire coastline.

We believe that public transit, when combined with a unique sense of place established by buildings containing visitor-serving uses, we can create an urban environment that accommodates and serves as a reminder to visitors to return again and again. The suggested expanse of asphalt will certainly not provide the charm and distinctiveness that tempts visitors to return to visit their coast and shop in our city.

Parking issues aside, we observe the remainder of the recommendation to be eminently fair. Our staff's combined work on the LCPA has helped to establish a positive working relationship that we will continue to build upon in the future. For sake of clarity, we take note here that we understand recommended Zoning Regulations Section 24.295.060 (1)(c) to not require ground floor commercial across the entire LCPA site. Additionally, this confirms that the LCPA and existing LCP continue to enable the city to review and consider administrative variances to address issues of unique circumstance such as topography and building height.

We look forward to presenting this message in person. Please contact me at 805/658-4723 or sdaluddung@ci.ventura.ca.us if there are questions in the interim.

Sincerely,



Susan J. Daluddung
Community Development Director

C: City Council
Rick Cole, City Manager
Kevin Colin, Senior Planner

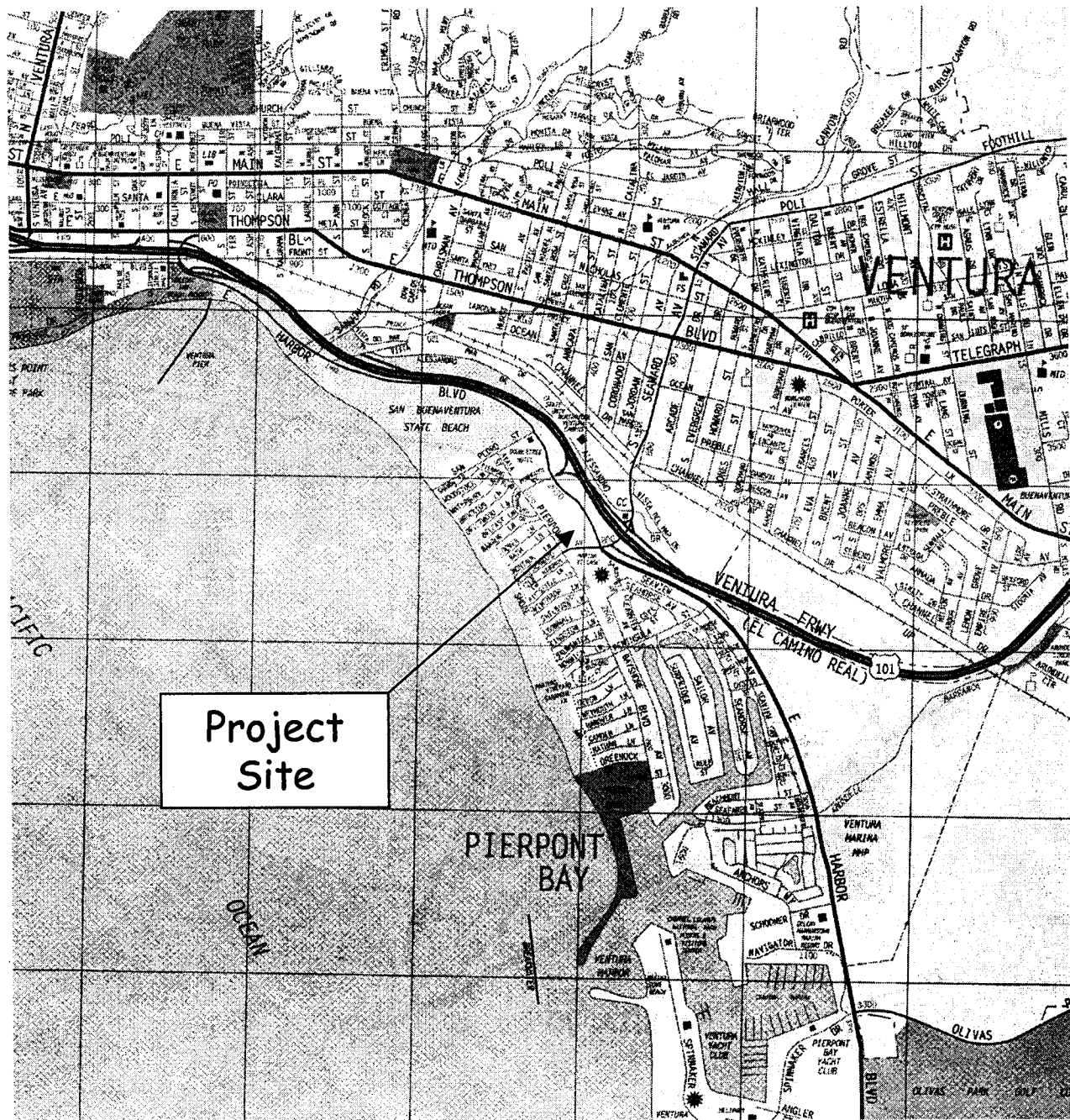
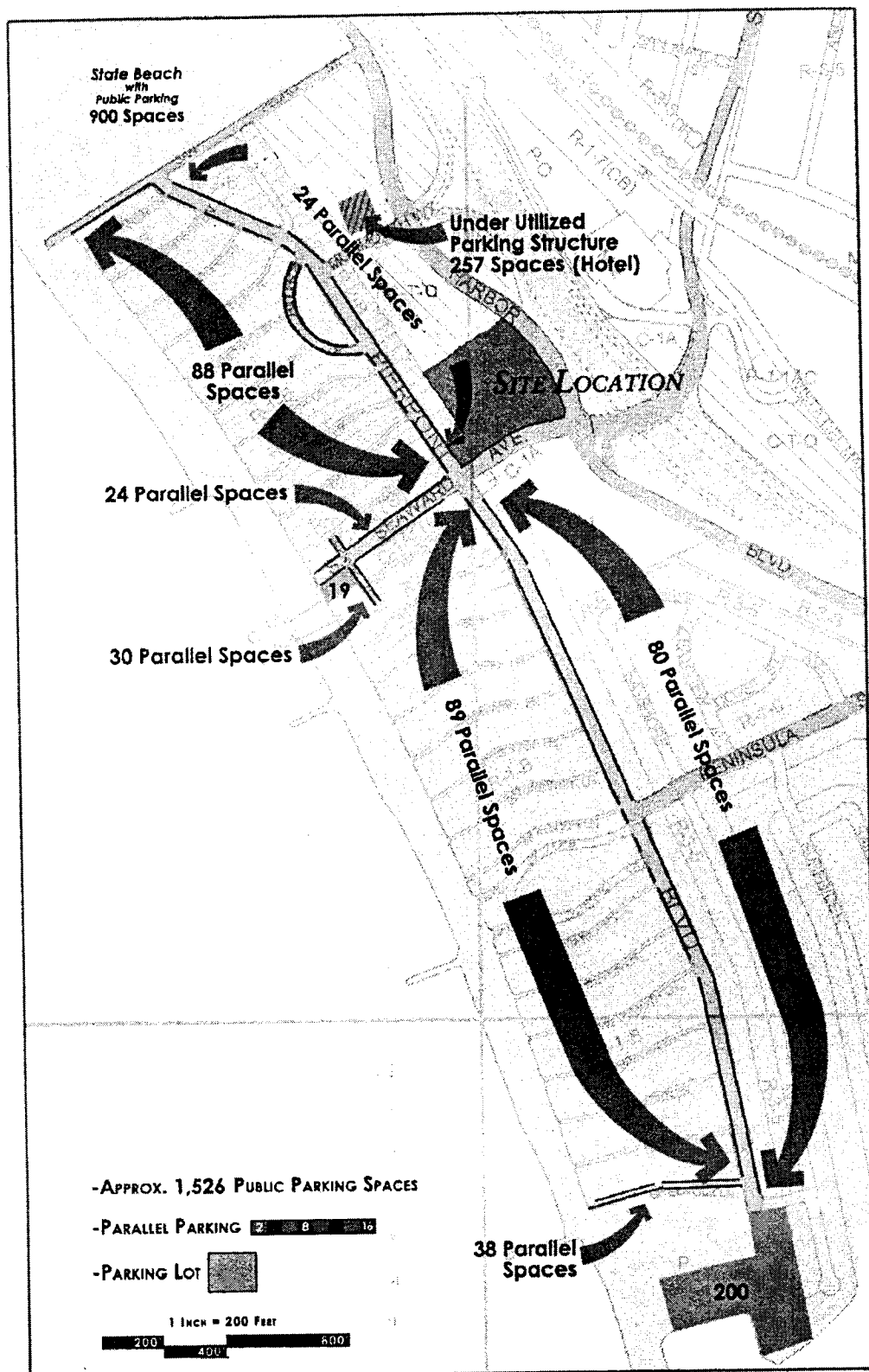


Exhibit 3
 LCPA SBV-MAJ-1-03
 Vicinity Map



PUBLIC PARKING STUDY

Exhibit 4
LCPA SBV-MAJ-1-03
Parking Study

RE
API

Chapter 24.240

C-T-O Commercial Tourist Oriented Zone**Sec. 24.240.010. Chapter description.**

Chapter 24.240 establishes the C-T-O Commercial Tourist Oriented ("C-T-O") Zone and prescribes use types and other regulations for this zone. Any applicable overlay zones described in chapters 24.300 through 24.399 may impose regulations in addition to those prescribed by this chapter for the C-T-O zone. The provisions of this chapter are intended to:

1. Provide an area in which visitor-serving, commercial and recreational facilities shall be emphasized and located to function safely, efficiently, and harmoniously;
2. Provide, with both general and specific development standards, a high level of site and operational performance with due consideration to visitor needs and opportunities; and
3. Provide visitor-serving commercial land and improvements in the coastal area from uses which are incompatible or more properly located in other zoning districts.

(Code 1971, § 15.240.010)

Sec. 24.240.020. Uses—Permitted.

The following use types are permitted, subject to the provisions of this chapter:

1. *Residential.*
None
2. *General.*
Administrative, Business, and Professional Services
Automotive and Accessories: Automotive Repairs, Systems
Automotive and Accessories: Parking
Business and Professional Support
Community Meeting
Cultural and Library Services
Day Care Centers

Dining Establishments: Ancillary Service
Dining Establishments: Full Service
Dining Establishments: Take Out
Drinking Establishments
Food and Beverage Retail Sales
Government Services
Lodging Services: Bed and Breakfast Inns
Personal Services
Property Maintenance Services
Recreation Services: Amusement Centers
Recreation Services: Indoor Entertainment
Recreation Services: Indoor Sports and Recreation
Recreation Services: Public Parks and Playgrounds
Recycling Services: Consumer Recycling Collection Points
Safety Services
Shopping Center: Large
Shopping Center: Small
Utility or Equipment Substations

3. *Agricultural.*

None

(Code 1971, § 15.240.020)

Sec. 24.240.030. Same—Subject to a use permit.

The following use types may be permitted, subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. *Residential.*
None
2. *General.*
Automotive and Accessories: Gasoline Sales
Dining Establishments: Fast Service, Drive-Up
Education Services: General
Farmer's Market, Certified

Lodging Services: Hotels and Motels

Recreation Services: Campgrounds

Recreation Services: Outdoor Sports and Recreation

Transportation Services

3. *Agricultural.*

None

(Code 1971, § 15.240.030)

Sec. 24.240.040. Same—Incidental.

Incidental uses as defined in chapter 24.110 may be permitted.

(Code 1971, § 15.240.040)

Sec. 24.240.050. Same—Special provisions.

Uses listed in sections 24.240.020 through 24.240.040 must also comply with the following special provisions:

1. *Design review.* Design review approval must be obtained to the extent required by chapter 24.545.
2. *Planned development permit.* A planned development permit must be approved pursuant to chapter 24.525 prior to the initiation of a use on an undeveloped site or prior to any construction of new structures, or additions or alterations to existing structures, in conjunction with, or in any way related to, the use types listed in sections 24.240.020 and 24.240.030 except for the Recycling Services: Consumer Recycling Collection Points Use Type.
3. *Temporary uses.* Temporary uses may be conducted in the C-T-O zone only to the extent permitted by chapter 24.120.
4. *Dining Establishments: Fast Service, Drive-Up.* All Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of chapter 24.475.
5. *Recycling Services: Consumer Recycling Collection Points.* Uses classified in the Recycling Services: Consumer Recycling Collection Points use type must comply with the provisions of chapter 24.485.

6. *Domestic animals.* Domestic animals are permitted provided there are no more than four adult animals per establishment.

7. *Livestock animals.* Livestock animals are not permitted in the C-T-O zone.

8. *Wild animals.* Wild animals are not permitted in the C-T-O zone.

(Code 1971, § 15.240.050)

Sec. 24.240.060. Standards—Density.

A. *Lot area or lot width.* There shall be no general minimum lot area or lot width standards for the C-T-O zone, provided that, the decision-making authority may specify minimum lot width or lot area standards for a particular site as a condition of approval of a planned development permit, or amendment thereto, pursuant to chapter 24.525.

B. *Lot coverage.* Buildings or other structures shall not occupy more than 50 percent of any lot in the C-T-O zone.

(Code 1971, § 15.240.060)

Sec. 24.240.070. Same—Height.

A. *Height determination.* The height of buildings and other structures in the C-T-O zone shall be determined in accordance with section 24.405.040.

B. *Maximum height.* Regardless of the number of stories comprising a building or structure, no portion of a building or other structure in the C-T-O zone shall exceed 30 feet in height except as provided in section 24.405.030.

(Code 1971, § 15.240.070)

Sec. 24.240.080. Same—Yards.

Fences, walls, and other uses of yards in the C-T-O Zone shall comply with the yard regulations set forth in chapter 24.410.

(Code 1971, § 15.240.080)

Sec. 24.240.090. Same—Setbacks.

Buildings and other structures, not including fences or walls, on a lot in the C-T-O zone shall comply with the following setback requirements:

1. *Front setbacks.* Each lot in this zone shall have a front setback of not less than 20

percent of the depth of the lot, provided that, such front setback need not exceed 20 feet.

2. *Side setbacks.* There shall be no general side setback requirements in this zone. However, where the side of a lot in the C-T-O zone abuts a residential zone, there shall be a side setback of not less than ten percent of the width of the lot, provided that, such side setback shall not be less than three feet, and need not exceed five feet in width.
3. *Rear setbacks.* Each lot in this zone shall have a rear setback of not less than 20 percent of the depth of the lot; except that such rear setback need not exceed 20 feet.

(Code 1971, § 15.240.090)

Sec. 24.240.100. Same—Other.

The following development regulations and standards shall also apply within the C-T-O zone:

1. *Parking.* Offstreet parking shall be provided as required by chapter 24.415, except as provided in this subsection 1.

For the seaward parking corridor, as defined in chapter 24.110 the number of offstreet parking spaces required for general use types shall be determined in accordance with this subsection as follows:

Use Type

- (a) **Administrative, Business, and Professional Services**
 Automotive and Accessories: Automotive Repairs, Systems
 Automotive and Accessories: Gasoline Sales
 Business and Professional Support
 Cultural and Library Services
 Dining Establishments: Ancillary Service
 Dining Establishments: Take-Out
 Food and Beverage Retail Sales
 Government Services
 Personal Services
 Safety Services
 Shopping Center: Large
 Shopping Center: Small
 Transportation Services
- (b) **Community Meeting**

*Parking Spaces
Required*

One space for each 250 square feet of gross floor area.

One space for each four fixed seats or each 96 inches, or fraction thereof, of the length of bench-type seats, or 28 gross square feet where no permanent seats are maintained, in any main meeting area, auditorium, meeting room, sanctuary or place of worship.

Use Type

- (c) Day Care Centers
- (d) Dining Establishments: Fast Service, Drive-Up
Dining Establishments: Full Service
Drinking Establishments
- (e) Educational Services: General
- (f) Farmers' Market, Certified
Recreation Services: Outdoor Sports and Recreation
Recreation Services: Public Parks and Playgrounds

*Parking Spaces
Required*

One space for every group of 13 children plus one for each staff member on site at any one time.

One space for each 45 square feet of customer service area plus one space for each 250 square feet of other gross floor area.

Elementary Schools and Middle Schools: One space for each classroom plus one space for each five fixed seats of any area utilized for auditorium purposes or for each 35 gross square feet of seating area where there are no fixed seats in any area utilized for auditorium purposes.

High Schools: Five spaces for each classroom plus one space for each five fixed seats of any area utilized for auditorium purposes or for each 35 gross square feet of seating area where there are no fixed seats in any area utilized for auditorium purposes.

Colleges: Seven spaces for each classroom plus one space for each five fixed seats of any area utilized for auditorium purposes or for each 35 gross square feet of seating area where there are no fixed seats in any area utilized for auditorium purposes.

A number of spaces as determined necessary by the decision-making authority to provide adequate vehicular access while minimizing adverse impacts on the surrounding neighborhood.

*Use Type**Parking Spaces
Required*

- (g) Lodging Services: Bed and Breakfast Inns

Two spaces within a garage. Where two spaces within a garage are already being provided for a Family Residential: Single-Family, those two spaces within a garage shall be deemed to adequately meet the requirement of this subsection. One open or covered space for each guest room must also be provided.

- (h) Lodging Services: Hotels and Motels

One and one-eighth for each sleeping unit plus whatever number of spaces may be required for other principal uses (e.g., Dining Establishments, Drinking Establishments, etc.) on the site.

- (i) Recreation Services: Amusement Centers

Recreation Services: Indoor Sports and Recreation

Bowling alleys, tennis courts, handball courts and similar facilities having clearly designated courts or playing areas: Three spaces for each bowling lane or playing court plus whatever number of spaces are required for any other principal uses on the site (e.g., Dining Establishments, Drinking Establishments, etc.)

For other participant oriented facilities, (e.g., skating rinks, amusement centers, fitness centers, billiard parlors): One space for each 100 gross square feet of floor area.

- (j) Recreation Services: Indoor Entertainment

One space for each five fixed seats or 35 gross square feet of non-fixed seating area plus one space for each 250 gross square feet of other floor area.

*Use Type**Parking Spaces
Required*

(k) — Recreation Services: Campgrounds

One space for each campsite or table, plus one space for each employee, and one additional space for each 25 campsites, and whatever number of spaces are required for other principal use on the site (e.g., Dining Establishments, Drinking Establishments, etc.)

(l) Utility or Equipment Substation

One space for each 250 square feet; provided that, no parking spaces are required for completely automated, unattended facilities.

(m) Automotive and Accessories: Parking
Recycling Services: Consumer Recycling Collection Points

No additional parking spaces required.

2. *Signs.* All signs must comply with the provisions of chapter 24.420.

3. *Coastal development.* All development within the CP Overlay Zone must comply with the provisions of chapter 24.310 and chapter 24.515.

4. *Flood Plain Overlay Zones.* All development within designated Flood Plain (FP) Overlay Zones shall comply with the provisions of chapter 24.320 and chapter 24.530.

5. *Open storage.* Except for outdoor displays of merchandise, conditionally allowed by subsection 6. of this section, open storage of materials and equipment shall be permitted only when incidental to a permitted use on the same lot as that occupied by said use. All areas of a site intended to be used for such open storage shall be shown on the site plan and approved as part of the planned development permit process.

6. *Displays for uses in the Automotive and Accessories Use Type category.* Outdoor display of merchandise in conjunction with uses classified within the Automotive and

Accessories: Gasoline Sales and Automotive and Accessories: Automotive Repairs, Systems use types may be permitted provided that all the following standards are met:

(a) *Lubricating materials.* Not more than one day's supply of lubricating materials, computed on the basis of average daily sales, may be placed upon the pump island or within two feet of the pump island or primary building. All such lubricating materials must be displayed in appropriate racks.

(b) *Tire display.* Not more than two enclosed tire storage or display cabinets are permitted. In lieu of tire cabinets, not more than four individual new tires in appropriate open racks or stands may be displayed, provided that such racks or stands are located within two feet of the perimeter of the pump island or primary building.

(c) *Vending machines.* Vending machines, including but not limited to, soft

drink dispensers or cigarette or candy vending machines, may be displayed within two feet of the perimeter of the primary building. Not more than four such machines are permitted.

(Code 1971, § 15.240.100)

Sec. 24.240.110. Nonconformance.

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

(Code 1971, § 15.240.110)

Chapter 24.234

C-1A Intermediate Commercial Zone**Sec. 24.234.010. Chapter description.**

Chapter 24.234 establishes the C-1A Intermediate Commercial Zone, also known as the "C-1A" Zone, and prescribes use types and other regulations for this zone. Any applicable overlay zones described in chapters 24.300 through 24.399 may impose regulations in addition to those prescribed by this chapter for the C-1A zone.
(Code 1971, § 15.234.010)

Sec. 24.234.020. Uses—Permitted.

The following use types are permitted, subject to the provisions of this chapter:

1. *Residential.*

Family Residential: Large Multi-Family

Family Residential: Mobile Home

Family Residential: Single Family

Family Residential: Small Multi-Family

Family Residential: Two Family

Residential Care

Residential Condominiums

2. *General.*

Administrative, Business, and Professional Services

Animal Sales and Services: Grooming and Pet Stores

Animal Sales and Services: Veterinary

Automotive and Accessories: Automotive Rentals

Automotive and Accessories: Parking
Business and Professional Support

Community Meeting

Construction Sales and Services: Building Supply Stores

Cultural and Library Services

Day Care Centers

Dining Establishments: Ancillary Service

Dining Establishments: Full Service

Dining Establishments: Take Out

Drinking Establishments

Education Services: Commercial

Food and Beverage Retail Sales

Funeral and Interment Services

Government Services

Lodging Services: Bed and Breakfast Inns

Medical Services: Consulting

Medical Services: Mobile Equipment

Nursery Sales

Personal Services

Property Maintenance Services

Recreation Services: Amusement Centers

Recreation Services: Indoor Entertainment

Recreation Services: Indoor Sports and Recreation

Recreation Services: Public Parks and Playgrounds

Recycling Services: Consumer Recycling Collection Points

Repair Services

Retail Sales

Safety Services

Shopping Center: Small

3. *Agricultural.*

None

(Code 1971, § 15.234.020)

Sec. 24.234.030. Same—Subject to a use permit.

The following use types may be permitted, subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. *Residential.*

Group Residential

2. *General.*

Auction Sales

Automotive and Accessories: Automotive Repairs, Systems

Automotive and Accessories: Automotive Sales, Retail

Automotive and Accessories: Cleaning

Automotive and Accessories: Gasoline Sales

Boating and Harbor Activities: Boat Sales and Services

Dining Establishments: Fast Service, Drive-Up

Education Services: General

Equipment Rentals, Sales, and Services: Light

✓ Farmers' Market, Certified

Group Care

Helicopter Landing Services

✓ Lodging Services: Hotels and Motels

✓ Recreation Services: Outdoor Entertainment

✓ Recreation Services: Outdoor Sports and Recreation

Shopping Center: Large

✓ Swap Meets

✓ Transportation Services

✓ Utility or Equipment Substations

3. *Agricultural.*

None

(Code 1971, § 15.234.030)

Sec. 24.234.040. Same—Incidental.

Incidental uses as defined in chapter 24.110 may be permitted.

(Code 1971, § 15.234.040)

Sec. 24.234.050. Same—Special provisions.

Uses listed in sections 24.234.020 through section 24.234.040 must also comply with the following special provisions:

- 1. *Design review.* Design review approval must be obtained to the extent required by chapter 24.545.

2. *Planned development permit.* Approval of a planned development permit pursuant to chapter 24.525 is required for any construction of new structures, or additions or alterations to existing structures in conjunction with, or in any way related to the following use types:

- (a) Family Residential: Large Multi-Family; and

- (b) Residential Condominiums and for any Residential Condominium Conversion in the C-1A zone.

3. *Temporary uses.* Temporary uses may be conducted in the C-1A zone only to the extent permitted by chapter 24.120.

4. *Home occupations.* Home occupations may be conducted in the C-1A zone only to the extent permitted by chapter 24.125.

5. *Factory-built homes.* Factory-built homes may be used for residential purposes in the same manner as conventional site-built housing subject to the provisions of this chapter.

6. *Group Care.* All Group care uses must comply with the provisions of chapter 24.435.

7. *Dining Establishments: Fast Service Drive-Up.* All Dining Establishments: Fast Service, Drive-Up uses shall comply with the provisions of chapter 24.475.

8. *Domestic animals.*

- (a) Domestic animals, as defined in chapter 24.110, are permitted in the C-1A zone, provided that, no more than four adult animals over the age of four months are permitted per dwelling unit or establishment and, further provided that, no more than three adult dogs shall be permitted per dwelling unit or establishment.

- (b) Notwithstanding paragraph (a) of this subsection 8., for uses conducted in the C-1A zone that are classified in the Family Residential: Mobile Home; Family Residential: Single Family; Family Residential: Two Family; and

Residential Condominiums use types, up to six adult animals over the age of four months are permitted, provided that, no more than three adult dogs shall be permitted per dwelling unit.

9. *Livestock animals.* Livestock animals are not permitted in the C-1A zone.
10. *Wild animals.* Wild animals are not permitted in the C-1A zone.
11. *Recycling Services: Consumer Recycling Collection Points.* Uses classified in the Recycling Services: Consumer Recycling Collection Points use type must comply with the provisions of chapter 24.485.
12. *Swap Meets.* Uses classified within the Swap Meets use type may be conducted in the C-1A zone, provided that, all such uses must obtain a use permit pursuant to chapter 24.520, and further provided that, any such use may be conducted only for a maximum of 48 hours within any seven day consecutive period.
(Code 1971, § 15.234.050)

Sec. 24.234.060. Standards—Density.

For buildings and lots in the C-1A zone not used exclusively for residential purposes, there shall be no lot area, lot width, or lot coverage standards. For buildings or lots used exclusively for residential purposes, the lot area, lot width, and lot coverage standards for the R-3 zone, and the standards for minimum lot area per dwelling unit of the R-3-3 subzone, shall apply.
(Code 1971, § 15.234.060)

Sec. 24.234.070. Same—Height.

A. Height determination. The height of buildings and other structures in the C-1A zone shall be determined in accordance with section 24.405.040.

B. Maximum number of stories. Buildings and other structures in the C-1A zone shall not exceed six stories.

C. Maximum height. Regardless of the number of stories comprising a building or structure, no portion of a building or other structure in the C-1A zone shall exceed 75 feet in height except as provided in section 24.405.030.
(Code 1971, § 15.234.070)

Sec. 24.234.080. Same—Yards.

Fences, walls, or other uses of yards in the C-1A zone shall comply with the yard requirements contained in chapter 24.410.
(Code 1971, § 15.234.080)

Sec. 24.234.090. Same—Setbacks.

Buildings and other structures, not including fences or walls, on a lot in the C-1A zone shall comply with all the following setback requirements:

1. *Front setbacks.* There shall be no front setback requirement in the C-1A zone, except as provided in this subsection 1.:
 - (a) Where the frontage of a lot not used exclusively for residential purposes is located partly in, or adjacent to, a residential zone, the front setback requirement for that residential zone shall apply.
 - (b) Buildings and lots used exclusively for residential purposes shall comply with the front setback regulations of the R-3 zone.
2. *Side setbacks.* There shall be no side setback requirement in the C-1A zone, except as provided in this subsection 2.:
 - (a) Where the side of a lot in the C-1A zone not used exclusively for residential purposes abuts any residential zone, there shall be a side setback of not less than ten percent of the width of the lot; except that such side setback shall not be less than three feet, and need not exceed five feet in width.
 - (b) Buildings or lots used exclusively for residential purposes shall comply with the side setback regulations of the R-3 zone.

3. *Rear setbacks.*

- (a) Each lot in the C-1A zone not used exclusively for residential purposes shall have a required rear setback of not less than 20 percent of the depth of the lot; except that such rear setback need not exceed 20 feet.
- (b) Buildings and lots in the C-1A zone used exclusively for residential purposes shall comply with the rear setback regulations of the R-3 zone.

(Code 1971, § 15.234.090)

Sec. 24.234.100. Same—Accessory structures.

Accessory structures, as defined in chapter 24.110, shall only be allowed to the extent such accessory structures comply with subsections 1. through 4. of this section:

- 1. The portion of any accessory structures used for required parking (e.g., garage, carport), shall provide for adequate ingress and egress as determined by the city engineering division.
- 2. The portion of any accessory structure that contains a habitable room shall not be located closer than three feet to any lot line, regardless of the location of the accessory structure on the lot.
- 3. All accessory structures are subject to compliance with all Uniform Building Code requirements, including, but not limited to, separation between structures.
- 4. In addition to the applicable provisions of subsections 1. through 3. of this section, a detached accessory structure may be located in the required yard areas only to the extent allowed by this subsection 4. as follows:
 - (a) Detached accessory structures may be entirely or partially located in a required rear yard as long as these accessory structures do not occupy more than 50 percent of that required rear yard;

- (b) Detached accessory structures may be partially or entirely located in the portion of the required side yard which overlaps the required rear yard;
- (c) Detached accessory structures may be partially or entirely located in one of the required front yards of a through lot, provided that, such accessory structure is set back from the nearest front lot line a distance of not less than ten percent of the depth of the lot, but need not exceed a setback of 25 feet, and at least five feet from any side lot line;
- (d) Where the average natural grade of a required front setback line is more than eight feet above the average established curb grade of the street upon which the lot abuts, a garage may be erected so as to extend into the required front yard or required side yard, but not so as to extend closer than five feet to any street property line; and
- (e) All detached accessory structures located in required yard areas shall not exceed one story in height and shall be no more than 14 feet in height.

(Code 1971, § 15.234.100)

Sec. 24.234.110. Same—Attached patio covers.

A patio cover attached to a dwelling unit may be located partially or entirely in a required rear yard subject to all of the following provisions:

- 1. *Width of covering.* The width of such patio cover shall not exceed one-half of the width of the lot upon which it is located.
- 2. *Location of supports.* Supports shall be a minimum of 12 feet from the rear lot line and a minimum of five feet from each of the side lot lines.
- 3. *Overhang allowable.* Eave overhangs shall be a minimum of ten feet from the rear lot line and a minimum of three feet from each of the side lot lines.

4. *Side enclosure prohibited.* No enclosure of any kind shall be permitted on any non-attached side of such structure.
5. *Coverage of building area limited.* The area of the attached patio cover combined with the area of all other buildings and structures on the lot shall not exceed the maximum lot coverage permitted in this chapter.

(Code 1971, § 15.234.110)

offstreet parking spaces required for General use types shall be determined in accordance with this subsection as follows:

Sec. 24.234.120. Same—Other.

The following development regulations and standards shall also apply within the C-1A zone:

1. *Parking.* Offstreet parking shall be provided for all uses as required by chapter 24.415, except as provided in this subsection 1.

For the seaward parking corridor, as defined in chapter 24.110, the number of

Use Type

- (a) Administrative, Business, and Professional Services
Animal Sales and Services: Grooming and Pet Stores
Animal Sales and Services: Veterinary
Auction Sales
Automotive and Accessories: Automotive Repairs, System
Automotive and Accessories: Cleaning
Automotive and Accessories: Gasoline Sales
Business and Professional Support
Construction Sales and Services: Building Supply Stores
Cultural and Library Services
Dining Establishments: Ancillary Service
Dining Establishments: Take Out
Equipment Rentals, Sales, and Services: Light
Food and Beverage Retail Sales
Funeral and Interment Services
Government Services
Medical Services: Consulting
Medical Services: Mobile Equipment
Personal Services
Property Maintenance Services
Repair Services
Retail Sales

*Parking Spaces
Required*

One space for each 250 square feet of gross floor area.

***Parking Spaces
Required***

Use Type

- Safety Services
- Shopping Center: Large
- Shopping Center: Small
- Transportation Services
- (b) Automotive and Accessories: Automotive Rentals
- Automotive and Accessories: Auto Sales, Retail
- Boating and Harbor Activities: Boat Sales and Services
- Nursery Sales
- (c) Community Meeting
- (d) Day Care Centers
- (e) Dining Establishments: Fast Service, Drive-Up
- Dining Establishments: Full Service
- Drinking Establishments
- (f) Educational Services: Commercial

One space for each 250 square feet of gross floor area plus one space for each 1,000 square feet of outdoor sales, display or storage area up to 5,000 square feet plus one parking space for each 5,000 square feet of outdoor sales area, display, or storage area thereafter.

One space for each four fixed seats or each 96 inches, or fraction thereof, of the length of bench-type seats, or 28 gross square feet where no permanent seats are maintained, in any main meeting area, auditorium, meeting room, sanctuary or place of worship.

One space for every group of 13 children plus one for each staff member on site at any one time,

One space for each 45 square feet of customer service area, plus one space for each 250 square feet of other gross floor area.

One space for each 150 gross square feet of floor area of classroom area plus one space for each 250 gross square feet of other floor area.

Use Type

- (g) Educational Services: General

- (h) Farmers' Market, Certified
Helicopter Landing Services
Recreation Services: Outdoor Entertainment
Recreation Services: Outdoor Sports and Recreation
Recreation Services: Public Parks and Playgrounds
Swap Meets
- (i) Group Care

*Parking Spaces
Required*

Elementary Schools and Middle Schools: One space for each classroom plus one space for each five fixed seats of any area utilized for auditorium purposes or for each 35 gross square feet of seating area where there are no fixed seats in any area utilized for auditorium purposes.

High Schools: Five spaces for each classroom plus one space for each five fixed seats of any area utilized for auditorium purposes or for each 35 gross square feet of seating area where there are no fixed seats in any area utilized for auditorium purposes.

Colleges: Seven spaces for each classroom plus one space for each five fixed seats of any area utilized for auditorium purposes or for each 35 gross square feet of seating area where there are no fixed seats in any area utilized for auditorium purposes.

A number of spaces as determined necessary by the decision-making authority to provide adequate vehicular access while minimizing adverse impacts on the surrounding neighborhood.

One space for each person employed at the site plus one-quarter space for each resident bed.

Use Type

- (j) Lodging Services: Bed and Breakfast Inns
- (k) Lodging Services: Hotels and Motels
- (l) Recreation Services: Amusement Centers
- Recreation Services: Indoor Sports and Recreation
- (m) Recreation Services: Indoor Entertainment

*Parking Spaces
Required*

Two spaces within a garage. Where two spaces within a garage are already being provided for a Family Residential: Single-Family, those two spaces within a garage shall be deemed to adequately meet the requirements of this subsection. One open or covered space for each guest room must also be provided.

1 1/2 for each sleeping unit plus whatever number of spaces may be required for other principal uses (e.g., Dining Establishments, Drinking Establishments, etc.) on the site.

Bowling alleys, tennis courts, handball courts and similar facilities having clearly designated courts or playing areas: Three spaces for each bowling lane or playing court plus whatever number of spaces are required for any other principal uses on the site (e.g., Dining Establishments, Drinking Establishments, etc.)

For other participant oriented facilities, (e.g., skating rinks, amusement centers, fitness centers, billiard parlors): One space for each 100 gross square feet of floor area.

One space for each (5) fixed seats or 35 gross square feet of non-fixed seating area plus one space for each 250 gross square feet of other floor area.

Use Type**Parking Spaces
Required**

(n) Utility or Equipment Substation

One space for each 250 square feet; provided that, no parking spaces are required for completely automated, unattended facilities.

(o) Automotive and Accessories: Parking
Recycling Services: Consumer Recycling Collection Points

No additional parking spaces required.

2. *Signs.* All signs must comply with the provisions of chapter 24.420;

3. *Coastal development.* All development within the CP Overlay Zone must comply with the provisions of chapter 24.310 and chapter 24.515;

4. *Flood Plain Overlay Zones.* All development within a designated Flood Plain (FP) Overlay Zone must comply with the provisions of chapter 24.320 and chapter 24.530;

5. *Mobile Homes.* Uses classified as Family Residential: Mobile Home use type must be located on a permanent foundation system and must comply with the following architectural standards:

(a) Roofing and siding materials shall be non-reflective; and

(b) Roofs shall have a minimum roof overhang of 16 inches.

6. *Displays for uses in the Automotive and Accessories use type category.* Outdoor display of merchandise in conjunction with uses classified within the Automotive and Accessories: Gasoline Sales use type may be permitted provided that all of the following standards are met.

(a) *Lubricating materials.* Not more than one day's supply of lubricating materials, computed on the basis of average daily sales, may be placed upon the pump island or within two feet of the pump island or primary building. All such lubricating materials must be displayed in appropriate racks.

(b) *Tire display.* Not more than two enclosed tire storage or display cabinets are permitted. In lieu of tire cabinets, not more than four individual new tires in appropriate open racks or stands may be displayed, provided that such racks or stands are located within two feet of the perimeter of the pump island or primary building.

(c) *Vending machines.* Vending machines, including but not limited to, soft drink dispensers or cigarette or candy vending machines, may be displayed within two feet of the perimeter of the primary building. Not more than four such machines are permitted.

7. *Open storage.* Open storage in the front yard of any lot occupied by a use classified within a residential use type is prohibited. Open storage of materials and equipment for uses other than those classified within residential use types, other than outdoor displays of merchandise conditionally allowed by subsection 6. of this section, shall only be permitted when incidental to the permitted use of an office, store, or other main commercial building and only if the following standards are met:

(a) Such storage shall be located on the rear one-half of the lot and shall be confined to an area not to exceed 3,000 square feet;

(b) No power-driven excavating or road-building equipment shall be stored on the lot;

- (c) The storage area shall be completely enclosed by a solid wall or fence not less than six feet in height and which may include a solid gate; and
- (d) No materials or equipment shall be stored to a height greater than the height of the required fence or wall.

8. *Outdoor retail activities.*

- (a) Uses classified within general use types, other than those listed in paragraph (b) of this subsection 8., shall be conducted entirely within a completely enclosed building except as may be otherwise permitted pursuant to chapter 24.120 or by the terms or conditions of a use permit authorizing such uses.
- (b) The following general use types need not be conducted entirely within a completely enclosed building:
 - (1) Automotive and Accessories: Automotive Rentals
 - (2) Automotive and Accessories: Automotive Sales, Retail
 - (3) Automotive and Accessories: Cleaning
 - (4) Automotive and Accessories: Gasoline Sales
 - (5) Automotive and Accessories: Parking
 - (6) Boating and Harbor Activities: Boat Sales and Services
 - (7) Dining Establishments: Ancillary Service
 - (8) Dining Establishments: Fast Service, Drive-Up
 - (9) Dining Establishments: Full Service
 - (10) Farmers' Market, Certified
 - (11) Helicopter Landing Services
 - (12) Medical Services: Mobile Equipment
 - (13) Nursery Sales
 - (14) Recreation Services: Outdoor Entertainment

- (15) Recreation Services: Outdoor Sports and Recreation
- (16) Recreation Services: Public Parks and Playgrounds
- (17) Recycling Services: Consumer Recycling Collection Points
- (18) Swap Meets
- (19) Utility or Equipment Substations

9. *Equipment repair and reconditioning.* All new and used automobile, trailer, and boat sales, services, or repairs shall comply with the following standards:

- (a) All outdoor display areas related to such uses shall be entirely surfaced with concrete or asphaltic concrete.
- (b) No repair or reconditioning of automobiles, trailers, or boats shall be permitted unless conducted entirely within an enclosed building.

10. *Vehicle repair.* No vehicles may be repaired on sites occupied by residential land uses unless all the following conditions are met:

- (a) The vehicle under repair must be owned by the current resident of the property upon which the repairs are being made.
- (b) Registration or proof of current ownership of the vehicle being repaired shall be available for inspection on the premises at all times while the vehicle is under repair.
- (c) Vehicle repairs may be conducted only between the hours of 7:00 a.m. and 10:00 p.m.
- (d) Repair of a particular vehicle shall be conducted and completed in no more than 30 days.
- (e) Storage of any vehicle under repair, or storage of parts of a vehicle, upon a public street or alley or upon an unpaved yard area, other than a driveway, is prohibited.
- (f) Body work on a vehicle is prohibited.

(g) Painting of a vehicle or any portion of a vehicle is prohibited.
(Code 1971, § 15.234.120)

Sec. 24.234.130. 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.

(Code 1971, § 15.234.130)

Sec. 24.234.140. Nonconformance.

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

(Code 1971, § 15.234.140)

Chapter 24.350**Tourist-Oriented (TO) Overlay Zone*****Sec. 24.350.010. Chapter description.**

Chapter 24.350 establishes the Tourist-Oriented ("TO") Overlay Zone in order to:

1. Provide areas where visitor-serving commercial and recreational facilities will be encouraged;
2. Limit permitted uses and development patterns to those which are compatible and harmonious with the visitor-serving nature of the area; and
3. Recognize the need for commercial areas where a limited amount of compatible and harmonious uses, other than tourist-oriented facilities, can be located to take advantage of the beach and shoreline environment.

(Code 1971, § 15.450.010)

Sec. 24.350.020. Applicability.

The provisions of this chapter shall apply to all sites, or portions of sites, within the boundaries of an area designated by the city council pursuant to chapter 24.540 as a Tourist-Oriented Overlay Zone. Such areas may be designated as "TO" on the official zoning district map. The provisions of this chapter shall apply and be deemed enacted and effective as of December 8, 1983.

(Code 1971, § 15.450.020)

Sec. 24.350.030. Permitted uses.

Uses classified within any of the general use types set forth in chapter 24.234 as permitted in the C-1A Zone are permitted in the TO Overlay Zone, but only to the extent such uses, or combination of uses, provide the established minimum of tourist-oriented uses required by the comprehensive plan. Uses classified within residential

use types set forth in chapter 24.234 as permitted in the C-1A Zone are not permitted in the TO Overlay Zone.

(Code 1971, § 15.450.030)

Sec. 24.350.040. Height limit.

Regardless of the number of stories comprising a building or structure, no portion of a building or other structure within the boundaries of a TO Overlay Zone shall exceed 30 feet in height, except as provided in section 24.405.030.

(Code 1971, § 15.450.040)

Sec. 24.350.050. Planned development permit required.

In the TO Overlay Zone, approval of a planned development permit pursuant to chapter 24.525 is required prior to the initiation of a use on an undeveloped site or prior to any construction of new structures, or additions, repairs, or alterations to existing structures.

(Code 1971, § 15.450.050)

*Cross reference—Tourism commission, ch. 2.440.

Chapter 24.244

M-X-D Mixed-Use Zone**Sec. 24.244.010. Chapter description.**

Chapter 24.244 establishes the MXD Mixed-Use Zone, also known as the "MXD" zone, and prescribes use types and other regulations for this zone. The provisions of this chapter are further intended to set forth development standards for each land use type within the MXD zone, and provide for feasible use of buildings for selected combined uses, including opportunities for development of combined live/work spaces.

Any applicable overlay zones described in chapters 24.300 through 24.399 may impose regulations in addition to those prescribed by this chapter for the MXD zone.

(Code 1971, § 15.244.010)

Sec. 24.244.020. Uses—Permitted.

The following use types are permitted subject to the provisions of this chapter:

1. *Residential.*

Family Residential: Large Multi-Family

Family Residential: Mobile Home

Family Residential: Single Family

Family Residential: Small Multi-Family

Family Residential: Two Family

Residential Care

Residential Condominiums

2. *General.*

Administrative, Business, and Professional Services

Animal Sales and Services: Grooming and Pet Stores

Animal Sales and Services: Veterinary

Automotive and Accessories: Automotive Rentals

Automotive and Accessories: Automotive Repairs, Systems

Automotive and Accessories: Automotive Sales, Retail

Automotive and Accessories: Automotive Sales, Wholesale

Automotive and Accessories: Parking

Boating and Harbor Activities: Boat Sales and Services

Business and Professional Support

Construction Sales and Services: Building Supply Stores

Cultural and Library Services

Dining Establishments: Ancillary Service

Dining Establishments: Fast Counter Service

Dining Establishments: Full Service

Dining Establishments: Take Out

Drinking Establishments

Educational Services: Commercial

Equipment Rentals, Sales, and Services: Light

Food and Beverage Retail Sales

Funeral and Interment Services

Government Services

Laundry Services

Light Industrial

Lodging Services: Bed and Breakfast Inns

Medical Services: Consulting

Medical Services: Mobile Equipment

Nursery Sales

Oil Equipment Services: Light

Personal Services

Personal Storage

Property Maintenance Services

Recreation Services: Public Parks and Playgrounds

Recycling Services: Consumer Recycling Collection Points

Repair Services

Retail Sales

Safety Services

Shopping Center: Large

Shopping Center: Small

Utility or Equipment Substations

Wireless Telecommunications Facilities:

Mini

Wireless Telecommunications Facilities:

Minor

Wireless Telecommunication Services: Major

3. *Agricultural.*

None

(Code 1971, § 15.244.020; Ord. No. 2000-04, § 42, 1-24-00; Ord. No. 2002-05, § 11, 3-18-02)

Sec. 24.244.030. Same—Subject to a use permit.

The following use types may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. *Residential.*

Group Residential

2. *General.*

Auction Sales

Automotive and Accessories: Cleaning

Automotive and Accessories: Gasoline Sales

Community Meeting

Construction Sales and Services: Building Contractor Yards

Construction Sales and Services: Lumber Yards

Day Care Centers

Dining Establishments: Fast Service, Drive-Up

Education Services: General

Farmers' Market, Certified

General Industrial

Group Care

Helicopter Landing Services

Lodging Services: Hotels and Motels

Recreational Services: Amusement Centers

Recreational Services: Indoor Entertainment

Recreational Services: Indoor Sports and Recreation

Recreational Services: Outdoor Entertainment

Recreational Services: Outdoor Sports and Recreation

Research or Laboratory Services

Swap Meets

Transportation Services

Wholesaling and Distribution

3. *Agricultural.*

None

(Code 1971, § 15.244.030)

Sec. 24.244.040. Same—Incidental.

Incidental uses as defined in chapter 24.110 may be permitted.

(Code 1971, § 15.244.040)

Sec. 24.244.050. Same—Special provisions.

Uses listed in sections 24.244.020 through 24.244.040 must also comply with the following special provisions:

1. *Downtown Specific Plan Area.* Notwithstanding sections 25.244.020 and 24.244.030 the following additional use types may be allowed in the MXD zone district or portion thereof, within the boundaries of the Downtown Specific Plan Area provide that a use permit is approved pursuant to chapter 24.520:

(a) *General.*

Automotive and Accessories: Automotive

Repairs, Bodies

Automotive and Accessories: Impound Yard

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Automotive and Accessories: Operable Vehicles Storage
Boating Harbor Activities: Boat Building or Repair

Equipment Rentals, Sales, and Services: Heavy.

Oil Equipment Services: Heavy

Recycling Services: Recycling Transfer

Wireless Telecommunication Services: Major

2. *Design review.* Design review approval must be obtained as required by chapter 24.845.
3. *Planned development permit.* Approval of a planned development permit pursuant to chapter 24.525 is required for any construction of new structures or additions or alterations to existing structures in conjunction with, or in any way related to the use types listed in sections 24.244.020 and 24.244.030 except for the Recycling Services: Consumer Recycling Collection Points and Wireless Telecommunications Facilities: Mini and Minor use Types.
4. *Temporary uses.* Temporary uses may be conducted in the MXD zone only to the extent permitted by chapter 24.120.
5. *Home occupations.* Home occupations may be conducted in the MXD zone only to the extent permitted by chapter 24.125.
6. *Factory-built homes.* Factory-built homes may be used for residential purposes in the same manner as conventional site-built housing subject of the provisions of this chapter.
7. *Group Care.* All Group Care uses must comply with the provisions of chapter 24.435.
8. *Dining Establishments: Fast Service, Drive-Up.* Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of chapter 24.475.
9. *Domestic animals.*
 - (a) Domestic animals, as defined in chapter 24.110, are permitted in the MXD zone, provided that, in conjunction with uses other than those uses within the Animal Sales and Services: Grooming and Pet Stores use type, only four adult animals over the age of four months are permitted per dwelling unit or establishment and, further provided that, no more than three adult dogs shall be permitted per dwelling unit or establishment.
 - (b) Notwithstanding paragraph (a) of this subsection 9., for uses conducted in the MXD zone that are classified in the Family Residential: Single Family; Family Residential: Mobile Home; Family Residential: Two Family; and Residential Condominiums use types, up to six adult animals over the age of four months are permitted, provided that, no more than three adult dogs shall be permitted per dwelling unit.
10. *Livestock animals.* Livestock animals are not permitted in the MXD zone.
11. *Wild animals.* Wild animals are not permitted in the MXD zone, except in conjunction with the Animal Sales and Services: Grooming and Pet Stores use type.
12. *Recycling Services: Consumer Recycling Collection Points.* Uses classified in the Recycling Services: Consumer Recycling Collection Points use types must comply with the provisions of chapter 24.485.
13. *Assembly uses.* All Assembly uses must comply with the provisions of chapter 24.480.
14. *Wireless Telecommunications Facilities: Minor.* Uses classified in the Wireless Telecommunications Facilities: Minor uses type shall require a director's permit pursuant to chapter 24.505.

(Code 1971, § 15.244.050; Ord. No. 2000-04, § 43, 1-24-00)

Sec. 24.244.060. Standards—Density.

For building and lots in the MXD zone not used exclusively for residential purposes, there shall be no general lot area, lot width, or lot coverage standards. For buildings or lots used exclusively for residential purposes, the lot area, lot width,

and lot coverage standards for the R-3 zone. The standards for minimum lot area per dwelling unit of the R-3-3 subzone, shall apply, except in the Downtown Specific Plan Area where the residential dwelling unit density for the zone shall not be more or less than allowed by the Plan.
(Code 1971, § 15.244.060)

Sec. 24.244.070. Same—Height.

A. Height determination. The height of buildings and other structures in the MXD zone shall be determined in accordance with section 24.405.040.

B. Maximum number of stories. Buildings and other structures in the MXD zone shall not exceed six stories in height.

C. Maximum height. Regardless of the number of stories comprising a building or structure, no portion of a building or other structure in the MXD zone shall be exceed 75 feet in height except as provided in section 24.405.030.
(Code 1971, § 15.244.070)

Sec. 24.244.080. Same—Yards.

Fences, walls, and other uses of yards in the MXD zone shall comply with the yard requirements contained in chapter 24.410.
(Code 1971, § 15.244.080)

Sec. 24.244.090. Same—Setbacks.

Buildings and other structures, not including fences or walls, on a lot in the MXD zone shall comply with the following setback requirements:

1. *Front setbacks.* There shall be no general front setback in the MXD zone, provided that, buildings or lots used exclusively for residential purposes shall comply with the front setback regulations of the R-3 zone.
2. *Side setbacks.* There shall be no side setback requirement in the MXD zone, except as provided in this subsection 2.:
 - (a) Where the side of a lot in the MXD zone not used exclusively for residential purposes abuts any residential zone, there shall be a side setback of

not less than ten percent of the width of the lot; provided that, such side setback shall not be less than three feet, and need not exceed five feet in width.

- (b) Buildings or lots used exclusively for residential purposes shall comply with the side setback regulations for the R-3 zone.

3. Rear setbacks.

- (a) Each lot in this zone not used exclusively for residential purposes shall have a required rear setback of not less than 20 percent of the depth of the lot; except that such rear setback need not exceed 20 feet.
- (b) Buildings and lots used exclusively for residential purposes shall comply with the rear setback regulations of the R-3 zone.
(Code 1971, § 15.244.090)

Sec. 24.244.100. Same—Accessory structures.

Accessory structures, as defined in chapter 24.110, shall only be allowed to the extent such accessory structures comply with subsections 1. through 4. of this section:

1. The portion of any accessory structures used for required parking (e.g., garage, carport), shall provide for adequate ingress and egress as determined by the city engineering division.
2. The portion of any accessory structure that contains a habitable room shall not be located closer than three feet to any lot line, regardless of the location of the accessory structure on the lot.
3. All accessory structures are subject to compliance with all Uniform Building Code requirements, including, but not limited to, separation between structures.
4. In addition to the applicable provisions of subsections 1. through 3. of this section, a detached accessory structure may be lo-

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cated in the required yard areas only to the extent allowed by this subsection 4. as follows:

- (a) Detached accessory structures may be entirely or partially located in a required rear yard as long as these accessory structures do not occupy more than 50 percent of that required rear yard;
- (b) Detached accessory structures may be partially or entirely located in the portion of the required side yard which overlaps the required rear yard;

- (c) Detached accessory structures may be partially or entirely located in one of the required front yards of a through lot, provided that, such accessory structure is set back from the nearest front lot line a distance of not less than ten percent of the depth of the lot, but need not exceed a setback of 25 feet, and at least five feet from any side lot line;
- (d) Where the average natural grade of a required front setback line is more than eight feet above the average established curb grade of the street upon which the lot abuts, a garage may be erected so as to extend into the required front yard or required side yard, but not so as to extend closer than five feet to any street property line; and
- (e) All detached accessory structures located in required yard areas shall not exceed one story in height and shall be no more than 14 feet in height.

(Code 1971, § 15.244.100)

Sec. 24.244.110. Same—Attached patio covers.

A covering for a patio in any required rear yard may be attached to a main building used exclusively for residential purposes, subject to all of the following provisions:

- 1. *Width of covering.* The width of such patio cover shall not exceed one-half of the width of the lot upon which it is located.
- 2. *Location of supports.* Supports shall be a minimum of 12 feet from the rear lot line and a minimum of five feet from the side lot lines.
- 3. *Overhang allowable.* Eave overhangs shall be a minimum of ten feet from the rear lot line and a minimum of three feet from each of the side lot lines.
- 4. *Side enclosure prohibited.* No enclosure of any kind shall be permitted on any non-attached side of such structure.

- 5. *Coverage of building area limited.* The area of covering combined with the area of all other buildings and structures on the lot shall not exceed the maximum lot coverage permitted in this chapter.

(Code 1971, § 15.244.110)

Sec. 24.244.120. Same—Other.

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

- 1. *Parking.* Off-street parking shall be provided for all uses as may be required by chapter 24.415 or chapter 24.345 where applicable; however, if a dwelling unit is designed as a combined live/work space, incorporating both a residential use type and a general use type, the off-street parking space requirement shall be calculated based solely on the parking requirement for the applicable general use type existing or proposed at the site and no additional parking for the residential use type shall be required, but only if the following standards are met:
 - (a) The living space shall be contiguous with and made an integral part of the work space, with direct access between the living and working areas to be provided and maintained at all times. If the living space is not contiguous and integral with the work space and the required direct access is not provided, the off-street parking space requirement shall be based on the general use type and residential use type requirements combined, unless a director's permit is obtained in accordance with chapter 24.505 to indicate the director's determination that the design of the live/work use complies with the intent of this standard.
 - (b) Living and working areas within one live/work space shall not be rented separately.
 - (c) All regulations, requirements, and conditions of the city's building and safety division and fire department shall be met.

- (d) The residential dwelling unit density for the zone shall not be exceeded. However, within the Downtown Specific Plan Area the residential dwelling unit density for the zone shall not be more or less than allowed by the plan.
2. *Signs.* All signs must comply with the provisions of chapter 24.420. Sign allowance for general use types shall be based on section 24.420.140. The maximum sign allowance for residential uses shall be based on section 24.420.120.
 3. *Coastal development.* All development within the CP Overlay Zone must comply with the provisions of chapter 24.310 and chapter 24.515;
 4. *Flood Plain Overlay Zone.* All development within a designated Flood Plain (FP) Overlay Zone must comply with the provisions of chapter 24.320 and chapter 24.530;
 5. *Displays for uses in the Automotive and Accessories use type category.* Outdoor display of merchandise in conjunction with uses classified within the Automotive and Accessories: Gasoline Sales, and Automotive and Accessories: Automotive Repairs, Systems use types may be permitted provided that all the following standards are met:
 - (a) *Lubricating materials.* Not more than one day's supply of lubricating materials, computed on the basis of average daily sales, may be placed upon the pump island or within two feet of the pump island or primary building. All such lubricating materials must be displayed in appropriate racks.
 - (b) *Tire display.* Not more than two enclosed tire storage or display cabinets are permitted. In lieu of tire cabinets, not more than four individual new tires in appropriate open racks or stands may be displayed, provided that such racks or stands are located within two feet of the perimeter of the pump island or primary building.
 - (c) *Vending machines.* Vending machines, including but not limited to, soft drink dispensers or cigarette or candy vending machines, may be displayed within two feet of the perimeter of the primary building. Not more than four such machines are permitted.
 6. *Open storage.* Except for outdoor displays of merchandise conditionally allowed by subsection 5. of this section, open storage in the front yard of any lot is prohibited. Open storage area in side or rear yard area is subject to a director's permit for existing uses or a planned development permit for new development. The following standards shall be met:
 - (a) Such storage shall be located on the rear one-half of the lot and shall be confined to an area not to exceed 3,000 square feet;
 - (b) No power-driven excavating or road-building equipment shall be stored on the lot;
 - (c) The storage area shall be completely enclosed by a solid wall or fence not less than six feet in height and which may include a solid gate;
 - (d) No materials or equipment shall be stored to a height greater than the height of the required fence or wall; and
 - (e) The director or planning commission, in approving an application that would allow open storage in a side or rear yard may impose such conditions as deemed necessary or desirable to insure that the proposed project will be compatible with, and not adversely impact, the surrounding vicinity and uses.
 7. *Equipment repair and reconditioning.* All new and used automobile, trailer, and boat sales, services, or repairs shall comply with the following standards:
 - (a) All outdoor display areas related to such uses shall be entirely surfaced with concrete or asphaltic concrete.

- (b) No repair or reconditioning of automobiles, trailers, or boats shall be permitted unless conducted entirely within an enclosed building.
8. *Mobile homes.* Uses classified as Family Residential: Mobile Home use types must be located on a permanent foundation system and must comply with the following architectural standards:
- (a) Roofing and siding materials shall be nonreflective; and
 - (b) Roofs shall have a minimum roof overhang of 16 inches.
9. *Swap Meets.* Except for properties within the boundaries of the Downtown Specific Plan Area, uses classified within the Swap Meets use type may be conducted in the MXD zone, provided that, all such uses must obtain a use permit pursuant to chapter 24.520, and further provided that, any such use may be conducted only for a maximum of 48 hours within any seven day consecutive period.
10. *Vehicle repair.* No vehicles may be repaired on sites occupied by residential land uses unless all the following conditions are met:
- (a) The vehicle under repair must be owned by the current resident of the property upon which the repairs are being made.
 - (b) Registration or proof of current ownership of the vehicle being repaired shall be available for inspection on the premises at all times while the vehicle is under repair.
 - (c) Vehicle repairs may be conducted only between the hours of 7:00 a.m. and 10:00 p.m.
 - (d) Repair of a particular vehicle shall be conducted and completed in no more than 30 days.
 - (e) Storage of any vehicle under repair, or storage of parts of a vehicle, upon a public street or alley or upon an unpaved yard area, other than a driveway, is prohibited.

(f) Body work on a vehicle is prohibited.

(g) Painting of a vehicle or any portion of a vehicle is prohibited.

(Code 1971, § 15.244.120)

Sec. 24.244.130. 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.

(Code 1971, § 15.244.130)

Sec. 24.244.140. Nonconformance.

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

(Code 1971, § 15.244.140)

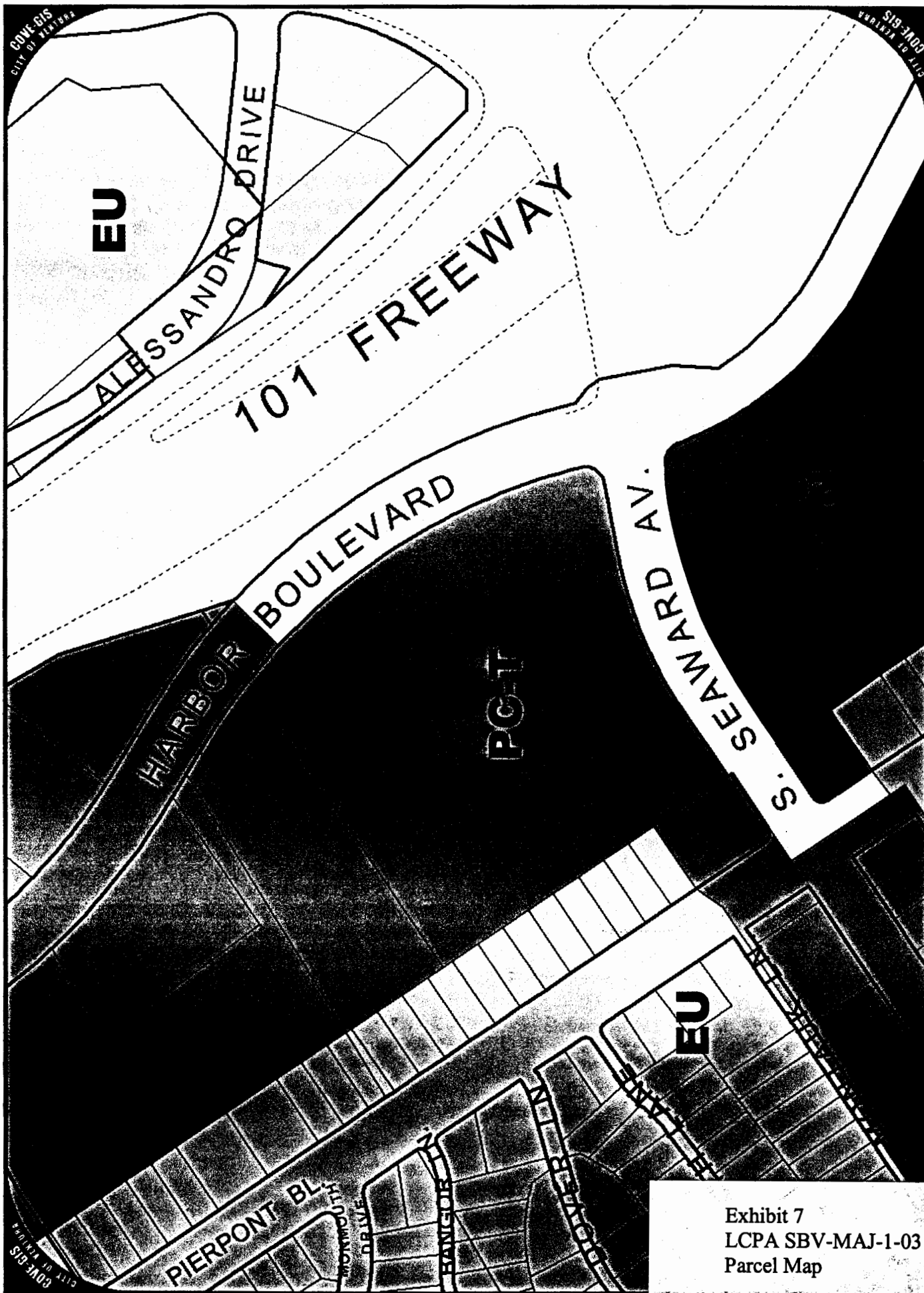


Exhibit 7
LCPA SBV-MAJ-1-03
Parcel Map

ARCHITECTURAL TYPES SINGLE-FAMILY HOUSE FRONT YARD

A detached building designed as a residence for one household. A house may be used for other than residential purposes where allowed by the zoning of the site. Houses include frontyard and sideyard types. The frontyard type has its primary entrance accessed from the fronting street sidewalk; and the sideyard type has its primary entrance accessed from a walkway parallel to and along one side of the lot, through a side yard of a width comparable to a front yard that would otherwise provide access.

Each Frontyard House shall be designed to comply with the following standards and the frontage type requirements of this Code for the applicable zone, except where the frontage type requirements are modified by this Section.



1: ACCESS:

- i. The main entrance to the house shall be accessed directly from and face the street.
- ii. Where an alley is present, parking and services shall be accessed through the alley.
- iii. Where an alley is not present, parking and services shall be accessed by of a driveway 7 to 10 feet wide
- iv. On a corner lot without access to an alley, parking and services shall be accessed by a driveway of 16 feet maximum width.

2: PARKING:

- i. An alley accessed garage may accommodate up to three cars. A non-alley-accessed garage may accommodate no more than 2 cars. A side street facing garage shall have 1-car garage doors.
- ii. Where an alley is present, services,



- including all utility access and above ground equipment and trash container areas shall be located on the alley.
- iii. Where an alley is not present, utility access, above ground equipment and trash container areas shall be located at least 10 feet behind the front of the house and be screened from view from the street with a hedge or fence.

3: OPEN SPACE:

- i. Front yards are defined by the setback and frontage type requirements of the applicable zone.
- ii. At least one side yard shall be designed to provide an open area no less than 10 by 10 feet.
- iii. Rear yards shall be no less than 15% of the area of each lot and of a regular geometry (e.g., rectangular).

4: LANDSCAPE:

- i. Landscape shall not be used to separate a front yard from front yards on adjacent parcels. Front yard trees



- shall be of porch scale (no more than 1.5 times the height of the porch at maturity) except at the margins of the lot, where they may be of house scale (no more than 1.5 times the height of the house at maturity).
- ii. Side yard trees may be placed to protect the privacy of neighbors.
- iii. At least one large tree shall be provided in each rear yard for shade and privacy.

5: FRONTAGE:

- i. A house shall be designed so that ground floor living areas (e.g., living room, dining room, etc.), rather than sleeping and service rooms, are oriented toward the fronting street.
- ii. Frontage types that provide a transition from public to private, indoor to outdoor at the entrance to the house are required. Porches, towers, loggias, dooryards and stoops are preferred types.

6: BUILDING SIZE AND MASSING:

- i. Building elevations abutting side



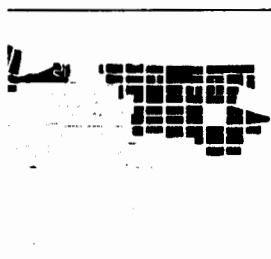
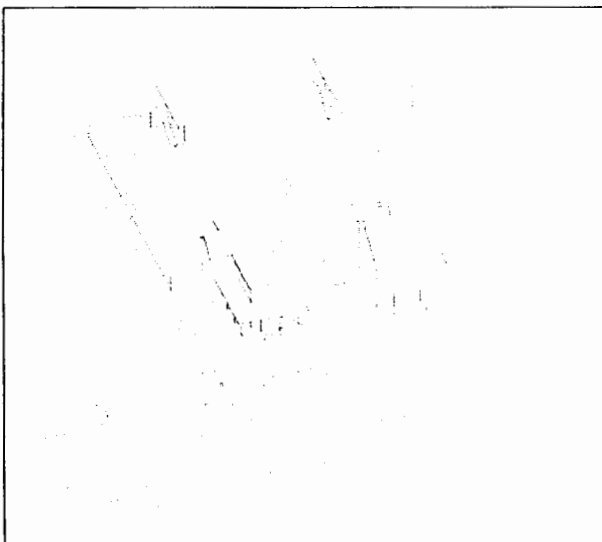
- yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break.
- ii. Houses on corner lots shall be designed with two front facades.
- iii. Buildings shall be composed of one and/ or two story volumes, each designed to house scale.
- iv. Attic space may be occupied and not count as a story when applying the height limits of the applicable zone.

7: EXPOSURE TO LIGHT AND AIR:

- i. Each house shall maintain setbacks from property lines on all sides, with as much direct access to yards as possible.

8: ACCESSORY DWELLINGS:

- i. Any lot deeper than 120 feet is eligible to for an accessory building, including a carriage house with a footprint of no more than 650 square feet.



Competibility

ARCHITECTURAL TYPES SINGLE-FAMILY HOUSE SIDE YARD

A detached building designed as a residence for one household. A house may be used for other than residential purposes where allowed by the zoning of the site. Houses include frontyard and sideyard types. The frontyard type has its primary entrance accessed from the fronting street sidewalk; and the sideyard type has its primary entrance accessed from a walkway parallel to and along one side of the lot, through a side yard of a width comparable to a front yard that would otherwise provide access.

Each Side Yard House shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where modified by this Section.



1: ACCESS:

- i. The main entrance to the house shall be accessed directly from the side yard, though a walled garden or from a raised porch.
- ii. Where an alley is present, parking and services shall be accessed through the alley.
- iii. Where an alley is not present, this type is allowed only on a corner lot.
- iv. For a corner lot without access to an alley, parking and services shall be accessed by a driveway of 15 feet maximum width.

2: PARKING:

- i. An alley accessed garage may accommodate up to three cars. A non-alley-accessed garage may accommodate no more than 2 cars. A side street facing garage shall have 1-car garage doors.
- ii. Where an alley is present, services, including all utility access and above ground equipment and trash container areas shall be located on the alley.
- iii. Where an alley is not present, utility access, above ground equipment and trash container areas shall be located at least 10 feet behind the front of the house, and be screened from view from the street with a hedge or fence.

3: OPEN SPACE:

- i. Front yards are defined by the setback and frontage type requirements of the applicable zone.

- ii. The active side yard shall be at least 15 feet wide, with major ground floor rooms opening to it with large windows and, where possible, French doors. The active side yard shall be enclosed by a wall or hedge no more than 6 feet high.
- iii. On a corner lot, the active side yard shall abut the street, and the enclosing wall shall be set back at least 5 feet from the frontage line.
- iv. The inactive side yard may have a fence at the property line, with an easement allowing use of the inactive yard by the neighbor. If built without a fence, an easement shall be provided to allow the use of the inactive yard by the neighbor. Windows on the inactive yard side of the house shall be relatively small and high, providing light and ventilation while allowing for privacy.
- v. Rear yards are not required for this type, as the private, useable outdoor space is provided in the side yard.

4: LANDSCAPE:

- i. Landscape shall not be used to separate a front yard from front yards on adjacent parcels. Front yard trees shall be of porch scale (no more than 1.5 times the height of the porch at maturity) except at the margins of the lot, where they may be of house scale (no more than 1.5 times the height of the house at maturity).
- ii. Side yard trees may be placed to protect the privacy of neighbors.
- iii. At least one large tree shall be provided in each rear yard for shade and privacy.

5: FRONTAGE:

- i. A sideyard house shall be designed so that living areas (e.g., living room, family room, dining room, etc.), rather than sleeping and service rooms, are oriented toward the fronting street and to the side yard.
- ii. A side yard house is not subject to the frontage type requirements of the applicable zone to provide a transition from public to private within the front yard, as the side yard provides the transition.
- iii. Notwithstanding setback requirements of the applicable zone the front set-back need not exceed 10 feet.
- iv. Because the entrance is not on the street facade, special care should be taken to ensure that the composition of fenestration and other architectural details are scaled to the public rooms of the house.

6: BUILDING SIZE AND MASSING:

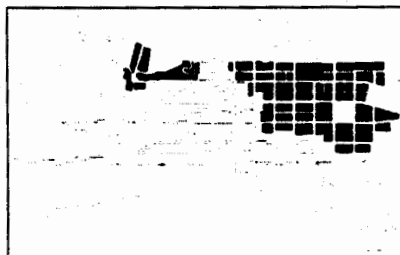
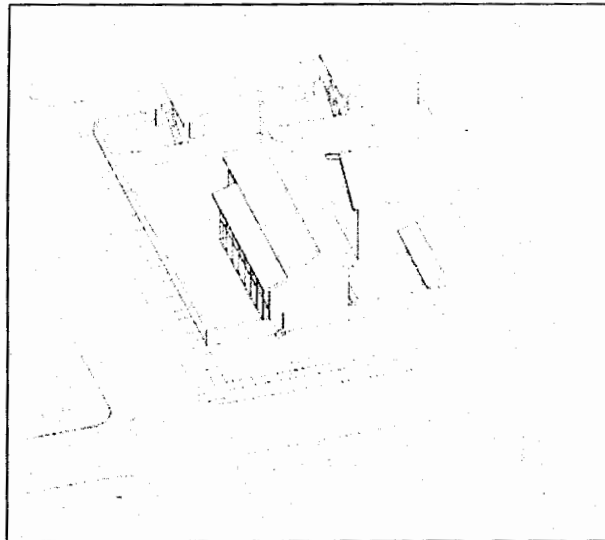
- i. The building elevations abutting inactive side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break.
- ii. A gallery, either one or two stories in height, or an arcade, shall be built along the active side yard for at least half the building length.
- iii. Attic space may be occupied and not count as a story when applying the height limits of the applicable zone.

7: EXPOSURE TO LIGHT AND AIR:

- i. Each house shall maintain setbacks from property lines on all sides, with as much direct access to yards as possible.

8: ACCESSORY DWELLINGS:

- i. Any lot deeper than 120 feet is eligible for an accessory building, including a carriage house.



ARCHITECTURAL TYPES DUPLEX, TRIPLEX & QUADPLEX

A structure containing two, three, or four dwelling units, respectively, where no unit is located over another unit.

Each Duplex, Triplex, and Quadplex shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where modified by this Section.



1: ACCESS:

- i. The main entrance to each dwelling shall be accessed directly from and face the street. Access to second floor dwellings shall be by a stair, which may be open or enclosed.
- ii. Where an alley is present, parking and services shall be accessed through the alley.
- iii. Where an alley is not present, parking and services shall be accessed by a driveway 7 to 10 feet wide.
- iv. On a corner lot without access to an alley, parking and services shall be accessed by driveways of 7 to 8 feet maximum width.

- i. Garages on corner lots without alleys may front onto the side street only if provided with 1-car garage doors, and with driveways no more than 8

feet wide that are separated by planters at least 2 feet wide.

- ii. Where an alley is present, services, including all utility access and above ground equipment and trash container areas shall be located on the alley.
- iii. Where an alley is not present, utility access, above ground equipment and trash container areas shall be located at least 10 feet behind the front of the house, and be screened from view from the street with a hedge or fence.

3: OPEN SPACE:

- i. Front yards are defined by the setback and frontage type requirements of the applicable zone.
- ii. Each ground floor dwelling shall have a private or semi-private required yard of at least 150 square feet.
- iii. Required yards shall be at least 8 feet wide, and enclosed by a fence, wall or hedge.
- iv. Porches, stoops and dooryards may

encroach into a required yard. See Frontages, below.

4: LANDSCAPE:

- i. Landscape shall not be used to separate a front yard from front yards on adjacent parcels. Front yard trees shall be of porch scale (no more than 1.5 times the height of the porch at maturity) except at the margins of the lot, where they may be of house scale (no more than 1.5 times the height of the house at maturity).
- ii. Side yard trees may be placed to protect the privacy of neighbors.
- iii. At least one large tree shall be provided in each rear yard for shade and privacy.

5: FRONTAGE:

- i. Dwellings abutting front yards shall be designed so that ground level, living areas (e.g. living room, family room, etc.), rather than sleeping and service rooms, are oriented toward the fronting street.
- ii. Frontage types that provide a transition from public to private, indoor to outdoor at the entrance to the house are required. These may be determined through the Design Review process to serve also as the required yard for some or all of the dwellings. Porches, towers, loggias, dooryards and stoops are preferred types.
- iii. On corner lots, entrances to dwellings on both frontages are encouraged, particularly in triplexes and quadplexes.
- iv. See the requirements of the applicable zone for allowed encroachments into required setbacks.

6: BUILDING SIZE AND MASSING:

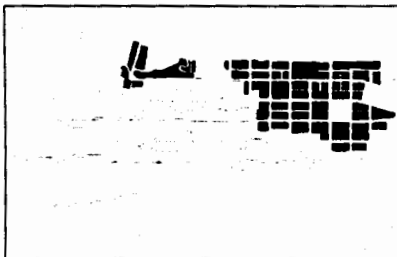
- i. Building elevations abutting side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break.
- ii. Buildings on corner lots shall be designed with two front facades.
- iii. Buildings shall be massed as large houses, composed principally of two story volumes, each designed to house scale.
- iv. Dwellings within buildings may be flats and/or townhouses.
- v. Attic space may be occupied and not count as a story when applying the height limits of the applicable zone.

7: EXPOSURE TO LIGHT AND AIR:

- i. Each building shall maintain setbacks from property lines on all sides, with as much direct access to yards as possible.

8: ACCESSORY DWELLINGS:

- i. Any lot deeper than 120 feet and with an alley is eligible for one or two an accessory dwellings, as limited by available parking off the alley, with a footprint of no more than 650 square feet.
- ii. On a lot with an alley, all pedestrian and vehicular access to the accessory dwelling may be taken from the alley.
- iii. One parking space shall be provided for each accessory dwelling in addition to the parking required for the primary units.
- iv. Each accessory dwelling shall be provided a private patio, balcony, or deck of at least 150 square feet.



ARCHITECTURAL TYPES ROWHOUSE

Two or more detached two- or three-story dwellings with zero lot line side setbacks.

Each Rowhouse shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where modified by this Section.



1: ACCESS:

- i. The main entrance to each unit shall be accessed directly from and face the street.
- ii. Garages and services shall be accessed from an alley when present.

2: PARKING:

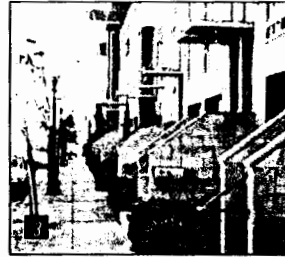
- iii. Required parking shall be in a garage, which may be attached to or detached from the dwelling.
- iv. Services, including all utility access, aboveground equipment, and trash containers, shall be located on an alley.

3: OPEN SPACE:

- i. Front yards are defined by the setback and frontage type requirements of the applicable zone.
- ii. Rear yards shall be no less than 15% of the area of each lot and of a regular geometry (e.g., rectangular).

4: LANDSCAPE:

- i. Landscape shall not be used to sepa-



rate a front yard from front yards on adjacent parcels. Front yard trees, if provided, shall be of porch scale (no more than 1.5 times the height of the porch at maturity) except at the margins of the lot, where they may be of house scale (no more than 1.5 times the height of the house at maturity).

- ii. At least one large tree shall be provided in each rear yard for shade and privacy.

5: FRONTAGE:

- i. Each rowhouse shall be designed so that ground level living areas (e.g., family room, dining room, etc.), rather than sleeping and service rooms, are oriented toward the fronting street and/or to the courtyard.
- ii. Frontage types that provide a transition from public to private, indoor to outdoor at the main entrance to each dwelling are required. Porches, dooryards and stoops are preferred types.
- iii. See the requirements of the applica-



ble zone for allowed encroachments into required setbacks.

6: BUILDING LENGTH:

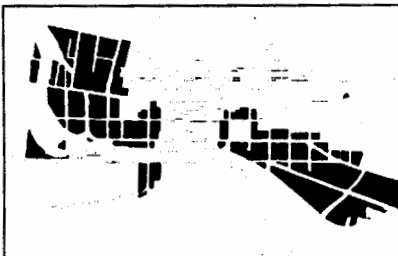
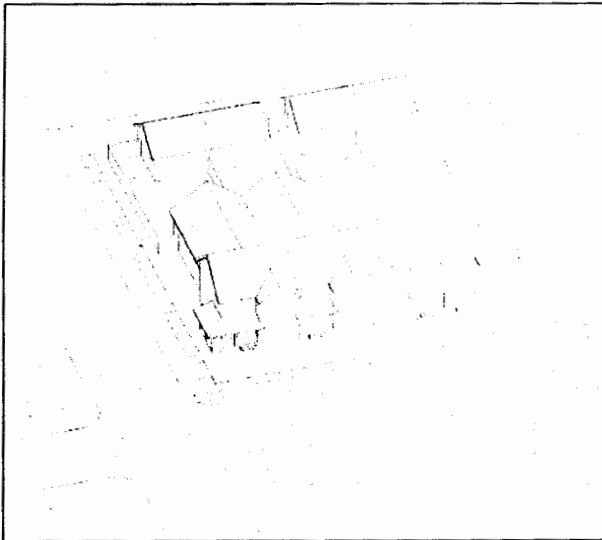
- i. Buildings shall be composed of 2- and/or 3-story volumes in compliance with the regulations for the applicable zone.
- ii. Buildings on corner lots shall be designed with two front facades.
- iii. In a 3-story building, a townhouse dwelling may be stacked over a ground floor flat. In this case, the flat shall be accessed by its own front door at the frontage, and the townhouse dwelling shall be accessed by a separate front door and a stair.

7: MASSING:

- i. Each rowhouse building shall maintain setbacks from property lines on at least 2 sides, with as much direct access to yards as possible.

8: EXPOSURE TO LIGHT AND AIR:

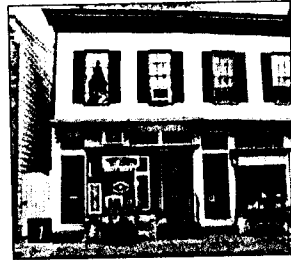
- i. At least 2 sides shall be exposed to the outside.



ARCHITECTURAL TYPES LIVE / WORK

An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

Each Livework unit shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where modified by this Section.



1: ACCESS:

- i. The main entrance to the ground floor flex space shall be accessed directly from and face the street.
- ii. The upstairs dwelling shall be accessed by a separate entrance, and by a stair.
- iii. Garages and services shall be accessed from an alley where present.

2: PARKING:

- i. At least one required parking space shall be in a garage, which may be attached to or detached from the dwelling.
- ii. Additional required parking spaces may be enclosed, covered or open.
- iii. Services, including all utility access, aboveground equipment, and trash containers, shall be located on an alley where present.

3: OPEN SPACE:

- i. Front yards are defined by the setback and frontage type requirements of the applicable zone.



4: LANDSCAPE:

- i. Landscape shall not obscure front yards on adjacent lots or the shopfront of the ground floor flex space. Front yard trees, if provided, shall be of porch scale (no more than 1.5 times the height of the porch at maturity) except at the margins of the lot, where they may be of house scale (no more than 1.5 times the height of the house at maturity).
- ii. At least one large tree shall be provided in each rear yard for shade and privacy.

5: FRONTAGE:

- i. Each livework unit shall be designed so that living areas (e.g., living room, family room, dining room, etc.), rather than sleeping and service rooms, are oriented toward the fronting street and/or to the courtyard.
- ii. Frontage types that provide a transition from public to private, indoor to



outdoor at the main entrance to each dwelling are required. Shopfronts, dooryards and stoops are preferred types.

- iii. See the requirements of the applicable zone for allowed encroachments into required setbacks.

6: BUILDING SIZE AND MASSING:

- i. Buildings shall be composed of 2- and/or 3-story volumes in compliance with the regulations for the applicable zone.
- ii. Buildings on corner lots shall be designed with two front facades.

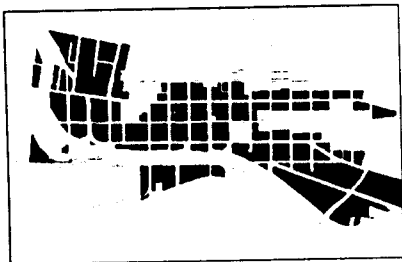
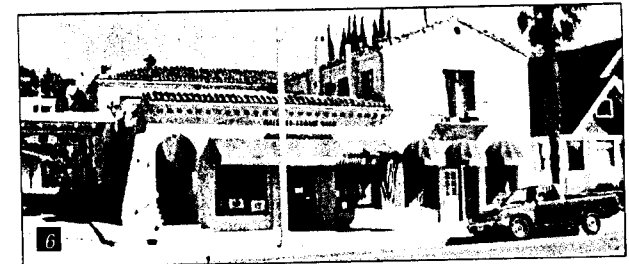
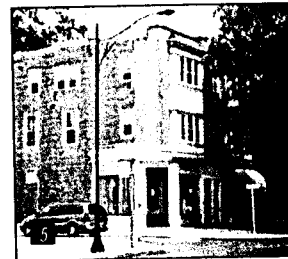
7: EXPOSURE TO LIGHT AND AIR:

- i. Each livework unit shall maintain setbacks from property lines on at least 2 sides, with as much direct access to yards as possible.

8: ACCESSORY DWELLINGS:

- i. Any lot deeper than 120 feet is eligible for one accessory building, that may be a second dwelling with a footprint of no more than 650 square feet.

- ii. One parking space shall be provided for each accessory dwelling in addition to the parking required for the primary units.
- iii. Each accessory dwelling shall be provided a private patio or balcony of at least 80 square feet.



ARCHITECTURAL TYPES SIDE YARD HOUSING

A building or group of buildings containing one or more dwelling units, that are arranged on the site in a row with the first unit near the front of the lot and the last unit near the rear of the lot, and with the primary entrance of each unit from a walkway parallel to and along one side of the lot. (The first unit in the row may also take its access from the fronting street sidewalk.

Each Sideyard Housing project shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where modified by this Section.



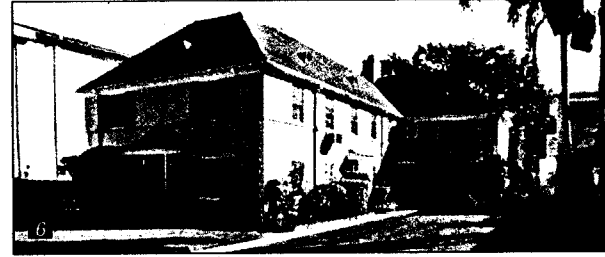
1: ACCESS:

- i. Entrances to dwellings shall be directly from the front yard or active side yard. Access to second floor dwellings shall be by a stair, which may be open or enclosed.
- ii. Where an alley is present, parking and services shall be accessed through the alley.
- iii. Where an alley is not present, parking and services shall be accessed by a driveway 7 to 10 feet wide..

- iv. On a corner lot without access to an alley, parking and services may be accessed from the side street.

2: PARKING:

- i. Required parking shall be in garages.
- ii. Garages on corner lots without alleys may front onto the side street only if provided with 1-car garage doors, and with driveways no more than 8 feet wide.
- iii. Where an alley is present, services,



including all utility access and above ground equipment and trash container areas shall be located on the alley.

- iv. Where an alley is not present, utility access, above ground equipment and trash container areas shall be located in a side or rear yard, at least 10 feet behind the front of the house, and be screened from view from the street with a hedge or fence.

3: OPEN SPACE:

- i. Front yards are defined by the setback and frontage type requirements of the applicable zone.
- ii. The active side yard shall include a garden or court at least 20 feet wide, with major ground floor rooms opening to it with large windows and, where possible, doors.
- iii. When located in an active side yard, a driveway may be integrated into the design of the yard.
- iv. The inactive side yard may be built with or without a fence at the property line. If built without a fence, win-

dows in that side of the building shall be at least 6 feet above the grade of the yard, providing light and ventilation while ensuring privacy.

- v. Rear yards are not required for this type, as the private, useable outdoor space is provided in the side yard.

4: LANDSCAPE:

- i. Landscape shall not be used to separate a front yard from front yards on adjacent parcels. Front yard trees shall be of porch scale (no more than 1.5 times the height of the porch at maturity) except at the margins of the lot, where they may be of house scale (no more than 1.5 times the height of the house at maturity).
- ii. Side yard trees may be placed to protect the privacy of neighbors.
- iii. At least one large tree shall be provided in each rear yard for shade and privacy.
- iv. Driveways in active side yards shall have pavement that contributes to the livability of the space and/or be separated from yard with low walls or hedges.

5: FRONTAGE:

- i. Buildings shall be designed so that ground level living areas (e.g., living room, dining room, etc.), rather than sleeping and service rooms, are oriented toward the fronting street.
- ii. Frontage types that provide a transition from public to private, indoor to outdoor at the entrance to each ground floor dwelling are required. Porches, dooryards and stoops are preferred types.
- iii. See the requirements of the applica-

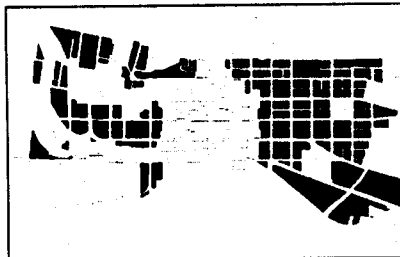
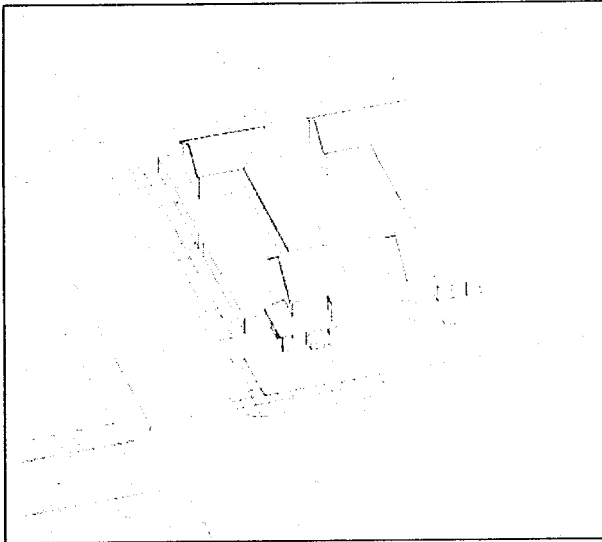
ble zone for allowed encroachments into required setbacks.

6: BUILDING SIZE AND MASSING:

- i. Buildings shall be massed to the street as large houses of primarily two story volumes, and to the side yards as one-and two-story masses at the scale of houses.
- ii. The building elevation abutting an inactive side yard shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break.
- iii. Buildings on corner lots shall be designed with two front facades.
- iv. Dwellings within the buildings may be flats and/or townhouses.

7: EXPOSURE TO LIGHT AND AIR:

- i. Each building shall maintain setbacks from property lines on all sides, with as much direct access to yards as possible.



ARCHITECTURAL TYPES COURTYARD HOUSING

A group of dwelling units arranged to share one or more common courtyards, where the individual units are townhouses or rowhouses, flats, or flats located over or under flats or townhouses.

Each Courtyard Housing Project shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where modified by this Section.



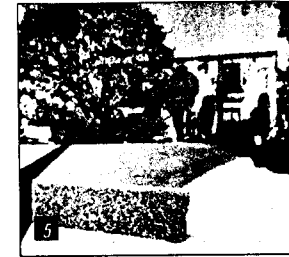
1: ACCESS:

- i. The main entrance to each ground floor dwelling shall be directly off a common courtyard or directly from the street.
- ii. Access to second story dwellings shall be through an open or roofed stair.
- iii. Elevator access may be provided between the garage and podium only.
- iv. Where an alley is present, parking shall be accessed through the alley and services through the alley and side yards.
- v. Where an alley is not present, parking and services shall be accessed from the street by side yard driveways flanked by planters, at least 1-foot wide.
- vi. On a corner lot without access to an alley, parking and services shall be accessed from the side street and services shall be underground and/or in the side and rear yards.



2: PARKING:

- i. Required parking shall be in an underground garage, or may be surface parking, tuck under parking, an aboveground garage, or a combination of any of the above.
- ii. Dwellings may have direct or indirect access to their parking stall(s), or direct access to stalls enclosed within the garage. A combination of these conditions is encouraged.
- iii. Where an alley is present, services, including all utility access and above ground equipment and trash container areas shall be located on the alley.
- iv. Where an alley is not present, services shall be located in compliance with the setback requirements of the applicable zone.
- v. Parking entrances to subterranean garages and/or driveways shall be located as close as possible to the side or rear of each lot.



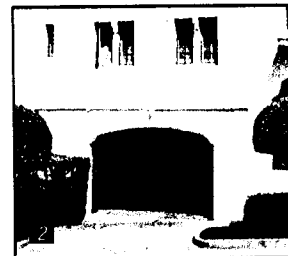
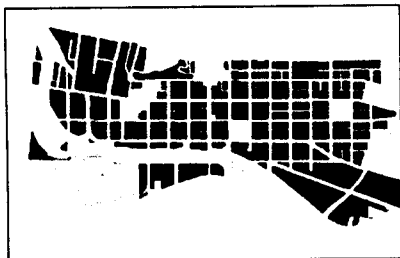
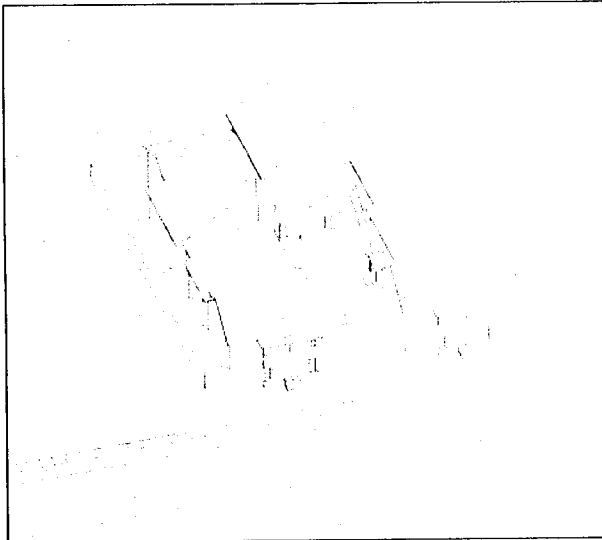
3: OPEN SPACE:

- i. Courtyard housing shall be designed to provide a central courtyard and/or partial, multiple, separated or interconnected courtyards of a size of at least 15% of the lot.
- ii. In a project with multiple courtyards, at least two of the courtyards shall conform to the patterns below.
- iii. Minimum courtyard dimensions shall be 40 feet when the long axis of the courtyard is oriented East/West and 30 feet when the courtyard is oriented North/South.
- iv. In 40-foot wide courtyards, the frontages and architectural projections allowed within the applicable zone are permitted on two sides of the courtyard; they are permitted on one side of a 30-foot wide courtyard.
- v. Private patios may be provided in side and rear yards, and in courtyards.
- vi. Courtyards shall be connected to each other and to the public way by zaguans, or paseos.
- vii. Surface parking for five cars or less

is allowed in a front garden, screened from the street by a decorative wall.

4: LANDSCAPE:

- i. Landscape shall not obscure front yards on adjacent lots or the shopfront of the ground floor flex space. Front yard trees, if provided, shall be of porch scale (no more than 1.5 times the height of the porch at maturity) except at the margins of the lot, where they may be of house scale (no more than 1.5 times the height of the house at maturity).
- ii. At least one large tree shall be provided in each rear yard for shade and privacy.
- iii. Sideyard trees may be placed to protect the privacy of neighbors.
- iv. At least one large tree planted directly in the ground shall be provided in at least one courtyard for shade, privacy and scale.
- v. Courtyards located over garages should be designed to avoid the sensation of forced podium hardscape.



ARCHITECTURAL TYPES COURTYARD HOUSING

5: FRONTAGE:

- i. Entrance doors, living space (e.g., living rooms and dining rooms) shall be oriented toward courtyards and the fronting street to the degree possible. Service rooms shall be oriented to sideyards, service yards and rear yards to the degree possible.
- ii. Frontage types are required that provide a transition from public to private, indoor to outdoor at the entrance to each dwelling. Porches, towers, loggias, dooryards entry stairs and stoops are allowed. No arcade or gallery may encroach into the required minimum width of a courtyard.
- iii. Stoops up to 3 feet in height and dooryards up to 2 feet in height may be placed above subterranean parking, provided that they are landscaped and scaled to the street and building.
- iv. See the requirements of the applicable zone for allowed encroachments into required setbacks.

6: BUILDING SIZE AND MASSING:

- i. Buildings may contain any four combinations of units: flats, flats over flats, townhouses, and townhouses over flats.
- ii. Dwellings may be as repetitive or unique as deemed by individual designs.
- iii. Buildings shall be composed of one, two and three story masses, each designed to house scale, and not necessarily representing a single dwelling.
- iv. Four story masses should be mini-

mized inside courtyards and apparent on street frontages.

- v. The intent of these regulations is to provide for courtyard housing projects with varying building heights. Suggested height ratios for various courts are as follows:

2.0 stories: 80% 2 stories, 20% 1 stories
2.5 stories: 60% 2 stories, 40% 3 stories
3.0 stories: 35% 2 stories, 50% 3 stories, 15% 4 stories
3.5 stories: 15% 2 stories, 60% 3 stories, 25% 4 stories

- vi. Four story buildings shall be composed of single loaded and stacked dwellings. In this case, the visibility of elevators and of exterior corridors at the third and/or fourth stories shall be minimized by incorporation into the mass of the building.

7: EXPOSURE TO LIGHT AND AIR:

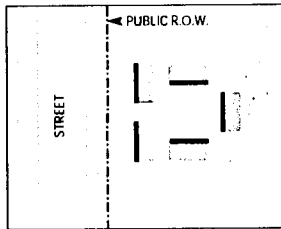
1. Each dwelling shall be designed to maintain setbacks from property lines on at least 2 sides, with direct access to at least a dooryard, patio, terrace or balcony.

COURTYARD HOUSING CONFIGURATIONS

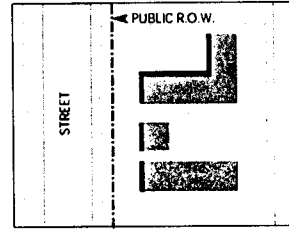
Courtyard Housing may be designed in a variety of configurations and, depending on the type, can seamlessly fit anywhere in Downtown. Though the shape, size, orientation, and section of each courtyard type may differ, all the types share a number of important characteristics: they both frame the street and provide an interior, protected garden(s); their street frontage form is house derivative and house compatible; they provide direct access to all dwellings (no corridors, no lobbies, no elevators).

Courtyard Housing developments range in density from 10 to 50 dwelling units per acre (du/a). Typically, developments which exceed densities of 20 du/a must provide parking in subterranean garages.

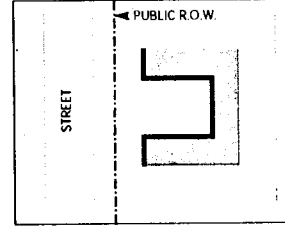
The following diagrams show the basic court types. The fronts of the building, where relevant frontage types should be applied, are designated with thick, black lines.



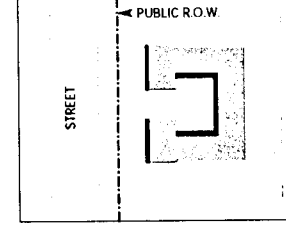
A. Bungalow Court: a Bungalow Court is comprised of individual, detached single-family dwellings oriented around a common courtyard. This type is the least dense and can seamlessly fit into any single-family residential neighborhood.



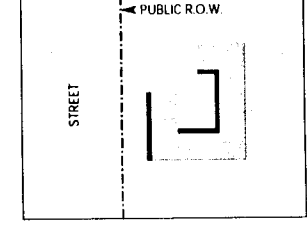
B. Side Courtyard: a Side Courtyard is defined on one or two sides by attached flats and/or townhouses. The courtyard may be completely open to the street (for a more suburban setting) or be hidden from the street by the building (for a more urban setting).



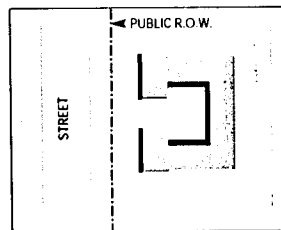
C. Open Courtyard: an Open Courtyard is a court that is surrounded on three sides by a "U" shaped building. The fourth side is completely open to the street.



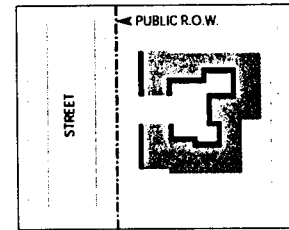
D. Forecourt Courtyard: a Forecourt Courtyard is surrounded by buildings on three sides. The fourth side is partially open to the street, the open, unroofed portion (the forecourt), providing a transition to the street. In this courtyard type, access from the street to the courtyard can be controlled with a gate.



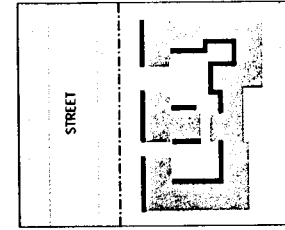
G. Corner Courtyard: a Corner Courtyard places the passageway leading from the street to the courtyard at the corner of the lot. The passageway is open to the sky. Access to and from the courtyard can be controlled with a gate.



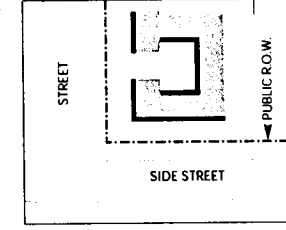
E. Zagan Courtyard: A Zagan Courtyard is very similar to a Forecourt Courtyard, the only difference being that the passageway leading from the court to the street is covered by a roof. The *zagan*, a covered passage that passes through the building and gives access to the street, can be gated.



F. Composite Courtyard: a Composite Court is a courtyard comprised of a large primary courtyard from which small, secondary patios branch-off. The primary courtyard can be any of the previous attached-dwelling types discussed previously.



H. Multiple Courtyard: a Multiple Courtyard consists of two or more separate courts. Though distinct spaces, these courtyards, comprised of any of the previous types, are connected via public passageways open to the sky or via *zagans*.

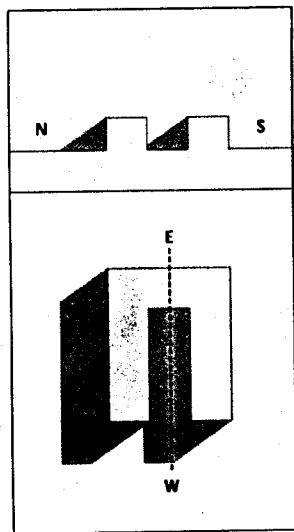


I. Corner Lot Courtyard: a Corner Lot Courtyard places any of the previous courtyard types at the intersection of two streets. Since this type faces two streets, the side of the courtyard that does not provide access to the street must provide frontages to the street and to the courtyard.

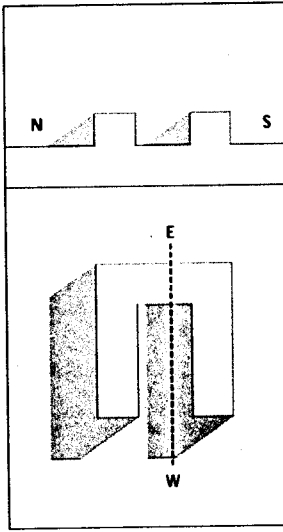
COURTYARD HOUSING ORIENTATION

An important component of Courtyard Housing design is the orientation of the courtyard to the sun. In general, courtyards that are oriented with their long axis in the north-south direction can be narrower than courtyards that are oriented with their long axis in the east-west direction. The following diagrams illustrate the impact that courtyard orientation can have on the amount of sunlight that enters a courtyard on the shortest day of the year: December 21.

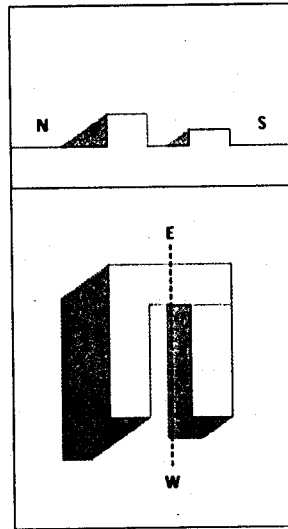
COURTYARD WITH LONG AXIS ORIENTED IN EAST / WEST DIRECTION



A. Because of the low angle of the sun in relation to the horizon, a courtyard that is thirty foot (30') wide court that is surrounded by two-story buildings will be constantly in shade.

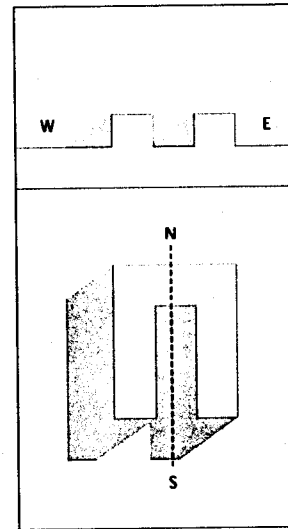


B. Widening the court to forty feet (40') permits direct sunlight to enter the court.

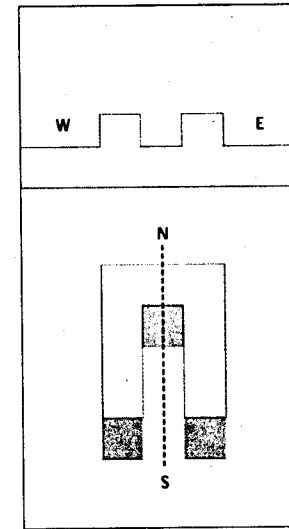


C. Similarly, lowering the south wing of the building to one story permits direct sunlight to enter the court.

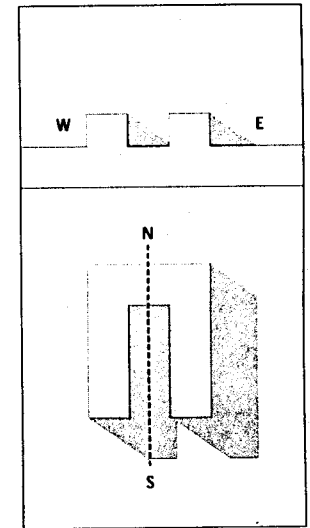
COURTYARD WITH LONG AXIS ORIENTED IN NORTH / SOUTH DIRECTION



A. A thirty foot (30') wide court that is surrounded by two-story buildings will be shaded in the morning.



B. At noon, the entire court will be bathed in sun.



C. By the late afternoon, the court is immersed in shade once again.

ARCHITECTURAL TYPES STACKED DWELLINGS*

A single-floor dwelling unit in a structure with other dwelling units of similar configuration either above or below.

Stacked Dwellings shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where modified by this Section.



1: ACCESS:

- i. The entrance to the building shall be through a street level lobby, or through a combination of street/podium lobby directly accessible from the street.
- ii. The main entrance to each ground floor dwelling shall be directly from the street. Secondary access may be through an elevator and corridor.
- iii. Elevator access should be provided between the garage and each level of the building.
- iv. Interior circulation to each dwelling shall be through a corridor.
- v. Where an alley is present, parking shall be accessed through the alley.
- vi. Where an alley is not present, parking shall be accessed from the street through the building.
- vii. On a corner lot without access to an alley, parking shall be accessed from the side street through the building.

2: PARKING:

- i. Required parking shall be in an underground garage, or may be sur-



- face parking, tuck under parking, or a combination of any of the above.
- ii. Dwellings may have indirect access to their parking stalls.
- iii. Where an alley is present, services, including all utility access and above ground equipment and trash container areas shall be located on the alley.
- iv. Where an alley is not present, services shall be located in compliance with the setback requirements of the applicable zone.
- v. Parking entrances to subterranean garages and/or driveways shall be located as close as possible to the side or rear of each lot.

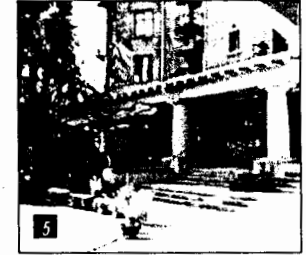
3: OPEN SPACE:

- i. The primary shared open space is the rear yard, which shall be designed as a courtyard. Courtyards may be located on the ground or on a podium. Side yards may also be provided for common use gardens.
- ii. Minimum courtyard dimensions shall be 40 feet when the long axis of the courtyard is oriented East/West,

- and 30 feet when the courtyard is oriented North/South. No courtyard shall be of a proportion of less than 1:1 between its width and height.
- iii. In 40-foot wide courtyards, the frontages and architectural projections allowed within the applicable zone are permitted on two sides of the courtyard; they are permitted on one side of a 30-foot wide courtyard.
- iv. Private patios may be provided in side and rear yards.

4: LANDSCAPE:

- i. Front yard trees shall be less than the height of the buildings, except at the margins of the lot, where they may be used to frame and separate the building from its neighbors.
- ii. Sideyard trees may be placed to create a particular sense of place.
- iii. At least one large tree shall be provided in the rear yard, planted directly in the ground, where applicable.
- iv. Courtyards located over garages should be designed to avoid the sensation of forced podium hardscape.



5: FRONTAGE:

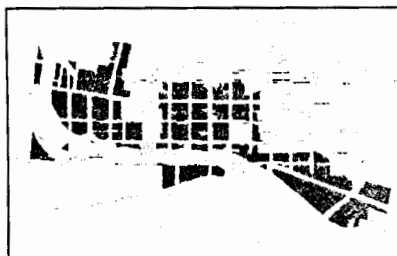
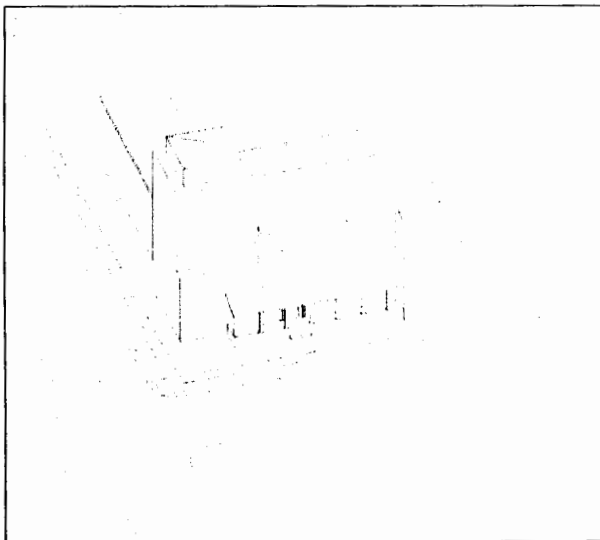
- i. Living space (e.g., living rooms and dining rooms) shall be oriented toward courtyards and the fronting street to the degree possible. Service rooms shall be oriented backing to sideyards, service yards and rear yards, to the degree possible.
- ii. Frontage types are required that provide a transition from public to private, indoor to outdoor at the sidewalk. Stoops and porches are preferred. No arcade or gallery may encroach into the required minimum width of a courtyard.
- iii. See the requirements of the applicable zone for allowed encroachments into required setbacks.

6: BUILDING SIZE AND MASSING:

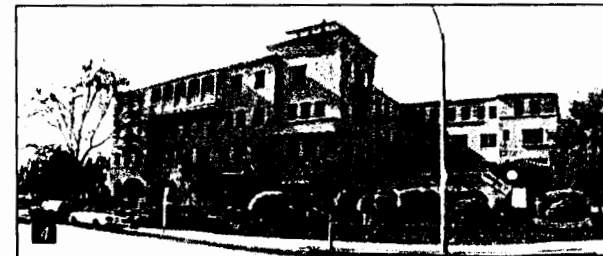
- i. Buildings may contain any of three dwelling types: flats, townhouses, and lofts.
- ii. Dwellings may be as repetitive or unique, as determined by individual designs.
- iii. Buildings may be composed of one dominant volume, flanked by secondary ones.
- iv. The intent of these regulations is to provide for buildings with varying heights. The suggested height ratios for stacked flats are as follows: 20% 3-story, 65% 4-story, and 15% 5-story.

7: EXPOSURE TO LIGHT AND AIR:

- i. Each dwelling may have only one side exposed to the outdoors, with direct access to at least a dooryard, patio, terrace or balcony.



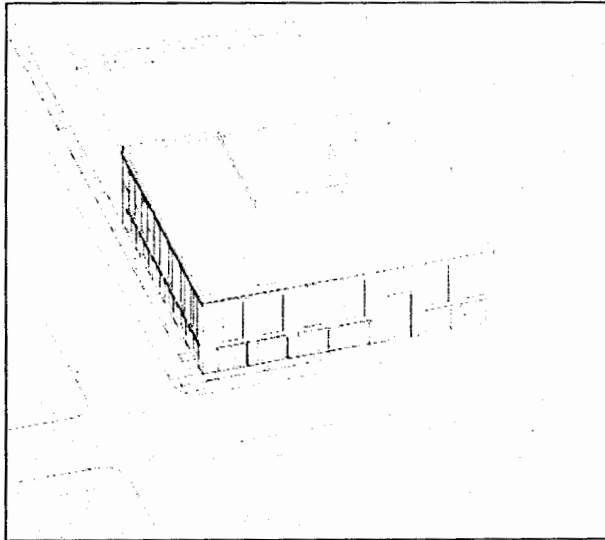
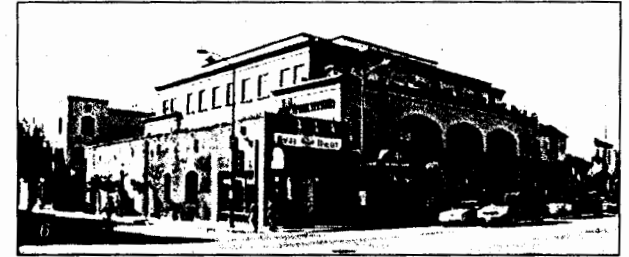
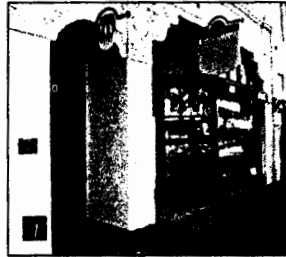
* Stacked Dwellings can only be used if they are part of a Blended Type Development, in which case Stacked Dwellings can comprise no more than 30% of buildable footprint (except when are built as part of the Commercial Block building type).



ARCHITECTURAL TYPES COMMERCIAL BLOCK

A building designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses or for dwelling units.

Each Commercial Block shall be designed to comply with the following standards, and the frontage type requirements of this Code for the applicable zone, except where the frontage type requirements are modified by this Section.



1: ACCESS:

- i. The main entrance to each ground floor commercial or residential storefront shall be directly from the street.
- ii. Entrance to the residential portions of the building shall be through a street level lobby, or through a podium lobby accessible from the street or through a side yard.
- iii. Elevator access should be provided between the garage and each level of the building.
- iv. Interior circulation to each dwelling shall be through a corridor.
- v. Where an alley is present, parking shall be accessed through the alley.
- vi. Where an alley is not present, parking shall be accessed from the street through the building.
- vii. On a corner lot without access to an alley, parking shall be accessed from the side street through the building.

2: PARKING:

- i. Required parking shall be in an underground garage, or may be surface parking, tucked under parking, or a combination of any of the above.

- ii. Dwellings may have indirect access to their parking stalls.
- iii. Where an alley is present, services, including all utility access and above ground equipment and trash container areas shall be located on the alley.
- iv. Where an alley is not present, services shall be located in compliance with the setback requirements of the applicable zone.
- v. Parking entrances to subterranean garages and/or driveways shall be located as close as possible to the side or rear of each lot.

3: OPEN SPACE:

- i. The primary shared open space is the rear yard, which shall be designed as a courtyard. Courtyards may be located on the ground or on a podium. Side yards may also be provided for outdoor patios connected to ground floor commercial uses.
- ii. Minimum courtyard dimensions shall be 40 feet when the long axis of the courtyard is oriented East/West, and 30 feet when the courtyard is ori-

- ented North/South. No courtyard shall be of a proportion of less than 1:1 between its width and height.
- iii. In 40-foot wide courtyards, the frontages and architectural projections allowed within the applicable zone are permitted on two sides of the courtyard; they are permitted on one side of a 30-foot wide courtyard.
- iv. Private patios may be provided in side and rear yards.

4: LANDSCAPE:

- i. No landscaping is required in front of the building.
- ii. Sideyard trees may be placed to create a particular sense of place.
- iii. At least one large tree shall be provided in the rear yard, planted directly in the ground, where applicable.
- iv. Courtyards located over garages should be designed to avoid the sensation of forced podium hardscape.

5: FRONTAGE:

- i. Entrance doors and living space (e.g., living rooms and dining rooms) shall be oriented toward

- courtyards and the fronting street to the degree possible. Service rooms shall be oriented backing to corridors, to the degree possible.
- ii. Frontage types are required that provide a transition from public to private, indoor to outdoor at the sidewalk. Store fronts, arcades, and galleries are preferred.
- iii. See the requirements of the applicable zone for allowed encroachments into required setbacks.

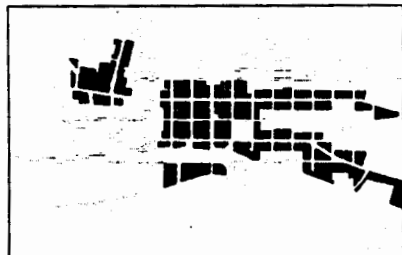
6: BUILDING SIZER AND MASSING:

- i. Buildings may contain any of three dwelling types: flats, townhouses, and lofts.
- ii. Dwellings may be as repetitive or unique, as determined by individual designs.
- iii. Buildings may be composed of one dominant volume.
- iv. The intent of these regulations is to provide for buildings with varying heights. The suggested height ratios for stacked flats are as follows:

- 1.0 story: 100% 1 story
- 2.0 stories: 85% 2 stories, 15% 3 stories
- 3.0 stories: 85% 3 stories, 15% 4 stories

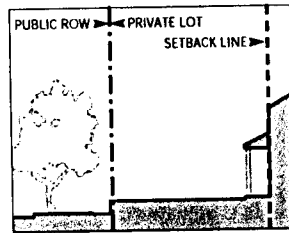
7: MASSING:

- i. Each dwelling may have only one side exposed to the outdoors, with direct access to at least a dooryard, patio, terrace or balcony.

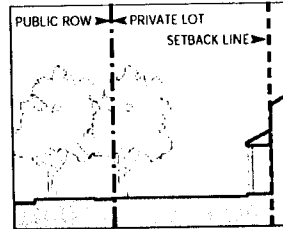


FRONTAGE TYPES

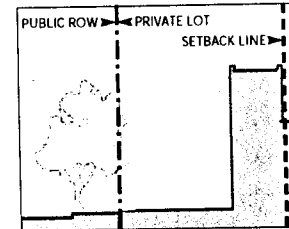
Frontage Types. Frontage Types are applied to each zone (UG-1, UG-2, UG-3, C, UC, DC). These represent a range of additions to the basic facade of the building, in the following illustrations, "ROW" means the public street right-of-way.



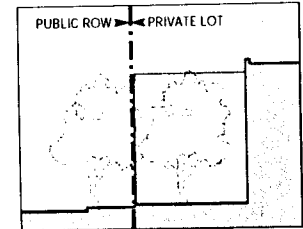
A. Door Yard: a facade is set back from the frontage line with an elevated garden or terrace. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The terrace is also suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby.



B. Porch: a facade is set back from the frontage line with an encroaching porch appended to the facade. A great variety of porches designs are possible, but to be useful, none should be less than 8 feet deep and 12 feet wide. A fence or wall at the property line may be used to define the private space of the yard. The front yard may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps to the yard.



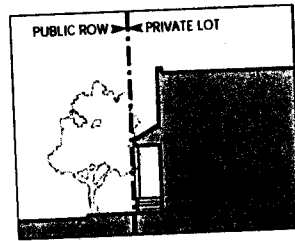
C. Tower: the Tower can be appended to the two previous frontages. Typically located at the intersection between two volumes, the tower is often used as an entrance.



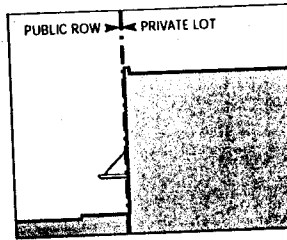
D. Forecourt: the facade is aligned close to the frontage line with a portion of it setback. The resulting forecourt is suitable for gardens, vehicular drop offs, and utility off loading. This type should be used sparingly and in conjunction with the stoops and shop fronts. A fence or wall at the property line may be used to define the private space of the yard. The court may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps to the court.



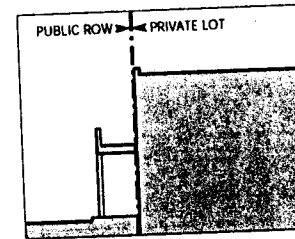
FRONTAGE TYPES



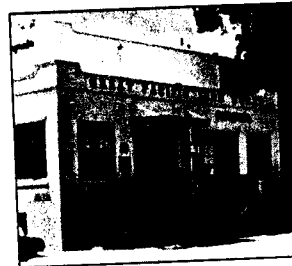
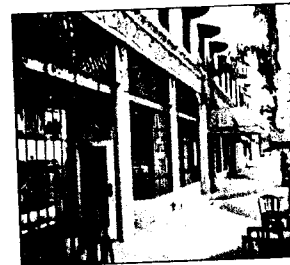
E. Stoop: the facade is placed close to the frontage line with the ground story elevated from the sidewalk, securing privacy for the windows. This type is suitable for ground-floor residential uses at short setbacks. This type may be interspersed with the shop front. A porch may also cover the stoop.

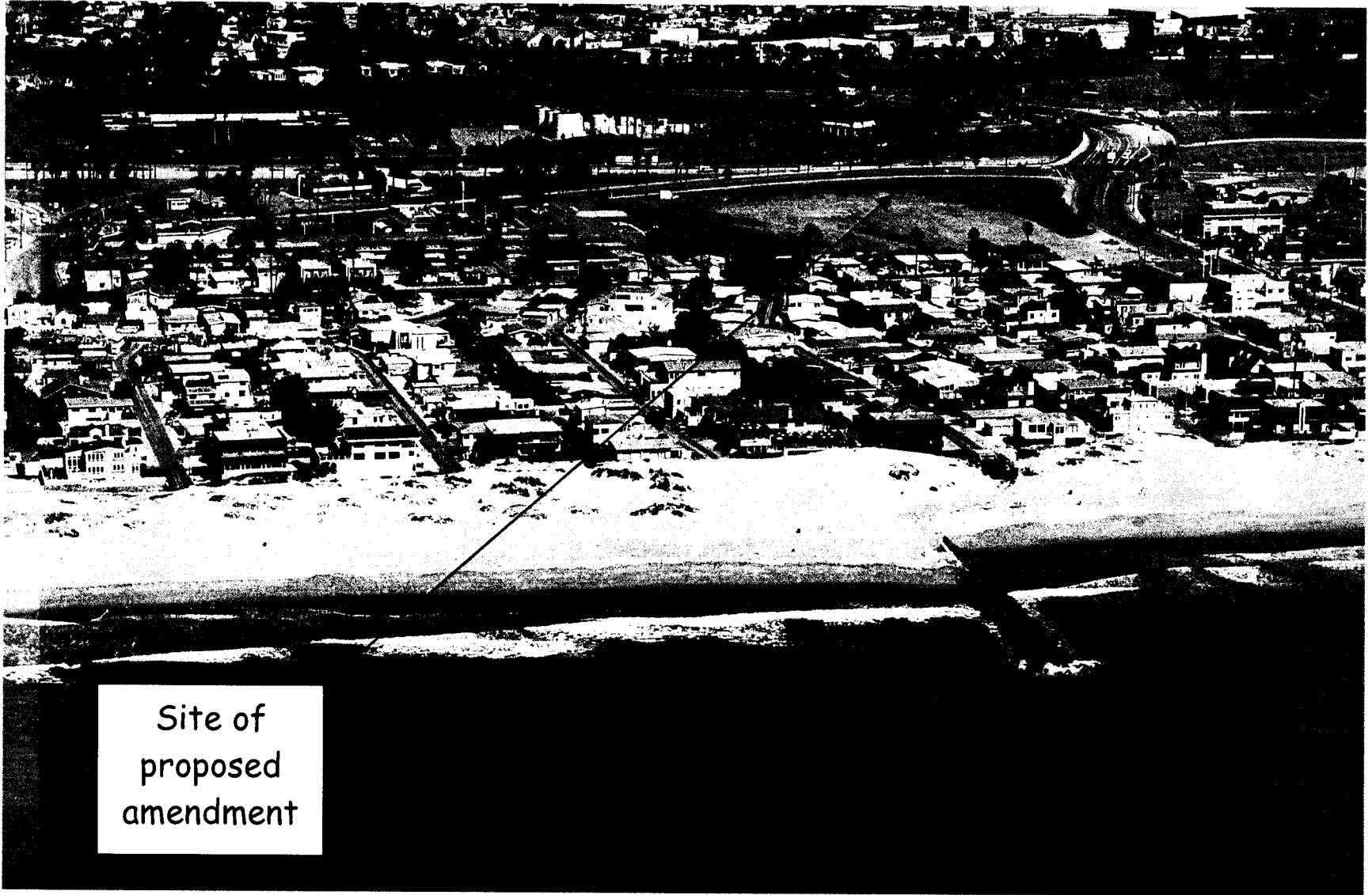


F. Shop Front: the facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This type is conventional for retail frontage. It is commonly equipped with cantilevered shed roof or awning. The absence of a raised ground floor story precludes residential use on the ground floor facing the street, although this use is appropriate behind and above.



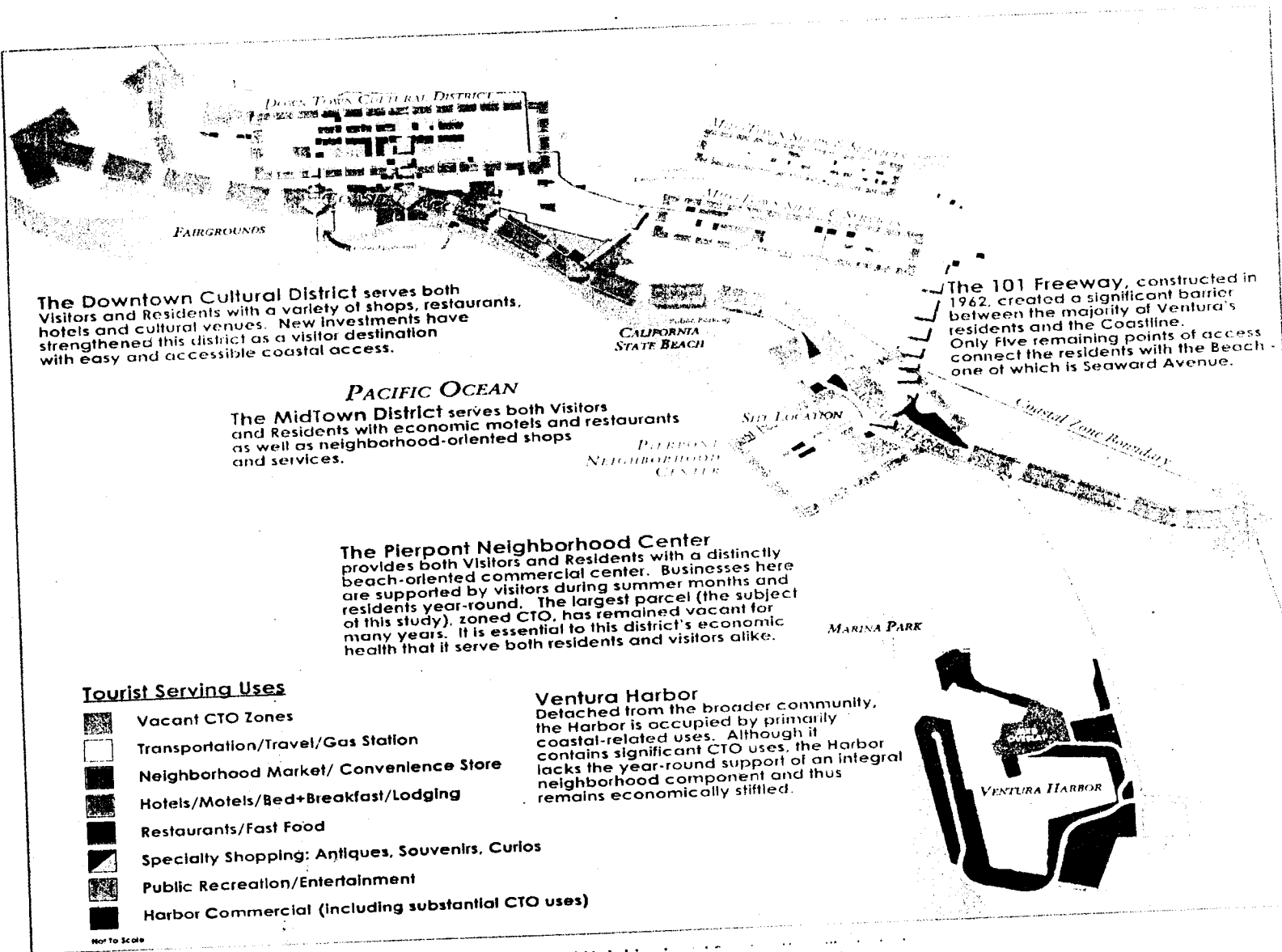
G. Gallery: the facade of a building with an attached colonnade. Balconies may overlap the sidewalk while the ground floor remains set at the lot line. This type is ideal for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way is usually required. To be useful, the arcade should be no less than 8 feet wide clear in all directions.





Site of
proposed
amendment

Exhibit 10
LCPA SBV-MAJ-1-03
Aerial View



The Downtown Cultural District serves both Visitors and Residents with a variety of shops, restaurants, hotels and cultural venues. New investments have strengthened this district as a visitor destination with easy and accessible coastal access.

The MidTown District serves both Visitors and Residents with economic motels and restaurants as well as neighborhood-oriented shops and services.

The Pierpont Neighborhood Center provides both Visitors and Residents with a distinctly beach-oriented commercial center. Businesses here are supported by visitors during summer months and residents year-round. The largest parcel (the subject of this study), zoned CTO, has remained vacant for many years. It is essential to this district's economic health that it serve both residents and visitors alike.

The 101 Freeway, constructed in 1962, created a significant barrier between the majority of Ventura's residents and the Coastline. Only Five remaining points of access connect the residents with the Beach - one of which is Seaward Avenue.

Tourist Serving Uses

- Vacant CTO Zones
- Transportation/Travel/Gas Station
- Neighborhood Market/ Convenience Store
- Hotels/Motels/Bed+Breakfast/Lodging
- Restaurants/Fast Food
- Specialty Shopping: Antiques, Souvenirs, Curios
- Public Recreation/Entertainment
- Harbor Commercial (Including substantial CTO uses)

Ventura Harbor
Detached from the broader community, the Harbor is occupied by primarily coastal-related uses. Although it contains significant CTO uses, the Harbor lacks the year-round support of an integral neighborhood component and thus remains economically stifled.

Not To Scale

