

Item Th 6b

CALIFORNIA COASTAL COMMISSION

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



DATE: March 1, 2007

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
John Ainsworth, Senior Deputy Director

SUBJECT: **City of San Buenaventura LCP Amendment No. SBV-MAJ-1-03 (Seaward Avenue and Harbor Boulevard Land Use Designation and Zone Change):** Executive Director's determination that action by the City of San Buenaventura, acknowledging receipt, acceptance, and agreement with the Commission's certification with suggested modifications, is legally adequate. This determination will be reported to the Commission at the March 15, 2007 meeting in Monterey.

On October 13, 2005, the Commission approved Local Coastal Program Amendment No. MAJ-1-03 submitted by the City of San Buenaventura with suggested modifications. The subject amendment changes the Land Use Plan designation of a vacant 5.62-acre property from Planned Commercial – Tourist Oriented (PC-T) to Planned Coastal Mixed Use Development (PCMxD); revises the zoning designation from Commercial-Tourist Oriented (CTO) and Intermediate Commercial with Tourist Overlay [C-1A(TO)] to Coastal Mixed Use Development (CMxD); and (3) provides new land use policy statements. 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. The Commission adopted findings in support of its October 2005 action on March 7, 2006. On May 11, 2006, the time limit (six months) for the City to accept the suggested modifications was extended for one year.

On August 7, 2006, the City Council adopted Resolution No. 2006-059 (attached) acknowledging receipt of the Commission's certification of the LUP portion of LCP Amendment No. MAJ-1-03 and accepting and agreeing to all modifications suggested by the Commission. On September 11, 2006, the City Council adopted Ordinance No. 2006-015 (attached) acknowledging receipt of the Commission's certification of the LIP portion of LCP Amendment No. MAJ-1-03 and accepting and agreeing to all modifications suggested by the Commission. The documents were transmitted to Commission staff on January 24, 2007.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of San Buenaventura acknowledging receipt and acceptance of, and agreement with the Commission's certification of the above referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the City's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment MAJ-1-03, as certified by the Commission on October 13, 2005, as contained in the adopted Resolution of August 7, 2006 and Ordinance of September 11, 2006 and find that the City's action and notification procedures for appealable development are legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.

CITY COUNCIL ORDINANCE NO. 2006-015

AN ORDINANCE OF THE CITY OF SAN BUENAVENTURA ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S RESOLUTION OF CERTIFICATION WITH SUGGESTED MODIFICATIONS OF LOCAL COASTAL PROGRAM AMENDMENT CASE NO. SBV-MAJ-1-03 AND ESTABLISHING A NEW COASTAL MIXED USE ZONE (CMXD) AND AMENDMENT TO THE ZONING MAP

CITY OF SAN BUENAVENTURA CASE NOS. Z-877/EIR-2347

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

SECTION 1: FINDINGS. Anastasi Development Company, LLC filed an application for a Local Coastal Program Amendment (LCPA), pursuant to the San Buenaventura Municipal Code and pertaining to Assessor's Parcel Numbers 076-0-010-235 and 081-0-054-030. The City Council approved the LCPA on July 15, 2002 and, in doing so, changed the Land Use Plan designation from Planned Commercial – Tourist Oriented (PC-T) to Planned Mixed Use Development (PMXD), changes the Implementation Plan designation from Commercial Tourist Oriented (CTO) and Intermediate Commercial – Tourist Overlay (C1A-TO) to Mixed Use (MXD).

The LCPA originally approved by the City Council on July 15, 2002 modified Page III-70 of the Land Use Plan by inserting the following language, "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 tourist and residents. It is further the intent of the commercial portion of this designation to improve tourism opportunities 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."

SECTION 2: FINDINGS. 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: FINDINGS. 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 Local Coastal Program Amendment by its adoption of Resolution Nos. 2002-46 and 2002-13.

SECTION 4: FINDINGS. On May 10, 2004, the City Council found that the Local Coastal Program Amendment, described in Section One above, shall not take effect unless and until it is formally adopted by the City Council after Coastal Commission approval.

SECTION 5: FINDINGS. On August 2, 2004, the City Council, once again, heard the Local Coastal Program Amendment referenced in Section 1 above, in order to satisfy public notice and hearing requirements of the California Coastal Commission Regulations.

SECTION 6: FINDINGS. On October 13, 2005, the California Coastal Commission considered the City's Local Coastal Program Amendment (LCPA) application and adopted a motion of intent to approve the LCPA if certain modifications were made.

SECTION 7: FINDINGS. On February 22, 2006, the California Coastal Commission considered revised findings relating to the prior motion of intent and, after doing so, certified the City's Local Coastal Program Amendment (LCPA) with suggested modifications.

SECTION 8: FINDINGS. On May 11, 2006, the California Coastal Commission approved the City's request to extend the acceptance period of the Local Coastal Program Amendment (LCPA) approval for a period of one year.

SECTION 9: FINDINGS. 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 Coastal 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 Coastal 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 Coastal Commission made the mentioned findings on October 13, 2005.

The proposed amendment is to the City of San Buenaventura's certified Local Coastal Program Land Use Plan and Implementation Ordinance. The Coastal 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 the October 13, 2005 and February 22, 2006 Coastal Commission staff reports, the Coastal Commission found the LCP amendment, as submitted to be 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 Coastal Commission has, in response through their October 13, 2005 and March 7, 2006 actions, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed above, the Commission's suggested modifications bring the proposed amendment into conformity with the Coastal Act and certified Land Use Plan. Therefore, San Buenaventura City Council agrees with the Coastal Commission's October 13, 2005 and March 7, 2006 findings that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

SECTION 10: AMENDMENT. Based on the foregoing, a new Chapter 24.295 (Coastal Mixed Use Zone (CMXD)) is inserted into the Local Coastal Program Implementation Program and San Buenaventura Municipal Code as set forth herein.

SECTION 11: AMENDMENT. Chapter 24.295 of the San Buenaventura Municipal Code is added to read as follows:

Section 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. 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 attached two or three story dwellings with zero lot line side setbacks. The main entrance to each unit is accessed directly from and faces the street.
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;
 - (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. A number equal to 10% of the total number of parking spaces otherwise required for an entire project site shall be made available for exclusive use for public parking for coastal access. Such parking shall be aggregated in 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.
 - d. Covered, secure bicycle parking shall be provided as follows: one bicycle locker per residential unit without attached garage or live/work unit; one public bicycle parking space per 1,500 sq. ft. of commercial space; and one public bicycle parking space per coastal access parking space. Each bicycle parking space shall be at least 2 ½ feet wide. At least five feet of space shall be allowed behind each space to allow room to maneuver. Bicycle parking shall be separated from vehicle parking for safety and ease of use. Bicycle racks shall be covered to protect bicycles from rain and sun. Covers shall be located at least seven feet above ground, and may include building awnings. Bicycle racks shall be located in well-lit areas visible from commercial storefronts and public areas. Prominent signage within the public rightof- way shall be installed for public bicycle parking spaces. No variance may be granted to obviate compliance with this requirement.
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.

SECTION 12: AMENDMENT. The zoning for Assessor's Parcel Numbers 076-0-010-235 and 081-0-054-030, as shown on attached Exhibit "A," is hereby changed from Commercial Tourist Oriented (CTO) and Intermediate Commercial with Tourist Overlay (C-1A(TO)) to Coastal Mixed Use Development (CMXD).

SECTION 13: FINDINGS. The City Council hereby restates its intention to carry out the City Local Coastal Program in a manner consistent with the State Coastal Act.

SECTION 14: EXISTING VIOLATIONS. The repeal, whether express or implied, of any previous resolution, regulation, or provision of the San Buenaventura Municipal Code by the adoption of this Resolution shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability previously incurred, or of precluding

prosecution and imposition of penalty with respect to any violation having occurred prior to the effective date hereof. Any such resolution, regulation, or provision shall be treated as remaining in full force and effect for the purpose of sustaining any proper action of prosecution for the enforcement of such penalty, forfeiture, or liability, or any prosecution and imposition of penalty with respect to any violation having occurred prior to the effective date hereof.

SECTION 15: SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase or word of this ordinance is declared by a court of competent jurisdiction, adjudicated to a final determination, to be void, this City Council finds that said voided part is severable, and that this City Council would have adopted the remainder of this ordinance without the severed and voided part, and that the remainder of this ordinance shall remain in full force and effect.

SECTION 16: INCOMPATIBLE PROVISIONS. To the extent any provision of this ordinance is incompatible with or at variance with any prior adopted ordinance or resolution, the provisions of this ordinance shall take precedence, and all prior ordinances and resolutions shall be interpreted to harmonize with and not change the provisions of this ordinance.

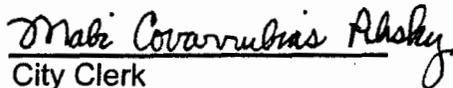
SECTION 17: EFFECTIVE DATE. This Ordinance shall take effect on the 31st day after its final passage and adoption.

PASSED AND ADOPTED this 11th Day of September, 2006.



Carl E. Morehouse, AICP, Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

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

I, ELAINE M. PRESTON, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the Council of the City of San Buenaventura, at a regular meeting on September 11, 2006, by the following vote:

AYES: Councilmembers Brennan, Summers, Fulton, Andrews, Monahan, Weir, and Morehouse.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on September 12, 2006.



Deputy City Clerk



C

CITY COUNCIL RESOLUTION NO. 2006-059

**A RESOLUTION OF THE CITY OF SAN BUENAVENTURA
ACKNOWLEDGING RECEIPT OF THE CALIFORNIA
COASTAL COMMISSION'S RESOLUTION OF
CERTIFICATION WITH SUGGESTED MODIFICATIONS
OF LOCAL COASTAL PROGRAM AMENDMENT CASE
NO. SBV-MAJ-1-03.**

CITY OF SAN BUENAVENTURA CASE NOS. MP-138/EIR-2347

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

SECTION 1: FINDINGS. Anastasi Development Company, LLC filed an application for a Local Coastal Program Amendment (LCPA), pursuant to the San Buenaventura Municipal Code and pertaining to Assessor's Parcel Numbers 076-0-010-235 and 081-0-054-030. The City Council approved the LCPA on July 15, 2002 and, in doing so, changed the Land Use Plan designation from Planned Commercial – Tourist Oriented (PC-T) to Planned Mixed Use Development (PMXD), changes the Implementation Plan designation from Commercial Tourist Oriented (CTO) and Intermediate Commercial – Tourist Overlay (C1A-TO) to Mixed Use (MXD).

The LCPA originally approved by the City Council on July 15, 2002 modified Page III-70 of the Land Use Plan by inserting the following language, "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 tourist and residents. It is further the intent of the commercial portion of this designation to improve tourism opportunities 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."

SECTION 2: FINDINGS. 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: FINDINGS. 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 Local Coastal Program Amendment by its adoption of Resolution Nos. 2002-46 and 2002-13.

SECTION 4: FINDINGS. On May 10, 2004, the City Council found that the Local Coastal Program Amendment, described in Section One above, shall not take effect unless and until it is formally adopted by the City Council after Coastal Commission approval.

SECTION 5: FINDINGS. On August 2, 2004, the City Council, once again, heard the Local Coastal Program Amendment referenced in Section 1 above, in order to satisfy public notice and hearing requirements of the California Coastal Commission Regulations.

SECTION 6: FINDINGS. On October 13, 2005, the California Coastal Commission considered the City's Local Coastal Program Amendment (LCPA) application and adopted a motion of intent to approve the LCPA if certain modifications were made.

SECTION 7: FINDINGS. On February 22, 2006, the California Coastal Commission considered revised findings relating to the prior motion of intent and, after doing so, certified the City's Local Coastal Program Amendment (LCPA) with suggested modifications.

SECTION 8: FINDINGS. On May 11, 2006, the California Coastal Commission approved the City's request to extend the acceptance period of the Local Coastal Program Amendment (LCPA) approval for a period of one year.

SECTION 9: FINDINGS. 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 Coastal 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 Coastal 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 Coastal Commission made the mentioned findings on October 13, 2005.

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The proposed amendment is to the City of San Buenaventura's certified Local Coastal Program Land Use Plan and Implementation Ordinance. The Coastal 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 the October 13, 2005 and February 22, 2006 Coastal Commission staff reports, the Coastal Commission found the LCP amendment, as submitted to be 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 Coastal Commission has, in response through their October 13, 2005 and March 7, 2006 actions, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed above, the Commission's suggested modifications bring the proposed amendment into conformity with the Coastal Act and certified Land Use Plan. Therefore, San Buenaventura City Council agrees with the Coastal Commission's October 13, 2005 and March 7, 2006 findings that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

SECTION 10: AMENDMENT. The City of San Buenaventura City Council hereby resolves as follows:

1. The City Council does hereby acknowledge receipt of the Coastal Commission's resolution of certification for Local Coastal Program Amendment Case No. SBV-MAJ-1-03 including modifications suggested for final certification by the Coastal Commission.
2. The City Council accepts the modifications approved by the Coastal Commission and will take the actions required to satisfy the terms of these modifications.
3. The City Council adopts Local Coastal Program Amendment Case No. SBV-MAJ-1-03 as modified by the Coastal Commission.
4. The City Council agrees to issue coastal development permits for the total area included in the City's certified Local Coastal Program.

SECTION 11: AMENDMENT. The Land Use Plan designation of Assessor's Parcel Numbers 076-0-010-235 and 081-0-054-030, as shown on attached Exhibit "A," is hereby changed from Planned Commercial – Tourist Oriented (PC-T) to Planned Coastal Mixed Use Development (PCMXD).

SECTION 12: AMENDMENT. The Land Use Designation Definitions and Policy Statements section of the City of San Buenaventura Comprehensive Plan are hereby amended to include the following text:

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.

SECTION 13: AMENDMENT. The Pierpont/Keys Community Intent and Rationale for Land Use Designations Statement section of the Land Use Plan is hereby amended to read:

It is the intent of the Planned Coastal Mixed Use Development (PCMxD) 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 visitor-serving commercial uses and attached residential uses, which will provide an immediate consumer base to entice commercial uses. All of this will promote walkability and connectivity to adjacent neighborhood commercial and residential uses, visitor-serving commercial uses, and the ocean and state beach recreational opportunities for both visitors and residents. It is further the intent of the commercial portion of this designation to improve 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.

SECTION 14: AMENDMENT. Pages 13 to 15 of the City of San Buenaventura Comprehensive Plan, are hereby amended to indicate the inclusion of the Planned Coastal Mixed Use Development (PMxD) designation in the listing of land uses designated on the Land Use Plan map, including the land use designation name (Planned Mixed Use Development), acronym (PCMxD) and density of 30 du/gross acre.

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SECTION 15: AMENDMENT. The Land Use/Zone Compatibility Matrix, found on page III-18 of the City of San Buenaventura Comprehensive Plan, is hereby amended to indicate within the matrix that no other zone besides the CMXD zone is compatible with the PCMXD land use designation.

SECTION 16: AMENDMENT. "Objective 5 – Public Transit" section of the Circulation Element of the City of San Buenaventura Comprehensive Plan is hereby amended to include the following text, "The City shall provide a shuttle bus service, such as the current Ventura Downtown/Harbor shuttle service (SCAT Route 12), to run a minimum of seven days a week, 21 times a day throughout the day, from downtown Ventura along the coast through the Pierpont Community to Ventura Harbor. Termination of the shuttle service shall not occur without an amendment to this Land Use Plan."

SECTION 17: NOW, THEREFORE, BE IT RESOLVED that this resolution shall be in full force in effect immediately following certification by the California Coastal Commission and notice of the certification being filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.52(d)(2)(v).

PASSED AND ADOPTED this 7th day of August, 2006.



Carl E. Morehouse, AICP, Mayor

ATTEST:



Mali Covarrubias Relsky
City Clerk

APPROVED AS TO FORM:



James E. Newberry
City Attorney

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

I, ELAINE M. PRESTON, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on August 7, 2006, by the following vote:

AYES: Councilmembers Brennan, Summers, Fulton, Andrews,
Monahan, Weir, and Morehouse.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on August 8, 2006.


Deputy City Clerk



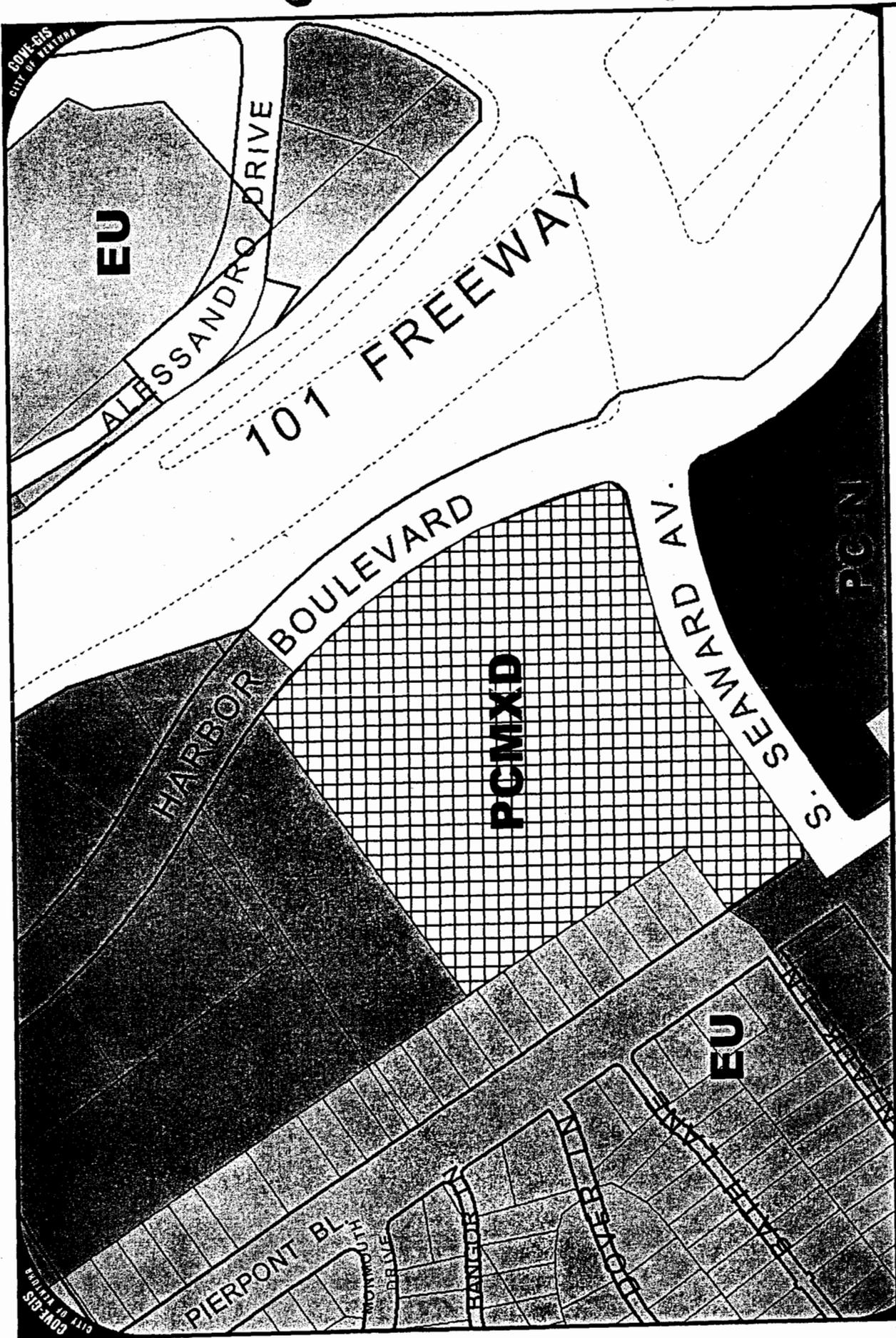


Exhibit "A" - Case No. MP-138/EIR-2347