

CALIFORNIA COASTAL COMMISSION

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



Th 11a&b

ADDENDUM

DATE: November 4, 2009
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Items 11a and 11b, City of San Buenaventura Local Coastal Program (LCP) Amendment SBV-MAJ-1-08 [Midtown Corridor Development Code- Main Street and Thompson Boulevard] and SBV-MAJ-2-08 [Downtown Specific Plan] for Public Hearing and Commission Action at the California Coastal Commission hearing of November 5, 2009 in Long Beach.

The purpose of this addendum is to make a minor change to the Suggested Modifications for both of the above referenced items in order to clarify the intent of the modifications and to attach and respond to three letters received from (1) Lloyd Properties (owner of the "Triangle Site"), (2) the City of Ventura, and (3) Camille Harris. Commission staff also hereby modifies its recommendation to recommend that the Commission adopt the following analysis and conclusions as part of its findings in support of the recommended action on this item.

A. REVISIONS

The following revisions to the suggested modifications of the reports are made as follows (language to be inserted is shown underlined and language to be deleted is shown in ~~line out~~):

In order to clarify intent, Suggested Modification 16, Part 3, Subpart c (16.3.c) on page 14 of the staff report for *LCPA 2-08 (Downtown Specific Plan)* and Suggested Modification 7, Part 3, Subpart c (7.3.c) on page 9 of the staff report for *LCPA 1-08 (Midtown Corridor Development Code)* are revised as follows:

- (c) Limited Use Overnight Visitor Accommodations shall be limited to no more than 25% of total new guestrooms (units) ~~developed~~ within a facility leasehold after the effective date of adoption of this Section. All other guestrooms (units) shall be available to the general public on a daily, year-round basis.

B. LETTERS RECEIVED

1.) In regards to Item 11b (Downtown Specific Plan), a letter was submitted by Lloyd Properties (attached as an exhibit to this addendum) which was received on October 30, 2009. A 125+ page attachment also accompanied the letter, which includes excerpts from the Downtown Specific Plan (Item 1); the City of Ventura's 1993 Local Coastal Plan Amendment submittal, along with Commission staff report on that proposal, which was numbered SBV-MAJ-2-93 (Item 2); proposed new Triangle Site zone designation (Item 3); current photographs of the Triangle Site (Item 4); and an Assessors Parcel Map (Item 5). A mailing list was attached to the letter by the Lloyd Properties indicating that the letter and attachment had been submitted individually to each of the Commissioners and to several other listed parties. Due to budget and staffing constraints and because of the substantial length of the letter's attachment (125+ pages), the attachment is not included with this addendum. The attachment is available for review at the Commission's South Central Coast Area office.

Lloyd Properties is the property owner of the "Triangle Site" in the southeastern corner of the Downtown Specific Plan area. The Triangle Site is an 11-acre undeveloped bluff top parcel located within 300 feet of the beach and located immediately north of Highway 101 at its intersection with Sanjon Road. As explained in the October 22, 2009 staff report, the Triangle Site is identified as an important site for visitor-serving commercial use in the 1989 LCP. The site is also adjacent to an existing public access walkway connecting the site to the beach. The site has a current zoning designation of CTO (Commercial-Tourist Oriented). The certified 1993 Downtown Specific Plan specifically states that the Triangle Site is an appropriate location for future construction of visitor-serving uses such as hotels and other overnight accommodations. Under the present LCP, no residential uses are permitted on the site and the entire site is designated for visitor-serving uses. The proposed amendment to incorporate the new Downtown Specific Plan as part of the City's LCP would utilize a new "transect-based" zone designation for the Triangle Site that would result in the potential conversion of some, or all, of the site to residential uses and would not be adequate to maintain or protect the site for visitor-serving uses. After submittal of an earlier version of its proposed Downtown Specific Plan Amendment, and in response to discussions with Commission staff, on October 14, 2009, the City of Ventura submitted a modified proposal to re-zone the Triangle Site. The City proposes a new transect zone of "T4.3-TO" to apply to the Triangle Site and proposes a new "CTO Overlay- Triangle Regulating Plan" that would also apply. The new overlay/zone would only maintain 25% of the 11-acre site for visitor-serving commercial (CTO) uses and incorporate a 25-foot wide bluff top pedestrian accessway. The new transect zone for roughly the rest of the site, T4.3-TO, would allow for a wide variety of uses, including the following: multi-family, special residential, home occupation, bed and breakfast, civic, community meeting, corner store, daycare, farmer's market, gas station, lodging, multi-family, office, parks and recreation, restaurant, and retail. The Lloyd Properties letter is written in objection to the suggested modifications recommended by staff and in support of the City's amendment, as proposed to re-designate the "Triangle Site" from visitor-serving commercial uses to a new "transect-based zone" that would allow for a broad mix of uses, including residential development.

However, as thoroughly explained on pages 24-25 of the October 22, 2009 staff report and recommendation for SBV-MAJ-2-08, the City's proposal to re-designate the site from visitor-serving commercial (CTO) to "T4.3-TO" in order to allow a broad mix of uses on the site is not sufficiently detailed to assure that adequate commercial visitor-serving uses of the site are protected. Although the City's proposal would include a provision to maintain 25% of the site for visitor-serving commercial uses, the City did not provide adequate analysis of how this

ratio was determined by the City to be adequate to provide sufficient visitor-serving uses on site, what types of visitor-serving commercial uses would be feasible given the proposed reduction in area on site, or any information regarding how such development would be configured to ensure the commercial viability of a mixed-use development pattern on site. Further, as discussed in detail in the findings of the original staff report, and as Commission staff has previously discussed with City staff, the proposal to preserve 1.9 acres of the site for parks and open space is not sufficient because it does not specify what physical development is proposed, what types of park/recreation development/uses will be provided, how sufficient parking would be provided for such uses, and how public access will be assured. Lloyd Properties asserts that this new proposal by the City contemplates that the area along Sanjon Road would be set aside for additional beach parking. A greater level of detail is needed for these proposed uses (e.g., number and location of parking spaces, etc.). As stated in detail in the staff report, in order to evaluate whether a limited mix of uses on the site would be consistent with the public access/recreation policies of the certified LCP and Coastal Act; the City would need to submit a detailed analysis, as part of a new proposed LCP amendment, that would include a detailed development proposal and analysis of the appropriate mix of uses on the site.

2.) Further, in regards to both Items 11a and 11b, a letter was received on November 3, 2009, from the City of Ventura requesting changes to the staff recommendation in the October 22, 2009 staff reports (for both the proposed Downtown and Midtown Plans). The City's letter has been included as an exhibit to this addendum. The City requests that Suggested Modifications 5, 6, 8, and 11 of the October 22, 2009 staff report and recommendation for the Downtown Specific Plan, SBV-MAJ-2-08, be changed to delete the requirement that four of the five identified sites be maintained under their current certified zoning designations of Commercial Tourist-Oriented (C-T-O). The City is proposing that these sites be rezoned, as originally proposed, to allow for a broad mix of uses (including new residential development) but with a new C-T-O "Overlay". The City has indicated that their proposal to utilize an overlay for these sites is intended to incorporate the new proposed design standards for these areas while still maintaining visitor-serving commercial uses. However, the City has not submitted adequate information or details regarding how this new overlay would be implemented in a manner that would achieve this. Additionally, the City is proposing a new transect-based zone district, T4.3-TO, for the Triangle Site, as explained above in the response to the letter received from the property owner, Lloyd Properties. The City's November 3, 2009 letter indicates a willingness of the City to work with the Commission staff in the future to develop a more precise proposal to determine the optimal mix of visitor-serving uses on the Triangle Site and provide a through analysis of impacts. However, the Commission's recommendation in the October 22, 2009 staff report remains unchanged because it is inappropriate to re-zone the Triangle Site until this level of detail is provided by the City

Finally, the City requests that Suggested Modification 7 for *LCPA 1-08 (Midtown Corridor Development Code)* and Suggested Modification 16 for *LCPA 2-08 (Downtown Specific Plan)* be revised to delete the requirement for an in-lieu fee for demolition or conversion of low cost visitor-serving overnight accommodations, or for developing high-cost accommodations, or to reduce the fee from \$30,000 per room. The City requests that a local threshold be used that is tailored to the City of Ventura; however, the City did not provide any alternative methodology at this time. Instead, the City is proposing to conduct a study at a later date (after the Commission acts on this pending LCP amendment) to determine the appropriate

fee. Commission staff has had several meetings with City staff regarding this issue and has suggested that the City provide an alternative proposal given the City's disagreement with the \$30,000 per room in-lieu mitigation fee for loss of low-cost overnight accommodations; however, the City has failed to provide any such alternative. Conversely, the in-lieu fee proposed by staff is supported by the analysis in the staff report, and some such fee is necessary to mitigate adverse impacts to public recreation resulting from the potential loss of visitor-serving overnight accommodations that could occur as a result of the proposed amendment. Therefore, the City's request to delete this requirement would not be adequate to protect public recreational resources. Thus, the recommendation in the October 22, 2009 staff report remains unchanged.

3.) In regards to Item 11a, a letter was received on October 28, 2009 from Camille Harris regarding City of Ventura LCPA 1-08 for the Midtown Corridors Code. The letter requests that the Commission consider protection of views of the ocean from the Midtown area, including ocean views across Thompson Boulevard from Chrisman Avenue and Macmillian Avenue, and the view through 1570 Thompson Boulevard.

In response, both Chrisman Avenue and Macmillian Avenue to the north of Thompson Boulevard are not within the Coastal Zone but are located adjacent to and inland of the Coastal Zone. In order to access views of the ocean across Thompson Boulevard from these locations, one must travel two to three blocks north (outside of the Coastal Zone) along Chrisman Avenue or Macmillian Avenue [where only some limited bluewater views are available above the existing tree and roof line due to the change in elevation as one moves north (uphill) along these streets]. Regardless, the new proposed zoning standards would actually reduce the allowable height of new structures along Thompson Boulevard from 75 ft. (as currently allowed under the present C-2 zone) to no more than a maximum height of 45 ft. pursuant to the new proposed restrictions of the Midtown Code (and no more than a maximum height of 35 ft. in much of the area).

Specifically, under the existing zoning code, all approximately 28 parcels along Thompson Boulevard within the Coastal Zone east of Sanjon Road are zoned General Commercial 2 ("C-2"). Municipal Zoning Code Section Sec. 24.236.070 sets the height standards for the C-2 zone as follows:

- A. *Height determination.* The height of buildings and other structures in the C-2 zone shall be determined in accordance with section 24.405.040.
- B. *Maximum number of stories.* Buildings and other structures in the C-2 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 C-2 zone shall exceed 75 feet in height except as provided in section 24.405.030.
(Code 1971, § 15.236.070)

Therefore, under the current C-2 zone, the height limit for buildings along Thompson Boulevard is 6 stories, or 75 ft. maximum.

The City's proposed new form based code designation along Thompson Boulevard, east of Sanjon Road, in the Coastal Zone is T4.5, General Urban. The T4.5 zone would allow a maximum building height of three stories, with a maximum height of 40 ft. for a flat roof and

45 feet for a sloping roof. Second stories and higher are required to be stepped back from the first story and set back at least 30 feet from any residential lot. Several parcels along Thompson Boulevard within the Coastal Zone (which are proposed to be rezoned T4.5) would also be located within the City's proposed "Residential Overlay" Areas along Thompson Boulevard within the Coastal Zone that have a Residential Overlay have a maximum building height of two stories, and maximum height cannot exceed 30 feet for a flat roof and 35 feet for a sloping roof. Therefore, the height limit in the new proposed T4.5 zone in the Coastal Zone along Thompson Boulevard would be a maximum of 45 feet in height (35 ft. in height for areas within the Residential Overlay). Thus, the new proposed height limitations would be significantly more restrictive than height limits for the current C-2 zone, which would allow a maximum of 75 feet.

Under the proposed T4.5 transect-based zone designation, some views of the Ocean from outside of the Coastal Zone may be blocked with 35-45 feet maximum height limits. In particular, the letter from Camille Harris identifies concerns about views over Thompson through two properties to the east of MacMillian on Thompson and three properties to the west of Chrisman on Thompson when viewed from outside of the Coastal Zone. Under the proposed Midtown Code, these parcels would have a height limit of 35 feet. Higher density development, and potential heights up to 35 feet is appropriate in this area along Thompson Boulevard because development will be concentrated in a highly developed area, rather than in other undeveloped areas of the City. Further, Highway 101 separates Thompson Boulevard from the ocean and Thompson Boulevard is a significant distance from the ocean.

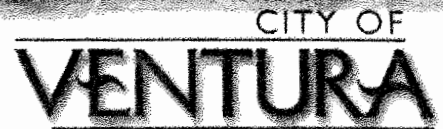
The Harris letter also indicates that views across 1570 Thompson Boulevard allows a visual connection to the ocean and refers to a high-density condominium development proposed for this site. However, under the existing C-2 zoning designation, this site is allowed to be developed with a building up to a maximum of 75 feet, as explained above. Under the new proposed Midtown Code, heights would be restricted to a maximum of 35 feet at that location. No notice of final action has been received by the Commission indicating that the City has approved a coastal development permit for a condominium development project at 1570 Thompson Boulevard. The photograph submitted with the letter shows a peak of the ocean through vegetation at 1570 Thompson Boulevard. However, little to no public views of the ocean exist along the Thompson Boulevard Corridor and the site does not constitute a significant visual resource in this developed area. Given the importance of concentrating development in the developed area along Thompson Boulevard in Ventura's Midtown area for the approximately 28 parcels and that the height limits will be more restrictive than the present zoning code allows, the recommendation in the October 22, 2009 staff report remains unchanged.

Attachments:

Letter to Coastal Commissioners and Commission Staff from Lloyd Properties, received October 30, 2009.

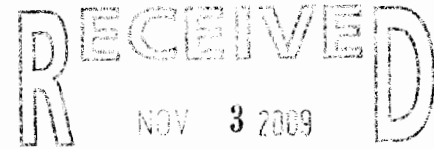
Letter to Chair and Commissioners from the City of Ventura, received on November 3, 2009.

Letter to Coastal Commission Staff from Camille Harris, dated October 28, 2009.



November 2, 2009

Ms. Bonnie Neely, Chair
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219



CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

**Re: City of Ventura's Downtown Specific Plan and Midtown Corridors Development Code
LCP Certification (SBV-MAJ-2-08 and MAJ-1-08)**

Dear Chair Neely and Honorable Commissioners:

I. Overview

The City of Ventura submits the following comments on behalf of Ventura's Downtown Specific Plan (DTSP) and Midtown Corridors Development Code (MCDC) LCP Certification request. In general, the City is in agreement with most of Coastal Commission's staff proposed modifications but strongly recommends changes be made to the following: 1.) The proposed in-lieu fee requirement for the demolition/conversion of lower-cost visitor serving accommodations (modification nos. 7 and 16) in order to be legally defensible upon implementation, and 2.) That the City's Form Based Code development standards govern the Commercial-Tourist-Oriented (C-T-O) overlay zones (DTSP modification nos. 5, 8, and 11).

II. Background

Coastal Commission certification of our DTSP and MCDC is an essential action to implement the city's long-term goals and visions, which included significant participation from local residents and businesses. The adopted DTSP (LCP/IP) alone is the result of a five-year planning and public outreach process that included 17 public workshops and 25 public hearings; the Midtown Corridors Development Code (IP) is the result of two public workshops and four public hearings. LCP certification is necessary in order to fully implement the locally adopted development standards within the Coastal Zone.

The pre-existing zoning regulations did not adequately address the physical form of buildings and the public realm (streets and open spaces), and in some cases allowed uses no longer appropriate for neighborhood commercial corridors.

III. Proposed Modifications to C-T-O areas

Form Based Codes and Land Uses

The suggested modifications 5, 6, 8, and 11 would essentially negate ALL of the DTSP form-based code design standards for the referenced C-T-O sites. The reason given for these modifications is the desire to preserve these sites for visitor serving commercial and recreational facilities (i.e. land uses) pursuant to the policies of the Coastal Act. While the City is not contesting the stated purpose of the policy, we disagree with the proposed method of achieving the goal. What the CCC staff is suggesting eliminates vital aspects of the form-based code that are beneficial to achieving not only our goals, but also the goals of the Coastal Act. We believe there is a much more effective way to preserve these sites for visitor serving use; one that satisfies the policy of the Coastal Act while retaining the benefits of form-based coding.

Our solution is to retain the respective transect base zones (T4.3, T5.1 and T6.1) while applying a new "C-T-O Overlay" zone to the referenced sites. The new overlay zone would effectively amend the list of permitted land uses in a way that duplicates the list of uses of Municipal Code Section 24.240 (C-T-O zone). This method represents the core of what the CCC staff has recommended and still maintains the City's design standards. Given that the CCC staff has not offered any rationale for removing the form-based code design standards in favor of the "sprawl-based" standards of the prior code, we believe this approach satisfies the objections cited in the staff report. A similar, but slightly modified method would be appropriate for the Triangle Site (discussed in more detail below).

The key difference between the City's proposal and the one suggested by the CCC staff is the retention of the urban design aspects of the DTSP form-based code. Through the local planning process, the City has invested considerable time and resources toward revising our prior conventional zoning regulations affecting the Downtown and Midtown Corridors. The purpose of these codes is to regulate development to achieve a specific desired urban form. It is a superior method to transform conventional highway sprawl into traditional pedestrian oriented places. In fact, it is the "placemaking" ability of form-based codes that integrates perfectly with the desire to maximize access to California's coastal areas and enhance the coast in a way that benefits visitors. We believe that "making great places" is one of the crucial components of our goals of being a well planned, designed and prosperous community. The removal of these tools, as suggested by the CCC staff, can only harm the City's efforts as well as those of the Coastal Commission.

Of the C-T-O areas in question, the "Triangle Site" is unique because of its geographical constraints and, therefore requires a unique approach. This largely vacant site suffers from development constraints described in detail in the documents provided by the property owner. The owner believes that the fact that this site has been designated C-T-O for decades, but has remained vacant even during the peak years of real estate development boom is evidence that the site is not well suited for visitor serving uses. The City concurs with that assessment.

The City has collaborated with representatives of the owners of the Triangle property in an effort to craft a solution that is acceptable to the City as well as the Coastal Commission. What has resulted is a proposal to apply an overlay, similar in content to the C-T-O Overlay described above, to the Triangle site. The difference here is that the most restrictive visitor serving land uses would be applied to the Sanjon Road edge and the west end adjacent to the existing pedestrian bridge. The overlay would mandate a 25-foot wide public pedestrian easement which extends from the pedestrian bridge at the northeast corner of the site to the edge of the bluffs above Sanjon Road. As proposed, the most restrictive C-T-O use areas comprise approximately 25% of the overall 11-acre site. However, it should be noted that the City is of the opinion that the precise boundaries could be adjusted based on additional studies that determine the optimal mix of visitor and non-visitor serving uses.

The CCC staff states that "the Commission has been supportive of limited mixed-use proposals on parcels designated for visitor serving uses in urban areas provided the lower priority uses, such as office, residential, and general commercial uses, support the visitor serving commercial uses and there is an adequate amount or level of visitor serving uses, public amenities public access elements." Nevertheless, the CCC staff has recommended against this concept for the Triangle Site. They say that the City has not provided a complete and detailed proposal of development standards for the site that would assure that the visitor-serving and public access/recreation priorities are met, while still providing a mix of uses. The City believes that the standards – regulating plan and land use table that were provided – do, in fact assure that visitor-serving and public access priorities will be met.

The CCC staff report further states that:

"Although the City identified a percentage of the Triangle Site (25%) for the CTO designation in its most recent effort to submit an acceptable proposal, the City has failed to explain or provide a cumulative impact analysis that articulates why this level of visitor serving uses is appropriate for this particular site and in relation to other mixed use development proposals for other parcels in the City designated for visitor serving uses."

Given the CCC staff's concern, we would offer an amendment to our proposal to include a provision in the DTSP applicable to the Triangle Site that requires a prospective developer to provide a cumulative impact analysis that articulates the level of visitor serving uses appropriate for this particular site and in relation to other mixed use development proposals for other parcels in the City designated for visitor serving uses. Such an analysis would be completed in coordination with the CCC staff.

According to the CCC staff report: "...the proposed changes to the City's zoning code would allow for the potential future conversion of existing lower cost motels along Thompson Boulevard within the Coastal Zone to lower priority uses (including residential development and other uses) which would be allowed by the City's proposed new transect based code designations." In fact, a host of land uses would be permitted along Thompson Boulevard, as it is not the primary purpose of the new Code to strictly limit uses, but rather primarily control new building form. Nonetheless, the City

is agreeable to permitting lodging by right (suggested modification #4) and requiring a Use Permit for residential in the Coastal Zone area.

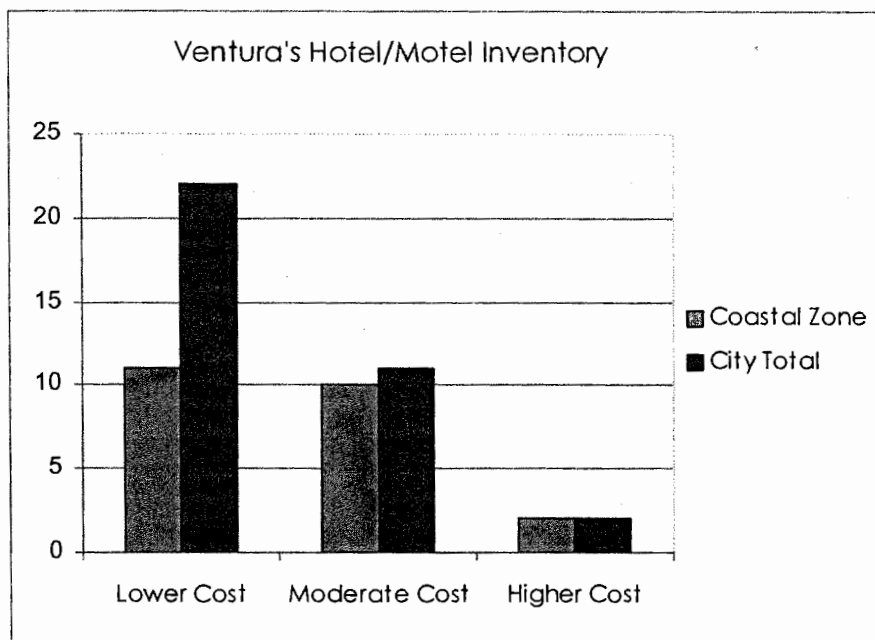
IV. In-Lieu Fee (# 7 [MCDC] and #16 [DTSP])

The CCC staff is recommending the imposition of an in-lieu fee for the demolition or conversion of low cost visitor-serving overnight accommodations, or when a developer is proposing only high cost accommodations. The City agrees, in principle, that an "adequate amount" of lower cost accommodations should be preserved within the coastal area. We could also support implementing measures to maintain that appropriate amount, and even the concept of collecting a reasonable in-lieu fee to offset the loss of scarce low cost accommodations.

But we also believe that any development fee has to be legally defensible, especially in light of the fact that it will be the City of Ventura that will be responsible for enacting, collecting, and defending the fee. In that regard, we believe more work is required to establish the essential nexus for a fee in Ventura. There needs to be a local threshold for lower cost accommodations; otherwise, the nexus is weak that a need currently exists for the collection of a fee.

The CCC staff cites Coastal Act policy and Coastal Commission recent actions related to preserving lower cost accommodations. It cites a market place (statewide) trend for the loss of lower cost facilities. Missing, however, is specific data that shows the extent of that trend in Ventura. The report simply concludes that there is a need (i.e. shortage) in Ventura that requires mitigation. The City has seen no new hotels developed for the past 15 years, and our data shows high vacancy rates in Ventura, which seems to suggest a current lack of demand for lower cost accommodations in Ventura.

The City, in fact, has a plethora of low cost, affordable accommodations. This past year, the City had a 57% vacancy rate in its hotels/motels. In a recent survey of hotels/motels in Ventura, the City found that their lower cost accommodations accounted for 65% of its lodging stock, whereas the higher cost accommodations account for less than 1%.



Ventura has an inverse problem to preserving and protecting lower cost visitor serving accommodations. The City's high cost hotels make up less than 2% of the City's hotel stock in the Coastal Zone area and only recently has the city seen modest interest in new upper scale hotel developments, despite record high vacancy rates. Last April, the city approved an Embassy Suites hotel. The hotel is not a resort but a four-story, 189-room hotel that will be developed at a site that has long remained vacant even during economically thriving periods. Last August, a four-story, 152-room Hyatt Place hotel proposed off Highway 101 in Ventura but was postponed due to issues concerning blocked views. The city's hotel/motel stock has yet to reach a balanced range in the affordability of its accommodations.

With respect to the proposed fee amount, we question whether \$30,000 per room is roughly proportional to the cost of mitigating for the loss of lower cost accommodations in Ventura. This "one size fits all of California" \$30,000 fee is based on studies from October 2007. Given the dramatic changes in economic conditions in Ventura and statewide, we believe an October 2007 study is severely outdated. Our cursory estimates of land values in Ventura show a 30% decline since October 2007. Also, anecdotal information from developers indicates that construction costs for lodging development has likewise declined. The point here is that the nexus studies of the CCC need to be updated to account for the significant changes since October 2007.

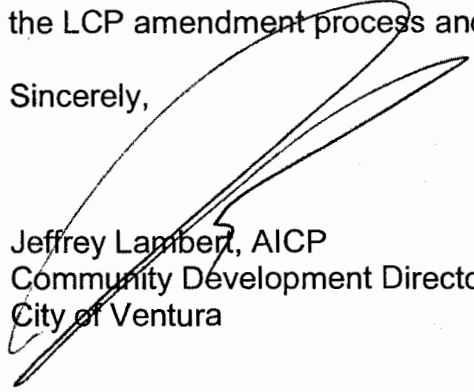
Given the City's concerns, we can support the concept of the in-lieu fee with modification as follows:

1. The City of Ventura, in consultation with the CCC staff, shall conduct a nexus study to determine optimal levels of lower, mid, and high cost accommodations in the coastal area of Ventura. The purpose of the study is to establish thresholds for lower cost accommodations.
2. The City of Ventura, in consultation with the CCC staff, shall either prepare a new mitigation fee study or update the October 2007 mitigation fee study to account for current hard and soft construction costs: property values, construction costs, architectural and engineering contracts, etc. The results of the study will determine the initial amount of the in-lieu mitigation fee.
3. Upon completion of the nexus and mitigation fee studies, the City of Ventura will amend its Municipal Code to require the mitigation fee for projects when the amount of lower cost accommodations is at or below the established threshold.

V. Conclusion

It is the objective of the City of Ventura to be consistent with the California Coastal Act in its adoption and implementation of the DTSP and MCDL. The ways in which it fulfills this requirement are suggested in the modifications to the proposed in-lieu fee and the application of the City's form based codes in the C-T-O areas. Although we believe it is in the best interest of the City to modify the CCC staff proposed modifications in order to be consistent with the city's goals and visions and meet the intent of the Coastal Act, it has truly been a pleasure working with your staff throughout the LCP amendment process and the City looks forward to working with your staff in the future.

Sincerely,



Jeffrey Lambert, AICP
Community Development Director
City of Ventura

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California Coastal Commission
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Amber Tysor, Coastal Program Analyst
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Re: *Thursday, November 5, 2009/ Item 11B / City of San Buenaventura Local
Coastal Program Amendment No. SBV-MAJ-2-08 (2007 Downtown
Specific Plan), Triangle Site*

Honorable Coastal Commissioners and Coastal Commission Staff:

The Lloyd Family, through its family partnership Lloyd Properties, has owned the vast majority of the Triangle Site in the City of Ventura for over 70 years. Over the past two decades, the property has been the object of several long-term planning efforts by the City of Ventura. We write today in support of the City's application to amend the City of San Buenaventura Local Coastal Program and, in particular, its proposed partial rezoning of the Triangle Site that would reserve the east and west portions of the property for tourist serving commercial uses, while permitting the center of the property to be developed with a wider mix of uses, including residential. Enclosed with this letter is a booklet of materials in support of the City's proposal.

When this property was last before the Coastal Commission in 1993, the City also sought to rezone the Triangle Site to permit a wider mix of uses, including residential. The property has been repeatedly identified by planning professionals as a lynch pin in the reconnection of downtown Ventura to the beach (see Item 1 of the enclosed Materials). Nonetheless, upon a negative recommendation of Commission staff (see Item 2 of the enclosed Materials), by a 5-5 vote, the Commission declined to approve residential uses and the current land use designation mandates the entire site be reserved for tourist serving commercial uses. However, with the passage of time, it is clear that this restriction is not supported by market forces. Accordingly, even though the past 20 years have seen unprecedented growth in the real estate market, this property remains undeveloped; indeed, for the past two decades there has been no interest from the development community other than by residential developers despite continuing efforts to attract hotel developers and operators.

We fully support the most recent proposal submitted by the City of Ventura (see Item 3 of the enclosed Materials). This proposal reserves the edges adjacent to Sanjon Road, and the Ash Street pedestrian bridge for development of tourist serving commercial uses that would activate the connections between the beach and Downtown. A small pocket park or other civic designation would be established at the northern terminus of Ash Street at the pedestrian bridge, adjacent to the Triangle Site, and along Sanjon Road additional parking and other tourist serving uses would be mandated.

The City's proposal recognizes the unique physical characteristics of the site. Although on paper, the site appears fully linked between Sanjon Road and Ash Street, in fact, when viewed in three dimensions, the developable portion of the site lies 45 feet above Sanjon Road (see Item 4 of the enclosed Materials). The ownership of the Sanjon frontage is fragmented between the City and Lloyd (see Item 5 of the enclosed Materials). In addition, potential hotel developers object to the rather convoluted access from the freeway which they say would make the site difficult for hotel guests to find. Thus from a physical, market and development perspective, it is very difficult for the entire property to be used for tourist serving commercial uses.

The staff report dated October 22, 2009 rejects the compromise proposed by the City of Ventura in favor of keeping the existing tourist serving commercial designation in place over the entire site. The net result of this inaction would be to keep the property vacant, and eliminate the City's goal of opening up a connection to the beach from the Downtown area. (Sanjon Road is one of only three roads which connect the Downtown area to the beach). While we recognize there is a mandate under the Coastal Act in favor of coastal/tourist uses, ironically the best way to achieve this end is to allow the productive development of the central portions of the Triangle Site to serve as a catalyst for the development of the east and west portions of the site with more tourist friendly uses.

In support of its position against the City's proposal, at page 23 of the staff report, Coastal Commission staff recites excerpts taken from the 1993 Downtown Specific Plan. That plan stated that the Triangle's close proximity to San Buenaventura State Beach "and its dramatic, bluff-top views of the Ocean make it especially desirable for tourist accommodations." However, despite the assertions in the 1993 Plan, in fact the site has proved to be unsuitable for tourist accommodations, and other sites in the city have been developed for tourist serving accommodations in the intervening years. There has been absolutely no interest from any developer or hotel operator to develop a hotel or even timeshare condominiums at this site. The City of Ventura recognizes the site's limitations and supports the development of an appropriate mix of residential and tourist serving commercial uses.

At page 24, the staff flatly states that a mixed use land use designation for this site "would not be appropriate because it would allow residential use, which would have adverse effects to public access and recreation, due to the potential privatization of the site and conversion of land from tourist-orientated commercial uses to the lower priority use of the site for residential development." In fact, the site *is currently private* and there is no public access currently permitted. If the site were to be developed pursuant to the City's proposal, the Specific Plan would require a minimum 25-foot access/promenade along the edge of the site overlooking the ocean (see Item 3 of the enclosed Materials). Thus, if there were to be private residential development permitted on a portion of the property, public access would in fact increase. Similarly, if the private development of residential uses takes place, it would serve as a catalyst for the ultimate development of the tourist oriented commercial use. The Coastal Act is better served by the physical development of a variety of uses as opposed to a theoretical paper plan existing on somebody's bookshelf.

Staff also states that the City has not provided a "complete and detailed proposal of the development standards for the site." In fact, the staff submitted a list of restrictions on the uses that are consistent with the rest of the development restrictions in the Downtown area. They also proposed that the specific plan include a regulating land use map that would mandate tourist serving commercial uses on the east and west portions of the property (see Item 3 of the enclosed Materials).

Staff also complained that there is "no means to maintain an adequate level of visitor-serving commercial uses, adequate parking and public access on site." (Page 25). However, the Specific Plan contemplate that the area along Sanjon Road would be set aside for additional beach serving parking, and that there would be public access along the 25-foot pedestrian way on the property. It is not clear what other regulations staff would want to make it consistent with the Coastal Act.

Staff suggests that the City should have provided a "cumulative impact analysis that articulates why [setting aside 25% of the site] is appropriate for this particular site in relation to other mixed use development proposals for other parcels in the City designated for visitor serving uses." Frankly, this statement is mystifying. The City's proposal sets aside 25% of the site, because that is the portion of the site with the adjacency to the expected pedestrian traffic from Downtown. At the same time, there needs to be a sufficient portion of the site to enable productive, profitable commercial development to serve as the catalyst for the tourist serving commercial development on either side adjacent to the pedestrian ways. It is not clear what the staff means when it requests "cumulative impact analysis."

The City's proposal implements decades of planning on the City's part. Staff's response to this very nuanced and thoroughly reasoned proposal is to simply say "no", the same response it gave in 1993 . Staff's position is tantamount to saying that the Triangle Site should remain undeveloped for the foreseeable future. But, a vacant parcel, that serves as an impediment to connecting the Beach and Downtown, is not consistent with the goals and purposes of the Coastal Act.

Lloyd respectfully requests that this Commission honor the years and years of professional planning and study that the City of Ventura has engaged in and that it permit the City the chance to accomplish its dream of finally connecting Downtown to the beach. We respectfully request that the Commission permit the only viable mechanism that will actually ensure the ultimate development of tourist serving by approving the City of Ventura's proposal.


We thank you for your time and attention.

Very truly yours,

Lloyd Properties,
a California limited partnership

California Coastal Commission
Page 6

By: Lloyd Management Corporation
Its Managing General Partner


Larry C. Bucher
President & Chief Executive Officer

Enclosures

RECEIVED
OCT 28 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 28, 2009

Amber Tysor, Project Manager

California Coastal Commission

South Central coast District Office

89 California Street

Ventura, CA 93001

Re: Request for ocean view retention on Midtown Corridor Code approval

Dear Ms. Tysor,

We respect and appreciate the dedication of our Coastal Commission and respectfully request that you consider retaining our three treasured ocean views from the Midtown area: the ocean view across Thompson Blvd as we walk down Chrisman and MacMillan and the view through 1570 Thompson for the following reasons:

1. The relentless hard-scape of Thompson Blvd. In Midtown Ventura, that is regulated by the Coastal Commission, has no visual relief toward the ocean except for these three spots, two are from connector streets across Thompson, Chrisman and Macmillan, running from Main Street to Thompson. The third is across the abandoned development site at 1570 Thompson. These are the only visual connections to the ocean in the coastal zone of Midtown Ventura.
2. This area of Ventura is topographically positioned as a stadium, with views improving as one goes away from the ocean. The views of the ocean create our very sense of place and delight tourists in addition to residents. If Midtown is ever to attract tourists, this connection to the ocean is critical to defining Midtown as part of the coastal community. Since Thompson is near the bottom of the stadium, the ocean view through the 1570 development site is very rare and does not exist elsewhere in the Midtown Coastal Zone. There is a tiny little park hidden behind it in a neighborhood that could connect on a path that leaves the ocean visible through the project from Thompson Blvd.
3. In a stadium, if the person in front of you is wearing a large hat, the show will be occluded. If the entire lot at the view point at 1570 Thompson is built to 45 feet, the last view of the ocean from Thompson in Midtown will be lost forever.
4. We asked that an opening be left in this high density condo development at 1570 Thompson for a "peek through" to no avail. Ventura has no view ordinance at this

present time and no attention has been given to this issue. Out of town developers can co-opt any views they wish, as this one has done.

5. If the Coastal Commission would require that 20% of the property would be left open for ocean views now available from that lot and from Chrisman and MacMillan between Thompson Blvd. and Main Street, Midtown Ventura can keep its identity as a connected coastal community to attract tourists and define our Midtown community's sense of place. Mr. Hudson mentioned that this has been considered for other coastal communities, and we hope that you might consider this 20%-open requirement for ours as well.

6. The truly magnificent views of the islands and ocean are only visible from MacMillan and Chrisman over Thompson Blvd. and would only require a digital modeling of the properties on Thompson that would obstruct those views. They are the two properties to the east of MacMillan on Thompson and three to the west of Chrisman on Thompson. Even leaving just 20% visible would retain Midtown as an ocean connected area of Ventura.

In raising our future caretakers of the ocean, a visual connection increases their consciousness and we want our future caretakers to have that same environmental consciousness that many of us share. We believe the old saying, "Out of sight, out of mind" has some truth to it. We believe we need to keep the ocean in sight wherever possible for even more than commercial reasons. We believe it is healing to the human spirit

Thank you for your dedication and help in helping to preserve Ventura's cherished connection to our precious ocean.

Respectfully and sincerely,

A handwritten signature in black ink, appearing to read "Camille Harris", with a stylized, cursive script.

Camille Harris

Founder, Ventura Citizens' Organization for Responsible Development

A Non Profit Public Benefit Corporation

PS Attached are 20 color copies taken on a cloudy day (the Channel Islands are seen in all three on a clear day)

A: View from MacMillan across Thompson to ocean

B. View from Chrisman across Thompson to ocean

C. View of ocean through abandoned development at 1570 Thompson.

VIEW OVER TOWN FROM DOWN MAIN

CLOUDY



11/10/50

VIEW THROUGH WEEDS
1570 Thompson
Cloudy Day

Ocean



VIEW OVER THOMPSON DOWN
CHRISMAN



CALIFORNIA COASTAL COMMISSION

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

Th 11a

DATE: October 22, 2009

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director, South Central Coast District
Steve Hudson, District Manager
Barbara Carey, Supervisor, Planning and Regulation
Amber Tysor, Coastal Program Analyst

SUBJECT: City of San Buenaventura Local Coastal Program Amendment No. SBV-MAJ-1-08 [Midtown Corridor Development Code- Main Street and Thompson Boulevard] for Public Hearing and Commission Action at the California Coastal Commission hearing of November 5, 2009 in Long Beach.

DESCRIPTION OF THE SUBMITTAL

The City of San Buenaventura, more commonly known as Ventura ("City of Ventura") is requesting an amendment to the Implementation Plan (IP) portion of its certified Local Coastal Program (LCP) to add the Midtown Corridors Development Code that would apply to approximately 30 parcels of land in the Coastal Zone that are located along the south side of Thompson Boulevard between Sanjon Road and Santa Cruz Road. The new Midtown Corridors Development Code would amend the existing Municipal Code Division 24 as it pertains to the Midtown Corridors area.

The proposed amendment will also revise the City's Zoning District Map for the Midtown Corridors area by establishing transect based zones and related overlay zones within the Main Street Corridor and the Thompson Boulevard Corridor to replace the existing zone designations (**Exhibits 1 & 2**).

The LCP amendment was submitted to the Commission on January 17, 2008. On February 1, 2008, the Executive Director determined that the City's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b). Pursuant to Section 30512 of the Coastal Act and section 13522 of the Commission's regulations, an amendment to the certified LCP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. The 90th day after filing the complete submittal was May 21, 2008. The City agreed to extend the time limit for this item to enable a joint hearing with the concurrently pending Local Coastal Plan Amendment SBV-MAJ-2-09 for the Downtown Specific Plan, also proposed for hearing on November 5, 2009.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **approve** the proposed LCP amendment with suggested modifications. The modifications are necessary because, as submitted, the amendment is not adequate to ensure consistency with the applicable Chapter Three policies of the Coastal Act and the existing LUP policies.

Staff recommends that in order to take this action, the Commission, after public hearing, **deny** the amendment to the certified LCP as submitted; then **approve, only if modified**, the amendment to the LCP. The motions to accomplish this recommendation are found on **pages 5-6**. The suggested modifications are found starting on **page 6**.

SUMMARY OF ISSUES

The major issue raised by this amendment request is that the proposed changes to the City's zoning code would allow for the potential future conversion of existing lower cost motels along Thompson Boulevard within the Coastal Zone to lower priority uses (including residential development and other uses) which would be allowed by the City's proposed new transect based code designations. The land use policies within the certified 1989 Comprehensive Plan specifically call for the preservation and protection of the area along Thompson Boulevard for visitor serving uses, specifically lower cost motels and eating establishments. The proposed Midtown Code does not contain provisions to protect these uses on Thompson Boulevard within the Coastal Zone if these parcels are re-developed either with high-cost hotels or other uses, such as residential. Therefore, the Commission recommends suggested modifications to the zoning code to protect and provide for lower cost overnight visitor accommodations. The Commission also recommends suggested modifications to prioritize preservation of existing overnight visitor accommodations through appropriate implementation plan measures to address Limited Use Overnight Visitor Accommodations (including condominium-hotel, fractional ownership hotel, and timeshares).

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EXHIBITS

Exhibit 1:	Vicinity Map
Exhibit 2:	Midtown Code- Main Street and Thompson Boulevard Vicinity Map
Exhibit 3:	City of Ventura Resolution No. 2007 (Case No. 225)
Exhibit 4:	City of Ventura Resolution No. 2007 (Case No. Z-294)
Exhibit 5:	City of Ventura Ordinance No. 2007-029
Exhibit 6:	City of Ventura Ordinance No. 2007-030
Exhibit 7:	Midtown Corridors Development Code

SUBSTANTIVE FILE DOCUMENTS: City of Ventura Coastal Plan, certified in February 1984, as amended through 2005, including the 1989 Comprehensive Plan and the 2003 Downtown Specific Plan; City of Ventura Administrative Staff Report, dated November 19, 2007; City of Ventura Administrative Staff Report, dated December 12, 2007; Negative Declaration for the Midtown Corridor Development CODE EIR-2488 certified on March 19, 2007.

Additional Information: Please contact Amber Tysor, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

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

The Coastal Act further provides:

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

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

The standard of review that the Commission uses in reviewing the Land Use Plan text changes, as proposed by the City, is whether the changes are consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan/Zoning Ordinance, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Ventura's certified Local Coastal Program.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings since 2002 regarding the Midtown Corridors Development Code, but more recently on November 19, 2007, November 27, 2007, December 17, 2007, February 20, 2007, and March 19, 2007 and received written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public by publishing the notice in the local newspaper and by mailing notice to interested parties, consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment 1-08 has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to

Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (California Code of Regulations, Title 14, Section 13544; Section 13537 by reference). Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

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

A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission reject the City San Buenaventura Implementation Plan Amendment SBV-MAJ-1-08 as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan 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 CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the City of San Buenaventura Local Implementation Plan Amendment SBV-MAJ-1-08 and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate 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 as submitted.

B. CERTIFICATION OF IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify City San Buenaventura Implementation Plan Amendment SBV-MAJ-1-08 if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

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 THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the City of San Buenaventura Implementation Plan Amendment SBV-MAJ-1-08 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program as amended by the proposed amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Program 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 Local Implementation Plan 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.

III. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN

The staff recommends that the Commission certify the Local Coastal Plan Amendment only with the modifications as shown or described below. Language presently contained within the certified LCP is shown in straight type. Language proposed by the City to be inserted is shown underlined. Language proposed by the City to be deleted is shown in ~~line out~~. Language recommended by Commission staff to be deleted is shown in ~~double line out~~. Language recommended by Commission staff to be inserted is shown in double underline. Other instructional suggested modifications to revise maps or figures are shown in *italics*. Page numbers referenced refer to the submitted version of the LCPA as proposed by the City.

Suggested Modification 1

Page 5, Title and Purposes of the Development Code, shall be modified as follows:

...This Midtown Corridors Code carries out the policies of the Ventura General Plan by classifying and regulating the types and intensities of development and land uses within the Midtown Corridors area consistent with, and in furtherance of, the policies and objectives of the General Plan. However, the 2005 General Plan is only applicable outside of the Coastal Zone. The certified 1989 Comprehensive Plan is applicable to all areas within the Coastal Zone. ...

Suggested Modification 2

Add a footnote or other similar reference to each reference to the General Plan in the Midtown Corridors Code, as follows:

The 2005 City of Ventura General Plan is only applicable outside of the Coastal Zone. The certified 1989 Comprehensive Plan is applicable to all areas within the Coastal Zone.

Suggested Modification 3

Page 9, Section D, add the following language to the end of the first paragraph:

The certified 1989 Comprehensive Plan is applicable to all areas with in the Coastal Zone. The 2005 General Plan is applicable only outside of the Coastal Zone.

Suggested Modification 4

Page 40, Table B, zone T4.5: change the allowed land use for Lodging and Restaurant to a Permitted Use "P" within the coastal zone.

Suggested Modification 5

Page 25, add the following to the "Key to Zone Names" at the bottom of Table B:

Coastal Zone	Refer to Midtown Corridors zoning map ("Regulating Plan" Figure 1-1) for parcels within the Coastal Zone subject to provisions of Municipal Code Section 24.310.050 for Low Cost Visitor Serving Facilities
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Suggested Modification 6

The following section shall be added to Municipal Zoning Code Section 24.425:

I. Coastal Zone Requirements- Limited Use Overnight Visitor Accommodation Restrictions. Timeshares, Condominium Hotels, Fractional Ownership Hotels and other such uses are considered limited overnight visitor accommodations and subject to the specific regulations in Municipal Zoning Code Section 24.310.050

Suggested Modification 7

The current provision of Section 24.310.050 of the Municipal Zoning Code should be revised to include the following:

Section 24.310.050 Low Cost Visitor Serving Facilities and Limited Use Overnight Visitor Accommodations:

The following standards are designed for the preservation and protection of lower-and moderate-cost visitor serving facilities along Thompson Boulevard and within the City's ~~within the Coastal Zone area~~. Such standards shall be consistent with other general and specific coastal development standards and policies contained in the zoning ordinance and in the coastal land use plan.

1. Applicability. The standards set forth in this section shall apply to properties which contain, low- and moderate-cost visitor-serving facilities, such as motels and restaurants, located within the coastal zone, including the area along Thompson Boulevard between Palm Street and Santa Cruz Street within the Coastal Zone.

2. Standards.

(a) Incompatible land uses shall not be permitted to locate adjacent to identified visitor-serving uses.

(b) The city shall evaluate any proposed development for its compatibility with and effect upon identified visitor-serving uses.

(c) No development shall be permitted which, based upon physical characteristics (e.g., height, open storage, etc.) or operational characteristics (e.g., noise, traffic, hours of operation, etc.) would have a deleterious effect on identified visitor-serving uses.

3. Limited Use Overnight Visitor Accommodations including Condominium-hotels, fractional ownership hotels and timeshares.

(a) Definitions.

"Condominium-Hotel" means a facility providing overnight visitor accommodations where ownership of at least some of the individual guestrooms (units) within the larger building or complex is in the form of separate condominium ownership interests, as defined in California Civil Code Section 1351(f). The primary function of the Condominium-Hotel is to provide overnight transient visitor accommodations within every unit that is available to the general public on a daily basis year-round, while providing both general public availability and limited owner occupancy of those units that are in the form of separate condominium ownership interests.

"Fractional Ownership Hotel" means a facility providing overnight visitor accommodations where at least some of the guestrooms (units) within the facility

are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for an interval of not less than two (2) months and not more than three (3) months per year and each unit available for fractional ownership will have multiple owners.

“Hotel Owner/Operator” means the entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner both are jointly and severally responsible for ensuring compliance with the requirements described in this LCP and/or recorded against the property, as well as jointly and severally liable for violations of said requirements and restrictions.

“Limited Use Overnight Visitor Accommodations” means any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to Timeshare, Condominium-Hotel, Fractional Ownership Hotel, or other uses of similar nature.

“Timeshare” means any facility wherein a purchaser receives ownership rights in or the right to use accommodations for intervals not exceeding two (2) weeks per interval during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.

- (b) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Overnight Visitor Accommodation.
- (c) Limited Use Overnight Visitor Accommodations shall be limited to no more than 25% of total new guestrooms (units) developed within a leasehold after the effective date of adoption of this Section. All other guestrooms (units) shall be available to the general public on a daily, year-round basis.
- (d) Fractional Ownership Hotels:
 - i. A minimum of 25% of the total number of guestrooms (units) within the Fractional Ownership Hotel facility shall be available to the general public as traditional use hotel rooms year-round. A maximum of 75% of the total number of units within the facility may be owned by separate individual entities on a fractional time basis. Fractional interests sold shall not exceed three month (1/4) intervals within any one-year period.
 - ii. The hotel owner/operator shall retain control and ownership of all land, structures, recreational amenities, meeting space, restaurants, “back of house” and other non-guest facilities.
 - iii. The facility shall have an on-site hotel operator to manage rental of all guestrooms/units.
 - iv. The non-fractional use guestrooms (units) shall be available to the general public on a daily, year-round basis.
 - v. The facility shall have an on-site hotel operator to manage rental of all guestrooms/units.

- vi. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests and owners.
 - vii. When an individual owner chooses not to occupy his/her unit, that unit shall be added to the pool of hotel rooms available to the general public.
 - viii. Fractional time owners shall have limited rights to use their units including a maximum use of 90 days per calendar year with a maximum of 30 consecutive days of use during any 60 day period and a maximum of 30 days during the summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day.)
- (e) Condominium-Hotels:
- i. The hotel owner/operator shall retain control and ownership of all structures, recreational amenities, meeting space, restaurants, “back of house” and other non-guest facilities. When the Condominium-Hotel is located on land owned by the City, the hotel owner/operator shall be a leaseholder of the land upon which the Condominium-Hotel exists.
 - ii. The Condominium-Hotel facility shall have an on-site hotel operator to manage rental/booking of all guestrooms/units.
 - iii. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests and owners.
 - iv. Owners of individual units shall have limited rights to use their units including a maximum use of 90 days per calendar year with a maximum of 30 days of use during any 60 day period and a maximum of 30 days during the summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day.)
 - v. When not occupied by the individual owner, each unit shall be available to the general public in the same manner as the traditional guestrooms/units.
- (f) Timeshares
- i. At least 25% of the units within any given facility shall be made available each day for transient overnight accommodations during the summer seasons (beginning the day before Memorial Day weekend and ending the day after Labor Day).
 - ii. The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, securing, and daily housekeeping.
 - iii. No person shall occupy any unit or units within a given facility for more than 60 consecutive days per calendar year and no more than 30 days during the summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day).
- (g) Lower cost visitor accommodations shall be protected, encouraged, and, where feasible, provided. When Limited Use Overnight Accommodations are proposed, an assessment of the availability of lower cost visitor accommodations in the City of Ventura shall be completed at the time of discretionary review and an in-lieu fee, as described in Municipal Code Section 24.310.050 shall be imposed.

4. Mitigation Standards.

(a) In-Lieu Fees for Demolition of Existing Lower Cost Overnight Visitor Accommodations:

An in-lieu fee shall be required for any demolition of existing lower cost overnight visitor accommodations, except for those units that are replaced by lower cost visitor accommodations, in which case the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Ventura County, and preferably within the City of Ventura's coastal zone. The per-room fee for each room/unit to be demolished and not replaced shall be \$30,000.

(b). In-lieu Fees for Re-Development of Existing Overnight Accommodations:

If the proposed development includes both demolition of existing low cost overnight visitor accommodations and their replacement with high cost visitor accommodations or when limited use overnight visitor accommodations are proposed that include high cost visitor accommodations, the fee shall also apply to 25% of number of high cost rooms/units in excess of the number being lost. This in-lieu fee shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Ventura County, and preferably within the City of Ventura's coastal zone. The per-room fee shall be \$30,000 and all in-lieu fees shall be combined.

(c) In-lieu Fee for Development of New High Cost Accommodations

An in-lieu fee shall be required for new development of overnight visitor accommodations or limited use overnight visitor accommodations in the Coastal Zone that are not low or moderate cost facilities. These in-lieu fee(s) shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Ventura County, and preferably within the City of Ventura's coastal zone. The fee shall apply to 25% of the total number of proposed units that are high-cost accommodations or limited use overnight visitor accommodations.

(e) In-lieu Fee Adjustment:

The fee of \$30,000 per room/unit shall be adjusted annually to account for inflation according to increases in the Consumer Price Index – U.S. City Average. The required in-lieu fees shall be deposited into an interest-bearing account, to be established and managed by one of the following entities approved by the Executive Director of the Coastal Commission: City of Ventura, Hostelling International, California Coastal Conservancy, California Department of Parks and Recreation or

a similar entity. The purpose of the account shall be to establish lower cost overnight visitor accommodations, such as new hostel beds, tent campsites, cabins or campground units, at appropriate locations within the coastal area of Ventura County or the City of Ventura. The entire fee and accrued interest shall be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the fee being deposited into the account. All development funded by this account will require review and approval by the Executive Director of the Coastal Commission and a coastal development permit if in the coastal zone. Any portion of the fee that remains after ten years shall be donated to one or more of the State Park units, Coastal Conservancy or non-profit entities providing lower cost visitor amenities in a Southern California Coastal Zone jurisdiction or other organization acceptable to the Executive Director. Required mitigation shall be in the form of in-lieu fees as specified herein or may include completion of a specific project that is roughly equivalent in cost to the amount of the in-lieu fee and makes a substantial contribution to the availability of lower cost overnight visitor accommodations in the City of Ventura and/or the Ventura County coastal area.

(d) Lower Cost Overnight Accommodation Determination:

When referring to any overnight visitor accommodations, lower cost facilities shall be defined as any facility with room rates that are below 75% of the Statewide average room rate, and higher cost facilities shall be defined as any facility with room rates that are 125% above the Statewide average room rate. Statewide average room rates can be calculated by the Smith Travel Research website (www.visitcalifornia.com) or other analogous method used to arrive at an average Statewide room rate value.

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT (IP) IF MODIFIED AS SUGGESTED

A. AMENDMENT DESCRIPTION AND BACKGROUND

1. Description of LCPA Submittal

The City of San Buenaventura ("City of Ventura") is requesting an amendment to the Implementation Plan (IP) portion of its certified Local Coastal Program (LCP) to add the Midtown Corridors Development Code ("Midtown Code") that would apply to approximately 30 parcels of land in the Coastal Zone that are located along the south side of Thompson Boulevard between Sanjon Road and Santa Cruz Road. The entire proposed Midtown Code would apply to approximately 100 acres of property along Main Street and Thompson Boulevard.

The new Midtown Code would amend the existing Municipal Code Division 24 as it pertains to the Midtown Corridors area. The Midtown Code proposes two transect bases zones: T4.5 (urban general) and T5.2 (urban center zone). For each of these two transect zones, the code specifics a list of permitted land uses and other standards such as:

building setbacks and heights, parking, street frontages, building and street types, and streetscapes that define the form of the building. The Midtown Code divides the project area (along the corridor of Main Street and along the corridor of Thompson Boulevard) into transect zones. A T4.5 zone designation is proposed for properties within the Coastal Zone, with portions containing a Shopfront Overlay. The majority of the areas where the new T4.5 zone will be located are currently zoned C-2 (Commercial) which allows for general commercial uses. The new T4.5 zone designation would allow the following land uses: Community Meeting, Library/Museum, School (public or private), Studios (Art, Dance, Martial Arts, Music, etc.), Residential (multi-unit, second unit/carriage house, single dwelling, home occupation, live/work, residential accessory use or structure, and special residence), Bar, Tavern, Nightclub, General Retail (alcoholic beverage sales), Restaurant, Bank (financial services), Business support service, Medical/Dental, Office, Day care, Lodging, Mortuary (funeral home), Personal Services, Wireless telecommunications facility, and Transit station or terminal. The Shopfront Overlay identifies street frontages intended to become or be maintained as areas for retail shops and other pedestrian-oriented businesses at the sidewalk level with specific design regulations in compliance with Section 24.304.090 of the zoning code related to "Shopfront & Awning." The Code lists specific development standards/implementations to apply to each building type within each transect. Section 24M.300 of the proposed Midtown Code contains definitions of terms and phrases used within the Midtown Code.

The City Council adopted the resolutions and ordinances that constitute the currently proposed amendment on December 17, 2007 (Ordinance Nos. 2007-029 and 2007-030) (**Exhibits 3-6**).

2. Background

The City of San Buenaventura Local Coastal Program was first certified in two segments, a complete Ventura Harbor LCP, certified on May 21, 1981 and the City LCP, certified on February 23, 1984. The 1989 Comprehensive Plan constitutes the Local Coastal Program Land Use Plan for areas of the City of Ventura within the Coastal Zone. The Midtown Corridors Development Code is proposed as an addition to the Municipal Zoning Code/Implementation plan. The Midtown Code implementation plan is proposed to be certified by the Commission only for those areas (approximately 30 parcels) within the Coastal Zone along the south side of Thompson Boulevard between Sanjon Road and Santa Cruz Road. However, the Midtown Code is proposed to be added to the City's Municipal Code.

The City has prepared a new 2005 General Plan which they have informed Commission staff was intended to function as a comprehensive update of the 1989 Comprehensive Plan. However, the City of Ventura has not submitted the 2005 General Plan to the Commission for review and certification; thus, the 2005 City of Ventura General Plan has not been certified by the Commission and is not a component of the City's Local Coastal Plan. Therefore, within the Coastal Zone, the certified 1989 Comprehensive Plan (in combination with the City's certified Implementation Program) is still the standard of review for all new development. As a result, the policies of the uncertified 2005 General Plan are only applicable in those areas of the City located outside of the Coastal Zone. Therefore,

the standard of review for this Implementation Program amendment for the Midtown Corridors Development Code is the certified 1989 Comprehensive Plan.

B. PUBLIC ACCESS AND RECREATION

1. Coastal Act Policies

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 30221 of the Coastal Act states:

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

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.

The protection, enhancement, and provision of public access and recreation is one of the strongest mandates of the Coastal Act. Further, Section 30213 of the Coastal Act provides for the protection and provision of lower cost visitor and recreational facilities. Visitor-serving commercial development is considered a priority use under the Coastal Act.

Additionally, the certified Land Use Plan for the City of Ventura outlines policies for the protection of visitor-serving uses.

Comprehensive Plan, 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.

Comprehensive Plan 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 continued 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 City of Ventura is a favorable location to provide public amenities that will enhance access to the coast and recreational opportunities for the general public because it is adjacent to the coastline and public beaches. Pursuant to the public access policies of the Coastal Act and the LCP, the Commission has the responsibility to ensure the priority of visitor-serving uses and public access and to ensure that a range of affordable facilities be provided in new development along the coastline of the State. This Implementation Plan amendment, as submitted by the City, includes proposed changes that raise issues regarding public access and lower cost visitor and recreational policies within the City of Ventura's Midtown area along Thompson Boulevard. The proposed zoning code/implementation plan amendment involves amending the City's certified zoning code to utilize a new transect-based development code for the Midtown area along Thompson Boulevard. However, as proposed, the new transect-based code would not be adequate to ensure that public access and lower cost visitor and recreational uses are protected as priority uses. Specifically, the proposed amendment to the City's zoning code/Implementation Plan would allow for the future conversion of areas that are currently zoned for visitor-serving commercial development and visitor-serving overnight accommodations to lower-priority uses, such as residential, as explained above in the project description.

Existing Land Use Designation – Protects and Preserves Visitor-Serving Uses along Thompson Boulevard

This proposed amendment raises issues with regard to Coastal Act and land use policies of the certified 1989 Comprehensive Plan that prioritize visitor-serving commercial and recreational facilities over private residential, general industrial or general commercial development. The proposed Zoning Code/Implementation Plan amendment changes the zoning designation of all sites within the Midtown Corridors Code from traditional zone

designations, dependent upon use, to transect-based zones. As noted above, the transect-based zone standard allows a flexible development pattern by allowing certain building forms (rather than land-use requirements) in certain defined geographic areas. The transect zones identify standards for density, height, setback requirements, and other specific implementation plan measures. While the transect-based “Urban Standards” are intended to allow flexibility in development in the Midtown Corridor area, the Coastal Act and Land Use Plan prioritizes public access and visitor-serving uses in the Coastal Zone, particularly along Thompson Boulevard in the Midtown area, thereby creating a conflict with the City’s new flexible standards that would allow a mix of uses, including residential uses, industrial uses, and other general types of uses not currently permitted in certain areas of Midtown Ventura along Thompson Boulevard which are currently zoned for C-2” (commercial) development uses only.

The Coastal Act, as well as the City’s 1989 Comprehensive Plan land use plan standards, prioritize certain areas within the City for public access, visitor-serving commercial, and recreational opportunities. In particular, the certified 1989 Comprehensive Plan (LUP) classifies the sites in the Coastal Zone along Thompson Boulevard as part of the “Existing Urban” land use designation. Therefore, this land use designation and associated policies are the standard of review for any zoning code/Implementation Plan changes for these parcels. According to the 1989 Comprehensive Plan (LUP), the allowable land uses in each area designated as “Existing Urban” are set forth in the Intent and Rationale Statement for each community. The sites in the Coastal Zone along Thompson Boulevard are within the “Catalina Community” and the Rationale and Intent for the “Existing Urban” land use designation states:

Commercial/Thompson Boulevard Area. The existing urban designated area along Thompson Boulevard between Sanjon Road and Santa Cruz Avenue should preserve and protect existing visitor-serving facilities, specifically lower cost motels and eating establishments. If these facilities become economically infeasible to operate, priority for replacement shall be given to visitor-serving uses over general commercial use. (p.III-43)

The land use plan policy statement above requires the City to protect and preserve visitor-serving uses along Thompson Boulevard within the Coastal Zone. If the area is subject to development or re-development, the policy direction is to preserve visitor-serving uses. Therefore, the City’s proposed new urban standards for these sites along Thompson Boulevard are inconsistent with the visitor-serving priority uses because the standards would allow even a wholly residential uses of the sites along Thompson Boulevard. Thus, this amendment, as proposed, would diminish the visitor-serving potential of the subject sites and the surrounding beachside community, contrary to Sections 30210, 30213, 30222, and 30223 of the Coastal Act and the LUP provisions.

Therefore, **Suggested Modification 4** suggests modifying the Land Use Table (p. 39) in the Midtown Corridors Development Code to allow Lodging and Restaurants within the Coastal Zone along Thompson Boulevard as a “Permitted Use (P)” rather than as permitted only with a “Use Permit (UP)” to ensure the priority of these visitor-serving uses. Thus, the Commission finds that the proposed amendment is consistent with the relevant policies of the certified City of San Buenaventura LUP, only if it is modified as presented in the findings above.

Lower Cost Overnight Accommodations

Section 30213 of the Coastal Act provides for the protection and provision of lower cost visitor and recreational facilities. Visitor-serving commercial development is a considered a priority use under the Coastal act and, pursuant to public access policies of the Coastal Act, the Commission has the responsibility to ensure that a range of affordable facilities be provided in new development along the coast, including overnight accommodation options. The certified Land Use Plan for the City of Ventura also contains policies for the protection of lower-cost overnight accommodations, outlined above. However, the City has not provided any specific land use plan policies or implementation measures in the present Midtown Corridors Code amendment to assure that lower-cost overnight accommodations are preserved or protected in the Coastal Zone.

Historically, the Commission has approved new hotel developments along the coastline. However, often this new development, particularly in recent years, has been exclusive, higher priced resort developments. In each of those actions, the Commission has secured offsetting public amenities, such as new public accessways, public parking or open space dedications, to address the Coastal Act priorities for public access and visitor support facilities. In addition, the Commission has required mitigation for the loss of land that was available for lower cost and visitor serving facilities (e.g. NPB-MAJ-1-06A). The expectation of the Commission, based upon several recent decisions, is that developers of sites suitable for overnight accommodations will provide facilities which serve the public with a range of incomes [HNB-MAJ-2-06-(Huntington Beach-Timeshares); San Diego Unified Port District Port District A-6-PSD-8-04/101 (Lane Field); A-5-RPV-2-324-(Long Point)]. If the development cannot provide for a range of affordability on-site, the Commission has required off-site mitigation, such as payment of an in-lieu mitigation fee, to fund construction of lower cost overnight accommodations, e.g. youth hostels, campgrounds etc.

In light of current trends in the market place and along the coast, the Commission is increasingly concerned with the challenge of providing lower-cost overnight accommodations consistent with the Coastal Act. Recent research in support of a Commission workshop concerning hotel-condominiums showed that only 7.9% of the overnight accommodations in nine popular coastal counties were considered lower-cost. Although statewide demand for lower-cost accommodations in the Coastal Zone is difficult to quantify, there is no question that camping and hostel opportunities are in high demand, and that there is an on-going need to provide more lower-cost opportunities along California's coast. For example, the Santa Monica hostel occupancy rate was 96% in 2005, with the hostel being full more than half of the year. State Parks estimates that demand for camping has increased 13% between 2000 and 2005. Nine of the ten most popular campgrounds are along the coast (2006 Condominium-Hotel Workshop).

With the removal of low-cost overnight facilities, lodging opportunities for more budget-conscious visitors to the City will be increasingly more limited. As the trend continues to build first class luxury hotels and demolish low-cost hotels/motels, persons of low and moderate incomes will make up fewer of the guests staying in the City of Ventura's coastal zone. By forcing this economic group to lodge elsewhere, there will be a direct impact on

public access to the beach and coastal recreational areas within the area. With the loss of low-cost lodging facilities, a large segment of the state's population will be excluded from overnight stays within this coastal area. Therefore, by protecting and providing low-cost lodging for the price sensitive visitor, a larger segment of the population will have a greater opportunity to enjoy access to the beach area through overnight stays along or near the coast. Furthermore, access to coastal recreational facilities, such as the beaches, harbor, piers, and other coastal points of interest, are also enhanced when there are overnight lodging facilities that serve a broader segment of the population.

In general, many low to moderately priced hotel and motel accommodations tend to be older structures that are becoming less and less economically viable. As more recycling occurs, the stock of low cost overnight accommodations tends to be reduced, since it is generally not economically feasible to replace these structures with accommodations that will maintain the same low rates. As a result, the Commission sees far more proposals for higher cost accommodations, including limited use overnight accommodations. The loss of affordable overnight accommodations within the Coastal Zone has become an emerging issue for the Commission. If this development trend continues, the stock of affordable overnight accommodations will be depleted.

In an effort to protect lower cost visitor-serving facilities, the Commission has imposed in-lieu mitigation fees when development proposes only high cost accommodations. By doing so, a method is provided to assure that some degree of lower cost overnight accommodations will be protected. The amendment request, as submitted by the City of Ventura, for the Midtown area along Thompson Boulevard does not provide for an in-lieu fee to offset the loss of low-cost overnight accommodations when a new development with only high cost accommodations is proposed. Commission staff has met with City staff several times over the past two years and had advised City staff that the Commission has given the direction that mitigation fees or other mitigation options are necessary to protect low cost visitor serving overnight accommodations. Commission staff informed that City that another project of the City's choice, for example a hostel, would be an acceptable way to mitigate the loss of low cost overnight accommodations. However, the City has not proposed an alternate mitigation method. City staff requested that the typical fee of \$30,000 per room be reduced, but has not provided information or details about why a fee reduction would be necessary, when/what situations a fee reduction would be necessary, or denote an appropriate value that would be appropriate to cover the cost of the construction of replacement low-cost overnight facilities. Therefore, the Commission finds that the proposed amendment to the LUP, as submitted, does not conform with certified LUP policies requiring protection of visitor-serving facilities along Thompson Boulevard.

The Commission has found, in past actions, that the loss of existing, low cost hotel units should, under most circumstances, be mitigated at a 1:1 ratio lost to new units provided. However, even when there has been no loss of existing low cost units in association with proposed new overnight accommodation developments, if no low cost units are proposed, the Commission has typically required mitigation to ensure a range of accommodations are made available to visitors. When high cost overnight visitor accommodations are located on the coast, they occupy area that would otherwise be available for lower cost visitor and recreational facilities. Thus, the expectation of the Commission is that developers of sites suitable for overnight accommodations will provide facilities which serve people with a

range of incomes. If the development cannot provide for a range of affordability on-site, then off-site mitigation has been required in past commission actions (HNB-MAJ-2-06 [Huntington Beach-Timeshares]; San Diego Unified Port District Port District A-6-PSD-8-04/101[Lane Field]; A-5-RPV-2-324 [Long Point]). **Suggested modification 7** to the amendment request has been added to include a provision that for high cost overnight visitor accommodations where low cost alternatives are not included onsite, a mitigation fee would be required for 25% of the high cost rooms constructed.

Although the actual provision of lower-cost accommodations in conjunction with a specific project is preferable, in past action, the Commission has also found that when this approach is not feasible, then the requirement of in-lieu fees to provide new lower-cost opportunities constitutes adequate mitigation for the loss or reduction of affordable overnight accommodations. Recent Commission decisions for individual development projects (6-92-203-A4/KSL, A-6-ENC-07-51, Oceanside LCPA 1-07, and Redondo Beach LCPA 2-08) have required the payment of an in-lieu fee of \$30,000 paid for each required replacement room as a part of the mitigation package.

The \$30,000/room in-lieu fee amount was established based on figures provided by Hostelling International in a letter dated October 26, 2007. The figures provided are based on two models for a 100-bed, 15,000 square foot hostel facility in the Coastal Zone, and utilize experience from the existing 153-bed Hostel International San Diego Downtown Hostel. Both models include construction costs for the rehabilitation of an existing structure and factor in both “hard” and “soft” construction and start up costs, but do not include costs associated with ongoing operations. “Hard” costs include, among other things, the costs of purchasing the building and land and construction costs. “Soft” costs include closing costs, architectural and engineering contracts, construction management, permitting fees, legal fees, furniture and other equipment costs. Based on these figures, the total cost per bed ranged from \$18,300 for a leased facility to \$44,989 for a facility on purchased land. This model is not based on an actual project, and therefore the actual cost of the land/building could vary significantly, and therefore the higher cost scenario could represent an inflated estimate. In order to take this into account, the Commission finds that a cost per bed located between the two model results is most supportable and conservative. More recent conversations with representatives from the American Youth Hostel have also supported the idea that this estimate for a per room cost are applicable to the Los Angeles region as well. Therefore, consistent with recent past commission actions, an in-lieu fee requirement of \$30,000/room is included in **Suggested Modification 7** to the amendment request. Additionally, this suggested modification also includes the provision that the in-lieu fee requirement can be waived if in association with a proposed development project the required low cost overnight replacement units are created within the Coastal Zone of the City of Ventura or in the Coastal Zone of Ventura County.

As stated, it is a goal of the City’s certified Land Use Plan (LUP) to preserve coastal access, including the provision of lower cost overnight accommodations within the City’s Coastal Zone along Thompson Boulevard. **Suggested Modification 7** also provides that although in-lieu fees would be required for mitigation of any loss of existing low cost overnight visitor accommodations or the construction of new high cost overnight accommodations, no in-lieu fees would be required in for the construction of new lower cost overnight accommodations. The LUP, as modified, also provides an amount of

\$30,000 per room applicable to 25 percent of the total number of high cost overnight accommodations as a required replacement fee for any proposed development that includes only high cost overnight accommodation. Additionally, it is appropriate within the IP to include a method for defining what is considered a low cost and a high cost overnight accommodation in order to determine when these in-lieu fees would be applicable. These modifications are suggested to be incorporated into the IP amendment as **Suggested Modification 7**. Additionally, **Suggested Modification 5** reflects these in-lieu fee requirements for low-cost visitor serving hotels in the Coastal Zone by adding a reference to the Land Use Table (Table B, Page 39) in the Midtown Code referring to Municipal Code Section 24.310.000 that will be amended by **Suggested Modification 7**. This modification also references the zoning map, which depict the parcels in the Coastal Zone to which the new Midtown Code changes will reference.

In a constantly changing market, it can be difficult to define what price point constitutes low cost and high cost accommodations for a given area. In its previous actions, the Commission has addressed what are appropriate terms for defining low cost and high cost hotels [CDP No. 5-04-291, 5-88-062, 5-84-866, 5-81-554, 5-94-172, 5-06-328, 5 A-253-80, and A-69-76, A-6-IMB-07-131, 3-07-002, 3-07-003]. More recently Commission actions have evolved to establish a formula that can be used to determine low and high cost overnight accommodations for a specific part of the coast. The proposed formula is based on hotel accommodations (single room, up to double occupancy) in California. It has not incorporated hostels, RV parks, campgrounds or other alternative accommodations into this evaluation, as these facilities do not provide the same level of accommodation as hotels and motels. However, these facilities are inherently lower cost, and are the type of facilities that a mitigation fee for the loss of affordable over-night accommodations could go towards providing.

This method compares the average daily rate of lower cost hotels in the City of Ventura Coastal Zone with the average daily rates of all types of hotels across the State. Under this formula low-cost is defined as the average room rate for all hotels within the City of Ventura that have a room rate less than the Statewide average room rate.

To determine the statewide average daily room rate, Commission staff surveyed average daily room rates for all hotels in California. Statewide average daily room rates are collected monthly by Smith Travel Research, and are available on the California Travel and Tourism Commission's website: <http://www.visitcalifornia.com>, under the heading "California Lodging Reports." Smith Travel Research data is widely used by public and private organizations. To be most meaningful, peak season (summer) rates were utilized for the formula.

To ensure that the lower cost hotels and motels surveyed meet an acceptable level of quality, including safety and cleanliness, only AAA rated properties were included in the survey. According to the AAA website, "to apply for (AAA) evaluation, properties must first meet 27 essential requirements based on member expectations – cleanliness, comfort, security and safety."

The City of Ventura provided an inventory of hotels in within the City of Ventura to develop the sample to represent lower cost hotels/motels. To ensure that the lower cost hotels and motels surveyed meet an acceptable level of quality, including safety and cleanliness, only

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AAA rated properties are included in the list below. According to AAA's website, "to apply for [AAA] evaluation, [hotel] properties must first meet 27 essential requirements based on member expectations—cleanliness, comfort, security, and safety. AAA assigns hotels ratings of one through five diamonds.

Location	Hotel Name	AAA Rating	Address	Rooms	Average Rate
Coastal Zone	Best Western	♦ ♦ ♦	708 Thompson Blvd	74	\$115
	Crowne Plaza Ventura	♦ ♦ ♦	450 Harbor Blvd	260	\$209
	Motel 6	♦ ♦	2145 Harbor Blvd	200	\$66
	Ocean View Motel	♦ ♦	1690 Thompson Blvd	37	\$55
	Bella Maggiore Inn	♦ ♦	67 California St.	28	\$120
	Four Points	♦ ♦ ♦	1050 Schooner Dr.	108	\$145
	Clock Tower Inn	♦ ♦ ♦	181 Santa Clara St.	50	\$109
	Country Inn	♦ ♦ ♦	298 Chestnut St.	120	\$114
	Vagabond Inn	♦ ♦	756 Thompson Blvd.	82	\$125
	Ventura Marriott	♦ ♦ ♦	2055 Harbor Blvd.	271	\$199
	Seaward Inn	♦ ♦ ♦	2094 Harbor Blvd.	42	\$156
	Pierpont Inn	♦ ♦ ♦	550 Sanjon Rd.	77	\$159
	Holiday Inn Express	♦ ♦ ♦	1080 Navigator Dr.	68	\$139
			Total	1417	\$132
Outside Coastal Zone	La Quinta Inn	♦ ♦ ♦	5818 Valentine Rd	142	\$99
	Motel 6	♦ ♦	3075 Johnson Dr	150	\$66
				292	\$83

The Statewide average daily room rate in California in 2008 for the months of July and August was \$133.00. Of the above thirteen AAA rated hotels located in the City of Ventura coastal zone, seven charged less than the Statewide average. The average room rate for these seven hotels was \$104.50. Thus based on the formula that calculates low-cost as the average room rate for those hotels within the City of Ventura that have a room rate less than the Statewide average room rate, low cost accommodations can be defined as those charging less than \$104.50 or approximately 25% below the Statewide average daily room rate of \$133.00. An estimate of high cost accommodations can then be defined as those hotels with daily room rates 25% higher than the Statewide average which equates to \$166.00. Rates then between \$104.50 and \$166.00 would be considered moderately priced for the City of Ventura.

The result is a formula defining lower cost as a percentage of the most recent Statewide room rates available. A requirement that establishes the method for the calculation of this formula is included within **Suggested Modification 7** to the Implementation Plan. One advantage to using this formula is that it adjusts over time without having to undertake new surveys of local hotel room rates. In 2009, any hotel charging less than \$104.50 per night would be considered lower cost. In future years in the City of Ventura, taking 75% of the current Statewide average room rate for that year will yield the room rate for a low-cost accommodation, and high-cost would be determined to be 125% of the Statewide average. In the future, if conditions change such that these assumptions and/or values are clearly

different, the City could request an LCP amendment to resurvey, expand the survey area or propose different methodology.

As modified above, the Commission finds that the proposed amendment to the certified Implementation Plan is consistent with the City's certified LUP, which protects lower cost overnight accommodations in order to protect the public access and priority visitor-serving policies of the LUP and the Coastal Act.

Limited Use Overnight Visitor Accommodations

Section 30213 of the Coastal Act requires that lower cost visitor facilities be protected, encouraged, and, where feasible, provided. Limited Use Overnight Visitor Accommodations, as a whole, cannot be considered lower cost. The proposed LCP amendment does not address the potential consumption of the remaining land designated for visitor serving uses with timeshare-type facilities and the subsequent impacts on the stock of overnight accommodations. The City's proposed transect-based code would potentially allow for the unrestricted conversion of properties with existing overnight visitor-serving accommodations to private residential development in the Midtown- Thompson Boulevard area. The proposed amendment would expand the areas within which lower priority residential uses are allowed and reduce the quantity of commercially designated land area. Moreover, the areas within the City in proximity the coast for visitor-serving uses is limited. Unrestricted conversion of the already small quantity of land area designated for visitor serving uses to lower priority uses, such as residential development, would be inconsistent with the public access and recreation policies of the City's certified Land Use Plan and the Coastal Act. Therefore, as proposed, this amendment cannot be found consistent with Section 30222 of the Coastal Act, which places a higher priority on visitor serving uses than on private residential or general commercial uses. Therefore, **Suggested Modification 7** will serve to maintain visitor-serving, overnight accommodations within the portion of the City's Midtown area within the Coastal Zone.

Further, a recent trend has been for developers constructing projects that provide overnight accommodations to seek individual investors to aid in the initial costs of construction and development. This often results in a development having a "private component" that limits the visitor-serving use of the facility. These developments include timeshares, condominium-hotel units or fractional ownership units (i.e. Limited Use Overnight Visitor Accommodations), all of which give some priority to the individual owners, and diminish the visitor-serving use of such a facility. Generally, Limited Use Overnight Visitor Accommodation facilities require that potential users purchase the right to long term, recurring use, which often requires significant initial investment, and periodic fees. Such monetary requirements are often beyond the means of a large segment of the general population and certainly exclude that portion of the population that is of the least means. Traditional hotels, motels and similar overnight accommodations, do not require a long term financial commitment in exchange for use of a unit. Further, Limited Use Overnight Accommodations provide a lower level of public accessibility than traditional hotels and motels, because a certain percentage of rooms can be privately owned for periods of time, thereby removing their availability to use as an overnight resource.

Hotels on sites designated for visitor serving uses are among the higher priority commercial uses encouraged and protected by the Coastal Act. Policies must be in place

to protect those uses that are located on key visitor-serving sites from conversion to uses, such as limited use overnight visitor accommodations, that have a lower visitor serving value or component of affordable publicly available rooms to rent. In order to maximize the provision of visitor serving use within these limited use overnight visitor accommodations, as required by Section 30222 of the Coastal Act, limits and restrictions must be imposed on the number of units per hotel project for which limited use ownership rights may be created and sold. The amendment request, as submitted, does not contain any provision to protect these visitor-serving uses. Previous Commission decisions (Oceanside LPCA 1-07, Huntington Beach LPCA 2-06, Redondo Beach LPCA 2-08, and the City of Redondo Beach LPCA 2-08) have limited the amount of limited use overnight visitor accommodations within a proposed development to between ten and twenty-five percent. In order to be consistent with previous Commission decisions, and in order to provide a ratio of hotel rooms that preserves the visitor-serving use of proposed overnight accommodation developments, **Suggested Modification 7** is recommended to limit the amount of limited use overnight visitor accommodations allowed within an existing leasehold to no more than twenty-five percent of the hotel rooms proposed. By limiting the percentage of rooms allowed to be designated as limited use overnight visitor accommodations to 25% of new rooms, the hotel or motel would still, as a whole, be available to the general public as a resource and would not significantly act to restrict public access. **Suggested Modification 6** also reflects the requirements of Suggested Modification 7 by adding a reference to these limits on limited use overnight visitor accommodations within Code Section 24.425 regarding Timeshares.

Further, the Commission finds that it is necessary to require suggested modifications that apply to limited use overnight visitor accommodations broadly. **Suggested Modification 7** adds definitions for Limited Use Overnight Visitor Accommodations, which includes condominium-hotels, fractional ownership hotels, and timeshares. Additionally, in order to maximize the visitor serving uses within Limited Use Overnight Visitor Accommodations, as required by Section 30222 of the Coastal Act, **Suggested Modification 7** places limits and restrictions on the number of units for which limited use ownership rights may be created and sold, and on use of the units by separate owners, as well as on how the overall hotels are operated. It is important that all units in the hotel, both limited use overnight accommodations, as well as traditional units, be operated by a single hotel operator. This includes booking of reservations, check-in, maintenance, cleaning services, and similar responsibilities of hotel management. This requirement is important as a means of assuring the hotel does not convert to a limited ownership-only hotel and to maximize its visitor serving function.

In addition, to maximize the number of potential users, the length of time any particular owner may use a limited use overnight visitor accommodation is defined. **Suggested Modification 7** requires that privately owned units not occupied by the owner(s) (or their guests) must be made available for overnight rental by the general public in the same manner as the traditional hotel room units. This provision increases the facility's visitor serving function by increasing the number of transient overnight units available to the general public, and promotes the likelihood that the overall facility will be perceived as a facility available to the general public. This encourages the visitor serving function of the facility, consistent with the requirement of Section 30222 of the Coastal Act.

Additionally, the proposed Midtown Corridors Development Code does not clearly indicate the standard of review for development within the Coastal Zone is the certified 1989 Comprehensive Plan, which includes the priority uses identified above for public access, recreation, and visitor-serving uses. The proposed Midtown Corridors Development Code includes geographic areas that are located both within and outside of the Coastal Zone. However, the proposed Midtown Code includes multiple statements that it is intended to implement the goals, policies, and actions of the uncertified 2005 City of Ventura General Plan. As discussed above, the uncertified 2005 General Plan is only applicable to areas of the City located outside of the Coastal Zone. The certified 1989 Comprehensive Plan remains applicable to all areas within the Coastal Zone. Thus, **Suggested Modifications 1-3** are necessary to clarify that, within the Coastal Zone, the Midtown Corridors Development Code will implement the policies of the certified 1989 Comprehensive plan consistent with the Coastal Act and that the uncertified 2005 General Plan is only applicable to areas of the City outside of the Coastal Zone. These suggested modifications to correct the reference to the standard of review, the certified 1989 Comprehensive Plan, will ensure that the proper standards related to public access, recreation, and visitor-serving uses are upheld.

Therefore, for the reasons outlined above, the Commission finds that only if modified as suggested, can the proposed LIP amendment be found to be consistent with the certified LUP provisions related to public access and recreation policies and priority visitor serving uses and related Coastal Act policies.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Ventura LCP Amendment 1-08 consists of an amendment to the Local Implementation Plan (IP) portion of the certified LCP.

The proposed amendment is to the City of Ventura's certified Local Coastal Program Implementation Ordinance. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the intent of the applicable policies of the certified Land Use Plan and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures

adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Implementation Plan components of the LCP into conformity with the certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

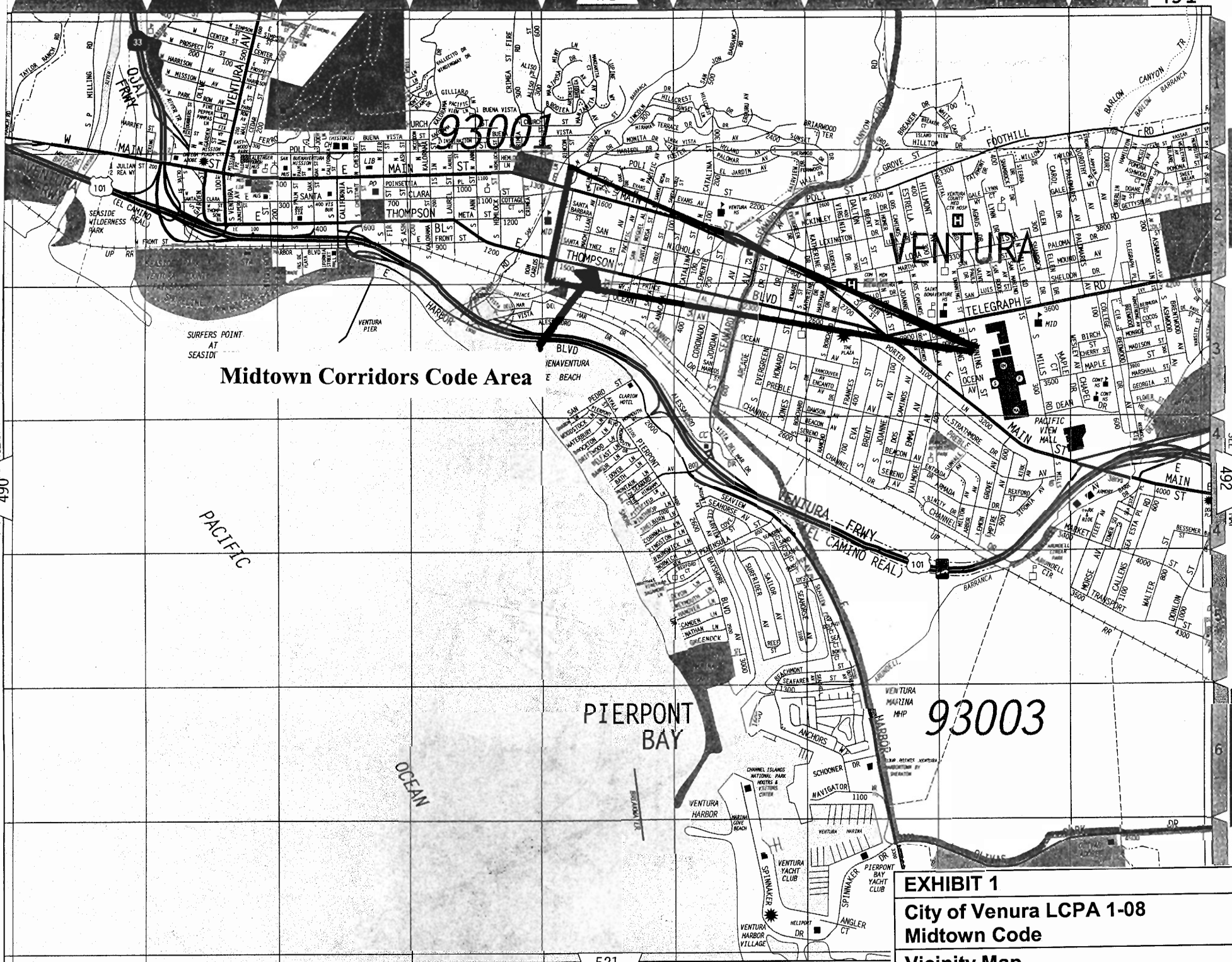


EXHIBIT 1
City of Venura LCPA 1-08
Midtown Code
Vicinity Map



EXHIBIT 2
City of Ventura LCPA 1-08
Midtown Code
Midtown Code Area Map

PLANNING COMMISSION RESOLUTION NO. _____

RECOMMENDING APPROVAL OF AN AMENDMENT TO THE OFFICIAL ZONING DISTRICT MAP FOR PROPERTY WITHIN THE MAIN STREET CORRIDOR AND THE THOMPSON BOULEVARD CORRIDOR (MIDTOWN CORRIDORS) AREAS AND THEREBY AMENDING THE IMPLEMENTATION PLAN COMPONENT OF THE CITY'S LOCAL COASTAL PROGRAM

CASE NO. Z-294

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

SECTION 1: The City of San Buenaventura has initiated an amendment to the Official Zoning District Map of the City of San Buenaventura (Zoning Map Amendment Case No. Z-294 or the "Midtown Corridors Zoning Map Amendment") as it pertains to the implementation of the Midtown Corridors Development Code and as depicted on the area map attached hereto as Exhibit "A."

SECTION 2: The proposed Midtown Corridors Zoning Map Amendment would amend the City's Zoning District Map by establishing certain transect based zones ("T-zones") and related overlay zones within the Main Street Corridor and the Thompson Boulevard Corridor as described in the text of the Midtown Corridors Development Code and as depicted in the "Regulating Plan" set forth in Section 24M.102.040 of the Development Code and attached Exhibit "A." The Main Street Corridor and the Thompson Boulevard Corridor are described and demarcated in Chapter 3 of the 2005 General Plan and are referred to, collectively, from time to time herein and in the Midtown Corridors Development Code, as the "Midtown Corridors."

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information required in the staff report prepared for the November 19, 2007 public hearing, consideration of the testimony given at the noticed public hearing, and other pertinent information, the Planning Commission hereby finds the following:

- A. The proposed Midtown Corridors Zoning Map Amendment is consistent with the policies and actions contained in the 2005 General Plan. Among other things, the Amendment would establish transect-based zones and form-based coding within those zones, as contemplated by Chapter 3 of the General Plan.
- B. The public necessity, convenience, general welfare, and good zoning practice support the reclassification of the properties to, among other things, promote consistency with the 2005 General Plan.

Case No. Z-294

EXHIBIT 3

**City of Ventura LCPA 1-08
Midtown Code**

City Resolution Case No. Z-294

- C. The adoption of the proposed Midtown Corridors Zoning Map Amendment will promote the continued livability and vitality of the Midtown Corridors and contribute to a distinct neighborhood and city identity.
- D. The proposed Midtown Corridors Zoning Map Amendment is consistent with established smart growth principles in the 2005 General Plan that emphasize pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation.
- E. The recommended Midtown Corridors Zoning Map Amendment would allow for the continued orderly development of the City and establish development standards that promote the public health, safety, and general welfare.
- F. A portion of the Midtown Corridors area, generally comprising those parcels on the south side of Thompson Boulevard and lying west of the intersection of Thompson Boulevard and Santa Cruz Street, is within the boundary of the Coastal Zone. Consequently, the proposed change to the zoning classification of those parcels as proposed by the Midtown Corridors Zoning Map Amendment constitutes an amendment to the Implementation Plan component of the City's approved Local Coastal Program ("LCP") and requires the processing of an amendment to the City's approved LCP in order to become fully effective.

SECTION 4: Based on the foregoing, and on other information in the record as a whole, the Planning Commission hereby recommends the City Council amend the Official Zoning District Map of the City of San Buenaventura for all the land within the Midtown Corridors area as depicted in the attached Exhibit "A," labeled Case No. Z-294.

SECTION 5: The Planning Commission further states its intent that this, and all other actions related to the City's Local Coastal Program, be, and continue to be, carried out in full compliance with the California Coastal Act (pursuant to Section 30510[a] of the Act).

SECTION 6: Effective Date. This proposed Midtown Corridors Zoning Map Amendment would take effect on the 31st day after its passage by the City Council, provided that, as applied to areas of the Thompson Boulevard Corridor within the Coastal Zone and regulated by the existing approved Local Coastal Program, the proposed zoning district changes depicted in Exhibit "A" in the Coastal Zone are not intended to become effective until approved by the State Coastal Commission. The Planning Commission further recommends to the City Council that the proposed amendment to the Local Coastal Program, upon adoption, be forwarded to the Coastal Commission for review and action by the Coastal Commission and become fully effective in the Coastal Zone upon certification by the Coastal Commission. The existing approved Local Coastal Program should remain in full force and effect until such Coastal Commission certification is final.

Case No. Z-294
PC/11/19/07
Page 2

PASSED AND ADOPTED this 19th day of November 2007.

Planning Commission Secretary

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PLANNING COMMISSION RESOLUTION NO. _____

**RECOMMENDING APPROVAL OF AN AMENDMENT TO DIVISION 24
OF THE MUNICIPAL CODE FOR PROPERTY WITHIN THE MAIN
STREET CORRIDOR AND THE THOMPSON BOULEVARD CORRIDOR
(MIDTOWN CORRIDORS) AREAS AND THEREBY AMENDING THE
IMPLEMENTATION PLAN COMPONENT OF THE CITY'S LOCAL
COASTAL PROGRAM**

CASE NO. AO-225

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

SECTION 1: All proceedings having been duly taken as required by law, and upon review of the information required in the staff report, consideration of the testimony given at the noticed public hearing, and other pertinent information, the Planning Commission hereby finds the following:

- A. On August 8, 2005, the City Council adopted the 2005 Ventura General Plan (the "General Plan"), which sets forth planning policies and actions intended to guide the direction of future development throughout the City's Planning Area.
- B. Among other provisions, the General Plan promotes the adoption of form-based coding in the City. For example, Policies 3A, 3B, and 3E of the General Plan, set forth the following proposed actions:

"3.2 Enhance the appearance of districts, corridors, and gateways (including views from highways) through controls on building placement, design elements, and signage.

3.9 Adopt new development code provisions that designate areas within districts and corridors for mixed-use development that combines businesses with housing, and focuses on the redesign of single-use shopping centers and retail parcels into walkable, well connected blocks, with a mix of building types, uses, and public and private frontages.

3.23: Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation. "

- C. A zoning text amendment, Case No. AO-225 ("Midtown Corridors Zoning Amendment") incorporating transect-based, form-based coding has now been prepared by the Community Development Department including a proposed

Case No. AO-225

EXHIBIT 4
City of Ventura LCPA 1-08
Midtown Code
City Resolution Case No. AO-225

"Midtown Corridors Development Code" to be added to the City's Zoning Ordinance to serve as form-based coding for the Main Street and Thompson Boulevard Corridors. The Main Street Corridor and the Thompson Boulevard Corridor are described and demarcated in Chapter 3 of the 2005 General Plan and are referred to, collectively, herein, and in the Midtown Corridors Development Code, as the "Midtown Corridors."

- D. The Midtown Corridors Zoning Amendment is consistent with the policies and actions contained in the 2005 General Plan. Among other things, the Midtown Corridors Zoning Amendment would provide the means to implement a form-based development code that emphasizes pedestrian orientation, integration of land uses, and treatment of streetscapes as community living space, and environmentally sensitive building design and operation.
- E. The Midtown Corridors Zoning Amendment would allow for the continued orderly development of the City and for development standards that promote the public health, safety, and general welfare.
- F. A portion of the Midtown Corridors area, generally comprising those parcels on the south side of Thompson Boulevard and lying west of the intersection of Thompson Boulevard and Santa Cruz Street, is within the boundary of the Coastal Zone. Consequently, the proposed revisions change to the development regulations applicable to those parcels as proposed by the Midtown Corridors Zoning Amendment constitutes an amendment to the Implementation Plan component of the City's approved Local Coastal Program ("LCP") and requires the processing of an amendment to the City's approved LCP in order to become fully effective.
- G. The Midtown Corridors Zoning Amendment is consistent with the project description and scope analyzed in the Negative Declaration (ND) prepared for the Midtown Corridors Development Code pursuant to the California Environmental Quality Act (CEQA).
- H. Preparation and public circulation requirements for the ND, as provided in the State and local guidelines for implementation of the CEQA have been complied with prior to the Planning Commission's review of the Midtown Corridors Zoning Amendment.
- I. The Planning Commission now desires to recommend the City Council approve the Midtown Corridors Zoning Amendment by adding Part 2A to Division 24 of the San Buenaventura Municipal Code to provide for form-based coding and thereby further the policies of the General Plan and otherwise provide for the orderly development of the City.

SECTION 2: Based on the foregoing, Part 2A titled "Form-Based Coding for Special Areas" is hereby added to Division 24 of the San Buenaventura Municipal Code,

to be inserted immediately following "PART 2 ZONING REGULATIONS," and to read as follows:

"PART 2A

FORM-BASED CODING FOR SPECIAL AREAS

Sec. 24.2A.100.010. Contents. Part 2A of the zoning ordinance consists of the following subparts:

1. SUBPART G: General Provisions.

2. SUBPART 24M: Midtown Corridors Development Code

SUBPART G: Chapter 24G.100 General Provisions.

Sec. 24G.100.010. Intent and Purpose. The intent of this Part 2A is to continue implementing policies and actions set forth in the 2005 Ventura General Plan relating to preservation of community characteristics and community vitality, appropriate urban form, and smart growth principles emphasizing pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation. As discussed in Chapter 3 of the General Plan, these objectives can be promoted through the ongoing establishment of transect-based zones (referred to from time to time as "T-Zones") within the Ventura Planning Area and the adoption of development codes utilizing form-based coding to serve as the basis for the regulation of land use and development within those transect-based zones.

Sec. 24G.100.020. Establishment of Development Codes. In order to further the policies of the General Plan, the City Council may, from time to time, adopt and amend "development codes" for the communities, corridors, or districts identified in the General Plan, or for other geographically discrete areas of the Ventura Planning Area as may be specified by the City Council. Such "development codes" may provide for, among other subjects, the establishment of building design, site design, and other design related standards that, once adopted, shall apply to development proposed to be constructed or carried out in any areas of the City subject to such development codes. The development codes may utilize transect-based, form-based coding, with regulating plans or similar mechanisms prescribing appropriate land uses, and project and site design principles relating to appropriate building types, housing mix, integration of land uses, and appropriate form for the pedestrian orientation, streetscape, and public realm in the subject area. Such development codes may be adopted as subparts of this Part 2 A and may include the following subparts that may be numbered accordingly:

SUBPART 24S: Saticoy & Wells Communities Development Code (reserved).

SUBPART 24M: Midtown Corridors Development Code.

SUBPART 24W: Westside Community Development Code (reserved).

SUBPART 24V: Victoria Avenue Corridor Development Code (reserved).

Sec. 24G.100.030. Adoption or amendment. The adoption or amendment of a development code shall be carried out in accordance with the procedures for zoning ordinance text amendments as set forth in Chapter 24.540. The adoption or amendment of the boundaries of a regulating plan within a development code, or the boundaries of any zones established by a development code or regulating plan, shall be carried out in accordance with the procedures for a zone change as set forth in chapter 24.540.

Sec. 24G.100.040. Applicability. After a development code is adopted for a particular community, corridor, or district identified in the General Plan, or for any other geographically discrete area of the Ventura Planning Area as may be specified by the City Council, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in those development codes shall apply to all development within the geographic boundaries established by and for those development codes notwithstanding any other provision of this Division to the contrary, including but not limited to, standards regarding setbacks, stepbacks, offstreet parking requirements, and maximum lot coverage, building height, or yard area. In any instance where the requirements, standards, regulations, or other provisions set forth in an adopted development code conflict with the requirements, standards, or regulations other set forth in other provisions of this Division, the standards in the development code shall take precedence. In any instance where there is no conflict between a requirement of a development code and a requirement or other provision of this Division because a development-related subject is addressed in this Division but not in the development code, this Division shall continue to apply.

Sec. 24G.100.050. Operation and Enforcement of Development Codes. All uses and all development carried out, or proposed to be carried out, within the boundaries of an area for which a development code has been adopted must comply with the requirements, standards, regulations, and all other provisions set forth in that development code in

addition to all other provisions of law. Any failure to comply with a requirement, standard, regulation, or any other provision set forth in an adopted development code shall constitute a violation of this zoning ordinance. All such violations of this zoning ordinance shall be subject to the enforcement provisions of Chapter 24.580 and the penalties as provided by sections 1.150.110, *et seq.* of the San Buenaventura Municipal Code."

SECTION 3: Further based on the foregoing, Subpart 24M titled "Midtown Corridors Development Code" is hereby added to Part 2A of Division 24 of the San Buenaventura Municipal Code, to be inserted immediately following Subpart 2G of Part 2A, and to read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 4: Coastal Commission Action. In recommending approval of this Midtown Corridors Zoning Amendment, Case No. AO-225, the Planning Commission acknowledges and intends that, as applied to areas of the Midtown Corridors within the Coastal Zone and regulated by the City's existing approved Local Coastal Program (LCP), the proposed Midtown Corridors Zoning Amendment constitutes a LCP Amendment requiring review and approval by the State Coastal Commission to become effective in the Coastal Zone. Further, the Planning Commission hereby restates and confirms its intent that the City's LCP be, and continue to be, carried out in a manner fully consistent with the California Coastal Act.

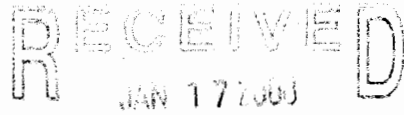
SECTION 5: Effective Date. This ordinance shall take effect on the 31st day after passage, provided that, as applied to areas of the Thompson Boulevard Corridor within the Coastal Zone and regulated by the existing approved Local Coastal Program, the proposed Midtown Corridors Zoning Amendment shall not become effective in the Coastal Zone until approved by the State Coastal Commission. This Zoning Ordinance Amendment constitutes a proposed amendment to the Local Coastal Program that shall, upon adoption, be forwarded to the Coastal Commission for review and action by the Coastal Commission and shall become fully effective upon certification by the Coastal Commission. The existing approved Local Coastal Program shall remain in full force and effect until such Coastal Commission certification is final.

PASSED AND ADOPTED this 19th day of November 2007.

Planning Commission Secretary

Case No. AO-225
PC/11/19/07
Page 5

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

AN ORDINANCE AMENDING DIVISION 24 OF THE MUNICIPAL CODE (ZONING ORDINANCE) BY ADDING PART 2A AND OTHER TEXT AMENDMENTS RELATED TO THE ADOPTION OF THE MIDTOWN CORRIDORS DEVELOPMENT CODE AND THEREBY AMENDING THE IMPLEMENTATION PLAN COMPONENT OF THE CITY'S LOCAL COASTAL PROGRAM (LOCAL COASTAL PROGRAM AMENDMENT)

CASE NO. AO-225

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

SECTION 1: All proceedings having been duly taken as required by law, and upon review of the information required in the staff report, consideration of the testimony given at the noticed public hearing, and other pertinent information, the City Council hereby finds the following:

- A. On August 8, 2005, the City Council adopted the 2005 Ventura General Plan (the "General Plan"), which sets forth planning policies and actions intended to guide the direction of future development throughout the City's Planning Area.
- B. Among other provisions, the General Plan promotes the adoption of form-based coding in the City. For example, Policies 3A, 3B, and 3E of the General Plan, set forth the following proposed actions:

"3.2 Enhance the appearance of districts, corridors, and gateways (including views from highways) through controls on building placement, design elements, and signage.

3.9 Adopt new development code provisions that designate areas within districts and corridors for mixed-use development that combines businesses with housing, and focuses on the redesign of single-use shopping centers and retail parcels into walkable, well connected blocks, with a mix of building types, uses, and public and private frontages.

3.23: Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation."

- C. A zoning text amendment, Case No. AO-225 ("Midtown Corridors Zoning Amendment") incorporating transect-based, form-based coding has now been prepared by the Community Development Department including a proposed

EXHIBIT 5

**City of Ventura LCPA 1-08
Midtown Code**

City Ordinance No. 2007-029

"Midtown Corridors Development Code" to be added to the City's Zoning Ordinance to serve as form-based coding for the Main Street and Thompson Boulevard Corridors. The Main Street Corridor and the Thompson Boulevard Corridor are described and demarcated in Chapter 3 of the 2005 General Plan and are referred to, collectively, herein, and in the Midtown Corridors Development Code, as the "Midtown Corridors."

- D. The Midtown Corridors Zoning Amendment is consistent with the policies and actions contained in the 2005 General Plan. Among other things, the Midtown Corridors Zoning Amendment would provide the means to implement a form-based development code that emphasizes pedestrian orientation, integration of land uses, and treatment of streetscapes as community living space, and environmentally sensitive building design and operation.
- E. The Midtown Corridors Zoning Amendment would allow for the continued orderly development of the City and for development standards that promote the public health, safety, and general welfare.
- F. A portion of the Midtown Corridors area, generally comprising those parcels on the south side of Thompson Boulevard and lying west of the intersection of Thompson Boulevard and Santa Cruz Street, is within the boundary of the Coastal Zone. Consequently, the proposed revisions change to the development regulations applicable to those parcels as proposed by the Midtown Corridors Zoning Amendment constitutes an amendment to the Implementation Plan component of the City's approved Local Coastal Program ("LCP") and requires the processing of an amendment to the City's approved LCP in order to become fully effective.
- G. The Midtown Corridors Zoning Amendment is consistent with the project description and scope analyzed in the Negative Declaration (ND) prepared for the Midtown Corridors Development Code pursuant to the California Environmental Quality Act (CEQA).
- H. Preparation and public circulation requirements for the ND, as provided in the State and local guidelines for implementation of the CEQA have been complied with prior to the City Council's review of the Midtown Corridors Zoning Amendment.
- I. The City Council now desires to enact the Midtown Corridors Zoning Amendment by adding Part 2A to Division 24 of the San Buenaventura Municipal Code to provide for form-based coding and thereby further the policies of the General Plan and otherwise provide for the orderly development of the City.

SECTION 2: Based on the foregoing, Part 2A titled "Form-Based Coding for Special Areas" is hereby added to Division 24 of the San Buenaventura Municipal Code, to be inserted immediately following "PART 2 ZONING REGULATIONS," and to read as follows:

"PART 2A

FORM-BASED CODING FOR SPECIAL AREAS

Sec. 24.2A.100.010. Contents. Part 2A of the zoning ordinance consists of the following subparts:

1. SUBPART G: General Provisions.

2. SUBPART 24M: Midtown Corridors Development Code

SUBPART G: Chapter 24G.100 General Provisions.

Sec. 24G.100.010. Intent and Purpose. The intent of this Part 2A is to continue implementing policies and actions set forth in the 2005 Ventura General Plan relating to preservation of community characteristics and community vitality, appropriate urban form, and smart growth principles emphasizing pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation. As discussed in Chapter 3 of the General Plan, these objectives can be promoted through the ongoing establishment of transect-based zones (referred to from time to time as "T-Zones") within the Ventura Planning Area and the adoption of development codes utilizing form-based coding to serve as the basis for the regulation of land use and development within those transect-based zones.

Sec. 24G.100.020. Establishment of Development Codes. In order to further the policies of the General Plan, the City Council may, from time to time, adopt and amend "development codes" for the communities, corridors, or districts identified in the General Plan, or for other geographically discrete areas of the Ventura Planning Area as may be specified by the City Council. Such "development codes" may provide for, among other subjects, the establishment of building design, site design, and other design related standards that, once adopted, shall apply to development proposed to be constructed or carried out in any areas of the City subject to such development codes. The development codes may utilize transect-based, form-based coding, with regulating plans or similar mechanisms prescribing appropriate land uses, and project and site design principles relating to appropriate building types, housing mix, integration of land uses, and appropriate form for the pedestrian orientation, streetscape, and public realm in the subject area. Such development codes may be adopted as subparts of this Part 2 A and may include the following subparts that may be numbered accordingly:

SUBPART 24M: Midtown Corridors Development Code.

SUBPART 24S: Saticoy & Wells Communities Development Code (reserved).

SUBPART 24V: Victoria Avenue Corridor Development Code (reserved).

SUBPART 24W: Westside Community Development Code (reserved).

Sec. 24G.100.030. Adoption or amendment. The adoption or amendment of a development code shall be carried out in accordance with the procedures for zoning ordinance text amendments as set forth in Chapter 24.540. The adoption or amendment of the boundaries of a regulating plan within a development code, or the boundaries of any zones established by a development code or regulating plan, shall be carried out in accordance with the procedures for a zone change as set forth in chapter 24.540.

Sec. 24G.100.040. Applicability. After a development code is adopted for a particular community, corridor, or district identified in the General Plan, or for any other geographically discrete area of the Ventura Planning Area as may be specified by the City Council, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in those development codes shall apply to all development within the geographic boundaries established by and for those development codes notwithstanding any other provision of this Division to the contrary, including but not limited to, standards regarding setbacks, stepbacks, offstreet parking requirements, and maximum lot coverage, building height, or yard area. In any instance where the requirements, standards, regulations, or other provisions set forth in an adopted development code conflict with the requirements, standards, or regulations other set forth in other provisions of this Division, the standards in the development code shall take precedence. In any instance where there is no conflict between a requirement of a development code and a requirement or other provision of this Division because a development-related subject is addressed in this Division but not in the development code, this Division shall continue to apply.

Sec. 24G.100.050. Operation and Enforcement of Development Codes. All uses and all development carried out, or proposed to be carried out, within the boundaries of an area for which a development code has been adopted must comply with the requirements, standards, regulations, and all other provisions set forth in that development code in addition to all other provisions of law. Any failure to comply with a requirement, standard, regulation, or any other provision set forth in an

adopted development code shall constitute a violation of this zoning ordinance. All such violations of this zoning ordinance shall be subject to the enforcement provisions of Chapter 24.580 and the penalties as provided by sections 1.150.110, *et seq.* of the San Buenaventura Municipal Code."

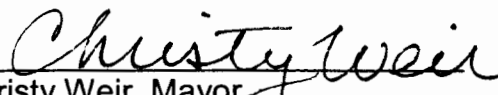
SECTION 3: Further based on the foregoing, Subpart 24M titled "Midtown Corridors Development Code" is hereby added to Part 2A of Division 24 of the San Buenaventura Municipal Code, to be inserted immediately following Subpart 2G of Part 2A, and to read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 4: Coastal Commission Action. In approving this Midtown Corridors Zoning Amendment, Case No. AO-225, the City Council acknowledges and intends that, as applied to areas of the Midtown Corridors within the Coastal Zone and regulated by the City's existing approved Local Coastal Program (LCP), the proposed Midtown Corridors Zoning Amendment constitutes a LCP Amendment requiring review and approval by the State Coastal Commission to become effective in the Coastal Zone. Further, the City Council hereby restates and confirms its intent that the City's LCP be, and continue to be, carried out in a manner fully consistent with the California Coastal Act.

SECTION 5: The Community Development Director shall monitor development application processing within the Midtown Corridors and report back to City Council any unintended consequence during the implementation of the Midtown Corridors Development Code. The Community Development Director shall provide a status report to City Council within one year of the adoption of this Code.

SECTION 6: Effective Date. This ordinance shall take effect on the 31st day after passage, provided that, as applied to areas of the Thompson Boulevard Corridor within the Coastal Zone and regulated by the existing approved Local Coastal Program, the proposed Midtown Corridors Zoning Amendment shall not become effective in the Coastal Zone until approved by the State Coastal Commission. This Zoning Ordinance Amendment constitutes a proposed amendment to the Local Coastal Program that shall, upon adoption, be forwarded to the Coastal Commission for review and action by the Coastal Commission and shall become fully effective upon certification by the Coastal Commission. The existing approved Local Coastal Program shall remain in full force and effect until such Coastal Commission certification is final.

PASSED AND ADOPTED this 17th day of December, 2007.


Christy Weir, Mayor

Case No. AO-225
CC/11/19/07
Page 5

ATTEST:

Mabi Covarrubias Plisky

Mabi Covarrubias Plisky, City Clerk

APPROVED AS TO FORM

ARIEL PIERRE CALONNE, CITY ATTORNEY

James E. Neuerburg

James E. Neuerburg, Assistant City Attorney

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

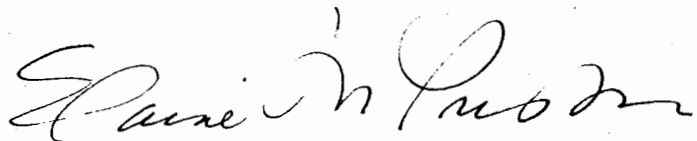
I, ELAINE M. PRESTON, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on December 17, 2007, by the following vote:

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

NOES: Councilmember Monahan.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on December 18, 2007.

A handwritten signature in cursive script, appearing to read "Elaine M. Preston", written over a horizontal line.

Deputy City Clerk

RECEIVED
JAN 17 2008

ORDINANCE NO. 2007- 030

AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP FOR PROPERTY WITHIN THE MAIN STREET CORRIDOR AND THE THOMPSON BOULEVARD CORRIDOR (MIDTOWN CORRIDORS) AREAS AND THEREBY AMENDING THE IMPLEMENTATION PLAN COMPONENT OF THE CITY'S LOCAL COASTAL PROGRAM

CASE NO. Z-294

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

SECTION 1: The City of San Buenaventura has initiated an amendment to the Official Zoning District Map of the City of San Buenaventura (Zoning Map Amendment Case No. Z-294 or the "Midtown Corridors Zoning Map Amendment") as it pertains to the implementation of the Midtown Corridors Development Code and as depicted on the area map attached hereto as Exhibit "A."

SECTION 2: The proposed Midtown Corridors Zoning Map Amendment would amend the City's Zoning District Map by establishing certain transect based zones ("T-zones") and related overlay zones within the Main Street Corridor and the Thompson Boulevard Corridor as described in the text of the Midtown Corridors Development Code and as depicted in the "Regulating Plan" set forth in Section 24M.102.040 of the Development Code and attached Exhibit "A." The Main Street Corridor and the Thompson Boulevard Corridor are described and demarcated in Chapter 3 of the 2005 General Plan and are referred to, collectively, from time to time herein and in the Midtown Corridors Development Code, as the "Midtown Corridors."

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information required in the staff report prepared for the November 19, 2007 public hearing, consideration of the testimony given at the noticed public hearing, and other pertinent information, the City Council hereby finds the following:

- A. The proposed Midtown Corridors Zoning Map Amendment is consistent with the policies and actions contained in the 2005 General Plan. Among other things, the Amendment would establish transect-based zones and form-based coding within those zones, as contemplated by Chapter 3 of the General Plan.
- B. The public necessity, convenience, general welfare, and good zoning practice support the reclassification of the properties to, among other things, promote consistency with the 2005 General Plan.

Case No. Z-294

EXHIBIT 6
City of Ventura LCPA 1-08
Midtown Code
City Ordinance No. 2007-030

- C. The adoption of the proposed Midtown Corridors Zoning Map Amendment will promote the continued livability and vitality of the Midtown Corridors and contribute to a distinct neighborhood and city identity.
- D. The proposed Midtown Corridors Zoning Map Amendment is consistent with established smart growth principles in the 2005 General Plan that emphasize pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation.
- E. The recommended Midtown Corridors Zoning Map Amendment would allow for the continued orderly development of the City and establish development standards that promote the public health, safety, and general welfare.
- F. A portion of the Midtown Corridors area, generally comprising those parcels on the south side of Thompson Boulevard and lying west of the intersection of Thompson Boulevard and Santa Cruz Street, is within the boundary of the Coastal Zone. Consequently, the proposed change to the zoning classification of those parcels as proposed by the Midtown Corridors Zoning Map Amendment constitutes an amendment to the Implementation Plan component of the City's approved Local Coastal Program ("LCP") and requires the processing of an amendment to the City's approved LCP in order to become fully effective.
- G. On November 19, 2007, the Planning Commission, following a public hearing, reviewed the proposed Midtown Corridors Zoning Map Amendment as it pertains to the Midtown Corridor Area and adopted Planning Commission Resolution No. 8345 recommending that the City Council approve the proposed amendment.

SECTION 4: Based on the foregoing, and on other information in the record as a whole, the City Council hereby amends the Official Zoning District Map of the City of San Buenaventura for all the land within the Midtown Corridors area as depicted in the attached Exhibit "A," labeled Case No. Z-294.

SECTION 5: The City Council further states its intent that this, and all other actions related to the City's Local Coastal Program, be, and continue to be, carried out in full compliance with the California Coastal Act (pursuant to Section 30510[a] of the Act).

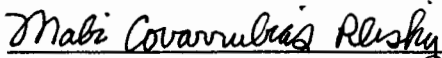
SECTION 6: Effective Date. This ordinance shall take effect on the 31st day after passage, provided that, as applied to areas of the Thompson Boulevard Corridor within the Coastal Zone and regulated by the existing approved Local Coastal Program, the proposed zoning district changes depicted in Exhibit "A" in the Coastal Zone shall not become effective until approved by the State Coastal Commission. This Ordinance constitutes a proposed amendment to the Local Coastal Program that shall, upon adoption, be forwarded to the Coastal Commission for review and

action by the Coastal Commission and shall become fully effective in the Coastal Zone upon certification by the Coastal Commission. The existing approved Local Coastal Program shall remain in full force and effect until such Coastal Commission certification is final.

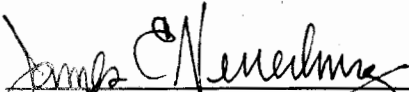
PASSED AND ADOPTED this 17th day of December, 2007.


Christy Weir, Mayor

ATTEST:


Mabi Covarrubias Plisky, City Clerk

APPROVED AS TO FORM
ARIEL PIERRE CALONNE, CITY ATTORNEY


James E. Neuerburg, Assistant 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 City Council of the City of San Buenaventura, at a regular meeting on December 17, 2007, by the following vote:

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

NOES: Councilmember Monahan.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on December 18, 2007.

A handwritten signature in cursive script, appearing to read "Elaine M. Preston", written over a horizontal line.

Deputy City Clerk

Exhibit 7

City of San Buenaventura Midtown Corridors Development Code

NOTE: Due to budget and staffing constraints and because of the substantial length of the City of San Buenaventura's Midtown Corridors Development Code, only exhibits 1-6 are included with the printed copies of this staff report. Exhibit 7 may be accessed by visiting the City of San Buenaventura's official website at http://www.cityofventura.net/community_development/planning/planning_communities/midtown