

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.

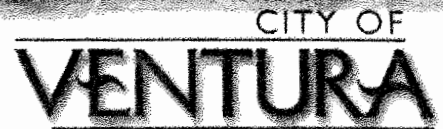
The Harris letter also indicates that views across 1570 Thompson Boulevard allows a visual connection to the ocean and refers to a high-density condominium development proposed for this site. However, under the existing C-2 zoning designation, this site is allowed to be developed with a building up to 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.

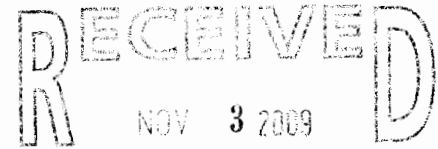
Letter to Chair and Commissioners from the City of Ventura, received on November 3, 2009.

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.

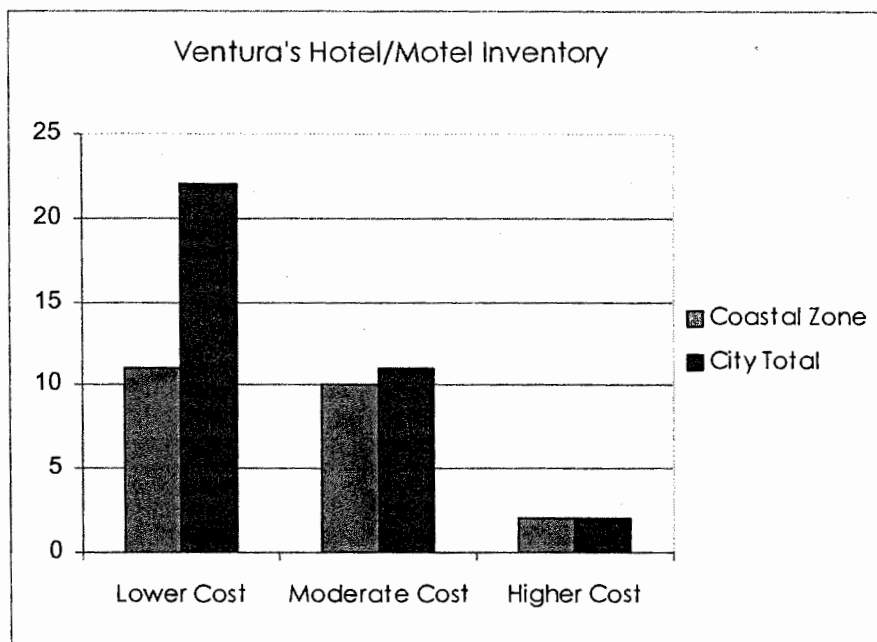
IV. In-Lieu Fee (# 7 [MCDC] and #16 [DTSP])

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.

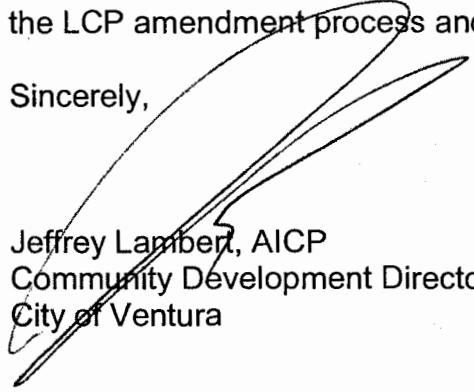
Given the City's concerns, we can support the concept of the in-lieu fee with modification as follows:

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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Barbara Carey, Supervisor, Planning and
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South Central Coast District Office
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Ventura, California 93001-2801

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". The signature is fluid and cursive, with the first name "Camille" written in a larger, more prominent script than the last name "Harris".

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



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 11b

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-2-08 [Downtown Specific Plan] 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 Coastal Land Use Plan (LUP) and Implementation Plan (IP) portions of its certified Local Coastal Program (LCP) to 1) replace the 1993 Downtown Specific Plan policies with the 2007 Downtown Specific Plan land use policies and implementation measures and 2) to modify portions of the certified 1989 Comprehensive Plan. The Downtown Specific Plan amendment portion will amend the Land Use Plan text policy statements for the downtown area, amend implementation measures for the downtown area, and amend the zoning map for all parcels within the Downtown Specific Plan area. The City proposes to amend the 1989 Comprehensive Plan portion of the land use plan to modify the Intent and Rationale statements for the Catalina and Downtown Communities, expand the Downtown Specific Plan area boundary on the Land Use Plan map, and modify the Circulation Plan map. **(Exhibits 1-3).**

The LCP amendment was submitted to the Commission on August 25, 2008. On August 25, 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 that modifies both the LUP and IP portions 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 November 23, 2008. Pursuant to Coastal Act Section 30517 and Section 13535(c) of the Commission's regulations, the Commission extended the statutory 90-day time limit for Commission action on the proposed LCP amendment for one year at its October 16, 2008 meeting. Therefore, the Commission must act upon this application at its November 2009 hearing.

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.

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 5-7**. The suggested modifications are found starting on **page 7**.

SUMMARY OF ISSUES

The major issues raised by this amendment request are: 1) the proposed change in land use designation and zoning of certain sites currently protected and preserved for commercial visitor-serving uses (“Commercial-Tourist Oriented”) or developed with visitor serving uses, to a transect-based code designation, including both land use policies and implementation measures allowing lower priority land uses, such as residential, 2) the absence of policies to protect and provide for lower cost overnight visitor accommodations throughout the Downtown area, 3) the need to address prioritizing 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), 4) the absence of policies addressing hazards, such as global warming and tsunamis.

TABLE OF CONTENTS

I. PROCEDURAL ISSUES	3
A. STANDARD OF REVIEW	3
B. PUBLIC PARTICIPATION	4
C. PROCEDURAL REQUIREMENTS	4
II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/COASTAL PLAN.....	5
A. DENIAL OF LAND USE PLAN AMENDMENT AS SUBMITTED	5
B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS ...	5
III. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)	6
A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED.....	6
B. CERTIFICATION OF IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS.	7
IV. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN	7
V. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN	12

VI. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT (LUP/IP) IF MODIFIED AS SUGGESTED 18

A. AMENDMENT DESCRIPTION AND BACKGROUND	18
1. Description of LCPA Submittal	18
2. Background.....	19
B. PUBLIC ACCESS AND RECREATION	19
1. Coastal Act Policies.....	19
C. COASTAL HAZARDS AND SHORELINE PROCESSES.....	33
D. LAND USE, NEW DEVELOPMENT, AND CUMULATIVE IMPACTS: TRANSIT AND CIRCULATION	39
1. Coastal Act Policies.....	39

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT 40

EXHIBITS

Exhibit 1:	Regional Map
Exhibit 2:	Proposed Amendment to LUP Map for Downtown Area
Exhibit 3:	Map showing CTO zones
Exhibit 4:	City of Ventura Ordinance No. 2007-008
Exhibit 5:	City of Ventura Ordinance No. 2007-015
Exhibit 5:	City of Ventura Ordinance No. 2007-016
Exhibit 6:	City of Ventura Ordinance No. 2007-017

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 March 12, 2007; City of Ventura Administrative Staff Report, dated November 19, 2007; 2007 Downtown Specific Plan EIR, certified on March 19, 2007.

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

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 25 public hearings from May 15, 2002, through City Council Approval on March 19, 2009 (most recently, Planning Commission Hearing on February 20, 2007 and August 6, 2007, and City Council Hearing on March 19, 2009) 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 2-08 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 LAND USE PLAN/COASTAL PLAN

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 LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission CERTIFY Amendment SBV-MAJ-2-08 to the City of San Buenaventura Land Use Plan, as submitted by the City of San Buenaventura.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **NO** vote. Following the staff recommendation to reject the motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of Amendment SBV-MAJ-2-08 to the City of San Buenaventura Land Use Plan and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan 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 land use plan as submitted.

B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission CERTIFY Amendment SBV-MAJ-2-08 to the City of San Buenaventura Land Use Plan if modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and

findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Amendment SBV-MAJ-2-08 to the City of San Buenaventura Land Use Plan if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan 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 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 that will result from certification of the land use plan if modified.

**III. 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-2-08 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-2-08 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, as amended. 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-2-08 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-2-08 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.

IV. SUGGESTED MODIFICATIONS TO THE LAND USE 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

1989 Comprehensive Plan (LUP), Section III-45 shall be modified as follows:

Commercial: The site is zoned ~~designated Planned Commercial- Tourist-Oriented (PC-T CTO)~~ ~~is~~ and is currently developed with a hotel. The intent of this designation is to ensure that any future development or redevelopment of this site would be with commercial-tourist oriented uses.

Suggested Modification 2

1989 Comprehensive Plan (LUP), Section III-51, 2nd paragraph, shall be modified as follows:

The approximately eight-acre vacant site located west of Sanjon Road and south of the Railroad is designated ~~Planned Commercial-Tourist-Oriented T4.3 Urban General 3 and is subject to the Eastside Workplace Overlay, regulated by the Downtown Specific Plan~~ Planned Commercial-Tourist-Oriented in order to protect this site for recreational and visitor-serving commercial uses. Any development of this site shall be Tourist Commercial in accordance with the Downtown Specific Plan Designation. ~~Any Downtown Specific Plan designation on this site should emphasize tourist commercial uses.~~ Any development on this site shall provide at a minimum a twenty-five foot wide public pedestrian easement which extends from the existing pedestrian bridge at the northeast corner of the site to the edge of the bluffs above Sanjon Road, in accordance with the Downtown Specific Plan. Any development on this site shall be subject to a master plan which addresses bluff stability and setbacks, ridgeline and coastal views from all public vantage points, scenic qualities, building mass and scale, noise, safety, and public access.

[The changes proposed by the City of Ventura in the text above referenced the incorrect baseline/certified LCP language as part of LCP amendment 2-08 submittal. The City incorrectly referenced the site as zoned PMXD. In the City of Ventura LCP Amendment 2-93, the Coastal Commission certified the site with a zoning designation of Commercial-Tourist-Oriented. Therefore, the actual certified LCP language has been corrected above and treated as the text the City proposed to delete, See SBV-MAJ-2-93 and City of Ventura Resolution No. 94-12 and Resolution No. 94-13]

Suggested Modification 3

2007 Downtown Specific Plan (LUP): Add a footnote or other similar reference to each reference to the General Plan within the 2007 Downtown Specific Plan, as follows:

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

Suggested Modification 4

2007 Downtown Specific Plan (LUP): Page I-2, 3rd full paragraph, add the following language:

The Downtown Specific Plan also fulfills the goals, policies, and actions of Ventura's General Plan. However, the 2005 City of Ventura General Plan is only applicable outside of the Coastal Zone. The certified 1989 Comprehensive Plan, as amended, remains applicable to all areas within the Coastal Zone.

Suggested Modification 5

2007 Downtown Specific Plan (LUP): Page III-8, add the following to the "Key to Zone Names" at the bottom of Table III-1:

CTO	refer to DTSP zoning map (Figure III-1) and Municipal Zoning Code Section 24.240 for sites in the coastal zone subject to C-T-O provisions.
------------	---

Suggested Modification 6

2007 Downtown Specific Plan (LUP), Page I-26, 2nd paragraph:

The largest infill site is approximately 11 vacant acres commonly known as the "Triangle Site" in the southeastern corner of downtown. Due to its unique size and location, the site presents opportunities for certain uses not otherwise available in Downtown. In addition, any development project at the site must emphasize visitor-serving uses. Therefore, future development and uses must be carefully considered for this site, see Focus Area C on pg. I-47 for a more detailed discussion.

Suggested Modification 7

2007 Downtown Specific Plan (LUP), Page I-43, 1st paragraph:

Four "focus areas" have been identified to meet the goals of the Specific Plan. They represent specific commercial, mixed-use, infill, visitor-serving and redevelopment opportunities that extend beyond a single-phase development and could have the same regional impact as Catalytic Projects.

Suggested Modification 8

2007 Downtown Specific Plan (LUP), Page I-45, Focus Area C- The Triangle Site, shall be modified as follows:

At approximately 11 acres, the Triangle Site represents the largest undeveloped area in Downtown and its ultimate buildout provides an important opportunity to achieve the goals

of this plan. The site has incredible ocean views, but constraints include adjacency to Highway 101 and the railroad and limited access from major roads. Development of the site must include ~~a mix of uses, including~~ provision of public access, visitor-serving uses and/or public recreational uses, such as a bluff-top park and improved public amenities at the northern terminus of Ash Street pedestrian bridge, which provides coastal access over Hwy 101. Key issues to be addressed during development of this area are:

- Extending the street grid to the North across the railroad
- Facilitating pedestrian, bike and vehicular connections between the Downtown core and the beach;
- Addressing noise impacts associated with Hwy 101 and the railroad;
- ~~Establishing a mix of uses;~~
- Prioritizing visitor-serving uses;
- Provision of public recreational or open space; and
- Public corridor view protection.

Suggested Modification 9

2007 Downtown Specific Plan (LUP), Page I-45, 1st paragraph, Focus Area D- Beachfront Promenade, shall be modified as follows:

...The area between the newly renovated Crowne Plaza hotel and the pier, including the parking structure and parking lot should be considered for redevelopment with visitor-serving uses and provisions for public access.

Suggested Modification 10

Downtown Specific Plan (LUP), Page III-29, Section C. Eastside Workplace, shall be modified as follows:

1. This area occurs around Ventura's oldest industrial hub near Front Street and Southern Pacific Railroad; as shown on the Regulating Plan (Page III-9, Figure III-1). ~~This area also includes the Triangle Site.~~

Suggested Modification 11

2007 Downtown Specific Plan (LUP), Page III-5, last paragraph, shall be modified as follows:

The Development Code, ~~on the whole,~~ functions separately from the City's conventional Zoning Regulations, except for parcels designated C-T-O within the Coastal Zone (see Page III-8, Table III-1 "Regulating Plan"). As a departure from the 1993 Downtown Specific Plan, every evaluation standard necessary to design a project is now located within this plan. However, to provide for smooth administration of the Code, this plan continues to rely upon the Chapter 24 Zoning Regulations for permit processing procedures (e.g., noticing, hearing, appeals, and expiration procedures.) Zoning Regulation evaluation standards are

relied upon in limited and unique circumstances as noted throughout the Code, including the parcels within the C-T-O zone, as referenced by the zoning map depicted as Figure III-1 "Regulating Plan," subject to the provisions of Municipal Code Section 24.240.

Suggested Modification 12

2007 Downtown Specific Plan (LUP), Page II-40, Policy 8A, add the following language to Policy 8A:

Development in the City of Ventura shall be sited and designed to minimize hazards from wave uprush and from geologic hazards including seismic hazards such as liquefaction.

New development shall minimize risks to life and property in areas of high geologic, flood, or fire hazard. Development shall assure stability and structural integrity and neither nor create, nor contribute significantly, to erosion, geologic instability or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs. Development shall proceed only if the Director of the Department of Building and Safety determines that there is sufficient evidence that the structure may be constructed and maintained safely. All development shall employ earthquake resistant construction and engineering practices.

Development along the promenade, pier, and beach areas within the City of Ventura shall provide, in advance of any new development approvals or re-development approvals, erosion and wave uprush studies based upon projections of the range of sea level rise that can be expected (at rates ranging from 5 to 15 mm/yr) within the reasonable economic life of the structure (normally 75 years). The Planning Director may waive such studies on the basis of information contained in a certified EIR for the Promenade or Pier area, if such EIR includes maps of all areas in the City potentially impacted by storm waves and sea level rise and such maps include elevations of such impacts and estimation of likelihood of such events. All structures shall be sited and designed to minimize destruction of life and property during likely inundation events.

All development located within the tsunami inundation zone as identified by the most recent state or local California Emergency Management maps or, below elevation 15 feet above mean sea level shall provide information concerning the height and force of likely tsunami run-up on the property. The Director may waive this requirement if he or she determines that accurate maps concerning the extent, velocity, and depth of likely tsunami run-up is available in a certified EIR that addresses all promenade, pier, and beach areas of the City. The Director shall require all development located within a possible tsunami run-up zone to install, as appropriate, warning systems and other measures to minimize loss of life due to a tsunami.

V. 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 13

2007 Downtown Specific Plan: Page III-9, Figure III-1, Revise the zoning map (IP) to retain the C-T-O (Commercial-Tourist-Oriented) and add a C-T-O designation on the Legend for the following sites: (1) the Triangle site, (2) the Promenade Site located east of California Street (between the terminus of California Street and the pier), (3) the vacant site adjacent to Figueroa Street south of the Railroad tracks and fronting the Promenade ("Figueroa Street Site"), (4) the Pierpont site (the parcel located at the northeast corner of Sanjon Road and Harbor Blvd intersection), and (5) the Promenade Site located west of California Street (where the Crowne Plaza hotel is currently located).

[As Shown on Exhibit 3]

Suggested Modification 14

2007 Downtown Specific Plan: The Triangle Site shall be removed from the Eastside Workplace Overlay, as shown on Page III-9, Figure III-1.

Suggested Modification 15

The following section shall be added to the 2007 Downtown Specific Plan Development Code (IP), Article VII, Section 7.70.000 Timeshare, page III-105 and 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 use overnight visitor accommodations and subject to the specific regulations in Municipal Zoning Code Section 24.310.050

Suggested Modification 16

The current provision of Section 24.310.050 of the Municipal Zoning Code (IP) 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.

Suggested Modification 17

2007 Downtown Specific Plan Development Code (IP), Article VIII, Section 8.10.040 Approval Requirements, page III-112, shall be modified as follows:

~~E. Development in coastal zone. Coastal Development Permit approval shall be required based upon whether a property is located north or south of the U.S. Highway 101. All development proposals located south of the U.S. Highway 101 shall require a Coastal Development Permit approval by the Planning Commission. All development proposals located north of the U.S. Highway 101 and within the Coastal Zone shall not require Administrative Coastal Development Permit for Coastal Development permit approval unless a Warrant or Exception is requested. In such cases, all Warrant requests located north of U.S. Highway 101 shall also require an Administrative Coastal Development Permit; all Exception requests located north of U.S. Highway 101 shall also require Coastal Development Permit approval. Zoning Ordinance Chapter 24.515 (Coastal Permit Procedure) specifies the Administrative Coastal Development Permit and Coastal Development Permit processing procedure. All development in the coastal zone must adhere to coastal permit approval procedures specified in Zoning Ordinance Chapter 24.515.~~

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

A. AMENDMENT DESCRIPTION AND BACKGROUND

1. Description of LCPA Submittal

The amendment involves changes to the text of the City of San Buenaventura ("City of Ventura") Land Use Plan (Downtown Specific Plan and Comprehensive Plan), and the Zoning Ordinance and Zoning Map that comprise the LCP's Implementation Program. Specifically, the City is requesting an amendment to the Coastal Land Use Plan (LUP) and Implementation Plan (IP) portions of its certified Local Coastal Program (LCP) to: 1) replace the previously certified "1993 Downtown Specific Plan" policies and implementation measures with the new "2007 Downtown Specific Plan" land use policies and implementation measures and 2) modify portions of the certified 1989 Comprehensive Plan (LUP) land use policies and background sections, as described below.

Proposed Downtown Specific Plan Amendment

The 2007 Downtown Specific Plan is an amendment to both the Land Use Plan (LUP) and Implementation Plan (IP) of the Local Coastal Program (LCP) for the City of Ventura that will be applicable within the downtown area. The City proposes to replace the previously certified "1993 Downtown Specific Plan" with the new "2007 Downtown Specific Plan", which contains both updated land use plan policies and implementation measures. The 2007 Downtown Specific Plan is organized into five different sections: (1) an overview, (2) planning goals and policies, (3) development code amendments, (4) a new streetscape plan, and (5) programs and implementation techniques. In addition, the planning goals and policies section is further divided into eight areas, including: (a) *Ventura's Unique Character*, (b) *California's New Art City*, (c) *Animating the Public Realm*, (d) *Economic Vitality*, (e) *Housing Renaissance*, (f) *Mobility in Transportation*, (g) *"Park Once" Parking Management Strategy*, and (h) *Sustainable Infrastructure*.

The new 2007 Downtown Specific Plan (LUP&IP) identifies new "Urban Standards" that will serve as both land use plan policies and implementation plan measures in the downtown area. To implement these new land use plan policies and implementation plan measures, the new 2007 Downtown Specific Plan proposes to utilize a new "transect based" development code or form based code. Unlike conventional zoning standards which focuses on land-use designations, "transect based" development code allows for increased flexibility in the types of allowable development on a site while regulating building forms and architectural standards and styles. The proposed amendment includes new overlay zones and mixed-type development standards for certain downtown neighborhoods and identifies new building types, frontage types, design guidelines, and other physical standards (parking, yards, temporary uses, home occupations, nonconformity regulations, outdoor dining in the public right-of-way, timeshare, wireless telecommunications facilities, and animals). Thus, as proposed, the new code of the

proposed 2007 Downtown Specific Plan would supersede and replace all previous land use and zoning designations in the downtown area. As proposed, the Downtown Specific Plan would rely upon the Chapter 24 municipal zoning regulations for permit processing procedures (e.g, noticing, hearing, appeals, and expiration procedures) and is intended to implement the policies and provisions of the City's certified Land Use Plan. The 2007 Downtown Specific Plan also contains an amendment to the zoning map for all parcels within the Downtown Specific Plan area.

Proposed 1989 Comprehensive Plan Amendment

The City proposes to amend the 1989 Comprehensive Plan portion of the certified land use plan to modify the Intent and Rationale background and policy statements for the Catalina and Downtown Communities, expand the Downtown Specific Plan area boundary on the Land Use Plan map, and modify the Circulation Plan map. **(Exhibit 2).**

The City Council adopted the resolutions and ordinances that constitute the currently proposed amendment (Resolution Nos. 2007-017 (DTSP), 2007-015 (Comprehensive Plan, 2007-008 (Zoning District Map), and 2007-009 (Municipal Code Zoning Regulations)) on March 19, 2007. **(Exhibits 4,5,6 &7).**

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 certified 1989 Comprehensive Plan is the current Local Coastal Program Land Use Plan for areas of the City of Ventura within the Coastal Zone, which includes most of the Downtown Specific Plan area. The 1993 Downtown Specific Plan is a specific plan for the City's downtown area only and constitutes a component of the certified Land Use Plan.

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 never 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 (with 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.

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, including a public promenade, beach, and pier. 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. The proposed LCP amendment, as submitted by the City, includes changes that raise issues regarding public access and lower cost visitor and recreational policies within the City of Ventura. The primary change involves amending the City's certified Implementation Plan (pursuant to the new proposed 2007 Downtown Specific Plan) to utilize a new transect-based development code for the downtown area. However, as proposed, the new transect-based development 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 (pursuant to the 2007 Downtown Specific Plan) would allow for the future conversion of land currently designated for visitor-serving commercial development and visitor-serving overnight accommodations to lower-priority uses, such as residential development or limited overnight accommodations (i.e., condominium hotels, fractional ownership hotels, or timeshares), which adversely impact the stock of overnight visitor accommodations.

Commercial-Tourist-Oriented Designation

This proposed amendment raises issues with regard to Coastal Act policies that prioritize visitor-serving commercial and recreational facilities over private residential, general industrial or general commercial development. It also raises issues with regard to the specific policies of the Land Use Plan that require protection of public access, visitor-serving commercial and recreational opportunities. The proposed 2007 Downtown Specific Plan amendment changes the zoning designation of all sites within the City's downtown area from traditional zone designations, dependent upon use, to transect-based zone designations. 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 areas of the downtown. 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 downtown area, the Coastal Act prioritizes public access and visitor-serving uses in the Coastal Zone, 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 the downtown.

The Coastal Act, as well as the City's Land Use Plan standards, prioritize certain sites within the City for public access, visitor-serving commercial, and recreational opportunities. In particular, the City's current zoning code designates a handful of sites, both developed and undeveloped, within the downtown area as Commercial-Tourist-Oriented ("CTO"). The CTO designation emphasizes visitor-serving commercial and recreational facilities and does not allow residential use. The permitted uses include a variety of uses, such as administrative, business, and professional services; automotive businesses, food and beverage establishments and retail sales, government services, personal services, recreational services, recycling services, and shopping centers. (Municipal Code Section 24.240.020).

Specifically, it is of particular importance to retain the CTO zone of five sites in the downtown area, which include (1) the Triangle site, (2) the Promenade Site located east of California Street (between the terminus of California Street and the pier), (3) the vacant site adjacent to Figueroa Street south of the Railroad tracks and fronting the Promenade ("Figueroa Street Site"), (4) the Pierpont site (the parcel located at the northeast corner of Sanjon Road and Harbor Blvd intersection), and (5) the Promenade Site located west of California Street (where the Crowne Plaza hotel is currently located). (**Exhibit 3**) The Pierpont Hotel site and the Crowne Plaza Hotel site are currently developed with hotels. However, it is essential to assure that these sites retain their visitor-serving priority use in order to prevent potential future conversion to lower-priority uses, such as residential development. Three of these sites: the Crowne Plaza Hotel (developed with a 260 room hotel), the parcels located between the terminus of California Street and the Pier, and the parcel adjacent to Figueroa Street, south of the railroad, and fronting the Promenade, are ideally located for visitor-serving uses. These three sites are located adjacent to the beach and the Promenade. Moreover, these sites are within walking distance of the Ventura Pier and other beach amenities, as well as to the downtown core, Main Street, and the County Fairgrounds. The City has informed Commission staff that they are currently reviewing a permit application for development of the parcel adjacent to Figueroa Street where a new Embassy Suites hotel is proposed. The historic Pierpont Hotel site, currently developed with a 77 room hotel, is important because it is easily accessible from main thoroughfares, it is visible from the freeway, and it has views of the Pacific Ocean.

Therefore, to ensure that the CTO zone is retained on these sites and visitor-serving uses are given priority, **Suggested Modifications 5, 9, and 11** reflect changes to the land use policy text of the 2007 plan so that it reflects the visitor-serving priority uses consistent with the 1989 Comprehensive Plan land use plan text. **Suggested Modification 1** corrects a 1989 Comprehensive Plan reference to reflect the correct previously certified CTO zone designation. Further, **Suggested Modification 13** proposes changes to the zoning map to retain the CTO zone designation for the five parcels identified above.

Further, currently certified LCP pinpoints the "Triangle Site," in particular, as an important site for visitor-serving commercial use. 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 (**Exhibit 3**). 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. The certified 1993 Downtown Specific Plan specifically states that Triangle Site is an appropriate location for future construction of visitor-serving uses such as hotels and other over-night accommodations. The certified 1993 Downtown Specific Plan states (in relevant part):

The Triangle Site's close proximity to San Buenaventura State Beach and Ventura Pier, and its dramatic, bluff-top views of the Ocean make it especially desirable for tourist accommodations. The Specific Plan identifies the Triangle Site as a preferred location for hotels, inns, and time-share condominiums, consistent with some aspects of its pre-Plan C-T-O (Commercial-Tourist-Oriented) zoning designation.

Additionally, the 1989 Comprehensive Plan portion of the LCP also specifically points out the importance of this site for visitor-serving uses. The Downtown Community portion of the Land Use Element, Land Use Policies (Section III-5) states:

The approximately eight-acre vacant site located west of Sanjon Road and south of the Railroad is designated Planned Commercial-Tourist-Oriented in order to protect this site for recreational and visitor-serving commercial uses. Any development of this site shall be Tourist Commercial in accordance with the Downtown Specific Plan Designation. Any development on this site shall provide at a minimum a twenty-five foot wide public pedestrian easement which extends from the existing pedestrian bridge at the northeast corner of the site to the edge of the bluffs above Sanjon Road, in accordance with the Downtown Specific Plan. Any development on this site shall be subject to a master plan which addresses bluff stability and setbacks, ridgeline and coastal views from all public vantage points, scenic qualities, building mass and scale, noise, safety, and public access.

In its submittal of this proposed amendment, the City used an incorrect and uncertified version of its Comprehensive Plan to describe how the proposed amendment would revise the current language of the Comprehensive Plan in regards to the "Triangle Site". Specifically, in its proposed changes to the text of the Comprehensive Plan, the City proposes to redesignate the "Triangle Site" from "Planned Mixed-Use Development" (PMXD) to "T4.3 Urban General 3," which would allow for a wide mix of uses on site, including residential development. However, pursuant to the actual certified Comprehensive Plan, the site is not currently designated PMXD, but is correctly designated "Planned-Commercial-Tourist Oriented" (CTO). Although the City originally proposed to designate the land use for the "Triangle Site" as PMXD in City of Ventura's LCP Amendment 2-93, the Coastal Commission specifically approved the amendment with a suggested modification to re-designate the land use for this site from PMXD to Planned-Tourist-Commercial, in order to prevent the potential conversion of the site to lower priority residential use. Moreover, the City formally accepted all suggested modifications related to LCP Amendment 2-93 pursuant to City of Ventura Resolution No. 94-12 and Resolution No. 94-13. Therefore, the "baseline" certified LCP language cited as part of this proposed amendment, as described above, has been corrected pursuant to **Suggested Modification 2.**

Moreover, as proposed, the City's LCP amendment would change the "Triangle Site" zone from a Tourist-Oriented Commercial (CTO) zone (IP) to the transect-based zone, "Urban General 3" ("T 4.3") (which includes both general land use policies and implementing ordinances, within the Eastside Workplace Overlay area, a new overlay, in the 2007 Downtown Specific Plan. The T4.3 transect would allow for a wide mix of uses including: Single Family/Carriage House, Special Residential, Timeshare, Bed & Breakfast, Civic, Community Meeting, Corner Store, Daycare, Farmers Market, Home Occupation, Lodging, Medical/Dental, Multi-Family, Office, Parks & Recreation, Recycling, Restaurant, Retail, Trade School, Light Industrial, and Wholesale/Distribution (Table III-1, page III-8). The Eastside Workplace Overlay area within the 2007 Downtown Specific Plan is a "Flex Use Overlay" that is intended to "provide for limited commercial uses". Thus, although the new proposed transect (LUP and IP) for the site would still allow for some potential commercial development on the "Triangle Site", it would also potential allow for the conversion of some, or all, of site from CTO to residential development, inconsistent with the provisions of the certified LUP and the public access and recreation policies of the Coastal Act, which are both the standard of review for the 2007 Downtown Specific Plan.

The City has previously sought to develop this site with a mix of uses. In 1994, the Commission denied a previous request by the City of Ventura to allow mixed-use residential development on the Triangle Site (LCPA SBV-MAJ-2-93, Denial as Submitted and Approval with Suggested Modifications). The Commission found that a mixed-use land use and zone on the site would not be appropriate because it would allow residential use, which would have adverse impacts to public access and recreation, due to the potential privatization of the site and conversion of land from tourist-oriented commercial uses to the lower priority use of the site for residential development. In response to several meetings between Commission staff and City staff discussing a potential mix of uses on the site, the City has recently revised the proposed amendment to include the request to allow a mixed-use development on the Triangle Site, with a specific transect designation of Urban General 3- Triangle Overlay ("T4.3-TO"). As now proposed, this transect would still potentially allow for CTO uses on any portion of the site, it would only require that approximately 25% of the site actually be reserved exclusively for CTO uses, whereas, the remaining 75% of the site could be converted to a wide mix of uses, including new residential development. The City has also proposed that the new "Triangle Site" transect include a promenade extension along the bluff and a pedestrian civic space adjacent to the pedestrian bridge. The City asserts that solely a visitor-serving use land use designation and zone has been historically unattractive to potential developers and investors. According to the City, although the Triangle Site is within close proximity to the beach, the adjacency of the 101 Freeway, train tracks, and the existence of numerous other better located hotel and guest accommodation opportunities do not make the site attractive for hotel, motel, or similar tourist serving accommodations. However, 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 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 and

public access elements. The major Coastal Act concern raised by the proposed amendment request is that it provides no means to maintain an adequate level of visitor-serving commercial uses, adequate parking, and public access on site consistent with the policies of both the certified LUP and the Coastal Act priorities. 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. Thus, **Suggested Modification 2** to the 1989 Comprehensive Plan (LUP) and **Suggested Modifications 6, 7, 8, 10, and 14** to the proposed 2007 Downtown Specific Plan (LUP portion) revise the land use plan policies related to the Triangle Site to assure that visitor-serving commercial uses retain priority over other lower priority uses, such as residential. **Suggested Modification 2** to the 1989 Comprehensive Plan amends background policy language, related to the Triangle Site, wherein the City's LCP Amendment submittal referenced the incorrect baseline/certified LCP language as part of the 2-08 submittal, as described above. **Modifications 6, 7, 8, and 10** add policy language to descriptions of the Triangle Site in the 2007 Downtown Specific Plan to ensure that visitor-serving uses are emphasized on the site in conformance with the Coastal Act Policies cited above, which are the standard of review for these land use plan suggested modifications. **Suggested Modification 14** suggests a change to zone map (**Exhibit 4, Figure III-1**) to reflect that the Triangle Site be removed from the Eastside Workplace Overlay to clarify that the site is no longer part of the transect code and retains the CTO designation.

Thus, for the reasons discussed above, this amendment, as proposed, would diminish the visitor-serving potential of both the subject sites and the surrounding beachside community, contrary to Sections 30210, 30213, 30222, and 30223 of the Coastal Act. Therefore, **Suggested Modifications 1, 2, 5-11, 13, and 14** are necessary to ensure that a balance of uses consistent with Coastal Act priorities, including adequate visitor-serving commercial uses and public access requirements ensured by the "CTO" zone designation, are retained in the LCP. Thus the Commission finds that the proposed amendment to the certified City of San Buenaventura LCP, only with the above referenced suggested modifications, is consistent with policies 30210, 30213, 30222, 30223, and 30251 of the Coastal Act, and the relevant policies of the certified City of San Buenaventura LUP, only if it is modified as presented in the findings above.

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 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 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 downtown area 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 LCP, as submitted, does not conform with Section 30213 of Chapter 3 of the Coastal Act.

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 16** 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 16** 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. **Suggested Modification 16** 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 16**.

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 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.

City of Ventura
Local Coastal Program Amendment 2-08
Page 30

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 16** 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 downtown 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 Modifications 2, 5, 6, 7, 8, 9, 11, 13, 15, and 16** are necessary to retain the designation of certain parcels within the City for commercial visitor-serving uses. Moreover, **Suggested Modification 16** will serve to maintain visitor-serving, overnight accommodations within the portion of the City's downtown 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 16** 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.

Further, the Commission finds that it is necessary to require suggested modifications that apply to limited use overnight visitor accommodations broadly. **Suggested Modification 16** 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 16** 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 16** 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.

Furthermore, as proposed, the 2007 Downtown Specific Plan includes a new provision that would exempt all new development within the Coastal Zone located north of Highway 101 from all coastal development permit requirements. Clearly, this component of the proposed amendment to the City's certified Zoning Ordinance/Implementation Plan not be adequate

to carry out the provisions of the certified Land Use Plan and would undermine the Coastal Act and certified LCP policies related to public access, recreation, and priority visitor-serving uses. To clarify that all areas in the Coastal Zone are subject to the LCP land use policies and implementation measures, and that a coastal development permit is necessary for all new development within the Coastal Zone, **Suggested Modification 17** modifies the proposed implementation language to assure that a coastal development permit is obtained for all development in compliance with permit approval procedures outlined in Municipal Zoning Ordinance Chapter 24.515.

Additionally, the proposed 2007 Downtown Specific Plan does not clearly indicate the standard of review for development within the Coastal Zone, which includes the priority uses identified above for public access, recreation, and visitor-serving uses. The proposed 2007 Downtown Specific Plan includes geographic areas that are located both within and outside of the Coastal Zone. However, the proposed Downtown Specific Plan 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 Modification 3** and **Suggested Modification 4** are necessary to clarify that, within the Coastal Zone, the Downtown Specific Plan 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 LUP amendment be found to be consistent with Sections 30210, 30213 and 30222 and all the public access and recreation policies of the Coastal Act and the proposed LIP changes consistent with the certified LUP provisions related to public access and recreation policies and priority visitor serving uses.

C. COASTAL HAZARDS AND SHORELINE PROCESSES

In regards to the coastal hazards and shoreline processes, Section **30235** of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

In addition, Section **30253** of the Coastal Act states, in part, that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Additionally, the certified LUP also contains policies related to coastal hazards. The 1993 Downtown Specific Plan, Chapter VII. Conservation Element states:

Geologic

(1) To reduce potential loss of life and damage due to a tsunami, the City shall continue participation in the Seismic Sea Wave Warning System, prohibit construction of critical service structures (hospitals, fire stations, police stations, etc.) in the tsunami hazard zone, and continue development and maintenance of a City-wide warning and evacuation plan as part of the Emergency Preparedness Plan.

Biological Resources and Coastal Processes

(5) Coastal developments adjacent to the beach shall be designed to minimize, to the extent feasible, the use of revetments, seawalls or other coastline protective devices. In cases where some coastal protection is necessary, studies shall be conducted to determine the least disruptive protective alternative and to design methods for either eliminating or mitigating impacts associated with local or regional sand supply.

...

(7) With the exception of the temporary uses or facilities or restaurant facilities itemized in Policy 8, new development along the coastline shall be set back at least 100 feet from the mean high tide line (except Pier development). To prevent installation of coastal protection facilities in the future, facilities adjacent to the coast should be set back in areas of active erosion to afford at least 50 (and preferably 75) years of effective life for any new structure. In cases where buildings are to be situated near any zone of active erosion or in cases where urban design objectives may conflict with these setbacks, studies shall be required to determine erosion rates and necessary setbacks.

Geologic Hazards

(1) For development situated within Alquist-Priolo or secondary fault hazard zones, developers shall submit a complete geotechnical foundation investigation prepared by a California Certified Engineering Geologist and Geotechnical Engineer. The investigation shall concentrate on specific foundation design recommendations including pile type, capacity, and testing. The investigation shall include specific recommendations for structural support which will minimize the potential seismic and liquefaction impacts on the building and parking structures in accordance with Sections 3122.5 and 3142.1 of the San Buenaventura Ordinance Code. The geotechnical engineer shall review the

structural foundation plans for conformance with the investigation's recommendations, and perform site inspections during foundation construction...

Sea level rise is an important consideration for the planning and design of projects in coastal settings. Such changes in sea level will exacerbate the frequency and intensity of wave energy received at shoreline sites, including both storm surge and tsunamis, resulting in accelerated coastal erosion and flooding. There are many useful records of historic sea level change, but no certainty about how these trends will change with possible large increases in atmospheric greenhouse gas emissions and air temperatures. Notwithstanding the controversy and uncertainties about future global or local sea levels, guidance on how to address sea level rise in planning and permitting process is evolving as new information on climate change and related oceanic responses become available.

The Commission, like many other permitting agencies, has undertaken past assessments of sea level rise effects using the principle of “uniformitarianism” as guidance – that natural processes such as erosion, deposition, and sea level changes occur at relatively uniform rates over time rather than in episodic or sudden catastrophic events. As a result, future ocean surface elevations have been extrapolated from current levels using historical rates of sea level rise measured over the last century. For much of the California coast, this equates to a rate of about eight inches per one hundred years. Rates of up to one foot per century have typically been used to account for regional variation and to provide for some degree of uncertainty in the form of a safety factor.

Most climate models now project that the historic trends for sea level rise, or even a 50% increase over historic trends, will be at the very low end of possible future sea level rise by 2100. Satellite observations of global sea level have shown sea level changes since 1993 to be almost twice the changes observed by tide gauge records over the past century. Recent observations from the polar regions show rapid loss of some large ice sheets and increases in the discharge of glacial melt. The 2007 Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC) notes that sea level rise by 7 to 23 inches from 1990 to 2100, provided that there is no accelerated loss of ice from Greenland and west Antarctica¹. Sea level rise could be even higher if there is a rapid loss of ice in these two key regions.

The IPCC findings expanded to incorporate some increase in sea level rise by accelerated ice melt through a 2007 report prepared by Dr. Stefan Rahmstorf of the Potsdam Institute for Climate Impact Research (Rahmstorf Report). This report has become the central reference point for much of recent sea level planning. The Rahmstorf Report developed a quasi-empirical relationship between historic temperature and sea level change. Using the temperature changes projected for the various IPCC scenarios, and assuming that the historic relationship between temperature and sea level would continue into the future, he projected that by 2100 sea level rise could be between 0.5 meters and 1.4 meters (20 inches and 55 inches) higher than the 1990 levels (for a rate of 5 to 13 mm/year). These projections for future sea level rise anticipate that the increase in sea level from 1990 to 2050 will be from about 20 cm to 43 cm (8 inches to 17 inches) which equates to an

¹ The IPCC is a scientific intergovernmental body established by the World Meteorological Organization (WMO) and the United Nations Environmental Programme to provide the decision-makers and others interested in climate change with an objective source of information about climate change; <http://www.ipcc.ch/ipccreports/assessments-reports.htm>

annual rate of 3 mm to 7 mm per year; from 1990 to 2075 the increase in sea level would be from about 33 cm to 79 cm (13 inches to 31 inches) which equates to an annual rate of 4 mm to 9 mm per year and that the most rapid change in sea level will occur toward the end of the 21st century. Most recent sea level rise projections show the same trend as the projections by Rahmstorf – that as the time period increases the rate of rise increases, and that the second half of the 21st century can be expected to have a more rapid rise in sea level rise than the first half.

Several recent studies have projected future sea level to rise as much as 1.4 m (4.6 feet) from 1990 to 2100. For example, in California, the Independent Science Board (ISB) for the Delta Vision Plan has used the Rhamstorf Report projections recommending that for projects in the San Francisco Delta a rise of 0.2 m to 0.4 m (0.8 to 1.3 feet) by 2050 and a rise of 0.5 m to 1.4 m (1.7 to 4.6 feet) by 2100 be used for planning purposes². This report also recommends that major projects use the higher values to be conservative, and that some projects might even consider sea level projections beyond the year 2100 time period. The ISB also recommends “developing a system that cannot only withstand a design sea level rise, but also minimizes damages and loss of life for low-probability events or unforeseen circumstances that exceed design standards. Finally the board recommends the specific incorporation of the potential for higher-than-expected sea level rise rates into long term infrastructure planning and design.”

The Rhamstorf Report was also cited in the California Climate Action Team's Climate Change Scenarios for estimating the likely changes range for sea level rise by 2100³. Another recent draft report, prepared by Philip Williams and Associates and the Pacific Institute for the Ocean Protection Council, the California Energy Commission's Public Interest Energy Research (PIER) Climate Change Research Program, and other agencies also identifies impacts from rising sea level, especially as related to vulnerability to future coastal erosion and flooding⁴. This report used the Rhamstorf as the basis to examine flooding consequences of both a 1 m (40 inch) and a 1.4 m (55 inch) centurial rise in sea level, and the erosion consequences of a 1.4 m rise in sea level.

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing various state agencies to undertake various studies and assessment toward developing strategies and promulgating development review guidelines for addressing the effects of sea level rise and other climate change impacts along the California coastline⁵.

Concurrently, in the Netherlands, where flooding and rising sea level have been national concerns for many years, the Dutch Cabinet-appointed Deltacommissie has recommended that all flood protection projects consider a regional sea level rise (including local subsidence) of 0.6 m (2.1 feet) to 1.2 m (4.2 feet) by 2100 and 2 m (6.6 feet) to 4 m (13

² Independent Science Board, 2007. Sea Level Rise and Delta Planning, Letter Report from Jeffery Mount to Michael Healey, September 6, 2007, CALFED Bay-Delta Program: http://deltavision.cs.gov/BlueRibbonTask_Force/Sept2007/Handouts/Item_9.pdf

³ Cayan et al. 2009. Draft paper: Climate Change Scenarios and Sea Level Estimates for the California 2008 Climate Change Scenarios Assessment; CEC-500-2009-014-D, 62 pages; <http://www.energy.ca.gov/2009publications/CEC-500-2009-014/CEC-500-2009-014-D.pdf>

⁴ Herberger et al. 2009 Draft paper: The Impacts of Sea Level Rise on the California Coast; California Climate Change Center, California Energy Commission; CEC-500-2009-024-D, March 2009, 99 pages; http://www.pacinst.org/reports/sea_level_rise/index.htm

⁵ Office of the Governor of the State of California, 2008. Executive Order S-13-08; http://gov.ca.gov/index.php?/print-version/executive_order/11036/

feet) by 2200⁶. Again, the Rhamstorf Report was used by the Delta Committee as a basis in developing their findings and recommendations.

Given the general convergence of agreement over the observed and measured geodetic changes world wide in ocean elevations over the last several decades, most of the scientific community has ceased debating the question of whether sea level will rise several feet higher than it is today, but instead is only questioning the time period over which the this rise will occur. However, as the conditions causing sea level rise continue to change rapidly, prognostications of sea level rise are similarly in flux. As a result of this dynamism, anticipated amounts and rates of sea level rise used in project reviews today may be either lower or higher than those that will be utilized ten years from now. This degree of uncertainty will continue until sufficient feedback data inputs are obtained to allow for a clear trend to be discerned from what is now only a complex and highly variable set of model inputs. Accordingly, in the interest of moving forward from the debate over specific rates and amounts of rise to a point where the effects of sea level rise greater than those previously assumed in the past may be considered, one approach is to undertake an analysis of the development project and site to ascertain the point when significant changes to project stability would result based on a series of sea level rise rates. The analysis would be structured to use a variety of sea level rise projections, ranging from the relatively gradual rates of rise by the IPCC and Rhamstorf models, to scenarios involving far more rapid rates of sea level rise based upon accelerated glacial and polar sea and shelf inputs.

For example, for the most typical development projects along the coast (i.e., residential or commercial), consideration of a two to three foot rise in sea level over one hundred years could be assumed to represent the minimum rate of change for design purposes. However, in the interest of investigating adaptive, flexible design options, sensitivity testing should also include assessing the consequences of sea level rise at three to five times greater rates, namely five to six feet per century, for critical facilities or development with a long expected project life. The purpose of this analysis is to determine if there is a “tipping point” at which a given design would rapidly become less stable, and to evaluate what would be the consequences of crossing such a threshold. This type of analysis would make the property owner aware of the limitations, if any, of the initial project design early in the planning process. Depending upon the design life of the development, the economic and technical feasibility of incorporating more protective features, and levels of risk acceptance, the project proponent could propose, or the permitting agency may require, that greater flexibility be provided in the design and siting of the development, or other mitigation be identified, to accommodate the higher rates of sea level rise.

This sea level range approach would also allow accelerated rates of sea level rise to be considered in the analysis of projects. Such evaluations provide some flexibility with regard to the uncertainty concerning sea level rise, providing an approach to analyze a project in the face of uncertainty that would not involve the imposition of mandatory design standards based upon future sea level elevations that may not actually be realized, and allowing flexibility in the acceptable amount of sea level rise for specific projects and for the best available scientific information at the time of review. Given the nonobligatory and adaptive

⁶ Delta Committee of the Kingdom of the Netherlands, 2008. Working Together with Water: A Living Land Builds for its Future, Findings of the Deltacommissie, 2nd Ed. November 2008; <http://www.deltacommissie.com/en/advies>

nature of this approach to hazards avoidance and minimization, as necessitated by such scientific uncertainty, it will remain important to include new information on sea level trends and climate change as iterative data is developed and vetted by the scientific community. Accordingly, any adopted design or siting standards that may be applied to development projects should be re-examined periodically to ensure the standard is consistent with current estimates in the literature before being reapplied to a subsequent project.

Regardless of its particular rate, over time elevated sea level will have a significant influence on the frequency and intensity of coastal flooding and erosion. Accordingly, rising sea level needs to be considered to assure that full consistency with Section 30253 can be attained in the review and approval of new development in shoreline areas.

The certified LCP does not include policies related to coastal development in relation to sea level rise and the LCP provides no specific direction as to how this potential hazard should be reviewed for new proposed coastal development where instability and exposure to flooding risks could be intensified at higher ocean elevations. Without such provisions, the LCP as proposed for amendment would be inconsistent with the policies of Chapter 3 of the Coastal Act.

Therefore, In order to prevent or mitigate the impacts upon new development from coastal hazards and more specifically sea level rise, **Suggested Modification 12** has been recommended to add LUP policies to ensure that to the greatest degree feasible given current scientific uncertainties relating to the variable projected rates of sea level rise, new projects in the City's Coastal Zone area will minimize risks to life and property in areas of high geologic and flooding hazard and not create or contribute to geologic-related instability or destruction by requiring that the effects of sea level rise be quantitatively considered in geologic and other engineering technical evaluations of new development. The suggested modifications to the LUP include a range of sea level rise alternatives to analyze when studying the effects these different sea level rise scenarios may have on proposed new development, and requires new development be sited accordingly to avoid potential future impacts anticipated over the lifetime of the structure.

Additionally, as proposed, the 2007 Downtown Specific Plan includes a new provision that would exempt all new development within the Coastal Zone located north of Highway 101 from all coastal development permit requirements. Clearly, this component of the proposed amendment to the City's certified Zoning Ordinance not be adequate to carry out the provisions of the certified Land Use Plan and would undermine the Coastal Act and certified LCP policies related to coastal hazards. To clarify that all areas in the Coastal Zone are subject to the LCP land use policies and implementation measures, and that a coastal development permit (which includes a review of hazards pursuant to the new policies above_ is necessary for all new development within the Coastal Zone, **Suggested Modification 17** modifies the proposed implementation language to assure that a coastal development permit is obtained for all development in compliance with permit approval procedures outlined in Municipal Zoning Ordinance Chapter 24.515.

Therefore, for the reasons outlined above, the Commission finds that only if modified as suggested, can the proposed LUP amendment be found to be consistent with Sections 30235, and 30253 of the Coastal Act.

D. LAND USE, NEW DEVELOPMENT, AND CUMULATIVE IMPACTS: TRANSIT AND CIRCULATION

1. Coastal Act Policies

Section 30250 of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

... (4) Minimize energy consumption and vehicle miles traveled.

The Coastal Act policies cited above address transit and the need to prioritize provision of convenient public transit and to site and design development in a manner that facilitates provision of public transit. Major coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists. Street, sidewalk, bicycle path, and recreational trail networks (including the Coastal Trail) should be designed and regulated to encourage walking, bicycling, and transit ridership. Commercial and retail developments should be required to design their facilities to encourage walking, bicycling, transit ridership, and ridesharing. For example, developments could locate and design building entries that are convenient to pedestrians and transit riders. Policies need to encourage development to be designed accordingly.

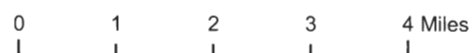
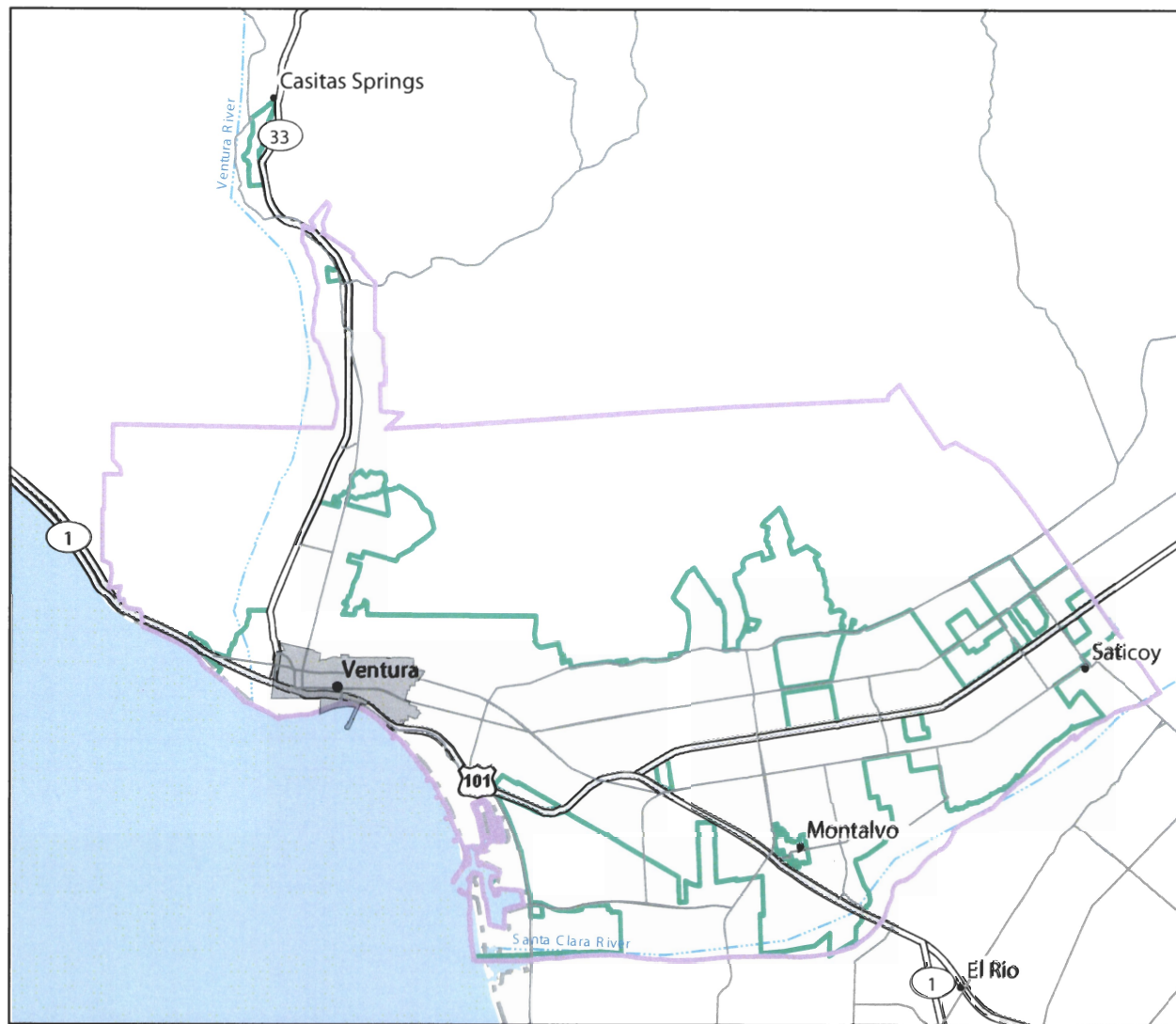
The peak visitor season tends to be during summertime. During these periods, traffic congestion and inadequate parking can impact public access to the beach, bay and other coastal areas. Alternative forms of transit should be available, particularly during these time periods that provide convenient transportation to and along the beach and bay. The certified and submitted LCP amendment contains policies to specifically encourage the provision of alternative forms of transportation, particularly if and when new development creates demand for such service. The submitted 2007 Downtown Specific Plan contains a Chapter on transportation and circulation- “Goal 6: Mobility” which is to “[c]reate an integrated transportation system that effectively serves the Downtown area, making Downtown a place where people prefer to walk, bike or ride public transit than drive a car.” Supporting policies within the chapter relate to providing a multi-modal transit center, improving circulation through new projects and related facilities, supporting local bus services, and facilitating car-sharing programs and promoting alternative resident and transportation modes, as well as creating a Transportation Demand Management Fund (TDM) to be used to develop regional programs to offset air pollutant emissions associated with growth anticipated under the Downtown Specific Plan. The proposed LCP (LUP & IP) also contains a chapter related parking management, “Goal 7: Park Once.” Therefore, the Commission finds that the LUP amendment, as submitted, conforms to Sections 30250, 30252, and 30253 of the Coastal Act and that the LIP, as submitted, conforms to the certified LUP.

VII. 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 2-08 consists of an amendment to both the Land Use Plan (LUP) and the Local Implementation Plan (IP) portions of the certified LCP.

The proposed amendment is to the City of Ventura's certified Local Coastal Program Land Use Plan and 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 Coastal Act and the certified Land Use Plan and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the Coastal Act and certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.



Project Location



Downtown Specific Plan Area



Source: US Bureau of the Census TIGER 2000 data.

Regional Location

2.0 PROJECT DESCRIPTION

The proposed project is the 2006 Downtown Specific Plan (DTSP). The DTSP, replaces the 1993 Downtown Specific Plan, and establishes the community's vision for the development of Downtown Ventura.

This section of the EIR describes the key characteristics of the DTSP, including the project proponent, the geographic extent of the plan, project objectives, required approvals, and the level of growth and development anticipated in Downtown. This section also summarizes the key policy statements that have the potential to result in physical environmental effects.

2.1 PROJECT PROPONENT

City of Ventura
501 Poli Street
Ventura, California 93001

2.2 GEOGRAPHIC EXTENT OF THE SPECIFIC PLAN AREA

The Downtown Specific Plan area is located in the City of Ventura. The City is located in western Ventura County, approximately 60 miles north of Los Angeles and 25 miles south of Santa Barbara. Figure 2-1 shows the location of the City within the southern California region.

The Specific Plan area covers an area of approximately 514 acres bounded generally by the Pacific Ocean to the south; the foothills to the north; State Highway 33 to the west; and Sanjon Road to the east (see Figure 2-2).¹ The Specific Plan area includes the City's entire Redevelopment Project Area. In addition, the majority of properties lie within the Coastal Zone as defined by the California Coastal Act of 1976, and the City's approved Local Coastal Program (LCP).

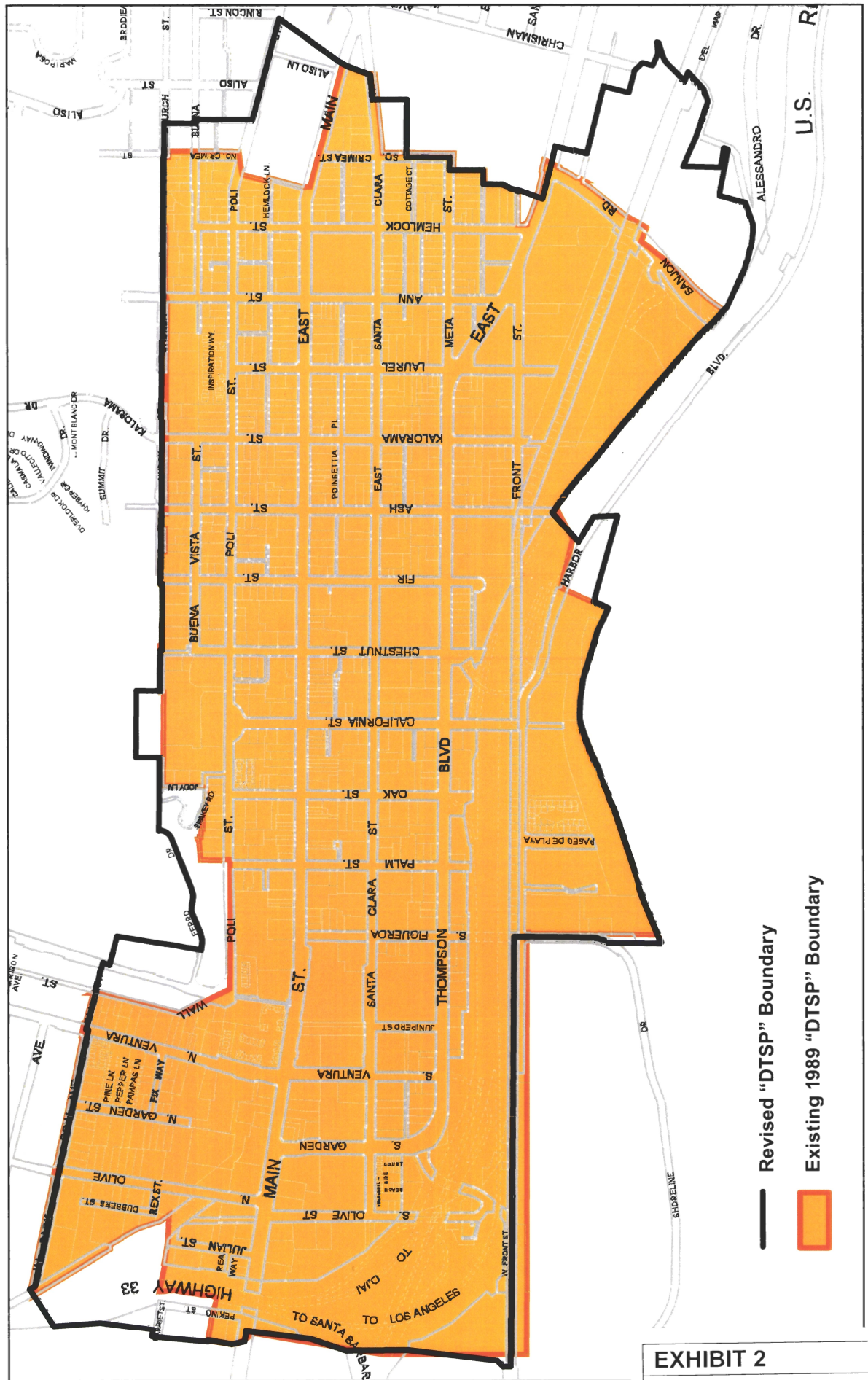
2.3 DOWNTOWN SPECIFIC PLAN OBJECTIVES

The DTSP is intended to function as a policy document to guide land use decisions within the City's Downtown through 2025, tiering off the 2005 General Plan FEIR, which was certified in August 2005. The 2005 General Plan FEIR is incorporated by reference and is available for review at the Community Development Department and on the City's website (http://www.cityofventura.net/depts/comm_dev/enviro_plan/environmental_impact.asp). The DTSP includes goals, policies, and implementation programs, as well as a Development Code, Historic Resource Design Guidelines and a Streetscape Plan for Downtown. The DTSP is designed to implement goals of the General Plan through development intensification (Scenario

¹ The specific plan area has been calculated at 514.4 acres based on the current plan boundary. The boundary shifted slightly after the release of the Draft EIR. In addition, the acreage estimate was revised based on a more refined methodology. The result was a slight reduction in the overall estimated plan area acreage. However, growth estimates for the plan area have not changed and continue to be based upon the estimates included in the 2005 General Plan EIR.

EXHIBIT B AMENDMENT TO THE LAND USE PLAN MAP

DOWNTOWN SPECIFIC PLAN "DTSP" LAND USE DESIGNATION BOUNDARY



— Revised "DTSP" Boundary

Existing 1989 "DTSP" Boundary

ORDINANCE NO. 2007- 008

**AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP FOR
PROPERTY WITHIN THE DOWNTOWN SPECIFIC PLAN AREA AND THE
IMPLEMENTATION PLAN COMPONENT OF THE CITY'S LOCAL COASTAL
PROGRAM**

CASE NO. Z-920

BE IT RESOLVED by the Council 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 as it pertains to the Downtown Specific Plan Area and as identified in attached Exhibit "A."

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information required in the staff report prepared for the March 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 zoning map amendment is consistent with the policies and actions contained in the 2005 General Plan.
- B. The public necessity, convenience, general welfare, and good zoning practice require that the properties be reclassified and will ensure consistency with the 2005 General Plan and the 2007 Downtown Specific Plan.
- C. The adoption of the proposed amendment will help insure the continued livability and vitality of the Downtown and contribute to a memorable city identity.
- D. The proposed zoning 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 amendment would allow for the continued provision of orderly development for the City and development standards that promote the public health, safety, and general welfare.
- F. On February 20, 2007, the Planning Commission following a public hearing reviewed the proposed amendment to the Official Zoning District Map of the City of San Buenaventura as it pertains to the Downtown Specific Plan Area and adopted Resolution No. 8282 recommending that the City Council approve the proposed amendment.

EXHIBIT 4

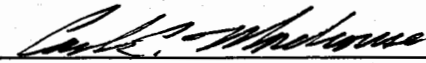
SBV-MAJ-2-08

**Ordinance No. 2007-008
(Proposed Zoning
District Map Changes**

SECTION 3: Based on the foregoing, the City Council hereby amends the Official Zoning District Map of the City of San Buenaventura for all the land in the Downtown Specific Plan area as set forth in the attachment referenced as Exhibit "A," Case No. Z-920, provided that, previously adopted overlay zones within the Downtown Specific Plan area, including but not limited to the Historic District Overlay Zone, be retained in their existing boundaries. The City Council further states its intent that this, and all other actions related to the adoption of the 2006 Downtown Specific Plan and the City's Local Coastal Program, be carried out in full compliance with the California Coastal Act (pursuant to Section 30510[a] of the Act).

SECTION 4: Effective Date. The zone changes depicted in Exhibit "A" and all recommended changes made herein, shall take effect on the 31st day after passage and adoption of this ordinance amending the official zoning district map in all areas of the Downtown Specific Plan, provided that, as applied to areas of the Downtown Specific Plan within the Coastal Zone and regulated by the existing approved Local Coastal Program, the proposed zone changes depicted in Exhibit "A" shall become effective automatically upon Coastal Commission approval thereof.

PASSED AND ADOPTED this 26 day of March 2007.



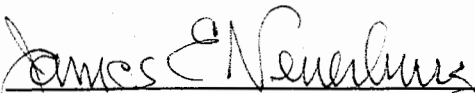
Carl E. Morehouse, Mayor

ATTEST:



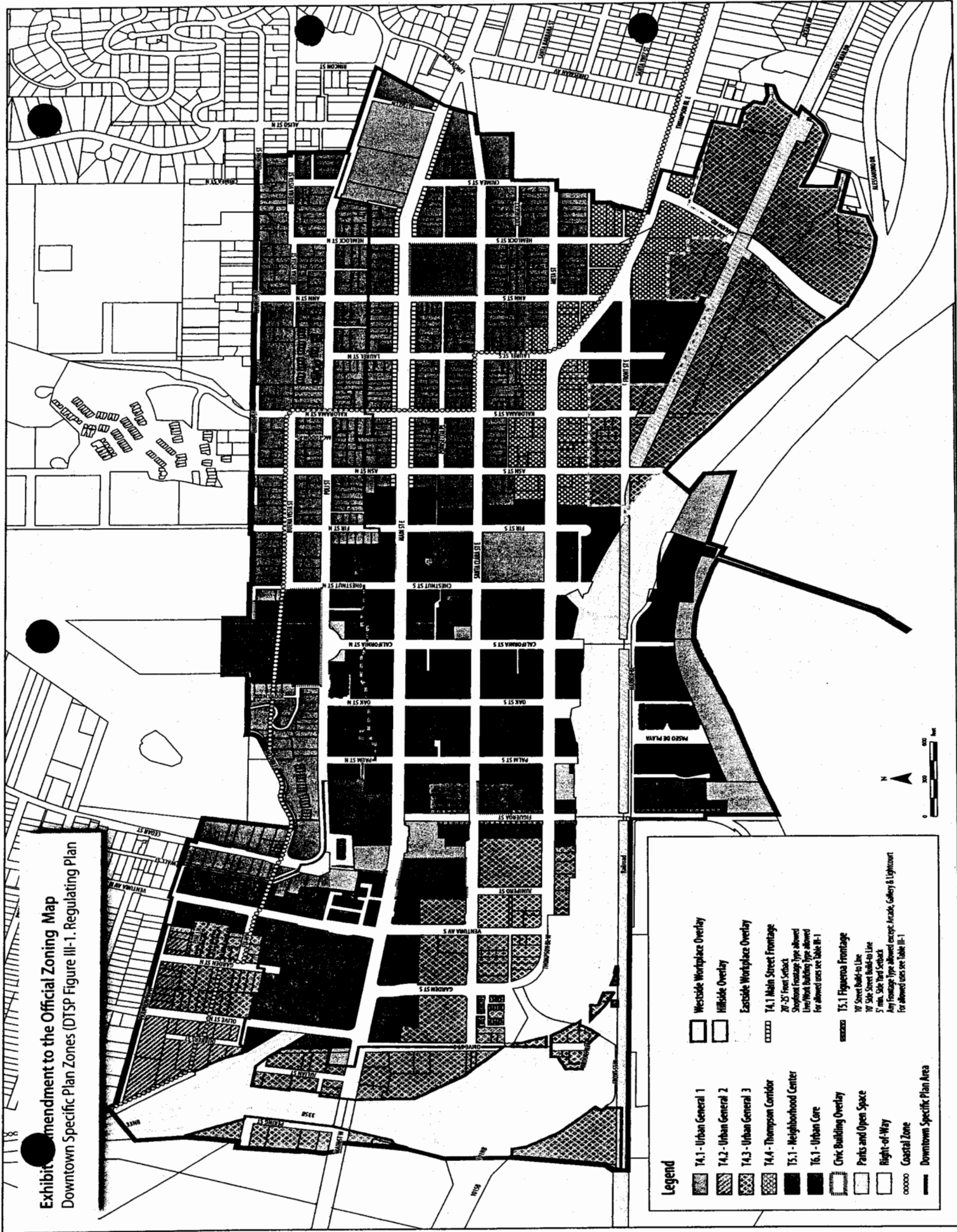
Mabi Covarrubias Plisky, City Clerk

APPROVED AS TO FORM



James E. Neuerburg, Assistant City Attorney II

Exhibit Amendment to the Official Zoning Map Downtown Specific Plan Zones (DTSP Figure III-1. Regulating Plan



Legend

T4.1 - Urban General 1	Westside Workplace Overlay
T4.2 - Urban General 2	Hillside Overlay
T4.3 - Urban General 3	Eastside Workplace Overlay
T4.4 - Thompson Corridor	T4.1 Main Street Frontage
T5.1 - Neighborhood Center	T5.1 Figueroa Frontage
T6.1 - Urban Core	T6.1 Main Street Frontage
Civic Building Overlay	T6.1 Main Street Frontage
Parks and Open Space	T6.1 Main Street Frontage
Right-of-Way	T6.1 Main Street Frontage
Coastal Zone	T6.1 Main Street Frontage
Downtown Specific Plan Area	T6.1 Main Street Frontage

Any frontage type allowed except Inland, Gallery & Lightcourt
For allowed uses see Table III-1

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

I, ELAINE M. PRESTON, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the Council of the City of San Buenaventura, at a regular meeting on March 26, 2007, by the following vote:

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

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on March 27, 2007.



Deputy City Clerk



ORDINANCE NO. 2007-009

**AN ORDINANCE AMENDING DIVISION 24 OF THE MUNICIPAL CODE
(ZONING REGULATIONS) AS IT PERTAINS TO THE IMPLEMENTATION OF
THE DOWNTOWN SPECIFIC PLAN AND THE LOCAL COASTAL PROGRAM**

CASE NO. AO-223

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. The Ordinance Amendment is consistent with the policies and actions contained in the 2005 General Plan.
- B. The Ordinance 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.
- C. The Ordinance Amendment would allow for the continued provision of orderly development for the City and development standards that promote the public health, safety, and general welfare.
- D. The Ordinance Amendment is consistent with the scope identified in the Environmental Impact Report prepared for the 2007 Downtown Specific Plan that was tiered from the 2005 General Plan Environmental Impact Report pursuant to the California Environmental Quality Act. Any potentially significant environmental effects, and mitigation measures therefore, are identified in Final EIR-2462.
- E. The laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to.

SECTION 2: On February 20, 2007, the Planning Commission following a public hearing reviewed the proposed Ordinance Amendment Case No. AO-223, adopting Resolution No. 8283, recommending that the City Council approve the Ordinance Amendment.

SECTION 3: Amendments. Division 24 (Zoning Regulation) sections 24.200.030, 24.200.080, 24.200.090, 24.250.010, 24.250.020, 24.250.030, 24.250.040, 24.250.050, 24.250.060, 24.250.070, 24.250.080, 24.250.090, 24.250.100, 24.250.110, 24.250.120, 24.250.130, 24.250.140, 24.250.150, 24.250.160, 24.250.170, 24.250.180, 24.250.190,

24.250.200, 24.250.210, 24.300.010, 24.300.030, 24.380.010, 24.380.020 24.385.010, 24.385.020, 24.390.010, 24.400.010, and 24.400.020 of the San Buenaventura Municipal Code are hereby amended, added, or replaced as set forth:

SECTION 4: Section 24.200.030 of the San Buenaventura Municipal Code is hereby revised to read as follows:

Sec. 24.200.030. Division of the city into zones.

In order to carry out the purposes of this zoning ordinance, the city is hereby divided into the following zones:

1. R-1--Single Family Zone
2. R-1-B--Single Family Beach Zone
3. R-2--Two Family Zone
4. R-2-B--Two Family Beach Zone
5. R-3--Multiple Family Zone
6. MHP--Mobile Home Park Zone
7. R-P-D--Residential Planned Development Zone
8. P-O--Professional Office Zone
9. C-1--Limited Commercial Zone
10. C-1A--Intermediate Commercial Zone
11. C-2--General Commercial Zone
12. H-C--Harbor Commercial Zone
13. C-T-O--Commercial Tourist Oriented Zone
14. C-P-D--Commercial Planned Development Zone
15. T4.1, T4.2, T4.3, T4.4, T5.1, T6.1, and Parks and Open Space --Zones within the Downtown Specific Plan
16. MXD--Mixed-Use Zone
17. M-1--Limited Industrial Zone
18. M-2--General Industrial Zone
19. M-P-D--Manufacturing Planned Development Zone
20. A--Agricultural Zone
21. H--Hospital Zone
22. P--Parks

SECTION 5: Sections 24.200.080 and 24.200.090 of the San Buenaventura Municipal Code are hereby revised to read as follows:

Sec. 24.200.080. Residential zones.

Unless otherwise specified herein, the following zones, and any subzones included in the following zones, are "residential" zones for the purposes of this zoning ordinance:

1. R-1
2. R-1 B
3. R-2
4. R-2-B
5. R-3
6. MHP
7. R-P-D
8. Those portions of the T4.1, T4.2, T4.3, T4.4, T5.1, & T6.1 zoning districts designated for residential use in the Downtown Specific Plan

Sec. 24.200.090. Commercial zones.

Unless otherwise specified herein, the following zones, and any subzones included in the following zones, are "commercial" zones for the purposes of this zoning ordinance:

1. C-1
2. C-1A
3. C-2
4. H-C
5. C-T-O
6. C-P-D
7. MXD
8. Those portions of the T4.1, T4.2, T4.3, T4.4, T5.1, & T6.1 zoning district designated for commercial use in the Downtown Specific Plan

SECTION 6: Chapter 24.250 of the San Buenaventura Municipal Code is hereby amended in its entirety by being replaced in its entirety with a new chapter 24.250 as follows:

Sec. 24.250.010. Chapter description.

Chapter 24.250 establishes Downtown Specific Plan Area zones and prescribes appropriate uses and other regulations for these zones. The provisions of this chapter are intended to promote the goals, objectives, and policies of the Downtown Specific Plan by incorporating the standards identified in the Development Code set forth in Article II-V for each of the following zones: Urban General 1 ("T4.1") Zone, Main Street

Frontage ("T4.1 Main") Zone, Urban General 2 ("T4.2") Zone, Urban General 3 ("T4.3") Zone, Thompson Corridor ("T4.4") Zone, Neighborhood Center ("T5.1") Zone, Figueroa Street Frontage ("T5.1 Figueroa") Zone, Urban Core ("T6.1") Zone, Parks and Open Space Zone, and Civic Building Reserve Zone, as those standards are set forth in the "Downtown Specific Plan" as adopted by the City Council, and as it may be amended from time to time.

Any applicable overlay zones described in chapters 24.300 through 24.400 may impose regulations in addition to those prescribed by this chapter.

Sec. 24.250.020. Urban Core (T6.1) Zone and Neighborhood Center (T5.1) Zone.

There is hereby established, within the Downtown Specific Plan Area, The Urban Core Zone, also known as the "T6.1" Zone and the Neighborhood Center Zone, also known as the "T5.1" Zone. The Urban Core Zone and Neighborhood Center Zone are intended to implement policies, standards, and guidelines in the Downtown Specific Plan by, among other things, promoting buildings, renovations, and uses that facilitate dense commercial, retail and mixed-use development.

Sec. 24.250.030. Same--Permitted in Urban Core Zone and Neighborhood Center Zone.

The uses permitted in the Urban Core Zone and Neighborhood Center Zone subject to the provisions of this chapter are the uses listed as "Permitted by Right" in Article II of the Downtown Specific Plan, as it may be amended from time to time.

Sec. 24.250.040. Same--Permitted in the Urban Core Zone and Neighborhood Center Zone subject to a use permit.

Within the Urban Core Zone and Neighborhood Center Zone, uses listed in Article II of the Downtown Specific Plan as requiring a "Use Permit" may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520.

Sec. 24.250.050. Same--Special provisions.

A. All uses of land and all other development within the boundaries of the Urban Core Zone or Neighborhood Center zone must comply with all applicable provisions of the Downtown Specific Plan including, without limitation, the Development Code set forth in the plan, all other provisions of the zoning ordinance, and other provisions of law. Where there is any disparity between the applicable provisions of the Downtown Specific Plan and any other provisions of the zoning ordinance, the applicable provisions of the Downtown Specific Plan shall prevail regardless of whether the particular provisions of the Downtown

Specific Plan are more liberal or more restrictive than the disparate zoning provision.

B. All subdivision, public improvement projects, development agreements, and any other discretionary land use permits and other approvals within the Urban Core Zone and Neighborhood Center Zone shall be consistent with the Downtown Specific Plan.

C. Coastal development. All development in the T6.1 and T5.1 zone that is also within the CP Overlay Zone must comply with the provisions of chapter 24.310 and chapter 24.515.

D. Design review. Design review approval must be obtained to the extent required by the Downtown Specific plan and chapter 24.545.

E. Planned development permit. Approval of a planned development permit pursuant to chapter 24.425 is required for any residential condominium conversions in the T6.1 and T5.1 Zone.

Sec. 24.250.070. Standards and guidelines for the Urban Core Zone and Neighborhood Center Zone.

Uses listed in sections 24.250.030 and 24.250.040 as permitted in the Urban Core Zone and Neighborhood Center Zone must comply with the Development Code and all other regulations set forth in the Downtown Specific Plan. Multi-Family Residential development must comply with the standards set forth in the Downtown Specific Plan. All uses should also follow the design guidelines specified in the Downtown Specific Plan.

Sec. 24.250.080. Urban General and Thompson Corridor (T4.1, T4.2, and T4.3, and T4.4) Zones.

There is hereby established, within the Downtown Specific Plan Area, the Urban General zones, also known as T4.1, T4.2, T4.3, or T4.4 zones. The Urban General zones are intended to implement the policies, standards, and guidelines in the Downtown Specific Plan and are scaled primarily toward residential use and neighborhood character, except for T4.4, which is primarily for mixed uses.

Sec. 24.250.090. Same--Permitted in the Urban General and Thompson Corridor Zones.

The uses allowed in the Urban General and Thompson Corridor zones, are those uses listed as "Permitted by Right" in Article II of the Downtown Specific Plan, as it may be amended from time to time.

Sec. 24.250.100. Same--Permitted in the Urban General and Thompson Corridor Zone subject to a use permit.

Within the Urban General and Thompson Corridor zone, uses listed in Article II of the Downtown Specific Plan as requiring a "Use Permit" may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520.

Sec. 24.250.110. Same--Special provisions.

- A. All uses of land and all other development within the boundaries of the Urban General zones and Thompson Corridor must comply with all applicable provisions of the Downtown Specific Plan including, without limitation, the Development Code set forth in the plan, all other provisions of the zoning ordinance, and other provisions of law. Where there is any disparity between the applicable provisions of the Downtown Specific Plan and any other provisions of the zoning ordinance, the applicable provisions of the Downtown Specific Plan shall prevail regardless of whether the particular provisions of the Downtown Specific Plan are more liberal or more restrictive than the disparate zoning provision.
- B. All subdivision, public improvement projects, development agreements, and any other discretionary land use permits and other approvals within the Urban General zones shall be consistent with the Downtown Specific Plan.
- C. Coastal development. All development in the T4.1, T4.2, T4.3, and T4.4 zone that is also within the CP Overlay Zone must comply with the provisions of chapter 24.310 and chapter 24.515.
- D. Design review. Design review approval must be obtained to the extent required by the Downtown Specific plan and chapter 24.545.
- E. Planned development permit. Approval of a planned development permit pursuant to chapter 24.425 is required for any residential condominium conversions in the T4.1, T4.2, T4.3, and T4.4 zone.

Sec. 24.250.120. Standards and guidelines for Urban General and Thompson Corridor Zones.

Uses listed in sections 24.250.090 and 24.250.100 as permitted in the Urban General and Thompson Corridor zones must comply with the Development Code and all other regulations set forth in the Downtown Specific Plan.

Sec. 24.250.130. Main Street Frontage (T4.1 Main) and Figueroa Street Frontage (T5.1 Figueroa) Zones.

There is hereby established, within the Downtown Specific Plan Area, the Main Street Frontage (T4.1 Main) zone and Figueroa Street Frontage (T5.1 Figueroa) zone. The Main Street Frontage and Figueroa Street Frontage zones are intended to implement the policies, standards, and guidelines established by the Downtown Specific Plan, which, among other things, regulate street frontage where the character of the buildings fronting these streets are different from the buildings located in the interior of the zones.

Sec. 24.250.140. Same--Permitted in Main Street Frontage (T4.1 Main) and Figueroa Street Frontage (T5.1 Figueroa) Zones.

The uses permitted in either the Main Street Frontage (T4.1 Main) or Figueroa Street Frontage (T5.1 Figueroa) zones are subject to the provision of this chapter and are those uses listed as "Permitted by Right" in Article II of the Downtown Specific Plan, as it may be amended from time to time.

Sec. 24.250.150. Same--Permitted in the Main Street Frontage and Figueroa Street Frontage Zones Subject to a use permit.

Within the Main Street Frontage (T4.1 Main) or Figueroa Street Frontage (T5.1 Figueroa) zones, uses listed in Article II of the Downtown Specific Plan as requiring a "Use Permit" may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520.

Sec. 24.250.160. Same--Special provisions.

A. All uses of land and all other development within the boundaries of the Main Street Frontage or Figueroa Street Frontage zones must comply with all applicable provisions of the Downtown Specific Plan including, without limitation, the Development Code set forth in the plan, all other provisions of the zoning ordinance, and other provisions of law. Where there is any disparity between the applicable provisions of the Downtown Specific Plan and any other provisions of the zoning ordinance, the applicable provisions of the Downtown Specific Plan shall prevail regardless of whether the particular provisions of the Downtown Specific Plan are more liberal or more restrictive than the disparate zoning provision.

B. All subdivision, public improvement projects, development agreements, and any other discretionary land use permits and other approvals within the Main Street Frontage or Figueroa Street Frontage shall be consistent with the Downtown Specific Plan.

C. Coastal development. All development in the T4.1 Main and T5.1 Figueroa zones that are also within the CP Overlay Zone must comply with the provisions of chapter 24.310 and chapter 24.515.

D. Design review. Design review approval must be obtained to the extent required by the Downtown Specific plan and chapter 24.545.

E. Planned development permit. Approval of a planned development permit pursuant to chapter 24.425 is required for any residential condominium conversion in the T4.1 Main and T5.1 Figueroa Zone.

Sec. 24.250.170. Standards and guidelines for Main Street Frontage and Figueroa Street Frontage Zones.

Uses listed in sections 24.250.140 and 24.250.150 as "Permitted by Right" must comply with the Development Code and all other regulations set forth in the Downtown Specific Plan. All uses should also follow the design guidelines in the Downtown Specific Plan.

Sec. 24.250.180. Parks and Open Space Zone.

There is hereby established, within the Downtown Specific Plan Area, the Parks and Open Space zone. The Parks and Open Space zone is intended to implement the policies, standards, and guidelines established by the Downtown Specific Plan.

Sec. 24.250.190. Same--Permitted in Parks and Open Space Zone.

The uses permitted in the Parks and Open Space zone are those uses listed as "Permitted by Right" in Article II of the Downtown Specific Plan, as it may be amended from time to time.

Sec. 24.250.200. Same--Special provisions.

A. All uses of land and all other development within the boundaries of the Parks and Open Space zone must comply with all applicable provisions of the Downtown Specific Plan including, without limitation, the Development Code set forth in the plan, all other provisions of the zoning ordinance, and other provisions of law. Where there is any disparity between the applicable provisions of the Downtown Specific Plan and any other provisions of the zoning ordinance, the applicable provisions of the Downtown Specific Plan shall prevail regardless of whether the particular provisions of the Downtown Specific Plan are more liberal or more restrictive than the disparate zoning provision.

B. All public improvement projects, development agreements, and any other discretionary land use permits and other approvals within the Parks and Open Space zone shall be consistent with the Downtown Specific Plan.

C. Coastal development. All development in the Parks and Open Space Zone that are also within the CP Overlay zone must comply with the provisions of chapter 24.310 and chapter 24.515.

D. Design review. Design review approval must be obtained to the extent required by the Downtown Specific plan and chapter 24.545.

Sec. 24.250.210. Standards and guidelines for Parks and Open Space Zone.

Uses listed in sections 24.250.190 as "Permitted by Right" must comply with the Development Code and all other regulations set forth in the Downtown Specific Plan.

SECTION 7: Section 24.300.010 of the San Buenaventura Municipal Code is hereby amended to read as follows:

Sec. 24.300.010. Contents of overlay zone regulations.

The overlay zone regulations of the zoning ordinance consist of the following chapters:

24.300 General Provisions

24.310 Coastal Protection (CP) Overlay Zone

24.315 Coastal Bluff (CB) Overlay Zone

24.320 Flood Plain (FP) Overlay Zone

24.325 Sensitive Habitat (SH) Overlay Zone

24.340 Historic District (HD) Overlay Zone

24.345 Downtown Parking (DP) Overlay Zone

24.350 Tourist-Oriented (TO) Overlay Zone

24.375 Oil Drilling (OD) Overlay Zone

24.380 Westside Workplace (WW) Overlay Zone

24.385 Eastside Workplace (EW) Overlay Zone

24.390 Hillside Overlay (HS) Zone

24.400 Civic Building Overlay (CV) Zone

SECTION 8: Section 24.300.030 of the San Buenaventura Municipal Code is hereby amended to read as follows:

Sec. 24.300.030. Establishment of overlay zones.

In order to further the purposes of this zoning ordinance, the following overlay zones may be established and may be superimposed over existing zones:

1. CP Coastal Protection Overlay Zone
2. CB Coastal Bluff Overlay Zone
3. FP Flood Plain Overlay Zone
4. SH Sensitive Habitat Overlay Zone
5. HD Historic District Overlay Zone
6. DP Downtown Parking Overlay Zone
7. TO Tourist-Oriented Overlay Zone
8. OD Oil Drilling Overlay Zone
9. WW Westside Workplace Overlay Zone
10. EW Eastside Workplace Overlay Zone
11. HS Hillside Overlay Zone
12. CV Civic Building Overlay Zone

SECTION 9: Chapter 24.380 of the San Buenaventura Municipal Code is hereby added to read as follows:

Chapter 24.380

Westside Workplace (WW) Overlay Zone

Sec. 24.380.010. Chapter Description.

Chapter 24.380 establishes the Westside Workplace Overlay (WW) Zone. The Westside Workplace Overlay Zone is intended to implement the policies, standards, and guidelines established in the Downtown Specific Plan, which, among other things, facilitates an alternative environment for Ventura's population of artisans and craftspeople.

Sec. 24.380.020. Same--Use permit required.

Within the Westside Workplace Overlay Zone, use permit approval is required prior to commencing Light Industrial, Office, Auto Repair, Trade School, Medical/Dental, or Wholesaling Distribution uses. Other uses are permitted as, and to the extent, provided by the Downtown Specific Plan.

SECTION 10: Chapter 24.385 is hereby added to the San Buenaventura Municipal Code to read as follows:

Chapter 24.385

Eastside Workplace (EW) Overlay Zone

Sec. 24.385.010. Chapter Description.

Chapter 24.385 establishes the Eastside Workplace Overlay (EW) Zone. The Eastside Workplace Overlay Zone is intended to implement the policies, standards, and guidelines established in the Downtown Specific Plan, which, among other things, enables the retention of a number of existing commercial uses. Other uses are permitted as, and to the extent, provided by the Downtown Specific Plan.

Sec. 24.385.020. Same--Use permit required.

Within the Eastside Workplace Overlay Zone, use permit approval is required prior to commencing Restaurant, Lodging, Timeshare, Trade School, Day Care, Personal Service, Office or Retail uses.

SECTION 11: Chapter 24.390 is hereby added to the San Buenaventura Municipal Code to read as follows:

Chapter 24.390

Hillside (HS) Overlay Zone

Sec. 24.390.010. Chapter Description.

Chapter 24.390 establishes the Hillside Overlay (HS) Zone. The Hillside Overlay Zone is intended to implement the policies, standards, and guidelines established in the Downtown Specific Plan, which, among other things, sets standards for building height. Notwithstanding any provisions of Chapter 24.405 or any other provisions of this zoning ordinance to the contrary, development in the Hillside Overlay Zone shall comply with the height and all other standards set forth in the Downtown Specific Plan.

SECTION 12: Chapter 24.400 is hereby added to the San Buenaventura Municipal Code to read as follows:

Chapter 24.400

Civic Building (CV) Overlay Zone

Sec. 24.400.010. Chapter Description.

Chapter 24.400 establishes the Civic Building Overlay (CV) Overlay Zone. The Civic Building Overlay Zone in the Downtown area is intended to implement the policies, standards, and guidelines established in the Downtown Specific Plan, which, among other things, encourages unique and creative building design for Civic Buildings as therein defined. Where there is any disparity between the applicable provisions of the Downtown Specific Plan and any other provisions of the zoning ordinance, the applicable provisions of the Downtown Specific Plan shall prevail regardless of whether the particular provisions of the Downtown Specific Plan are more liberal or more restrictive than the disparate zoning provision.

Sec. 24.400.020. Civic Building Overlay Zone--Special provisions.

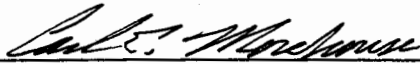
A. New civic buildings, or exterior changes to existing, require Design Review and, to the extent provided in the Downtown Specific Plan, and where applicable, conformance to the Development Code.

B. Coastal development. All developments in the Downtown Civic Building Overlay that are also within the CP Overlay zone must comply with the provisions of chapter 24.310 and chapter 24.515.

SECTION 13: In approving the proposed Zoning Ordinance Amendment and LCP Amendment Case No. AO-223, the City Council hereby confirms its intent that the City's LCP will continue to be carried out in a manner fully consistent with the California Coastal Act.

SECTION 14: Coastal Commission Action. This Zoning Ordinance Amendment shall take effect on the 31st day after passage and adoption in all areas of the Downtown Specific Plan, provided that, as applied to areas of the Downtown Specific Plan within the Coastal Zone and regulated by the existing approved Local Coastal Program, the proposed Zoning Ordinance Amendment shall become effective automatically upon Coastal Commission approval thereof. 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 26th day of March, 2007.



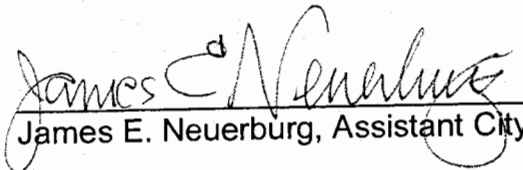
Carl E. Morehouse, Mayor

ATTEST:



Mabi Covarrubias Plisky, City Clerk

APPROVED AS TO FORM


James E. Neuerburg, Assistant City Attorney II

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

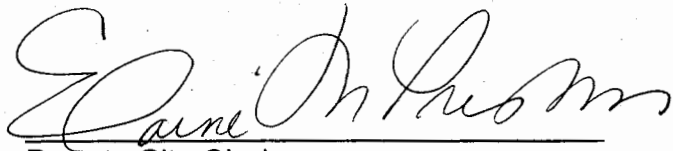
I, ELAINE M. PRESTON, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the Council of the City of San Buenaventura, at a regular meeting on March 26, 2007, by the following vote:

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

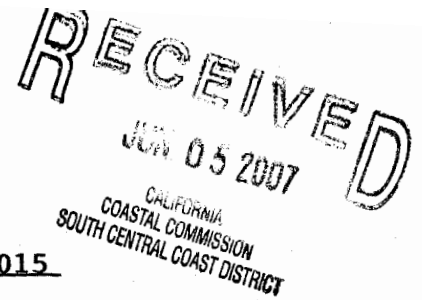
NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on March 27, 2007.


Deputy City Clerk





CITY COUNCIL RESOLUTION NO. 2007-015

**APPROVING A COMPREHENSIVE PLAN AMENDMENT
AND LOCAL COASTAL PROGRAM (LCP) LAND USE PLAN AMENDMENT**

CASE NO. MP-154A

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

SECTION 1: The City of San Buenaventura has initiated an amendment to the 1989 Comprehensive Plan and Local Coastal Program (LCP) to modify 1) the Intent and Rationale statements for the Catalina and Downtown Communities, 2) the Downtown Specific Plan area boundary on the Land Use Plan map, and 3) the Circulation Plan map, as shown in Exhibits "A", "B" and "C", respectively. The 1989 Comprehensive Plan serves as the Land Use Plan component of the City's approved LCP.

SECTION 2: Adequate and timely public notice for this public hearing has been provided in the following manner, consistent with California Code of Regulations Sections 13552 and 13515, Government Code Section 65352 and City Municipal Code regulations, at a minimum: published notice in the Ventura County Star newspaper a minimum of ten working days prior to the public hearing; mailed notice 10 working days prior to the public hearing to all property owners, residents and interested parties within a 300-foot radius of the Downtown Specific Plan area; mailed notice a minimum of six weeks in advance of the final local action hearing date (March 19, 2007) to the cities of Oxnard and Port Hueneme, the County of Ventura, affected public agencies, libraries, interested parties and the Ventura County Star newspaper for general publication on January 28, 2007 to duly notice availability of the draft LCP Amendment. Additionally, local tribes maintained on the list provided by the California Native American Heritage Commission were notified of the opportunity for consultation with the City of San Buenaventura and were provided no less than 90 days to request such consultation. Furthermore, said tribes were notified of the opportunity to provide comments no less than 45 days prior to final action on the proposed amendment.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information contained within the case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council hereby finds the following:

- A. The Comprehensive Plan and LCP Amendment is internally consistent and encourages the Comprehensive Plan's Visions for Ventura, especially the stated Vision: "continue efforts to foster the development and preservation of the Downtown area", achieved via incorporation by reference of the revised Downtown Specific Plan land use policies and Development Code.
- B. The Comprehensive Plan and LCP Amendment is consistent with and reflective of the goals, policies, and intent to encourage orderly growth and development in a

EXHIBIT 5

SBV-MAJ-2-08

**Ordinance No. 2007-015
(Proposed LUP Text
Changes)**

manner that preserves the public's health, safety, and welfare because the amendment will ensure consistency with the land use goals, policies and actions and development standards of the revised Downtown Specific Plan, which regulates development as directed by Program 7.0.1 of the Comprehensive Plan.

- C. The Comprehensive Plan and LCP Amendment and revised Downtown Specific Plan fulfill the intent for the Downtown Community, which is to create a desirable environment for the rejuvenation of existing residential areas and for new residential development, as well as tourist oriented and general commercial uses, and to preserve and rehabilitate historically and architecturally significant buildings to maintain the City's link with the past. The revised Downtown Specific Plan establishes land use policy, identifies goals and actions and includes a Development Code to this effect.
- D. The Comprehensive Plan's Land Use Element indicates a need to change the existing land use patterns in the "Downtown Community" in order to eliminate use compatibility problems. The proposed Comprehensive Plan Amendment facilitates adoption of the revised Downtown Specific Plan, which addresses land use and compatibility through policy and Development Code regulations. Implementation of the Downtown Specific Plan will result in an orderly change to the existing land use patterns over time.
- E. The Comprehensive Plan and LCP Amendment facilitates adoption of the revised Downtown Specific Plan by modifying 1) the Intent and Rationale statements for the Catalina and Downtown Communities, 2) the Downtown Specific Plan area boundary on the Land Use Plan map, and 3) the Circulation Plan map and remains consistent with the Coastal Act and its implementing regulation.
- F. Based on the analysis contained within Exhibit "A" and information retained within the record to date, the LCP Amendment conforms with and is adequate to carry out the existing LCP and existing unaltered Land Use Plan policies.


SECTION 4: On February 20, 2007, the Planning Commission following a public hearing reviewed the proposed Comprehensive Plan and LCP Amendment Case No. MP-154A and adopted a resolution recommending that the City Council approve the proposed Amendment.

SECTION 5: Based on the foregoing, the City Council HEREBY APPROVES an amendment to the 1989 Comprehensive Plan and Local Coastal Program (LCP) to modify 1) the Intent and Rationale statements for the Catalina and Downtown Communities, 2) the Downtown Specific Plan area boundary on the Land Use Plan map, and 3) the Circulation Plan map, as shown in Exhibits "A", "B" and "C", respectively. The 1989 Comprehensive Plan serves as the Land Use Plan component of the City's approved LCP.

SECTION 6: In approving the proposed Comprehensive Plan and LCP Amendment Case No. MP-154A, the City Council hereby confirms its intent that the City's LCP will continue to be carried out in a manner fully consistent with the California Coastal Act.

SECTION 7: This Comprehensive Plan and LCP Amendment approved hereby shall become fully effective on the 31st day following the City Council approval of Zone Change Case No. Z-920 and Zoning Ordinance Amendment AO-223, provided that, it shall be effective in the City's Coastal Zone only upon, and immediately following, the California Coastal Commission certification thereof. The existing approved Local Coastal Program shall remain in full force and effect until such California Coastal Commission certification is issued.

PASSED AND ADOPTED this 19 day of Mar., 2007.



Carl E. Morehouse, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



City Attorney

EXHIBIT A

AMENDMENTS TO THE 1989 COMPREHENSIVE PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN

TEXT CHANGES

A. LAND USE ELEMENT

1. Pg. III-23: Land Use Designation "DTSP": Amend text as follows:

DTSP: (Downtown Specific Plan). The Downtown Specific Plan designation refers to the Downtown Specific Plan, which is a comprehensive policy and regulatory document for development in the Downtown Community. It contains policy, development standards and design guidelines ~~which are~~ needed to help realize the community's vision for the Downtown.

2. "Catalina Community": Amend text as follows:

1. Page III-50: The designation of Existing Urban would no longer apply to the Pierpont Tennis Club, instead the designation DTSP (Downtown Specific Plan) would apply as the boundary of the Downtown Specific Plan has expanded to include this area. Therefore, reference to the Pierpont Tennis Club is obsolete and should be deleted as shown, below:

~~The Existing Urban designation also applies to the Vista Del Mar area adjacent to Sanjon Road where the Pierpont Tennis Club is located, and to the City's water treatment facility adjacent to Seaward Avenue. Both The facility is a facilities are special purpose uses expected to remain.~~

2. The following obsolete zoning text should be deleted from this section and in some cases, new text would be inserted as the boundary of the Downtown Specific Plan has expanded to include the referenced area:
 - i. Page III-51: Strike the entire reference to the PC-T designation as it is both obsolete (the PC-T designation was later revised to CTO) and no longer applicable, per the Downtown Specific Plan zoning designations:

~~Commercial: The site designated Planned Commercial-Tourist Oriented (PC-T) is developed with a hotel. The intent of this designation is to ensure that any future development or redevelopment of this site would be with commercial-tourist oriented uses.~~

Insert the following text, having the same effect, because the new land use designation for the Pierpont facilities would be T4.3 Urban General 3 under the Downtown Specific Plan:

The current Pierpont Inn and Tennis Club site is developed with a hotel and tennis club and serves visitor and recreational purposes. Any future development or redevelopment of this site (generally located at the northeast corner of the San Jon Road and Harbor Boulevard intersection) would be with commercial-tourist oriented uses with the zoning designation set out in the Downtown Specific Plan.

- ii. Page III-51: Deleted the following, as the zoning designation PR-20 is obsolete under the Downtown Specific Plan. Instead, the designation for the referenced area would be T4.3 Urban General 3, but would retain the same use. Furthermore, this area has been developed since the 1990 adoption of the Comprehensive Plan:

Vista Del Mar Bluffs:

It is intended that the Vista Del Mar bluff area be preserved in single family residential use. To ensure this, the Vista Del Mar bluffs are designated SF, except for a small area designated PR-20 which has existing multi-family uses.

- iii. Page. III-53, Item 4: Delete the following, as the zoning designation PR-20 is obsolete under the Downtown Specific Plan. Instead, the designation for the referenced area would be T4.3 Urban General 3, but would retain the same use. Furthermore, this area has been developed since the 1990 adoption of the Comprehensive Plan.

~~4. In the PR-20 designated area, all new development shall be set back 25 feet from the top of the slope and shall not exceed 30 feet in height above average finished grade (AFG). No portion of the structure within the first 15 feet from the edge of the bluff setback (within 40 feet from the top of the slope) shall be more than one story in height (15 feet AFG). This standard is in addition to the above applicable~~

~~performance standards which apply in the entire Vista Del Mar Bluff area.~~

3. "Downtown Community": Amend text as follows, beginning on page III-54:

Intent and Rationale for Land Use Designations:

General Character: The intent of this Plan in the Downtown Community is to capitalize on the unique physical setting of the area, situated between the Pacific Ocean and the foothills of the Coastal Range. The existing land use patterns in the Downtown Community should be changed in order to eliminate use compatibility problems. The adoption of a Specific Plan for the Downtown Community will help facilitate the necessary change. The heavy industrial uses that exist should be relocated to more appropriate sites, in order to create a desirable environment for the rejuvenation of existing residential areas and for new residential development, as well as tourist oriented and general commercial uses. Historically and architecturally significant buildings should also be preserved and ~~refurbished~~ rehabilitated so that the City may take advantage of these assets and maintain its link with the past. The preservation of such resources and the elimination of land use conflicts will further enhance the Downtown as a residential and commercial area. ~~In order to call attention to the historical significance of the entire Downtown area, an "H" (Historical) overlay is attached to the Community, except in HPR designated areas, indicating that the consideration of historic and archaeological resources is of major interest in land use changes and other City actions.~~

[Rationale to delete the "H" (Historical) overlay: The "H" overlay would be redundant as the Downtown Specific Plan contains policy language and design guidelines specifically for preservation of historic resources. For reference, see Downtown Specific Plan Goal 1, Policy 1A, Actions 1.1 through 1.8 and Article 5.20.000 of the Development Code.]

~~The intent of Hillside Area land use designations in the Downtown Community is to permit additional well-planned residential development, which may capitalize on the excellent views afforded of the City, the beaches, and the Channel Islands. By placing additional residences in proximity to the Downtown Community, the City's efforts to revitalize that area will also be enhanced.~~

[Rationale to delete the Hillside Area designation: The Hillside Area designation is an obsolete land use designation. The subject area is outside of the Coastal Zone and Downtown Specific Plan area. It is currently regulated by the Zoning Ordinance (Ch. 24 of the Municipal

Code), the Hillside Management Plan and the 2005 General Plan, under which new residential development is permitted.]

Development standards and design guidelines which will assist both public and private development in meeting the goal of restoring and reconfiguring the Downtown Community as the symbolic and social "Heart of the City" should be provided by a Specific Plan. Such a Downtown Specific Plan should promote the character of the community as a working downtown, with a compact cluster of commercial and residential buildings converging on two central spines of activity - Main Street and California Street. These two public thoroughfares should feature a diverse and colorful array of shops, eateries, services and entertainment. The core of Downtown, centered around the intersection of Main Street and California Street, and extending from City Hall to the Pacific Ocean, should be the primary commercial and mixed use activity area. The neighborhood east of this core should provide a distinctive single family neighborhood for the Downtown, except for two mixed use areas located on East Main Street and the block south of Thompson Boulevard, west of Kalorama Street, north of Front Street and east of Ash Street. The neighborhood west of the core should be reconfigured as a new "in-town" mid and high density residential area, with the exception of the Figueroa Street area, which should be developed as mixed use.

~~*Residential Land Uses: There are several residential designations in the Downtown Community. They are HPR-4, HPR-15, and HPR-20. As part of the adoption of a Downtown Specific Plan, a DTSP (Downtown Specific Plan) designation should be adopted. The major portion of the Hillside Area in the Downtown Community is designated HPR-4. This land is located north of the HPR-15 and HPR-20 designated areas and is intended to permit very low density, single family development which takes advantage of hillside views and other amenities, while also reflecting design which is sensitive to environmental constraints. Upon completion of analyses required by this Comprehensive Plan and the Hillside Management Program, other HPR designations may be considered through a proposed Comprehensive Plan amendment for areas determined to be suitable to support higher densities.*~~

~~*Property east of Kalorama Barranca is designated for medium density development (HPR-15). Ann Street exceeds the City's 15% grade standard, presenting site access problems. Any development in this area should be required to provide a major residential street which meets all relevant hillside street standards.*~~

~~*One area in the Downtown Community is designated HPR-20. This area is located at the end of Kalorama Street. Development exists in*~~

~~this area, and any additional development shall be designed to minimize the visual impact on the Hillside Area, and account for soil stability problems.~~

~~Undeveloped sites in the Hillside Area with an HPR land use designation are subject to requirements for completion and approval of a Capital Improvement Deficiency Study for the entire undeveloped hillside portions of the Community.~~

[Rationale to delete reference to the HPR land use designations: The referenced land use designations for the Hillside Areas are obsolete. The Hillside Areas are outside of the Coastal Zone and not within the Downtown Specific Plan area. In 2005, the City Council adopted a General Plan that included new land use designations for these areas. They are: Neighborhood Low and Neighborhood Medium as depicted in General Plan Figure 3-5 "General Plan Diagram".]

~~The proposed Downtown Specific Plan designation should allow differing types of residential developments depending on the property location within the Downtown Community. Properties generally west of the Downtown core (area surrounding California and Main Streets) should be designated for high density residential of 12-54 units per acre. Properties generally located east of the Downtown core should be designated for lower density development and should be designed to encourage compatibility between new residential development and existing lower density single family neighborhoods. It is the intent of this Plan to increase the density in the Downtown in certain locations, and simultaneously provide the necessary capital improvements to accommodate that increased residential population. However, in order to allow higher densities, yet retain the architectural character of the neighborhood and the integrity of the existing single family homes, it is intended that new development comply with applicable zoning requirements and/or any established special design criteria, which should be developed through a Specific Plan, and with the H overlay review requirements.~~

Commercial Uses: As part of the adoption of a Downtown Specific Plan, commercial uses should be concentrated in the central or core area of the Downtown, radiating from the intersection of California and Main Street. If implemented, this proposed policy of concentrating commercial development will serve to strengthen existing and new commercial development, and is compatible with the proposed residential strategy listed above. Mixed-use residential and commercial development should also be encouraged in the Downtown core, as well as the Main Street area east of the core, the

~~block south of Thompson Boulevard and north of Front Street and the Figueroa Street area. Consideration should be given to establishing a special zoning designation through a Specific Plan for the Central Business District Area, which would address such topics as design, circulation and mixed uses, as well as unique activities including sidewalk cafes, graphic art and special events.~~

[Rationale: Reference to a Central Business District is obsolete and unnecessary as the revised Downtown Specific Plan, provides design guidance, circulation and mobility improvements, mixed and compatible uses, and public realm and cultural amenities. See Downtown Specific Plan, Chapter 2 for relevant goals and policies.]

~~Portions of the area south of Thompson Boulevard, north of the Southern Pacific Railroad, have been previously designated as General Commercial. This designation reflected the desire for a commercially oriented Downtown rather than an industrial one. Should the area redevelop, and the need for housing warrant the change, the area should be reconsidered are considered for a residential and mixed-use expansion in accordance with a Downtown Specific Plan designation.~~

[Rationale: The text has been updated as mixed-uses of housing and retail and commercial uses are appropriate for this area. This land use designation is supported via the Downtown Specific Plan zoning designations.]

~~The existing former marine terminal, previously located south of Harbor Boulevard at the terminus of Figueroa Street, was previously designated as Planned Commercial Tourist-Oriented in order to protect these oceanfront sites for recreational and visitor-serving commercial uses. It is intended that this existing energy facility be permitted to operate as long as it is functional. Any re-use shall be Tourist Commercial in accordance with a Downtown Specific Plan designation.~~

[Rationale to strike reference to operation of the marine terminal: The marine terminal was abandoned and no longer exists on the site. In the past several years, the City has received numerous applications for a hotel to be built on the site, but while final design approval is outstanding as of the writing of this Exhibit, the City ultimately intends to redevelop this site with a visitor-serving use, specifically a hotel.]

~~The approximately eight-acre vacant site located west of Sanjon Road and south of the Railroad has been designated T4.3 Urban General 3 and is subject to the Eastside Workplace Overlay,~~

regulated by the Downtown Specific Plan. PMXD.*³—Any ~~Downtown Specific Plan designation on this site should emphasize tourist commercial uses.~~ Any development on this site shall be subject to a master plan which addresses bluff stability and setbacks, views, scenic qualities, building mass and scale, noise, safety and public access issues.

~~*³ NOTE: The certified Local Coastal Program designation for this site is Planned Commercial Tourist-oriented (PC-T). The PC-T designation controls for this site unless or until a Local Coastal Program Amendment is certified by the California Coastal Commission.~~

[Rationale to strike text: The revised Downtown Specific Plan zoning designation for this area is T4.3 Urban General 3 and is subject to the Eastside Workplace Overlay, which establishes a variety of uses for the area beyond the T4.3 designation. Additionally, site development must also achieve the intended development goals of Focus Area C – the Triangle Site described in the Downtown Specific Plan. The goals are: extending the street grid to the North; facilitating pedestrian, bike and vehicular connections between the Downtown core and beach; addressing noise impacts associated with Hwy 101 and the railroad; establishing a mix of uses; provision of public recreational or open space; and public view corridor protection.]

MAP CHANGES

A. LAND USE PLAN:

The Downtown Specific Plan boundary has been expanded slightly to include adjacent parcels to the North, West and East. The total area added is approximately 30 acres and includes CalTrans right-of-way, state park land, city park land and some residential and commercial properties. The land use designation for the incorporated areas changes to "DTSP" (Downtown Specific Plan). See revised map included as Exhibit "B".

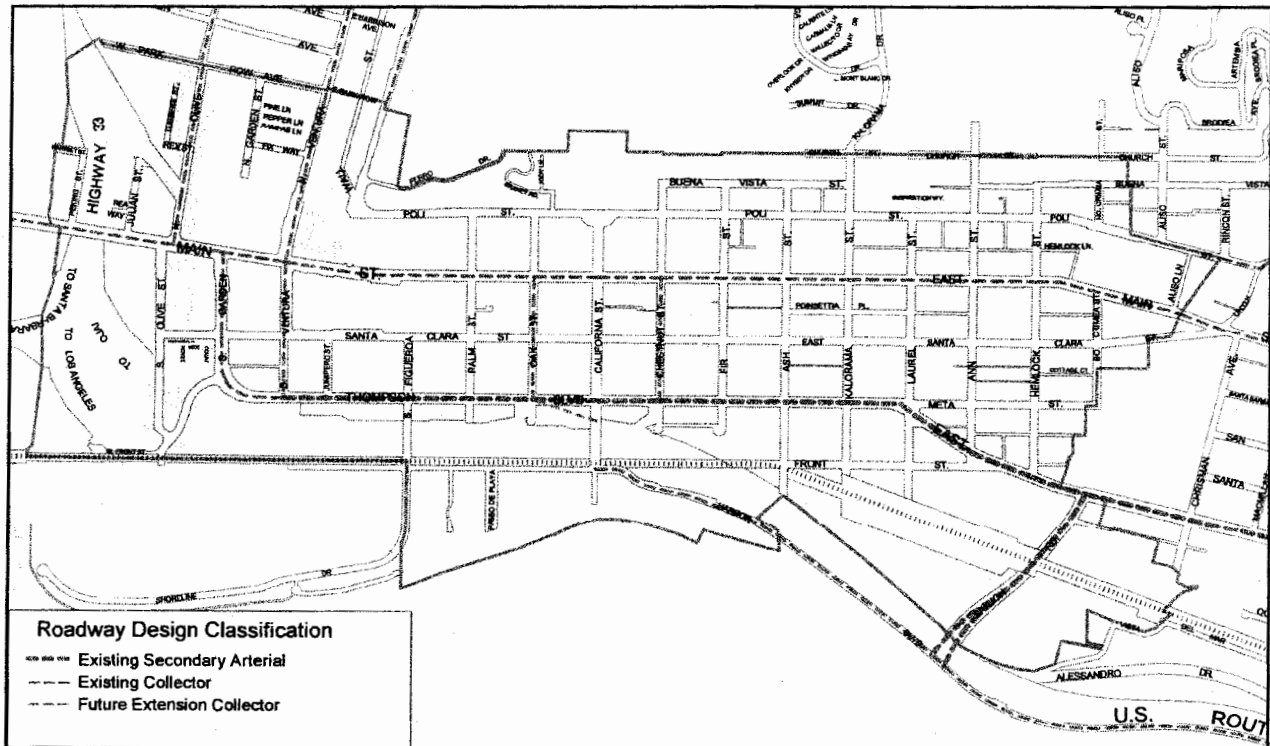
B. CIRCULATION PLAN:

1. The following streets have been re-designated within the Downtown Specific Plan boundary, as shown in Exhibit "C":
 - a. Poli Street: Change to "Local"
 - b. Main Street: Change to "Collector"
 - c. Santa Clara Street: Change to "Local"
 - d. Thompson Boulevard, East of Ventura Avenue: Change to "Secondary Arterial"
 - e. Ventura Avenue: Change to "Collector"
 - f. Oak Street: Change to "Collector" between Main Street and Thompson Boulevard and "Local" elsewhere
 - g. Chestnut Street: Change to "Collector" between Main Street and Thompson Boulevard and "Local" elsewhere
 - h. Kalorama Street: Change to "Local"
2. Add Principal Intersections for purposes of monitoring level of service at the intersection of the following streets as shown in the revised *Roadway Classification Plan*, included as Exhibit "C":
 - a. Main and Olive Streets
 - b. Ventura Avenue and Main Street
 - c. Oak Street and Thompson Boulevard
 - d. California Street and Thompson Boulevard
 - e. Chestnut Street and Thompson Boulevard
 - f. California Street and Harbor Boulevard
 - g. San Jon Road and Harbor Boulevard
 - h. San Jon Road and Thompson Boulevard
 - i. Santa Clara Street, Lincoln Road and Main Street

[illegible]

EXHIBIT C
AMENDMENT TO THE CIRCULATION PLAN MAP

DOWNTOWN ROADWAY CLASSIFICATIONS



Note: For Principal Intersections, See Downtown Specific Plan Figure I-5. Roadway Classification Plan

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

I, Fidela Garcia, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on March 19, 2007, by the following vote:

AYES: Councilmember Brennan, Summers, Fulton, Monahan, Weir, and
 Morehouse.

NOES: Councilmember Andrews.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on March 20, 2007.



Deputy City Clerk



CITY COUNCIL RESOLUTION NO. 2007-016

APPROVING A GENERAL PLAN AMENDMENT

CASE NO. MP-154B

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

SECTION 1: The City of San Buenaventura has initiated a General Plan Amendment to modify (A) Figure 3-1 *Infill Areas*, (B) Figure 3-5 *General Plan Diagram*, and (C) Figure 4-3 *Roadway Classification Plan* to reflect the regulatory extent and roadway designations of the revised Downtown Specific Plan as shown in Exhibit "A", attached hereto.

- A. Figure 3-1 *Infill Areas* would be modified to show the expanded boundary of the "Downtown District", consistent with the limits and extent of the revised Downtown Specific Plan area.
- B. Figure 3-5. *General Plan Diagram* would be modified to show the expanded boundary of the "Downtown District", consistent with the limits and extent of the revised Downtown Specific Plan area.
- C. Figure 4-3 *Roadway Classification Plan* would be modified to reflect Downtown roadway designations consistent with Figure I-5 *Downtown Roadway Classification Plan* of the revised Downtown Specific Plan.

SECTION 2: Adequate and timely public notice for this public hearing has been provided in the following manner, consistent with California Code of Regulations Sections 13552 and 13515, Government Code Section 65352 and City Municipal Code regulations, at a minimum: published notice in the Ventura County Star newspaper a minimum of ten working days prior to the public hearing, mailed notice 10 working days prior to the public hearing to all property owners, residents and interested parties within a 300-foot radius of the Downtown Specific Plan area; mailed notice a minimum of six weeks in advance of the final local action hearing date (March 19, 2007) to the cities of Oxnard and Port Hueneme, the County of Ventura, affected public agencies, libraries, interested parties and the Ventura County Star newspaper for general publication on January 28, 2007 to duly notice availability of the draft LCP Amendment. Additionally, local tribes maintained on the list provided by the California Native American Heritage Commission were notified of the opportunity for consultation with the City of San Buenaventura and were provided no less than 90 days to request such consultation. Furthermore, said tribes were notified of the opportunity to provide comments no less than 45 days prior to final action on the proposed amendment.

EXHIBIT 6
SBV-MAJ-2-08
Ordinance No. 2007-016 (Proposed General Plan Changes)

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

- A. General Plan Action 3.18 directs completion of a specific plan for Downtown to set clear development standards for public and private investments. Additionally, General Plan Action 3.23 directs preparation and adoption of a form-based development code that emphasizes pedestrian orientation, integration of land uses and treatment of streetscapes as community living space. The revised Downtown Specific Plan regulates new development through land use policies and a form-based development code that emphasize pedestrian orientation of buildings, integration of land uses and building types, and improved amenities to animate the public realm for residents, visitors and shoppers. Therefore, inclusion of the parcels shown in Exhibit "A" currently regulated by the municipal code and not a form-based development code would establish regulatory oversight consistent with the goals, policies and intent of the General Plan.
- B. General Plan Action 4.3 requires utilization of existing roadways to meet mobility needs, considering additional travel lanes only when other alternatives are not feasible. General Plan Action 4.12 directs roadway design and facility modifications to minimize potential for conflict between pedestrians, bicycles and automobiles. The revised Downtown Specific Plan offers policies and actions to improve walkability, expand transit service, and manage parking supply and demand, allowing minor widening of streets only to facilitate pedestrian and other non-auto oriented mobility efforts. To achieve these goals, the Downtown streets are designated as shown in Downtown Specific Plan Figure 1-5 *Downtown Roadway Classification Plan*. Therefore, re-classification of streets as shown in Exhibit "A" would be consistent with the goals, policies and intent of the General Plan.

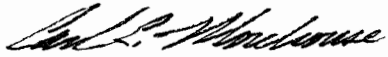
SECTION 4: On February 20, 2007, the Planning Commission following a public hearing reviewed the proposed General Plan Amendment Case No. MP-154B and adopted a resolution recommending that the City Council approve the proposed Amendment.

SECTION 5: Based on the above findings, the City Council HEREBY APPROVES a General Plan Amendment to modify (1) Figure 3-1 *Infill Areas*, (2) Figure 3-5 *General Plan Diagram*, and (3) Figure 4-3 *Roadway Classification Plan* to reflect the regulatory extent and roadway designations of the revised Downtown Specific Plan as shown in Exhibit "A", attached.

SECTION 6: In approving General Plan Amendment Case No. MP-154B, the City Council hereby confirms its intent that the City's Local Coastal Program (LCP) will continue to be carried out in a manner fully consistent with the California Coastal Act.

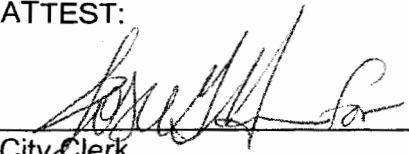
SECTION 7: This General Plan Amendment approved hereby shall become fully effective on the 31st day following the City Council approval of Zone Change Case No. Z-920 and Zoning Ordinance Amendment AO-223, provided that, it shall be effective in the City's Coastal Zone only upon, and immediately following, California Coastal Commission certification thereof. The existing approved Local Coastal Program shall remain in full force and effect until such California Coastal Commission certification is issued.

PASSED AND ADOPTED this 19 day of Mar., 2007.



Carl E. Morehouse, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM

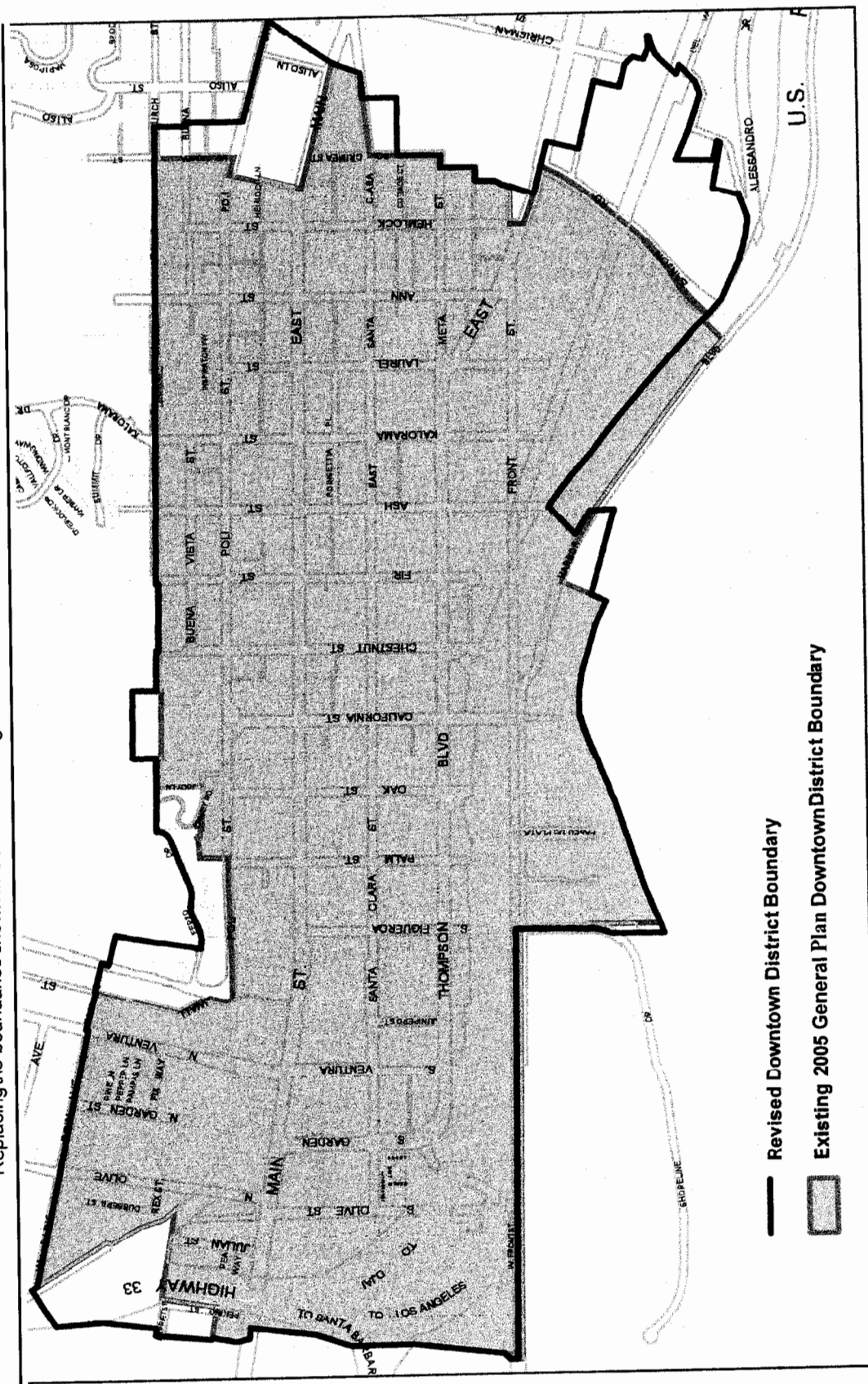


City Attorney

EXHIBIT A AMENDMENT TO THE 2005 GENERAL PLAN

DOWNTOWN DISTRICT BOUNDARY

Replacing the boundaries shown in General Plan Figure 3-1 Infill Areas and Figure 3-5 General Plan Diagram



PROPOSED ROADWAY CLASSIFICATIONS



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

I, Fidela Garcia, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on March 19, 2007, by the following vote:

AYES: Councilmember Brennan, Summers, Fulton, Monahan, Weir, and
 Morehouse.

NOES: Councilmember Andrews.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on March 20, 2007.

Fidela Garcia
Deputy City Clerk



CITY COUNCIL RESOLUTION NO. 2007- 017

**APPROVING THE 2007 DOWNTOWN SPECIFIC PLAN THAT REPLACES THE
1993 DOWNTOWN SPECIFIC PLAN IN ITS ENTIRETY**

CASE NO. SP-2D

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

SECTION 1: The City Council of the City of San Buenaventura initiated an amendment to the 1993 Downtown Specific Plan to be replaced it in its entirety with the proposed 2007 Downtown Specific Plan. The proposed 2007 Downtown Specific Plan comprises the December 2006 draft Downtown Specific Plan including, and as modified by, the revisions set forth in Attachment C of the Administrative Report prepared for the March 19, 2007 meeting (referred to, collectively, hereafter as the 2007 "Downtown Specific Plan"). The 2007 Downtown Specific Plan is incorporated herein by this reference. The proposed 2007 Downtown Specific Plan is intended to serve as major components of the City's Local Coastal Program for the Downtown Specific Plan Area, upon approval by the Coastal Commission.

SECTION 2: Background.

- A The 1993 Downtown Specific Plan, adopted on July 12, 1993 (Resolution 93-83) was found consistent with the 1989 Comprehensive Plan.
- B The 1993 Downtown Specific Plan was approved by the California Coastal Commission as an amendment to the City's Local Coastal Program on March 17, 1994.
- C. The City of San Buenaventura replaced the 1989 Comprehensive Plan in its entirety with the 2005 General Plan (Resolution 2005-072 and 2005-073) that provides policy and direction to update the 1993 Downtown Specific Plan and provides direction to amend the Local Coastal Program. Per Resolutions 2005-072 and 2005-073, the provisions of the 2005 General Plan shall not go into effect in the Coastal Zone until approved by the California Coastal Commission.
- D On February 20, 2007, the Planning Commission following a public hearing reviewed the proposed Downtown Specific Plan Case No. SP-2D and adopted Resolution No. 8281, recommending that the City Council approve the proposed specific plan with certain minor changes.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the Administrative Staff report prepared for the March 19, 2007 City Council public hearing, consideration of the testimony given at

EXHIBIT 7
SBV-MAJ-2-08
Ordinance No. 2007-017 (Approval of 2007 Downtown Specific Plan (DTSP))

the noticed public hearing, as well as other pertinent information, the Council hereby finds as follows.

- A. The proposed 2007 Downtown Specific Plan is consistent with the policies and actions contained in the 2005 General Plan and the remaining applicable provisions of the 1989 Comprehensive Plan.
- B. The proposed 2007 Downtown Specific Plan is consistent with, and actually promotes the 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.
- C. The proposed 2007 Downtown Specific Plan provides specific land use policies and implementation measures for development within the boundaries of the Downtown Specific Plan and is intended as an amendment to the certified Local Coastal Program for areas within the Downtown Specific Plan area.
- D. The proposed 2007 Downtown Specific Plan will provide strategies, policies and programs to create long and short-term development objectives, including the economic development policies and objectives of the 2005 General Plan and the remaining applicable provisions of the 1989 Comprehensive Plan.
- E. Potentially significant environmental effects are determined by the City Council to have been identified in Final EIR-2462 and have been addressed by Mitigation measures proposed therein.
- F. On February 20, 2007, the Planning Commission following a public hearing reviewed the proposed Downtown Specific Plan Case No. SP-2D and adopted a resolution recommending that the City Council approve the proposed amendment.

SECTION 4: Based on the foregoing, the City Council hereby amends, in its entirety, the 1993 Downtown Specific Plan by replacing it with the 2007 Downtown Specific Plan.

SECTION 5: Following the effective date of the 2007 Downtown Specific Plan as provided herein:

- A. All uses of land and all other development within the boundaries of the Downtown Specific Plan must comply with all applicable provisions of the Downtown Specific Plan, including, without limitation, development standards of the Development Code set forth in the Plan, in addition to the zoning district regulations for the underlying zone, all other provisions of the Zoning Ordinance, and other provisions of law. Where there is any disparity between the applicable provisions of the Downtown Specific Plan and the zoning district regulations for the underlying zone,

Case No. SP-2D

CC/03/19/07


Page 2

or any other provisions of the Zoning Ordinance, the applicable provisions of the Downtown Specific Plan shall prevail regardless of whether the particular provisions of the downtown Specific Plan are more liberal or more restrictive than the disparate zoning provisions; and

- B. All zoning actions, subdivisions, public improvement projects, Development Agreements, and any other discretionary land use permits and other approvals within the Plan's effective area shall be consistent with the Downtown Specific Plan; and
- C. Further environmental evaluation relating to any use of land or other development, including, without limitation, any of the actions set forth in subsection (B) above, within the boundaries of the Specific Plan may be carried out with reference to the provisions of Government Code Section 65457 and the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines regarding exemptions from requirements of further environmental review.

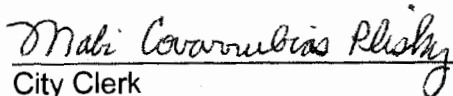
SECTION 6: Effective Date. The 2007 Downtown Specific Plan hereby adopted shall become effective on the 31st day following the City Council approval of Zone Change Case No. Z-920 and Zoning Ordinance Amendment AO-223, provided that, as applied to areas of the Downtown Specific Plan Area within the Coastal Overlay Zone and regulated by the existing approved Local Coastal Program, this resolution is intended to, and shall take effect automatically upon Coastal Commission approval. In adopting this resolution, the City Council hereby states its intent that the City 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) and its implementing regulations.

PASSED AND ADOPTED this 19 day of Mar., 2007.



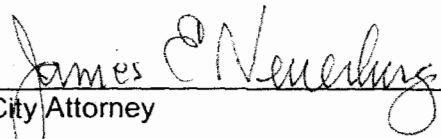
Carl E. Morehouse, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM


City Attorney

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

I, Fidela Garcia, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on March 19, 2007, by the following vote:

AYES: Councilmember Brennan, Summers, Fulton, Monahan, Weir, and
 Morehouse.

NOES: Councilmember Andrews.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on March 20, 2007.

Fidela Garcia
Deputy City Clerk



Exhibit 8

City of San Buenaventura 2007 Downtown Specific Plan (DTSP)

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 1-7 are included with the printed copies of this staff report. Exhibit 8 may be accessed by visiting the City of San Buenaventura's official website at http://www.cityofventura.net/community_development/planning/planning_communities/downtownplan