

Item Th12a

CALIFORNIA COASTAL COMMISSION

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



DATE: December 22, 2010

TO: Commissioners and Interested Parties

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

SUBJECT: **City of San Buenaventura LCP Amendment No. SBV-MAJ-1-08 (Midtown Corridors Development Code) and No. SBV-MAJ-2-08 (Downtown Specific Plan):** Executive Director's determination that action by the City of San Buenaventura, acknowledging receipt, acceptance, and agreement with the Commission's certification with suggested modifications is legally adequate. This determination will be reported to the Commission at the January 13, 2011 meeting in Long Beach.

On November 5, 2009, the Commission approved Local Coastal Program Amendment No. SBV-MAJ-1-08 and No. SBV-MAJ-2-08 submitted by the City of San Buenaventura with suggested modifications. LCP Amendment No. SBV-MAJ-1-08 replaces the current zoning standards in the Midtown area with new Midtown Corridor Development Code standards for Main Street and Thompson Boulevard. LCP Amendment No. SBV-MAJ-2-08 amends the City's LCP to replace the 1993 Downtown Specific Plan policies with the 2007 Downtown Specific Plan land use policies and implementation measures. The Commission's resolution of certification and suggested modifications in support of the Commission's action are contained within the staff report dated October 22, 2009 and addendum dated November 4, 2009. On March 23, 2010, prior to the six-month expiration date, the City requested a one-year extension to accept the modifications. On April 15, 2010, the Commission approved the one year extension for the City to accept the modifications.

On November 15, 2010, the City Council adopted Ordinance No. 201-014 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. SBV-MAJ-1-08 and Ordinance No. 2010-015 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. MAJ-2-08 and accepting and agreeing to all modifications suggested by the Commission. The documents were transmitted to Commission staff on December 6, 2010.

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

I have reviewed the City's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment No. MAJ-1-08 and No. MAJ-2-08, as certified by the Commission on November 5, 2009, as contained in the adopted Ordinances of November 15, 2010, and find that the City's action and notification procedures for appealable development are legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.

RECEIVED
DEC 06 2010
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

ORDINANCE NO. 2010-014

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN
BUENAVENTURA TO ACCEPT COASTAL COMMISSION
MODIFICATIONS TO THE MIDTOWN CORRIDORS
DEVELOPMENT CODE FOR THE AREAS LOCATED IN THE
COASTAL ZONE**

CASE NO. AO-225

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

Section 1. The City Council finds and determines as follows:

A. The City Council of San Buenaventura adopted Ordinance No. 2007-0029, amending Division 24 of the Municipal Code (Zoning Ordinance) by adding Part 2A and other text amendments related to the adoption of the Midtown Corridors Development Code and thereby amending the implementation component of the City's Local Coastal Program;

B. The City Council of San Buenaventura forwarded the amendment to the California Coastal Commission for its review and approval as it relates to the City of San Buenaventura's Local Coastal Program;

C. The California Coastal Commission reviewed and approved the Code Amendments with modifications on November 5, 2009;

D. The changes requested by the California Coastal Commission require acceptance and consideration by the City Council;

Section 2. All proceedings have been duly taken as required by law, with adequate and timely public notice for this public hearing provided in the following manner, consistent with 14 California Code of Regulations sections 13552 and 13515, Government Code section 65352 and City Municipal Code regulations, the City Council further finds as follows:

A. The amendment is consistent with and reflective of the goals, policies, and intent to encourage orderly growth and development in a 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.

B. The amendment will fulfill the intent for the Midtown Corridors Code, which is to create a desirable environment for the residents, as well as accommodate tourist oriented and general commercial uses and mitigate the impact the potential loss of affordable accommodations in the coastal areas.

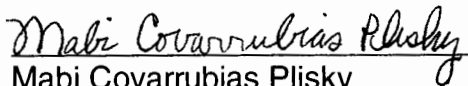
C. The suggested modifications by the California Coastal Commission to the Local Coastal Program and Zoning Code Amendment bridges the goals of the 1989 Comprehensive Plan with the General Plan by providing conformance with the California Coastal Act.

D. The amendment is consistent with the project description and scope of the final Negative Declaration that was prepared for the Midtown Corridors Development Code pursuant to the California Environmental Quality Act as adopted by the City Council on November 26, 2007.

Section 3. The City Council HEREBY APPROVES an amendment to the Midtown Corridors Development Code, as suggested by the Coastal Commission as shown in Exhibit "A." Based on the foregoing, the City Council hereby accepts and adopts the changes requested by the Coastal Commission, as detailed in Exhibit "A."

PASSED AND ADOPTED this 22nd day of November 2010.


Bill Fulton, Mayor


Mabi Covarrubias Plisky
City Clerk

APPROVED AS TO FORM

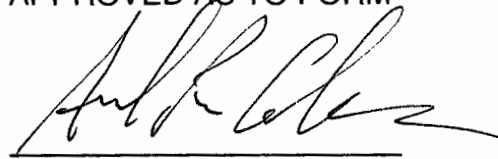

Ariel Pierre Calonne
City Attorney

Exhibit A

24M.100

PURPOSE AND APPLICABILITY

24M.100.010 Title and Purposes of the Development Code

This SUBPART 24M of the City of San Buenaventura Zoning Ordinance shall be known, and may be cited, as the "Midtown Corridors Development Code: Main Street & Thompson Boulevard" or may be cited simply as the "Midtown Corridors Code". References to "Code" or "Development Code" within the text of this Midtown Corridors Code are references to this Midtown Corridors Code unless the context clearly indicates otherwise, e.g., references to the "Municipal Code" mean the San Buenaventura Municipal Code; references to the "Government Code" are to the California State Government Code, and so on. Chapter 3 of the Ventura General Plan ("Our Well Planned and Designed Community") describes how the City's Planning Area is comprised of certain Planning Communities, including the Midtown Community, and further designates, among other things, certain significant "corridors" for future evaluation and implementation actions. Included among these corridors are the Main Street and Thompson Boulevard corridors located within the Midtown Community (the Main Street and Thompson Boulevard corridors may be collectively referred to from time to time hereafter as the "Midtown Corridors"). This Midtown Corridors Code carries out the policies of the Ventura General Plan by classifying and regulating the types and intensities of development and land uses within the Midtown Corridors area consistent with, and in furtherance of, the policies and objectives of the General Plan. The 2005 General Plan is only applicable outside of the Coastal Zone. The certified 1989 Comprehensive Plan is applicable to all areas within the Coastal Zone. This Midtown Corridors Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the community. More specifically, the purposes of this Midtown Corridors Code are to:

- A. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces;
- B. Moderate vehicular traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective traffic circulation, and appropriate parking facilities;
- C. Provide standards for the continuing orderly growth and development of the City that will assist in protecting and enhancing the community identity of Ventura;
- D. Conserve and protect the City's natural beauty and setting, including scenic vistas, cultural and historic resources, hills and trees;
- E. Ensure that proposed development and new land uses conserve energy and natural resources;

24M.100.045 Approval Requirements

Each structure and land use shall be established, constructed, reconstructed, enlarged, altered, moved or replaced in compliance with the following requirements:

A. ALLOWABLE USE OR FUNCTION.

The land use or function must be allowed by the Urban Standards in the zone where the site is located. Adult-oriented uses (i.e., Zoning Regulations Chapter 24.492) are prohibited within the Plan area.

B. PERMIT AND APPROVAL REQUIREMENTS.

Any and all planning permits or other approvals required by this Development Code shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed as exempted below.

C. DEVELOPMENT STANDARDS, CONDITIONS OF APPROVAL.

Each land use and structure shall comply with the development standards of Chapter 24M.200, and 24M.202 (Zones and Development Standards and Overlay Zones), Chapter 24M.206 (Building Type) and Chapter 24M.210 (Mixed Type Development Standards), any applicable standard of Chapter 24 (Municipal Code), and conditions imposed by a previously granted planning permit.

D. DEVELOPMENT IN COASTAL ZONE.

All development proposals within the Coastal Zone shall comply with Chapters 24.310 and 24.515 of the Zoning Ordinance. All Warrant requests shall require an Administrative Coastal Development Permit; all Exception requests shall 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. The 2005 City of Ventura General Plan is only applicable outside of the Coastal Zone. The certified 1989 Comprehensive Plan is applicable to all areas within the Coastal Zone.

E. NEW NONRESIDENTIAL LAND USE IN AN EXISTING BUILDING OR ON DEVELOPED SITE.

A land use identified by Chapter 24M.200 and 24M.202 (Zones and Development Standards and Overlay Zones) as a "P" (Permitted) use, that is proposed on a site where no construction requiring a Building Permit will occur, shall require a Zoning Clearance as provided for below to ensure that the site complies with all applicable standards of this Development Code, including parking, landscaping, signs, trash enclosures, etc. Zoning Clearance shall not be granted and the proposed land use shall not be established unless the site and existing improvements comply with all applicable requirements of this Development Code, except as provided by the Nonconformity Regulations of Zoning Ordinance Chapter 24.465. No Zoning Clearance may be issued if the request in question is located on the same site where there are existing violations of this plan, including, without limitation, violations of the terms of a discretionary permit or approval relating to the site. Zoning clearances shall expire 180 days after issuance, unless otherwise indicated on the clearance or unless the use of land or

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TABLE B: Specific Function. (Continued)

Allowed Land Uses and Permit Requirements for Midtown Zones	P Permitted Use			
	DP Director's Permit			
	UP Use Permit required			
	— Not Allowed			
Land Use Types (1)	PERMIT REQUIRED BY ZONE			Additional Regulations
	T4.5	T4.5-SF	T5.2	

RETAIL

Bar, tavern, night club	UP	UP	UP	ZO 24.460
Gas Stations	—	UP	—	
General retail, except, with any of the following features	P	P	P	
Alcoholic beverage sales	UP	UP	UP	ZO 24.460
Auto- or motor-vehicle related sales or services	—(5)	—(5)	—(5)	
Drive-through facility	—	—	—	
Floor area over 20,000 s.f.	—	—	UP	
Operating between 11:00 pm and 7:00 am	—	UP	UP	
Thrift Stores	DP	DP	DP	ZO 24.505
Restaurant	P*	P	P	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	P	P	P	
Business support service	P	P	P	
Medical/Dental	P	P(2)	P(2)	
Office	P	P	P	

SERVICES - GENERAL

Catering service	P	P	P	
Day care	P	P	P	
Drive-through service	—	—	—	
Lodging	P*	UP	P	
Mortuary, funeral home	UP	UP	UP	
Personal Services	P	P	P	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Parking facility, public or commercial	—	—	P	
Wireless telecommunications facility	UP	UP	UP	ZO 24.497 (3)
Transit station or terminal	UP	UP	UP	



24M.203.031 Land Use Tables

TABLE B: Specific Function. This table expands the Building Function categories of Table A to delegate specific functions within the Transect Zones.

Allowed Land Uses and Permit Requirements for Mid-town Zones	P Permitted Use			
	DP Director's Permit			
	UP Use Permit required			
	Not Allowed			
Land Use Types (1)	PERMIT REQUIRED BY ZONE			Additional Regulations
	T4.5	T4.5-SF	T5.2	

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Laboratory - Medical, analytical	—	P(2)	P(2)	
Printing and publishing	DP	DP(4)	P(2)	
Research and development	DP	DP(4)	P(2)	

RECREATION, EDUCATION & PUBLIC SAFETY

Adult business	—	—	—	
Community meeting	UP	UP	UP	ZO 24.480
Health/fitness facility	P	P	P	
Library, museum	P	P	P	
Live entertainment	—	UP	UP	
School, public or private	UP	UP	UP	
Studio - Art, dance, martial arts, music, etc.	P	P	P	

RESIDENTIAL

Dwelling - Multi-unit	P	P	P	
Dwelling - Second unit/cottage house	P	P	—	
Dwelling - Single dwelling	P	—	—	
Home occupation	P	P	P	
Live/work	DP	P	P	
Residential accessory use or structure	P	P	P	
Special Residence	UP	UP	UP	

Key to Zone Symbols

T4.5	Urban General	T5.2	Urban Center
T4.5-SF	Urban General - Shopfront Overlay		
CTO	Refer to (Regulating Plan Figure 1-1 for parcels within the Coastal Zone subject to provisions of Municipal Code Section 24.310.050 for Low Cost Visitor Service Facilities		

Notes:

- (1) A definition of each listed type is in Section 24.300 (Definitions).
 - (2) Use allowed only on second or upper floor, or behind ground floor street frontage use.
 - (3) Use Permit as may be required by ZO 24.497
 - (4) Permitted by right on second floor & above.
 - (5) Director's Permit may be required ZO 24.505
 - (6) Sales and maintenance of electric vehicles with Federally rated top speed of 45 mph permitted by right
- * Permitted use within the Coastal Area.

Exhibit A continued

Commission Approved Modifications at November 5, 2009 Hearing
SBV-MAJ-1-08 (Midtown Corridor Development Code)
SBV-MAJ-2-08 (Downtown Specific Plan) (LCP related)

Zoning Regulation Modifications

The Coastal Commission has approved the Local Coastal Plan Amendment only with the modifications as described below. Language recommended by the Coastal Commission to be deleted is show in ~~double line out~~. Language recommended by Coastal Commission to be inserted is shown in double underline.

Modification 6

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

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

Modification 7

The current provision of Section 24.310.050 of the Municipal Zoning Code shall 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) within a facility 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. The City shall provide a report to the Executive Director of the Coastal Commission every five years explaining what in-lieu fees have been collected and where those fees have been directed and/or spent. The first report shall be submitted no later than five years from the receipt of the first required in-lieu fee.

(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.

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

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on November 22, 2010, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews,
 Monahan, Deputy Mayor Tracy and Mayor Fulton.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on November 23, 2010.

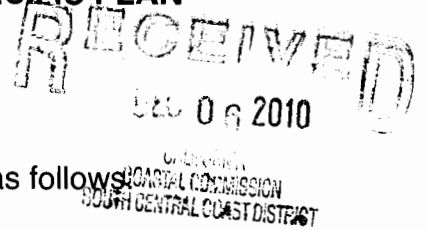

Deputy City Clerk



ORDINANCE NO. 2010-015

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA
TO ACCEPT CALIFORNIA COASTAL COMMISSION MODIFICATIONS TO
THE 1989 COMPREHENSIVE PLAN AND DOWNTOWN SPECIFIC PLAN**

CASE NOS. MP-154A and SP-2D



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

Section 1. Findings.

A. The City Council adopted Resolution Nos. 2007-0015 and 2007-017, amending the 1989 Comprehensive Plan and the 2007 Downtown Specific Plan ("DTSP");

B. The City Council of San Buenaventura forwarded the amendment to the California Coastal Commission for its review and approval as it relates to the City of San Buenaventura's Local Coastal Program;

C. The California Coastal Commission reviewed and approved the Plan and Code Amendments with modifications on November 5, 2009;

D. The changes requested by the California Coastal Commission require acceptance and consideration by the City Council;

Section 2. All proceedings have been duly taken as required by law, with adequate and timely public notice for this public hearing provided in the following manner, consistent with 14 California Code of Regulations sections 13552 and 13515, Government Code section 65352 and City Municipal Code regulations, the City Council finds as follows:

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 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 2007 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 suggested modifications by the California Coastal Commission bridge the goals of the 1989 Comprehensive Plan with the Downtown Specific Plan and provide conformance with the Coastal Act, as determined by Coastal Commission's conditions of approval.

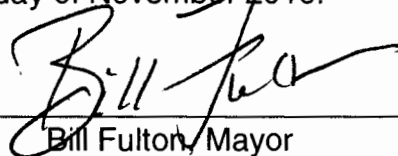
Section 3. The requested modifications are consistent with the DTSP Environmental Impact Report's project description that was prepared for the DTSP pursuant to the California Environmental Quality Act as adopted by the City Council on March 19, 2007, as it furthers the goals of the 1989 Comprehensive Plan that still contains the Local Coastal Program, preserves the Commercial Tourist Oriented land uses, and furthers compliance with the Coastal Act, as requested by the California Coastal Commission.

Section 4. The City Council HEREBY APPROVES an amendment to the 1989 Comprehensive Plan and Local Coastal Program (LCP) to modify as suggested by the Coastal Commission, sections III-45 and III-57, as shown in Exhibit "A."

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Section 5. The City Council HEREBY APPROVES of an amendment to the DTSP to modify, as suggested by the Coastal Commission, the sections illustrated in Exhibit "B."

PASSED AND ADOPTED this 22nd day of November 2010.



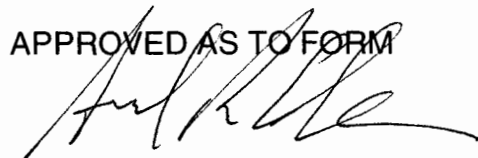
Bill Fulton, Mayor

ATTEST:



Mabi Covarrubias Plisky
City Clerk

APPROVED AS TO FORM



Ariel Pierre Calonne
City Attorney

EXHIBIT A

Commission Approved Modifications at November 5, 2009 Hearing
SBV-MAJ-2-08 (Downtown Specific Plan)

Comprehensive Plan Modifications

The Coastal Commission has approved the Local Coastal Plan Amendment with the modifications as shown or described below. Language previously approved is shown underlined. Language deleted by Coastal Commission is shown in ~~line out~~. Language recommended by Coastal Commission to be deleted is show in ~~double line out~~. Language approved by Coastal Commission to be inserted is shown in double underline.

Modification 1

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

Commercial: The site is zoned ~~designated~~ Planned Commercial-Tourist-Oriented (PG-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.

Modification 2

1989 Comprehensive Plan (LUP), Section III-57, 2nd paragraph, shall be modified as follows:

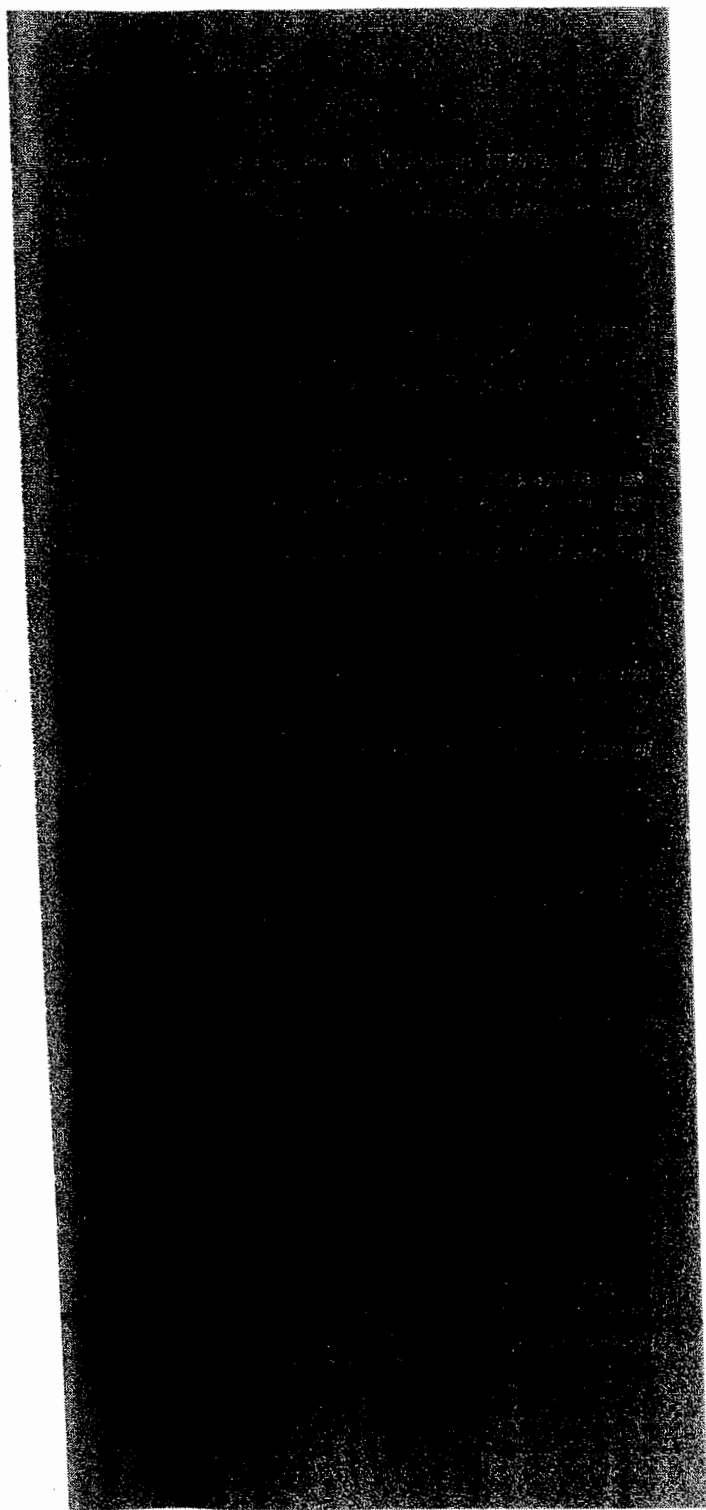
The approximately eight-acre vacant site located west of Sanjon Road and south of the Railroad is designated Planned Commercial-Tourist-Oriented T4.3 Urban General 3 ~~and is subject to the Eastside Workplace Overlay, regulated by the Downtown Specific Plan~~ Planned Commercial-Tourist-Oriented in order 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.

Exhibit B

Commission Approved Modifications at November 5, 2009 Hearing
SBV-MAJ-2-08 (Downtown Specific Plan)

DTSP Modifications

The Coastal Commission has approved the Local Coastal Plan Amendment only with the modifications as described below. Language recommended by the Coastal Commission to be deleted is show in ~~line out~~. Language to be inserted is shown in underline.



Today, Downtown Ventura's revived economic vitality represents both a challenge and an opportunity. It is neither possible nor desirable to freeze the area in its current state. Longtime merchants face displacement due to rising real estate values, but the fragile charm of the area cannot be sustained on new restaurants and boutiques alone. By emphasizing the strengths that differentiate Ventura's historic downtown from made-to-order "lifestyle centers," the vision of sustaining our city's authentic heart can be achieved.

The 1993 Plan was focused mainly on hope and possibility. The 2007 Plan is focused heavily on opportunity and implementation. To address the needs identified during public outreach events and summarized in various background studies, this plan offers:

1. Goals and policies to guide decision-makers in achieving the community's desires;
2. Actions to be taken by the City to develop projects and partnerships that implement the goals and policies;
3. Catalytic projects to spur economic investment and residential and commercial development in Downtown;
4. New form-based zoning standards to provide clear direction for developers and staff; and
5. Streetscape improvements to activate the public realm, providing an inviting and engaging urban core.

The Downtown Specific Plan also fulfills the goals, policies and actions of Ventura's General Plan. Specifically, the General Plan directs the preparation of new form-based zoning regulations and the completion of specific and community plans in areas such as the Westside, Midtown, Wells, Satcoy, Pierpont, Victoria Corridor and the Downtown. However, the certified 1989 Comprehensive Plan, as amended, remains applicable to all areas within the Coastal Zone.

The Downtown Specific Plan lays out a strategy for the continued revitalization of our city's cultural and commercial core through implementation of eight planning goals that constitute the central elements of this plan (shown at left).

ARTICLE II. URBAN STANDARDS

2.10.010 LAND USE AND PERMIT REQUIREMENTS

Table III-1

ALLOWED USE		PERMIT REQUIRED BY ZONE								
		T4.1	T4.1 Main	T4.2	T4.3	T4.4	T5.1	T5.1 Figueroa	T6.1	POS
1	Auto Repair	-	-	U ¹	U ¹	U	U	-	-	-
2	Bar / Nightclub	-	-	-	-	-	U	U	U	-
3	Bed & Breakfast	P	P	P	P	P	-	-	P	-
4	Civic	P	P	P	P	P	P	P	P	P
5	Community Meeting	U	U	-	U	U	U	U	U	-
6	Corner Store	U	P	U	U	-	-	-	-	-
7	Daycare	U	U	-	U ²	U	U	-	-	-
8	Farmers Market	-	U	-	U	U	U	U	U	-
9	Gas Station	-	-	-	-	U	-	-	-	-
10	Health /Fitness	-	P	-	-	P	P	P	P	-
11	Home Occupation	P	P	P	P	P	P	P	P	-
12	Lodging	-	-	-	U	P	P	P	P	-
13	Medical / Dental	-	-	U ¹	U ¹	-	P	P	P	-
14	Multi-Family	P	P	P	P	P	P	P	P	-
15	Office	-	P	U ¹	U ^{1,2}	P	P	P	P	-
16	Parks & Recreation	P	P	P	P	P	P	P	P	P
17	Personal Services	-	P	-	-	P	P	P	P	-
18	Recycling	-	U	-	U	U	U	-	-	-
19	Restaurant	-	P	-	U ²	P	P	P	P	-
20	Retail	-	P	-	U ²	P	P	P	P	-
21	Single Family / Carriage House	P	P	-	-	-	-	-	-	-
22	Special Residential	U	U	U	U	U	U	U	U	-
23	Timeshare	-	-	-	U ²	-	-	U*	U*	-
24	Thrift Stores	-	DP	-	-	DP	DP	DP	DP	-
24-25	Trade School	-	-	U ¹	U ^{1,2}	U	U	U	U	-
25-26	Light Industrial	-	-	U ¹	U ¹	-	-	-	-	-
26-27	Wholesale / Distribution	-	-	U ¹	U ¹	-	-	-	-	-
Permit Requirements P = Permitted by Right U = Use Permit - = Not an allowed use DP = Director's Permit										

* Alcohol beverage establishments are subject to a Use Permit under the provisions of Section 24.460.210 of the Municipal Code. For example, a restaurant in the T6.1 zone, while by itself is permitted by right, would not be permitted to sell alcoholic beverages unless a separate Use Permit is obtained.

* New bars and nightclubs are restricted to the areas shown in Figure III-3. Bar and Nightclub Siting.

* Exclusive to the area south of U.S. Highway 101

¹ Exclusive to the Westside Workplace Overlay Zone

² Exclusive to the Eastside Workplace Overlay Zone

Key to Zone Names

T4.1	Urban General 1	T4.3	Urban General 2	T5.1 Figueroa	Figueroa Street Frontage
T4.1 Main	Main Street Frontage	T4.4	Thompson Corridor	T6.1	Urban Core
T4.2	Urban General 2	T5.1	Neighborhood Center	POS	Parks and Open Space
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. Building Development Codes in the respective transect-based code will apply to C-T-O zoned sites.				

ACHIEVING THE VISION

IDENTIFYING OPPORTUNITY

POTENTIAL FOR INFILL

Infill opportunities include vacant and under-utilized properties that are both privately and publicly owned. As an established urban core, these opportunities in Downtown are becoming increasingly limited and will require creative solutions and public/private partnerships. To balance the many goals for Downtown, larger infill projects are likely to serve multiple functions. Surface parking lots, for example, provide excellent opportunities for redevelopment.

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.

Table I-3 summarizes the acreage of vacant, public and infill opportunity properties within the Downtown Specific Plan area that have a high potential for new development or redevelopment.

Table I-3 - Summary of Vacant, Public and Infill Opportunity Properties

PROPERTY CATEGORY	ACRES
Vacant ¹	16.60
Infill Opportunities ²	10.20
City Owned Properties	
Vacant	2.87
Parks	16.68
Surface Parking Lots	8.46
Parking Structures	2.58
Other ³	7.52
RDA Properties	
Vacant	1.79
Surface Parking Lots	1.02
Total	67.72
Potential for Development⁴	40.72

1. Excludes public land.
2. For purposes of this discussion, infill opportunity properties are those with deteriorating buildings and less than 50 percent of anticipated density, based on a per-parcel calculation at the time of proposed development.
3. Includes Senior Activity Center, Albinger Museum, Mission Museum, and the Ortega Adobe. Excludes City Hall and the Sanjon Road Maintenance Yard.
4. Among the acreage of the City Owned parking lots are two fully developed parking structures that total 2.58 acres. When this area is deducted, along with the Parks and Other category, the remaining development potential on vacant and other private and public properties is about 40.72 acres.

REDEVELOPMENT

The City and its Redevelopment Agency (RDA) will actively engage in helping to assemble land and intensify uses on under-utilized properties. The RDA is already working on a number of owner participation projects whereby RDA-owned land is transferred to an adjacent owner for existing business expansion or new, efficient development. A recent example is the RDA's acquisition of three run-down buildings at the west end of Thompson Boulevard. These buildings will be razed and combined with other RDA-owned parcels and a partial street abandonment to provide a one-half block development site for affordable artist live-work units, limited retail and supportive housing.

A full description of redevelopment activities is included in the 2005-2010 Redevelopment Agency Implementation Plan.

FOCUS AREAS

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. These areas would benefit from a focused, comprehensive planning effort. The focus areas are illustrated on Figure I-8 and described below.

FOCUS AREA A - URBAN CORE RETAIL AND OFFICE STRATEGY

The Downtown core has changed significantly since the adoption of the first Specific Plan in 1993. As private owners expand and redevelop their properties, efforts will be made to retain the unique character of Downtown. A retail and office strategy will be completed that focuses on making Downtown a destination, providing services for residents and supporting unique, independent businesses. The Downtown Ventura Organization and the Redevelopment Agency will work with property owners, merchants and residents to retain a variety of retail and office opportunities to keep the Downtown competitive in those markets. Specifically, the area generally bounded by Thompson Boulevard, Oak, Santa Clara and California, offers an opportunity for infill mixed-use development with larger, high-end retail. As retail and commercial development evolves, the need for additional parking may arise and potential sites are identified in Figure I-6.

Timeframe: 2007 to complete strategy; 5+ years for implementation

FOCUS AREA B - NEIGHBORHOOD CENTERS

One of this plan's objectives is to provide a small town center at the heart of each neighborhood. These areas are zoned for high density mixed-use building types that accommodate retail, office, rowhouses and apartments. Buildings are set close to wide sidewalks within a tight network of streets.

West End

The center of the West End neighborhood is at Main and Garden Streets. The existing shopping center is currently a car-oriented suburban design with buildings set back behind a sea of surface parking that could be adapted to a more urban configuration, reconnecting Garden Street to provide a walkable street grid. A redevelopment site on the southeast corner provides another opportunity to activate this area.

East End

The intersection of Front and Kalorama Streets will be the neighborhood center for the east end. This area is just beginning to be transformed with artist galleries, niche retail and creative offices. Over the long-term, it will be important to extend the existing street grid through to the Triangle Site to the south.

Timeframe: Mid-term (3-5 years)

FOCUS AREA C – THE TRIANGLE SITE

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;~~
- Provision of public recreational or open space; and
- Public corridor view protection.

Timeframe: Near-term (1-3 years)

FOCUS AREA D – BEACHFRONT PROMENADE

Ventura's beach area is one of its greatest attractions and offers some of the premier surfing in California. However, no shops or restaurants front on and activate the beach. Instead, the pedestrian walk is defined primarily by a parking structure and private condominiums. The Promenade itself was developed in the 1970s and is dated. 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.

The entire beachfront requires a place-making transformation. This will start with reaching out to the various groups that use the beachfront including those that may not typically participate in improvement projects. It will include an analysis of how people access and use the beach and what works best. From this effort, small-scale, do-able projects that can be implemented quickly will be formulated to bring immediate benefit and pave the way for future, large-scale redevelopment.

Timeframe: Near-term (1-3 years) for analysis, 5+ years for implementation

Modification 8

Modification 9

2.50.010 FLEX USE OVERLAY

A. **APPLICABILITY.** The Flex Use Overlay is applied to fringe Plan areas titled Westside Workplace and Eastside Workplace.

B. WESTSIDE WORKPLACE

1. This area occurs along the western fringe of Downtown; as depicted on the Regulating Plan (Page III-9, Figure III-1). It is provided a Flex Use Overlay to facilitate an alternative environment for Ventura's population of artisans and craftspeople. While building types allowed under the base zone (e.g., Courtyard Housing is allowed T4.1 Urban General 1) are required, their function may be designed to accommodate commercial and light industrial activities. The Westside Workplace Area also contains Patagonia; one of Downtown Ventura's major employers. Retaining the Patagonia buildings and uses, and allowing for them to expand, are priorities of the planning area.
2. Use Permit approval is required prior to commencing Light Industrial, Office, Auto Repair, Trade School, Medical/Dental or Wholesale/Distribution uses in the Westside Workplace Area.

C. EASTSIDE WORKPLACE

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.~~ While the expansion of residential use was encouraged by the 1993 Downtown Specific Plan and is provided for by this Plan, a Flex Use Overlay will provide for limited commercial uses. The overlay will also enable the retention of a number of existing commercial uses. It will also facilitate neighborhood serving commercial uses within walking distance and, thus, reduce vehicle trips.
2. Use Permit approval is required prior to commencing Restaurant, Timeshare, Trade School, Day Care, Personal Service, Office or Retail uses in the Eastside Workplace Area.

2.50.020 CIVIC BUILDING OVERLAY

A. **PURPOSE.** Civic buildings and their associated uses represent physical symbols of a community's social, cultural, educational, and other institutional activities. They preserve the lessons and instruments of culture, offer a dignified forum for the issues of the time, encourage democratic initiatives, and consequently ensure the balanced evolution of the larger society. The physical composition of civic buildings should result in distinction from common, backstory buildings used for dwelling and commerce.

B. **APPLICABILITY.** New civic buildings and/or alterations to existing civic buildings require Design Review and, to the extent provided for below, conformance to the Development Code standards and guidelines:

1. Article II (Urban Standards) - All requirements apply unless Warrant approval is obtained
2. Article III (Building Types) - Not applicable
3. Article IV (Frontage Types) - Not applicable
4. Article V (Design Guidelines) - All sections apply except 5.10.030 (A) (Context and Architectural Character) and 5.10.030 (B) (Building Massing and Articulation)
5. Article VI (Sign Standards) - Not applicable
7. Article VII (Other Standards) - All requirements apply

2. Frontage Type performance measures combine with the Building Type measures to establish a building's relationship to the street, blending building scale and syntax to accommodate the pedestrian.
3. Design Guidelines are discretionary evaluation parameters that relate to but are distinctly different from Urban Standards and Building Type measures. Here, building syntax issues of proportion, fenestration and style are addressed. This occurs only after basic urbanistic objectives such as building placement (i.e., Urban Standards) and dwelling access and open space arrangement (i.e., Building Type performance measures) are defined.

From top to bottom, the Development Code's four-fold approach (consisting of Urban Standards, Building Types, Frontage Types and Design Guidelines) to regulating neighborhood character and building design transitions from the large to smaller scale. The focus is broad, at the neighborhood level, and is then, through a pragmatic and integrated design process, revealed in the form of schematic plans for an individual building.

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 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 and subject to the underlying Development Code Standard in the Downtown Specific Plan.

MODIFICATION 11

SUSTAINABLE INFRASTRUCTURE

Policy 8A	Reduce beach erosion, hillside erosion and threats to coastal ecosystem health.
Action 8.1	Adhere to the policies and directives of the California Coastal Act in reviewing and permitting any proposed development in the Coastal Zone.
	Lead Agency: Community Development Timeframe: Ongoing Funding: N/A
Action 8.2	Require new coastal development adjacent to the beach to provide non-structural shoreline protection that avoids adverse impacts to coastal processes and nearby beaches.
	Lead Agency: Community Development Timeframe: Ongoing Funding: Development application fees
Action 8.3	Require that Environmentally Sensitive Habitat Areas (ESHA), especially in the vicinity of Ventura River, be preserved or enhanced as undeveloped open space wherever feasible and that future development result in no net loss of wetlands or natural coastal areas.
	Lead Agency: Community Development Timeframe: Ongoing Funding: Development application fees
Action 8.4	Continue to work with the State Department of Parks and Recreation, Ventura County Watershed Protection Agency, and the Ventura Port District to determine and carry out appropriate methods for protecting and restoring coastal resources, including supplying sand at beaches under the Beach Erosion Authority for Control Operations and Nourishment (BEACON) South Central Coast Beach Enhancement Program.
	Lead Agency: Public Works Timeframe: Ongoing Funding: General Fund
Action 8.5	<u>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.</u>
	<u>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 create, nor contribute significantly, to erosion, geologic instability or destruction of the</u>

MODIFICATION 12

site or surrounding areas of in a way require the construction of protective devices that would substantially alter natural landforms along bluffs. Development shall proceed only if the Building Official 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.

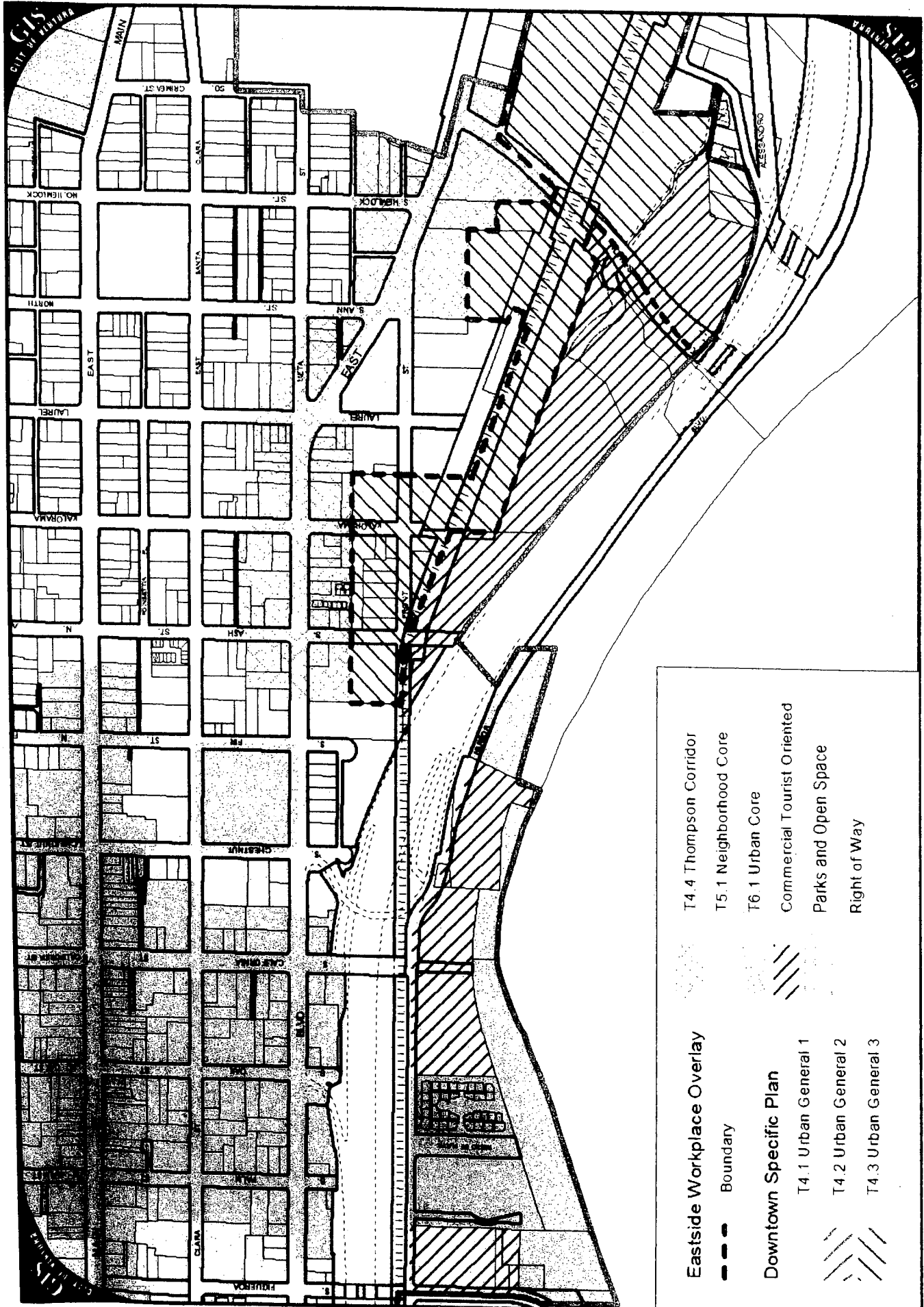
Development along the promenade, pier, and beach areas within the City of Ventura shall provide, in advance of any new development approvals or redevelopment approvals, erosion and wave uprush studies based upon projections of the range of sea level rise that can be expected (at rates ranging from 5 to 15 mm/yr within the reasonable economic life of the structure (normally 75 years). The Community Development 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 the 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 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.

Lead Agency: Community Development
Timeframe: Ongoing
Funding: N/A

Action 8.56

For development in which 100 cubic yards or more of excess material is exported, require that the developer coordinate with the City to determine if the excess material is suitable for beach nourishment (it must meet beach quality regulatory agency requirements). Under the BEACON Joint Powers Authority, the City is allowed to place such material in the surf zone at Surfers Point. The City Engineer shall approve scheduling and timing. The applicant shall notify the City Engineer 60 days in advance of the excavation process.



MODIFICATION 14

MODIFICATION 13

9. Description of the availability of the time-share project, including ancillary uses, to the general public.
10. Description of the method of management of the project and indication of a contact person or party responsible for the day-to-day operation of the project.
11. Description of the type and operation of any other uses (residential, commercial, recreational) that are to be carried out in conjunction with the timeshare facility.
12. Description of the methods to be used to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance.
13. Description of the method to be used in collecting and transmitting the transient occupancy tax to the city.

G. Public Notice. Public notice shall be given for all use permits associated with timeshare facilities pursuant to the provisions of Zoning Ordinance Chapter 24.560. In addition, for apartments or residential condominiums proposed to be converted to timeshare facilities, written notice shall be mailed to all tenants residing in the project proposed to be converted not less than ten days prior to the hearing. Such notice shall specify the following: (1) The date, time, place and purpose of the hearing; (2) That should the permit be approved, tenants may be required to vacate the premises; and (3) That should the permit be approved, the property owner shall be required to give all tenants a minimum of 180 days notice to vacate; and that, such notice shall not restrict the exercise of lawful remedies pertaining to, but not limited to, tenant's default in the payment of rent or defacing or destruction of all or part of the rented premises.

H. Findings. In addition to the findings required for approval of a use permit, the following findings shall be necessary for approval of a permit for a timeshare facility: (1) that the proposal is in conformance with the Local Coastal Program; and (2) that the project will not preclude the development of other needed tourist facilities, hotels or motel facilities in the city as a whole, or in a particular area of the city.

I. Coastal Zone Requirements - Limited Use Overnight Visitor Accommodation Restricts 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.

7.80.000 WIRELESS TELECOMMUNICATION FACILITIES

This section establishes the development and operational standards for the review of Wireless Telecommunication Facilities (WTF).

A. The provision of this section intend to:

1. Provide for the siting and development of Wireless Telecommunications Facilities to serve City of Ventura residents, businesses, industry, schools, and other institutions and to set forth specific permit regulations for those facilities;
2. Promote orderly development and ensure that Wireless Telecommunications Facilities are compatible with surrounding land uses in order to preserve the unique visual character of the city;
3. Provide a public forum to ensure a balance between public concerns and private interests in establishing Wireless Telecommunications Facilities;
4. Protect the visual character of the city from the potential adverse effects of Wireless Telecommunications Facilities and prevent visual blight within or along the city's scenic corridors and ridgelines through careful design, siting, landscaping, and various innovative camouflage techniques;
5. Avoid potential damage to adjacent properties from tower/monopole failure through careful engineering and siting of such structures;
6. Maximize the use of any existing wireless telecommunication tower or monopole and the use of well-camouflaged sites to minimize the need to construct new towers or

ARTICLE VIII. ADMINISTRATION

C. Minimum requirements. The provisions of this Development Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for authority on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Development Code.

D. Conflicting Requirements

1. Development Code and Municipal Code provisions. If a conflict occurs between requirements of this Development Code, or between this Development Code and the City of San Buenaventura Municipal Code or other regulations of the City, the most restrictive shall apply.
2. Development Agreements. If conflicts occur between the requirements of this Development Code and standards adopted as part of any development agreement, the requirements of the development agreement shall apply.
3. Private Agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction.

E. Other requirements may apply. Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

8.10.040 APPROVAL REQUIREMENTS

Each structure and land use shall be established, constructed, reconstructed, enlarged, altered, moved or replaced in compliance with the following requirements, as summarized in Table III-4:

- A. Allowable use or function. The land use or function must be allowed by the Urban Standards in the zone where the site is located. Adult-oriented uses (i.e., Zoning Regulations Chapter 24.492) are prohibited within the Plan area.
- B. Permit and approval requirements. Any and all planning permits or other approvals required by this Development Code shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed as exempted below.
- C. Development standards, conditions of approval. Each land use and structure shall comply with the development standards of Article II (Urban Standards), Article III (Building Type) and Article VII (Other Standards) and any applicable conditions imposed by a previously granted planning permit.
- D. Legal parcel. The site of a proposed development or new land use must be a parcel that was legally created or certified in compliance with the Subdivision Map Act and the City's Subdivision Ordinance.
- 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 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 or 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.~~

F. New nonresidential land use in an existing building or on developed site. A land use identified by Article II (Urban Standards) as a "P" (Permitted) use, that is proposed on a site where no construction requiring a Building Permit will occur, shall require a Zoning Clearance as provided for below to ensure that the site complies with all applicable standards of this Development Code, including parking, landscaping, signs, trash enclosures, etc. Zoning Clearance shall not be granted and the proposed land use shall not be established unless the site and existing improvements comply with all applicable requirements of this Development Code, except as provided by the Nonconformity Regulations of Section 7.10.060. No Zoning Clearance may be issued if the request in question is located on the same site where there are existing violations of this plan, including, without limitation, violations of the terms of a discretionary permit or approval relating to the site. Zoning clearances shall expire 180 days after issuance, unless otherwise indicated on the clearance or unless the use of land or structures or building construction has commenced and is being diligently pursued.

G. Design review. Major Design Review, according to the procedural requirements of Zoning Regulations Chapter (Sec. 24.545) shall be required for the following:

1. All new development located within the T5.1 Neighborhood Center and T6.1 Urban Core zones.
2. All Buildings Types excluding Front Yard House, Sideyard House and Carriage House.
3. Additions and exterior changes to all structures providing for non-residential uses and all structures with over three dwelling units existing prior to adoption of the 2006 Downtown Specific Plan.

4. All new development on a lot containing a Historic Resource shall require Major Design Review by the Historic Preservation Committee for compliance with this plan's Historic Resource Design Guidelines and the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.

5. All new development contiguous to a lot containing a Historic Resource shall require Major Design Review by the Design Review Committee (DRC) for compliance with the Development Code and the Historic Preservation Committee (HPC) for compliance with this plan's Historic Resources Guidelines and Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.

H. Use permit. A land use identified by Article II (Urban Standards) as a "U" (Use Permit) use, shall require a Use Permit. Zoning Regulations Chapter 24.520 (Use Permit Procedure) specifies the Use Permit processing procedure.

I. Director's Permit. Uses or activities of the Development Code requiring Director's Permit approval shall be processed according to the requirements of Zoning Regulations Chapter 24.505 (Director's Permit Procedure).

J. Floodplain overlay zone permit. Flood Plain Overlay Zone development permits are required for development or redevelopment within any area of the Coastal Zone identified on the Official Flood Plain Overlay Zone Map as being within the Flood Plain Overlay Zone. Zoning Regulations Chapter 24.530 (Floodplain Overlay Zone Development Permit Procedure) specifies the Floodplain Overlay Zone Development Permit processing procedure.

K. Residential condominium conversions. In order to regulate development in a manner that provides a variety of housing types and neighborhoods for residents, both renters and owners, the provisions of Zoning Regulations Chapter 24.425 (Residential Condominium Conversion Regulations) shall apply to all proposed residential condominium conversion projects located within the plan area.

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

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on November 22, 2010, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews,
 Monahan, Deputy Mayor Tracy and Mayor Fulton.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on November 23, 2010.


Deputy City Clerk



