

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.

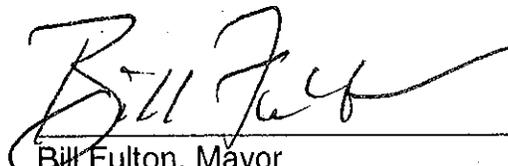
B. The amendment will fulfill the intent for the Midtown Corridors Code, which is to create a desirable environment for the residents, as well as accommodate tourist oriented and general commercial uses and mitigate the impact the potential loss of affordable accommodations in the coastal areas.

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.

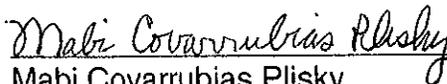
D. The amendment is consistent with the project description and scope of the final Negative Declaration that was prepared for the Midtown Corridors Development Code pursuant to the California Environmental Quality Act as adopted by the City Council on November 26, 2007.

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.

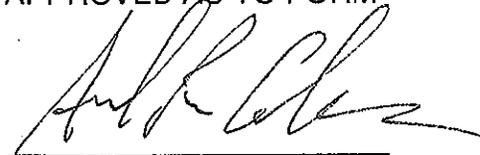


Bill Fulton, Mayor



Mabi Covarrubias Plisky
City Clerk

APPROVED AS TO FORM



Ariel Pierre Calonne
City Attorney

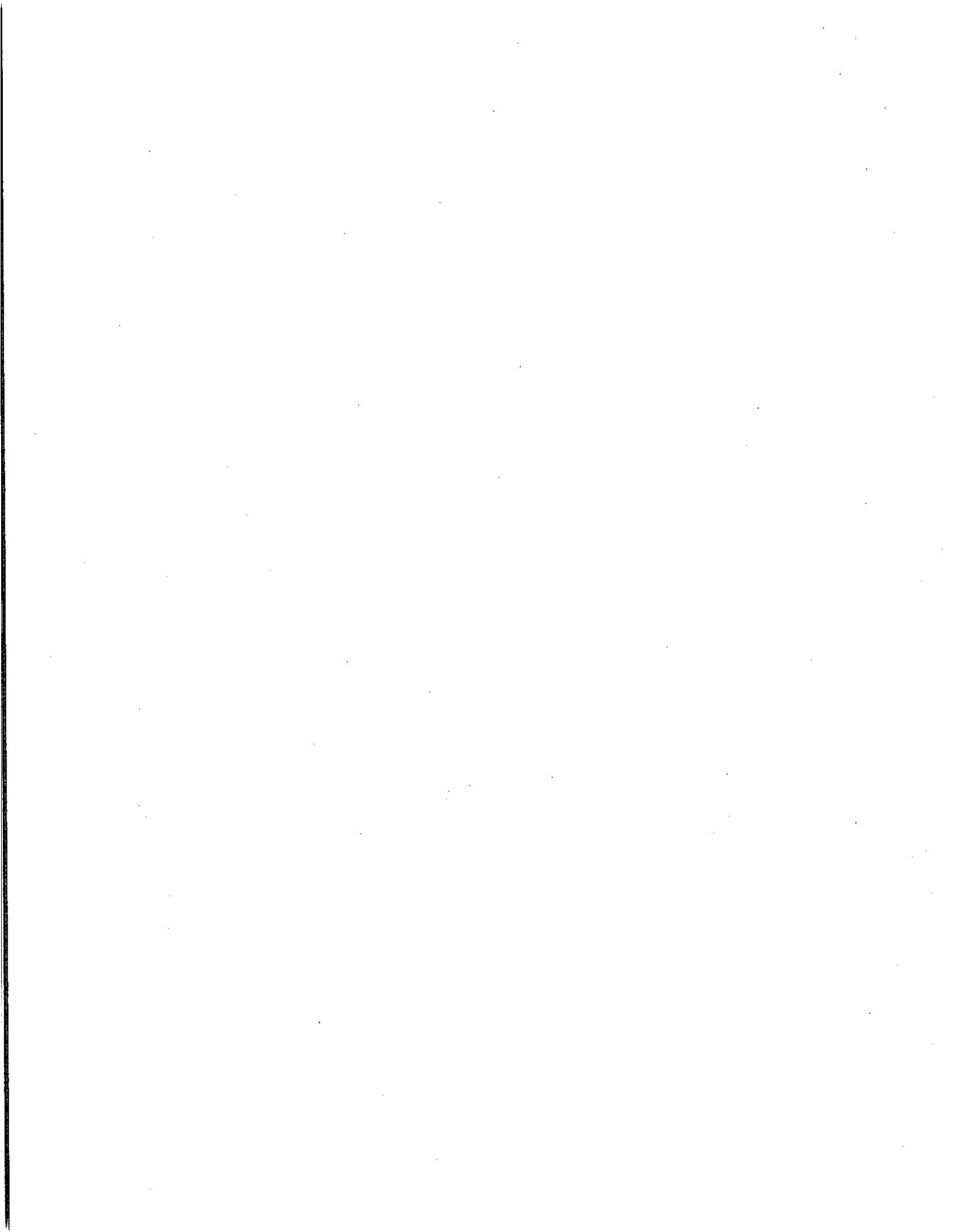
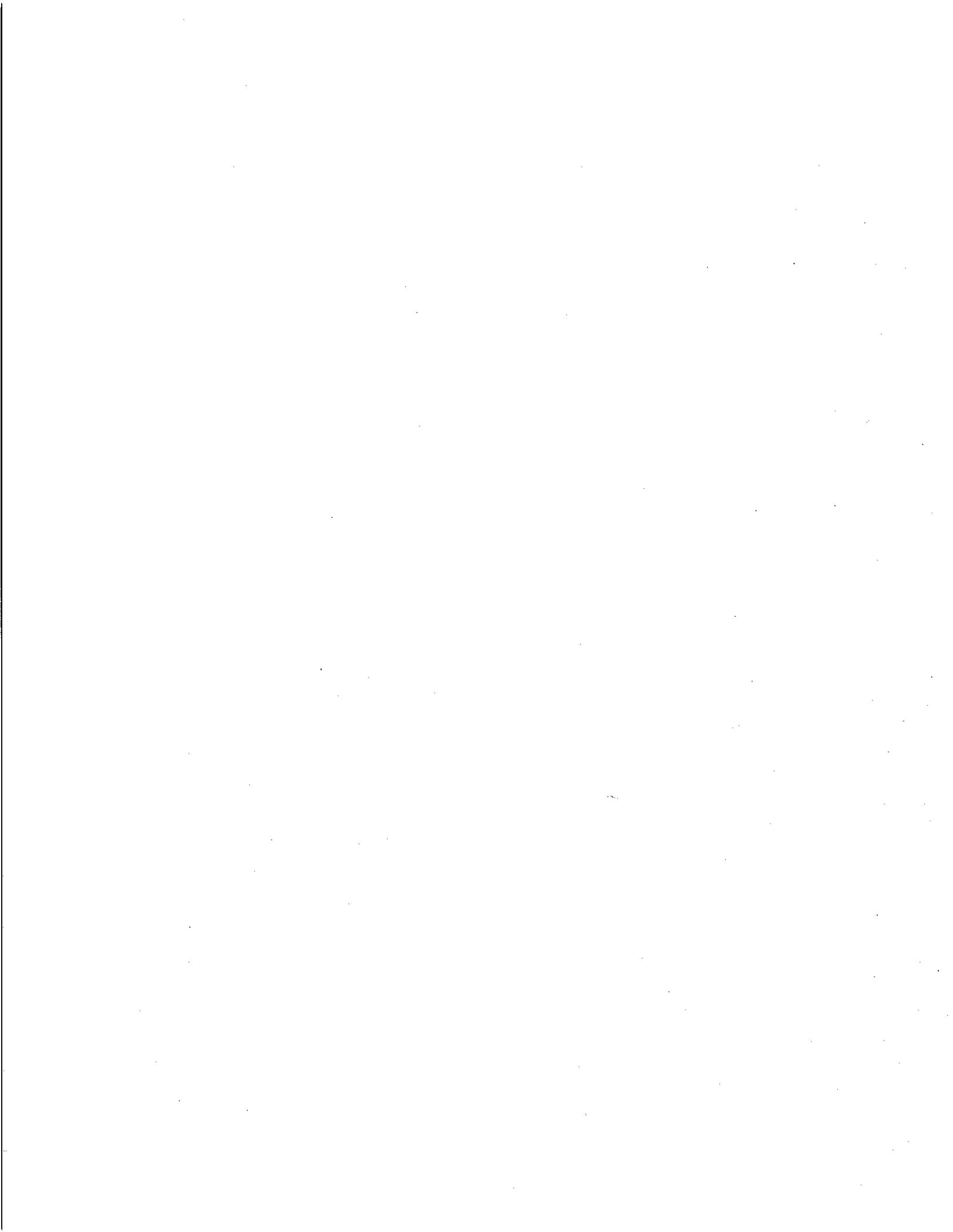


Exhibit A



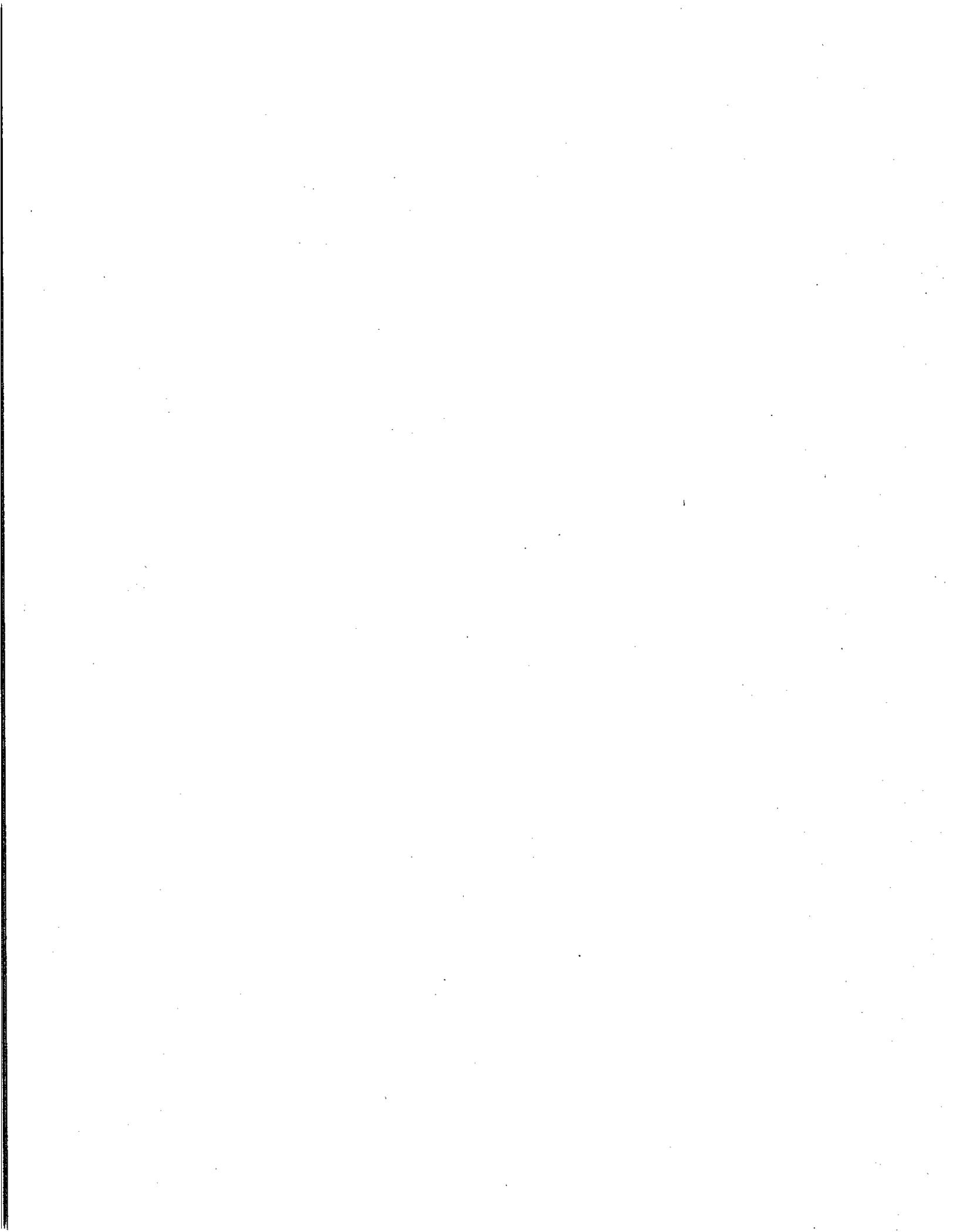
24M.100

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.

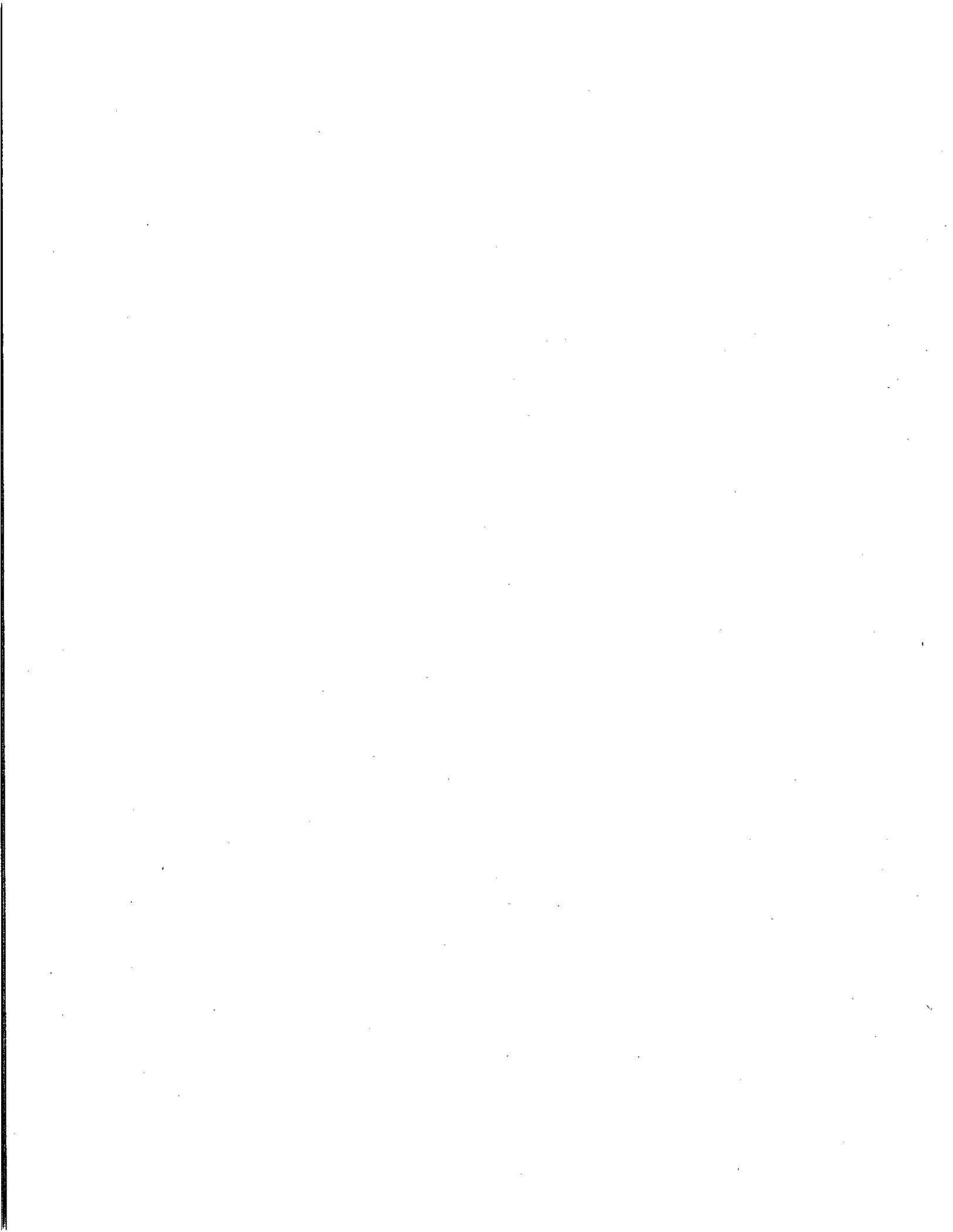
Each land use and structure shall comply with the development standards of Chapter 24M.200, and 24M.202 (Zones and Development Standards and Overlay Zones), Chapter 24M.206 (Building Type) and Chapter 24M.210 (Mixed Type Development Standards), any applicable standard of Chapter 24 (Municipal Code), 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 | | | Additional Regulations |
|---|--------------------------|---------|------|------------------------|
| | DP - Director's Permit | | | |
| | UP - Use Permit Required | | | |
| Land Use Types (1) | Not Allowed | | | |
| | PERMIT REQUIRED BY ZONE | | | |
| | T4.5 | T4.5-SF | T5.2 | |

RETAIL

| | | | | |
|--|-------|-------|-------|-----------|
| Bar/Lavern/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 | — (6) | — (6) | — (5) | |
| Drive-through facility | — | — | — | |
| Floor area over 20,000 sq ft | — | — | 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 | DP | UP | P | |
| Mortgage lender/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 (B) |
| Transfer station/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/carriage house | P | P | — | |
| Dwelling - Single dwelling | P | — | — | |
| Home occupation | P | P | P | |
| Live/work | DP | P | P | |
| Residential accessory use of structure | P | P | P | |
| Special Residence | UP | UP | UP | |

Key to Zone Symbols

| | | | |
|---------|---|------|---------------|
| T4.5 | Urban General | T5.2 | Urban General |
| T4.5-SF | Urban General - Shopping 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.

Exhibit A continued

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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

