

CALIFORNIA COASTAL COMMISSION

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



March 16, 2010

Jeffrey Lambert
Community Development Director
City of Ventura
501 Poli Street
Ventura, CA 93002

RE: City of San Buenaventura Local Coastal Program (LCP) Amendment SBV-MAJ-1-08 [Midtown Corridor Development Code- Main Street and Thompson Boulevard] and SBV-MAJ-2-08 [Downtown Specific Plan]

Dear Mr. Lambert:

On November 5, 2009, the Coastal Commission took the following action on Local Coastal Program Major Amendments 1-08 and 2-08:

By a unanimous vote, the Commission approved Amendment 1-08 and 2-08 to the City of Ventura Local Coastal Program with suggested modifications.

The Commission's action is based upon the findings contained in the Commission staff reports dated October 22, 2009 and addendum dated November 4, 2009. The Commission's resolution of certification for each amendment is contained within the staff reports.

Section 13544 of the Commission's Administrative Regulations requires that after certification, the "executive director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies." Further, the certification of each Local Coastal Plan Amendment "shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications (e.g. implementation of ordinances); and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program;
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally

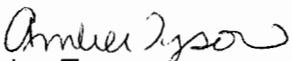
adequate to satisfy any specific requirements set forth in the Commission's certification order;

- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and
- (d) Notice of the certification of a Local Coastal Program shall be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

If there are any questions regarding this matter, please feel free to contact me at the South Central Coast Area office. The Commission and staff greatly appreciate the City's cooperation and assistance.

Authorized on behalf of the California Coastal Commission by:

PETER DOUGLAS
Executive Director


By: Amber Tysor
Coastal Program Analyst

Land Use Plan Modifications

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

Suggested Modification 1

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

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

Suggested Modification 2

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

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

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

Suggested Modification 3

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

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

Suggested Modification 4

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

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

Suggested Modification 5

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

CTO	Refer to DTSP zoning map (Figure III-1) and Municipal Zoning Code Section 24.240 for sites in the coastal zone subject to C-T-O provisions. Building design standards in the transect-based code will apply to C-T-O zoned sites.
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Suggested Modification 6

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

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

Suggested Modification 7

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

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

Suggested Modification 8

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

At approximately 11 acres, the Triangle Site represents the largest undeveloped area in Downtown and its ultimate buildout provides an important opportunity to achieve the goals of this plan. The site has incredible ocean views, but constraints include adjacency to Highway 101 and the railroad and limited access from major roads. Development of the site must include ~~a mix of uses, including provision of public access, visitor-serving uses and/or public recreational uses, such as a bluff-top park and improved public amenities at the northern terminus of Ash Street pedestrian bridge, which provides coastal access over Hwy 101.~~ Key issues to be addressed during development of this area are:

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

Suggested Modification 9

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

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

Suggested Modification 10

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

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

Suggested Modification 11

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

The Development Code, ~~on the whole,~~ functions separately from the City's conventional Zoning Regulations, except for parcels designated C-T-O within the Coastal Zone (see Page III-8, Table III-1 "Regulating Plan"). As a departure from the 1993 Downtown Specific Plan, every evaluation standard necessary to design a project is now located within this plan. However, to provide for smooth administration of the Code, this plan continues to rely upon the Chapter 24 Zoning Regulations for permit processing procedures (e.g., noticing, hearing, appeals, and expiration procedures.) Zoning Regulation evaluation standards are relied upon in limited and unique circumstances as noted throughout the Code, including the parcels within the C-T-O zone, as referenced by the zoning map depicted as Figure III-1 "Regulating Plan," subject to the provisions of Municipal Code Section 24.240 and subject to the transect-based design standards in the Downtown Specific Plan.

Suggested Modification 12

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

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

New development shall minimize risks to life and property in areas of high geologic, flood, or fire hazard. Development shall assure stability and structural integrity and neither create, nor contribute significantly, to erosion, geologic

instability or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs. Development shall proceed only if the Director of the Department of Building and Safety determines that there is sufficient evidence that the structure may be constructed and maintained safely. All development shall employ earthquake resistant construction and engineering practices.

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

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

Implementation Plan Modifications

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

Suggested Modification 13

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

[As Shown on Exhibit 3]

Suggested Modification 14

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

Suggested Modification 15

The following section shall be added to the 2007 Downtown Specific Plan Development Code (IP), Article VII, Section 7.70.000 Timeshare, page III-105 and to Municipal Zoning Code Section 24.425:

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

Suggested Modification 16

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

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

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

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

2. Standards.

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

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

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

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

(a) Definitions.

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

“Fractional Ownership Hotel” means a facility providing overnight visitor accommodations where at least some of the guestrooms (units) within the facility are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for an interval of not less than two (2) months and not more than three (3) months per year and each unit available for fractional ownership will have multiple owners.

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

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

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

- (b) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Overnight Visitor Accommodation.
- (c) Limited Use Overnight Visitor Accommodations shall be limited to no more than 25% of total new guestrooms (units) 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.

Suggested Modification 17

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

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

Implementation Plan Modifications

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

Suggested Modification 1

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

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

Suggested Modification 2

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

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

Suggested Modification 3

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

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

Suggested Modification 4

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

Suggested Modification 5

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

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

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

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

Suggested Modification 7

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

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

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

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

2. Standards.

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

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

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

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

(a) Definitions.

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

"Fractional Ownership Hotel" means a facility providing overnight visitor accommodations where at least some of the guestrooms (units) within the facility are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for an interval of not less than two (2) months and not more than three (3) months per year and each unit available for fractional ownership will have multiple owners.

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

"Limited Use Overnight Visitor Accommodations" means any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit,

room(s), or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to Timeshare, Condominium-Hotel, Fractional Ownership Hotel, or other uses of similar nature.

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

- (b) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Overnight Visitor Accommodation.
- (c) Limited Use Overnight Visitor Accommodations shall be limited to no more than 25% of total new guestrooms (units) 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.