

### **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:

<b>Coastal Zone</b>	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](http://www.visitcalifornia.com)) or other analogous method used to arrive at an average Statewide room rate value.