

RESOLUTION NO. 2022-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION, CONSISTING OF THE ADDITION OF SECTION 24.105.300 TO THE SAN BUENAVENTURA MUNICIPAL CODE TO IMPLEMENT THE STREAMLINING OF THE DEVELOPMENT PROCESS IN THE COASTAL ZONE

WHEREAS, the City of San Buenaventura desires to amend its certified Local Coastal Program (LCP) with an addition to its Implementation Plan (IP) to streamline the development process within the coastal zone of San Buenaventura; and,

WHEREAS, the LCP amendment requests the addition of Section 24.105.300, "Streamlining Procedures," to streamline the development process for developments occurring within the coastal zone; and,

WHEREAS, the LCP Amendment consists of a Zoning Ordinance amendment to the San Buenaventura Municipal Code, which is attached to this resolution as Exhibit A and incorporated herein by reference; and,

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 et seq.), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the City to the California Coastal Commission; and,

WHEREAS, any proposed changes to the IP must confirm with and adequately carry out all applicable policies and standards of the Land Use Plan (LUP), which, either procedurally or substantively, affect or direct the location, type, density, or intensity of such uses through specified due process and/or restrictions, limitations, and performance standards imposed on such uses; and,

WHEREAS, the LCP Amendment to add text to the IP as proposed does conform with and is adequate to carry out the policies, objectives, principles, standards, and plan proposals set forth in the applicable provisions of the adopted and certified LUP; and,

WHEREAS, adequate and timely public notice for this public hearing has been provided in the following manner, consistent with California Code of Regulations Sections 13552 and 13515, Government Code Section 65352 and City Municipal Code regulations, at a minimum: published notice in the Ventura County Star newspaper a minimum of ten working days prior to the public hearing; mailed a notice a minimum of six weeks in advance of the final local action hearing date (June 27, 2022) to the cities of Port Hueneme and Oxnard, the County of Ventura, affected public agencies, libraries, the media, and interested parties to duly notice availability of the draft LCP Amendment; and,

NOW, THEREFORE, the City Council of the City of San Buenaventura does hereby resolve, find, determine and order as follows.

1. The preparation and adoption of the LCP Amendment is exempt from the CEQA pursuant to Section 15265 of the State CEQA Guidelines.
2. The Community Development Department is hereby authorized to submit the LCP Amendment, included as Exhibit A, to the California Coastal Commission for final action and certification.
3. The LCP Amendment shall take effect upon final certification by the California Coastal Commission unless revisions are made by the Coastal Commission.

PASSED AND APPROVED this 27th day of June, 2022.

Sofia Rubalcava, Mayor

ATTEST:

Michael MacDonald
City Clerk

APPROVED AS TO FORM
Andrew Heglund, City Attorney

BY:  6/9/22
Megan Lorenzen Date
Assistant City Attorney

EXHIBIT A

ORDINANCE NO. 2022-_____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SAN BUENAVENTURA,
CALIFORNIA, ADDING SECTION
24.105.300, "STREAMLINING
PROCEDURES," TO IMPLEMENT THE
STREAMLINING OF THE DEVELOPMENT
PROCESS IN THE COASTAL ZONE**

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

Section 1. ADDITION TO CODE. Chapter 24.105, "General provisions of the Zoning Ordinance," of the San Buenaventura Municipal Code is hereby amended by the addition of Section 24.104.300, "Streamlining Procedures," to read as follows:

**"Sec. 24.105.300. – Streamlining
Procedures.**

On January 13, 2022, Ordinance No. 2021-017 became effective, which established streamlining regulations for the City. This section was created to summarize the streamlining content of Ordinance No. 2021-017 for the purpose of amending the LCP IP in a more timely manner to have consistent streamlining regulations apply citywide. This section amends procedural and processing requirements of Division 24 and all Specific Plans and Corridor Plans. In situations where this section and other parts of Division 24 or any Specific Plan or Corridor Plan contradicts, the terms of this section shall prevail.

- A. Final Decision-Making Authority. The Design Review Committee and Historic Preservation Committee are

recommending bodies. Final decision-making authority for all development applications in Division 24 or any Specific Plan or Corridor Plan shall be by the Director at an administrative level, at a Director's hearing, Planning Commission hearing, or City Council hearing.

1. New development that includes one or more major variances or exceptions shall be the planning commission.
2. New development that includes one or more minor variances or warrants, or is otherwise compliant with zoning regulations, shall be a Director's hearing.
3. All use permits shall be a Director's hearing.
4. All appeals of final actions shall be heard by the City Council. Any decision made by the City Council shall be final.

B. Interrelated Applications. When multiple, interrelated applications are submitted for a proposed project that requires, as a necessary component, one or more actions by a combination of the City Council, Planning Commission or the Director, the final decision-making authority shall be as follows:

1. When decision-making authority for components of the proposed project is shared between the Planning Commission and Director, the Director shall forward the entire project application package to the Planning Commission who shall become the decision-making authority for

- all component applications.
2. When decision-making authority for components of the proposed project is shared between the City Council and other decision-making authorities, the decision-making authority shall become a recommending body for the entire project application package, and the City Council shall become the decision-making authority for all component applications.
- C. Forwarding and Referring Applications. The Director may forward any application to the Design Review Committee or Historic Preservation Committee for a recommendation. The Director may forward any application for which the Director is authorized to take an administrative action to a Director's hearing or to the Planning Commission for final action.
- D. Historic Preservation.
1. The Director may require applications for any development proposal involving buildings or structures over 40 years of age that are not designated or have not been identified in a previous historic resources survey adopted by the City Council to provide a historic resources assessment report (or "Phase I") prepared by a City-designated historic preservation professional and funded by the applicant. The Director will base this decision on the following considerations:
 - a. The building or structure appears to retain historic

- integrity; and,
 - b. There is evidence that the building or structure embodies the distinctive characteristics of an architectural style or type, or is associated with someone on the city's list of significant architects and builders; or,
 - c. There is evidence that the building or structure is associated with important historical events or persons.
 - 2. If the Director determines a building or structure is a potential historic resource, then historic design review is required.
 - 3. Designation or removal of a designation as a landmark or point of interest shall occur by a recommendation from the Historic Preservation Committee to the City Council for final action.
 - 4. The Historic Preservation Committee will make a recommendation to the planning commission for the establishment of a historic district. The planning commission will make a recommendation on the establishment of a historic district to the City Council for final action.
- E. Design Review. Design review approval is required prior to any manmade change to improved or unimproved real property, including but not limited to, construction of structures, paving, grading, landscaping, and signage, unless otherwise provided in this chapter. Such changes shall be

considered development for the purposes of this chapter.

1. Design review shall be categorized as Major Design Review, Minor Design Review or Historic Design Review. An application for Major, Minor, or Historic Design Review shall require a complete application and payment of fees by the property owner or agent and shall be reviewed and acted upon by the Director, except that Minor Design Review may be administratively approved by the Director without notice or hearing.
 - a. Major Design Review. Major Design Review shall be required for development that adds five or more residential units, new non-residential structures greater than or equal to 2,000 square feet of gross area, or additions to existing non-residential structures greater than or equal to a 25 percent increase in the square footage or lot coverage of an existing non-residential structure. Development subject to this subsection shall be referred to the Design Review Committee (DRC) for a recommendation to the decision-making authority at a noticed public hearing.
 - b. Minor Design Review. Unless specifically exempted

by subsection (E)(3) of this section, all other development that does not qualify for Major Design Review shall require Minor Design Review, including but not limited to:

- i. Development that adds three or four residential units, new non-residential structures less than 2,000 square feet of gross area, or additions to existing non-residential structures less than a 25 percent increase in the square footage or lot coverage of an existing non-residential structure.
- ii. Façade changes, including change of color, paint, windows, awnings.
- iii. Site and landscape modifications.
- iv. New or modified fences and walls.
- v. Lighting improvements, including ground- and building-mounted fixtures.
- vi. All signs and sign programs.
- vii. Screening enclosures for equipment, storage, trash, and similar items.

- viii. Outdoor dining areas or enclosures.
- ix. Minor changes.
The Director may forward any Minor Design Review application to the Design Review Committee for a recommendation. A referral of a Minor Design Review application to the Design Review Committee shall be placed on a meeting agenda but shall not require notice or a public hearing. Any Minor Design Review project that the Director determines is likely to have significant public interest due to scope, location or any other issue, shall be required to provide mailed notice, posted notice and pay applicable fees prior to any administrative action. The Director shall include any prior improvements that resulted in the addition of units or non-residential building area over the past twenty-four months

when determining whether a project qualifies as Major or Minor Design Review. For purposes of this Section, any type of Accessory Dwelling Unit shall not count as a unit for the determination of Major or Minor Design Review.

- c. Historic Design Review. Development on a property within or immediately adjacent to a designated Historic District (HD) Overlay Zone, alterations or additions to a property of a designated historic landmark, a property identified as eligible in a historic resources survey adopted by the City Council, or a contributor to a designated HD Overlay Zone, new construction or adjacent to a designated historic landmark, or affecting a potential historic resource as determined by the Director, shall require historic design review. The historic design review process will be based on the Secretary of Interior's Standards for the Treatment of Historic Properties.
 - i. Accessory dwelling units (ADUs) affecting

- an identified or potential historic resource shall require Minor Design Review.
 - ii. All other development, alterations or additions the Director determines may have an impact on an identified or potential historic resource shall be referred to the Historic Preservation Committee (HPC) for a recommendation to the decision-making authority at a noticed public hearing.
 - 2. Design review approval may be required by the decision-making authority as a condition of any permit or other approval granted pursuant to this division.
 - 3. Exemptions. Development associated with the following is exempt from design review in all cases:
 - a. Single-Family and Two-Family residential properties, except as required by subsection (E)(1)(c) of this section;
 - b. Accessory Dwelling Units, except if a historic resource is involved, as required by subsection (E)(1)(c) of this section;
 - c. Site, landscaping or structural aspects of:
 - i. Temporary Uses

- allowed by Chapter 24.120;
- ii. Farmer's Market, Certified;
 - iii. Mobile Homes;
 - iv. Animal Husbandry, Apiculture, Crop Production, Horticulture, Produce Sales on Agriculturally zoned properties;
 - v. Repair, or repainting, of conforming structures to match previously permitted conditions;
 - vi. Resurfacing of paved areas to match previously permitted conditions;
 - vii. Replanting of landscaping to match previously permitted conditions;
 - viii. Changes to the interior design or layouts of buildings or other structures unless the Director determines a publicly visible exterior is significantly affected by the change;
 - ix. Development that is exempted by State law from local design review;
 - x. Any development the Director determines is de minimis.

4. Findings for Design Review. Prior

to granting an approval of an application for design review, the decision-making authority must make all of the following findings:

- a. The design and layout of the proposed development is consistent with the applicable elements of the general plan or comprehensive plan and any adopted city-wide design architectural criteria or design criteria for specialized areas, such as designated historic districts, theme areas, planned developments, or specific plans that the project is located in;
- b. The design and layout of the proposed development will accommodate the functions and activities that are proposed for the property, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create traffic or pedestrian hazards;
- c. The site, architectural, and landscape design of the proposed development is reasonably compatible with the character of the surrounding neighborhood and all reasonable design efforts have been made to maintain the harmonious,

orderly, and attractive development contemplated by this zoning ordinance and the general plan or comprehensive plan;

- d. The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors and that it is aesthetically of good composition, materials, texture, and color that will remain aesthetically appealing with the level of maintenance and upkeep that might reasonably be expected of the occupants.

F. Noticing.

1. Courtesy notice. The additional requirement of a courtesy notice requires postal cards or letters mailed within the first thirty days of formal application submittal to the owners of all property and tenants within 300 feet of the exterior boundaries of the property involved in the application.
2. Mailed notices shall include owners and tenants within 300 feet of the property.
3. Courtesy notices and mailed notices are required for all zoning applications that require a public hearing, except for cases where the Director refers an administrative action to a public hearing.
4. Coastal development permits

require notice to tenants within 1000 feet.

5. Posted notice is required for all applications that require a public hearing. Posted notices shall comply with the following standards:
 - a. Notice location, size, structure and height. Posted notices shall adhere to one of the following standards:
 - i. Posted notices shall be placed along each street frontage of the property that is the subject of the hearing not more than ten feet from the property line and in an area that is most visible to the public, subject to approval by the City. If, necessary, multiple signs may be required on each street frontage, as determined by the Director. However, on corner lots, notices shall not be posted within the vehicular sight distance area, defined as the corner area within a 90-degree right triangle containing two ten-foot sides.
 - ii. Each posted notice shall be placed on a white four feet high by

eight feet wide signboard made of one-half-inch MDO plywood or one-quarter-inch coroplast (corrugated vinyl). Where the signboard is made of MDO plywood, it shall be supported by two two-inch by four-inch posts, with one-inch by three-inch stringers to support the signboard. The signboard and supporting structure shall not exceed six feet in height and shall not be illuminated.

iii. For projects involving existing buildings or structures, hearing notices may be posted in the storefront window of the property in question, provided that they are posted in an area that is most visible to the public, subject to approval by the City.

iv. Each hearing notice shall be placed on white 24-inch by 36-inch paper. When mounted outside, the hearing notice shall be mounted on signboard made of one-half-inch MDO plywood or one-

quarter-inch coroplast (corrugated vinyl). Where the signboard is made of MDO plywood, it shall be supported by two two-inch x four-inch posts, when necessary. The signboard and supporting structure shall not exceed six feet in height and shall not be illuminated.

- G. Coastal Development Permits. No part of this section shall be construed to limit or reduce the type of applications that require a coastal development permit pursuant to State law or Chapter 24.515. The only changes this section makes to the processing of coastal development permit are as follows:
1. Coastal development permit applications that have one or more major variance or exceptions shall be acted on by the planning commission.
 2. Coastal development permit applications that have one or more minor variances or warrants, or otherwise comply with zoning regulations, shall be acted on at a Director's hearing.
 3. Courtesy notices, as set forth in subsection (F)(1) of this section, are required for coastal development permit applications.
 4. In cases where a coastal development permit is required, the coastal development permit may substitute for any required

planned development permit. In no case shall a planned development permit substitute for a coastal development permit.

- H. Findings for Warrants and Exceptions. In order for the decision-making authority to approve a warrant or exception, findings must be made by the decision-making authority as follows:
1. Warrants
 - a. The project design reasonably achieves the intent of the standard for which the warrant is requested.
 - b. The warrant does not result in the project being incompatible with the surrounding area.
 - c. The warrant would not result in impacts detrimental to or that would adversely impact adjacent properties.
 - d. Warrants for civic buildings. The warrant is necessary to provide a public service and the associated project is designed to feature as a prominent, architecturally significant contribution to the built environment.
 2. Exceptions.
 - a. The exception does not result in the project being incompatible with the character of the surrounding area.
 - b. The exception would not result in impacts detrimental to or that would adversely

- impact adjacent properties.
 - c. The project design reasonably achieves the intent of the standard for which the exception is requested, or otherwise exceeds the intent of other standards that offset the result of the requested exception.
 - 3. Additional finding in the hillside overlay. The warrant or exception from one or more standards for a project in the hillside overlay would not directly result in unreasonably or unnecessarily interfering with the scenic view from any other public or private property; including, but not limited to public streets and other public areas.
 - 4. Additional finding for an identified or potential historic resource. The warrant or exception from one of more standards may be granted if determined to be necessary to preserve those portions or features which convey the building or structure's historical, cultural or architectural values.
 - 5. Density bonus applicability. Projects requesting a density bonus may be eligible for concessions that can be used to justify one or more warrants or exceptions as provided in Government Code Section 65915.
- I. Miscellaneous.
 - 1. Accessory structures in the R-1, R-2, R-3, C-1, C-1A, C-2 district

shall not require a Director's permit but may require other zoning permits based on Division 24.

2. Livestock animal raising – group-sponsored projects in the R-1 district shall be a final decision of the Director.
3. All new development involving new buildings or additions beyond a single-family residence, duplex or accessory dwelling unit shall require a planned development permit in all zoning districts or an amendment to a previously approved planned development permit.
4. All references to “administrative” permits including but not limited to administrative coastal development permits, administrative use permits or administrative variances now have the “administrative” term removed.
 - a. Administrative variances that require planning commission action shall be classified as major variances.
 - b. Administrative variances that do not require planning commission action, and sign variances, shall be classified as minor variances.
5. A minor variance or warrant/exception is required for parking spaces that do not comply with the design and dimension standards of Chapter 24.415.
6. Alcohol beverage establishments shall require a use permit.

7. Parking approvals in the Downtown Parking (DP) Overlay Zone, and parking determinations in Parking District No. 3 shall be administered through the use permit process.
8. Zoning Text Amendments.
 - a. Zoning text amendments are reviewed by the planning commission for a recommendation to City Council. Design Review Committee review is not required.
9. Development Agreements.
 - a. The Director may initiate applications requesting consideration and adoption of a development agreement, provided a person having a sufficient legal or equitable interest in the subject real property has provided a written statement of consent.
 - b. A planning commission action rejecting a proposed development agreement shall be forwarded to the City Council for final action.
 - c. Design Review Committee review of a development agreement is not required.
10. Specific Plans.
 - a. Design Review Committee review of a specific plan is not required, however, the Director may refer portions of a specific plan related to design standards or

guidelines to the Design Review Committee for a recommendation.

11. Amendments, Revocation and Reevaluation.

- a. Amendments to any zoning permit shall be acted on by the Director at a public hearing. Amendments that result in major changes to a project acted on by the planning commission or City Council shall be referred to the planning commission or City Council, as applicable, for final action.
- b. Revocation or reevaluation of a permit for cause may be initiated by city staff. The hearing will be held by the decision-making authority, or the City Council. For revocation or reevaluation, the decision-making authority is that which has the authority to act on the permit as of January 13, 2022.”

Section 2. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 3. CEQA FINDINGS.

The City Council further finds that the enactment of this Ordinance is determined to be exempt under Section 15061(b)(3) of the of Title 14 of the California Code of Regulations in that the adoption of these amendments implement modifications to the development review process that will not foreseeably result in construction activities or other physical activities, either directly or indirectly. It can therefore be foreseen that the enactment of this ordinance does not have the potential to result in significant effects on the environment."

PASSED and ADOPTED this ____ day of _____ 2022.

Sofia Rubalcava
Mayor

ATTEST:

Michael MacDonald, CMC
City Clerk

APPROVED AS TO FORM
Andrew Heglund, City Attorney

By: 
Megan Lorenzen
Assistant City Attorney

6/6/22
Date