

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA APPROVING TEXT AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF VENTURA MUNICIPAL CODE TO AMEND SECTION 24.238.020, USES PERMITTED, HARBOR COMMERCIAL DISTRICT, TO CLARIFY PUBLIC SERVICE FACILITIES ARE GENERALLY PERMITTED TO FACILITATE THE CONSTRUCTION OF AN ADVANCED WATER PURIFICATION FACILITY, AND TO AMEND THE LOCAL IMPLEMENTATION PLAN OF THE LOCAL COASTAL PROGRAM

WHEREAS, an application has been filed by the City of Ventura Water Department, pursuant to the City of San Buenaventura Municipal Code, for a Zoning Ordinance Amendment to clarify that public service facilities are generally allowed in the Harbor Commercial zone, which is part of an amendment to the Local Implementation Plan and Land Use Plan of the Local Coastal Program, as part of a larger application related to the VenturaWaterPure Advanced Water Purification Facility (AWPF); and,

WHEREAS, on July 10, 2023, the Planning Commission of the City of San Buenaventura held a duly noticed public hearing and at that time considered all testimony, written and oral and forwarded a recommendation to adopt the proposed zone text amendments; and,

WHEREAS, on September 25, 2023, the City Council was presented text amendments to the San Buenaventura Municipal Code Zoning Regulations to amend Section 24.238.020, as depicted in this ordinance; and,

WHEREAS, on September 25, 2023, the City Council of the City of San Buenaventura held a duly noticed public hearing and at that time considered all testimony, written and oral, and approved the proposed text amendments to the Zoning Ordinance; and,

WHEREAS, City staff provided adequate and timely public notice for all public hearings in the following manner, consistent with California Coastal Commission regulations Sections 13552 and 13515 and City Municipal Code regulations: publishing a notice in the Ventura Star newspaper a minimum of ten days prior to each public hearing; mailed notice 10 days prior to each public hearing to all property owners within a 300-foot radius and all residents within a 100-foot radius of the subject property; posting two 4' by 8' signs 10 days prior to each public hearing on the subject property containing project description, case numbers, applicant and City contact information, and the date and location of public hearings; and, mailed notice a minimum of six weeks in advance of the Council hearing date (September 25, 2023) to the cities of Oxnard and Port Hueneme, County of Ventura, affected public agencies, libraries, and the Ventura Star newspaper for publishing to duly notice the LCP Amendment; and,

WHEREAS, the project is consistent with the Coastal Act and the City's LCP, and with the City's General Plan. As the proposed project is within the Coastal Zone, the proposed amendment must be consistent with the California Coastal Act. The project is consistent with Coastal Act policies regarding public access, Environmentally Sensitive Habitat (ESHA), prime agriculture, visual resources, circulation and pedestrian access, and wetlands. The City's General Plan (2005) also satisfies State requirements for the City's LCP in accordance with the California Coastal Act (Public Resources Code § 30000 et seq.). Actions in the General Plan that affect coastal resources are intended to become part of the Land Use Plan of the LCP, which would be accomplished through specific or community plans for those areas; and,

WHEREAS, as part of a clean-up effort to the current San Buenaventura zoning regulations for the Harbor-Commercial (H-C) zone district, Section 24.238, a major amendment to the LIP and text amendments are proposed to correct a typographical error. The proposed text change would be to *remove* Section 24.238.020 (Uses-Permitted), part B(3)(j), "[p]ublic service facilities, including fire and police stations, libraries, public parking lots, sewer treatment facilities, utility substations" out of the "3. Commercial Fishing" section, and into the general part of 24.238.020 (B).

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

Section 1: The above recitations are true and correct and are incorporated herein by this reference.

Section 2: The proposed ordinance text amendments are consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly growth and development in a manner that preserves the public's health, safety, and welfare because it helps to clarify existing regulations with no substantial changes to the content of the Zoning Regulations.

Section 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The proposed text amendments are clarifications that do not change the substance of the zoning ordinance. As such, they are generally considered categorically exempt from CEQA. However, these amendments are part of a larger project that had an EIR, and now has an EIR Addendum. A FEIR Addendum to EIR-9-19-52130 (Addendum #2) was prepared for the project. The California Environmental Quality Act of 1970 (CEQA) Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) provides that an addendum shall be prepared when only minor technical changes, or changes which do not create new significant impacts, would result. This Addendum is for changes to EIR-9-19-52130, which was prepared pursuant to CEQA Guidelines 15162. Based upon the City's analysis of the project and material submitted, there are no substantial changes or changed circumstances under which the environmental review of the proposed projects would require major revisions of the previous EIR. No new significant environmental effects nor substantial increase in the severity of previously identified significant effects under the certified EIR-9-19-52130 have been found with the proposed projects.

No new information has surfaced that the proposed project would have one or more significant effects not previously discussed in the approved EIR-9-19-52130; nor would any impacts previously examined become substantially more severe than in the approved EIR-9-19-52130; further, no mitigation measures or alternatives previously identified as infeasible have become feasible or available to substantially reduce one or more significant effects than in the approved EIR-9-19-52130; nor would any mitigation measures or alternatives be considerably different than those analyzed in the approved EIR-9-19-52130. As part of this Addendum, the Summary of Impacts and Mitigation Measures adopted for EIR-9-19-52130 are referenced hereto and included in the Addendum.

Section 4: Section 24.238.020 of the Zoning Ordinance of the San Buenaventura Municipal Code, "Uses- Permitted," is hereby amended to read as follows:

"24.238.020: Uses – Permitted.

The following use types are permitted subject to the provisions of this chapter:

A. *Residential.*

None.

B. *General.*

Administrative, Business, and Professional Services.

Automotive and Accessories: Parking.

Boating and Harbor Activities: Boat Building or Repair.

Boating and Harbor Activities: Boat Sales and Services.

Boating and Harbor Activities: Boat Slips.

Boating and Harbor Activities: Commercial Boating and Fishing.

Boating and Harbor Activities: Harbor Sales and Services.

Business and Professional Support.

Community Meeting.

Cultural and Library Services.

Day Care Centers.

Dining Establishments: Ancillary Service.

Dining Establishments: Fast Counter Service.

Dining Establishments: Full Service.

Dining Establishments: Take Out.

Drinking Establishments.

Food and Beverage Retail Sales.

Food and Fish Processing: Fish Receiving.

Government Services.

Medical Services: Consulting.

Personal Services.

Recreation Services: Amusement Centers.

Recreation Services: Indoor Entertainment.

Recreation Services: Public Parks and Playgrounds.

Recycling Services: Consumer Recycling Collection Points.

Retail Sales.

Safety Services.

Shopping Centers: Large.

Shopping Centers: Small.

Utility or Equipment Substations.

Wireless Telecommunications Facilities: Mini

Wireless Telecommunications Facilities: Minor

Wireless Telecommunications Facilities: Major

Uses, and development, included within the general use types in this subsection B include the following:

1. Commercial visitor-serving:

- a. Marine and tourist-related retail shops.
- b. Restaurants, including sale of alcoholic beverages.
- c. Fast-food facilities (without drive-up facilities).
- d. Licensed public premises for the sale of alcoholic beverages.
- e. Marine-related museum.

2. Recreation, boating, fishing:

- a. Anchorages, moorings, slips, and landings for pleasure craft.
- b. Live-aboard boat slips and related support facilities.
- c. Boat repair facilities, including removal from water for pleasure craft.
- d. Boat storage, dry.
- e. Boat sales, rental, charter.
- f. Construction of pleasure craft up to a maximum of 30 feet.
- g. Boating and yacht clubs and clubhouses.
- h. Bait sales.
- i. Commercial support facilities incidental to harbor-related uses, such as laundromats, coin-operated fabric cleaners, drugstores, liquor stores, restaurants, barbershops.
- j. Jetties, breakwaters and other harbor components.
- k. Marine engine sales and repairs.
- l. Marine electronic sales and repairs.
- m. Marine hardware and chandlery.
- n. Sport fishing docks and charter offices.

o. Marina or anchorage facility, including administrative offices and support services (including restrooms, showers, laundry, caretaker's quarters).

p. Sailing or scuba school.

3. Commercial fishing:

a. Anchorages, moorings, slips, and landings for commercial fishing craft.

b. Boat repair facilities, including removal from water, for commercial craft.

c. Boat construction for commercial craft, up to a maximum of 30 feet.

d. Commercial and recreational fish-receiving facility, including hoist, ice plant, storage, packaging, sales area and related offices (excluding fish-processing plants).

e. Retail fish sales, including preparation for on-site sales.

f. Fuel dock for commercial fishing.

g. Office related to commercial fishing.

h. Support facilities for commercial fishing, such as meeting rooms, showers, laundry, restrooms.

i. Marine trade school and applied research facilities.

4. General commercial retail and offices, including convenience stores; provided, that the combination of the sale of gasoline and alcoholic beverages from or at convenience stores is prohibited.

5. Public service facilities, including fire and police stations, libraries, public parking lots, sewer treatment facilities, utility substations.

C. *Agricultural.*

None."

The foregoing Ordinance was adopted by the City Council of San Buenaventura on October 9, 2023 and ordered published by posting the following vote:

Ayes: Councilmembers Duran, McReynolds, Johnson, Campos, Deputy Mayor Dr. Sánchez-Palacios, and Mayor Schroeder

Noes: None

Absent: Councilmember Halter



Joe Schroeder
Mayor

ATTEST



For: Michael B. MacDonald, CMC
City Clerk

APPROVED AS TO FORM
Andrew Heglund
City Attorney

By:



Monica de la Hoya
Assistant City Attorney

10/11/23
Date