



**BOARD OF SUPERVISORS
COUNTY OF VENTURA**

GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

September 16, 2014

Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009

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SUBJECT: Direction to the Resource Management Agency to add three projects to the Planning Division project list: 1) a revision of the Coastal Zoning Ordinance to allow open decks in setback areas, 2) a revision of the General Plan and Non-Coastal Zoning Ordinance to create a Mobilehome Park designation and zone, and 3) Development of a Dark Sky Ordinance for the Ojai Valley. Direction to return with budget requests as necessary.

RECOMMENDATION:

A) Direct the Resource Management Agency to add three projects to the Planning Division project list:

- 1) A revision of the Coastal Zoning Ordinance to allow open decks in side and rear yard setback areas,
- 2) A revision of the General Plan and Non-Coastal Zoning Ordinance to create a Mobilehome Park land use designation and zone, and
- 3) Development of a Dark Sky Ordinance for the Ojai Valley.

B) Direct the Resource Management Agency to return to the Board with budget requests as necessary to accomplish the above projects.

DISCUSSION:

From time to time, Board members identify revisions or additions to the County General Plan and Zoning Ordinance that address concerns that have arisen in their districts. Several such items have arisen in the first district. I realize these proposals if approved would be added to the list of projects and will not inappropriately bump other projects in terms of the priority order.

1) Coastal Zoning Ordinance Side and Rear Yard Setback:

Residential lots in the Coastal Zone are typically quite small and are fully developed. Often, these lots slope toward the ocean as well. For many years, beachfront homeowners have constructed side yard decks to create a level connection between

the front and rear of their homes. The Planning Division has recently identified that such decks are not allowed under the Coastal Zoning Ordinance. There are likely many dozen of such sideyard decks in the county. The existence of a nonconforming or unpermitted structure can make issuance of additional permits at these homes difficult or impossible. Fortunately, a minor ordinance revision would rectify the conflict. Striking 5 words as shown on Attachment "A" will enable homeowners to apply for a discretionary coastal PD permit to build an uncovered deck in a sideyard (currently, they cannot even apply for a permit). Even if this change is made, the County (and on appeal the Coastal Commission) retains discretion over permit issuance. Therefore, permits could be withheld for any such decks that for some reason are found to not be appropriate or compatible.

2) Creation of a Mobilehome Park General Plan designation and/or zone

With 26 mobilehome parks in the unincorporated area, these parks contain an important inventory of affordable housing. In order to preserve this long-standing affordable housing stock, it would be appropriate to zone these communities specifically to recognize the existing mobilehome parks. This project would involve the creation of a new "Mobilehome Park" designation in the County General Plan Goals, Policies, and Programs and Land Use Map, and/or a corresponding "Mobilehome Park" zone in the Non-Coastal Zoning Ordinance and zoning maps, along with any other supporting documentation.

State Housing Element law requires cities and counties to implement policies and programs to conserve lower income housing, including mobilehome parks, and the State General Plan Guidelines specifically encourage the sort of mobilehome park zoning that is proposed:

"Conservation

Provide stable zoning to preserve affordable housing. For example, change the underlying zoning for a mobilehome park from commercial to mobilehome park."

Additionally, the federal Ninth Circuit court of Appeal upheld the legality of a "Manufactured Home Park" designation and zone in the case *Laurel Park Community LLC s. City of Tumwater (2012)*.

3) Development of a "Dark Sky Ordinance" for the Ojai Valley.

"Dark Sky Ordinances" have been adopted by communities around the world to prevent light pollution and preserve the natural darkness of the night sky. Beneficial effects include improved star viewing, greater tranquility and maintenance of rural

ambiance, which is particularly valued in the Ojai Valley, beneficial effects on the natural biorhythms of people and animals, and decreased energy consumption.

Nearby communities with Dark Sky Ordinances include the City of Ojai, the City of Calabasas, the County of Los Angeles, and Kern County. Additionally, many cities have implemented light pollution regulations through other means.

My proposal would be for the Planning Division to work with the Ojai Valley MAC to develop an ordinance for the MAC jurisdiction that would be implemented through measures such as an overlay zone for the area.

In conclusion, the proposed three programs would address concerns and requests from the affected communities and would further the goals of protecting and preserving the character of established residential communities and conservation of affordable housing.

Cordially,

A handwritten signature in black ink that reads "Steve Bennett". The signature is written in a cursive, flowing style.

Steve Bennett,
Supervisor, First District

Attachment