

THE FULL TEXT OF THE INITIATIVE MEASURE IS AS FOLLOWS:

The People of the City of San Buenaventura do ordain as follows:

Section 1. Purpose and Intent.

- A. This measure shall be known as: An Initiative Ordinance of the people of the City of San Buenaventura establishing a View Resources Board and a moratorium of up to two years temporarily amending the Municipal Code to limit building heights prohibiting the approval of new structures in all non-exempt areas of the city which will exceed 26 feet, until a comprehensive amendment to the general plan establishing a view protection overlay zone is presented to the voters for approval or has been approved by necessary governmental agencies or two years from enactment of this ordinance, whichever occurs first.
- B It is the intent and purpose of this Ordinance to promote and protect the public health, safety and general welfare through the temporary regulation of development within designated areas of the City of San Buenaventura ("City") limits to
1. implement the intent, statements, policies, goals, and objectives of the City's General Plan related to preservation of viewsheds of the City's natural resources;
 2. facilitate and encourage appropriate uses of land and to provide for compatibility of land uses as identified in the City's General Plan and in a View Protection Ordinance amending the General Plan if adopted by the voters or the City Council as set forth in Section 6;
 3. provide open space for light, air, privacy, aesthetic values, and conservation of environmental values;
 4. promote development of land to appropriate heights in order to conserve and enhance the city's physical scale and character as will be identified in the City's General Plan if amended by an approved View Protection Ordinance;
 5. preserve and stabilize property values;
 6. assure that any development of the coastal zone preserves and enhances the natural assets of the shoreline and protects coastal views and access;
 7. assure that development is sensitive to environmental conditions, including scenic qualities of the hillsides and coastal areas; and
 8. avoid significant adverse impacts to the City, including, but not limited to, the obstruction of important view corridors and vistas and the disruption to the existing residential character of the City if future development or redevelopment in the designated portion of the City is not properly planned.
- C. This is an interim ordinance, enacted under the provisions of Government Code section 65858. It amends the C-1, C-1A, C-2, C-T-O, CMXD, H-C, MHP, M-X-D, P-

O, R-P-D, R-1, R-2, R-3, R-1-B, R-2-B and TO OVERLAY zones in the City's Municipal Code and as properties are presently zoned within the City limits as shown on the City's official February 2007 zoning map, to limit the height of new structures and additions to existing structures to be approved by the City within the areas designated to a maximum of 26 feet during the period of the moratorium as set forth in Section 7. The approval of permits or other entitlements for construction in excess of this height limitation prior to creation and enactment of a view protection overlay zone, would result in a current and immediate threat to the public safety, health, or welfare, because approval of potentially nonconforming land uses could defeat the purpose for the envisioned later adopted general plan and/or zoning ordinance.

- D. A comprehensive and fundamental method is needed for allowing direct community involvement in the planning process to preserve existing City views of the hillsides and coast for present and future generations. This will be accomplished by establishing a broad based View Resources Board comprised of San Buenaventura residents, business representatives and City officials to develop and present to the voters a View Protection Initiative amending the City's General Plan, unless adopted without change by the City Counsel.

Section 2. Statement of Findings.

- A. Voter approval of and/or community participation in the creation of a View Protection Initiative amending the City's General Plan will add credibility and strength to the document which serves as a blueprint for future growth and development of the City.
- B. The maximum two year moratorium provided for hereunder is necessary because there is a current and immediate threat to the public health, safety or welfare if approval of new development in excess of 26 feet in height in the designated areas proceeds before amendments to the General Plan in the form of a View Protection Ordinance is studied and considered by the voters or approved without amendment by the City Council within the two year period. Any such approval, if not barred during the period of this moratorium, may result in the construction of buildings in conflict with any new view protection ordinance adopted following the procedures established by this initiative ordinance, defeating the purpose of such ordinance.
- C. The temporary restrictions imposed by this initiative will continue to allow orderly development of the City and to assure that no property owner is denied economic use of his or her property for the maximum two year period during which this moratorium ordinance is in effect.
- D. Authority for the two-year moratorium provisions of this ordinance is found in

Government Code Section 65858. The subject matter of this initiative ordinance is deemed to be a municipal affair. As such, authority for adoption of the ordinance is derived from Article IV, Section 400 of the Charter of the City of San Buenaventura.

Section 3. Definitions. For purposes of this ordinance initiative, the following words and phrases shall have the following meanings:

A. "Development project subject to this measure" shall mean any proposal for any discretionary City approval for development or redevelopment of any parcel or parcels of property located in those areas of the City designated in Section 7 unless specifically exempted. It shall also mean any project for which a discretionary City approval is sought which proposes to develop or redevelop non-exempt property within the designated areas of the City.

B. "Discretionary approval" shall mean any discretionary land use entitlement or permit of any type whatsoever issued by the City including, but not limited to, tentative and parcel maps, rezones, General Plan amendments, use permits, administrative and major variances, grading permits, land conservation permits, specific or precise plans, design review, view blockage review, conceptual review, coastal permits pursuant to an approved Local Coastal Plan, and building permits when discretionary.

C. "Effective date" shall mean the date on which this initiative measure was adopted by the City Council of the City of San Buenaventura or the date on which it was passed by the voters at the polls, whichever occurs first.

D. "VCORD" shall mean the Ventura Citizens for Responsible Development Board of Directors.

VCORD is a coalition/network of neighborhoods throughout Ventura concerned with adverse affects of irresponsible development.

E. "Westside View Overlay District" shall mean the Ventura Avenue Corridor with adjacent neighborhoods from Ventura Avenue at Main Street to the northern city limit line..

F. "Central View Overlay District" shall mean the area bounded by Fir Street on the West and Victoria Avenue on the East. On the north and south, the boundaries are the city limits.

G. "Eastern View Overlay District" shall mean on the west, Victoria Avenue to the city limits on the East. On the north, the city limit line and on the south, the city limit line.

Section 4. Establishment of View Resources Board.

A. Within thirty (30) days following the effective date of this initiative ordinance, a View Resources Board shall be established comprised of 23 members of the Ventura Community.

members. VCORD's Board of Directors shall appoint the community representatives as follows: one representative from the Chamber of Commerce, one representative of Convention and Visitors Bureau, 3 representatives from the West Side View Overlay District; 4 representatives from the East Side View Overlay District; and 10 representatives from the Central View Overlay District, including 2 representatives from the Harbor (in the central district), 2 representatives from Pierpont Beach area, 3 representatives from Midtown South (below Poli), 2 representatives from Midtown North (Above Poli), and 2 representative from Midtown East (northeast of Telegraph.). The City Council shall appoint 1 Councilperson, 1 Planning Commissioner, 1 City staff member from the Community Development Department. The membership of this Board shall be representative of the community and shall include, but not be limited to representatives from the business community, homeowners associations, environmental organizations and individual residents of San Buenaventura.

Section 5. Tasks of Board.

The View Resources Board ("Board") appointed as provided in Section 4 above shall undertake such studies and work as may be necessary to draft a view protection ordinance initiative to amend the General Plan which will be processed as set forth in Section 6, below, taking into consideration projected urban growth to emphasize building height and massing which protects and preserves the City's viewsheds of the surrounding hillside and coastal areas. Meetings of the Board shall convene at City Hall and shall be open to the public. Within one year of the effective date of this initiative ordinance, the Board shall prepare and recommend for Council and/or voter approval a View Protection Ordinance. Approval of the draft Ordinance shall be by a simple majority of the members of the Board. The work of the Board shall be pursued expeditiously so that the View Protection Ordinance drafted by the Board may be submitted to the voters, if necessary, prior to expiration of the two year period established under Section 6 of this ordinance.

Section 6. View Protection Ordinance Approval.

Within one year of the effective date of this initiative ordinance, the View Protection Ordinance as drafted by the View Resources Board shall be submitted to the City Council for action. The City Council shall adopt the View Protection Ordinance without change; or reject the View Protection Ordinance with recommendations for revisions which if approved and revised by the View Resources Board would result in adoption by the Council of the View Protection Ordinance; or reject the View Protection Ordinance.

If the View Protection Ordinance is rejected with recommendations for revisions which the Council would approve, the Board shall meet and determine within thirty (30) days of the Council's action whether or not to accept the revisions. If the revisions are adopted by the Board, the View Protection Ordinance as revised shall be referred to the City Council for immediate adoption and enactment.

If the View Protection Ordinance is otherwise rejected by the City Council, the View Resources Board or any of its members or any entities represented by such members, may submit the proposed ordinance to the City Attorney for designation of a title and summary to be used in a petition to place the View Protection Ordinance on the ballot as an initiative at the next general election or at a special election, whichever is necessary to complete the process within the two year moratorium period. The View Protection Ordinance shall not become effective unless approved by the City Council or the voters in accordance with the provisions of this section.

Section 7. Moratorium Provisions.

Unless specifically exempt as set forth in this Section, for a period of two years from the effective date of this ordinance or upon voter approval of the View Protection Ordinance or approval without change by the City Council, whichever occurs first, neither the City Council nor any of the City's staff or appointed officials shall grant any discretionary approvals for any development project subject to this measure which would vest any right in any owner of property located in the specific areas of the City designated below to enable the construction of any building or building addition or renovation or appurtenance exceeding 26 feet in height as measured in accordance with sections 24.405.040 through 24.305.060 of the City's Municipal Code.

A. Moratorium Zone

All real property located within the San Buenaventura City limits excluding the following:

B. Exemptions

The General Plan recognizes that the City's largest employer is County government and that government employment is not likely to grow significantly. In order to insure that opportunities for significant economic development and the creation of substantial new employment in the City are not undermined during the period of this moratorium, while balancing the need to insure that important city view sheds are not impaired in the interim, the following properties and all parcels located on the identified corridors within the City shall be exempted from this moratorium:

1. All parcels of property zoned CPD, M1, M2 and MPD, H, A and P as shown on the City's official zoning map dated February 2007.
2. The Hospital District, defined as follows: Loma Vista on the south side of the street, bounded by Agnus Drive on the East and to the west, beginning 100 feet east of Main Street. This will include Telegraph, (100 feet inward)from Main over to Mills Road.
3. The Pacific View Mall, bounded on the north by Telegraph Road, the south by Main Street, the East by Mills Road and the west by its legal property line as of this date.
4. The Downtown Core: Bounded on the West by Ventura Avenue, The North by 50 feet south of Poli, bounded on the East by and including Fir Drive, and the South by the southern city limit line
5. Arundell: : Industrial Center extending from the 101 overpass as the Western Border to Portola Road on the East. Main on the North and Olivas Adobe Drive on the south.
6. The McGrath Property, included in the Arundell area, 76 Acres between Portola and Ivy Lawn Cemetery.
7. North Bank-Commonly known as the Auto area. West of the 101 Freeway
8. South of the Auto Mall area, properties known as the Hofer property, the Montalvo Municipal Water District property, the Swift property and the Ventura City Property
- 9.. All land held in title by the Ventura Unified School District and County of Ventura
- 10.The following land parcels: Parcel #073-0-240-130, parcel # 073-0-240-040, #073-0-240-050 and #073-0-240-065 on the Southeast corner of Figueroa and Harbor Drive.

Exempt Corridors:

Victoria Avenue from Telegraph to the 101.

Johnson Drive from the southern end to Crescent Street.

Loma Vista, from 100 feet off Main street to Agnus. east side only is exempt.

SECTION 8. No Unconstitutional Taking.

This initiative ordinance is not intended, and shall not be applied or construed to authorize the City to exercise its powers in a manner which will take private property for public use without the payment of just compensation, but shall be interpreted, applied and implemented so as to accomplish its purposes to the maximum constitutionally permissible extent without requiring payment of compensation.

If applications of this initiative measure to a specific property of record as of the Effective Date would create a taking, then the City Council may, upon application by the landowner, allow such development on the property to the minimum extent necessary to avoid a taking.

This initiative ordinance shall not prevent the City from processing and holding hearings as necessary to minimize delay for developers of affected parcels, provided that no final action is taken on any discretionary approval during the period of the moratorium imposed by this measure.

Section 9. Severability.

The provisions of this initiative are severable. If any section, subsection, sentence, clause, phrase, part or portion of this measure is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. It is hereby declared that this measure and each section, subsection, sentence, phrase, part or portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Section 10. Effective Date.

This initiative ordinance shall become effective as of the earliest date allowed by law.

Section 11. Amendment or Repeal.

This initiative may be amended or repealed only by a majority of the voters voting in an election thereon.