



## **Planning Commission Staff Report Hearing on October 17, 2024**

### **County of Ventura • Resource Management Agency**

*800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)*

### **Major Modification Case No. PL17-0012 to Conditional Use Permit No. 3697 and Discretionary Tree Permit Case No. PL23-0040**

#### **A. PROJECT INFORMATION**

- 1. Request:** Krishnamurti Foundation of America (applicant) requests approval of a Major Modification to Conditional Use Permit (CUP) No. 3697 for a change of use from a retreat to a camp, the continued operation and maintenance of the camp for a 20-year term, the construction of new structures, and a Discretionary Tree Permit for the removal of four protected trees.
- 2. Applicant/Property Owner:** The applicant is Mr. Jacob Sluijter, Executive Director, Krishnamurti Foundation of America, Post Office Box 1560, Ojai, California 93024-1560. The property owner is the Krishnamurti Foundation of America, an Internal Revenue Service Code section 501(c)(3) non-profit organization.
- 3. Applicant's Representative:** Ms. Lisa Woodburn c/o Jensen Design and Survey, 1672 Donlon Street, Ventura, CA 93003
- 4. Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Commission is the decision-maker for the requested Major Modification to CUP No. 3697 and the Discretionary Tree Permit.
- 5. Project Site Size, Location, and Parcel Number:** The applicant's CUP boundary encompasses 11.12 acres (Assessor Parcel Numbers (APNs) 029-0-033-240, 029-0-033-250, 029-0-033-260, 029-0-033-270, and 029-0-033-280). The project site is located at 1098 McAndrew Road, approximately 0.2 miles north of the intersection of McAndrew Road and Grand Avenue, in the community of Ojai, in the unincorporated area of Ventura County. The City of Ojai is approximately two miles west of the project site. (Exhibit 2).
- 6. Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Rural
  - b. Ojai Valley Area Plan Land Use Map Designation: Rural Institutional

- c. Zoning Designation: RE 5-ac TRU/DKS (Rural Exclusive, 5 acre minimum lot size, Temporary Rental Unit Overlay Zone/Dark Sky Overlay Zone)

**7. Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Table 1 – Zoning and Land Use Designation		
Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RE 5-ac TRU/DKS	Residential uses, Thacher School and Reeves Creek
East	AE 40 ac (Agricultural Exclusive 40 acres minimum lot size) TRU/DKS	Agriculture (orange and avocado orchards) and undeveloped open space
South	AE 40 ac TRU/DKS and OS 20 ac TRU/DKS (Open Space 20 acres minimum lot size)	Residential uses and agriculture (oranges)
West	RE 5-ac TRU/DKS	Residential uses, Thacher Creek

- 8. History:** The project site serves as the headquarters for the Krishnamurti Center of America. The original structures that make up the Krishnamurti Retreat were built between 1890 and 1940 and include the Arya Vihara, Pine Cottage (former guest house of Jiddu Krishnamurti), and Lawrence Cottage.

In 1975, Jiddu Krishnamurti founded the Oak Grove School, which for its initial year operated on the east end of the property before moving the campus and classroom buildings to Meiners Oaks. For the initial six to seven years of the school, some of the teachers and staff resided at Arya Vihara.

On June 29, 1977, CUP No. 3697 was approved for an adult educational center and religious retreat, including living quarters for five permanent staff members and six guests and construction of a 2,700 square foot (sq. ft.) single story addition to the Pine Cottage for daily seminars of 8 to 10 students during a two-to-three-month period each year on 11 acres of the project site.

On August 14, 1979, the Board of Supervisors directed staff to rezone the Ojai Valley to be consistent with the Area Plan by establishing parcel densities and air quality standards. On January 31, 1984, the Board of Supervisors adopted Ordinance No. 3671, which rezoned the project site from RE-1 ac to RA-2 ac (Rural Agricultural 2 ac minimum lot size).

On October 14, 1979, the Ojai Valley Area Plan was adopted. The project site was included in Subarea 6 and zoned to RE-1 ac.

On July 13, 1987, the Planning Director approved Permit Adjustment No. 1 to CUP No. 3697 extending the CUP term an additional 10 years with an expiration of July 7, 1997<sup>1</sup>.

On September 18, 1995, the Board of Supervisors adopted Ordinance No. 4095, which rezoned the project site from RA-2 ac to RE-5 ac. The site has been zoned RE-5 ac since 1995.

On February 18, 1997, the Planning Director approved Minor Modification No. 1 to CUP No. 3697 for the continued use of the land as an adult educational center and religious retreat, including living quarters for five permanent staff members and six guests. The modification also included the construction of a 4,000 sq. ft. administrative archive building, conversion of the existing archive building to storage, and extending the CUP term an additional 20 years with an expiration of February 13, 2017.

On October 13, 1997, Parcel Map Waiver Lot Line Adjustment No. 840 was recorded which adjusted the lot lines of the five legal lots within the CUP boundary that encompass 11.12 acres. New APNs were assigned (029-0-033-240, 029-0-033-250, 029-0-033-260, 029-0-033-270 and 029-0-033-280).

Today, existing structures onsite include the following: Arya Vihara Guest House (3,576 sq. ft.), Lawrence Cottage (450 sq. ft.), Laundry / storage building (410 sq. ft.), Pine Cottage – Library/Study Center (4,191 sq. ft.), Pine Cottage Annex Guest House (2,477 sq. ft.), Administration/Archives building (5,055 sq. ft.), Yoga Pavilion (1,391 sq. ft.), and Exhibit Display (former garage/storage) (780 sq. ft.). A total of 18,330 sq. ft. of structures exists onsite.

- 9. Project Description:** The applicant requests a Major Modification to CUP No. 3697 and a Discretionary Tree Permit as described below (Exhibit 3).

Change of Use and CUP Permit Boundary:

A change of use from an adult educational center and religious retreat<sup>2</sup> to a camp<sup>3</sup> for adult education and religious retreat purposes.

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<sup>1</sup> On May 5, 1987, the Board of Supervisors adopted Zone Ordinance Text Amendment No. 3810 which created a special use category and development standards for retreats. The April 16, 1987, Planning Commission Staff Report indicated that the facility can be referred to as a retreat as the facility has operated as a retreat onsite since 1977.

<sup>2</sup> NCZO Section 8107-18.4(b) limits a retreat to a maximum 2,000 sq. ft. for all other buildings such as kitchen and dining areas, conference rooms, storage, and the like. Existing and proposed square footage is 29,261 sq. ft.

<sup>3</sup> Camp is defined as a rural facility with permanent structures for overnight accommodations and accessory structures and buildings which are used for temporary leisure, recreational or study purposes and provides opportunities for the enjoyment or appreciation of the natural environment.

The CUP boundary includes 11,12 acres on APNs 029-0-033-240, 029-0-033-250 and 029-0-033-260, 029-0-033-270 and 029-0-033-280.

New Structures and Improvements (approximately 10,931 sq. ft.)

Table 2 includes an inventory of the proposed structures.

<b>Table 2 – Proposed Structures</b>	
<b>Structure</b>	<b>Size (in sq. ft.)</b>
Reception/Canteen Building (with Kitchen and Dining Area)	2,193
Ground mounted solar array structure (17 feet in height)	3,168
Maintenance Shed	1,800
Americans with Disabilities Act (ADA) Accessible Public Restroom	180
Shade Structure	400
Storage Building and Water Cooler	120
Two Cottage Structures (1,535 sq. ft each)	3,070
Three Underground Rainwater Capture Tanks	75,000 gallons total
Total Approximately 10,931 sq. ft.	

The project will be developed in two phases. Phase 1 will includes the construction of the three underground rainwater capture tanks, solar array, the conversion of the pine cottage and garage/storage building, flatwork, rough grading, installation of the seepage pits and underground utilities, Phase 2 will include construction of the reception/canteen building, maintenance shed, public restroom, shade structure, storage building and water cooler, and two cottages.

Changes to Existing Structures:

Pine Cottage Annex is proposed to be converted from a residence to a library and study hall/meeting room. The 780 sq. ft. garage/storage building will be converted into a visitor serving exhibit/display building.

Staff and Work Hours

There will be a total of 12 employees. Of these, five staff will continue to live and work on site. Two commuter staff will work Monday through Friday from 9:00 a.m. to 5:00 p.m. in the archives building. Five commuter staff members will work Monday through Friday from 6:30 a.m. to 2:30 p.m. Staff who live onsite stay in the Arya Vihara and Pine Cottage Annex.

### Overnight Guests

A maximum of six guests are permitted overnight. Guests stay in the Arya Vihara building and in the separate Lawrence Cottage building<sup>4</sup>.

Guests will be required to book overnight stays through a specific website ([www.krishnamurtiretreat.org](http://www.krishnamurtiretreat.org)) that requires the guest to acknowledge that booking a room indicates that they are doing so with an understanding of the retreat's intent as a place to study the work/teachings of Krishnamurti.

### Daytime Visitors

The applicant is open to visitors to study the history and teachings of J. Krishnamurti seven days per week. On the weekdays, an estimated 8 visitors are expected onsite each day, and, on the weekends, an estimated 45 visitors are expected onsite each day. This count does not include visitors attending for specific programming, which are described below. Weekday and weekend visiting hours are from 10:00 a.m. to 2:30 p.m. The buildings available to the public will be locked before 10:00 a.m. and after 2:30 p.m. Notification of the "open to the public" hours will be posted on the facility's website, including the requirement that the public must leave the site at or before 2:30 p.m. The facility will be closed to the public outside of these hours. Reservations are required to visit the site and made through the applicant's website.

### Krishnamurti Archives Resident Scholars

Scholars of the Krishnamurti Archives come to study the teachings of J. Krishnamurti. This includes handwritten manuscripts, letters, photographs, original audio and video recordings, and related materials. The applicant will sponsor 18 resident scholars as part of the Resident Scholars Educational Program. The Scholars will be temporary residents for a 30-day period annually<sup>5</sup>. Nine resident scholars will be onsite for forty-four weeks each year and eighteen scholars will be onsite for an 8-week period each year. Resident scholars arrive and depart the property by shuttle during non-peak hours on the weekdays<sup>6</sup> or on the weekends. The Resident Scholars live in the Pine Cottage Annex building.

### Programs and Activities

The applicant hosts programs and events related to the teachings of J. Krishnamurti. The midweek programs and evening dialogues include small groups

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<sup>4</sup> The building includes the following rooms for overnight guests: Huxley Room, Chaplin Suite, Besant Suite, Bohm Suite and Lennon Room

<sup>5</sup> The program rotates scholars, who live onsite for a 30-day period.

<sup>6</sup> Peak hours are weekdays from 6:30 am to 9:30 am and 3:30 pm and 6:30 pm in both directions on State Highway 33.

of 12 to 15 people gathering on site in the following areas: at the northwest parking area, in the grassy areas between the northwest parking area and the Arya Vhara structure, in the grassy area east of the Arya Vhara structure, in the grove west of the restroom and Pine Cottage, in the vegetable and flower garden, and in the open area north of the proposed shade structure (Exhibit 3). No amplified music or use of a portable public address system is permitted. Table 4 below includes information on the applicant's programs and events that are in addition to the daytime visitors noted above.

<b>Table 4 - Krishnamurti Programs and Events</b>					
	Monday through Friday	Time	Saturday and Sunday	Time	Frequency
Midweek Programs	10 attendees	2:00 p.m. to 7:30 p.m.*			10 events annually
Tuesday Evening Dialogue	20 attendees	7:30 p.m. to 10:00 p.m.			52 events annually
Saturday Evening Dialogue <sup>1</sup>			20 attendees	4:00 p.m. to 6:00 p.m.	52 events annually
Evening Talks <sup>2</sup>			40 attendees	7:30 p.m. to 10:00 p.m.	6 events annually
<b>TOTAL</b>	<b>30</b>		<b>60</b>		

<sup>1</sup> When the conference occurs, the Saturday Evening Dialogues will be cancelled.

<sup>2</sup> During the 8-week Resident Scholar Educational Program, there are no Evening Talks

*Note: \* Midweek Programs begin at 2:00 p.m. and end at 7:30 p.m. Midweek Programs are by invite only and are held in the Pine Cottage. This building will be open to the public; however, at 2:30 p.m. the public will be asked to leave.*

One annual conference is held inside Pine Cottage. The conference occurs over a three-day period (Friday through Sunday). Each day's program begins at 11:00 a.m. and ends at 7:30 p.m. A maximum of 64 individuals per day are proposed to attend the conference, which includes the resident scholars and the six overnight guests. During the annual conference, the applicant's Weekend Programs and Events will not occur, and the campus will be closed to daytime visitors.

#### Site Development, Services and Access

There are 72 protected trees on the project site that will be encroached upon as a result of the proposed construction. Four protected heritage sized coast live oak trees (tree nos. 19, 21, 63, and 64) will be removed to accommodate the proposed construction; 75 trees will be planted to offset the loss of the four protected oak trees (Exhibit 4, Attachment 4). An existing orchard (approximately 6.6 acres) will be removed to repurpose irrigation water to other parts of the property. In addition,

approximately 196 drought-tolerant olive trees will be planted in the existing onsite orchard.

The existing Ayra Vihara, Pine Tree Cottage Guest House, Administration Building, and Pine Cottage Library/Study Center are served by existing onsite wastewater treatment systems (OWTS) (3,000-gallons). The new Reception/Canteen building, and the two new cottages will be served by two new 3,000-gallon septic tanks for a combined capacity of 6,000 gallons. The tanks will be connected to four 30-foot-deep by 4-foot diameter seepage pits, each with 5 feet of cover. One of the septic tanks is dedicated to the commercial kitchen and includes a grease interceptor located in the Reception/Canteen building. All OWTS are under the permitting authority of the State Regional Water Quality Control Board (SRWQCB).

Water service is provided by the Senior Canyon Mutual Water District (SCMWD). Three plumbed rainwater capture tanks will supply up to 75,000 gallons of water for irrigation of the existing orchard and will offset the increase in water demand caused by the addition of the resident scholars.

Access to the site is available by two existing driveways adjacent to McAndrew Road. A total of 50 uncovered parking spaces are provided on site to accommodate staff and visitors. (Exhibit 3).

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

County staff prepared an Initial Study in accordance with the County's Initial Study Assessment Guidelines. Based on the information contained in the Initial Study, the County prepared a Mitigated Negative Declaration (MND) and made the MND available for public review and comment from May 5, 2022, through June 4, 2022 (Exhibit 4). An MND is a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Report. However, the MND identified 11 potentially significant effects on the environment. Revisions in the project plans and proposals made by, or agreed to by, the applicant before the MND was released for public review would avoid the effects or mitigate the effects to a point where no significant effect on the environment would occur. Impacted areas include biological, agricultural, and cultural resources.

A Notice of Availability and Intent to Adopt an MND was mailed to property owners within 300 feet of the project site, to members of the public who requested notification of the MND, the California Department of Fish and Wildlife (CDFW), United States Department of Fish and Wildlife, United States Forest Service, and State Regional Water Quality Control Board. On April 25, 2022, notification was placed in the Ventura County Star and

the Ojai Valley News, The MND was posted on the Planning Division website and a copy was made available at the Ventura County Government Center, addressed at 800 S. Victoria Avenue in Ventura. The MND was also sent to the State of California Office of Planning and Research.

Staff received a total of 98 public comments on the proposed project (Exhibit 4.a). Public concern included noise, water use and sanitation, CUP term, onsite population, impacts to wildlife and fauna, traffic safety and circulation, frequency of events, zone change and land use designation, change of use, commercial use of the property, air quality impacts, fire hazards, project notification and historical designation of the site (Exhibit 4.a),

- 1. Findings for Adoption of an MND:** The CEQA Guidelines [Section 15074(b)] state that an MND shall only be adopted by a decision-making body if there is no substantial evidence, in light of the whole record, that the proposed project will have a significant effect on the environment and that the MND reflects the Lead Agency's independent judgment and analysis.

The MND identified 11 potentially significant effects on the environment. Impacted areas include biological resources, agricultural resources, and cultural resources. Revisions in the project plans and proposals made by, or agreed to by, the applicant before the MND was released for public review would avoid the effects or mitigate the effects to a point where no significant effect on the environment would occur. These impacts and the recommended Mitigation Measures (MMs) are described in Section B.2 below. The proposed MND (Exhibit 4), including written comments on the MND and staff's responses to the comments on the MND (Exhibit 4a), are attached to this staff report.

Therefore, based on the information provided above and in light of the whole record, with the implementation of the recommended MMs, there is no substantial evidence that the proposed project will have a significant effect on the environment and the MND (Exhibit 4) reflects the County's independent judgment and analysis.

- 2. Mitigation Monitoring and Reporting Program:** The CEQA Guidelines [Section 15091(d)] state that, when approving a project for which an MND has been prepared, the agency shall also adopt a program for reporting on, or monitoring, the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures. The mitigation measures that address these issues are listed below and included in the MND (Exhibit 4) and conditions of approval (Exhibit 5, Condition Nos. 33 through 42 and 57) for the proposed project:

- a) Item 4A- Biological Resources (Species): The MND found that the proposed project could have significant impacts to special status plant and wildlife species. Impacts will be less than significant with the implementation of recommended MMs BIO-1 through BIO-3. Recommended MM BIO-1 requires



- a qualified arborist to prepare and implement a Tree Protection Plan to offset the impacts to protected oak trees that would result from the proposed construction of the canteen / reception building. Recommended MM BIO-2 requires a qualified arborist to submit annual arborist monitoring reports that address the success of the tree protection measures and the overall condition of the encroached-upon trees relative to their condition prior to issuance of a zoning clearance for Phase 1. Recommended MM BIO-3 requires a CDFW qualified biologist to conduct and prepare preconstruction surveys for special-status wildlife and construction monitoring during ground disturbing activities.
- b) Item 4B- Ecological Communities - Sensitive Plant Communities: The MND found that the proposed project could have significant impacts to special status plant species. Impacts would be less than significant with the implementation of Recommended MMs BIO-1 and BIO-2, as described above.
  - c) Item 4C- Ecological Communities - Waters and Wetlands: The MND found that the proposed project could have significant impacts to waters and wetlands. Impacts would be less than significant with the implementation of Recommended MM BIO-4, which requires a California registered landscape architect (or other qualified individual as approved by the Planning Director) to prepare a landscape plan that prohibits the planting of native non-invasive plants. In addition, a qualified historic preservation professional is required to review the conceptual landscape plan prior to issuance of a zoning clearance for Phase 2 construction to ensure that proposed native trees, shrubs and grasses are compatible with the historic nature of the project.
  - d) 5B- Agricultural Resources – Land Use Incompatibility: The MND found that the proposed project could have significant impacts to offsite agricultural land adjacent to the project site's southern and eastern boundary. Impacts would be less than significant with the implementation of Recommended MM AG-1, which requires the applicant to install and maintain a landscape buffer and vegetative screen along the eastern and southern portions of the project site. A California registered landscape architect (or other qualified individual as approved by the Planning Director) is required to prepare a landscape plan that meets the requirements outlined in the Ventura County Agricultural Policy Advisory Committee *Agricultural/Urban Buffer Policy* and the state Model Water Efficiency Landscape Ordinance (MWELO; NCZO Section 8106-8.2.2).
  - e) 8A- Cultural Resources – Archaeological and 36- Tribal Cultural Resources: The MND found that the proposed project could have significant impacts to archaeological resources. To avoid potential impacts, recommended MM CUL-1 requires a qualified Archaeologist and Native American to monitor ground disturbance activities associated with proposed construction and provide weekly reports to the Planning Division summarizing the activities during the reporting period. If no archaeological resources are discovered, the Archeologist and Native American monitor shall submit a brief letter to the

Planning Division, stating that no archaeological resources were discovered and that the monitoring activities have been completed.

- f) 8B- Cultural Resources Historic: The MND found that the proposed project could have significant impacts to historic resources. Impacts would be less than significant with the implementation of recommended MMs CR-1 through CR-4. Recommended MM CR-1 requires a qualified architect to prepare a plan that retains existing design features for stonework wall alterations in the parking area at the northwest edge of the project site. Recommended MM CR-2 requires a qualified architect prepare a plan that implements design features for the garage rehabilitation that are compatible with the existing historic nature of the site. Prior to issuance of a zoning clearance for Phase 2 construction, a historic preservation professional is required to review the proposed plans for stonework alterations and garage rehabilitation to ensure compliance with the Library of Congress Secretary of Interior (SOI) Standards and Guidelines for Archaeology and Historic Preservation. Recommended MM CR-3 requires the applicant to provide a scope of work detailing any exterior repairs or repainting of structures to the Cultural Heritage Board Planner 30 days prior to commencement of work. Recommended MM CR-4 requires a County approved cultural historian to prepare a comprehensive report that includes photographic documentation and a written history and description of the historic buildings and historic cultural landscape that meet the Library of Congress SOI Standards for Architectural documentation at Historic American Buildings Survey (HABS) / Historic American Landscapes Survey (HALS) Level II.

Therefore, the project's proposed mitigation monitoring and reporting program (Exhibit 5) complies with the CEQA Guidelines.

### **C. CONSISTENCY WITH THE GENERAL PLAN**

The 2040 Ventura County General Plan *Goals, Policies and Programs* (page 1-1) states:

*All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, NCZO Section 8111-1.2.1.1.a of the Ventura County NCZO states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

Staff's evaluation for consistency of the proposed project with the applicable policies of the Ventura County General Plan and Ojai Valley Area Plan is provided in Exhibit 6. This analysis concludes the project is consistent with all applicable general plan and area plan policies.

## **D. ZONING ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to Section 8105-4 of the Ventura County NCZO, the proposed use is allowed in the RE-5 ac zone district with the granting of a CUP. The proposed project includes the construction and use of structures that are subject to the development standards (Section 8106-1.1) and special use standards of the Ventura County NCZO (Section 8107-17 (Camps), Section 8109-4.7 (Dark Sky Overlay Zone) and Section 8109-4.6 (Temporary Rental Unit Overlay Zone)).

Staff's evaluation for consistency of the proposed project with the development and special use standards of the Ventura County NCZO is provided in Exhibit 7. This analysis concludes the project is consistent with the Ventura County NCZO.

## **E. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Commission must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

### **1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

### **2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1.b].**

The project site is zoned RE-5 ac and located in the East End neighborhood of Ojai. Parcels located south and east of the site are zoned AE-40 ac and are currently in agricultural production with orange and avocado orchards. Parcels north and west of the site are zoned RE-5 ac and developed with residential uses.

The facility has been operating onsite since 1977 and is currently developed with 18,330 sq. ft. of structures. The three residential dwellings, Arya Vihara, Pine Cottage, and Lawrence Cottage were built between 1890 and 1940 and are centrally located within the CUP boundary. From 1910 to 2014, the laundry building, garage/storage building, Pine Cottage Annex, Administration/Archives Building and yoga pavilion were constructed. These buildings are located adjacent to the dwellings except for the yoga pavilion which is in the southwest corner of the

site within the organic garden area. Existing structures are painted in earth tone colors that blend in with the natural environment.

The proposed Reception/Canteen building, Bookstore and Cottage Retreat will be clustered between the Administration and Pine Cottage Annex buildings in the middle of the project site. The garage / bookstore and solar array will be located immediately south of the Administration building near the center of the property. The detached restroom will be located immediately northwest of the Pine Cottage Library near the center of the property. To ensure proposed development is compatible with the natural environment and character of the community, the use of natural materials, earth tones colors, and non-reflective paints and glass will be required for all proposed structures (Exhibit 5, Condition No. 29). The applicant has made efforts to retain the site's natural state and reduce water consumption. The applicant has an existing vegetable and flower garden that provides food to guests and staff who stay onsite and seedlings that are later planted throughout the site. The applicant has also planted approximately 350 olive and other drought tolerant trees onsite and proposes to plant approximately 196 drought-tolerant olive trees and 75 oak saplings trees to offset the loss of the four existing oak trees due to proposed construction. Finally, three rainwater capture tanks will irrigate the orchards and offset the increase in water demand caused by the addition of the resident scholars.

The mission of the organization is to preserve and disseminate Jiddu Krishnamurti's teachings, which it does through a variety of different programs. These include seminars exploring topics in the teachings through interpersonal dialogues, and the opportunity to use the retreat and library facility for contemplation and study. The midweek programs and evening dialogues will continue to include small groups of 12 to 15 people gathering onsite in six designated areas (Exhibit 3). The annual conference is held inside Pine Cottage. No amplified music or use of a portable public address system is permitted. The nearest offsite residence is located about 209 feet north of the existing laundry room structure and about 162 feet north of the proposed ADA restroom. Overnight and daily populations are limited by Ventura County NCZO Sections 8107-17.2 and 8107-17.3, respectively. For the project site as a camp, the NCZO could authorize a maximum of 114 for overnight guests and staff, and a maximum of 228 daily onsite guests and staff. However, the applicant proposes a total of 20 overnight guests (which would be 6 overnight guests in the Arya Vihara and Pine Cottage Annex buildings, 9 resident scholars and 5 staff members who live onsite) and 9 additional overnight guests for 8 weeks each year. On the weekdays, the applicant proposes to limit total daily population to 45 guests (which includes 8 daytime visitors, 7 staff members and 30 attendees for the Midweek Programs and Tuesday Evening Dialogues). On the weekends, the applicant proposes to limit total daily population to 112 (which includes 7 staff, 45 daytime visitors and 60

attendees for the Saturday Evening Dialogue and Weekend Evening Talks<sup>7</sup>) (Exhibit 5, Condition No. 21). Reservations are required to visit the site and visitation hours are limited to between 10:00 a.m. and 2:30 p.m. The 10 annual Midweek Programs are between 2:00 p.m. and 7:30 p.m. and the 52 annual Tuesday Evening Dialogues are between 7:30 p.m. and 10:00 p.m. (Exhibit 5, Condition No. 1). The applicant is required to provide the Planning Director and all residents within 1,000 feet of the parcel boundary the name and contact information of the person responsible for responding to complaints (Exhibit 5, Condition No. 17). Therefore, the applicant's proposed operations would operate at a level below the maximum number of daily and overnight guests that could be allowed under the Ventura County NCZO camp use.

On December 12, 2000, the Ventura County Board of Supervisors designated the entire project site as a Site of Merit based on the property's affiliation with Jiddu Krishnamurti. Construction and other alterations to the property made after his death in 1986 and prior to 2000, have reduced the historical design and visual integrity of the southern portion of the property. To ensure that the historic nature of the project site is not further degraded, the applicant will be required to retain a historic preservation professional to provide the final construction plans for all proposed alterations and construction in compliance with the Library of Congress SOI Standards (Exhibit 5, Condition Nos. 39 through 41). In addition, the applicant is required to provide a comprehensive report that includes photographic documentation and a written history and description of the historic buildings and cultural landscape that meet the Library of Congress SOI Standards for Architectural documentation at HABS / HALS Level II. (Exhibit 5, Condition No. 42).

Based on the discussion above, this finding can be made.

**3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8111-1.2.1.1.c].**

The applicant has been operating at the project site since 1977 and proposes to continue to host midweek programs, Saturday evening dialogues and an annual conference. The midweek programs and Saturday dialogues occur both indoors and outdoors between 2:30 p.m. to 10:00 p.m. The annual conference occurs within the Pine Cottage over a three-day period (Friday through Sunday) between the hours of 11:00 a.m. and 7:30 p.m. Residents may hear activities being conducted at the camp; however, noise levels would be within the acceptable audible range as required by General Plan Policy HAZ-9.2. Examples of noise levels that would occur during programs, activities and the annual conference include people conversating, laughing and guided instruction. In addition, no

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<sup>7</sup> Daily population is limited to guests and staff who are onsite each day and are not included in the overnight population

amplified equipment is permitted. The applicant is responsible for taking all reasonable actions to prevent noise from adversely affecting nearby residents.

Since 2018, Planning Division staff has received 14 complaints alleging operation of the site with an expired CUP, allowing overnight guests that exceed the applicant's conditions of approval, and operating a commercial use (a short-term rental Airbnb known as the Pepper Tree Retreat) on RE-5 ac zoned property. On October 4, 2018, Planning Division staff issued an Alleged Notice of Violation (ANOV) to the applicant for operation of a hotel / bed and breakfast (i.e. Pepper Tree Retreat) that exceeds 5 overnight staff and 6 guests. Staff requested the applicant provide an explanation of why the number of overnight guests had been exceeded and how the overnight guests utilize the site. In response to these complaints, the applicant removed all internet listings for the Pepper Tree Retreat and verified that there are no paid subscriptions on these advertising websites. The applicant also changed the name of the Peppertree Retreat to Krishnamurti Retreat (inside the Arya Vihara building) to clarify that the site is not a vacation destination. In addition, booking a room now requires each guest to acknowledge that an overnight stay is for the sole purpose to attend the retreat for study of Krishnamurti's teachings. Staff are also instructed to book only 6 guests per night. If a room is booked with 2 guests, one room will remain vacant. These operating procedures were incorporated into the project description prior September 19, 2022 Ojai Valley Municipal Advisory Council meeting, and the ANOV was closed.

In addition, the applicant is required to provide to the Planning Director and all residents within 1,000 feet of the parcel boundary, the name and contact information of the person who will be responsible for responding to noise complaints (Exhibit 5, Condition No. 17). The existing CUP expired on February 13, 2017. The applicant submitted the current modification request on February 9, 2017, and under NCZO Section 8111-2.10, it may remain in full force and effect until the modification request is acted on.

Site preparation and construction activity is temporary and limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, from 9:00 a.m. to 7:00 p.m. Saturday, and prohibited on Sundays and holidays. Construction equipment maintenance will be limited to the same hours. (Exhibit 5, Condition No. 25).

Access to the site is from two existing paved driveways adjacent to McAndrew Road. This two-lane country road complies with County Public Road Standards and Ventura County Fire Protection District (VCFPD) Fire Apparatus Access Road Guidelines for emergency access.

Active agriculture (orchards) is located immediately east of the facility. To minimize conflicts between agricultural and urban land uses and to ensure the long-term productivity of the agricultural sector, the applicant will be required to install and maintain a 150-foot-long landscape buffer and vegetative screen along the eastern and southern property boundary of APNs 029-0-033-270 and 029-0-

033-280 (Exhibit 5, Condition No. 57), The applicant will also be required to inform visitors and guests that adjacent offsite agricultural operations may present a hazard or nuisance such as dust or noise, and that the adjacent farmer(s) agricultural practices involve the application of fertilizers and/or chemical pest controls. (Exhibit 5, Condition No. 58).

Based on the discussion above, this finding can be made.

**4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1.d].**

The proposed development would not create risk of harm to persons, nearby properties, or the environment. VCFPD determined that McAndrew Road complies with their emergency access standards. In addition, the applicant will be required to implement a public safety plan that addresses procedures to be implemented during an emergency and during public gatherings onsite (Exhibit 5, Condition No. 32).

The proposed project has been sited and designed in a manner that ensures stability and structural integrity and complies with the County Building Code (2023) and California Building Code, which requires structures be designed to withstand ground shaking.

The project site is in an area of minimal flood hazard and outside of the 100-year and 500-year floodplain. To ensure that stormwater discharge does not create soil disturbance issues that could adversely impact surface water quality during construction, the applicant will be required to implement erosion and sediment control measures for construction activities and obtain a General Construction Stormwater Permit from the State Water Quality Control Board. The permit requires a Storm Water Pollution Prevention Plan (SWPPP) that details preconstruction control practices to reduce sediment and other pollutants in storm water discharges and implementation of Best Management Practices (BMPs) for erosion and sediment control (Exhibit 5, Condition Nos. 54 and 55). Typical BMPs include fiber rolls and sandbag barriers around drainage inlets.

McAndrew Road is a Class 1, two-lane minor collector road with a 40-foot right of way. The road does not have a sidewalk, curb, gutter, or designated bike lane. The road has a level of service "A" and is not considered an impacted road (General Plan Transportation and Mobility Background Report, Table 6-10). Roads with this level of service are characterized by free uninterrupted low volumes of traffic with little to no delays. Based on the existing level of service and the trip generation that would result from the proposed project (96 average daily trips), the Public Works Roads and Transportation Department determined that the level of service would not change as a result of the proposed project.

Adequate public resources and infrastructure exist to continue to serve the facility. Water will continue to be provided by SCMWD. Three rainwater capture tanks would supply up to 75,000 gallons of water for irrigation and offset the increase in water demand caused by the addition of the resident scholars. Sewage effluent will be by OWTS under the permitting authority of the SRWQCB. The continued operation and maintenance of the camp will not utilize hazardous materials which require permitting or inspection from Ventura County Environmental Health Division/Certified Unified Program Agency.

Based on the discussion above, this finding can be made,

**5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].**

The proposed project is located on property zoned RE. In accordance with Section 8105-4 of the Ventura County NCZO, camps are permitted in this zone with an approved CUP. Mitigation Measures/Conditions of Approval (Exhibit 5) ensure proposed development and uses are compatible with existing agricultural and residential uses and potential land uses in the general area,

Based on the discussion above, this finding can be made.

**6. The proposed development will occur on a legal lot [Section 8111-1.2.1.1f].**

The APNs included as part of the proposed project are five separate legal lots, as identified by Parcel Map Waiver Lot Line Adjustment No. 840 recorded in the Ventura County Recorder's Office on October 13, 1997 (Document No. 97-136399).

Based on the discussion above, this finding can be made.

**7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.**

As discussed in Section B, above, the proposed project was subject to the preparation of an Initial Study. The Initial Study concluded that the project would have potentially significant impacts to biological, agricultural, and cultural resources. The applicant, however, agrees to incorporate mitigation measures to address these impacts. With incorporation of the mitigation, impacts are anticipated to be less than significant. As a result, an MND was prepared (Exhibit 4). All applicable provisions of the CEQA Guidelines and Public Resources Code were followed in the preparation and circulation of the MND.

Based on the discussion above, this finding can be made.



**8. Development within any overlay zone having specific development standards must comply with such standards [Section 8111-1.2.1.4 and Article 9].**

As discussed in section D of this staff report (above), the proposed project complies with special use standards for camps, and all applicable standards of the Dark Sky Overlay Zone and the Temporary Rental Unit (TRU) Overlay Zone. Upon the granting of this CUP, the applicant will be in compliance with the Ventura County NCZO.

Based on the discussion above, this finding can be made.

**F. DISCRETIONARY TREE PERMIT FINDINGS AND SUPPORTING EVIDENCE**

Pursuant to Section 8107-25.7 of the Ventura County NCZO, the Planning Director is the decision-maker for the requested Discretionary Tree Permit. As the proposed project also includes the removal of protected oak trees to accommodate development associated with the project, the Planning Director has the authority to consolidate the tree permit with the Major Modification and defer the decision on the discretionary tree permit to the Planning Commission (Ventura County NCZO Section 8111-4.1.1(e)). Therefore, the Planning Commission must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County NCZO Section 8107-25.7.1. The applicable standards and the ability to make the required findings are evaluated below.

**Section 8107-25.7 - Discretionary Tree Permits and Standards:** *Except as provided in Secs. 8107-25.4, 8107-25.5 or 8107-25.6, no person shall alter, fell, or remove a Protected Tree without obtaining a Planning Director approved discretionary Tree Permit. The Planning Director may approve a discretionary Tree Permit application with necessary conditions to promote the purpose of these tree ordinance regulations if:*

**Section 8107-25.7.1 (a).** *A heritage or historical tree is to be felled or removed from the site and its continued existence in its present form and/or location denies reasonable access to the subject property and/or the approved construction, maintenance, or use in a manner permitted by the zoning on said property.*

Staff Response: The applicant requests a discretionary tree permit (Case No. PL23-0040) to remove four protected heritage sized coast live oak trees (tree nos. 19, 21, 63, and 64) necessary to accommodate construction of the reception / canteen building and two cottages, which will be located in the center of the property on vacant land. Seventy-two protected trees on the project site will also be encroached upon as a result of the proposed construction. The existing road is substandard. VCFPD Standard 501, Section 4.3.1 requires a 24-foot-wide onsite access road. To bring it into conformance with the Fire Code will result in construction activities that affect these trees. Such actions are necessary because these trees in their present form and location would deny the applicant reasonable access for the proposed construction, maintenance, or use of the

site as a camp in a manner permitted by the zoning on the property. Road and parking improvements will be sited on or near existing roads or on land that has no major improvements and would cause the least disruption to the natural surroundings. Based on the discussion above, this finding can be made.

**Section 8107-25.7.1 (b).** *The cumulative number of trees to be felled or removed from the site number four (4) or more oak or sycamore trees and their continued existence in their present form and/or location denies reasonable access to the subject property and/or the approved construction, maintenance, or use in a manner permitted by the zoning on said property.*

Staff Response: The applicant will be required to provide a minimum paved width of 24 feet for the onsite access roads. Portions of the existing roads will need to be widened to accommodate these requirements to comply with VCFPD Standard 501, Section 4.3.1. Four protected heritage sized coast live oak trees will need to be removed and 72 protected trees will be encroached upon to accommodate the proposed construction and road improvements. Seventy-five oak tree saplings will be planted to offset the loss of the four protected oak trees. With the implementation of Recommended MM BIO-2 (Tree Health Monitoring and Reporting), the applicant will be required to submit annual monitoring reports for a 5-year period that address the success of tree protection measures and the overall condition of encroached-upon trees relative to their condition prior to the initiation of construction activities. Based on the discussion above, this finding can be made.

**Section 8107-25.7.1 (c).** *The cumulative number of trees to be felled or removed from the site number six (6) or more protected trees (not listed in a or b above) and their continued existence in their present form and/or location denies reasonable access to the subject property and/or the approved construction, maintenance, or use in a manner permitted by the zoning on said property.*

Staff Response: This finding is not applicable because the project does not involve a cumulative of six (6) or more protected trees being felled or removed. Based on the discussion above, this finding can be made.

## **G. PLANNING COMMISSION HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The project site is located within the City of Ojai's Area of Interest. Therefore, on May 5, 2022, the Planning Division notified the City of Ojai of the proposed project and requested the City of Ojai to submit any comments that the City might have on the proposed project. No comments were received.

The project site is located within the Ojai Valley Area Plan and the Ojai Valley Municipal Advisory Council jurisdiction (OVMAC). As such, the OVMAC has the authority to review and advise the Planning Division and the Planning Commission on land use issues, such as the proposed project. The proposed project was discussed at the May 25, 2022, and

September 19, 2022, OVMAC meetings, Exhibit 8 includes a summation of the issues discussed at the two meetings and the recommendations of the OVMAC members. For instance, at the request of the OVMAC, the applicant has agreed to limit the number of daily and overnight guests and maintain an annual log of onsite populations that is available to the County, upon request.

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with the Government Code (Section 65091) and Ventura County NCZO (Section 8111-3.1). On October 7, 2024, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located, Electronic correspondence was also sent to interested parties who previously informed the Planning Division to be notified of the hearing. On October 7, 2024, the Planning Division placed a legal ad in the *Ventura County Star* and the *Ojai Valley News*. As of the date of this document, three public comments regarding the staff report have been received. One public comment was a request to obtain a copy of this staff report, The second public comment included concerns regarding onsite populations, frequency of events, traffic and permit compliance. The third public comment included concerns with expansion of the use, onsite populations, and an increase in noise and traffic. The comments and staff's response are included in Exhibit 9.

## **H. RECOMMENDED ACTIONS**

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, including the proposed Mitigation Measures and Mitigation Monitoring and Reporting Program (Exhibit 4 and Exhibit 5), and has considered all comments received during the public comment process (Exhibit 4.a);
2. **FIND**, based on the whole of the record before the Planning Commission, including the Initial Study and any comments received, that upon implementation of the project revisions and/or mitigation measures there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Planning Commission's independent judgment and analysis;
3. **ADOPT** the MND (Exhibit 4) and Mitigation Monitoring Program (Exhibit 5);
4. **MAKE** the required findings to grant a Major Modification of CUP No. 3697 pursuant to Section 8111-1.2.1.1a of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
5. **MAKE** the required findings to grant a discretionary tree permit pursuant to NCZO Section 8107-25.7.1, based on the substantial evidence presented in Section F of this staff report and the entire record;

6. **GRANT** Major Modification of CUP Case No. PL17-0012, subject to the conditions of approval (Exhibit 5) and discretionary tree permit (Case No. PL23-0040).
7. **SPECIFY** that the Clerk of the Planning Commission is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Commission is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Board of Supervisors to review the matter at the earliest convenient date.

County Counsel has reviewed this Staff Report.

If you have any questions concerning the information presented above, please contact Kristina Boero at (805) 654-2467 or [kristina.boero@ventura.org](mailto:kristina.boero@ventura.org).

Prepared by:



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Reviewed by:



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#### EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 Mitigated Negative Declaration and Attachments
- Exhibit 4a Master Responses to Public Comment on the Mitigated Negative Declaration
- Exhibit 5 Conditions of Approval and Mitigation Monitoring and Reporting Program
  - sub-Exhibit 1 Cragoe Pest Services, Inc., Arborist Report and Tree Protection Plan, dated August 26, 2019
  - sub-Exhibit 2 Project Plans
- Exhibit 6 General Plan and Ojai Valley Area Plan Consistency Analysis
- Exhibit 7 Non-Coastal Zoning Ordinance Compliance
- Exhibit 8 Ojai Valley Municipal Advisory Council Minutes and Recommendation Actions
- Exhibit 9 Additional Public Comments and Responses