

CITY OF OJAI

ORDINANCE NO. 921

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, AMENDING OJAI MUNICIPAL CODE SECTION 10-2.1709 “ACCESSORY DWELLING UNITS” OF ARTICLE 17 “STANDARDS FOR SPECIFIC LAND USES” OF THE “DEVELOPMENT AND OPERATIONAL STANDARDS” OF CHAPTER 2 “ZONING REGULATIONS” OF TITLE 10 “PLANNING AND ZONING” AND FINDING THAT THE ADOPTION OF THIS AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Section (j) of Ojai Municipal Code section 10-2.1709 titled “*ADU/Second Unit Compliance Program*” regulates the City’s program for granting Compliance Permit to legal nonconforming accessory dwelling units; and

WHEREAS, the Ojai City Council intends to amend Ojai Municipal Code section 10-2.1709 section (j) to update the date when its *ADU/Second Unit Compliance Program* begins; and

WHEREAS, the Ojai City Council has considered all of the evidence before it regarding this text amendment including, but not limited to, the Planning Commission’s prior recommendations, staff reports and attachments, and public testimony at its April 13, 2021 meeting and the Planning Commission’s prior meetings; and,

WHEREAS, the City Council finds the proposed text amendment is consistent with and necessary to carry out the policies of the City’s adopted General Plan because the proposed amendments strengthen and liberalize the requirements for accessory dwelling units, as required by state law, and are consistent with the provisions of the General Plan promoting the development of affordable housing, including via accessory dwelling units and junior accessory dwelling units, and further is adopted in the public interest, and is otherwise consistent with federal and state law; and

WHEREAS, the proposed text amendment will not authorize land uses that adversely affect the public health, safety, or welfare, and the amendment maintains existing protections in the Ojai Municipal Code against the maintenance of any land use that constitutes a public nuisance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. Text Amendment. Ojai Municipal Code section 10-2.1709 is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck through~~ text:

Sec. 10-2.1709. Accessory dwelling units.

- (a) *Purpose.* The purpose of this chapter is to provide guidelines, and minimum standards to facilitate both the construction of new accessory dwelling units, also known as second units, and the legalization of unpermitted accessory dwelling units.
- (b) *Definitions.* For the purposes of this section, certain words and phrases used in this section are defined as follows:
- (1) "Accessory dwelling unit" is a residential dwelling unit that is accessory to a principal residential dwelling unit located on the same parcel of land. It is an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be situated on the same parcel or parcels as the primary unit. An ADU must have exterior access independent from the primary unit and/or interior access independent from the primary unit.
 - (2) "Accessory structure" means a structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure and is either a habitable structure with no more plumbing facilities than a half-bath containing a toilet and a sink or a non-habitable structure.
 - (3) "Attached unit" a unit shall be considered attached to the primary unit if the unit is attached by either a common wall, floor, or ceiling.
 - (4) "Attic" means the area located between the ceiling of the top story of a building and the building's roof and not usable as habitable or commercial space.
 - (5) "Basement" means a portion of a building wholly underground or in which more than one-half the distance from the floor to the ceiling is below the average adjoining grade, and as otherwise defined in the Building Code currently in effect.
 - (6) "Detached unit" has no common walls, floors or ceilings to another residential unit.
 - (7) "Efficiency unit": as defined in Section 17958.1 of the Health and Safety Code.
 - (8) "Existing legal accessory building" means a building that is either existing legal conforming or existing legal nonconforming.
 - (9) "Existing legal primary unit" means a unit that is either existing legal conforming or existing legal nonconforming.
 - (10) "Floor area" means the interior habitable and non-habitable areas of a dwelling unit including basements and attics, not including a garage or any accessory structure.

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- (11) “Habitable area”: an area within a building designed for general living, sleeping, eating, or cooking purposes.
- (12) “Home split”: the division of an existing single-family home into two (2) dwelling units, each containing a minimum of six hundred fifty (650) square feet of living space and meeting the following criteria: (i) the existing single-family home contains a minimum of two thousand (2,000) square feet of living area, is located on a legal lot and has a current Zoning District designation of any of the following zones: all R zones, OS, A, VMU, C-1, or B-P; (ii) does not expand the existing principal residence by more than ten (10%) percent of the existing floor area; (iii) results in no change in the physical appearance of the existing single-family home or otherwise complies with the provisions of Section 10-2.2003(c); and (iv) adheres with all applicable building code requirements and development standards of the underlying Zoning District.
- (13) “Junior accessory dwelling unit” means a residential dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- (14) “Living area” means the interior legally permitted habitable area, with minimum dimensions of eight (8) feet by ten (10) feet and with at least seven and one-half (7.5) feet of head room, of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (15) “Lot coverage” means the percentage of total site area occupied by structures. Structure or building coverage is measured as the area enclosed by or within a structure, and includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, accessory dwelling units) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs).
- (16) “Manufactured home”: as defined in Section 18007 of the Health and Safety Code.
- (17) “Multi-family dwelling” has the same meaning as set forth in Ojai Municipal Code Section 10-2.3602, subdivision (m)(12).
- (18) “Neighborhood” has the same meaning as set forth in Government Code Section 65589.5.
- (19) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (20) “Primary unit” means an existing single-family dwelling located on a lot in any of the following zones: all R zones, OS, A, VMU, C-1, B-P. ADUs are only permitted in the C-1 and B-P zones if the property’s existing single-family dwelling is legal, conforming or nonconforming, but not if the existing single-family dwelling lacks legal status.
- (21) “Short term rental” means the renting of a residential unit for less than thirty (30) days, excepting rentals with a duration of the entire month of February.
- (c) *Applications.* Notwithstanding any provision of these zoning regulations to the contrary, an application for a new or expanded accessory dwelling unit shall be approved ministerially by the Community Development Director, without discretionary review and a hearing, if the project conforms with the minimum standards and design criteria in this section. Any application for an accessory dwelling unit that does not conform to the minimum standards and design criteria in this

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section applicable to that type of accessory dwelling unit may be approved via approval of a design review permit issued under Section 10-2.2003, subsection (c), and subsection (d) of this section.

(1) The accessory dwelling unit shall not be offered for sale apart from the primary unit.

(d) *Standards.* The following development standards shall apply to accessory dwelling units, with the standards set separately for each accessory dwelling unit type.

Table A: Accessory Dwelling Unit Development Standards

	New Detached Accessory Dwelling Unit	New Attached Accessory Dwelling Unit Attached to an Existing Legal Primary Unit	New Attached Accessory Dwelling Unit Solely by Conversion of Existing Interior Space in an Existing Legal Primary Unit	New Accessory Dwelling Unit Solely by Conversion of an Existing Legal Accessory Building	New Unit Within A New Second Story Over Existing Legal Primary Unit	Home-Split, as Defined Above and as Defined by Section 10-2.3602(H)(5)
Permitted Zones	All R zones, OS, A, VMU, C-1, B-P	All R zones, OS, A, VMU, C-1, B-P	All R zones, OS, A, VMU, C-1, B-P	All R zones, OS, A, VMU, C-1, B-P	All R zones, OS, A, VMU, C-1, B-P	All R zones, OS, A, VMU, C-1, B-P
Setbacks Front Side Rear	Front Setback: As set forth in the zoning district the unit is proposed in. Side and Rear Setback: 4ft.	Front Setback: As set forth in the zoning district the unit is proposed in. Side and Rear Setback: 4 ft.	Utilizes the existing setbacks.	Utilizes existing setback if accessory building is legal.	Front Setback: As set forth in the zoning district the unit is proposed in. Side and Rear Setback: 4 ft.	As set forth in the zoning district the unit is proposed in.
Lot Coverage	As set forth in the zoning district the unit is proposed in.	As set forth in the zoning district the unit is proposed in.	Utilizes the existing lot coverage.	Utilizes the existing lot coverage.	As set forth in the zoning district the unit is proposed in.	As set forth in the zoning district the unit is proposed in.
Height	As set forth in the zoning district the unit is proposed in.	As set forth in the zoning district the unit is proposed in.	Utilizes the existing height of the legal building.	Utilizes the existing height of the legal building.	As set forth in the zoning district the unit is proposed in.	As set forth in the zoning district the unit is proposed in.

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	New Detached Accessory Dwelling Unit	New Attached Accessory Dwelling Unit Attached to an Existing Legal Primary Unit	New Attached Accessory Dwelling Unit Solely by Conversion of Existing Interior Space in an Existing Legal Primary Unit	New Accessory Dwelling Unit Solely by Conversion of an Existing Legal Accessory Building	New Unit Within A New Second Story Over Existing Legal Primary Unit	Home-Split, as Defined Above and as Defined by Section 10-2.3602(H)(5)
		unit is proposed in.			unit is proposed in.	
Stories	As set forth in the zoning district the unit is proposed in.	As set forth in the zoning district the unit is proposed in.	Utilizes the existing height of the legal building.	Utilizes the existing height of the legal building.	As set forth in the zoning district the unit is proposed in.	As set forth in the zoning district the unit is proposed in.
Maximum Floor Area Size of Unit (3)	1200 square feet or 85% of the existing habitable area of the legal primary unit, whichever is smaller.	1200 square feet or 85% of the existing habitable area of the legal primary unit, whichever is smaller.	1200 square feet or 85% of the existing habitable area of the legal primary unit, whichever is smaller.	1200 square feet or 85% of the existing habitable area of the legal primary unit, whichever is smaller.	1200 square feet or 85% of the existing habitable area of the legal primary unit, whichever is smaller.	1200 square feet or 85% of the existing habitable area of the legal primary unit, whichever is smaller.
Number of Accessory Dwelling Units Allowed on Site (4)	1	1	1	1	1	1
Number of Junior Accessory Dwelling Units Allowed on Site	1	1	1	1	1	1
Parking for Units Not Within ½ Mile	One additional uncovered on-site paved parking space	None	None	None	None	One additional uncovered on-site paved parking space which may

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	New Detached Accessory Dwelling Unit	New Attached Accessory Dwelling Unit Attached to an Existing Legal Primary Unit	New Attached Accessory Dwelling Unit Solely by Conversion of Existing Interior Space in an Existing Legal Primary Unit	New Accessory Dwelling Unit Solely by Conversion of an Existing Legal Accessory Building	New Unit Within A New Second Story Over Existing Legal Primary Unit	Home-Split, as Defined Above and as Defined by Section 10-2.3602(H)(5)
of a Transit Stop	which may be tandem on an existing driveway.					be tandem on an existing driveway.
Parking for Units Within ½ Mile of a Transit Stop	None	None	None	None	None	None
Parking for Units Located Within an Historic District	None	None	None	None	None	None
New Driveways to Parking Provided for an Accessory Dwelling Unit	Shall be pervious and shall be the minimum width to provide sufficient access to the parking.	Shall be pervious and shall be the minimum width to provide sufficient access to the parking.	Shall be pervious and shall be the minimum width to provide sufficient access to the parking.	Shall be pervious and shall be the minimum width to provide sufficient access to the parking.	Shall be pervious and shall be the minimum width to provide sufficient access to the parking.	Shall be pervious and shall be the minimum width to provide sufficient access to the parking.
Guest House	Each legal lot may have a guest house, under the restrictions of Section 10-2.1705.	Each legal lot may have a guest house, under the restrictions of Section 10-2.1705.	If a guest house exists, then a new accessory dwelling unit is allowed.	If a guest house exists, then a new accessory dwelling unit is allowed.	Each legal lot may have a guest house, under the restrictions of Section 10-2.1705.	Each legal lot may have a guest house, under the restrictions of Section 10-2.1705.

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	New Detached Accessory Dwelling Unit	New Attached Accessory Dwelling Unit Attached to an Existing Legal Primary Unit	New Attached Accessory Dwelling Unit Solely by Conversion of Existing Interior Space in an Existing Legal Primary Unit	New Accessory Dwelling Unit Solely by Conversion of an Existing Legal Accessory Building	New Unit Within A New Second Story Over Existing Legal Primary Unit	Home-Split, as Defined Above and as Defined by Section 10-2.3602(H)(5)
Accessory Structures^{1,2}	Permitted, in compliance with applicable City regulations.	Permitted, in compliance with applicable City regulations.	Permitted, in compliance with applicable City regulations.	Permitted, in compliance with applicable City regulations.	Permitted, in compliance with applicable City regulations.	Permitted, in compliance with applicable City regulations.
Short Term Rental of Accessory Dwelling Unit Permitted	No	No	No	No	No	No
Design Review Permit Required	Only for two story units, units taller than 24', or units on the second story.	Only for two story units, units taller than 24', or units on the second story.	Only for new two story units or new units taller than 24', or units on the second story outside the existing legal building envelope.	Only for new two story units or new units taller than 24', or units on the second story outside the existing legal building envelope.	Only for two story units, units taller than 24', or units on the second story.	Only for two story units, units on the second story, or units entailing expansion of the existing principal residence by more than ten (10%) percent of the existing floor area.

Notes:

(1) Standards in common.

(A) The accessory dwelling unit shall include a separate entrance, kitchen, and bathroom.

(B) The accessory dwelling unit shall complement the primary residence in form, materials and color.

(C) Mobile homes (except those fitting the definition of Section 18007 of the Health and Safety Code) and travel trailers shall not be permitted as second units.

(D) Accessory dwelling units, including any portion of a pre-existing primary residential unit which would be incorporated into an accessory dwelling unit, shall comply with the minimum standards of Title 24, California Code of Regulations, the Uniform Building, Plumbing, Housing, and Mechanical Codes, the National Electrical Code, Fire, Health, and Safety Code and the noise insulation standards applicable at the time the building permit for the accessory dwelling unit

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is issued or when the accessory dwelling unit is permitted by the Director, whichever is most recent. Any condition of the primary unit which is detrimental to health and safety shall also be corrected by the applicant.

(E) All applicable regulations of the Municipal Code shall be met, including the Building, Residential, Fire, and other requirements adopted by Chapter 1 of Title 9 of the Municipal Code.

(F) Both primary and accessory dwelling units shall be connected to the public sewer system, unless sewer service via a new or existing private sewage disposal system is approved by the Building Official and in compliance with all applicable regulations. All public utility services to the accessory dwelling unit shall be underground. The accessory dwelling unit does not need a separate connection to any public utility service. The primary and accessory dwelling units shall be commonly or separately metered to all public utility services, at the option of the applicant. Notwithstanding the foregoing, if an accessory dwelling unit is proposed for a property with an existing private sewage disposal system, then the accessory dwelling unit may connect to the existing private sewage disposal system, if approved by the Building Official and in compliance with all applicable regulations.

(G) Notwithstanding the standards of Table A, no minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings shall be imposed that prohibit an 800 square foot accessory dwelling unit that is 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

- (2) Junior Accessory Dwelling Units within single-family and multi-family dwellings shall be permitted in compliance with subsection (k) and all regulations stated in Government Code Section 65852.2 and 65852.22.
- (3) Notwithstanding the maximum floor area standards of Table A, an accessory dwelling unit containing one bedroom shall be permitted up to 850 square feet in floor area and an accessory dwelling unit containing two or more bedrooms shall be permitted up to 1000 square feet in floor area.
- (4) Accessory dwelling units are allowed in multi-family dwellings in compliance with subsection (l) and all regulations stated in Government Code section 65852.2

(e) *Design review permit criteria.* So long as the design criteria set forth in Table A “Standards” are met for the applicable accessory dwelling unit type and the common standards set forth in Section 10-2.1709(d)(1) are met, as determined by the Director, and provided that the accessory dwelling unit: (1) does not entail new two (2) story construction and is no taller than twenty-four (24) feet in height; or (2) is within the building envelope of the existing legal second story of an existing legal primary unit, has independent exterior access from the existing legal primary unit, and side and rear setbacks are adequate for fire safety as determined by the Director; or (3) if a home split, does not entail two (2) story construction or alteration of the second story of an existing two (2) story principal residence or expansion of the existing principal residence by more than ten (10%) percent of the existing floor area, then a Design Review Permit shall not be required under Section 10-2.2003.

(f) *Fees.* No connection fees, capacity charges, school district fees, or similar impact fees shall be assessed on an accessory dwelling unit by the City. Accessory dwelling unit applications are subject to the City’s planning and building administrative and permit applications fees applicable at the time of the application.

(g) *Growth management allocation.* All accessory dwelling units shall be exempt from the City of Ojai’s Growth Management allocation process.

(h) *Short-term rental.* No accessory dwelling unit shall be utilized as a short-term rental facility.

(i) *Traffic impacts.* Accessory dwelling units are expressly exempt from the City of Ojai’s traffic mitigation policies.

(j) *ADU/Second Unit Compliance Program.* The owners of existing accessory dwelling units which existed prior to January 1, 2021 ~~June 23, 2015~~, and not recognized as lawfully permitted may apply for an amnesty permit pursuant to the ADU/Second Unit Compliance Program Guidelines (“ADU/Second Unit Guidelines”) adopted by the City Council pursuant to this section. If approved, as provided in the ADU/Second Unit Guidelines, the ADU/Second Unit Compliance Permit shall

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convey legal nonconforming status on the second unit pursuant to Article 13 of Chapter 2 of Title 10.

- (1) Except as specifically provided in the ADU/Second Unit Guidelines, ADU/Second Unit Compliance Permit shall not be subject to the normal requirements for residential second units specified in this Code, but instead shall be subject to the specific requirements contained in Second Unit Guidelines.
 - (2) Permit processing and development impact fees within the control of the City shall be discounted for residential second units which qualify for ADU/Second Unit Compliance Permit. The amount of such fees shall be set forth in a fee resolution adopted by the City Council.
 - (3) The ADU/Second Unit Compliance Program shall remain in effect from the effective date of the ordinance originally adding this subsection until a termination date established by ordinance or resolution of the City Council. Any such termination shall not affect a complete application for an ADU/Second Unit Compliance Permit filed with the City prior to the termination date.
- (k) Junior accessory dwelling units.
- (1) All the requirements under this section apply equally to junior accessory dwelling units, unless stated otherwise in this subsection. A property owner may build a junior accessory dwelling unit, in addition to an accessory dwelling unit, provided each junior accessory dwelling unit and accessory dwelling unit, if applicable, are in compliance with the requirements of this section in any zone and for any property for which an accessory dwelling unit is permitted by Table A in subsection (d) of this section. Any junior accessory dwelling unit shall be built within the structure, and may extend to be within an up to one-hundred fifty (150) square foot addition to, an existing or proposed primary dwelling unit.
 - (2) The owner must reside in the single-family residence but may choose to reside within the remaining portion of the structure or the newly created junior accessory dwelling unit, except as may be allowed otherwise by Government Code Section 65852.22, subdivision (a)(2).
 - (3) All junior accessory dwelling units shall include, at a minimum, an efficiency kitchen and living area. It may include separate sanitation facilities or may share sanitation facilities with the existing structure. The junior accessory dwelling unit must include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - (4) The maximum floor area for a junior accessory dwelling unit shall not exceed five hundred (500) square feet.
- (l) Multi-family dwelling accessory dwelling units.
- (1) All the requirements under this section apply equally to multi-family dwelling accessory dwelling units, unless stated otherwise in this subsection. The owner of a multi-family dwelling may build one or more accessory dwelling units in compliance with this section in any zone and for any property for which an accessory dwelling unit is permitted by Table (A) in subsection (d) of this section.
 - (2) The number and type of accessory dwelling units for a multi-family dwelling must comply with the following standards:

(i) An owner of a multi-family dwelling may build multiple attached accessory dwelling units, up to twenty-five percent (25%) of the number of existing multi-family dwelling units, if solely within the portions of the existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, and if each attached accessory dwelling unit complies with all applicable building codes for dwellings. The maximum floor area for each attached multi-family accessory dwelling unit shall not exceed eight hundred (800) square feet.

(ii) An owner of a multi-family dwelling unit may additionally build a maximum of two detached accessory dwelling units, if each detached accessory dwelling unit complies with all applicable building codes for dwellings, does not exceed sixteen (16) feet in height, and has a minimum of four (4) feet side and rear yard setbacks. The maximum floor area for each detached multi-family accessory dwelling unit shall not exceed eight hundred (800) square feet.

SECTION 3. Environmental Determination. The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds that the adoption of the foregoing proposed text amendment is exempt from review under the California Environmental Quality Act under California Code of Regulations, Title 14, Section 15301 of the CEQA Guidelines and is also exempt from review because it does not meet the definition of a project under CEQA Guidelines sections 15002(j)(1) and 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the Ordinance have no potential for resulting in physical changes in the environment because the amendments do not directly or indirectly approve any applications for particular projects and the increased density, which may result from the implementation of this ordinance, is required by state law and the requirements governing an accessory dwelling unit ordinance set by Government Code sections 65852.2 and 65852.22. Any particular proposed project will be required to obtain a City development permit and undergo appropriate review under CEQA.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

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SECTION 6. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937, shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue in effect until terminated by further action of the City Council in accord with applicable law.

CITY OF OJAI, CALIFORNIA

By Betsy Stix
Betsy Stix, Mayor

August 27, 2021
Date signed

ATTEST:

Gail Davis
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

Matthew T. Summers
Matthew T. Summers, City Attorney

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CITY OF OJAI)
COUNTY OF VENTURA) ss
STATE OF CALIFORNIA)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on April 13, 2021 and adopted at a regular meeting held on August 10, 2021 by the following vote:

AYES: Blatz, Francina, Haney, Stix Weirick
NOES: None
ABSTAIN: None
ABSENT: None



Gail Davis

Deputy City Clerk for the City of Ojai