

**CITY OF OJAI**  
**CITY COUNCIL RESOLUTION NO. 16-06**

**A RESOLUTION OF THE CITY COUNCIL**  
**APPROVING MODIFICATION of CULTURAL RESOURCES PROTECTION**  
**CONDITIONS FOR DESIGN REVIEW PERMIT (DRP 11-05) FOR THE ADDITION OF A**  
**NEW 1,250 SQUARE FOOT BUILDING, LOCATED AT 428 BRYANT CIRCLE,**  
**ASSESSOR'S PARCEL NUMBER: 023-0-190-120**

**WHEREAS**, the Applicant, Mark Weil, on behalf of the Property Owner, Grand Slam Investments, LLC, on January 12, 2016 submitted an application for a Modification to Design Review Permit (DRP 11-05) for the addition of a 1,250 square foot building to the existing Weil Tennis Academy at 428 Bryant Circle, Assessor's Parcel Number: 023-0-190-120, seeking to modify the approved project's cultural resources protection conditions; and

**WHEREAS**, on January 14, 2016, the Community Development Department found the application to be complete; and

**WHEREAS**, a public hearing was held by the City Council on January 26, 2016, for consideration of the proposed modification to the conditions of the Design Review Permit, with notice of said hearing sent to all property owners within a 300' radius of the subject property and published in the *Ojai Valley News* at least 10 days prior to the public hearing; and

**WHEREAS**, based upon the foregoing facts and findings for Design Review Permit DRP 11-05, the City Council hereby determines as follows:

- a. The proposed modifications to the cultural resources conditions are consistent with all applicable provisions of the Zoning Regulations and the General Plan. The original project approval included an extensive discussion of General Plan Compatibility and Zoning Ordinance Compliance and was found to be consistent. The City Council already approved the addition of the 1,250 square foot "commons" building as meeting the setbacks, building height, and floor area allowed for the zone and as consistent with the underlying General Plan Land Use designation. The approved 1,250 square foot addition remains consistent with the pattern of existing development located on the property in terms of continuity as it internally connected to the existing structure and setback from the street consistent with the existing building. The scale of the addition continues to be in keeping with the approved project as it is a one-story element.
- b. The location, size, and design of the proposed buildings, tennis courts, and associated features of the project will remain the same as originally approved and thus will avoid any traffic congestion impacts and will preserve pedestrian and vehicular safety. All approved proposed lighting will remain arranged so as to be directed away from neighboring properties. Further, the project as approved causes no adverse effect of any type on surrounding property.

- c. The proposed modifications to the cultural resources protection conditions of Design Review Permit DRP 11-05 are consistent with the zoning regulations and the General Plan because the proposed modifications will provide for the identification and protection of any archaeological, cultural, or historic resources located on the site of the proposed project, before the beginning of construction. By providing for an archaeological survey of the site before construction and ongoing cultural and archaeological resources monitoring during selected earth disturbing activities the proposed modifications to the cultural resources conditions will strengthen the project's existing cultural resources protection plan. Overall, the modifications are in keeping with the approved Design Review Permit, and the proposed changes will be in keeping with the original findings of approval.

**WHEREAS**, the original project underwent environmental review pursuant to the California Environmental Quality Act (CEQA). The City Council adopted a Mitigated Negative Declaration (MND) for the project on June 12, 2012, and the project continues to have the same design as the revised design of the "commons" building approved by the City Council on June 22, 2015 which was determined to be within the scope of the adopted MND. Hence, supplemental environmental documentation is not required for the proposed modification to the existing conditions of approval, intended to clarify and strengthen the project's cultural resources protection conditions. The proposed modifications to the cultural resources protection conditions are stronger than the existing cultural resources protection conditions because the proposed modifications replace monitoring during construction with a proactive site investigation, then monitoring during construction, informed by the information gathered from the proactive trenching program.

**NOW THEREFORE**, THE CITY COUNCIL OF THE CITY OF OJAI DOES HEREBY RESOLVE AS FOLLOWS

**SECTION 1.** The foregoing recitals are true and correct, and are hereby incorporated by reference.

**SECTION 2.** That the above set forth findings are true and correct in regards to Revision 03 to Design Review Permit (DRP 11-05), which findings are incorporated herein.

**SECTION 3.** In view of all of the evidence and based on the foregoing findings and facts, the City Council hereby approves a third modification to Design Review Permit (DRP 11-05), modifying certain previous conditions of approval as stated below and subject to all other existing conditions:

Existing Conditions Maintained:

Except as expressly modified in this Resolution, all conditions contained within City Council Resolution No. 15-27 for Revision 02 to DRP 11-05, Planning Commission Resolution 13-02 for Revision 01 to DRP 11-05, and Ordinance 821 for Design Review Permit DRP 11-05 shall apply to this project. These resolutions and the final conditions of approval are provided as Attachment A to this Resolution, respectively, and incorporated herein by reference.

Modified Cultural Resources Protection Conditions:

The existing Condition No. 41 in City Council Resolution No. 15-27 for Revision 02 to DRP 11-05 and the existing Condition No. 33 in Planning Commission Resolution 13-02 for Revision 01 to DRP 11-05 are hereby modified to read as follows:

41. A City-approved Registered Professional Archaeologist qualified in both pre-historic and historical archaeology, who has at least five years of professional archaeology experience in Ventura County, and is familiar with the local Chumash culture, after consulting with a Chumash Representative, shall prepare and submit a comprehensive plan for monitoring and a direct exploratory trenching program in areas of the property where ground disturbances will occur, to determine the presence of buried archeological, historic, and cultural resources in compliance with Planning Commission Condition #33, for the purpose of identifying archaeological, historic, and cultural resources. The plan shall include proactive trenching of areas of ground disturbing activities excluding the moving/placement of previously monitored soil. If no archaeological, historical, or cultural resources are discovered during the exploratory trenching program, the Archaeologist and Chumash Monitor, with the approval of the Community Development Director, along with the Community Development Director, will determine what the frequency of ongoing monitoring of the site shall be for the remainder of the project. The Community Development Department must approve the compliance plan for these requirements prior to issuing a building permit for the project.
33. CR-1: Archaeological Monitoring/Procedures for Discovery of Intact Cultural Resources. The Owner/Applicant shall have selected earth disturbances monitored by a City-approved archaeologist. In the event that archaeological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until the archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative shall monitor any mitigation work associated with Native American cultural material.

**SECTION 4.** The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED and ADOPTED this 26th day of January 2016 by the following roll call vote:**

**AYES:** Haney, Lara, Clapp  
**NOES:** None  
**ABSTAIN:** Weirick  
**ABSENT:** Blatz

**CITY OF OJAI, CALIFORNIA**

Paul Blatz, Mayor

ATTEST:

Rhonda Basore  
 City Clerk

APPROVED AS TO FORM:

Matthew T. Summers, City Attorney