

**CITY OF OJAI
CITY COUNCIL RESOLUTION NO. 17-56**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF OJAI, CALIFORNIA
APPROVING DESIGN REVIEW PERMIT 16-01
A MODIFICATION TO DESIGN REVIEW PERMIT 13-09
FOR A PROJECT LOCATED AT 601 CRESTVIEW DRIVE
ASSESSOR'S PARCEL NUMBER 023-0-081-400, GRANTING THE APPEAL FROM
THE PLANNING COMMISSION'S DENIAL OF THE REQUESTED PERMIT
MODIFICATION**

WHEREAS, On, April 14, 2016, the applicant submitted a Director's Exemption application (DE 16-16) as-built modifications to Design Review Permit DRP 13-09 located at 601 Crestview Drive, Ojai (Assessor's Parcel Number: 023-0-081-400); and,

WHEREAS, a Director's Exemption was rejected by the Director due to the scope of the unpermitted and as-built modifications; and

WHEREAS, the Property Owner, Ernest Roide, on May 2, 2016, submitted a Design Review Permit (DRP 16-01) application for a modification to a Design Review Permit (DRP 13-09) approved by the Planning Commission on September 4, 2013, for the construction of a second-story addition and remodel to an existing single-family residence located at 601 Crestview Drive; and;

WHEREAS, a public hearing was held by the Planning Commission on June 1st, 2016, for consideration of the Design Review Permit, with notice of said hearing published in the *Ojai Valley News* and owners of property within 300 feet of the project site were notified at least 10 days prior to the public hearing; and

WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the Planning Commission continued the item to the Planning commission meeting of July 6, 2016

WHEREAS, a public hearing was held by the Planning Commission on July 6, 2016, for consideration of the Design Review Permit, with notice of said hearing published in the *Ojai Valley News* and owners of property within 300 feet of the project site were notified at least 10 days prior to the public hearing; and

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WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the Planning Commission continued the item to the Planning Commission meeting of July 20, 2016 with the following recommendations:

- Allow the applicant to redesign the front of the house to the address the massing; and
- Allow the applicant to install the approved new roof color excluding the portion where the eyebrow is located.

WHEREAS, a public hearing was held by the Planning Commission on July 20, 2016, for consideration of the Design Review Permit; and

WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the Planning Commission continued the item to a date uncertain to all more time for the applicant to prepare architectural plans.

WHEREAS, a public hearing was held by the Planning Commission on September 21, 2016, for consideration of the Design Review Permit; with notice of said hearing published in the *Ojai Valley News* and owners of property within 300 feet of the project site were notified at least 10 days prior to the public hearing; and

WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the Planning Commission continued the item to the Planning commission meeting of October 19, 2016

WHEREAS, a public hearing was held by the Planning Commission on October 19, 2016, for consideration of the Design Review Permit; and

WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the Planning Commission continued the item to the Planning commission meeting of November 2, 2016 and

WHEREAS, a public hearing was held by the Planning Commission on November 2, 2016, for consideration of the Design Review Permit; and

WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the Planning Commission continued the item to the Planning commission meeting of November 16, 2016 and to allow the applicant to complete the roof over the eyebrow area.

WHEREAS, a public hearing was held by the Planning Commission on November 16, 2016, for consideration of the Design Review Permit, with notice of said hearing published in the *Ojai Valley News* and owners of property within 300 feet of the project site were notified at least 10 days prior to the public hearing; and

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WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the Planning Commission found, pursuant to the findings included in Planning Commission Resolution 16-21, that the requested approval of Design Review Permit application (DRP 16-01) as-built modifications to Design Review Permit DRP 13-09 located at 601 Crestview Drive, Ojai (Assessor's Parcel Number: 023-0-081-400); are inconsistent with the City's General Plan and City's Municipal Code and therefore denied except for the modified roofing material and roofline previously approved by the Planning Commission on November 2, 2016 Design Review Permit (DRP 16-01); and

WHEREAS, on December 1, 2016, the applicant Craig Young, on behalf of the property owner, filed an appeal of the Planning Commission denial of the modified Design Review Permit (DR 16-01); and

WHEREAS, a public hearing was held by the City Council on February 28, 2017 for consideration of the appeal of the Design Review Permit (DR 16-01) 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, Ojai Municipal Code section 10-2.3002(c)(1) empowers the City Council to be the decision making body as it relates to appeals of any Planning Commission decisions including Design Review Permits; and

WHEREAS, Ojai Municipal Code section 10-2.3004 states that the City Council shall consider the same factors as the Planning Commission, a report of the City Manager, and any other matters presented at the hearing on appeal.

WHEREAS, after taking public testimony and hearing evidence from the City staff and the applicant, the City Council directed staff to prepare a resolution to uphold the appeal and approve the Design Review Permit (DRP-16-01), modifying the project as previously approved by Design Review Permit (DRP 13-09), approving the requested modifications to the residence and grounds located at 601 Crestview in their entirety; and

WHEREAS, based upon the foregoing facts and findings for DRP 16-01 the City Council hereby determines as follows:

- a. The project, as modified and conditioned, is consistent with the Ojai General Plan of the City of Ojai. The addition and remodel is consistent with the land use designation of the site. The project meets the compatibility policies of the General Plan, because the addition would maintain a similar scale, building type, materials and colors when compared to other houses in the neighborhood.
- b. The project, as conditioned, is in conformance with the parameters of the Single-Family Residential, Medium Density (R-1) Zone as the project meets the density, setbacks, parking and height standards.

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- c. The remodel will be of a contemporary Mediterranean architectural style, and will utilize high quality building materials and “earth-tone” colors, which are compatible with the natural environment of Ojai.
- d. The placement of the additions on the property provided sufficient light, air and open space to the surrounding environment, as the additions met the setback and height requirements of the zoning ordinance.
- e. The exterior building colors and materials are compatible with the natural environment of Ojai.
- f. The design of the residential addition meets the requirements contained in Section 10-2.2001 et seq. of the Zoning Code (Design Review Permits). The site plan, floor plan, and elevations on file in the Community Development Department demonstrate that the project is compatible with the surrounding area and compliance with the general objective of maintaining the cultural, artistic, environmental, social, and economic goals of the City. The setbacks of the project are in compliance with the Zoning Ordinance and the project is compatible with other residences in the immediate vicinity.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ojai, California, that:

SECTION 1. Environmental Determination. The City Council determines that the above findings reflect the independent judgment of the City Council and find that DRP 16-01, a modification to DRP 13-09 approved by the Planning Commission on September 4, 2013, did not significantly alter the previous categorical determination, and is itself categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301(e)(1). This project consists of an addition and remodel of an existing single-family residence that adds less than 50% of the residence’s existing floor area, and construction of a small additional rear-yard accessory structure.

SECTION 2. That the City Council determines that the above set forth findings are true and correct in regards to DRP 16-01, a modification to DRP 13-09 approved by the Planning Commission on September 4, 2013 and the associated CEQA exemption.

SECTION 3. The City Council hereby upholds the appeal and approves DRP 16-01, a modification to DRP 13-09 approved by the Planning Commission on September 4, 2013, for the construction of a second-story addition and remodel to an existing single-family residence located at 601 Crestview Drive subject to the conditions in Planning Commission Resolution No. 13-16 and the Project Specific Conditions listed below..

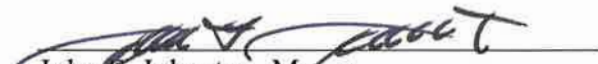
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Project Specific Conditions:

- 1). All conditions of approval associated with Design Review Permit (DRP 16-01) continue to apply and are incorporated by reference.
- 2) The project approval constitutes the City's authorization to remodel a single-family residence and construct an accessory structure in the back to be used as a pool cabana. The applicant and property owner are prohibited from using any portion of the subject property for short-term, transient, or vacation rentals for any period of time less than 30 days in exchange for any form of compensation as this land use is not permitted by Ojai Municipal Code Section 10-2.402, Table 2-2, which lists all allowable land uses in residential zones. This prohibition shall remain in place unless and until the Ojai Municipal Code is amended to permit this land use. Violation of this condition of approval may result in revocation of this permit, in compliance with all applicable laws.

PASSED AND ADOPTED THIS 14th day of March, 2017, by the following roll call vote:

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




John F. Johnston, Mayor

5-8-18


Date signed

ATTEST:



Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:



Matthew Summers, City Attorney