



**CITY OF OJAI**

**Resolution No. 17-06**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI UPHOLDING THE HISTORIC PRESERVATION COMMISSION'S APPROVAL OF A WORK PERMIT (WP 16-05) AND DENYING THE APPEAL FILED BY ANTHONIE VOOGD LOCATED AT 1010 FOOTHILL ROAD AFFECTING CITY OF OJAI HISTORIC LANDMARK NO. 4, "LIBBEY HOUSE" LOCATED AT 1000 FOOTHILL ROAD.**

**WHEREAS**, on September 30, 2016, the owner, Ramin Shamshiri, submitted an application for a Work Permit to construct a two level single family home, a detached garage and gym, and a tennis court on 1010 Foothill Road, Assessor's Parcel Number 020-0-030-060, which is adjacent to, but part of the City of Ojai's Historic Landmark No. 4, The Libbey House, 1000 Foothill Road, Assessor's Parcel Number 020-0-030-070; and,

**WHEREAS**, a public hearing was held by the Historic Preservation Commission on December 8, 2016, for consideration of the Work 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**, the purpose of Ordinance No. 675, known as the "Cultural and Historic Preservation Law," Chapter 8 of the Ojai Municipal Code, is to promote the economic and general welfare of the City by preserving and protecting landmarks, monuments and points of historical interest having a special historical or aesthetic character or interest, in order to make the citizens of the City and visitors mindful of the historic, cultural and natural heritage of the City; and

**WHEREAS**, on December 8, 2016, the Historic Preservation Commission received for its review and consideration a staff report and a presentation in conjunction with the above-mentioned project and after taking public testimony, hearing evidence from the City staff and the applicants, the Historic Preservation Commission found that:

- (1) The proposed work will not detrimentally alter, destroy or adversely affect any exterior architectural feature or any other feature which led the historic resource to be designated as a landmark; and
- (2) The proposed project is architecturally compatible with the Libbey House because similar construction materials will be used; and
- (3) No public views of the proposed project from Foothill Road are available because of the topography and vegetation that screens public views; and,
- (4) The project on an adjacent existing legal lot will not materially alter the architectural significance of the Libbey House; and,

- (5) The project will not introduce visual obstructions or any public visual impacts; and,
- (6) In the case of construction of a new improvement upon a landmark or landmark site, the exterior of such improvement will not adversely affect and will be compatible with the external appearance of existing improvements on said landmark or landmark site.

**WHEREAS**, the Historic Preservation Commission found that the project is categorically exempt under 15301 of the California Environmental Quality Act (CEQA), Class 11, based on the finding that the alterations proposed for the landmarked property will not adversely alter those physical characteristics associated with the landmark status; and

**WHEREAS**, the Historic Preservation Commission on December 8, 2016 approved Work Permit (WP 16-05) based on the above findings and environmental determination; and

**WHEREAS**, on December 16, 2016 Anthonie M. Voogd filed an appeal of the Historic Preservation Commission's approval of Work Permit (WP 16-05); and

**WHEREAS**, a public hearing was held by the City Council on January 10, 2017 for consideration of the appeal of Work Permit (WP 16-05) 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**, on January 10, 2017, the City Council received for its review and consideration a staff report and presentation in conjunction with the submitted appeal including the grounds stated therein for Work Permit (WP 16-05 and heard public testimony, including hearing evidence from the City staff, the applicant and the appellant; and:

**WHEREAS**, in accordance with Ordinance No. 675, Chapter 8 of the Ojai Municipal Code, the City Council is empowered to be the decision making body as it relates to appeals of any Historic Preservation Commission decisions including Work Permits; and

**WHEREAS**, Ordinance No. 675 Chapter 8 of the Ojai Municipal Code states that the City Council shall consider the same factors as the Historic Preservation Commission, a report of the City Manager, and any other matters presented at the hearing on appeal.

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

**SECTION 1.** Based on the findings stated in this section and above, the City Council hereby upholds the Historic Preservation Commission's approval of Work Permit (WP 16-05) and denies the appeal. In approving this Work Permit for the proposed two level single family home, detached garage and gym, and tennis court on 1010 Foothill Road, Assessor's Parcel Number 020-0-030-060, the City Council finds that:

- (1) The proposed project will not detrimentally alter, destroy or adversely affect any exterior architectural feature or any other feature which led the historic resource to be designated as a landmark; and
- (2) The proposed project is architecturally compatible with the Libbey House because similar construction materials will be used; and
- (3) No public views of the proposed project from Foothill Road are available or will be impacted because the topography and vegetation screens public views of the proposed new residence and accessory structures; and
- (4) The project on an adjacent existing legal lot will not materially alter the architectural significance of the Libbey House; and
- (5) The project will not introduce visual obstructions or any public visual impacts; and
- (6) As required in the case of construction of a new improvement upon a landmark or landmark site, the exterior of such improvement will not adversely affect and will be compatible with the external appearance of existing improvements on said landmark or landmark site. The proposed new residence and accessory structures will only be marginally visible from the landmarked Libbey House. The proposed residence and accessory structures will not be visible from the public right of way and will not alter the view of the landmark Libbey House from the public right of way. The proposed residence and structures will not be on or impact the legal lot containing the landmark Libbey House at 1000 Foothill Road. The proposed residence and accessory structures will not impact the view from the landmark Libbey House of the distant Topa Topa Mountains or substantially alter the views of the landmark's grounds from the Libbey House.

**SECTION 2.** The City Council finds that the proposed project is categorically exempt from review under the California Environmental Quality Act under Section 15303 of the Guidelines for the California Environmental Quality Act, codified in Title 14, California Code of Regulations, as a Class 3 exemption, based on the finding that the project consists of the construction of a new single-family residence and small accessory structure on a residentially zoned parcel and the alterations proposed for the landmarked property will not adversely alter those physical characteristics associated with the landmark status.


**PASSED AND ADOPTED THIS 10<sup>th</sup> day of January 2017, by the following roll call vote:**

AYES: Blatz, Francina, Haney, Johnston, Weirick

NOES: None

ABSTAIN: None


ABSENT: None



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John Johnston, Mayor

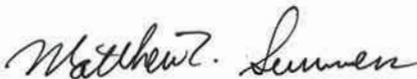
ATTEST:



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Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:



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Matthew Summers, City Attorney