

**CITY OF OJAI
RESOLUTION NO. 17-19**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA APPROVING TENTATIVE TRACT MAP 5964 (TTM 15-01), PLANNED DEVELOPMENT (PD 16-01), DESIGN REVIEW PERMIT (DRP 15-19) AND TREE PERMIT (T 16-21) FOR THE DEMOLITION OF ONE EXISTING SINGLE FAMILY HOME, AND THE SUBDIVISION OF THREE EXISTING PARCELS INTO NINE (9) TOWNHOME RESIDENTIAL PARCELS AND ONE COMMON AREA PARCEL, AND THE CONSTRUCTION OF NINE (9) SINGLE FAMILY TOWNHOMES COMMONLY ADDRESSED AS 601 PEARL STREET, APN'S 023-0-141-380, 410 AND 420.

WHEREAS, the Property Owner, Pearl Street Associates, LLC, on November 14, 2015, submitted an application for a Tentative Map Application (TTM 15-01) and Design Review Permit (DRP 16-09) for the demolition of one existing single family home, and the subdivision of three existing parcels into nine (9) townhome residential parcels and one common area parcel, and the construction of nine (9) single family townhomes at 601 Pearl Street, APN'S 023-0-141-380, 410 AND 420; and,

WHEREAS, the Property Owner, Pearl Street Associates, LLC, on June 14, 2016, submitted an application for a Planned Development Permit (PD 16-01) and Tree Permit (T 16-01) for the demolition of one existing single family home, and the subdivision of three existing parcels into nine (9) townhome residential parcels and one common area parcel, and the construction of nine (9) single family townhomes at 601 Pearl Street, APN'S 023-0-141-380, 410 AND 420; and,

WHEREAS, on February 25, 2016, the Tentative Map (TTM 15-01) and Design Review Permit (DRP 16-09) applications were deemed complete; and,

WHEREAS, on October 3, 2016, the Planned Development Permit (PD 16-01) and Tree Permit (T 16-01) applications were deemed complete; and,

WHEREAS, on December 5, 2016, the Community Development Department completed the Initial Study and Draft Mitigated Negative Declaration; and,

WHEREAS, on December 8, 2016, the applicant agreed to design mitigation measures outlined in the Initial Study and Draft Mitigated Negative Declaration; and,

WHEREAS, on January 10, 2017, the Initial Study and Draft Mitigated Negative Declaration were circulated to interested parties, and property owners within a 300' radius of the subject property for public comment; and,

WHEREAS, on January 30, 2017, the public comment period closed and the Community Development Department received comment letters from six individuals and four comment letters from public agencies; and,

WHEREAS, on March 30, 2017, the Community Development Department responded to all public comment letters and completed the Final Mitigated Negative Declaration; and,

WHEREAS, a public hearing was held by the Planning Commission on April 5, 2017, for consideration of the Tentative Map (TTM 15-01), Design Review Permit (DRP 15-09), Planned Development Permit (PD 16-01) and Tree Permit (T 16-08), and recommended adoption of the Final Mitigated Negative Declaration (FMND 17-01) 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, a public hearing was held by the City Council on May 9, 2017, for consideration of the Tentative Map (TTM 15-01), Design Review Permit (DRP 15-09), Planned Development Permit (PD 16-01) and Tree Permit (T 16-08), and adoption of the Final Mitigated Negative Declaration (FMND 17-01) 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, the City Council has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ojai the foregoing facts and findings for Planned Development Permit (PD 16-01) are as follows:

A) The proposed development is:

1. **Allowed within the respective zoning district.** The project site is zoned Village Mixed Use (VMU) which allows for 100 percent residential such as the project proposed.
2. **Generally in compliance with all of the applicable provisions of these Zoning Regulations relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose and requirements of the respective zoning district, including prescribed development standards and applicable design guidelines.**
3. The project is generally compliant with the City of Ojai's standard Zoning Regulations as it pertains to the VMU zoning. Some standards have been proposed for modified via a Planned Development Permit. With the conditional approval of the PD permit the project will be compliant.
4. **Consistent with the actions, goals, objectives, and policies of the General Plan.** The General Plan Land use designation for the site is Village Mixed Use (VMU). The Land Use Element requires that new development fit within the existing area and contribute to the preservation or enhancement of the overall character of the community. Policy LU-10 requires that new development be compatible with the existing surrounding uses and that

the bulk and massing of the new structures relate to the prevailing or planned scale of the adjacent development. The project is located in a residential neighborhood has been designed with smaller single story homes similar in size as the surrounding neighborhood defined primarily by the homes along Bald Street the “gateway” to the project site.

- B) **The proposed project would produce a comprehensive development of stable and desirable character and superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities) than which might otherwise occur from more traditional development applications.** The architecture of the proposed project features a strong Craftsman style complete with a blend of stone veneer base and shingle siding. Famous within the style and heartbeat of any craftsman architecture are well sized front porches, flared columns and decorative beams and braces underneath roof gables and false dormers; the project’s proposed architecture contains all of these important elements. The existing parcel has been proposed for subdivision allowing smaller lots to provide an opportunity to provide nine individual parcels each with a small single story home. However, the design does not provide a mix of home sizes or types in this proposal, no increase amount of landscaping or increase in open space. The reduction in lot size, setbacks and lot coverage provides an opportunity for home ownership but results in a large area of the property that would normally be open space utilized for driveways and circulation. Without the flexibility of the Planned Unit Development with the reduction in lot size, lot depth, setbacks and increase in lot coverage there would be not be an opportunity for small lot subdivision and the land would provide less housing opportunities for the City of Ojai. The varied architectural color palettes and decorative garage doors are of superior quality and provide variety of structure architecture.
- C) **The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water), would ensure that the proposed development would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements in the vicinity and the respective zoning district.** The project as designed and conditioned does not create any issues that would result in hazardous conditions. There is adequate circulation and provisions of public services including water, drainage, fire protection and sewer.
- D) **The design, location, and proposed uses would be compatible with the character of existing development in the surrounding neighborhood.** The project is located within a residential neighborhood and proposes houses of similar type, size and scale as the neighborhood.

E) The subject site is:

- 1. Physically suitable for the type and density/intensity of development being proposed.** The project is compliant with the General Plan density of 8 units per acre and the overall bulk and scale of the project is physically suitable for the lot.
- 2. Adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by these Zoning Regulations.** The project is designed to supply the basic parking requirement of 2 enclosed parking spaces and the project provides additional guest parking. Each lot provides sufficient landscaping and open space for residential living.
- 3. Served by streets adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development, and not result in any substantial traffic congestion on surrounding streets.** The project provides sufficient circulation to provide access to the each of the garages as well as to provide emergency vehicle access.

F) The proposed project has been reviewed in compliance with the provisions of CEQA and the City's environmental review procedures. A mitigated Negative Declaration has been proposed in compliance with CEQA and the City of Ojai's environmental review procedures.

G) There would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a statement of overriding considerations is adopted by the Commission. A mitigated Negative Declaration has been proposed in compliance with CEQA and the City of Ojai's environmental review procedures. The Mitigated Negative Declaration identifies areas of potential impact with the mitigations proposed to bring the impacts to a level of less than significant.

WHEREAS, based upon the foregoing facts and findings for Tentative Tract Map (TTM 15-01) the Planning Commission hereby determines as follows:

H) The City Engineer has reviewed and approved the project's on- and off-site improvements and found that they are reasonably necessary to service the lots being created, and that the Right of Way Improvements associated with the Pearl Street Extension and associated Irrevocable Offer of Dedication will be reviewed according to the provisions of Title 9, Chapter 7, and Title 10, Chapter 3, prior to approval of the project's Final Map.

- I) The design of the project conforms to generally accepted engineering standards and to such standards as required by the City Engineer and Director, including, but not limited to, plans for grading and erosion control and such other physical requirements that are necessary to ensure consistency with, or the implementation of, the General Plan, or any applicable Specific Plan, and the zoning regulations.
- J) The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site lacks significant or important fish and wildlife due to its urban, in-fill nature.
- K) The project design, including all public improvements, is consistent with the City's Subdivision Regulations of the Municipal Code, Title 10, Chapter 3, and the State Subdivision Map Act; and,

WHEREAS, based upon the foregoing facts and findings for Design Review Permit (DRP 15-19) the Planning Commission hereby determines as follows:

- L. The project, as conditioned, is consistent with the Ojai General Plan of the City of Ojai. The proposed improvements are consistent with the land use designation of Village Mixed Use (VMU). The project meets the compatibility policies of the General Plan, because the project as proposed maintains a similar scale, building type, materials and colors as the improvements in the adjacent neighborhood.
- M. The project, as conditioned, is in conformance with the parameters of the Village Mixed Use (VMU) Zone, other than for those provisions allowed by the Planned Development Permit (PDP) parameters and approval by the Planning Commission. The proposed site plan includes sufficient information as to assure compatibility with the surrounding area and compliance with the standards contained in Section 10-2.404 Residential District General Development Standards and Article 20, Design Review Permits, of the City of Ojai Zoning Ordinance.
- N. The new homes will be of an architectural style that is consistent with the Village Mixed Use (VMU) zone district, and will utilize high quality building materials and "earth-tone" colors, which are compatible with the natural environment of Ojai.
- O. The placement of the new homes as well as the other improvements on the property provide sufficient light, air and open space to the surrounding environment, as the proposed improvements meet the setback and height requirements of the zoning ordinance.
- P. The proposed structures and improvements have been designed and arranged so that traffic congestion is avoided, pedestrian and vehicular safety and welfare are provided and no adverse effect of any type on surrounding property will result.
- Q. The project as designed and conditioned will be compliant with the City of Ojai's lighting provisions including all "Dark Sky" regulations.

- R. No new signs are proposed therefore, the signage will not, by size, location, color or lighting, interfere with traffic, limit visibility or be so directed as to adversely affect surrounding properties or be in conflict with any provision of these Zoning Regulations; and,
- S. The design of the proposed improvements meet 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; and,

WHEREAS, based upon the foregoing facts and findings for Design Review Permit (DRP 15-19) the Planning Commission hereby determines as follows:

- T. That the project is allowed within the VMU zoning district; on- and off-site improvements are necessary to carry out the purpose and requirements of the project within the VMU zoning district; and is consistent with the actions, goals, objectives, and policies within the VMU land use designation. The VMU zone district and land use designation are commercial in nature with allowances for residential development at higher densities and intensities than single family dwelling zones or land use designations.
- U. That the project is a comprehensive development of stable and desirable character and superior quality than which might otherwise occur from more traditional development applications. The applicant has provided high quality architectural design and a sample of exterior materials that will be used on the project structures.
- V. That the project is designed and located such that there would be no hazard to the public convenience, health, interest, safety, or welfare, or be injurious to the property or improvements in the vicinity and the VMU zoning district. The residential nature of the project is not introducing potential conflicts or hazards, and the project accommodates two covered parking spaces per unit which meets the requirement and demand.
- W. That the project design, location, and proposed uses are compatible with the character of existing development in the surrounding neighborhood because the site planning and architecture is appropriate, and of high quality and of compatible style, intensity and density.
- X. That the subject site is physically suitable for the type and density/intensity of development being proposed, adequate in shape and size to accommodate the use, meets the development standards found in the Zoning Regulations, and is served by streets adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development, and not result in any substantial traffic congestion on surrounding streets; and,

WHEREAS, based upon the foregoing facts and findings for Tree Permit T 16-36, the Planning Commission hereby determines that the applicant has submitted an arborists report by Nicholas Romero, an ISA Certified Arborist, wherein trees slated for removal, and all work within the dripline of existing trees on site was identified, and tree protection and mitigation measures are included as Conditions of Approval to the project; and,

WHEREAS, based upon the Final Mitigated Negative Declaration prepared for the project, the Planning Commission finds and determines as follows:

- Y. The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and is adequate for this proposal.
- Z. On the basis of the whole record, including the Mitigated Negative Declaration and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project may have a significant effect on the environment.
- AA. The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Community Development Department located at 401 South Ventura Street, Ojai, CA 93023.
- BB. Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the City to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF OJAI DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recital. That the Planning Commission determines that the above set forth findings are true and correct in regards to Tentative Map (TTM 15-01), Design Review Permit (DRP 15-09), Planned Development Permit (PD 16-01) and Tree Permit (T 16-08), and adoption of the Final Mitigated Negative Declaration (FMND 17-01) which findings are incorporated herein.

SECTION 2. Conditional Approval. The Planning Commission hereby recommends approval of Tentative Map (TTM 15-01), Design Review Permit (DRP 15-09), Planned Development Permit (PD 16-01) and Tree Permit (T 16-08), and adoption of the Final Mitigated Negative Declaration (FMND 17-01) subject to the following conditions. ~~The decision of the Planning Commission is final unless appealed in accordance with the provisions of Article 30 of the Ojai Municipal Code.~~

Project Specific and Standard Conditions

1. This permit is granted for the land described in the administrative report prepared March 24, 2017, and for the project depicted on architectural, landscaping and engineering plans received January 26, 2016, and on file with the Community Development Department, and as otherwise as modified by these conditions of approval, and more specifically described in Condition of Approval #2 below.
2. The project approval constitutes the City's authorization for demolition of one existing single family home, and the subdivision of three existing parcels into nine (9) townhome residential parcels and one common area parcel, and the construction of nine (9) single family townhomes at 601 Pearl Street, all one-story, 2-bedroom, 2-bathroom homes each totaling 1146 sq. ft. in size, and each on its own legal lot, with lot sizes for the townhome lots ranging from 3,398 sq. ft. – 4,287 sq. ft. in size, and the common area lot that provides access from the public right of way, walkways and landscaping at approximately 6,930 sq. ft. in size. Each of the townhomes includes a standard size 451 sq. ft. 2-car garage, and each has 217 sq. ft. of private front porches.
3. The lot coverage, FAR, setbacks and lot sizes are as depicted in the plans approved for the project. Each lot is governed by the setbacks and lot coverage as approved, no changes shall be allowed unless a Planned Development Permit modification is approved by the City of Ojai.
4. Prior to approval of the Final Map, the applicant shall pay all applicable Community Development permit processing fees in full, and provide a further cash deposit in the amount sufficient to cover time associated with mitigation monitoring and condition compliance for the duration of the project until the project receives its final Certificate of Occupancy.
5. Prior to the approval of a Final Map or issuance of a grading permit for the project, the applicant shall demonstrate that trash service is available for the project as designed.
6. Prior to the approval of a Final Map or issuance of a grading permit for the project, the applicant shall apply for and receive a demolition permit for existing structures on the property. The Demolition permit shall not be issued until such time as the applicant submits Air Pollution Control Division (APCD) compliance.

7. The Final Tract Map, together with any improvement agreements, shall be submitted for approval by the City Engineer and Community Development Director, and recorded with Ventura County.
8. Prior to approval of the Final Tract Map and issuance of a grading permit, public utility easements shall be provided in the locations and widths required by the serving utilities, including trash service. The applicant shall submit to the Community Development Director a set of prints of the Final map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
9. The Owner/Applicant shall specify the following in the CC&R's and shall separately record a buyer notification that reads as follows: "IMPORTANT: BUYER NOTIFICATION: Long-term maintenance and proof of inspections of the biofiltration system shall be the responsibility of the owner. Biofiltration system maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once/year, retain proof of inspections, submit proof to the Community Development Director upon request and allow the City access to the property to inspect to ensure compliance." The Owner/Applicant shall complete the required recordation prior to the approval of the Final Map.
10. Prior to approval of the Final Tract Map, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. This form may be obtained from the Community Development Department. Owners of lots resulting from this land division shall record such agreements prior to zoning clearance issuance for future development.
11. This Tentative Map approval shall expire three years after approval by the final City review authority unless otherwise provided in the Subdivision Map Act or the Ojai Municipal Code.
12. Compliance with Departmental/Division letters required as follows:
 - a. Ventura County Air Pollution Control District dated January 24, 2017
 - b. Ventura County Fire Department dated November 16, 2015
 - c. Ventura County Watershed Protection District dated January 24, 2017
 - d. Ventura County Transportation Division dated March 7, 2017
13. A separate signage plan for the project for directional signage and other signs shall be approved by the Community Development Department prior to the issuance of a grading permit for the project.

14. Color palettes presented to the Planning Commission shall be of varying Craftsman color schemes within the project such that same or similar palettes will not exist adjacent to each other. The project applicant shall provide a site plan that details this variation prior to the approval of the Final Map or grading permit for the project. Garage doors shall be decorative as described in the proposed architectural renderings and colored in similar varying styles associated with each of the individual home color palettes.
15. Mitigation Measure AE1. Compliance with the City's lighting ordinance shall be demonstrated prior to the issuance of land use clearances or grading and building permits for the project.
16. Mitigation Measure AE2. Compliance with conditions of approval of the Design Review Permit will be field verified prior to the issuance of a Certificate of Occupancy for the project. Alterations made in the field with respect that do not substantially conform to the approved exhibits outlined above constitute a violation of the Design Review Permit and certificates of occupancy on the project will be withheld.
17. Mitigation Measure AQ1. The project's residences shall meet or exceed Title 24 energy codes. The City's Chief Building Official shall determine compliance prior to the issuance of a building permit for the first residential structure associated with the project.
18. Mitigation Measure AQ2. The buildings shall be equipped with ultra-low water using plumbing fixtures in accordance with the City's Ordinance No. 672, "Ultra-Low Water Consumption Fixtures" adopted May 8, 1990. The Chief Building Official shall review and approve of these specifications prior to the issuance of the first building permit for the first residential structure in the project.
19. Mitigation Measure AQ3. Bicycle parking racks as identified in the project exhibits shall be installed prior to the certificate of occupancy of the first residential unit.
20. Mitigation Measure AQ4. Construction documents and CC&R's shall provide enough detail and specifications such that buyer or builder design options for electric charging stations and the availability of rooftop solar electricity panels will be readily available and not legally or structurally infeasible or otherwise prevented by the developer or the Homeowner's Association for the project. The Community Development Department and the City's Chief Building Official shall determine compliance prior to the issuance of a building permit for the first residential structure associated with the project.
21. Each residence shall be pre-wired for rooftop solar electricity panels, to the satisfaction of the Community Development Department and the City's Chief Building Official.
22. Mitigation Measure AQ5. Pursuant to the County of Ventura Air Pollution and Control District, the area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust; pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive

dust during grading activities; signs shall be posted onsite limiting traffic to 15 miles per hour or less; All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties); during periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite; personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations; and, signs displaying the APCD Complaint Line Telephone number for public complaints shall be posted in a prominent location visible to the public off the site: (805) 645-1400 during business hours and (805) 654-2797 after hours.

23. Mitigation Measure BIO1. Tree protection measures during construction shall comply with the Arborists Report dated May 5, 2016 and Chapter 11 of Title 4 of the Municipal Code. Trees identified for removal shall be tagged by the project Arborist and field verified by the Community Development Department prior to the issuance of a grading permit for the project.
24. Mitigation Measure BIO2. Tree mitigation pursuant to the Arborists Report dated May 5, 2016 for those trees slated for removal shall be payable to the City prior to the issuance of a grading permit for the project. The project shall be monitored during grading for compliance with tree protection measures by the project Arborist and spot monitored by the Community Development Department. Any construction within the dripline of a tree shall be reported to the Community Development Department and additional mitigation fees made payable to the Community Development Department prior to the issuance of a building permit for the first residential structure in the project.
25. Mitigation Measure CR1. The Owner/Applicant shall have all earth disturbances including placement of fill monitored by a City-approved archaeologist and representative of the Barbareño/ and Ventureño Band of Mission Indians. In the event that archaeological, historic or tribal 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 and the monitor have evaluated the nature and significance of the find. Within ten days of a find of a archaeological, historic or tribal resource the applicant shall submit a plan drafted in concert with the archeologist and the Barbareño/Ventureño Band of Mission Indians as applicable to monitor to the City for review and approval by the Community Development Director in consultation with the lead tribal representative for the Barbareño/Ventureño Band of Mission Indians as maintained on the NAHC contact list. All plans submitted for review shall include preservation in place whenever feasible. After the find has been appropriately mitigated pursuant to the approved mitigation plan, work in the area may resume.
26. Mitigation Measure CR2. Prior to the issuance of a grading permit or building permit the applicant shall submit to the City executed contracts for both the archeologist and the Barbareño/Ventureño Band of Mission Indians monitors.

27. Mitigation Measure CR3. A preconstruction meeting with the Building Official shall be held prior to initial any earth disturbing activities. This preconstruction meeting shall include the cultural resource monitors described above and subcontractors associated with ground disturbing activities and shall include training on the above mitigations.
28. Mitigation Measure CR4. A final report detailing activities and findings shall be submitted by both the archaeologist monitor and Barbareño/Ventureño Band of Mission Indians monitor to the City and documentation shall be provided that all reports have also been submitted to the State prior to issuance of the first a certificate of occupancy for the project.
29. Mitigation Measure CR5. Once the area has been graded and recompacted, no further archaeological, historic or tribal monitoring shall be required. However, some limited additional monitoring may be required if trenching for utilities extends outside of the area of grading and recompaction. Once the archaeologist and Barbareño/Ventureño Band of Mission Indians is confident that no trash pits have the potential for containing artifacts or other remains older than 50 years or other subsurface features are not present, monitoring may be discontinued. Should monitoring reveal the presence of such features, all project activities in the vicinity of the find shall be temporarily halted, the City of Ojai notified, and procedures of the City of Ojai and County of Ventura cultural resources management plan standards shall be implemented. However, the possibility still exists that historic remains from the Ojai Olive Company could be uncovered during grading or trenching for the Project, therefore construction monitoring is recommended such that in the case that resources are found during grading or construction, work can stop in that area until the significance of the find can be determined and/or new mitigation measures proposed. Because the Project site has been thoroughly evaluated and found to be devoid of resources, and because on site monitoring will occur during construction, the Project, as mitigated, will not cause a substantial adverse change impacts to a known archaeological, historic or tribal resource will be less than significant. In the event of discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to

be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission. If mediation fails, the landowner shall reinter the human remains with appropriate dignity on the property in a location not subject to future subsurface disturbance.

30. Mitigation Measure WQ1. The Ventura County Watershed Protection District will review and approve a final drainage report and plans prior to the approval of the Final Map and the issuance of a grading permit for the project.
31. Mitigation LUP1. The City Engineer and the Community Development Director shall review and approve proposed Right of Way Improvements associated with the Pearl Street Extension and associated Irrevocable Offer of Dedication will be reviewed according to the provisions of Title 9, Chapter 7, and Title 10, Chapter 3, prior to approval of the project's Final Map and a grading permit for the project.
32. Mitigation Measure LUP2. Landscape plans shall conform to the considerations and requirements in the City's Community Forest Management Plan in the Downtown South Neighborhood.
33. Mitigation Measure NO1. Construction activities shall be limited to a 6-9 additive period and only occur Mondays – Fridays from 7:00AM – 5:00PM. In the case construction activity ceases on site, inactive days do not cumulatively count towards the 6-9 month limitation.
34. Mitigation Measure PH1. The applicant will be required to compete for residential building allocations pursuant to the City's Growth Management Ordinance.
35. Mitigation TR1. Prior to the approval of the Final Map and the issuance of a grading permit for the project, the applicant shall pay traffic mitigation fees pursuant to the County of Ventura and City of Ojai reciprocal agreement, the Bryant Industrial Area Specific Plan and Chapter 14 of Title 9 of the City's Municipal Code.
36. Compliance with the City's public art program is mandatory pursuant to Article 16 of Title 4 of the City's Municipal Code. A third party estimate of the project's expenses or a peer review of the applicant's estimate will be required, and an agreement to comply with the program will be required to be ratified prior to Final Map approval and a grading permit for the project. The Public Art shall honor the property's history as the Ojai Olive Mill.

37. Landscaping shall conform to the City's updated Landscape Ordinance as amended in Text Amendment TA 16-01 by the City Council on January 10, 2017. Final landscape plans shall be submitted for a landscape plan review prior to issuance of a building permit. The landscape plan shall be in compliance with the City Landscape Standards and this compliance shall be fully depicted in the plans.
38. All utilities shall be underground pursuant to Ojai Municipal Code Sec. 10-2.1805.
39. A Can & Will Serve letter from Ojai Sanitary District is required to be provided to the Community Development Department prior to the issuance of a building permit for the project's connection to public sanitary services. Any offsite improvements associated with public sanitary sewer services will require additional review and permitting by the Community Development Department, which must occur prior to the issuance of a building permit for the project, or said offsite improvements.
40. A Can & Will Serve letter from Golden State Water is required to be provided to the Community Development Department prior to the issuance of a building permit for the project's connection to public water services. Any offsite improvements associated with public water sewer services will require additional review and permitting by the Community Development Department, which must occur prior to the issuance of a building permit for the project, or said offsite improvements.
41. A grading permit shall be submitted and approved by the City's Building Office prior to the issuance of the building permit for the project.
42. Traffic Control Plan: prior to Building Permit issuance, the applicant shall submit to the City Public Works Director and City Community Development Director for review and approval, a traffic control plan or memo that describes traffic safety measures that will be in place for grading trucks, construction materials delivery trucks, and other construction equipment. The plan or memo shall indicate haul routes and any other traffic safety measures (restrictions on delivery hours, flag person, etc.). Failure to adhere to designated routes and other traffic safety measures shall be grounds to temporarily suspend all construction or site preparation activities until adequate corrective measures can be taken.
43. Encroachment Permit: any work (including traffic control or signage) in the public right of way, easements, or on lands to be dedicated to the City of Ojai after completion of improvements requires a City Encroachment permit from the Public Works Department.
44. Frontage Improvements: pursuant to OMC 9-7.03, the project shall be subject to the installation or repair of sidewalk, curb and gutter and tree improvements on the Pearl and Bald Street frontages as deemed appropriate by the City Engineer. All improvements shall be ADA compliant.

45. The Pearl Street projection westward into the project (the area for the proposed Pearl Street extension, the 42.59 foot wide strip of land bordering the north side of the property with an Irrevocable Offer of Dedication to the City) shall have a standard commercial curb cut in a section of curb to assure westbound Pearl Street traffic safely distinguishes this entry to the project is not a street extension. The existing catch basin at the corner shall be properly accommodated.
46. The condition of the street shall be documented in a photographic report prior to any construction beginning, and after construction is complete, with an assessment of any change/damage. The report shall be approved by the City Engineer, pre and post construction phases. Any change/damage to the street shall be repaired by the applicant to the same or better condition, as approved by the City Engineer.
47. Drainage:
Post-development drainage shall not exceed pre-development drainage. Sheet drainage flow shall be maintained as sheet flow in post development. Any proposed concentrated flows require a drainage easement from the receiving property owner. Prior to Building Permit issuance, the applicant shall provide:
drainage analysis and calculations prepared and signed by a professional engineer.
A permit from the Ventura County Watershed Protection District allowing connection and/or discharge of stormwater flows from the project into the adjacent Fox Canyon flood control channel.
48. A drainage fee shall be paid to the City of Ojai upon receipt of a Building Permit. The amount of the drainage fee will be determined by the amount of added impervious surfaces to the site, as determined by the City Engineer or Building Official. Fees shall be paid at the time of issuance of a building permit.
- Hydrology/hydraulic design calculations, prepared by a Registered Civil Engineer, are required to be submitted with the site-grading plan.
 - No cross-lot drainage will be permitted unless approved by the City Engineer in which case the property owner must provide documents providing stormwater acceptance between the lots.
 - All drainage shall be directed away from structures and the drainage run-off shall be conveyed to a street and drainage system by non-erosive means.

Prior to Building Permit issuance, the applicant shall comply with the current Ventura Countywide Stormwater Quality Management Program (VCSQMP) National Pollutant Discharge Elimination System (NPDES) permit issued by the State of California Regional Water Quality Control Board and applicable standards including City review and approval of the following, including the State General Permit for Construction Activity, and the City of Ojai Municipal Stormwater Code.

- Required permanent post-construction Best Management Practices (BMPs) in accordance with the guidelines of the Ventura County Technical Guidance Manual (TGM) for Stormwater Control Measures. The initial concept presented by the applicant includes an underground detention/retention/infiltration basin with

overflow connected to a subsurface storm drain system. This initial concept is roughly in accordance with the TGM, but requires City review and approval per below.

- Filing a Notice of Intent (NOI) with the State Water Resources Board and submittal of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include appropriate BMPs to assure erosion control during construction.
- In addition to complying with the above listed stormwater requirements the Subdivider shall comply with the Technical Guidance Manual (TGM) for Stormwater Control Measures with attention directed to Sections 3, 4, & 5 (available for download on the County's website at: <http://www.vcstormwater.org>), to design and construct permanent structural Best Management Practices (BMPs) in accordance with the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP). The BMPs shall be designed specifically for the treatment of the pollutants of concern as identified in the VCSQMP.
- The Subdivider shall submit a site plan with design of the structural BMPs, including treatment calculations, for review with grading/improvement plans. No permits will be issued prior to approval of the final design of the BMPs and all BMPs shall be constructed prior to project acceptance.
- When a Bioswale/filter strip is used, landscape plans shall delineate perimeter of bioswale /filter strip and designate as permanent structural BMP. Copy of landscape plan shall be provided to City.
- The Subdivider will also be responsible for developing and implementing a long-term operation and maintenance plan for stormwater quality protection BMPs included in the project. The operation and maintenance plan shall include the following:
 - Operation procedures;
 - Procedures for routine maintenance (e.g., debris removal, vegetation clearing);
 - Procedures for corrective maintenance (e.g., parts replacement);
 - Maintenance performance levels;
 - Identification of the party responsible for operation and maintenance and
 - Inspection and reporting requirements.
 - Training of individuals responsible for maintenance.
- The Subdivider shall submit Draft Declaration of Covenants for review and approval as to form by the City Engineer and City Attorney to ensure maintenance of all water quality BMPs included in the project prior to Final Map approval. Subdivider shall record declaration prior to issuance of grading permit. Illicit discharges, illicit connections, or stormwater discharges passing through inadequately maintained treatment devices into the public storm drain system, are a violation of State regulations and the City's Municipal Code.

49. Each residence shall be pre-plumbed for greywater systems, to the satisfaction of the Community Development Department and the City's Chief Building Official.

50. Each residence shall have a recirculating hot-water plumbing system installed, to the satisfaction of the Community Development Department and the City's Chief Building Official.

51. Grading:

- a. The grading plan for all parcels shall be designed by a Civil Engineer, registered in the State of California, approved by the City Engineer, and secured for, prior to recordation of the Final Map.
- b. When a grading permit is required, at the discretion of the Building Official, the rough grading for the lot(s) shall be completed, certified by the Subdivider's soils/geotechnical and civil engineers, and accepted by the City Engineer prior to issuance of building permits. Certification shall be accompanied by Final Compaction Report.

52. Draft Conditions Covenants and Restrictions (CC&R's) for the project shall be submitted to the Community Development Department and approved prior to the approval of the Final Tract Map.

The CC&R's shall include all City requirements including, but not limited to, shared maintenance responsibilities by all owners for the common area landscaping / irrigation; streets, approved parking areas such as ~~garages~~ and guest parking and prohibited parking areas such as in private streets or that otherwise blocks emergency or service vehicles, pathways, and storm Water Quality Management Plan components.

The CC&Rs shall also include responsibilities for all owners to maintain the property in compliance with all conditions of approval of the project such as, but not limited to drought tolerant landscape; restrictions on tree removal; recycling requirements; restrictions on water softeners, any Air Quality Green House Gas requirements. In addition, the Owner/Applicant shall record a buyer notification that reads as follows: "IMPORTANT: BUYER NOTIFICATION: The Home Owners Association shall obtain Community Development Department approval for amendments to any CC&R provision related to project requirements. All owners shall maintain property in compliance with all conditions of approval for the lifetime of the project.

53. The CC&Rs shall clearly enunciate the responsibility of the HOA to maintain all onsite facilities including streets/paving, drainage (including the post construction BMPs, onsite surface and subsurface drainage facilities, and the connection to the Ventura County Watershed Protection District channel), utilities (water, sewer, gas, electric, phone, cable, etc.).

The CC&Rs shall clearly enunciate the following regarding the Irrevocable Offer of Dedication:

- a. The City has an Irrevocable Offer of Dedication for the 42.59 foot wide strip of land bordering the north side of the property which allows the City to take possession of the 42.59 foot wide strip at any time. A copy of the Irrevocable Offer of Dedication shall

- be referred to and attached to the CC&Rs.
- b. The CC&Rs shall include a map clearly show and label the property limits of the HOA and the Irrevocable Offer of Dedication.
 - c. The applicant and ensuring HOA is responsible for improvement of, and maintenance of, the 42.59 foot wide strip bordering the north side of property which will provide access into the project parcel. The City does not intend to exercise its right to this property until the Pearl Street extension connects Pearl Street from Bald St to Fox St., or for any other such cause the City decides ownership of the property is in its best interest. The CC&Rs shall clearly identify that the City has rights to this property, and intends to exercise the right although it may take some years to do so, and that the HOA is responsible for the property until the City exercises it's right to the property, most likely, although not only, when the City develops sufficient funds or acquires a grant to fund the Pearl Street extension.
54. Prior to issuance of any building permits, the applicant shall pay for drainage and traffic mitigation fees. Prior to recordation of the Final Map the Subdivider is required to pay all other fees and assessment as required by City Ordinance.
55. Improvement Plans:
- The applicant shall execute an Improvement Agreement in a form approved by the City Attorney, whereby the applicant is bound to construct, within a reasonable time specified therein, the improvements as illustrated on the Final Improvement Plans required by Title 10, Chapter 3 of the Municipal Code, Subdivision Regulations. The applicant shall secure the execution of such agreement by a good and sufficient improvement security bond. The bond amount shall be determined by the City Engineer after approval of a detailed cost estimates for all required improvements to be furnished by the applicant.
 - Prior to the recordation of the Final Map, the Subdivider shall cause to be prepared by a Civil Engineer, registered in the State of California, improvement plans required by the Subdivision Map Act, including, but not limited to, street, water, sewer, and storm drain (including post construction BMPs) improvements. Said improvement plan shall be submitted to the City Engineer for review and comments and subsequent approval.
56. Final Map:
- Prior to recordation of the land division, a final Map must be submitted to the City of Ojai for review and approval by the City Engineer and Community Development Director.
 - Applicant shall recorded copy of the approved CC&Rs with the recordation of the final tract map.
 - The Final Tract Map shall be based upon a field survey in conformance with the Land Surveyor's Act unless otherwise approved by the City Engineer. The Final Tract Map must be recorded within three (3) years of the date of approval of the

Tentative Map unless a time extension is granted in accordance with the Municipal Code.

- Prior to recording Final Tract Map, subdivider shall provide security in a form acceptable to the City.
 - A copy of the recorded Map shall be filed with the Director of Community Development.
 - The Subdivider shall provide proof of recordation (map book and page or copy of map) of the Final Tract Map to the City Engineer within 30 days of the Final Tract Map recordation.
 - All utilities plans shall be coordinated with the respective utility companies and shall be submitted for review and approval by the City.
57. The applicant and property owners 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.
58. All requirements of any law, ordinance or regulation of the State of California, City of Ojai, and any other governmental entity shall be complied with in the exercise of this approval,
59. This project shall meet all applicable requirements under the City of Ojai Municipal Code, and shall be consistent with all programs and policies contained in the General Plan for the City of Ojai.
60. These conditions of approval shall be included on the first page(s) of the building plans submitted to the Building Department for the project's building permit.
61. If noise levels associated with project construction exceed State standards as cited in the City's Noise Element of the General Plan and the Uniform Building Code, applicant will provide for mitigation of noise generation to State standards.
62. Prior to commencing construction or grading, a building permit shall be obtained from the building department. All conditions of the building department shall be met.
63. All conditions of the public works department shall be met.
64. All proposed outdoor lighting shall comply with Section 10-2.16.501. Prior to issuance of a grading or building permit for the project, a final lighting plan (photometric plan) shall be submitted for approval by the planning department. Final plans shall indicate location of all lighting, both on the building and in the surrounding site area, shall show type, style and height of fixtures, and illumination type. All lighting shall be shielded and confined within the property lines and be Dark Sky compliant.

65. No outdoor storage is permitted unless it is completely screened from the street and neighbors. Storage areas shall not exceed 30 percent of the site.
66. All vents, mechanical equipment, etc. shall be screened with a material that is integral to the building design if screening is not shown on this approval it may be subject to additional review.
67. All rubbish, trash and garbage shall be regularly removed from the property and shall not be allowed to accumulate thereon. Applicant shall take advantage of all recycling programs offered by the City's contract rubbish hauler and shall provide space for storage of containers for this purpose.
68. Unless within the private driveway or garage associated with each of the units for the temporary loading or unloading of a duration of not more than 90-minutes in 24-hour period and then for private offsite usage, no structure of a temporary or permanent character, trailer, camper, boat or equipment, or materials, supplies, inventory or work in progress or any similar property shall be permitted to remain upon the exterior portion of the lot.

Fire Department Standard Conditions

69. All conditions of the Ventura County Fire Prevention Division of the Ventura County Fire District shall be met. The applicant shall comply with Fire Department Standards for fire flow, fire protection, sprinklers and vehicular access.
70. Applicant shall obtain VCFD Form #126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.
71. Spark Arrester-An approved spark arrester shall be installed on the chimney of any structure(s).
72. Residential Address Numbers-Address numbers, a minimum of 4 inches (4") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold plated numbers shall not be used. Where structures are set back more than 150 feet (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.
73. Legal requirements:
 - a. The owner/applicant, on behalf of itself and its successors and assigns, shall defend and hold harmless the City of Ojai, its officers, boards, commissions, agents and employees, and each of them from and against any claims, demands, actions, suits, liabilities and

judgments of every kind and nature regardless of the merit of the same arising out of or related to the exercise and enjoyment of the approval of the City of the development permits necessary to the project including costs of investigations, attorney fees and court costs in the defense of any actions.

- b. If the City believes that it is entitled to indemnification pursuant to this Condition, the City shall give the applicant prompt and written notice thereof. Any such notice shall set forth in reasonable detail and to the extent then known the basis for such claim for indemnification. Each such claim for indemnification shall expressly state that the applicant shall have only the thirty (30)-day period referred to in the next sentence to dispute or deny such a claim. The applicant shall have thirty (30) days following its receipt of such notice either to (I) acquiesce in such claim and its responsibilities to indemnify the City in respect thereof in accordance with the terms of this Condition by giving the City written notice of such acquiescence or (ii) object to the claim by giving the City written notice of the objection. If the applicant does not object to such claim for indemnification within such thirty (30)-day period, the applicant shall be deemed to have acquiesced in such claim and its responsibilities to indemnify the City in respect thereof in accordance with the terms of this Condition. If the applicant objects to such claim for indemnification within such thirty (30)-day period but it is subsequently determined that the City is entitled to indemnification from the applicant, interest shall be deemed to have accrued on the unpaid amount of such indemnification, including cost to defend, from the date on which the judgment or other final order is entered against the City until full payment of the amount of such indemnification at a rate of ten percent (10 percent) per annum and the City shall be entitled to payment of such interest from the applicant.
- c. In connection with any claim which may give rise to indemnity under this Condition resulting from or arising out of any claim or proceeding against the City, the applicant shall (unless the City elects not to seek indemnity hereunder for such claim) assume the defense of such claim or proceeding if the applicant acknowledges to the City the City's right to indemnity pursuant hereto in respect to the entirety of such claim or proceeding if the applicant acknowledges to the City the City's right to indemnity pursuant hereto in respect of the entirety of such claim and provide assurances reasonably satisfactory to the City, that the applicant will be financially able to satisfy the amount of such claim in full if such claim or proceeding is decided adversely.

If the applicant assumes the defense of any such claim or proceeding, the applicant shall select counsel reasonably acceptable to the City to conduct the defense of such claim or proceeding, or shall pay for the defense of such claim or proceeding by the City's attorneys, shall take all steps reasonably necessary in the defense or settlement thereof, shall at all times diligently and promptly pursue the resolution thereof and shall bear all costs and expenses in connection with defending against such claim or proceeding.

If the applicant shall have assumed the defense of any claim or proceeding in

accordance with this Condition, the applicant may consent to a settlement of, or the entry of any judgment arising from, any such claim or proceeding only with the prior written consent of the City; provided, that the applicant shall pay or cause to be paid all amounts arising out of such settlement or judgment either concurrently with the effectiveness thereof or shall obtain and deliver to the City prior to the execution of such settlement a general release executed by the person not a party hereto, which general release shall release the City from any liability in such matter; provided, further, that the applicant shall not be authorized to encumber any of the assets of the city or to agree any restriction that would apply to the City or to its conduct of business; provided, further, that a condition to any such settlement shall be a complete release of the City, its council, board, commissions, officers, employees, consultants and agents with respect to such claim. The City shall be entitled to participate in (but not control) the defense of any such action, with its own counsel and at its own expense. The City shall, and shall cause each of its officers, employees, consultants and agents to cooperate fully with the applicant in the defense of any claim or proceeding being defended by the applicant pursuant to this Condition.

PASSED, APPROVED and ADOPTED this 9th day of May, 2017.

AYES:
NOES:
ABSTAIN:
ABSENT:

CITY OF OJAI, CALIFORNIA

John F. Johnston, Mayor

ATTEST:

Gail Davis, Deputy City Clerk

APPROVE AS TO FORM

Matthew Summers, City Attorney

ACCEPTANCE OF CONDITIONS OF APPROVAL

Craig Young, Owner/Applicant