

**CITY OF OJAI  
CITY COUNCIL RESOLUTION NO. 19-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI,  
APPROVING DESIGN REVIEW PERMIT (DRP 15-12),  
LOT LINE ADJUSTMENT (LLA 17-01),  
NOTICE OF EXEMPTION, AND DEVELOPMENT AGREEMENT (DA 17-01)  
BETWEEN THE CITY OF OJAI AND SHANKS INVESTMENT GROUP, LLC  
FOR THE EXCHANGE OF PROPERTY TO RELOCATE THE PASEO AND  
THE CONSTRUCTION OF PATIO SPACE FOR OUTDOOR DINING  
LOCATED AT 334 EAST OJAI AVENUE  
(ASSESSOR'S PARCEL NUMBERS: 021-0-140-140, 021-0-140-130 & 021-0-140-250)**

**WHEREAS**, on September 04, 2015, the applicant submitted a Design Review Permit application (DRP 15-12) for improvements to the existing commercial building located at 334 East Ojai Avenue, Ojai, CA (Assessor's Parcel Number: **021-0-140-140**); and,

**WHEREAS**, said improvements to the existing commercial building located at 334 East Ojai Avenue, Ojai, CA included alterations to adjacent properties (Assessor's Parcel Numbers: **021-0-140-130 & 021-0-140-250**); and,

**WHEREAS**, on March 13, 2017, the applicant submitted an application for a Lot Line Adjustment (LLA 17-01) and a Development Agreement (DA 17-01) for improvements to the existing commercial building located at 334 East Ojai Avenue, Ojai, CA, and for improvements on adjacent parcels to the west, and to re-arrange all affected parcels (Assessor's Parcel Numbers: **021-0-140-130, 021-0-140-140 & 021-0-140-250**); and,

**WHEREAS**, a public hearing was held by the Planning Commission on June 21, 2017, for the applications for the Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 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 which was continued to July 5, 2017, Planning Commission regular meeting; and

**WHEREAS**, a public hearing was held by the Planning Commission on July 5, 2017, for the applications for the Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 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, at which the Planning Commission voted to recommend approval of the project to the City Council; and

**WHEREAS**, a public hearing was held by the City Council on August 8, 2017, for the applications for the Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 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, at which the City Council voted to refer the project back to the Planning Commission, with explicit direction for the Planning Commission to apply the Arcade Plaza Design Guidelines in an integrated fashion in further considering the project; and

**WHEREAS**, a public hearing was held by the Planning Commission on October 4, 2017, for the applications for the Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 17-01) and was continued to October 18, 2017 Planning Commission meeting to allow the applicant to submit a new design; and

**WHEREAS**, a public hearing was held by the Planning Commission on October 18, 2017, for the applications for the Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 17-01) and recommended approval to the City Council; and

**WHEREAS**, a public hearing was held by the City Council on November 14, 2017, for the applications for the Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 17-01) and has approved the project by resolution and ordinance; and

**WHEREAS**, after taking public testimony and hearing evidence from the City staff and the applicant, the City Council finds, pursuant to the findings included in this Resolution and subject to the project's new Conditions of Approval included in this Resolution, that the requested approval of the applications for the Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 17-01) are consistent with the City's General Plan and City's Municipal Code and the City's Arcade Plaza Design Guidelines; and

**WHEREAS**, the City Council directed that the project components to be built on the Final City Walkway, including the replaced brick walkway, the proposed green screen wall, and any proposed trees on the walkway, will not be built or installed until the final design and plan for these improvements is approved by the City Council; and

**WHEREAS**, based upon the Notice of Exemption was prepared for the project, the City Council finds and determines as follows:

**WHEREAS**, The City Council hereby approves the applications for Design Review Permit (DRP 15-12), Lot Line Adjustment (LLA 17-01) and Development Agreement (DA 17-01) subject to the following conditions and subject to the requirements and conditions imposed on the project and the applicants by the Development Agreement approved by Ordinance No. 878 on November 14, 2017 and subsequently recorded on March 20, 2019.

**NOW THEREFORE**, the City Council of the City of Ojai does hereby resolve as follows:

SECTION 1. The City Council approves the Final City Walkway design as submitted in compliance with Condition No. 1 of Council Resolution No. 17-55.

**PASSED, APPROVED and ADOPTED** this 23<sup>rd</sup> day of April, 2019 by the following vote:

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

  
\_\_\_\_\_  
John F. Johnston, Mayor

5-1-19  
\_\_\_\_\_  
Date signed

ATTEST:

  
\_\_\_\_\_  
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Matthew Summers, City Attorney

\_\_\_\_\_  
Owner/Applicant acceptance of conditions of approval

**NOW THEREFORE**, the City Council of the City of Ojai does hereby resolve as follows:

SECTION 1. The City Council approves the Final City Walkway design as submitted in compliance with Condition No. 1 of Council Resolution No. 17-55.

**PASSED, APPROVED and ADOPTED** this 23<sup>rd</sup> day of April, 2019 by the following vote:

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

\_\_\_\_\_  
John F. Johnston, Mayor

\_\_\_\_\_  
Date signed

ATTEST:

\_\_\_\_\_  
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Matthew Summers, City Attorney



\_\_\_\_\_  
Owner/Applicant acceptance of conditions of approval

**PLEASE SEE ATTACHED  
NOTORIAL CERTIFICATE**

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles

On May 3, 2019 before me, Jessica Marie Mosher Felizzola, Notary,  
(insert name and title of the officer)

personally appeared David Eric Shanks,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jessica Marie Mosher Felizzola (Seal)

