

**CITY OF OJAI**  
**ORDINANCE NO. 908**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF OJAI, CALIFORNIA AMENDING ARTICLE 2  
(PUBLIC ARTS PROGRAMS) OF CHAPTER 16 (PUBLIC  
ARTS) OF TITLE 4 (PUBLIC WELFARE, MORALS, AND  
CONDUCT) TO THE OJAI MUNICIPAL CODE  
REGULATING PUBLIC ART AND FINDING THE  
ADOPTION OF THIS AMENDMENT IS EXEMPT FROM  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, Article 2 (Public Arts Program) of Chapter 16 (Public Arts) Of Title 4 (Public Welfare, Morals, And Conduct) of the Ojai Municipal Code regulates Public Arts; and

**WHEREAS**, the Ojai Arts Commission recommended approval of modifications to the existing regulations at their June 18, 2020 Arts Commission meeting; and

**WHEREAS**, the Ojai City Council intends to amend Article 2 (Public Arts Program) of Chapter 16 (Public Arts) Of Title 4 (Public Welfare, Morals, And Conduct) of the Ojai Municipal Code to provide greater clarity and efficiency in the Public Arts process; and

**WHEREAS**, these regulations are not intended to regulate content or the viewpoints expressed in violation of the First Amendment; and

**WHEREAS**, these regulations are intended to (1) foster the enjoyment of public spaces in a positive way, (2) enhance the City's aesthetics, (3) create an attractive place to work, live, and shop, (4) benefit the citizens, property owners, and City, and (5) revitalize creativity in public spaces.

**WHEREAS**, the Ojai City Council has considered all of the evidence before it regarding this text amendment including, but not limited to, the Arts Commission's recommendation, staff reports and attachments; and

**WHEREAS**, the City Council of the City of Ojai held a duly-noticed public meeting on July 14, 2020, at which time all persons wishing to testify in connection with this ordinance were heard; and

**WHEREAS**, the City Council fully studied the matter addressed in this ordinance and considered all relevant public comments, and desired to approve this ordinance; and

**WHEREAS**, the City Council finds the proposed text amendment is consistent with and necessary to carry out the policies of the City's adopted General Plan because the proposed amendments provide clarity and efficiency in the Public Arts process; and

**WHEREAS**, the proposed text amendment will not authorize land uses that adversely affect the public health, safety, or welfare, and the amendment maintains existing protections in the Ojai Municipal Code against the maintenance of any land use that constitutes a public nuisance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The City Council hereby determines that the foregoing findings are true and correct, and incorporates them herein by reference.

**SECTION 2. Code Amendment.** Article 2 (Public Arts Program) of Chapter 16 (Public Arts) of Title 4 (Public Welfare, Morals, and Conduct) of the Ojai Municipal Code is amended as follows:

**Article 2. Public Arts Program. Sec. 4-16.203. Definitions.**

"Public Art Jury" shall mean a Jury comprised of seven (7) members composed of: a representative of the Arts Commission, two arts professionals, at least one with public art experience, a representative of the Planning Commission, a community member-at-large, Representative of the developer (e.g. architect or landscape architect or, if there is no developer for the project, a member selected at the discretion of the Arts Commission), and an artist.

**Sec. 4-16.206. Requirement to provide artwork; waiver or modification.**

(b) Other provisions of this article notwithstanding, ~~the City Council~~ the Arts Commission may waive the strict compliance, in whole or in part, in respect to any covered project otherwise subject to the provisions of this article and instead permit the responsible party to meet the intent and purpose of this article through compliance with subsections (1), (2), or (3) of Section 4-16.206(c), below. In authorizing such alternative compliance, ~~the Council~~ Arts Commission shall make findings on the basis of substantial evidence, that the responsible party achieves the goals and aims of this article in substantially the same manner as strict compliance would. ~~The Council~~ Arts Commission may also waive the requirements for covered projects which are also City projects when it determines it would be in the public interest to do so.

**ARTICLE TWO, Section 4-16.210. Criteria for artwork selection.**

(h) Limitation. Previously commissioned or acquired artists shall not be eligible until three years after a completed project has been deemed compliant with Section 4-16.207. from the date of the Arts Commission's approval of the project or acquisition.

(i) Murals. Mural applications shall meet the criteria in Article 3, Limitations (Sec. 4-16.303) and Findings (Sec. 4-16.305.)

**ARTICLE TWO. Sec. 4-16.213. Application procedures for placement of artwork on private property.**

(a) Any artwork placed on private property as part of the Public Arts Program shall be a one-of-a-kind piece conceived by and executed through an artist. The responsible party shall retain the services of a qualified art consultant to manage the art project and present the project to CAPA. The fee for the art consultant is considered a legitimate expense of the public art project allocation. The City shall maintain a list of qualified arts consultants, ~~to help guide the responsible party in the early development of a project.~~ The artist or artists may be selected by any of the methods described above in Section 4-16.211. Early selection of an artist or art consultant is required. The responsible party shall submit ~~an art concept design (arts application)~~ an artwork proposal to be reviewed at a public meeting by CAPA (the Committee to Approve Public Art) and a final design to be approved by the Arts Commission prior to issuance of a building permit for the project. The Arts Commission shall consider the recommendation of the CAPA and give final approval for the proposed project.

**Sec. 4-16.214. Approval procedures for inclusion of artwork on private property.**

(c) If the responsible party has not applied for a building permit within three years of the date of the Arts Commission's approval of the project, the project will be considered null and void and the responsible party must resubmit a public art proposal to the CAPA (Committee to Approve Public Art).

(d) A contract between the City and the responsible party spelling out all requirements for the artwork, including budget, insurance and maintenance, shall be executed by the Community Development Department prior to the City's formal acceptance ~~by the Community Development Department~~ of the ~~responsible party's proposed approved~~ artwork proposal as approved by the CAPA and the Arts Commission.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

**SECTION 4. Environmental Determination.** The proposed text amendment is exempt from the California Environmental Quality Act (CEQA) because CEQA only applies to projects which have the potential for causing a significant negative effect on the environment, under CEQA Guidelines Section 15061(b)(3). The proposed addition of mural regulations will not have a significant negative effect on the environment as they do not permit any new activity or

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development and instead create new rules regulating murals. Additionally, under CEQA Guidelines Section 15378(b)(5), these mural standards would not be a “project” under CEQA because they would not cause a “direct physical change in the environment” or a “reasonably foreseeable indirect physical change in the environment,” again because they create new regulations and enforcement tools and do not permit any new development.


**SECTION 5. Certification.** The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

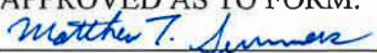
**SECTION 6. Effective Date.** This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.

**PASSED, APPROVED AND ADOPTED** this 8th day of September, 2020.

CITY OF OJAI, CALIFORNIA

By   
John F. Johnston, Mayor  
  
Date signed


ATTEST:  
  
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:  
  
Matthew T. Summers, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF VENTURA )  
CITY OF OJAI )

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on August 25<sup>th</sup>, 2020 and adopted at a regular meeting held on September 8<sup>th</sup> 2020 by the following vote:

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

  
Gail Davis  
Deputy City Clerk for the City of Ojai