



City of Ojai
Community Development Department

Project _____
Received _____
Date _____

HISTORIC PRESERVATION COMMISSION

- Concept Review, Work Permit, Sign or Pennant, Landmark Designation, Mills Act Agreement, Other

OWNER INFORMATION:

Project Address: _____ PROJECT I.D. # _____
Assessor Parcel Number: _____ Zone: _____

DESCRIPTION: _____
Property Owner: _____
Address: _____
Phone: _____ Cell: _____ e-mail: _____

APPLICANT:

Name: _____
Address: _____
Phone: _____ Cell: _____ e-mail: _____

REPRESENTATIVE:

Name: _____
Address: _____
Phone: _____ Cell: _____ e-mail: _____

AFFIDAVIT:

I declare that I am the owner / representative (indicate one) of the property involved in this application and that the information submitted herein is true and correct. I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I further declare I understand that prior to determining the project hearing date; the City has 30 days to deem the application complete or incomplete. I acknowledge and agree that the City of Ojai is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits, including but not limited to any litigation costs. I will be notified of the meeting date(s) set for the above matter and that I am to appear, either personally or by my representative, at such meetings(s).

Signature of Property Owner Date
Applicant's signature authorizes City staff to enter the property described above for the purposes of inspection.



City of Ojai
Community Development Department

HISTORIC LANDMARK DESIGNATION APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- Completed Application Form Signed by Property Owner or letter-authorizing Representative to sign
- Filing Fee – Base \$450 + \$225 per hour
- Historic Report (by a professional Historian)

PROJECT DESCRIPTION

Find attached City of Ojai’s Municipal Code, Title 4, Chapter 8 “Cultural and Historic Preservation Law”

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[Title 4 PUBLIC WELFARE, MORALS, AND CONDUCT](#)

Chapter 8 HISTORIC PRESERVATION LAW

Note

* **Prior ordinance history:** Ords. 675, 698, 708, 709 and 843.

Sec. 4-8.01. Title.

This chapter shall be known as “Historic Preservation Law.”

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.02. Purpose.

The purpose of this chapter is to promote the economic and general welfare of the City by preserving and protecting Council approved and designated landmarks, historic districts, structures of merit, and points of historical interest, as defined in this chapter, in consistency with the Conservation Element of the General Plan, be they of public or private ownership, and having a special historical, cultural, or aesthetic character or interest; all this in order to preserve the historic, architectural, cultural, and natural heritage of the City and to make the citizens of the City and visitors to the City mindful of this heritage. It is the City’s intent that the preservation of its landmarks, historic districts, structures of merit, and points of historical interest be guided by the Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties as adapted to the particular and best interests of the City.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.03. Historic Preservation Commission.

There is hereby established a City Historic Preservation Commission, consisting of seven (7) members who shall be appointed by the Mayor subject to the approval of the Council. No more than three (3) members of the Commission shall be nonresidents of the City. Four (4) members of the Commission shall constitute a quorum, however no quorum shall consist of a majority of nonresidents of the City. Members of the Commission shall be appointed for four (4) years on a staggered basis and shall hold office at the discretion of the Council until their successors have been appointed even if their designated term has expired. Vacancies shall be filled by appointment for the unexpired portion of the designated term. The designated terms of all members of the Commission shall expire at the second regular Council meeting of May.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.04. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

“Alteration” means any act or process that changes one or more of the exterior or interior character-defining elements of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

“Architecture/architectural” means the character and general composition of the structure, including, but not limited to, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

“Character-defining elements” means the significant historical, architectural, building, setting, design, or other elements of a landmark or historic district that contribute to the landmark or historic district’s eligibility for designation as a landmark or historic district. The character-defining elements of a landmark or historic district are specified in the Council’s resolution designating the landmark or historic district.

“Construction” means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

“Contributing structure” is a structure on a landmark property or in an historic district that contains character-defining elements of the landmark or historic district as defined in the Council approved landmark resolution.

“Council” means the City Council of the City of Ojai.

“Cultural heritage/cultural landmark” refers to features that are primarily of interest due to their part in the City’s shared traditions or shared identity.

“Demolition” means any act or process that destroys in part or in whole a landmark, proposed landmark, or point of historical interest. Process includes the act of demolition by neglect.

“Demolition by neglect” means a situation in which the property owner, or others having legal possession, custody, or control of a property, allow the condition of Council designated or currently nominated landmark structure, structure of merit, or structure still existing within a Council designated point of historical interest, to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations.

“Heritage” means the sum of the City’s collective history and culture that is passed down from the past to present and future generations. This heritage may be of an historical, architectural, cultural or natural significance or interest.

“Historic district” means an area designated as an “historic district” by ordinance of the Council, and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district. An historic district is identified in reference to its historically and architecturally significant character-defining elements.

“Landmark” means a building, structure, object, site, or district designated as a “landmark” by resolution of the Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, reconstruction, or preservation because of its historical, architectural, cultural, and/or natural significance to the City.

“Landmark property” means the parcel(s) on which a landmark or historic district exists, including all character-defining elements, non-character-defining elements, contributing structures, and non-contributing structures.

“Natural heritage/natural landmark” refers to features that are part of the natural landscape; that are not man-made.

“Non-contributing structure” means a structure on a landmarked property or in an historic district that does not contain character-defining elements of the landmark or historic district.

“Ordinary repair and maintenance” means any work, the sole purpose and effect of which is to correct normal deterioration, decay, or damage, and to restore the same, as nearly as may be practicable, to the condition and visual appearance prior to the occurrence of such deterioration, decay, or damage. Ordinary repair and maintenance does not apply to any new construction, reconstruction, rehabilitation, or restoration project.

“Owner of record” means the person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.

“Point of historical interest” means the site of a building, structure, or object which no longer exists but which was associated with historic events or important persons or embodied a distinctive character or architectural style; or has historic significance but has been altered to the extent that the integrity of the original workmanship, materials, or style has been substantially compromised; or is the site of an historic event which has no distinguishable characteristic other than that an historic event occurred there, and the site is not of sufficient historic significance to justify the establishment of an historic landmark.

“Removal” means any relocation of a structure on its site or to another site.

“Secretary of Interior’s Standards and Guidelines for the Treatment of Historic Properties” refers to a booklet published by the U.S. Secretary of the Interior under the National Historic Preservation Act (NHPA), which establishes professional standards and guidance on the preservation of the nation’s historic properties in four (4) treatment areas: preservation, rehabilitation, restoration, and reconstruction.

“Structure” means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

“Structure of merit” means an individual structure designated by the Council, upon recommendation by the Historic Preservation Commission, of historic, architectural, community, or aesthetic merit which has not been designated as a landmark or point of historical interest but which is deserving of being added to a Council approved special recognition list.

“Work permit” means a permit issued by the city after approval by either the Historic Preservation Commission or the Community Development Director for any work performed on a landmark, landmark property, or historic district other than “ordinary repair and maintenance” not affecting any character-defining elements, either physically or visually. All work permits will be issued in compliance with Section 4-8.15.

“Major work permit” means a permit issued by the City after approval by the Historic Preservation Commission for any work performed on a landmark, landmark property, or historic district that might affect a character-defining element, either physically or visually, in compliance with Section 4-8.15.

“Minor work permit” means a permit issued by the City after approval by the Community Development Director for any work performed on a landmark, landmark property, or historic district that does not impact a character-defining element, either physically or visually, in compliance with Section 4-8.15.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.05. Historic Preservation Commission—Functions and powers.

The functions and powers of the Historic Preservation Commission shall be:

(a) *Evaluation.* The Historic Preservation Commission or Community Development Director may investigate any structure in the City which the Council or Planning Commission or Historic Preservation Commission has reason to believe should be declared an historical landmark, historic district, structure of merit, or point of historical interest;

(b) *Inventory.* To maintain a current list of all historical, cultural, and natural landmarks, historic districts, structures of merit, and points of historical interest which have been declared as such by the Council. This information shall be made available to the public;

(c) *Public hearings.* To hold public hearings for the purpose of identifying historical landmarks, historic districts, or points of historical interest, with such hearings held ten (10) days or more after the property owner has been notified by registered mail;

(d) *Recommendations.* If the conclusion of the Historic Preservation Commission is that an historical landmark, historic district, structure of merit, or point of historical interest does exist which meets the criteria established in this chapter and should be declared as such, the Historic Preservation Commission shall make its recommendation to the Council for timely deliberation within ninety (90) days and send a copy of such recommendation to the property owner;

(e) *State registration.* The Historic Preservation Commission may recommend to the Council that the City apply to the California Office of Historic Preservation for State registration of landmarks, historic districts, or sites which have historical significance, which meet State registration criteria, and where the registration would assist in preservation. The Historic Preservation Commission may find that a landmark site of historic significance is significant for declaration as a State “point of historical interest” but does not warrant registration as a State “historical landmark.” The Historic Preservation Commission shall investigate and recommend to Council the appropriate State registration;

(f) *Advise and assist property owners.* To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;

(g) *Amendments.* To identify issues with this chapter and recommend to the Council consideration of amendments to this chapter when circumstances indicate; and

(h) *Develop guidelines.* To develop and recommend for Council adoption of specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;

(i) *Inform citizens.* To inform and educate the citizens of Ojai concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, pamphlets, websites, and social media information, and by holding programs and seminars according to a workplan and budget authority approved by Council;

(j) *Markers.* To determine which designated landmarks, historic districts and points of historical interest shall be marked with uniform and distinctive markers;

(k) *Nominate landmarks.* To nominate landmarks and historic districts to the National Register of Historic Places as approved by Council, and to review and comment on any National Register nominations submitted to the Historic Preservation Commission upon request of the Mayor or Council;

(l) *Preservation of landmarks and points of historical interest.* To take the steps necessary to preserve such landmarks and points of historical interest not in conflict with the public health and safety consistent with City policies and protocols. Such steps may include the creation of civic and citizens’ committees; the establishment of a private fund for the acquisition or restoration of declared landmarks and points of historical interest; and the recommendation that such declared landmarks and points of historical interest be acquired by a governmental agency where private acquisition is not feasible;

(m) *Review Mills Act agreements.* To review proposed initial and renewed Mills Act agreements and provide a recommendation to the Council regarding acceptance of Mills Act agreements, under Title 4, Chapter 9 of the Ojai Municipal Code;

(n) *Review Conservation Element of the General Plan.* To periodically review the Conservation Element of the General Plan and to recommend to the Planning Commission and the Council any amendments

appropriate for the protection and continued use of landmarks or property and structures within historic districts;

(o) *Review proposed amendments, etc.* At the request of the Council or Planning Commission, review proposed zoning amendments, applications for permits, or applications for zoning variances that affect proposed or designated landmarks and historic districts. Review and comment within thirty (30) days of submission for the public record of any and all historic resources reports prepared for any other development project requiring a design review permit, conditional use permit, development agreement, or other zoning code permit;

(p) *Rules and regulations.* To adopt such rules and regulations as are necessary to carry out the purpose and intent of this chapter;

(q) *Surveys.* To conduct surveys of potentially significant properties, structures, or sites according to workplan and budget approved by Council.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.06. Nomination of landmarks and historic districts.

Any building, property, cultural feature, or natural feature with historic, architectural, cultural, or aesthetic significance or interest within the City of Ojai or Sphere of Influence (LAFCO definition) by agreement with the County of Ventura may be nominated for landmark status if it meets one or more of the criteria in Section 4-8.07. Nominations shall be made to the Historic Preservation Commission on a form prepared by it and may be submitted by a member of the Historic Preservation Commission, owner of record of the nominated property or structure, the City Council, or any other person or organization domiciled within the Ojai Area of Interest as defined by Ventura Local Agency Formation Commission (LAFCO).

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.07. Criteria for consideration of nomination.

The Historic Preservation Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property(ies), structure(s), or site(s) meets one or more of the following criteria:

(a) Its character, interest, or value as part of the historic development, heritage, or cultural characterization of the community;

(b) Its identification with a person or persons who significantly contributed to the development of the community;

(c) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

(d) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community;

(e) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;

(f) Its embodiment of design elements that make it structurally or architecturally innovative;

(g) Its unique location or singular physical characteristics that make it an established or familiar visual feature; and

(h) Its suitability for preservation or restoration.

In addition to the above criteria, any structure, property, or site that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and/or workmanship to make it worthy of preservation or restoration.

A proposed landmark shall have historic, aesthetic, or special character or interest for the community as a whole and not be limited to the benefit of an individual, group, or personal special interest.

A proposed landmark designation shall not require the expenditure by the City of any amount of public funds not commensurate with the value to the community as a whole of the structure, property, or site to be preserved.

Proposed landmark designations shall not infringe upon the rights of a private owner thereof to make reasonable uses thereof which are not in conflict with the purposes of this chapter.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.08. Report and recommendation of Historic Preservation Commission.

The Historic Preservation Commission shall, within ninety (90) days from receipt of a completed nomination in proper form, hold a public hearing and adopt, by resolution, a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in Section 4-8.07 of this chapter. The applicant for a landmark designation may withdraw the application at any time before the start of the public hearing before the Historic Preservation Commission on the proposed landmark designation. The resolution shall be accompanied by a report to the Council containing the following information:

- (a) Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- (b) Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
- (c) In the case of a nominated landmark found to meet the criteria for designation:
 - (1) The significant architectural features of the nominated landmark that should be protected as character-defining elements,
 - (2) The types of construction or alteration, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Section 4-8.16,
 - (3) The effect of any alteration, construction, or removal of the landmark approved by any land use permits granted under Title 10 of the Ojai Municipal Code but not yet completed, and
 - (4) Any additional character-defining elements that contribute to the landmark's eligibility for designation;
- (d) In the case of a nominated historic district found to meet the criteria for designation:
 - (1) The types of significant architectural features of the structures within the nominated historic district that should be protected as character-defining elements,
 - (2) The types of alterations and demolitions that should be reviewed for appropriateness pursuant to specific ordinance criteria developed for the historic district, addressing standards for alterations and new construction within the district,
 - (3) Any additional character-defining elements that contribute to the historic district's eligibility for designation, and
 - (4) Evidence that at least a majority of the owners of parcels within the proposed district support designation, the owner(s) of each parcel having one vote per parcel with a maximum of one vote per ownership entity (defined as in Section 4-8.09);

(e) Proposed design guidelines for applying the criteria for review of work permits to the nominated landmark or historic district;

(f) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign relations, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district;

(g) A map showing the location of the nominated landmark and the boundaries of the nominated historic district.

The recommendations and report of the Historic Preservation Commission shall be sent to the Council and affected property owners within seven (7) days following the vote on the resolution and shall be available to the public in the offices of the City Clerk.

The recommendations and report of the Historic Preservation Commission shall include an historic resources report, prepared by an historian under contract with the City and in consultation with the Ojai Valley Museum, and other sources, which examines the historical significance of the nominated landmark or historic district, considers the items set forth in this section and the landmark criteria set forth in Section 4-8.07, identifies the character-defining elements of the nominated landmark or historic district, and identifies any changes to those elements over time.

The historic resources report shall be prepared consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties. The cost of this historic resources report shall be paid by the applicant for the landmark, as set forth in the City's fee schedule. The historic resources report shall evaluate the effect of any alteration, or construction on the same parcel as the landmark approved by any land use permits granted under Title 10, Chapter 2 of the Ojai Municipal Code but not yet completed and whether this work will adversely affect the landmark's character-defining elements.

Interim prohibition: from the time a completed application for a landmark nomination is received by the Historic Preservation Commission until the time the Council either declares the landmark, or determines not to declare the landmark, the time period involved not to exceed ninety (90) days, the property owner shall be prohibited from defacing, demolishing, adding to, altering, or removing the landmark, except for routine repair in the property's interior.

Notice and appeal: if the property owner objects to the designation of his property as a landmark, such objection shall be filed with the Council not later than thirty (30) days following the date the Historic Preservation Commission makes its recommendation.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.09. Declaration of landmarks or historic districts.

The authority to declare cultural heritage landmarks and historic districts shall be vested solely in the Council.

Upon recommendations of the Historic Preservation Commission, and at least thirty (30) days after such recommendation is made, pursuant to Section 4-8.08, the Council may declare those items set forth in Sections 4-8.08 and 4-8.09 of this chapter as historical, cultural, or natural landmarks, or historic districts.

If the property owner has filed an objection to the designation of this property as a landmark, the Council shall schedule a public hearing to consider the objection, after which the Council shall determine whether or not to so declare.

In the case of historic districts, the Council shall not make a designation if a majority or more of the owners of parcels within the proposed district, the owner(s) of each parcel having one vote per parcel with a maximum of one vote per ownership entity, file a written protest against creation of such a district. The

definition of an ownership entity shall be any and/or all individuals who own all or part of a parcel in the proposed historic district. If the title of a given parcel does not state the names of the individuals who own it, then the names of the individuals having direct or indirect control of said parcel must be disclosed for that parcel to have its vote counted.

The Council's resolution designating the landmark or historic district, shall describe the character defining elements of the landmark or historic district.

The Council may, by resolution and upon the recommendation of the Historic Preservation Commission, update an existing landmark or historic district, designation to include a description of the character defining elements of the landmark or historic district designation.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.10. Acquisition of landmarks or historic districts.

If the decision is made that the historical significance of any declared landmark or historic district justifies the expenditure of public funds, acquisition proceedings may be initiated. If the Council finds a landmark or historic district to be of historical significance, and public funds are not available, private funds may be used for the acquisition, or other arrangements may be made which are satisfactory to the property.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.11. City funds and incentives.

(a) The Historic Preservation Commission or other interested persons, may petition the Council for the funds necessary to carry out the purposes of this chapter. The Council may expend all reasonable amounts of money needed to carry out such purposes or to acquire fee title or such lesser ownership rights or rights of possession or negative easements as the Council deems necessary or expedient to carry out such programs.

(b) The Council may, at its discretion, contribute City funds to rehabilitate or restore any designated City landmark it deems worthy of such funding.

(c) The Council may, in accord with the General Plan and other applicable law, offer landmark owner's incentives to preserve, rehabilitate, restore, or adaptively reuse a designated City landmark, which may include such incentives as:

- (1) Allowing a discretionary lot split;
- (2) Increasing the maximum allowable size of an accessory dwelling unit;
- (3) Waiving City permit fees, parking requirements, or signage rules;
- (4) Adjusting setback and lot coverage requirements;
- (5) Allowing the use of historic landmark for events or as an interpretive center;
- (6) Variances for use of an historic property within its zone;
- (7) Expedited approval.

These incentives shall only be approved by the City Council when necessary to achieve the goals of historic preservation.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.12. Cooperation.

All boards, commission, departments, and officers of the City shall cooperate with the Historic Preservation Commission in carrying out the provisions of this chapter and shall notify the Historic Preservation Commission of the discovery of items of historical significance, including, but not limited to, burial grounds, prehistoric artifacts, or historic foundations or structures; inform the Commission of the proposed alteration, demolition, or relocation of designated landmarks.

The Historic Preservation Commission shall cooperate with all City departments and officers when requested and shall recommend for their consideration matters covered by this chapter.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.13. Structures of merit and points of historical interest.

(a) *Structures of merit.* The Historic Preservation Commission may recommend to Council individual structures of historic, architectural, community, or aesthetic merit which have not yet been designated as landmarks, but which are deserving of being added to a Council approved special recognition list. The purpose of such list shall be to recognize and encourage the protection, enhancement, perpetuation, and use of such structures. The Commission may additionally recommend historic structures in the City which have been officially so designated by agencies of the State or Federal government to be added to this special recognition list.

(1) The City and the owner of the structure of merit may negotiate placement of an optional City historical plaque.

(2) Before any permit is issued by the Building Official for demolition or alteration of a structure designated by Council as a structure of merit, the permit application to the Building Official shall be forwarded to the Historic Preservation Commission for review and comment before issuing the permit. No fee shall be associated with this procedure and the forwarding for review and comment shall be on the agenda at the next Historic Preservation Commission meeting following the referral of a complete permit application from the Building Official to the Historic Preservation Commission for said review and comment.

(3) No structure designated as a structure of merit shall be subject to demolition by neglect as determined by the Building Official.

(4) Before any permit is issued for a repair of a structure of merit, the application shall be forwarded to the Community Development Director for review and comment with possible forwarding, at the Director's discretion, to the Historic Preservation Commission for review and comment.

(b) *Points of historical interest.* The Historic Preservation Commission may recommend to the Council individual points of historical interest, as defined in Section 4-8.04, which are deserving of special recognition on a list of City historical resources and marked with a City historical plaque.

(1) If the property on which the historical plaque is to be located is not on City-owned property, the City will enter into an agreement with the property owner for placement of a City historical plaque.

(2) For a point of historical interest where no related historic building, structure, or object remains the site will only be marked by a City historical plaque.

(3) For a point of historical interest where an historic building, structure or object exists but has been altered to the extent that the integrity of the original workmanship, materials, or style has been substantially compromised, the site will be marked by a City historical plaque and the following requirement will be enforced: Before any permit is issued for demolition or alteration of a point of historical interest, the application shall be forwarded to the Community Development Director for review and comment with possible forwarding, at the Director's discretion, to the Historic Preservation Commission for review and comment.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.14. Expenses.

The necessary and reasonable expenses for the operation of the Historic Preservation Commission shall be the responsibility of the City. Included shall be the installation and maintenance of markers.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.15. Permits for work affecting landmarks.

Work permits are City permits granting approval for work performed on a designated historic landmark, landmark property, or historic district that could impact its historic significance or integrity. Using the Secretary of the Interior's Standards and Guidelines, as adapted by the Council, the applicant and the City work together to ensure as little loss of significance and integrity as possible.

(a) Approval of a major work permit by the Historic Preservation Commission, or the Council on appeal, shall be required before any of the following actions may be undertaken for a landmark, landmark property, or historic district that could impact a character-defining element, either physically or visually:

- (1) New construction, addition, demolition, or relocation;
- (2) Exterior alteration, reconstruction, restoration, or rehabilitation;
- (3) Interior alteration, restoration, or rehabilitation if an interior feature has been listed as a character-defining element.

(b) Approval of a minor work permit by the Community Development Director, or the Historic Preservation Commission or Council on appeal or referral, shall be required before any of the following actions may be undertaken for a landmark, landmark property, or historic district:

- (1) Exterior alteration of a landmark, landmark property, or historic district, if the area of alteration is not a character-defining element and will not impact a character-defining element, either physically or visually;
- (2) Interior alteration or remodeling even if visible from the exterior, unless the structure's interior elements which are the subject of the application are character-defining elements of the landmark;
- (3) Ordinary repair and maintenance if the work performed affects a character-defining element, either physically or visually. If the work could result in a loss of historical significance or integrity, the application will be referred to the Historic Preservation Commission by the Community Development Director.

(c) Ordinary repair and maintenance on any non-landmarked structure on the same property as a landmark, any non-character-defining element of a landmark, or any non-contributing structure in an historic district, does not require a work permit as defined herein. However, no permit for repair and maintenance activity on a parcel containing a landmark structure shall be issued without prior review by the Community Development Director to confirm valid classification of the activity as ordinary repair and maintenance. Such review shall be performed no longer than twenty-one (21) days from the date of the referral of a complete permit application from the Building Official to the Community Development Director to confirm this classification. No fee will be associated with this procedure.

(d) It is a misdemeanor subject to penalties and enforcement as described in Section 4-8.24 for any person to demolish, construct, alter, relocate, or otherwise perform work, except as described above, on any landmark, landmark property, or on any structure(s) in a parcel(s) within an historic district without following the procedures provided for in this chapter.

(e) Work permits for work on non-character-defining elements or non-contributing structures are not evaluated for preservation, but only to ensure compatibility and appropriateness with the architectural and historical elements of the landmark so as not to adversely impact the landmark's historical/architectural significance or integrity.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.16. Major and minor work permit procedures.

(a) *General procedures for major work permits.*

(1) The Historic Preservation Commission shall be the review authority for major work permits for any project on a parcel containing a landmark or in any parcel(s) within an historic district subject to the major work permit requirement under Section 4-8.15(a). Any decision by the Historic Preservation Commission may be appealed to the Council under Section 4-8.19.

(2) If an application for a major work permit involves a property for which the property owner or applicant has also applied for a land use permit under Title 10, Chapter 2 of the Ojai Municipal Code, then the Historic Preservation Commission shall first consider the application for a major work permit, and if approved, then the Community Development Director, Planning Commission, or Council may consider the application for one or more land use permits under Title 10, Chapter 2 of the Ojai Municipal Code.

(3) The Historic Preservation Commission shall hold a public hearing and approve or disapprove all major work permit applications. In considering the application for a major work permit, the Historic Preservation Commission, or Council on appeal, shall consider any existing historic landmark property agreement (Mills Act agreement) for the subject property containing a landmark, including whether the proposed changes to the subject property are consistent with the historic landmark property agreement and the work plan for the property approved under Title 4, Chapter 9, Historic Landmark Property Agreements, of the Ojai Municipal Code.

(4) The application for a major work permit shall include all required plans, materials, and documents from the applicant which are reasonably necessary for the proper review of the proposed project on a property containing a landmark.

(5) The application for a major work permit shall include an existing historic resources report, or a new one at the discretion of the Community Development Director.

The historic resources report considering the application for a major work permit, if newly prepared for the application, shall be prepared by an historian under contract with the City and in consultation with the Ojai Valley Museum and other sources, and shall examine the historical significance of the landmark or historic district, identify the character-defining elements of the landmark or historic district, identify changes to those elements over time, and assess whether the proposed project on the parcel containing a landmark will adversely impact the landmark or historic district and all applicable character defining elements, either physically or visually, taking into account the standards of Section 4-8.18.

The historic resources report shall be prepared consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties. The historic resources report shall evaluate the effect of any alteration or construction on the landmark, landmark property, or historic district approved by any land use permits granted under Title 10, Chapter 2 of the Ojai Municipal Code but not yet completed, and whether this work will adversely affect the landmark's character-defining elements, either physically or visually. The cost of an historic resources report, if required, shall be paid by the applicant for the major work permit, as set forth in the City's fee schedule.

An historic resources report shall include professional quality photographs of the landmark and its character-defining elements.

(6) The application for a major work permit shall identify the character-defining elements of the landmark or historic district as set forth in the landmark designation resolution. If the landmark designation was more than ten (10) years before the application, then the application must include an analysis of whether the original landmark designation resolution appropriately identified the landmark's character-defining elements and if not, it must then identify the character-defining elements of the landmark.

(7) The Historic Preservation Commission's decision to approve, deny, or conditionally approve the major work permit shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision.

(8) The Historic Preservation Commission's decision shall be final, absent an appeal within the time specified in Section 4-8.19.

(9) If an Environmental Impact Report (EIR), mitigated negative declaration or negative declaration is required, the time limits set forth in [Public Resources Code](#) Section 21151.5 shall apply.

(10) The Historic Preservation Commission may hold a concept review hearing to review a proposed major work permit within thirty (30) days of receipt of a request of the applicant.

(11) The Historic Preservation Commission shall hold a public hearing to consider and act on a major work permit not less than thirty (30) days after receiving a completed application for a major work permit for construction and reconstruction; alteration, restoration and rehabilitation; relocation; and demolition of any landmark, non-landmarked structure on the same parcel as a landmark, or in a parcel(s) within an historic district.

This hearing may be continued from time to time if necessary, up to a maximum of six (6) months from the date of the first public hearing. In cases of proposed demolition of any landmark, the Historic Preservation Commission may delay the hearing for up to six (6) months for purposes of negotiation as provided for in Section 4-8.17(c).

(b) *General procedures for minor work permits.*

(1) The Community Development Director shall be the review authority for minor work permits for any project on a parcel containing a landmark or in a parcel(s) within an historic district subject to the minor work permit requirement under Section 4-8.15(b). At least fifteen (15) city business days before approving a proposed minor work permit, the Community Development Director shall notify the Historic Preservation Commission and the public via the City's website and the next Historic Preservation Commission agenda of the permit and project intended for approval. The Community Development Director may refer any application for a minor work permit to the Historic Preservation Commission. Any decision by the Community Development Director may be appealed to the Historic Preservation Commission under Section 4-8.19. Any decision by the Historic Preservation Commission may be appealed to the City Council under Section 4-8.19.

(2) If an application for a minor work permit involves a property for which the property owner or applicant has also applied for a land use permit under Title 10, Chapter 2 of the Ojai Municipal Code, then the Community Development Director shall first consider the application for a minor work permit, and if approved, then the Community Development Director, Planning Commission, or City Council may consider the application for one or more land use permits under Title 10, Chapter 2 of the Ojai Municipal Code.

(3) The Community Development Director shall approve, disapprove, or refer to the Historic Preservation Commission for approval, all applications for minor work permits. In considering the application for a minor work permit, the Community Development Director shall consider any existing historic landmark property agreement (Mills Act agreement) for the subject property containing a landmark, including whether

the proposed changes to the subject property are consistent with the historic landmark property agreement and the work plan for the property approved under Title 4, Chapter 9, Historic Landmark Property Agreements, of the Ojai Municipal Code.

(4) If the application for a minor work permit is referred or appealed to the Historic Preservation Commission, the Historic Preservation Commission, or Council on appeal, shall consider any existing historic landmark property agreement for the subject property containing a landmark, including whether the proposed changes to the subject property are consistent with the historic landmark property agreement and the work plan for the property approved under Title 4, Chapter 9, Historic Landmark Property Agreements, of the Ojai Municipal Code.

(5) The application for a minor work permit shall include all required plans, materials, and documents from the applicant which are reasonably necessary for the proper review of the proposed action to be taken.

(6) The application for a minor work permit may, at the discretion of the Community Development Director, need an historic resources report prepared as required for a major work permit by an historian under contract with the City and in consultation with the Ojai Valley Museum and other sources. The cost of an historic resources report, if required, shall be paid by the applicant for the minor work permit, as set forth in the City's fee schedule.

(7) The application for a minor work permit shall identify the character-defining elements of the landmark as set forth in the landmark designation resolution. If the landmark designation was more than ten (10) years before the application, then the application must include an analysis of whether the original landmark designation appropriately identified the landmark's character-defining elements and if not, it must then identify the character-defining elements of the landmark.

(8) The Community Development Director's decision to approve, deny, or conditionally approve the minor work permit shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision.

(9) The Community Development Director's decision shall be final, absent an appeal within the time specified in Section 4-8.19.

(10) If an Environmental Impact Report (EIR), mitigated negative declaration or negative declaration is required, the time limits set forth in [Public Resources Code](#) Section 21151.5 shall apply. (§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.17. Major work permit criteria.

(a) *Construction, reconstruction, alteration, restoration, and rehabilitation.* The Historic Preservation Commission, or the City Council upon appeal, shall approve a major work permit for any proposed project on a parcel containing a landmark, or in any parcel(s) within an historic district, subject to the major work permit requirement under Section 4-8.15(a), except demolition and relocation of a landmark, if, and only if, it determines:

(1) The proposed project on a parcel containing a landmark, or in any parcel(s) within an historic district, subject to the major work permit requirement under Section 4-8.15(a) will not detrimentally alter, destroy, or adversely affect any architectural feature, character-defining element, either physically or visually, or any other feature which led the historic resource to be designated as a landmark; and

(2) In the case of a proposed construction for a new addition to an existing landmark, a new structure proposed for the same parcel as a landmark, or a new structure proposed for a parcel(s) within an historic district, the new improvement or structure will not adversely affect and will be compatible with the

appearance of the landmark and existing improvements on the same parcel as the landmark and with the landmark's character-defining elements, physically and visually.

(b) *Relocation of landmarks.* In considering whether to recommend approval or disapproval of an application for a major work permit to relocate a landmark, the Historic Preservation Commission, or Council on appeal, shall be guided by the following considerations:

- (1) The historic character and aesthetic interest the setting contributes to the landmark;
- (2) Whether the landmark can be moved without significant damage to its physical integrity and character-defining elements; and
- (3) Whether the proposed relocation area is compatible with the historical and architectural character of the landmark, including its character-defining elements, physically and visually.

(c) *Demolition of landmarks.*

(1) *Economic hardship.* Demolition of a landmark constitutes an irreplaceable loss to the quality and character of the City. Therefore, no major work permit shall be issued for demolition of a landmark unless the applicant shows clear and convincing evidence of unreasonable economic hardship or other unusual and compelling circumstances which dictate demolition of the landmark.

(2) *Balancing required.* The Historic Preservation Commission, or Council on appeal, shall be guided in its determination by balancing the historic value of the particular landmark against the merit of the proposed replacement project.

(3) *Approval of major work permit for demolition of a landmark.* Should the applicant for demolition of a landmark satisfy the Historic Preservation Commission, or Council on appeal, that an unreasonable economic hardship will be suffered if a demolition permit is not approved, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates unusual and compelling circumstances which dictate demolition of the landmark, the Historic Preservation Commission, or Council on appeal, shall approve the application for a demolition permit.

(4) *Negotiations prior to demolition application decision.* Prior to the Historic Preservation Commission's decision on the demolition permit for a landmark, the Planning Department shall discuss the proposed demolition informally with the applicant, other City officials and local preservation organizations, to explore whether an alternative to demolition can be found before a formal consideration of the application by the Historic Preservation Commission. The Planning Department shall prepare a report for the Historic Preservation Commission analyzing alternatives to demolition, and request from other City departments or agencies information necessary for the preparation of this report.

(5) The negotiation period may take up to six (6) months before the request for a demolition permit is brought to the Historic Preservation Commission. This time period may be further extended by mutual consent of the City and the applicant. If within this period any one of the following three (3) events occur, the demolition application shall be considered to have been withdrawn by the applicant:

- (i) The owner enters into a binding contract for the sale of the building or structure;
- (ii) Approved arrangements are made for the building or structure to be moved to an approved new location; or
- (iii) The City determines to condemn the property and take it by power of eminent domain for rehabilitation or reuse by the City, or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the building or structure and protect it from demolition.

(d) *Showing of hardship.* When a claim of unreasonable economic hardship is made due to the effect of this chapter, the owner and/or applicant must prove to the Historic Preservation Commission, or City Council

on appeal, that a reasonable return cannot be realized upon the value of the building or structure. The public benefits obtained from retaining the historic resource must be analyzed and duly considered by the Historic Preservation Commission.

The Historic Preservation Commission may require that an applicant furnish information additional to what was submitted that is relevant to its determination of unreasonable economic hardship.

(e) *Evidence of hardship.* Evidence which may be considered in determining whether unreasonable economic hardship exists, includes, but is not limited to, the following:

- (1) Bona fide efforts to rent or sell the building or structure have been unsuccessful;
- (2) Approval or conditional approval to do work permitted by this chapter will not enable the applicant to rent or sell the building or structure at a reasonable rate of return;
- (3) It is not economically or technically feasible to renovate or undertake an alternative development compatible with the permit criteria outlined in this chapter;
- (4) Personal or economic circumstances exist which preclude the applicant from performing work in compliance with the permit criteria outlined in this chapter;
- (5) Land use regulations and development standards, set forth in the City's zoning ordinance and the City Building Code, preclude necessary renovations or a feasible use of the landmark.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.18. Minor work permit criteria.

The Community Development Director, or the Historic Preservation Commission upon referral or appeal, or the Council upon appeal, shall approve a minor work permit for any proposed project on a parcel containing a landmark, or in any parcel(s) within an historic district, subject to the minor work permit requirement under Section 4-8.15(b), if, and only if, the Director, Commission, or Council determines:

The proposed project on a parcel containing a landmark subject to the minor work permit requirement under Section 4-8.15(b) will not detrimentally alter, destroy, or adversely affect any architectural feature, character-defining element, physically or visually, or any other feature which led the historic resource to be designated as a landmark.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.19. Appeal procedure—Historic Preservation Commission's action.

(a) An applicant, or other aggrieved person, may appeal the Community Development Director's decision approving or disapproving a minor work permit to the Historic Preservation Commission or an Historic Preservation Commission's decision approving or disapproving a minor or major work permit to the Council by filing a written appeal with the City Clerk within ten (10) days from the date of action by the Community Development Director or the Historic Preservation Commission. The notice of appeal shall indicate the grounds for the appeal. Any action of the Historic Preservation Commission may be appealed to the Council during any portion of the review process.

(b) The Historic Preservation Commission or Council, as applicable, shall schedule a public hearing to be held no later than thirty (30) days after the notice of appeal is filed and shall render its decision within thirty (30) days of closing the public hearing.

(c) In ruling upon the appeal, the Council or Historic Preservation Commission shall consider the same factors as the Historic Preservation Commission or Community Development Director, as applicable, a report of the City Manager or the Community Development Director, which includes a discussion of the Historic

Preservation Commission or Community Development Director's decision, and any other matters presented at the hearing on appeal.

(d) If the Council or Historic Preservation Commission, as applicable, approves the application on appeal, it shall direct the issuance of a major work permit or minor work permit, as applicable, for the work covered.

(e) If the Council or Historic Preservation Commission, as applicable, disapproves the application, it shall not issue such permit. Such disapproval may indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the landmark.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.20. Major and minor work permit time limits and extensions.

The provisions of Article 32 of Chapter 2 of Title 10 of the Ojai Municipal Code shall apply to the exercise and extension of major work permits and minor work permits, with the following exceptions. Any proposed extension of the time to commence or complete work approved by a major work permit must be approved by the Historic Preservation Commission. Any proposed extension of the time to commence or complete work approved by a minor work permit must be approved by the Community Development Director.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.21. Dangerous conditions.

Nothing in this chapter shall be construed to prevent any demolition or rehabilitation necessary to correct or eliminate the unsafe or dangerous condition of any designated or proposed landmark, if such condition has been declared unsafe or dangerous by the City Building Official and where such demolition or rehabilitation is necessary to correct or eliminate such condition and has been ordered by the Building Official.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.22. Duty to keep in good condition.

(a) The owner, occupant, designated responsible party, or other person in actual charge of a landmark, or a contributing structure within an historic district, shall keep in good condition all of the exterior portions of such landmark, or contributing structure within an historic district, all of the interior portions thereof when subject to control as specified in the designating resolution or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay.

(b) It shall be the duty of the Building Official and/or Code Enforcement Officer to enforce this section.

(c) Demolition by neglect for any structure on a parcel including a landmark, or any structure(s) on a parcel(s) within an historic district, is expressly prohibited subject to penalties specified in Section 4-8.24.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.23. Property owned by public agencies.

The Community Development Director shall take appropriate steps to notify all public agencies which own or may acquire property in the City, of the responsibilities involved in the ownership of designated landmarks and historic district properties. All publicly owned properties so designated must comply with the provisions of this chapter unless these regulations are preempted by State or Federal law.

(§ 2, Ord. 893, eff. April 11, 2019)

Sec. 4-8.24. Enforcement and penalties.

(a) *Methods of enforcement.* In addition to the regulations of this chapter, other chapters of the Municipal Code and other provision of law which govern the approval or disapproval of applications for permits or licenses covered by this chapter, the Community Development Director and the Building Official shall have the authority to implement the enforcement thereof by any, more than one, or all, of the following means:

- (1) Serving notice requiring the removal of any violation of this chapter upon the owner, agent, occupant, or tenant of the improvement, building, structure, site, or land;
- (2) Calling upon the City Attorney to institute any necessary legal proceedings to enforce the provisions of this chapter, and the City Attorney is hereby authorized to institute any actions to that end;
- (3) Calling upon the Chief of Police and authorized agents to assist in the enforcement of this chapter; or
- (4) Imposing as a penalty for violation(s) a prohibition on any permits for building or development on a parcel where the violation occurred for a period of up to five (5) years.

(b) In addition to any of the foregoing remedies, the City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter, or for an injunction in appropriate cases.

(c) *Penalties.* Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned for a period not exceeding six (6) months or be so fined and imprisoned. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(§ 2, Ord. 893, eff. April 11, 2019)

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