

JUN 25 2025

City Clerk

CITY OF OJAI
401 SOUTH VENTURA STREET ♦ OJAI CA 93023
TELEPHONE (805) 646-5581
WEBSITE: www.ojai.ca.gov

Application for Appeal

Please answer all questions completely and accurately. Additional sheets may be attached to the application to provide any other information you may feel relevant. Please print or type all information.

Return the original application to the Secretary of the Planning Commission, 401 S. Ventura Street, Ojai, California 93023, along with an application fee in the amount of **\$300.00**.

This form must be completed and filed with the Secretary of the Planning Commission of the City of Ojai within fifteen (15) days after the Community Development Director's action. (Ojai Municipal Code, Title 10, Chapter 2, Section 10-2.3003(b)).

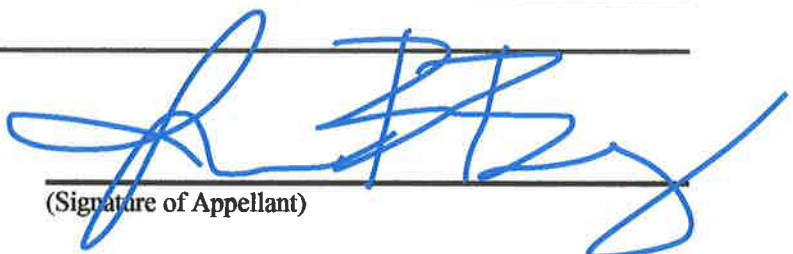
The Secretary will schedule a hearing before the Planning Commission. This appeal will be heard on the date as scheduled, unless it is in the public interest for such matter to be continued to a later date. Testimony will be taken and failure of the appellant or his representative to present testimony may be cause for denial.

APPELLANT: Name: Jonathan Berg - co-owner Ojai Ice Cream
Street Address: 210 E Ojai Ave Ojai, CA 93023
Mailing Address: same as above
Telephone: 213-422-2015

1. This application is for the purpose of appealing the decision by the Community Development Director.
2. The decision being appealed was rendered on June 10, 2025.
3. This appeal involves property located at: An orange bench located
in front of the Ojai Ice Cream store @ 210 E Ojai Ave.
4. The application considered was as follows:

5. The decision reached was as follows: Apparently a complaint was made about the orange bench which does not comply with the design specifications of the City Planner.
6. State the grounds upon which this appeal is based. See attached form
7. The Commission is requested to take the following action: Allow the bench to remain where it is.
8. Is the appellant a party in the application? yes. If not, state the basis for filling an appeal as an "aggrieved person".

Date: 6/21/25


(Signature of Appellant)

RECEIVED BY PLANNING COMMISSION SECRETARY


Shari Herbruck, Planning Commission Secretary

6/26/2025
(Date)

I. THE ORANGE BENCH; a poem

An orange bench, a vibrant hue,
A splash of warmth against the blue.
It calls to mind the setting sun,
A day's warm embrace, when work is done.
Perhaps it sits within a park,
Where children play and leave their mark.
Or maybe in front of an ice cream store,
Inviting contemplation, and nothing more.
This bench of orange, bold and bright,
A star in the fading light.
It waits for someone, or for two,
To share a moment, fresh and new.
It speaks of joy, a playful zest,
A place for spirits to find their rest.
A simple comfort, standing tall,
An orange bench, welcoming all.

II. THE IMPORTANCE OF BENCHES:

Benches are far more than just a place to sit; they play a crucial role in creating inclusive, functional, and aesthetically pleasing public spaces.

Here's a breakdown of their importance:

- **Promoting Social Interaction and Community:** Benches act as gathering points, encouraging conversation, spontaneous interactions, and fostering a sense of community belonging.
- **Enhancing Health and Wellness:** They offer a place to rest and relax, promoting physical and mental well-being by allowing people to spend more time outdoors and connect with nature. Strategically placed benches along walkways or cycling routes can also encourage physical activity by providing convenient rest stops.
- **Supporting Accessibility and Inclusivity:** Benches make public spaces more accessible for people of all ages and abilities, including older adults and individuals with mobility challenges, ensuring everyone can enjoy and navigate these areas fully. For example, they can serve as a 'mobility aid' for individuals with physical limitations.
- **Boosting Local Economies:** Benches can attract foot traffic and encourage people to linger in areas near cafes, shops, and other businesses, supporting local commerce.
- **Enhancing Aesthetic Appeal and Sense of Place:** The design and placement of benches can contribute to the visual identity and overall atmosphere of a public space, making it more inviting and enjoyable.
- **Supporting Public Safety and Wayfinding:** Benches can subtly guide pedestrian traffic, create separation between walkways and roadways, and provide visible resting points, contributing to a sense of safety and making public areas easier to navigate.

- **Providing a Place for Reflection and Relaxation:** They offer individuals a moment of respite and reflection in the midst of a busy urban environment, allowing them to slow down and enjoy their surroundings.
- **Enabling Participation in "Street Life":** Benches allow individuals to be present and observe the "flow" of the city, fostering a sense of belonging and engaging in the vibrant life of public spaces.

Ultimately, benches are an essential component of well-designed and inclusive public spaces, contributing to individual well-being, community connection, and a positive urban experience. They are seen as a social infrastructure that supports social interactions and makes public spaces more welcoming.

III. THE RIGHT TO FREEDOM OF EXPRESSION:

We believe we have the artistic right to the expression of having the orange bench in front of Ojai Ice Cream. The right to freedom of artistic expression and creativity is a fundamental human right, encompassing the freedom to imagine, create, and share diverse cultural expressions without censorship or interference. This right is recognized internationally and is crucial for a thriving democracy and a diverse cultural landscape.

Key aspects of this right include:

Freedom to create: Artists should be able to express themselves through their chosen medium without fear of reprisal or censorship.

Freedom to share and distribute: The right extends to sharing artistic creations with the public, whether through exhibitions, performances, publications, or online platforms.

Freedom to access art: This includes the public's right to access and experience a wide range of artistic expressions.

Protection from censorship and undue restrictions: Governments and other actors should not suppress or restrict artistic expression based on content, political views, or other discriminatory grounds.

Respect for cultural diversity: Artistic freedom is closely linked to the protection of cultural diversity, as it allows for the flourishing of different perspectives and artistic traditions.

CHALLENGES TO ARTISTIC FREEDOM:

Censorship:

Governments and other entities may impose restrictions on artistic expression through laws, regulations, or other means.

Social and political pressures:

Public opinion, social media campaigns, and other forms of pressure can also stifle artistic expression.

IV. PERSONAL STATEMENT:

To the Historic Preservation Committee~

We are a local business that has been active and in good standing way back to 1979. We hire high school students and give them their first paid jobs teaching them responsibility, grit and a sense of pride in work.

We make 85% of our ice creams in-house and feature as many local ingredients as possible. Our ice cream has improved in quality and consistency over the years that we've owned the store (since May of 2021). We use an organic ice cream base and try to use as many fresh ingredients as possible. Ojai Ice Cream is a quality product that the community of Ojai can trust and be proud of.

We took ZERO federal assistance money during the pandemic, stayed open the entire time and kept our employees employed and safe. We are active in our community as well. We support many local teams and charities (including Nordhoff Football, Casitas rowing, the Woman's Club of Ojai, the OVLC, Monica Ros, etc.).

Importantly we have done a HUGE remodel of the store two years ago that we entirely financed. As the store is a destination for tourists (and locals alike), it is an emblem of Ojai and we want it to represent our city and community with pride. The new design of the store has been a welcome change from what it was previously, and we worked hard to develop a design aesthetic and a color palette that both respected the essence of what we wanted the feel of Ojai Ice Cream to be, but also was true to Ojai's spirit. Hence the prominence of orange in our color scheme.

Consistent with the design aesthetic, our interior benches are colored orange as are our low stools. As a business, we have always had seating outside. Previously it was removed nightly and placed back in position every morning. We decided that having something more permanent and structurally sound would be better for the customers and the kids that work in the store and have to move the outdoor furniture. The orange bench that's currently under contention is that more permanent seating piece and we feel it works homogeneously within our design structure and that it holds true to our store's (and Ojai's) essence.

We strongly urge you to reconsider its forced removal. We believe the community wants our bench to remain in place and we'd be happy to start a signature campaign to keep it where it is.

It is **NOT** an obstruction. It is **NOT** an eyesore. It is **NOT** ruining the design aesthetic of the Arcade. It is a happy, orange bench that invites all to sit down and rest. LOTS of customers have

commented on how much they love the orange bench.





We also formally request that we see the "complaint" against the bench that was filed with the City.

Finally, if our bench needs to be removed, then EVERY non design element in the arcade must be removed as well. It feels like we're being targeted. There are unauthorized wine barrels, magazine racks, other seating, etc. littered around the Arcade.

Sincerely the owners of Ojai Ice Cream.