

## RESOLUTION NO. 3730

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR 2006-CDP-02; ADOPT FINDINGS AND STATEMENTS OF OVERRIDING CONSIDERATIONS; APPROVE A MITIGATION AND MONITORING REPORTING PROGRAM FOR THE EAST AREA 1 SPECIFIC PLAN AMENDMENT; VESTING MASTER TENTATIVE MAP; AND FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT AFFECTING THE EAST AREA 1 PROJECT.**

### **(PROJECT NO. 2006-CDP-02)**

The Planning Commission of the City of Santa Paula does resolve as follows:

#### SECTION 1: The Planning Commission finds and declares that:

- A. On February 26, 2008, the City Council certified the East Area 1 Final Environmental Impact Report (SCH#2006071134) (the "EAO FEIR").
- B. On March 3, 2008, the City Council approved the East Area 1 Specific Plan SP-3 in accordance with Government Code § 65450, *et seq.* ("the Specific Plan"). The City Council also approved a Pre-Annexation Agreement and Development Agreement (the "DA").
- C. Following a special election in June 2008, the City Council adopted Resolution No. 6508 on July 7, 2008 finding that voters approved Measure G amending Section III (F) of the Land Use Element of the Santa Paula General Plan and Section III (G) of the Land Use Element to the General Plan.
- D. Together, the GPA, Specific Plan and DA allow development of the East Area 1 Project (the "Project"): a mixed use-community of up to 1,500 total residential units and an estimated 810,000 square feet of office, retail, light industrial, and civic facilities.
- E. Annexation of the Project site was recorded March 7, 2013, with a correction recorded May 22, 2013.
- F. On March 7, 2014, Limoneira Company ("Applicant") filed an application with the City for a Specific Plan Amendment, Vesting Master Tentative Map and First Amended and Restated Development Agreement for the East Area 1 ("EA1") Specific Plan Area (collectively, the "Amended Project").
- G. The Amended Project includes the following discretionary approvals: an amendment to the Specific Plan (the "EA1SP"); approval of a First Amended and Restated Development Agreement; and approval of a Vesting Master Tentative

- Map.
- H. The application was reviewed by City's Planning Department for, in part, for consistency with the General Plan and conformity with the Santa Paula Municipal Code ("SPMC").
  - I. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines");
  - J. On February 17, 2015, the Planning Commission held joint public hearings with the City Council regarding the Project. This Resolution, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the entire administrative record that is too voluminous to reference, but is on file with the City Clerk's office.

SECTION 2: Factual Findings and Conclusions. Pursuant to SPMC §§ 16.216.050 and 16.216.070, the Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant proposes to develop a portion of real property located within the EA1 Specific Plan Area that is legally described in the Application (the "Property"). The Property consists of approximately 501 acres of the EA1 Specific Plan Area and includes the following Ventura County Assessor Parcel numbers (APNs): 040-0-180-565, 040-0-180-435, 107-0-200-115, and 107-0-045-015. The Property is located east of Santa Paula Creek, north of Telegraph Road, west of Haun/Orcutt Creeks and south of the Topatopa Mountains within unincorporated Ventura County. The Project includes developing the following: 1,500 dwelling units, 25,000 square feet of light industrial, 215,000 square feet of commercial, 20 acres of civic/institutional, 92 acres of parkland and greenways, 55 acres of Agricultural Preserve (proposed to be actively farmed) and 80 acres of natural open space.
- B. The Property is currently vacant with the exception of nine existing residences, agricultural related facilities (e.g., barn, chemical storage areas, packinghouse) and agriculture uses.
- C. The Property is bounded by Santa Paula Creek to the west. Areas to the north and east are comprised of agriculture and natural lands.
- D. Lands to the south are comprised of light industrial and residential uses.
- E. The Property is currently zoned SP-3 by the SPMC.

- F. No portion of the Property is subject to a Land Conservation Contracts for agricultural use.
- G. In addition, and without limitation, to the findings set forth above, the Planning Commission incorporates the factual findings and conclusions set forth in the "Statement of Findings and Facts in Support of the East Area 1 Specific Plan Amendment FSEIR attached as Exhibit "A," which is incorporated by reference ("Additional Findings").
- H. In accordance with CEQA Guidelines § 15091, the record upon which the Planning Commission's findings are based is located at the Planning Department, City of Santa Paula, 970 Ventura Street. The custodian of records is the Planning Director.

SECTION 3: Environmental Assessment: The Planning Commission makes the following environmental findings:

- A. Because of the facts and conclusions identified in Section 2 of this Resolution and in accordance with CEQA Guidelines § 15082, the City filed a Notice of Preparation (NOP) of a Draft Supplemental EIR (DSEIR) with the State Clearinghouse (SCH) Office of Planning and Research (OPR) on March 31, 2014. The SCH OPR assigned SCH Number 2006071134 to the environmental documentation for the Amended Project.
- B. The 30-day public review period for the NOP started on April 1, 2014 and concluded on May 2, 2014. The NOP was also published in the Santa Paula Times. A Scoping Meeting to solicit public input on the issues proposed for consideration in the SEIR was held on April 17, 2014 at 6:30 P.M. at the Santa Paula City Hall Council Chambers. A total of 14 written responses were received on the NOP.
- C. In accordance with CEQA, a Notice of Completion (NOC) of the DSEIR was filed with the SCH OPR on October 3, 2014.
- D. The public review period for the DSEIR commenced on October 3, 2014 and ended on November 17, 2014. The DSEIR was distributed to public agencies, interested parties, libraries and service providers by the City of Santa Paula. The distribution list is available at the City of Santa Paula's Planning Department. A total of 16 written responses were received on the DSEIR.
- E. Comments received during the public review period for the DSEIR were responded to in the Responses to Comments Report.
- F. A FSEIR was prepared for the Amended Project. The following components comprise the FEIR:

1. DSEIR and Technical Appendices (October 2014).
  2. Comments received on the DSEIR and responses to those comments documented in the Responses to Comments Report (January 2015).
  3. Clarifications and Revisions.
  4. Mitigation Monitoring and Reporting Program (MMRP).
- G. The FSEIR (including documents and other materials that constitute the record of proceedings on which the City's findings and decisions are based) is located at City of Santa Paula, 970 Ventura Street, Santa Paula, CA 93060. The custodian for these documents is the Planning Director. This information is provided in compliance with CEQA § 21081.6(a)(2) and CEQA Guidelines § 15091(e).
- H. The FSEIR is incorporated into this Resolution by reference as if fully set forth. Pursuant to CEQA Guidelines § 15090, the FEIR reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the DSEIR prepared for the proposed East Area 1 Specific Plan project. The DSEIR and FSEIR are accurate and complete statements of the potential environmental impacts of the project.
- I. Because of the facts identified in this Resolution including, without limitation, the facts contained in the Additional Findings, the DSEIR showed that a Statement of Overriding Considerations would be required in order for the Project to be approved.
- J. The FSEIR generally identifies, for each potentially significant impact of the project, one or more corresponding mitigation measures to reduce such impact to a level of insignificance, with the exception of Agricultural Resources, Air Quality, Aesthetics and Cultural and Historic Resources. The Planning Commission finds that many of the mitigation measures described in the FSEIR may lessen or avoid impacts in impact categories other than the categories for which they are specifically proposed. Accordingly, the Planning Commission finds that each potentially significant impact identified by the FSEIR is mitigated by its corresponding mitigation measures to the extent set forth in the SFEIR ("specific mitigation") and by other, non-corresponding, mitigation measures recommended for approval by the Planning Commission that were already incorporated into the project ("general mitigation"). These findings will be applicable wherever supported by the evidence in the record regardless of whether a specific finding or an instance of such general mitigation is made.

SECTION 4: Specific Plan and General Plan. If approved, the proposed project conforms to the EA1SP as follows:

- A. The proposed EA1SP Amendment promotes public health, safety, and general

welfare, and serves the goals and purposes of SPMC Title 16, as follows:

1. The SPMC allows for the establishment and administration of Specific Plan Zones in Chapters 16.25 and 16.216 and establishes a designation for EA1SP of SP-3 on the General Plan and Zoning maps.
2. The Project would provide a mechanism by which the Property can provide for market rate and inclusionary housing in accordance with the GP Housing Element and SPMC; active public park area; a public safety facility; elementary school site, high school and post-secondary facility; parks and greenways, open space, trail system and agricultural preserve; and infrastructure that will serve both the development and the City as a whole, thus promoting public health, safety and general welfare through a balance of impacts and benefits to the community.
3. The amendment Project would serve the goals and purpose of the SPMC because development the Property would be consistent with the SPMC, provide housing, result in fiscally neutral or positive effect on the City's general fund, provide for needed schools, infrastructure and parklands.

B. If approved, the EA1SP Amendment conforms to the City's General Plan as follows:

1. East Area 1 Specific Plan is identified in the General Plan as a Specific Plan Area for future urban development. This designation is intended for a 501 acre development with a mix of residential, commercial, light industrial and opens space uses. As conditioned, the proposed project would be compatible with the General Plan.
2. The General Plan Land Use Element requires Specific Plans for all expansion areas before development can occur and requires fiscal impact analysis for those Projects. The proposed Project implements these requirements
3. The amended project provides for land uses, infrastructure and amenities consistent and/or in addition to those identified by the General Plan for the East Area 1 Specific Plan Area.
4. EA1SP includes requirements for homebuyers regarding measures for protection of wildlife as required by the General Plan.
5. The General Plan contains a number of relevant Goals, Objectives, and Policies in the Land Use Element. Implementation of the proposed project is consistent with Land Use Element Goals 3.1 through 3.9 which promote a balance of land uses and amenities needed to enrich the quality of life

including parks, open spaces, cultural facilities, natural and historic places, The plan currently shows a mix of housing types, commercial, industrial and other related land uses, a civic center with schools, parks and other open space, the historic well house will be maintained on site, natural trails and other greenbelts will be provided. If approved, the development will be built and maintained in accordance with these requirements and regulations and the requirements and regulations of the EA1SP.

C. The EA1SP Amendment will not adversely affect surrounding properties because:

1. The EA1SP (SP3) land use designations are compatible with surrounding land uses. The project site is bounded by Santa Paula Creek to the west, a natural physical barrier which provides ample distances from adjacent residential areas and proposed civic and residential land uses. Areas to the north are comprised of agriculture and natural lands, uses proposed under the EA1SP. Lands to the east which are comprised of agricultural uses will be buffered by vegetative screening and fencing to reduce potential conflicts between residential and agricultural uses. Lands to the south are comprised of light industrial and residential uses, consistent with those proposed within this area of the EA1SP.
2. A Fuel Management Plan, Fire Protection Plan and a new fire station (including associated equipment) are provided to mitigate wildfire hazards and provide fire suppression and emergency services to East Area 1 and adjacent City areas.
3. A transportation and circulation analysis for the EA1SP is included in the amended East Area 1 Specific Plan Final SEIR and determined that implementation of proposed traffic mitigations will reduce traffic impacts.
4. A hydrology analysis prepared for the EA1SP is included in the East Area 1 Specific Plan Final SEIR, and determined that flows from the implemented project will not exceed existing conditions and will address historic flooding issues associated with Haun Creek at State Route 126.

SECTION 5: Vesting Master Tentative Map. Pursuant to SPMC § 16.80.160, the Planning Commission makes the following findings:

- A. The Vesting Master Tentative Map (VMTM) is consistent with applicable general and specific plans as specified in Government Code § 65451. As set forth in Section 4 of this Resolution, this project meets the goals and objectives of the General Plan and it is consistent with the EA1SP. The VMTM is also consistent with the General Plan because the underlying land use designation is East Area 1 Specific Plan and the subdivision complies with the density intended for this land use;

- B. The design of the proposed Vesting Master Tentative map is consistent with applicable general and specific plans. As set forth in Section 4, this project meets the goals and objectives of the General Plan;
- C. The Vesting Master Tentative Map is consistent with Title 16 of the SPMC (the "Development Code") because the underlying zoning designation is SP-3 and the proposed map provides for subdividing the area into separate lots to facilitate development permitted by the plan and uses;
- D. The site is physically suitable for the proposed density of development. The proposed project involves a subdivision of a 501 acre project into a 15 lot master subdivision. Each new lot will meet or exceed the minimum size and dimension requirements;
- E. The subdivision is in the interest of the public health and safety because the proposed development would improve and extend City infrastructure and utilities to better serve bit the project site and the surrounding area;
- F. The subdivision is a necessary prerequisite to the orderly development of the surrounding area for the reasons described above.

SECTION 6: Development Agreement Findings: In accordance with SPMC § 16.234.070, the Planning Commission makes the following findings:

- A. The proposed First Amended and Restated Development Agreement ("DA") is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plans as follows:
  - 1. The East Area 1 area is designated in the General Plan for future urban development.
  - 2. The DA furthers the goals of the General Plan by facilitating development within the East Area 1 area and implementing the EA1SP Amendment (SP-3) as recommended for approval by the Planning Commission.
  - 3. Nothing in the DA creates an inconsistency between the General Plan, the general land uses, or the EA1SP Amendment (SP-3) as recommended for approval by the Planning Commission.
- B. The DA is compatible with the uses authorized in, and regulations prescribed for, the zone in which the real property is located as follows:
  - 1. The DA implements the EA1SP Amendment (SP-3) and provides additional public benefits including, without limitation, schools, parks, neighborhoods, open space, commercial areas, and other amenities. Such development is

consistent with the EA1SP Amendment (SP-3) and the General Plan's anticipated use of the East Area 1 area.

- C. The DA will promote public convenience, general welfare, and good land practice as follows:
1. The Project provides the schools, parks, and infrastructure required by the relevant policies and implementation measures in the General Plan and provides or exceeds the specifically required trail, park, and open space requirements in the General Plan. The EA1SP Amendment (SP-3) includes protections for wildlife as required by the General Plan.
  2. The DA implements the provisions of the EA1SP Amendment (SP-3).
  3. The project contemplated by the EA1SP Amendment (SP-3) and DA will mitigate impacts as outlined in an adopted Mitigation Monitoring and Reporting Program (MMRP).
  4. Implementation of the EA1SP Amendment (SP-3) will result in community benefit through a net increase in city revenues.
  5. Implementation of the EA1SP Amendment (SP-3) will result in a direct public benefit through construction and funding of the following: one public elementary school site; one high school; a public safety facility; water, wastewater, and reclaimed water infrastructure that will, in addition to the EA1SP Amendment (SP-3), serve the greater Santa Paula community; improved traffic level of service for affected City intersections; improved public, community, and neighborhood parks that substantially increase the City's active parklands; bicycle and multipurpose trails which connect with existing community trails; and substantial open space dedications.
  6. The implementation of the EA1SP Amendment (SP-3) allows the City to continue to meet its share of regional housing needs, provides for economic development, encourages efficient growth patterns by locating new development contiguous to existing development, and promotes stability in long term physical and economic development planning.
- D. The DA meets the requirements outlined in SPMC § 16.234.030 for applicability of a development agreement, including:
1. Construction of the subject property will be phased;
  2. The Project proposes over 20 dwelling units and consists of over two acres in size;



3. The applicant has submitted a request for 1,500 dwelling units within the EA1SP Amendment (SP-3).
- E. The DA will not adversely affect the orderly development of property or the preservation of property values as follows:
1. The SPMC allows for the establishment of Specific Plan Zones in Chapter 16.25. An application was filed by the applicant for the EA1SP Amendment (SP-3) on March 7, 2014, which provides for the orderly development of 1,500 dwelling units, 25,000 square feet of light industrial, 215,000 square feet of commercial, 20 acres of civic/institutional, 92 acres of parkland and greenways, 55 acres of Agricultural Preserve (proposed to be actively farmed) and 80 acres of natural open space. The EA1SP Amendment is designated as SP-3 in the SPMC.
  2. Requires implementation of the required mitigation measures identified in the FSEIR.
  3. Notes that the project be fiscally neutral or positive and requires payment of fees to cover general fund shortfalls during construction.
  4. Allocates growth management units to allow the orderly implementation of the project without precluding planned growth in other areas of the City.
  5. Requires development of the Project in accordance with the City's design review process and the design guidelines of the Specific Plan, to assure the City of high-quality development.
  6. Requires an inclusionary housing plan in accordance with the SPMC.
- F. The DA will promote and encourage the development of the proposed project in that the DA:
1. Facilitates development of the East Area 1 area as anticipated by the General Plan.
  2. Imposes phasing requirements for infrastructure improvements and community facilities such as the fire station, police substation and community parks.
  3. Specifies the required approvals to implement the project.
  4. Outlines the applicable development impact fees required for the project.

5. Encourages completion of the project within a reasonable time period by establishing a termination date on the DA of twenty-five (25) years.

SECTION 7: Recommendations. The Planning Commission makes the following recommendations to the City Council:

- A. The Planning Commission recommends that the City Council adopt the Additional Findings and the "Statement of Overriding Considerations for the East Area 1 Specific Plan Amendment Project" as set forth in Exhibit "A," which is incorporated into this Resolution by reference.
- B. Pursuant to CEQA §§ 21081(a) and 21081.6, the Planning Commission recommends that the City Council adopt the Mitigation Monitoring and Reporting Program ("MMRP") set forth in attached Exhibit "B," which is incorporated into this Resolution by reference. The mitigation measures set forth in this Resolution would be conditions of approval for the proposed Revised Project. Should the terms or provisions of any such mitigation measure conflict with the terms and provisions of any other project conditions or approval subsequently adopted, the terms and provisions of the most stringent conditions control. Compliance with applicable codes, policies, and regulations will further ensure that the environmental impacts of the proposed project will not be greater than set forth in the FEIR and these findings.
- C. The Planning Commission recommends that the City Council certify the Final Supplemental Environmental Impact Report for the East Area 1 Specific Plan Amendment project, approve the East Area 1 Specific Plan Amendment, Vesting Master Tentative Map, and First Amended and Restated Development Agreement subject to the Conditions of Approval set forth in Exhibit "C," which is incorporated into this Resolution by reference for the project (2006-CDP-02).

SECTION 8: Reliance on the Record. Each and all of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts were made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.


SECTION 11: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 12: The Commission Secretary is directed to mail a copy of this Resolution to Applicant and Applicant's Representative and to any other person requesting a copy.


SECTION 13: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 14: This Resolution is advisory to the City Council and will take effect immediately upon adoption.

PASSED AND ADOPTED this 17<sup>th</sup> day of February, 2015.

  
Gail "Ike" Ikerd,  
Chairperson

ATTEST:

  
Janna Minsk,  
Secretary

APPROVED AS TO FORM:

  
John C. Cotti, City Attorney