

ORDINANCE NO. 1255

AN ORDINANCE ADOPTING THE AMENDED EAST AREA 1 SPECIFIC PLAN (SP-3) AND FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT

(PROJECT NO. 2006-CDP-02)

The City Council of the City of Santa Paula does ordain as follows:

SECTION 1: The City Council 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 ("GPA").
- 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 Vesting Master Tentative Map and First Amended and Restated Development Agreement.
- 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 to receive public testimony and other evidence regarding the Project including, without limitation, information provided to the Commission by the Applicant's representative. Following the public hearing, the Planning Commission voted to recommend approval of the project to the City Council for reasons stated in Planning Commission Resolution No. 3730.
- K. This Ordinance, 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. The City Council 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. The Property is located east of Santa Paula Creek, north of Telegraph Road, west of Haun/Orcutt Creeks and south of the Topatopa Mountains. 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. Property is bounded by Santa Paula Creek to the west. Areas to the north and east are comprised of agriculture and natural lands. Lands to the south are comprised of light industrial and residential uses.
- D. The Property is currently zoned SP-3 by the SPMC.
- E. No portion of the Property is subject to a Land Conservation Contracts for agricultural use.

- F. In addition, and without limitation, to the findings set forth above, the City Council 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 to Resolution No. 6906 as Exhibit "A," which is incorporated into this Ordinance by reference ("Additional Findings").
- G. In accordance with CEQA Guidelines § 15091, the record upon which the City Council'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: General Plan and SPMC. The findings set forth in Resolution No. 6907, which is separately adopted by the City Council, are incorporated by reference. As set forth in that Resolution, the Amended Project conforms to the General Plan and SPMC.

SECTION 4: Development Agreement Findings. In accordance with SPMC § 16.234.070, the City Council 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. 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 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 Specific Plan Zones to be established in accordance with 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 5: Conclusions.

- A. The Project will provide a mechanism by which the Property can be developed to provide market rate and inclusionary housing in accordance with the GP Housing Element and SPMC; active public park area; a public safety facility; and an open space and trails system 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 as stated, without limitation, in Resolution No. 6906 which certifies the FEIR and adopts statements of overriding considerations.
- B. The Amended Project is consistent with the goals, policies, and objectives of the General Plan and does not conflict with the SPMC since it would constitute the zoning and development standards for the affected Property in accordance with SPMC Chapter 16.216.
- C. The Amended Project will result in the development of a planned community which would not adversely affect surrounding properties because the Amended Project would be compatible with and similar to the characteristics of the surrounding area.
- D. The "East Area 1 Specific Plan (SP-3)" land use designation established through the East Area 1 Specific Plan Amendment is compatible with neighboring single-family residences.
- E. Fuel Management zones and a public safety facility are provided to mitigate wildfire hazards.
- F. A transportation and circulation analysis for the Amended Project is included in the FSEIR, and determines that implementation of proposed traffic mitigations will reduce traffic impacts and a traffic-calming program will be prepared to mitigate significant traffic impacts within neighborhoods.
- G. A hydrology analysis prepared for the Plans is included in the FSEIR and determines that flows from the implemented Project will be reduced below existing conditions through implementation of drainage design features and no new stormwater flows are diverted to neighboring properties.

- H. The Project serves the goals and purpose of the SPMC because development of the Property is consistent with the SPMC, provides housing, results in a fiscally neutral or positive effect on the City's general fund, provides needed schools, public infrastructure and parklands.

SECTION 6: *Environmental Review.* This Ordinance incorporates by reference the findings and analysis set forth in Resolution No. 6906, which is separately adopted by the City Council, that certifies the FSEIR and adopts statements of overriding considerations for the Amended Project. Resolution No. 6906 also reflects the City Council findings made that, where feasible, mitigation measures are imposed and modifications incorporated into the Project which avoid or substantially lessen all significant adverse environmental impacts, and that social, economic and other benefits outweigh the remaining adverse environmental impacts that cannot be mitigated to a level of insignificance.

SECTION 7: *Approval.*

- A. Subject to the conditions set forth in attached Exhibit "A," which are incorporated into this Ordinance by reference, the City Council amends the East Area 1 Specific Plan (SP-3) in its entirety as set forth in attached Exhibit "B," which is incorporated by reference. The East Area 1 Specific Plan (SP-3) attached as Exhibit B supersedes all previous zoning for the Property and, upon the effective date of this Ordinance, constitutes the zoning for the Property. The City Council notes that the Zoning Map already designates the Property as "SP-3." Accordingly, the City Council need not amend the Zoning Map.
- B. The City Council approves the DA attached as Exhibit "C," and incorporated by reference. The Mayor is authorized to execute the DA in a form approved by the City Attorney.

SECTION 8: *Technical Corrections.* The City Manager, or designee, is authorized to make technical corrections, in a form approved by the City Attorney, to maps, diagrams, tables, and other, similar, documents (collectively, "Maps") that may be required to reconcile the changes made by this Ordinance with amendments made to the Maps by other City Council action in unrelated land use applications between 2008 and 2015.

SECTION 9: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Plans. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 10: *Preservation.* Repeal or amendment of any previous Specific Plan does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date.

Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 11: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12: Notice. The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

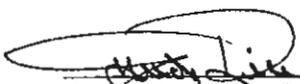
SECTION 13: This Ordinance will become effective on the 31st day following its passage and adoption.

PASSED AND ADOPTED this 17th day of February, 2015.

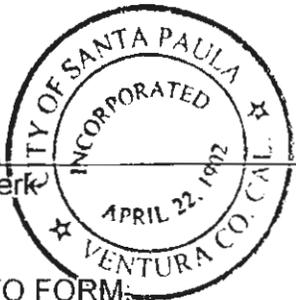


Vice Mayor

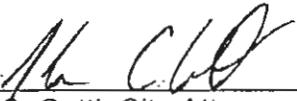
ATTEST:



Judy Rice, City Clerk



APPROVED AS TO FORM:



John C. Cotti, City Attorney