

## RESOLUTION NO. 6461

### **A RESOLUTION ADDING THE “EAST AREA ONE PROJECT APPROVAL INITIATIVE” TO THE BALLOT FOR THE PREVIOUSLY CALLED JUNE 3, 2008 ELECTION PURSUANT TO ELECTIONS CODE § 9222.**

The City Council of the city of Santa Paula resolves as follows:

#### SECTION 1: The City Council finds and declares that:

- A. On February 25, 26, and \_\_\_\_\_, 2008, the Planning Commission and City Council considered a development project identified as Project No. **2006-CDP-02, East Area 1 Specific Plan**, but more commonly known as the “East Area 1 Project” (the “Project”);
- B. Among other things, the Project proposes to expand the City Urban Restriction Boundary (“CURB”) set forth in Figure No. LU-4a of the Santa Paula General Plan (“GP”) to encompass most of the East Area One Expansion Area (“Project Area”) identified in the GP;
- C. In addition, the Project proposes an Intensification of Use, as defined in Santa Paula Municipal Code Chapter 16.237, for the Project;
- D. The Project was reviewed by the City for, in part, consistency with the Santa Paula General Plan and SPMC.
- E. The City also reviewed the Project’s environmental impacts pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”), the regulations promulgated thereunder (14 California Code of Regulations [CCR] §§15000, *et seq.*, the “CEQA Guidelines”), and the City’s Environmental Guidelines (“Santa Paula Guidelines”). CEQA, CEQA Guidelines and Santa Paula Guidelines are collectively referred to as “CEQA.” A Draft Environmental Impact Report was prepared and circulated for public and agency review.
- F. Following the public hearings held February 25 to \_\_\_\_\_, 2008, the Planning Commission adopted Resolution No. 3612 which recommended that the City Council certify the Final Environmental Impact Report (“FEIR”) which analyzes the Project and approve the Project;
- G. The FEIR is entitled “*Final Program Environmental Impact Report, For the East Area 1 Specific Plan*” and is identified by State Clearinghouse Schedule No. 2006071134.

- H. On February \_\_, 2008, the City Council adopted Resolution No. 6458 which certified the FEIR.
- I. Based upon the Planning Commission's recommendation, the City Council took several actions including, without limitation, adopting Resolution No. 6459 which, subject to voter approval, approved the CURB expansion and Intensification of Use (collectively, the "East Area One Approvals") proposed by the Project;
- J. GP Section III(G) ("SOAR") and GP Section III(F) ("81 Acre Initiative") generally require voter approval for the East Area One Approvals;
- K. Consequently, in accordance with GP Sections III(G), III(F) and Santa Paula Municipal Code ("SPMC") § 16.237.070(A), the City Council adopted Resolution No.6460 on February \_\_, 2008 to place an initiative measure on the June 3, 2008 ballot for voter consideration of the East Area One Approvals.
- L. This Resolution places the "East Area One Project Approval Initiative" on the ballot in accordance with Elections Code § 9222 so that the voters can decide whether the East Area One Approvals should be granted. The East Area One Project Approval Initiative constitutes a single General Plan Amendment in accordance with SPMC § 16.237.070(A).
- M. Because this Resolution was adopted after certification of the FEIR, and because the FEIR completely analyzed the project that would be approved by the East Area One Project Approval Initiative, the City Council complied with CEQA in accordance with all applicable law including, without limitation, *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4<sup>th</sup> 165.

**SECTION 2:** Pursuant to Elections Code § 9222, the City Council places a measure on the ballot for the general municipal election scheduled for Tuesday, June 3, 2008 as previously established and implemented by City Council Resolution No. 6460 adopted on February \_\_\_\_, 2008.

**SECTION 3:** A copy of the ordinance to be considered by the voters is attached as Exhibit "A," and incorporated by reference, and is approved by the City Council through adoption of this Resolution. The ballot measure will be designated as Measure A on the ballots, unless it must be otherwise designated to accommodate the consolidation of the City's election with other elections.

**SECTION 4:** Pursuant to Elections Code §§ 9222 and 13119 the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

**SHALL THE ORDINANCE ENTITLED THE "EAST AREA ONE PROJECT APPROVAL INITIATIVE" BE ADOPTED?**

Yes

No

SECTION 5: The City Clerk should forward a copy of this Resolution to the City Attorney for purposes of preparing a Title and Summary in accordance with the Elections Code.

SECTION 6: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of February, 2008.

\_\_\_\_\_  
Robert S. Gonzales,  
Mayor

*Attest:*

\_\_\_\_\_  
Josie Guzman Herrera, City Clerk

*Approved as to form:*

\_\_\_\_\_  
Karl H. Berger, City Attorney

*Approved as to content:*

\_\_\_\_\_  
Wally Bobkiewicz, City Manager

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The People of the City of Santa Paula do ordain as follows:

SECTION 1: Title. This initiative measure (this “Initiative”) is entitled the “East Area One Project Approval Initiative.”

SECTION 2: Purpose and Findings. The purpose of this Initiative is to:

- A. Seek voter approval (as required by “Save Open-space and Agricultural Resources Santa Paula City Urban Restriction Boundary Initiative” or “SOAR”) for an expansion of the City Urban Restriction Boundary (“CURB”) set forth in Figure No. LU-4a of the Santa Paula General Plan to allow development of the East Area One Expansion Area.
- B. Seek voter approval (as required by the “Citizens Advocating Responsible Expansion Initiative” aka the “81 Acre Initiative”) for an Intensification of Use, as defined by Santa Paula Municipal Code Chapter 16.237, to allow development of the East Area One Expansion Area.

SECTION 3: General Plan Amendment – CURB. The General Plan IS AMENDED as follows:

- A. Figure LU-4a to the General Plan Land Use Element (City Urban Restriction Boundary) IS AMENDED as SHOWN on attached Exhibit A-1, which is incorporated by reference. For reference purposes only, the existing Figure LU-4a to the General Plan Land Use Element is shown on Exhibit A-2.

SECTION 4: General Plan Amendment – Intensification of Use. The General Plan IS AMENDED as follows:

- A. Figure LU-5 to the General Plan Land Use Element (Land Use Plan) IS AMENDED as shown on attached Exhibit B-1, which is incorporated by reference. For reference purposes only, the existing Figure LU-5 to the General Plan Land Use Element is shown on Exhibit B-2.
- B. Table LU-7 (General Plan Land Use Categories) to the General Plan Land Use Element IS AMENDED as shown on attached Exhibit C, which is incorporated by reference. Text to be inserted in Table LU-7 is indicated in **bold** type, while text to be deleted is indicated in ~~strikeout~~. Text in standard type currently appears in Table LU-7, is not amended by this Initiative, and is shown for reference purposes only. To avoid confusion, headings or text that presently appear in **bold** in the existing Table LU-7 are shown here as underline type.

SECTION 5: Exemptions for Certain Projects. This Initiative does not apply to:

- A. Any project that has obtained as the effective date of this Initiative a vested right pursuant to state or local law; and
- B. Any land that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people under the California Constitution.

SECTION 6: Implementation of this Initiative.

- A. Upon the effective date of this Initiative, the City is directed to promptly take appropriate actions needed to implement this Initiative. This Initiative is considered adopted and effective upon the earliest date legally possible after the Elections Official certifies the vote on the Initiative by the voters of the City of Santa Paula.
- B. The Santa Paula General Plan in effect as of the date the City Council of the City of Santa Paula voted to submit this Initiative to the voters (the "Submittal Date"), and the General Plan as amended by this Initiative, each comprise an integrated, internally consistent, and compatible statement of policies for the City. In order to ensure that the General Plan remains an integrated, internally consistent, and compatible statement of policies for the City as required by state law and to ensure that the action of the voters in enacting this Initiative is given effect, any provision of the General Plan that is adopted between the Submittal Date and the effective date of this Initiative must, to the extent that such interim-enacted provision is inconsistent with the Project as approved by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.
- C. To the extent permitted by law, the voters of the City authorize and direct the City to amend any elements or provisions of the General Plan and Santa Paula Municipal Code, including all exhibits and figures, and all other City ordinances, policies, and implementation programs or policies, as soon as possible, in order to implement this Initiative and to ensure consistency and correlation between this Initiative and other elements of the General Plan. The preceding sentence must be interpreted broadly pursuant to *Pala Band of Mission Indians v. Board of Supervisors* (1997) 54 Cal.App.4th 565, to promote the requirement that a general plan constitutes an integrated and consistent document.
- D. In the event another ballot measure (a "Competing Initiative") appears on the same ballot as this Initiative that seeks to adopt, impose, or amend any limitations or restrictions, or other regulations or requirements, including, without limitation, those with respect to the actions authorized by this

Initiative, that differ in any respect to or supplement, those contained in this Initiative, the voters declare their intention that, if both the Competing Initiative and this Initiative receive a majority of votes cast, the Competing Initiative and this Initiative be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a "provision by provision" basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal. 4th 978. With respect to any such directly conflicting provisions, the specific provisions of the initiative receiving the greater number of votes will prevail.

SECTION 7: Miscellaneous.

- A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.
- B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.
- C. This Initiative must be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.

SECTION 8: Exhibits.

The following exhibits are attached to this Initiative, and incorporated by reference for all purposes:

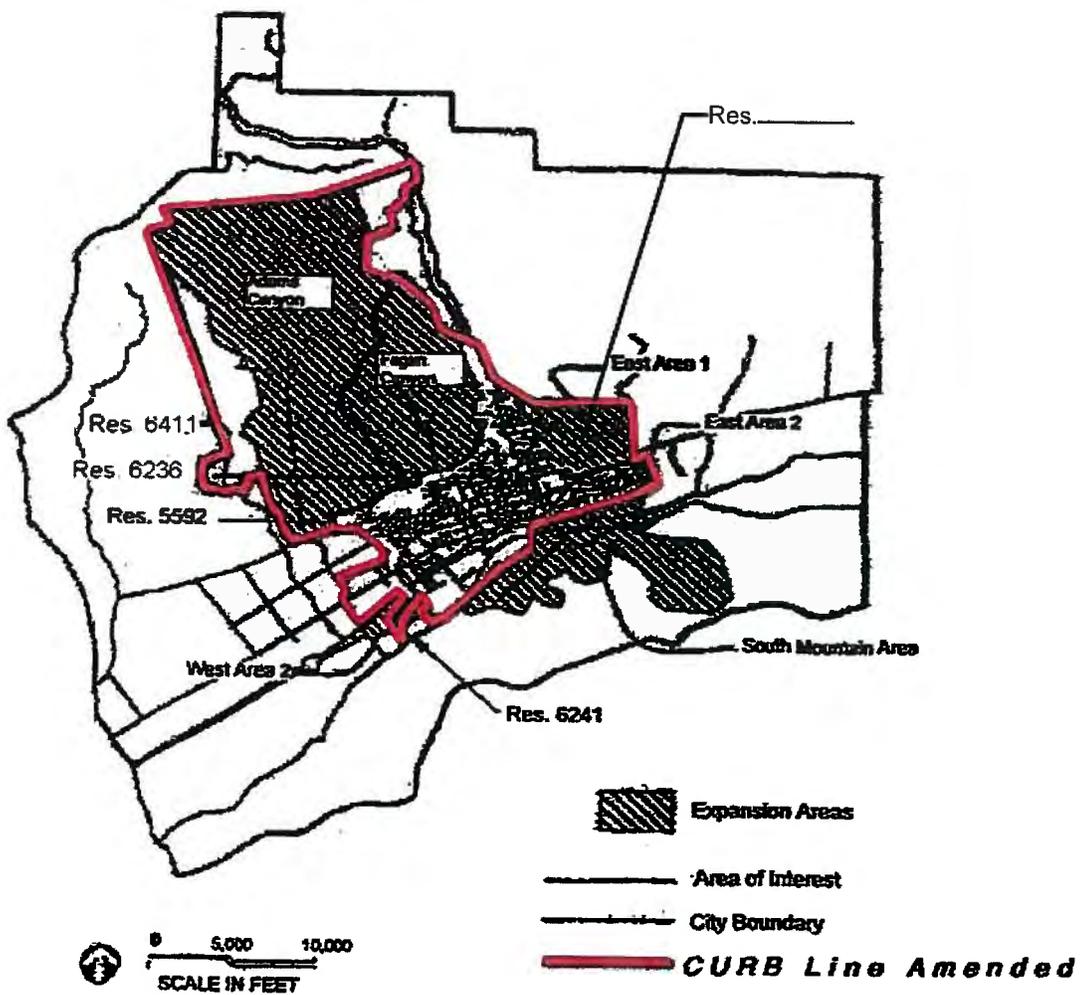
- EXHIBIT A-1 AMENDED GENERAL PLAN FIGURE LU-4a
- EXHIBIT A-2 EXISTING GENERAL PLAN FIGURE LU-4a

- EXHIBIT B-1 AMENDED GENERAL PLAN FIGURE LU-5
- EXHIBIT B-2 EXISTING GENERAL PLAN FIGURE LU-5
- EXHIBIT C AMENDED GENERAL PLAN TABLE LU-7

# Exhibit A-1, Amended General Plan Figure LU-4a

FIGURE LU-4a  
(City Urban Restriction Boundary [CURB])

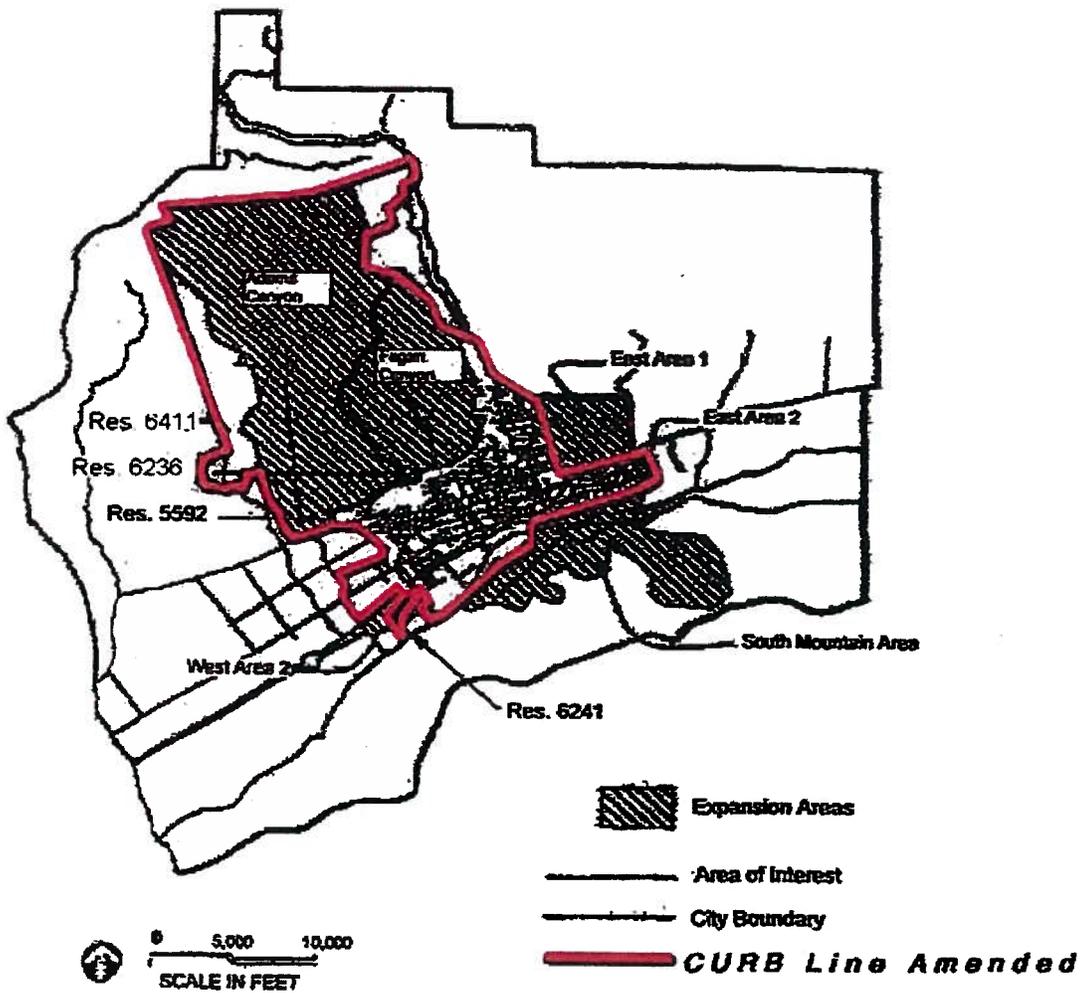
Amended by Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_, 2008  
Amended by Resolution No. 6411, adopted May 8, 2007  
Amended by Resolution No. 6236, adopted December 7, 2005  
Amended by Resolution No. 6241, adopted October 3, 2005  
Amended by Resolution No. 5592, adopted June 6, 2003  
Added by Resolution No. 5407, adopted December 4, 2000



Revised as of May 2007

## Exhibit A-2, Existing General Plan Figure LU-4a

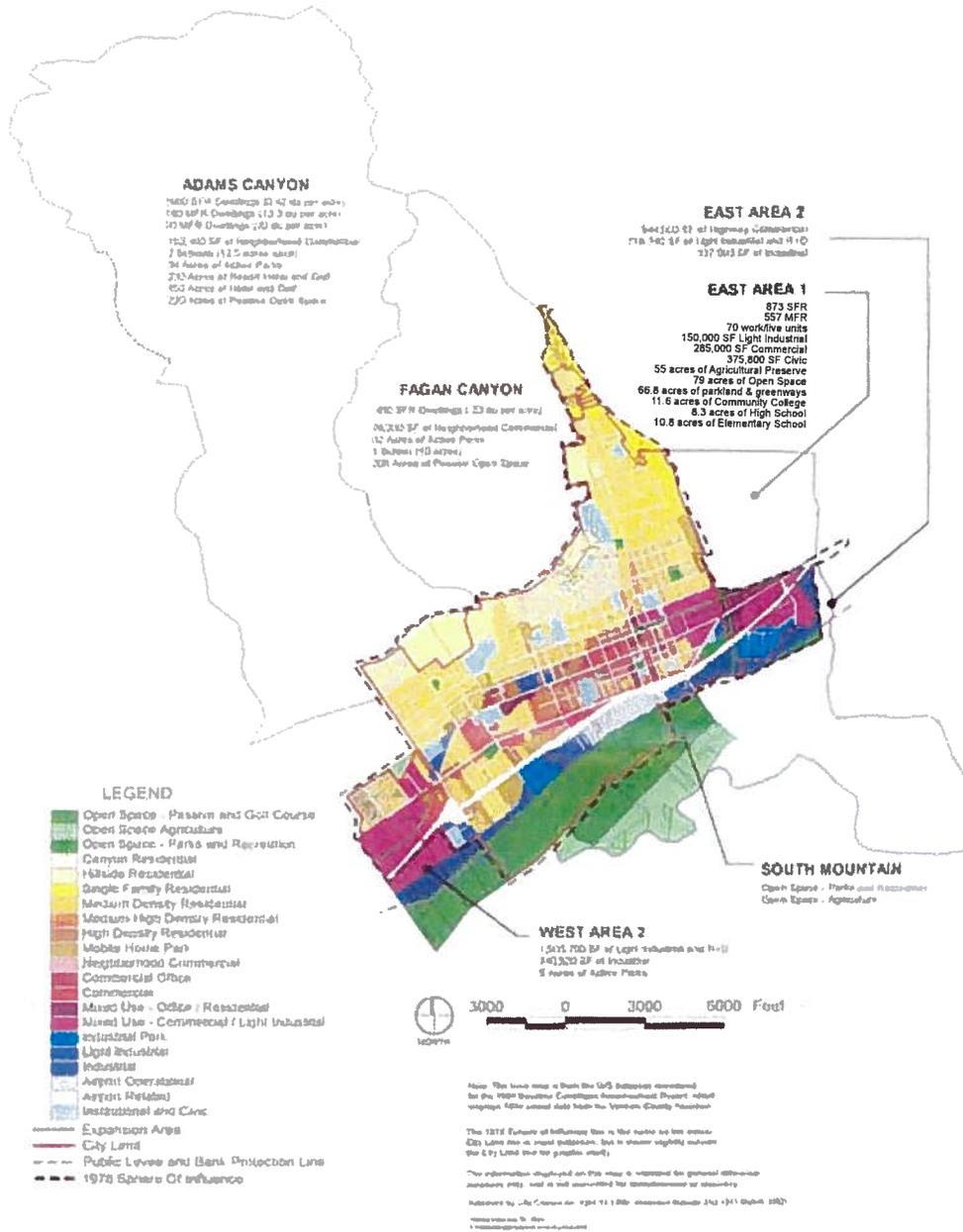
Amended by Resolution No. 6411, adopted May 8, 2007  
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Revised as of May 2007

Figure LU-5 (11 x 17)

Exhibit B-1, Amended General Plan Figure LU-5

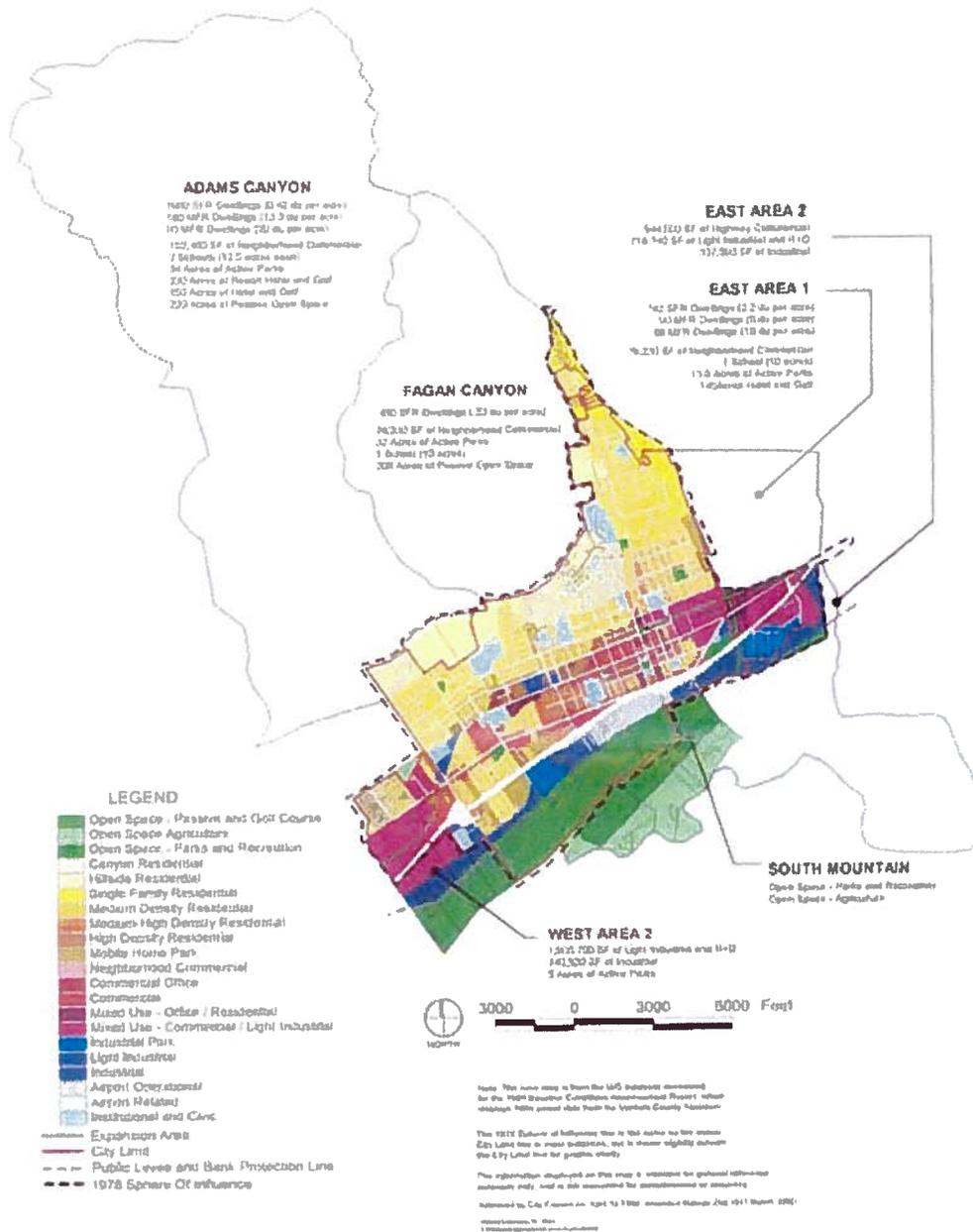


Land Use Plan

Figure LU-5

Figure LU-5 (11 x 17)

Exhibit B-2, Existing General Plan Figure LU-5



City of Santa Paula General Plan  
 Land Use Plan and Expansion Areas

Figure LU-5

**TABLE LU-7  
GENERAL PLAN LAND USE CATEGORIES**

<b>CATEGORY</b>	<b>LOCATIONS</b>	<b>PRINCIPAL USE DEVELOPMENT INTENSITY/DENSITY</b>
<b>Institutional/Civic</b>	All current school, park, and utility office sites. Hospital and City offices.	Hospitals, community centers, government offices, cemeteries, public service facilities.
<b>Overlays and Special Study Areas</b>		
<b>Downtown Improvement District Overlay</b>	City center area.	Enhancement of Downtown core through special design and public amenity development. An underlying land use designation exists.
<b>Downtown Historical District Overlay</b>	City center area.	Protection of Buildings/Neighborhood with Historic Merit. An underlying land use designation exists.
<b>Mining Resource Overlay</b>	Areas of Santa Paula Creek and Santa Clara River.	Protection of State-Designated Mineral Resource Areas.
<b>Special Study Area</b>	Overlays for Harvard Boulevard Corridor, Southeast Neighborhood, Railroad Corridor, City entrances, and Floodway areas.	Areas where special policies and standards are indicated.
<b><u>East Area 1 Specific Plan (SP-3)</u></b>	<u>East of Santa Paula Creek, west of Haun/Orcutt Creeks, south of the Topatopa Mountains, and north of Telegraph Roads.</u>	<b>NEIGHBORHOODS/DISTRICTS:</b> <u>(1) Santa Paula Creek Neighborhood - A total of 326 residential units are proposed within this neighborhood and include 191 single-family detached (SFD), 115 single-family attached (SFA) and 20 multi-family (MF); (2) Foothill Neighborhood - A total of 359 residential units are proposed within this neighborhood and include 323 SFD and 36 SFA and an elementary school (10.3 acres); (3) Santa Paula Creek Civic District - The Santa Paula</u>

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GENERAL PLAN LAND USE CATEGORIES**

<b>CATEGORY</b>	<b>LOCATIONS</b>	<b>PRINCIPAL USE DEVELOPMENT INTENSITY/DENSITY</b>
		<p><u>Creek Civic District, includes a high school (8.3 acres), community college or other post-secondary educational institution (11.6 acres) community facilities and community play fields and 340,400 square feet of civic; (4) Haun Creek Neighborhood - A total of 745 residential units are proposed within this neighborhood and include 93 SFD, 115 SFA, and 537 MF, 225,000 square feet of commercial and 35,400 square feet of civic; and (5) East Santa Paula Railroad District - A total of 70 work/live units are proposed within this district, 150,00 square feet of light industrial and 60,000 square feet of commercial.</u></p> <p><u>OPEN SPACE/PARKLAND: (1) A total of approximately 80 acres of natural lands located immediately north of the Agricultural Preserve; (2) 66 acres of parkland and greenways. Of this total, 64.4 acres is proposed as passive park space and greenways, while the remaining 1.4 acres would be active parkland containing basketball courts and ball fields; and (3) Recreational trails are proposed to be located along the Santa Paula Creek and Foothill Neighborhoods.</u></p>

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GENERAL PLAN LAND USE CATEGORIES**

<b>CATEGORY</b>	<b>LOCATIONS</b>	<b>PRINCIPAL USE DEVELOPMENT INTENSITY/DENSITY</b>
		<p><u>AGRICULTURAL PRESERVE:</u>  <u>The Preserve is proposed for the areas comprising the Santa Paula Creek and Foothill Neighborhoods. The Preserve would be comprised of approximately 55 acres of existing avocado orchards located immediately north of these neighborhoods. These orchards would continue to be actively farmed.</u></p> <p><u>PUBLIC INFRASTRUCTURE:</u> <u>A fire station, police substation, water, wastewater, reclaimed water infrastructure and traffic improvements including street widening and signalization.</u></p>