

ACTION MINUTES OF THE SANTA PAULA PLANNING COMMISSION

Tuesday, February 24, 2009
6:30 P.M.

CALL TO ORDER: Chairman Paul Skeels
PLEDGE OF ALLEGIANCE: Vice Chairman Brown
ROLL CALL:

Commissioners present: Steve Brown, Gary Nasalroad, Michael Sommer and
Chairman Paul Skeels

Commissioners Absent: None

Staff Present: Assistant City Attorney John Cotti, Planning Director
Janna Minsk, Deputy Planning Director Stratis Perros,
and Secretary Audrey Ellington

FINAL AGENDA:

Chairman Skeels asked that Item 9, City Communications, be moved to before the Public Hearing. There were no objections and the Agenda was then final as amended.

PUBLIC COMMENT: None at this time.

CONSENT CALENDAR:

A. Minutes of the Planning Commission Meeting on February 10, 2009

ACTION: Commissioner Nasalroad moved for approval the Minutes of January 27, 2009. Commissioner Brown seconded the motion that carried by a unanimous roll call vote.

CITY COMMUNICATIONS

A. Planning Department – None at this time.

B. Planning Commission

Chairman Skeels read a letter from Mayor Ralph Fernandez, dated February 19, 2009, stating in part that “the City Council directs that the Planning Commission postpone all of its pending decisions until on or about April 14, 2009”.

Chairman Skeels commented that according to Council direction, he would be making a motion to postpone all decisions until April, but would hear public comment from those that wish to speak on the agenda item tonight and can not attend the hearing at a later date. He clarified that those people who give public comment this evening would not be allowed to repeat those comments at the later scheduled hearing.

Public Comment

The applicant's representatives Barbara Macri-Ortiz, Attorney and Rodney Fernandez, Cabrillo Economic Development Corporation (CEDC) and Eileen McCarthy, California Rural Legal Association, all spoke in objection to the procedure of taking comments without knowing if the item would be continued and the fact that the public and the applicants were not notified of the intended postponement. The speakers also summarized history and details of the project. Ms. Macri-Ortiz presented a letter to the Planning Commission, dated February 24, 2009, that provided information on new changes to State Density Bonus Law, the procedural status of CEDC's proposal, and response to Mayor Fernandez' letter dated February 19, 2009.

Assistant City Attorney John Cotti reminded Chairman Skeels and the speakers that they were speaking under public comment. Chairman Skeels then reminded the speakers that that they would not be allowed to repeat comments again at a later hearing.

Applicant, Rodney Fernandez, argued that he had not agreed to a postponement and would consider asking his supporters to leave, however upon encouragement from his project team and supporters, he decided that they should remain until the results of a motion.

Discussion: There was further discussion among the Planning Commission, Assistant City Attorney John Cotti, and the applicant's representatives. Mr. Cotti responded to statements from Ms. Macri-Ortiz and Commissioner Nasalroad's concern, indicating that the Planning Commission was not violating any legal time frames based on 180 days allowed for certification of the environmental document plus 60 days, which would place an April hearing within a reasonable time frame.

Commissioners Nasalroad and Sommer both felt that the project should move forward and be considered at this time. Commissioner Brown and Chairman Skeels both felt that they needed more time to review the letters from the applicant and Ms. Macri-Ortiz, just received, and the project plans and documents.

Motion: Chairman Skeels made a motion, that upon direction from Council, all public hearing decisions, be continued until April 14, 2009. Commissioner Brown seconded the motion that failed on the following roll call vote:

AYES: Commissioner Brown and Chairman Skeels

NOES: Commissioners Nasalroad and Sommer

Chairman Skeels called a break at 7:05 p.m. The meeting was reconvened at 7:37 p.m.

Chairman Skeels verified with the secretary that mailing and posting of notices was properly carried out, and then opened the public hearing.

PUBLIC HEARING:

- A. **2008-CDP-03:** A request for Addendum to previously certified Mitigated Negative Declaration (MND), Design Review, 147 Growth Management Allocations, and Lot Line Adjustment, in order to construct a new 150 unit multi-family residential development on an existing 6.48-acre vacant undeveloped lot. This 100% affordable housing proposal includes request for concessions and development standard reductions under the provisions of the State Density Bonus Law and Santa Paula Municipal Code. The Property is located in the R-4 High Density Residential Zone and has a General Plan Land Use Designation of High Density Residential.

Location: 210 W. Santa Barbara Street

Applicant: Cabrillo Economic Development Corp.

Staff presentation – Deputy Planning Director Stratis Perros

Planning Director Janna Minsk read the project request as stated above and then called upon Deputy Planning Director Stratis Perros to present the staff report.

Deputy Director Perros presented a Power Point presentation and an outline of the staff report dated February 17, 2009. Mr. Perros explained the site plan and differences between the discretionary permits required for this project and the applicants' previous submittals, based on the City's zoning, General Plan and Density Bonus Ordinance. He explained the building design, parking, access, open space areas, and the requested concessions as outlined in the staff report. There were no questions from the Commissioners at this time.

Applicant's Presentation

Applicant, Rodney Fernandez, 702 County Square Drive, Ventura, Cabrillo Economic Development Corporation (CEDC) addressed the Planning Commission in support of the project and thanked them for allowing the hearing to go forward. Mr. Fernandez summarized the key point of the development plan that the project was 100% rentals rather than ownership properties. He then introduced his group to present the project.

Mr. Detlev Peikert, of Peikert Group Architects, 10 E. Figueroa Street, Santa Barbara, provided a Power Point presentation of the Site Development Analysis, with a corresponding handout for the Commissioners (placed in the project file), providing statistical detailed comparisons of Municipal Code requirements and the proposed project.

Ms. Lisa Plowman, Land Use Planner with Peikert Group Architects, 10 E. Figueroa Street, Santa Barbara, presented additional information regarding the three concessions allowed to the project under State law, and the fact that the applicants were requesting two concessions; a reduction in the private open space requirement, and to allow a 10-foot high wall along the East property line to help mitigate noise from the neighboring industrial use. Ms. Plowman also listed the applicant's request for revisions to the Conditions of Approval as stated in the CEDC letter dated February 23, 2009.

Ms. Barbara Macri-Ortiz, Attorney, P.O. Box 6432, Oxnard, representing CEDC, spoke in support of the project and stated that the requested concessions must be allowed under State Density Bonus law. She asked that the Planning Commission also support staff's recommendation to approve the addendum and Mitigated Negative Declaration, modify the Conditions of Approval as requested, and allow phasing of the project. Ms. Macri-Ortiz stated that the Planning Commission can not deny the project without specific findings as listed in her letter dated February 24, 2009, on page 8.

Mr. Rodney Fernandez addressed the Planning Commission to point out that new State Law no longer requires an economic analysis of the project.

Public Comment

The following list of people spoke in support of the proposed project generally indicating that they believe the project will: help provide low-income housing, relieve overcrowding, provide jobs, contribute to taxes and school funds, and benefit the City.

- Eileen McCarthy, 338 S. "A" Street, Oxnard, 93030, California Rural Legal Assistance, representing a farmworker client that lives in Santa Paula.
- Rod Cobos, 644 Ridgecrest Drive, Santa Paula, representing Plumbers and Pipefitters Local Union 484.
- Richard Garcia, 245 Atmore Drive, Santa Paula.
- Mary Ann Krause, 154 Via Solana, Santa Paula
- Aaron Benner, 311 N. 9th Street, Santa Paula
- Bob Borrego, 524 14th Street, Santa Paula
- Bob Orlando, 933 East Pleasant Street, Santa Paula
- Doug Green, 1009 Holly Road, Santa Paula
- Lorenzo Moraza, 675 Southwick Street, Santa Paula
- Victor Espinosa, 233 Corte Linda Street, Santa Paula
- Myra Magana, 101 E. Santa Ana Street, Santa Paula
- Richard Toomey, 612 Shasta Drive, Santa Paula
- Sonja Flores, 320 Del Valle Drive, Fillmore, CA 93015, Santa Paula Farmworker Housing Committee
- Ofelia DeLa Torre, 1225 Fremontia Street, Santa Paula

Ms. Barbara Macri-Ortiz and Applicant Rodney Fernandez asked to make closing comments requesting that the Planning Commission make a decision on the project. Ms. Macri-Ortiz reiterated that the project was non-discretionary according to the Density Bonus Laws and that the requested concessions were needed to produce the project.

Commissioner Nasalroad requested a health and safety break at 9:50 p.m. The meeting was reconvened at 9:55 p.m.

Action: Commissioner Sommer suggested a straw vote to finish public comments and proceed with deliberations for one hour (11:00 p.m.). Commissioner Nasalroad seconded the motion that failed on the following two to two vote:

AYES: Commissioners Sommer and Nasalroad

NOES: Commissioner Brown and Chairman Skeels

Public Comment Continued

The following people also spoke in support of the proposed project generally expressing ways they believe the project will benefit the City.

- Ray Gonzales, 232 W. Harvard Boulevard, Santa Paula
- Jose Garcia, 318 Craig Drive, Santa Paula
- Tony Perez, 717 Sheffield Street, Santa Paula

ACTION: Chairman Skeels made a minute motion to continue the public hearing to March 10, 2009, with no further noticing. There were no objections at this time.

ADJOURNMENT:

The meeting was adjourned at approximately 10:10 p.m. to the next regularly scheduled meeting on March 10, 2009.

Stratis Perros
Deputy Planning Director

NOTICE: Actions by the Planning Commission on the above items cannot be appealed to the City Council after **5:00 p.m. on Friday, February 20, 2009.** Be advised that if you bring a legal challenge to a Planning Commission decision, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the Planning Commission at or before the meeting.

For further details of the discussions held in this meeting, a taped recording is available in the Planning Department office, for a period of approximately one year.

Minutes Approved by Planning Commission March 10, 2009