

MINUTES OF THE CITY OF SANTA PAULA  
PLANNING COMMISSION  
Tuesday, February 24, 2015  
6:30 P.M.

**CALL TO ORDER:** Chairman Gail "Ike" Ikerd

**PLEDGE OF ALLEGIANCE:** Vice Chairman Fred Robinson

**ROLL CALL:**

**Commissioners present:** Chairman Gail "Ike" Ikerd, Vice Chairman Fred Robinson, Commissioner John Demers

**Absent** Commissioners John Wisda and Michael Sommer

**Staff Present:** Planning Director Janna Minsk, Deputy Planning Director Stratis Perros, Assistant City Attorney Gregg Kettles, Interim Public Works Director Brian Yanez, Consulting City Engineer Randy Toedter, and Planning Assistant Tom Tarantino

**FINAL AGENDA:** Agenda final as submitted

**PUBLIC COMMENT:** No public comment

**CONSENT CALENDAR:**

**A. Minutes of the Planning Commission Meeting on January 27, 2015**

**ACTION:** It was moved by Vice Chairman Robinson, seconded by Commissioner Demers to approve the minutes as submitted. All were in favor and the motion carried.

**PUBLIC HEARING:**

**A. Project No. 05-CDP-04:** A request for General Plan Amendment, Annexation, Zone Change, Specific Plan, Development Agreement, and Tentative Tract Map in order to allow a 79-lot single-family residential hillside subdivision on an existing vacant undeveloped lot.

- **Location:** Approximately 35 acres located north of Foothill Road and west of Peck Road (APN Nos. 097-0-020-085 and 097-0-020-070)
- **Applicant:** Del Investment Fund No. 9, Ltd.
- **General Plan:** Adams Canyon Expansion Area
- **Zoning:** Agricultural Exclusive (AE-40) – Ventura County

- **Environmental:** Action is requested certifying a Final Environmental Impact Report and adoption of a Mitigation Monitoring Program pursuant to California Environmental Quality Act (CEQA) Guidelines per §15303.

**Verification of posting notice:** Chairman Ikerd confirmed with the Planning Assistant that the Notice of Public Hearing was properly advertised and posted.

**Declaration of conflicts:** None

**Declaration of ex parte contacts:**

- Vice Chairman Robinson stated he had two prior informational meetings with the Applicant over a six-year period, one as a Santa Paula City Councilmember and one as a Santa Paula Planning Commissioner.
- Commissioner Demers stated he had one prior informational meeting with the Applicant and tour of proposed 05-CDP-04 project site.

**Open public hearing:** Chairman Ikerd opened the Public Hearing at 6:35 p.m. and called upon staff to present the item.

- Staff Presentation – Report, Stratis Perros, Deputy Planning Director

**Recommended Action:** Adopt Resolution No. 3732 recommending approval of Project No. 05-CDP-04 subject to the Conditions of Approval identified in the Resolution; and recommending certification of the Final Environmental Impact Report and adoption of the Mitigation Monitoring Program pursuant to California Environmental Quality Act (CEQA) Guidelines per §15303.

**Public Comment:**

Commissioner Demers expressed concern over public safety and liability issues that may result from the project's intent to exceed/waive the 25-foot height standards for manufactured slopes stipulated in the Santa Paula Municipal Code (SPMC).

Deputy Director Perros stated that personnel from the city's Public Works Dept. in attendance would be better suited to answer questions re: design standards for manufactured slopes.

Commissioner Demers referred to letters recently received from LAFCo and the Ventura County Watershed Protection District regarding the project, and asked for further clarification on irrigation/water issues, environmental impact of relocating dirt to Adams Canyon, and proper authority to approve mitigation measures on the additional acreage and county land involved.

Deputy Director Perros responded that there has been staff changes at Ventura County Watershed Protection District, and the latest letter expressing EIR concerns likely came from newer staff less familiar with the project.

Deputy Director Perros also stated there have already been previous conversations with LAFCo about annexation issues surrounding the project, and of late, with staff at the County of Ventura Planning Dept. Deputy Director Perros outlined the approval process, stating that if and when the project is approved by the Planning Commission, it will still have to go before the City Council, County of Ventura (for a discretionary grading permit), and various federal agencies, including FEMA and the Army Corps of Engineers – tonight's meeting is just the first step in what may be a very long process.

Randy Toedter, Consulting City Engineer, addressed the SPMC height limits for hillside grading, stating that his firm did have some concerns about the grading and the height of the slope to the north of the project. Mr. Toedter continued, SPMC specifically limits the height to 25 feet, unless the Planning Commission and/or City Council approve a public interest waiver of that restriction. Without that approval, said Mr. Toedter, staff is limited to working within the 25-foot limit.

Commissioner Demers asked is there has been a purposeful study of design height and stability on this region, as it is an ancient/historic landslide and the slope is very steep for the proposed cut and fill project.

Mr. Toedter responded that during the EIR process, the City's soil consultant met with the developer's consultant, and felt the slope would be stable, given the amount of proposed benching, etc. Mr. Toedter continued, the Public Works Dept. was concerned about the hill needing to be maintained, and as such, asked for the project area to be included in the City's GAD ordinance. Mr. Toedter also stated that other municipalities have occasionally allowed height limit exceptions up to 50-75 feet, so 200 feet is quite a bit; though it will work stability-wise, it remains a visual appearance and maintenance issue.

Commissioner Demers asked if these factors would be considered by the County in the issuance of a grading permit.

Mr. Toedter answered yes, if the County issues the grading permit, they will consider the aforementioned factors. Mr. Toedter continued, if the area is annexed into the City, staff will work jointly with the County on the grading permit, and that the majority of the landslide portion of the property would be within the area annexed by the City.

Commissioner Demers stated that it seems the majority of the maintenance work would take place near the upper part of the slope and on the approximately 14 acres of County land in the northern part of property.

Mr. Toedter replied that yes, that area would need to be maintained, along with the fill areas of Adams Canyon, though not to the same extent, and the canyon area will be essentially flat.

Vice Chairman Robinson stated that 10 years is a long time for a lead-in to a project, and that Santa Paula needs development, though the assurances regarding the stability of the hillside contained in the project documents did jump out at him. He lives above Santa Paula High School, with hillside in his backyard, and has seen the dangers of

slides during storms, so he wants to make sure decisions about the project are being made on sound geological science.

Vice Chairman Robinson stated he likes that the project shares a contiguous boundary with the western edge of the City, as it makes for good growth patterns, and that previous developments by the applicant have been of good quality.

Vice Chairman Robinson asked if there as a specific date for the ancient landslide, as the mitigation efforts for it are very important to him.

Deputy Director Perros responded he was not aware of a geologically determined date of the slide.

Vice Chairman Robinson stated he likes the water retention plans of the project, to slow the runoff onto Peck Rd. He has also received some calls about the safety of the Peck Rd. interchange, both currently and with the potential for increased use brought by the project, and asked whether the City has plans to remediate the situation.

Deputy Director Perros responded that there is an ongoing discussion between the City and County regarding traffic control of and responsibility for the Foothill/Peck intersection; however, based on the traffic study the Applicant's project would not significantly change that situation.

Keith Hagaman, Applicant, gave a brief historical overview of the project, including note that Scott Anderson, his original partner, passed away in 2007. He inherited the lead on this project after the passing of Mr. Anderson.

Mr. Hagaman stated that the late Mr. Anderson has a long history of successful development in Santa Paula, dating to 1982, including several apartment communities, the original Travelodge on Peck Rd., and a few residential subdivisions, including Ridgecrest/Lassen/Shasta/Skyline communities off Peck Rd.

Mr. Hagaman stated this project was first put under contract in 1988, and closed escrow in 1992. The first proposal went before the Planning Commission in 1988 as well, for an 87-lot subdivision, which was received well, but recession and SOAR delayed start. Project then went before Santa Paula electorate in 2003, under SOAR rules, and passed. Mr. Hagaman stated he believes that at the time, this development was the only one in the County that had gone to a SOAR vote and won approval. Project was restarted in 2004, and began gearing up until Mr. Anderson's diagnosis in 2006. Once Mr. Anderson passed away in early 2007, Mr. Piszker was brought in as a project consultant.

Mr. Hagaman stated that the grading and excavation involved in the project would take the currently unstable hillside and make it stable.

Mr. Hagaman stated that, although they do have an easement to place fill dirt in the canyon, he acknowledges that it troubles many people, himself included. Mr. Hagaman stated another idea they have in the development agreement is to move the dirt to other

developments in town that may need it, particularly down by the river, and that this may be a more environmentally sensitive solution.

Regarding project density, Mr. Hagaman stated that the project by the Hospital is 76 homes on 16 acres; this project is 77-79 homes on about double the acreage.

Commissioner Demers stated he does not have environmental concerns about the project site, but does have reservations about the placement of fill in the canyons. Commissioner Demers then asked if the fill dirt alternatives in the project plan were still viable.

Mr. Hagaman reiterated that he would prefer not to dump in the canyon, and that there are several projects already approved that will need dirt.

Vice Chairman Robinson asked if the trucks transporting the fill dirt would go directly to the canyon site, or if they would drop to Foothill Rd. and go to the Adams entrance.

Mr. Hagaman stated that all truck movements would be limited to off road access, and that no trips are proposed on City streets.

Vice Chairman Robinson stated that he has been to the Adams Canyon site, and that it is huge, and he doubts the amount of dirt in this project would have a significant impact. He then asked if City staff has examined any future infill within the City limits, and questioned how that would impact the County permitting process.

Deputy Director Perros responded that the ideal would be to not place the fill in the canyon, especially since the majority of the City sits in a floodplain, and new developments often require pad elevation to raise them up. He continued that, should a future project require fill dirt from the Anderson-Hagaman site, it would be subject to its own EIR, air quality impact assessments, road impacts, etc.; this project, as currently proposed, only seeks to place the dirt in the canyon and keep it off City roads.

Deputy Director Perros stated that SMARA (Surface Mining and Reclamation Act) requirements exist and would apply if the Anderson-Hagaman site were acting as a dirt mine, and would need to be considered should fill dirt be distributed for other projects.

Jim and Jeanne Wade, residents at 798 Foothill Rd., spoke on the dangers of the Foothill/Peck intersection just outside their home. They have had multiple cars miss the curve and crash into their front yard, and are concerned that increased traffic brought by the project will worsen the problem. Mr. and Mrs. Wade stated they are not opposed to development, as long as it is reasonable. They are, however, alarmed that the Anderson-Hagaman project EIR did not call for a stop sign, reduced speed, or other traffic mitigation at the Foothill/Peck intersection, and feel that traffic safety issues should be added to the Conditions of Approval for the project.

Diana Ponce-Gomez, resident at 675 N. Peck Rd., stated she is concerned that increased traffic will worsen the existing circulation problems at the Foothill/Peck intersec-

tion, and that traffic signage is inadequate. She also feels the aesthetics of placing 79 cookie-cutter homes will be out of place with the surrounding neighborhoods.

Michael Dalo, resident at 15635 Foothill Rd., stated he lives on a farm directly west of the project site, and wonders why, if the project report describes the project area as a scenic resource, it is being sliced apart by a giant development. He also questioned whether the planned housing is consistent with the housing east of Peck Rd., which he sees as less than half the amount. Mr. Dalo stated he is opposed to the development or would prefer something much smaller; a dark-sky community of fewer homes on larger lots. Mr. Dalo stated he would like air quality sensors placed on his property during any construction, and better clarification on how long the grading process will take. Mr. Dalo noticed that approximately 10% of the ancient landslide in the area is on his property, and he has concerns about the effects of grading the land directly across the property line. Mr. Dalo, as a farmer, stated he has concerns about the grading forcing displaced rodents and vermin into his crops; questioned who would be responsible for any runoff from the site; and wondered if the project would include agricultural tree buffers and/or fencing. Mr. Dalo noted that a diagram in the project report includes his acreage in grading plans, which he stated has not been discussed with, or approved by, him. Mr. Dalo also stated that project plans to relocate a large irrigation pipe serving several farms in the area may necessitate a pump to move the water, and he is concerned about its potential expense and noise. Mr. Dalo stated he is worried about increased traffic and parking issues. Finally, Mr. Dalo said he would like to know Staff recommendations on slope height variance.

Richard Main, resident at 15888 Foothill Rd., commented on a letter he previously submitted to the Planning Commissioners, stating his disappointment that Staff would recommend this project for approval. Mr. Main stated the project does not overtly comply with City lot size regulations and slope standards, and will adversely affect surrounding properties, one of which being his own. Mr. Main noted the amount of dirt to be moved is enough to fill the Rose Bowl, and the long grading timeline will have a very significant impact on residents. Mr. Main questioned the need for these homes at all, with the 1,500 homes of the East Area 1 development on the horizon, stating he believes the alternative plans for clustered townhomes or 50 single-family residences listed in the EIR might be better suited.

Laura Lee Hathaway CMP, resident at 722 E. Santa Paula St., used to live near the Foothill-Peck intersection. Ms. Hathaway stated she has witnessed at least 15 cars and trucks in accidents at that curve, including one on December 9, 2014 in the front yard of the Wade residence. Ms. Hathaway believes the City must do something about the intersection before someone is killed, otherwise the project will only make it worse.

Cathy Fernandez, resident at 636 Shasta Dr., stated she feels the intersection at Foothill and Peck is the most dangerous in the City. Ms. Fernandez suggested a four-way stop at the intersection, especially with the proposed project, to protect both drivers and pedestrians.

Brian Yanez, Interim Public Works Director, stated his department was well aware of the problems at the Foothill/Peck intersection and would be proposing several safety en-

hancements at the City Council Meeting on March 2, 2015, including a safety beacon and guardrail. Interim Director Yanez stated the problem is unique in that Foothill Rd is a County road, and County traffic studies have shown that intersection does not warrant a stop sign. Interim Director Yanez stated that County policy prohibits placing a stop sign unless it is warranted by a traffic study; however, the City is pursuing studies for a possible stop sign on City property near the intersection, as there have been 16 reported accidents since 2003.

Vice Chairman Robinson stated everyone should go to a Ventura County Board of Supervisors Meeting to complain about the dangerous Foothill/Peck intersection.

Deputy Director Perros, responding to density comments from the public, stated the General Plan actually allows for lot sizes equivalent to 96 total units on the project site, while the proposal only calls for 79 units, well below the allowed number.

Regarding traffic concerns at Foothill/Peck, Deputy Director Perros mentioned the General Plan does call for a more sweeping curve at that intersection, but due to SOAR, County jurisdictional issues, etc. the City usually waits for developments to build out the roads, rather than constructing them on its own. Deputy Director Perros stated the circulation portion of the coming General Plan Update for the City will revisit this intersection, and certainly incorporate public concerns.

Commissioner Demers asked what the impacts would be on the Mitchell property portion of the project area, specifically regarding conversion from County to City land.

Deputy Director Perros responded he has not spoken with the Mitchell family directly, but no new development is being proposed on their property, and it would be provided the same Specific Plan zoning designation as the Anderson Hagaman project site. He continued, existing structures on the property would not be affected by a Zone Change, and in some ways, switching to the City's zoning from County Agricultural Exclusive zoning would actually be less restrictive.

Planning Director Janna Minsk noted that LAFCo required the Mitchell property be included with the annexation request, and at that time, the Mitchells stated in a letter that they were in agreement with this process.

Commissioner Demers stated he was mainly concerned about what the conversion might do to the Mitchells' tax bill.

Deputy Director Perros responded that the tax bill is not affected by the zoning.

Planning Director Minsk stated the Mitchells' conversion to City land would allow them to participate in city politics.

**Close public hearing:** Chairman Ikerd closed the Public Hearing at 8:16 p.m.

Chairman Ikerd stated there was a copious amount of material to review for this project, and many letters and comments had come in the last few days. As such, his major

concern is that he does not fully understand what the questions are, or if Staff has had enough time to interpret them for the project. Chairman Ikerd stated he supports development for Santa Paula, and believes such a project can be done, but he is not comfortable with the amount of information to make a recommendation to the City Council. He would prefer to send the project back to Staff for further review.

Deputy Director Perros concurred with Chairman Ikerd, responding that a proper motion for this evening would be for a date-specific continuance, directing Staff to work with the County to resolve the issues brought forth and properly address concerns. Deputy Director Perros also stated that the City Attorney noted some of the language in the Development Agreement and Conditions of Approval still needs refining.

**ACTION:** Commissioner Demers moved for a date-specific continuance to the regularly scheduled Planning Commission Meeting on April 28, 2015; directing Staff to work with the County agencies to address the issues raised in their letters, to resolve to Public Works Department issues regarding slope stabilization, address the off-site grading issues affecting the adjacent property owner on the west, address the public speaker's traffic concerns regarding the intersection of Foothill and Peck Roads, and clarify the Development Agreement and Conditions of Approval. Vice Chairman Robinson seconded the motion. All were in favor and the motion carried.

**ORDER OF BUSINESS:** None

**CONTINUED BUSINESS:** None

**NEW BUSINESS:** None

**CITY COMMUNICATIONS:** None

**REQUEST FOR FUTURE AGENDA ITEMS:** None

**ADJOURNMENT:** Chairman Ikerd adjourned the meeting at 8:23 p.m.

**NOTICE:** Actions by the Planning Commission on the above items cannot be appealed to the City Council after **4:30 p.m. Friday, March 6, 2015**. 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.

  
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Stratis Perros  
Deputy Planning Director