RESOLUTION NO. 6906

A RESOLUTION CERTIFYING A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS AND STATEMENTS OF OVERRIDING CONSIDERATIONS, AND APPROVING A MITIGATION AND MONITORING REPORTING PROGRAM FOR THE AMENDED EAST AREA 1 PROJECT.

(PROJECT NO. 2006-CDP-02)

The City Council of the City of Santa Paula does resolve 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, the 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, consistency with the General Plan and conformity with the Santa Paula Municipal Code ("SPMC").

- In addition, the City reviewed the Amended 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 Amended Project to receive public testimony and other evidence regarding the Amended 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 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.

<u>SECTION 2:</u> 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 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. 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 as Exhibit "A," which is incorporated 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: Environmental Assessment.

- 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 Environmental Impact Report (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 Final Supplemental Environmental Impact Report (FSEIR) was prepared for the Amended Project. The following components comprise the FSEIR:
 - 1. DSEIR and Technical Appendices (October 2014).
 - 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 FSEIR reflects the City's independent judgment and analysis. The Planning Commission and City Council each independently reviewed and analyzed the FSEIR prepared for the proposed East Area 1 Specific Plan Amendment project. The DSEIR and FSEIR are accurate and complete statements of the potential environmental impacts of the project.
- Because of the facts identified in this Resolution including, without limitation, the facts contained in the Additional Findings, the FSEIR 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 and Transportation and Traffic. The City Council 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 City Council 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 City Council 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: Approval. The City Council takes the following actions:

- A. The City Council adopts 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 City Council adopts 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 City Council certifies the Final Supplemental Environmental Impact Report for the East Area 1 Specific Plan Amendment project, which is incorporated into this Resolution by reference for the Amended Project (2006-CDP-02).

<u>SECTION 5:</u> 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 City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

<u>SECTION 6:</u> Limitations. The City Council'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 lack of knowledge of future events. In all instances, best efforts were made to form accurate assumptions.

<u>SECTION 7:</u> 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 8: This Resolution will remain effective until superseded by a subsequent resolution.

<u>SECTION 9:</u> The City Clerk is directed to mail a copy of this Resolution to Applicant and Applicant's Representative and to any other person requesting a copy.

<u>SECTION 10:</u> This Resolution is the City Council's final decision and becomes effective immediately upon adoption.

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

ATTEST: CRATEO A APRIL 22. Co. City Clerk

Martin Hernandez, Vice Mayor

APPROVED AS TO FORM:

John C. Cotti, City Attorney