

ORDINANCE NO. 1190

**AN ORDINANCE PREZONING PORTIONS OF THE EAST AREA 1
EXPANSION AREA AS THE EAST AREA 1 SPECIFIC PLAN (SP-3).**

(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 May 16, 2006, Limoneira Company ("Applicant") filed an application with the City for General Plan Amendments, prezone/specific plan ("EA1SP"), development agreement, and reorganization (annexation) for the East Area 1 ("EA1") Expansion Area (collectively, the "Project").
- B. The EA1SP would regulate land use on approximately 501 acres of the East Area 1 Expansion Area (Assessor's Parcel Numbers: 040-0180-565, 040-0180-435, 107-0-200-115, and 107-0-045-015; the "Property").
- C. The Santa Paula General Plan anticipates that the Property will be annexed into the City's jurisdiction pursuant to the SPMC. To effect the eventual annexation, the Property must be prezoned. The change of zone to the EA1SP will constitute the pre zoning for the Property.
- D. The Project 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").
- 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 Regulations." A Draft Environmental Impact Report was prepared and circulated for public and agency review. The public review period ended on January 7, 2008.
- F. The Planning Department completed its review and scheduled a public hearing regarding the application before the Planning Commission and City Council for February 25, 2008 and February 26, 2008.
- G. On February 25, 2008 and February _____, 2008, the Planning Commission held joint public hearings with the City Council regarding the Project.

- H. 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 administrative record that is too voluminous to reference.
- I. Following the public hearing on February ____, 2008, the Planning Commission adopted Resolution No. 3613 which recommended that the City Council, among other things, that the City Council adopt the East Area 1 Specific Plan.
- J. The Planning Commission's recommendation was forwarded to the City Council for action at a public hearing on February ____, 2008.
- K. The Council considered the information provided by City staff, public testimony, and the Applicant. This Ordinance, and its findings, are made based upon the evidence presented to the Council at its February ____, 2008 hearing, including without limitation, the staff report submitted by the Planning Department.

SECTION 2: Factual Findings and Conclusions. In addition to the findings of fact set forth in Resolution No. 6458, which are incorporated by reference, the City Council finds that the following facts exist:

- A. The Applicant proposes to develop the Property as a master planned community as outlined in the EA1SP.
- B. The Property is located within the City's Area of Interest, but outside its Sphere of Influence. The City designated East Area 1 as a General Plan Expansion Area on April 13, 1998.
- C. The Property is currently not zoned by the City. Approval of the proposed EA1SP constitutes rezoning for the Property. The area will be designated *East Area 1 Specific Plan SP-3* on the City's zoning map.
- D. The EA1SP is not effective until annexation of the Project area into the City.
- E. The East Area 1 Expansion Area is located outside the City Urban Restriction Boundary (CURB) set forth in the General Plan. Accordingly, the East Area 1 Expansion Area cannot be annexed into the City and developed for urbanized uses without voter approval.
- F. The Property does not lie within the Santa Paula Redevelopment Agency's Redevelopment Plan Area (RDA).

SECTION 3: General Plan and SPMC. The Project conforms to the GP and SPMC as follows and set forth in the entire record:

- A. East Area 1 is identified in the General Plan as an Expansion Area for future urban development and the area proposed for urbanized uses is within the CURB.
- B. The General Plan Land Use Element requires Specific Plans for all expansion areas before development can occur and requires fiscal impact analysis for such projects. The proposed Project implements these requirements.
- C. SPMC Chapters 16.25 and 16.216 allow for creation and administration of Specific Plan Zones and designates the EA1SP as SP-3.
- D. The Project provides the park and public 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.
- E. The Plans include protections for wildlife as required by the General Plan for expansion areas.
- F. The General Plan Amendment, recommended for approval in Resolution No. 6459, would incorporate references to the EA1SP into the General Plan Land Use and Circulation Elements; adds the "East Area 1 Specific Plan (SP-3)" land use designation to the General Plan; and revises East Area 1 descriptions currently present in the GP to make them consistent with the EA1SP.
- G. SPMC § 16.25.040 makes the land use designations, standards and other requirements set forth in an adopted Specific Plan supersede those of the SPMC. The General Plan Amendment set forth in Resolution No. 6459 will make the GP and EA1SP consistent.

SECTION 4: Conclusions.

- A. The Project will provide a mechanism by which the Property can be zoned and annexed into the City, providing for 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. 6458 which certifies the FEIR and adopts statements of overriding considerations.
- B. The Project is consistent with the goals, policies, and objectives of the GP as amended 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 12.216.

- C. The Project will result in the development of a planned community which would not adversely affect surrounding properties because the Project would be compatible with and similar to the characteristics of the surrounding area.
1. The "East Area 1 Specific Plan (SP-3)" land use designation established through the East Area 1 Specific Plan is compatible with neighboring single-family residences.
 2. Fuel Management zones and a public safety facility are provided to mitigate wildfire hazards.
 3. A transportation and circulation analysis for the Project is included in the FEIR, 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.
 4. A hydrology analysis prepared for the Plans is included in the FEIR 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.
- D. 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 5: This Ordinance incorporates by reference the findings and analysis set forth in City Council Resolution No.6458 which certifies the FEIR and adopts statements of overriding considerations for the overall East Area One Project proposed by the Applicant including without limitation, the Rezoning adopted by this Ordinance. Resolution No. 6458 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 6: *Approval.* Subject to the conditions set forth in attached Exhibit "A," which are incorporated into this Ordinance by reference, the City Council:

- A. Adopts the East Area 1 Specific Plan (SP-3), dated November 16, 2007,

which is attached as Exhibit "B," and incorporated by reference, as the rezoning for the Property within the Specific Plan boundaries. This area will be designated *East Area 1 Specific Plan SP-3* on the City's zoning map as shown in Resolution No. 6459, Exhibit "F."

- B. Grants a Growth Management Allocation of 1,500 dwelling units (which does not include allocations for the nine existing residences within the specific plan area) for the EA1SP in accordance with the provisions of the Development Agreement (as adopted by Ordinance No. 1191) and Specific Plan implementation section. The City Council notes that there are 1,785 allocations available at this time and additional allocations will become available during the construction time anticipated for implementation of the Project, as modified.

SECTION 7: 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 2005 and 2008. For example, and without limitation, amendments to the Maps made by Measure A7 and Measure "A," as contemplated by Resolution No. 6461 (adopted by the City Council on February ____, 2008) affecting the CURB must be reconciled with the present actions.

SECTION 8: *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 9: 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 10: 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 11: This Ordinance will become effective on the 31st day following its passage and 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

EXHIBIT A
CONDITIONS OF APPROVAL

2006-CDP-02 CONDITIONS OF APPROVAL

GENERAL

1. Within 48 hours of the approval of the project, the Applicant must deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Two Thousand Six Hundred Fifty Six Dollars and Seventy Five Cents (\$2,656.75) which includes the Two Thousand Six Hundred and Six Dollars and Seventy Five Cents (\$2,606.75) fee, required by Fish and Game Code Section 711.4(d)(3) plus the fifty Dollars (\$50.00) County administrative fee, to enable the City to file the Notice of Determination for the Environmental Impact Report required under Public Resources Code Section 21151 and California Code of Regulations Section 15904.
2. Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Project # 2006-CDP-02. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Project # 2006-CDP-02, Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Santa Paula's elected officials, appointed officials, officers, and employees.
3. All development within this site must be in accordance with the requirements of all City ordinances, except as expressly modified herein or by development agreement, and State laws, and the approved Specific Plan. Regulations or procedures not covered by the Specific Plan or appurtenant documents must be subject to the City ordinances in effect at the time entitlement is required except as modified by the project's Development Agreement.
4. The Applicant or the Applicant's successor-in-interest is responsible for maintaining the undeveloped portion of the site including weed abatement and litter removal.
5. The Applicant must comply with all provisions of the project's Development Agreement. Annual monitoring is required as outlined in the Agreement.
6. The Applicant must comply with all mitigation measures identified in the Final Environmental Impact Report prepared for the East Area 1 Specific Plan and related approvals. A Mitigation Monitoring and Reporting Program (MMRP) was prepared as part of the environmental review for the project and is attached as

Exhibit "B" to Resolution No. 6458. The mitigation measures of the MMRP are incorporated into these conditions of approval by reference.

7. In compliance with state law, the Mitigation Monitoring and Reporting Program (MMRP) will be administered for the project. Before the City issues the first Certificate of Occupancy, the Applicant must pay a deposit of \$30,000 for the administration of the MMRP. This fee must be paid no later than January 1st of each year and is subject to change.

PLANNING DEPARTMENT

8. Within sixty (60) days of approval of the Specific Plan, the Applicant must submit a final copy reflecting any changes necessary to make the document consistent with City Council's final action. The final Specific Plan must be reviewed for consistency and approved by the Planning Director.
9. Approval of this Specific Plan is contingent upon and will not become effective nor will it vest until a General Plan Amendment (GPA) is approved by the City Council, or the voters (as applicable), and an Environmental Impact Report (EIR) or any other environmental review under the provisions of the California Environmental Quality Act (CEQA) are certified by the City Council.
10. The specific plan will not become effective until such time as the Property is annexed into the City.
11. The owner/Applicant must prepare and record a declaration of Covenants, Conditions and Restrictions (CC&R's) as required by California Civil Code §1353 *et seq.* sufficient to enforce owner/Applicant obligations to the City under this approval. Before the city approves the first final map for the project, the CC&R's must be reviewed and approved by the City Attorney. Project CC&Rs must include provisions requiring the incorporation of drought tolerant landscaping and minimal turf areas in ornamental planting areas of residential yards (excluding orchard plantings). The Applicant must pay the City's costs associated with such review.
12. The Applicant must provide the prospective home buyers disclosure of the following items. Proof of this disclosure, must be provided to the Planning Department and included in the Master Covenants, Codes and Restrictions (CC&R's) for the project before the city issues the first certificate of occupancy.
 - a. The presence of an active community parks/detention basins that will include sports field lighting for evening use;
 - b. Continued agricultural uses on the 55 acres on the northern edge of the Specific Plan area; and
 - c. Location of a fire station site and police substation in the East Santa Paula Railroad District.

Inclusionary Housing

13. The Applicant must prepare an Affordable Housing Plan in accordance with the requirements of the SPMC and the provisions of the project's Development Agreement. The Plan will include details about the required inclusionary housing within the project, its distribution, and require deed restrictions for all for-sale inclusionary housing units. The builder of the inclusionary rental housing must investigate the provision of on-site childcare.

Schools

14. The Applicant must mitigate elementary school impacts as outlined in the executed East Area 1 Development Agreement, to the satisfaction of the Santa Paula Elementary School District. At the time of each subdivision map for neighborhoods within the Specific Plan, a letter from the School District Superintendent must be provided outlining the requirements for that neighborhood. Proof of compliance must be provided before the City issues building permits.

15. The Applicant must mitigate High School impacts as outlined in the East Area 1 Development Agreement to the satisfaction of the Santa Paula Union High School District.

Cultural Resources

16. Before the start of grading activities in native soils, the project specifications must require a qualified Native American monitor to be present during grading activities within native soils. The Native American monitor will be authorized to halt construction, if necessary, in the immediate area where buried cultural remains are encountered.

Growth Management

17. A maximum of 500 building permits per year can be issued.

COMMUNITY SERVICES DEPARTMENT

18. The Applicant must provide park improvements to mitigate recreation impacts as outlined in the East Area 1 Development Agreement adopted on _____, 2008 as incorporated by reference in Development Agreement Article 3.1 Parks and Open Space to the satisfaction of the Community Services Director.

PUBLIC WORKS DEPARTMENT

Grading and Drainage

19. The selection of the City reviewer of geotechnical/soils evaluations must be made by the public works director and paid for by the Applicant.

20. All grading must conform to Chapter 33 of the California Building Code (CBC), as adopted by the SPMC.
21. Before the City approves any grading permit, a master grading and drainage plan for the project must be prepared and approved as part of the first subdivision map approval for the project. The master grading plan must demonstrate conformance with the limits of grading exhibit of the project's EIR, the standards of the Specific Plan, and CBC.
22. Each application for a phase of development must include a conceptual grading plan to indicate at a minimum:
 - a. Preliminary quantity estimates for grading.
 - b. Techniques and methods which will be used to prevent erosion and sedimentation during and after the grading process in compliance with the City Standards and NPDES requirements.
 - c. Preliminary pad and roadway elevations.
 - d. Designation of borrow or stockpile site locations for import/export material.
 - e. Approximate time frames for development including the identification of areas which will be graded during the rainy months.
 - f. The extent of all remedial/corrective grading required.
 - g. Interim basins and drainage requirements per phase based upon a Hydrology and hydraulics analysis
23. Before the City issues any grading permit that will affect jurisdictional drainages, the applicant must provide proof to the Public Works and Planning Departments that the conditions of the 404 and 1602 permits pertaining to the Barranca and or Santa Paula Creek restoration are met or bonded for (if required by the regulatory agencies) and will be implemented consistent with the timing requirements of the permits. The applicant must apply for and obtain the necessary regulatory permits from the California Department of Fish and Game, United States Army Corps of Engineers, and Regional Water Quality Control Board.
24. If subsequent Geotechnical and Soils Reports determine that dewatering of the site is necessary during construction, necessary permits (i.e., in compliance with NPDES permit) must be obtained from appropriate agencies before the city approves the grading plans.
25. Major grading activities should be scheduled during the dry season (April 1 through October 15), or as otherwise approved by the City. No grading will be allowed outside of this timeframe without the City approved BMP's installed.

26. The grading plan must include an Erosion Control Plan (ECP) to be approved as part of the grading permit. The ECP must include provisions for soils stabilization, which may include revegetation of graded areas, as directed by the City.
27. The site must be watered during grading operations to control dust. In addition to implementing mitigation measures for air quality impacts contained in the Final EIR for the proposed project, the Applicant must monitor forecasts for east wind conditions and limit grading operations when east winds exceed 20 miles per hour for more than an hour as directed by the City.
28. A Construction Management Plan, including construction truck routes, traffic control plan, and a staging plan, must be submitted for review and City approval before the city issues any grading permit. The plan must include limitation to the duration of the grading operation and construction activities, and a daily time schedule of operations. Primary construction access must be via established city truck routes.
29. The City's paveout policy applies:
 - a. The Applicant must remove and reconstruct any existing public improvements adjacent to the limits of the project found to be damaged during the construction of this project.
 - b. Before the City issues a grading permit, the developer must post a security deposit for emergency road purposes to insure restoration of the public right-of-way, or for correction of hazardous, unsafe or emergency conditions within the public right-of-way. The amount of the deposit will be determined by the City engineer based upon review of the Construction Management Plan.
30. All public streets must be maintained and swept using a pickup type street sweeper if necessary on a daily basis during grading operation and construction activities. Cash deposit, letter of credit, or posting of bond to guarantee maintenance of all public rights-of-way affected by the grading operations and construction activities must be posted before the city issues grading permits. Upon submittal of subdivision maps which include street improvements, additional street sweeping requirements will be applied.

Drainage

31. Drainage and flood control facilities, including modifications to the existing on-site drainages and Haun Creek must be undertaken in accordance with the requirements of the City and Ventura County Watershed Protection District (VCWPD), subject to the approval of the Department of Public Works and VCWPD, as applicable.
32. The Developer must construct the proposed on and offsite drainage facility improvements and the detention basin provisions as recommended in the Specific Plan and Drainage Study documents and as directed by the Department of Public Works and VCWPD, as applicable. An appropriate maintenance mechanism and

operations plan must be established as part of final design. The drainage facilities must comply with the City's NPDES permit requirements and utilize BMP's such as bioswales, median drainage swales, rain gardens, parkway drainage gardens, trash excluders etc.

33. Drainage facilities within each phase must be constructed immediately after the completion of the site grading and before or concurrently with the initial site development within that phase.
34. During each phase of development, storm water runoff must be reduced to less than or equal to the existing condition or as outlined in the NPDES permit requirements and utilize BMP's such as bioswales, median drainage swales, rain gardens, parkway drainage gardens, trash excluders etc
35. As required by the Public Works Department, additional Hydrology and Hydraulic studies must be submitted with subsequent tentative maps and development applications to study the drainage impacts and analyze necessary measures to mitigate the runoff created as part of the development of this project. The studies must include, without limitation, the hydraulic analysis for the sizing of the required storm drain system. Appropriate facilities for proper drainage within the development must be provided and constructed as directed and approved by the City Engineer.
36. The development must be protected from offsite drainage, and any water concentration must be conveyed by means of adequate facilities to the natural water courses of the area, and existing storm drain system designed to convey the development's runoff.
37. The Developer must protect downstream properties from damages caused by alteration of the drainage patterns; i.e., concentration or diversion of flow. Protection must be provided by constructing adequate drainage facilities, including enlarging existing facilities or by securing drainage easements.

Stormwater Quality

38. Development must be undertaken in accordance with conditions and requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollution Discharge Elimination System (NPDES) Permit No. CAS004002 and current permit updates. Project construction must incorporate Best Management Practices (BMPs) applicable to the development for review and approval by the city engineer and utilize BMP's such as bioswales, median drainage swales, rain gardens, parkway drainage gardens, trash excluders etc. The Applicant must provide a storm water pollution control system as part of a Stormwater Quality Master Plan during construction in conformance with the SPMC, to the satisfaction of the City Engineer. The Applicant must also obtain a discharge permit for storm water.

39. Before the city issues a grading permit, the developer must submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Storm Water Permit Unit in accordance with the NPDES Construction General Permit (No. CAS000002); Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities. The developer must comply with all additional requirements of this General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Before the city issues a grading permit, the developer must submit a copy of the project receipt of Notice of Intent to the city.
40. A method to ensure the implementation and maintenance of all stormwater BMPs and utilize BMP's such as bioswales, median drainage swales, rain gardens, parkway drainage gardens, trash excluders etc and other drainage facilities must be established, including without limitation, landscaping which must be properly maintained with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides that can contribute to urban runoff pollution. The method will be subject to the review and approval of the City Engineer.
41. Parking and associated drive areas with five or more spaces must be designed to minimize degradation of storm water quality. BMP's, such as oil/water separators, sand filter, basins or approved equals, must be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The design must be submitted to the City Engineer for review and approval before the city issues a grading permit.

Water, Wastewater, and Reclaimed Water

42. The project Developer must pay a fair share of the costs for water supply, water distribution system, wastewater collection and recycled water distribution facility improvements that benefit the project but are constructed to also serve areas of the City outside the project area in accordance with the provisions of the project's Development Agreement.
43. The project Developer must prepare a detailed infrastructure construction-phasing plan addressing the extent and schedule of necessary infrastructure requirements required by the project pursuant to these Conditions of Approval and the Development Agreement. The plan must be approved by the Public Works Director before the City approves the first subdivision map for the project.
44. All water, sewer and recycled water facilities must be constructed by the project Developer in accordance with the requirements and specifications of the City Public Works Director and the approved project Specific Plan and its technical studies, state and federal requirements, and to meet local code provisions. Such requirements must be applied at the subdivision plan stages of the development.

45. Before the City issues a grading permit, existing abandoned wells must be demolished by the project Developer pursuant to the requirements and procedures of California Department of Water Resources (DWR), State Department of Health Services (SDHS) and the County of Ventura.
46. Before approval of grading plans by the City Public Works Director, the project applicant must finalize in an agreement with the City rights to water (in acre-feet) that the Applicant will provide for the project pursuant to the analysis completed in the project's approved Water Supply Assessment (WSA) and according to the existing ordinances and requirements of the City. Said agreement must include the dedication procedure's including the timing of the availability of the necessary water rights. The Applicant must then dedicate to the City such rights or as a substitute provide the fees as specified by the City.
47. At each phase of development, the applicant must submit a report outlining the water supply assessment requirements and the impact if any to the Santa Paula and Fillmore Groundwater basins. This report must be submitted and approved by the city Public Works Director.
48. Upon annexation of the project area into the City, water rights from existing wells associated with the land of the project must be transferred to the City in accordance with City of Santa Paula Municipal Code. The water resource guidelines require new development to provide water rights sufficient to meet the needs of the new development plus 25% for unforeseen fluctuations in usage.
49. Before approval of building permits by the City, the project Applicant must ensure to the satisfaction of the City Public Works Director that the project incorporates water conservation Best Management Practices (BMP's) and water conserving measures in the projects landscaping and building plans as identified in the project Water Supply Assessment (WSA) and in the Draft Specific Plan. These measures and BMP's must include of the installation of the following facilities: use of recycled water; front loading washing machines as fixture units to be installed in each unit; ultra low flow toilets; low flow showerheads; evapotranspiration irrigation controllers, and, tankless hot water heaters. The project Developer must provide to the City Public Works Director for review and approval water conservation education materials and notification for the proper use and maintenance of water conservation facilities. Said notification is required to be provided to each new homeowner by the project Developer upon sale of each new home.
50. The project Applicant must plan, design and obtain City Public Works Director approval for the engineering design and construction inspection of the on- and off-site site potable water facilities noted in the Final Environmental Impact Report (including associated Technical Reports).
51. **Water Tanks.** A view/aesthetics analysis must be performed for each water tank within the East Area 1 development as part of preliminary design for such water

tanks. If this analysis indicates that the tanks cannot be adequately screened by a combination of location, plant materials and paint color, the feasibility (including without limitation, geotechnical and hydraulic) of partially burying the tanks must be evaluated to the satisfaction of the Public Works Director. The City Council will make a final determination regarding water tank design based upon these analyses.

52. Supply wells and treatment facilities: Five wells and above ground appurtenant facilities (treatment and appurtenances, etc.) are to be provided as noted in the Final Environmental Impact Report. The final design, selection of materials and operation of the below and above ground facilities must be approved by the Public Works Director.
53. Before the submission of the first subdivision map, a sewer system project study report must be prepared to finalize the analysis contained within the Final Environmental Impact Report. The report must verify or modify the recommendation for the final alignment and sizing. The report must be submitted to the Public Works Department for review and approval. The report must include the wastewater collection facilities required for all of the in-tract services, based on the City approved project. The final design, selection of materials and operation of the facilities must be approved by the Public Works Director. All facilities will be installed by the developer.
54. Before the submittal of the first subdivision map for the development, the project applicant must prepare a final recycled water master plan for submittal to and approval by the City Public Works Director. The master plan must include the distribution facilities required for all of the in-tract services, the conveyance facilities to provide water from the new WRF to the project site and to meet operational storage requirements based on the City approved project.

Circulation and Traffic

55. A traffic study and circulation analysis must be submitted for review and approval concurrent with each subdivision map within the specific plan area to confirm compliance with the assumptions of the FEIR and determine specific phase/neighborhood requirements, including without limitation, access requirements, signalization requirements, and off-site improvements.
56. Signal warrant analyses must be provided to determine the timing and need for each signal identified by the EIR mitigation measures. The warrant analysis must be provided at the time of subdivision map submittal for each subdivision. Signals need to incorporate conduit between the signals for synchronization and preemptive emergency vehicle devices. Such devices will be approved by the city Public Works Director and installed by the developer for signals located within the development.

57. Private roads and alleys may be as narrow as 20 feet unobstructed travel width, not including parking with Fire Department approval at the time of subdivision map review.
58. Public roads must maintain a 20 foot clear distance for emergency vehicle access. Local roads with parking on both sides within each neighborhood must provide a minimum paved width of 36 feet. Exceptions to this standard maybe approved by the City Engineer on a case-by-case basis as part of subdivision map approvals.
59. Cul-de-sacs with planters must maintain clear unobstructed travel around the planters, not including parking. Conformance with this standard must be proved to the satisfaction of the City Engineer during subdivision map review and approval.
60. The gradient for a fire apparatus access road must comply with the CFC. Conformance with this standard must be proven to the satisfaction of the Fire Chief and City Engineer during tentative map review and approval.
61. All traffic calming devices that could impede or slow emergency vehicle access are prohibited, except those approved individually on a map by map basis when they maintain the required travel widths and radii and are consistent with the provisions of the Specific Plan. Traffic calming devices must be approved by the city Fire Chief and Public Works Director and installed by the developer. Approvals must occur during the subdivision map review.
62. Maximum cul-de-sac length must not exceed 600 feet. Minimum turning radius on any cul-de-sac must be forty (40) feet for residential and forty-five (45) feet for commercial. Conformance with this standard must be proved to the satisfaction of the City Engineer during tentative map review and approval. Exceptions to this standard maybe approved by the City Engineer on a case-by-case basis as part of subdivision map approvals.
63. Street trees must be planted on all streets within the project based upon an approved landscape plan and the standards adopted in the East Area 1 Specific Plan and as approved by the city Public Works Director. The Applicant must maintain trees until accepted by the Homeowners Association. A security deposit must be posted with the City to insure maintenance before recordation of any subdivision maps within the project.
64. The Applicant must dedicate to the public all rights of access to and from lots abutting on limited access roads. This dedication must be so designated in the certificate attached to final development maps with the intention that the owners of lots abutting said limited access roads must have no rights whatsoever in said road, except as determined by the City Engineer and the Traffic Engineer.
65. Streets within the project area must be constructed consistent with the road cross sections and standards within the adopted Specific Plan. Streets within the

2006-CDP-02 East Area 1

neighborhoods of the Specific Plan must be designed to maximize vehicular and pedestrian connectivity and minimize the use of cul-de-sacs. Compliance with Specific Plan standards and the goal of maximizing connectivity will be required before the City approves subdivision maps within the project area.

66. Applicant must grant temporary easements for, and construct, turnarounds not less than 40-foot in radius at the dead end of all streets for which regular turnarounds are not shown on the tentative map to provide temporary turnarounds until such streets are extended. A separate security deposit must be posted with the City to insure satisfactory removal of the temporary improvements. A turnaround is not required on streets which extend less than two lots or 150 feet.
67. Cross gutters may be permitted on minor streets only at those points where the traffic would normally be expected to stop.
68. Before the City issues a grading permit, traffic circulation and control on adjacent streets, including all curb openings, control signs for regulation, warning, and guidance of traffic, must be designed as required by the Traffic Engineer. These must include, without limitation, stop signs, speed signs, "Not a Through Street" signs, turn prohibition signs, one-way signs, parking signs, together with required pavement striping, raised pavement markers, and road symbols. Traffic circulation and control onsite must meet the approval of the Director of Planning and the Traffic Engineer.
69. Permanent Ventura County survey monuments per Road Standards Plate E-4, Revision D, must be set at the intersection of street centerlines at the beginning and end of curves in centerlines, and at other locations designated by the City Engineer. All other centerline monuments must be in accordance with standard survey practice. A complete set of all street centerline ties (a minimum of three per monument), each inked on a reproducible of the recorded map with a blue line print, must be submitted before final project acceptance.
70. Ramps and other handicap facilities (sidewalk, walk, appurtenances) must be constructed for the physically handicapped in locations specified by the City Engineer. Handicap facilities must be constructed and existing facilities must be reconstructed within the project limits, as necessary, in accordance with Title 24 of the California Building Code, and Americans with Disabilities Act ("ADA") requirements.
71. Direct routes to school facilities from neighborhoods crossing collector and arterial streets must have in pavement crosswalk lights. Location and manufacturer must be approved by the city Public Works Director.
72. Before the city issues a grading permit, the Applicant must design, and before occupancy, the Applicant must provide intersection sight distance in a manner

acceptable to the Public Works Director for all roads within the specific plan area. The following guidelines must be used in all cases:

- a. Uncontrolled Intersections: The corner cut-back is a triangular horizontal plane defined by the point of intersection of the front and side property lines and two points located 50 feet back along the property lines. No visual obstruction which exceeds two feet high must be constructed within the corner cutback area.
- b. Controlled Intersections: Sight distance must be provided as set forth in the SPMC.

73. The Applicant must comply with Business and Professions Code § 8771. Two corner records are required to be filed with the County Surveyor:

- a. First, when monuments exist which control the location of subdivisions, tracts, streets, or highways, or provide survey control, the monuments must be located and referenced by a licensed land surveyor before the time when any streets or highways are reconstructed or relocated and a corner record of the references must be filed with the county surveyor.
- b. Then, the monuments must be reset in the surface of the new construction and a corner record filed with the county surveyor before the recording of a certificate (Notice) of completion for the project.

Sufficient controlling monuments must be retained or replaced in their original positions to enable land lines, property corners, and tract boundaries to be re-established without devious surveys necessarily originating on monuments differing from those that currently control the area.

74. Before the City approves improvement plans, the Applicant must furnish to the Department of Public Works a street lighting plan. The plan must include all street lumens proposed within the project boundaries. For each of the project streets that connect to an existing street, the plan must identify the location of the first existing street light on the existing street. For street lights located on local streets, the lights must be located a maximum of 220 feet apart. For street lights located on collector streets, the lights must be located a maximum of 200 feet apart. For street lights located on primary and secondary arterial streets, the lights must be located a maximum of 200 feet apart.

75. Applicant must obtain all necessary encroachment permits before the city approves any subdivision map or grading permit as applicable. This must include, without limitation, Southern California Edison Company, Southern California Gas Company, Verizon Communications (telephone), Time Warner (cable television), Ventura County Flood Control District, Ventura County Roads, and Caltrans.

76. Transit will be provided as detailed in the MMRP.

POLICE AND FIRE DEPARTMENTS

98. An irrevocable offer of the approved public safety facility site of no less than one acre in size must be offered to the City. The characteristics of the site must be in substantial conformance with the following, to the satisfaction of the Fire and Police Chiefs:
- a. The site cannot include slopes or hillsides and must be located in the proposed Village Core.
 - b. Title to the site must be conveyed to the City free and clear of any geologic and flood hazards and easements, the timing of such conveyance must be at the City's discretion, pursuant to the provisions of the project's Development Agreement.
 - c. The public safety facility site must be free of any hazardous materials and a Phase I Environmental Site Assessment (and a Phase II if warranted) must be completed at Applicant's expense.
 - d. A soils report, site survey and topographic map for the site must be provided to the City by the applicant.
 - e. The Fire and Police Departments will coordinate the design of the public safety facility with the applicant. The Departments has final approval of the public safety facility design.
 - f. The applicant must install the necessary connections to allow the fire and police department to override traffic signals installed as part of the project during emergency responses.
 - g. The public safety facility site must be improved by the applicant at its sole cost including a two inch water line stub and shut off valve, a six inch diameter fire sprinkler service line stub, a fire hydrant, connection to a sewer line, all utility connections to the property line, and all off site street improvement adjacent to the site, including curbs, sidewalk, traffic sign, and signal.
99. Public safety facility construction is required as outlined in the Development Agreement. In addition to this requirement, interim fire protection must be provided on the project site before any permanent structures are erected, including without limitation, provision of a graded pad, temporary trailer for fire department staff office use, a water connection point, and a fire engine for emergency response. The location of this interim facility must be determined at the time of the first subdivision map within the project in conjunction with the Fire Chief and City Engineer.
100. The applicant must install signs on the proposed public safety facility sites stating that a public safety facility will be constructed on that site. In addition, the applicant must provide disclosures to all future property owners of the fact of the public safety facility being constructed on the project site.

101. The project must comply with the California Fire Code, as adopted by the SPMC unless a specific exception is requested and approved in writing by the Fire Chief.

By signing this document, Applicants certify that it read, understood, and agrees to the Project Conditions listed in this document.

Harold S. Edwards
Limoneira Company

Date

EXHIBIT B
EAST AREA 1 SPECIFIC PLAN, November 16, 2007
Previously Distributed