

PROJ-10078 ; APL-5-18-45310



City of Ventura
Planning Division

PLANNING COMMISSION
APPEAL APPLICATION

Please answer all questions completely and accurately. Additional sheets may be attached to the application to provide any other information you feel may be relevant.

Community Development
PLANNING DIVISION

1. The application is for the purpose of appealing a decision for the following:

- Administrative Use Permit/Amendment
- Administrative Planned Development Permit/Amendment
- Administrative Variance/Amendment
- Director's Permit
- Zoning Clearance
- Other *Administrative Hearing Officer*

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2. The decision being appealed was rendered on May 8, 2018

3. The matter being appealed was assigned the case number of PROJ-10078 Triangle Site

4. This appeal involves the following property Parcels T4, 3, 5
(give an exact address and Assessor's Parcel Number)

5. The application was as follows (describe the application considered):
Approvals related to construction of a 231-unit multi-family apartment development, including related amenities, coastal Development Permit.

6. The decision reached was as follows:
Approved, with conditions.

7. Please state the grounds upon which this appeal is based:
(See Attachment "A")

8. What action by the Planning Commission is requested?
(See Attachment "A")

9. Are you representing or connected with the original applicant? Yes No (check one)

10. In accordance with the provisions of the City of San Buenaventura Ordinance Code, I hereby appeal the decision described above.

Appellant's Name (please print) Better Neighborhoods, Inc.

Appellant's Signature J. M. Goble Date 5/18/18

Mailing Address (please print) 17901 Von Karman Ave., Ste 600

City Irvine State CA Zip 92614 Phone (949) 556-8714

11. List names and addresses of other people to receive a notice of the Planning Commission Public Hearing; (please print)

QUESTIONS?

Further information regarding Land Development permits and approvals can be obtained from the Planning Division. You can also contact the Inspection Services Division or Engineering Division with specific questions regarding building permits, engineering requirements, and the like.

HOURS: Monday, Tuesday, Wednesday and Friday, 7:30 am to 5:00 pm
Thursday 9:00 am to 5:00 pm. Closed alternate Fridays.

LOCATION: Ventura City Hall, 501 Poli Street Room 117

PHONE: (805) 654-7725

MAILING ADDRESS: P.O. Box 99, Ventura, CA 93002-0099

This document is available in alternate formats by calling the City of Ventura Community Development Department at 805/654-7894 or by contacting the California Relay Service.

ATTACHMENT

APPELLANT: Better Neighborhoods, Inc. ("BNI's)

DETERMINATION APPEALED: Approval by the Administrative Hearing Officer, Case # PROJ-10078 Triangle Site, of the Coastal Development Permit.

The project involves construction of a 231-unit multi-family apartment development, including related amenities (the Project").

Additional study is necessary for several issues to determine whether they might create significant environmental impacts resulting from the Project, and whether feasible mitigation measures can be implemented that would reduce the identified significant impacts to a less than significant level.

We do not believe that the potential significant impacts discussed in the letter submitted by BNI on May 8, 2018 (incorrectly dated "March 8, 2018) have been addressed or studied at all. Specifically, there is (1) no study related to soil export impacts; (2) no study relating to the use and feasibility of using RAP for the Project site; (3) no geotechnical analysis of the proposed RAP depths, diameter and reinforcement characteristics and how they may cause significant impacts; and (4) no hydrogeologic study relating to how use of RAP may potentially cause toxic/hazardous materials presently in the soils to be discharged into the groundwater.

Appellant also hereby incorporates into this appeal the other points raised in its correspondence (attached hereto) as well as any and all opposing comments made by others at or before the Administrative Hearing approving this Project.



Better
NEIGHBORHOODS

17901 Von Karman Ave, Suite 600
Irvine, CA 92614
(949) 556-8714
www.better-neighborhoods.com/

March 8, 2018

Hearing Officer
Planning Department
City of San Buenaventura (Ventura)
501 Poli Street, Room #117
Ventura, CA 93001

Via Email: jstuva@cityofventura.net

Re: Ventura Triangle Project, Project-10078 (the "Project")

Dear Hearing Officer:

Better Neighborhoods Inc. is an organization established to help people have an equal voice in local development decisions, to encourage smart growth that is consistent with the needs of the community, to protect the natural environment and our places of historical significance, to support affordable housing, and to balance the needs for growth and livable cities.

We hereby wish to enter this letter into the record with regard to today's hearing concerning the above-referenced matter, and to reiterate our concerns and objections to the approval of the proposed Project on the following grounds:

The Huge Amount of Soil Export/Transport and Substantial Grading for the Project.

Mitigation Measure GEO-1: Grading/In-situ Ground Improvements to Address Liquefaction and Seismic Instability, describes a complex strategy of over-excavation and replacement in addition to ground improvements in the form of rammed aggregate piers (RAP).

The applicant must haul away nearly 2 acres of undescribed fill down to a depth of between 15 and 20 feet, and another approximately 8 acres down to 5 feet. This grading activity will require a huge number of semi-trailer truck trips. These trips will result in significant traffic impacts during construction, noise during construction, negative impacts on air quality, as well as the general

Hearing Officer
Re: Ventura Triangle Project
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disruption of the neighborhood for such an enormous undertaking. For this reason alone, the City must undertake an EIR for this Project. Even if there could be some sort of on-site mitigation of this fill, there would still be a dramatic over-excavation, recompaction, and new soil grading exercise that must be analyzed for its own environmental impacts.

According to the Staff Report, Mitigation Measure GEO-1 will involve:

“soil over excavation and replacement as engineered fill is recommended . . . conventional grading should include over-excavation and recompaction to the following depths . . . to mitigate potential adverse structure settlements, soil liquefaction, and lateral spread . . . Building Locations 7 thru 10: over-excavation of the site soils to a depth of 15 feet below planned grades and to a minimum of 5 feet below finish subgrade in pavement areas . . . Building Locations 1 thru 6 and 11: over-excavation . . . to a depth of 20 feet below existing or planned finish grades, whichever depth is greater and replacement with engineered compacted fill. Undocumented old fills, if exposed at the excavation bottom, should be removed full depth and replaced with engineered compacted fill. Based on the findings of the report, the suggested removals would encounter groundwater /seepage in building areas 1 through 3. In this case, it is recommended that geopiers are utilized in this area as an alternative to grading into seepage zones or groundwater bodies.”

Our quick arithmetic analysis is that the affected area to be over-excavated is approximately 82,000 square feet for the buildings and 300,000 square feet for the pavement areas. Assuming the *building* areas must be excavated to remove the undifferentiated fill down to an *average* of only 15 feet, that will be over 1,125,000 cubic feet of dirt (or fill) or 125,000 cubic yards of material. 1 CY weighs perhaps 2,000 pounds. 1 semi-trailer load holds 40,000 pounds. Thus, to haul away all of this material would require 6,250 truck-loads of material. Similarly, there would be approximately 6,000 additional truck-loads that will be needed to over-excavate down to 5 feet for the 300,000 square feet of pavement areas. And, there would need to be some substantial additional return trips with clean soil.

It is self-evident that anything approaching this amount of grading work is a massive undertaking involving a dramatic trucking exercise that will have significant noise, traffic, air quality and other substantial impacts that should be analyzed.

The Use and Impacts of RAP for the Site Should Be Analyzed Prior to Project Approval.

In certain areas where ground water may be impacted, the use of rammed aggregate piers (RAP) has been suggested. But there has been no feasibility assessment of RAP for the Project site, nor has there been any study of the possible effect RAP may cause potentially corrosive/toxic/hazardous materials which may be present in the unknown fill to be disbursed and discharged into the ground water.

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For these reasons, and others given prior to and during the hearing by us and by others, we urge you to not to approve the proposed Project.

Sincerely,

J. Michael Goolsby
J. Michael Goolsby
President and CEO
Better Neighborhoods, Inc.

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March 6, 2018

Mr. Jared Rosengren
Planning Department
City of San Buenaventura (Ventura)
501 Poli Street, Room #117
Ventura, CA 93001

VIA FED-EX and Email

Re: Ventura Triangle Project, Project-10078

Dear Mr. Rosengren:

Better Neighborhoods Inc. (BNI) is an organization established to help communities implement real planning in their development decisions, to encourage smart growth and a consistent recognition of the needs of the community, to protect the natural environment, to support affordable housing, and to balance the needs for growth and livable cities.

In reviewing the Ventura Triangle Project Mitigated Negative Declaration, I find that implementing the project as described would result in potentially significant impacts to the environment and that these impacts would not be reduced to a less than significant level even with incorporation of the suggested mitigation measures.

Public Access/Public Recreational Opportunities

The proposal provides amply for scenic ocean views and recreational opportunities for its intended estimated 591 well-heeled residents from what is described in the Johnson Development Associates, Inc. ad as 'a fast-growing professional base, with 59,771 households making \$150,000+ within a 30-minute drive of the Ventura Triangle site,' (see <https://www.johnsondevelopment.net/multifamily/properties/ventura-triangle>). However, the planning requirement for public access and/or public recreational uses is not satisfied by a 10-ft by 12-ft concrete patch loftily described as a decorative bluff-top promenade along at the southern tip of the 11-acre site. Somehow this patch would also serve as a food/coffee truck entry driveway.

Mr. Jared Rosengren
Re: Ventura Triangle Project
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How exactly? There are also to be benches to enable public views of the Ventura Pier and Pacific Ocean. How would it all fit, one wonders?

It's unclear how said promenade would link to pedestrian/cycling paths to the beach and downtown. I note, for example, the pedestrian overpass across Hwy 101 shown in Figure 2, but it's not clear whether and how the promenade would link to it.

There are also to be 76 public parking spaces adjacent to the promenade, but they will all be located on a private street. How does parking on a private street qualify as public access?

This is a proposal for an exclusive residential complex with gates closed at all times, only accessible to residents and city public works and water staff. Guests would be granted access via a call box or similar entry option. In fact, there seems to be no real public access to the project within the plain meaning of those terms.

The proposal does refer at page 84 to an open area of 20,000 sq. ft. intended for public recreation. Is this the same open area that is currently being used by the public as a dog park/dog toilet? The report states that although the site is not officially designated for recreational uses, the General Plan encourages development that increases established recreational opportunities. Does this mean that the development will continue to provide and maintain space for non-resident dog owners and their dogs?

Insufficient public access and public recreational uses raise two further questions: Was consideration given to an alternative plan/s that would grant greater public coastal access and recreational uses? If not, does the city have any new parks planned in the area?

Public Access to Scenic Views

Another problem with the proposal arises from the city requirement that the project protect public access to scenic views. In addition to gates barring entry, a series of retaining walls of up to 10 feet surrounding the project would block any scenic views for all but the residents. Was consideration given to an alternative plan/s without such prohibitive retaining walls?

Glare

A 6-foot tall glass view fence along the 10 x 12 promenade would potentially cause glare visible by drivers along U.S. Highway 101, especially in the early morning and afternoon when the angle of the sun would have the greatest likelihood of causing glare. This is a potentially very dangerous and therefore significant environmental effect. Even if the tiny promenade was sufficient to meet city requirements, is there an example of a development that uses the type of glass and/or coating proposed to mitigate this effect?

Stormwater and Bioswale

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California's coastal hillsides seem especially vulnerable to seismic activity and occasional overwhelming downpours. The report at page 13 describes an impressive storm water runoff system that includes an infiltration/detention basin. Is there an example of this type of system operating successfully at a coastal hillside that shares this project's proclivity toward liquefaction?

Seismic-related Ground Failure/Liquefaction

The report discloses disturbing historical occurrences of liquefaction, local geological, geotechnical, and groundwater conditions that show potential for permanent ground displacement. While the project site is not located in an area with potential for earthquake-induced landslides, the nearby hillside to the north is identified as being subject to this hazard.

Liquefaction occurs when saturated soil is transformed from a solid to a liquefied state, particularly as the result of an earthquake. Ground failure caused by liquefaction can damage roads, pipelines, underground cables, and buildings with shallow foundations. What happens if the soils at the project liquefy in the event of an earthquake? What are the health and safety impacts if the project suffers structural damage from an earthquake? What about water supply at the project in the event of an earthquake? Could liquefaction release hazardous materials not removed during the site cleanup of 2015? What effect could liquefaction have on storm water drainage?

Mitigation Measure GEO-1: Grading/In-situ Ground Improvements to Address Liquefaction and Seismic Instability describes a complex strategy of over-excavation and replacement in addition to ground improvements in the form of rammed aggregate piers (RAP). Are there examples of projects at similar risk and at which such mitigation has been successfully applied and tested over time?

How would the removal of 170 trees described at page 37 of the report impact the risk of landslide and earthquake damage, including liquefaction? What if the trees were not removed?

Water

According to the report, "the spread between the current water demand and the current water supply is very tight, and in some conditions the supply could be less than the demand." The projected 2018 drought water supply numbers are less than the projected water demand numbers. This indicates that if the drought continues and the water shortage persists, the city's customers will need to continue to conserve water and comply with the Stage 3 water shortage emergency conservation measures and /or pay penalties for overuse of the City's water supply sources. Would it be prudent to approve such a high-density residential development when it's unlikely to provide adequate water? Were lower-density alternative/s considered?

Air Quality

Because the project is located close to the highway and train tracks, Mitigation Measure AQ4 has been recommended. This measure describes ventilation systems with advanced filtration to mitigate against health risks from Toxic Air Contaminants (TACs) resulting from proximity to a major

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freeway. Is there an example of a residential project that has overcome a similar risk using this measure?

Conclusion

In summary, the proposed development for a gated residential complex, however attractive to potential residents, fails to meet city requirements for public coastal access, public recreational uses and public access to scenic views. There is unlikely adequate water for residents especially at the density proposed. There is a considerable risk of devastation by liquefaction caused by the not unlikely prospect of seismic activity, a risk that has not been fully and properly assessed, and the glass viewing wall at an entirely inadequate promenade may create an unacceptable glare hazard.

Thank you for your consideration of these comments.

Sincerely,

Michael Goolsby

J. Michael Goolsby
President
Better Neighborhoods, Inc.

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PLAN CASE RECEIPT
5/18/18

Invoice Number: INV-5-18-460486
Invoice Date: 05/18/2018
Plan Case: Appeal, APL-5-18-45310

Fee Name		Fee Amount
Sign Posting Removal Deposit	Fixed	\$500.00
Appeal Fee	Fixed	\$1,120.00
Noticing Fee	Fixed	\$632.80
Total Fees Due:		\$2,252.80

PAYMENTS

Payer	Date	Pay Type		Amount Paid	Change
JANNEY & JANNEY	05/18/2018	Check	04843	\$252.80	\$0.00
JANNEY & JANNEY	05/18/2018	Check	04839	\$500.00	\$0.00
JANNEY & JANNEY	05/18/2018	Check	04840	\$500.00	\$0.00
JANNEY & JANNEY	05/18/2018	Check	04842	\$500.00	\$0.00
JANNEY & JANNEY	05/18/2018	Check	04841	\$500.00	\$0.00

Total Paid: \$2,252.80

Total Due: \$0.00