



# Ventura’s Willett Ranch Litigation

## ‘San Buenaventura Conservancy v. City of San Buenaventura and City Council of the City of San Buenaventura and Centex Corporation, Centex Homes’.

### Glossary Terms

#### Mitigated Negative Declaration [MND]

Under environmental law, projects must pass a long check list of environmental issues, such as traffic, noise, water, air, cultural resources, etc [note – Cultural Resources is the umbrella that catches historic sites]. In each category, the developer and the city must find ways to mitigate any adverse effects to ‘less than significant’. A ‘Negative Declaration’ is a check list where no adverse effects are found. A “Mitigated Negative Declaration” is a check list where adverse effects exist in a proposed project, but ways are found to mitigate these adverse effects. [Note – since 1998, CEQA clearly states you cannot mitigate a demolition to a less than significant level in a mitigated negative declaration.] Process Law is very clear that the next appropriate step is to conduct an Environmental Impact Report [EIR].

#### Environmental Impact Report [EIR]

A Environmental Impact Report explores ‘all feasible alternatives’ to save the historic resource, including intergration of the resource, moving the resource, and the infamous ‘no project’ alternative.

#### California Environmental Quality Act [CEQA]

Please visit: <http://ceres.ca.gov/ceqa/>

BY STAFF

February 25, 2008, closed the final chapter in the most significant decision the San Buenaventura Conservancy has made in its four-year existence; litigation. Except for a few articles in the Ventura County Star, the Conservancy was notably quiet over the last year – keeping a low profile and keeping our collective fingers crossed. Now that the lawsuit has been favorably settled, we can take a look back at this milestone in our short history.

After much discussion and correspondence with preservation scholars and historic resource professionals in Los Angeles and Sacramento, the Conservancy decided to file a lawsuit against the City of Ventura over California Environmental Quality



The Willett Ranch – Farm Buildings surrounded by Lemon Orchards, 2007.

Act [CEQA] procedures. The Conservancy board repeatedly heard one refrain from other preservation groups who had also filed litigation to

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# Did you know...

# Views from the Porch

PRESIDENT'S COLUMN

## CITY OF VENTURA

- **Historic Preservation Committee** [HPC] meets every 4th Monday of the month at 4 p.m., Santa Cruz Room | City Hall.
- **Planning Commission** meets the 1st & 3rd Tuesday of each month at 7 p.m., Council Chambers/City Hall.
- **Design Review Committee** [DRC] meets the 2nd & 4th Tuesday of each month at 4 p.m., Council Chambers | City Hall.
- **City Council** meets every Monday at 6 p.m., Council Chambers | City Hall. [www.ci.ventura.ca.us](http://www.ci.ventura.ca.us) for agendas and minutes.

## VENTURA COMMUNITY COUNCILS

- **Westside Community Council** – for meeting times and locations, please visit website at: [www.wcventura.org](http://www.wcventura.org).
- **Downtown Ventura Organization** please visit website for meeting times. [www.downtownventura.org](http://www.downtownventura.org).
- **Midtown Community Council** meets the 2nd Thursday of each month at 7 p.m., Cooper Hall | 65 S. MacMillan Ave. [www.midtownventura.org](http://www.midtownventura.org).
- **East Ventura Community Council** meets the 3rd Thursday of each month at 7 p.m., 1st Assembly of God Church | 346 N. Kimball Road, Room E-3. More info – 647-5422.

## CITY OF FILLMORE

- **City Council** meets the 2nd & 4th Tuesday of each month at 6:30 p.m., City Hall. [www.fillmoreca.com](http://www.fillmoreca.com).

## CITY OF OXNARD

- **City Council** meets generally 3 Tuesdays per month at 5:30 p.m., please visit their website for exact dates. [www.ci.oxnard.ca.us](http://www.ci.oxnard.ca.us).

## CITY OF SANTA PAULA

- **City Council** meets the 1st & 3rd Monday of each month at 6:30 p.m., City Hall. [www.ci.santa-paula.ca.us](http://www.ci.santa-paula.ca.us).

## COUNTY OF VENTURA

- **CULTURAL HERITAGE BOARD** meets the 2nd & 4th Monday of each month at County Hall of Administration | Govt. Center. [www.ventura.org/rma/planning](http://www.ventura.org/rma/planning)

Thank you all for your confidence in me as I take on the responsibilities as president for the next two years. No arm twisting was required in this case, because I am truly passionate about historic preservation in Ventura County and I'm looking forward to transitioning some of the Conservancy's resources back into programming. The last few years have seen landmark [pun intended] policies, plans and ordinances put in place in Ventura, and your Conservancy has been in the trenches, making sure every document casts a favorable light on historic resources.

The impact of our advocacy has been great, and we can already see successes in the processes and tools we use to protect our valuable historic fabric.

2005, 2006 and 2007 were watershed years in Ventura, with the General Plan, Downtown Specific Plan, Cultural Plan, and a host of new development proposals swirling around city hall in various stages of drafts, EIRs, public meetings, stakeholder meetings, and charrettes. This was the appropriate time for the Conservancy to start reading every document, and commenting at every public meeting as the voice of historic preservation. Now that most of this groundwork is in place, future city plans will use this foundation as a guide.

Over the next year we hope to host workshops by the California Preservation Foundation on Historic Integrity and the Secretary of the Interior's Standards for Historic Preservation. Then in January 2009, we hope to have a tour focused on downtown sites that will be scheduled with the 5th Annual California Cultural and Heritage Tourism Symposium. Of course we'll still look out for our resources, but let's have a little fun while we're at it.

Does any of this seem compelling? Well then give me a call and volunteer your time to help the Conservancy. New committees are forming for archeology and Foster House preservation, and we'll need help planning the January tours. We have a new membership volunteer, Emma Armstrong, who has great ideas about boosting membership. I'd still like to see members walking some of the historic districts on the weekend passing out this newsletter to historic homeowners and sharing the preservation message. Who knows, you might even get invited in for an impromptu tour home tour, I know I have. My phone number is on the back of the newsletter – if you have a question or would like to volunteer, call me – that's what makes our organization work.

With history,  
– Stephen Schafer

## Looking For An Easy Stripper?

Now that we have your full attention. Good painting technique dictates the removal of hardware from doors, windows, etc. The lazy folks just paint over – everything. BUT don't fret, you can rescue most of your paint-mired metal from the depths of doom. There is a relatively painless, chemical and tool free solution: A crock pot, water, liquid detergent and a long, hot bath. The long, hot soak breaks the hardware from paint bondage! For the most part, you should be able to just slip the layers of paint right off with your hands. Should you find a tough spot, try a non-abrasive brush and a little elbow grease, anything more aggressive may damage the metal. Once you've removed all that stubborn paint, you may need to polish your piece to restore the luster.

# ...now you do!

Get involved!

# Willett Ranch Litigation

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protect historic resources; "It's not a matter of IF you will sue, but rather a matter of WHEN you will sue." What else convinced us to proceed? The pre-eminent historic resource attorney in California was willing to take our case on contingency because it was such an egregious violation, and if an organization is going to draw a line in the sand, then choosing a winning battle is key.

Communities large and small have one thing in common; that 'unfamiliarity' with state environmental procedures for historic resources, coupled with development pressures create the perfect storm for demolition of valuable resources. However, most communities also learn from their mistakes, so the other equally important by-product of this lawsuit are the improvements to the process so these same mistakes never happen again.

Here's a highly simplified time line to illustrate the 'what' we've been obsessing over since June. [Please see sidebar for glossary terms, page 1.]

WILLETT RANCH is a 27-acre lemon orchard on Ventura Avenue between School Canyon Road and Seneca Street. It was first purchased by Jacklin Willett in 1874, and by 1879 the Willetts were farming an orchard of mostly almond trees, then later apricots. The property retains a home built in 1906, an employee residence and garage built c.1915, a ranch office building built c1940 and associated outbuildings.

In July 2003, an historic resource study on the Willett Ranch was conducted for Centex Homes, the developer of the property. The report determined that the site was eligible for local landmark status. This report was not submitted to the city until 2007.

By early 2007, Centex had designed and re-designed their project many times [per various city requests], spending a great deal of time, energy and money, and they were nearing final project approval from planning commission and city council.

Centex's historic resource report stated that the mitigations for demolishing the structures would be photographic documentation, landscape planting of lemon and avocado trees, and the

creation of an interpretive exhibit highlighting the history of the Willett Family. The city's planning department took these recommendations as acceptable mitigations, and issued a 'mitigated negative declaration' [MND].

In February 2007, before final approval of the redesigned project plans, the historic report was presented to the Historic Preservation Committee [HPC] for the first time. The San Buenaventura Conservancy attended the meeting and along with the HPC, Conservancy representatives made comments stating that the MND was not an acceptable when demolishing an eligible landmark. HPC rejected the MND as inappropriate, as well.

However, the MND, went forward through the Planning Commission and on to City Council for approval on June 6, 2007, despite comments to the contrary from Conservancy representatives at these final public meetings.

At the City Council meeting the SBC urged the council to reject the MND, as inappropriate, requesting an EIR be conducted as the correct next step. City Council voted 6 to 1 in favor of the MND.

To prevent this scenario being repeated time and time again, SBC filed suit against Centex Homes and the City on June 26, 2007, under the guidance of renowned CEQA Attorney Susan Brandt-Hawley of the Brandt-Hawley Law Group. As part of the suit, we stated that this was the latest in a continuing 'pattern and practice' by the city of approving projects without proper CEQA review

and process, case in point the Mayfair Theater. [It is important to note that the developer bears all the cost of the litigation - including the city's - in development projects such as this.]

Our primary argument was that an EIR was required. Since the goal of an EIR - in the case of an historic resource - is to find ways to save the resource, our attorney urged us to communicate directly with the developer. A meeting was set up, and within one half-hour, the developer had agreed to retain, and relocate

the four main structures of the farm complex and incorporate these structures within his development as viable living and working spaces. An interpretive plan was also negotiated whereby the Willett Ranch story would be told throughout the property site.

Since such a swift and responsive solution was proposed by the developer, a settlement was proposed instead of proceeding to trial - thus allowing for much needed housing and affordable senior units. The city admits no wrong doing, and the city council's approval remains in place. This settlement allows both sides a win-win scenario. The developer gets to proceed, and at the same time, preservation of a historic resource is ensured.

Our opinion is that the outcome was precisely what an EIR would have illustrated; that preservation on site was a feasible way of retaining this historic resource.

A valuable lesson from all of this is communication early on in the development process - saves time, saves money and saves our invaluable and irreplaceable historic fabric. ❖❖❖



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# 2008 Town Calendar

- 03/10 · County Historic Board Meeting
- 03/12 · SBC Board Meeting
- 03/24 · Historic Preservation Committee Meeting
- 04/09 · SBC Board Meeting
- 04/14 · County Historic Board Meeting
- 04/19 · MVCC Home and Garden Tour | Earth Day Expo
- 04/23-26 · 33rd CPF Conference – Napa Valley
- 04/28 · Historic Preservation Committee Meeting
- 05/12 · County Historic Board Meeting
- 05/14 · SBC Board Meeting
- 06/10 · County Historic Board Meeting
- 06/11 · SBC Board Meeting
- 06/23 · Historic Preservation Committee Meeting

## Mission Statement

The San Buenaventura Conservancy is a non-profit membership organization that works through advocacy and outreach to recognize, preserve and revitalize the irreplaceable historic, architectural and cultural resources of San Buenaventura and surrounding areas. We seek to increase public awareness of, and participation in, local preservation issues, and disseminate information useful in the preservation of the structures and neighborhoods of San Buenaventura.



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DATED  
MATERIAL

