



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Project Planner

DATE: September 4, 2008

SUBJECT: Certification of Final Environmental Impact Report (FEIR) 06-04

- 1) **Recommendation:** That the Planning Commission certify Final Environmental Impact Report (EIR 06-04) for the Casden Development Projects.
- 2) **Project Description and Applicant:** A request to certify the Casden Development Projects Final Environmental Impact Report (FEIR). Casden is proposing a development of approximately 35 acres of land, located on the northwest corner of Vineyard Avenue and Ventura Road in the City of Oxnard, County of Ventura, California. The first residential project (Vineyard-Ventura Homes Project) consists of a total of 201 single family and cluster homes on a 25.4-acre site (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 and 179-0-040-625 – 1801 West Vineyard Avenue). The second residential development project (Ventura Townhomes Project), located on the west side of Ventura Road (approximately 1,500 feet north of Vineyard Avenue) consists of 143 two- and three-story townhomes on a 9.6 acre site (APN 179-0-070-265 – 2501 Ventura Road). Both developments will be gated communities. Filed by Casden Properties, LLC.
- 3) **Environmental Determination:** A Final EIR (No. 06-04) addressing the potential environmental effects of the proposed development projects has been prepared. Areas of concern were:
 - **Air Quality:** increased generation of pollutant emissions and the projects' consistency with the Ventura County Air Quality Management Plan.
 - **Hazardous Materials:** appropriate remediation of on-site soils associated with the closed Bailard Landfill.
 - **Hydrology and Water Quality:** increased impervious surfaces from development, and resulting increase of stormwater runoff offsite.
 - **Noise:** attenuation of existing and future traffic noise on proposed Projects' residential receptors.

- **Transportation & Circulation:** generation of additional vehicular trips on the regional traffic network, including the U.S. 101 interchanges with Ventura Road and Oxnard Boulevard.

The DEIR public review period extended from May 30 – July 14, 2008. A public hearing on the DEIR was conducted before the Planning Commission on June 16, 2008. Although not legally required, responses to verbal comments were addressed in the FEIR. The FEIR addresses written comments submitted by the Native American Heritage Commission, Public Utilities Commission, State Office of Planning and Research, Ventura County Public Works Agency, Transportation Department; Ventura County Air Pollution Control District, Ventura County Environmental Health, Venturoeno Chumash Council, Gold Coast Transit, Anthony Murguia, Jean Kirwin, Shirley Crain, and Demetrius Zeigler, of Casden Properties, LLC. As a result of the comments, changes and corrections were made to several DEIR sections that are detailed in the attached FEIR document under Section 13.0 Response to Comments, and Section 14.0 Corrections and Additions. FEIR Section 9.0 Mitigation Monitoring and Reporting Program, illustrates the process for implementing all required mitigation measures.

The FEIR concludes that all impacts were less than significant (Class III impact) or mitigatable to less than significant levels (Class II impact). Staff recommends that the Planning Commission certify FEIR 06-04 (Attachment C). Included in the certification resolution are recommended Findings of Fact.

- 4) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's decision to certify the Final EIR may be appealed to the City Council within 18 days.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. FEIR 06-04 (previously distributed)
- C. FEIR Resolution (including MMRP and Findings of Fact)

Prepared by: <u>KM</u> KM
Approved by: <u>SM</u> SM

RESOLUTION NO. 2008-[EIR - 06-04]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 06-04 (SCH #20067071087) FOR THE CASDEN DEVELOPMENT PROJECTS LOCATED ON THE NORTHWEST CORNER OF NORTH VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 AND 179-0-040-625) 1801 W. VINEYARD AVENUE AND 1,500 FEET NORTH OF THE INTERSECTION OF VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-070-265), 2501 N. VENTURA ROAD. FILED BY CASDEN PROPERTIES, LLC., 9090 WILSHIRE BLVD., 3RD FLOOR, BEVERLY HILLS, CA 90211

WHEREAS, the Planning Commission of the City of Oxnard has thoroughly considered Final Environmental Impact Report No.06-04 (State Clearinghouse # 2007071987) (the "EIR") for the Casden Development Projects (the project), which has been prepared in accordance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council; and

WHEREAS, the Planning Commission has held a public hearing and received and considered oral and written testimony on the Final EIR; and

WHEREAS, the comments of the Commissioners, members of the public, and interested groups and agencies have been adequately responded to.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard:

1. Certifies that the Final EIR was completed in compliance with CEQA and reflects the City of Oxnard's independent judgment.
2. Certifies the adequacy of Final Environmental Impact Report No. 06-04.
3. Approves the Mitigation Monitoring and Reporting Program for the project set forth in Exhibit A and Findings of Fact Exhibit B.

The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of September, 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

EXHIBIT A

Exhibit A

9.0 MITIGATION MONITORING AND REPORTING PROGRAM

CALIFORNIA MITIGATION MONITORING AND REPORTING PROGRAM CASPER DEVELOPMENT PROJECTS FINAL EIR Air Quality Monitoring		
AIR QUALITY		
<p>The following City of Oxnard standard dust control conditions would be applied to all grading permits:</p> <p>MM AQ-1.1. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>
<p>MM AQ-1.2a. During construction, Developer shall control dust by the following activity:</p> <p>All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>
		<p>City of Oxnard Development Services and Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS EIR			
ACTION REQUIRED			
<p>MM AQ-1.2b. During construction, Developer shall control dust by the following activity:</p> <p>All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>MM AQ-1.3. Developer shall provide for dust control at all times during project property preparation and construction activities.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>MM AQ-1.4. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>MM AQ-1.5. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS EIR			
Mitigation Requirements		Timing	
<p>MM AQ-1.6. Throughout construction, Developer shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>MM AQ-1.7. Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. A vacuum truck or suction sweeper shall be used to collect soil on paved surfaces. The use of leaf blowers is prohibited.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>MM AQ-1.8. If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>MM AQ-1.9. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR		Enforcement
Action Required	Timing	Enforcement
<p>MM AQ-1.10. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>
<p>MM AQ-1.11. The Applicant shall comply with all provisions of APCD's Rule 55, Fugitive Dust.</p>	<p>Measure shall be included as a note on grading plans, and implemented during grading and construction.</p>	<p>Prior to issuance of grading permits, and during grading and construction.</p>
<p>MM AQ-4. Low VOC-emissions paints should be used unless demonstrated to be economically infeasible.</p>	<p>Measure shall be included as a note on a separate informational sheet to be recorded with building plans.</p>	<p>Prior to issuance of final building permits.</p>
<p>MM AQ-5a. All buildings/structures shall be designed to exceed the energy efficiency requirements of Title 24 by at least 10 percent</p>	<p>Measure shall be included as a note on a separate informational sheet to be recorded with building plans.</p>	<p>Prior to issuance of final building permits.</p>
<p>MM AQ-5b. The project applicant shall coordinate with the local transit agency and/or the Oxnard Traffic and Transportation Manager to provide public transit to the project site.</p>	<p>Measure shall be included as a note on a separate informational sheet to be recorded with building plans.</p>	<p>Prior to issuance of a certificate of occupancy.</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR			
Action Required			
<p>MM AQ-5c. Each Planned Development Permit submitted shall include the following on-site design requirements, unless demonstrated to be economically or logistically infeasible:</p> <ul style="list-style-type: none"> i. Duct system within the building thermal envelope, or insulated to R-8; ii. Passive cooling strategies such as passive or fan-aided cooling planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes; iii. Outdoor lighting designed for high efficiency, solar-powered or controlled by motion detectors; iv. Natural lighting in buildings; v. Use of concrete or other non-polluting materials for parking lots instead of asphalt; vi. Use of landscaping to shade buildings and parking lots; vii. Installation of energy efficient appliances and lighting; viii. Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals; and ix. Installation of sidewalks and bike paths. 	<p>Measure shall be included as a sheet on the building plans.</p>	<p>Prior to issuance of final building permits.</p>	<p>City of Oxnard Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS EIR			
ACCEPTED MITIGATION MONITORING AND REPORTING PROGRAM			
<p>MM AQ-5d. TDM Fund Contribution. Project developers (Casden) shall contribute toward a Transportation Demand Management (TDM) fund to be used to develop regional programs to offset air pollutant emissions associated with buildout of the Vineyard-Ventura Homes and the Ventura Road Townhomes Projects. Calculation and payment of fees and shall occur prior to issuance of building permits for individual developments; therefore, the calculations provided in this DEIR are estimations based upon all available information and are subject to reevaluation by the City at the time of payment.</p> <p>The estimated total amount that would currently be contributed to an off-site Transportation Demand Management fund, based upon the methodology described in the Ventura County Air Pollution Control District Air Quality Assessment Guidelines and mitigated emission estimates for full Casden Development buildout, would total approximately \$79,726 over three years, starting in 2011, the estimated year of occupancy.</p>	<p>Developer shall pay appropriate development fees as calculated at the time of building permit issuance.</p>	<p>Payment of fees shall occur prior to building permit issuance.</p>	<p>City of Oxnard Development Services and Planning Division</p>
BIOLOGICAL RESOURCES			
<p>MM BIO-1a. All construction equipment and maintenance materials, including staging areas and dispensing of fuel, oil or other toxicants shall occur in designated upland areas outside of any adjacent waters of the U.S., or any other biologically sensitive habitat areas.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Development Services and Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR		Mitigation Monitoring and Reporting Program	
Measure	Action Required	Timing	Responsible Agency
<p>MM BIO-1b. Prior to initiating any construction activities, construction pollutant reduction measures shall be installed in all proposed drainage systems at the property lines to the satisfaction of the City Engineer, in order to eliminate the introduction of contaminants into areas adjacent to the project site.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Development Services and Planning Division</p>
<p>MM BIO-1c. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Development Services and Planning Division</p>
<p>MM BIO-1d. If project construction occurs during the migratory bird nesting season (defined as February 1 through August 31), a focused avian nest survey shall be performed by a qualified biologist two (2) weeks prior to the construction to identify any active migratory bird nesting, in accordance with the Migratory Bird Treaty Act (16 U.S.G. 703-712). If any active nests are detected, the nesting area shall be flagged at 20- foot intervals with a buffer of 100 to 300 feet and shall be avoided. The buffer shall be maintained until such a time that a qualified biologist provides a report documenting that either: 1) no active nests are present; or 2) the young nestlings have left the nest.</p>	<p>Developer shall limit site grading activities to September 1st through January 31st. Recordation of grading limitations shall occur on the project plans. Alternatively, should the Developer(s) desire to grade during the aforementioned period, Developer may provide a copy of the biological survey report for the City review and approval. A contract for biologist monitoring during grading shall also be submitted for City for review and approval.</p>	<p>During grading and construction.</p>	<p>City of Oxnard Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
CASDEN DEVELOPMENT PROJECTS FINAL EIR**

HAZARDOUS MATERIALS			
<p>MM HAZ-2. Prior to issuance of a building permit, remediation of all soils and landfill debris on the Ventura Road Townhomes project site shall be required. In order to ensure appropriate regulatory oversight over this effort, the applicant will determine and engage the appropriate Lead Enforcement Agency (LEA). Prior to initiation of remediation work a lead enforcement agency (LEA) will be selected for oversight and approval of the proposed clean-up work. Agencies capable of providing such oversight include the Ventura County Environmental Health Division, (VCEHD), California Regional Water Control board (CRWQCB), California Integrated Waste Management Board (CIWMB,) and state Department of Toxic Substances Control (DTSC).</p>	<p>Measure shall be included in construction documents and implemented prior to construction. Developer shall provide documentation verifying successful remediation.</p>	<p>Remediation shall occur prior to issuance of building permits</p>	<p>City of Oxnard Planning Division and appropriate LEA</p>
<p>MM HAZ-3. In order to avoid potentially significant off-site impacts from improper disposal of hazardous wastes, during grading landfill debris removal operations shall include mandatory segregation of hazardous materials (principally the soils with high levels of lead) contained within the landfill material, and proper disposal of these hazardous materials. Selective grading techniques under continuous environmental monitoring shall be utilized to help differentiate impacted landfill debris from non impacted debris. The Department of Toxic Substances Control (DTSC) shall determine if it is feasible to screen and segregate</p>	<p>Measure including specification of landfill debris stockpiling and disposal methods shall be included on grading and construction plans.</p>	<p>Prior to issuance of grading permits, and ongoing verification during grading</p>	<p>City of Oxnard Planning Division, DTSC</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR			
Action Required			
<p>non impacted landfill debris for possible reuse as controlled fill or for export. Stockpiling and retesting of the non-hazardous landfill materials shall be performed prior to reuse of the soils on-site or their disposal in a non-hazardous waste facility.</p>			
<p>Recommended MM HAZ-4 Final Vineyard-Ventura Homes Project site and grading plans shall be reviewed and approved by the County of Ventura Environmental Health Division (EHD) prior to issuance of grading permits, to ensure that project design is consistent with any amendments to the Santa Clara Landfill Closure/Post-Closure Maintenance Plan (CPCMP).</p>	<p>Developer shall submit the site and grading plans to the EHD for review and approval.</p>	<p>Prior to issuance of a grading permits.</p>	<p>County of Ventura EHD, and City of Oxnard Planning Division</p>
<p>MM HAZ-5. To reduce construction worker safety impacts, the developer shall prepare a comprehensive Site Specific Risk Assessment and Health/Safety Plan for approval by the state Department of Toxic Substances Control (DTSC) (or other lead enforcement agency) prior to the issuance of a grading permit or initiation of remedial actions, whichever activity is earlier in the process.</p>	<p>Developer shall provide an approved Site Specific Risk Assessment and Health/Safety Plan to the City. Developer shall provide City with a deposit for City to retain an expert to review and provide consultant to the City on said report.</p>	<p>Prior to issuance of a grading permits or initiation of remedial actions.</p>	<p>City of Oxnard Planning Division</p>
HYDROLOGY and WATER QUALITY			
<p>MM WR-1. Prior to the issuance of grading or construction permits for each of the two projects, the project applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP)</p>	<p>Developer shall submit a SWPPP and provide applicable grading and construction plans incorporating the SWPPP to the</p>	<p>Prior to issuance of grading or construction permits and during grading and construction.</p>	<p>City of Oxnard Services Division Development</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS EIR			
Action Required		Timing	
to the City of Oxnard Development Services and the RWQCB. City Development Services staff shall also provide periodic monitoring during the construction phases of both projects to ensure compliance with the submitted SWPPP.	City for review and approval,		
MM WR-2. Prior to the issuance of grading or construction permits, the applicant shall submit a final surface drainage system plan, including parameters for insuring the long-term maintenance and operation of the drainage systems plan to the City Development Services Department for review and approval.	Developer shall submit a final surface drainage system plan to the City for review and approval.	Prior to issuance of grading or construction permits and approval of final building permits.	City of Oxnard Services Division Engineering
NOISE			
N-1a. Diesel Equipment. Construction contractors shall operate all diesel equipment with closed engine doors, the equipment shall be equipped with factory-recommended mufflers, and engine idling shall be kept to a minimum.	Measures shall be included in construction documents and implemented during grading and construction.	Prior to issuance of grading and building permits, and during grading and construction.	City of Oxnard Planning Division
N-1b. Electrical Power. Whenever feasible, construction contractors shall use electrical power to run air compressors and similar power tools. Any construction or caretaker trailers shall be connected to existing electrical utility lines on or adjacent to the project area.	Measures shall be included in construction documents and implemented during grading and construction.	Prior to issuance of grading and building permits, and during grading and construction.	City of Oxnard Planning Division
N-1c. Sound Blankets. When feasible, construction contractors shall use sound blankets on noise-generating equipment.	Measures shall be included in construction documents and implemented during grading and construction.	Prior to issuance of grading and building permits, and during grading and construction.	City of Oxnard Planning Division

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR			
Mitigation Measure		Timing	
Action Required			
<p>N-1d. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices (i.e., mufflers, lagging and/or motor enclosures to City's satisfaction), and these devices shall be located at a minimum of 200 feet from noise sensitive receptors.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>N-1e. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. In general, quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>N-1f. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, is generated.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>N-1g. The applicant shall post the construction superintendent contact information, including cell phone number, and City of Oxnard Community Services Department on a signs surrounding the project site throughout construction. The signs shall also include the approved daily hours of operation, such that any public complaints can be reported efficiently.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR			
Mitigation Measure		Action Required	
<p>N-1h. Stockpiling, dirt hauling routes, and vehicle staging areas shall be located as far as practical from sensitive noise receptors, including residents. Every effort shall be made to create the greatest distance between noise sources and sensitive receptors during construction activities.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>N-1i. Staging areas shall be provided on-site to minimize off-site transportation of heavy construction equipment. The staging areas shall be located to maximize the distance to residential areas.</p>	<p>Measures shall be included in construction documents and implemented during grading and construction.</p>	<p>Prior to issuance of grading and building permits, and during grading and construction.</p>	<p>City of Oxnard Planning Division</p>
<p>MM N-3 The design for the detached single family residential structures immediately adjacent to Vineyard Avenue and Ventura Road, as well as for townhome units incorporating the eastern façade of Building #4 and Building #5 of the Ventura Road Townhomes project site, shall enable closure of windows to achieve the City of Oxnard Code 45 CNEL interior noise standard. These units shall include a means by which adequate ventilation can be provided with the windows closed, i.e., mechanical ventilation and/or air-conditioning. The mechanical ventilation and/or air-conditioning shall be in accordance with the latest edition of the California Building Code (CBC).</p>	<p>Developer shall provide copies of applicable building plans that demonstrate compliance with the City's Noise Code as well as compliance with the CBC.</p>	<p>Prior to issuance of building permits.</p>	<p>City of Oxnard Planning Division</p>
CULTURAL RESOURCES			
<p>CR-1 Developer shall contract with a qualified archaeologist to conduct a Phase I cultural</p>	<p>Developer shall provide a copy of the contract for services to the City for review and approval.</p>	<p>Prior to issuance of grading permits.</p>	<p>City of Oxnard Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR		ACTION REQUIRED	
<p>resources survey of the project site prior to issuance of any grading permits. The survey shall include: (1) an archaeological and historical records search through the California Historical Resources Information System at Cal State Fullerton; and (2) a field inspection of the project site. Upon completion, the Phase I survey report shall be submitted to the Planning Division for compliance verification. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to initiation of the Phase I activities. The monitoring contract shall include provisions in case any cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. A city-qualified archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future mitigation resulting from the evaluation</p>		<p>During site grading activities and finalized prior to approval of final building permits.</p>	<p>City of Oxnard Planning Division</p>
<p>CR-2 Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a weekly report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services</p>	<p>Developer shall provide a copy of the contract for services to the City for review and approval. Developer shall provide monthly reports to the City for review during periods of actual grading</p>	<p>Prior to issuance of grading permits. During site grading activities and finalized prior to approval of final building permits.</p>	<p>City of Oxnard Planning Division City of Oxnard Planning Division</p>

MITIGATION MONITORING AND REPORTING PROGRAM CASDEN DEVELOPMENT PROJECTS FINAL EIR		
Mitigation Measure	Action Required	Timing
<p>shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature.</p>	<p>and/or trenching deeper than 18 inches.</p>	
GEOLOGY AND SOILS		
<p>GEO-1 The applicant shall submit a site-specific soils investigation prepared by a licensed geotechnical engineer. At a minimum, the study shall include liquefaction and compressible soils characteristics on-site and shall identify any necessary construction techniques or other mitigation measures to prevent significant earthquake/liquefaction/compressible soils impacts on the proposed project. All recommendations of the report shall be incorporated into the project as conditions of approval.</p>	<p>Developer shall provide copies of applicable grading and building plans incorporating the investigation recommendations to the City for review and approval.</p>	<p>Prior to issuance of grading permits and approval of final building permits</p>
<p>GEO-2 All construction shall meet the minimum requirements of the California Building Code (CBC) for anticipated seismic activity within the region.</p>	<p>Developer shall provide copies of applicable grading and building plans incorporating the investigation recommendations to the City for review and approval.</p>	<p>Prior to issuance of grading permits and approval of final building permits</p>
		<p>City of Oxnard Engineering Services Division</p>
		<p>City of Oxnard Engineering Services Division</p>

EXHIBIT B

Exhibit B
STATEMENT OF FINDINGS OF FACT

SECTION I: INTRODUCTION

The following findings are based in part on the information contained in the Final Environmental Impact Report (EIR) for the Casden Development Projects (SCH #2007071087) as well as additional facts found in the complete record of proceedings.

As defined by Section 15050 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City of Oxnard is serving as "Lead Agency," responsible for preparing the EIR for the proposed Casden Development Projects.

In accordance with the requirements of the CEQA Guidelines, the City of Oxnard determined that an EIR should be prepared to analyze the potential impacts associated with the approval and implementation of the proposed project. A Notice of Preparation (NOP) was distributed by the City of Oxnard on July 12, 2007 and sent to public agencies and other parties stating that an EIR was going to be prepared by the City. In accordance with the requirements of CEQA, a 45-day period beginning on July 12, 2007 was provided for responses to the NOP. This review period ended on August 10, 2007.

Based on public comments in response to the NOP and a review of environmental issues by the City of Oxnard Planning Division, the Draft and Final EIRs' address the following topics in full detail:

- *Air Quality*
- *Biological Resources*
- *Hazardous Materials*
- *Hydrology and Water Quality*
- *Land Use and Planning*
- *Noise*
- *Public Services*
- *Recreation*
- *Transportation/Circulation*

The issues of Cultural Resources, and Geology/Soils were found to be potentially significant, but standard mitigations and city practices were found to reduce impacts to less than significant. Project impacts on Aesthetics, Agricultural Resources, Mineral Resources, Population and Housing, and Utilities and Service Systems were identified in

the Initial Study as not being significantly impacted by project-induced changes to the environment and were, therefore, discussed in less detail.

The Final EIR (FEIR) evaluated the environmental impacts of the proposed Casden Development Projects, which consists of a series of related discretionary actions requested of the City of Oxnard including the following Planning and Zoning Permits.

Vineyard-Ventura Homes Project

- PZ 06-620-01 (General Plan Amendment)
- PZ 06-630-01 (Specific Plan Amendment)
- PZ 06-570-02 (Zoning Change)
- PZ 06-540-01 (Special Use Permit/Planned Residential Group)
- PZ 06-300-01 (TSM) Tentative Subdivision Map
- 07-650-01 (Development Agreement)

Ventura Road Townhomes Project

- PZ 07-620-04 (General Plan Amendment)
- 07-630-02 (Specific Plan Amendment)
- 07-570-03 (Zoning Change)
- 07-540-03 (Special Use Permit/Planned Residential Group)
- 07-300-11 (TSM) Tentative Subdivision Map
- 07-650-02 (Development Agreement)

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City Council's decision on the Casden Development Projects consists of the following:

- All reports, studies, maps, plans, and correspondence received from the applicant in connection with the proposed project;
- The project NOP, dated July 12, 2007;
- All written comments received in response to the NOP;
- The Casden Development Projects Draft EIR (dated April 2008), including all of its appendices;
- Copies of all letters received by the City during the public review period for the Casden Development Projects Draft EIR (provided in section 13.0 of the FEIR);

- Responses to significant environmental points raised in the letters concerning the Draft EIR and the comments made at the June 19, 2008 Oxnard Planning Commission DEIR Public Hearing (provided in section 13.0 of the FEIR);
- The Casden Development Projects FEIR (dated August 2008), including all of its appendices; and
- The Mitigation Monitoring and Reporting Program (provided in section 9.0 of the FEIR).

The FEIR and all documents identified above are hereby incorporated by reference and are available for review at the City of Oxnard Community Development Department, 305 West Third Street, Oxnard, California.

SECTION 2. FINDINGS OF FACT

The following findings are made in order to approve and certify the Final EIR:

1. The EIR contains all of the mandatory contents of Environmental Impact Reports, as contained in Sections 21000-21177 of the California Public Resources Code. In addition, all of the procedures for preparation and review of Environmental Impact Reports required by Article 7 of the CEQA Guidelines have been complied with.

Finding No. 1:

The City Council hereby finds that the EIR for the Casden Development Projects has been prepared in compliance with CEQA. City staff reviewed the document for accuracy, consistency, and completeness prior to its release for public review. Therefore, it is found that the EIR document reflects the independent judgment of the City of Oxnard.

2. Pursuant to Section 15091 of the CEQA Guidelines:

“No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) *Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes*

have been adopted by such other agency or can and should be adopted by such other agency.

- (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR."*

The following environmental impact findings on specific environmental issues are made in order to approve the project:

A. Air Quality

***Construction Period Emissions
(Vineyard-Ventura Homes Project, Ventura Townhomes Project)***

Construction-related activities are generally short-term in duration and the Ventura County Air Pollution control District (VCAPCD) does not recommend any thresholds of significance for construction-related emissions. Instead, the VCAPCD bases the determination of significance on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by the Ventura County Air Quality Assessment Guidelines relating to construction activities are implemented for a project, then construction emissions are not considered significant.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Mitigation Measure AQ-1:

The following City of Oxnard standard conditions would be applied to all grading permits. Prior to land use clearance for any map recordation, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

- 1.1: *During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph.*
- 1.2a *During construction, Developer shall control dust by the following activity:*

All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

1.2b During construction, Developer shall control dust by the following activity:

All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.

1.3 Developer shall provide for dust control at all times during project property preparation and construction activities.

1.4 During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less.

1.5 During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite.

1.6 Throughout construction, Developer shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways.

1.7 Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. A vacuum truck or suction sweeper shall be used to collect soil on paved surfaces. The use of leaf blowers is prohibited.

1.8 If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

1.9 After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

1.10 The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such

persons shall be provided to the Air Pollution Control District prior to land use clearance.

1.11 The Applicant shall comply with all provisions of APCD's Rule 55, Fugitive Dust.

**Operational Emissions
(Vineyard-Ventura Homes Project, Ventura Townhomes Project)**

Long-term occupancy of the projects including stationary sources and mobile sources (traffic) would generate daily operational emissions in excess of 25 pounds per day for nitrogen oxide (NO_x) and reactive organic compounds (ROC).

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

The Final EIR includes the following mitigation measures to minimize long term operational impacts associated with estimated project ROC and NO_x emissions:

Mitigation Measure AQ-5a:

All buildings/structures shall be designed to exceed the energy efficiency requirements of Title 24 by at least 10 percent.

Mitigation Measure AQ-5b:

The project applicant shall coordinate with the local transit agency and/or the Oxnard Traffic and Transportation Manager to provide public transit to the project site.

Mitigation Measure AQ-5c:

Each Planned Development Permit submitted shall include the following on-site design requirements, unless demonstrated to be economically or logistically infeasible:

- a. *Duct system within the building thermal envelope, or insulated to R-8;*
- b. *Passive cooling strategies such as passive or fan-aided cooling planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes;*
- c. *Outdoor lighting designed for high efficiency, solar-powered or controlled by motion detectors;*
- d. *Natural lighting in buildings;*
- e. *Use of concrete or other non-polluting materials for parking lots instead of asphalt;*
- f. *Use of landscaping to shade buildings and parking lots;*

- g. Installation of energy efficient appliances and lighting;*
- h. Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals; and*
- i. Installation of sidewalks and bike paths.*

Mitigation Measure AQ-5d:

TDM Fund Contribution. *Project developers (Casden) shall contribute toward a Transportation Demand Management (TDM) fund to be used to develop regional programs to offset air pollutant emissions associated with buildout of the Vineyard-Ventura Homes and the Ventura Road Townhomes Projects. Calculation and payment of fees and shall occur prior to issuance of building permits for individual developments; therefore, the calculations provided in this DEIR are estimations based upon all available information and are subject to reevaluation by the City at the time of payment.*

The estimated total amount that would currently be contributed to an off-site Transportation Demand Management fund, based upon the methodology described in the Ventura County Air Pollution Control District Air Quality Assessment Guidelines and mitigated emission estimates for full Casden Development buildout, would total approximately \$79,726 over three years, starting in 2011, the estimated year of occupancy.

Specific mitigation measures that could be undertaken using the TDM fund include, but are not limited to, enhanced public transit service, vanpool programs/subsidies, rideshare assistance programs, clean fuel programs, improved pedestrian and bicycle facilities, and park-and-ride.

**Operational Emissions – Greenhouse Gas Emissions
(Vineyard-Ventura Homes Project, Ventura Townhomes Project)**

The Projects would be consistent with all feasible and applicable strategies to reduce greenhouse gas emissions in California. Although not considered to be significant, mitigation is recommended to reduce the potential emissions associated with operational activities to the maximum extent feasible.

- l) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

While no significant impacts have been identified due to the speculative nature of greenhouse gas impact assessment, with the result that no mitigation for such impacts is required, Mitigation Measures AQ-2, AQ-4, and AQ-5a through -5c would reduce the amount of GHG emissions generated during construction and operation.

Finding No. 2

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to air quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The mitigation measures will reduce impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

B. Biological Resources

Riparian Habitat Impacts (Vineyard-Ventura Homes Project, Ventura Townhomes Project)

Project buildout would have a potentially substantial adverse indirect impact on riparian habitat of the Santa Clara River. Project construction would generate short-term dust, noise, and related soil erosion and runoff, potentially impacting riparian habitat on the River Ridge Golf Course to the west, and the Santa Clara River to the north. In addition, wildlife species using the riparian habitat trees and shrubs for foraging, perching or nesting purposes would potentially be impacted by noise, which can disrupt species vitality.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

The Final EIR includes the following mitigation measures to minimize short-term construction impacts potentially affecting riparian habitat and wildlife species along the Santa Clara River:

Mitigation Measure BIO-1a.

All construction equipment and maintenance materials, including staging areas and dispensing of fuel, oil or other toxicants shall occur in designated upland areas outside of any adjacent waters of the U.S., or any other biologically sensitive habitat areas.

Mitigation Measure BIO-1b:

Prior to initiating any construction activities, construction pollutant reduction measures shall be installed in all proposed drainage systems at the property lines to the satisfaction of the City Engineer, in order to eliminate the introduction of contaminants into areas adjacent to the project site.

Mitigation Measure BIO-1c:

During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns.

Mitigation Measure BIO-1d.:

If project construction occurs during the migratory bird nesting season (defined as February 1 through August 31), a focused avian nest survey shall be performed by a qualified biologist two (2) weeks prior to the construction to identify any active migratory bird nesting, in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703-712). If any active nests are detected, the nesting area shall be flagged at 20-foot intervals with a buffer of 100 to 300 feet and shall be avoided. The buffer shall be maintained until such a time that a qualified biologist provides a report documenting that either: 1) no active nests are present; or 2) the young nestlings have left the nest.

Finding No. 3

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to biological resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The mitigation measures will reduce impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

C. Hazardous Materials

Concentrations of Lead and Arsenic (Ventura Road Townhomes Project)

Concentrations of lead and arsenic within the Ventura Road Townhomes Project site are above the current recommended advisory levels established by DTSC. The highest recorded arsenic and lead concentrations in soils within the property proposed to be developed with the Ventura Road Townhomes Project would require remediation prior to establishment of proposed residential uses.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

The Final EIR includes the following mitigation measures to minimize impacts to future residents associated lead and arsenic found within the soils on the Ventura Road Townhomes Project site:

Mitigation Measure HAZ-2:

Landfill Soil and Debris Remediation. Prior to issuance of a building permit, remediation of all soils and landfill debris on the Ventura Road Townhomes Project site shall be required. In order to ensure appropriate regulatory oversight over this effort, the applicant will determine and engage the appropriate Lead Enforcement Agency (LEA). Prior to initiation of remediation work a lead enforcement agency (LEA) will be

selected for oversight and approval of the proposed clean-up work. Agencies capable of providing such oversight include the VCEHD, CRWQCB, CIWMB, and DTSC".

**Buried Burned Solid Waste Deposits
(Ventura Road Townhomes Project)**

Buried deposits containing ash and residue from burned solid waste within the Ventura Road Townhomes Project site have elevated lead, copper, and/or arsenic levels, exceeding the threshold limits for 'hazardous waste' under California regulations. There are also a few deposits with PCB and DDT concentrations unsuitable for placement in a non-hazardous landfill facility. Excavation and exportation of materials from the Ventura Road Townhomes Project site could result in disposal of wastes meeting the California Hazardous Waste definition at facilities not permitted to accept such waste.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Mitigation Measure HAZ-3:

Landfill Debris Removal. *In order to avoid potentially significant off-site impacts from improper disposal of hazardous wastes, during grading landfill debris removal operations shall include mandatory segregation of hazardous materials (principally the soils with high levels of lead) contained within the landfill material, and proper disposal of these hazardous materials. Selective grading techniques under continuous environmental monitoring shall be utilized to help differentiate impacted landfill debris from non impacted debris. The selected LEA shall determine if it is feasible to screen and segregate non impacted landfill debris for possible reuse as controlled fill or for export. Stockpiling and retesting of the non-hazardous landfill materials shall be performed prior to reuse of the soils on-site or their disposal in a non-hazardous waste facility.*

**Former Santa Clara Landfill Impacts
(Vineyard-Ventura Homes Project, Ventura Townhomes Project)**

The proposed Projects would include the construction of residences along portions of the former Santa Clara Landfill boundary, which could necessitate an Amendment to the Closure/Post-Closure Maintenance Plan (CPCMP) for the Santa Clara Landfill. The County of Ventura EHD would review and approve such an amendment in accordance with Title 27, California Code of Regulations, Section 21810, et. seq. An approved methane barrier and methane collection system existing along the closed Santa Clara Landfill facility, and residences exist along portions of the landfill boundary. Although not considered to be significant, the standard review process is identified as recommended mitigation

to reduce the potential exposure of future residents to any potential residual methane emissions to the maximum extent feasible.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Recommended Mitigation Measure HAZ-4:

Closure/Post-Closure Maintenance Plan (CPCMP) Review. Final Vineyard-Ventura Homes Project site and grading plans shall be reviewed and approved by the County of Ventura Environmental Health Division (EHD) prior to issuance of grading permits, to ensure that project design is consistent with any amendments to the Santa Clara Landfill Closure/Post-Closure Maintenance Plan (CPCMP).

Former Santa Clara Landfill Solid Waste Impacts (Vineyard-Ventura Homes Project)

Although no evidence of Santa Clara Landfill solid waste has been identified in the Vineyard-Ventura Homes Project site, workers could unexpectedly become exposed to hazardous materials.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Mitigation Measure HAZ-5:

Site Specific Risk Assessment and Health/Safety Plan. To reduce construction worker safety impacts, the developer shall prepare a comprehensive Site Specific Risk Assessment and Health/Safety Plan for approval by the selected LEA prior to the issuance of a grading permit or initiation of remedial actions, whichever activity is earlier in the process.

Finding No. 4

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hazardous materials have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The mitigation measures will reduce impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

D. Hydrology and Water Quality

Short-term Construction Surface or Groundwater Water Quality Impacts (Vineyard-Ventura Homes Project, Ventura Townhomes Project)

Site preparation and Project construction activities would result in the potential for increased erosion of soils which could affect surface and ground water quality. The grading and site construction phases of the Project would involve earth movement and the use of heavy machinery, which routinely also includes the handling of hazardous substances such as petroleum products. Construction materials, such as concrete and surface coatings, could also be released to the environment during construction, resulting in adverse water quality impacts. The Project applicants would be required to comply with all National Pollutant Discharge Elimination System (NPDES) Phase II requirements administered by the local Regional Water Quality Control Board (RWQCB). A comprehensive Storm Water Pollution Prevention Plan (SWPPP) would be required to be prepared and submitted to the RWQCB prior to the issuance of grading or construction permits.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Mitigation Measure WR-1:

Prior to the issuance of grading or construction permits for each of the two Projects, the Project applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City of Oxnard Development Services and the RWQCB. City Development Services staff shall also provide periodic monitoring during the construction phases of both Projects to ensure compliance with the submitted SWPPP.

Operational Storm Water and/or Release of Contaminated Run-off (Vineyard-Ventura Homes Project, Ventura Townhomes Project)

The proposed surface drainage system for each Project includes a storage (detention) component and treatment components. Periodic removal of sediments from surface detention structures during the dry season is necessary to maintain the design capacity of these facilities. Proper function of the proposed drainage system for each Project is critical for avoidance of surface drainage and water quality impacts. Failure to properly maintain the proposed surface drainage systems could result in inadequate detention of storm water and/or release of run-off water containing urban pollutants.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Mitigation Measure WR-2:

Prior to the issuance of grading or construction permits, the applicant shall submit a final surface drainage system plan, including parameters for ensuring the long-term maintenance and operation of the drainage systems plan to the City Development Services Department for review and approval.

Finding No. 5

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hydrology and water quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The mitigation measures will reduce impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

E. Noise

Construction Period Equipment Noise (Vineyard-Ventura Homes Project, Ventura Townhomes Project)

Noise levels in the immediate vicinity of the construction area would increase during proposed Project construction activities. Temporary noise impacts associated with grading and construction activities could result in potential noise levels ranging between 76 dBA to 88 dBA for heavy equipment measured 50 feet from the noise source (due to onsite soil conditions, pile driving activity is not likely to be required during construction activities). Noise sensitive receptors including the residential community as close as 125 feet from the southern site boundary, with exterior living areas abutting the property line, would be located within areas temporarily exposed to construction noise levels exceeding 65 dBA CNEL.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

All construction would be subject to the City Noise Ordinance, Section 7-185 of Oxnard's City Code which limits noise-generating construction activity to between the hours of 7:00 AM and 6:00 PM on Monday through Saturday. Although limiting construction to these hours would ensure compliance with the Noise Ordinance, the following measures would be required to further reduce the impact of construction-related noise on nearby sensitive receptors.

Mitigation Measure N-1:

N-1a: Diesel Equipment. Construction contractors shall operate all diesel equipment with closed engine doors, the equipment shall be equipped with factory-recommended mufflers, and engine idling shall be kept to a minimum.

N-1b: Electrical Power. Whenever feasible, construction contractors shall use electrical power to run air compressors and similar power tools. Any construction or caretaker trailers shall be connected to existing electrical utility lines on or adjacent to the project area.

N-1c: Sound Blankets. When feasible, construction contractors shall use sound blankets on noise-generating equipment.

N-1d: Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices (i.e., mufflers, lagging, and/or motor enclosures to City's satisfaction), and these devices shall be located at a minimum of 200 feet from noise sensitive receptors.

N-1e: Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. In general, quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

N-1f: All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, is generated.

N-1g: The applicant shall post the construction superintendant contact information, including cell phone number, and City of Oxnard Community Services Department on a signs surrounding the project site throughout construction. The signs shall also include the approved daily hours of operation, such that any public complaints can be reported efficiently.

N-1h. Stockpiling, dirt hauling routes, and vehicle staging areas shall be located as far as practical from sensitive noise receptors, including residents. Every effort shall be made to create the greatest distance between noise sources and sensitive receptors during construction activities.

N-1i. Staging areas shall be provided on-site to minimize off-site transportation of heavy construction equipment. The staging areas shall be located to maximize the distance to residential areas.

**Operational Interior Noise Levels
(Vineyard-Ventura Homes Project, Ventura Townhomes Project)**

Exterior noise levels would exceed 60 dB CNEL for the street-facing façade of residences immediately adjacent to Vineyard Avenue and Ventura Road. This would include the row of Vineyard-Ventura Homes single family homes, and Ventura Road Townhomes Project site Buildings #4 and #5. The project would provide double-paned unit windows, including on those units facing Vineyard Avenue and Ventura Road, and they could be opened and closed. All units would also be air-conditioned to provide future residents more options for internal climate control.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Mitigation Measure N-3:

The design for the detached single family residential structures immediately adjacent to Vineyard Avenue and Ventura Road, as well as for townhome units incorporating the eastern façade of Building #4 and Building #5 of the Ventura Road Townhomes Project site, shall enable closure of windows to achieve the City of Oxnard Code 45 CNEL interior noise standard. These units shall include a means by which adequate ventilation can be provided with the windows closed, (i.e., mechanical ventilation and/or air-conditioning). The mechanical ventilation and/or air-conditioning shall be in accordance with the latest edition of the California Building Code.

Finding No. 6

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to noise have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The mitigation measures will reduce impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

F. Cultural Resources

Construction Grading Disturbances

An intensive Phase I archaeological survey of the entire Project area by a City-qualified archaeologist (Macfarlane Archaeological Associates 2007) did not identify any prehistoric or historic archaeological sites or artifacts. Therefore, no Project impacts on cultural resources are reasonably expected. There is, however, potential for as-yet undocumented archaeological deposits to occur buried in alluvial soils adjacent to the Santa Clara River and throughout the Oxnard Plain area.

- l) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Although no impacts on archaeological resources would likely occur, the City of Oxnard's Standard City conditions for approval would apply

Mitigation Measure CR-1:

- (a) *The applicant shall contract with a qualified archaeologist, and be submitted to the Planning Division Manager for review and approval, who shall be available in the unlikely event that shall any unexpected cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. The retained archaeologist shall evaluate the discovery and determine the necessary measures for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future measures resulting from the survey.*
- (b) *Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the Project site. The monitor shall provide a monthly report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature.*

Finding No. 7

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to cultural resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The mitigation measures will reduce impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

G. Geology/Soils and Mineral Resources

Operational Geotechnical Hazards

There are no known active faults within the City limits. However, active and potentially active faults are present in the surrounding region and may extend into the subsurface beneath the City. In addition, the proposed Project sites are within a high to moderate liquefaction area as defined in the Safety Element of the City of Oxnard 2020 General Plan. These ground failure risks are considered to be potentially significant impacts; therefore, a geotechnical

engineering evaluation of the proposed Project sites is required as part of the construction plans in order to define the appropriate standard engineering design strategies responding to onsite geologic characteristics.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

The following standard condition addresses the completion of site-specific, geotechnical reports and studies that are prepared in association with final building design, and are reviewed and approved by the City during building permit processing:

Mitigation Measure GEO-1:

The applicant shall submit a site-specific soils investigation report prepared by a licensed geotechnical engineer. At a minimum, the study shall include liquefaction and compressible soils characteristics on-site and shall identify any necessary construction techniques or other mitigation measures to prevent significant earthquake/ liquefaction/ compressible soils impacts on the proposed Projects. All recommendations of the report shall be incorporated into the project as conditions of approval. The report shall be submitted concurrently with plans submitted for review and approval by the Development Services Department.

Mitigation Measure GEO-2:

All construction shall meet the minimum requirements of the California Building Code for anticipated seismic activity within the region.

Finding No. 8

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to geology/soils and mineral resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The mitigation measures will reduce impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

H. Alternatives to the Proposed Projects

The FEIR considers a range of alternative to the proposed project to provide informed decision-making in accordance with Section 15 121.6(f) of the CEQA Guidelines. The three alternatives are described as follows:

Alternative I: No Project Alternative. Under the No Projects Alternative, the proposed Vineyard-Ventura Homes Project site would be built out

consistent with the Northwest Community Specific Plan designation of Community Commercial, and the City's zoning designation of General Commercial Planned Development (C-2-PD) and Community Reserve (CR). Similarly, the Ventura Road Townhomes Project site would be developed consistent with the Northwest Community Specific Plan designation of Commercial Specialized RS and the City's zoning designation of General Commercial Planned Development (C-2-PD), with general commercial uses and services. Possible commercial development options pursuant to the provisions of the C-2 Zoning District include banks, food services (restaurants/fast food), movie theaters, storage facilities, and department stores as well as various retail establishments, etc.

Alternative 2: Reduced Projects. The Reduced Projects Alternative would entail a 39% reduction in the number and type of residential dwelling units at both sites. The Vineyard-Ventura Homes site would be developed with 46 single-family homes and 77 cluster homes, and the Ventura Road Townhomes site would be developed with 87 townhomes, for a total of 46 single-family homes and 164 cluster homes/townhomes across the Project sites. A reduction of proposed Projects buildout by 39%, or alternatively the development of 61% of the proposed Projects buildout, is considered a reasonable alternative as it would reduce potential adverse traffic and air quality impacts. The specific alternative buildout reduction of 39% was identified as it would effectively reduce air pollutant emissions generated by future residential traffic below the City's threshold for ROG and NO_x.

Alternative 3: Mixed-Use Projects. The Mixed-Use Projects Alternative would include two land use types: residential; and commercial/retail. This Alternative would provide the same reduction of residential units as the Reduced Projects Alternative 2, developing 61% of the total proposed residential units (a total of 46 single-family homes and 164 cluster homes/townhomes constructed across the Project sites), and would also provide a 6,500 square foot neighborhood market. Using a conservative estimate of 35 percent FAR for this type of commercial use, the overall footprint of the neighborhood commercial structure and associated parking would be 18,571 square feet (6,500 square feet/0.35). Therefore, the 6,500 square-foot neighborhood commercial facility is conservatively estimated to have a footprint of 0.5 acre, or 21,750 feet. For purposes of analysis, the market would serve the proposed residences of the Casden Developments, as well as the existing residential neighbors and visitors of the Marriott Residence Inn. The commercial/retail portion of the Mixed-Use Alternative Project would need to be located along a transportation corridor in a highly visible location. Therefore, the preferred location for the commercial/retail portion of the Mixed-Use Alternative Project would be at the intersection of Ventura Road and Vineyard Avenue, both major local thoroughfares, on the Vineyard-Ventura Homes site.

The No Project Alternative would not satisfy any of the project objectives and would not implement any of the beneficial aspects of the proposed Projects, including the provision of housing and recreational opportunities.

The Reduced Projects Alternative is physically feasible. Potential air quality impacts would be reduced by approximately 39 percent, and would be less than significant. Other potentially significant impacts of the Projects would also be minimized due to reduced buildout, but these issues are reduced to less than significant with mitigation measures identified in the FEIR. Further reductions to the Projects' size or density are not needed to eliminate an unavoidable significant long-term impact. This alternative would satisfy most of the applicant's objectives in terms of creating a balanced and integrated community that provides a variety of active and passive recreational amenities, and providing a variety of residential housing options with varying density and product configurations in response to the local housing market, and consistent with the Northwest Community Specific Plan (NCSP). It would achieve these objectives to a lesser degree than the proposed Projects.

The Mixed Use Projects Alternative is also physically feasible. Traffic and air quality impacts would be reduced compared to the proposed Project, but would not be reduced to a less-than-significant level. The construction of the neighborhood market onsite would reduce the number and length of vehicular trips made by proposed residents, and could potentially reduce impacts on air quality, though it is not possible to quantify. Additionally, the Mixed-Use Projects Alternative would provide for increased open space area compared to the proposed Projects' design, resulting in potentially preserving existing trees that would otherwise be removed under the proposed Projects' site plans. However, unlike the Reduced Projects Alternative, the inclusion of a neighborhood market at the Project site would be consistent with the intent of the existing City of Oxnard General Plan and Northwest Community Specific Plan. As with the Reduced Project Alternative, this Alternative would fulfill the objectives of the proposed Projects; however, it would only develop approximately 60% of the residences and would therefore not fulfill the proposed Projects' objectives in terms of creating a balanced and integrated community providing a variety of active and passive recreational amenities, and a variety of residential housing options with varying density and product configurations in response to the local housing market, consistent with the NCSP.

Finding No. 9

The City Council finds that all feasible and reasonable mitigation measures associated with the Projects have been identified in the Final EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The project alternatives identified in the Final EIR capable of reducing significant impacts on air quality are infeasible for the applicant due to specific economic and legal justification pursuant to Section 15091(a)(3) of the CEQA Guidelines.

SECTION 3. MISCELLANEOUS FINDINGS

Revisions to the Draft EIR were made as a result of the comments submitted on the Draft EIR as well as City staff directed changes. These revisions (incorporated into the Final EIR) only clarify, amplify, or make insignificant modifications to the Draft EIR. None of these revisions represent significant new information that would result in the identification of a new significant impact or an increase in severity of such an impact, from either a new mitigation measure proposed for implementation as part of the project. Nor do these revisions include a new mitigation measure to reduce a significant impact that has been declined by the project applicant.

Finding No. 10

Based on the above facts:

The City Council of the City of Oxnard finds that Section 15088.5 of the CEQA Guidelines did not require recirculation of the Draft EIR, as the revisions made to the Draft EIR merely clarified or amplified information found in that document.